

## HENDERSON CHAMBERS

### PARENTAL LEAVE POLICY

#### **INTRODUCTION**

1. This policy (“Policy”) applies equally to members of Chambers who are parents or carers of children and other dependents. It should be read in conjunction with the separate document, “Parental Leave Guidance for Clerking Meetings” which details additional issues relevant to Contact with Chambers (paragraphs 30 to 42 below).
2. Chambers will ensure that its staff are familiar with this policy through appropriate training.
3. The following definitions shall apply to this policy:
  - 3.1. “Parental Leave” refers to leave taken from practice by a member of chambers who is a carer of a child following birth or adoption. Parental leave may be taken by the mother, father or adoptive parent of either sex, including the married, civil or de-facto partner of a biological or adoptive parent.
  - 3.2. “Parent” refers to a member who is applying for leave because they are about to become a parent through pregnancy, adoption or surrogacy.
  - 3.3. “Carer” refers to an individual, whether male or female who applies under this policy for time to care for a dependent.
  - 3.4. “Dependent” for the purposes of this policy will include an infant, child or young person.
  - 3.5. “Shared Parental Leave” refers to a situation in which more than one parent are carers for the same dependent during the same period of time or during consecutive periods of time.
  - 3.6. Where a leave of absence for Parental Leave or Shared Parental Leave is taken in separate periods rather than continuously each such period is referred to as a “Period of Leave”
  - 3.7. “Return to Practice” occurs at the end of Parental Leave or Shared Parental Leave or, where Parental Leave and Shared Parental Leave is taken in separate periods, at the end of the final Period of Leave. The date of Return to Practice is the date specified in a Return to Practice notice served by a member of chambers in accordance with paragraph 28 below or, if no such notice is served, on the expiry of the member’s

entitlement to Parental Leave or Shared Parental Leave as set out in this Policy (unless paragraphs 58-64 below apply or the member has given notice to determine their membership of chambers).

## **DURATION**

4. Any barrister member is entitled to up to twelve months leave of absence from Chambers for the purposes of Parental Leave or Shared Parental Leave to care for their Dependent.
5. Such leave is to be commenced within twelve months of birth of the child or the child entering a family (either as a result of, or with a view to the adoption of, that child) and must be completed within 18 months thereof.
6. Parental Leave or Shared Parental Leave may be taken continuously or in separate Periods of Leave provided that the total Periods of Leave do not exceed twelve months in total and are taken in accordance with paragraph 5 above.
7. In the event that a baby is stillborn or an infant dies shortly after birth, the member shall be entitled to the full benefits of this policy as set out below.

## **FINANCIAL BENEFITS DURING AND FOLLOWING PARENTAL LEAVE OR SHARED PARENTAL LEAVE**

8. For Parental Leave or Shared Parental Leave that does not exceed 3 months in total, the member of chambers concerned is entitled to rent relief as set out in paragraph 12 below.
9. For Parental Leave or Shared Parental Leave that exceeds 3 months in total, additional financial benefits ("Enhanced Benefits") are available under the Policy as set out in paragraphs 12-24 below. The period of Parental Leave or Shared Parental Leave that commences immediately following 3 months of Parental Leave or Shared Parental Leave is the Enhanced Benefits Period ("EBP"). The entitlement to Enhanced Benefits during the EBP is subject to the member not exceeding the Work Done Cap.
10. The Work Done Cap is calculated by reference to average earnings<sup>1</sup> for the three years (or whatever representative period is available if they have not been in practice for the previous three years) immediately prior to the commencement of their Parental Leave or Shared Parental Leave. The Work Done Cap is exceeded during the EBP if the member of chambers has work done in excess of 50% of their relevant average earnings calculated on a monthly aggregate basis as illustrated in the examples set out in Appendix One.

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<sup>1</sup> For the purposes of the Work Done Cap "earnings" means payments received as set out in the member's relevant Lex payment summary and "work done" is ascertained by reference to the work done amount recorded on the Lex system over the relevant EBP

11. Any entitlement to Enhanced Benefits is lost if the relevant member of chambers exceeds the “Work Done Cap” during the EBP, save that the entitlement to 6 months of rent relief will apply in all cases where the member takes 6 months of Parental Leave or Shared Parental Leave.

#### Rent Relief

12. Any member of Chambers taking Parental Leave or Shared Parental Leave is entitled to up to 12 months’ rent relief, subject only to paragraph 13 below. Rent relief will be credited to a member’s monthly account each month while they are taking Parental Leave or Shared Parental Leave. The entitlement to rent relief is limited to the duration of the Parental Leave or Shared Parental Leave (i.e. if the duration of Parental Leave or Shared Parental Leave is 5 months then the entitlement is to 5 months of rent relief).
13. If a member taking more than 6 months of Parental Leave or Shared Parental Leave exceeds the Work Done Cap during the EBP then that member shall not be entitled to more than 6 months of rent relief. If, on Return to Practice, the member has received rent relief in excess of their entitlement as set out in this Policy, the excess will be repayable to Chambers over a 12-month period following the end of Parental Leave or Shared Parental Leave.

#### Relief from Chambers’ contributions

14. Chambers’ contributions<sup>2</sup> on work billed during the period of Parental Leave or Shared Parental Leave will be charged as normal for any member of Chambers taking less than 3 months Parental Leave or Shared Parental Leave.
15. During the EBP a member of chambers may record work done of up to a ceiling of £6,000 per month for each complete month without being charged chambers’ contributions on these fees. Contributions will be charged upon any amount earned over £6,000 per month (but not upon the initial £6,000) in any month during the EBP. The relief on chambers’ contributions shall take the form of a credit on the member’s monthly account.
16. The contribution relief set out at in paragraph 15 above is subject to the Work Done Cap that applies during the Enhanced Benefits Period as set out in paragraphs 10-11 above.
17. On Return to Practice chambers will review whether the relevant member of chambers exceeded the Work Done Cap (calculated on a monthly basis in accordance with the examples set out in Annex One to this Policy) during their Parental leave or Shared Parental Leave. If a member of chambers has exceeded the Work Done Cap during their Parental Leave or Shared Parental Leave, then any Enhanced Benefits received during

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<sup>2</sup> Chambers’ contribution excludes clerks’ fees and National Insurance contributions which shall remain payable on all work done and fees received during Parental Leave or Shared Parental Leave.

Parental Leave or Shared Parental leave will be repayable to Chambers over a 12-month period following Return to Practice.

#### Credit on account on return

18. After a period of three months of Parental Leave or Shared Parental Leave has elapsed, a credit of £1,000 for each complete month of Parental Leave or Shared Parental Leave taken thereafter will be provided on the member's account on their Return to Practice (the "credit on account on return"). Therefore, the maximum credit which could be provided is £9,000, which would be available to a qualifying member who took a period of 12 months Parental Leave or Shared Parental Leave before Return to Practice.
19. The applicable amount will be credited to the member's account on their Return to Practice and will be applied generally so that each monthly account is set off against the member's credit total until it runs out. The credit may be applied against any expense ordinarily included as part of the Chambers monthly account.
20. The credit on account on return provision provided by paragraph 18 above is subject to the Work Done Cap as set out in paragraphs 10-11 above.

#### Deferment of payments

21. On Return to Practice following a period of Parental Leave or Shared Parental Leave that included an EBP, a member of Chambers may request deferment of their obligation to pay rent (if applicable) and contributions for up to 6 months following their return to practice ("the deferment period"). Amounts of rent and contributions deferred according to such a request are repayable on a pro rata basis over a period of 2 years commencing at the end of the deferment period.
22. The deferment of payments provisions in paragraph 21 above is subject to the Work Done Cap as set out in paragraphs 10-11 above.

#### Other matters

23. Examples of the calculation of the financial benefits during and following Parental Leave or Shared Parental Leave and how relevant calculations are performed under the policy are set out in Appendix One to this Policy.
24. For the avoidance of doubt:
  - 24.1. Chambers' contributions remain payable in full in respect of work done before any period of Parental Leave or Shared Parental Leave even though payment in respect of such work is received during a period of Parental Leave or Shared Parental Leave.
  - 24.2. A member of chambers may carry out work during Parental Leave or Shared Parental Leave without bringing their Parental Leave or Shared Parental Leave to an end. Parental Leave or Shared Parental Leave will continue until Return to Practice.

- 24.3. Work carried out in the EBP which exceeds the Work Done Cap will result in the member's loss of Enhanced Benefits under this Policy.

## **NOTICES**

25. Any barrister member of Chambers intending to take time off from Chambers for the purpose of Parental Leave or Shared Parental Leave must give written notice to the Head of Chambers by email (copied to the Financial Administrator) specifying the date on which the Parental Leave or Shared Parental Leave will commence. Such notice shall be given at least one month prior to the expected date of birth or adoption of a child (or of a child joining the family with a view to adoption), although the Head of Chambers may exceptionally agree a shorter period of notice. Chambers recognises that there will be circumstances in which it will not be possible to give any notice (for example, a premature birth).
26. Where a member of chambers intends to take Parental Leave or Shared Parental Leave exceeding one month in duration they must also request a meeting with the Head of Chambers by email.
27. Where a member of chambers wishes to take Parental Leave or Shared Parental Leave in separate Periods of Leave then, in respect of each such Period of Leave, they must notify the Head of Chambers by email (copied to the Financial Administrator) specifying the date on which each separate Period of Leave will commence and when each separate Period of Leave will end. Each such notice shall be given at least one month prior to the relevant specified date, although the Head of Chambers may exceptionally agree a shorter period of notice.
28. Prior to the end of Parental Leave or Shared Parental Leave (or the end of the final Period of Leave if Parental Leave or Shared Parental Leave is taken as Periods of Leave) the member of chambers shall serve a Return to Practice notice by email on the Head of Chambers (copied to the Financial Administrator). Such notice shall specify the date upon which the member will Return to Practice and this date shall be at least one month prior to the date of Return to Practice notice unless otherwise agreed with the Head of Chambers.
29. A member wishing to take an Extended Absence should give notice in accordance with paragraph 59 below.

## **PRE-LEAVE**

30. Chambers (and in particular Chambers' clerks) will accommodate time-off for fertility treatment, ante-natal care and related medical and other appointments.
31. Prior to the commencement of leave, an Allocated Clerk will be appointed. The member will meet with the Allocated Clerk to discuss the matters set out in the

Chambers “Parental Leave Guidance for Clerking Meetings” policy. The matters to be discussed and, where appropriate, agreed will include:

- 31.1. The level and type of contact s/he would like to have during Parental Leave or Shared Parental Leave;
- 31.2. Any outstanding cases and appropriate cover;
- 31.3. Any outstanding billing;
- 31.4. A proposed return date;
- 31.5. How, when and by whom solicitors will be informed of the start and end date of Parental Leave or Shared Parental Leave;
- 31.6. Arrangements for the forwarding of post and paying in of cheques;
- 31.7. 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 leave; and
- 31.8. Whether s/he will be undertaking work during Parental Leave or Shared Parental Leave.

## **DURING LEAVE**

### **Contact with Chambers**

32. Insofar as this represents the member’s preference as agreed with the Allocated Clerk, Chambers will ensure that the member is kept informed of Chambers meetings, important Chambers decisions, seminars or conferences and marketing events to be held by Chambers relevant to the member’s practice and, where possible, seminars and marketing events held by outside organisations.
33. Where possible and with the agreement of the member concerned, seminar materials prepared by Chambers Practice Groups relevant to the member’s practice will be emailed to the member.
34. Unless otherwise informed by the member, it should be assumed that s/he cannot attend Chambers and practice group meetings and apologies for absence should be reflected in the minutes of those meetings. Minutes should be e-mailed to the member where appropriate.

### **Management of pigeon hole**

35. The member’s pigeon hole should be monitored by the Allocated Clerk on a regular basis. Where necessary and as appropriate, the contents should be posted to the barrister at least monthly at no cost extra cost to the barrister.

36. Any cheques received during parental leave should be dealt with in accordance with the arrangement reached with the Allocated Clerk following the meeting or meetings held in accordance with the “Parental Leave Guidance for Clerking Meetings” policy.

### **Preparation for return to practice**

37. The below measures are aimed at ensuring that the member’s return to Chambers after a leave of absence is properly managed and planned and that steps are taken to ensure, as far as possible, that work is available for the member upon their return and to assist in every way practical in rebuilding the member’s practice. This is the responsibility of both the barrister member and Chambers through the Senior Clerk and Allocated Clerk.

### **Keeping in Touch (KIT) days/meetings**

38. KIT days can be used for any work-related activity e.g. training or Chambers events. The content, frequency and number of KIT days should be designed to make the return to work following leave easier for the member. They are taken during leave.
39. Prior to the commencement of leave, the member in consultation with the Allocated Clerk should agree the number of any KIT days/meetings to be used subject to a maximum of 10 days. Agreement should also be reached as to the dates of the KIT days/meetings, although this should remain flexible.
40. During the period of leave, the barrister member should be reminded by the Allocated Clerk by e-mail of the dates of KIT days/meetings. For the avoidance of doubt, these days do not affect the calculation of chambers parental leave benefits.
41. If appropriate, an agenda for the KIT days/meetings should be planned in advance. There should be at least one meeting with the Allocated Clerk which would be similar in content to a practice review. Consideration should be given to arranging a meeting with one or more barrister members of any relevant Practice Group within Chambers.

### **Pre-return to practice meeting**

42. At least three months prior to the member’s return to practice or such shorter period as may be agreed, a pre-return to practice meeting will be held in accordance with the Chambers “Parental Leave Guidance for Clerking Meetings” document. During this meeting, consideration will be given to the matters contained in paragraphs 30 to 40 of that Guidance, which will include the following:
  - 42.1. Identification and appointment of a mentor, where requested, who will assist the barrister member in settling back into practice;
  - 42.2. The likely working hours, the type, duration and location of any hearings that the member wishes to undertake. This should include any request for flexible or part-time working;

- 42.3. Any need for the barrister member to attend a “refresher” course in their relevant practice area;
- 42.4. Review the barrister member’s website profile in conjunction with the Allocated Clerk and, where necessary, update the profile;
- 42.5. Announcement of the barrister member’s return to practice on the Chambers’ website; and
- 42.6. Identification of a list of solicitors to write to and inform them of the barrister member’s return to practice.

## **RETURN TO PRACTICE**

43. On return from a period of parental leave, each member may work part-time or flexible hours or have restrictions on travel to enable them to manage their family responsibilities. Chambers recognises that some members may have a greater need for flexible working than others – for example, where a child has a disability or a medical condition.
44. The Head of Chambers or Management Committee shall grant the request for such approval to the extent that it considers that it is in accordance with the reasonable needs of Chambers taking into account the Chambers Equal Opportunities Policy and the applicable law.
45. The following adjustments will be made, where possible, to accommodate the needs of members returning from parental leave:
  - 45.1. The timing of Chambers meetings, Practice Group meetings and practice reviews should take into consideration childcare needs of barristers, and attendance at evening/weekend meetings will not ordinarily be expected. Chambers should make child care provision for Chambers’ meetings or any other meeting which take place over the weekend or in the evening and at which a member’s attendance is expected or required;
  - 45.2. Conference call facilities should be made available to barrister members wishing to participate in meetings from home; and
  - 45.3. A three-month practice review should take place, at which the member’s career and support needs are identified. The meeting will be attended by the member, the Allocated Clerk and any mentor appointed to support the member.
46. Members are responsible for ensuring their practising certificates and insurance are current upon return.

## **PUPILS**

### **Prospective pupils**

47. Upon application, Chambers may defer the commencement of pupillage of prospective pupils who become pregnant prior to the commencement of pupillage, for a period of up to 12 months.

48. Prospective pupils with existing childcare commitments may discuss with the Recruitment 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**

49. This part of the policy applies to all first and second six pupils who are parents or guardians or carers of dependents. The provisions as to flexible working hours below also apply to any third six pupils and squatters and references to pupils should be read accordingly.
50. Pupils who become pregnant during pupillage may defer completion of the remainder of their pupillage, subject to the requirements of Part V of the Bar Training Regulations<sup>3</sup>.
51. 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.
52. 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.
53. In the event of deferral and during the pupil's 'break' period, the pupil's supervisor shall be their point of contact with Chambers.
54. Chambers shall as far as possible accommodate pupils' requests for flexible working hours in order to allow for childcare commitments. 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.
55. 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. Pupils should, however, be aware of the demands of the court schedule and the necessity for evening and last-minute briefs and should arrange childcare with this in mind wherever possible.
56. 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.

### **DEEMED RETURN TO PRACTICE & EXTENDED ABSENCE ENTITLEMENT**

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<sup>3</sup> i.e. that 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 six 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).

57. Where a member who has taken a total of 12 months Parental Leave or Shared Parental Leave there will be a deemed Return to Practice (notwithstanding any failure by the member to serve a notice of Return to Practice) and their Parental Leave or Shared Parental Leave will come to an end.
58. A member who has taken a period of Parental Leave or Shared Parental Leave shall, provided they give notice as provided in paragraph 59 below, be entitled to take a period of extended absence of up to 5 years without losing their status as a member of Chambers (“Extended Absence”).
59. A member wishing to take Extended Absence must notify the Head of Chambers by giving notice by email (copied to the Financial Administrator) during Parental Leave or Shared Parental Leave that they will take an Extended Absence. A notice of Extended Absence may be given at any time during Parental Leave or Shared Parental Leave. The service of a notice of Extended Absence will bring the Parental Leave or Shared Parental Leave to an end 28 days after service of the notice of Extended Absence (unless the Parental Leave or Shared Parental Leave has come to an end earlier by reason of paragraph 57. The period of Extended Absence commences from the 30<sup>th</sup> day after the service of the notice of Extended Absence.
60. During Extended Absence, a member’s membership of Chambers will be suspended and the member will not be entitled to accommodation in Chambers, clerking services or to be included as part of any marketing undertaken by or on behalf of Chambers (including its website). Chambers will continue to collect fees for work done prior to the Extended Absence and chambers’ contribution will remain payable on such fees.
61. A member taking Extended Absence who wishes to resume practice in chambers within 5 years of the commencement of their Extended Absence must notify the Head of Chambers by giving notice by email (copied to the Financial Administrator) of their intention to resume practice (Notice of Resumption of Practice). A member giving a Notice of Resumption of Practice will not be required to re-apply for membership of Chambers but must meet with both the Head of Chambers and a clerk to discuss their plans for their resumption of practice before they resume their practice.
62. A member who has not given Notice of Resumption of Practice within 5 years of the commencement their period of Extended Absence will forthwith cease to be a member of chambers and will have the same obligations and liabilities as arise had they resigned as a member of chambers in accordance with the provisions of Chambers’ Constitution.
63. The entitlement to Extended Absence is conditional upon the suspended member of chambers not becoming a member of or working for another set of chambers or otherwise undertaking any form of employment or work during the Extended Absence which the Management Committee considers is contrary to the interests of Chambers.
64. Each member of chambers shall be entitled to no more than a total of 5 years of Extended Absence during the entirety of their membership of chambers.

## **MISUSE OF THIS POLICY**

65. It will be a disciplinary offence to abuse this policy. The Bar Council Parental Leave Guide states parental leave policies only apply to *“protect tenants who are genuinely caring for their children”*. Any individual found to have misused this policy by, for instance, applying for Parental Leave or Shared Parental Leave for periods when they are not genuinely caring for a dependent, will be referred to the Bar Standards Board on the basis that Core Duty 3 will have been breached.

## **REVIEW OF THIS POLICY**

66. The Chambers’ Equality and Diversity Officers will review annually the effectiveness of this policy, and where appropriate will make proposals for change to the Management Committee.

## **GRIEVANCE**

67. Any member or pupil (prospective or current) who has a concern or complaint relating to this Policy or its implementation should raise her/his concern or complaint with one of the Chambers Equality and Diversity Officers.
68. In the event of a formal written complaint by a member or a pupil (prospective or current) relating to this Policy or its implementation, the matter will be the subject of an investigation by the Equality and Diversity Officers who will complete a written report within 15 working days, unless a longer period is agreed by the member or pupil.
69. In the event that the Member is dissatisfied following receipt of the written report of the Equality and Diversity Officers, s/he shall have a final right of Appeal to the Head of Chambers. The appeal shall be heard by the Head of Chambers or such other person as s/he may nominate for this purpose.
70. If the concern or complaints of the member or pupil (prospective or current) relates to the conduct of the Equality and Diversity Officers (or either of them), it should be reported to any member of the Management Committee. The Management Committee will nominate one or two independent members of Chambers to undertake any investigation required in accordance with paragraph 68 of this Policy.

## **Helpful Information**

- Bar Council Checklists and other links<sup>4</sup>
- Information about ‘keeping in touch days’ can be accessed via the Direct.gov website<sup>5</sup>

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<sup>4</sup> <http://www.barcouncilethics.co.uk/documents/family-career-breaks-advice-pack/>

<sup>5</sup> <https://www.gov.uk/employee-rights-when-on-leave>

- Information regarding maternity allowance can be found at the Direct.gov website

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## APPENDIX 1

Barrister A: £50,000 average earnings prior to Parental Leave or Shared Parental Leave (for convenience, "PL"). PL for 3 months. No work undertaken during PL

Benefits: 3 months' rent free. No entitlement to Enhanced Benefits as no PL during the Enhanced Benefits Period ("EBP")

Barrister B: £50,000 average earnings pre-PL. PL for 6 months. No work undertaken during PL

Benefits: 6 months' rent free

No relief from payment of chambers' contribution as no earnings during EBP

£3,000 credit on chambers account on return (because the member had 3 months of leave during the EBP)

Right to request deferral of payment

No breach of Work Done Cap so no loss of Enhanced Benefits

Barrister C: £50,000 average earnings pre-PL. PL for 6 months. £5,000 work billed during the EBP

Benefits: 6 months' rent free

Relief from chambers' contributions on all billing during the EBP (because the £6,000 monthly ceiling for relief from chambers' contributions was not exceeded)

£3,000 credit on chambers account on return

Right to request deferral of payment

No breach of Work Done Cap so no loss of Enhanced Benefits

Barrister D: £150,000 average earnings pre-PL. 12 months PL. £50,000 billed during the EBP

Benefits 12 months' rent free

Relief from chambers' contributions on billing during the EBP period provided that the £6,000 per month ceiling is not exceeded during the EBP. If more than £6,000 billed in any month during the EBP then chambers' contributions payable on the excess each month

£9,000 credit on Chambers account on return

Right to request deferral of payment

No breach of the Work Done Cap so no loss of Enhanced Benefits (Work Done Cap in this case would be  $\text{£}150,000/2 = \text{£}75,000/12 = \text{£}6,250 \times 9 = \text{£}56,250$ )

Barrister E: £250,000 average earnings. PL for 3 months. No work undertaken during PL

Benefits: 3 months' rent free. No entitlement to Enhanced Benefits as no PL during the Enhanced Benefits Period ("EBP")

Barrister F: £250,000 average earnings. PL for 6 months. No work undertaken.

Benefits: 6 months' rent free

No relief from payment of chambers' contribution as no earnings during EBP  
£3,000 credit on Chambers account on return.

Right to request deferral of payment

No breach of Work Done Cap so no loss of Enhanced Benefits

Barrister G: £250,000 average earnings. PL for 6 months. £15,000 work billed during enhanced PL period.

Benefits: 6 months' rent free

Relief from chambers' contributions on billing during the EBP period provided that the £6,000 per month ceiling is not exceeded during the EBP. If more than £6,000 billed in any month during the EBP then chambers' contributions payable on the excess each month

£3,000 credit on Chambers bills on return.

Right to request deferral of payment

No breach of Work Done Cap so no loss of Enhanced Benefits (Work Done Cap in this case would be  $\text{£}250,000/2 = \text{£}125,000/12 = \text{£}10,416 \times 3 = \text{£}31,250$ )

Barrister H: £250,000 average earnings. PL for 6 months. £60,000 work billed throughout PL period with £30,000 billed in enhanced PL period

Benefits: 6 months' rent free

Months 1 – 3: Normal payment of chambers' contributions on work done as outside the EBP

Months 4-6: Relief from chambers' contributions on billing during the EBP period provided that the £6,000 per month ceiling is not exceeded during the EBP. If more than £6,000 billed in any month during the EBP then chambers' contributions payable on the excess each month

£3,000 credit on Chambers account on return.

Right to request deferral of payment

No breach of Work Done Cap so no loss of Enhanced Benefits, but NOTE, Barrister H's work done cap is  $\text{£}250,000/2 = \text{£}125,000/12 = \text{£}10,416.67$  per month. Over the three months of the EBP, the work cap total is £31,250 and therefore Barrister H was close to the work done cap. Increasing their billings above the threshold would mean that they would not receive Enhanced Benefits

Barrister I      £150,000 average earnings pre-PL. PL for 6 months. Months 1-3 no billing, Month 4: £5,000 billing; Month 5 £7,000 Month 6: £12,500 billing

Benefits:        6 months' rent free

Barrister I will not be entitled to enhanced PL provision because they have exceeded the work done cap by earning more than half average earnings during the EBP ( $\text{£}150,000 / 2 = \text{£}75,000 = \text{monthly average of } \text{£}6,250 \times 3 = \text{£}18,750$ )

HOWEVER, Barrister I would receive the following benefits on the same facts if they served notice determining their PL at the end of 5 months because this would not involve a breach of the work done cap:

5 months' rent free

Relief from chambers' contributions on billing during the EBP period provided that the £6,000 per month ceiling is not exceeded during the EBP. If more than £6,000 billed in any month during the EBP then chambers' contributions payable on the excess each month. Chambers' contribution would therefore be payable on £1,000 of the work done in month 5.

£2,000 credit on Chambers account on return

Right to request deferral of payment