



# Career Breaks

## Advice Pack 2016



**The Bar Council**  
*Integrity. Excellence. Justice.*



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## Your Career Break Check List: Closing Down

- Check your chamber's career break/flexible working policies (and/or BSB Handbook)
- Cancel your Professional Indemnity Insurance (BMIF) – only if you are suspending your practising certificate at the same time
- Check CPD requirements (you may be entitled to an exemption – but only if you are suspending your practising certificate at the same time)
- Practising Certificate Fees (you may be entitled to a reduction)
- Bank/Bank Manager (let them know what is happening)
- Chambers Rent – Put direct debits on hold
- Hold a practice meeting
- Put a return/update meeting in your diary
- Accounts – make sure they are up to date & provision for tax/ year end/pension provision
- Allow for VAT (It is probably best not to de-register if you intend to return before all your aged debt and outstanding work has been billed and paid)
- Legal online library subscription (decide whether to maintain or suspend)
- Amend email addresses/out of office messages/voice mail message
- Nominate a chambers buddy – someone to check your pigeon hole and liaise with clerks, members of chambers in your absence
- Decide what you want to be told about (e.g. chambers meetings, chambers parties/seminars/solicitor events/changes to management committee/staff/recruitment to chambers)
- Make sure your home internet access is OK
- Agree the list of solicitors to be told about your going/events during your /plans for coming back
- Agree the contact details (for your support network, buddy, to given to clerks etc.)

## Your Career Break Check List: Starting Up Again

- Check your Chambers career break/flexible working policies (and/or BSB Handbook)
- Renew your Professional Indemnity Insurance (BMIF) and allow sufficient time to do so
- Check CPD (you may be entitled to an exemption)
- Apply for your Practising Certificate Fee if you cancelled it (you may be entitled to a reduction) and allow sufficient time to do so
- Inform your Bank/Bank Manager
- SBA/Circuit/Bar Mess (see what courses they run for returning barristers)
- Chambers Rent – Direct debits (put back in place)
- Hold a practice meeting in advance of your return with your clerk
- Accounts – up to date & provision for tax/ year end/pension provision
- Re-register for VAT (if appropriate – see previous checklist)
- Renew your legal online library subscription
- Amend your email addresses/out of office messages/voice mail message
- Set up your home for home working (e.g. internet access, printing etc.)
- Inform solicitors about your plans for coming back

## Career Breaks: Advice

### **Bar Council Subscriptions/Practising certificate**

You may be entitled to a reduction in the fee and/or to pay by instalments. If you choose to relinquish your practising certificate then this has a knock on effect to e.g. CPD requirements.

Check the up to date position with the Practising Fee Section of the BSB's website [https://www.barstandardsboard.org.uk/regulatory-requirements/the-old-code-of-conduct/annexes-to-the-code/annexe-d-the-practising-certificate-regulations-\(1\)/](https://www.barstandardsboard.org.uk/regulatory-requirements/the-old-code-of-conduct/annexes-to-the-code/annexe-d-the-practising-certificate-regulations-(1)/)

### **BMIF**

You may be entitled to pay a lower rate if you are off work for a period or back at work but working reduced hours.

Check the up to date position with the BMIF and keep them informed. Tel. 020 7621 0405.

### **CPD**

Check the up to date position with the Bar Standards Board and keep informed – changes are proposed to CPD.

Some find attending CPD courses during their break useful for keeping their hand in and increasing confidence. Attending chambers seminars or SBA events will also provide opportunities to network and find out what is going on.

How you deal with CPD is a personal decision. If the CPD options you tend to choose are ones which require attendance at seminars that might not be compatible with breastfeeding you should note that there are so many online options. You could do all your CPD online and towards the end of your leave period.

Your specialist bar association may have useful catch up courses/information – keep in touch with them.

### **Chambers Rent – Direct debits**

Check the relevant chambers policy re sabbaticals/parenting breaks etc. and agree how it will be implemented in advance to avoid misunderstandings.

### **Have a Practice meeting Before You Go**

You may not know exactly when you are coming back or how well you will cope when you do, but that is not reason for you not to discuss matters with your Head of Chambers/Clerks /Practice Manager as appropriate. It may be worth minuting the discussion to avoid

misunderstandings later. Try and agree whether you want to be offered paperwork while you are absent. Are you prepared to contribute to chambers' newsletters or seminars while you are absent? If you do not say what you want and know what chambers are expecting then it is all too easy to feel pestered or ignored if your expectations do not match up with theirs. It is good to talk.

How realistic are your expectations for your return to work? Is your practice manageable on a part-time basis if you want to? If so can it be organised as, say, 3 or 4 days per week, or would it be better to take longer gaps between cases? You may want to start thinking about adjustments to your practice?

### **Put a Return/Update Meeting in your Diary**

It is very easy to think that you will leave this to be fixed "when you are ready" and then for it not to happen. "I am waiting until they are ready" is too easily interpreted as "they are no longer interested in me". Putting a date in the diary avoids such a misunderstanding. It may need to be changed, but do not take the date out without ensuring that another date is planned.

### **Accounts**

Check:

- Your accounts are up to date;
- that you have made a provision for tax;
- if your year end needs adjusting;
- that you have made pension provision; and
- your accountant knows what is happening and how to get hold of you

### **VAT**

- Decide if you will remain registered; and
- If so how you will do your returns.

### **Legal online library subscription services**

Consider what you want to have during your break. It may be tempting to cancel everything, but consider what it would be useful to keep up to date with to make a return easier.

### **Email Addresses/Out of Office Messages/ Voice Mail Message**

What message do you want solicitors and fellow members of the Bar to get when they try and contact you? If you say nothing they may get frustrated and fed up. If you are open they may join in the excitement of your break and look forward to your return.

### **Nomination of a Chambers Buddy – Contact Routine**

How will you find out what is going on in your absence? If everyone thinks “I do not want to bother him/her, someone else will tell him/her” then you may not get to know even quite important things. You may come back to discover the Head of Chambers and senior Clerk have changed and the set has moved to a new address; better to know as it goes along. Ask one person to keep you informed and to check your pigeon hole and your diary from time to time to make sure all is well and notify you of (or sort out) any problems.

Establish what you want to be told about Chambers meetings, chambers parties, seminars, solicitor events and changes to management committee and staff. Tell those responsible. They may be senior or junior members of the clerking team. Do not expect them to guess what you want. What you want may not be the same as the last person to take a break.

### **Home Internet Access**

To help you keep in touch make sure that you have internet access and that you can have remote access to chambers intranets/diary etc. Make sure your contact numbers are on the chambers system so that calls can be patched through to you if you wish. You may want to leave a list of solicitors who you do want patched through, and those that you do not.

### **Informing Solicitors**

Leave a list of solicitors to be told about going/events during break and coming back, and keep a copy, with telephone numbers, addresses and email addresses so you can contact them if you want to.

Some solicitors will know more about what you are up to than others, and you may wish some to be kept informed of developments but not others. Do not expect the clerks to guess which ones unless you are happy if they get it wrong.

# You and Your Practising Certificate

## Should I maintain my Practising Certificate?

### *Pros*

- You will be available to work immediately if you wish to
- It saves the effort of suspending/reapplying

### *Cons*

- Cost
- CPD requirements

## What is the process for renewing your practising certificate?

Simply contact the Bar Council's Records Department T: 0207 242 0934 or email [records@barcouncil.org.uk](mailto:records@barcouncil.org.uk)

## Frequently asked questions:

### How long does that process take?

If you meet the criteria, you can get your certificate almost immediately, but allow a couple of days to be on the safe side (during the Authorisation to Practice period in February/March it can take longer as the Records office is very busy)

### Is there a period of time after which there are additional hurdles or requirements associated with regaining a practicing certificate?

As of 1 April 2015 there may be additional hurdles if you haven't practiced for 5 years (see rS45 in the BSB Handbook below)

*rS45 You are eligible for a practising certificate if:*

*.1 you are a barrister or registered European lawyer and you are not currently suspended from practice and have not been disbarred; and*

*.2 you meet the requirements of Rules S46.1, S46.2, S46.3 or S46.4; and*

*.3 [either:*

*.a within the last 5 years either (i) you have held a practising certificate; or (ii) you have satisfactorily completed (or have been exempted from the requirement to complete) either the non-practising period of 6 months of pupillage or 12 months of pupillage; or*

*.b if not, you have complied with such training requirements as may be imposed by the Bar Standards Board.]1*

*rS46 You are eligible for:*

*.1 a full practising certificate if either:*



- .a you have satisfactorily completed 12 months pupillage; or*
- .b you have been exempted from the requirement to complete 12 months of pupillage; or*
- .c on 30 July 2000, you were entitled to exercise full rights of audience by reason of being a barrister; or*
- .d you were called to the Bar before 1 January 2002 and:*
  - .i you notified the Bar Council that you wished to exercise a right of audience before every court and in relation to all proceedings; and*
  - .ii you have complied with such training requirements as the Bar Council or the Bar Standards Board may require or you have been informed by the Bar Council or the Bar Standards Board that you do not need to comply with any such further requirements; in each case, before 31 March 2012*

**This provision has not yet been implemented. At the moment there are no additional training requirements (reference above rS45.3.b) however we understand that the BSB intend to bring in some standard requirements soon and that returning barristers will then need to check with the BSB's Qualifications team for waivers in individual cases.**

**In the absence of a Practising Certificate, in what capacity can a barrister remain linked with/a member of chambers?**

You can be a non-practising member of chambers or a door tenant, but it must be clear that you are not currently accepting instructions.

**What are the pros and cons of keeping your certificate and insurance, and complying with CPD and not practising?**

In keeping your practising certificate you are required to comply with CPD and hold insurance with BMIF which will have a cost implication. Additionally, even if you do not practice you are subject to the whole of the BSB Handbook which includes the Cab Rank Rule. Therefore if you are approached to take instructions you may be obliged under the Cab Rank Rule to accept the instruction unless rC30.2 applies:

*The cab rank Rule C29 does not apply if: accepting the instructions would require you or the named authorised individual to do something other than in the course of their ordinary working time or to cancel a commitment already in their diary;*

Therefore it would be advisable to block out in your diary that is accessible by Chambers, the time that you are not accepting instructions. It is permitted within the Handbook to block out time when you are not available and therefore the cab rank rule would not apply to instructions asking you to do work during those days.

## Useful Numbers and Websites for Returners

The Bar Council Records office should be contacted about practising certificate inquiries including fees and the Bar Standards Board about CPD requirements.

The Bar Council **Records Office** (T: 0207 242 0934 or [records@barcouncil.org.uk](mailto:records@barcouncil.org.uk)).

Bar Mutual Insurance Fund (**BMIF**) T: 020 7621 0405 or [www.barmutual.co.uk](http://www.barmutual.co.uk)

**Bar Standards Board** T: 0207 831 9217 or [www.barstandardsboard.org.uk](http://www.barstandardsboard.org.uk)

**VAT Online Helpdesk** on T: 0845 010 86500 or, to register for VAT online at [www.online.hmrc.gov.uk](http://www.online.hmrc.gov.uk).

**Information Commissioner** – You will need to ensure you are registered with the Information Commissioners' Office by the time you return to practice. Contact by phoning 0303 123 1113 and ask for a registration form. The Information Commissioner will send you a copy of your last completed form which will assist in completing the form. At the time of writing the fee for registration is £35.

The Bar Council **Parental Support Hub** ([www.barcouncil.org.uk/for-the-bar/introduction-to-member-services/parental-support-hub/](http://www.barcouncil.org.uk/for-the-bar/introduction-to-member-services/parental-support-hub/) or [memberservices@barcouncil.org.uk](mailto:memberservices@barcouncil.org.uk))

The Bar Standards Board's Handbook **Equality and Diversity Rules:**  
<https://www.barstandardsboard.org.uk/about-bar-standards-board/equality-and-diversity/equality-and-diversity-rules-of-the-bsb-handbook/>

**Judicial Appointments Commission** ([www.jac.judiciary.gov.uk/](http://www.jac.judiciary.gov.uk/))

# Advice from Clerks to Barristers

## Before your career break

- Talk to your clerks/practice manager – agree what your solicitors will be told
- Agree how you want to maintain contact whilst you are away – emails and/or phone calls – how often?
- Give serious consideration to maintaining your practising certificate and CPD whilst away – it keeps everything fresh and means you keep up to date with all the legislative & other changes whilst you are away
- Consider how adaptable your current practice is? Do you need to look at diversifying?

## After your career break

- Contact your clerks/practice manager well in advance of your return, to fix up a date for discussing how and when you plan to return and whether you want to “phase in” your return over a period of days/weeks.
- Make sure you use all your contacts to let everyone know you are back and ready to accept instructions. Try and make arrangements to meet people that suit your commitments.
- Offer people alternatives that suit your new regime. Rather than just saying you can't/won't do evening conferences, offer to do a telephone conference at a time that suits – or offer to meet the client during the day instead. Skype and FaceTime are also viable alternatives.
- Don't expect life to be the same!

# Advice from Barristers to Barristers

## **Before/during a career break**

1. Budget and save money - plan your finances. Speak to your accountant very early on (financial planning can affect the quality of your break)
2. Plan your work as much as possible
3. Communicate with your clerk, chambers and professional clients
4. Talk to your partner/family
5. Consider how you want to communicate with your clerk during your career break. Establish contact rules. Consider having a separate career break email address
6. Be as flexible as you can
7. Accept you can't do everything all the time; manage your own and others' expectations
8. Determine to keep yourself up to date on developments and education
9. Forge and maintain relationships inside and outside of chambers
10. Keep options open by keeping in touch (and not burning bridges)

## **After a career break**

1. Be positive
2. Communicate. Communicate. Communicate!
3. Be proactive about your diary and practice management. Set yourself and your clerks achievable objectives
4. Have daily/regular communication/updates on workloads
5. Invest in your personal relationship with your clerk
6. Be prepared to work unusual hours
7. Don't be afraid to say 'no' to work you can't do. Be bold and clear about defining your work parameters with clients and colleagues. Set boundaries and be clear on how much work you are willing to take on
8. Try to take cases that fit with your life when you return
9. Have a contingency plan
10. Remember to take time for yourself

## Equality and Diversity at the Bar Council

**The Bar Council** aims to widen access to the Bar, create a diverse and inclusive profession and to promote good practice in the management of chambers and the delivery of legal services.

Bar Council's Equality, Diversity and Social Mobility Committee is responsible for developing and taking forward the Bar Council's equality and diversity policy. The Head of Equality and Diversity and the Equality & Diversity Policy Analyst support the work of the Committee, provide equality and diversity advice and guidance to members of the profession, those seeking to enter the profession and staff of chambers. The Bar Council also offers a programme of diversity events and training.

**The Bar Standards Board** has its own Equality and Diversity Committee responsible for ensuring the BSB's functions have given due regard to promoting equality and diversity and championing equality and diversity issues with the Board, its committees and within the BSB generally. The BSB's Equality and Diversity Policy Officer supports the work of this Committee.

### **Equality and Diversity Helpline (T: 0207 611 1310)**

Please contact the Head of Equality and Diversity at the Bar Council, Sam Mercer, for the following:

- confidential advice to members of the profession, staff and members of chambers, employed barristers, pupils and Bar students about equality and diversity, disability, maternity leave or harassment queries or concerns;
- implementing the BSB's Equality rules
- making reasonable adjustments and making chambers and services accessible to people with disabilities;
- Diversity monitoring.

### **Panel of Disability Advisers**

Members of the Disability Panel are barristers who practise with a disability or are specialists in disability law. Members will offer practical advice to disabled students considering a career at the Bar, to practitioners who have developed a disability and wish to remain in practice and to chambers on reasonable adjustments for service users, staff and members of chambers. If you wish to make contact with a member of the panel, please contact Sam Mercer [SMercer@barcouncil.org.uk](mailto:SMercer@barcouncil.org.uk)

### **Equality and Diversity Information on the Bar Council's Website**

Guides can be found at <http://www.barcouncil.org.uk/practice-ethics/professional-practice-and-ethics/equality-and-diversity-guidance/>

## Diversity Data

Diversity data and research on the profession can be found on the Bar Council's website under Statistics about Barristers and on the BSB's website under Statistics on the Bar.

## Bar Council Training

### *1. Introduction to Equality and Diversity Training*

The Introduction to Equality & Diversity Training (Toolkit) was developed by members of the Bar Council Equality and Diversity Committee as a practical aid to chambers to raise diversity awareness. The course is based on a series of worked case studies drawn from the experience of applying equality and diversity policies in chambers and includes a summary of the legal and regulatory duties. Courses are run regularly at the Bar Council, some of the Inns and Circuits. They are designed for barristers, chambers' Equality and Diversity Officers, practice managers and clerks. They carry 1.5 CPD hours. To book one of these courses please contact Bar Council's Training & Events team.

For information about events and training, please contact our Training & Events team and check the Bar Council's website <http://www.barcouncil.org.uk/for-the-bar/conferences,-training-and-other-events/>

### *2. Fair Recruitment & Selection Training*

Fair Recruitment training is available to help members of chambers to meet the BSB's Handbook rules on fair recruitment rC110 (3) (c) and (d).

The Bar Council has published the "Fair Recruitment Guide" to help chambers meet these Code rules and a diversity recruitment monitoring toolkit.

See <http://www.barcouncil.org.uk/for-the-bar/professional-practice-and-ethics/equality-and-diversity-guidance/fair-recruitment-guide/>

Bar Council's Training & Events team offer a CPD accredited 'Fair Recruitment and Selection' course. The course covers the principles of fair selection, avoiding bias in selection, developing and applying selection criteria consistently through the selection process, shortlisting techniques, how to develop reliable and valid work sample tests, competency based interview techniques, evaluation and making selection decisions.

To book a place see:

<http://www.barcouncil.org.uk/for-the-bar/member-services-training-courses/fair-recruitment-and-selection-training/>.

### 3. *Advanced Equality & Diversity Training*

This training has been developed specifically for those with a (i) management role in chambers; and (ii) with responsibility for implementing the BSB's Equality & Diversity rules. It also supports E&D in chambers more generally.

For information about this training, please email [trainingandevents@BarCouncil.org.uk](mailto:trainingandevents@BarCouncil.org.uk)

#### **Bar Council Contacts**

<b>Bar Council</b>	Head of Policy: Equality & Diversity and CSR	Sam Mercer T: 0207 611 1320 E: <a href="mailto:SMercer@barcouncil.org.uk">SMercer@barcouncil.org.uk</a>
	Policy Analyst: Equality & Diversity and CSR	Alex Cisneros T: 0207 611 1430 E: <a href="mailto:Acisneros@barcouncil.org.uk">Acisneros@barcouncil.org.uk</a>
	Training & Events Coordinator	Ade Inubile T: 0207 611 1379 E: <a href="mailto:AInubile@barcouncil.org.uk">AInubile@barcouncil.org.uk</a>
<b>BSB</b>	Policy Manager (Equality and Access to Justice)	Amit Popat T: 0207 611 1378 E: <a href="mailto:APopat@BarStandardsBoard.org.uk">APopat@BarStandardsBoard.org.uk</a>