



Equality and Diversity Policy

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INTRODUCTION

This document sets out our policy on equality and diversity. ‘We are committed to a policy of treating all our employees, workers and job applicants equally. No employee or potential employee will receive less favourable treatment because of any “protected characteristic”, namely: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

Neither the firm’s internal nor external applicants for employment shall be disadvantaged by any policies or conditions of employment which cannot be justified as necessary for operational purposes. The firm will, at all times, aim to work within legislative requirements as well as promoting best practice. The firm’s long-term aim is that the composition of its workforce should reflect that of the community and that all employees should be offered equal opportunities to achieve their full potential. This policy, and the measures the firm takes to implement it, have been devised on the basis of advice from the relevant government and professional bodies. The firm is committed to making this policy effective and to bring it to the attention of everyone. The principle of non-discrimination and equality of opportunity applies equally to the treatment, by employees, of visitors, clients, customers and suppliers and also, in some circumstances, ex-employees.

The following paragraphs deal with the specific categories of employees and areas of work which the firm has identified as potentially giving rise to equal opportunities issues and provides more specific guidance on the parameters of the firm’s policy and approach to equal opportunities.

This policy is for guidance only and is available to everyone on the firm’s intranet, but does not form part of an employee’s contract of employment.

If you are in any doubt or have any concerns about the application of this policy in any particular instance or situation, please consult the HR department as soon as possible.



TO WHOM DOES THIS POLICY APPLY

This policy applies to the firm's employees, whether permanent, temporary, casual, part-time or on fixed-term contracts, to ex-employees, to job applicants and to individuals such as agency staff and consultants and work experience students who are not the firm's employees, but who work at the firm (collectively 'workers').

All workers have a duty to act in accordance with this policy, to treat colleagues with dignity, and not to discriminate against or harass other members of staff, whether junior or senior to them. In some situations, the firm may be at risk of being held responsible for the acts of individual members of staff and therefore the firm will not tolerate any discriminatory practices or behaviour.

The policy statement above applies equally to the treatment of the firm's clients and suppliers by the firm's workers.

THOSE RESPONSIBLE FOR IMPLEMENTATION OF POLICY

The Chief Executive together with the Partners of the firm have overall responsibility for the effective operation of the firm's equality and diversity policy and for ensuring compliance with the relevant statutory framework prohibiting discrimination. The Chief Executive and his Partners have delegated day-to-day responsibility for operating the policy, and ensuring its maintenance and review, to the HR Director.

Partners and those working at a management level have a specific responsibility to: set an appropriate standard of behaviour; to lead by example; and to ensure that those they manage adhere to the policy and promote the aims and objectives of the firm with regard to equality and diversity. To facilitate this process Partners and managers shall be given training on equality and diversity opportunities awareness and equality and diversity recruitment and selection best practice.

Everyone working at the firm is responsible for the success of this policy and must ensure that they familiarise themselves with the policy and act in accordance with its aims and objectives. If you are involved in management or recruitment, or if you have any questions about the content or application of this policy, you should contact the HR Department.

SCOPE AND PURPOSE OF POLICY

The firm will not unlawfully discriminate on grounds of: gender; sexual orientation; marital status; gender reassignment; race; religion or belief; colour; nationality; ethnic or national origin; disability; age; pregnancy; trade union membership; part-time or fixed-term status; or civil partnership status.

This policy applies to: the advertising of jobs and recruitment and selection; training and development; opportunities for promotion; conditions of service; benefits and facilities and pay; health and safety; conduct at work; grievance and disciplinary procedures; and to termination of employment, including redundancy.

The firm will take appropriate steps to accommodate the requirements of workers' religions, cultures, and domestic responsibilities. The firm's flexible working; leave; maternity; paternity; and adoption policies should be consulted for specific guidance on the firm's approach to these issues and employee's entitlements.

FORMS OF DISCRIMINATION

There should be no discrimination, whether direct or indirect, because of any of the protected characteristics set out in the firm's Introduction on equality and diversity (see above). The types of discrimination that are prohibited are:

- **direct discrimination**
- **indirect discrimination**
- **victimisation**
- **harassment**

Direct discrimination is treating someone less favourably because of a protected characteristic. An example of this is paying someone less because of their sex or because they belong to a particular racial group. 'Because of' is very wide and includes less favourable treatment based on a perception of another person, for example that the person is gay, or is disabled, whether or not this perception is correct and even if the perpetrator knows that his perception is, in fact, wrong. It also includes less favourable treatment because someone is associated with another person who has a protected characteristic.

Indirect discrimination is treating people in the same way but in a way which adversely affects those with a protected characteristic. An example of this is telling all employees that they have to work late at night – although applied to everyone, it will adversely affect those employees with childcare responsibilities and these tend to be women.

Victimisation is treating someone less favourably because they have asserted their right not to be discriminated against because of a protected characteristic. An example of this is an employee claiming they had been discriminated on the grounds of their disability and then their manager deciding when they left not to give them a reference because they had claimed disability discrimination.

Harassment is unwanted conduct, related to a protected characteristic, which has the purpose or effect of creating an intimidating, hostile, degrading, humiliating or offensive environment for someone or violating their dignity. Harassment may also be of a sexual nature or may occur because someone has harassed the victim and the victim either rejects or submits to it and, because of that rejection or submission, that person treats the victim less favourably. More information on what can constitute harassment is set out in the firm's harassment and bullying policy.

RECRUITMENT AND SELECTION

The firm aims to ensure that no job applicant receives less favourable treatment on any of the unlawful grounds listed in the paragraph above defining the scope and purpose of the policy. Recruitment procedures will be reviewed regularly to ensure that individuals are treated on the basis of their relevant competencies and abilities and that sufficiently diverse sectors of the community are reached. Job selection criteria are regularly reviewed to ensure that they are justifiable on non-discriminatory grounds as being essential for the effective performance of the job.

The firm shall take steps to ensure that knowledge of vacancies reaches a wide labour market. Where appropriate, use may be made of lawful exemptions to recruit suitably-qualified people to cater for the special needs of particular groups. Vacancy advertisements shall include an appropriate short statement on the firm's equal opportunities policy.

To ensure that this policy is operating effectively with respect to recruitment and selection and to identify those sections of the local community which may be under-represented in employment, the firm monitors applicants' racial origins, gender, disability, sexual orientation and religion and age as part of the recruitment procedure. The firm also maintains records of this data (in an anonymised format) solely for the purposes stated in this policy. Ongoing monitoring and regular analysis of the data provide the basis for taking appropriate positive steps to eliminate unlawful direct and indirect discrimination and implement this policy.

EMPLOYEE TRAINING AND PROMOTION AND CONDITIONS OF SERVICE

Employee training needs shall be identified through regular employee performance reviews. All employees will be given an equal opportunity and access to training to enable them to progress within the organisation. All promotion decisions shall be made on the basis of competency.

The composition and movement of employees at different levels shall be regularly monitored to ensure equality of opportunity at all levels of the organisation. Where appropriate, steps will be taken to identify and remove unnecessary or unjustifiable barriers and to provide appropriate facilities and conditions of service to meet the special needs of disadvantaged or under-represented groups.

The firm's conditions of service, benefits and facilities will be reviewed regularly to ensure that they are available to all employees who should have access to them and that there are no unlawful obstacles to accessing them. This includes pay, bonus criteria, policies and all benefits offered, such as pension, life assurance and permanent health insurance (PHI insurance).

GRIEVANCES, DISCIPLINARY PROCEDURES, DISMISSALS AND REDUNDANCIES

Workers who, in good faith, bring a grievance (or assist another to do so) either under this policy or otherwise in relation to an equality and diversity matter will not be disciplined or dismissed or otherwise suffer any adverse treatment for having done so. Employees will not be victimised in any way for making such a complaint in good faith. Complaints of this nature will be dealt with seriously, in confidence and as soon as possible.

- No member of a particular group of workers will be disciplined or dismissed for performance or behaviour which would be overlooked or condoned in another group, unless there is genuine and lawful justification for different treatment.
- Redundancy criteria and procedures will be carefully examined to ensure they are not applied and do not operate in an unlawfully discriminatory manner.
- The provision of any voluntary redundancy benefits will be equally available to all workers unless there is a genuine and lawful justification for doing otherwise.

DISABILITY DISCRIMINATION

If you are disabled, or become disabled in the course of your employment with the firm, you are encouraged to tell a member of the HR team about your condition.

For the purpose of this policy, disabilities are either physical or mental impairments that have a substantial and long-term effect upon a person's ability to carry out normal day-to-day activities.

This is to enable the firm to support you as much as possible. You may also wish to advise your fee-earner, line manager, team leader or HR Advisor of any reasonable adjustments to your working conditions or the duties of your job which you consider to be necessary, or which would assist you in the performance of your duties. Your team leader, fee-earner, line manager or HR Advisor may wish to consult with you and with your medical adviser(s) about possible reasonable adjustments. Careful consideration will be given to any such proposals and they will be accommodated where possible and proportionate to the needs of your job. Nevertheless, there may be circumstances where it will not be reasonable for the firm to accommodate the suggested adjustments and you will be provided with information as to the basis of the firm's decision not to make any adjustments.

The firm carried out an access audit of its premises in advance of Part 3 of the Disability Discrimination Act 1995 and shall continue to monitor the physical features of its premises to consider whether they place disabled workers, job applicants or service users at a substantial disadvantage compared to other workers. Where possible and proportionate, the firm will take steps to improve access for disabled workers and service users.

FIXED-TERM EMPLOYEES AND AGENCY AND TEMPORARY WORKERS

The firm will monitor its use of fixed-term employees and agency workers, and their conditions of service, to ensure that they are being offered appropriate access to benefits, training, promotion and permanent employment opportunities. The firm will, where relevant, monitor their progress within the firm to ensure that they are accessing permanent vacancies.

PART-TIME EMPLOYEES

The firm will monitor the conditions of employment of part-time employees and their progression within the firm to ensure that they are being offered appropriate access to benefits and training and promotion opportunities. The firm will also ensure requests to alter working hours are dealt with appropriately under the firm's flexible working application procedure.



DEALING WITH CLIENTS AND THIRD PARTIES

Qualified fee-earners (Solicitors, CILEx members and other Professional fee-earners as appointed by the firm) are generally free to decide whether to accept instructions from any client provided that a refusal to act is not based upon any of the grounds listed in the paragraph defining the scope and purpose of the policy.

Qualified fee-earners should instruct barristers: on the basis of their skill; experience; and ability, and it is unlawful to instruct them, or avoid instructing them, on the basis of any of the grounds listed in the paragraph defining the scope and purpose of the policy, or to request or encourage a barrister's clerk to do so.

Qualified fee-earners should normally comply with a client's request to instruct a named barrister (subject to their duty to discuss the suitability of that barrister for a particular type of work). Where a client's instructions as to the choice of barrister are based on any of the grounds listed in the paragraph defining the scope and purpose of the policy, the fee-earner should encourage the client to modify their instructions. If they refuse to do so, the fee-earner should cease to act for them as aiding an unlawful act is prohibited.

In relation to the instruction of a barrister, in addition to the requirements of this rule, all fee-earners are subject to provisions relating to the giving, withholding or acceptance of instructions contained in the Equality Act 2010.

Any fee-earner responsible for maintaining lists or databases of contractors, agents and other third parties who are regarded as suitable to be instructed by others within the firm, should ensure that those lists or databases:

- are compiled on the basis only of their ability to undertake work of a particular type; and
- do not contain any discriminatory bias based on any of the grounds listed in the paragraph defining the scope and purpose of the policy.

PARTNERS AND PARTNERSHIPS

In relation to a position as partner in the firm, no partner should discriminate against other partners or potential partners. In addition to the provisions of this rule, partners should note that they are subject to provisions as to discrimination in relation to a position as partner contained in the Equality Act 2010.

Partners should also comply with the various provisions which prohibit discrimination after the end of a professional relationship and which apply to both workers and partners. This means, for example, that partners should exercise care when approached by someone to provide a reference. It is the firm's policy that references are provided by the HR team in order to promote consistency and compliance with this policy.

BREACHES OF THE POLICY

All staff must be aware of and adhere to this policy. You may be liable to disciplinary action if you fail to comply with its provisions or related policies and procedures.

Disciplinary action will be taken against any employee who is found to have committed an act of unlawful discrimination. Serious breaches of this policy and serious incidents of harassment and bullying will be treated as gross misconduct. Unwarranted allegations that are not made in good faith may also be considered as a disciplinary matter. Confidential records of matters dealt with in accordance with this policy will be kept.

As this policy applies equally to the relations of the firm's workers' with clients and suppliers.

MONITORING AND REVISION OF POLICY

This policy is reviewed annually by the HR Director and Chief Executive in consultation with employee representatives. Recommendations for any amendments are available on the firm's intranet and are reported to the firm's Management Board.

The firm will regularly monitor the effectiveness of this policy to ensure it is achieving the objectives stated in the Equality and Diversity statement by monitoring the composition of job applicants and the benefits and career progression of its workers.

We also collect data each year about the diversity of our workforce. We do this for several reasons:

- it is good practice to monitor the diversity of our employees, in terms of age, gender, sexual orientation, ethnicity and disability
- all law firms are required by the Solicitors Regulation Authority (SRA) to collect, report (to the SRA) and publish diversity data
- we are interested in your opinions as to whether we can do more to build an inclusive culture that works for everybody – this helps us make sure activities and future plans represent the interests of everyone in the firm.

TRAINING

We will ensure that all managers and supervisors with responsibility for managing staff, supervising client matters and dealing with third parties are provided with the appropriate equality and diversity training. All staff will receive appropriate training on our equality and diversity policy.

