

Equality and Diversity policy

Applicable provisions

The Firm is committed to delivering equality and diversity in the workplace and in the provision of its services and in the use of counsel and experts.

All staff must be aware of prohibitions which exist against discrimination in two areas. The first, dealt with in section (i) below, relates to discrimination in the context of:

- accepting instructions from clients;
- using experts and counsel;
- the provision of services to clients.

The second, in relation to discrimination within the context of personnel matters, is dealt with in section (ii) below.

In connection with both aspects, all staff must comply not only with the Firm's professional requirements but also with the law of the land in particular the Equality Act 2010. Further reference to this Act can be found in Chapter 2 of the [Code of Conduct 2011](#) (the Code) but when using this reference, regard should also be made to the Solicitors Regulatory Authority website, in order to avoid the use of outdated versions (<http://www.sra.org.uk>). If you are in any doubt about the latter, please contact the COLP.

The Firm intends to treat everyone equally and with the same attention, courtesy and respect regardless of any actual or perceived; disability, gender, gender reassignment, marital status (including civil partnership), pregnancy and maternity, race, racial group, colour, ethnic or national origin, nationality, age, religion or belief or sexual orientation whether relating to the individual or someone with whom he/she is associated ("the Protected Characteristics").

The Firm will also ensure that reasonable adjustments are made to ensure that disabled clients, employees or managers are not placed at a substantial disadvantage compared to those who are not disabled, and any costs of these adjustments are not passed on to these disabled clients, employees or managers.

The Firm will ensure that appropriate training is given to all staff to ensure achievement of these outcomes. The Firm shall monitor equality and diversity across its workforce.

The statutory body responsible for equality and diversity is the Equality and Human Rights Commission. More information can be obtained from their website - www.equalityhumanrights.com

Compliance with the Code

The Firm will take any breach of the Code extremely seriously. The Firm's other personnel policies are set out in full in section 5.5 of the Handbook (and the related Staff Manual – ([section 2](#))). In determining those policies and procedures, the Firm's management has considered carefully whether they comply with the Code and will also take the Code into account when examining any changes in such policies and procedures.

The Firm will also comply with the law and the Code in relation to its Partners and prospective Partners. Thus the existing Partners will not discriminate, on the grounds of any actual or perceived Protected Characteristic in the arrangements they make for the purpose of determining to whom they should offer a partnership; the terms on which any partnership is offered; or by refusing to offer, or

deliberately not offering, a partnership to anyone. Nor shall Partners discriminate in any way in relation to the provision of benefits to any Partner; or in relation to any matter relating to the expulsion of any Partner or any detriment to be suffered by him/her. No person who is or who has applied to be a Partner shall be subjected to any harassment in relation to the position of Partner.

Everyone should be aware that any breach is a potential major risk to the Firm. The Firm does not carry insurance against the consequences of any illegal breach, and any claims in this regard are likely to involve the Firm in very significant commitments of managerial time and cost. Further, a breach may be a serious professional offence, and liability may attach not only to the individual(s) concerned, but also the owners of the Firm. For that reason any breach will be regarded as a serious disciplinary offence.

If anyone is concerned that a breach of the Code or these policies may be occurring, or has a complaint that they have been the victim of a breach, whether by a colleague, Partner or third party they should immediately report this to the Staff Partner, or direct to the COLP. Alternatively, a grievance may be lodged pursuant to the Firm's Grievance Procedure (at [section 2.10](#) of the Staff Manual).

For its part, the management of the Firm has considered all aspects of its operations, as set out in the Handbook, to ensure its compliance with the Code. Any developments of the Firm's strategic and business planning, or changes in the Handbook, will similarly be examined in order to ensure that no inadvertent breach of the Code occurs.

(i) Delivery of Services and Dealings with Counsel (and Experts)

A. Clients

The Firm is generally free to decide whether to accept the instructions from any particular client, but any refusal to act will not be based upon a Protected Characteristic. Clients will not be treated differently on the basis of a Protected Characteristic.

Where any disabled client is at a substantial disadvantage compared with a non-disabled person in relation to any provision, criterion or practice operated by the Firm then we shall consider what, if any, adjustments can be made to avoid such disadvantage.

B. Counsel (or Experts)

1. Counsel should be instructed on the basis of skills, experience and ability. The Firm will not, on the grounds of a Protected Characteristic, avoid briefing counsel and will not request counsel's clerks to do so.
2. Clients' requests for a named counsel (or expert) should be complied with, subject to the Firm's duty to discuss with the client the suitability of the counsel and to advise appropriately.
3. The Firm has a duty to discuss with the client any request by the client that only counsel (or expert) of a particular racial/ethnic group or sex, etc. be instructed. The Firm will endeavour to persuade the client to modify instructions which appear to be given on any discriminatory grounds. Should the client refuse to modify such instructions, the Firm will cease to act.

C. All Services

The Firm will deal with all persons with the same attention, courtesy and consideration regardless of any actual or perceived Protected Characteristic.

(ii) Personnel

The second strand of the provisions relating to the prevention of discrimination is concerned with issues regarding staff within the Firm. This does not only mean the staff employed by the Firm, but also those who may be Partners (or equivalent owners) within the Firm.

(1) General Statements

The Firm is committed to providing equal opportunities in employment. This means that all job applicants, staff and Partners will receive equal treatment regardless of any actual or perceived Protected Characteristic.

It is good business sense for the Firm to ensure that its most important resource, its staff, is used in a fair and effective way.

(2) Legislation

It is unlawful to discriminate against individuals either directly or indirectly on the basis of any actual or perceived Protected Characteristic.

(3) Forms of Discrimination

The following are the kinds of discrimination which are unlawful pursuant to the Equality Act 2010 and which are therefore against the Firm's policy:

- (a) Direct discrimination, where a person is treated less favourably because of an actual or perceived Protected Characteristic.
- (b) Discrimination can also occur where a person is unjustifiably disadvantaged in employment or recruitment for a reason connected with one of the Protected Characteristics.
- (c) Indirect discrimination, where a provision, criterion or practice which cannot be justified is applied equally to all groups but has an adverse effect on one particular group.
- (d) Victimisation, where someone is treated less favourably than others because he or she has taken action against the Firm under the Equality Act 2010.
- (e) Harassment is unwanted conduct related to a Protected Characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person.
- (f) Failure to make reasonable adjustments, where a disabled employee is at a substantial disadvantage compared with a non-disabled employee in relation to a provision, criterion or practice operated by the Firm.
- (g) Discrimination arising from disability, where an employee is treated less favourably because of something that results from his/her disability.

Unlawful discrimination includes:

- (a) Discrimination by perception, where a person is treated less favourably because it is thought that they have a Protected Characteristic but which they do not have.
- (b) Discrimination by association, where a person is treated less favourably because of his/her association with another person who has a Protected Characteristic.

(4) Recruitment and selection

The Firm will be open to applications for employment regardless of any actual or perceived Protected Characteristic of any job applicant. The Firm will ensure that there are equal opportunities in all stages of the recruitment and selection process.

The Firm recognises the benefits of having a diverse workforce and will take steps to ensure that:

- (a) it endeavours to recruit from the widest pool of qualified candidates possible;
- (b) employment opportunities are open and accessible to all on the basis of their individual qualities and personal merit;
- (c) where appropriate, positive action measures are taken to attract applications from all sections of society and especially from those groups which are under represented in the workforce;
- (d) selection criteria and processes do not discriminate unjustifiably on the grounds of any actual or perceived Protected Characteristic other than in those instances where the Firm is exercising permitted positive action;
- (e) wherever appropriate and necessary, lawful exemptions (genuine occupational requirements) will be used to recruit suitable staff to meet the special needs of particular groups; and
- (f) all recruitment agencies acting for the Firm are aware of its requirement not to discriminate and to act accordingly.

The Firm has defined recruitment and interviews procedures to ensure compliance with these standards.

(5) Promotion, Training and Career Development

Promotion within the Firm (including to partnership) is made without regard to any actual or perceived Protected Characteristic and is based solely on merit. Similarly staff shall be considered for and receive training appropriate to their role, skills and experience regardless of any actual or perceived Protected Characteristic.

The selection criteria and processes for recruitment and promotion will be kept under review to ensure that there is no unjustifiably discriminatory impact on any particular group.

Positive action measures may be taken in accordance with the Equality Act 2010 to encourage under-represented groups to apply for recruitment or promotion.

All employees will have equal access to training and other career development opportunities appropriate to their experience and abilities. However, the Firm may take appropriate positive action measures (as permitted by the Equality Act 2010) to provide special training and support for groups

which are under-represented in the workforce and encourage them to take up training and career development opportunities.

(6) Conditions of Service

The Firm will treat all employees equally and create a working environment which is free from discrimination and harassment and which respects, where appropriate, the diverse backgrounds and beliefs of employees.

Terms and conditions of service for employees will comply with the Equality Act 2010. The provision of benefits such as working hours, maternity and other leave arrangements, performance appraisal systems, dress code, bonus schemes and any other conditions of employment will not discriminate against any employee on the grounds of any actual or perceived Protected Characteristic.

Where appropriate and necessary, the Firm will endeavour to provide appropriate facilities and conditions of service which take into account the specific needs of employees which arise from a Protected Characteristic.

(7) Reasonable adjustments

Where any disabled employee or Partner is at a substantial disadvantage compared with a non-disabled person in relation to any provision, criterion or practice operated by the Firm then we shall consider what, if any, adjustments can be made to avoid such disadvantage. Any member of staff who wishes to request an adjustment required because of his/her disability should discuss this with his/her line manager or the Practice Manager in the first instance.

(8) Disciplinary action

Acts of discrimination including harassment on grounds of any actual or perceived Protected Characteristic by staff or Partners of the Firm will result in disciplinary action. Failure to comply with this policy will be treated in a similar fashion. The policy applies to all who are employed in the Firm and to its Partners. See further the Firm's Disciplinary Procedure in the Staff Manual - section 2.10.

(9) Complaints about discrimination

The Firm will treat seriously and take action when any applicant for employment, staff member or Partner has a grievance as a result of alleged discrimination including harassment on grounds of any actual or perceived Protected Characteristic.

Any member of staff who wishes to make a complaint in relation to the Firm's Equality and Diversity policy should do so in accordance with the Firm's Grievance Procedure.

See further the Staff Manual sections 2.10-11.

(10) Implementation and Responsibility for the Policy

Ultimate responsibility for implementing the policy rests with the Firm's Partners. The Staff Partner is primarily responsible for the operation of the Equality and Diversity policy.

All employees and Partners of the Firm are expected to pay due regard to the provisions of this Policy and are responsible for ensuring compliance with it when undertaking their jobs or representing the Firm.

Acts of discrimination or harassment in breach of this policy by employees or Partners will result in disciplinary action up to and including termination of employment or engagement where appropriate. Failure to comply with this policy will be treated in a similar fashion. The policy applies to all Partners, employees and consultants working for the Firm.

(11) Monitoring and Review

The policy will be monitored and reviewed by the Staff Partner in a manner proportionate to the size and nature of the Firm on a regular basis (and in any event at least annually) to measure its progress and judge its effectiveness. In particular, the Firm will, as appropriate, monitor and record:

- (a) The gender and ethnic composition of the workforce and Partners as well as the number of disabled staff and Partners at different levels of the organisation.
- (b) The ethnicity, gender and disability of all applicants, short-listed applicants and successful applicants for jobs and training contracts.
- (c) The ethnicity, gender and disability of all applicants for promotion (including to membership of the limited liability partnership) and training opportunities and details of whether they were successful.
- (d) Where it is possible to do so, and where doing so will not cause offence or discomfort to those whom it is intended to protect, the sexual orientation, age and religion or belief of all members and staff will be monitored so as to ensure that they are not being discriminated against in terms of the opportunities or benefits available to them. Firms should, however, be aware that members and staff may not choose to disclose their sexual orientation, age or religion or belief and that care should be taken to avoid inadvertent discrimination in such cases.
- (e) The number and outcome of complaints of discrimination made by staff, Partners, barristers, clients and other third parties.
- (f) The disciplinary action (if any) taken against employees by race, gender and disability.

This information will be used to review the progress and impact of the policy. Any changes required will be made and implemented.

(12) Targets

The Firm will use its best endeavours to comply with all policies and targets for the employment of persons with Protected Characteristics, set by the Law Society or the SRA as are produced from time to time in accordance with the provisions of anti-discrimination legislation.

(13) Other Employment Policies

These will be found in the Staff Manual and will conform to the terms of this policy and current legislation.

Once again, the Code and this policy must be read in the light of any legislative change.

It goes without saying that all references in the Handbook to the masculine also refer to the feminine.