

SECTION 5

Equality and Diversity Policy

5.1 The firm's commitment

(1) **General commitment**, this firm is committed to eliminating discrimination and promoting equality and diversity in its own policies, practices and procedures and in those areas in which it has influence. This applies to the firm's dealings with members of the firm (including the firm's employees, partners and any self-employed person engaged by the firm) and other solicitors, barristers, clients and third parties.

The firm will treat everyone equally and with the same attention, courtesy and respect and not victimise or harass them on the grounds of their age, their disability, their race or racial group (including colour, nationality and ethnic or national origins), their gender (including marital status, gender reassignment, pregnancy, maternity and paternity), sexual orientation (including civil partnership status), their religion or belief.

(2) **Regulation and legislation**, in implementing its equality and diversity policy, the firm will comply with the Solicitors' Code of Conduct 2007 and with current and any future anti-discrimination legislation and associated codes of practice and any relevant amendments or re-enactments of such legislation and any relevant amendment to such codes or further codes of practice.

5.2 Forms of Discrimination

The following are the kinds of discrimination which are against the firm's policy:

(1) **Direct discrimination**, where a person is treated less favourably on the grounds of age, disability, race, racial group, colour, ethnic or national origins, sex, marital status or sexual orientation.

(2) **Indirect discrimination**, where an apparently neutral provision, criterion or practice would put a substantially higher proportion of the members of one sex, or persons having a racial or ethnic origin, or a particular religion or belief, or a particular disability, or a particular disadvantage compared with other persons unless that provision, criterion or practice is objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary.

(3) **Victimisation**, where someone is treated less favourably than others because he or she has taken action against the firm.

(4) **Harassment**, when unwanted conduct related to any of the grounds referred to above takes place with the purpose or effect of violating the dignity of a person and of creating

an intimidating, hostile, degrading, humiliating or offensive environment. Harassment may involve physical acts or verbal and non-verbal communications and gestures. This will include physical, verbal and non-verbal acts.

5.3 Employment and Training

(1) **General Statement**, as an employer the firm will treat all members of the firm and job applicants equally and fairly and not discriminate unlawfully against them. This will, for example, include arrangements for recruitment and selection, terms and conditions of employment, access to training opportunities, access to promotion, grievance and disciplinary processes, demotions, selection for redundancies, dress code, references, work allocation and any other employment related activities.

(2) **Recruitment and selection**, this firm recognises the benefits of having a diverse workforce and will take steps to ensure that:

- (i) it endeavours to recruit from the widest pool of qualified candidates possible;
- (ii) employment opportunities are open and accessible to all on the basis of their individual qualities and personal merits;
- (iii) selection criteria and processes do not discriminate on any of the prohibited grounds referred to above other than in those instances where the firm is exercising permitted positive action;

(3) **Targets**, the firm will use its best endeavours to comply with Law Society policies and targets for the employment of ethnic minorities, as are produced from time to time in accordance with the provisions of the anti-discrimination legislation.

(4) **Conditions of service**, the firm will create a working environment which is free from discrimination, victimisation and harassment and which respects the diverse backgrounds and beliefs of members of the firm. Terms and conditions of service will comply with antidiscrimination legislation. 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 any of the prohibited grounds referred to above. Where appropriate and necessary, the firm will endeavour to provide appropriate facilities and conditions of service which take into account the specific needs of members of the firm.

(5) **Promotion and Career development**, promotion within the firm including to partner will be made without reference to any of the prohibited grounds referred to above and will be based solely on merit. 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. Whilst positive action measures may be taken in accordance with the relevant anti-discrimination legislation to encourage underrepresented groups to apply for promotion opportunities, recruitment or promotion to all jobs will be based solely on merit. All employees will have equal access to training and other career development opportunities appropriate to their experience and abilities. However, the firm will take appropriate positive action measures (as permitted by the

anti-discrimination legislation) to provide special training and support for groups which are underrepresented in the workforce and encourage them to take up training and career development opportunities.

(6) **Partners**, arrangements and procedures for selecting partners, their terms and conditions of partnership, access to benefits, facilities or services and termination arrangements will be reviewed and amended where necessary to prevent discrimination on any of the prohibited grounds referred to above. Maternity rights available to partners shall be no less favourable than those required by legislation for employees.

5.4 Dealings with Third Parties

The firm will not unlawfully discriminate in dealings with third parties. This applies to dealings with other legal service providers and general procurement.

(1) **Barristers** should be instructed on the basis of their skills, experience and ability. The firm will not, on any of the prohibited grounds referred to above, avoid briefing a barrister and will not request barristers' clerks to do so. Clients' requests for a named barrister should be complied with, subject to the firm's duty to discuss with the client the suitability of the barrister and to advise appropriately. The firm will discuss with the client any request by the client that only a barrister who is not disabled or who is of a particular gender; marital status; race; racial group; colour; ethnic or national origin; nationality; religion or belief; age; or sexual orientation be instructed. In the absence of a valid reason for this request, which must be within any exemptions permitted by the anti-discrimination legislation, the firm will endeavour to persuade the client to modify their instructions in so far as they are given on discriminatory grounds. Should the client refuse to modify such instructions, the firm will cease to act.

(2) Any lists of approved **Suppliers** and databases of contractors, agents and other third parties who, or which, are regarded as suitable to be instructed by those within the firm have been or will be compiled only on the basis of the ability of those persons or organisations to undertake work of a particular type and contain no discriminatory exclusion, restriction or preference.

5.5 Clients

The firm is generally free to decide whether to accept instructions from any particular client, but any refusal to act will not be based upon any of the prohibited grounds referred to above. The firm will take steps to meet the different needs of particular clients arising from its obligations under the anti-discrimination legislation. In addition, where necessary and where it is permitted by the relevant anti-discrimination legislation (for example, provisions relating to positive action or exemptions) the firm will seek to provide services which meet the specific needs and requests arising from clients' ethnic

or cultural background; gender; responsibilities as carers; disability; religion or belief; sexual orientation; age or other relevant factors.

5.6 Promoting Equality and Diversity

This firm is committed to promoting equality and diversity in the firm as well as in those areas in which it has influence. Members of the firm will be informed of this policy and will be provided with equality and diversity training appropriate to their needs and responsibilities. All those who act on the firm's behalf will be informed of this policy and will be expected to pay due regard to it when conducting business on the firm's behalf. In all its dealings, including those with suppliers, contractors and recruitment agencies, the firm will seek to promote the principles of this policy. The firm will make every effort to reflect its commitment to equality and diversity in its marketing and communication activities.

5.7 Implementing the Policy

(1) Ultimate **responsibility** for implementing the policy rests with the Partners of the firm. The Managing Partner is responsible for the operation of the policy. All members 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 on any of the prohibited grounds referred to above by members of the firm will result in disciplinary action including termination of services where appropriate.

(2) The firm will treat seriously, and will take action where appropriate concerning all **complaints** of discrimination or harassment on any of the prohibited grounds referred to above by members of the firm, clients, barristers or other third parties. All complaints will be investigated in accordance with the firm's complaints procedure and the complainant will be informed of the outcome.

(3) This policy will be **monitored and reviewed** in a manner proportionate to the size and nature of the firm to measure its progress and judge its effectiveness. In particular, the firm will, as appropriate, (bearing in mind that any member of the firm may choose not to disclose information and care will be taken to avoid inadvertent discrimination in such cases) monitor and record:

- (i) The gender and ethnic composition of members of the firm and the number of disabled members at different levels of the firm;
- (ii) The ethnicity, gender and disability of all applicants, short-listed applicants and successful applicants for jobs and training contracts;
- (iii) The ethnicity, gender and disability of all applicants for promotion (including to partnership) and training opportunities and details of whether they were successful;
- (iv) 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 and religion or belief of all members of the firm will be monitored so as to ensure that they are not being discriminated against in terms of the opportunities or benefits available to them.

- (v) The number and outcome of complaints of discrimination made by members of the firm, barristers, clients and other third parties
- (vi) 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 this policy. Any changes required will be made and implemented.

5.8 Application and status of this policy

- (1) This policy is not part of any contract of employment or partnership agreement and may be changed at any time.
- (2) Notwithstanding the above, it is a requirement of the firm that all members of the firm comply with this policy and with the provisions of Rule 6.01 of the Solicitors' Code of Conduct 2007.

5.9 Publication of this policy

Every member of the firm will receive a copy of this policy and it will be available on request to any client and to the Solicitors' Regulation Authority.