

EQUALITY & DIVERSITY POLICY

Elimination of Discrimination and Harassment

*Issued under **Principle 9** and **Chapter 2** of the SRA Code of Conduct 2011*

The Firm's 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 professional dealings with staff and Partners, other solicitors, barristers, clients and third parties.

The Firm intends to treat everyone equally and with same attention, courtesy and respect regardless of disability, gender, sexual orientation, marital or civil partnership status, race, colour, religion or belief, age, nationality, national or ethnic origin, or gender reassignment. Any allegations of discrimination on any of those grounds will be treated seriously, and dealt with confidentially and speedily.

Regulation and Legislation

In developing and implementing this Equality and Diversity policy, the Firm is committed to complying with Principle 9 and Chapter 2 of the SRA Code of Conduct 2011 and with all current and any future equality, diversity and discrimination legislation and associated codes of practice including, but not limited to:

- The Equality Act 2010
- The Employment Rights Act 1996
- The Employment Equality (Age) Regulations 2006, sch.8.
- Human Rights Act 1998

and any relevant amendments or re-enactments of such legislation.

- The Commission for Racial Equality Code of Practice for the Elimination of Racial Discrimination and the Promotion of Equality of Opportunity in Employment
- The Equal Opportunities Commission Code of Practice on Sex Discrimination; Equal Opportunities Policies, Procedures and Practices in Employment
- The Equal Opportunities Commission Code of Practice on Equal Pay (2003)
- The European Community Code of Practice on the Protection of the Dignity of Men and Women at Work.

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. It is a signatory of the Law Society's Diversity and Inclusion Charter. Consistent with this Standard, an annual self-assessment exercise is carried out, resulting in the production of an action plan for the Firm, which is kept under regular review.

Employees and Partners will be informed of this anti-discrimination 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 anti-discrimination 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 equality and diversity.

The Firm will make every effort to reflect its commitment to equality and diversity in its marketing and communication activities.

Responsibility for Implementing the Policy

Ultimate responsibility for implementing the policy rests with the Partners of the Firm. The Firm has appointed the Head of Human Resources to be responsible for the operation of the policy.

All employees, Partners and managers of the Firm are expected to pay due regard to the provisions of its Equality and Diversity policy and are responsible for ensuring compliance with it when undertaking their jobs or representing the Firm.

No-one will differentiate on illegal grounds between those over whom they have authority in the exercise of their managerial role.

Partners, managers and other employees may have been given authority to exercise their discretion in certain situations and must do so on the basis of justifiable objective criteria and not on disability, gender, sexual orientation, marital or civil partnership status, race, colour, religion or belief, age, nationality, national or ethnic origin, or gender reassignment.

Partners, managers and other employees are required to maintain accurate written records of their decisions in respect of any matters where they have exercised their discretion.

Partners, managers and other employees are responsible for:

- Taking steps to ensure that discriminatory behaviour does not occur;
- Ensuring that the employees for whom they are responsible know that such behaviour is unacceptable; and
- Knowing what to do if it occurs.

If a Partner, manager or other employee becomes aware that such behaviour has occurred, he or she is responsible for responding appropriately and in accordance with our procedure.

If the Partner, manager or other employee is unable to deal with the matter for any reason, he or she should refer the matter to the Head of Human Resources, who will take steps to implement the procedure.

Under no circumstances should such behaviour be ignored or trivialised. All complaints must be treated seriously and responded to in accordance with our procedure.

Acts of discrimination or harassment on any of the forbidden grounds by employees or Partners of the Firm will result in disciplinary action under the Firm's disciplinary procedures. 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 all Partners.

Acts of discrimination or harassment on any of the forbidden grounds by those acting on behalf of the Firm will lead to appropriate action including termination of services where appropriate.

Forms of Discrimination

The following are forms of discrimination, which are against the Firm's Equality and Diversity policy:

- **Direct discrimination**, where a person is treated less favourably on the grounds of disability, gender, sexual orientation, marital or civil partnership status, race, colour, religion or belief, age, nationality, national or ethnic origin, or gender reassignment. This can include associative and perceptive discrimination where a person is treated less favourably on the basis that they are associated with someone with a protected characteristic or because the discriminator thinks that person possesses that characteristic, even if they do not in fact do so.
- **Indirect discrimination**, where an apparently neutral provision, criterion or practice would put a substantially higher proportion of the members of one sex, or marital or civil partnership status, or persons having a racial or ethnic origin, or a particular religion or belief, or a particular sexual orientation or a particular age group at 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 proportionate.
- **Victimisation**, where someone is treated less favourably than others because he or she has taken action against the Firm under one of the relevant Acts.
- **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.
- **Disability discrimination**, where a person with a disability is treated in a detrimental way in circumstances where a person without that disability would not be so treated.

The Firm will also at all times discharge its duty to consider and implement reasonable adjustments that can be made to prevent a disabled person from being placed at a disadvantage at any stage during recruitment or employment.

Recruitment, Employment and Training

As an employer, the Firm will treat all Partners employees and job applicants equally and fairly and not discriminate unjustifiably against them. This will, for example, include arrangements for:

- recruitment and selection
- terms and conditions of employment/Partnership
- access to training opportunities
- access to promotion and transfers
- grievance and disciplinary processes
- demotions
- selection for redundancy
- dress code
- references
- bonus schemes
- work allocation;
- flexible working; and
- any other employment related activities.

It is our policy to take all reasonable steps to ensure the protection of the dignity of all our employees, and to prevent harassment occurring on any grounds.

Recruitment and Selection

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

- it endeavours to recruit from the widest pool of qualified candidates possible;
- employment opportunities are open and accessible to all on the basis of their individual qualities and personal merit;
- 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;
- selection criteria and processes do not discriminate unjustifiably on the grounds of disability; gender; marital status; race; racial group; colour; ethnic or national origin; nationality; religion or belief; sexual orientation; or age other than in those instances where the Firm is exercising permitted positive action;
- wherever appropriate and necessary, lawful exemptions (genuine occupational requirements) will be used to recruit suitable staff to meet the special needs of particular groups;
- all recruitment agencies acting for the Firm are aware of its requirement not to discriminate and to act accordingly.

Job Adverts

It is our policy to take all reasonable steps to employ and promote employees on the basis of their abilities and qualifications without regard to race, religious belief, colour, sex, marital status, national origin, disability, sexual orientation, religion, belief or age.

When advertising job vacancies, to attract applications from all sections of the community, we will as far as reasonably practicable:

- Ensure that advertisements are not confined to those areas or publications which would exclude or disproportionately reduce the numbers of applicants of a particular group;
- Avoid prescribing any requirements which would exclude a higher proportion of a particular group where those requirements are not essential to the post;
- Avoid setting any rules about marital status;
- Where possible, where a particular qualification is required, state that a fully comparable qualification obtained overseas
- is as acceptable as a UK qualification;
- Where vacancies are filled by promotion or transfer, publish them to all eligible employees in such a way that they do not restrict applications from employees of any group; and
- not recruit new employees solely on the recommendation of an existing employee.

Job Applications and Interviews

All job applications for a post will be treated equally and will be processed in the same way.

The managers responsible for shortlisting, interviewing and selecting candidates will be clearly informed of the selection criteria, and of the need for their consistent application.

All questions which are put to the applicants at interview will relate to the requirements of the job. If it is necessary to assess whether personal circumstances will affect the performance of the job (for example, if the job involves unsocial hours or extensive travel) this will be discussed objectively, without detailed questions based on assumptions about gender, race, religious belief, marital status, children and domestic obligations.

Selection

When assessing the suitability of a candidate for a particular post, no decisions will be taken which cannot be objectively justified in the particular circumstances.

The selection of new staff will be based on the job requirements and the individual's suitability and ability to do, or to train, for the job in question.

We will not disqualify an applicant because the applicant is unable to complete an application form unassisted, unless the applicant's ability to complete the form is a valid test of the standard of English required for the effective performance of the job.

It is our policy to give full and fair consideration to applications for employment from disabled persons and to provide appropriate training, development and promotion prospects, equivalent to those suitable to other employees.

Assessment documentation on all candidates will be held for a minimum of 12 months, and this will be available to all short-listed candidates on request.

Targets

The Firm will use its best endeavours to comply with Solicitors Regulation Authority 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.

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, the diverse backgrounds and beliefs of employees.

Terms and conditions of service for employees will comply with anti-discrimination 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 the grounds of their disability, gender, sexual orientation, marital or civil partnership status, race, colour, religion or belief, age, nationality, national or ethnic origin, or gender reassignment.

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 their ethnic or cultural background, gender, responsibilities as carers, disability, religion or belief, sexual orientation or age.

Promotion and Career Development

Promotion within the Firm (including to Partner level) will be made without reference to any of the forbidden grounds 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 under-represented 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 under-represented in the workforce and encourage them to take up training and career development opportunities.

We will take appropriate steps to ensure the proper training, supervision and instruction of Managers in order to:

- Familiarise them with Equality and Diversity Policy;
- Help them identify discriminatory acts or practices; and
- Ensure that they promote equality of opportunity within the areas of the business for which they are responsible.

All people responsible for selecting employees for training of any type, or for transfer to other jobs, will be instructed not to discriminate on any grounds.

Where general ability and personal qualities are the main requirements for promotion to a post, care will be taken to consider favourable candidates of all types with different career patterns and general experience.

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 forbidden grounds.

Maternity rights available to Partners shall be no less favourable than those required by legislation for employees.

Barristers and Third Parties

Barristers: Barristers, Counsel and other third parties should be instructed on the basis of their skills, experience and ability. The Firm will not, on any of the forbidden grounds, avoid engaging a third party and will not request third party' clerks to do so.

Clients' requests for a named third party should be complied with, subject to the Firm's duty to discuss with the client their suitability and to advise appropriately.

The Firm will discuss with the client any request by the client that falls within the definition of discrimination. In the absence of a valid reason for this request, which must be within the 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.

Suppliers: All 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 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.

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 forbidden grounds.

The Firm will take steps to meet the different needs of particular clients arising from its obligations under the anti-discrimination legislation (such as the Equality Act) and Principle 9 and Chapter 2 of the SRA Code of Conduct 2011.

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.

Harassment

It is our policy to take all reasonable steps to ensure the protection of the dignity of all our staff and Partners, and to prevent harassment occurring on any grounds.

All staff and Partners are entitled to a working environment which respects their personal dignity and which is free from such objectionable conduct.

Harassment extends to the behaviour and conduct of third parties such as clients and contractors. Equally our staff have the same responsibility towards those third parties.

Staff and Partners should discourage harassment in the workplace by making it clear to the perpetrator (wherever possible) that you find such behaviour unacceptable, and by supporting colleagues who suffer such treatment.

Every member of staff or Partner should consider whether their words or conduct could be offensive to others. Even unintentional harassment or bullying is unacceptable.

Harassment pollutes the working environment and can have a devastating effect on the health, confidence, morale and performance of those affected by it. It may also have a damaging effect on other staff who are not the object of unwanted behaviour.

Harassment is a disciplinary offence and incidents will be dealt with under the Firm's Disciplinary Procedure.

We will deal with all complaints seriously, promptly and confidentially. Complaints that are made in bad faith will be dealt with under our Disciplinary Procedure.

What is Harassment?

Harassment is unwanted conduct relating to the recipient's disability, gender, sexual orientation, marital or civil partnership status, race, colour, religion or belief, age, nationality, national or ethnic origins or gender reassignment affecting their dignity, which creates an intimidating, hostile, degrading, humiliating or offensive environment.

It can include unwelcome physical, verbal or non-verbal conduct.

Examples of harassments include (but are not limited to):

- Physical conduct (ranging from touching to serious assault);
- Verbal and written harassment (through jokes, remarks, offensive language, gossip or threats);
- Visual displays (posters, graffiti, obscene gestures, emblems, Emails and materials downloaded from the Internet);
- Isolation or non-co-operation at work;
- Exclusion from social activities;
- Coercion (including pressure for sexual favours); and
- Intrusion (pestering or spying).

A single incident can amount to harassment if sufficiently serious in the perception of the recipient.

It is not the motive behind the behaviour which is relevant, but the impact of the behaviour on the recipient, especially once it has been made clear that it is regarded by the recipient as offensive (although this is not a necessary condition).

A person may be harassed on the basis that they possess a characteristic, even if that person does not in fact possess that characteristic.

A person may be harassed even if they are not the intended "target".

What is Bullying?

Bullying is offensive, intimidating, malicious or insulting behaviour which, through the abuse or misuse of power, makes the recipient feel vulnerable, upset, humiliated and threatened. Power includes both personal strength and the power to coerce others through fear or intimidation. Bullying is often a form of harassment and can undermine an individual's self-confidence, competence and self-esteem. As with harassment, bullying can take the form of physical, verbal and non-verbal conduct.

Legitimate and constructive criticism of a worker's performance or behaviour or reasonable requests made of workers in the course of their employment will not constitute bullying.

Examples of bullying include:

- shouting at, being sarcastic towards, ridiculing or demeaning others;
- physical or psychological threats;
- overbearing and intimidating levels of supervision;
- inappropriate and/or derogatory remarks about someone's performance;
- abuse of authority or power by those in positions of seniority; and
- unjustifiably excluding colleagues from meetings or communications.

This list is not exhaustive.

A single incident can amount to bullying if sufficiently serious in the perception of the recipient.

It is not the motive behind the behaviour which is relevant, but the impact of the behaviour on the recipient, especially once it has been made clear that it is regarded by the recipient as offensive (although this is not a necessary condition).

Complaints Procedure

Complaints of Discrimination

The Firm will treat seriously, and will take action where appropriate concerning, all complaints of discrimination or harassment on any of the forbidden grounds made by employees, Partners, clients, barristers or other third parties.

All complaints will be investigated in accordance with the Firm's Grievance Procedure and the complainant will be informed of the outcome.

Complaints of Harassment

The Firm is committed to achieving an informal resolution of complaints relating to harassment and bullying wherever possible.

In line with this approach, a series of options have been put into place to enable staff to be supported. This support will be provided to complainants, alleged perpetrators and any witnesses.

Informal Approach

1. If you are the victim of harassment, you should consider whether you can resolve the problem informally, as the person concerned may be unaware that their behaviour is unacceptable to you.
2. For example, it might be possible (and sufficient) to explain clearly and unambiguously to the person concerned that the behaviour in question is not welcome, that it is offensive, makes you feel uncomfortable or interferes with your work. If this is pointed out at an early stage, the problem may be resolved.
3. In circumstances where it is too difficult or embarrassing to do this, an alternative approach might be to seek support from, or for an initial approach to be made by, a sympathetic friend or work colleague.
4. However, if this informal approach is not possible, or does not have the desired effect, and the conduct continues, then you should follow the formal procedure set out below.

Formal Approach

1. You should make a formal complaint to The Core Board. If, in the particular circumstances, you do not feel it is appropriate to go to The Core Board, or feel that it would be difficult to discuss the matter with them, then you may bring the complaint to a Partner of the Firm, or the Head of HR.
2. Once you have made a complaint, your complaint will be investigated in accordance with our Grievance Procedure. Whilst we appreciate that this may be difficult for you, to help us deal with your concerns you should be prepared to provide sufficient information so that the alleged incident(s) can be fully investigated.
3. The investigation will be carried out with all due respect for the rights of both you and the alleged harasser. At any stage during the investigation, both you and the alleged harasser may be accompanied and/or represented by a colleague or a Trade Union representative.
4. Strict confidentiality will be maintained throughout the investigation. Where it is necessary to interview witnesses, the importance of confidentiality will be emphasised. Every effort will be made to resolve the complaint speedily.
5. If, following the investigation, it is considered that there is on the face of it behaviour amounting to harassment, the alleged harasser will be taken through our Disciplinary Procedure. This means that the alleged harasser will be given full details of the nature of the complaint, and will be given every opportunity to respond.
6. If it is necessary to relocate or transfer one party, consideration will be given, wherever practicable, to allowing you to choose whether you wish to remain in post or be transferred to another location.
7. Where appropriate, the situation will be monitored to ensure that the harassment has stopped.
8. Even if your complaint is not upheld, where possible consideration will be given to transferring either you or the alleged harasser, or rescheduling work, rather than requiring you and the alleged harasser to continue to work together against the wishes of either of you.

Follow up

Following resolution of both formal and informal harassment complaints, a record should be kept of the incident.

Where harassment did occur, it is important to check that the harassment has stopped and that there has been no subsequent victimisation.

Monitoring will be carried out on a regular basis.

Confidentiality

All employees involved with the investigation and any subsequent process are required to respect the need for confidentiality.

You must understand that if you bring to anyone's attention complaints of harassment or bullying it is our duty to investigate and prevent it happening again and to stop the perpetrator from hurting any other individuals.

As such it is not up to the victim to decide whether or not action needs to be taken. This is the Firm's duty.

Confidentiality of the victim will be assured so far as it is possible and the victim will be protected from the alleged perpetrator.

Any complainant will be requested to make a full statement and to sign and date it so that the Firm has the full facts upon which to investigate.

All complaints, associated correspondence and interviews will be treated in strict confidence. Breaches in confidentiality will be dealt with under the Firm's Disciplinary Procedure.

Monitoring and Review

The policy will be monitored and reviewed 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:

1. 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
2. The ethnicity, gender and disability of all applicants, short-listed applicants and successful applicants for jobs and training contracts
3. The ethnicity, gender and disability of all applicants for promotion (including to Partnership) and training opportunities and details of whether they were successful.
4. 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 age, sexual orientation and religion or belief of all Partners 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 Partners and staff may not choose to disclose their sexual orientation or religion or belief and that care should be taken to avoid inadvertent discrimination in such cases.
5. The number and outcome of complaints of discrimination made by staff, Partners, barristers, clients and other third parties.
6. The disciplinary action (if any) taken against employees by disability, gender, sexual orientation, marital or civil partnership status, race, religious belief, national origin, belief or age.

Information given as part of this monitoring process will be treated in the strictest confidence and will be used solely for monitoring purposes. The result of the monitoring will be regularly reviewed.