



## EQUALITY AND DIVERSITY POLICY

### Introduction

This document sets out our policy on equality and diversity. We have introduced this policy as confirmation of our commitment to ensuring equality and diversity and to the prevention of discrimination. We are particularly concerned that equality and diversity is maintained in the following areas:

- in the workplace
- when providing services to clients
- in our dealings with third parties, eg barristers, experts and suppliers

This policy also explains how we will deal with complaints, the potential consequences of failure to comply, our monitoring procedures and training. This policy does not form part of any employee's contract of employment. We may amend it at any time and decide to follow a different procedure where we consider it appropriate. If you are in any doubt or have any concerns about the application of this policy in any particular instance or situation, please Richard Pearlman as Compliance Officer for Legal Practice and Managing Partner.

### Statement of principle

Our statement of principle on equality and diversity is:

***'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 (or perceived age)—disability (past or present)—gender reassignment—marriage or civil partnership status—race, colour, nationality or ethnic or national origins—religion or belief—sex—sexual orientation—part-time or fixed term status.***

***No employee or potential employee will be disadvantaged by any conditions of employment that cannot be justified as necessary on operational grounds. We aim to encourage, value and manage diversity and are committed to equality for our entire staff. We wish to attain a workforce that is representative of the communities from which it is drawn. These principles of equality and diversity also apply to the manner in which we treat clients, our business partners and visitors.'***

Employees are expected to work with us towards these aims. In certain circumstances, an employee can be personally liable for discrimination against a fellow employee or a job applicant.

Other firm policies, such as those dealing with harassment and bullying, maternity, paternity, adoption, emergency time off for dependants and parental leave are set out in separate documents, copies of which are available from the COLP.

### **Application of this policy**

The principles set out in this policy apply:

- in the workplace, outside the workplace in a work-related context, such as on business trips, customer or supplier events or work-related social events.

### **Who is responsible for equality and diversity?**

We all have a part to play in promoting equality and diversity.

The Partners are committed to achieving effective equality and diversity and will ensure adequate resources are available to meet equality and diversity needs.

Richard Pearlman as COLP and Managing Partner is responsible for:

- devising and developing this equality and diversity policy
- monitoring and reviewing our equality and diversity arrangements
- building a culture of equality and diversity awareness through training and education
- providing assistance to individuals and/or teams who have responsibility for specific equality and diversity actions

Special responsibility for the practical application of our equality policy falls on managers and supervisors involved in the recruitment, selection, appraisal, promotion, supervision and training of employees and the way their terms of employment are fixed.

All employees have personal responsibility for the practical application of the firm's equality policy, which extends to the treatment of job applicants, employees (including former employees), clients and visitors. This is explained in more detail below.

### **Discrimination, victimisation and harassment**

There should be no discrimination, whether direct or indirect, because of any of the protected characteristics set out in the firm's Statement of Principle 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.

### **Equality and diversity in the workplace**

We will appoint, train, develop, reward and promote on the basis of merit and ability.

### **Recruitment and selection**

- The following principles will apply whenever recruitment or selection for positions takes place, whether externally or internally.
- Individuals will be assessed according to their personal capability to carry out a given job.
- Assumptions that only certain types of person will be able to perform certain types of work must not be made.
- Any qualifications or requirements applied to a job which have or may have the effect of inhibiting applications from certain types of person will be retained only if they can be justified in terms of the job to be done.
- Any age limits applied to a job will be retained only if they can be objectively justified in terms of the job to be done—in most cases this will not be the case.
- The use of years of experience as a criteria for a particular role will need to be objectively justified.
- Recruitment solely or primarily by word of mouth should be avoided as its effect is or may be to prevent certain types of person from applying.
- Selection tests will be specifically related to job requirements and will measure the person's actual or inherent ability to do or train for the work.
- Selection tests will be reviewed regularly to ensure they remain relevant and free from any unjustifiable bias, either in content or in scoring mechanism.
- Applications from different types of person will be processed in the same way and the same questions asked at interview.
- Written records of interviews and reasons for appointment and non-appointment will be kept.
- Questions at interview will relate to the requirements of the job.

Where any provision, criterion or practice for recruitment and selection puts disabled people at a substantial disadvantage due to a reason connected with their disability, reasonable adjustments will be made to eliminate or, if that is not reasonably practicable, reduce the disadvantage. This could, for example, be making different interview arrangements for an applicant with mobility problems or arranging for facilities for applicants with sight or hearing impairments.

Decisions regarding the method of recruitment or selection or who is recruited or selected will be made only by a person who has read and understood this policy and undergone relevant training.

### **Promotion, transfer and training**

- The following principles will apply to appointments for promotion, transfer and training.
- Assessment criteria and appraisal schemes will be carefully examined to ensure they are not discriminatory, whether directly or indirectly.
- Assessment criteria and appraisal schemes will be monitored on a regular basis and, where such criteria or schemes result in predominantly one group of workers gaining access to promotion, transfer or training or being awarded a particular appraisal grade, they will be checked to make sure this is not due to any hidden or indirect discrimination .
- Promotion and career development patterns will be regularly monitored to ensure that access to promotion, training and career development opportunities is not denied to particular groups or types of workers.
- Traditional qualifications and requirements for promotion, transfer and training, such as length of service, years of experience or age may discriminate against certain workers and will need to be objectively justified by reference to the job requirements.
- Policies and practices regarding selection for training, day release and personal development will not normally result in an imbalance in training between groups of workers.
- Where any provision, criterion or practice relating to promotion, appraisal, transfer or training puts disabled workers at a substantial disadvantage for a reason connected with their disability, reasonable adjustments will be made to eliminate or, if that is not reasonably practicable, reduce the disadvantage. For example, this could be making training available for a disabled worker in a different way, in a different location or at a different time.

### **Terms of employment, benefits, facilities and services**

The following principles apply to terms of employment, benefits, facilities and services.

The terms of employment, benefits, facilities and services available to workers will be reviewed regularly to ensure that they are provided in a way which is free from unlawful discrimination.

Part-time workers will receive pay, benefits, facilities and services on a pro-rata basis to their full-time comparator unless otherwise objectively justified.

Where any provision, criterion or practice relating to terms of employment, benefits, facilities and services puts disabled workers at a substantial disadvantage due to a reason connected with their disability, reasonable adjustments will be made to eliminate or, if that is not reasonably practicable, reduce the disadvantage.

Pay and bonus criteria, policies and practices will be carefully examined and regularly monitored, and if it

appears that any group of workers is disadvantaged by them they will be checked to make sure that this is not due to any hidden or indirect discrimination.

### **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.
- 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 Policy**

It is our policy that disabled people, including job applicants and employees, should be able to participate in all our activities fully, on an equal basis with people who are not disabled.

Due to the wide variety of potential disabilities and the likelihood of a disability affecting different people in different ways, it would be inappropriate to have rigid rules on how issues concerning disabled people should be dealt with. What is essential, however, is that all managers, supervisors and all staff with HR responsibilities take all reasonably practical steps to ensure that disabled people are not less favourably treated or disadvantaged by comparison to people who are not disabled in relation to their work or working environment or by any provision, criterion or practice used by the firm. Managers and supervisors need to be aware in particular that an employee on long-term sick leave or with intermittent sickness absence may be disabled.

We are particularly concerned that disabled workers are treated equally in the following areas:

- recruitment and selection
- promotion, transfer and training
- terms of employment, benefits, facilities and services
- dismissals, resignations and redundancies

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. Particular conditions such as HIV and some forms of cancer are covered from the point of diagnosis and do not have to already be long term.

Some disabilities are immediately obvious, for example use of a wheelchair, while other disabilities may not be apparent at all, for example HIV infection. Certain conditions are not considered to be disabilities, for example poor eyesight that is corrected simply by wearing prescription spectacles, or addiction to alcohol or other substances.

The general equality and diversity principles set out earlier in this policy will apply in relation to disabled people whether they currently have a disability or have had a disability in the past.

We will take all reasonably practicable steps to ensure that disabled people are able to participate in our business and activities on an equal basis with people who are not disabled.

We will not, for a reason relating to a person's disability, treat disabled people less favourably than we treat, or would treat, others to whom the same reason does not or would not apply, unless that treatment would be justified.

If any provision, criterion or practice used by or on behalf of the firm, or any physical feature of premises occupied by the firm, puts disabled people at a substantial disadvantage compared to people who are not disabled, we will take such reasonably practicable steps as we can to prevent this disadvantage. This is known as the duty to make reasonable adjustments.

The following general steps should always be considered where issues concerning disabilities arise or may arise:

- Be flexible—there may be many different ways to avoid discrimination or to minimise the effects of discrimination; a small adjustment may be all an employee needs
- Consider any performance or attendance problems in the context of the person's disability and its effect on their ability to meet performance and attendance targets
- Do not make assumptions—whenever possible talk to the disabled person to find out how their disability affects them and what steps they think might help
- Do not discipline or dismiss a disabled employee for performance or attendance-based reasons without first establishing whether the employee's performance or attendance is affected by the disability and that appropriate adjustments to accommodate the disability have been made
- Seek expert advice—disability issues can be complex and we may need expert medical advice about a person's disability, or expert technical advice about adjustments to technology or premises that might help the disabled person
- Think ahead—try to anticipate the effects that practices, policies and procedures may have on disabled people, even if there are no disabled employees at the time, to prevent problems occurring in the future

### **Complaints procedure**

Our Grievance procedure is available to any employee who believes that they may have been unfairly discriminated against. Please contact Richard Pearlman as COLP for a copy of the Grievance procedure. Employees will not be victimised in any way for making such a complaint in good faith. Complaints of this nature will be dealt with promptly, fairly, openly, effectively, seriously, and in confidence.

### **Equality and diversity in our relations with clients**

- Any reference in this policy to clients includes current, past and potential clients.
- We will treat our clients fairly and equally at all times.
- We will not unlawfully discriminate against our clients.
- We are generally free to decide whether to accept instructions from any particular client. Where we decide not to accept instructions, this will not be based on any protected characteristics.
- We will take steps to ensure that we meet the diverse needs of our clients. Where necessary, we will devise procedures to deliver services that meet specific needs arising from clients' ethnic or

cultural background, gender, religion or belief, sexual orientation, disabilities, age or other relevant factors. We will do so only where this is permitted by the relevant anti-discrimination legislation.

- We will take seriously any complaint of discrimination by or on behalf of a client and act promptly to investigate.
- We will communicate this Equality and diversity policy to clients via our website.

### **Equality and diversity in our dealings with third parties**

- We will not unlawfully discriminate in our dealings with third parties.
- We will instruct barristers on the basis of their skills, experience and ability, taking into account factors such as specialist expertise and cost. We will not accept instructions from a client to select a barrister wholly or partly on the presence or absence of a protected characteristic. If necessary, we will cease to act. Where a client requests a specific barrister is instructed, we will discuss the suitability of the barrister with the client and advise appropriately. We will take the same approach when instructing other experts or third parties on the client's behalf.
- Any reference in this policy to our suppliers includes suppliers of goods and services to the firm or our clients, regardless of the geographical location of the supplier. It also includes any outsourcing providers and other third parties involved in the provision of goods or services to the firm or our clients.
- Our suppliers will be selected solely on the basis of their suitability. We will not unlawfully discriminate when selecting suppliers.
- We maintain a directory of our approved counsel, experts and suppliers. This has been compiled solely on the basis of skills, experience and ability, taking into account factors such as specialist expertise and cost. We will take seriously any complaint of discrimination by or on behalf of a third party and act promptly to investigate.

### **Failure to comply**

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.

### **Monitoring and review**

- We regularly monitor the effectiveness of this policy to ensure it is working in practice and we will review and update this policy as and when necessary, at least annually.
- Our monitoring will include ongoing checks and analysis in the following areas:
  - Recruitment and promotion
  - Pay and remuneration
  - Training
  - Appraisals
  - Grievances
  - Disciplinary action

- Dismissals and other reasons for leaving
- Any client complaints
- Our Directory of approved counsel, experts and suppliers
- 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, where appropriate, publish workforce 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
  - The procedure for collecting, reporting and publishing our diversity data may vary from time to time and we will notify staff of the relevant procedure at the start of each annual data collection exercise.
  - As part of our monitoring programme, we may record equality and diversity information about staff on the basis of age, gender, ethnicity and disability.
  - We may also monitor the sexual orientation, religion or belief of staff. We will do so only where this will not cause offence or discomfort to staff.
  - We will store equality and diversity data about staff as confidential sensitive personal data. This data will be used exclusively for the purpose of monitoring equality and diversity. We will restrict access to this data.
- We will take action if our monitoring reveals:
  - breaches of this policy, or
  - barriers to equal opportunities

We will review this policy regularly—at least annually. We will provide information and/or training on any changes we make.

### **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 including:

- Regular training for existing staff
- Training for new staff at induction
- Updates following any changes to the policy that affect staff
- Up-to-date literature on equality and diversity is available from the Equality and Diversity Officer and COLP.

### **The Law Society Diversity & Inclusion Charter**

Richard Pearlman LLP is a signatory of The Law Society and Inclusion Charter, a flagship diversity initiative



of the legal profession. It is an instantly recognisable public statement of commitment by its signatories and a framework for positive action across all strands of diversity. The aim of the Charter is to encourage law firms to strive to develop and implement best practices in equality, diversity and inclusion. More information with regards to Charter can be found on The Law Society website.