

Sharpe Pritchard Diversity and Inclusion Policy with Regard to Services and Employees 2017-18

1. The firm's general commitment

- 1.1. The firm is committed to avoiding discrimination, harassment and victimisation and promoting equality and diversity in its own policies, practices and procedures, and in those areas in which it has influence.
- 1.2. This applies to the professional dealings with employees and partners, other solicitors, barristers, clients and third parties.
- 1.3. Everyone at the firm is expected and required to treat everyone equally and with the same attention, courtesy and respect regardless of age, disability, gender re-assignment, marital/civil partnership status, race (including colour, nationality and ethnic or national origins), religion or belief, sex or sexual orientation.
- 1.4. The firm is a signatory to the Law Society's Diversity and Inclusion Charter and seeks to implement its objectives.

2. Applicable prohibitions

- 2.1. All employees must be aware of the policy in relation to discrimination, equality and diversity. The policy deals with all professional dealings by employees with clients, other solicitors, barristers and third parties, and so covers:-
 - 2.1.1. accepting instructions from clients;
 - 2.1.2. using experts, counsel and third party outsourced providers;
 - 2.1.3. the provision of services to clients;
 - 2.1.4. dealings with those representing others;
 - 2.1.5. interaction with everyone involved in, or incidental to, the provision of services by the firm.
- 2.2. The policy also extends to the recruitment, training and promotion of people within the firm. In connection with both aspects, it is the case that all employees must comply not only with the professional requirements of the SRA, but also with the law of the land.

3. Legislation, guidance and codes of practice

- 3.1. In developing and implementing its Diversity and Inclusion policy, the firm is required and committed to achieving the Outcomes in Chapter 2 of the SRA Code of Conduct 2013: Equality and Diversity and with all current and any future anti-discrimination legislation and associated codes of practice including, but not limited to the following legislation, guidance and codes of practice and any relevant amendments or re-enactments of them:-
 - 3.1.1. the Equality Act 2010;
 - 3.1.2. those parts of the Sex Discrimination Act 1975 and Race Relations Act 1976 which remain in force insofar as it is important for us to be aware of them in carrying out

duties on behalf of or advising public authorities;

- 3.1.3. the Equality and Human Rights Commission's Guidance on the Equality Act 2010 and Code of Practice on Employment;
- 3.1.4. the EHRC (previously Commission for Racial Equality) codes of practice on the Duty to Promote Racial Equality;
- 3.1.5. the EHRC (previously Equal Opportunities Commission) Code of Practice on gender equality;
- 3.1.6. the EHRC (previously Equal Opportunities Commission) Code of Practice on Equal Pay;
- 3.1.7. the Guidance on matters to be taken into account in determining questions relating to the definition of disability public functions and associations;
- 3.1.8. The EHRC Code of Practice on Services;
- 3.1.9. Immigration and Asylum Act 1999. s22 code of practice on the avoidance of race discrimination in recruitment practice while seeking to prevent illegal working;
- 3.1.10. the European Community code of practice on the protection of the dignity of men and women at work.

4. Forms of discrimination

4.1. The policy covers discrimination on the grounds of:-

- 4.1.1. Age;
- 4.1.2. Disability;
- 4.1.3. Gender reassignment;
- 4.1.4. Marital/ Civil Partnership status;
- 4.1.5. Race (including colour, nationality and ethnic or national origins);
- 4.1.6. Religion or belief;
- 4.1.7. Sex;
- 4.1.8. Sexual orientation;
- 4.1.9. Pregnancy and maternity.

These are hereafter referred to as "the protected characteristics".

4.2. The kinds of discrimination which are against the firm's policy are:-

- 4.2.1. Direct discrimination, where a person is treated less favourably because of any of the protected characteristics.

- 4.2.2. Indirect discrimination, where a requirement or condition, (provision, criterion or practice) that can be justified is applied equally to all groups but has a disproportionately adverse effect on members of one particular group in relation to a relevant protected characteristic.
- 4.2.3. Harassment, which occurs when unwanted conduct related to a relevant protected characteristic has the effect of violating the dignity of a person or of creating an intimidating, hostile, degrading, humiliating or offensive environment. Harassment may involve physical acts or verbal and non-verbal communications and gestures.
- 4.2.4. Victimisation, where someone is treated less favourably than others because the firm believes that he or she may have taken or may take action against the firm or done certain other things in connection with the Equality Act.

5. Disability provisions

- 5.1. In addition to the firm's obligations not to discriminate against, harass or victimise those with a disability, the firm is also subject to a duty to make reasonable adjustments to prevent those employees and clients who are or become disabled from being at a disadvantage in comparison with those who are not disabled. The firm is committed to making these reasonable adjustments in relation to working conditions, job opportunities, promotion and training within the firm and the provision of services to clients.
- 5.2. We shall discuss possible adjustments with you at any time when it appears to us that it might be necessary, or if you ask us to. The nature of the adjustments will depend on your individual circumstances at the particular time, but may include consideration of measures such as flexible hours, remote working, or time off for medical or therapeutic treatment; and auxiliary aids such as speech recognition or other easily accessible software, screen readers, hearing loops, changes to your work station or location within the office and any suitable ergonomic equipment.

6. Employment and training

General statement

- 6.1. As an employer, the firm will treat all 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, access to training opportunities, access to promotion, grievance and disciplinary processes, demotions, selection for redundancies, dress code, references, bonus schemes, work allocation and any other employment related activities.
- 6.2. Although it is unlawful to discriminate in favour of certain groups, positive action to enable or encourage persons who share a protected characteristic to overcome or minimise a disadvantage, meet needs which do not apply to other persons or participate in an activity where participation is disproportionately low is permitted by law and the appropriateness of such action will be kept under review. See also Section **Error! Reference source not found.** of the Office Procedures Manual.

7. Recruitment and selection

- 7.1. The firm recognises the benefits of having a diverse workforce and will take steps to ensure

that:-

- 7.1.1. it endeavours to recruit from the widest pool of qualified candidates possible;
- 7.1.2. employment opportunities are open and accessible to all on the basis of their individual qualities and personal merit;
- 7.1.3. 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;
- 7.1.4. selection criteria and processes do not discriminate unjustifiably on the prohibited grounds other than in those instances where the firm is exercising permitted positive action;
- 7.1.5. wherever appropriate and necessary, lawful exemptions (genuine occupational requirements) will be used to recruit suitable employees to meet the special needs of particular groups;
- 7.1.6. all recruitment agencies acting for the firm are aware of its requirement not to discriminate and to act accordingly.

8. Targets

- 8.1. The firm will use its best endeavours to comply with SRA 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.

9. Conditions of service

- 9.1. 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.
- 9.2. 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 prohibited grounds.
- 9.3. 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 and/or age.

10. Promotion and career development

- 10.1. Promotion within the firm (including to partner) will be based solely on merit.
- 10.2. The selection criteria and processes for recruitment and promotion will be kept under review to ensure that there is no unjustifiable discriminatory impact on any particular group.
- 10.3. Whilst positive action measures may be taken in accordance with relevant anti-

discrimination legislation to encourage under-represented groups, recruitment or promotion to all jobs will be based solely on merit.

- 10.4. 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 anti-discrimination legislation) to provide special training and support for groups which are under-represented, or disadvantaged by reason of age, and encourage them to take up training and career development opportunities.

11. Partners

- 11.1. The firm will comply with the law and the professional requirements in relation to its 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.
- 11.2. Maternity rights available to partners shall be no less favourable than those required by legislation for employees.

12. Barristers and third parties

Barristers and other experts

- 12.1. Barristers and experts should be instructed on the basis of their skills, experience and ability. The firm will not avoid briefing a barrister for a reason connected to any of the protected characteristics and will not request barristers' clerks to do so.
- 12.2. 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.
- 12.3. The firm will discuss with the client any request by the client as to choice of barrister or expert that is potentially discriminatory. In the absence of a valid reason for this request the firm will endeavour to persuade the client to modify instructions that appear to be given on discriminatory grounds. Should the client refuse to modify such instructions, the firm will cease to act unless the preference can be justified under the permitted statutory exceptions referred to as "genuine occupational requirements" or "genuine occupational qualifications".

Suppliers

- 12.4. 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 bias based on any of the protected characteristics.
- 12.5. See also the firm's Outsourcing Policy.

13. Clients

- 13.1. 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 discriminatory grounds and care must also be taken to avoid there being any perception that they apply.

- 13.2. The firm will take steps to meet the different needs of particular clients arising from its obligations under the Equality Act 2010 and the SRA Code of Conduct 2011.
- 13.3. In addition, where necessary and where it is permitted by anti-discrimination legislation (e.g. 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 and/or other relevant factors.

14. Promoting equality and diversity

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

15. Implementing the policy

Responsibility

- 15.1. Ultimate responsibility for implementing the policy rests with the partners of the firm. The HR Committee – which meets regularly – is responsible for the operation of the policy.
- 15.2. All employees and partners of the firm are expected to pay due regard to the provisions of its Diversity and Inclusion policy and are responsible for ensuring compliance with it when undertaking their jobs or representing the firm. Everyone should be aware that any breach of the policy is a potential major risk to the firm, both in financial terms and the significant commitment of managerial time.
- 15.3. Further, a breach may be a serious professional offence, and liability may attach not only to the individual/s concerned, but also to the equity partners. For that reason, acts of discrimination harassment or victimisation for a reason related to any protected characteristic by employees 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 all partners.
- 15.4. Acts of discrimination, harassment or victimisation for a reason related to any protected characteristic by those acting on behalf of the firm will lead to appropriate action including termination of services where appropriate.

Complaints of discrimination

- 15.5. The firm will treat seriously, and will take action where appropriate, concerning all

complaints of discrimination, harassment or victimisation for a reason related to any protected characteristic made by employees, partners, clients, barristers or other third parties.

- 15.6. All complaints will be investigated in accordance with the disciplinary, grievance or complaints procedure.
- 15.7. If anyone is concerned that a breach of this policy may be occurring, or has a complaint that they have been the victim of a breach, they should immediately report this to their line manager.

Monitoring and review

- 15.8. For its part, the management of the firm has considered all aspects of its operations to ensure compliance with the professional rules. Any developments of the strategic and business planning, or changes in this manual, will similarly be examined in order to ensure that no inadvertent breach of the policy occurs.
- 15.9. Additionally, 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.
- 15.10. In particular, the firm will, as appropriate, monitor and record:
 - 15.10.1. the age, gender and ethnic composition of the workforce and partners, as well as the number of disabled employees, at different levels of the organisation;
 - 15.10.2. the ethnicity, gender and disability of all applicants, short-listed applicants and successful applicants for jobs and training contracts;
 - 15.10.3. the age, disability, gender and race of all applicants for promotion (including to partner, the role of a member of a limited liability partnership or director of a recognised body) and training opportunities, and details of whether they were successful;
 - 15.10.4. 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 sexual orientation and religion or belief of all partners and employees will be monitored so as to ensure that they are not being discriminated against in terms of the opportunities or benefits available to them. We are, however, aware that partners and employees 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;
 - 15.10.5. the number and outcome of complaints of discrimination made by employees, partners, barristers, clients and other third parties;
 - 15.10.6. the disciplinary action (if any) taken against employees by reference to each of the protected characteristics.
- 15.11. The firm will review its equal opportunities policy in accordance with the results shown by the monitoring. Any changes required will be made and implemented, and any developments of the strategic and business plans, or changes in this manual, will similarly be examined in order to ensure that no inadvertent breach of the policy occurs.