



1. Status of the Policy

- 1.1 The Policy is fully supported by the Partners
- 1.2 The Policy is endorsed by the C.E.O.

2. Implementation

- 2.1 The Policy applies from 1st August 2008 and replaces the Non-Discrimination with Regard to Service and Non-Discrimination with Regard to Personnel Policies both of which apply up until that date.

3. Availability

- 3.1 The Policy will remain part of the Office Manual and therefore be available either in document form or on the Intranet to all members of the firm.
- 3.2 It will be available on request to clients and interested third parties.

4. Review & Monitoring

- 4.1 It will be the responsibility of the C.E.O to:-
 - a) Ensure compliance with the Policy
 - b) Monitor the Policy by means of consultation with Partners, employees, barristers and third parties in such manner and with such frequency as shall be required from time to time
 - c) Consider reports from persons referred to in (b) above and ensure that any necessary action is taken and
 - d) To review and up-date the Policy from time to time and at least annually.

5. Why the need for a Policy?

The firm is committed to the principles of equality and diversity and to observing legislative requirements.

6. The Policy

- 6.1 The firm will not in our professional dealings with employees, Partners, barristers, other lawyers, clients or third parties discriminate, without lawful cause, against any person, nor victimise or harass them on the grounds of:
 - a) Race or racial group (including colour, nationality and ethnic or national origins);
 - b) Sex (including marital status, gender reassignment, pregnancy, maternity and paternity);
 - c) Sexual orientation (including civil partnership status);
 - d) Religion or belief;
 - e) Age; or
 - f) Disability
- 6.2 The firm will take such steps and make such adjustments as are reasonable in all the circumstances in order to prevent any of our employees partners or clients who are disabled from being placed at a substantial disadvantage in comparison with those who are not disabled.
- 6.3 The firm will as a matter of general law, comply with the requirements set out in legislation in relation to discrimination.



7. Exceptions to the Policy

- 7.1 The only exceptions to the Policy are:-
- 7.2 Where legislation provides specific exceptions or
- 7.3 Discrimination against a person can be justified even though it is on one of the grounds set out in the Policy and relates to Age Discrimination provided it is a proportionate means of achieving a legitimate aim.
- 7.4 Indirect discrimination may be justified if a provision, criterion, practice, requirement or condition which is applied to everyone but which places a person or group of people at a disadvantage if it was imposed other than for the purposes of discriminating, it was appropriate and necessary to achieve the required aim and the means of achieving that legitimate aim were appropriate and necessary.

8. How will we achieve the above?

By recognising that:-

- 8.1 Discrimination occurs when one person is treated less favourably than another is treated, or would be treated, in the same or similar circumstances without legitimate reason and can take several forms:-
 - a) **Direct discrimination** occurs when one person treats another less favourably
 - b) **Indirect discrimination** occurs where a provision, criterion, practice, requirement or condition (as appropriate) which is applied to everyone, has the effect of placing at a disadvantage a particular person, or group of people (excluding disability)
 - c) **Harassment** occurs when one person subjects another to “unwanted conduct that has the purpose or effect of creating an intimidating, hostile, degrading, humiliating or offensive environment”. It may involve physical acts or verbal and non-verbal communications and gestures and can occur where it has the defined effect upon the victim notwithstanding the harasser’s intention – it is the effect which the harassment has upon the victim that is important.
 - d) **Victimisation** occurs when a person is treated less favourably because he or she:-
 - i) Has asserted a right not to be discriminated against on one of the prohibited grounds set out in the Policy.
 - ii) Has assisted another to assert a right not to be discriminated against on one of the prohibited grounds set out in the Policy or
 - iii) Has given evidence in a tribunal or court relating to the assertion of such a right.

The protection applies only to assertions made in good faith.

e) **Less favourable treatment** occurs when a person with a disability is treated in a detrimental way in circumstances when a person without that disability would not be so treated.

- 8.2 The duty not to discriminate contained in Rule 6.01 of the Solicitors Regulation Authority Code of Conduct and which forms the core of the Policy goes beyond the general law.
- 8.3 When dealing with clients and third parties:-
 - a) We are generally free to decide whether to accept instructions from any client provided our refusal to act is not based upon any of the grounds in the Policy
 - b) We should instruct barristers on the basis of their skill, experience and ability and it is unlawful to instruct them or avoid instructing them on the basis of any of the grounds in the Policy or to request or encourage a barrister’s clerk to do so.
 - c) We should normally comply with the client’s request to instruct a named barrister (subject to our duty to discuss the suitability of that barrister for a particular type of work). Where a client’s instructions as to the choice of barrister are based on any of the grounds in the Policy we should encourage the client to modify



their instructions and if they refuse to do so, we must cease to act for them as aiding an unlawful act is prohibited.

d) In relation to the instruction of a barrister, in addition to the above we must also take into account the provisions relating to giving, withholding or acceptance of instructions contained in:-

- i) Section 26A (3) of the Race Relations Act 1976;
- ii) Section 35A (3) of the Sex Discrimination Act 1975;
- iii) Section 7A(3) of the Disability Discrimination Act 1995;
- iv) Regulation 12 (4) of the Employment Equality (Religion or Belief) Regulations 2003 (SI2003/1660);
- v) Regulation 12(4) of the Employment Equality (Sexual Orientation) Regulations 2003 (SI 2003/1661); and
- vi) Regulation 15(4) of the Employment Equality (Age) Regulations 2006 (SI 2006/1031).

8.4 The Policy applies to all members of the firm irrespective of status.

8.5 Breaches of the Policy are serious and any breach will lead to disciplinary procedures being implemented. Any serious breach will be treated as gross misconduct.

8.6 All breaches must be reported without delay to a Line Manager, Head of Department, Partner or C.E.O and all such persons receiving details of a breach shall immediately inform the C.E.O who should take such action as shall be necessary.

9. Training

The firm's Equality and Diversity Policy will be communicated to all staff, including Partners and others with managerial responsibility, through the firm's induction procedures and otherwise as required.