

THE POLICY

Law Society's Model Anti-Discrimination Policy

(as adopted by Evans Quartermaine on 1st July 2005 and the successor practice EQ Solicitors from 4th July 2015)

A. 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 professional dealings with staff and partners.

The Firm intends to treat everyone equally and with same attention, courtesy and respect regardless of their disability, gender, marital status, race, racial group, colour, ethnic or national origin, nationality, religion or belief or sexual orientation.

(2) Regulation and legislation

In developing and implementing its anti-discrimination policy, the Firm is committed to complying with the Solicitors Anti-Discrimination Rule 2004 and with all current and any future anti-discrimination legislation and associated codes of practice including, but not limited to:

- (a) the Equal Pay Act 1970,
- (b) the Sex Discrimination Act 1975,
- (c) the Race Relations Act 1976,
- (d) the Disability Discrimination Act 1995,
- (e) the Employment Rights Act 1996
- (f) the Employment Equality (Sexual Orientation) Regulations 2003,
- (g) the Employment Equality (Religion or Belief) Regulations 2003

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

- i. The Commission for Racial Equality code of practice for the elimination of racial discrimination and the promotion of equality of opportunity in employment (1983)
- ii. The Equal Opportunities Commission code of practice on sex discrimination; equal opportunities policies, procedures and practices in employment (1985)
- iii. The Equal Opportunities Commission code of practice on Equal Pay (2003)
- iv. The Disability Discrimination Act 1995 codes of practice in relation to rights of access to facilities, services and premises in employment
- v. The European Community code of practice on the protection of the dignity of men and women at work.

And any relevant amendments to such codes or further codes of practice

B. Forms of Discrimination

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

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

(b) **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 sexual orientation 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 necessary

(c) **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.

(d) **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.

C. Employment and Training

(1) General Statement

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 and transfers, grievance and disciplinary processes, demotions, selection for redundancies, dress code, references, bonus schemes, 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:

(a) it endeavours to recruit from the widest pool of qualified candidates possible;

(b) employment opportunities are open and accessible to all on the basis of their individual qualities and personal merit;

(c) 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;

(d) selection criteria and processes do not discriminate unjustifiably on the grounds of age, disability; gender; marital status; race; racial group; colour; ethnic or national origin; nationality; religion or belief; or sexual orientation; other than in those instances where the Firm is exercising permitted positive action;

(e) wherever appropriate and necessary, lawful exemptions (genuine occupational requirements) will be used to recruit suitable staff to meet the special needs of particular groups;

(f) all recruitment agencies acting for the Firm are aware of its requirement not to discriminate and to act accordingly.

(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 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.

Terms and conditions of service for employees 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 the grounds of their gender; marital status; race; racial group; colour; ethnic or national origin; nationality; religion or belief; or sexual orientation; or unreasonably on the grounds of their disability.

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; or sexual orientation.

(5) *Promotion and Career development*

Promotion within the Firm (including to Partners) 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 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.

C. 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.

D. Barristers and Third Parties

The choice of Barrister, in house Crown Court Advocate or other external expert should always be based on matching the client's needs and priorities with the most suitable person for the role, having regard to the complexity of the service required, the timescale within which the report or service is required and the costs constraints of the client or their funder if they are to pay for the report or service or might need to do so. The choice of external advisor should never be influenced by preferences on the part of the advisor or the client that are prejudicial in a manner that is prohibited by our policy on equality or diversity.

The first point of contact should be the list of approved Barrister and experts, which is maintained by Mr Justin Evans. It is however always possible to choose an advisor not on this list if this is felt to be necessary or more appropriate. It is the responsibility of the fee earners to update the list of approved Barristers and other professional contacts.

All recommendations for entry to or removal from the list should be made either orally or by submitting a form to the supervisor.

The performance of those on the approved list will be constantly monitored. If anyone feels that the approved expert fails to meet the required standards, details are to be recorded on the matter file and a recommendation to remove that expert from the list should be considered.

Where appropriate, clients should be consulted on both the decision to involve experts and the selection of them. In the unlikely event of a client choosing an expert that the firm would not approve of, the reservations of the firm should be mentioned, but the client has the right to override the firm's reservations, subject to normal professional standards on the propriety of all actions taken for clients. Where the client expresses a preference that is contrary to the firm's equality and diversity policy, their instructions will be challenged. If the instructions are not varied, the firm should decline to act further in the matter. In all cases however, a client may require that a particular medical examiner not be used on grounds of previous personal experience.

The client should be advised of the name and status of the expert/Barrister, the likely timescale before a response will be received, suitability and the likely cost if the client will be expected to pay, or could be asked to do so. If that Advocate becomes unavailable then the client will be advised and all reasonable steps will be taken to obtain the services of another suitably qualified advocate of equivalent standing and the merits of doing so will be discussed with the client.

Experts will receive instructions through letter, brief, telephone conversation or at a meeting. Where instructions are provided orally, they must be confirmed subsequently in writing. In all cases, a note of instructions or a copy of them must appear on the matter file.

On receipt of advice from any Barrister or expert, the fee earner receiving it must consider its suitability and value. If (s)he considers it appropriate s(he) should refer it back to the advisor with a detailed request for the improvement that is felt to be necessary to bring it into line with the firm's expectations. If the standard of advice remains unsuitable, consideration should be given to the non payment of the fee and to recommending the removal of that individual from the approved list. The failure of a Barrister or expert to meet the firm's standards must be noted on the matter file and the central record.

As and when expert's fee notes are received, they are met and settled if before the end of the case unless a deferred payment arrangement is in place.

E. Serving our Clients – Good customer Service

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 Disability Discrimination Act) and the Solicitors Anti-Discrimination Rule 2004.

In addition, where necessary and where it is permitted by the relevant antidiscrimination 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 or other relevant factors.

H. Experts and counsel

The choice of counsel or other external expert should always be based on matching the client's needs and priorities with the most suitable person for the role, having regard to the complexity of the service required, the timescale within which the report or service is required and the cost constraints of the client or their funder if they are to pay for the report or service or might need to do so. The choice of external adviser should never be influenced by preferences on the part of the adviser or the client that are prejudicial in a manner that is prohibited by our policy on equality or diversity.

The first point of contact should be the list of approved counsel and experts, which is maintained by the practice manager. But it is always possible to choose an adviser not on this list if this is felt to be necessary or more appropriate. It is the responsibility of the practice manager to keep up to date the list of approved counsel and other professional contacts.

All recommendations for entry to or removal from the list should be made by submitting a form to the supervisor.

The performance of those on the approved list will be constantly monitored. If anyone feels that the approved expert fails to meet the required standards details are to be recorded on the matter file and a recommendation to remove that expert from the list should be considered.

Where appropriate, clients should be consulted on both the decision to involve experts and the selection of them. In the unlikely event of a client choosing an expert from the firm would not approve of the reservations of the firm should be mentioned, but the client has the right to override the firm's reservations subject to normal professional standards on the propriety of all actions taken for clients. Where the client expresses a preference that is contrary to the firm's equality and diversity policy their instructions will be challenged. If the instructions are not varied the firm should decline to act further in the matter. In all cases, however, a client may require that a particular medical examiner not be used on the grounds of previous personal experience.

The client should be advised of the name and status of the expert/counsel, the likely timescale before a response will be received and the likely cost if the client will be expected to pay, or could be asked to do so.

Experts will receive instructions through letter, brief, telephone conversation or at a meeting. Where instructions are provided orally they must be confirmed subsequently in writing. In all cases a note of instructions or a copy of them must appear on the matter file.

On receipt of advice from any counsel or expert the fee earner receiving it must consider its suitability and value. If he/she considers it inappropriate he/she should refer it back to the adviser with a detailed request for the improvement that is felt to be necessary to bring it into line with the firm's expectations. If the standard of advice remains unsuitable, consideration should be given to the non-payment of the fee and to recommending the removal of that individual from the approved list. The failure of a barrister or expert to meet the firm's standards must be noted on the matter file and the central record.

As and when experts' fees are received they are met and settled if before the end of the case unless a deferred payment arrangement is in place.

I. Promoting Equality and Diversity

This policy is being made on the 1st January 2010 and includes such provisions as are relevant to our firm having regard to its nature and size. The policy will be implemented with immediate effect and it has been communicated to all members of staff by them reading it. We will monitor it every six months and if necessary evaluate/update the policy in accordance with any requirements.

The firm intends to ensure equality in relation to all of its employees, partners, members, directors, clients and third parties. It intends to do so by ensuring that this policy is applied and adhered to irrespective of to whom it relates.

If there are any complaints and/or disciplinary issues in relation to this policy and the way that it is operated, then the matter will be immediately referred to the equity partner Mr. Evans. Such is the weight upon which we attach the seriousness of this policy to our firm.

For all persons reading this, it is an obligatory requirement that all employees, partners, members and/or directors (if appropriate) comply with the provisions set out in this policy and also the Equality Act 2010.

We therefore conclude this introduction by stating that we are firmly committed to the principal of equality and diversity whilst respecting and observing all legislative requirements.

The firm's policy covers discrimination on the grounds of:-

- Race or racial group (including colour, nationality and ethnic or national originals.
- Sex (including marital status, gender re-assignment, pregnancy, maternity or paternity)
- Sexual orientation (including civil partnership status)
- Religion or belief
- Age
- Disability

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

1. Direct discrimination

Where a person is less favourably treated because of the above grounds.

2. Indirect discrimination

Where a requirement or condition which cannot be justified is applied equally to all groups but has disproportionately adverse effect on one particular group.

3. Victimisation

Where someone is treated less favourably than others because he or she has taken action against the firm for unlawful discrimination on one or more of the above.

4. Harassment

Which occurs when unwanted conduct on one of the above grounds has the effect of violating another person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person.

Disability provisions

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 (partners) clients and all third parties who have dealings with the firm who are disabled from being at a disadvantage in comparison with those who are not disabled.

This firm is committed to avoiding discrimination in its dealings with clients, employees (partners) and all third parties that have dealings with the firm. It is committed to promoting diversity in its professional activities.

Everyone at the firm is expected to treat all others equally and with the same attention, courtesy and respect regardless of the grounds set out above.

The firm is committed to making reasonable adjustments for those with a disability in relation to job opportunities, promotion and training within the firm and the provision of services to the clients.

Any breach of this policy is a potential major risk to the practice. The firm does not carry insurance against the consequences of any illegal breach, and any claims in this regard are also likely to involve the firm in significant commitments of managerial time. A breach may be a serious professional offence, liability may not only attach to the individual but also the Partner of the firm. For that reason any breach is likely to be regarded as a serious disciplinary offence and it may amount to gross misconduct and dismissal of an individual may follow.

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 any one of the Partners.

The Management of the firm has considered all aspects of its operations to ensure compliance with the professional rules. Any developments of the firm's strategic and business planning, or changes in this manual, will similarly be examined in order to ensure that no inadvertent breach of the firm's policy occurs.

J. Implementing the Policy

(1) Responsibility

Ultimate responsibility for implementing the policy rests with Justin Evans [partner] who will also be responsible for the operation of the policy.

All employees and partners of the Firm are expected to pay due regard to the provisions of its anti-discrimination policy and are responsible for ensuring compliance with it when undertaking their jobs or representing the Firm. This forms part of the firm's training plan in this regard. The

employees will have had a copy of this plan when inducted and will be notified of any changes. There will be no specific training until and unless the Partner of the firm recognises the need to do so as a result of continuing professional development requirements. A copy of our policy and plan is available at any time for staff to read.

Acts of discrimination or harassment on any of the forbidden grounds 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.

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.

(2) 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 or complaints procedure and the complainant will be informed of the outcome.

(3) 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:

(a) The gender and ethnic composition of the workforce and partners as well as the number of disabled staff, [partners] at different levels of the organisation

(b) The ethnicity, gender and disability of all applicants, short-listed applicants and successful applicants for jobs and training contracts

(c) The ethnicity, gender and disability of all applicants for promotion (including to partnership, to 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.

(d) 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 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.

(e) The number and outcome of complaints of discrimination made by staff, partners, barristers, clients and other third parties

(f) 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 the Anti-Discrimination policy. Any changes required will be made and implemented.

Finally we keep a copy of the Legal Aid Agency's guidance on this subject as part of our office manual for reference and good practice. It is constantly referred to as a source of assistance and guidance. We gratefully adopt it as part of our office practice and procedure.