

# Law Society's Model Anti-Discrimination Policy

(policy issued under Rules 3 and 4 of the Solicitors Anti-Discrimination Rules 2004)

## 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]/[members]/ [directors], other solicitors, barristers, clients and third parties.

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 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 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 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 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]/[members]/[directors]) 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.

**C. [Partners]/[Members]/[Directors]**

Arrangements and procedures for selecting [partners]/[members]/[directors], their terms and conditions of [partnership]/[membership]/[directorship], 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]/[members]/[directors] shall be no less favourable than those required by legislation for employees.

**D. Barristers and Third Parties**

**(1) *Barristers***

Barristers should be instructed on the basis of their skills, experience and ability. The firm will not, on any of the forbidden grounds, avoid briefing a barrister and will not request barristers' clerks to do so.

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.

The firm will discuss with the client any request by the client that only a barrister who is not disabled or who is of a particular gender; marital status; race; racial group; colour; ethnic or national origin; nationality; religion or belief; or sexual orientation be instructed. 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.

## **(2) 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.

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

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 or other relevant factors.

## **F. 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.

Employees and [partners]/[members]/[directors] will be informed of this anti-discrimination policy and will be provided with equality and diversity training appropriate to their needs 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.

## **G. Implementing the Policy**

### **(1) Responsibility**

Ultimate responsibility for implementing the policy rests with the [principal]/[partners]/ [members]/[directors] of the Firm. The Firm will appoint a senior person within it to be responsible for the operation of the policy.

All employees and [partners]/[members]/[directors] 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.

Acts of discrimination or harassment on any of the forbidden grounds by employees or [partners]/[members]/[directors] 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]/[members]/[directors].

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]/[members]/[directors], 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]/[members]/[directors] 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]/[members]/[directors] 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]/[members]/[directors] 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]/[members]/[directors], 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.