

EQUALITY AND DIVERSITY POLICY

THE FIRM'S COMMITMENT

General commitment

Pothecary Witham Weld ("the Firm") is committed to eliminating unlawful 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, other solicitors, barristers, clients and any other people the Firm has dealings with in the course of its business.

The Firm intends to treat everyone equally and with the same attention, courtesy and respect regardless of any Protected Characteristics. The Protected Characteristics are:-

- Age;
- Disability;
- Gender reassignment;
- Marriage and civil partnership;
- Pregnancy and maternity;
- Race;
- Religion or belief;
- Sex; and
- Sexual orientation.

The Firm will not unlawfully discriminate against anyone on these grounds.

Regulation and legislation

In developing and implementing its equality and diversity policy, the Firm is committed to complying with the SRA Handbook, the relevant provisions of the Equality Act 2010 ("the Act") and with all current and any future anti-discrimination legislation and associated codes of practice.

FORMS OF DISCRIMINATION

The following are the kinds of discrimination which are prohibited conduct and are against the Firm's policy:

Direct discrimination

Direct discrimination occurs when someone is treated less favourably than another person because:

- they have a Protected Characteristic,
- they are thought to have a Protected Characteristic, or
- they associate with someone who has a Protected Characteristic.

Direct discrimination is almost always unlawful although such discrimination on the basis of age can be justified if it is a proportionate means of achieving a legitimate aim.

Indirect discrimination

Indirect discrimination occurs where an apparently neutral provision, criterion or practice that applies to everyone particularly disadvantages people who share a relevant protected characteristic. It can only be justified if the provision, criterion or practice is a proportionate means of achieving a legitimate aim.

The relevant Protected Characteristics are age, disability, gender reassignment, marriage and civil partnership, race, religion or belief, sex and sexual orientation.

Discrimination on the basis of a disability

There are two forms of unlawful discrimination on the basis of a disability:

- Where a person treats a disabled person unfavourably because of something arising in consequence of their disability and this treatment cannot be justified as a proportionate means of achieving a legitimate aim.
- Where there has been a failure to comply with a duty to make adjustments for disabled persons.

This duty is threefold:

- Where a provision, criterion or practice puts a disabled person at a substantial disadvantage in relation to a relevant matter in comparison with persons who are not disabled, the person to whom the duty applies must take reasonable steps to avoid the disadvantage.
- Where a physical feature puts a disabled person at a substantial disadvantage in comparison with persons who are not disabled, the person to whom the duty applies must take reasonable steps to avoid the disadvantage.
- Where a disabled person would, but for the provision of an auxiliary aid, be at a substantial disadvantage in comparison with persons who are not disabled, the person to whom the duty applies must take reasonable steps to provide the auxiliary aid.

Harassment

Harassment is unwanted conduct related to a relevant Protected Characteristic, or unwanted conduct of a sexual nature, which has the purpose or effect of violating an individual's dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.

The relevant Protected Characteristics are age, disability, gender reassignment, race, religion or belief, sex and sexual orientation.

Victimisation

Victimisation occurs where a person is subjected to a detriment because they have carried out a "Protected Act".

The following are Protected Acts:-

- bringing proceedings under the Act;
- giving evidence or information in connection with proceedings under the Act;
- doing any other thing for the purposes of or in connection with the Act;
- making an allegation (whether or not express) that another person has done something in breach of the Act;

The Firm will not unlawfully discriminate, nor victimise or harass, in the course of its professional dealings those groups of people with Protected Characteristics.

The Firm will comply with its duty to make adjustments for disabled persons.

EMPLOYMENT AND TRAINING

General Statement

As an employer, the Firm will treat all employees and job applicants equally and fairly and not discriminate unlawfully 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, exit interviews and any other employment related activities. Insofar as it is appropriate to do so, this policy will apply to anyone undertaking work experience at the Firm.

Recruitment and selection

The Firm recognises the benefits of having a diverse workforce and will take steps to ensure that:-

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

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 unlawfully discriminate against any employee.

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 a Protected Characteristic or their responsibilities as carers.

Promotion and career development

Promotion within the Firm including to partnership will be made without unlawfully discriminating and will be based solely on merit.

The processes for recruitment and promotion will be kept under review to ensure that there is no unjustifiably discriminatory impact on any particular group.

All employees will have equal access to training and other career development opportunities appropriate to their experience and abilities.

The Firm will comply with its duty to make adjustments for disabled employees.

TRAINING PLAN

The Firm will identify equality and diversity training needs and draw up a plan to address these as appropriate to their responsibilities. The plan will include details of the sort of training that will be provided, who will be trained, when training will be provided and who is responsible for ensuring that training is delivered. Employees and partners will be informed of this policy and training plan.

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 unlawful discrimination.

Maternity rights available to partners shall be no less favourable than those required by legislation for employees.

BARRISTERS AND THIRD PARTIES

Barristers

Barristers should be instructed on the basis of their skills, experience and ability. The Firm will avoid briefing a barrister in a way that unlawfully discriminates 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 with or without a particular Protected Characteristic 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.

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.

CLIENTS

The Firm is generally free to decide whether to accept instructions from any particular client, but any refusal to act will not discriminate unlawfully. The Firm will take steps to meet the different needs of particular clients arising from its obligations under the anti-discrimination legislation. 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' Protected Characteristics; responsibilities as carers or other relevant factors.

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 will be informed of this equality and diversity policy and will be provided with equality and diversity training appropriate to their needs and responsibilities. All employees and Partners must comply with the policy.

All those who act on the Firm's behalf will be informed of this equality and diversity 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.

IMPLEMENTING THE POLICY

Responsibility

Ultimate responsibility for implementing the policy rests with the Partners. The Staff Partner has overall responsibility for implementing the policy.

This policy is not part of any contract of employment or partnership agreement and may be changed at any time. Notwithstanding the aforesaid, it is a requirement of the Firm that all employees and Partners comply with this policy and with the provisions of Chapter 2 of the SRA Handbook.

Unlawful acts of discrimination or harassment 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 and forms part of the staff handbook.

Unlawful acts of discrimination or harassment by those providing services on behalf of the Firm will lead to appropriate action including termination of services where appropriate.

Publication of this policy

Every member of the Firm will receive a copy of this policy and it will be available on request to any client and to the Solicitors' Regulation Authority. A copy of the policy will be included in the Firm's website.

Complaints of discrimination

The Firm will treat seriously, and will take action where appropriate concerning, all complaints of unlawful discrimination or harassment 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.

Monitoring and review

The policy will be monitored and reviewed annually by the Staff Partner and Managing Partner to measure its progress and judge its effectiveness. Without limitation, the Staff Partner and Managing Partner will monitor:-

- The number and outcome of complaints of discrimination made by staff, Partners, barristers, clients and other third parties;
- The disciplinary action (if any) taken against employees by race, sex, age and disability; and
- Any new Policy or Practice put into place that could result in disadvantaging employees as a result of a Protected Characteristic.

This information will be used to review the progress and impact of the equality and diversity policy. Any changes required will be made and implemented.