

Equality and Diversity Policy

Introduction and scope

1.1 All personnel must be aware of the firm's policy in relation to discrimination, equality and diversity. The policy deals with all professional dealings by personnel with clients, other solicitors, barristers and third parties, and so covers:-

- accepting instructions from clients;
- using experts and counsel;
- the provision of services to clients;
- dealings with those representing others;
- interaction with everyone involved in or incidental to the provision of services by the firm.

1.2 The policy also extends to the recruitment, training and promotion of people within the practice. In connection with both aspects, it is the case that all personnel must comply not only with the professional requirements of the Solicitors Regulation Authority, but also generally.

Forms of Discrimination

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

- race or racial group (including colour, nationality and ethnic or national origins);
- sex (including marital status, gender reassignment, pregnancy, maternity and paternity);
- sexual orientation (including civil partnership status);
- religion or belief;
- age;
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The types of action that are against the firm's policy are:

- Direct discrimination, where a person is, without lawful cause, less favourably treated on any of the above grounds.
- Indirect discrimination, where a requirement or condition that cannot be justified is applied equally to all groups but has a disproportionately adverse effect on members of one particular group by reason of any of the above grounds.
- 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.
- 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

1.4 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 and clients who are disabled from being at a disadvantage in comparison with those who are not disabled.

Policy Statement

1.5 Hardmans is therefore committed to avoiding discrimination in its dealings with clients, partners and employees and all other third parties that have dealings with the firm. It is committed to promoting diversity in its professional activities.

1.6 Everyone at the firm is expected and required to treat all others equally and with the same attention, courtesy and respect regardless of their:

- race or racial group (including colour, nationality and ethnic or national origins);
- sex (including marital status, gender reassignment, pregnancy, maternity and paternity);
- sexual orientation (including civil partnership status);
- religion or belief;
- age;
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1.7 In addition, the firm will ensure that nobody with whom it has dealings will suffer any substantial disadvantage through any disability that they might have. 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 clients.

1.8 All the areas of discrimination set out in sections 1.3 and 1.6 are collectively referred to as 'the above grounds' in the rest of this section.

Enforcement

1.9 Everyone should be aware that any breach of the 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. Further, a breach may be a serious professional offence, and liability may attach not only to the individual(s) concerned, but to also the owners of the firm. For that reason any breach is likely to be regarded as a serious disciplinary offence. 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 partner.

Training

1.10 The firm has arranged training sessions for all personnel on this topic and will arrange further training if and when appropriate. This policy forms part of the firm's induction training programme.

Planning

1.11 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 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.

Clients

1.12 The firm is generally free to decide whether to accept instructions from any particular client, but any refusal to act will not be based on any of the above grounds and care must also be taken to avoid there being any perception that they apply. There is a ramp for wheelchair use situated in the porch of the entrance to number 4 Park Street for use where necessary. In addition home visits can be arranged where necessary.

Barristers & other experts

1.13 Barristers and experts should be instructed on the basis of their skills, experience and ability. The firm will not discriminate in the instruction of barristers and/or experts on any of the above grounds.

1.14 A client's request for a named barrister or expert should be complied with, subject to the firm's duty to discuss with the client the suitability of the barrister or expert and to advise appropriately. The firm has a duty to discuss with the client any instruction by the client as to choice of barrister or expert that is based on any of the above grounds. 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'.

Employment, training, promotion and Partnership opportunities

1.15 The practice is committed to providing equal opportunities in employment. This means that all job applicants, employees and partners will receive equal treatment in relation to the above grounds. It makes good business sense for the firm to ensure that its most important resource – its staff – is used in a fair and effective way.

1.16 This firm adopts the necessary policy in relation to recruitment and equality which can be found at Section 1.15 of [Policy Document HP20 - People Management](#).

1.17 The practice will also comply with the law and the professional requirements in relation to its partners. Thus, where appropriate, the existing partners will not discriminate on any of the above grounds in the arrangements they make for the purpose of determining to whom they should offer a partnership, the terms on which any partnership is offered, or by refusing to offer, or deliberately not offering, a partnership to anyone. Nor shall the partners discriminate in any way in relation to the provision of benefits to any partner, or in relation to any matter relating to the expulsion of any partner or any detriment to be suffered by him/her.

1.18 Vacancies (short-term or permanent) within the firm are identified by the Partners and for the Office Manager and may arise in the following circumstances:-

- Employee rendering their resignation.
- Employee's employment being terminated by the Firm.
- Re-Organisation within the Firm.
- Death or sickness of an Employee.
- Maternity or Paternity leave.
- Expansion of business and growth of the Firm.

1.18.1 Job Documentation

The firm has job descriptions for each role within the Firm. The Partners will use these job descriptions when considering making a new appointment to the Firm,

The details of the Job Description will be finalised at a Management Meeting taking into account this Policy.

1.18.2 How we will attract Candidates

Methods used include:-

- Website
- Internal advertising
- Web based advertising on our own website and non-agency
- Advertising in professional journals
- Advertising in the newspapers
- Personal contacts held on file
- Local knowledge of suitable individuals

1.18.3 How we select

(a) All selection methods adopted will conform with the Equality Act 2010 and this Policy.

(b) Generally most candidates will be selected as follows:-

- Application in writing by CV and covering letter – candidates are shortlisted following closure of the application period.
- Candidates are advised in writing whether they have successfully reached interview stage or been unsuccessful.
- Successful candidates will be invited to a first interview conducted by appropriate members of the Firm.
- Applicants for secretarial roles will be asked at first interview to do a typing test.
- Candidates are advised in writing whether they have successfully reached final interview stage or been unsuccessful.
- Final interview conducted by Partners or other appropriate staff members based on overall suitability of the candidate for the position available.
- Candidates advised in writing within 3 working days of the outcome of the process. The successful candidate is offered the position subject to references in writing with confirmation of basic terms of employment.
- The Firm will carry out checks on all new Solicitors and qualified fee earners with the appropriate governing body to verify their disciplinary records and Practice Certificates.
- All prospective employees will be required to give consent to enable identification checks to be carried out including an entire verification check

Positive action

1.19 Although it is unlawful to discriminate in favour of certain groups on the grounds of race or sex, positive action to enable greater representation of under-represented groups is permitted by law and the appropriateness of such action will be kept under review.

Recruitment agencies

1.20 The practice will take steps to ensure that applications are attracted from people without regard to the above grounds and will ensure that there are equal opportunities in all stages of the recruitment process. Since recruitment to the firm is mainly achieved through a small number of agencies, steps have been taken to ensure that these agencies support the firm's general approach to the subject.

Monitoring and review

1.21 This policy will be monitored periodically by the firm to judge its effectiveness. The firm has

appointed Eleanore Plews to be responsible for the operation of the policy. In particular, the firm will monitor the ethnic and gender composition of existing staff and of applicants for jobs (including promotion), and the number of people with disabilities within these groups, and will review its equal opportunities policy in accordance with the results shown by the monitoring. If changes are required, the firm will implement them. Any developments of the firm's 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.

Complaints Procedure for Staff

1.22 If you feel you have been discriminated against and/or victimised by any work colleague, client or external third party you should report the matter to one of the partners within 14 days of the incident. That partner will then be responsible for investigating the matter and discussing the outcome within 14 days of your complaint. If you are not satisfied with the outcome of the investigation you should request a review of the decision within 7 days. Such request should be made to another partner.

Complaints Process for Clients or Third Parties

1.23 Please contact Eleanore Plews within 14 days of your complaint arising to report your complaint and request a copy of our Complaints Procedure. Your complaint will be dealt with in accordance with the terms of our complaints procedure.

Procedure for dealing with complaints and disciplinary issues

- You should report the matter to one of the Partners by email giving full details of the complaint circumstances and the person involved.
- The matter will be assigned to a member of the Management Team within 2 working days of the Partner being notified. The appointed member of the management team, will be the point of contact and will investigate the matter within 14 days of your complaint being received.
- You will be notified of the outcome of the investigation within those 14 days.
- If you are not satisfied with the outcome, you must request a review of the decision by sending an email to one of the Partners for further investigation.