

Streathers considers that there should be equal opportunity of employment in its service and that all staff be recruited, trained and promoted on the basis of their ability, their fitness for the work, and the requirements of the job.

The objective of the policy is to ensure that no job applicant or employee receives less favourable treatment on the grounds of sex, marital status, disability, race, colour, nationality, sexual orientation, or religion. All staff will be given equal opportunity.

The firm will apply this policy in determining whether to accept instructions from clients, instructing counsel or other experts, and in the provision of its services. The firm will examine any aspect of its policies, procedures or services where reasonable evidence is presented that discrimination may exist and take appropriate action.

This policy does not affect or form part of the contractual relationship between the firm and any of its staff or partners.

### Introduction

We have duties under the Equality Act 2010 as both a service provider and as an employer. Our professional rules also impose equality and diversity obligations on us as set out in the SRA Standards and Regulations. Therefore, it is important that we are all aware of these duties and comply with them.

### Purpose

This policy aims to inform us all (and any other person(s) to whom this policy applies) of our duties in promoting equality and diversity towards our colleagues, clients and relevant third parties, in accordance with the Equality Act and our professional obligations.

### Scope

This policy applies to us all, including managers, consultants and any third-party to whom it has been communicated.

### Responsibility

The COO is responsible for this policy, promoting equality and diversity across our firm and dealing with any issues that arise and for monitoring its effectiveness. Ultimate responsibility for this policy rests with the partners of the firm.

We and any third party to whom this policy applies are responsible for ensuring that we adhere to it. Failure to do so may result in disciplinary action and any serious breach of the policy may amount to gross misconduct.

### Policy statement

We, as a firm, are committed to preventing discrimination and harassment and to promoting equality and diversity in its work with clients, you and all other third parties that work within it. We are all expected and legally required to treat everyone equally and with the same attention, courtesy and respect regardless of any protected characteristics.

We will also ensure (as far as is reasonable) that adjustments will be made for anyone with a disability.

We must all be aware of this policy in relation to all of the above acts and understand that it covers all professional dealings with clients, other solicitors, barristers and other third parties, and covers:

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

This policy also covers any recruitment, training and promotion of personnel within the firm.

### SRA Standards and Regulations

The SRA strongly promotes and emphasises the importance of equality and diversity in the legal profession. This is reflected in Principle 6 which requires that you act “in a way that encourages equality, diversity and inclusion.”

Further, paragraph 1.1 of both the SRA Code of Conduct for Solicitors and Code of Conduct for Firms states “You do not unfairly discriminate by allowing your personal views to affect your professional relationships and the way in which you provide your services.”

The SRA also requires regulated firms such as ours to annually collect, report and publish data about the diversity of their workforce.

### The Equality Act

The Equality Act (‘the Act’) provides a legislative framework to protect the rights of individuals and advance equality of opportunity for everybody.

### Protected characteristics

The protected characteristics under the Act are:

- age;
- disability;
- gender reassignment;
- marriage and civil partnership;

- pregnancy and maternity;
- race;
- religion or belief;
- sex; or
- sexual orientation.

### Unlawful behaviour

The Equality Act sets out the following types of unlawful behaviour:

#### Direct discrimination

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

- a) They have a protected characteristic;
- b) They are thought to have a protected characteristic; or
- c) Associate with someone who has a protected characteristic.

Note that while the definition of direct discrimination applies to all protected characteristics, direct discrimination in relation to age can be justified on occasions if it is a proportionate means of achieving a legitimate aim.

There are separate rules regarding discrimination against a woman on the grounds of pregnancy or maternity (see s.18 of the Act for further details).

#### Indirect discrimination

This occurs when a practice or policy that applies to everyone, disadvantages people who share a protected characteristic.

Indirect discrimination may be justified if the rule, policy or practice is a proportionate means of achieving a legitimate aim.

Indirect discrimination applies to age, race, religion or belief, sex, sexual orientation, marriage and civil partnership, disability and gender re-assignment but does not apply to pregnancy or maternity.

#### Discrimination arising from disability

This occurs if a person is treated less favourably because of something arising in consequence of their disability and this treatment cannot be justified as a proportionate means of achieving a legitimate aim.

However, if as a service provider or employer, we did not know and could not reasonably have been expected to know that the person had a disability, then the unfavourable treatment will not amount to discrimination.

### **Harassment**

The following forms of harassment are prohibited by the Act:

#### *Harassment related to a protected characteristic*

This is defined as unwanted conduct related to a relevant protected characteristic which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.

This form of harassment applies to all protected characteristics except for pregnancy and maternity and marriage and civil partnership.

The behaviour can consist of spoken comments such as jokes, written content including e-mails and social media posts, visual images and physical gestures.

#### *Sexual harassment*

This consists of unwanted behaviour which is of a sexual nature and which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person.

Examples of sexual harassment include:

- Sexual advances and propositions
- Inappropriate comments about a person's appearance
- Unwanted physical contact
- Subjecting someone to sexually explicit jokes or images
- Asking intrusive questions about a person's sex life

Some types of sexual harassment such as sexual assault and physical threats are crimes which will be reported to the police.

Less favourable treatment for rejecting or submitting to unwanted conduct

This type of harassment involves treating someone less favourably because they have either rejected or submitted to sexual harassment, or harassment related to sex or gender reassignment.

### **Third Party Harassment**

You must report any harassment that you suffer from third parties, i.e. clients or contractors to the COO or senior management to allow us to assist in stopping such conduct. We cannot help if we do not know.

The firm can be liable for harassment of its employees by people who are not employees such as clients, if it has not taken reasonable steps to prevent such harassment recurring when it was aware of previous occurrences.

### **Victimisation**

This occurs when an employer or service provider subjects a person to detriment because the person has carried out (or you believe that they have carried out) a 'protected act'.

A protected act is:

- bringing proceedings under the Act;
- giving evidence or information in proceedings brought under the Act;
- doing anything which is related to the provisions of the Act;
- making an allegation that another person has done something in breach of the Act.

Detriment means putting a person at a disadvantage or making their position worse.

Individuals and not groups can only bring claims for victimisation and the victim does not need to have a protected characteristic in order to be protected for victimisation under the Act.

### **Reasonable adjustments**

Wherever possible, we will endeavour to make any reasonable adjustments needed in order to provide/continue to provide employment, service or have professional dealings with third parties such as counsel or experts.

If a client, employee or third party has any needs which aren't currently provided for to enable them to access our services, carry out employment or deal with us generally, this should be reported to the COO, who will consider whether there are any reasonable adjustments that can be made to meet that need.

### **Recruitment, selection and progression**

Employees and partners who are involved in recruitment are required to encourage equality of opportunity and respect for diversity. The firm will treat all job applicants fairly and will not discriminate unlawfully against them. The firm will apply fair, objective and consistent criteria when shortlisting, interviewing, testing and recruiting applicants. Employment opportunities will be open to all on equal terms irrespective of the personal, family, business or

other connections of any applicant. The firm will make reasonable adjustments to help applicants overcome disadvantages due to disability.

Those responsible for or frequently involved in recruitment and interviewing will be required to [sign a copy of this policy to confirm that they have read and understood its terms / undergo such training about equality and diversity as the firm may from time to time prescribe.]

### **Monitoring, evaluation and updating**

The operation of this policy will be monitored and reviewed annually in a manner proportionate to the size and nature of the firm.

In particular, the firm will collect, report and publish data about the diversity of its workforce in a form and manner prescribed from time to time by the SRA. Findings resulting from our monitoring of workforce diversity will be made available for inspection by interested parties via our website and/or a notice in reception detailing the availability. Publication will be undertaken in accordance with the Data Protection Act.

This information will be used to evaluate the effectiveness of this policy. Any changes required will be made and implemented.

### **Barristers, experts and consultants**

We maintain a list of approved experts and consultants. This list is compiled on the basis of the skills, experience and ability of those listed to undertake work of a particular type. It does not contain exclusions, restrictions or preference based upon any of the discriminatory grounds listed above.

A client's request for a named barrister or expert should be complied with, subject to our duty to discuss with the client the suitability of the barrister or expert and to advise appropriately. If it appears that a client's instructions are given on discriminatory grounds, then the matter must be reported to COO without delay. You should endeavour to persuade the client to modify such instructions but if they refuse and the preference cannot be justified under genuine occupation requirements or genuine occupation qualifications, as covered by the Act, then we will cease to act for the client as aiding an unlawful act is prohibited.

### **Training**

We will arrange periodic equality and diversity training for you as required. This policy will also form part of our induction programme for new staff.

### **Complaints and disciplinary issues**

All allegations of discrimination and harassment will be dealt with seriously, confidentially and quickly. We will not ignore or treat lightly grievances or complaints made by you, a client or external service provider.

For less serious and isolated instances of misconduct, you may prefer to raise the matter informally with your manager or with the COO. You may initiate a formal grievance procedure instead or after an informal complaint does not adequately resolve the matter.

Such action will follow the disciplinary procedure and may be treated as potential gross misconduct and could lead to summary dismissal.

In the case of clients or third parties, this could result in us ceasing to act or ceasing to use their services.

You should bear in mind that you can be held personally liable as well as, or instead of, our firm for any act of unlawful discrimination or harassment. However, as all of us are subject to the disciplinary rules, it should be remembered that unfounded allegations of unfair treatment can be distressing to the recipients of such complaints and that such unfounded allegations may in themselves lead to disciplinary proceedings.

If you experience or become concerned about discrimination or harassment, you should discuss the problem with the Senior Partner or COO without delay.