



8.4 EQUALITY AND DIVERSITY POLICY

8.4.1 The Firm's Commitment

The principles of equality and diversity are inherent in our values. They are part of the culture of Bowcock Cuerden LLP and are fundamental to our success.

The Firm intends to treat everyone equally and with the same attention, courtesy and respect regardless of their disability, gender, marital status, age, race, racial group, colour, ethnic or national origin, nationality, religion or belief or sexual orientation. This applies to the Firm's professional dealings with staff and partners other solicitors, barristers, experts, clients and third parties.

The Firm is committed to eliminating unlawful discrimination and to promoting equality and diversity within our policies, practices and procedures and in any areas in which it has influence. It is important to us that:

- a) we provide equal access to our services: this means that we will not discriminate on sex, race, disability, age, religion or belief, sexual orientation or other personal characteristics of any person we deal with.
- b) we provide equal access to our services: this means that where there are special needs or disability which prevents access to our premises, we will take reasonable steps to make suitable arrangements to accommodate the needs of that individual even if it means that we have to travel to provide a home service.
- c) we treat everyone with respect: this means listening, seeking to understand, and respecting differences of others.
- d) we always seek to behave fairly and decently: this means being open minded and unprejudiced to others.
- e) we are committed to generosity of spirit: this includes creating for others opportunities for development and advancement and supporting them in taking those opportunities.
- f) we act with integrity: this means upholding the law and the values of our profession and behaving ethically.
- g) we recognise that the talents required to provide excellent client service are not defined by sex, race, disability, age, religion or belief, sexual orientation or other personal characteristics unrelated to legal service capability.

Through our commitment to Equality and Diversity, it is our aim to create an environment in which:

- a) all decisions are based on merit.
- b) the individual differences and contributions of our staff are recognised and valued.
- c) all parties feel able to strive to achieve their full potential.
- d) employees, clients and others with whom we deal are supportive of each other, to achieve a common goal.
- e) all parties are treated with respect and there is an absence of bullying or harassment.
- f) the human rights of every employee, client or other person with whom we deal, are without exception respected and preserved.

8.4.2 Regulation and legislation

In developing and implementing its anti-discrimination policy, the Firm is committed to complying with the SRA Standards and Regulations 2019 Principle 6, and with all current and any future anti-discrimination legislation and associated codes of practice including, but not limited to:

- a) the Equality Act 2010 and statutory instruments and regulations issued there under.
- b) relevant Practice Notes issued from time to time by The Law Society, including the Practice Note entitled “Equality Act 2010” – May 2012. (Appendix 5).
- c) guidance notes and Directives issued by the Equality and Human Rights Commission (EHRC).
- d) relevant legislation and regulations issued by the European Court of Justice and/or the European Court of Human Rights.
- e) any relevant modifications amendments and additions to the above.

8.4.3 Forms of Discrimination

8.4.3.1 Direct discrimination

Where a person is treated less favourably on the grounds of a “protected characteristic” (age, disability, gender re-assignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation) – either because they have a protected characteristic, or are thought to have a protected characteristic or they associate with someone who has a protected characteristic.

8.4.3.2 Indirect discrimination

Where a policy or practice that applies to everyone particularly disadvantages people who possess a protected characteristic.

8.4.3.3 Victimisation

Where someone is treated less favourably than others because he or she has carried out (or is believed to have carried out or may carry out) a “protected act” (namely any of the following: bring proceedings

under the Equality Act 2010, give evidence or information in proceedings brought under the Equality Act, do anything that is related to the provisions under the Equality Act, or make an allegation that another person has done something in breach of the Equality Act).

8.4.3.4 Harassment

When unwanted conduct takes place which is related to a 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 includes physical acts or verbal and non-verbal communications and gestures. Harassment can also occur where it has the defined effect upon the victim, notwithstanding the harasser's intention - it is the effect which the harassment has upon the victim that is important.

In line with the SRA Standards and Regulations 2019, in the course of its professional dealings the Firm will not discriminate, victimise, or harass groups of people on the grounds set out above, and will make reasonable adjustments to prevent those of the Firm's employees or clients who are disabled from being disadvantaged in comparison with those who are not disabled. Any reasonable adjustment cost incurred will not be passed to the disabled person.

8.4.4 Employment and Training

8.4.4.1 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, terms and conditions of employment, access to training opportunities, access to promotions, grievances, disciplinary processes, demotions, selection for redundancies, dress code, references, bonus schemes, work allocation and any other employment related activities

8.4.4.2 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.
- 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 will be considered 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 wherever appropriate and necessary, lawful exemptions (genuine occupational requirements) will be used to

recruit suitable staff to meet the special needs of particular groups.

8.4.4.3 Conditions of Service

- a) 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.
- b) 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.
- c) Where appropriate and necessary, the Firm will endeavor to make reasonable adjustments i.e., 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. Staff should submit a written request specifying their exact requirement(s) and reason why needed to the Office Manager. The Office Manager will analyse, research and prepare costings for submission to Managing Director for a decision.

8.4.4.4 Promotion and Career Development

- a) Promotion within the Firm (including to Director) will be made without reference to any of the forbidden grounds and will be based solely on merit.
- b) 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.
- c) 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.
- d) All employees will have equal access to training and other career development opportunities appropriate to their experience and abilities.

8.4.4.5 Equality and Diversity Training Plan

The Firm reviews annually its equality and diversity training needs. All training needs identified and training provided are recorded in the Equality and Diversity Training Plan.

8.4.5 Directors

Arrangements and procedures for selecting directors and / or LLP

members, terms and conditions of LLP 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 directors will be no less favourable than those required by legislation for other employees

8.4.6 Dealings with Third Parties

The Firm will not unlawfully discriminate in dealing with third parties.

8.4.6.1 Barristers/Experts

- a) Barristers/Experts should be instructed on the basis of their skills, experience and ability. The Firm will not, on any of the forbidden grounds, avoid instructing an expert or briefing a barrister and will not request barristers' clerks to do so.
- b) Clients' requests for a named barrister/expert should be complied with, subject to the Firm's duty to discuss with the client the suitability of the barrister/expert and to advise appropriately.
- c) The Firm will discuss with the client any request by the client that only a barrister/expert 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.

8.4.6.2 Suppliers

The Central Register of approved suppliers and 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.

8.4.6.3 Clients

- a) 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.
- b) The Firm will take steps to meet the different needs of particular clients arising from its obligations under the anti-discrimination legislation (particularly the Equality Act) and the SRA Code of Conduct 2019.
- c) 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 age or other relevant factors.

8.4.7 Promoting Equality and Diversity

- a) This Firm is committed to promoting equality and diversity in the Firm as well as in those areas in which it has influence.
- b) Employees and partners will be informed of this policy and will be provided with equality and diversity training appropriate to their needs and responsibilities.
- c) All those who act on the Firm's behalf will be informed of this antidiscrimination policy and will be expected to pay due regard to it when conducting business on the Firm's behalf to ensure services to clients are provided in a way that respects diversity.
- d) In all its dealings, including those with suppliers and contractors, the Firm will seek to promote the principles of equality and diversity.
- e) The Firm will make every effort to reflect its commitment to equality and diversity in its marketing and communication activities. See 8.5 for the Communications Plan.
- f) The Firm's directors and staff are provided with a copy of this policy and relevant training where appropriate to ensure that the policy is effectively implemented by everyone concerned.

8.4.8 Implementing the Policy

- a) Ultimate responsibility for implementing and maintaining the policy rests with the Managing Director.
- b) All employees and 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.
- c) Acts of discrimination or harassment on any of the forbidden grounds by employees or partners of the Firm will result in disciplinary action, including termination of employment where appropriate. Failure to comply with this policy will be treated similarly.

8.4.9 Complaints of discrimination

- a) 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, directors, clients, barristers or other third parties.
- b) All complaints should be made / passed to a Director or the Managing Director and subsequently investigated in accordance with the Firm's grievance procedure. All complaints will be dealt with promptly, fairly, openly and effectively and the complainant will be informed of the outcome.

8.4.10 Monitoring and review

- 8.4.10.1 The policy will be monitored and reviewed annually to monitor its

appropriateness, 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 directors as well as the number of disabled staff, at different levels of the Firm.
- 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 directorship or as LLP member, 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 choose not to disclose their sexual orientation or religion or belief and that care should be taken to avoid inadvertent discrimination in such cases. This should apply equally to disability.
- e) the number and outcome of complaints of discrimination made by staff, 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.

8.4.10.2 Following review, any changes made will be recorded in a new version of this policy document and distributed to all staff. Master copies of all versions of this policy will be retained for subsequent review. The Training Plan will be amended as necessary.

8.4.11 Publication of this policy

- a) Every staff member of the Firm will receive a copy of this policy annually and will be instructed to review and confirm their understanding of and commitment to the policy. Completion of this action will be logged accordingly.
- b) New starters will be given a copy and asked to read and confirm understanding / commitment on commencing employment.
- c) A copy of the policy will be available on request to any client, third party and to the Solicitors Regulation Authority.