

# **E M Ball & Co - Equality and Diversity Policy**

## **1 Commitment to equality and diversity**

### **(a) Commitment**

We, E M Ball & Co, are committed to eliminating unlawful discrimination and to promoting equality and diversity within our policies, practices and procedures.

We are also committed to promoting equality and diversity in the firm.

This applies to our professional dealings with clients, staff and members, other solicitors, barristers, and third parties.

We shall treat everyone equally and with the same attention, courtesy and respect regardless of:

- (a) sex (including marital status, gender reassignment, pregnancy, maternity and paternity);
- (b) sexual orientation (including civil partnership status);
- (c) race or racial group (including colour, nationality and ethnic or national origins);
- (d) religion or belief;
- (e) age;
- (f) caring responsibility; or
- (g) disability.

### **(b) Legislation**

We will take all reasonable steps to ensure that we and our staff do not unlawfully discriminate under:

- (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 Human Rights Act 1998;
- (g) the Part-Time Workers (Prevention of Less Favourable Treatment) Regulations 2000;
- (h) the Fixed-Term Employees (Prevention of Less Favourable Treatment) Regulations 2000;
- (i) the Employment Equality (Sexual Orientation) Regulations 2003;
- (j) the Employment Equality (Religion or Belief Act) Regulations 2003;
- (k) the Work and Families Act 2006;
- (l) the Employment Equality (Age) Regulations 2006; and
- (m) any other relevant legislation in force from time to time relating to discrimination in employment and the provision of goods, facilities or services.

## **2 Meeting Clients Needs**

### **(a) General statement**

As a provider of legal services the firm will treat all clients equally and fairly and not unlawfully discriminate against them. The firm will also, wherever possible, take steps to promote equal opportunity in relation to access to the legal services that we provide, taking account of the diversity of the communities that we serve.

### **(b) Identifying clients needs**

The firm is committed to meeting the diverse needs of clients. We will take steps to identify the needs of clients in our community and develop policies and procedures setting out how we will meet clients' needs and for entering the services we provide are accessible to all. We will take account, in particular, the needs of clients with a disability and clients who are unable to communicate effectively in English. We will consider whether particular groups are predominant within our client base and devise appropriate policies to meet their needs: including men and women; carers; children; the elderly; members of religious groups; ethnic groups or nationalities; and lesbian, gay or transgender people.

### **(c) Communications Plan**

The firm will devise policies and procedures to promote and raise awareness of policies and procedures for ensuring that our services are accessible for a diverse range of clients.

### **3. Dealings with third parties**

#### **(a) General statement**

The firm will not unlawfully discriminate in dealings with third parties. This applies to dealings with other legal service providers and general procurement.

#### **(b) Dealings with barristers**

The firm will instruct barristers on the basis of their skill, experience and ability and not unlawfully discriminate, or encourage barristers' clerks to unlawfully discriminate on the grounds of their age; gender; marital status; race; religion or belief; sexual orientation or on the grounds of disability.

### **4 Employment**

#### **(a) General statement**

As an employer, the firm will treat all employees and job applicants equally and fairly and not unlawfully discriminate against them. This applies equally to voluntary positions and anyone undertaking work experience with us. 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.

#### **(b) Recruitment and selection**

E M Ball & Co recognises the benefits of having a diverse workforce and will take steps to ensure that:

- (i) we endeavour to recruit from the widest pool of qualified candidates practicable;
- (ii) employment opportunities are open and accessible to all on the basis of their individual qualities and personal merit;
- (iii) where appropriate, positive action measures are taken to attract applications from all sections of society and especially from those groups which are underrepresented in the workforce;
- (iv) selection criteria and processes do not unlawfully discriminate on the grounds of sex (including marital status, gender reassignment, pregnancy, maternity and paternity), sexual orientation (including civil partnership status), religion or belief, age or disability; other than in those instances where the firm is exercising permitted positive action or a permitted exemption;

- (v) wherever appropriate and necessary, lawful exemptions (genuine occupational requirements) will be used to recruit suitable staff to meet the special needs of particular groups;
- (vi) all recruitment agencies acting for the firm are aware of requirements not to discriminate and to act accordingly.

### **(c) Conditions of service**

E M Ball & Co will treat all employees equally and create a working environment which is free from unlawful discrimination and which respects 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 flexible 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 on the grounds of their age; gender; marital status; race; religion or belief; sexual orientation or on the grounds of 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.

### **(d) Promotion and career development**

Promotion within the firm (including members) 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.

While positive action measures may be taken in accordance with relevant Anti-discrimination legislation to encourage applications from under-represented groups, appointments 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.

### **(e) 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 in the firm for ensuring that training is delivered. Employees and members will be informed of this equality and diversity policy and training plan .

**(f) Working with other organisations**

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 partners, any consortium members, suppliers, sub-contractors and recruitment agencies, the firm will seek to promote the principles of equality and diversity.

## **5. Implementing the policy**

**(a) Responsibility**

Ultimate responsibility for implementing the policy rests with the firm. The firm will appoint a senior person within it to be responsible for the operation of the policy.

All employees and members of the firm are expected to pay due regard to the provisions of this policy and are responsible for ensuring compliance with it when undertaking their jobs or representing the firm organisation.

Acts of unlawful discrimination on any of the forbidden grounds by employees or members 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 members.

Acts of unlawful discrimination on any of the forbidden grounds by those acting on behalf of the firm will lead to appropriate action by E M Ball & Co

**(b) Complaints of discrimination**

The firm will treat seriously all complaints of unlawful discrimination on any of the forbidden grounds made by employees, members, clients, barristers or other third parties and will take action where appropriate.

All complaints will be investigated in accordance with the firm's grievance or complaints procedure and the complainant will be informed of the outcome.

We will also monitor the number and outcome of complaints of discrimination made by staff, clients, members, barristers, and other third parties.

**(c) Monitoring**

(1) E M Ball & Co will monitor and record equal opportunities information about staff, members on the basis of age, gender, ethnicity, and disability.

(2) 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, we will monitor the sexual orientation and religion or belief of staff, members so as to ensure that they are not being discriminated against in terms of the opportunities or benefits available to them. We are aware that individuals may choose not to disclose

their sexual orientation or religion or belief and that care will be taken to avoid inadvertent discrimination in such cases.

We will store equal opportunities data as confidential personal data and restrict access to this information. Equal opportunities information will be used for exclusively for the purposes of equal opportunities monitoring and have no bearing on opportunities or benefits.

The firm will monitor all elements of:

- (i) recruitment and selection process (applicants and existing staff and members );
- (ii) promotion and transfer;
- (iii) training (all training opportunities not restricted to equality and diversity training);
- (iv) terms and conditions of employment;
- (v) take up of benefits (work life balance policies eg flexible working requests)
- (vi) grievance and disciplinary procedures;
- (vii) resignations, redundancies, and dismissals.

#### **(d) Review**

The firm will review the operation of this policy on an annual basis (or more regularly if we identify any non-compliance or problem concerning equality and diversity issues with clients or personnel). We will take remedial action if we discover non-compliance under this policy or barriers to equal opportunities. When reviewing the policy we will consider the outcome of monitoring and review actions under our communications and training plans.

#### **Definitions of terms**

**‘Diversity’** is a broader term than ‘equality’ or ‘equal opportunities’ or ‘equality of opportunity’. Diversity policies encompass all individuals by recognising that all of us have different characteristics which make us unique and that organisations benefit from taking these into account when offering services or employing people. In contrast to equal opportunity, diversity is not about treating people equally but rather it is about recognising and responding to different needs, experiences and aspirations and acting accordingly. Diversity is complimentary to equality of opportunity.

**‘Equal opportunities monitoring’** is the collection and analysis of information about a person that it used in order to check that a policy or procedure does not have an adverse impact on a particular group of people or amounts to unlawful discrimination. Information can be collected on race, disability, gender, age, and in some circumstances sexual orientation and religion or belief.

**‘Unlawful discrimination’** includes ‘direct discrimination’, ‘indirect discrimination’, ‘victimisation’ and ‘harassment’.

**‘Direct discrimination’** occurs 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.

**‘Indirect discrimination’** occurs where an apparently neutral provision, criterion or practice would put a substantially higher proportion of the members of one sex, or people of a particular racial group or religion or belief, sexual orientation or with a disability 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.

**‘Victimisation’** occurs where a person is treated less favourably because she or he has made a complaint of discrimination. This also applies to individuals who may have assisted or supported the complainant, for example, as a witness or by showing sympathy.

**‘Harassment’** occurs when unwanted conduct 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.

**‘Positive action’** is where you encourage the participation of or access to services for members of under-represented groups. Positive action is not to be confused with positive discrimination

**‘Positive discrimination’** is where you make a decision in someone’s favour because of his or her particular characteristic, eg race, gender or disability. Positive discrimination is usually unlawful, unless it falls within one of the very limited exceptions contained in the anti-discrimination legislation in relation to disability or as a genuine occupation requirement. Positive action is often used as a way to minimise the effects and outcomes of past discrimination on groups. In some limited circumstances, employers or training bodies are allowed to take special measures relating to access to training for particular work, or encouragement to apply for particular posts. For example, where women are under-represented in senior management posts, running special training for women to encourage them to apply for senior posts is an example of positive action and lawful. However, the appointment of a woman to a senior post solely on the basis of her gender would be an example of positive discrimination and would be unlawful.

**‘Genuine occupational requirement’** is an express exception to the positive discriminate on a particular ground. However, there are some very limited circumstances in which it may be lawful to discriminate on grounds such as race, gender, disability, sexual orientation or religion. For example, where being of a particular racial or religious origin is an essential requirement for the job, or for reasons of decency or privacy. For detailed information on exceptions please refer to the appropriate anti-discrimination legislation