

Equal Opportunities and Diversity Policy

Policy Statement

RT Coopers Solicitors (“RT Coopers”) is committed to achieving a working environment which provides equality of opportunity and freedom from unlawful discrimination on the grounds of race, colour, nationality, ethnic origin, gender, marital status, disability, religious beliefs, age or sexual orientation. This Policy aims to remove unfair and discriminatory practices within RT Coopers and to encourage full contribution from its diverse community. RT Coopers is committed to actively opposing all forms of discrimination, especially in the following areas:

- In the workplace
- When providing services to clients;
- In recruitment; and
- In dealings with third parties, e.g. barristers, experts and suppliers.

This policy also explains how we will deal with complaints, the potential consequences of failure to comply, our monitoring procedures and training.

If you are in any doubt or have any concerns about the application of this policy in any particular instance or situation, please consult the firm’s COLP (see below) as soon as possible.

Objectives of this Policy

To reduce, stop and prevent all forms of unlawful discrimination.

To ensure that recruitment, promotion, training, development, assessment, redundancy and service provisions are determined on the basis of capability, qualifications, experience, skills, performance and productivity.

Who is responsible for equality and diversity?

We all have a part to play in promoting equality and diversity.

The senior management team

The senior management team is committed to achieving effective equality and diversity and will ensure adequate resources are available to meet equality and diversity needs.

The Compliance Officer for Legal Practice (COLP)

The COLP is Rosanna Cooper who is responsible for:

- Devising and developing this equality and diversity policy--in consultation with the management team;
- Monitoring and reviewing our equality and diversity arrangements;
- Building a culture of equality and diversity awareness through training and education;
- providing assistance to individuals and/or teams who have responsibility for specific equality and diversity actions;
- Reporting regularly to the team on equality and diversity issues.

All staff

All employees have personal responsibility for the practical application of the firm's equality policy, which extends to the treatment of job applicants, employees (including former employees), clients and visitors. This is explained in more detail below.

Definition of Discrimination

Discrimination is unequal or differential treatment which leads to one person being treated more or less favourably than others are, or would be, treated in the same or similar circumstances on the grounds of race, colour, nationality, ethnic origin, gender, marital status, disability, religion, age, sexual orientation. Discrimination may be direct or indirect.

Types of Discrimination

- Direct Discrimination

This occurs when a person or a policy intentionally treats a person less favourably than another on the grounds of colour, nationality, ethnic origin, gender, marital status, disability, religion, age, or sexual orientation.

- Indirect Discrimination

This is the application of a policy, criterion or practice to a person which the employer would apply to others but which is such that:

It is detrimental to a considerably larger proportion of people from the group that the person the employer is applying it to represents;

The employer cannot justify the need for the application of the policy on a neutral basis; and

The person to whom the employer is applying it suffers detriment from the application of the policy.

Example: A requirement that all employees must be 6ft tall would indirectly discriminate against employees with an oriental ethnic origin, as they are less likely to be able to fulfil this requirement if that requirement is not justified by the position.

Unlawful Reasons for Discrimination

Gender and Marital Status

It is not permissible to treat a person less favourably on the grounds of their gender or the fact they are married. This applies to both men and women. Sexual harassment of men and women can be found to constitute sex discrimination. For example, asking a woman during an interview if she is planning to have any (more) children constitutes discrimination on the ground of gender.

Age

It is not permissible to treat a person less favourably because of their age. This applies to people of all ages. This does not currently apply to the calculation of redundancy payments.

Disability

It is not permissible to treat a disabled person less favourably than a non-disabled person. Reasonable adjustments must be made to give the disabled person as much access to the service and ability to be employed, trained, or promoted as a non-disabled person.

Race, Colour, Nationality and Ethnic Origin

It is not permissible to treat a person less favourably because of their race, the colour of their skin, their nationality or their ethnic origin.

Sexual Orientation

It is not permissible to treat a person less favourably because of their sexual orientation. For example, an employer cannot refuse to employ a person because s/he is homosexual, or transsexual.

Religion or Belief

It is not permissible to treat a person less favourably because of their religious beliefs or their religion.

Equality and Diversity in the Workplace - Employment and Training

General

As an employer, RT Coopers will treat all employees and job applicants equally and fairly and not discriminate unjustifiably against them. This will, for example, include arrangements for recruitment and selection, terms and conditions of employment, access to training opportunities, access to promotion, grievance and disciplinary processes, demotions, selection for redundancies, dress code, references, work allocation and any other employment related activities.

Recruitment and Selection

RT Coopers 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 candidates' individual qualities and personal merits;
- Assumptions that only certain types of person will be able to perform certain types of work will not be made;
- Any qualifications or requirements applied to a job which have or may have the effect of inhibiting applications from certain types of person will be retained only if they can be justified in terms of the job to be done;
- Where appropriate, positive action measures will be 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 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;
- Any age limits applied to a job will be retained only if they can be objectively justified in terms of the job to be done--in most cases this will not be the case and the COLP will be consulted if considering an age limit for a particular post;
- The use of years of experience as a criteria for a particular role will need to be objectively justified;

- *Recruitment solely or primarily by word of mouth should be avoided as its effect is or may be to prevent certain types of person from applying;*
- *Selection tests will be specifically related to job requirements and will measure the person's actual or inherent ability to do or train for the work;*
- *Selection tests will be reviewed regularly to ensure they remain relevant and free from any unjustifiable bias, either in content or in scoring mechanism;*
- Applications from different types of persons will be processed in the same way and the same questions asked at interviews;
- Written records of interviews and reasons for appointment and non-appointment will be kept;
- Questions at interviews will relate to the requirements of the job;
- Where any provision, criterion or practice for recruitment and selection puts disabled people at a substantial disadvantage due to a reason connected with their disability, reasonable adjustments will be made to eliminate or, if that is not reasonably practicable, reduce the disadvantage;
- Decisions regarding the method of recruitment or selection or who is recruited or selected will be made only by a person who has read and understood this policy;
- 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 RT Coopers from time to time will be made aware of its requirement not to discriminate and to act accordingly.

Conditions

- RT Coopers 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 discriminate against any employee on the grounds of his or her gender, marital status, race, racial group, colour, ethnic or national origin, nationality, religion or belief, or sexual orientation; or unreasonably on the grounds of his or her disability.
- Where appropriate and necessary, RT Coopers 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

Promotion and Development

The following principles will apply to appointments for promotion, transfer and/or training:

- Assessment criteria and appraisal schemes will be carefully examined to ensure they are not discriminatory, whether directly or indirectly;
- *Promotion and career development patterns will be regularly monitored to ensure that access to promotion, training and career development opportunities is not denied to particular groups or types of workers;*
- Traditional qualifications and requirements for promotion, transfer and training, such as length of service, years of experience or age may discriminate against certain workers and will need to be objectively justified by reference to the job requirements;
- *Policies and practices regarding selection for training, day release and personal development will not normally result in an imbalance in training between groups of workers;*

- Where any provision, criterion or practice relating to promotion, appraisal, transfer or training puts disabled workers at a substantial disadvantage for a reason connected with their disability, reasonable adjustments will be made to eliminate or, if that is not reasonably practicable, reduce the disadvantage;
- Promotion within the firm will be made without reference to any of the forbidden grounds and will be based solely on merit;
- The selection criteria, appraisal schemes and processes for recruitment and promotion will be kept under review to ensure that there is no unjustifiably discriminatory impact on any particular group;
- 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;
- All employees will have equal access to training and other career development opportunities appropriate to their experience and abilities. However, RT Coopers 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.

Terms of employment, benefits, facilities and services

The following principles apply to terms of employment, benefits, facilities and services:

- The terms of employment, benefits, facilities and services available to workers will be reviewed regularly to ensure that they are provided in a way which is free from unlawful discrimination;
- Part-time workers will receive pay, benefits, facilities and services on a pro rata basis to their full-time comparator unless otherwise objectively justified.
- Where any provision, criterion or practice relating to terms of employment, benefits, facilities and services puts disabled workers at a substantial disadvantage due to a reason connected with their disability, reasonable adjustments will be made to eliminate or, if that is not reasonably practicable, reduce the disadvantage.
- *Pay policies and practices will be carefully examined and regularly monitored, and if it appears that any group of workers is disadvantaged by them they will be checked to make sure that this is not due to any hidden or indirect discrimination*

Grievances, disciplinary procedures, dismissals and redundancies

- Workers who, in good faith, bring a grievance (or assist another to do so) either under this policy or otherwise in relation to an equality and diversity matter will not be disciplined or dismissed or otherwise suffer any adverse treatment for having done so.
- No member of a particular group of workers will be disciplined or dismissed for performance or behaviour which would be overlooked or condoned in another group, unless there is genuine and lawful justification for different treatment.
- Redundancy criteria and procedures will be carefully examined to ensure they are not applied and do not operate in an unlawfully discriminatory manner.
- *The provision of any voluntary redundancy benefits will be equally available to all workers unless there is a genuine and lawful justification for doing otherwise.*

Disability policy

It is our policy that disabled people, including job applicants and employees, should be able to participate in all our activities fully, on an equal basis with people who are not disabled.

Due to the wide variety of potential disabilities and the likelihood of a disability affecting different people in different ways, it would be inappropriate to have rigid rules on how issues concerning disabled people should be dealt with. What is essential, however, is that all managers and supervisors take all reasonably practical steps to ensure that disabled people are not less favourably treated or disadvantaged by comparison to people who are not disabled in relation to their work or working environment or by any provision, criterion or practice used by the firm. Managers and supervisors need to be aware in particular that an employee on long-term sick leave or with intermittent sickness absence may be disabled.

We are particularly concerned that disabled workers are treated equally in the following areas:

- Recruitment and selection
- Promotion, transfer and training
- Terms of employment, benefits, facilities and services
- Dismissals, resignations and redundancies

For the purposes of this policy, disabilities are either physical or mental impairments that have a substantial and long-term effect upon a person's ability to carry out normal day-to-day activities. Particular conditions such as HIV and some forms of cancer are covered from the point of diagnosis and do not have to already be long term. Please contact the COLP for further information about what is covered by normal day-to-day activities and the status of particular illnesses.

The general equality and diversity principles set out earlier in this policy will apply in relation to disabled people whether they currently have a disability or have had a disability in the past.

We will take all reasonably practicable steps to ensure that disabled people are able to participate in our business and activities on an equal basis with people who are not disabled.

We will not, for a reason relating to a person's disability, treat disabled people less favourably than we treat, or would treat, others to whom the same reason does not or would not apply, unless that treatment would be justified.

If any provision, criterion or practice used by or on behalf of the firm, or any physical feature of premises occupied by the firm, puts disabled people at a substantial disadvantage compared to people who are not disabled, we will take such reasonably practicable steps as we can to prevent this disadvantage. This is known as the duty to make reasonable adjustments.

Reasonable Adjustments

RT Coopers has a duty to make reasonable adjustments to facilitate the employment of a disabled person. These may include:

- Making adjustments to premises in accordance with the premises manager's remit;
- Re-allocating some or all of a disabled employee's duties;
- Transferring a disabled employee to a role better suited to the person's disability;

- Relocating a disabled employee to a more suitable office (although at present RT Coopers only has one office);
- Giving a disabled employee time off work for medical treatment or rehabilitation;
- Providing training or mentoring for a disabled employee;
- Supplying or modifying equipment, instruction and training manuals for disabled employees;
or
- Any other adjustments that RT Coopers considers reasonable and necessary provided such adjustments are within the financial means of RT Coopers.

If an employee has a disability and feels that any such adjustments could be made by RT Coopers, the employee should contact the COLP.

The following general steps should always be considered where issues concerning disabilities arise or may arise:

- Be flexible--there may be many different ways to avoid discrimination or to minimise the effects of discrimination; a small adjustment may be all an employee needs;
- Consider any performance or attendance problems in the context of the person's disability and its effect on their ability to meet performance and attendance targets;
- Do not make assumptions--whenever possible talk to the disabled person to find out how their disability affects the person and what steps he or she thinks might help;
- Do not discipline or dismiss a disabled employee for performance or attendance-based reasons without first establishing whether the employee's performance or attendance is affected by the disability and that appropriate adjustments to accommodate the disability have been made;
- Seek expert advice--disability issues can be complex and we may need expert medical advice about a person's disability, or expert technical advice about adjustments to technology or premises that might help the disabled person;
- Think ahead--try to anticipate the effects that practices, policies and procedures may have on disabled people, even if there are no disabled employees at the time, to prevent problems occurring in the future

Complaints procedure

Our Grievance procedure is available to any employee who believes that he or she may have been unfairly discriminated against. Please contact the COLP for a copy of the Grievance procedure. Employees will not be victimised in any way for making such a complaint in good faith. Complaints of this nature will be dealt with promptly, fairly, openly, effectively, seriously, and in confidence.

In the event that an employee is the subject or perpetrator of, or witness to, discriminatory behaviour, please refer to the Firm's Handbook in relation to grievance and disciplinary procedures.

Equality and Diversity in Our Relations with Clients

Any reference in this policy to clients includes current, past and potential clients.

- We will treat our clients fairly and equally at all times.
- We will not unlawfully discriminate against our clients.
- We are generally free to decide whether to accept instructions from any particular client. Where we decide not to accept instructions, this will not be based on any protected characteristics.

- We will take steps to ensure that we meet the diverse needs of our clients. Where necessary, we will devise procedures to deliver services that meet specific needs arising from clients' ethnic or cultural background, gender, religion or belief, sexual orientation, disabilities, age or other relevant factors. We will do so only where this is permitted by the relevant anti-discrimination legislation.
- We will take seriously any complaint of discrimination by or on behalf of a client and act promptly to investigate.

Equality and diversity in our dealings with third parties

- We will not unlawfully discriminate in our dealings with third parties.
- We will instruct barristers on the basis of their skills, experience and ability, taking into account factors such as specialist expertise and cost. We will not accept instructions from a client to select a barrister wholly or partly on the presence or absence of a protected characteristic. If necessary, we will cease to act. Where a client requests a specific barrister is instructed, we will discuss the suitability of the barrister with the client and advise appropriately. We will take the same approach when instructing other experts or third parties on the client's behalf.
- We will discuss with the client any request by the client that only a barrister 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, RT Coopers 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, RT Coopers will cease to act.

Any reference in this policy to our suppliers includes suppliers of goods and services to the firm or our clients, regardless of the geographical location of the supplier. It also includes any outsourcing providers and other third parties involved in the provision of goods or services to the firm or our clients.

Our suppliers will be selected solely on the basis of their suitability. We will not unlawfully discriminate when selecting suppliers.

We maintain *a list* of our approved *counsel/experts/suppliers*. *This list* has been compiled solely on the basis of skills, experience and ability, taking into account factors such as specialist expertise and cost. *This list* contains no discriminatory exclusion, restriction or preference.

We will take seriously any complaint of discrimination by or on behalf of a third party and act promptly to investigate.

Failure to comply

All staff must be aware of and adhere to this policy. You may be liable to disciplinary action if you fail to comply with its provisions or related policies and procedures.

Disciplinary action will be taken against any employee who is found to have committed an act of unlawful

discrimination. Serious breaches of this policy and serious incidents of harassment and bullying will be treated as gross misconduct. Unwarranted allegations that are not made in good faith may also be considered as a disciplinary matter.

Monitoring and review

The COLP is responsible for this policy.

We regularly monitor the effectiveness of this policy to ensure it is working in practice and we will review and update this policy as and when necessary.

Our monitoring will include ongoing checks and analysis in the following areas:

- Recruitment and promotion
- Pay and remuneration
- Training
- Appraisals
- Grievances
- Disciplinary action
- Dismissals and other reasons for leaving
- Any client complaints
- Our *list* of approved *counsel/experts/suppliers*.

As part of our monitoring programme, we may record equality and diversity information about staff on the basis of age, gender, ethnicity and disability.

We may also monitor the sexual orientation, religion or belief of staff. We will do so only where this will not cause offence or discomfort to staff.

We will store equality and diversity data about staff as confidential personal data. This data will be used exclusively for the purpose of monitoring equality and diversity. We will restrict access to this data.

We will take action if our monitoring reveals:

- Breaches of this policy, or
- Barriers to equal opportunities

Annual review

We will review this policy regularly--at least annually. We will provide information and/or training on any changes we make.

Training

We will ensure that all managers and supervisors with responsibility for managing staff, supervising client matters and dealing with third parties are provided with the appropriate equality and diversity training.

All staff will receive appropriate training on our equality and diversity policy including:

- Regular training for existing staff;
- Training for new staff at induction;

- Updates following any changes to the policy that affect staff;
- Up-to-date literature on equality and diversity is available from the COLP, where appropriate.

Regulation and Legislation

In developing and implementing its anti-discrimination policy, RT Coopers is committed to complying with the SRA Principles 2011 and the Equality Act 2010.

Advice and Support on Discrimination

Employees may contact the COLP in the event that support or advice in respect of discrimination is required.

Other contacts include:

Equality and Human Rights Commission

Arndale House, The Arndale Centre, Manchester M4 3AQ

3 More London, Riverside Tooley Street, London SE1 2RG

3rd Floor, 3 Callaghan Square, Cardiff CF10 5BT

151 West George Street, Glasgow G2 2JJ

Telephone (England): 020 3117 0235

Telephone (Wales): 02920 447710

Telephone (Scotland): 0141 228 5912

Website: www.equalityhumanrights.com

Citizens Advice Bureau

Myddleton House, 115-123 Pentonville Road, London N1 9LZ (administrative office)

Website: www.citizensadvice.org.uk

Community Legal Service – Legal Services Commission

Telephone: 0300 200 2020

Website: www.legalservices.gov.uk/civil.asp

The Extent of the Policy

RT Coopers seeks to apply this Policy in the recruitment, selection, training, appraisal, development and promotion of all employees. RT Coopers offers services in a fashion that complies with the spirit of this Policy.

This Policy does not form a part of any employment contract with any employee and its contents are not to be regarded by any person as implied, collateral or express terms to any contract made with RT Coopers.

RT Coopers reserves the right to amend and update this Policy at any time.

This policy has been approved & authorised by:

Name: Rosanna Cooper



Position: COLP

Date: December 2013