



Equality and Diversity Policy

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1. Introduction

Harris & Harris Solicitors (the “Firm”) is committed to achieving a working environment which provides equality of opportunity and freedom from unlawful discrimination on the grounds of race, sex, pregnancy and maternity, marital or civil partnership status, gender reassignment, disability, religion or beliefs, age or sexual orientation. This Policy aims to remove unfair and discriminatory practices within the Firm and to encourage full contribution from its diverse community. The Firm is committed to actively opposing all forms of discrimination.

The Firm also aims to provide a service that does not discriminate against its clients in how they can access the services and goods supplied by the Firm. The Firm believes that all employees, potential employees, clients and third-party experts and suppliers are entitled to be treated with respect and dignity.

Any and all personal data used in connection with this Policy shall be collected, held, and processed in accordance with the Firm’s GDPR and Data Protection Policy.

This policy should be read in conjunction with the **Working Environment Policy, and Bullying and Harassment Policy**.

2. Objectives of this Policy

To prevent, reduce and stop all forms of unlawful discrimination in line with the Equality Act 2010 and the Equality Act 2010 (amendment) Regulations 2023.

To ensure that recruitment, promotion, training, development, assessment, benefits, pay, terms and conditions of employment, redundancy and dismissals are determined on the basis of capability, qualifications, experience, skills and productivity and no other reason.

3. Officer and Responsibility

The designated officer for this policy is **Kathryn Lander**.

The Officer will ensure the Firm complies with the requirement of Code 1.5 of the SRA Code of Conduct for Firms, which requires the Firm to complete and return the SRA’s diversity questionnaire when requested and states that the Firm must “monitor, report and publish workforce diversity data”, as prescribed

4. Definition of Disability

Section 6(1) of the 2010 Act defines disability as follows: “A person (*P*) has a disability if (a) *P* has a physical or mental impairment, and (b) the impairment has a substantial and long-term adverse effect on *P*’s ability to carry out normal day to day activities.”

This was extended by the 2023 amendment regulations to include:

- The concept of “*disability*” must be understood as inclusive of people experiencing limitations related to “physical, mental or psychological impairments”, which “*hinder the full and effective participation of the person concerned in working life on an equal basis with other workers.*”
- In the work context can continue to take into account a person’s ability to carry out an infrequent or one-off work activity (such as job applications or examinations). It also ensures that activities that are not common to the majority of jobs, but that are found across a range of employment situations (such as lifting boxes, working at night or driving) remain relevant activities to consider when determining if a person meets the definition of “disability” in the work context.

5. Definition of Discrimination

Discrimination is an 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, sex, pregnancy and maternity, marital or civil partnership status, gender reassignment, disability, religion or beliefs, age or sexual orientation. Discrimination may be direct or indirect and includes discrimination by perception and association.

6. Types of Discrimination

6.1. Direct Discrimination

This occurs when a person or a policy intentionally treats a person less favourably than another on the grounds of:

- Race
- Sex
- Pregnancy and maternity
- Breastfeeding
- Marital or civil partnership status

- Gender reassignment
- Disability
- Religion or beliefs
- Age
- Sexual orientation.

6.2. Indirect Discrimination

This is the application of a policy, criterion or practice which the employer applies to all employees, 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
- The person, without a relevant protected characteristic suffers substantively the same disadvantage as those with that protected characteristic. This is also known as *Indirect Discrimination by Association*.

6.3. Harassment

This occurs when a person is subjected to unwanted conduct that has the purpose or effect of violating their dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment.

6.4. Victimisation

This occurs when a person is treated less favourably because they have brought or intend to bring proceedings, or they have given or intend to give evidence.

7. Unlawful Reasons for Discrimination

7.1. Sex

It is not permissible to treat a person less favourably on the grounds of sex, marital status, civil partnership, pregnancy or maternity, breastfeeding, gender reassignment or transgender status. This applies to men, women and those undergoing or intending to undergo gender reassignment. Sexual harassment of men and women can be found

to constitute sex discrimination. Please also refer to the SRA guidance on sexual misconduct - <https://www.sra.org.uk/solicitors/guidance/sexual-misconduct/>

Example: Asking a woman during an interview if she is planning to have any (more) children constitutes discrimination on the ground of gender.

Women are protected from unfavourable treatment after they return from maternity leave where that treatment is in connection with the pregnancy or a pregnancy-related illness occurring before their return

7.2. 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.

7.3. 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 any services and the ability to be employed, trained, or promoted as a non-disabled person.

7.4. Race

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.

7.5. 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 she/he/they are homosexual, heterosexual or bisexual.

7.6. Pronouns

The firm appreciates that some staff members may prefer to use pronouns within their written/verbal dealings with clients and other members of staff. It is therefore up to the individual if they would like to use pronouns within the documentation that is sent out i.e. she/her, he/him or they/them. Clients should also feel comfortable advising the fee earner or members of the firm what pronouns they would like used and this should be recorded in LEAP to avoid causing any embarrassment to the client with regard to any dealings on their matters or future dealings the firm may have with the client.

7.7. Religion or Belief

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

7.8. Equal Pay

A person is to apply a 'single source' test to equal pay claims which allows workers to compare their pay to someone working for a different employer, so long as there is a single body responsible for setting or continuing their terms.

This will mean tribunals and courts can continue to compare the pay of men and women who work for an enterprise or organisation that ultimately controls - or can control even if it chooses to delegate this - the terms on which they are employed, including pay.

8. Positive Action in Recruitment

Under the Equality Act 2010, positive action in recruitment and promotion applies as of 6 April 2011. 'Positive action' means the steps that the Firm can take to encourage people from groups with different needs or with a past record of disadvantage or low participation, to apply for positions within the Firm.

If the Firm chooses to utilise positive action in recruitment, this will not be used to treat people with a protected characteristic more favourably, it will be used only in tie-break situations when there are two candidates of equal merit applying for the same position.

Further, if the Firm is not in an active recruitment process it must not make any public statements to deny employment based on a protected characteristic. A victim is not necessary for discrimination in the recruitment process.

9. Reasonable Adjustments

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

- Making adjustments to the Firm's office premises.
- Re-allocating some or all of a disabled employee's duties.
- Transferring a disabled employee to a role better suited to their disability.
- Relocating a disabled employee to a more suitable 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 the Firm considers reasonable and necessary provided such adjustments are within the financial means of the Firm.

If an employee has a disability and feels that any such adjustments could be made by the Firm, they should contact the Operations Manager.

10. Special Treatment – Pregnancy, Maternity and Breastfeeding

The Act provides that special treatment can be afforded to women in connection with pregnancy, childbirth or maternity.

The amendment act ensures that it would not be discriminatory to others who are not afforded the same treatments by their employer.

The Firm can therefore, if it requires, allow women special treatment without the risk of being accused of discrimination by others.

11. Responsibility for the Implementation of this Policy

All employees, subcontractors and agents of the Firm are required to act in a way that does not subject any other employees or clients to direct or indirect discrimination, harassment or victimisation on the grounds of their race, sex, pregnancy or maternity, marital or civil partnership status, gender reassignment, disability, religion or beliefs, age or sexual orientation.

The co-operation of all employees is essential for the success of this Policy. Partners and senior employees are expected to follow this Policy and to try to ensure that all employees, subcontractors and agents do the same.

Employees may be held independently and individually liable for their discriminatory acts by the Firm and in some circumstances an employment tribunal may order them to pay compensation to the person who has suffered as a result of discriminatory acts.

The Firm takes responsibility for achieving the objectives of this Policy, and endeavours to ensure compliance with relevant legislation and Codes of Conduct.

12. Acting on Discriminatory Behaviour

In the event that an employee is the subject or perpetrator of, or witness to, discriminatory behaviour, they must report this to **Kathryn Lander**.

13. Advice and Support on Discrimination

Employees may contact their employee representative if access to such an individual is possible.

Other contacts include:

Equality and Human Rights Commission

Manchester

Arndale House
The Arndale Centre
Manchester, M4 3AQ

London

Fleetbank House
2-6 Salisbury Square
London
EC4Y 8JX

Cardiff

Block 1, Spur D, Government Buildings
St Agnes Road
Gabalfa
Cardiff
CF14 4YJ

Glasgow

151 West George Street
Glasgow
G2 2JJ

Helpline Telephone Number:

Phone: 0808 800 0082
Textphone: 0808 800 0084
Website: www.equalityhumanrights.com

Citizens Advice Bureau

3rd Floor North
200 Aldersgate Street
London
EC1A 4HD
Website: www.citizensadvice.org.uk

Community Legal Services Direct

Telephone: 0845 345 4 345
Website: www.clsdirect.uk

14. The Extent of the Policy

The Firm seeks to apply this policy in the recruitment, selection, training, appraisal, development, and promotion of the Firm's employees and potential employees, and the selection and instruction of third-party experts and suppliers. The Firm 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 the Firm.

The Firm reserves the right to amend and update this Policy at any time.

15. Consequences of Breaching this Policy

Any breach of this policy and allegations of discrimination will be investigated under the Firm's **Disciplinary Policy and procedure**, details of which can be found in the Employee Handbook.

The outcome of the investigation will be one of the following:

- No action as the allegation of a breach or discrimination is unproven.
- A verbal or written warning as the actions of the employee(s) have caused concern but do not warrant dismissal (Misconduct).
- Dismissal due to proven discrimination (Gross Misconduct).

In the event of false and frivolous allegations without substance, the Firm may decide to take action against the accuser under the **Disciplinary Procedure**.

The outcome of the investigation will be one of the following:

- No action.
- A verbal or written warning as the actions of the employee(s) have caused concern but do not warrant dismissal (Misconduct).

- Dismissal (Gross Misconduct).

The consequences set out in this policy apply to all staff including employees, Partners, contractors and any other person contracted to work with the Firm.

16. Training

Training on equality and diversity forms part of the annual compliance training to all staff.

17. Version Control & Updates

This policy is reviewed annually and updated as necessary.

In the event of any statute or regulation changes, this policy will be brought up to date at that point in time and any policies affected will also be updated.

A printed version of this policy should be considered obsolete.