

EQUAL OPPORTUNITIES AND DIVERSITY POLICY

1. The Policy

Withy King (“the Firm”) is committed to providing equal opportunities and encouraging diversity in employment. We are dedicated to ensuring within the framework of the law that our workplaces are free from unlawful discrimination on the grounds of colour, race, religion, nationality, ethnic or national origin, gender, marital status, sexual orientation, disability or age.

For the avoidance of doubt, this commitment also applies to the Firm’s professional dealings with staff and partners, other solicitors, barristers, clients and third parties.

The Firm believes that the implementation of this policy will assist it to attract and retain the best employees from a diverse pool of talent; such a workforce will lead to the better provision of services to an increasingly diverse client base; we will also be better placed to satisfy tendering requirements as many potential clients expect this level of commitment to equality and diversity from their suppliers.

2. Discrimination

We are committed to ensuring that all job applicants and staff members are protected from unlawful discrimination in recruitment and during employment.

Direct discrimination occurs where someone is put at a disadvantage on discriminatory grounds in relation to his or her employment. Direct discrimination may occur even when unintentional.

Examples

- A woman with young children fails to obtain a job because it is feared that she might be an unreliable member of staff.
- A Sikh applicant for a senior post is not appointed because he might not ‘fit in’ with the existing (all white) team.
- An individual is not taken on for a post at the age of 58 since it is felt that a younger person would have more drive and ambition.
- A man is refused employment because he is considered unsuitable for the position because he is gay.

Indirect discrimination occurs where the individual’s employment is subject to an unjustified condition which one sex, sexual orientation, age group, race/nationality or religion finds more difficult to meet, although on the face of it the condition or requirement is ‘neutral’.

Examples

- A requirement for GCSE English as a selection criterion for a new job. This would have a disproportionate adverse impact on people educated overseas and may not be justified if all that is needed is to demonstrate a reasonable level of literacy.
- A requirement for a person to work full time—this would have a disproportionate adverse impact on women with small children as they are generally accepted as

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taking the primary childcare role. It may not be justified if our business needs can still be met by more flexible working arrangements.

- A requirement for job applicants to have a minimum number of years' experience has a potentially disadvantageous effect on younger applicants. If this cannot be justified as necessary to pursue a legitimate aim and is a proportionate means of achieving that aim, it is potentially discriminatory on the grounds of age.

Disability discrimination occurs where an individual is unjustifiably disadvantaged in employment/recruitment for a reason connected with his/her disability unless the discrimination cannot be avoided by making reasonable adjustments to the working environment.

Example

- Failure to recruit a wheelchair user without first considering whether the working arrangements or premises can reasonably be adapted to his/her needs.

Victimisation occurs where an individual is treated less favourably than colleagues because he/she has taken action to assert their statutory rights or assisted a colleague with information in that regard.

3. The Firm's expectations from the workforce

The co-operation of everyone working for the Firm is essential for the success of this policy. The Firm expects all staff, partners, consultants, independent contractors and any other workers to share and to behave in a way which demonstrates its commitment to equality, inclusion and diversity. This applies in all situations where an individual is acting as a representative of the Firm.

4. Equality & Diversity in relation to employees and partners

The Firm recognises that diversity is a positive attribute and we understand and welcome the differences that a diverse culture brings. We are committed to ensuring that we consider and uphold equality & diversity in all our employment policies, practices and procedures.

5. Equality & Diversity in relation to clients

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 unlawful discriminatory reason.

The Firm will take steps to meet the different needs of particular clients arising from its obligations under the anti-discrimination legislation (such as the Disability Discrimination Act 1995) and the Solicitors Anti-Discrimination Rule 2004.

6. Equality & Diversity in relation to barristers

Barristers should be instructed on the basis of their skills, experience and ability. The Firm will not avoid briefing a barrister for any unlawful discriminatory reason and will not request barristers' clerks to do so. Clients' requests for a named barrister should be complied with, subject to the Firm's duty to discuss with the client the suitability of the barrister and to advise appropriately. The Firm 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, 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.

7. Equality & Diversity in relation to suppliers

All lists of approved suppliers and databases of 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. Implementing equality of opportunity in employment decisions

Recruitment and employment decisions will be made on the basis of fair and objective criteria. The Firm's selection procedures are reviewed from time to time to ensure that they are appropriate for achieving our objectives and for avoiding unlawful discrimination. This includes keeping written records of such decisions.

The requirements of job applicants and existing members of staff who have or have had a disability will be reviewed to ensure that wherever possible, reasonable adjustments are made to enable them to enter into or remain in employment with us. Promotion opportunities, benefits and facilities of employment will not be unreasonably limited and every reasonable effort will be made to ensure that disabled staff participate fully in the workplace.

Person and job specifications will be limited to those requirements which are necessary for the effective performance of the job. Interviews will be conducted on an objective basis and personal or home commitments will not form the basis of employment decisions except where necessary.

Appropriate training will be provided to enable staff to implement and uphold our commitment to equality of opportunity.

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, disabilities, religious beliefs, age or sexual orientation.

9. Supporting policies and legislation

This policy is supported by the Firm's Harassment policy. In addition, the Firm complies with all its legal obligations in this area.

10. Communication

This policy is held on the intranet under 'HR'. In addition, a copy is included in new employees' induction packs, and new starters will be required to read and sign the policy to confirm that they will abide by it.

11. Monitoring, updating and evaluation of policy

This policy will be monitored periodically by the HR department to evaluate its effectiveness. In particular its effectiveness will be reviewed as part of the formal annual appraisal process.

12. Complaints and disciplinary issues

All staff have a **right** to equality of opportunity and a **duty** to implement this policy. Breach of the equal opportunities and diversity policy is potentially a serious disciplinary matter and will be dealt with under the Firm's disciplinary procedure.

Complaints relating to any failure by the Firm, a member of staff or partner to comply with this policy should be raised using the grievance procedure (a copy of which is held on the intranet under HR).