

Fairweather Law

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EQUALITY, DIVERSITY AND INCLUSION POLICY

Purpose

This policy aims to inform us all (and any other person(s) to whom this policy applies) of our duties in promoting equality, diversity, and inclusion towards our colleagues, clients and relevant third parties and creating a safe, respectful and inclusive work environment.

We understand that different perspectives can benefit our workplace and are an asset to our business. We aim to go beyond our basic legislative and regulatory duties by creating a culture where equality, diversity, and inclusion are woven into every aspect, where everyone has a voice, and everyone knows how to listen inclusively.

Scope

This policy applies to us all, including managers, consultants and any third-party to whom it has been communicated.

Responsibility

Jack Fairweather is responsible for the day-to-day monitoring of this policy, as well as promoting equality, diversity, and inclusion across our firm, dealing with any issues that arise and for monitoring its effectiveness. Ultimate responsibility for this policy and its implementation rests with the directors of the firm.

The firm has appointed Jack Fairweather as our Equality, Diversity, and Inclusion Wellbeing Champion at senior level, whose role it is to speak up for under-represented groups and flag any issues that need addressing. We also have Wellbeing Champions, at other levels throughout the firm. Our allocated Wellbeing Champions are Amy Goulding and Ana Sanchez.

We and any third party to whom this policy applies are responsible for ensuring that we adhere to it. Failure to do so may result in disciplinary action and any serious breach of the policy may amount to gross misconduct.

Policy statement

We, as a firm, are committed to preventing discrimination and harassment and to promoting equality, diversity, and inclusion and eliminating unlawful discrimination in our workplace in all of our interactions on a daily basis. The aim is for our firm to be representative of all sections of society and our client base and for each employee to feel respected, valued and recognised for their contributions and individual differences.

We are all expected, and legally required, to treat everyone equally and with the same attention, courtesy and respect, regardless of any protected characteristics or differences.

We will ensure, as far as is reasonable, that adjustments will be made for anyone with a disability.

We must all be aware of this policy and understand that it covers all professional dealings with colleagues, clients, other solicitors, barristers and other third parties. This includes:

1. accepting instructions from clients;
2. using experts and counsel;
3. the provision of services to clients;
4. dealings with those representing others; and
5. interaction with everyone involved in or incidental to the provision of services by the firm.

This policy also covers any recruitment, training and promotion of personnel within the firm.

Solicitor Regulation Authority (“SRA”) Standards and Regulations

The SRA strongly promotes and emphasises the importance of equality, diversity and inclusion in the legal profession. This is reflected in:

- Principle 6 which requires that you act “in a way that encourages equality, diversity, and inclusion.’ This is a positive requirement to act, and so it goes beyond simply not discriminating.
- Principle 2 which requires that you act to uphold ‘public trust and confidence in the solicitors’ profession and in legal services provided by authorised persons.’
- Paragraph 1.1 of both the SRA Code of Conduct for Solicitors (SCCS) and the SRA Code of Conduct for Firms (SCCF) require that ‘You do not unfairly discriminate by allowing your personal views to affect your professional relationships and the way in which you provide your services.’
- Paragraphs 1.5 of the SCCS and 1.6 of the SCCF require you to ‘treat colleagues fairly and with respect. You do not bully or harass them or discriminate unfairly against them. If you are a manager, you must challenge behaviour that does not meet this standard.’ Firms must require employees to meet this standard.

The SRA also requires regulated firms, such as ours, to bi-annually collect, report and publish data about the diversity of their workforce. The firm has previously decided not

to publish this data due to the risk of individuals being identified. This will be kept under review.

The meaning of equality, diversity, and inclusion

Equality is about ensuring that there is a level playing field and all individuals and groups of individuals are treated fairly, equally and no less favourably than anyone else.

Diversity is the presence of a broad range of different backgrounds, knowledge, skills, and experiences and is about recognising, respecting, and valuing individual differences by promoting an inclusive culture.

Inclusion is about accepting people for who they are and encouraging everyone to participate and contribute; it is the action of including or of being included within a group or structure, with the aim of embracing all people irrespective of race, gender, disability, religion or other characteristic.

The benefits of a more diverse, equal and inclusive culture at work

It is crucial to understand the concepts of equality, diversity, and inclusion to foster more equitable workplaces and a more equitable society. These terms extend beyond compliance with legal and regulatory requirements. We live in a diverse society and reflecting that in the workplace helps to enhance the firm's reputation with clients, potential clients and third parties.

From an internal perspective, having a diverse and inclusive culture allows for a larger pool of insights, perspectives and experiences and helps staff to feel more motivated and valued.

The Equality Act 2010 ('Equality Act')

The Equality Act provides a legislative framework to protect the rights of individuals and advance equality of opportunity for everybody.

Protected characteristics

The following characteristics are protected under the Equality Act:

1. age;
2. disability;
3. gender reassignment;
4. marriage and civil partnership;
5. pregnancy and maternity;
6. race (including colour, nationality, and ethnic or national origin);
7. religion or belief;

8. sex; or
9. sexual orientation.

Unlawful behaviour

The Equality Act sets out the following types of unlawful behaviour:

Direct discrimination

This occurs when someone is treated less favourably than another person because of a protected characteristic, such as sex or race.

Example: a solicitor refuses to take on clients who are women.

There are separate rules regarding discrimination against a woman on the grounds of pregnancy or maternity (see s.18 of the Equality Act for further details).

Indirect discrimination

This occurs when a practice, policy or procedure that applies to everyone, disadvantages people who share a protected characteristic.

Indirect discrimination applies to age, race, religion or belief, sex, sexual orientation, marriage and civil partnership, disability and gender re-assignment but does not apply to pregnancy or maternity.

Example: a firm policy requires work on Saturdays, disadvantaging Jewish employees who cannot work on the Sabbath.

Note there are some exceptions when indirect discrimination may be justified, namely if the practice, policy or procedure is a proportionate means of achieving a legitimate aim and there is a good business reason to discriminate.

Example: a firm may have a policy mandating retirement by a certain age; this is a form of direct age discrimination but serves to allow senior solicitors to become directors in a reasonable amount of time.

Other forms of discrimination

The Equality Act introduces two new forms of discrimination which apply to all the protected characteristics except marriage and civil partnerships:

- Discrimination by perception – where a person is thought to have a protected characteristic, even though they do not and is treated less favourably as a result.
- Discrimination by association – where a person is discriminated against because they associate with another person who has a protected characteristic.

Discrimination arising from disability

This occurs if a person is treated less favourably because of something arising in consequence of their disability and this treatment cannot be justified as a proportionate means of achieving a legitimate aim.

However, if as a service provider or employer, we did not know and could not reasonably have been expected to know that the person had a disability, then the unfavourable treatment will not amount to discrimination.

Bullying

This can be described as unwanted behaviour from a person or group that is either:

- offensive, intimidating, malicious or insulting; or
- an abuse/misuse of power that undermines, humiliates, or causes physical or emotional harm.

Bullying can be a regular pattern of behaviour or a one-off incident. It may happen face-to-face, on social media, in emails or on telephone calls. It can happen at work or in other work-related situations and it might not always be obvious or noticed by others.

Bullying itself is not against the law, whereas harassment is (see the next section). There is some crossover between the two in terms of them both being unwanted behaviours that make someone feel intimidated or offended; therefore it is important to be aware of and be able to identify both types of behaviour.

Harassment

The following forms of harassment are prohibited by the Equality Act:

➤ *Harassment related to a protected characteristic*

This is defined as bullying or unwanted conduct related to a relevant 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 form of harassment applies to all protected characteristics except for pregnancy and maternity and marriage and civil partnership.

The behaviour can consist of spoken comments such as jokes, written content including e-mails and social media posts, visual images and physical gestures.

➤ *Sexual harassment*

This consists of unwanted behaviour which is of a sexual nature, and which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person.

Examples of sexual harassment include:

- Sexual advances and propositions
- Inappropriate comments about a person's appearance
- Unwanted physical contact
- Subjecting someone to sexually explicit jokes or images
- Asking intrusive questions about a person's sex life

Sexual harassment may amount to both an employment rights matter and a criminal matter, such as sexual assault allegations and physical threats which will be reported to the police.

In addition, harassment under the Protection from Harassment Act 1997, which is not limited to circumstances where harassment relates to a protected characteristic, is a criminal offence.

[The Worker Protection \(Amendment of Equality Act 2010\) Act 2023](#), effective from 26th October 2024 places a positive legal duty on employers to take reasonable steps to prevent sexual harassment of employees in the course of employment by other staff or by third parties, such as clients and suppliers.

To comply with our obligations under the Act, we have taken the following actions:

- carried out a risk assessment to assess the risk of our staff being exposed to sexual harassment in the course of employment and includes consideration of what steps we can take to minimise the risks and prevent it happening.
- implemented the reasonable prevention steps identified from the risk assessment which include:
 - regular review of this Equality, Diversity and Inclusion Policy
 - periodic training regarding equality, diversity and inclusion, neurodiversity and sexual harassment in law firms to raise awareness of the rights related to these and our policies on them
 - additional training for designated staff/managers for example, how to deal with concerns or complaints related to sexual harassment
 - appointment of Champions and implementation of a reporting framework
 - appropriate supervision during staff events
 - monitoring of workplace culture, for example, through exit interviews.

Should you be aware of or experience any sexual harassment at work, please report any concerns to one of our allocated Wellbeing Champions so that they can investigate further.

Less favourable treatment for rejecting or submitting to unwanted conduct

This type of harassment involves treating someone less favourably because they have either rejected or submitted to sexual harassment, or harassment related to sex or gender reassignment.

Third Party Harassment

You must report any harassment that you suffer from third parties, i.e. clients or contractors to one of our allocated Wellbeing Champions to allow us to assist in stopping such conduct. We cannot help if we do not know.

The firm can be liable for harassment of its employees by people who are not employees if it has not taken reasonable steps to prevent such harassment recurring when it was aware of previous occurrences.

Victimisation

This occurs when an employer or service provider subjects a person to detriment because the person has carried out (or you believe that they have carried out) a 'protected act'.

A protected act is:

1. bringing proceedings under the Equality Act;
2. giving evidence or information in proceedings brought under the Equality Act;
3. doing anything which is related to the provisions of the Equality Act;
4. making an allegation that another person has done something in breach of the Equality Act.

Detriment means putting a person at a disadvantage or making their position worse.

Only an individual can bring a claim for victimisation (rather than a group); the victim does not need to have a protected characteristic in order to be protected against victimisation under the Equality Act.

Reasonable adjustments

Wherever possible, we will endeavour to make any reasonable adjustments needed to provide/continue to provide employment, service or have professional dealings with third parties such as counsel or experts.

If a client, employee or third party has any needs which aren't currently provided for to enable them to access our services, carry out employment or deal with us generally without being at a disadvantage, this should be reported to Jack Fairweather who will consider whether there are any reasonable adjustments that can be made to meet that need.

Recruitment, selection and progression

Employees and directors who are involved in recruitment are required to encourage equality of opportunity, respect for diversity and an inclusive attitude. The firm will treat all job applicants fairly and will not discriminate unlawfully against them.

We aim to ensure that fair, objective and consistent criteria are applied when shortlisting, interviewing, testing and recruiting applicants. Employment opportunities will be open to all on equal terms irrespective of the personal, family, business or other connections of any applicant. The firm will make reasonable adjustments to help applicants overcome disadvantages due to disability.

Barristers, experts and consultants

A client's request for a named barrister or expert should be complied with, subject to our duty to discuss with the client the suitability of the barrister or expert and to advise appropriately. If it appears that a client's instructions are given on discriminatory grounds, then the matter must be reported to Jack Fairweather without delay.

You should endeavour to persuade the client to modify such instructions but if they refuse and the preference cannot be justified under genuine occupation or qualification requirements, as covered by the Equality Act, then we will cease to act for the client as aiding an unlawful act is prohibited.

Neurodiversity

Neurodiversity/neurodivergence is an umbrella term that describes neurological differences – these are most commonly associated with Dyslexia, Dyspraxia, ADD, Aspergers and Autism Spectrum Conditions but includes any condition that affects some thinking skills. Most conditions are life-long and diagnosed in early childhood, however some may go undiagnosed into or throughout adulthood. It is thought that around 1 in 7 people in the UK are neurodivergent (more than 15% of the population).

As an employer, we welcome and support staff from all backgrounds and appreciate the new perspective which they bring to the firm. We encourage all staff to have an awareness and understanding of neurodiversity. We are very open to working with neurodivergent staff members to make workplace adjustments to create a comfortable environment where they feel able to perform at their best. More information on neurodiversity at work can be found on the [ACAS website](#).

Training

We require all managers and employees to undergo training about their rights and responsibilities under this policy and their role in shaping our workplace culture. This includes helping the firm provide equal opportunities in employment and preventing bullying, harassment, victimisation, and unlawful discrimination.

We encourage staff to understand the concept of allyship. Allyship in the workplace is a willingness to actively support and advocate for others in pursuit of creating equality and fairness. You can support others in the workplace by listening and learning, mentoring or advocating on behalf of marginalised colleagues.

We will arrange periodic equality and diversity training, which covers these areas. This policy will also form part of our induction programme for new staff.

Reporting of concerns

We encourage all staff to report any concerns relating to any of the matters raised in this policy via our allocated Wellbeing Champions.

Complaints, disciplinary issues and grievance procedures

We take seriously any complaints related to the above by fellow employees, clients, suppliers, visitors, the public and any others in the course of the firm's work activities. All allegations of discrimination and harassment will be dealt with seriously, confidentially and quickly. We will not ignore or treat lightly grievances or complaints made by you, a client or external service provider.

Such acts will be dealt with as misconduct under the firm's grievance and/or disciplinary procedures and appropriate action will be taken. For less serious and isolated instances of misconduct you may prefer to raise the matter informally with your line manager or the Human Resources Manager, Amy Goulding. You may initiate a formal grievance procedure instead or after an informal complaint does not adequately resolve the matter. Such action will follow the disciplinary procedure and may be treated as potential gross misconduct and could lead to summary dismissal. In the case of clients or third parties, this could result in us ceasing to act or ceasing to use their services.

Use of the firm's grievance or disciplinary procedures does not affect an employee's right to make a claim to an employment tribunal within three months of the alleged discrimination. Particularly serious complaints could amount to gross misconduct and lead to dismissal without notice.

You should bear in mind that you can be held personally liable as well as, or instead of, the firm for any act of unlawful discrimination, bullying, harassment and victimisation, in the course of your employment, against fellow employees, clients, suppliers and the public.

All of us are subject to the disciplinary rules; it should be remembered that unfounded allegations of unfair treatment can be distressing to the recipients of such complaints and that such unfounded allegations may in themselves lead to disciplinary proceedings.

Review of this policy

This policy and its effectiveness will be reviewed, at least annually, by Jack Fairweather with input from our Wellbeing Champions. The firm will collect data about the diversity of its workforce bi-annually in a form and manner prescribed by the SRA. This information will be also used to evaluate the effectiveness of this policy. If you would like to propose any changes or additions to the policy, please discuss these with Jack Fairweather.

Record of review

Version	Date of review	Reviewer	Comments/ amendments required	Date of next review
5.2	12 March 2025	Directors		