

# Delivering Equality & Diversity

## A handbook for solicitors



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## **Aim of this handbook**

There is an increasing expectation that solicitors and their firms will actively promote equality and diversity in the way they do business. There are a number of reasons for this including the need to comply with the anti-discrimination legislation and professional regulations as well as business needs. There is also a recognition by many in the profession that solicitors, who serve the public and the public interest in ensuring access to justice and upholding the rule of law should take a lead on issues of equality and fairness.

As an organisation or an individual practising professional you will want to be the best, recruit and retain the best, as well as build an enviable reputation for outstanding service to your clients. It is therefore your responsibility to ensure you understand and implement appropriate equality and diversity policies.

It is not always easy for firms, especially those who may not have access to specialist help to develop and promote effective equality and diversity policies, practices and procedures.

The aim of this Handbook is to provide some guidance to enable solicitors and other related professionals to implement equality and diversity policies effectively within their practices – be they large or small.

It covers the principles behind the current anti-discrimination legislation but it is not a detailed guide to that legislation. The information provided in this Guide is for information and education purposes only. This document therefore is not intended to provide specific legal advice - detail around any legislation issues should be verified at the relevant time, from the appropriate sources and the writers of this guide and the Law Society accept no responsibility for any loss, claim or damage relating to issues arising from misunderstandings or misinterpretations of the content of this guide.

Whilst clearly solicitors will want to comply with the law and professional regulations, the emphasis in this Handbook is on the steps that individuals and firms can take to move beyond compliance, meet the requirements of the Solicitors Anti-Discrimination Rule and move towards best practice. It is about being in touch with the needs and aspirations of an increasingly diverse profession, working population and client base

It is anticipated that this will be a living document – regularly updated as new legislation takes effect and with case studies as the solicitors' profession increasingly embraces best practice. Indeed, there is a form at the end of this guide for you to give us some feedback on the guide itself and to provide any examples of best practice that you are aware of.

## **Structure of this guide**

We have divided this guide into the following sections:

- Section 1: The Legislative context
- Section 2: The Regulatory Context
- Section 3: Business needs and opportunities
- Section 4: What does this mean in practice?
- Section 5: Complaints Procedures – what to do if you are considering making a discrimination complaint to the Law Society or are the subject of a discrimination complaint to the Law Society
- Section 6: Assessing progress
- Section 7: Contacts – organisations which can provide sources of help and information
- Section 8: Feedback Form

## **Some definitions**

There are some common terms used in the field of equality and diversity and it is useful to define what is meant by these terms in this Handbook.

### **Equal opportunities or equality of opportunity**

Equal opportunities or equality of opportunity are terms, which generally relate to the avoidance of discrimination against groups protected by the anti-discrimination legislation. The anti-discrimination legislation is about ensuring that individual life chances and community aspirations are not unfairly determined by factors such as race, gender, disability, age, sexual orientation and religion or belief.

This means, that for example, men and women, young and old, disabled people, Black and Minority Ethnic groups, gay and lesbian people and people of all faiths and none should have equality of access to services, opportunities, benefits and rewards. It is also about ensuring that people from groups that have traditionally and historically faced unfair discrimination do not continue to do so.

## Diversity

Diversity is a broader term than equal opportunities or equality of opportunity. It is a term that is increasingly being used by many organisations. 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. Diversity policies are not only about those explicitly protected by anti-discrimination laws but take into account other factors such as educational and family backgrounds, social class, economic circumstances, geographical location and so on.

Every individual is, by definition, unique. Organisations that embrace diversity recognise that success in the future is about harnessing this human diversity effectively and to the advantage of their enterprise. The focus is not on equalising the differences between groups, but on responding to individual needs and aspirations. Treating people fairly does not always mean treating people the same – it is about recognising different needs, experiences and aspirations and acting accordingly.

Often organisations combine these closely linked concepts (equal opportunities and diversity) together. For instance, The Law Society's Equality and Diversity vision is stated as: ***'The Law Society is committed to playing a leading role in the elimination of discrimination and the promotion of equality of opportunity and diversity in all its activities as a regulator, a representative body and an employer'***.

## Inclusion

Organisations are also increasingly using a further term – “inclusion.” This focuses attention on behaviours and encourages individuals and organisations to behave in ways that deliberately reach out so that people are not inadvertently excluded - the most pronounced form of which is discrimination.

## Positive action

In addition, however, the concept of “Inclusion” gives new weight and impetus to the notion of “Positive Action” included in the equality legislation of the 1970s. It sets up an expectation that, for instance, it is not enough for a selection process to be meritocratic – it must also include deliberate steps to reach out to the widest range of people who might have the skills and talents required – and to review the selection process to ensure that it doesn't inadvertently and subtly tilt the balance in favour of the “traditional” candidate.

Positive action is about taking action, which seeks to minimise the effects and outcomes of past discrimination on groups protected by the anti-discrimination

legislation. This is usually about offering training or encouragement to apply for jobs. Positive action is sometimes confused with positive discrimination i.e. positively favouring someone, for example, because of their gender. This is not permitted in England and Wales unless it falls within one of the very limited exceptions in the anti-discrimination legislation.

## **Quotas and targets**

*Quotas*, i.e. setting numerical requirements which must be achieved, for example, in relation to the number of women or Black and Minority Ethnic staff in your workforce (including trainees) is unlawful in England and Wales. This is based on the principle that, whilst we can take positive action to equip individuals from under-represented groups to compete for employment or training opportunities, selection must be based on recruiting the best person for the job.

*Targets*, on the other hand, are permitted. Target setting is about setting goals (usually numerical) which an organisation wants to achieve and will make very effort to achieve. Setting equality targets is no different from setting other business targets such as fee-earning targets or caseload targets. Targets help in benchmarking and measuring progress.

# Section 1: Legislative framework



This section provides a brief overview of the main UK anti-discrimination legislation. It is not intended to give a definitive interpretation of the legislation. Its aim is to provide information about the types and scope of discrimination prohibited by the anti-discrimination legislation in England and Wales.

The UK has specific detailed legislation on equality that outlaws discrimination in employment and the provision of goods and services. The main statutory provisions which are applicable in England and Wales are contained in the following Acts or Regulations:

- Equal Pay Act 1970
- Sex Discrimination Act 1975
- Race Relations Act 1976
- Disability Discrimination Act 1995
- Race Relations Amendment Act 2000
- Employment Equality (Religion or Belief) Regulations 2003
- Employment Equality (Sexual Orientation) Regulations 2003

From time to time, delegated legislation is made under these Acts and you will need to keep abreast of such developments.

Also, in some cases other legislation may also be relevant. This includes

- Human Rights Act 1998
- Part time Workers (Prevention of less favourable treatment) Regulations 2000
- Fixed Term Employees (Prevention of less favourable treatment) Regulation 2000
- Some provisions of the Trade Union and Labour Relations Act 1992

In addition, codes of practice associated with the various acts are issued by the relevant bodies such as the Commission for Racial Equality or the Equal Opportunities Commission or the Disability Rights Commission. At present, these include:

- i. The Commission for Racial Equality code of practice for the elimination of racial discrimination and the promotion of equality of opportunity in employment (1983)
- ii. The Equal Opportunities Commission code of practice on sex discrimination; equal opportunities policies, procedures and practices in employment (1985)
- iii. The Equal Opportunities Commission code of practice on Equal Pay (2003)
- iv. The Disability Discrimination Act 1995 codes of practice in relation to rights of access to facilities, services and premises in employment

- v. The European Community code of practice on the protection of the dignity of men and women at work.

## **Protected grounds**

In brief, the current legislation prohibits discrimination in certain circumstances on the grounds of:

### **i) Disability (Disability Discrimination Act 1995)**

Discrimination on grounds of disability is unlawful.

A disabled person is defined as a person who has a 'physical or mental impairment' that has a 'substantial and long-term adverse effect' on that person's ability to carry out day-to-day activities.

### **ii) Racial origin**

The Race Relations Act 1976 prohibits discrimination on grounds of a person's race, colour, nationality (including citizenship) or ethnic origin or national origin. Provisions of the Race Relations Act 1976 Regulations apply only to race or ethnic or national origin.

### **iii) Sex discrimination**

The Sex Discrimination Act 1975 makes it unlawful to discriminate against women or men, or on the grounds of married status. It also prohibits direct discrimination on the grounds of gender reassignment in employment or vocational training only.

### **iv) Sexual orientation**

The Employment Equality (Sexual Orientation) Regulations 2003 prohibit discrimination on the basis of a person's sexual orientation towards the same or opposite sex, or both, in employment and training only. This does not cover sexual preferences or behaviour.

### **v) Religion or belief**

The Employment Equality (Religion or Belief) Regulations 2003 protects individuals from being discriminated against in employment or training only on the basis of their religion, religious belief or similar philosophical belief.

## vi) Age

Currently, there is no legislation in the UK which prohibits discrimination on grounds of age. However, the Government is required to implement legislation no later than December 2006 outlawing age discrimination in employment and vocational training generally.

Until then, age limits can in certain circumstances, indirectly discriminate against women and in the past, these have been found to be unlawful under the Sex Discrimination Act 1975.

In unfair dismissal and redundancy cases, Employment Tribunals, when looking at an employer's decisions, have clearly inferred that selection purely on the grounds of age is unfair. So, for example, selecting workers for redundancies purely on the basis of age may be challenged in a Tribunal as unreasonable.

The Government has issued a code of practice on age discrimination for employers. The Code lays out the business benefits to employers of eliminating unfair age discrimination and makes a number of practical recommendations in areas such as recruitment, selection, promotion, training etc.

### **Defining discrimination**

The anti-discrimination legislation is complex with different provisions contained in the different Acts. However, there are some common concepts, definitions and provisions used in all the legislation. The key ones are:

#### **i) Direct discrimination**

This is where a person is treated less favourably because of their gender, racial origin, disability, sexual orientation and religion. This applies to all 'protected' grounds.

#### **ii) Indirect discrimination**

Indirect discrimination means imposing the same rule on everyone but:

- The proportion of the 'protected' group that can comply with the rule is considerably smaller compared to other groups.
- An individual from the 'protected' group is disadvantaged because he or she cannot comply with the rule.

# Section 1: Legislative framework



- The rule cannot be shown to be justified.

## Reasonable adjustment

The Disability Discrimination Act 1995 does not contain this (indirect discrimination) provision. Instead it imposes an obligation to make reasonable adjustments to policies, practices and procedures to allow disabled individuals access to employment, training, services and other benefits/opportunities. Failure to make reasonable adjustments could be unlawful discrimination against disabled people. Detailed information is available in the DDA 1995 – An essential guide for solicitors which is available on the Law Society website.

### iii) Victimisation

This is defined as 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.

### iv) Harassment

The fourth form of discrimination recognised by the anti-discrimination legislation is harassment. It can be argued that harassment has always implicitly been covered by the existing anti-discrimination legislation. However, it is only now, in the new Regulations, that harassment is explicitly defined as unwanted conduct on grounds of race, gender, disability, sexual orientation and religion or belief which has the purpose of violating another person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person, and which can be reasonably considered as having that effect.

## Exceptions to the legislation

There are a few exceptions to the anti-discrimination legislation where discrimination on the protected grounds may be lawful. These exceptions are usually interpreted very narrowly by Tribunals and Courts.

### i) Genuine occupational requirement

In general, positive discrimination on any of the 'protected' grounds is not allowed. 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 Act or Regulations.

## ii) Positive action

Positive action is often confused with positive discrimination. Positive discrimination, i.e. making a decision because of someone's race, gender, disability, is not permitted unless it falls within one of the very limited exceptions contained in the various anti-discrimination Acts or Regulations.

However, the legislation does recognise the concept of positive action (largely in relation to employment and training), i.e. remedial action that seeks to minimise the effects and outcomes of past discrimination on groups covered by the anti-discrimination legislation. 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.

### Scope of the legislation

#### Employment

All of the anti-discrimination Acts and Regulations above apply to employment and vocational training. This includes:

- Job applicants
- Employees
- Self employed
- Contract and Part-time workers
- Partners

The provisions apply to all employment and training relates issues, for example:

- Arrangements for recruitment and selection
- Criteria used to select employees
- Terms and conditions of employment
- Access to training opportunities, promotions and transfers
- Grievances and disciplinary action
- Demotion
- Selection for redundancies
- Dress Codes
- Post employment activities such as the provision of references
- Bonus schemes and work allocation
- Any other benefits such as childcare provision or health care benefits

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## Provision of services

Outside of the employment and training field, the legislation also prohibits discrimination in the provision of goods and services and access to facilities and premises on grounds of race and gender unless they fall within one of the limited exceptions. Discrimination on grounds of disability is also unlawful and service providers are required to make reasonable adjustments to ensure access to services and premises.

Whilst discrimination on grounds of religion or belief, sexual orientation is not prohibited by the relevant regulations, it is prohibited by the Solicitors Anti-Discrimination legislation. Discrimination on grounds of age will be included in the Solicitors Anti-Discrimination Rule (SADR) as soon as the Government makes the necessary Regulations.

## Requests for specific services

In general, it is unlawful to discriminate on grounds of gender and race in the provision of services. However, again, there are some limited circumstance where it may be lawful to do so. In certain circumstances, a race or gender specific service can be provided. For example, exceptions include:

### Gender

- To maintain privacy and decency
- Communal accommodation
- Non-profit making bodies whose aim is to provide services to one group only
- Political parties
- Competitive sport
- Private clubs

### For specific racial groups, this can include:

- Facilities or services which are designed to meet the special needs of a particular racial group related to that group's education, training or welfare or an ancillary benefits – and these services can best be provided by a person of the same racial or ethnic group
- Fostering arrangements

The provisions for disabled people are different and detailed guidance can be found in the "The Disability Discrimination Act 1995 – An Essential Guide for Solicitors 2004".

There will **not** be many situations where exemptions will apply to solicitors and their Firms. An example where this issue could arise is if a client asks to see a solicitor of one gender only or from a specific racial group. You will need to consider if the

# Section 1: Legislative framework



The Law Society

reason for the request fits into one of the exceptions. This is a complex area and you should refer to the specific provisions in the Acts and/or seek specific advice if you are concerned about the lawfulness of the request.

# Section 1: Legislative framework



## Other relevant provisions

It is also unlawful to discriminate

- When giving instructions to Barristers or Barristers' clerks
- In advertising for employment opportunities
- In instructing or pressurising (for example by making threats or offering inducements) another person or organisation to discriminate or do anything unlawful under the anti-discrimination legislation.

# Section 2: Regulatory framework



This section outlines the standards the Law Society expects from solicitors and Firms with regard to anti-discrimination and equality and diversity policies

Solicitors professional conduct rules have included an Anti-Discrimination Rule since 1974. The rule was revised in 1995 and has been updated in 2004 to take account of new anti-discrimination legislation. The 2004 rule came into force on 1<sup>st</sup>. September 2004.

The Rule with accompanying guidance and a model Anti-Discrimination policy is set out below.

## **Solicitors anti-discrimination rules 2004**

*Rule dated 26 April 2004 made by the Council of the Law Society, under section 31 of the Solicitors Act 1974 and section 9 of the Administration of Justice Act 1985, with the concurrence of the Master of the Rolls under the latter section, regulating the professional conduct of solicitors, registered European lawyers, registered foreign lawyers and recognised bodies in England and Wales.*

### **Rule 1 – Duty not to discriminate**

Solicitors must comply with all anti-discrimination legislation from time to time in force and must, at all times, in their professional dealings with staff, partners, other solicitors, barristers, clients or third parties,

(a) not discriminate against any person, directly or indirectly, nor victimise or harass them on the grounds of their sex (including their marital status); on racial grounds; or on grounds of their racial group; ethnic or national origins; colour; nationality; religion or belief; or sexual orientation

(b) not discriminate against any person on grounds of disability except where, in relation to legislation, there is a specific exception or limitation preventing such discrimination from being unlawful.

### **Rule 2 – Burden of proof**

Where there has been a finding by an Employment Tribunal, or a County Court or (in Scotland) Sheriff Court or other relevant court or tribunal that a solicitor has committed, or is to be treated as having committed, an unlawful act of discrimination (including victimisation) or harassment then, where that solicitor is a party to the action in question, this shall be treated as prima facie evidence of that fact when determining whether that solicitor has committed an act of discrimination (including victimisation) or harassment in breach of these rules.

## **Rule 3 – Need for policy**

- (a) Principal solicitors in private practice must adopt and implement an appropriate policy for dealing with the avoidance of discrimination and the promotion of equality and diversity within their practice
- (b) To be appropriate the policy adopted must include, as a minimum, all of the provisions which appear in the Law Society model policy and any additional provisions should not conflict with those provisions.

## **Rule 4 – Failure to adopt own or Law Society model policy**

Those principal solicitors in private practice who have not adopted and implemented their own policy dealing with discrimination and equal opportunity will in any event be bound by the provisions of the Law Society model policy in effect at that time.

## **Rule 5 – Solicitors in employed practice**

Solicitors with management responsibilities in employed practice must use all reasonable endeavours to secure the operation of a policy for dealing with the avoidance of discrimination and the promotion of equal opportunity within their department.

## **Rule 6 – Applicable anti-discrimination legislation**

Reference in this Rule to anti-discrimination legislation means such legislation as is in force at the relevant time, including any amendments, and includes:

- (i) the Equal Pay Act 1970
- (ii) the Sex Discrimination Act 1975
- (iii) the Race Relations Act 1976
- (iv) the Disability Discrimination Act 1995
- (v) the Employment Rights Act 1996
- (vi) the Employment Equality (Sexual Orientation) Regulations 2003
- (vi) the Employment Equality (Religion or Belief) Regulations 2003, and
- (vii) such further anti-discrimination legislation as may from time to time be enacted and brought into force in England and Wales

## **Rule 7 – Applicability to other legal advisers**

- (a) Rules 1 and 2 apply to a registered European lawyer, or to a registered foreign lawyer practising in partnership with a solicitor or registered European lawyer or as a director of a recognised body which is a company or as a member of a recognised body which is a limited liability partnership, or to a recognised body, as they apply to a solicitor.
- (b) Rules 3 and 4 apply to a registered European lawyer who is a principal in private practice, or to a registered foreign lawyer practising in partnership with a solicitor or registered European lawyer, or to a recognised body, as they apply to a principal solicitor in private practice.
- (c) Rule 5 applies to a registered European lawyer as it applies to a solicitor

## **Rule 8 – Replacement of previous rule and code**

These rules replace the Solicitors Anti-Discrimination Rule 1995 and the Solicitors Anti-Discrimination Code.

## **Guidance on the solicitors anti-discrimination rules 2004**

### **Status of this guidance**

1. This guidance is intended to assist in the interpretation of the Solicitors Anti-Discrimination Rules 2004 (“SADR”).
2. The guidance does not form part of the rules and is not mandatory. However, the Law Society may have regard to it when investigating complaints. Solicitors may need to be able to demonstrate how they have complied with the rules if they have not followed this guidance. Conversely, if they can show that they have followed the guidance, they will be able to rely upon that fact in meeting complaints of professional misconduct. The guidance is not substitute for compliance with such anti-discrimination legislation as is from time to time in force.

### **Rule 1 – Duty not to discriminate**

3. Solicitors and their staff should treat all persons as individuals each with equal dignity, respect and fairness to be given the same attention, courtesy and consideration.

### **The Scope of the rule**

4. Rule 1 of the SADR places two distinct requirements upon solicitors:
  - (a) to comply with all current anti-discrimination legislation, and
  - (b) not to discriminate in professional dealings with the persons or groups listed and in the circumstances set out in sub-sections (a) and (b) of that rule.

These two requirements are not identical and in some circumstances the scope of the latter is wider than that of the former.

5. The legislation which must be complied with is referred to in Rule 6 and includes such future anti-discrimination legislation as may be enacted during the currency of this rule. Solicitors should familiarise themselves with the requirements of these provisions and operate their practices in accordance with them. Where legislation applies in principle to a complaint of unlawful discrimination, it will be sufficient for a solicitor to be able to show, as regards a complaint of unlawful discrimination, that the conduct complained of is not unlawful because it falls within a specific statutory exception.

# Section 2: Regulatory framework



6. The scope of the rule, as was the case with the previous rule, goes beyond that of the legislation in a number of key areas. In particular, it extends the ambit of that which is regarded as prohibited discrimination beyond employment and vocational training and partnerships in those areas such as sexual orientation and religion or belief and requires that the solicitor refrain from discrimination in all professional dealings with partners, staff, clients and other third parties.
7. Thus, for example, whilst it may not be unlawful to discriminate against a client or third party on grounds of sexual orientation or religion and belief, it will be regarded as professional misconduct to do so, unless the solicitor can show that the discriminatory conduct complained of is objectively justifiable in the circumstances of the particular case.

## What is discrimination?

8. In general, it is an axiom of rational and ethical behaviour that like cases are treated alike and that unlike cases are treated differently. It is a further axiom that everyone must be treated on the basis of personal attributes and individual merit, rather than on the basis of broad generalisations or stereotypes about group characteristics (whether real or assumed).
9. Discrimination may occur where there is a difference of treatment based on prohibited grounds between two individuals in comparable circumstances. It may also occur where a practice, procedure, or rule etc is applied equally to everyone in a formal sense, but operates in practice in a way that hits disproportionately at members of a vulnerable group (e.g., women, members of an ethnic or religious minority, or gay or lesbian individuals) and where the practice etc cannot be shown to be objectively justified.
10. Discrimination can take a variety of forms including direct discrimination, indirect discrimination, harassment and victimisation. These terms will be explained below but, as already stated, recourse should be had to the terms of relevant anti-discrimination legislation for statutory definitions.
11. For the purposes of this rule:
  - (a) **direct discrimination** takes place where one person is treated less favourably than another is, has been or would be treated in a comparable situation on the ground of their sex or marital status; or on racial grounds, or on grounds of ethnic or national origins; colour; nationality; disability, religion, belief (or lack of belief) or sexual orientation in circumstances to which no exception applies;
    - (i) the definition of discrimination has to be looked at carefully in the

context of disability. The basis is a comparative test: the less favourable treatment of one person than of another, but the Disability Discrimination Act 1995 does not follow the other anti-discrimination legislation and defines discrimination differently in the different areas to which it applies.

- (ii) to treat a person less favourably for other reasons, for example because they have not performed adequately, will not generally be regarded as discrimination which amounts to professional misconduct unless it is given as a reason in order to conceal the fact that the true reason is one of the matters referred to above.
- (b) **Indirect discrimination** occurs where an apparently neutral provision, criterion or practice would put a substantially higher proportion of the members of one sex, or persons having a racial or ethnic origin, or a particular religion or belief, or a particular disability or a particular sexual orientation 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.
- (c) **Harassment** is deemed to be a form of discrimination when unwanted conduct related to any of the grounds referred to above 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.
- (d) **Victimisation** is deemed to be a form of discrimination which occurs when someone is treated less favourably than others in the same circumstances because he or she has brought proceedings alleging discrimination or assisted others in proceedings alleging discrimination on any of the above grounds.

## Genuine occupational qualifications and requirements

12. There are a limited number of situations in which it is not unlawful to discriminate in circumstances where discrimination would otherwise be prohibited. These situations are variously called (depending upon the legislation) Genuine Occupational Qualifications (“GOQ”) and Genuine Occupational Requirements (GOR).
13. Under section 7 of the Sex Discrimination Act 1975 (as amended) (“SDA”) a job can be restricted to one sex provided that the sex of the worker is a genuine occupational qualification – i.e. where the essential nature of the job,

## Section 2: Regulatory framework



or the duties which attach to it, require a person of a particular sex. A GOQ is interpreted in narrow terms and includes jobs where the work involves privacy, decency, personal welfare or educational services; the burden of proof is upon the employer to show that the GOQ applies to the job in question. With regard to transsexuals, an employer can refuse to employ someone who is planning to undergo, undergoing or has undergone a gender reassignment if being a man or a woman is a GOQ and the treatment is reasonable in the circumstances.

14. Section 5 of the Race Relations Act 1976 (as amended) also makes provision for a GOQ. Any job may be restricted to people of a particular race or ethnic or national origin provided that the race or ethnic or national origin is a genuine occupational qualification of the job, where, for example "the holder of the job provides persons of that racial group with personal services promoting their welfare, and those services can most effectively be provided by a person of that racial group". It must be shown that the benefits of employing a particular person outweigh the disadvantages and the duty to prove this is upon the employer.
15. Regulation 7 of the Employment Equality (Sexual Orientation) Regulations 2003 makes it not unlawful for an employer to discriminate against someone of a particular sexual orientation where their orientation is "a genuine and determining occupational requirement" and "it is proportionate to apply that requirement in the particular case". This will be interpreted narrowly, for example in circumstances where it is necessary to comply with the doctrines of a particular religion.
16. Similarly, Regulation 7 of the Employment Equality (Religion or Belief) Regulations 2003 provides for a genuine occupational requirement exemption where "being of a particular religion or belief is a genuine and determining occupational requirement" and is proportionate to the requirement of the case. Again it will be interpreted in a narrow way and will generally only apply where the employer has an ethos based on religion or belief and the nature of the employment warrants it being applied in accordance with the principle of proportionality.
17. With regard to disability, an employer would be justified in not employing a disabled person only if it was essential to the nature of the job that it not be undertaken by a person with that particular disability. It should be noted, however, that section 3A of the Disability Discrimination Act 1995 specifically states that the treatment in question must be capable of being justified and that "treatment is justified ..... if, but only if, the reason for it is both material to the circumstances of the particular case and substantial."

# Section 2: Regulatory framework



## Dealing with clients and third parties

18. A solicitor is generally free to decide whether to accept instructions from any particular client. However, any refusal to act must not be based upon any of the forbidden grounds.
19. Solicitors should instruct barristers on the basis of their skill, experience and ability and should not instruct, or avoid instructing, them on any of the forbidden grounds nor should they request or encourage barristers' clerks to do so.
20. Whilst a solicitor should normally comply with a client's request to instruct a named barrister (subject to the solicitor's duty to discuss the suitability of that barrister for a particular type of work), a client who requests that a barrister should either be, or not be, of a particular sex; marital status; race; racial group; ethnic or national origin; colour; nationality; religion or belief; or sexual orientation; or should not be disabled (in circumstances not permitted by the relevant anti-discrimination legislation), should be encouraged to modify their instructions and in the event that they refuse to do so, the solicitor should cease to act.
21. In relation to the instruction of counsel, solicitors should be aware of the provisions of section 26A(3) of the Race Relations Act 1976, section 35A(3) of the Sex Discrimination Act, Section 7A(3) of the Disability Discrimination Act 1995, Regulation 12(4) of the Employment Equality (Religion or Belief) Regulations 2003 and Regulation 12(4) of the Employment Equality (Sexual Orientation) Regulations 2003 (provisions regarding discrimination against a barrister in relation to the giving, withholding or acceptance of instructions).
22. Solicitors who maintain lists or databases of contractors, agents and other third parties who are regarded as suitable to be instructed by others within the practice should ensure that those lists or databases are compiled on the basis only of the ability of those persons to undertake work of a particular type and should not contain any exclusion, restriction or preference on any of the forbidden grounds.

## Partners and partnerships

23. In relation to a position as partner in a firm, solicitors should be aware of the provisions of section 10 of the Race Relations Act 1976, section 11 of the Sex Discrimination Act 1975 as amended by section 1(3) of the Sex Discrimination Act 1986, Sections 6A, 6B and 6C of the Disability Discrimination Act 1995, Regulation 14 of the Employment Equality (Religion or Belief) Regulations 2003 and Regulation 14 of the Employment Equality (Sexual Orientation) Regulations 2003.

# Section 2: Regulatory framework



Regulations 2003 (provisions regarding discrimination in relation to a position as partner).

24. In addition, solicitors should also be aware of the provisions of section 20A of the Sex Discrimination Act 1975 (as amended) which prohibits discrimination after the end of a relationship and which applies both to employees and partners.

## Rule 2 – Burden of proof

25. Findings of unlawful discrimination by an Employment Tribunal have not previously been regarded as binding on either the Law Society or the Solicitors' Disciplinary Tribunal, although they have been admissible in evidence. The provisions of Rule 2 amend this position and place the burden of proof upon the solicitor in those cases where there has been such a finding. Whilst the Law Society must still determine whether an allegation or finding of discrimination against a solicitor amounts to professional misconduct, it would be a rare case where a finding of an Employment Tribunal, or of a County Court (in areas other employment) or (in Scotland) a Sheriff Court, did not constitute relevant, cogent and convincing evidence of a breach of professional standards.
26. The correct standard of proof to be applied in such cases will be the civil standard.

## Rules 3 & 4 – Policy

27. In order to encourage solicitors to abide by the provisions of this rule and to assist in ensuring that their partners and staff do so too, it will be a requirement that the firm have a written policy for promoting equality, and for avoiding acts of discrimination and for dealing with any instances of discrimination which might arise. Such policy will cover both those matters referred to in legislation as well as those contained in this rule which go beyond the requirements of legislation.
28. Adoption of the policy will not only help ensure compliance with legislation and regulations, but will assist firms from a business and social perspective as well as helping to ensure compliance with legislation. From the business point of view:
  - a) firms will have access to a wider pool of talent assisting them in recruiting in the best interests of the organisation;
  - b) a diverse workforce will lead to the better provision of services to an increasingly diverse client base;

# Section 2: Regulatory framework



- c) firms seeking publicly funded or public sector work or work from large corporate clients will find themselves better placed to satisfy tendering requirements;
- d) firms will enjoy better employee relations whilst at the same time avoiding the costs and adverse publicity which can accompany claims of discrimination;
- e) firms will benefit from a better image generally enabling them more easily to attract potential employees and clients.

From the social perspective, any profession which purports to assist others in accessing and asserting their rights must itself embrace values of fairness and equality, thus promoting a better image of the profession as a whole.

- 29. Firms may produce their own policy and need not adopt, verbatim, the Law Society's model policy. However, if they do so then that policy must cover, as a minimum, all of those matters referred to in the model policy and should contain provisions designed to ensure compliance with this rule. To the extent that the provisions of the model policy are not dealt with in the firm's own policy then the firm will be bound by the relevant provisions of the Law Society's model policy.
- 30. Any firm which does not either formally adopt the Law Society's model policy or produce its own policy will nevertheless be bound by the provisions contained in the Law Society's policy.
- 31. Whilst all firms are expected to implement, monitor (where appropriate) and review the operation of their anti-discrimination policy, the extent to which they will be expected to do so will be proportionate, dependant upon factors such as the size of the firm. Thus, whilst a sole practitioner will be expected to implement and apply an anti-discrimination policy, the duty to monitor and review will necessarily be less complex than for a firm with many partners and other staff.

## **Rule 5 - Solicitors in employed practice**

- 32. It is acknowledged that solicitors in employed practice do not have the same opportunity to formulate, adopt and implement anti-discrimination and equal opportunity measures as do their counterparts in private practice. They should, however, have an opportunity to influence those measures which are implemented, especially within their own departments.
- 33. This rule requires that solicitors in employed practice use their best endeavours to operate anti-discrimination and equal opportunity measures

# Section 2: Regulatory framework



within their own department wherever possible, without placing upon them the burden of professional misconduct where they are genuinely unable to do so.

34. In the event of there being an allegation of misconduct based upon discrimination on any of the grounds listed in Rule 1 of the SADR, it will be for the solicitor with management responsibility to show good reason why he or she was unable to secure the operation of an appropriate policy.

## **Rule 6 – Applicable anti-discrimination legislation**

35. Part of the requirement of Rule 1 is that solicitors observe the provisions of the anti-discrimination legislation. This rule identifies what is current legislation.
36. The Equal Pay Act 1970 (as amended) provides that women and men must be paid the same pay (broadly defined) as those of the opposite sex when the work which they are doing is the same or broadly similar or of equal value. It also covers other terms of employment including working hours, holidays, sick pay and pensions.
37. The Sex Discrimination Act 1975 (as amended) (“SDA”) makes it unlawful to discriminate in employment (including recruitment, training and promotion), education, housing, and the provision of goods or services (and in advertisements for these) on the grounds of a person's sex or in employment related matters because they are married. It also covers partnerships.
38. Additionally, the SDA now makes it unlawful to discriminate against someone who is about to undergo, is undergoing or has undergone a gender reassignment (transsexuals). The Sex Discrimination (Gender Reassignment) Regulations 1999 defines gender reassignment as “a process which is undertaken under medical supervision for the purpose of reassigning a person's sex by changing physiological or other characteristics of sex, and includes any part of such a process”. Further amendments will be made when the Gender recognition Bill comes into force.
39. The Race Relations Act 1976 makes it unlawful to discriminate on racial grounds in employment, education and the provision of goods, services and facilities to the public. It also forbids racial discrimination by public authorities in the exercise of their public function. Like the SDA it applies to partnerships.
40. The Disability Discrimination Act 1995 makes it unlawful to discriminate against disabled people or to fail to make reasonable adjustment to accommodate the needs of a disabled person in the work environment, housing and the delivery of goods, facilities and services.

## Section 2: Regulatory framework



41. The Employment Rights Act 1996 gives rights to those employees who have one year's service with their employer who resign or are considering resignation on the grounds of harassment.
42. The Employment Equality (Sexual Orientation) Regulations 2003 make it unlawful to discriminate in the work environment against anyone on the grounds of their sexual orientation
43. The Employment Equality (Religion or Belief) Regulations 2003 make it unlawful to discriminate in the work environment against anyone on the grounds of their religious or other philosophical belief.

# Section 2: Regulatory framework



## **Law Society's model anti-discrimination policy**

(policy issued under Rules 3 and 4 of the Solicitors Anti-Discrimination Rules 2004)

### **A. The firm's commitment**

#### **(1) General commitment**

This firm is committed to eliminating discrimination and promoting equality and diversity in its own policies, practices and procedures and in those areas in which it has influence.

This applies to the firm's professional dealings with staff and [partners]/[members]/ [directors], other solicitors, barristers, clients and third parties.

The firm intends to treat everyone equally and with same attention, courtesy and respect regardless of their disability, gender, marital status, race, racial group, colour, ethnic or national origin, nationality, religion or belief or sexual orientation.

#### **(2) Regulation and legislation**

In developing and implementing its anti-discrimination policy, the firm is committed to complying with the Solicitors Anti-Discrimination Rule 2004 and with all current and any future anti-discrimination legislation and associated codes of practice including, but not limited to:

- (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 Employment Equality (Sexual Orientation) Regulations 2003,
- (g) the Employment Equality (Religion or Belief) Regulations 2003

and any relevant amendments or re-enactments of such legislation

- vi. The Commission for Racial Equality code of practice for the elimination of racial discrimination and the promotion of equality of opportunity in employment (1983)
- vii. The Equal Opportunities Commission code of practice on sex discrimination; equal opportunities policies, procedures and practices in employment (1985)

- viii. The Equal Opportunities Commission code of practice on Equal Pay (2003)
- ix. The Disability Discrimination Act 1995 codes of practice in relation to rights of access to facilities, services and premises in employment
- x. The European Community code of practice on the protection of the dignity of men and women at work.

And any relevant amendments to such codes or further codes of practice

## B. Forms of discrimination

The following are the kinds of discrimination, which are against the firm's policy:

- (a) **Direct discrimination**, 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.
- (b) **Indirect discrimination**, where an apparently neutral provision, criterion or practice would put a substantially higher proportion of the members of one sex, or persons having a racial or ethnic origin, or a particular religion or belief, or a particular disability or a particular sexual orientation 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
- (c) **Victimisation**, where someone is treated less favourably than others because he or she has taken action against the firm under one of the relevant Acts.
- (d) **Harassment**, when unwanted conduct related to any of the grounds referred to above 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.

## C. Employment and training

### (1) General statement

As an employer, the firm 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,

# Section 2: Regulatory framework



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.

## **(2) Recruitment and selection**

This firm recognises the benefits of having a diverse workforce and will take steps to ensure that:

- (a) it endeavours to recruit from the widest pool of qualified candidates possible;
- (b) employment opportunities are open and accessible to all on the basis of their individual qualities and personal merit;
- (c) where appropriate, positive action measures are taken to attract applications from all sections of society and especially from those groups which are under-represented in the workforce;
- (d) 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;
- (e) wherever appropriate and necessary, lawful exemptions (genuine occupational requirements) will be used to recruit suitable staff to meet the special needs of particular groups;
- (f) all recruitment agencies acting for the firm are aware of its requirement not to discriminate and to act accordingly.

## **(3) Targets**

The firm will use its best endeavours to comply with Law Society policies and targets for the employment of ethnic minorities, as are produced from time to time in accordance with the provisions of the anti-discrimination legislation.

## **(4) Conditions of service**

The firm 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,

# Section 2: Regulatory framework



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 their gender; marital status; race; racial group; colour; ethnic or national origin; nationality; religion or belief; or sexual orientation; or unreasonably on the grounds of their 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.

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

Promotion within the firm (including to [partners]/[members]/[directors]) 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.

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, 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.

## **C. [Partners]/[members]/[directors]**

Arrangements and procedures for selecting [partners]/[members]/[directors], their terms and conditions of [partnership]/[membership]/[directorship], access to benefits, facilities or services and termination arrangements will be reviewed and amended where necessary to prevent discrimination on any of the forbidden grounds.

Maternity rights available to [partners]/[members]/[directors] shall be no less favourable than those required by legislation for employees.

## D. Barristers and third parties

### (1) Barristers

Barristers should be instructed on the basis of their skills, experience and ability. The firm will not, on any of the forbidden grounds, avoid briefing a barrister 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.

### (2) 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.

## E. 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 of the forbidden grounds.

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) and the Solicitors Anti-Discrimination Rule 2004.

In addition, where necessary and where it is permitted by the relevant anti-discrimination legislation (for example, provisions relating to positive action or exemptions) the firm will seek to provide services which meet the specific needs and requests arising from clients' ethnic or cultural background; gender;

# Section 2: Regulatory framework



responsibilities as carers; disability; religion or belief; sexual orientation or other relevant factors.

## **F. Promoting equality and diversity**

This firm is committed to promoting equality and diversity in the firm as well as in those areas in which it has influence.

Employees and [partners]/[members]/[directors] will be informed of this anti-discrimination policy and will be provided with equality and diversity training appropriate to their needs responsibilities.

All those who act on the firm's behalf will be informed of this anti-discrimination 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 suppliers, contractors and recruitment agencies, the firm will seek to promote the principles of equality and diversity.

The firm will make every effort to reflect its commitment to equality and diversity in its marketing and communication activities.

## **G. Implementing the policy**

### **(1) Responsibility**

Ultimate responsibility for implementing the policy rests with the [principal]/[partners]/ [members]/[directors] of the Firm. The Firm will appoint a senior person within it to be responsible for the operation of the policy.

All employees and [partners]/[members]/[directors] of the firm are expected to pay due regard to the provisions of its anti-discrimination policy and are responsible for ensuring compliance with it when undertaking their jobs or representing the firm.

Acts of discrimination or harassment on any of the forbidden grounds by employees or [partners]/[members]/[directors] 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 [partners]/[members]/[directors].

Acts of discrimination or harassment on any of the forbidden grounds by those acting on behalf of the firm will lead to appropriate action including termination of services where appropriate.

# Section 2: Regulatory framework



## (2) Complaints of discrimination

The firm will treat seriously, and will take action where appropriate concerning, all complaints of discrimination or harassment on any of the forbidden grounds made by employees, [partners]/[members]/[directors], clients, barristers or other third parties.

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

## (3) Monitoring and review

The policy will be monitored and reviewed in a manner proportionate to the size and nature of the firm on a regular basis (and in any event at least annually) to measure its progress and judge its effectiveness. In particular, the firm will, as appropriate, monitor and record:

- (a) The gender and ethnic composition of the workforce and partners as well as the number of disabled staff, [partners]/[members]/[directors] at different levels of the organisation
- (b) The ethnicity, gender and disability of all applicants, short-listed applicants and successful applicants for jobs and training contracts
- (c) The ethnicity, gender and disability of all applicants for promotion (including to partnership) to the role of a member of a limited liability partnership or director of a recognised body) and training opportunities and details of whether they were successful.
- (d) 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, the sexual orientation and religion or belief of all [partners]/[members]/[directors] and staff will be monitored so as to ensure that they are not being discriminated against in terms of the opportunities or benefits available to them. Firms should, however, be aware that [partners]/[members]/[directors] and staff may not choose to disclose their sexual orientation or religion or belief and that care should be taken to avoid inadvertent discrimination in such cases.
- (e) The number and outcome of complaints of discrimination made by staff, [partners]/[members]/[directors], barristers, clients and other third parties
- (f) the disciplinary action (if any) taken against employees by race, gender and disability.

## Section 2: Regulatory framework



This information will be used to review the progress and impact of the Anti-Discrimination policy. Any changes required will be made and implemented.

# Section 3: Business needs and opportunities



The legislative and regulatory obligations are key drivers for solicitors and Firms to embrace equality and diversity and obviously set an important context for a Firm's business strategy and planning – but many Firms regard it simply as representing a base line, a set of minimum requirements that they have to meet.

There is a steady shift away from minimal compliance with the legislation to a more proactive stance which positions equality and diversity as a key organisational policy as more Firms recognise the business benefits of equality and diversity practices.

There is of course the avoidance of the risk and cost of discrimination, but more importantly, there are potentially many business benefits for Firms in the form of access to a wider client base, access to public funding and being in a position to comply with clients' corporate social responsibilities as part of tendering processes

## Changing demographics

At the heart of all this, of course, is the increasing diversity of the UK's population:

- more women are participating in the labour market than ever before - currently 70% of all women of working age have some form of employment
- The 2001 census indicates that approximately 8% of the population (4.6 million people) are from a minority ethnic group. The largest groups being Indian, Pakistani and Black Caribbean. The Traveller Research Centre estimates that there are about 200,000 Travellers and Gypsies in the UK
- Approximately 15% of the population (8.6 million people) are covered by the Disability Discrimination Act, and of these, 5.5 million people are of working age
- research conducted in the last decade suggest that a possible 7% of the population are gay men or lesbians
- 36.1 million people are of working age (i.e. men aged 16-64 and women aged 16-60+)
- by 2006, it is estimated that 45-59 year old will be the largest group in the labour force (Employers Forum on age)
- the largest faith community is Christian ( 72%) with 2.7% Muslim, 1% Hindu, 0.57% Sikh and 0.45 Jewish. These are figures based on those who responded to this question in the 2001 Census

More detailed data on the UK population is available on [www.statistics.gov.uk](http://www.statistics.gov.uk)

Not surprisingly, this demographic change is also reflected in the make-up of the profession. There are currently 109,553 solicitors on the roll – with 86,603 holding practicing certificates. Of these, 37.4% are women and 8% are people from minority ethnic backgrounds. Just over half (55%) of all solicitors holding a practicing certificate are 40 years of age or more. 453 have identified themselves as having a disability. There are no figures on the number of gay and lesbian solicitors available

# Section 3: Business needs and opportunities



at present.

Indeed, on gender and ethnicity, where we do have figures, we know that the diversity of the profession is likely to increase further. Women represented 62% and ethnic minorities 21% of students enrolling for the Legal Practice Course in the year to July 2001. More detailed information on the profile of the solicitors profession can be found in the Law Society's Annual Trends report available on the Law Society website.

As we can see, the UK's population is increasing in its diversity and this will have significant impact in the way Firms do business.

## Potential benefits of investing in diversity policies

Beyond this "in principle" drive to "do the right thing" on equality and diversity, there are a number of more commercial benefits that Firms can realise:

- attracting and retaining talent – as we have seen, the UK population is increasingly diverse, and Firms who do not "fish" in particular pools are denying themselves access to some of the best people;
- improving staff satisfaction and releasing contribution – if people feel valued, they are more productive and do a better job;
- increasing innovation, creativity and reaching new markets – added diversity brings in fresh thinking and new ideas; it can also help Firms understand better new markets and opportunities especially those linked with settled minority ethnic communities in the UK
- meeting the procurement requirements of customers – there are increasing expectations of organisations with regard to their commitment to diversity (from the public sector through the "public duty" obligations and from the private sector with the need for the large corporate organisations to project their "corporate social responsibility.") Such organisations are now asking for evidence of a Firm's commitment and action on equality and diversity when purchasing legal services.
- An important requirement for those seeking publicly funded work is the need to demonstrate that the applicant Firm has an active and effective equality and diversity policy and programme of action.
- Avoiding the risk and cost of discrimination. The average payout on cases of Sex Discrimination is £8 –9,000, for Disability Discrimination, £10,000 and for Race Discrimination, £27,000. This does take into account the reputation risk, which may lead to loss of business. *Source: Employment Tribunal Service Annual Report and Accounts for 2002/3*

# Section 3: Business needs and opportunities



Research undertaken by the European Commission (Directorate General for Employment and Social Affairs) in November 2003 supports the view that there are business benefits to be gained. The research concluded that there are tangible business benefits from investing in workforce diversity policies. The specific benefits cited by companies in this research ( The Costs and Benefits of Diversity report) included:

- strengthened 'cultural values' within the organisation;
- enhanced corporate reputation. Around 69% of companies participating in the study stated that their reputation had been enhanced by diversity policies;
- better attraction and retention of highly talented people, cited by 62% of survey participants;
- improved innovation and creativity among employees. Just under 60% of participants said that the implementation of diversity policies had improved motivation and efficiency and 57% cited increased innovation;
- enhanced service levels and customer satisfaction, cited by 57% of participants;
- help in overcoming labour shortages, also cited by 57% of participants;
- reduced labour turnover;
- lower absence rates;
- improved access to new market segments
- avoided litigation costs; and
- improved global management capacity.

**Full text of the report is available on the EU website**  
([europa.eu.int/comm/employmentsocial/fundamentalrights/indexen.htm](http://europa.eu.int/comm/employmentsocial/fundamentalrights/indexen.htm))

# Section 4: What does this mean in practice?



The purpose of this section is to provide some practical guidance on how you can develop and implement equality and diversity policies and practice in your Firm. It might be helpful to think of the areas you need to address with reference to your obligations :

- To develop and implement an anti-discrimination policy
- As an employer
- As a service provider

## **Developing and adopting an anti-discrimination policy**

The Solicitors Anti-Discrimination Rules 2004 require all Firms to develop and implement an anti-discrimination policy. This first step is to decide what to include in such a policy and the scope of the policy. You can, of course, devise your own but this must, as a minimum, contain the provisions of the Law Society's Model Anti Discrimination policy. You can, of course, go further than the Model policy, for example, include discrimination on grounds of age . You will be expected to if you are seeking publicly funded work and you might be expected to do so by other clients. In any event, discrimination on grounds of age will be made unlawful in 2006 so it is good practice to start looking at the implications of this for your Firm.

Some points to consider when drawing up your policy:

- Develop an Anti-Discrimination or Equality and Diversity Policy that fits the circumstances of your Firm – you can use the Law Society's Model Policy as a base. You also need to ensure that the policy is right for you and the size and resources of your Firm. There are no exemptions for small Firms or partnerships in the anti-discrimination legislation or in the Solicitors Anti-Discrimination Rule so you will have to, at least comply with these requirements.
- Make clear to employees, clients and others your commitment to equality and diversity – for example, that the Firm is embracing a principle that it will deal with everyone with fairness, dignity and respect.
- Decide what you want to include in the policy. It might be helpful to think of your obligations as an employer, as provider of services, as a member of the solicitors' profession and in your dealings with third parties. The model policy provides guidance on the type of issues to include for a comprehensive policy.
- Incorporate equality and diversity in the firm's aims and values, and make sure that responsibility for the policy is allocated to a senior member of the Firm.

## Section 4: What does this mean in practice?



- Set goals for any improvement the Firm wants to make – taking account of any Law Society’s policy on employment targets. The Firm may wish to set other targets.
- Set out how you will measure and monitor progress.
- Set out how you will communicate this policy and progress in implementing it – both internally and externally.
- Make clear how breaches of the policy by staff and others will be dealt with.

# Section 4: What does this mean in practice?



## As an employer

As an employer, you are required to treat all employees (full time and part-time) and job applicants fairly. This also applies to contract workers and Partners. You are also liable for the actions of your employees.

This includes :

- Recruitment and selection
- Equal access to opportunities and benefits
- Creating an inclusive working environment

## Recruitment and selection

Firms should put in place inclusive, merit-based recruitment and selection practices, which enable them to attract the widest range of candidates with the skills they require.

Recruitment and selection is an important and visible aspect of equality and diversity.

Fair and effective recruitment and selection strategies involve:

- Having robust processes to identify the skills that you require
- Reaching out to the widest possible pool of candidates with the skills that you need
- Having interviewing and other assessment processes which are objective and linked to job and organizational requirements.

In the following sections of this part of the guide we take each of these stages in turn – and draw out the actions that firms can take to implement good practice.

## Having robust processes to identify the skills and competencies you require

- Make sure that you identify the job requirements that reflect your current needs – and draw up job profiles/descriptions and person specifications based on these and not on the type of person you have always done the job.
- Avoid asking for qualifications, experience, skills and competency requirements which you cannot justify as being essential to carry out the tasks of the job should

# Section 4: What does this mean in practice?



be essential

- Avoid asking for vague requirements such as “ must fit in with the team”
- Make sure that job requirements and person specifications do not contain indirectly discriminatory elements or those that contravene disability or other legislation.

For example:

- Requiring qualifications which are not essential to carry out the tasks of the job
- Only selecting candidates with particular grades at A level or degrees from particular educational institutions could result in indirect discrimination. This is a significant risk when recruiting trainees.
- Using selection criteria which may discriminate indirectly against one particular group, for example, residency requirements or based in a specific geographical location
- An unnecessary requirement for a driving license may rule out someone with a disability
- Whilst there is no legislation prohibiting age discrimination, age requirements can already, in some circumstances, constitute indirect discrimination against women. In any case specific age legislation will shortly be introduced – accordingly firms should avoid using age constraints in their recruitment processes

Research into equality and diversity in FTSE 100 companies concluded that: “All too often, companies assume that the skills and talents they need in the future (or now) will be similar to those that helped them succeed in the past. Many definitions of high potential are ... based on the competencies demonstrated by those currently at the top of the organisation. *Similarly* – ‘merit’ is defined by how things have always been done in the past rather than guided by the needs of the future. Women and ethnic minorities who succeed may just be those who are most adept at ‘fitting in’.

**‘Moving on Up’ – Schneider-Ross 2000**

# Section 4: What does this mean in practice?



## Reaching out to the widest possible pool of candidates with the skills that you need

Most Firms will want to recruit the best people from the widest pool of talent yet many miss out on the best because they recruit only from a narrow section of society.

**Research carried out for the Law Society in 2001** showed that many firms still select applicants for interview according to which university they attend – with old universities (particularly Oxford and Cambridge) targeted. Ethnic minority students are more likely to study at new universities. As one firm said, however, clients are increasingly from diverse backgrounds and are not Oxbridge graduates – making an emphasis on ‘blues and blondes’ focus impractical (as well as potentially unlawful).

*‘A firm decision: the recruitment of trainee solicitors’* **NIESR research published by the Law Society**

In order to make sure that you are accessing all the talent available to you, you should:

- Ensure that recruitment methods do not restrict or reduce chances for particular groups to learn of and apply for vacancies, for example through ‘word of mouth recruitment’ (e.g. staff referrals particularly where current staff or colleagues are mainly from one group)
- Ensure that your recruitment advertisements do not contravene the anti-discrimination legislation against individuals and groups protected by the legislation. For example, using words like “wanted – Girl Friday” are potentially discriminatory. Setting an age limit could potentially be indirect discrimination.
- Ensure that the advertisement does not discriminate indirectly by imposing unjustifiable conditions or requirements, which are more likely to be met by one specific group.
- Where recruitment agencies or headhunters are used – make sure they know about the firm’s diversity policy and the wish to reach a wide range of candidates. Monitor the profile of the candidates Agencies send you and if there appears to be an under-representation of any group, then convey that to the Recruitment Agency to ensure they understand your equality and diversity policies.
- Advertise vacancies internally and externally
- Design your recruitment literature in a way that encourages applicants from all ethnic or racial groups, women as well as men, people with disabilities, older people – through wording, illustrations etc. Where there is under-representation,

# Section 4: What does this mean in practice?



you can use positive action measures to encourage particular groups to apply for jobs. However, make sure that your situation entitles you to use positive action and that you select the successful applicant on merit only.

- Use creative ways of encouraging under-represented groups to apply, for example, by using local job centres, placing vacancies on your website, by working and advertising through community groups, places of worship and local universities. Your local voluntary council may be able to provide you with a list of such organisations in your area. This often does not cost very much and is especially useful for small Firms who may not be able to spend large amounts of money on media advertising
- Consider offering work placements or vacation work for those who would like to enter the profession but face barriers in doing so
- Make your vacancy information accessible to people with disabilities, including those with visual impairment or similar disabilities (this is particularly an issue where websites are the primary means of recruitment) - and let applicants know what arrangements can be made to accommodate their needs in interviews
- Use an application form – while recognising that applicants with disabilities may need alternative channels. Use of an application form allows for information to be presented in a consistent manner and you can design it to provide the information you need.
- Ensure that forms (or other application methods) enable you to collect data on ethnic origin, gender and disabilities in sufficient detail to enable equality/diversity monitoring to take place. For further guidance see Section 6.
- Ensure that appropriate adjustments are made for applicants with disabilities, so that they are enabled to compete fairly in the selection process
  - ask candidates before interview if they have specific requirements and make sure that premises are accessible
  - be prepared to show a visually impaired individual to the place of interview or to invite those with hearing or speech impairments to make use of an interpreter

## **Having interviewing & other assessment processes which are objective & linked to job & organisational requirements**

- Follow the same selection process for all applicants, except where adjustments for applicants with disabilities are made

# Section 4: What does this mean in practice?



- Develop sifting and short listing criteria that follow the key selection requirements and weighting that have been agreed – and make sure that shortlisters and interviewers understand and agree the process to be followed
- Check that the criteria used are not indirectly discriminatory
- Take time to agree questions and how they will be assessed – before interviews take place
- Provide applicants with clear information on the selection process and how it relates to the job specification
- Provide guidance and training for selectors on good practice in shortlisting, interviewing and selection
- Make sure that all those involved in selection processes are aware of the negative effect of assumptions and stereotypes about abilities based on the above, and understand how to ensure that their selection decisions are not unfairly influenced by them
- Avoid asking anyone, especially women questions related to their family plans or domestic arrangements
- Avoid questions about individuals' characteristics which have no relevance to their ability to do the job
- Include selectors from a range of backgrounds, wherever possible
- Where selection tests or assessment centre exercises are used:
  - Make sure that any tests you use are job related , relevant to the tasks of the job and do not have a disproportionately adverse impact on any one group
  - make sure they measure the main skills and abilities needed, have been validated for all groups and are administered according to test producers' requirements
  - base selection decisions on a variety of information sources and not on test results alone
  - avoid rigid cut-off scores, unless the test has been validated for all groups
  - ensure that reasonable adjustments are made for people with disabilities, for example, allowing visually impaired applicants or those with dyslexia to provide responses to tests on tape

# Section 4: What does this mean in practice?



- De-brief unsuccessful candidates at each stage of the process -as an important aid to good relations – both for inside and external candidates
- Keep records of decisions made at shortlist and interview stages
- Monitor and analyse the recruitment and selection process

## **Arrangements for the recruitment and selection of partners**

Arrangements for recruiting and selecting partners are also subject to the provisions of the anti-discrimination legislation and the Solicitors Anti-Discrimination Rule. You must ensure that any arrangements for the recruitment of Partners/Members/Directors are free from discrimination. The good practice principles which apply to avoiding discrimination and promoting equality of opportunity in the recruitment and selection of employees are also applicable to the selection of partners

## **Equal access to opportunities and benefits**

Firms should ensure that all employees and Partners have equal access to opportunities and benefits. This does not necessarily mean that everyone has exactly the same opportunities and benefits but that these are commensurate with their jobs and needs.

## **Promotion and development opportunities**

- Make sure that all staff have fair access to opportunities for training and development, including those linked to Continuing Professional Development
- Provide regular information on learning, development and promotion opportunities to all staff
- Consider 'positive action' training to encourage those under-represented in more senior positions to take up development opportunities
- Discuss with disabled staff what adjustments they may need to be made in order to remove barriers to progression
- Develop mentoring schemes – for all employees and/or targeted for under-represented groups
- Make internal vacancies (including partner vacancies) known openly, so that all staff with appropriate experience or qualifications are aware of vacancies and can apply. This should include part time staff and those on maternity leave or other

# Section 4: What does this mean in practice?



leave of absence

- Provide all staff with fair access to promotion opportunities – including those on part time contracts, maternity or parental leave and other leave of absence
- Ensure that systems for assessing staff performance and suitability for promotion (including appraisal processes) are designed to treat staff fairly and that managers are trained and provided with guidance in relation to these systems
- Ensure that in allocating work, staff have fair access to a full range of cases and assignments commensurate with their jobs, skills and experience.
- Monitor the allocation of training and development opportunities by race, gender, and disability and age across the Firm so that you can identify and address any areas of concern in relation access to promotions and development. For large Firms, it is important to ensure that there is regular evaluation of allocation of training and other opportunities across all departments to ensure consistency

## Equal pay

Equal pay law is meant to help ensure that women and men in the same employment are treated equally in pay and other contractual terms and conditions of employment. “Pay” has a wide definition and includes basic salary and other pay benefits, such as occupational pensions, holiday pay, sick pay and shift pay.

Equal Pay law in the England and Wales is set out in the Equal Pay Act (1970).

Under this Act, employees may claim equal pay with colleagues of the opposite sex where they are in the same employment and are doing:

- Work which is the same or broadly similar ( known as “like work”)
- Work rated as equivalent under an analytical job evaluation scheme
- Work which is different but which is of equal value in terms of the demands of the job

In light of this,

- Ensure that men and women are treated equally in relation to pay and benefits, both as partners and as employees
- Carry out an equal pay review, using guidance from the Equal Opportunities Commission
- Ensure that male and female trainees are paid the same – unless there is a genuine material consideration which objectively justifies a difference in pay

# Section 4: What does this mean in practice?



- Consider extending the equal pay review across other groups (e.g. Black and Minority Ethnic groups, age)

## Bonuses Not Just Base Pay

The Employment Appeal Tribunal in Louise Barton's case, supported by the Equal Opportunities Commission, decided that "no Tribunal should be seen to condone a City bonus culture involving secrecy and/or lack of transparency because of the potentially large amounts involved, as a reason for avoiding equal pay obligations".

If trainees within the same firm are being paid different salaries then this is an Equal Pay issue and requires specialist employment law advice. The difference in pay must be justified by the existence of a genuine material consideration, which objectively justifies making this difference. Examples of this are a difference in skills, experience, or qualifications.

Since 2002, a statutory questionnaire procedure is available to those who believe they have not received equal pay from their employer. Although not compulsory, tribunals can draw any inference they consider just and equitable from a failure to reply within 8 weeks - without reasonable excuse.

The Equal Opportunities Commission has produced an Equal pay review kit for employers – and other guidance includes “ Small business guide to effective pay practices”.

## Other benefits

Make sure that employees and Partners have equality of access and outcome with regard to other benefits and opportunities. For example, these can include:

- Working hours
- Pay schemes
- Maternity, Paternity and adoption leave arrangements
- Holiday entitlement
- Bonus schemes
- Health insurance
- Car and travel allowances

# Section 4: What does this mean in practice?



## Creating an inclusive working environment

All Firms should treat employees and Partners/Members/Directors fairly and work towards developing an inclusive working culture and environment which is free from discrimination and harassment and which respects the diverse backgrounds and beliefs of employees and partners. This also applies to work based social events such as staff Christmas parties and hospitality events for clients.

Working cultures evolve through the interaction of a number of different influences. An inclusive culture is characterised by:

- Leaders who set the tone and behave in an inclusive way
- Policies and action which create an environment free from bullying and harassment
- An accessible, flexible working environment with a wide range of different working patterns at all levels
- Recognition and appropriate response to specific needs arising from racial background, gender, caring responsibilities, disability, religion and sexual orientation or any other relevant factors

### Leaders who set the tone & behave in an inclusive way

- Provide training and coaching to Partners and other senior staff so that they have high levels of awareness and are comfortable and effective in taking a visible lead on equality and diversity issues
- Partners and other senior staff should take every opportunity to promote equality and diversity internally, with clients, third parties and when representing the Firm externally.
- Leaders should set themselves personal performance goals relating to equality and diversity
- Leaders should be accountable – through performance appraisal processes, and/or pay – for progress on equality and diversity in much the same way as they are in other areas of the Firm's performance

### Creating an inclusive environment which is free from bullying and harassment

All employees, Partners and clients are entitled to work or access services in an environment free from harassment, bullying and victimisation and to be treated with dignity and respect.

- Make sure you have a policy dealing with bullying, harassment and victimisation
- Your policy should make clear that the policy covers verbal as well as physical

# Section 4: What does this mean in practice?



- behaviour including jokes, banter and derogatory comments etc
- Set out and communicate the standards of behaviour you expect of staff towards each other, clients and other third parties and Clients towards staff and other clients
  - Make sure that any contractors or others acting on your behalf are also aware of your policy and expectations
  - Make clear the consequences of any breaches of the policy for Partners, employees, clients and third parties
  - Information on the process for dealing with complaints of breaches should be set out in your policy
  - Deal with complaints swiftly, comprehensively and fairly
  - Avoid taking any action which could potentially victimise the complainant, for example, by unfair allocation of work, removal of responsibilities, not talking to the complainant etc
  - Inform the complainant of the outcome

## Communication

Choice of language is a personal matter. Sensitive use of language can be a powerful tool for developing equality of opportunity in the workplace and creating an inclusive environment, which respects everyone's culture and dignity.

Language is not neutral and, as communicators everyday words, terminology and phrases can be a powerful means of perpetuating prejudice and discrimination, and equality of opportunity is sometimes unconsciously and unintentionally denied because our choice of language places people at a disadvantage.

Words used with the intention to abuse, harass or offend are clearly not acceptable. There is a need therefore to recognise that the *impact* of words on the listener also needs to be considered. Some people may use words which others find offensive, although they have no intention of causing offence. The most positive response in these situations is to accept the wishes of the listener(s) and use the terminology they would prefer.

When using language, be sensitive to the risk of offending or excluding. It is important to bear in mind in any communication your potential audience, and make sure that what you say involves the whole range of people within that audience. Appropriate use of language is not just about avoiding discriminatory and exclusive expressions, however, but thinking about positive ways to reflect and include all sectors of society. There are obvious problems in laying out guidelines of specific words, phrases and terminology, as language is dynamic and constantly changing. Individuals also have different preferences.

# Section 4: What does this mean in practice?



However, there are few basic points of guidance for specific groups of people, which need to be considered in relation to communication.

Communication is also about ensuring that information is provided in formats which individuals need, for example, ensuring documents are provided in large print or Braille where necessary or providing BSL Interpreters.

## *Ethnicity*

Over 40% of those from minority ethnic groups in Britain were born here. It is therefore no longer acceptable to refer to visible minorities as 'immigrants'. It is also no longer acceptable to refer to people from minority ethnic groups as 'coloured'. Terms used currently include:

**Ethnic minorities** – widely used and does not generally cause offence. (The use of the word 'ethnics' on its own is, however, potentially offensive and should be avoided.) Some people, however, prefer not to use this term because they feel it implies that only minority communities have ethnicity. The fact is that all groups, White or Black, have ethnicity. Also the term does not always encompass White minority groups such as the Irish or Jewish communities or newer communities from the former Eastern European bloc.

**Minority ethnic communities** – perfectly acceptable to use to describe all minority ethnic communities. The term minority ethnic makes it clearer that it is not just minorities who have an ethnic identity but also the majority. The emphasis is on the minority status rather than the ethnicity.

**Black groups** – this term is used to describe all visible minorities. It is essentially a social and political construct. It came into usage in the 1980s – primarily in recognition of the fact that although all minorities faced issues around discrimination and disadvantage, visible minorities shared experience of discrimination and disadvantage based on the colour of their skin.

**Black & minority ethnic groups/communities/solicitors** - Currently, this is probably the most widely used term used when referring to all minority groups in England and Wales. It is seen as all embracing and inclusive, it recognises the fact that we all have ethnicity and that it is the minority status which is being emphasised. It includes White minority groups and it acknowledges (by the use of the term Black) that visible minorities share experiences because of the colour of their skin, which White minorities do not. You may sometimes see this shortened to BME groups.

**Black & Asian** - Some people prefer to use this term, as some Asian Groups do not wish to define themselves as Black.

**Visible minorities** - is another term that can be used but this will not encompass White minorities or indeed other minorities such as those with hidden disabilities or

## Section 4: What does this mean in practice?



members of Lesbian, Gay, Bi-Sexual and Transgender communities who may be invisible to many.

The most inclusive term to use currently is 'Black and minority ethnic... (solicitors, communities etc)'.

# Section 4: What does this mean in practice?



## *Gender*

Avoid using gender specific pronouns e.g. he/him/his when referring to an audience who could be either male or female. This can be done in a number of ways e.g. using the plural e.g. 'their', or dropping the pronoun entirely.

In relation to transgender people, you should use terminology specific to their chosen gender identity.

## *Disability*

The word 'handicapped' is no longer widely accepted as a term to describe disabled people. Current terminology also makes it unacceptable to refer to disabled people as 'The Disabled'. The current preferred terms are 'disabled people' or 'people with disabilities'. The latter reflects the importance of seeing disabled people as people first and foremost. For this reason it is generally unacceptable to describe people by their conditions e.g. to refer to a person as an epileptic. (The preferred term is 'person with epilepsy').

Disability etiquette also requires sensitivity to terms such as 'suffering from' or 'wheelchair bound', which can also cause offence to some disabled people. Given that the number of people actually in wheelchairs is relatively small, it is important to be aware of the range of preferred terms for specific disabilities - although one should always be sensitive to individual preference as even within groups there can be a difference of opinion over these.

For example, it is no longer acceptable to describe someone with a hearing impairment who cannot speak as 'deaf and dumb' and whilst there are those who accept the term 'hearing impaired with no speech', within the deaf community, there is a preference for the expression 'deaf with no speech'. Similarly use of the term 'spastic' is now completely unacceptable and has been replaced by 'person with cerebral palsy' and 'mentally subnormal/retarded/handicapped' is considered offensive and has been substituted by 'learning disability'.

When dealing with a specific disability, it is sensible to undertake some research on the subject and establish current trends. In all cases, it is preferable to avoid defining people by their impairment unless it is necessary and relevant. Particular attention should be paid to ensuring that communication materials are provided in alternative formats and that presentations take into account any specific needs where necessary.

British Sign Language (BSL) is the first or preferred language of nearly 70,000 Deaf people in the United Kingdom. More people (deaf and hearing) use BSL than speak Welsh or Gaelic. However, not all people with hearing impairments use BSL so it is best to check with the person.

# Section 4: What does this mean in practice?



Ask about communication needs in advance. A useful resource on communication with, behaviour towards and working with disabled people has been produced by the Employers' Forum on Disability, which covers all of the above issues and more.

More information is available on [www.employers-forum.co.uk](http://www.employers-forum.co.uk)

## *Sexual Orientation*

The terms 'gay', 'lesbian', 'bi-sexual' or 'trans-gender' are currently acceptable terms in relation to sexuality.

The term 'trans-gender' is increasingly used as an umbrella term to include all persons who cross gender boundaries, from those who have chosen to change gender to the episodic cross-dresser.

Whilst trans-gender people and the issues which face them are often included in the experiences of gay, lesbian and bi-sexual people, issues identified in the gender section apply equally to the trans-gender community.

Avoid assuming that everyone belongs to a traditional family. The use of the term 'partner' (instead of 'spouse') is more inclusive. You should not assume that your audience is heterosexual and should avoid using gender specific pronouns or comments and jokes, which assume the whole audience is heterosexual.

## **A flexible working environment**

### *Different working patterns at all levels*

Work/life balance is an issue for all of us. Increasingly, employers and employees are developing work patterns which meet the needs of both the Firm and the employee. Firms are recognising the benefits of flexible working – it helps retain highly trained staff, especially women who choose to have career breaks. It can also help the Firm provide services outside of the normal 9-5 hours in order to meet the needs of clients who are only able access a Firm's service outside these hours.

You will need to be mindful of the statutory provisions in this area. Provided they meet a number of criteria, parents with children below a certain age have a right to request flexible working hours, which fit in with their childcare arrangements. Employers must consider all such requests. The Employer must be able to justify a refusal of such a request, for example, if additional cost will be incurred, detrimental effect on the Firm's ability to meet client needs or inability to recruit. If you do receive such a request, refer to the specific legislation on this.

A woman returning from maternity leave may have the right to work hours, which take into account her childcare responsibilities. For example, Part-time, job sharing, working at home, career breaks and term time working. Unjustifiable refusal could lead to claims of indirect discrimination.

# Section 4: What does this mean in practice?



This also applies to men who have childcare responsibilities.

Consider requests for flexible work patterns sympathetically within your business needs. It is recognised that smaller Firms may find it more difficult to be flexible about work patterns than large Firms. However, regardless of the size of your Firm, you must comply with the legislation as a minimum.

Some points to consider :

- Have a set of flexible working policies which is suitable for your Firm
- Consider applying these policies to employees who have caring responsibilities for any dependants, not only children, for example, elderly parents
- Take steps to proactively let all employees know about flexible working policies
- Ensure that pregnant women staff, and those returning after maternity or parental leave are treated fairly – and that these circumstances are not used as the basis for unjustifiable changes in working arrangements/job content etc
- Refusal to allow someone to work flexibly, especially women returning from maternity leave can constitute unlawful discrimination
- Have maternity leave, maternity pay, paternity leave and adoptive leave that meets legal requirements and good practice
- Consider how jobs can be made available on a part time or job share basis or work with employee to find other creative solutions which meet business and employee needs.

## *Responding to specific needs*

As the workplace becomes increasingly diverse, it is important to be aware that employees will have different needs which arise from their faiths, racial or ethnic or racial origin, disability and lifestyles. A good employer will want to make sure that this cultural and religious diversity is respected and look at ways of meeting these needs within the requirements, nature and size of the business.

The following points on respecting diversity should be regarded as providing some basic guidelines only and not considered as indicating hard and fast rules or definitive detail. Groups and individuals may choose to define themselves in many different ways.

Within most cultures and religions there are many variations, traditions and sects and it is always advisable to exercise caution and respect. The basic principle is to

# Section 4: What does this mean in practice?



ensure that we respect, value and celebrate the whole range of diversity including faith and belief, lifestyles and way of doing things. Overall, people are individuals and like to be treated as such.

- Recognise we are not all the same and there is more than one 'right way' of doing things
- Looking at ways in which cultural and religious needs can be met, where appropriate, including prayer facilities and flexibility to accommodate religious festivals
- If you don't know – ask. Most people will not be offended.
- Avoid stereotyping people based on assumptions about their culture or faith.
- Avoid making assumptions about what people can and cannot do.
- Avoid telling jokes, which reinforce stereotypes and make it clear that team/office banter that does the same is not acceptable.
- Respecting others' beliefs means recognising that using the name of a particular God as a swear word often causes offence – so avoid swearing and ask others to stop if they do.
- Respect others' lifestyles and avoid making assumptions about family background, patterns and structures, caring roles and responsibilities, financial or educational backgrounds
- Be aware that body language can be interpreted differently in different cultures. Conventional gestures in one culture can have absolutely contrary meaning in another. For example, be sensitive to eye contact; in some cultures, direct contact is positive and a sign of trust, but in other cultures it may be considered offensive and a sign of disrespect.
- Alcohol is forbidden or discouraged in many cultures/religions – therefore do not assume colleagues or clients would welcome a trip to the pub or would be happy to receive a bottle of wine as a gift.
- Ensure that those who wish to are able to take time off related to religious festivals that are important to them. This does not have to be in addition to their normal leave entitlement
- Consider marking different festivals in the Firm – for example, ranging from simple actions such as sending an email to all staff acknowledging that it is

# Section 4: What does this mean in practice?



a special day for some staff to more elaborate social arrangements

- Consider redesigning jobs to accommodate people with disabilities – making use of support systems and advisory sources where necessary
- Make every effort when employees become disabled to make sure they stay in employment.
- Consider the needs of staff with disabilities or caring responsibilities when deciding to relocate to new office accommodation

For people who have been in their job for 6 weeks or more, Access to Work (operated by the Employment Service) provides a proportion of the cost of special equipment and adaptations to premises. The first £300 is payable by the employer, with 80% of approved costs between £300 and £10000 paid by Access to Work. Full approved costs are payable for support workers, fares to work and communicators in relation to interviews of people with disabilities.

## **Dress code**

If you have a dress code, whether formal or informal, consider the impact of such a code to ensure that it does not discriminate on grounds of gender, religion or race. Consider carefully any requirements which differentiate between men and women or which prevent employees in complying with their faith requirements, for example, prohibiting women from wearing trousers or prohibiting Sikh men from wearing turbans.

## **Religious observance in the workplace**

The Employment Equality (Religious or Belief) Regulations came into force in December 2003. These make provisions to protect potential and existing employees against discrimination on grounds of religion or belief. Under the Regulation, you may wish to consider promoting a number of good practices, for example:

### *Time for prayers and prayer rooms*

This is likely to be one of the most frequently requested religious observance. Whilst employers do not have an obligation to provide time or facilities for religious observance, you may be asked to justify why you refused such a request.

You may want to consider:

- Designating an area for such activities
- Try and negotiate times for prayer which coincide with break times if necessary
- Time off for specific religious festivals

## Section 4: What does this mean in practice?



This may be more difficult for a small Firm where space may be limited and the small number of employees would mean that it is not possible for the Firm to comply with the request. However, if you do make arrangements for one faith, you must consider making arrangements for other faiths

### *Timings of meetings*

Where meetings coincide with religious practice or festivals, for example, always holding team meetings on a Friday afternoon which may exclude Jewish and Muslim colleagues, then consider changing the times or dates of meetings. If meetings are always held early in the morning or late evening, then this may disadvantage those with caring responsibilities. The best way of avoiding this is to check with staff and negotiate suitable arrangements

### *Dietary requirements*

When providing food and drink, whether at meetings or in staff restaurant or events such as Christmas parties and client presentations, ensure that alternatives which meet the requirement of different faiths are provided. For example, wherever possible, try and meet request for kosher or halal food but if you cannot do so, provide other alternatives such as vegetarian food which is acceptable. If in doubt, ask if anyone has specific needs and work out with them how these can best be met.

# Section 4: What does this mean in practice?



## Providing services to clients

The anti-discrimination legislation also prohibits discrimination on the grounds of gender and racial origin in the provision of services. The legislation in relation to disability requires service providers to make reasonable adjustments so that their services are accessible. These provisions include services provided by Solicitors. The legislation is complex and there are exceptions. You will need to refer to the specific Act, which is applicable to your situation.

In addition, the Solicitors Anti-Discrimination Rule (SADR) also prohibits discrimination in service provision on grounds of religion and sexual orientation.

A solicitor is generally free to decide whether to accept instructions from any particular client. However, this decision must not be based on any of the grounds prohibited by the anti-discrimination legislation or the SADR. Beyond this compliance with the legislation and regulations, Firms should consider how they could meet the different needs of a diverse client base.

Some ways of making ensuring that your Firm is responsive to client needs and is in compliance with the legislation and the SADR include:

- Ensure that your partners and staff including reception staff treat people with courtesy, politeness and consideration, and without discrimination – regardless of their background.
- Ensure staff are informed about the Firm's expectations on standards of behaviour and provide equality and diversity training for all staff.
- Ensure that clients are aware of your policies on equality and diversity and your expectations of how clients should behave towards staff, other clients and third parties who supply you with services or act on your behalf
- Consider how you communicate with clients and avoid using language, which could be offensive.
- Consider how your services can be more responsive to those groups or individuals within the community that may be unfamiliar with, or experience difficulty in obtaining legal advice and services – for example by making your services known through community contact, working in partnership with local voluntary groups or holding surgeries in places of worship
- Be responsive to any needs or request, which arise, from a client's gender, ethnic origin or cultural background, responsibilities as carers, religion or belief, sexual orientation or other relevant factors. However, ensure that the request is lawful under the anti-discrimination legislation

# Section 4: What does this mean in practice?



- Take care to assess what clients can understand, and ask the client how they need to communicate – rather than making assumptions about this based on their ethnic origin, age or disability.
- Provide interpreting and translating facilities where possible. It is not good practice to use family members, for example, young children to interpret for parents. In the case of disability, the DDA requires the service provider to make reasonable adjustments and this may include the provision of interpreting facilities. If the provision of interpreting faculties is deemed to be a reasonable adjustment, then the cost cannot be passed on to the client. Further guidance on this is available in the DDA 1995 – An Essential Guide for solicitors available on the Law Society website.
- Ensure that your premises and services are accessible to people with disabilities, as far as possible. This does not always mean that you have to make expensive alternations or adjustments. There are a number of ways in which your Firm can comply with this requirement. Further advice is available from organisations such as DRC or local organisations in your area.
- Consider monitoring the profiles of your clients. This can help you assess if you are reaching to a diverse client base . This is especially important if your Firm provides services to the local community.
- Consider how your dealings with clients with disabilities can be made more effective, for example:
  - Clients with visual impairments could be sent a taped message or recording – based on dictation work already being carried out by the solicitor
  - An email advice service can be offered in addition to a phone based service for clients with hearing impairments
  - Car parking arrangements can be notified in advance for those clients with mobility difficulties
  - Consider how you can help to ensure that clients with disability or language needs are adequately supported in courts and tribunals
  - If a client is required to attend a Court or Tribunal, plan ahead with court staff to ensure that the premises are accessible, adequate communication facilities are available and that papers are provided in suitable formats

From October 2004, the Disability Discrimination Act will apply to firms of all sizes and will cover partnerships. Requirements for reasonable adaptations to premises will also come into effect at that time. Good practice recommendations are for firms of all sizes to take positive steps in relation to both employment and premises – rather than wait for the new regulations.

# Section 4: What does this mean in practice?



## Third parties

Your Firm will also have dealings with those who are neither your clients nor your employees. For example, opponents, employees of other Firms, Barristers, experts, recruitment agencies, local authorities, suppliers and those who act as your agents. The Solicitors Anti-Discrimination Rules apply to all these dealings. All of the good practice principles which apply to employees and clients also applies to third parties. For example:

- Ensure that you do not discriminate when you instruct Barristers. Barristers must be instructed on the basis of their skills, experience and ability and any discriminatory request from Clients must not be accepted unless the Client can provide a justifiable reason to do so. There are unlikely to be many reasons where such a request can be justified under the anti-discrimination legislation. This is equally applicable to instructing expert witnesses or agents.
- Consider how you can use your influence as a purchaser to promote equality and diversity. For example, contractors and suppliers, such as Temporary staff agencies, recruitment agencies or locum suppliers can be asked what steps they are taking to follow good practice in relation to employees and clients.
- Ensure that third parties are aware of your equality and diversity policies. You may be liable for any acts of discrimination carried out by your agents.

# Section 5: Dealing with discrimination complaints



The purpose of this section is to provide you with information on how you can deal with complaints of discrimination. The information in this section is intended to provide general guidance and information. If you want to make a discrimination complaint or receive such a complaint, you must seek specific appropriate advice suitable for your circumstance.

This section is in two parts:

- What to do if you feel you have been discriminated against or been victimised
- What to do if you or your Firm is the subject of discrimination complaints to the Law Society.

## **Making a complaint to the Law Society**

This section covers:

- What to bear in mind before filing a complaint;
- The process of filing a complaint with the Law Society and possible outcomes;
- When you may wish to lodge a complaint with an employment tribunal; and
- The differences between a complaint filed against a solicitor and someone employed by a solicitor.

## **Things to consider before filing a complaint**

If an incident which you feel was discriminatory has taken place you may well wish to start by pursuing it informally. Very often the individual who has caused you to feel unfairly or inappropriately treated will simply have been unaware of the possible impact of his or her behaviour. In this sort of situation, an early, informal conversation – expressing what you have concerns about and why – often leads to an immediate apology and enables both parties to have a frank exchange which enables them to “wipe the slate clean”.

It may also be helpful to begin to keep a log of incidents and events, which would help in supporting your allegations should you need to take formal action.

If you feel you cannot talk directly to the individual concerned, you may be able to identify a colleague (or in a large firm say someone in Human Resources) to whom you can talk and seek to get an informal resolution of the problem.

You may decide to use the Firm’s own complaints procedure.

# Section 5: Dealing with discrimination complaints



## If you have decided to go down the formal route

You can either file a complaint with the Law Society or you may go down the Employment Tribunal route. Or you can do both. Your choice will be driven by what you would like to see happen as a result of your complaint.

If you seek to have the offending party investigated and sanctioned in professional terms, then you should follow the Law Society complaint route. If you seek to obtain an outcome that affects your employment status (i.e. retention of job, promotion-related or pay-related e.g. monetary compensation), then an Employment Tribunal may be your best option. You will need to seek specific legal advice on this.

In some instances, complainants have brought Employment Tribunal claims first and then referred the matter to the Law Society for disciplinary action to be considered. Whichever route is taken, bear in mind that you as the complainant will have to ensure that you can substantiate your allegations.

## Making a complaint to the Law Society

If you feel you have been discriminated against by a solicitor (or a Registered European lawyer or Registered Foreign lawyer operating in England and Wales) or anyone employed by a solicitor (this refers to anyone employed or remunerated by a solicitor in connection with their firm's practice) and you wish to file a complaint or explore your options with the Law Society, please make contact with:

**Compliance Directorate  
The Law Society  
Victoria Court, 8 Dormer Place  
Leamington Spa CV32 5AE**

**(DX 292320 Leamington Spa 4)**

To register your complaint, contact the Law Society at the address above stating the particulars of your complaint. Your complaint will be allocated to a caseworker who will keep in touch with you as the matter proceeds.

## What is the role of the Law Society in dealing with such complaints?

Part of the role of the Law Society is to look into complaints of discrimination brought by clients, employees, other solicitors and other parties. We will also look into cases of discrimination, which have been brought to our attention, for example, in the media or Employment Tribunals. We are committed to dealing with allegations of

# Section 5: Dealing with discrimination complaints



discrimination. All complaints of discrimination which allege or raise a possible breach of the Solicitors' Anti-Discrimination Rule 1995 or 2004 will be investigated.

**NB:** It is important to note that the Law Society's powers are disciplinary (i.e. we can sanction the offending solicitor if there is a finding of misconduct) and not compensatory. A finding of discrimination by the Law Society does not bring with it any compensation or redress for the complainant.

## What are grounds for a complaint via the Law Society?

The Solicitors' Anti-Discrimination Rule 1995 stated that solicitors must not discriminate on the grounds of race, sex, sexual orientation and must not discriminate unfairly or unreasonably on grounds of disability, in their professional dealings with clients, staff, other solicitors, barristers or other persons. The 1995 Rule and accompanying code was replaced in September 2004 and the new Rules can be found in full in Section 2 of this document. The new rules also prohibit discrimination on grounds of religion or belief in addition to the grounds already contained in the 1995 Rule.

If in doubt about your own complaint, please refer to the Rule to gain clarity or ring the Law Society to discuss it further.

## How will your complaint be handled?

Your complaint will be allocated to a caseworker in the Conduct Assessment and Investigation Unit and will be someone designated to deal with discrimination complaints.

All discrimination complaints are dealt with as professional misconduct issues and as with all allegations of misconduct, the onus is on the person bringing the complaint ('the complainant') to substantiate it. You may be asked to provide information on, for example:

- Why you believe you have been treated differently or discriminated against
- In cases of harassment, examples of incidents which have led you to feel harassed and bullied
- Potential witnesses who could support your allegations
- Any logs of events you may have kept
- How you feel the Solicitors Anti Discrimination Rule has been breached

Normally, but possibly not in every case, the caseworker will aim to speak with you at the outset to establish contact and to better understand the nature and details of your complaint. If you are a client or a former client of the Firm, the caseworker will also consider if there are any issues of poor service. A finding of poor service might lead to an award of compensation.

# Section 5: Dealing with discrimination complaints



If the investigation proceeds, the designated caseworker will send a copy of the letter of complaint (with all the supporting evidence) to the solicitor who is the subject of the complaint asking for their explanation.

Once a reply is received from the person who is the subject of the complaint, the caseworker will either:

- Carry out further investigation of the issues, as required, which may involve further exchanges of correspondence;
- Prepare a report for adjudication if there appear to be grounds for the complaint or if there is any doubt; or
- Close the file if it is clear that the complaint is not substantiated.

Generally all investigations and adjudications are carried out 'on paper' i.e. without requiring the parties to present themselves in person.

## What happens if your complaint goes to formal adjudication?

If the caseworker has determined that there appears to be grounds for the complaint, or that there is still some doubt but it appears probable, s/he will submit a report to the Adjudicator. All parties to a complaint will see the caseworker's report, and have the opportunity to comment on it, before it is submitted for adjudication.

On the basis of the report prepared by the caseworker assigned to your complaint, a single Adjudicator normally makes first instance decisions i.e. the first formal decision made.

The decision made by the Adjudicator may be one (or more) of the following:

- To uphold your complaint and impose an internal sanction;
- To refer the conduct of the solicitor to the *Solicitors Disciplinary Tribunal*;
- Not to uphold your complaint, and close the case.

Each of these instances is covered in greater detail in the next section.

## What if your complaint is upheld?

If a breach of the Solicitors *Anti-Discrimination Rule* is found to have taken place, this is likely to lead either to an internal sanction or a referral to the *Solicitors Disciplinary Tribunal*.

# Section 5: Dealing with discrimination complaints



## Internal sanctions

Adjudicators may issue letters of advice and caution or impose a reprimand or a severe reprimand. Sanctions such as those described are 'internal' to the Law Society and are therefore not matters of public record but the Law Society will keep a record of the decisions.

If a solicitor is found to have breached the *Solicitors Anti-Discrimination Rule*, this may also amount to a breach of *Rule 1 of the Solicitors Practice Rules*.

## Referral to Solicitors Disciplinary Tribunal

In serious cases where the Adjudicator feels that internal sanction is not appropriate given the circumstances of the complaint, s/he may refer the conduct of the solicitor to the *Solicitors Disciplinary Tribunal* ('SDT'). The SDT has the power to strike solicitors off the roll.

The Tribunal sits in public and the person bringing the complaint *may* be called as a witness by the Law Society's prosecuting solicitor. Decisions of the *Solicitors Disciplinary Tribunal* are matters of public record.

## Other actions

Where appropriate, conditions may be placed by the Adjudicator on the solicitor's practising certificate. For example, s/he may be prohibited from taking on a trainee solicitor or required to go on equality and diversity training.

On formal adjudication, findings of discrimination are normally referred by the Adjudicator to the Director-General of Fair Trading in accordance with a Memorandum of Understanding between the Law Society and the Office of Fair Trading. This may have an impact on the offending solicitor's ability to engage in consumer credit work.

## What happens if your complaint is not upheld?

If the Adjudicator determines that your complaint does not have merit, or is not substantiated, the parties are notified of the reasons for the decision taken by the Adjudicator and the file is closed and archived. There are no cost implications for the complainant.

There may be rights of review against the decision by the Adjudicator. Applications for review will normally be dealt with on paper by three-member panels comprising lay and solicitor members.

# Section 5: Dealing with discrimination complaints



If, for any reason, you are dissatisfied with the investigation or its outcome, you will be given details by the caseworker of your right to contact the Legal Services Ombudsman. The Ombudsman monitors the way the Law Society handles complaints, so s/he may or may not recommend that the Law Society reconsider a particular complaint.

## **Filing a claim with an employment tribunal**

You may feel that you wish to apply to an Employment Tribunal in addition to, or instead of, complaining to the Law Society. As stated above, this would be the relevant path to choose if you were seeking compensation or needing to secure or modify employment terms and conditions. You must seek specific legal advice necessary.

Depending on the nature of the complaint you are making, you may find it helpful to obtain an explanatory leaflet on tribunals and discrimination cases from the Equal Opportunities Commission, Commission for Racial Equality or the Disability Rights Commission.

You should be aware that the deadline for applying to an Employment Tribunal (ET) is short and strict. Please consider taking advice or checking the ET website if in doubt. Since a Tribunal affords redress to a successful applicant primarily in the form of compensation (which the Law Society is not empowered to do), you may wish to approach Tribunal in the first instance, and not delay your claim pending lodging it as well with the Law Society.

Generally, where applications to Employment Tribunals are underway the Law Society will close its file temporarily pending the outcome of that application. The same applies to appeals to the *Employment Appeals Tribunal*.

For more information on the processes of an employment tribunal and guidance on filling in your application form, please see [www.employmenttribunals.gov.uk](http://www.employmenttribunals.gov.uk). You can also use this website to check on the location of closest employment tribunal who can be contacted for further information. It also contains a very helpful list of the types of complaints which are heard by an Employment Tribunal.

## **Other queries you may have about complaints**

### **What to do if you are uncertain whether to complain through the Law Society?**

Potential complainants are welcome to contact Janet Ruane, Casework Adviser at the Law Society. She can be reached by telephone on 01926 822084 (not a dedicated helpline, but messages left will be returned) or by e-

# Section 5: Dealing with discrimination complaints



mail on [janet.ruane@lawsociety.org.uk](mailto:janet.ruane@lawsociety.org.uk). When making contact, you need not give your name if you prefer to remain anonymous.

Janet Ruane will not give legal advice nor will she formulate a complaint on behalf of a complainant but will explain the processes and powers of the Law Society.

You can also seek help from other groups such as Association of Women Solicitors, Trainee Solicitors Group, Black Solicitors Network, Society of Asian Lawyers, Association of Muslim Lawyers or the Group for Solicitors with Disabilities. Their contact details of these Groups and other organisations are contained in Section 7 of this handbook.

## **What if you have a complaint of discrimination against someone who is not a solicitor but is employed by a solicitor?**

If the complaint concerns the conduct of an unadmitted person, i.e. someone who is not admitted to the roll of solicitors, but who is employed or remunerated by a solicitor in connection with their legal practice, then the Law Society can investigate your complaint and will use largely the same process as outlined above for complaints about solicitors. Please be aware that the powers of the Law Society in respect of unadmitted persons differ from those in respect of solicitors.

If your complaint is about a Barrister, the Law Society will refer you to the Bar Council.

## **What happens to press reports alleging solicitor discrimination?**

It is the Law Society's policy to investigate allegations of discrimination that are brought to their attention by way of press reports (or other sources), even when a complaint has not been formally made to the Law Society.

## **How do I advise a client or member of the public on how to complain to the Law Society?**

If a client or a member of the public approaches you, with a complaint of alleged discrimination by a solicitor, you should direct them to the Law Society, Victoria Court, 8 Dormer Place, Leamington Spa CV32 5AE. DX 292320, Leamington Spa 4.

The main switchboard telephone number is 01926 820 082, or 0870 606 6565. The Law Society produces a form which they can fill in if they chose, or they can write a letter.

# Section 5: Dealing with discrimination complaints



## What examples are there of complaints lodged with the Law Society?

A female trainee solicitor complained that her male training principal had sexually harassed her. She left his employ, complained to the Law Society and originated an application in the Employment Tribunal alleging unlawful sex discrimination. Her Employment Tribunal claim was successful and she was awarded compensation. The Law Society investigation led to the conduct of the solicitor being referred to the Solicitors' Disciplinary Tribunal. The SDT fined the solicitor £5,000 and recommended that a condition be placed on his practising certificate prohibiting him from entering into training contracts.

A secretary employed by a law firm was found by an Employment Tribunal to have been the victim of sex discrimination on two counts. The senior partner had shown her a book containing material of a sexual nature which she found offensive. He later dismissed her and the Tribunal found the dismissal was on the grounds of her sex.

The Law Society investigation led to the solicitor being reprimanded and the matter being referred to the Director-General of Fair Trading.

An employee of a firm successfully brought a claim of disability discrimination in the Employment Tribunal and was awarded £2,778 compensation. The basis of her claim was that the firm had failed to take reasonable steps to prevent the physical features of her workstation placing her at a disadvantage due to her disability. The firm had sought to improve the employee's working conditions but were found by the ET not to have done so sufficiently quickly.

A Law Society adjudicator found that the partners were in breach of the Solicitors Anti Discrimination Rule 1995 but in all the circumstances of the case it did not warrant a sanction.

A black assistant solicitor was successful in a claim of race discrimination against the firm where he was employed. He was awarded compensation for injury to feelings and aggravated damages. The Law Society found that the firm's senior partner was in breach of the Solicitors Anti Discrimination Rule 1995 and Practice Rule 1. A severe reprimand was imposed on him and the matter was referred to the Director – General of Fair Trading.

# Section 5: Dealing with discrimination complaints



## What to do if you are the subject of a discrimination complaint to the Law Society?

### Preventing complaints

As with the complaints outlined above, it is always best to prevent matters getting to the point of a formal complaint. For this reason, it is useful to remember to keep lines of communication open with your colleagues, staff and others you come into contact with. This way, if there is something bothering them about your conduct or that of someone else in your firm, it will be far easier for them to consider approaching you to discuss it informally. Providing equality and diversity training to staff is also important and can minimise the number of complaints you receive.

### The investigation

If you are the subject of a discrimination complaint by another solicitor, or by a client, or member of the public or an employee, the Law Society will investigate the complaint, making reference to whichever Solicitors Anti-Discrimination Rule was in place at the time of the alleged discrimination.

If you are being investigated, it is to your benefit to be as co-operative and open as possible so that the matter can be resolved most expeditiously. Try not to be overly defensive. As we all strive to discharge our duties with honour and professional integrity, you can show yours under these circumstances by remaining open, honest and flexible.

Once an investigation has begun, the caseworker will normally write to you setting out the issues which they need you to explain. They will ask to have your full response by the date shown in the letter, together with any supporting documents from your file.

In undertaking an investigation, the Law Society may also, for example :

- look at how you have implemented your Anti-Discrimination policy
- ask for monitoring information especially if it is a complaint about selection for a job, promotional opportunities or access to training
- evidence of steps you have taken to train your staff on equality and diversity issues

### Inadequate professional service ( ips)

Where a complaint is made by a client or a former client, the caseworker will consider whether the circumstances give rise to any ips as well as misconduct.

# Section 5: Dealing with discrimination complaints



If ips is found and it is not possible to resolve that aspect by conciliation, the Society's powers under S37A and schedule 1A Solicitors Act 1974 (as amended) may be exercised. These powers include directing the Firm to pay compensation and/or reduce their costs.

Once the Law Society have received your response, they will review the position and will:

- Write to you and the person making the complaint explaining why no further action will be taken;
- Let you know that a further investigation is needed; or
- Let you know that a formal decision is needed and explain how they will do this

## Your reply to the Law Society

All solicitors are under a professional obligation to reply to the Law Society. You should therefore reply to the letter received as quickly as possible.

If you do not provide a satisfactory explanation in response to the complaint, the Law Society may take one or more of a series of possible actions.

## Results of the complaint

If evidence is found of professional misconduct, a member of the Adjudication Team or Adjudication Panel can take the following steps:

- Make a finding and issue a letter of advice or issue a warning
- Reprimand you; or
- Severely reprimand you.

These decisions are not a matter of public record but are kept on record at the Law Society. The Law Society asks the person who has made the complaint to keep the outcome confidential, although they cannot ensure that s/he will do so.

There is a right of review against an adverse finding. Reviews are considered by three member panels comprising lay and solicitor members.

The Law Society will refer the most serious or persistent allegations of misconduct to the Solicitors' Disciplinary Tribunal. The Tribunal holds public hearings and decisions made are available to the public. If referred to the SDT, solicitors can be:

- Reprimanded;
- Fined;
- Suspended from practice for a fixed term or an indefinite period; or

# Section 5: Dealing with discrimination complaints



- Struck off the Roll

## **Other actions**

Where appropriate, conditions may be placed by the Adjudicator on the solicitor's practising certificate. For example, s/he may be prohibited from taking on a trainee solicitor or required to go on equality and diversity training.

On formal adjudication, findings of discrimination are normally referred by the Adjudicator to the Director-General of Fair Trading in accordance with a Memorandum of Understanding between the Law Society and the Office of Fair Trading. This may have an impact on the offending solicitor's ability to engage in consumer credit work.

## **Requests for reconsideration**

If the person making the complaint is dissatisfied with the way the Law Society has handled the complaint or proceedings, they have the right to refer their concerns to the Legal Services Ombudsman. The Ombudsman may then recommend that the Law Society reconsider the matter, and make a fresh formal decision in appropriate cases. The Legal Services Ombudsman does not accept referrals from solicitors who are the subject of an investigation.

## **Costs of the investigation**

The Law Society has the power to recover the costs of investigations from the subject of a complaint where misconduct is found and where the matter is dealt with internally, i.e. has not gone to the Solicitors' Disciplinary Tribunal. These costs are currently fixed at £840 for a first-instance decision and £175 in the event of an unsuccessful application for review.

## Section 6: Assessing progress



This section provides information and guidelines on monitoring and assessing your Firm's progress on implementing your equality and diversity policies.

There are also 2 Self-Assessment questionnaires. Questionnaire A is a shorter questionnaire and covers the main elements of good practice. It will probably be more useful for very small Firms or those with limited resources. Questionnaire B is a much more comprehensive and detailed tool to help you assess progress in the various areas covered in this guide.

Neither questionnaire seeks to provide an exhaustive list of questions. You may wish to add many more depending on your Firm's anti-discrimination policy or areas of concern.

## Monitoring systems

As with all organisational policies and plans, it is important to regularly assess the impact of such policies and measure progress. This is equally true of equality and diversity policies and especially true in relation to recruitment and selection processes. Monitoring systems should be developed to take account of your legal and regulatory responsibilities as well as the business needs and size of your Firm. Whilst the Law Society's model Anti-Discrimination policy includes a duty to monitor for all Firms regardless of size, monitoring and review activities will necessarily be less complex for small Firms compared to large firms.

For example, for some Firms with a small number of employees and little recruitment activity, a basic monitoring system may suffice. Even in these circumstances, you should have enough information to indicate the progress you are making in implementing equality and diversity policies in your Firms. Whilst much will depend on what is reasonable for your Firm, there is no exemption in legislation and there is no limit for compensations if a complaint of discrimination is upheld against your Firm. Firms with more resources are in a position to develop more comprehensive systems.

Whatever the size of the Firm, you should be in position to provide equality and diversity data if requested by either the Law Society or by clients during tendering processes.

## Why monitor?

Monitoring can provide information to help you and your Firm assess:

- Whether you are complying with the anti-discrimination legislation and that you are providing equality of opportunity
- Whether there are any areas of concern and possible inequalities which you need to address
- Progress in implementing your anti-discrimination policies and assist in benchmarking
- Provide you with information which may help you defend an unjustifiable allegation of discrimination

## Monitoring categories

The most common categories are:

- Ethnic origin
- Gender
- Disability

- Age

With the advent of legislation prohibiting discrimination on grounds of sexual orientation and religion or belief, a small number of organisations are beginning to monitor these categories as well.

## Approach to monitoring

Monitoring equality and diversity can be controversial and sensitive. Not everyone is comfortable providing sensitive information about his or her ethnicity or disability. Asking people for information on their sexual orientation and religions is particularly sensitive. You will need to proceed with caution. Some good practice points include:

- Decide what you want to monitor and why
- Decide how you will collect the information, for example, will you use a tear off slip with an application form
- Explain why you need this information when you ask applicants or others to provide it
- Explain how you will use this information and reassure them that this will not affect your decisions
- Decide if the information will be kept separately from the main body of the application form or any other paperwork.
- Voluntary self categorisation is the best way of collecting this information
- For ethnic origin categories, use those which are recommended by organisations such as the Commission for Racial Equality or the census categories. However, you may wish to add to these depending on the profile of your local community
- If you decide to keep monitoring information separately, ensure that you can link it back to your decision making processes for analysis purposes, for example, on which candidates were shortlisted or appointed.
- Ensure that all your analysis is presented on an anonymous basis

## In employment

For a comprehensive monitoring system, you should consider monitoring the following:

### Recruitment and selection

Numbers of applicants, shortlisted applicants and successful candidates for each job from the different categories. It is also good practice to identify external and internal applicants where relevant and reasons for decisions.

### Workforce profile

Number of employees at all grades and job types from the different categories, for

# Section 6: Assessing progress



example,

- at different grades and job types. This could include bandings such as Administrative staff ( PAs, secretaries, office managers), Para legals and Legal Assistants, Assistant Solicitors, senior Solicitors , Salaried Partners and Equity Partners.
- Working full time, part-time or other hours
- If you are a multi-sited Firm or a large Firm with a number of departments, it is useful to breakdown the analysis by site and/or departments as well. This will help pinpoint reveal any specific areas of concern, which may be masked by corporate figures. For example, are all your Back and Minority Ethnic employees undertaking immigration work? If this is the case, you should analyse why this is the case and if there is any cause for concern.
- If you take on Trainees, monitor the recruitment and selection process for trainees separately. This will help you assess if you are meeting targets, especially those set by the Law Society

## Equal Access to benefits

Consider monitoring the following:

- Number of employees offered promotion, development and training opportunities from each of your monitoring categories (including the type of opportunities)
- For Firms with more resources, think about monitoring career paths of employees
- Number of request received for flexible working, decisions made in each case and the reasons for the decision
- Pay patterns and schemes, bonus schemes, fee targets
- Allocation of work – this is especially important in the case of trainees and the allocation of seats.

For Firms who want to compete for and provide services to corporate clients or public sector clients who are subject to the public duty under the Race Relations Amendment Act 2000, it may be important to monitor areas such as the allocation of prestigious or high value work. You may be asked about this as part of a competitive tendering process

- Allocation of other benefits

## Creating an inclusive working environment

- Number of requests for different working arrangements arising from the employee's cultural, religious background or caring responsibilities, decisions and reasons for decisions
- Number of complaints of discrimination, harassment and bullying received from employees
- Outcomes of these complaints

- Action taken against perpetrators where complaints have been upheld

Number of grievances and disciplinary action taken, responses and outcomes involving employees from the different categories

For small Firms, it may not be necessary to set up such a comprehensive system. It may be sufficient to ensure that such Firms keep a track of all their employment decisions and analyse this on a regular ( at least annually) basis.

## **In service provision**

This is one of the more difficult and sensitive areas to monitor but it can provide helpful information. For all Firms but especially those, which provide local services, success depends on attracting the widest possible client base. Monitoring can help in identifying if:

- your services are accessible to all the local communities in your area.
- there are any barriers to using your services
- there are any business opportunities which you can benefit from

You may wish to consider monitoring your client profile. You can do this by:

- Asking clients to fill in a monitoring form on a voluntary basis.
- Ensuring that you explain why you are collecting this information and how you will use the information to improve your services to all clients
- Reassure the clients that this will not affect the quality of service they will receive

## **Using the monitoring information**

Collecting monitoring information is a means to an end – it is not the end. There is no point in collecting data if a Firm is not going to analyse and use the information to assess progress and identify any gaps or areas of concern, which require action.

- Decide how you will analyse the information in a relevant and timely manner
- Ensure that analysis is presented to Partners and senior managers on a regular basis – at least annually
- For larger Firms, it is important to collate information, which may have been gathered in different offices or different departments so that Partners and Managers can be sure of consistency across the whole Firm.
- It is also useful to break down the analysis by office to department to ensure that the corporate data does not mask any specific issues in a particular office or department

# Section 6: Assessing progress



The Law Society

More advice is available from the Commission for Racial Equality, Equal Opportunities Commission and the Disability Rights Commission websites.

# Self-assessment questionnaire A



AREA OF ACTIVITY	YES	NO
<b>The Firm has a policy on anti-discrimination /equality and diversity which sets out your commitment and action you will take to promote equality and diversity/</b>		
<b>2. The policy covers</b>		
• Clients		
• Employees		
• Partners		
• Third parties (including those who act on your behalf)		
• Suppliers		
<b>3. Overall responsibility for ensuring that the policy is implemented allocated to an identified partner or senior employee.</b>		
<b>4. The policy communicated:</b>		
• Internally		
• Externally		
<b>5. It is communicated through:</b>		
• Training Courses		
• At staff meetings		
• Written information		
• Included in terms of business		
• Included in Firm's newsletters		
• Other( specify)		
<b>6. The Firm has an action plan setting out action it will take to address any concerns and make progress toward equality and diversity</b>		
<b>7. The policy includes information on how the Firm will measure and monitor progress</b>		
<b>8. The action plan include appropriate improvement targets</b>		
<b>9. The Firm regularly (at least annually) reviews and reports on progress to Partners and/or senior managers.</b>		

# Self-assessment questionnaire A



<b>10. The Firm has taken steps to ensure that it does not discriminate and takes into account equality and diversity in employment by:</b>		
• Opening job vacancies to the widest pool of applicants as possible		
• Ensuring that the selection criteria and process is not discriminatory		
• Taking positive action to encourage under-represented groups to apply		
• Training recruiters and selectors on equality and diversity issues		
• Ensuring that promotion and development opportunities are open to all suitable applicants		
• Ensuring that any performance management systems are fair		
• Ensuring that the Firm's maternity, paternity and adoptive leave arrangements meet at least the statutory provisions		
• Considering all requests for flexible working sympathetically and in accordance with the statutory provisions.		
• Ensure that all staff have equal access to other benefits such as holidays, travel allowances etc		
• Parity in pay and bonus schemes commensurate with their jobs		
• Allowing staff to take leave for specify religious festivals		
• Making reasonable adjustments for disabled staff		
• Having a Dignity at work policy		
• Having a complaint system for employees, clients and third parties who wish to make a complaint of discrimination, bullying or harassment		
<b>11. Selection arrangements and employment conditions for partnership comply with the legislation and good practice</b>		
<b>12. Staff have been made aware of their responsibilities and the Firm's expected standards of behaviour by:</b>		
• Ensuring that all staff have read and understood the Firm's anti-discrimination policy		
• Staff training		
<b>13. The Firm keeps a track record of the following employment decisions on grounds of gender, race and disability so that these can be analysed on equality and diversity grounds:</b>		
• Workforce profile		

# Self-assessment questionnaire A



<ul style="list-style-type: none"> <li>• Profile of applicants</li> </ul>		
<ul style="list-style-type: none"> <li>• Profile of short listed applicants</li> </ul>		
<ul style="list-style-type: none"> <li>• Profile of successful applicants</li> </ul>		
<ul style="list-style-type: none"> <li>• Profile of applicants, shortlisted applicants and successful applicants for promotion (including partnership opportunities)</li> </ul>		
<ul style="list-style-type: none"> <li>• Profile of staff grievances and disciplinary action</li> </ul>		
<ul style="list-style-type: none"> <li>• The Firm also monitors employment decisions by age, sexual orientation and religion or belief</li> </ul>		
<p><b>14 The Firm can provide equality and diversity data when requested either by the Law Society or by clients or by other bodies as part of their procurement processes</b></p>		
<p><b>15. Every effort is made to meet client request for specific services arising from language, cultural background and religion</b></p>		
<p><b>16. Reasonable adjustments are made to ensure that our services are accessible to disabled clients</b></p>		
<p><b>17. Client profile is monitored and analysed by:</b></p>		
<ul style="list-style-type: none"> <li>• Gender, race and disability</li> </ul>		
<ul style="list-style-type: none"> <li>• Age, sexual orientation and religion</li> </ul>		
<p><b>18. The Firm seeks to promote equality and diversity:</b></p>		
<ul style="list-style-type: none"> <li>• In its dealings with third parties and suppliers</li> </ul>		
<ul style="list-style-type: none"> <li>• By making sure that marketing and publicity materials reflects the Firm's commitment to diversity</li> </ul>		

# Self-assessment questionnaire B



## Section 1: Developing and implementing an anti-discrimination policy

AREA OF ACTIVITY	YES	NO
<b>The Firm has a policy on anti-discrimination /equality and diversity which sets out your commitment and action you will take to promote equality and diversity</b>		
<b>The policy covers:</b>		
• Clients		
• Employees		
• Partners		
• Third parties (including those who act on your behalf)		
• Suppliers		
<b>Overall responsibility for ensuring that the policy is implemented allocated to an identified partner or senior employee?</b>		
<b>The policy is communicated</b>		
• Internally		
• Externally		
<b>The policy is communicated by:</b>		
• Training Courses		
• At staff meetings		
• Written information		
• Included in terms of business		
• Included in Firm's newsletters		
• Other ( specify)		
<b>The Firm has an action plan setting out action you will take to make progress toward equality and diversity</b>		
<b>The policy include information on how you will measure and monitor progress</b>		
<b>The action plan includes any appropriate improvement targets</b>		
<b>The Firm regularly (at least annually) review and report on progress</b>		
<b>Partners and Senior Managers within the Firm receive regular feedback and information on progress.</b>		
<b>All partners and senior managers are held accountable for achieving goals set out in the action plan</b>		
• Through performance management and appraisal systems		
• Through their pay		

# Self-assessment questionnaire B



## Section 2: Workforce diversity

AREA OF ACTIVITY	YES	NO
<b>Recruitment and selection</b>		
<b>The Firm always reviews job requirements before we advertise all vacancies to ensure that</b>		
<ul style="list-style-type: none"> <li>The job requirements are based on our current needs rather than past requirements</li> </ul>		
<ul style="list-style-type: none"> <li>The qualifications, skills, experience and competencies we ask for are essential to undertake the job</li> </ul>		
There are no unnecessary and unjustifiable discriminatory requirements		
<b>Our trainee recruitment process has been reviewed in the past 12 months to ensure that</b>		
<ul style="list-style-type: none"> <li>The recruitment process is transparent and fair</li> </ul>		
<ul style="list-style-type: none"> <li>That the criteria used does not directly or indirectly discriminate against potential trainee applicants</li> </ul>		
<b>We advertise all our vacancies externally</b>		
<ul style="list-style-type: none"> <li>Always</li> </ul>		
<ul style="list-style-type: none"> <li>On most occasions</li> </ul>		
<ul style="list-style-type: none"> <li>Very rarely</li> </ul>		
<ul style="list-style-type: none"> <li>Never</li> </ul>		
<b>We advertise our vacancies internally</b>		
<ul style="list-style-type: none"> <li>Always</li> </ul>		
<ul style="list-style-type: none"> <li>On most occasions</li> </ul>		
<ul style="list-style-type: none"> <li>Very rarely</li> </ul>		
<ul style="list-style-type: none"> <li>Never</li> </ul>		
<b>We have an open recruitment process for job placements and vacation work</b>		
<b>We have taken the following steps to reach the widest pool of talent</b>		
<ul style="list-style-type: none"> <li>Reviewed our recruitment literature to ensure that it encourages applicants from diverse groups</li> </ul>		
<ul style="list-style-type: none"> <li>Job advertisements state our commitment to equality and diversity and encourage under – represented groups to apply for jobs with the Firm</li> </ul>		
<ul style="list-style-type: none"> <li>Recruitment agencies and head-hunters are informed of our equality and diversity policies and goals</li> </ul>		
<ul style="list-style-type: none"> <li>Established communication with local community groups and organisations and advertise vacancies through them</li> </ul>		
<ul style="list-style-type: none"> <li>Reviewed the universities traditionally visited or otherwise targeted and where necessary added others which will enable us to reach a more diverse pool of</li> </ul>		

# Self-assessment questionnaire B



applicants		
<ul style="list-style-type: none"> <li>• Job advertisements and recruitment literature is accessible to disabled people</li> </ul>		
<ul style="list-style-type: none"> <li>• All applicants have to fill in a standard job application form</li> </ul>		
<ul style="list-style-type: none"> <li>• Disabled applicants can provide information in alternative formats</li> </ul>		
<ul style="list-style-type: none"> <li>• A range of assessment methods are used to assess candidates suitability for jobs</li> </ul>		
<ul style="list-style-type: none"> <li>• We advertise our trainee and vacation vacancies</li> </ul>		
<ul style="list-style-type: none"> <li>• All candidates are interviewed by more than one selector</li> </ul>		
<ul style="list-style-type: none"> <li>• Only tests which are relevant to the job are used</li> </ul>		
<ul style="list-style-type: none"> <li>• Assessment tests have been validated on diverse groups and results</li> </ul>		
<ul style="list-style-type: none"> <li>• Tests are adapted to meet specific needs if required</li> </ul>		
<b>All recruiters and selectors have been trained so that they are:</b>		
<ul style="list-style-type: none"> <li>• Aware of legal obligations</li> </ul>		
<ul style="list-style-type: none"> <li>• Aware of how personal prejudices, assumption and stereotyping can affect selection decisions</li> </ul>		
<ul style="list-style-type: none"> <li>• Aware of the Firm's equality and diversity policies in employment</li> </ul>		
<b>Wherever possible, a diverse group of selectors is used</b>		
<b>Unsuccessful candidates are given feedback:</b>		
<ul style="list-style-type: none"> <li>• By letter or email</li> </ul>		
<ul style="list-style-type: none"> <li>• By agencies and head-hunters where used</li> </ul>		
<ul style="list-style-type: none"> <li>• Meeting</li> </ul>		
<ul style="list-style-type: none"> <li>• Telephone</li> </ul>		
<ul style="list-style-type: none"> <li>• Feedback form</li> </ul>		
<b>Recruitment and selection arrangements for Partners:</b>		
<ul style="list-style-type: none"> <li>• Ensure that opportunities for partnerships are advertised openly</li> </ul>		
<ul style="list-style-type: none"> <li>• Provide an opportunity for all who wish to apply for partnership</li> </ul>		
<ul style="list-style-type: none"> <li>• Ensure that the process for selection is transparent</li> </ul>		
<b>Equal access to benefits</b>		
<b>Promotion and development opportunities are openly advertised to all staff</b>		
<b>Selection process for promotion and development opportunities is based on objective, non-discriminatory and justifiable criteria</b>		
<b>Work is allocated fairly taking into account skills, competencies and development needs</b>		

# Self-assessment questionnaire B



<b>Trainees are allocated work to ensure that comparable learning opportunities are provided to all trainees</b>		
<b>Where appropriate, positive action and initiatives such as training opportunities are provided for groups under-represented in the Firm</b>		
<b>We have a formal mentoring scheme especially for those groups under-represented at senior levels in the Firm</b>		
<b>Commensurate with their jobs and grades, staff have parity in relation to pay and bonus schemes</b>		
<b>Flexible working schemes are available to all staff whatever their level in the Firm within the business needs of the Firm</b>		
<b>Maternity, paternity and adoption leave arrangements are in compliance with the statutory minimum</b>		
<b>Maternity, paternity and adoption leave arrangements exceed the statutory minimum</b>		
<b>All staff have equal access to other benefits including:</b>		
• Health insurance		
• Travel allowances		
• Other ( specify)		
<b>Partners also have equal; access to benefits and opportunities</b>		
<b>Creating an inclusive working environment</b>		
<b>Employees are allowed to have leave to celebrate religious festivals that are important to them</b>		
<b>There is a designated area for prayers and quiet contemplation</b>		
<b>Dietary requirements of all staff are provided for:</b>		
• In the staff restaurant		
• At work based social events including client hospitality events		
<b>Positive steps are taken to acknowledge and recognise key festivals of all employees by marking or celebrating festivals etc</b>		
<b>Reasonable adjustment are made to take into account the needs of disabled employees</b>		
<b>There is a process by which disabled employees can request reasonable adjustments</b>		
<b>The Firm is aware of and accesses additional support and funding available from Government to assist employers and disabled employees</b>		
<b>Leaders in the Firm provide a visible lead on equality and diversity internally or externally</b>		

# Self-assessment questionnaire B



<ul style="list-style-type: none"> <li>• Always</li> </ul>		
<ul style="list-style-type: none"> <li>• Most of the time</li> </ul>		
<ul style="list-style-type: none"> <li>• Some of the time</li> </ul>		
<ul style="list-style-type: none"> <li>• Not often</li> </ul>		
<ul style="list-style-type: none"> <li>• Never</li> </ul>		
<b>The percentage of employees with leadership responsibilities who have attended formal equality and diversity training is:</b>		
<ul style="list-style-type: none"> <li>• 100 %</li> </ul>		
<ul style="list-style-type: none"> <li>• Over 75%</li> </ul>		
<ul style="list-style-type: none"> <li>• Over 50%</li> </ul>		
<ul style="list-style-type: none"> <li>• Over 25%</li> </ul>		
<ul style="list-style-type: none"> <li>• Up to 25%</li> </ul>		
<ul style="list-style-type: none"> <li>• 0%</li> </ul>		
<b>The percentage of employees with leadership responsibilities who have attended coaching session which cover equality and diversity training is:</b>		
<ul style="list-style-type: none"> <li>• 100 %</li> </ul>		
<ul style="list-style-type: none"> <li>• Over 75%</li> </ul>		
<ul style="list-style-type: none"> <li>• Over 50%</li> </ul>		
<ul style="list-style-type: none"> <li>• Over 25%</li> </ul>		
<ul style="list-style-type: none"> <li>• Up to 25%</li> </ul>		
<ul style="list-style-type: none"> <li>• 0%</li> </ul>		
<b>The Firm has Dignity at Work policy which covers harassment, victimisation and bullying</b>		
<b>All staff have been made aware of the standards of behaviour expected of them in dealing with colleagues, clients and third parties</b>		
<b>The Firm has a complaints procedure for dealing with complaints of discrimination, harassment and bullying</b>		
<b>Staff who have made complaints are provided with:</b>		
<ul style="list-style-type: none"> <li>• Confidential helpline</li> </ul>		
<ul style="list-style-type: none"> <li>• Confidential counselling service</li> </ul>		
<ul style="list-style-type: none"> <li>• Access to staff trained to deal with complaints of discrimination, bullying and harassment</li> </ul>		
<ul style="list-style-type: none"> <li>• Compassionate leave if necessary</li> </ul>		
<ul style="list-style-type: none"> <li>• Other (specify)</li> </ul>		
<b>Staff, clients and third parties have been informed of the Firm's equality and diversity policies including the consequences of breaching such policies</b>		

# Self-assessment questionnaire B



## Section 3: Services to clients and dealing with third parties

AREA OF ACTIVITY	YES	NO
<b>Our anti-discrimination policy covers services to clients and dealing with third parties</b>		
<b>Clients and third parties have been made aware of our equality and diversity policies</b>		
<b>Clients have been made aware that the Firm will not accept instructions which may be discriminatory unless permitted by the legislation</b>		
<b>We take into account the communication needs of the client and can:</b>		
<ul style="list-style-type: none"> <li>• Provide information and letters in large print, Braille or audio tape</li> </ul>		
<ul style="list-style-type: none"> <li>• Offer interpretation and translation facilities in community languages</li> </ul>		
<ul style="list-style-type: none"> <li>• Make arrangements for BSL or lip-reading/speaking</li> </ul>		
<ul style="list-style-type: none"> <li>• Other (specify)</li> </ul>		
<b>We have conducted an access audit of our premises and it is suitable for disabled people</b>		
<b>We have reviewed the way we provide services to disabled client and have processes in place which will help us make reasonable adjustments if necessary</b>		
<b>Our web site is disability compliant</b>		
<b>Our offices are client friendly (for example toys are provided for children)</b>		
<b>The Firm has established relationships with local communities and groups and promotes its services through such channels</b>		
<b>The Firm undertakes pro-bono work in partnership with local communities and groups</b>		
<b>All staff have been trained so that they treat all clients and visitors with dignity and respect and without discrimination regardless of background</b>		
<b>Clients are informed of the complaints procedure for dealing with complaints of discrimination</b>		
<b>A Partner or senior manager investigates each complaint</b>		
<b>The client is informed of the outcome of the complaint</b>		

# Self-assessment questionnaire B



<b>All suppliers and third parties have been made aware of the Firm's equality and diversity policies</b>		
<b>The Firm uses its influence and purchasing power to promote equality and diversity</b>		
<b>The Firm instructs Barristers and expert witnesses on the basis of merit only</b>		
<b>The Firm regularly reviews its supplier list to ensure that it is in compliance with the Firm's equality and diversity policies</b>		

# Self-assessment questionnaire B



## Section 4: Monitoring arrangements

AREA OF ACTIVITY	YES	NO
<b>Workforce diversity</b>		
<b>The Firm monitors employment and training on the following grounds</b>		
• Age		
• Disability		
• Gender		
• Racial or ethnic origin		
• Religion or belief		
Sexual orientation		
<b>The Firm monitors:</b>		
• Applicants for all vacancies		
• Short listed applicants (including reasons)		
• Successful applicants (including reasons)		
• Existing workforce profile by:		
o Grades		
o Job types (including partners)		
o Work hours (part-time, full time, other)		
• Trainee recruitment and selection process		
• Selection for promotion opportunities		
• Selection for development opportunities		
• Access to and take up of training opportunities		
• Pay patterns		
• Complaints of discrimination and harassment by employees		
• Disciplinary action against employees		
<b>Services to clients</b>		
• Client profile		
• Complaints of discrimination and harassment made by clients and third parties		
<b>Monitoring information is analysed:</b>		
• Every Month		
• Every 2 months		
• Every 3 months		
• Every 6 months		
• Every 12 months		
• Other		

# Self-assessment questionnaire B



<b>Analysis is presented to partners and senior managers</b>		
• Every Month		
• Every 2 months		
• Every 3 months		
• Every 6 months		
• Every 12 months		
• Other		
<b>Over the past 12 months, our data shows that:</b>		
<b>Workforce profile reflects the composition of the Firm's</b>		
• Recruitment catchment area		
• Local community		
• National census data (if relevant)		
<b>Recruitment of new staff</b>		
• Is in line with our targets		
• Recruitment catchment area		
• Local community		
• National census data ( if relevant)		
<b>The number of complaints by employees and partners of discrimination, bullying and harassment have:</b>		
• Remained the same		
• Increased		
• Decreased		
<b>Client profile reflects the community in which the Firm (or office) is located</b>		
<b>The number of complaints made by clients of discrimination, bullying and harassment has</b>		
• Remained the same		
• Increased		
• Decreased		
<b>The Firm can provide equality and diversity data when requested either by the Law Society or by Clients as part of their procurement processes</b>		

# Self-assessment questionnaire B



## Section 5: Training

Please note that some of the questions below may also be included in other appropriate sections. However, this part of the questionnaire should enable you to carry out a separate equality and diversity training needs analysis if required.

Training does not refer only to formal training sessions but to the wide range of learning opportunities that can be provided.

AREA OF ACTIVITY	YES	NO
<b>% of staff provided with equality and diversity training on commencing employment with the Firm</b>		
• 100 %		
• Over 75%		
• Over 50%		
• Over 25%		
• Up to 25%		
<b>% or recruiters and selectors who have undergone equality in recruitment and selection training</b>		
• 100 %		
• Over 75%		
• Over 50%		
• Over 25%		
• Up to 25%		
• 0%		
<b>% of staff who have undergone training on dealing with diverse colleagues and a diverse client base</b>		
• 100 %		
• Over 75%		
• Over 50%		
• Over 25%		
• Up to 25%		
• 0%		
<b>The percentage of employees with leadership responsibilities who have attended formal equality and diversity training is:</b>		
• 100 %		
• Over 75%		
• Over 50%		
• Over 25%		
• Up to 25%		
• 0%		
<b>The percentage of employees with leadership responsibilities who have attended coaching session which cover equality and diversity training is:</b>		

# Self-assessment questionnaire B



• 100 %		
• Over 75%		
• Over 50%		
• Over 25%		
• Up to 25%		
• 0%		
<b>% of employees with supervisory or management responsibilities who have attended managing a diverse workforce training</b>		
• 100 %		
• Over 75%		
• Over 50%		
• Over 25%		
• Up to 25%		
• 0%		
<b>% of solicitors in the Firm who have attended equality and diversity training as part of their Continuing Professional Development</b>		
• 100 %		
• Over 75%		
• Over 50%		
• Over 25%		
• Up to 25%		
• 0%		
<b>The Firm regularly analyse the impact of equality and diversity training in relation to changes in behaviour and organisational culture through:</b>		
• Surveys		
• Feedback from staff		
• Staff appraisals		
• External evaluation		
• Feedback from clients		
• Other ( specify)		

# Section 7 – Interest groups and useful contacts



## Age

### Employers' Forum on Age

[www.efa.org.uk](http://www.efa.org.uk)

Promoting good practice and the business case for age diversity.  
2nd Floor, The Tower Building, 11 York Road, London SE1 7NX  
Tel: 020 7981 0341 Fax: 020 7981 0342 Email: [efa@efa.org.uk](mailto:efa@efa.org.uk)

### Age Concern

[www.ace.org.uk](http://www.ace.org.uk)

Practical help, information and advice on ageing issues  
Astral House, 1268 London Road, London SW16 4ER  
Information Line on 0800 009966

### Age Positive

[www.agepositive.gov.uk](http://www.agepositive.gov.uk)

A team working in the Department for Work and Pensions, set up to promote age diversity in employment. Their work includes increasing the retention of people over 50 in work, encouraging employers to use age-diverse practices, analysing the position of older workers in the employment market, and sharing good practice internationally.

Age Positive Team, Department for Work and Pensions, Room W8d, Moorfoot, Sheffield S1 4PQ  
Email: [agepositive@dwp.gsi.gov.uk](mailto:agepositive@dwp.gsi.gov.uk)

### Young Solicitors Group

[www.ysg.org](http://www.ysg.org)

Recognised by the Law Society, the young solicitors group represents some 49,000+ solicitors who have been qualified for less than 10 years. Membership is free and automatic upon registration with the Law Society.

Linda Warminger, Business Manager, Young Solicitors Group, 105 St Peter's Street  
St. Albans, Hertfordshire AL1 3EJ

Tel: 01727 896088 Fax: 01727 896026 Email: [business@ysg.org](mailto:business@ysg.org)

## Disability

### Disability Rights Commission

[www.drc-gb.org](http://www.drc-gb.org)

The Disability Rights Commission (DRC) is an independent body, established by Act of Parliament to eliminate discrimination against disabled people and promote equality of opportunity. Covering a wide range of activities, it provides an information helpline, supports disabled people in securing their rights under the Disability Discrimination Act (DDA) and helps solve problems often without resorting to a court or employment tribunal. Their website has numerous links to a wide range of organisations and sites related to disability issues.

DRC Helpline, FREEPOST MID02164, Stratford upon Avon CV37 9BR

Tel: 08457 622 633 Textphone: 08457 622 644 Fax: 08457 778 878 Email: [enquiry@drc-gb.org](mailto:enquiry@drc-gb.org)

### Employers' Forum on Disability

[www.employers-forum.co.uk](http://www.employers-forum.co.uk)

The UK's national employers' organisation on disability, which helps organisations to recruit and retain disabled employees and to serve disabled customers.

Nutmeg House, 60 Gainsford Street, London, SE1 2NY

Tel: 020 7403 3020 Fax: 020 7403 0404 Minicom: 020 7403 0040

# Section 7 – Interest groups and useful contacts



Email: [website.enquiries@employers-forum.co.uk](mailto:website.enquiries@employers-forum.co.uk)

## **Group for Solicitors with Disability**

[www.gsdnet.org.uk](http://www.gsdnet.org.uk)

The Group for Solicitors with Disabilities works closely with the Law Society in addressing the issues relating to disabled solicitors including access to and progression within the profession.

The Law Society, 114 Chancery Lane, London. WC 2A 1PL

Telephone: 020 7320 5793 Email: [secretary@gsdnet.org.uk](mailto:secretary@gsdnet.org.uk)

## **RNIB**

[www.rnib.org.uk](http://www.rnib.org.uk)

The UK's leading charity offering information, support and advice to over two million people with visual impairment.

Resource Centre, 105 Judd St, London WC1H 9NE

Helpline: 0845 766 9999 Email: [helpline@rnib.org.uk](mailto:helpline@rnib.org.uk)

Tel: 020 7391 2356 Email: [resource@rnib.org.uk](mailto:resource@rnib.org.uk)

## **British Deaf Association**

[www.britishdeafassociation.org.uk](http://www.britishdeafassociation.org.uk)

The BDA is the UK's largest national organisation run by Deaf people, for Deaf people.

1-3 Worship Street, London EC2A 2AB

Helpline textphone: 0800 6522 965 (free calls) Helpline telephone: 0870 770 3300

Email: [helpline@bda.org.uk](mailto:helpline@bda.org.uk)

Text Phone: 020 7588 3529 Voice phone: 020 7588 3520 Fax: 020 7588 3527

Videophone: 020 7496 9539

## **Deaf Lawyers UK**

[www.deaflawyers.org.uk](http://www.deaflawyers.org.uk)

This website looks at issues relating to deaf people entering the legal profession.

## **RNID**

[www.rnid.org.uk](http://www.rnid.org.uk)

The Royal National Institute for the Deaf is the largest charity representing the nine million people with hearing impairment in the UK.

19-23 Featherstone Street, London EC1Y 8SL

Helpline: 0808 808 0123 (freephone) Textphone: 0808 808 9000 (freephone)

Tel: 020 7296 8000 Textphone: 020 7296 8001 Fax: 020 7296 8199

E-mail: [informationline@rnid.org.uk](mailto:informationline@rnid.org.uk)

## **MENCAP**

[www.mencap.org.uk](http://www.mencap.org.uk)

Mencap works with people with a learning disability, and their families and carers.

123 Golden Lane, London EC1Y 0RT

Tel: 020 7454 0454 Fax: 020 7696 5540 Email: [information@mencap.org.uk](mailto:information@mencap.org.uk)

Mencap Cymru

31 Lambourne Crescent, Cardiff Business Park, Llanishen, Cardiff CF14 5GF

Tel: 02920 747588 Fax: 02920 747550 Email: [information.wales@mencap.org.uk](mailto:information.wales@mencap.org.uk)

# Section 7 – Interest groups and useful contacts



## **MIND**

[www.mind.org.uk](http://www.mind.org.uk)

The foremost mental health charity in England and Wales, Mind works to create a better life for everyone with experience of mental distress by advancing the views and aspirations of those with mental health problems, campaigning and educating as well as countering discrimination.

15-19 Broadway, London E15 4BQ

Mind info line: 0845 766 0163 Tel. 020 8519 2122 Fax: 020 8522 1725

Email: [contact@mind.org.uk](mailto:contact@mind.org.uk)

Mind Cymru

3rd Floor, Quebec House, Castle bridge, 5-19 Cowbridge Road East, Cardiff CF11 9AB

Tel: 029 20395123 Fax: 029 20402041

## **RADAR**

[www.radar.org.uk](http://www.radar.org.uk)

RADAR was formed in 1977. Working with organisations of all types, RADAR is an organisation that campaigns and advises on disability issues and that is run for and by disabled people.

Head Office 12 City Forum, 250 City Road, London EC1V 8AF

Tel: 0207 2503222 Fax: 0207 2500212 Minicom: 0207 2504119 Email: [radar@radar.org.uk](mailto:radar@radar.org.uk)

## **Gender**

### **Equal Opportunities Commission**

[www.eoc.org.uk](http://www.eoc.org.uk)

Established in 1975, the EOC is the leading agency in Britain working to eliminate sex discrimination in the 21<sup>st</sup> Century. A non-departmental public body, it has independent status with a range of powers. In particular these include keeping the Sex Discrimination Act and Equal Pay Act under review. It provides legal advice and assistance to individuals who have been discriminated against.

#### *England*

Arndale House, Arndale Centre, Manchester M4 3EQ

Tel: 0845 601 5901 Fax: 0161 838 1733 Email: [info@eoc.org.uk](mailto:info@eoc.org.uk)

#### *Scotland*

St Stephens House, 279 Bath Street, Glasgow G2 4JL

Tel: 0845 601 5901 Fax: 0141 248 5834 Email: [scotland@eoc.org.uk](mailto:scotland@eoc.org.uk)

#### *Wales*

Windsor House, Windsor Lane, Cardiff CF10 3GE

Tel: 029 2034 3552 Fax: 029 2064 1079 Email: [wales@eoc.org.uk](mailto:wales@eoc.org.uk)

#### *Northern Ireland*

Please note there is one combined equality body for Northern Ireland, details of which are given later in this section.

### **Women's National Commission**

[www.thewnc.org.uk](http://www.thewnc.org.uk)

Set up more than 30 years ago, The Women's National Commission is the official, independent, advisory body giving the views of women to the Government. A non-departmental public body, it is fully funded by the Government, but has independent status. Its role is to comment on Government policy.

Cabinet Office, 35 Great Smith Street, London SW1P 3BQ

Tel: 020 7276 2555 Fax: 020 7276 2563 Email: [wnc@dti.gsi.gov.uk](mailto:wnc@dti.gsi.gov.uk)

# Section 7 – Interest groups and useful contacts



## **The Women and Equality Unit (WEU)**

[www.womenandequalityunit.gov.uk](http://www.womenandequalityunit.gov.uk)

The Women and Equality Unit has lead responsibility within Government on policy on women, gender equality, sexual orientation and the co-ordination of equality and is leading the move to a more integrated approach across Government on equality. It also provides support across the Department of Trade and Industry in ensuring that equality is integral to the development and delivery of the department's policy and services. As part of its role, it sponsors the EOC and Women's National Commission (see above).

35 Great Smith Street, London SW1P 3BQ United Kingdom

Tel: 0845 001 0029 Email: [info-womenandequalityunit@dti.gsi.gov.uk](mailto:info-womenandequalityunit@dti.gsi.gov.uk)

## **Opportunity Now**

[www.opportunitynow.org.uk](http://www.opportunitynow.org.uk)

Founded in 1991 (and originally known as Opportunity 2000), Opportunity Now is part of the Business in the Community initiative. Opportunity Now works with employers to remove barriers which prevent the progress of women in the workplace and to raise awareness of the business benefits that women can bring to organisations.

Business in the Community

137 Shepherdess Walk, London N1 7RQ

Tel: 020 7566 8714 Fax: 020 7253 1877 Email: [opportunitynow@bitc.org.uk](mailto:opportunitynow@bitc.org.uk)

## **Women in Law:**

### **Association of Women Solicitors (recognized by the Law Society)**

[www.womensolicitors.org.uk](http://www.womensolicitors.org.uk)

The Association of Women Solicitors is an official group of the Law Society. Its aims include promoting women's interests in the profession and actively campaigning against discrimination.

114 Chancery Lane, London WC2A 1PL

Tel: 020 7320 5793 Email: [enquiries@womensolicitors.org.uk](mailto:enquiries@womensolicitors.org.uk)

### **Association of Women Barristers (AWB)**

[www.womenbarristers.co.uk](http://www.womenbarristers.co.uk)

Kaly Kaul, Secretary, c/o 187 Fleet Street, London EC4A 2AT

DX: 464 Chancery Lane Email: [kalykaul@187fleetstreet.com](mailto:kalykaul@187fleetstreet.com)

## **Race & Ethnicity**

### **The Commission for Racial Equality**

[www.cre.gov.uk](http://www.cre.gov.uk)

The Commission for Racial Equality is a publicly funded, non-departmental government body set up under the Race Relations Act 1976 to tackle racial discrimination and promote racial equality. It works with both the public and private sectors to encourage and promote fair treatment and equal opportunities for all, regardless of their race, colour, nationality or national or ethnic origin.

#### *Birmingham*

CRE, 3rd Floor, Lancaster House, 67, Newhall Street, Birmingham B3 1NA

Tel: 0121 710 3000 Fax: 0121 710 3001

#### *Leeds*

CRE, 1st Floor, Yorkshire Bank Chambers, Infirmary Street, Leeds LS1 2JP

Tel: 0113 389 3600 Fax: 0113 389 3601

# Section 7 – Interest groups and useful contacts



## *London*

CRE, St Dunstan's House, 201-211 Borough High Street, London SE1 1GZ  
Tel: 020 7939 0000 Fax: 020 7939 0001 Email: [info@cre.gov.uk](mailto:info@cre.gov.uk)

## *Manchester*

CRE, 5th Floor, Maybrook House, 40, Blackfriars Street, Manchester M3 2EG  
Tel: 0161 835 5500 Fax: 0161 835 5501

## *Wales*

CRE, 3rd Floor, Capital Tower, Grey Friars Road, Cardiff CF10 3AG  
Tel: 02920 729 200 Fax: 02920 729 220

## **Race for Opportunity**

[www.raceforopportunity.org.uk](http://www.raceforopportunity.org.uk)

Part of the Business in the Community initiative, Race for Opportunity (RfO) is a national business network supported by over 180 UK organisations, which works on race and diversity issues in business. Race for Opportunity works with affiliated organisations across four key areas of business activity, which demonstrate the business case for working on race in the UK and globally.

137 Shepherdess Walk, London N1 7RQ

Tel: 0870 600 2482 Fax: 020 7253 1877 Email: [raceforopportunity@bitc.org.uk](mailto:raceforopportunity@bitc.org.uk)

## **Runnymede Trust**

[www.runnymedetrust.org](http://www.runnymedetrust.org)

Founded in 1968, Runnymede is a leading independent think tank on ethnicity and cultural diversity. The Runnymede Trust Suite 106, The London Fruit & Wool Exchange, Brushfield Street, London E1 6EP Tel: 020 7377 9222 Fax: 020 7377 6622 Email: [info@runnymedetrust.org](mailto:info@runnymedetrust.org)

## **Race for Racial Justice**

[www.racialjustice.org.uk](http://www.racialjustice.org.uk)

A campaign to unite communities against racism by organising high profile sponsored events to raise funds for antiracism/ community groups and charities and to raise awareness of the damage caused by racial injustice and hatred.

PO Box 1129, Croydon CR91BD

Tel: 020 7273 3881 (Day) 079 49 116806 (Evening) Email: [racialjustice@btopenworld.com](mailto:racialjustice@btopenworld.com)

## **Gypsy Council for Education, Culture, Welfare and Civil Rights**

[www.thegypsycouncil.org.uk](http://www.thegypsycouncil.org.uk)

The Council is involved in a wide range of work including, providing support to gypsy people, lobbying politicians and has a resource library.

## **Society of Asian Lawyers**

[www.societyofasianlawyers.co.uk](http://www.societyofasianlawyers.co.uk)

The Society of Asian Lawyers ("SAL"), formed in 1990, is the UK's largest independent legal society. Members are from a cross section of the legal community: partners in large City firms, principally London based; partners practising in the provinces; barristers; assistant lawyers; trainees; executives and students. About fifty per cent of the membership is female.

c/o Edwin Coe, 2 Stone Buildings, Lincoln's Inn, London WC2A 3TH

Tel: 020 7691 4000 Fax: 020 7691 4050

Email: [raj.doobay@societyofasianlawyers.com](mailto:raj.doobay@societyofasianlawyers.com) (Administrator)

# Section 7 – Interest groups and useful contacts



## **Society of Black Lawyers (SBL)**

The Society of Black Lawyers is the largest and oldest organisation of African, Asian and Caribbean lawyers in the U.K. It is affiliated to the National Bar Association (U.S.A). Its Chair is Peter Herbert QC. Room 9, Winchester House, First Floor, 11 Cranmer Road, Kennington Park, LONDON SW9 6EJ  
Tel: 020 7735 6592 Fax: 020 7820 1389 E-mail: [national-office@sbl-hq.freeserve.co.uk](mailto:national-office@sbl-hq.freeserve.co.uk)

## **Association of Muslim Lawyers (AML)**

[www.aml.org.uk](http://www.aml.org.uk)  
P O Box 148, High Wycombe, Bucks HP13 5WY  
E-mail: [sofbash@aol.com](mailto:sofbash@aol.com)

## **Black Solicitors Network**

The Black Solicitors' Network (BSN) was formed in May 1995 to promote the interests of Black solicitors, to assist them utilising new technology and participate in consultations, initiated by the Law Society and other Government bodies, in relation to matters which affect Black solicitors. An important objective of the BSN is to provide support, not only for qualified solicitors, but also for trainees and legal executives aspiring to join the profession. The BSN was recognised as a Law Society Group on the 17th July 2003 and membership is open to all solicitors, trainee solicitors, paralegals and students of African or Caribbean descent and any solicitor in England and Wales who supports the aims and objectives of the BSN irrespective of their race, colour or creed.

Zainab Kemsley – Policy Executive for Race & Ethnicity  
The Law Society, 114 Chancery Lane, London, WC2A 1PL  
Tel: 020 7316 5773 Email: [zainab.kemsley@lawsociety.org.uk](mailto:zainab.kemsley@lawsociety.org.uk)

## **Religion**

### **World's major religions, etiquette and background information:**

[www.racialjustice.org.uk/THEWORLD'SRELIGION.htm](http://www.racialjustice.org.uk/THEWORLD'SRELIGION.htm) (useful list of contact addresses for different religious organisations in the UK)  
[www.religioustolerance.org](http://www.religioustolerance.org)  
<http://www.hants.gov.uk/education/ngfl/re/html/linpages/category.html> (extensive list of different religious web links for a variety of faiths)  
[www.support4learning.org.uk/shap](http://www.support4learning.org.uk/shap) Guide to all the multi-faith festivals and observances  
[www.jsboard.co.uk](http://www.jsboard.co.uk) – Equal Treatment Benchbook  
[www.asiasource.org](http://www.asiasource.org) - a resource of the Asia Society  
[www.guardian.co.uk/religion](http://www.guardian.co.uk/religion) – A report on all the different religions in the UK  
Buddhism: [www.buddhanet.net](http://www.buddhanet.net)  
Chinese community: [www.chinatown-online.co.uk](http://www.chinatown-online.co.uk)  
Hinduism: [www.hindunet.org](http://www.hindunet.org) and [www.iskon.org.uk/ies/festival.html](http://www.iskon.org.uk/ies/festival.html)  
Islam: [www.mcb.org.uk](http://www.mcb.org.uk), [www.islam-guide.com](http://www.islam-guide.com) and [www.islamworld.net/](http://www.islamworld.net/)  
Judaism: [www.jewish.co.uk](http://www.jewish.co.uk) and [www.uahc.org/holidays/jcal.shtml](http://www.uahc.org/holidays/jcal.shtml) (Jewish calendar to 2007)  
Rastafarianism: [www.swagga.com/rasta.htm](http://www.swagga.com/rasta.htm)  
Sikhism: [www.sikhs.org](http://www.sikhs.org) and [www.sikhnet.com](http://www.sikhnet.com)

# Section 7 – Interest groups and useful contacts



## Sexual orientation

### Stonewall

[www.stonewall.org.uk](http://www.stonewall.org.uk)

Stonewall works to achieve legal equality and social justice for lesbians, gay men and bisexual people.  
46 Grosvenor Gardens, London SW1W 0EB

Tel: 020 7881 9440 Mini: 020 7881 9996 Email: [info@stonewall.org.uk](mailto:info@stonewall.org.uk)

### The Gay Business Association

[www.gba.org.uk](http://www.gba.org.uk)

The GBA (Gay Business Association) was established in 1983 by a group of gay and lesbian business people who saw the need for a professional organisation which could improve standards, share information and experiences and promote gay business generally.

BCM-GBA, London WC1N 3XX

Tel: 0700-CALLGBA (2255422) Fax: 0700-2FAXGBA (2329422) E-mail: [hello@gba.org.uk](mailto:hello@gba.org.uk)

### Bar Lesbian and Gay Group (BLAGG)

[www.meltingpot.fortunecity.com](http://www.meltingpot.fortunecity.com)

Stuart Wright, Bar Lesbian and Gay Group, PO Box 18459, London EC1M 3AU

## Other useful Contacts & Links

### Northern Ireland Equality Commission

[www.equalityni.org](http://www.equalityni.org)

The Equality Commission for Northern Ireland is an independent public body established under the Northern Ireland Act 1998. In 1999, it took over the roles previously covered by the Commission for Racial Equality for Northern Ireland, the Equal Opportunities Commission for Northern Ireland, the Fair Employment Commission and the Northern Ireland Disability Council.

Equality House, 7 - 9 Shaftesbury Square, Belfast BT2 7DP

Tel: 028 90 500600 Fax: 028 90 248687 Textphone: 028 90 500589

Email: [information@equalityni.org](mailto:information@equalityni.org)

### Work-life balance

#### Parents at Work (shortly to merge with New Ways to Work)

[www.parentsatwork.org.uk](http://www.parentsatwork.org.uk)

By working with parents and organisations alike, PARENTS AT WORK helps children, working parents and their employers find a better balance between responsibilities at home and work.

1-3 Berry Street, London EC1V 0AA

Tel: 020 7253 7243 Fax: 020 7253 6253 Email: [office@parentsatwork.org.uk](mailto:office@parentsatwork.org.uk)

#### Employers for Work Life Balance

[www.employersforwork-lifebalance.org.uk](http://www.employersforwork-lifebalance.org.uk)

Now run by the Work Foundation, Employers for Work Life Balance was set up by an alliance of employers – big and small – who believed that work-life balance is a relevant and valuable business concept. The website is available as a one stop work life resource.

Peter Runge House, 3 Carlton House Terrace, London SW1Y 5DG

Tel: 0870 165 6700 Fax: 0870 165 6701 Email: [contactcentre@theworkfoundation.com](mailto:contactcentre@theworkfoundation.com)

# Section 7 – Interest groups and useful contacts



## **Trainee Solicitors Group**

[www.tsg.org.uk](http://www.tsg.org.uk)

The Trainee Solicitors Group has approximately 46,000 members and represents PGDL, LPC and CPE students, all trainee solicitors, paralegals up to two years post-completion of the LPC and newly-qualified solicitors up to one year post-qualification. Membership is free and automatic.

114 Chancery Lane, London WC2A 1PL Tel: 0207 320 5794 Fax: 0207 316 5697 Email: [info@tsg.org](mailto:info@tsg.org)

## **UK Legislation**

[www.legislation.hmso.gov.uk](http://www.legislation.hmso.gov.uk)

Local and public Acts of Parliament, full text of statutory instruments back to 1987.

## **Legal Services Commission**

[www.legalservices.gov.uk](http://www.legalservices.gov.uk)

85 Gray's Inn Road, London. WC1X 8TX. Tel: 020 7759 0000

## **Legal Services Research Centre**

[www.lsrc.org.uk](http://www.lsrc.org.uk)

85 Gray's Inn Road, London, WC1X 8TX Email: [information@lsrc.org.uk](mailto:information@lsrc.org.uk)

## **Employment Tribunals**

[www.employmenttribunals.gov.uk](http://www.employmenttribunals.gov.uk)

The Employment Tribunals are judicial bodies established to resolve disputes over employment rights. The website provides information about the tribunals and guidance about how to apply to them, both in England and Wales, and in Scotland. The ET's General Enquiry Line will also try to answer general enquiries, including providing statistical information. However they cannot provide any type of legal advice.

## **The Trades Union Congress**

[www.tuc.org.uk](http://www.tuc.org.uk)

## **Advisory, Arbitration & Conciliation Service**

[www.acas.org.uk](http://www.acas.org.uk)

[www.tiger.gov.uk](http://www.tiger.gov.uk)

Provided by the DTI, TIGER is designed to provide an on-line, user-friendly guide through different aspects of UK employment law.

## **Community Legal Service**

[www.justask.org.uk](http://www.justask.org.uk)

## **Support and Pastoral Care**

### **Law Care**

[www.solcare.co.uk](http://www.solcare.co.uk)

LawCare is an advisory and support service to help lawyers, their staff and their immediate families to deal with health problems such as depression and addiction, and related emotional difficulties. This is a completely confidential service with no direct links to the Law Society. There are three Freephone Helplines, operating from 9.00 a.m. to 7.30 p.m. each weekday and from 10.00 a.m. to 4.00 p.m. on Saturdays and Sundays.

For Barristers in England and Wales: 0800 018 4299

For Solicitors in England and Wales: 0800 279 6888

For Solicitors in Scotland: 0800 279 6869

Contact for administrative matters:

PO Box 6, PORTHMADOG, Gwynedd LL49 9ZE

Tel: 0870 774 3663 Email: [admin@lawcare.org.uk](mailto:admin@lawcare.org.uk)

# Section 8 – Feedback form



Name of firm: .....

Name of person completing  
the feedback form: .....

Position in the firm of person  
completing the form: .....

The most useful elements of the guide are:

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The least useful elements of the guide are:

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I would like more information and guidance on:

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Examples of good practice on equality and diversity in our firms include:

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**Please return the form to Director of Equality and Diversity, Victoria Court, Dormer Place,  
Leamington Spa, CV32 5AE.**