

## DIVERSITY AND EQUALITY POLICY

### 1 Our Commitment

We are committed to providing outstanding client service by maintaining the highest standards of professional excellence. To meet this objective we have a Diversity and Equality policy, committing us to supporting the principle of equal opportunities for all. We are committed to recruiting, training and promoting the best person for the job, regardless of gender, age, marital and civil partnership status, colour, race, nationality, ethnic origin, disability, religion, sexual orientation, gender reassignment or parental responsibilities (including pregnancy and maternity). We are also committed to creating a working environment which is free of any form of discrimination, harassment or bullying and within which all individuals are treated with respect, fairness and courtesy.

This policy applies to everyone working at Bircham Dyson Bell including employees, partners, temporary or agency workers, trainees, work experience students, secondees, contractors and consultants. You are required to comply with the policy in all of your dealings with clients, colleagues and anyone else with whom you come into contact during the course of your employment or engagement (if you are a Partner or Consultant). The policy applies not only when you are working on our premises or those of any client or contact, but also includes work-related social events, corporate events and travelling or staying away from home whilst on business.

Any breach of this policy will be treated as a disciplinary offence resulting if appropriate, in disciplinary action.

### 2 Scope of the policy

This policy covers the following matters:

- recruitment, selection, learning and development and promotion
- terms and conditions of employment/terms of engagement
- disability
- discrimination, victimisation and harassment
- our obligations
- our responsibilities
- complaints procedure
- monitoring

## **2.1 Recruitment, selection, learning and development and promotion**

The firm will ensure that information about job opportunities is circulated as widely as possible in the circumstances to ensure that it reaches all sections of the community. All applications are welcomed and are considered for selection on the relative merits of the applicant against the job and/or person specification for the position regardless of sex, age, marital status, sexual orientation, ethnic origin, colour, nationality, religion or disability.

Where we employ the services of recruitment agencies to assist us in selecting our people those agencies will be instructed that advertisements must not be discriminatory and all those involved in recruitment must be aware of the firm's overall policy on equal opportunities at the recruitment stage.

Job and person specifications will only include criteria which are objectively required for the duties and responsibilities of the vacancy and will be drawn up before the recruitment process begins. However, if there is a genuine and lawful reason for limiting the vacancy to a particular group, this reason and the grounds for it will be clearly stated on any advertisements.

We retain the discretion to invite applications from individuals whose job may be at risk of redundancy or who require redeployment for health or disability reasons before advertising the vacancy more widely.

Applicants are asked to complete a monitoring form to assist in the maintenance of records and for monitoring purposes. This form is kept separate from all other application documents and will not form part of the selection process. We continue to monitor progress in promoting equality in our recruitment procedures.

We aim to provide everyone with the appropriate learning and development opportunities to enable them to improve their performance and achieve the performance targets set for them. Opportunities for learning and development are equally available to everyone. Promotion within the firm is based on personal merit and the reasonable requirements of the job only.

Barristers, experts and other sub-contractors are selected and instructed on the basis of their skills, experience, ability and cost and not on the grounds of gender, age, marital status, sexual orientation, ethnic origin, colour, nationality, religion or disability. We will work closely with the client (involving the Client or Matter Partner as appropriate) to agree the instruction of a barrister, expert or other sub contractor who is the most appropriate for the matter under consideration.

## **2.2 Terms and conditions of employment/terms of engagement**

We ensure that terms and conditions of employment/terms of engagement are free from all forms of direct and indirect discrimination and apply equally regardless of sex, age, marital status, sexual orientation, age, ethnic origin, colour, nationality, religion or disability. No requirements, conditions, criteria or practices will be imposed, either directly or indirectly, which might place any group of colleagues at an unfair or unlawful disadvantage.

Our grievance and disciplinary procedures will operate without discrimination.

We recognise the need to balance personal and work life and that flexibility with regard to working patterns assists the broadest range of people. Our Flexible Working policies and toolkit encourages and supports this.

### 2.3 Disability

We value the individual contribution of all colleagues and prospective employees from all sectors of the community. We are committed to facilitating the employment of people with disabilities wherever practicable and in order to achieve this, we operate the following code of practice. We will:

- take reasonable steps to ensure that the working environment, working practices, terms and conditions of employment and terms of engagement do not prevent disabled people from taking up positions for which they are suitably qualified and, in all other respects, the best person for the job
- bear in mind the desirability of avoiding barriers to the employment of disabled people when acquiring and fitting out buildings with equipment and devising working practices
- make reasonable adjustments to recruitment arrangements, the working environment, working practices and to terms and conditions of employment so as to ensure that no particular disabled person is placed at an unreasonable disadvantage
- ensure that any decision not to make an adjustment which might enable or assist a colleague or prospective colleague will not be taken below the level of the Head of Department after consultation with the HRD Department. Before making such a decision, we will ensure that all possible adjustments have been fully investigated, including consultation with the individual concerned and any appropriate expert advice
- ensure that any colleague who becomes disabled whilst in employment will be given the full support of the firm and our Occupational Health Advisers to continue in their own job (where practicable and having put in place any reasonable adjustments) or to move to an alternative job appropriate to his/her experience and abilities, if available
- encourage the participation of disabled colleagues to ensure that, wherever possible, our employment practices recognise and meet their needs
- consult disabled colleagues on action to make sure they develop and use their abilities at work
- continue to provide services and facilities to clients with disabilities.

Further guidance can be obtained on an entirely confidential basis from the HRD Department. If you know or believe you might be disabled, you are encouraged to discuss this with the HRD Department so that we can ensure you achieve your full potential and that we comply with our responsibilities.

## **2.4 Discrimination, victimisation and harassment**

### **2.4.1 Discrimination and Victimisation**

A person has been discriminated against if they are treated less favourably than another on the grounds of sex, age, marital status, sexual orientation, ethnic origin, colour, nationality, and religion, disability of any kind (including physical, sensory and mental disability). Discrimination also includes harassment, bullying or victimisation on any of these grounds.

### **2.4.2 Harassment**

Harassment is unjustified, unreasonable or inappropriate treatment of or behaviour towards another person which causes them distress, discomfort or worry. Harassment includes bullying and victimisation. Harassment may be discriminatory when it is on the grounds of another's sex, marital status, sexual orientation, ethnic origin, colour, nationality, religion or religious beliefs or disability. Harassment will be unlawful discrimination if:

- unwanted conduct takes place
- it is on discriminatory grounds
- with the purpose or effect of violating the dignity of a person and of creating an intimidating, hostile, degrading, humiliating or offensive environment.

The following types of behaviour may amount to harassment:

- physical assault
- physical or verbal abuse including threats
- suggestive comments or gestures
- suggestive or offensive emails
- insulting or abusive behaviour or comments
- isolation or exclusion from corporate, social or sporting events
- bullying and victimisation
- persistent criticism or humiliation
- unfair allocation of work or responsibilities.

This list provides examples only and is not exhaustive.

#### **2.4.2.1 Sexual harassment**

The following types of behaviour may amount to sexual harassment:

- physical conduct of a sexual nature
- unwanted physical contact or conduct even if not obviously sexual including unnecessary touching, brushing against another individual, uncomfortable proximity
- verbal conduct of a sexual nature including unwelcome sexual advances, continued suggestions of social activity outside work after it has been made clear that this is unwelcome, suggestions that sexual favour may further a career (or refusal may hinder it)
- insults, ridicule or teasing of a sexual nature, insults related to gender or sexual orientation, offensive comments about appearance or dress, talk or jokes of a sexual nature which a person present has indicated they dislike
- display of sexually suggestive or pornographic pictures, sending sexually harassing messages or images through email
- conduct that denigrates or ridicules, is intimidatory or physically abusive of a colleague because of his/her sex, marital status or sexual orientation.

Again, this list provides examples only and is not exhaustive. Sexual harassment by someone of the same sex as the victim is also covered by this policy.

#### **2.4.3 Consequences of discrimination, victimisation or harassment**

Any behaviour involving discrimination, victimisation or harassment of another will not be tolerated. Such behaviour may amount to gross misconduct in which case disciplinary action (including dismissal for serious offences) will be taken against any person breaching this policy.

### **2.5 Our obligations**

We believe that we all have the right to work in an environment which promotes equality of opportunity and prohibits discriminatory practices. We do not tolerate any form of discrimination, victimisation or harassment by or against our people.

We should be fully aware of the behaviour that can constitute discrimination, victimisation and harassment. It is the responsibility of each of us to be sensitive towards the impact that we have on others and not to discriminate against, harass or bully colleagues or condone discrimination, harassment or bullying by others. All of us must behave in a way that supports

this policy and treat each other with respect, courtesy and dignity in line with our values. If you have experienced behaviour which you believe falls short of the standard we require and which is not in line with our values, please see the Conduct Section in Chapter 10 of the Office Manual for further details of our grievance procedures.

## **2.6 Our responsibilities**

### **2.6.1 Our collective responsibility**

All of us must comply with this policy and report any incidents or alleged incidents to your partner or manager or to the HRD Department. Anyone who believes they are the victim of discrimination, victimisation or harassment should where possible raise the matter with the person against whom they have the complaint and attempt to resolve the matter without recourse to any formal procedure. You are encouraged to use the complaints procedure which is part of this policy.

### **2.6.2 Duties of Partners and Managers**

It is the responsibility of all partners and managers to ensure the implementation of this policy and to ensure compliance. Where a partner or manager becomes aware of an allegation of discrimination, victimisation or harassment against a colleague or a member of the public in connection with the firm's activities, he/she must discuss it with the complainant. The HRD Department can provide further advice and support.

## **2.7 Complaints Procedure**

Failure to comply with this policy or to co-operate with it operating effectively is a disciplinary offence which may lead to disciplinary action including dismissal.

In the event of a complaint which falls within this procedure, it is our aim to reach a resolution as quickly as possible and as informally as possible. All complaints will be treated seriously and with appropriate confidentiality.

### **2.7.1 Making a complaint**

If you feel you have experienced or are experiencing any form of discrimination, harassment or bullying, please consider in the first instance whether it is appropriate to raise the matter directly with the person concerned. If it not appropriate to do so, or you feel unable to do so, please discuss the matter with your partner or manager. If you feel unable to do this, the appropriate point of contact is your HRD Department.

Following initial discussions with your partner or manager or the HRD Department, you will be asked to choose one of the following options:

- no further action necessary
- discuss the complaint directly with the individual who is alleged to have caused offence

- ask your partner or manager/HRD Department to help you resolve the matter through informal approaches
- make a formal written complaint to the HRD Department. This will initiate a full investigation and if appropriate, recourse to the disciplinary procedure.

If the alleged discrimination, victimisation or harassment involves a client or an employee of a client, or if an employee of a client is alleged to have acted in a discriminatory or harassing manner, appropriate action to deal with the problem will be discussed with the person making the complaint.

### **2.7.2 Investigation**

Once a formal written complaint has been made, the first step is to investigate the allegations as carefully and discreetly as possible. This will involve hearing detailed accounts from both parties - others may also be asked to provide information. Documents, emails and other evidence may be considered. A full record of the progress and outcome of the investigation and any steps taken will be reported to the complainant at the earliest opportunity. Those conducting the investigation will not be parties directly involved in the allegation.

In extreme cases (for example, where it is felt that others could be at risk if no action is taken), we may need to investigate and take disciplinary action even if a formal written complaint is not made.

### **2.7.3 Disciplinary procedure**

If the investigation concludes that there appears to be substance to the complaint, it will normally be appropriate for the disciplinary procedure to be initiated. Please see the Conduct Section in Chapter 10 of the Office Manual for further details of our disciplinary procedures. Modifications to the procedure may be necessary to reflect the sensitive nature of the allegations.

We would normally seek the agreement of the complainant prior to commencing disciplinary action. However, there may be occasions where despite the views of the complainant, we may need to pursue the matter formally. The matter will be dealt with promptly, fairly and impartially. Care will be taken to ensure that the reputation of each party is not unjustly affected.

We will protect individuals who make a complaint or assist in an investigation from harassment. Any acts of retaliation or intimidation against the complainant will be treated as a disciplinary matter. Individuals who maliciously make an unfounded complaint will be subject to disciplinary action.

## **2.8 Monitoring**

We are committed to monitoring the effectiveness of this Equality and Diversity Policy and the associated complaints procedure. We undertake to regularly review all our policies, procedures and practices in relation to recruitment and selection, terms and conditions of

employment, learning & development opportunities, career development, promotion and grievance and discipline to ensure they comply with any legislative changes and good practice. We will endeavour to identify and take all steps necessary to eliminate any unjustified discrimination or victimisation which is revealed by this monitoring process. The firm has appointed the Senior HR Manager to be responsible for the operation of the policy.

Please note that age and gender figures in this report differ from our quarterly report as all other diversity information is reported on an annual basis.

Headcount	Headcount		Forms Received	
	Total	%	Total	%
Partner	45	17.37%	36	80.00%
Trainee	14	5.41%	14	100.00%
Non Legal Staff	104	40.15%	71	68.27%
Solicitor	60	23.17%	61	101.67%
Other Legal Staff	36	13.90%	36	100.00%
Unknown Headcount	n/a	n/a	3	1.16%
Total	259	100.00%	221	85.33%
Did not respond			38	14.67%

Ethnic Group	Partner	%	Solicitor	%	Trainee	%	Other Legal Staff	%	Non Legal Staff	%	Unknown Headcount	%	Total	%
White - British	33	91.67%	47	77.05%	14	100.00%	30	83.33%	54	76.06%	1	2.44%	179.00	69.11%
White - Irish	1	2.78%	2	3.28%	0	0.00%	2	5.56%	3	4.23%	0	0.00%	8.00	3.09%
White - Other	1	2.78%	3	4.92%	0	0.00%	0	0.00%	5	7.04%	0	0.00%	9.00	3.47%
Black/Black British - Caribbean	0	0.00%	0	0.00%	0	0.00%	1	2.78%	6	8.45%	0	0.00%	7.00	2.70%
Black/Black British - African	0	0.00%	0	0.00%	0	0.00%	0	0.00%	1	1.41%	0	0.00%	1.00	0.39%
Black/Black British - Other	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0.00	0.00%
Mixed - White and Black Caribbean	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0.00	0.00%
Mixed - White and Black African	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0.00	0.00%
Mixed - White and Asian	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0.00	0.00%
Mixed - Other	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0.00	0.00%
Asian/Asian British - Indian	0	0.00%	5	8.20%	0	0.00%	2	5.56%	1	1.41%	1	2.44%	9.00	3.47%
Asian/Asian British - Pakistani	0	0.00%	1	1.64%	0	0.00%	0	0.00%	1	1.41%	0	0.00%	2.00	0.77%
Asian/Asian British - Bangladeshi	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0.00	0.00%
Other Asian Background	0	0.00%	0	0.00%	0	0.00%	1	2.78%	0	0.00%	0	0.00%	1.00	0.39%
Chinese	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0.00	0.00%
Prefer not to say	1	2.78%	3	4.92%	0	0.00%	0	0.00%	0	0.00%	1	2.44%	5.00	1.93%
Did not respond	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	38	92.68%	38.00	14.67%
	36	100.00%	61	100.00%	14	100.00%	36	100.00%	71	100%	41	100.00%	259.00	100.00%

Age	Partner	%	Solicitor	%	Trainee	%	Other Legal Staff	%	Non Legal Staff	%	Unknown Headcount	%	Total	%
Under 18	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0.00	0.00%
18-24	0	0.00%	0	0.00%	0	0.00%	2	5.56%	2	2.82%	0	0.00%	4.00	1.54%
25-34	0	0.00%	29	47.54%	13	92.86%	9	25.00%	18	25.35%	0	0.00%	69.00	26.64%
35-44	8	22.22%	24	39.34%	1	7.14%	7	19.44%	18	25.35%	0	0.00%	58.00	22.39%
45-54	14	38.89%	3	4.92%	0	0.00%	13	36.11%	17	23.94%	2	4.88%	49.00	18.92%
55-64	13	36.11%	0	0.00%	0	0.00%	4	11.11%	12	16.90%	0	0.00%	29.00	11.20%
65+	1	2.78%	2	3.28%	0	0.00%	1	2.78%	2	2.82%	0	0.00%	6.00	2.32%
Prefer not to say	0	0.00%	3	4.92%	0	0.00%	0	0.00%	2	2.82%	1	2.44%	6.00	2.32%
Did not respond	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	38	92.68%	38.00	0.00%
	36	100.00%	61	100.00%	14	100.00%	36	100%	71	100.00%	41	7.32%	259.00	85.33%

Sexual Orientation	Partner	%	Solicitor	%	Trainee	%	Other Legal Staff	%	Non Legal Staff	%	Unknown Headcount	%	Total	%
Bisexual	0	0.00%	1	1.64%	0	0.00%	2	5.56%	1	1.41%	0	0.00%	4.00	1.54%
Gay/Homosexual	1	2.78%	2	3.28%	0	0.00%	1	2.78%	0	0.00%	0	0.00%	4.00	1.54%
Lesbian	0	0.00%	0	0.00%	1	7.14%	0	0.00%	0	0.00%	0	0.00%	1.00	0.39%
Heterosexual	32	88.89%	53	86.89%	12	85.71%	31	86.11%	67	94.37%	0	0.00%	195.00	75.29%
Other	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0.00	0.00%
Prefer not to say	3	8.33%	4	6.56%	1	7.14%	1	2.78%	2	2.82%	2	2.82%	13.00	5.02%
Did not respond	0	0.00%	1	1.64%	0	0.00%	1	2.78%	1	1.41%	39	54.93%	42.00	16.22%
	36	100.00%	61	100.00%	14	100.00%	36	100.00%	71	100.00%	41	57.75%	259.00	100.00%

Bircham Dyson Bell LLP Annual Diversity Report as at 3 February 2012

\*Please note that some respondents may have selected the wrong headcount category therefore skewing the data slightly.

Religion	Partner	%	Solicitor	%	Trainee	%	Other Legal Staff	%	Non Legal Staff	%	Unknown Headcount	%	Total	%
None	13	36.11%	15	24.59%	9	64.29%	13	36.11%	20	28.17%	0	0.00%	70	27.03%
Christian*	21	58.33%	35	57.38%	5	35.71%	19	52.78%	44	61.97%	0	0.00%	124	47.88%
Buddhist	0	0.00%	0	0.00%	0	0.00%	1	2.78%	1	1.41%	0	0.00%	2	0.77%
Hindu	0	0.00%	5	8.20%	0	0.00%	0	0.00%	0	0.00%	1	2.44%	6	2.32%
Jewish	0	0.00%	1	1.64%	0	0.00%	0	0.00%	2	2.82%	0	0.00%	3	1.16%
Muslim	0	0.00%	1	1.64%	0	0.00%	1	2.78%	2	2.82%	0	0.00%	4	1.54%
Sikh	0	0.00%	0	0.00%	0	0.00%	1	2.78%	1	1.41%	0	0.00%	2	0.77%
Other	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%
Prefer not to say	2	5.56%	4	6.56%	0	0.00%	1	2.78%	1	1.41%	2	4.88%	10	3.86%
Did not respond	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	38	92.68%	38	14.67%
	36	100.00%	61	100.00%	14	100.00%	36	100.00%	71	100.00%	41	100.00%	259	100.00%

Gender	Partner	%	Solicitor	%	Trainee	%	Other Legal Staff	%	Non Legal Staff	%	Unknown Headcount	%	Total	%
Male	31	86.11%	20	32.79%	4	28.57%	13	36.11%	25	35.21%	0	0.00%	93.00	35.91%
Female	4	11.11%	39	63.93%	10	71.43%	23	63.89%	45	63.38%	2	4.88%	123.00	47.49%
Transgender	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0.00	0.00%
Prefer not to say	1	2.78%	2	3.28%	0	0.00%	0	0.00%	1	1.41%	1	2.44%	5.00	1.93%
Did not respond	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	38	92.68%	38.00	14.67%
	36	100.00%	61	100.00%	14	100.00%	36	100.00%	71	100.00%	41	7.32%	259.00	85.33%

Disability	Partner	%	Solicitor	%	Trainee	%	Other Legal Staff	%	Non Legal Staff	%	Unknown Headcount	%	Total	%
Yes	0	0.00%	1	1.64%	0	0.00%	0	0.00%	3	4.23%	0	0.00%	4.00	1.54%
No	34	94.44%	57	93.44%	14	100.00%	36	100.00%	66	92.96%	2	4.88%	209.00	80.69%
Prefer not to say	1	2.78%	3	4.92%	0	0.00%	0	0.00%	2	2.82%	1	2.44%	7.00	2.70%
Did not respond	1	2.78%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	38	92.68%	39.00	15.06%
	36	100.00%	61	100.00%	14	100.00%	36	100.00%	71	100.00%	41	100.00%	259.00	100.00%

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