



MICHAEL W HALSALL solicitors

# EQUALITY & DIVERSITY POLICY



## **Introduction**

Michael W Halsall Solicitors serves a diverse client base. We seek to provide access to justice for all sections of the diverse communities that make up our society today, following Road Traffic Accidents and Personal Injuries and we employ staff from many different backgrounds. Michael W Halsall Solicitors value and respect this diversity and will strive in all of its activities to take account of and reflect the interests of the wide range of people it serves.

Our Equality and Diversity Policy and strategy is influenced by a number of factors including our statutory obligations under the Equality Act 2010 and changes in the demographic profile of the population, the profession itself and the client base. We want to promote best practice in our profession and be sensitive to the specific needs of the different communities to whom we provide a legal service. We want to promote our organisation as one whose members are required to treat each other, clients and others in a fair, equal and non-discriminatory manner.

Investing in equality and diversity also provides a number of business benefits, for example, improving staff retention and engagement, widening markets and improving services. Michael W Halsall Solicitors intend to make the most of such opportunities.

We recognise that many groups are discriminated against on grounds such as disability, sex, gender re-assignment, race, age, religion or belief, sexual orientation, marriage or civil partnership and social, economic and educational background. This discrimination has led to disadvantage for those people discriminated against and can affect our business as a Firm of Solicitors, (for example, if there were barriers in access to and progression within the Firm). We aim to prevent such inequalities from arising.

Alongside addressing the impact discrimination has on some groups, Michael W Halsall policies are designed to respect, value and celebrate the strengths of a diverse workforce. We aim to cultivate a culture and environment within our business which are inclusive of the different needs, aspirations and contribution of each individual, whether or not they are protected by the Equality Act 2010.

The aim of the Equality and Diversity Policy is to provide a framework that will help us to make progress towards achieving our goals.

## Protected Characteristics

**Age** – people of all ages are protected

**Disability** – a person is disabled if they have a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities

**Gender reassignment** – a transsexual person is someone who proposes to, starts or has completed a process to change his or her gender. However, a person does not have to be under medical supervision to be protected

**Marriage and civil partnership** – anyone who is married or in a civil partnership is covered

**Pregnancy and maternity** – A woman is protected against discrimination on the grounds of pregnancy and maternity during the period of her pregnancy and any statutory maternity leave to which she is entitled

**Race** – includes colour, nationality and ethnic or national origins

**Religion or belief** – a religion must have a clear structure and belief system. Any such religion is protected. People who have no religion are protected.

**Sex** – both men and women are protected

**Sexual orientation** – bisexual, gay, heterosexual and lesbian people are protected

## What is unlawful discrimination?

Unlawful discrimination can take many forms. Under the Equality Act 2010 and for the purpose of Michael W Halsall Equality and Diversity Policy unlawful discrimination occurs when a person is treated worse than someone else just because of a protected characteristic, this is called **direct discrimination**.

Unlawful discrimination also occurs when something is done to someone in a way that has a worse impact on them and other people who share a particular protected characteristic than on people who do not have the same characteristic, this is called **indirect discrimination**.

Unlawful discrimination can occur if a disabled person is treated unfavourably because of something connected to their disability where it cannot be shown that the unfavourable treatment can be objectively justified. This only applies if it could reasonably be expected to be known that the person is disabled. This is called **discrimination arising from disability**.

A person must not be treated worse than someone else because they are **associated** with a person who has a protected characteristic.

A person must not be treated worse than someone else because you incorrectly think they have a protected characteristic (**perception**).

A person must not be treated badly or **victimised** because they have complained about discrimination or helped someone else complain or have done anything to uphold their own or someone else's equality law rights.

A person should not be **harassed** because of them having a protected characteristic. **Third party harassment** occurs when someone from outside of an organisation, such as a client or supplier, harasses a person because they have a protected characteristic. Both forms of harassment mentioned above can occur due to the harassed being associated with a protected characteristic or perceived to have a protected characteristic themselves.

## Recruitment

As an employer, the Firm will treat all employees and job applicants equally and fairly and will not discriminate unjustifiably against them. The Firm uses a standard application form for all recruitment which includes a Diversity Monitoring form. This information is given anonymously and is kept separately from the application form throughout the sifting and selection process. By monitoring the diversity of the people applying for positions with us we can:

- a) endeavour 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, and this is confirmed in the Firm's recruitment adverts
- 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 age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation
- e) wherever appropriate and necessary, lawful exemptions (genuine occupational requirements) can be used to recruit suitable staff to meet the special needs of particular groups
- f) recruitment agencies acting for the Firm can be made aware of our equality and diversity policy and the process of monitoring which ensures that candidates recruited through any agency are not discriminated against

Please see **Appendix 1** for a copy of our Diversity Questionnaire.

The data we collect from the monitoring process allows us to compare it with regional representational data to see how far our workforce reflects the local community. We are also able to compare the data with the Legal Sector standard data to see how we are doing compared to other law Firms.

Job applicants will be asked if they require reasonable adjustments to be made to enable them to attend for an interview or any other event throughout the recruitment process. We will only use their answers for working out the adjustments they need and whether

they are reasonable. We will not use such information against an applicant when deciding whether they advance throughout the recruitment process or indeed be employed by us.

## **Directors**

Arrangements and procedures for selecting Directors, their terms and conditions of employment, access to benefits, facilities or services and termination arrangements will be reviewed and amended where necessary to prevent any type of discrimination from occurring in line with the Equality Act 2010.

Maternity rights available to Directors shall be no less favourable than those required by legislation for all other employees.

## **Privacy and confidentiality**

Only the HR Manager and the Directors will be allowed access to the data collected throughout the monitoring process. All data collected will be protected and stored securely in line with the GDPR Regulations and Data Protection Act 1998 and in line with our Guide to General Data Protection Regulations 2018.

## **Training and promotion**

All employees will have equal access to training and other career development opportunities appropriate to their experience and abilities. Michael W Halsall will never make assumptions on the basis of an employees protected characteristics about their ability to take part in training or the benefits they will gain from that training, this may lead to unlawful discrimination. Our employees will not be directly or indirectly discriminated against when being considered for training because they have a protected characteristic.

We will offer opportunities for promotion, transfer or other career development without unlawful discrimination. This includes development opportunities that could lead to permanent promotion – for example, ‘acting up’ on temporary promotion or deputising.

Although equality law does not require us, as an employer, to advertise vacancies or opportunities for promotion either inside or outside of our organisation, by doing so we can ensure a transparent and fair promotion process which relies on the successful candidate being chosen on the basis of their skills and competence for the role.

Any employee who is on maternity leave when a promotion opportunity arises will be advised of that opportunity and allowed to apply in the usual manner.

## **What is positive action?**

“Positive action” means the steps that an employer can take to encourage people from groups with different needs or with a past track record of disadvantage or low participation, into participating in training, development, promotion or transfer opportunities.

Michael W Halsall uses positive action when we reasonably think (in other words, on the basis of some evidence) that employees who share a protected characteristic and suffer a disadvantage connected to that characteristic, or employees who share a protected characteristic and have needs that are different from the needs of employees who do not share it, or participation in an activity by employees who share a protected characteristic is disproportionately low.

There are tests that we use to ensure that any positive action taken is proportionate to the aims set out above. These are:

- 1) the positive action taken must be relative to the level of disadvantage that exists to an employee/group
- 2) the positive action must not be used simply for the purposes of favoring one employee/group over another where there is no disadvantage or under-representation in the workforce

Although, as an employer, we will use positive action when considering promotion, we will never use or encourage the practice of automatically treating people who share a protected characteristic better than those who do not. We will always appoint the best person for the job, even if they do not have the particular protected characteristic being targeted by the positive action. However, there are special tie-break rules which are set out in the next section.

Michael W Halsall will only use ‘tie-break’ provisions when faced with a choice between two candidates who are as qualified as each other. In those instances, we will only decide to promote an employee from a group sharing a protected characteristic if we reasonably believe that this group is at a disadvantage or is under-represented in the workforce or if their participation in an activity such as promotion is disproportionately low.

The Equality law allows us to treat a disabled person more favorably than a non-disabled person and as an employer we recognise that disabled people face a lot of barriers to participating in work and other activities.

With this in mind, it is our policy of short-listing and interviewing all disabled applicants who meet the minimum requirements for jobs or promotion.

## **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 the diverse backgrounds and beliefs of employees.

Terms and conditions of service for employees will comply with Equality legislation. The provision of benefits such as working hours, maternity and other leave arrangements, performance and appraisal systems, dress code, bonus schemes and any other conditions of employment will not discriminate against any employee on the grounds of any of the protected characteristics.

### **When an employee becomes a disabled person**

If one of our employees is disabled or becomes disabled whilst employed with us, we may need to make changes to the way they do their job.

In situations where a disabled person is put at a substantial disadvantage, we will make “reasonable adjustments” so that, as far as is reasonable, the disabled person has the same access to all aspects of doing their job as a non-disabled person. We want to take steps to remove, reduce or prevent the obstacles a disabled worker faces wherever we reasonably can.

Many factors will be involved in our decision regarding what adjustments to make and they will depend on individual circumstances. Different people will need different changes, even if they appear to have similar impairments.

We can only make adjustments when we are aware, or could reasonably be aware, that an employee or applicant has a disability. We therefore encourage all new entrants and employees to discuss any medical conditions or issues with us with the assurance that their condition will be treated with the upmost privacy, respect and dignity. Any employee facing a debilitating condition should speak to the HR Manager to allow all reasonable adjustments to be considered. You will be asked at your induction to complete a medical form you should list all medical conditions and/or disabilities on this form. You should also complete an amended form should a condition / disability be diagnosed.

If the Firm decides that an adjustment made is a reasonable one, we will pay for the adjustment to be made. However, there is a government scheme called “**Access to Work**” which can help a person whose health or disability affects their work by giving them advice and support. Access to Work can help with extra costs which would not be reasonable for us as an employer to pay. (e.g. Access to Work might pay towards the cost of getting to work if the disabled person cannot use public transport). For further details on the Access to Work scheme please visit the website [www.gov.uk/access-to-work](http://www.gov.uk/access-to-work)

### **Reasonable Adjustments**

When considering any alterations to the firm's premises, the partners will consider whether to make any reasonable adjustments, to improve access for disabled clients/visitors and staff (e.g. installation of ramps or a disabled toilet). If a staff member has or develops a disability, wherever possible reasonable adjustments will be made to address the issue (e.g. a larger font size for impaired vision).

## **Pay and Benefits**

Michael W Halsall will not discriminate on the grounds of any of the protected characteristics when making decisions about what our workers are paid or when deciding what benefits they receive.

Pay and benefits include:

- Basic pay
- Non-discretionary bonus
- Overtime rates and allowances
- Performance-related benefits
- Severance and redundancy pay
- Access to pension schemes
- Hours of work
- Company cars
- Sick pay
- "Fringe benefits"

Bonus payments are payments made on top of basic salary and are designed to motivate our employees by rewarding them for achieving particular targets or standards.

Sometimes, a bonus will be set out in a worker's contract. Sometimes it is decided by the Directors if a bonus is paid (this is often referred to as a 'discretionary bonus').

Some of our schemes are a mixture of both types, so that a worker has the right to be considered for a bonus, but the Directors have the final say as to whether to or not the bonus is paid. We will avoid unlawful discrimination in awarding bonus payments. This includes all the different types of unlawful discrimination.

## **Third parties**

**Barristers** – Barristers should be instructed on the basis of their skills and ability. The Firm will not avoid briefing a barrister and will not request barristers' clerks to do so because a barrister has a protected characteristic, because a barrister associates with a person who

has a protected characteristic or because we perceive that a barrister possesses a protected characteristic.

The Firm will discuss with the client any request by the client that only a barrister who does not display, associate with a person who displays, or is perceived to have a protected characteristic should be instructed. In the absence of a valid reason for this request, which must be within the exemptions permitted by the Equality Act 2010, 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 for them.

A list of approved barristers is compiled on the basis of their ability to undertake work of a particular type, and does not contain any discriminatory bias in any way, that would contravene Rule 1.1 of the Solicitors Code of Conduct (You do not unfairly discriminate by allowing your personal views to affect your professional relationships and the way in which you provide your services).

**Suppliers** – A list 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. This list is compiled without any discrimination on the grounds of any protected characteristic of the employees of those contractors, agents, third parties etc or on grounds of an associated or perceived basis.

**Clients** – The Firm is generally free to decide whether to accept instructions from any particular client, but any decision of this kind will not be made with the aim to intentionally, or otherwise, discriminate on the grounds of any of the protected characteristics.

The Firm will take steps to meet the needs of any disabled clients arising from its obligations under the Equality Act 2010 and Rule 6 of the SRA Principles 2019 (Act in a way that encourages equality, diversity and inclusion).

In addition, where necessary and where it is permitted by the relevant legislation, the Firm will seek to provide services which meet the specific needs and requests of our clients so not as to discriminate against them with regard to any of the other protected characteristics, be it directly, indirectly, perceived or associated discrimination.

### **What we expect of our employees**

At Michael W Halsall we want to encourage a culture and environment where everyone is treated with dignity and respect, where the talents and skills of different groups are valued, and where productivity and client service improves because our workforce is happy, motivated and more aware of the benefits that inclusion can bring to the Firm

Because of this, we expect certain behaviours from our employees throughout their career with us. These include:

- You should treat all colleagues, clients, third parties, members of the public with **dignity and respect at ALL times**
- You should not discriminate or harass your colleagues, clients, third parties, members of the public etc
- Any contract or migrant workers should be treated equally in line with permanent employees
- You should respect view points, other than your own, and should keep an open mind with regards to other people's personal lifestyle choices
- You are required to fully participate in any equality, diversity and inclusion training and development provided to you
- If you witness a colleague behaving contrary to Michael W Halsall expectations with regard to this policy, be it by discriminating against another person or harassing someone etc, you should challenge their behaviour
- In circumstances where it would be inappropriate to directly challenge the perpetrator, instances of discrimination, harassment etc should be brought to the attention of your Fee Earner or your HR Manager immediately
- The above behaviours and procedures should be adhered to at any social functions, training events etc that are held away from the business. (Please see Michael W Halsall "Social Events Policy" for further details)
- The above behaviours and procedures should be adhered to when using social media to interact with colleagues, clients etc (Please see Michael W Halsall "Email, Internet & Social Media Policy" and our "Bullying and Harassment Policy" for further details)

If we find that any of our employee's have acted in a manner which contravenes this policy by unlawfully discriminating or harassing someone, **they will** be subject to **disciplinary proceedings**.

Furthermore, in certain circumstances, if an act of discrimination, harassment or victimisation is taken to an Employment Tribunal by a colleague, the employee who discriminated, harassed or victimised that colleague, against the rules of this policy, can be held **personally responsible** and can have compensation claimed against them personally.

### **How this policy will be put into action and monitored**

We each have a responsibility to ensure that this policy is put into action and adhered to throughout the business.

The Directors and management team will take responsibility for monitoring the policy and ensuring its effectiveness and compliance with Equality Law. The firm's monitoring assessment will be based on evidence. This evidence is gathered from discussion and feedback from colleagues and customer feedback from our client satisfaction questionnaires. Overall responsibility to ensure a review takes place annually lies with Olivia Hartley, HR Manager.

Monitoring will take place at least annually and will, where appropriate, monitor and record:

- a) The number and outcome of complaints and discrimination made by staff, Directors, barristers, clients and other third parties.
- b) Any disciplinary action taken against employees with regard to equality and diversity discrimination
- c) The results of the annual equality/diversity/disability questionnaire which is sent to all staff, to promote feedback/reporting of any potential issues. (see **Appendix 2**)

If there are any concerns or breaches of this policy they should be reported to your Fee Earner or the HR Manager immediately to allow them to investigate the issue. Please see Michael W Halsall "Grievance and Disciplinary Procedure" for further details on how to report a grievance.

As mentioned earlier in this policy, once a grievance relating to this policy has been investigated and it is found that unlawful discrimination has taken place, disciplinary proceedings will be invoked.

This policy will be available on the Firm's intranet and training will be given to all employees within the Firm to ensure their understanding of our equal, diverse and inclusive culture.

Externally, this policy will be available on our Company website and will be made available to all potential new workers, contractors and suppliers.

#### **Further information available from other Michael W Halsall policies and procedures**

- 1) GDPR Guide May 2018 & Employee Privacy Notice & Consent Form
- 2) Bullying and Harassment Policy
- 3) Grievance and Disciplinary Procedure
- 4) Office Manual
- 5) Social Events Policy
- 6) Email, Internet & Social Media Policy

## Appendix 1

### Diversity Questionnaire – 2021

Michael W Halsall Solicitors Limited is committed to improving all aspects of Equality & Diversity within its business. We are also required by the Solicitors Regulation Authority to report annually on the Diversity profile of our workforce.

This form has been created to capture important data regarding the Diversity of our workforce. It is important that you provide us with accurate answers to ensure that we not only meet our legal obligations, but, even more importantly, allow us to apply policies and processes that attract and retain a diverse, talented and motivated workforce.

Any information provided on this form will be treated as strictly confidential and will be used for statistical purposes only. The information will not be used in any way which allows any individual to be identified.

### Role categories

#### 1. Select the category which best describes your role in the firm

Role category	Notes	
Solicitor (sole practitioner, partner, member or director)	Authorised by the Solicitors Regulation Authority (SRA) - including sole practitioners, partners, members or directors	
Solicitor (not Director)	Authorised by the Solicitors Regulation Authority (SRA) - all other solicitors including assistant solicitors, associates or consultants.	
Other fee earning role	Not an authorised person e.g. trainee solicitors, legal executives who are not chartered or a fellow and paralegals but excluding managerial roles.	
Role directly supporting a fee earner	Not an authorised person (e.g. legal secretaries, administrators, legal assistants, or non-fee earning paralegals)	
Managerial role	Not an authorised person (e.g. non lawyer managers, directors, practice managers)	
IT/ HR/ other corporate services role	Not an authorised person and not individuals in a managerial role - includes finance or accountancy roles	
Barrister	Authorised by the Bar Standards Board	
Chartered Legal Executive/ Legal Executive (Fellow)	Authorised by the ILEX Professional Standards Board	
Licensed Conveyancer	Authorised by the Council for Licensed Conveyancers	
Patent or Trade Mark Attorney	Authorised by the Intellectual Property Regulation Board	

Costs Lawyer	Authorised by the Costs Lawyer Standards Board	
Notary	Authorised by the Master of the Faculties	
Prefer not to say		

## Diversity questions (protected characteristics under the Equality Act 2010)

2. From the list of age bands below, please indicate the category that includes your current age in years:

16 - 24	
25 - 34	
35 - 44	
45 - 54	
55 - 64	
65+	
Prefer not to say	

3. What is your gender identity?

Man	
Woman	
Other preferred description	
Prefer not to say	

4. Is your gender identity different from your registered sex at birth (transgender)?

Yes	
No	
Prefer not to say	

5. *The Equality Act 2010 generally defines a disabled person as someone who has a mental or physical impairment that has a substantial and long-term adverse effect on the person's ability to carry out normal day-to-day activities.*

**Do you consider yourself to have a disability according to the definition in the Equality Act?**

Yes	
No	
Prefer not to say	

6. Are your day-to-day activities limited due to a health problem or disability which has lasted, or is expected to last, at least 12 months?

Yes, limited a lot	
Yes, limited a little	
No	
Prefer not to say	

## 7. What is your ethnic group?

*Ethnic origin categories are not about nationality, place of birth or citizenship. They are about the group to which you as an individual perceive you belong.*

### Asian / Asian British

Bangladeshi	
Chinese	
Indian	
Pakistani	
Any other Asian background	

### Black / Black British

African	
Caribbean	
Any other Black background	

### Mixed / multiple ethnic groups

White and Asian	
White and Black African	
White and Black Caribbean	
White and Chinese	
Any other Mixed / multiple ethnic background	

### White

British / English / Welsh / Northern Irish / Scottish	
Irish	
Gypsy or Irish Traveller	
Any other White background	

### Other ethnic group

Arab	
Any other ethnic group	

### Prefer not to say

Prefer not to say	
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## 8. What is your religion or belief?

No religion or belief / Atheist	
Buddhist	
Christian	
Hindu	
Jewish	
Muslim	

Sikh	
Any other religion	
Prefer not to say	

**9. What is your sexual orientation?**

Bisexual	
Gay / Lesbian	
Heterosexual/straight	
Other	
Prefer not to say	

**Socio-economic background (education) and caring responsibilities**

**10. What school type did you mainly attend between the ages of 11-16?**

UK state-run or state-funded school – selective on academic, faith or other grounds	
UK state-run or state-funded school – non selective	
UK independent or fee-paying school - bursary	
UK independent or fee-paying school – no bursary	
Attended school outside of the UK	
Other	
Don't know	
Prefer not to say	

*If you changed your type of school during your education, or were educated partly in the UK and partly outside, please select the category that applies to your main place of education in the last two years of your education.*

**11. Highest level of qualifications achieved by either of your parent(s) guardian(s) by the time you were 18?**

At least one has a degree level qualification	
Qualifications below degree level	
No formal qualifications	
Don't know	
Not applicable	
Other	
Prefer not to say	

**12. Are you a primary carer for a child or children under 18?**

Yes	
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No	
Prefer not to say	

**13. What time to you spend providing UNPAID care for those with long-term physical or mental ill-health caused by disability or age?**

*If you look after more than one person, please total the hours spent caring for both or all individuals and select the correct category for the total number of hours. Do not count anything you do as part of your paid employment*

No	
Yes, 1 - 19 hours a week	
Yes, 20 - 49 hours a week	
Yes, 50 or more hours a week	
Prefer not to say	

**Ownership and supervisory responsibilities in the firm**

**14. How would you describe your role in the firm?**

Sole practitioner, director, member or director of the firm	
Associate or Assistant	
Other employee or staff member	
Prefer not to say	

**15. Do you have a share in the ownership of your organisation (e.g. equity director, shareholder)?**

Yes	
No	
Prefer not to say	

**16. Do you have responsibility for supervising or managing the work of lawyers or other employees?**

Yes	
No	
Prefer not to say	

**Thank you for taking part in this survey**

## **Appendix 2**

### **Equality/Diversity & Disability Discrimination**

All staff should be aware that the Equality & Diversity Policy is an important Policy within the Firm. It is located on the Intranet under Documents / Policies Section. As part of our ongoing commitment to eliminating discrimination and promoting equality and diversity, we would be obliged if you could respond to the questions below. If you are not aware of any issues, then please simply insert "n/a" in the response section.

1. Are you aware of any equality, diversity, or disability issues that have arisen with the Firm? If so, please provide details

2. Are you aware of any equality, diversity, or disability issues that have arisen externally (e.g. with referrers/counsel/medical experts etc). If so, please give details below.

3. If you are aware of any equality, diversity, or disability issues that have arisen, which you feel have not been dealt with appropriately, then please provide details below.

**Name :**

**Date :**

**Please return this Form to Olivia Hartley by Friday 20<sup>th</sup> March 2021. There is a box labelled 'Equality & Diversity Survey 2021' on the filing cabinets near her desk. Keep Appendix 1 & Appendix 2 separate for anonymity reasons. If there are actions to be carried out from Appendix 2 it would be helpful if you provide your details, as this will enable us to follow up any unresolved issues and make any necessary adjustments to our Policies/Procedures.**

**Thank you, as always, for your cooperation.**

**23<sup>rd</sup> February 2021**