

## The Equality, Diversity and Inclusion Policy

### 1. The Firm's Commitment

#### 1.1 General commitment

Muckle LLP is committed to eliminating discrimination and promoting equality, diversity and inclusion 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 employees, partners and other solicitors, barristers, clients, business partners and other third parties.

The firm intends to treat everyone equally and with the same attention, courtesy and respect, regardless of their protected characteristics as defined by the Equality Act 2010. The diversity of our people is key to our success and we do our best to promote the values of equality, diversity and inclusion in all that we do.

#### 1.2 Regulation and legislation

In developing and implementing its equality, diversity and inclusion policy, the firm is committed to complying with good practice and with all current and any future legislation including, but not limited to the Equality Act 2010 and related regulations, and any relevant amendments or re-enactments of such legislation.

#### 1.3 Equality, Diversity and Inclusion Committee

The firm's equality, diversity and inclusion committee drives forward our commitment to developing and nurturing a culture of equality, diversity and inclusion at Muckle LLP. The committee is chaired by a senior partner in the firm. This policy is reviewed by the committee each year.

#### 1.4 Protected Characteristics

For the purposes of this policy the following characteristics are Protected Characteristics:

- 1.4.1 age
- 1.4.2 disability
- 1.4.3 gender re-assignment
- 1.4.4 marriage and civil partnership
- 1.4.5 pregnancy and maternity
- 1.4.6 race
- 1.4.7 religion or philosophical belief
- 1.4.8 sex
- 1.4.9 sexual orientation

Or any combination of two of the above protected characteristics.

### 2. Forms of Discrimination

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

- 2.1 **Direct discrimination**, where a person is treated less favourably on the grounds of a protected characteristic.

- 2.2 **Indirect discrimination**, where an apparently neutral provision, criterion or practice would put a substantially higher proportion of the members of one group who share a protected characteristic at a particular disadvantage, compared with other persons who do not share that protected characteristic, unless that provision, criterion or practice is objectively justified by a legitimate aim and the means of achieving that aim are proportionate, appropriate and necessary.
- 2.3 **Discrimination by association**. This is direct discrimination against someone because they associate with another person who possesses a protected characteristic.
- 2.4 **Perceptive discrimination**. This is direct discrimination against an individual because others think they possess a particular protected characteristic. It applies even if the person does not actually possess that characteristic.
- 2.5 **Victimisation**. This is where someone is treated less favourably than others because he or she has taken action against the firm under the relevant legislation.
- 2.6 **Harassment**. This is when unwanted conduct related to any of the protected characteristics 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.

### 3. **Employment and Training**

#### 3.1 **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, pay and conditions, access to training, promotion and demotion, conduct at work, grievance and disciplinary process, dress guidelines, bonus schemes, work allocation, termination of employment and any other employment related activities.

#### 3.2 **Recruitment and selection**

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

- 3.2.1 it endeavours to recruit from a wide pool of qualified candidates;
- 3.2.2 employment opportunities are open and accessible to all on the basis of their individual qualities and personal merit;
- 3.2.3 selection criteria and processes do not discriminate unjustifiably on the grounds of any protected characteristic; other than in those instances where the firm is exercising permitted positive action;
- 3.2.4 wherever appropriate and necessary, lawful exemptions (genuine occupational requirements) will be used to recruit suitable staff to meet the special needs of particular groups;
- 3.2.5 all recruitment agencies acting for the firm are aware of this requirement not to discriminate and will act accordingly.

### 3.3 Conditions of service

- 3.3.1 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.
- 3.3.2 Terms and conditions of service for employees will comply with equality and diversity legislation. The provision of benefits such as maternity and other leave arrangements, performance appraisal systems and any other conditions of employment will not discriminate against any employee on the grounds of their protected characteristics.
- 3.3.3 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 protected characteristics.

### 3.4 Part-time workers

The firm acknowledges that part-time workers should not be treated less favourably than a full-time worker.

### 3.5 Equal reward

- 3.5.1 The firm believes that as part of its commitment to equality, diversity and inclusion male and female team members should receive equal pay for the same or broadly similar work, for work rated as equivalent and for work of equal value.
- 3.5.2 The firm believes it is in the best interests and is good business practice that pay is awarded fairly and equitably. The firm operates a process for determining pay and benefits based on objective criteria and free from bias.

### 3.6 Promotion and career development

- 3.6.1 Promotion within the firm will be made without reference to any of the protected characteristics and will be based solely on merit.
- 3.6.2 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 individual or group.
- 3.6.3 Whilst positive action measures may be taken in accordance with the relevant equality and diversity legislation to encourage under-represented groups to apply for promotion opportunities, recruitment or promotion to all jobs will be based solely on merit.
- 3.6.4 All employees will have equal access to training and other career development opportunities appropriate to their experience and abilities.

### 3.7 Reasonable adjustments

Anyone who is disabled or becomes disabled is encouraged to tell their team head or HR about their condition so that any appropriate support can be put in place. We will discuss any reasonable adjustments that would help overcome or minimise any difficulty. These may include:

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- 3.7.1 making reasonable adjustments to premises;
- 3.7.2 alteration of working hours;
- 3.7.3 time off during work for rehabilitation, assessment or treatment;
- 3.7.4 phased return to work following a period of absence if disability related;
- 3.7.5 modification or purchase of appropriate equipment; or
- 3.7.6 provision of supervision and assistance.

Many factors will be involved in deciding what adjustments to make and they will depend on individual circumstances. If we consider a particular adjustment would not be reasonable we will explain our reasons and try to find an alternative solution where possible.

#### 4. **Barristers and Suppliers**

##### 4.1 **Barristers**

- 4.1.1 Barristers should be instructed on the basis of their skills, experience and ability. The firm will not choose to or refrain from briefing a barrister on the basis of any protected characteristic.
- 4.1.2 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 to advise appropriately.
- 4.1.3 The firm will discuss with the client any request by the client that only a barrister who shares with them a particular protected characteristic or who does not have a particular protected characteristic, 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.

##### 4.2 **Suppliers**

All approved suppliers, contractors, agents and other third parties who, or which, are regarded as suitable to be instructed by those within the firm have been instructed 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, based on any protected characteristic. Organisations wishing to provide services to us need to demonstrate where appropriate that all reasonably practicable steps are taken to allow equal access and equal treatment in employment and service delivery by completing our supplier procurement questionnaire.

#### 5. **Clients**

- 5.1 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 protected characteristics.
- 5.2 The firm will take steps to meet the different needs of particular clients arising from its obligations under the Equality Act 2010 and the Solicitors Equality and Diversity Rule 2004.

5.3 In addition, where necessary and where it is permitted by the Equality Act 2010 (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 a client's protected characteristics.

## 6. Promoting Equality, Diversity and Inclusion

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

6.2 Employees and partners have been informed of this equality, diversity and inclusion policy and are provided with equality, diversity and inclusion training.

6.3 All those who act on the firm's behalf will be informed of this equality, diversity and inclusion policy and will be expected to pay due regard to it when conducting business on the firm's behalf.

6.4 In all its dealings, including those with suppliers, contractors and recruitment agencies, the firm will seek to promote the principles of equality, diversity and inclusion.

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

## 7. Implementing the Policy

### 7.1 Responsibility

7.1.1 Ultimate responsibility for implementing the policy rests with the partners and directors of the firm. The firm will appoint a senior person within it to be responsible for the operation of the policy.

7.1.2 All employees and partners of the firm are expected to pay due regard to the provisions of its equality and diversity policy and are responsible for ensuring compliance with it when undertaking their jobs or representing the firm.

7.1.3 Acts of discrimination, victimisation or harassment based on any of the protected characteristics by employees or partners of the firm will be treated as a disciplinary offence, which may result in disciplinary action and, if appropriate, may result in dismissal. 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. Individuals should bear in mind that they can be held personally liable for any act of unlawful discrimination.

7.1.4 Acts of discrimination, victimisation or harassment based on any of the protected characteristics by those acting on behalf of the firm will lead to appropriate action including termination of services where appropriate.

### 7.2 Complaints of discrimination

7.2.1 Anyone who believes that they are victims of discrimination, victimisation or harassment should in the first instance attempt to resolve the matter with the person concerned. If this is not possible the employee should discuss the matter with his/her team head or the HR team, which may result in the firm's grievance procedure being invoked.

- 7.2.2 Partners and directors are responsible for ensuring the implementation and compliance with this policy. They have a duty of care and responsibility to act in response to a discrimination, victimisation or harassment complaint. As soon as a partner or director has observed or is made aware of an allegation of discrimination or harassment he/she must discuss it with the complainant. They are advised to seek the advice and support of the HR team.
- 7.2.3 The firm will treat seriously, and will take action where appropriate, concerning all complaints of discrimination, victimisation or harassment on the basis of any of the protected characteristics made by employees, partners, clients, business partners, barristers or other third parties.
- 7.2.4 All complaints will be investigated in accordance with the firm's grievance or complaints procedure and the complainant will be informed of the outcome.

### 7.3 Monitoring and review

- 7.3.1 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, so far as it is able depending on the willingness of individuals to provide sensitive personal data, monitor and record:

- 7.3.1.1 The composition of the workforce as well as the number of employees and partners at different levels of the organisation based on an analysis of protected characteristics.
- 7.3.1.2 The protected characteristics of all applicants, short-listed applicants and successful applicants for jobs and training contracts.
- 7.3.1.3 The protected characteristics of all applicants for promotion (including to partnership the role of a member of a limited liability partnership) and training opportunities and details of whether they were successful.

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 information on the protected characteristics of all partners and employees will be monitored so as to ensure that they are not being discriminated against in terms of the opportunities or benefits available to them.

The firm is aware that partners and employees may choose not to voluntarily disclose all sensitive personal data relating to their protected characteristics and that care should be taken to avoid inadvertent discrimination in the obtaining of such information for monitoring purposes.

- 7.3.1.4 The number and outcome of complaints of discrimination made by employees, partners, barristers, clients, business partners and other third parties.
- 7.3.1.5 The disciplinary action (if any) taken against employees by reference to their protected characteristics.

This information will be used to review the progress and impact of the equality, diversity and inclusion policy. Any changes required will be made and implemented.

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