

Equality, Diversity and Anti-Discrimination Policy

A. The Firm's Commitment

(1) General commitment

TWM Trust Corporation Limited ("the Employer") and TWM Solicitors LLP ("the LLP") are committed to eliminating discrimination and promoting equality and diversity.

This applies to the Employer's and the LLP's professional dealings with personnel of the Employer, Members of the LLP ("Equity Partners"), other solicitors, barristers, clients and third parties.

The Employer and the LLP intend to treat everyone equally and with the same attention, courtesy and respect regardless of protected characteristics. These are identified in the Equality Act 2010 as age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation ("the Protected Characteristics").

The Employer and the LLP similarly intend to treat everyone equally and with the same attention, courtesy and respect regardless of other personal factors, for example, part-time or fixed term worker status, both of which have their own separate legal protection outside of the Equality Act 2010 ("Other Personal Factors").

Employees of the Employer are employed to carry out their duties for and on behalf of both the Employer and the LLP, including in relation to the LLP's clients, suppliers and other third parties. As such, the Employer requires all Employees to comply with this Policy in relation to the LLP and/or the LLP's clients, suppliers or other third parties, as well as when dealing with other employees, contractors or personnel of the Employer and/or Equity Partners.

Some of the obligations under this policy are owed by the LLP to its clients, suppliers or other third parties. However, the Employer and Equity Partners will use their reasonable endeavours to ensure compliance by the LLP with the obligations herein and employees of the Employer are expected to do the same.

For ease, "TWM" is used throughout this Policy to refer to TWM Trust Corporation Limited, TWM Solicitors LLP, or either or both, as appropriate.

(2) Regulation and legislation

In developing and implementing its anti-discrimination policy, TWM is committed to complying with all current and any future rules and regulations governing solicitors firms, all current and future anti-discrimination legislation and associated statutory codes of practice including, but not limited to:

- (a) 2007 Solicitors Code of Practice, Section 6;
- (b) the Equality Act 2010 (and the various preceding legislative provisions);
- (c) the Employment Rights Act 1996;
- (d) the Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations 2000;
- (e) the Protection from Harassment Act 1997;
- (f) the Part Time Workers (Prevention of Less Favourable Treatment) Regulations 2000;
- (g) the Racial and Religious Hatred Act 2006;
- (h) Gender Recognition Act 2004;
- (i) Statutory Codes of Practice relating to gender and equal pay;
- (j) Statutory Codes of Practice relating to race;
- (k) Statutory Codes of Practice relating to disability;
- (l) the European Community code of practice on the protection of the dignity of men and women at work;
- (m) any Statutory Codes of Practice, including those issued by the Equality and Human Rights Commission under Section 14 of the Equality Act 2006 to ensure or facilitate compliance with specified parts of the anti-discrimination legislation; and any relevant amendments or re-enactments of such legislation and Statutory Codes of Practice.

B. Forms of Discrimination

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

- (a) **Direct discrimination**, where a person is treated less favourably because of a Protected Characteristic;
- (b) **Indirect discrimination**, where an apparently neutral provision, criterion or practice (PCP) is applied that puts a group with a Protected Characteristic at a particular disadvantage compared to others. The employee must also suffer a disadvantage as a member of that group. It will not be indirect discrimination if the employer can show that its PCP is objectively justified as a proportionate means of achieving a legitimate aim;
- (c) Disabled persons are also protected against disability-related discrimination (that is, unjustified less favourable treatment related to the disability) and failure by the employer to make a reasonable adjustment for the disability;
- (d) **Victimisation**, where someone is treated less favourably than others because he or she has taken action, or is planning to take action, about discrimination or harassment associated with one of the Protected Characteristics, or because they have given evidence in relation to another person's complaint. Having "taken action" can mean alleging contravention of the Equality Act 2010.

Employees must not be disciplined or dismissed or suffer reprisals or any other detriment from colleagues or others for complaining about discrimination or harassment at work. Protection from victimisation is denied only where false information is given, a false allegation made or an allegation is made in bad faith.

- (e) **Harassment**, when unwanted conduct related to a Protected Characteristic takes place with the purpose or effect of violating the dignity of a person or of creating an offensive, intimidating, hostile, degrading or humiliating environment for them. Harassment may involve physical acts or verbal and non-verbal communications and gestures.

It should be noted that although conduct may not technically constitute harassment under the Equality Act 2010 where it is due to the protected characteristics of pregnancy and maternity or marriage and civil partnerships, such conduct would be equally unacceptable to TWM and it would be viewed as a serious breach of this policy.

In addition, whilst the above are confined to treatment associated with the Protected Characteristics, TWM's policy also prohibits similar treatment due to Other Personal Factors.

C. Employment and Training

(1) General Statement

As an employer, TWM will treat all employees and job applicants equally and fairly and will not discriminate unjustifiably against them. This will, for example, include arrangements for recruitment and selection, terms and conditions of employment, access to training opportunities, 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

TWM 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) selection criteria and processes do not discriminate unjustifiably on the basis of Protected Characteristics other than in those instances where the firm is exercising permitted positive action;
- (d) all recruitment agencies acting for TWM are aware of its requirement not to discriminate and are required to act accordingly.

(3) *Conditions of service*

TWM 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 comply with anti-discrimination legislation. The provision of benefits such as working hours, maternity and other leave arrangements, performance appraisal systems, dress code, bonus schemes and any other conditions of employment do not discriminate against any employee on the basis of Protected Characteristics.

Where appropriate and necessary, TWM will endeavour to provide appropriate facilities and conditions of service which take into account the specific needs of employees associated with Protected Characteristics.

(4) *Promotion and career development*

Promotion within TWM (including to Equity Partner) will be made without reference to the Protected Characteristics 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.

All employees will have equal access to training and other career development opportunities appropriate to their experience and abilities. However, TWM 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.

(5) *Training*

All personnel recruited undertake diversity training on joining as part of the formal induction process including undertaking specific online equality and diversity and unconscious bias training.

Further, additional training on diversity matters will occur as events determine and is likely to be in the form of a webinar.

D. *Equity Partners*

Arrangements and procedures for selecting equity partners, their terms and conditions of equity partnership, access to benefits, facilities or services and termination arrangements will be reviewed and amended where necessary to prevent discrimination associated with any Protected Characteristics.

E. Barristers and Third Parties

(1) *Barristers and Expert Witnesses*

Barristers should be instructed on the basis of their skills, experience and ability. Barristers will be instructed as a supplier to TWM. TWM will not avoid briefing a barrister based on any Protected Characteristic, and will not request barristers' clerks to do so.

Clients' requests for a named barrister should be complied with, subject to the TWM's duty to discuss with the client the suitability of the barrister and to advise appropriately.

The relevant fee earner will discuss with the client any request by the client that only a barrister with or without 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 anti-discrimination legislation, the fee earner should 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 fee earner should refer the matter to their Head of Department who will discuss the matter further with the client. If the client remains unwilling to modify their instructions, TWM will cease to act.

In addition, the fee earner and Head of Department will notify HR of the instructions received from the client, and the outcome of the procedure outlined above, so that an appropriate note can be made.

(2) *Suppliers*

All approved suppliers and contractors, agents and other third parties who, or which, are regarded as suitable to be instructed by TWM have been selected 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.

F. Clients

TWM 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.

TWM will take steps to meet the different needs of particular clients arising from its obligations under the anti-discrimination legislation and any rules and regulations governing the conduct of solicitors firms.

In addition, where necessary and where it is permitted by the relevant anti-discrimination legislation (for example, provisions relating to positive action or exemptions) TWM will seek to provide services which meet the specific needs and requests arising from clients' Protected Characteristics or other relevant factors.

Equity Partners and employees of the Employer are expected to take steps to assist TWM to comply with its obligations in this section.

G. Disability

TWM recognises that disability is a particular and special case in at least two respects:

- (1)** We are required by the Equality Act 2010 to make reasonable adjustments in the arrangements associated with acting for, or accepting instructions from, clients with disabilities.
- (2)** A disability may prevent the client from providing us with clear instructions. For example a client with mental impairment may not have sufficient capacity to instruct. We therefore need to consider whether an Enduring Power of Attorney or Lasting Power of Attorney is available, which may need to be registered or an application made to the Court of Protection.

With regard to disabled clients the following policies are in place:

For those clients with limited mobility, TWM has ground floor offices at Leatherhead and Reigate with limited access for disabled clients. The Guildford, Epsom and Wimbledon offices are fully accessible. Arrangements should be made to see clients with limited mobility at fully accessible offices where possible, or alternatively by home visit.

Clients with impaired sight may need documentation read to them or it be ascertained that they have someone available whom they trust who can read such documentation. It may be sensible to seek to draw documentation with particularly large type fonts. In some instances it may be necessary to accommodate the use of particular software relied upon by the client when reviewing written text.

Proper rest facilities should be provided at all offices and offered to any client or other person who appears to be in need.

For clients with hearing impairments they should be spoken to clearly and normally; spoken to face to face; have pen and paper available to write messages; and minimise background noise and perhaps consider taking the individual to a quieter room. In some cases, sign language support may be required or the use of particular software relied on by the client may need to be accommodated.

These are only examples and the client's specific needs should be evaluated to determine what their particular disability requires to assist with overcoming the disadvantage that they face. The watchword should be to be aware and allow for disability.

H. Gender Recognition Act 2004

The purpose of the Gender Recognition Act is to provide transsexual people with legal recognition in their acquired gender. Legal recognition will follow from the issue of full Gender Recognition Certificate by a Gender Recognition Panel.

Although it would be useful for all personnel to read through the Gender Recognition Act 2004, the most important section for our purposes is Section 22 which deals with prohibition on disclosure of information. Sub-sections (1) and (2) establish that it is a criminal offence for a person to disclose information that he has acquired in an official capacity about a person's application for a Gender Recognition Certificate or about the gender history of a successful applicant. The fact that disclosure may have been made in the context of Court proceedings is not a sufficient defence. In the event that any member of personnel is guilty of making such disclosure of information, the liability is personal and the fine on summary conviction can be up to £5,000. If incurred, this would be a personal liability.

In any circumstances where, through the ordinary course of work, anyone is aware that their client falls under the Gender Recognition Act of 2004, the file should be password protected immediately and there must be a documented discussion with the client about which personnel may have any form of contact with that file. Under no circumstances should the file be looked at by anyone other than an agreed person as this could give rise to an offence under the Act. Similarly, no correspondence should be sent out by email, fax or post to any third party without the content of that correspondence being specifically approved by the client who falls within the Gender Recognition Act 2004.

If any member of personnel who has any concerns or reservations about a matter with which they are dealing and whether or not the Gender Recognition Act is relevant, they should first raise the matter with their line manager or Head of Department.

I. Promoting Equality and Diversity

TWM is committed to promoting equality and diversity within TWM as well as in those areas in which TWM has influence.

Employees of the Employer and Equity Partners will be informed of this anti-discrimination policy and will be provided with equality and diversity training appropriate to their needs and responsibilities.

All those who act on TWM's behalf will be informed of this anti-discrimination policy and will be expected to pay due regard to it when conducting business on TWM's behalf.

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

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

J. Implementing the Policy

(1) Responsibility

Ultimate responsibility for implementing the policy rests with the Managing Partner who is responsible for its operation.

This Policy applies to all personnel who are all expected to pay due regard to the provisions of the anti-discrimination policy and are responsible for ensuring compliance with it when undertaking their jobs or representing the firm.

Acts of discrimination, harassment or victimisation that are associated with any of the Protected Characteristics by employees or equity partners will result in disciplinary action, up to and including summary dismissal (or termination of equity partnership) in appropriate circumstances. Failure to comply with this policy will be treated in a similar fashion.

Acts of discrimination, harassment or victimisation that are associated with any of the Protected Characteristics by those acting on behalf of TWM will lead to appropriate action including termination of services where appropriate.

(2) Complaints of discrimination

TWM will treat seriously, and will take action where appropriate, concerning all complaints of discrimination, harassment or victimisation associated with any of the Protected Characteristics made by employees, equity partners, clients, barristers or other third parties.

All complaints by employees of the Employer will be investigated in accordance with the Employer's grievance or complaints procedure and the complainant will be informed of the outcome. Complaints made by equity partners, clients, barristers or other third parties will be dealt with by TWM 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 TWM on a regular basis (and in any event at least annually) to measure its progress and judge its effectiveness. In particular, TWM will, as appropriate, monitor and record:

- (a) The gender and ethnic composition of the workforce and equity partners as well as the number of disabled personnel and equity partners 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 with the Employer and/or for equity partnership of TWM;
- (c) The ethnicity, gender and disability of all applicants for promotion (including promotion to equity partnership of TWM) 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 Equity Partners and other personnel will be monitored so as to ensure that they are not being discriminated against in terms of the

opportunities or benefits available to them. TWM is, however, aware that Equity Partners and personnel may not choose to disclose their sexual orientation or religion or belief and care will be taken to avoid inadvertent discrimination in such cases;

- (e) The number and outcome of complaints of discrimination made by personnel, equity partners, barristers, clients and other third parties;
- (f) The disciplinary action (if any) taken against employees by race, gender and disability.
- (g) TWM will comply with SRA requirements to submit to the SRA on an annual basis workforce diversity data and to publish this data annually on their website.

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