



## Guidance

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### Complying with Principle 6 - encouraging equality, diversity and inclusion

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## Status

This guidance will help you understand your obligations and how to comply with them. We will have regard to it when exercising our regulatory functions.

## Who is this guidance for?

This guidance is for all individuals and firms we regulate, including managers and other individuals involved in senior leadership within law firms. When we use 'you' in this guidance we mean regulated firms and individuals. Some of our expectations apply only to law firms and we have made this clear in the guidance.

## Purpose of this guidance

This guidance sets out what we expect of regulated firms and individuals in relation to Principle 6, 'you act in a way that encourages equality, diversity and inclusion' (EDI). It also covers the application of Principle 5, 'you act with integrity' and Principle 2, 'you act in a way that upholds public trust and confidence in the solicitors' profession' so far as they are relevant to EDI issues.

The guidance highlights the relevant requirements in both the [SRA Code of Conduct for Solicitors, RELs and RFLs](#) [https://media.sra.org.uk/solicitors/standards-regulations/code-conduct-solicitors/] and [SRA Code of Conduct for Firms](#) [https://media.sra.org.uk/solicitors/standards-regulations/code-conduct-firms/]. These include:

- You do not unfairly discriminate by allowing your personal views to affect your professional relationships and the way in which you provide your services (1.1 of the Firm and Individual Codes).



- You treat colleagues fairly and with respect. You do not bully or harass them or discriminate unfairly against them. If you are a manager you challenge behaviour that does not meet this standard. (1.5 of the Individual Code effective from 4 April 2023 when this provision was introduced).
- You treat those who work for and with you fairly and with respect, and do not bully or harass them or discriminate unfairly against them. You require your employees to meet this standard (1.6 of the Firm Code effective from 4 April 2023 when this provision was introduced).
- You consider and take account of your 'client's attributes, needs and circumstances (3.4 of the Firm Code).
- You monitor, report and publish workforce diversity data as prescribed (1.5 of the Firm Code).

The guidance starts with an introduction which explains what we mean by encouraging EDI and why it is important, then covers your responsibilities under the Equality Act 2010 and how our regulatory requirements relate to your legal obligations. It sets out what we expect of individuals and law firms in relation to clients, colleagues and others and when we will take regulatory action. We have provided definitions for the terms used in the guidance, practical steps that law firms can take to support compliance with Principle 6 and sources of further help and guidance.

There are examples in the guidance to help illustrate behaviours which are not acceptable in a professional setting. These behaviours could raise a regulatory issue, depending on the aggravating and mitigating factors in each case. Our [Enforcement Strategy](https://media.sra.org.uk/sra/corporate-strategy/sra-enforcement-strategy/) (<https://media.sra.org.uk/sra/corporate-strategy/sra-enforcement-strategy/>) sets out the factors which we will consider when deciding if the behaviour is serious enough for us to open an investigation.

## **What is EDI and why is it important?**

Encouraging EDI means taking steps to:

- treat colleagues fairly and with dignity and respect
- create an environment and culture within the workplace where people feel valued and able to contribute to the best of their abilities
- manage your professional relationships without unfair discrimination
- provide legal services in a way that is fair and inclusive
- encourage a legal profession that is representative of the population it serves.

EDI is important because, as well as being the right thing to do, a diverse and inclusive profession can inspire public confidence in the legal sector and justice system and improve access to legal services. Members of the

public are more likely to seek legal help if they can see that legal services providers share some of their social or cultural characteristics.

There are also business benefits in having a diverse and inclusive legal profession where talented people can enter the law and progress in their careers, regardless of their background. Legal businesses can benefit from a diverse and inclusive workforce which can be more productive and innovative in its approach. Read more in [our report about the business case for diversity](https://media.sra.org.uk/sra/research-publications/risk-business-case-diversity/) [<https://media.sra.org.uk/sra/research-publications/risk-business-case-diversity/>].

## **Meeting your legal obligations and how these overlap with your regulatory obligations**

Firms and individuals must comply with the law, which includes the obligations arising under the Equality Act (as amended from time to time) in relation to employment and providing services to the public. Compliance with the Equality Act is a matter for the employment tribunals or courts, who determine whether there has been a breach of the Act and provide appropriate redress if the claim is upheld. Further guidance in complying with the Equality Act is available on the Equality and Human Rights Commission's website.

Our role as a regulator includes managing the risks that serious misconduct concerning EDI can pose to users of legal services and to the wider public interest. We do not provide redress or resolutions for individual complainants. We determine whether there has been misconduct, and in doing this consider our Principles and apply our Standards and Regulations.

While in many cases, a breach of the Equality Act will also be a breach of our Standards and Regulations, our approach is broader than the Act. We may have regard to the definitions and tests set out in the Equality Act when considering a matter, but we do not need to establish a breach of the Act in order to establish misconduct. Our approach is not restricted to the [nine protected characteristics](https://www.legislation.gov.uk/ukpga/2010/15/section/4) [<https://www.legislation.gov.uk/ukpga/2010/15/section/4>] defined in the Equality Act. We may find there has been a breach of our Principles for misconduct related, for example, to someone's socio-economic background or caring responsibilities.

We are primarily concerned about conduct which relates to an individual or firm's legal practice. Conduct does not need to take place in a workplace in order to relate to your practice and can include conduct at or following a firm social event.

Some matters are so serious that they are capable of damaging public confidence in the solicitors' profession, even if these matters are not linked to your legal practice. This includes discriminatory conduct, sexual



misconduct or offensive communications on social media. Read more in our [Enforcement Strategy](https://media.sra.org.uk/sra/corporate-strategy/sra-enforcement-strategy/) [https://media.sra.org.uk/sra/corporate-strategy/sra-enforcement-strategy/], our [warning notice on offensive communications](https://media.sra.org.uk/solicitors/guidance/offensive-communications/) [https://media.sra.org.uk/solicitors/guidance/offensive-communications/] and our [guidance on sexual misconduct](https://media.sra.org.uk/solicitors/guidance/sexual-misconduct/) [https://media.sra.org.uk/solicitors/guidance/sexual-misconduct/].

While legislation sets minimum legal obligations, your regulatory obligations extend beyond strict compliance with the law. Principle 6 is intended to set standards and requires the profession to take steps, proportionate to their role, and the size and nature of their firm, to encourage equality, diversity and inclusion in profession at all levels.

### **Treating colleagues fairly and with respect**

You must treat colleagues fairly and with respect and you must not bully or harass them or discriminate unfairly against them. 'Colleagues' not only refers to people who are formally employed by the firm or organisation in which a solicitor works but others with whom the solicitor works closely, such as contractors, consultants, barristers and experts who may be instructed by the firm.

Read more about our expectations in our [guidance on workplace environment](https://media.sra.org.uk/solicitors/guidance/workplace-environment/) [https://media.sra.org.uk/solicitors/guidance/workplace-environment/].

We set out below examples of conduct which could raise a regulatory issue, depending on the aggravating and mitigating factors which may be present.

- Persistent negative comments made by a senior solicitor to their colleague in an in-house legal team. For example, about the food they bring into the office, the time they take out of the working day to pray and the clothes they wear. When such comments are persistent, and it is clear they are unwelcome they can form a course of conduct which constitutes bullying or harassment, even if considered alone they may not appear to be serious.
- Deciding not to allocate a valued client to a member of the team because they have a strong regional accent and went to a state school and/or making offensive comments in the office about how the client would not be able to understand or relate to them. Firms should have a fair process for allocating work within the firm which does not unfairly discriminate against people. Although socio-economic background is not a protected characteristic under the Equality Act, the conduct described in this example could nevertheless amount to misconduct in accordance with our rules.
- Instructing a male barrister because your client told you they do not trust a woman to be sufficiently robust in representing their case at court. It is unlawful to discriminate against a person because of their sex and could amount to unfair discrimination under our rule,



- so you must not request chambers to provide you with a male barrister just to implement your client's discriminatory instructions.
- Choosing a female consultant as an expert in a personal injury case because your female client thinks they would be more sensitive and considerate. If the nature of your client's injury or medical condition is personal and intimate, choosing a female consultant may be permissible under the Equality Act and acceptable under our rules. However, you must consider this carefully and be sure that this is justified as a 'genuine occupational requirement' under the Act.

Firms must require their employees to meet these standards of behaviour, taking steps to make sure there is fair treatment and a culture in the firm which does not tolerate bullying, harassment or unfair discrimination. Paragraph [2.5 of the Code of Conduct for firms](#) [<https://media.sra.org.uk/solicitors/standards-regulations/code-conduct-firms/>] is relevant here. It requires firms to have effective governance structures, arrangements, systems and controls in place to ensure compliance with the SRA's regulatory arrangements. This includes having appropriate EDI and other policies in place which cover the firm's regulatory responsibilities and their legal responsibilities under the Equality Act.

Managers have a professional duty to challenge behaviour which could amount to bullying, harassment or unfair discrimination. For example, a partner in a law firm should not refuse or fail to take any action in relation to a complaint from a solicitor about suggestive comments made repeatedly about their outfits and appearance by the security staff at their office. We expect you to respond appropriately to such complaints, using your organisation's process to consider the request fairly and carefully. You should take action where required and document the outcome. Paragraph [2.2 of the Code of Conduct for firms](#) [<https://media.sra.org.uk/solicitors/standards-regulations/code-conduct-firms/>] is relevant here. It requires firms to keep and maintain records to demonstrate compliance with their obligations.

You must act with integrity in your relationships with colleagues and in other professional relationships. Engaging in misconduct of a sexual nature, bullying and harassment or unfair discrimination is likely to amount to a breach of the requirement to act with integrity. Read more in our [guidance on acting with integrity](#) [<https://media.sra.org.uk/solicitors/guidance/acting-with-integrity/>] and our [guidance on sexual misconduct](#) [<https://media.sra.org.uk/solicitors/guidance/sexual-misconduct/>].

You should take positive steps to be inclusive of your disabled staff and must always make reasonable adjustments for them in accordance with your legal duty under the Equality Act. For example, if a member of your support team who is neurodivergent asks for adjustments to their working arrangements, we would expect you to consider carefully how you can help. Neurodivergent conditions such as ADHD or dyslexia could



amount to a disability under the Act even without a medical diagnosis. We expect you to respond appropriately to such requests, using your firm's process to consider the request fairly and carefully. If you believe a request is not reasonable, you should offer alternatives where you can and document the outcome. We would not get involved in determining what adjustments would be reasonable in the circumstances, this would ultimately be a decision for the Employment Tribunal.

### **Treating clients and others fairly and with respect**

We expect you to treat people fairly and with respect and you must not unfairly discriminate by allowing your personal views to affect your professional relationships or the way you provide legal services. See below for examples of conduct which could raise a regulatory issue, depending on the aggravating and mitigating factors which may be present.

- Making inappropriate sexual comments or using racist language about a client in an email to a colleague. There does not need to have been an intention to cause offence, or for the comments to reach the person concerned, although if there were such intentions these would be considered as aggravating factors when assessing the overall circumstances of the case.
- Being disrespectful and bullying in your approach to a court official, for example because of their age.
- Behaving in an abusive and disrespectful way to a litigant in person, for example making homophobic comments to them.

You should take positive steps to be inclusive in the service you provide to your clients and must always make reasonable adjustments for disabled clients in accordance with your legal duty under the Equality Act. For example, if your client asks you to telephone, rather than write to them with updates about their case as a reasonable adjustment, you should try and accommodate this. The Equality Act prohibits you from passing on the cost of making a reasonable adjustment (whether to an employee or a client), but cost could be a factor in determining whether the adjustment is reasonable in the first place. If you believe a request is not reasonable, you should offer alternatives where you can. We would expect you to record your consideration and response to the request for reasonable adjustments on the client file.

### **Upholding public trust and confidence in the solicitors' profession**

You are responsible for upholding public trust and confidence in the profession. Our [guidance on public trust and confidence](https://media.sra.org.uk/solicitors/guidance/public-trust-confidence/) [https://media.sra.org.uk/solicitors/guidance/public-trust-confidence/] confirms we will act where conduct, either inside or outside of practice, would diminish the public's trust if they knew it was done by a solicitor or by someone in





an SRA-regulated firm. This will include discriminatory conduct or behaviour involving violence or sexual harassment.

You should be aware of your duty to uphold public trust and confidence in the profession when you are expressing your personal views on social media or in other forms of communication. This applies in particular where you could be identified as someone we regulate. It includes communications in a work context with colleagues, clients or others and communications outside of work, including on social media.

Examples of communications which may be considered offensive, depending on the aggravating and mitigating factors which may be present, include:

- referring to women in derogatory terms and making sexually explicit comments
- while there is room for a genuine exchange of views on social media, for example about events in the Middle East, there is no room for racism so making antisemitic or Islamophobic comments is not acceptable.

There is more guidance about our expectations in our [warning notice on offensive communications](https://media.sra.org.uk/solicitors/guidance/offensive-communications/) [https://media.sra.org.uk/solicitors/guidance/offensive-communications/] and our topic guide on [using social media and offensive communications](https://media.sra.org.uk/sra/corporate-strategy/sra-enforcement-strategy/enforcement-practice/social-media-offensive-communications/) [https://media.sra.org.uk/sra/corporate-strategy/sra-enforcement-strategy/enforcement-practice/social-media-offensive-communications/].

## **Creating a healthy and inclusive workplace environment**

Firms should proactively take steps to build and maintain an inclusive culture. This helps promote a workplace environment where people are treated fairly and where there is zero tolerance of bullying, harassment and unfair discrimination. All staff should be made aware of what standards of behaviour are expected in the workplace and beyond, through policies and training where appropriate.

Firms must take reasonable steps to prevent the sexual harassment of staff (in compliance with their duty under the Equality Act). This is a positive duty which is designed to improve workplace cultures by requiring employers to anticipate how sexual harassment might happen in their workplace and take proactive reasonable steps to prevent it happening. You can read more in the [guidance on the Equality and Human Rights website](https://www.equalityhumanrights.com/employer-8-step-guide-preventing-sexual-harassment-work/) [https://www.equalityhumanrights.com/employer-8-step-guide-preventing-sexual-harassment-work/].

While regulated law firms, managers and senior leaders are responsible for creating and maintaining an inclusive workplace culture, everyone is responsible for contributing to and promoting this culture. Read more about how to achieve this in our [Workplace Culture Thematic Review](https://media.sra.org.uk/sra/research-publications/workplace-culture-thematic-review/) [https://media.sra.org.uk/sra/research-publications/workplace-culture-thematic-review/],



and more about our expectations in our [guidance on workplace environment](https://media.sra.org.uk/solicitors/guidance/workplace-environment/). [<https://media.sra.org.uk/solicitors/guidance/workplace-environment/>]

Firms have a duty to provide support to promote the health and wellbeing of their staff, including their mental health. We have regulatory requirements on effective supervision which can also help support staff wellbeing. Read more in our resources on [supporting mental health and wellbeing](https://media.sra.org.uk/solicitors/resources/diversity-toolkit/mental-health-wellbeing/). [<https://media.sra.org.uk/solicitors/resources/diversity-toolkit/mental-health-wellbeing/>] and our [guidance on supervision](https://media.sra.org.uk/solicitors/guidance/effective-supervision-guidance/) [<https://media.sra.org.uk/solicitors/guidance/effective-supervision-guidance/>] and our [guidance on the workplace environment](https://media.sra.org.uk/solicitors/guidance/workplace-environment/) [<https://media.sra.org.uk/solicitors/guidance/workplace-environment/>].

Firms must have a confidential complaints procedure in place for staff as well as clients. Complaints should be dealt with promptly, fairly, openly and effectively, including complaints of bullying, harassment and unfair discrimination. Read more in our [guidance on internal investigations](https://media.sra.org.uk/solicitors/guidance/internal-investigations/) [<https://media.sra.org.uk/solicitors/guidance/internal-investigations/>].

Staff should feel they can speak up freely and report incidents and concerns within the firm and to us where appropriate. Firms must make sure there is nothing which would prevent anyone from making a complaint or providing information to us, or any other body exercising regulatory, investigatory or prosecutory functions in the public interest. Read more about [your reporting obligations](https://media.sra.org.uk/solicitors/guidance/reporting-notification-obligations/) [<https://media.sra.org.uk/solicitors/guidance/reporting-notification-obligations/>], [our approach to the use of non-disclosure agreements](https://media.sra.org.uk/solicitors/guidance/non-disclosure-agreements-ndas/) [<https://media.sra.org.uk/solicitors/guidance/non-disclosure-agreements-ndas/>] and our approach to [Whistleblowing to the SRA](https://media.sra.org.uk/consumers/problems/report-solicitor/whistleblowing-to-sra/) [<https://media.sra.org.uk/consumers/problems/report-solicitor/whistleblowing-to-sra/>].

You must not subject any person to detrimental treatment for making (or proposing to make) a report or providing (or proposing to provide) information based on their reasonably held belief. See regulation 3.12 in the [Firm Code of Conduct](https://media.sra.org.uk/solicitors/standards-regulations/code-conduct-firms/) [<https://media.sra.org.uk/solicitors/standards-regulations/code-conduct-firms/>] (7.9 in the [Code for Solicitors](https://media.sra.org.uk/solicitors/standards-regulations/code-conduct-solicitors/) [<https://media.sra.org.uk/solicitors/standards-regulations/code-conduct-solicitors/>]).

## **Acting for clients who behave in a discriminatory way**

To protect their staff from unfair discrimination and meet the duty to encourage equality, diversity and inclusion, firms should have a process in place for dealing with offensive or discriminatory behaviour by clients. This should involve a process for putting clients on notice that such behaviour may entitle the firm to terminate the retainer. The process should ensure that a warning is given to the client, and the client has an opportunity to challenge the firm's proposed termination.





Terminating a retainer can only be done on reasonable notice and with good reason in line with common law principles. Offensive or discriminatory behaviour by the client may amount to good reason depending on all the circumstances. In serious cases of offensive or discriminatory behaviour, termination may be without notice.

The following examples illustrate when termination may be appropriate:

- A client has repeatedly made inappropriate comments to a Black paralegal working on their case, making comments about their capability, referring to them in discriminatory terms and expressing their wish for the work to be passed to someone else. The paralegal has reported this to you as their manager. You should make your client aware that you will not tolerate racist comments and if they persist you should consider whether you can continue to act.
- In a quiet moment while waiting to go into court, a client has shared with you that they belong to a far-right political group, which you fundamentally disagree with. It is not relevant to the matter you are acting on and it is a passing comment. As much as you may disagree with your client's views, it is unlikely to be grounds for you to terminate the retainer.

## **Taking steps to encourage a diverse workforce**

To take effective action to encourage EDI, firms must monitor the diversity of their staff. This means firms must collect diversity data from their staff and must report that data to us (as prescribed). Firms must publish a summary of their staff diversity data where they can do so without identifying individuals. Read more about [our requirements in relation to firm diversity data](https://media.sra.org.uk/solicitors/resources/diversity-toolkit/your-data/) [https://media.sra.org.uk/solicitors/resources/diversity-toolkit/your-data/].

Firms should be proactive and take action, proportionate to their size, to encourage a diverse workforce at all levels in the firms. This includes:

- Reviewing staff diversity data and considering what actions may be necessary to address any potential disparity in outcomes or barriers to diversity, including at senior levels within the firm. In reviewing their data, firms may wish to compare the diversity in their firm with the relevant national diversity statistics and with the law firm population (using our [law firm diversity data tool](https://media.sra.org.uk/solicitors/resources/diversity-toolkit/law-firm-diversity-tool-2021/) [https://media.sra.org.uk/solicitors/resources/diversity-toolkit/law-firm-diversity-tool-2021/]).
- Collecting staff diversity data in a way that allows monitoring by diversity characteristics at different stages of the employment lifecycle, including recruitment, progression and retention.
- Keeping their recruitment, progression, reward and recognition policies under review to make sure they are not creating unfair or unlawful barriers for underrepresented groups.

## Reporting obligations and when we will take regulatory action

We uphold the high ethical standards set out in our principles, but this does not mean we act on all complaints and reports. We focus on misconduct most likely to harm the public interest, ensuring that any decision to investigate is proportionate. Read more about our approach in our [Enforcement Strategy \[https://media.sra.org.uk/sra/corporate-strategy/sra-enforcement-strategy/1\]](https://media.sra.org.uk/sra/corporate-strategy/sra-enforcement-strategy/1).

You must report conduct to the SRA which you reasonably believe is capable of amounting to a serious breach of our rules including conduct which may be in breach of Principle 6 (read more about your [reporting and notification obligations \[https://media.sra.org.uk/solicitors/guidance/reporting-notification-obligations/1\]](https://media.sra.org.uk/solicitors/guidance/reporting-notification-obligations/1)). We will assess each matter on its merits in line with our [guidance on making decisions to investigate concerns \[https://media.sra.org.uk/solicitors/guidance/investigations-decisions-investigate-concerns/1\]](https://media.sra.org.uk/solicitors/guidance/investigations-decisions-investigate-concerns/1).

We do not act on all complaints and reports. We focus on conduct or patterns of behaviour which amount to serious misconduct. This will generally include, but is not limited to sexual misconduct, unfair discrimination, abuse of position and taking unfair advantage. Some complaints will be more appropriate for resolution through internal disciplinary or grievance processes or the employment tribunal. However, we keep a record of all complaints on file, so we can identify any future patterns of behaviour.

## Our approach to sanctions

There are a range of sanctions available to the SRA as well as the option to refer the matter to the Solicitors Disciplinary Tribunal.

In some cases, the underlying attitudes and behaviours may present such a risk to the public or to colleagues that they are incompatible with a continued unrestricted right to practise. In these cases, suspension or removal from the profession is necessary to maintain public confidence in the solicitors' profession and in legal services. These behaviours include sexual misconduct, unfair discrimination and non-sexual harassment, which we consider to be unsuitable for a financial penalty, except in exceptional circumstances. Read more about the factors which affect our view of seriousness in our Enforcement Strategy.

Our fixed financial penalty sanctions apply to firms who fail to respond to requests from the SRA ([3.3 of the Code of Conduct for Firms \[https://media.sra.org.uk/solicitors/standards-regulations/code-conduct-firms/1\]](https://media.sra.org.uk/solicitors/standards-regulations/code-conduct-firms/1)) and have been used for firms who have not reported their diversity data to us as prescribed ([1.5 of the Code of Conduct for Firms \[https://media.sra.org.uk/solicitors/standards-regulations/code-conduct-firms/1\]](https://media.sra.org.uk/solicitors/standards-regulations/code-conduct-firms/1)).



Read more about [our approach to financial penalties](https://media.sra.org.uk/solicitors/guidance/financial-penalties/)

[\[https://media.sra.org.uk/solicitors/guidance/financial-penalties/\]](https://media.sra.org.uk/solicitors/guidance/financial-penalties/) and Rule 11 of our

[Regulatory and Disciplinary Procedure Rules](https://media.sra.org.uk/solicitors/standards-regulations/regulatory-disciplinary-procedure-rules/)

[\[https://media.sra.org.uk/solicitors/standards-regulations/regulatory-disciplinary-procedure-rules/\]](https://media.sra.org.uk/solicitors/standards-regulations/regulatory-disciplinary-procedure-rules/).

## Further help and guidance

If you require further assistance, please contact [Professional Ethics](https://media.sra.org.uk/home/contact-us/)

[helpline \[https://media.sra.org.uk/home/contact-us/\]](https://media.sra.org.uk/home/contact-us/).

Read Annex 2 for actions that firms can take to support compliance with Principle 6 and there is further guidance across a range of areas on our

[EDI resources \[https://media.sra.org.uk/solicitors/resources/diversity-toolkit/\]](https://media.sra.org.uk/solicitors/resources/diversity-toolkit/) pages.

There are other resources available to support firms with their work to encourage EDI, see the non-exhaustive list below:

[The Law Society \[https://www.lawsociety.org.uk/campaigns/diversity-and-inclusion/\]](https://www.lawsociety.org.uk/campaigns/diversity-and-inclusion/)

[Equality and Human Rights Commission \[https://www.equalityhumanrights.com/\]](https://www.equalityhumanrights.com/)

[Advisory, Conciliation Arbitration service \(ACAS\)](https://www.acas.org.uk/advice/)

[\[https://www.acas.org.uk/advice/\]](https://www.acas.org.uk/advice/)

## Annexes

[Open all \[#\]](#)

### [Annex 1 - Terms used in this guidance](#)

We set out below an explanation of terms used in this guidance, some of which are defined by the Equality Act. However, when we are considering whether conduct is in breach of our Principles, we are not constrained by the legal definitions set out in the Equality Act, nor limited to considering conduct which is related solely to the protected characteristics.

- **Bullying** is not defined in the Equality Act, but the definition we have adopted (based on the ACAS definition) helps to illustrate the behaviours that we regard as inconsistent with the high ethical standards we expect in our Standards and Regulations. We define bullying as a regular pattern of behaviour or a one-off incident which happens face to face or remotely. Bullying is unwanted behaviour that is:
  - offensive, intimidating, malicious or insulting or
  - an abuse or misuse of power that undermines, humiliates, or causes physical or emotional harm to someone.
- **Colleague** is a term we use not only to refer to people who are formally employed by the firm or organisation in which a solicitor



works but others with whom the solicitor works closely, such as contractors, consultants, barristers and experts who may be instructed by the firm.

- **Discrimination** is defined by [section 13 of the Equality Act](https://www.legislation.gov.uk/ukpga/2010/15/section/13) [https://www.legislation.gov.uk/ukpga/2010/15/section/13] as treating someone less favourably than others because of a protected characteristic under the Act. In our Code of Conduct the term 'discrimination' has its ordinary meaning, which is treating someone differently. To establish misconduct, our focus is on different treatment or discrimination that is 'unfair'.
- **Diversity** is about creating an environment which is representative of the population it serves and valuing people with a broad range of different backgrounds, characteristics, knowledge, skills, and experiences.
- **Equality** is about making sure there is a level playing field and people are treated fairly.
- **Harassment** is defined by [section 26 of the Equality Act](https://www.legislation.gov.uk/ukpga/2010/15/section/26) [https://www.legislation.gov.uk/ukpga/2010/15/section/26] as unwanted conduct related to a relevant protected characteristic, that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. Harassment can also include threatening or abusive language or behaviour which causes alarm or distress to a person and behaviour associated with stalking both of which can happen outside of the workplace (see [section 5 of the Public Order Act 1986](https://www.legislation.gov.uk/ukpga/1986/64/section/5) [https://www.legislation.gov.uk/ukpga/1986/64/section/5] and [section 2A \(3\) Protection from Harassment Act 1997](https://www.legislation.gov.uk/ukpga/1997/40/section/2A) [https://www.legislation.gov.uk/ukpga/1997/40/section/2A]).
- **Inclusion** is about creating an environment and culture where people feel valued, and everyone is able to participate and contribute to the best of their ability.
- **Manager** is defined in the [glossary](https://media.sra.org.uk/solicitors/standards-regulations/glossary/) [https://media.sra.org.uk/solicitors/standards-regulations/glossary/] to the SRA's Standards and Regulations as 'the sole principal in a recognised sole practice; a member of a LLP; a director of a company; a partner in a partnership; or in relation to any other body, a member of its governing body'. It is written in italics in this guidance when referring to this definition and in normal type when being used in its everyday sense of someone who supervises staff in the workplace.
- **Reasonable adjustments** are a change to the way you usually do things to remove or mitigate a disadvantage which someone may experience. The Equality Act imposes a [duty to make reasonable adjustments](https://www.legislation.gov.uk/ukpga/2010/15/section/20) [https://www.legislation.gov.uk/ukpga/2010/15/section/20] for disabled people as defined by the Act, which applies to law firms in respect of their disabled staff and clients. A person has a disability according to [section 6 of the Equality Act](https://www.legislation.gov.uk/ukpga/2010/15/section/6) [https://www.legislation.gov.uk/ukpga/2010/15/section/6] 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.

- **Sexual misconduct** is defined in our [sexual misconduct guidance](https://media.sra.org.uk/solicitors/guidance/sexual-misconduct/) [https://media.sra.org.uk/solicitors/guidance/sexual-misconduct/] as conduct related to sexual behaviour which raises a regulatory issue and can apply to sexual behaviour between people of the same sex or gender as well as people of a different sex or gender. It is wider than the definition in the Equality Act, which is set out in [section 26 of the Act](https://www.legislation.gov.uk/ukpga/2010/15/section/26) [https://www.legislation.gov.uk/ukpga/2010/15/section/26].
- **Staff** includes people working within a law firm which could include employees, partners or those in equivalent roles, consultants and temporary workers.

## **Annex 2 - Actions that law firms can take to support compliance with Principle 6**

You should proactively encourage EDI in compliance with Principle 6. These actions may be part of a wider strategy for EDI. This can be proportionate to the firm's size and nature but must cover all the minimum requirements referred to in this guidance and set out in our Codes of Conduct.

Where we have used the term 'should' in this annex, the suggestions are not mandatory for every firm, although we would expect larger firms to be undertaking many of these actions to make sure they are meeting their obligations set out in the guidance.

### **Having a clear policy which sets out the firm's approach to EDI**

You should have an EDI policy to help staff, clients and others understand how you are meeting your regulatory and legal obligations in relation to EDI. It can be proportionate to the size and nature of the firm and should set out the measures in place to support an inclusive work environment.

Your policy should include the following areas:

- a zero-tolerance approach to bullying, harassment and unfair discrimination, making it clear that this can apply to conduct outside the office or virtual work environment, and offensive comments on social media
- a commitment to an inclusive culture, and the use of inclusive language
- a fair and transparent approach to recruitment and progression
- a commitment to providing reasonable adjustments for disabled people
- a process for people to express any concerns or raise a grievance.

The policy should be endorsed at the most senior level in the firm and widely communicated to all staff. A summary of the policy (or a policy



statement) should be available for clients and others to see, for example, published in a prominent place on the firm's website.

Many firms also set and publish an EDI strategy, setting out the actions a firm is taking to encourage greater diversity within the workplace accompanied by time frames and targets.

### **Make sure the firm does not discriminate in providing legal services to clients**

You should not discriminate in providing legal services to your clients and must make sure your premises, website and other communications are accessible for disabled people.

You should be proactive in providing reasonable adjustments for disabled clients who need them.

### **Monitor staff diversity and set aspirational diversity targets**

You must collect, report and (where possible) publish a summary of the diversity breakdown of your workforce and should use this data to monitor your progress toward a diverse and inclusive workforce at all levels. You can use our [firm diversity data tool](https://www.sra.org.uk/solicitors/resources/diversity-toolkit/law-firm-diversity-tool/) [\[https://www.sra.org.uk/solicitors/resources/diversity-toolkit/law-firm-diversity-tool/\]](https://www.sra.org.uk/solicitors/resources/diversity-toolkit/law-firm-diversity-tool/) to see how the diversity of the firm compares to the firm population in England and/or Wales and national data sets to compare with the wider population.

You should encourage staff to share their data and collect it in a way that will allow you to carry out meaningful analysis, for example through a confidential and secure HR system. You must take particular care to comply with data protection legislation when collecting, processing and storing diversity data from your staff. Providing reassurance that this data will be kept confidential might encourage more staff to share their information.

You should also collect diversity data at recruitment, and if relevant, for summer work experience placements, so you can monitor who is applying and who is appointed. Monitoring this data will help you understand how your workforce diversity is changing over time and where there may be gaps. It can help highlight potential barriers to diversity within the firm – for example women may be more likely to work and progress in certain departments, or disabled staff may be less well represented in senior roles. This knowledge will help you identify actions you can take to address these barriers and promote greater diversity and inclusion firm wide.

Larger firms should consider setting diversity targets relevant to your firm where appropriate, eg to improve Black, Asian and minority ethnic





representation at senior levels. Many law firms already set and publish targets for recruitment which helps drive change.

Firms which are required to publish gender pay gap data should also consider publishing pay gap data for other characteristics, including ethnicity, disability, sexual orientation and socio-economic background.

### **Inclusive recruitment and monitoring retention**

You should consider EDI at all stages of the recruitment process, to make sure you are attracting a diverse pool of applicants, and the process is fair and mitigates the risk of unconscious bias. You could introduce controls such as using blind CVs and making sure interview panels are diverse.

You should avoid setting unnecessary criteria in your job roles and beware of using factors such as 'A' level results and type of school or university attended for shortlisting candidates. This could unjustifiably limit the pool of suitable applicants and introduce unfair advantage for some groups. Many firms use contextual recruitment to help them identify the best candidates, this takes account of context in which students receive their grades which helps identify able candidates from a disadvantaged background.

You should monitor your retention rates by diversity characteristics and carry out exit interviews to understand why your staff are leaving, so you can tackle any issues which may relate to EDI.

### **Performance assessment and progression**

You should be transparent and fair in how work and opportunities are allocated to your staff and make sure everyone has a fair opportunity to perform well and reach their potential.

You should carry out regular performance assessments with your staff and discuss development opportunities with them. You should be transparent about routes to progression within the firm, including partnership.

### **Develop an inclusive culture**

You should engage with your staff, encourage staff networks (based around the protected characteristics) and have open conversations about diversity and inclusion, to promote an inclusive culture. Using staff surveys, and analysing the outcome by diversity characteristics, will help you monitor the experiences and views of your staff.

You should be proactive in taking steps to reduce the risk of bullying and harassment in the workplace, including from clients and other third



parties. A risk assessment will help to identify the factors which might increase the likelihood of bullying and harassment, including sexual harassment.

You should encourage staff to speak up, so there is an open and safe culture where concerns can be reported, and issues discussed.

You should provide regular training on EDI for your staff, including on the provision of reasonable adjustments and risks of unconscious bias.

You should adopt behaviours and values which encourage an inclusive culture, and use inclusive, contemporary language in your policies, legal documents, publications and correspondence. You should avoid gendered language, for example, instead of using the salutation 'Dear Sirs' or 'Dear Sir/Madam', you could use the name of the firm or organisation to which the letter is addressed.

### **Senior leadership**

Senior leaders have a responsibility to encourage an inclusive culture and should be accountable in delivering your firm's EDI strategy and meeting any diversity targets. Senior leaders should act as role models for inclusion and recognise the responsibility they hold in setting and promoting the culture in their firm.

You should also make sure that line managers are equipped to implement the firm's approach to EDI and be accountable in delivering the firm's EDI policies and strategy.