



APIL Equality,
Diversity and
Inclusion Policy and
Action Plan

Towards Authentic Belonging in APIL: Our Equality, Diversity and Inclusion Policy and Action Plan

Foreword

The increasing focus on equality, diversity and inclusion (EDI) shows that organisations that embrace EDI are more successful. Diverse teams, whether staff or member volunteers, are more productive which helps create a more economically viable and sustainable business model as well as an organisation which represents its community. In addition, there is a legislative duty to eliminate discrimination, advance equality of opportunity and foster good relations.

There is a moral imperative and urgency to take the lead in promoting diversity in our membership, our workforce, amongst our clients. This will enable us to add value for our members and needlessly injured people, be more competitive, attract and retain the best talent and create an inclusive environment reflective of the society we serve.

Whilst the gender balance in governance and employment within APIL looks encouraging, there may still be deep-rooted challenges regarding the representation of women across the membership and wider organisation.

The ethnic minority population in the UK is growing in number yet employment remains low with very few managers and leaders being represented in the organisation. Tackling this will be a priority for APIL along with gathering data to monitor the other protected characteristics, including the disabled, LGBT+ and individuals from a wide range of backgrounds.

This action plan is APIL's commitment to promoting equality, diversity and inclusion. It's aims will be embed in all out activities across the whole organisation. It will evolve to mark our progress and reflect the context and environment in which we operate with an aim to make the *'next generation of PI lawyers and create a culture of inclusion, fair treatment, access and opportunity for all regardless of background, race, ethnicity, gender, age, sexual orientation or physical ability'*.

Our new policy and action plan is an essential building block towards our strategic objectives as set out in 'Building a Brighter Future for Injured People' and I am looking forward to working with all our members and staff to deliver the positive impacts we expect to arise from our plan in the coming months and years.

Mike Benner
Chief Executive

Equality, Diversity and Inclusion Policy

APIL is committed to creating a supportive, engaging, inclusive environment based on mutual trust and respect to develop their workforce, assist their clients and ensure that members can reach their full potential regardless of their background. The EDI policy and action plan will be key drivers for delivering APIL's diversity ambitions. APIL will undertake continuous consultation, monitoring and review of the practice and ensure that this policy and plan is an evolving document. The Executive Committee has already adopted the Good Governance Code which includes Principle 6 covering 'Diversity' to ensure that the 'boards approach to diversity supports is effectiveness, leadership and decision-making'.

Vision

We aim to create a membership embracing inclusivity, celebrating diversity and reflecting the communities we serve.

Mission

APIL wants to be visionary, aspirational and forward looking in its approach and commitment to EDI. We believe that by becoming the vision we seek, we will create a gold standard to lead by example.

APIL is committed to creating a diverse and inclusive culture which encourages all staff and members to fulfil their potential and values individuals because of their differences. We aim to reward and celebrate exceptional performance in EDI and beyond, and we are committed to high quality accessible services based on respect for others, social justice and equity.

We seek to make a positive difference to the communities and stakeholders we serve through our robust, progressive and deliverable EDI goals.

Principles

The commitment to this policy is embodied in the following principles:

- No member of APIL shall be the subject of discrimination either directly or indirectly.
- APIL expects all those involved in the organisation can live, work and engage without fear of prejudice or harassment.
- This policy will apply to all activities and functions of APIL.
- The active support of the APIL Community is sought through the commitment and involvement of all staff and members in the implementation of this policy.
- APIL is committed to a programme of action to ensure that this policy be fully effective.

- In the spirit of APIL's Mission statement, we will promote structure and processes which will enable all members and staff to achieve their full potential.
- Ensure adequate funds are allocated to resource activities and embed the EDI plan.

Equality Act 2010 and the Public Sector Equality Duty

The Equality Act establishes nine 'protected characteristics', on the grounds of which it is unlawful to discriminate against a person. These are:

- Age (all ages and age groups)
- Disability (physical and mental impairments)
- Gender identity (people undergoing gender reassignment or who are trans-gender)
- Marriage and civil partnership
- Pregnancy or maternity
- Race (including ethnic or national origin, colour and nationality)
- Religion or belief (religious belief systems, non-religious belief systems and non-belief)
- Sex (women and men)
- Sexual orientation (gay, lesbian, bisexual and heterosexual orientation)

Further APIL has identified another characteristic, namely socio-economic background. It can have a particular impact within the legal sector. While it is not unlawful to discriminate on the grounds of socio-economic background, APIL deem this a tenth 'protected characteristic' for the purposes of this policy.

The Public Sector Equality Duty (Section 149) requires organisations to have 'due regard' of the need to:

1. Eliminate unlawful discrimination, harassment and victimisation on the grounds of a protected characteristic;
2. Advance equality of opportunity between people who share a protected characteristic and those who do not: and
3. Foster good relations between people who share a protected characteristic and people who do not share it.

In practice what this means is that organisations must consciously consider and embed **the three duties** in their activities.

Having due regard for the need to **advance equality of opportunity** means actively considering how APIL can:

- Remove or minimise disadvantages faced by people from a protected characteristic;

- Take steps to meet the specific needs of people from a particular protected characteristic; and
- Encourage people with a particular protected characteristic to participate in APIL and other activities where participation is low.

Having due regard of the need to **foster good relations** means identifying opportunities in APIL's activities to tackle prejudice and promote understanding between people who share a protected characteristic and others.

The Equality Duty can mean treating some people differently to others in order to meet their needs or address under-representation, provided this does not amount to discrimination against others. The Equality Duty also explicitly recognises that disabled people's needs may be different from others and that public bodies have a duty to consider and take reasonable action to accommodate the needs of disabled people, even if this means treating disabled people differently or more favourably.

Our Commitment to Equality

APIL is actively engaged in reviewing its policies and procedures to make their services and practice as accessible and inclusive as possible. These are designed to promote equality, prevent discrimination and promote greater understanding and engagement between different groups of people.

What EDI means to APIL

- Recognising that underrepresented groups will face different challenges and barriers and committing to overcoming these for our stakeholders.
- Commitment to recruiting, developing and retaining diverse staff, making use of positive action programmes and targeted provision where necessary to prevent discrimination.
- Regularly assessing data to establish the needs of different groups and ensure that actions are taken where required, including the analysis of the impact of policies and procedures.
- Periodically reviewing and assessing marketing strategies and materials to ensure they are inclusive and reflect the demographics locally, regionally and nationally.
- Adopt a zero tolerance culture against discrimination.

Positive action

Positive action, as defined in the Equality Act 2010, is an important tool, under used by institutions and organisations to address inequality. It constitutes the lawful means to tackle the under-representation of certain groups in employment, allowing institutions to target on-the-job training and staff recruitment. However, positive action does not allow organisations to discriminate when deciding who is selected for the job.

Positive action is a set of measures that aims to prevent discrimination, or to overcome past discrimination. It does not mean positive discrimination (which is illegal in UK), but allows organisations to use positive action to ensure that people from previously under-represented groups can complete on equal terms with other applicants. It allows for targeted training programmes or activities to be created to attract and train people from the under-represented group. Before positive action can be deployed the organisation needs to collect evidence that demonstrated the need for action. For example, membership data could be based on previous years to illustrate trends and identify under/over representation for specific groups. The evidence is then used to develop a positive action strategy to address the issue.

Positive action is not about giving more favourable treatment to a particular groups, it is a way of overcoming barriers and equalising the opportunities. Some examples of positive action include:

- Targeted marketing/advertising and other promotional materials
- Networking
- Outreach
- Targeted training for career advancement
- Positive action statements reaffirming the organisations commitment to EDI.

Good practice

This should include a written statement of responsibilities and commitments and be linked to an action plan. A good policy should:

- Be part of the institution's annual plan;
 - Provide details of how the institution will implement the policy into practice, monitor it, and assess how effective it is;
 - Provide a framework for building equality into other relevant policies, and into all relevant areas of the institution's activities;
- and
- Explaining what the institution will do if the policy is not followed.

HR policies, practices and procedures

Effective diversity management policies, practices and procedures need to be established at a strategic level so that HR shapes and reinforces equal employment in:

- Recruitment and selection
- Promotion policies
- Coaching and mentoring (including peer mentoring) of under-represented groups
- Mobility policies and the use of targets to influence promotion decisions
- Targeted Secondments
- Targeted Shadowing
- Positive appraisals
- Training
- Job evaluation and design including access
- Focus forums
- Clear grievance and Harassment policies
- Supportive positive culture
-

The key to effective cultural change is to have visible and sustained top management and Board support, ensuring policies are implemented. In addition it is equally important to monitor that this is applied across the organisation consistently, reinforced by middle managers and frontline staff. Developing a positive culture is critical for individuals and members to feel they belong and can thrive. Training is a critical component in enabling organisations to ensure that all stakeholders are clear about the policies and procedures as well as a developmental tool.

Monitoring, review, evaluation and action

In order to track and trace progress scheduled monitoring and review of policies and practice should be undertaken. This should include data on the key areas of policy implementation and practice and additionally include complaints (and outcomes/resolutions) and feedback from forum groups to ensure that the any recommended changes from the evaluations can be incorporated as actions. This in turn will impact on the organisational ethics and values and create a thriving inclusive culture in APIL.

It is incumbent on APIL as a membership organisation to demonstrate its commitment to staff, clients and members, thus leading by example and ensuring that personal social circumstances of their stakeholders enable them to flourish in an inclusive environment.

The APIL Diversity Working Group will oversee the implementation of the policies and practice to measure impact which will be led by the Chief Executive.

Executive Committee members will provide leadership and direction concerning equality and diversity, and drive ongoing improvement. Directors are required to adhere to this policy in the discharging of their duties. All board directors are aware of the standards of behaviour expected of them and any breaches will be dealt with swiftly. All EC members will receive training in this area.

The Officers and Executive Committee will receive regular updates against the strategic ambitions and oversee the organisational implementation.

The HR & Welfare Advisor will lead on the information for employment related policies and practices.

Breaches of the Policy

APIL will take appropriate action, including disciplinary proceedings against any individual or member who acts in breach of its EDI policy. Such breaches will be treated seriously. Please see Appendix 1 which sets out how we will deal with policy breaches via the APIL Code of Conduct. Please see Appendix 2 which sets out our policy on dealing with employee grievances.

Equality, Diversity and Inclusion Action Plan 2021- 2026 MILESTONES, TIMELINES, KPIS AND TASKS TO BE DEVELOPED BY DIVERSITY WORKING GROUP

Aim	Action	Lead	Date
Increase recruitment and retention of groups currently under-represented among the APIL membership	<ul style="list-style-type: none"> ▪ Data on current membership ▪ Analyse data ▪ Target under- represented groups 		
Widen participation in committees, working groups, the delivery and receipt of training and other activities	<ul style="list-style-type: none"> ▪ Co-opt members or observers ▪ Targeted recruitment ▪ Positive action training ▪ Review of programmes/activities for bias 		
In order to attract a more diverse range of members, APIL aims for positive perceptions to arise from our member research	<ul style="list-style-type: none"> ▪ Positive role models, images, messages in Marketing and promotional materials, social media ▪ Promote EDI plan and strategy ▪ Zero tolerance culture ▪ Promote inclusion ▪ Promote Positive stories from different perspectives ▪ Facilitate Affinity groups 		
We will extend our data collection to ensure we have the required	<ul style="list-style-type: none"> ▪ Extend data collection fields ▪ Establish demographic data 		

demographic information to deliver our policy	<ul style="list-style-type: none"> ▪ Review policies ▪ Action policies 		
We will use our demographic member information to monitor progress in our EDI objectives	<ul style="list-style-type: none"> ▪ Establish baseline data ▪ Cross reference objectives with data 		
We promote our EDI policy and keep our members informed of our progress against our diversity objectives	<ul style="list-style-type: none"> ▪ Circulate EDI strategy and plan ▪ Devise communications plan and programme ▪ Set ambitious targets ▪ Consult periodically on activities ▪ Seek feedback on targets ▪ Create an EDI Taskforce 		
We aim to take a balanced approach to diversity to ensure that our activities do not alienate or exclude anyone	<ul style="list-style-type: none"> ▪ Monitor participation ▪ Positive encouragement ▪ Positive action activities ▪ Target setting ▪ Consultation ▪ Focus groups to gather perceptions, stories, ▪ Harness voices – build a programme of activities ▪ Establish visible role models ▪ Ensure diverse speakers at conferences via planning committees ▪ Ensure diversity of trainers 		
We aim to work with members firms to improve engagement in APIL and its activities by under-represented groups	<ul style="list-style-type: none"> ▪ Establish barriers to engagement ▪ Targeted Shadowing ▪ Targeted Secondments ▪ Succession planning ▪ Nurturing talent programmes - Mentoring/Coaching ▪ Enlist Advocates and sponsors 		
We aim to work with leading PI firms to improve diversity across the PI sector	<ul style="list-style-type: none"> ▪ Consider a conference on Diversity ▪ Build an Inclusion Hub ▪ Share Expertise/knowledge ▪ Signpost good practice ▪ Develop a best practice guide for members and their firms 		

We aim to lead on best practice in the sector	<ul style="list-style-type: none"> ▪ Develop a best practice guide for members and their firms ▪ Develop an APIL EDI Standard or work with others to deliver this good EDI practice to gain accreditation 		
---	---	--	--

Appendix 1 – Policy Breaches process – APIL Code of Conduct

Under development by Code of Conduct Review working group

Appendix 2 – Employee Handbook grievance policy extract

“Breaches of the policy, enforcement and redress

If employees unfairly or unlawfully discriminate against another employee, induce others to practice unfair or unlawful discrimination, or fail to co-operate with measures designed to promote equal opportunity, they will be subject to disciplinary action which could result in dismissal.

Similarly, it is unlawful to victimise someone because he or she has alleged discrimination or supported someone to make a complaint or given evidence in relation to a complaint. Employees who victimise another employee for any of these reasons will be subject to disciplinary action. If employees consider they have been unlawfully or unfairly discriminated against, they have recourse through our grievance procedure.”