

GUIDANCE NOTE: EQUALITY & DIVERSITY

Regulator: Costs Lawyer Standards Board

Issued: 13 January 2016

Introduction

This guidance note applies to those Costs Lawyers authorised and regulated by the Costs Lawyer Standards Board (“CLSB”) under the Legal Services Act 2007 (“Costs Lawyers”).

Guidance has been issued to encourage equality of opportunity and respect for diversity, preventing unlawful discrimination in the relationship of the Costs Lawyer with their clients and others. It is applicable in relation to age, sex, disability, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sexual orientation and gender reassignment.

Costs Lawyers must treat each other, employees and clients, fairly and with respect embedding such values in the workplace and challenging inappropriate behaviour and processes.

Reducing barriers on entry into the Costs Lawyer profession

The CLSB aims to reduce any barrier to equal opportunity in the Costs Lawyer profession.

What is the prevailing law on equality & diversity?

The Equality Act 2010.

What are the principles that apply to Costs Lawyers?

These are set out under principle 6 of the Costs Lawyer Code of Conduct as follows:

PRINCIPLE 6: Treat everyone with dignity and respect

6.1 You must treat all clients, staff or third parties with dignity and respect. You should encourage equality of opportunity and must not unlawfully discriminate against them, either directly or indirectly, victimise or harass them on the grounds of age, disability, race, colour, ethnic or national origin, sex, gender reassignment, pregnancy and maternity, marital status (including civil partnerships), sexual orientation, religion or belief.

6.2 You must have / adhere to a written policy which prevents discrimination and harassment and must investigate any allegation of discrimination, victimisation or harassment and take disciplinary action where appropriate.

6.3 You must make reasonable adjustments for those with a disability to ensure they are not at a disadvantage in comparison with those without disabilities.’

What does this mean for a Costs Lawyer in reality?

As well as considering their own conduct a Costs Lawyer must also encourage any business of which they are a part of to:

1. Have a commitment to the principles of equality and diversity and legislative requirements.
2. Have a written equality and diversity policy which is appropriate to the size and nature of the firm which includes details of how complaints and disciplinary issues are to be dealt with.
3. Provide employees and managers with appropriate training and information about complying with equality and diversity requirements.

But I am only an employee?

It is acknowledged by the CLSB that a Costs Lawyers role in taking action/encouraging action to embed these values will vary depending on their role/position at work.

What would be considered counter-indicative behaviours?

Examples of prime facie evidence that Principle 6 has not been adhered to include:

1. Being subject to any decision of a court or tribunal of the UK that they have committed or are to be treated as having committed, an unlawful act of discrimination.
2. Discriminating unlawfully when accepting or refusing instructions to act for a client.

The CLSB will action any complaint received of an alleged breach of Principle 6 under its defined disciplinary procedure.

Why should I comply with data requests from the CLSB?

As part of its commitment to ensuring equality and diversity the CLSB collects data from time to time from all Costs Lawyers and Trainee Costs Lawyers on issues such as gender, religion, disability and race. This information is collected on an anonymous basis. The aim of collecting the data is to assess diversity in the workplace (entry and progression). This data is made public and can be accessed through the CLSB website at www.clsb.info

All Costs Lawyers and Trainee Costs Lawyers are strongly encouraged to respond and respond accurately to any such data requests to enable the CLSB to fulfil its commitments and legal obligations on equality and diversity in the profession.