

## **Equality and Anti-Discrimination Policy**

This policy is based on the Law Society's model and has been adapted to meet the requirements of CFC – Children, Family and Criminal Solicitors (the Firm).

### **A. Employees and Directors**

#### **(1) General Statements**

The Firm is committed to providing equal opportunities in employment, thus eliminating discrimination and encouraging equality and diversity in its own policies, practices and procedures and in those areas in which it has influence. We oppose all forms of unlawful and unfair discrimination. This applies to the Firm's professional dealings with job applicants, staff, other solicitors, barristers, clients and third parties. The Firm intends to treat everyone equally and with the same amount of attention, courtesy and respect regardless of their age, disability, gender, marital status, race, racial group, colour, ethnic or national origin, nationality, sex, marital status, religion or belief or sexual orientation. It is good business sense for the Firm to ensure that its most important resource, its staff, is used in a fair and effective way.

#### **(2) Legislation**

It is unfair to discriminate against individuals either directly or indirectly in respect of their race, sex or marital status. In developing and implementing its anti-discrimination policy, the Firm is committed to complying with the Solicitors' Code of Conduct and with all current and any future anti-discrimination legislation and associated codes of practice including, but not limited to:

1. The Equal Pay Act 1970
2. The Sex Discrimination Act 1975
3. The Race Relations Act 1976
4. The Disability Discrimination Act 1995
5. The Employment Rights Act 1996
6. The Race Relations (Amendment) Act 2000
7. The Employment Act 2002
8. The Race Relations act 1976 (Amendment) Regulations 2003
9. The Employment Equality (Sexual Orientation) Regulations 2003
10. The Employment Equality (Religion or Belief) Regulations 2003
11. The Employment Equality (Age) Regulations 2006
12. The Work and Families Act 2006
13. The Equalities Act 2010

and any relevant amendments or re-enactments of such legislation, together with:

1. The Commission for Racial Equality Code of Practice on Racial Equality in Employment (2006)
2. The Equal Opportunities Commission Code of Practice on sex discrimination; equal opportunities, procedures and practices in employment (1985)
3. The Equal Opportunities Code of Practice on Equal Pay (2003)
4. The Disability Discrimination Act Codes of Practice in relation to rights of access to facilities, services and premises in employment
5. The European Community Code of Practice on the protection of the dignity of men and women at work
6. The Age Diversity at Work Code of Practice 2002

and any relevant amendments to such codes or further Codes of Practice.

### **(3) Forms of Discrimination**

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

(a) **Direct discrimination**, where a person is less favourably treated because of race, colour, ethnic or national origins, sex, pregnancy, marital status, disability or sexual orientation.

(b) **Indirect discrimination**, where a requirement or condition which cannot be justified is applied equally to all groups but has a disproportionately adverse effect on one particular group.

(c) **Victimisation**, where someone is treated less favourably than others because he or she has taken action against the Firm under one of the relevant Acts, whether or not such victimisation is unlawful.

(d) **Harassment**, When unwanted conduct related to any of the grounds referred to above 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. This will include physical, verbal and non-verbal acts.

(e) **Less Favourable Treatment**, In respect of disability discrimination, this occurs when a person with a disability is treated in a detrimental way in circumstances when a person without that disability would not be so treated.

### **(4) Positive Action**

Although it is unlawful positively to discriminate in favour of certain groups on the grounds of race or sex, positive action to enable greater representation of under-represented groups is permitted by law and encouraged by the Firm.

### **(5) Recruitment**

The Firm will take steps to ensure that applications are attracted from both sexes and all races and from people with disabilities, and regardless of sexual orientation, and will ensure that there are equal opportunities in all stages of the recruitment process.

### **(6) Targets**

The Firm is committed to compliance with Law Society policy on targets for the employment of ethnic minorities, as outlined in the schedule to this policy.

### **(7) Promotion**

Promotion within the Firm is made without regard to race, colour, ethnic or national origins, sex, marital status, sexual orientation or disability and is based solely on merit.

### **(8) Responsibility, Monitoring and Review**

This policy will be monitored periodically by the Firm to judge its effectiveness. Mr Saleemi is the person responsible for the operation of the policy. In particular, the Firm will monitor the ethnic and sexual composition of applicants for jobs (if known), and the number of people with disabilities within these groups, and will review its equal opportunities policy in accordance with the results shown by monitoring. If changes are required, the Firm will implement them.

## **(9) Disciplinary and Grievance Procedures**

Acts of discrimination or harassment on grounds of race, colour, ethnic or national origins, sex, marital status, sexual orientation or disability by employees or Directors of the Firm will result in disciplinary action. Failure to comply with this policy will be treated in a similar fashion. The policy applies to all who are employed in the Firm.

## **(10) Maternity / Paternity Policy**

The maternity / paternity rights are equal for all employees. In relation to its dealings with job applicants and employees, the Firm will be mindful of the provisions of all Equality and non-discrimination legislation especially the Sex Discrimination Act 1975, the Equal Pay Act 1970, Equalities Act 2010 and subsequent relevant legislation. The paternity policy is highlighted in Appendix 4.

## **B. Clients**

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 the race, colour, ethnic or national origins, sex, creed, disability or sexual orientation of the prospective client.

## **C. Barristers/HRA's/Legal Service Providers**

**(1)** Barristers/HCA's/Legal service providers should be instructed or referred on the basis of their skills, experience and ability. The Firm will not, on the grounds of race, colour, ethnic or national origins, sex, creed or sexual orientation, or unfairly or unreasonably on the grounds of disability, avoid briefing a barrister/HCA and will not request barristers' clerks to do so.

**(2)** Clients' requests for a named barrister/HCA should be complied with, subject to the Firm's duty to discuss with the client the suitability of the barrister/HCA on their matter and to advise properly.

**(3)** The Firm has a duty to discuss with the client any request by the client that only a barrister/HCA of a particular racial group or sex be instructed. The Firm will endeavour to persuade the client to modify instructions which appear to be given on discriminatory grounds. Should the client refuse to modify such instructions, the Firm will cease to act.

**(4)** In relation to the instruction of counsel, the Firm will be mindful of the provisions of section 26A (3) of the race Relations Act 1976 as inserted by section 64(2) of the Courts and Legal Services Act 1990 and section 35A (3) of the Sex Discrimination Act 1975 as inserted by section 64(1) of the Courts and legal Services Act 1990 (provisions regarding discrimination in relation to the giving, withholding or acceptance of instructions to a barrister).

## **D. All Dealings**

The Firm will deal with all persons with the same attention, courtesy and consideration regardless of race, colour, ethnic or national origins, sex, creed, disability, or sexual orientation.

## **Equality and Diversity Policy**

### **Purpose**

We are committed to eliminating unlawful discrimination and to promoting equality and diversity within our policies, practices and procedures.

We are also committed to promoting equality and diversity.

### **Scope**

This applies to our professional dealings with clients, staff, other solicitors, barristers, suppliers and third parties. Our aim is that all whom we deal with professionally, including our workforce and clients will be truly representative of all sections of society.

We shall treat everyone equally with the same attention, courtesy and respect regardless of

1. age
2. disability
3. gender
4. gender reassignment
5. marital status (including civil partnerships)
6. pregnancy and maternity
7. race
8. ethnic origin
9. nationality
10. national origin
11. religion or belief
12. sex
13. sexual orientation
14. caring responsibility
15. legislation

We will take all reasonable steps to ensure that our staff and we do not unlawfully discriminate under the terms of the Contracts and any legislation in force from time to time relating to discrimination in employment and the provision of goods, facilities or services.

As a provider of publicly funded legal services will treat all clients equally and fairly and not unlawfully discriminate against them. We will also, wherever possible, take steps to promote equal opportunity in relation to access to the legal services that we provide, taking account of the diversity of the communities that we serve.

### **Aim**

Our aim at CFC – Children, Family and Criminal Solicitors (CFC Solicitors), is to promote equality of opportunity for all, through the following objectives:

1. mainstreaming equality into the strategic and planning agenda;
2. complying with its legal obligations;
3. having an effective data monitoring and analysis process that supports this policy;
4. assessing the impact on equality in our policies, procedures and practices;
5. promoting equality and diversity through internal and external communications;
6. ensuring that staff, as well as those who seek to apply to work or study with us, are treated fairly and that individuals are judged solely on merit and by reference to their skills, abilities, qualifications, aptitude and potential;
7. Ensuring that all clients and those who we deal with professionally are treated with fairness and not subjected to any discrimination

## **Identifying clients' needs**

CFC Solicitors will treat all clients equally and fairly and will not unlawfully discriminate against them. We will take steps to promote equal opportunity in relation to access to the services that we provide, taking account of the diversity of the communities that we serve.

We are committed to meeting the diverse needs of clients. We will take steps to identify the needs of clients in our community and develop policies and procedures setting out how we will meet clients' needs and for ensuring the services we provide are accessible to all. We will consider, in particular, the needs of clients with a disability and clients who are unable to communicate effectively in English. We will consider whether particular groups are predominant within our client base and devise appropriate policies to meet their needs.

Equal opportunities monitoring is strictly confidential and may be anonymous. All clients of CFC Solicitors will be sent a monitoring form. Annually, we will monitor ethnicity, gender, age group, religion/belief, sexuality disability and store equal opportunities data as confidential personal data and restrict access to this information. Equal opportunities information will be used exclusively for the purposes of equal opportunities monitoring to identify any inequalities.

CFC Solicitors will produce an annual report of our statistics. If the results indicate that some groups appear under represented CFC Solicitors will address any bias and consider positive action as well as a further review of our procedures and practices.

## **Dealings with third parties**

CFC Solicitors will not unlawfully discriminate in dealings with suppliers or third parties. This applies to dealings with other legal service providers and general procurement.

## **Dealings with barristers**

We will instruct barristers based on their skill, experience and ability and not unlawfully discriminate, or encourage barristers' clerks to unlawfully discriminate on the grounds of their age, gender, marital status, race, religion or belief, sexual orientation or on the grounds of disability.

## **Employment**

As an employer, we will treat all employees and job applicants equally and fairly and not unlawfully discriminate against them. All employees, whether part-time, full-time or temporary, will be treated fairly and with respect. This applies equally to voluntary positions and anyone undertaking work experience with us. This will, for example, include arrangements for recruitment and selection, promotion, training or any other benefit will be on the basis of aptitude and ability. Terms and conditions of employment, access to promotion and transfers, grievance and disciplinary processes, demotions, selection for redundancies, dress code, reference, bonus schemes, work allocation and any other employment related activities. All employees will be helped and encouraged to develop their full potential and the talents and resources of the workforce will be fully utilised to maximise the efficiency of the organisation.

## **Recruitment and Selection**

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

- (i) we endeavour to recruit from the widest pool of qualified candidates practicable;
- (ii) employment opportunities are open and accessible to all on the basis of their individual qualities and personal merit;
- (iii) where appropriate, positive action measures are taken to attract applications from all sections of society and especially from those groups which are underrepresented in the workforce;
- (iv) selection criteria and processes to not unlawfully discriminate on the grounds of sex (including marital status, gender reassignment, pregnancy, maternity and paternity), sexual orientation (including civil partnership status), religion or belief, age or disability, other than in those instances where it is permitted positive action or permitted exemption;
- (v) wherever appropriate and necessary, lawful exemptions (genuine occupational requirements) will be used to recruit suitable staff to meet the special needs of particular groups;
- (vi) all recruitment agencies acting for are aware of requirements not to discriminate and to act accordingly.

### **Conditions of Service**

CFC Solicitors will treat all employees equally and create a working environment which is free from unlawful discriminate and which respects the diverse backgrounds and beliefs of employees. Terms and conditions of service for employees will comply with anti-discrimination legislation. The provision of benefits such as flexible working hours, maternity and other leave arrangements, performance appraisal system, dress code, bonus schemes and any other conditions of employment will not unlawfully discriminate against any employee on the grounds of their age; gender and gender reassignment, marital status, race, religion or belief, sexual orientation or on the grounds of disability.

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 ethnic or cultural background, gender and gender reassignment, responsibilities as carers, disability, religion or belief or sexual orientation.

### **Promotion and Career Development**

Promotion within the firm will be made without reference to any of the forbidden grounds 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.

While positive action measures may be taken in accordance with relevant anti-discrimination legislation to encourage applications from under-represented groups, appointments to all jobs will be solely on merit. All employees will have equal access to training and other career development opportunities appropriate to their experience and abilities. However, CFC Solicitors 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.

### **Training Plan**

CFC Solicitors will identify equality and diversity training needs and draw up a plan to address these as appropriate to their responsibilities. The plan will include details of the sort of training that will be provided, who will be trained, when training will be provided and who is responsible

in for ensuring that training is delivered. Employees will be informed of this equality and diversity policy and training plan.

### **Working with other Organisations**

All those who act on our behalf will be informed of this equality and diversity policy and will be expected to pay due regard to it when conducting business on our behalf. In all its dealings, it will seek to promote the principles of equality and diversity.

### **Implementing the Policy**

#### **(a) Responsibility**

Ultimate responsibility for implementing the policy rests with Mr Saleemi. He will be responsible for the operation of the policy. All employees of CFC Solicitors are expected to pay due regard to the provisions of this policy and will be treated in a similar fashion. The policy applies to all who are employed at CFC Solicitors.

Acts of unlawful discrimination on any of the forbidden grounds by those acting on behalf of CFC Solicitors will lead to appropriate action by CFC Solicitors.

### **Complaints/Breaches of discrimination policy**

We will treat seriously all complaints of unlawful discrimination on any of the forbidden grounds made by employees or partners, clients, barristers, suppliers or other third parties and will act where appropriate.

All complaints will be investigated in accordance with our grievance or complaints procedure and the complainant will be informed of the outcome.

We will also monitor the number and outcome of complaints of discrimination made by staff, clients, partners, barristers, suppliers and other third parties.

### **Monitoring**

The policy will be monitored to and also reviewed at least annually to measure its progress and judge its effectiveness. In particular, the firm will, as appropriate, monitor and record:

- (a) The age, race, gender, disability, religion or belief, sexual orientation and disability composition of the staff as well as at different levels of the organisation.
- (b) The age, race, gender, disability, religion or belief, sexual orientation and disability of all applicants, short-listed applicants and successful applicants for jobs and training contracts
- (c) The age, race, gender, disability, religion or belief, sexual orientation and disability of all applicants for promotion and 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 age, race, gender, disability, religion or belief, sexual orientation and disability of staff will be monitored so as to ensure that they are not being discriminated against in terms of the opportunities or benefits available to them. Firms should, however, be aware that directors and staff may not choose to disclose their sexual orientation or religion or belief and that care should be taken to avoid inadvertent discrimination in such cases.
- (e) The number and outcome of complaints of discrimination made by staff, barristers, clients and other third parties.
- (f) Disciplinary action (if any) taken against employees by the age, race, gender, disability, religion or belief, sexual orientation and disability
- (g) Situations where permitted exceptions and justifiable discrimination has been applied.

The firm will monitor annually equal opportunities information about job applicants from different gender, disability and ethnic groups.  
We will store this data as confidential personal data and restrict access to this information. Equal opportunities information will be used for exclusively the purposes of equal opportunities monitoring and have no bearing on opportunities or benefits.

If as a result of these reviews under representation in the above groups is identified then the firm will consider the taking of positive action such as consideration of specific training requirements and /or the amendment of this policy.  
The firm will provide equal opportunities information to the Legal Aid Agency as required in relation to personnel and clients under the terms of the prevailing LAA Contract.

### **Review and update arrangements**

We will review the operation of this policy once a year (or more regularly if we identify any non-compliance or problem concerning equality and diversity issues with clients or personnel). The policy may also be amended from time to time to reflect and take account of changes in legislation. This policy does not form part of any employment contract.

We will take remedial action if we discover non-compliance under this policy or barriers to equal opportunities. When reviewing the policy we will consider the outcome of monitoring and review all actions under this policy.

### **CFC Solicitors commitment:**

1. To ensure that all clients are fairly represented
2. To ensure that confidential monitoring forms are delivered, received, recorded and monitored correctly
3. Report annual client statistics to identify any bias and to ensure that any bias is addressed
4. Review procedures and practices and where necessary consider and implement positive action
5. To inform all those whom CFC Solicitors professionally deal with of this policy and the expectation that they adhere to it when working with us
6. To create an environment in which individual differences and the contributions of all our staff are recognised and valued
7. Every employee is entitled to a working environment that promotes dignity and respect to all. No form of intimidation, bullying or harassment will be tolerated
8. Training, development and progression opportunities are available to all staff
9. Equality in the workplace is good management practice and makes sound business sense
10. We will review all our employment practices and procedures to ensure fairness
11. Breaches of our equality policy will be regarded as misconduct and could lead to disciplinary proceedings
12. The policy will be monitored and reviewed annually

**For further information or clarification please see:**  
**[http://www.equalities.gov.uk/equality\\_act\\_2010.aspx](http://www.equalities.gov.uk/equality_act_2010.aspx)**