



SHEPHERD+ WEDDERBURN

# Equality and Diversity Policy

Human Resources

13 October 2020

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## Document Review

### **Policy Title**

Equality and Diversity Policy

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### **Approved by:**

Elaine Watson

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### **Author/owner**

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### **Job title**

HR/Payroll Executive



## 1. Introduction

- 1.1 Shepherd and Wedderburn is committed to the principles of promoting equality of opportunity as well as recognising and valuing diversity within the firm. This policy seeks to promote fair policies and practices and to actively promote and create a culture of equality and diversity, whereby all staff, partners, and clients may contribute as fully as possible. The Firm is committed to valuing the existing diversity of staff, partners and clients and any increased diversity that may result from successful implementation of this policy.
- 1.2 References to "**S+W**" include Shepherd and Wedderburn LLP ("**S+W LLP**"), its subsidiaries (including Shepherd and Wedderburn (Services) Limited and Saltire Data Protection Services Limited) and all affiliated entities (including, Shepherd and Wedderburn Europe).
- 1.3 References to "**S+W personnel or persons**" include all employees, partners, directors, officers, consultants, contractors, casual workers, agency workers, work experience, placement students and anyone who has access to S+W premises or systems.
- 1.4 This policy is mandatory and applies to all S+W personnel.

## 2. Policy Overview

- 2.1 As an employer and professional services firm we are committed to working towards creating and developing conditions whereby staff and partners are selected and trained on the basis of their abilities, capabilities and potential regardless of race or racial group (including colour, nationality and ethnic or national origins); sex; gender reassignment; gender expression; gender identity; pregnancy and maternity; marriage and civil partnership status; sexual orientation; religion or belief; age; or disability (together the "Protected Characteristics"; individually a "Protected Characteristic").
- 2.2 Our staff and partners must not in their professional dealings with the firm's staff, partners, other lawyers, clients or third parties unlawfully discriminate, without lawful cause, against any person, nor victimise or harass them because of a Protected Characteristic.
- 2.3 We are generally free to decide whether or not to accept instructions on any matter, provided we do not discriminate unlawfully.
- 2.4 The firm also seeks to attain a workforce that is representative of the communities from which our organisation is drawn.
- 2.5 All Shepherd and Wedderburn Personnel have a responsibility to ensure this policy is observed and fully complied with.

## 3. Policy Statement

Shepherd and Wedderburn is committed to the principles of promoting equality of opportunity through eliminating discrimination and disadvantage as well as recognising the benefits of diversity. The Firm aims to ensure that:

- 3.1 the principles of equal opportunities underline all relationships with staff, partners, other lawyers, clients or third parties, and that all policies and procedures are applied in an objective manner to avoid unlawful discrimination;
- 3.2 it sets standards and maintains a general awareness of equal opportunity issues;
- 3.3 all recruitment and selection, allocation of work, training, promotion, career development and disciplinary decisions can be justified on the grounds of conduct, ability, skills, qualifications and/or potential, irrespective of any Protected Characteristics;
- 3.4 adequate training and development is available for all staff and partners involved in recruitment, selection and appraisal processes on equal opportunity issues, including the key decision makers of the firm such as managers and co-ordinators and those involved in HR or management practices;
- 3.5 it monitors the existing workforce and applications;
- 3.6 it develops mechanisms for resolving grievances about unlawful discrimination, victimisation and harassment;



3.7 it encourages members of the Firm to be aware of the contribution they should make in promoting a climate of equal opportunities within the Firm;

3.8 it reviews this policy on a regular basis.

## 4. Responsibilities

All individuals associated with the Firm have a responsibility to adhere to the Policy and apply it in their day-to-day work and in all dealings with, or on behalf of the firm. The specific responsibilities in relation to this policy are:

4.1 Shepherd and Wedderburn as the employer is responsible for ensuring that the firm fulfils its legal responsibilities for promoting equality and diversity and eliminating discrimination and for making sure that it's procedures are fulfilled.

4.2 The Managing Partner is responsible for ensuring that the Policy is effectively implemented, staff and partners are aware of their responsibilities, accountabilities and training needs to fulfil these and appropriate action is taken against staff or partners who are found to have undertaken or supported any acts of unlawful discrimination or in any other way breached this policy.

4.3 The Senior Management Group/Divisional Directors are responsible for ensuring their own sections comply with this policy.

4.4 The [HR Director](#) or nominated member of the HR team is responsible for dealing with reported incidents of unlawful discrimination, victimisation and harassment for all staff and partners.

4.5 The [HR Director](#) with the support of all other members of the Partnership Board and Senior Management Group has responsibility for overseeing the implementation, monitoring and development of the policy. The [HR Director](#) shall work closely with the Head of Diversity, Development and Inclusion and the Managing Partner to ensure that the policy is being implemented fully firm-wide. However, the policy can only be fully effective if every member of the firm plays a full part in the understanding and implementation of the policy by taking their individual responsibility to act in a non-discriminatory manner through their everyday actions and activities.

4.6 All staff and partners have a responsibility to promote equality and diversity, to eliminate unlawful discrimination and to abide by this policy. Any act of unlawful discrimination, victimisation or harassment by a member of staff or partner is viewed very seriously and could result in disciplinary action being taken.

4.7 All external clients and third party contractors engaged by the firm will be required to comply with this policy.

## 5. Implementation of the Equality and Diversity strategy

5.1 The firm will endeavour to meet the needs of all staff, partners and clients where reasonable and practicable (for example - with regard to working arrangements, specific religious requirements, or adjustments for partners/staff/clients with disabilities).

5.2 To ensure this policy is fully implemented and that the firm's Equality and Diversity statement is fully realised, an Equality and Diversity strategy has been developed. The actions to implement the strategy include:

5.2.1 Supporting the promotion of this policy using the firm's website and notice boards.

5.2.2 Undertaking monitoring activities, which will inform planning and identify gaps in provision and representation in relation to staff and partner recruitment and progression.

5.3 If the monitoring process identifies significant issues in terms of staff and/or partner recruitment and promotion, the Firm will assess the reasons for this and will take positive action to address past discrimination or under representation, where appropriate.

5.4 Delivering equality and diversity training programmes and providing development opportunities to inform all staff and partners and raise awareness of legislation and good practice. All employees and partners of the firm will be required to attend training events on equality and diversity issues. Appropriate training shall be provided to enable staff and partners to perform their job effectively and to pursue career development opportunities.



- 5.5 Policies, practices and procedures will be assessed for their impact on equality of opportunity for all groups having a Protected Characteristic.
- 5.6 Equal opportunities will be observed in all aspects of employment from advertising vacancies, recruitment and selection, terms and conditions of employment including remuneration, training and development, to reasons for ending employment.
- 5.7 All employees and partners will be informed of changes made to the equality and diversity policies, practices and procedures and if necessary, providing them with training.
- 5.8 All new employees and partners will be required to undertake equality and diversity training and be provided with a copy of the equal opportunities policy.
- 5.9 Records will be kept to show employees and partners have attended training and checking these to ensure that training is up to date.
- 5.10 The HR Director will make an annual report on the working of this Policy. This shall include information on the outcome of the year's monitoring and a review of specific measures to promote equality and diversity and make appropriate recommendations where necessary.
- 5.11 This policy shall be placed in the firm's induction pack.
- 5.12 Consultations will take place on the outcomes from the annual monitoring and review process and will involve where appropriate the HR Director, or nominated member of the HR team, and Senior Management Group.
- 5.13 The Firm will create and maintain records of all employees and partners in order to monitor the progress of this policy. Monitoring will involve:
  - 5.13.1 the collection and classification of information regarding Protected Characteristics of all current employees and partners
  - 5.13.2 the composition of each office and the firm overall shall be reviewed to identify whether it reflects the diversity of the extended community
  - 5.13.3 the recording of recruitment, training and promotional records of all employees and partners, the decisions reached and the reasons for those decisions.
- 5.14 The results of the monitoring will be reviewed at 12 monthly intervals to assess the effectiveness of the implementation of this policy. If necessary, adjustments will be made to the policy to ensure that equal opportunities are afforded to all applicants, staff and partners. In particular, the analysis will show whether there is evidence that individuals from protected characteristic groups:
  - 5.14.1 do not apply for employment or promotion, or that fewer apply than might be expected to apply;
  - 5.14.2 are not recruited or promoted at all or are appointed in a significantly lower proportion than their rate of application;
  - 5.14.3 are under-represented in certain sections, departments and/or grades.
- 5.15 If evidence is found which suggests that the equal opportunities policy is ineffective, this will be investigated and the appropriate action taken.

## 6. Training

All members of the Firm will be expected to attend appropriate training, which may be arranged to increase their awareness of issues concerning equal opportunities and unlawful practices, including harassment.

## 7. Post Employment Discrimination

Post Employment discrimination occurs when a person is subject to a detriment or harassment once an employment relationship has come to an end where the detriment or harassment arises out of and is closely connected to the employment relationship. Discrimination, harassment or victimisation following the end of a working relationship covers issues such as the provision of references either written or verbal. Allegations of post employment discrimination will be fully investigated by the firm and if substantiated will be dealt with under the firm's Disciplinary Policy.



## 8. Harassment

- 8.1 The firm is committed to the prevention of unlawful harassment in the workplace. Harassment related to a protected characteristic can amount to unlawful discrimination. The firm defines harassment in the workplace as any unwanted conduct which has the purpose or effect of violating the other person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for the other. It usually involves repeated acts of unacceptable behaviour but a single incident, if sufficiently serious, can also constitute unlawful harassment.
- 8.2 Please refer to the Firm's Dignity at Work Policy for further information on harassment and bullying and the steps that should be taken if anyone feels they have been the victim of bullying or harassment

## 9. Breaches of this Policy

Any employee of the Firm who feels that they have been unlawfully discriminated against or victimised should raise the matter through the Firm's grievance procedure. Any individual who is not an employee of the Firm who feels that they have been unlawfully discriminated against or victimised should raise the matter with a representative of HR who will advise of the procedure that will be followed to consider their complaint. Complaints will be dealt with promptly, fairly, openly and effectively. Anyone who believes that they may have been subject to unlawful harassment is encouraged to raise the matter through the Firm's Dignity at Work Policy.

## 10. Discipline

- 10.1 Any member of the Firm who fails to adhere to this policy may be liable to disciplinary action. Unlawful discrimination, harassment or victimisation will be treated as a disciplinary offence under the disciplinary procedure.
- 10.2 Any person who has in good faith taken action under anti-discrimination legislation or who complains about unlawful discrimination shall not for that reason be subjected to any detriment, for example by being subjected to disciplinary action. Particular care must be taken to deal effectively with all complaints of unlawful discrimination, harassment or victimisation. It will not be assumed that such complaints are made by the over-sensitive.
- 10.3 Any allegations that are found to have been false and made in bad faith will be dealt with under the Firm's Disciplinary Procedure.

## 11. Other Relevant Areas of Risk and Compliance Manual

- 11.1 [Harassment & Dignity at work.](#)
- 11.2 [Paternity.](#)
- 11.3 [Maternity.](#)
- 11.4 [Adoption Leave.](#)
- 11.5 [Disciplinary.](#)
- 11.6 [Grievance.](#)
- 11.7 [Capability.](#)

## 12. Queries and Feedback

Any queries in connection with this policy and procedure should be directed to the [HR Director](#) in the first instance.