

An Example Equality Policy Issued, June 2011

This 'Example Equality Policy' is part of a toolkit that also includes:

- A Guidance Note on the Equality Act;
- A Factsheet of Frequently Asked Questions;
- A 'How to' create an Equality Policy guide.

This example Equality Policy is intended to assist governing bodies and sports organisations when writing or amending an Equality Policy as part of their general equality work. An Equality Policy is required to be in place and communicated to all staff and senior volunteers for the foundation level of the Equality Standard for Sport.

This is only an example policy, for an organisation called XYZ, and it should be used for guidance only as the content is not prescribed for the purposes of the Standard. You should not simply create a policy by replacing XYZ with your own organisation name. It is suggested that this document is read in conjunction with the guide to creating an Equality Policy.

Special thanks to Vaga Associates for creating this example policy for Sport and Recreation Alliance members.



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1. Policy Objectives

- 1.1. XYZ is fully committed to the principles of equality of opportunity and is responsible for ensuring that no job applicants, employees, workers, office holders, volunteers, participants or members (together "Stakeholders") are unlawfully discriminated against because of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation (together the "Protected Characteristics").
- 1.2. In addition XYZ recognises that we live in a diverse society and will endeavour to ensure that all Stakeholders are given the same opportunities regardless of their socio-economic backgrounds.
- 1.3. XYZ will encourage partner organisations, including member clubs, affiliated associations, suppliers, sponsors and customers, to adopt and demonstrate their commitment to the principles and practice of equality as set out in this Equality Policy.

2. Purpose of the Policy

- 2.1. XYZ recognises that individuals (and/or certain groups in our society who share one or more Protected Characteristics) may not have been able to participate equally and fully in sports related activities in the past. In some instances this may have been as a result of unlawful discrimination.
- 2.2. This Policy has been produced to try to prevent and address any unlawful discrimination or other unfair treatment, whether intentional or unintentional, direct or indirect, against Stakeholders that may preclude them from participating fully in sports related activities.



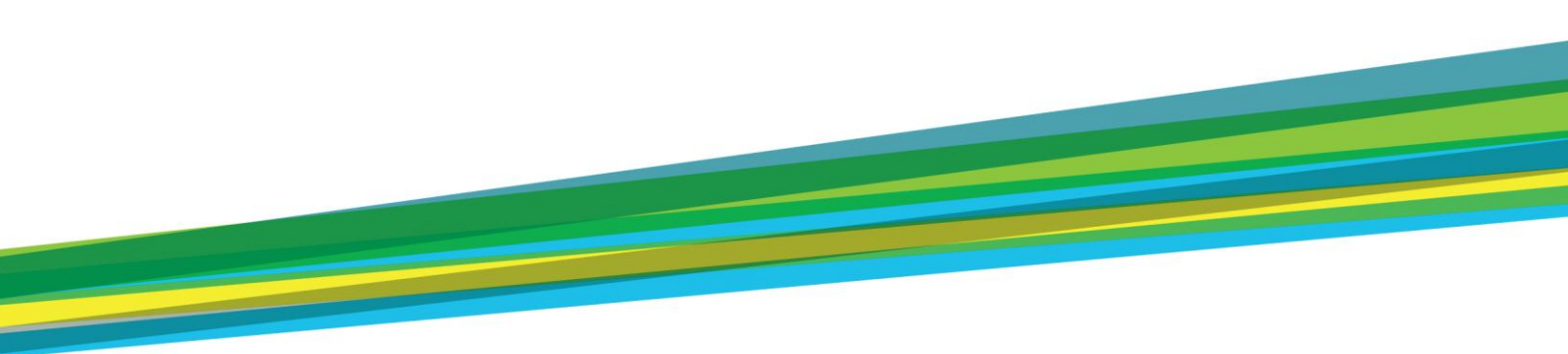
3. Legal Requirements

- 3.1. XYZ is required by law not to unlawfully discriminate against its Stakeholders and recognises its legal obligations under, and will abide by the requirements of, the Equality Act 2010, and any equivalent legislation (as amended) in any UK jurisdiction, Jersey, Guernsey or the Isle of Man and any later amendments to such legislation or subsequent equality related legislation that may be relevant to XYZ.
- 3.2. XYZ will seek advice each time this Policy is reviewed to ensure it continues to reflect the current legal framework and good practice.

4. Discrimination, harassment, bullying and victimisation

XYZ recognises the following as being unacceptable:

- 4.1. Unlawful discrimination which can take the following forms:
 - 4.1.1. *Direct Discrimination*: treating someone less favourably than you would treat others because of a Protected Characteristic.
 - 4.1.2. *Indirect Discrimination*: applying a provision, criterion or practice which, on the face of it, applies equally to all but which, in practice can disadvantage individuals with a particular Protected Characteristic. Such requirements or conditions are lawful only if they can be objectively justified.
- 4.2. *Harassment*: engaging in unwanted conduct relating to a relevant Protected Characteristic or unwanted conduct of a sexual nature where the conduct has the purpose or effect of violating the recipient's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for the recipient, or any other individual affected by such conduct. XYZ is committed to ensuring that its Stakeholders are able to conduct their activities free from harassment.
- 4.3. *Bullying*: the misuse of power or position to criticise persistently or to humiliate and undermine an individual's confidence.

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- 4.4. *Victimisation*: subjecting someone to a detriment because he or she has in good faith taken action under the Equality Act 2010 (or equivalent legislation) by bringing proceedings, giving evidence or information in relation to proceedings, making an allegation that a person has contravened the Equality Act 2010 (or equivalent legislation) or doing any other thing for the purpose of or in connection with the Equality Act 2010 (or any equivalent legislation).
- 4.5. XYZ regards discrimination, harassment, bullying or victimisation, as described above, as serious misconduct. All complaints will be taken seriously and appropriate measures including disciplinary action may be brought against any Stakeholder who unlawfully discriminates against, harasses, bullies or victimises any other person.

Note: to reduce the length of this policy, the definitions in 4.1-4.4 may be contained elsewhere, in which case the wording of 4.5 will need to change slightly.

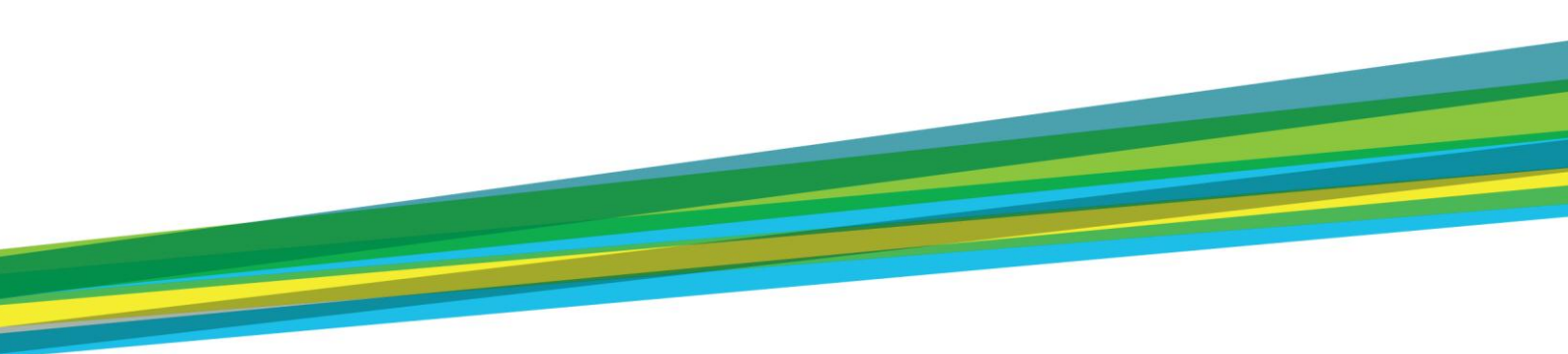
5. Reasonable Adjustments

- 5.1. When any decision is made about an individual, the only personal characteristics that may be taken into account are those that are consistent with any relevant legislation and are relevant to the substance of the decision being made.
- 5.2. XYZ recognises that it has a duty to make reasonable adjustments for disabled persons. XYZ will consider all requests for adjustments and where possible will accommodate reasonable requests and will work with disabled Stakeholders to implement any adjustments that will enable them to participate more fully in sports related activities.

6. Transgender Athletes

Select one of the three options below:

XYZ considers that [name of sport] is a gender affected sport under the Equality Act 2010 and refers any transgender athletes to its policy relating to participation by transgender persons;



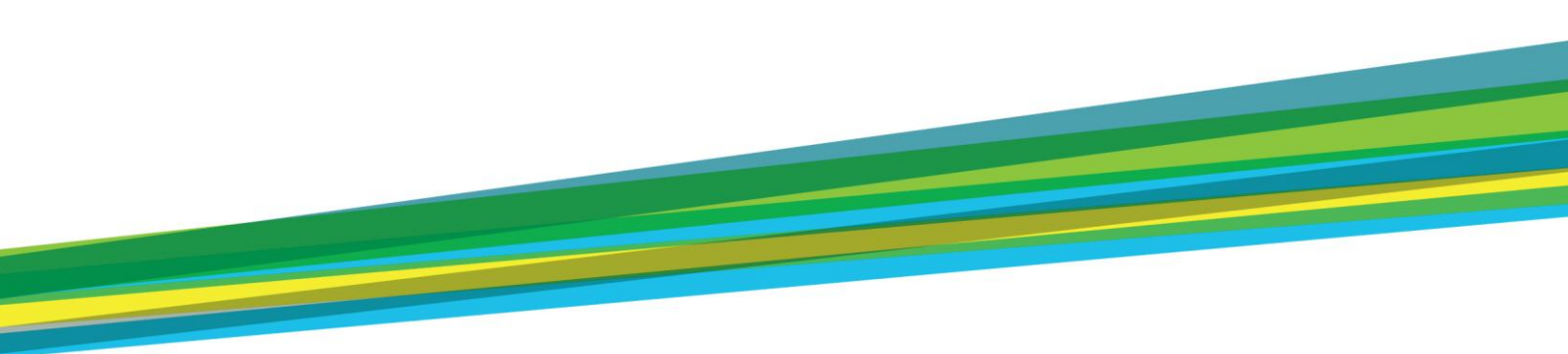
[or]
XYZ considers that [name of sport] is not a gender affected sport under the Equality Act 2010 and consequently there are no restrictions on participation by transgender athletes;

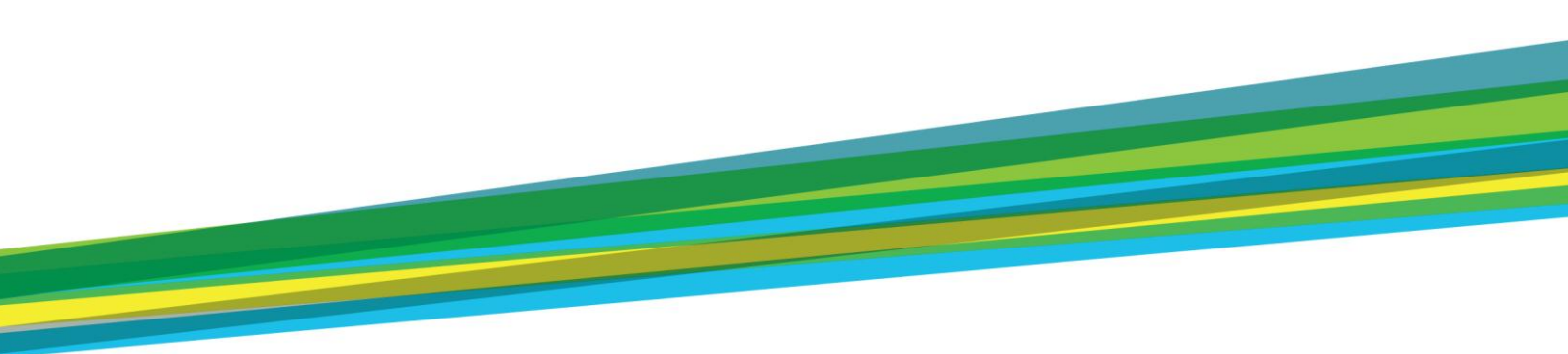
[or]
XYZ considers that [name of sport] is a gender affected sport under the Equality Act 2010. No policy in relation to participation by transgender athletes currently is in place. However, any transgender athlete looking to participate in XYZ is requested to contact the Equality Officer who will work with the transgender athlete to formulate a policy. Any such request will be dealt with in the strictest confidence.

7. Responsibility, implementation and communication

7.1. The following responsibilities will apply:

- 7.1.1. The Board of XYZ is responsible for ensuring that this Equality Policy is implemented, followed, and reviewed when appropriate. The XYZ Board is also responsible for ensuring that this Equality Policy is enforced and any breaches are dealt with appropriately.
- 7.1.2. A member of the Board will be appointed as the "Equality Champion" and will ensure that equality is included as an agenda item at Board meetings when appropriate and that the Board takes equality issues into consideration when making decisions.
- 7.1.3. The Chief Executive has the overall responsibility for the implementation of this Equality Policy.
- 7.1.4. A member of staff will be designated as the Equality Officer by the Chief Executive, and will have the overall day-to-day responsibility for the implementation of this Equality Policy and for achieving any equality related actions resulting from it. The Equality Officer's work programme will be amended to reflect this. If required, an internal and/or external equality group will be created to provide additional support.

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- 7.1.5. All Stakeholders have the responsibility to respect, follow and promote the spirit and intentions of this Equality Policy. Individual work programmes for XYZ staff will be amended to include equality related tasks where appropriate.
- 7.2. This Equality Policy will be implemented immediately following Board approval. Implementation requires the following actions:
- 7.2.1. XYZ will regularly review its employment practices to ensure continuing compliance with relevant legislation, and where possible good practice. All job packs sent out by XYZ will contain a policy statement similar to the following:
- "XYZ is committed to providing equal opportunities for all [and is committed to following best practice in the welfare of young people and vulnerable adults]. For further information please consult XYZ.com"*
- 7.2.2. No applicant for any post (including job applicants, consultant advisers and suppliers) will be placed at a disadvantage by requirements or conditions which are not necessary to the performance of the job or which constitute unlawful discrimination.
- 7.2.3. Consultants and advisers (and where appropriate suppliers) to XYZ will be required to abide by this Equality Policy and it will be referred to in any service level agreements or contracts issued by XYZ.
- 7.3. This Equality Policy will be communicated in the following ways:
- 7.3.1. The Policy will be included in any employee handbook (or equivalent paper or electronic document). Reference will be made to this Equality Policy in any code of conduct. This Equality Policy is for guidance only and will not form part of any contract of employment with any employees of XYZ;

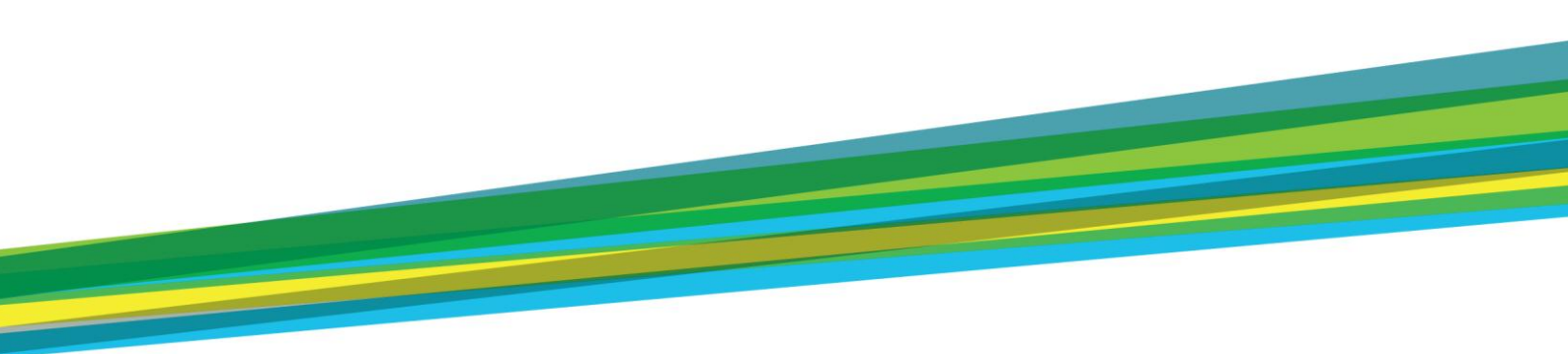
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- 7.3.2. The Policy will be highlighted in all staff and volunteer inductions;
 - 7.3.3. A copy of this Equality Policy will be publicly available on the XYZ website and copies in other formats will also be available from XYZ HQ. All members will be made aware of the Policy when they join;
 - 7.3.4. Each time this Policy is reviewed, XYZ Stakeholders will be consulted. Following consultation, a notice of the changes being made will be publicly available and a direct communication will be sent to all those who contributed to the consultation process (subject to Data Protection provisions); and
 - 7.3.5. XYZ will promote continuing professional development for all employees and volunteers to support equal opportunities within the organisation and, where appropriate, provide specialist facilities, equipment or training.

8. Actions

- 8.1. XYZ will produce, maintain and monitor an Equality Action Plan to ensure the objectives of this Equality Policy are consistently delivered throughout all areas of the organisation.
- 8.2. XYZ recognises that, in some cases, to further the principle of equality, an unequal distribution of resources may be required. If appropriate and proportionate, XYZ will consider positive action or may introduce special measures to assist any group with a Protected Characteristic which is currently underrepresented within any group of Stakeholders.

9. Monitoring and Evaluation

- 9.1. This Equality Policy will remain in force until it is amended, replaced or withdrawn. A review of this Equality Policy will take place as and when required, but not less than once every three years.

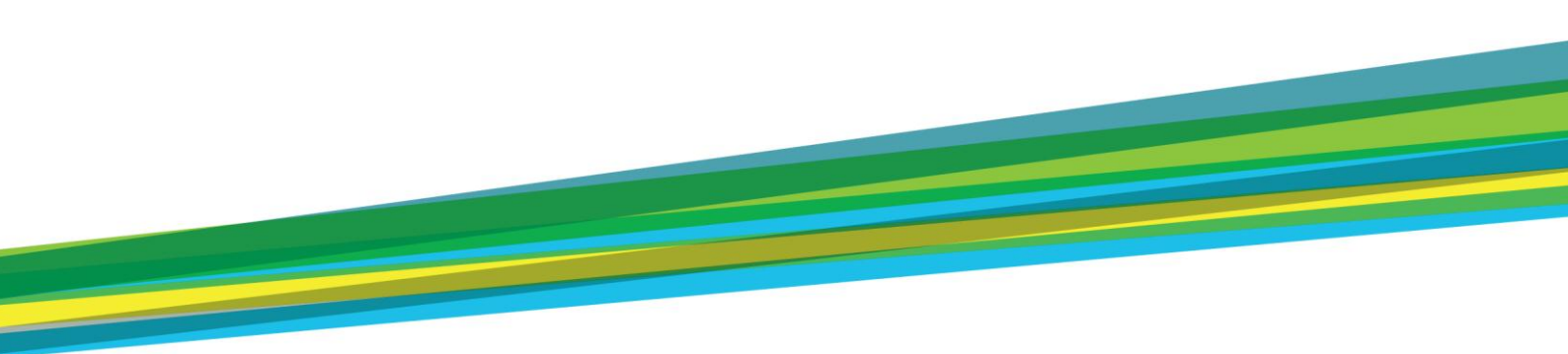
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- 9.2. The Equality Action Plan, created to ensure the objectives of this Equality Policy are delivered, will be reviewed by the Chief Executive and the Equality Officer regularly, but in any event not less than once every 12 months.
- 9.3. On an annual basis, statistical and, if appropriate qualitative, information will be collected and a report will be produced by the Chief Executive for the Board. Once approved by the Board the report will be published internally and externally, to show the impact of this Equality Policy and progress towards achieving the Equality Action Plan.

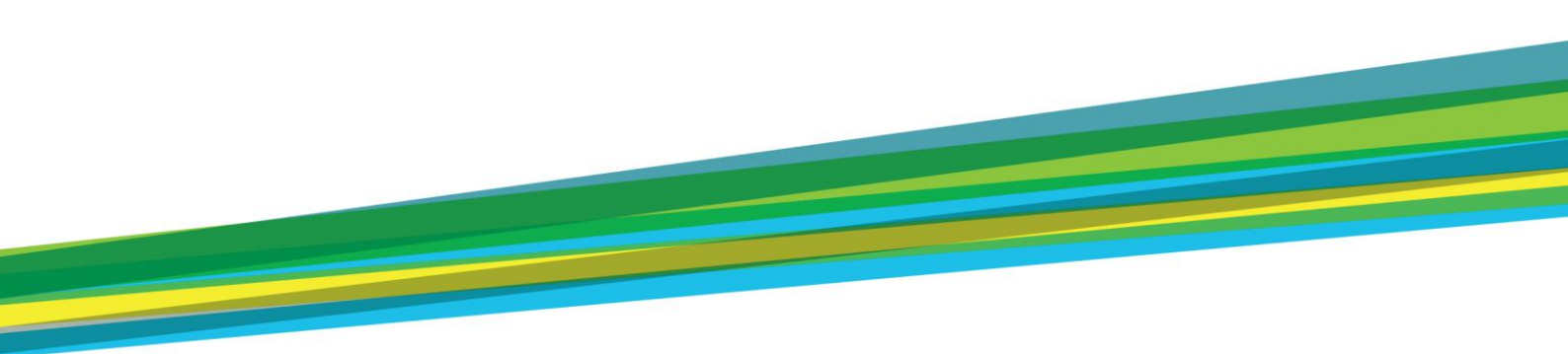
10. Complaints Procedures

- 10.1. To safeguard individual rights under this Equality Policy, any Stakeholder who believes they have suffered inequitable treatment within the scope of this Equality Policy may raise the matter through the appropriate procedure (i.e. the employee grievance procedure for employees or the complaints procedure for Stakeholders who are not employees).
- 10.2. Appropriate disciplinary action will be taken against any XYZ Stakeholder who violates this Equality Policy under the employee disciplinary procedure or the XYZ disciplinary procedure.
- 10.3. An individual raising an employee grievance will not be penalised for doing so unless it is untrue and not made in good faith.
- 10.4. As with all grievance and disciplinary procedures, the final point of appeal relating to this policy is the Board appeals committee.

NOTES

1. *Stakeholders (listed in 1.1)* – Consider if this is an appropriate list for your sport.
2. *Protected Characteristics (listed in 1.1)* – This is taken from the Equality Act 2010 and should not be altered.

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3. *Sports related activities* (first mentioned in 2) – Consider providing a non-exhaustive list to demonstrate that this involves training, competing, refereeing, organising, volunteering, coaching, selecting, etc.
 4. *Unlawful discrimination* – Discrimination occurs all the time (e.g. if you are not a qualified lawyer you are prevented from practising law) but it is not all unlawful – whether or not you have legal qualifications is not a Protected Characteristic. To say only women can practise law is however unlawful as gender is a Protected Characteristic. Occasionally discrimination on the grounds of a Protected Characteristic is allowed or can be justified and is therefore not unlawful. Take care to always refer to unlawful discrimination so as to avoid widening the scope of your policy – unless this is intentional.
 5. *Legislation* – The only Act referred to in the legislation section (3) is the Equality Act 2010. However, the way the clause is drafted, it will still cover all relevant legislation.
 6. *Jurisdictions* – consider which jurisdictions your organisation covers and review reference to Scotland, Northern Ireland, Jersey, Guernsey and the Isle of Man as appropriate. If your organisation only operates in a jurisdiction other than England and Wales, consider listing local laws that also apply.
 7. *Gender affected sport (mentioned in 6)* – The Equality Act 2010 contains the following definition: “A gender affected activity is a sport, game or other activity of a competitive nature in circumstances in which the physical strengths, stamina or physique of average persons of one sex would put them at a disadvantage compared to average persons of the other sex as competitors in events involving the activity.”
 8. *Board/Director/Chief Executive*– These terms have been used for convenience and should be amended to reflect the structure of your organisation.

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9. *Job packs policy Statement (mentioned in 7.2.1)* – This example statement also includes a welfare element. Consider whether this is relevant and whether there are any other elements you wish to include.
 10. *Grievance/Disciplinary procedures* – You may wish to specify particular procedures here. As a minimum you should have grievance and disciplinary procedures for employees. You may also wish to have the same for other Stakeholders. If you do not have these in place consider setting out how a complaint will be dealt with. It may also be helpful to consider which procedure(s) will apply where a complaint is made against an XYZ employee and a non-employee – will they be dealt with under the same or different policies – will you give the employee the choice. This is a complex area and it may be best to retain flexibility and discretion to decide on the appropriate procedure. However, bear the ACAS code in mind when dealing with employees and if you are in doubt ensure the employee specific policy is used at all times in relation to employees.
 11. *Extent of policy* – This example policy includes a number of requirements of the Foundation and Preliminary levels of the Equality Standard for Sport. It therefore contains a number of aims and commitments that would not normally appear in a standard employer equality policy.