



# Ashford Manor Golf Club

## EQUALITY DIVERSITY & INCLUSION POLICY 2023

### 1. STATEMENT OF INTENT

- 1.1 Ashford Manor Golf Club ('the Club') shares the belief of England Golf together with Middlesex and Surrey County Golf that golf belongs to everyone. All who play and all who aspire to play must have an equal opportunity to do so.
- 1.2 The Club is committed to the principles of equality and diversity throughout its workforce, throughout its membership, its paid and volunteer workforce and any others with whom the Club engages.
- 1.3 The Club considers that everyone should play their part in making golf inclusive and aims to ensure that all people, irrespective of their background, ability or Protected Characteristics, have a genuine and equal opportunity to work at the club, become a member or participate in club life.
- 1.4 The Club will embed these values within all areas of its work.
- 1.5 The Club will not disadvantage any individual, whether they are participants, contractors, players, parents, coaches, officials, and volunteers by imposing any conditions or requirements which cannot be justified in the provision of its services.
- 1.6 The Club is also committed to supporting the rights and interests of those who it employs. Details of its commitment to equality matters relating to its staff are set out in the Employee Handbook.
- 1.7 This policy will be reviewed at least every 3 years by the General Committee, any amendments shall be effective from the date stated.

### 2. PURPOSE

- 2.1 The purpose of this Policy is to:
  - 2.1.1 Outline the obligations of those upon whom this Policy is binding;
  - 2.1.2 Promote fairness, equality, diversity and respect for everyone working, volunteering, or participating in the sport of golf, or otherwise using the services at the Club.

### 3. WHO DOES THIS POLICY APPLY TO?

- 3.1 This Policy shall apply to, and be binding upon the Club, its General Committee, staff, volunteers, coaches, contractors, team players, agents and representatives working, holding office or acting for or on behalf of the club.

### 4 LEGISLATIVE FRAMEWORK

- 4.1 The Club is committed to complying with all relevant legislation enacted or amended from time to time which underpins the principles of equality, diversity, and inclusivity, including but not limited to:
  - The Equality Act 2010;
  - The Protection from Harassment Act 1997;
  - The Employment Act 2002;
  - The Part Time Workers (Prevention of Less Favourable Treatment) Regulations 2000;
  - The Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations 2002 and
  - The Human Rights Act 1998.

## **5. OTHER IMPORTANT DOCUMENTS**

- 5.1 This policy works with other documents adopted by the Club, in particular;
  - 5.1.1 The Club Bye Laws, which include Membership Disciplinary and Grievances procedures. Such procedure shall be based on current advice of the National Golf Clubs' Advisory Association and be consistent with the England Golf Disciplinary Regulations.
  - 5.1.2 Safeguarding Children and Young People Policy and Safeguarding Adults Policy which will be followed in respect of matters which give rise to a safeguarding concern.
  - 5.1.3 The Club Social Media Policy.
  - 5.1.4 The Club General Data Protection Policy (GDPR) and the Data Protection Act 2018.

## **6. POLICY IMPLEMENTATION**

### **A. WHAT WE WILL DO**

- 1 Promote fairness, equality, diversity and respect for everyone working, volunteering or participating in the sport of golf or otherwise engaging with the Club.
- 2 Encourage the involvement of all people regardless of background, ability, or any Protected Characteristic in golf.
- 3 Ensure that all competitions, events and activities are administered by the Club are carried out in a fair and equitable way (except where specific situations and conditions prevent this, or where we consider that Positive Action is a proportionate way to achieve a legitimate aim).
- 4 Monitor and review Club policies, procedures and regulations to ensure that they are consistent with the requirements of this Policy, including policies relating to admission to membership.
- 5 Where practical we will take steps to monitor the diversity of the Club's members, participants, players and volunteers and others that we may engage with in order to measure and assess the impact of this policy. All such monitoring of personal data shall be undertaken in compliance with Ashford Manor Golf Club's General Data Protection Policy (GDPR) and the Data Protection Act 2018.
- 6 Provide appropriate training and support to all staff, contractors, officials and volunteers to raise awareness of both the collective and individual responsibilities imposed by this Policy and the Key Concepts outlined in Paragraph 8 of this Policy.
- 7 Make reasonable adjustments for those with a disability.
- 8 Publish this Policy on the Club website.

### **B WHAT WE WILL NOT DO**

- 1 Discriminate against anyone, either directly or indirectly, on the basis of a Protected Characteristic.
- 2 Subject anyone to less favourable treatment on the basis of them doing a Protected Act (victimisation).
- 3 Subject anyone to harassment in relation to a Protected Characteristic.

## **7. HOW WE WILL DEAL WITH BREACHES OF THIS POLICY**

- 7.1 The Club takes seriously all claims of inappropriate behaviour, bullying, harassment, victimisation and/or discrimination, whether direct or indirect, by a contractor, player, parent, coach, official or volunteer who works for, on behalf of, or represents the Golf Club.
- 7.2 Alleged breaches of this Policy shall be dealt with using the Club's complaints, disciplinary or staff grievance procedure as appropriate.

- 7.3 This may involve when we receive a report or a concern that relates to this policy that the General Manager will be asked to consider the matter initially. They will consider the appropriate next steps, which may include the following;
- a. seeking further information in relation to the matters raised.
  - b. seeking guidance from England Golf or any other appropriate body or organisation.
  - c. referring the matter to another body or organisation.
  - d. dealing with the matter informally.
  - e. deciding which procedure is the most appropriate, such as the Employee Disciplinary Procedure, the Safeguarding Policies or the Disciplinary Regulations, to progress the matter formally.
- 7.4 The Club will usually inform the person reporting the matter of the next steps and/or the outcome of the matter. However, there may be circumstances in which we are not able to disclose full details to the reporting individual. This may be because the law prevents us from doing so, because some information is confidential, or to protect the safety or wellbeing of those involved.

## 8. KEY CONCEPTS - The Equality Act 2010.

- 8.1 Direct and indirect discrimination is outlined in **Appendix One**;
- 8.2 Harassment is outlined in **Appendix Two**;
- 8.3 Victimisation is outlined in **Appendix Three**;

## HISTORY

Version 2 - This update reflects the England Golf Equality & Diversity template & guidance, February 2021.

Version 3 - This update reflects the review & update of the England Golf Equality, Diversity & Inclusion template & guidance, February 2023.

## APPENDIX ONE

### The Equality Act 2010 and Discrimination

Every individual and organisation to whom this Policy applies must not act in a way which is directly or indirectly discriminatory and must make reasonable adjustments to avoid discriminating against anyone with a Protected Characteristic.

The Equality Act 2010 makes it unlawful to discriminate directly or indirectly against individuals or groups with certain "Protected Characteristics". The "Protected Characteristics" are listed in section 4 of the Act:

- Age;
- Disability;
- Gender Reassignment;
- Marriage and Civil Partnership;
- Pregnancy and Maternity;
- Race;
- Religion or Belief;
- Sex;
- Sexual Orientation.

### Direct Discrimination

Direct Discrimination is defined at section 13(1) of the Equality Act 2010: "*A person (A) discriminates against another (B) if, because of a protected characteristic, A treats B less favourably than A treats or would treat others.*"

For example, if an action or decision is taken by a club which treats females less favourably than males, this would be considered direct discrimination on the grounds of sex, which is a protected characteristic.

### Indirect Discrimination

Indirect Discrimination is defined at section 19(1) of the Equality Act 2010: "*A person (A) discriminates against another (B) if A applies to B a provision, criterion or practice which is discriminatory in relation to a relevant protected characteristic of B's.*"

Indirect discrimination occurs where less favourable treatment is not necessarily the main effect or objective of an action or decision.

The nature of indirect discrimination is that the discriminatory effect can be an unexpected or unforeseen effect of a good faith decision. Complaints of indirect discrimination should be considered carefully and objectively, and not dismissed out of hand purely because the effect was not an expected or intentional one.

If, for example, a club has a rule or practice that certain competitions are only played on Saturdays, this would prevent members with certain religious beliefs from taking part in the competition. Although it may not have been the intention of the golf club, the effect is the less favourable treatment of members on the grounds of religion or belief, which is a protected characteristic. This is indirect discrimination.

### Actions and Intentions

An action or decision can still be considered discriminatory even if the less favourable treatment is unintentional. It may not always be obvious to the perpetrator that their actions are discriminatory. Indirect discrimination is often unintentional, but it is not a defence to an allegation of discrimination to say that the perpetrator did not mean to discriminate against a person or group. Discrimination can arise out of actions and decisions, but can also arise out of omissions and failure to take actions or decisions.

## **Reasonable Adjustments**

Everybody to whom this Policy applies is under a duty to make reasonable adjustments to avoid discriminating against any individual or group with a Protected Characteristic.

The duty is to make *reasonable* adjustments. It is not unreasonable for adjustments to cost time, money, or other resources. However, an adjustment may not be reasonable if the cost is disproportionately high, or making the adjustment would be unfeasible. The resources required to make an adjustment are an important factor to be considered in deciding whether an adjustment is reasonable.

## **Positive Action**

It can be lawful to make decisions that discriminate on the basis of a Protected Characteristic in very limited and exceptional circumstances, if the discrimination is a 'Positive Action' taken in order to address an underrepresented group or Protected Characteristic. Positive Actions must be reasonable, justifiable, and clearly linked to a legitimate aim. Where a club decides to take Positive Action in respect of an underrepresented group, it should carefully record its decision making and the evidence it has considered, and review the practice regularly to ensure that the Positive Action does not continue for longer than reasonably necessary.

## **Examples**

In a golfing context, some examples of unlawful discrimination might include:

- Restricting the number of tee times available to women during peak hours at a golf course. Whilst it may be permissible to limit access to the course at certain times, for example to allow a competition to be played, a club will need to be certain that it is providing equal opportunity to access the course for various groups
- Not allowing competitions to be played on alternate days to accommodate for certain religious beliefs.

## APPENDIX TWO

### Harassment

Harassment is defined in section 26(1) of the Equality Act 2010. Harassment occurs where a person engages in unwanted conduct related to a Protected Characteristic (outlined in the Equality Act 2010), which has the purpose of either:

- Violating the other person's dignity or
- Creates an intimidating, hostile, degrading, humiliating or offensive environment for the other person.

In determining whether conduct amounts to harassment, regard is had to:

- The perception of the victim;
- Whether it is reasonable for the conduct to have the perceived effect and
- The wider circumstances of the matter.

### Sexual Harassment

Sexual harassment occurs where a person engages in unwanted conduct of a sexual nature, and the conduct has the purpose or effects outlined above.

### One Off Incidents

A single, isolated, or one-off incident can still amount to harassment. The key consideration is the purpose or effect of the conduct.

### Protection from Harassment Act 1997

Harassment can still occur even if it not based on a Protected Characteristic. The Protection from Harassment Act 1997 made it a civil, and sometimes a criminal, offence to carry out a course of conduct that amounts to harassment.

### Examples

In a golfing context, some examples of unlawful harassment might include:

- Employees making unwanted or inappropriate contact with colleagues at a golf club or facility;
- Targeting disabled golfers using buggies and demanding to see proof of a disability where this is not required by the terms of a competition, for example.
- Disproportionate and public criticism or sanctioning of an individual's behaviour by an organisation for irrelevant or personal reasons. A clear disciplinary procedure will help to ensure that those facing disciplinary action at a club are treated fairly.

## APPENDIX THREE

### **Victimisation**

Victimisation is defined in section 27(1) of the Equality Act 2010.

Victimisation occurs where a person suffers a detriment because they do a protected act, or are believed to have done a protected act.

### **Protected Act**

A protected act includes bringing legal proceedings or making a complaint (whether in writing or not, formally or informally) or bringing legal proceedings under the Equality Act 2010 in relation to discrimination, harassment, bullying or any other issue related to equality, diversity or Protected Characteristics.

### **Detriment**

A detriment can be any less favourable treatment, including direct acts such as suspensions, fines, sanctions and verbal and physical aggression.

It is not necessary to show that somebody is being treated less favourably than somebody else who did not do a protected act, only that they have been subject to a detriment because of a protected act.

### **Examples**

In a golfing context, some examples of unlawful victimisation include:

- Initiating disciplinary proceedings against a person as a result of making a complaint about discrimination or harassment.
- Ignoring a person's valid input into the management of a club or county after that person has made a complaint.
- De-selecting a player from a squad or team because that person has made a complaint.