



EQUALITY POLICY

1.0 Introduction

- Sport England is committed to equality and diversity throughout our workforce and to eliminating all forms of inappropriate discrimination whether or not covered by current law.
- Our aim is for our workforce to represent the diverse mix of backgrounds and identities present in our society and to reflect the make-up of our end customers.
- Sport England wants each employee to feel respected, valued and able to give their best whether they work on a part-time, full-time or homeworker basis.
- It is the responsibility of all Sport England staff to conduct themselves in a way to help the organisation provide equal opportunities in employment, and to help prevent bullying, harassment, victimisation and inappropriate discrimination.
- We will also seek to work with people and organisations who reflect our equal opportunity values – the people who play, volunteer, attend and engage with our services.
- This Equality Policy is fully supported by senior management and has been agreed with the Trade Union [PCS] and Sport England's Equality & Diversity Committee.
- This Equality Policy does not form part of any employee's contract of employment and may be amended by Sport England at any time.

2.0 Purpose

This policy's purpose is to:

- Provide equality, fairness and respect for everyone in Sport England's employment, whether fixed term, part-time or full-time.
- Help prevent discrimination whether it be based on the age, disability, gender reassignment (including identity), marriage, civil partnership, pregnancy, maternity, race (including colour, nationality, and ethnic or national origin), religion or belief, sex (gender), sexual orientation or any other inappropriate factor (See Annex One below for definitions of the different types of discrimination).

- Help avoid all forms of inappropriate discrimination whether in relation to pay and benefits, terms and conditions of employment, dealing with grievances and discipline, dismissal, redundancy, leave for parents, requests for flexible working, recruitment and selection for employment, promotion, training or other developmental opportunities.
- Encourage employees to tell Sport England if they are disabled or become disabled so that appropriate reasonable adjustments and support can be considered, in line with our internal guidance on reasonable adjustment.

3.0 Commitments

Sport England commits to:

- Lawfully encourage equality and diversity in the workplace, including, where suitable, the use of positive action, both as good practice and to ensure that the organisation thrives.
- Create a zero-tolerance working environment free of bullying, harassment, victimisation and inappropriate discrimination promoting dignity and respect for all, where individual differences and the contributions of all staff are recognised and valued. Achieving this is an important aspect of ensuring equal opportunities in employment. Please see Sport England's Dignity at Work Policy (see Annex Two below) for details regarding the mechanisms Sport England has in place to promote its zero-tolerance approach and the possible routes for taking action if you have been affected by an employee or a third party's behaviour.
- Inform managers and all other employees about their rights and responsibilities under this policy and Sport England's Dignity at Work Policy.
- Help all staff understand they, as well as Sport England, can be held liable for acts of harassment, victimisation and/or unlawful discrimination, carried out in connection with their employment, whether against fellow employees, customers, suppliers or the public.
- Take seriously complaints of bullying, harassment, victimisation and inappropriate discrimination and deal with upheld complaints and vexatious or malicious complaints as appropriate.
- Provide opportunities for training, development and progression to all staff, who will be helped and encouraged to develop their full potential, so that their talents can be used to drive Sport England's business objectives.
- Review employment practices and procedures when necessary to ensure fairness, and also update them and this policy to take account of changes in the law.

- Monitor the make-up of Sport England’s workforce regarding age, disability, gender reassignment (including identity), marriage, civil partnership, pregnancy, maternity, race (including colour, nationality, and ethnic or national origin), religion or belief, sex (gender) and sexual orientation to assist Sport England in meeting the aims and commitments set out in this Equality Policy. Such data will be held securely and anonymously and will not be held for longer than is reasonably necessary in accordance with data protection law.

4.0 The Public Sector Equality Duty (General and Specific)

- The Equality Act under the General Equality Duties, requires that Sport England in carrying out its functions have due regard to the need to:
 - a. Eliminate unlawful discrimination, harassment and victimisation
 - b. Advance equality of opportunity between people who share a Protected Characteristic and those who do not
 - c. Foster good relations between people who share a Protected Characteristic and those who do not.
- This means that we must go further than merely ensuring a person in a particular instance is not treated less favourably on the basis of their Protected Characteristic.
- The Public Sector Equality Duty requires us to consider the impact of our strategies, business plans, policies, procedures and key decisions on equality and the removal of discrimination in these areas. It also requires us to take steps to meet the needs of people from protected groups where these are different from the needs of other people and requires us to encourage people from protected groups to participate in public life or in other activities where their participation is disproportionately low. In some cases, we may need to treat some people more favourably than others in order to comply with the Public Sector Equality Duty. In addition, Sport England meets its Specific Duties to publish equality information and sets equality objectives.

5.0 Dignity at Work Policy

- If you think that you may have been subjected to inappropriate behaviour, please refer to Sport England’s Dignity at Work Policy. It can be found on the Inside Track.

6.0 General Data Protection Regulation (GDPR)

- When an employee makes a request for their personal data, Sport England will process any personal data collected in accordance with our data protection policies. Data collected from the point at which the individual makes the request is held securely and accessed by, and disclosed to, individuals only for the purposes of dealing with the request.

Human Resources & Development Department

Date: September 2018

Review Date: September 2020

Annex One – Types of unlawful discrimination

The law

The Equality Act 2010 is the main, overarching anti-discrimination law which Sport England is required to follow to help ensure that equality of opportunity is promoted across various groups and that diversity is at the heart of all that we do.

It is unlawful for Sport England as an employer, potential employer and in relation to any of its functions to discriminate against persons directly or indirectly in recruitment or employment because of age, disability, sex (i.e. gender), gender reassignment, marriage, civil partnership, pregnancy, maternity, race (which includes colour, nationality and ethnic or national origins), sexual orientation or religion or belief.

Direct discrimination is deliberately treating an individual less favourably than another person because of a characteristic stated above without a lawful exception to do so. For example, by refusing to employ a woman because she is pregnant or transferring a transgender employee from their role against their wishes because of client contact.

Indirect discrimination is applying a provision, criterion or practice that creates a disadvantage for a person because of one of the characteristics outlined above in the absence of proportionality and a legitimate aim. For example, requiring a job to be done full-time rather than part-time would adversely affect women because women generally have greater childcare commitments than men. Such a requirement would be discriminatory unless it could be justified as a proportionate means of achieving a legitimate aim.

Disability discrimination is direct or indirect discrimination, any unjustified less favourable treatment because of the effects of a disability, and failure to make reasonable adjustments to alleviate disadvantages caused by a disability.

Harassment is where there is unwanted conduct, related to one of the characteristics outlined above (other than marriage, civil partnership, pregnancy or maternity) that has the purpose or effect of violating a person's dignity; or creating an intimidating, hostile, degrading, humiliating or offensive environment.

Please see Sport England's Dignity at Work Policy for further explanation of the legal definition of harassment.

Associative discrimination is where an individual is discriminated against, harassed, or potentially victimised because of their association with another individual who has a characteristic outlined above (other than marriage, civil partnership] pregnancy or maternity, however pregnancy or maternity may fall within a sex discrimination claim because of association with a pregnant woman or a woman on maternity leave).

Perceptive discrimination is where an individual is discriminated against or harassed based on a perception that they have a characteristic outlined above when they do not, in fact, have that characteristic (other than marriage, civil partnership, pregnancy or maternity).

Victimisation occurs where an employee is subjected to a detriment, such as being denied a training opportunity or a promotion, because they made or supported a complaint or legal proceedings under the Equality Act 2010, or because they are suspected of doing so. An employee is not protected from victimisation if they acted maliciously or made or supported an untrue complaint.

Please contact the HR Team if you need guidance on how any of the above concepts operate.

Public Sector Equality Duties

The general equality duty applies to 'public authorities'. Further advice about who this includes is provided in the next section.

In summary, those subject to the general equality duty must, in the exercise of their functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

These are often referred to as the three aims of the general equality duty.

The Equality Act explains that the second aim (advancing equality of opportunity) involves, in particular, having due regard to the need to:

- Remove or minimise disadvantages suffered by people due to their protected characteristics.
- Take steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people.
- Encourage people with certain protected characteristics to participate in public life or in other activities where their participation is disproportionately low.

It states that meeting different needs includes (among other things) taking steps to take account of disabled people's disabilities.

It describes fostering good relations as tackling prejudice and promoting understanding between people from different groups. It explains that compliance with the general equality duty may involve treating some people more favourably than others.

To comply with the general equality duty, a public authority needs to have due regard to all three of its aims.

Annex Two - Related Sport England Policies

Code of Conduct

Dignity at Work Policy

Family Friendly Policy

Reasonable Adjustments Policy

Disciplinary and Grievance Policies

Mediation Policy

January 2019