



ENGLAND GOLF

EQUALITY & DIVERSITY POLICY

1. INTRODUCTION

- 1.1 England Golf is committed to the principles of equality and diversity throughout its workforce, throughout its membership base, and throughout the sport of golf in England as a whole.
- 1.2 England Golf's aim is to work towards consistently achieving the highest levels of compliance with the UK Equality Standard in force from time to time, and England Golf is dedicated to embedding the principles and culture of the UK Equality Standard throughout the organisation, its member county bodies and affiliated entities.
- 1.3 England Golf 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 participate in golf at all levels and in all roles.
- 1.4 England Golf will embed these values within all areas of its work nationally.
- 1.5 England Golf will not disadvantage any individual by imposing any conditions or requirements which cannot be justified in its relationships with its affiliated clubs, counties, participants, contractors, players, parents, coaches, officials and volunteers and in the provision of its services,.
- 1.7 England Golf is also committed to supporting the rights and interests of those who it employs and details of its commitment to equality matters relating to its staff are set out in the England Golf Employee Handbook.
- 1.8 Through its implementation of this Policy England Golf will;
 - 1.8.1 Lead the development of golf in ways which welcome differences and are accepting and encouraging of diversity, equality and inclusion;
 - 1.8.2 Seek to be recognised as a leader on equality issues; and
 - 1.8.3 Recognise the importance of affording equal opportunity and equal treatment and be committed to challenging discrimination in golf.
- 1.9 This policy will be reviewed at least every 3 years by the Board. The Policy may be amended by the Board at any time and at its sole discretion and such 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 in England;
- 2.1.3 Assist in eliminating discrimination from golf in England, whether based on 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), or sexual orientation; and
- 2.1.4 Promote positive action in favour of under-represented groups in a proportionate and lawful manner.

3. LEGISLATIVE FRAMEWORK

- 3.1 England Golf 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.

4. SCOPE

This Policy shall apply to, and be binding upon England Golf, its board of directors, staff, volunteers, contractors, squad players, agents, and representatives working or acting for or on behalf of England Golf.

5. POLICY IMPLEMENTATION

- 5.1 England Golf will:
- 5.1.1 Be responsible for advocating equality in golf;
 - 5.1.2 Proactively encourage the involvement of all people regardless of background, ability, or any Protected Characteristic, in golf;
 - 5.1.3 Be responsible for promoting this Policy and support the implementation of this Policy or a similar policy to affiliated clubs and facilities, and member county bodies;



- 5.1.4 Produce, review and maintain an Equality & Diversity Action Plan to ensure that the aims and intentions of the Policy are delivered throughout England Golf;
- 5.1.5 Ensure that all tournaments and activities administered by England Golf are carried out in a fair and equitable way (except where specific situations and conditions prevent this, and except where Positive Action is necessary);
- 5.1.6 Monitor and review all England Golf policies and procedures to ensure that they comply with the requirements of this Policy;
- 5.1.7 Strive to ensure that all material prepared, produced and distributed by, or on behalf of, England Golf promotes a clear image of diversity within the sport of golf.
- 5.1.8 Maintain and grow collaboration with partners and other appropriate organisation, as detailed within the Equality & Diversity Action Plan, to ensure fair and consistent treatment of all those involved in golf, and in order to promote equality of opportunities within the sport.
- 5.1.9 Monitor the diversity of its participants, players and volunteers in order to better understand the diversity that currently exists within England Golf. All such monitoring of personal data shall be undertaken in compliance with England Golf's Data Protection Policy and the Data Protection Act 2018.
- 5.1.10 Provide appropriate training and support to all directors, 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 6 of this Policy.
- 5.1.11 Publish this Policy on the England Golf website.

6. KEY CONCEPTS

- 6.1 Direct and indirect discrimination is outlined in **Appendix One**;
- 6.2 Harassment is outlined in **Appendix Two**;
- 6.3 Victimisation is outlined in **Appendix Three**;

7. BREACHES

- 7.1 England Golf 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 on behalf of, or represents England Golf.
- 7.2 Alleged breaches of this Policy shall be dealt with using the appropriate procedure as follows:
 - 7.2.1 Complaints about the actions of England Golf alleging a breach of this Policy will be dealt with under the England Golf Complaints Policy;



- 7.2.2 Complaints about England Golf staff alleging a breach of this Policy will, where appropriate, be dealt with using the procedures set out in the England Golf Employee Handbook;
- 7.2.3 Complaints concerning a Member, Player, Official, Spectator, Volunteer or Contractor from time to time participating in any tournament or other golfing activity promoted or administered by England Golf, being a Participant as defined by the England Golf Disciplinary Regulation, will be dealt with under the England Golf Disciplinary Regulations.
- 7.3 England Golf may refuse to deal with a complaint made in relation to an alleged breach of this Policy if, in its reasonable opinion, the complaint is groundless, vexatious, or made in bad faith.



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 against those with Protected Characteristics, and must make reasonable adjustments to avoid discriminating against those with the Protected Characteristic of Disability within the meaning of the Act. Failure to do so will be considered a breach of this Policy, and may be a breach of the Equality Act 2010,

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.

Since the nature of indirect discrimination is that the discriminatory effect an unexpected or unforeseen effect of a good faith decision, complaints of indirect discrimination should therefore 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 golf club introduces a rule that club competitions can only be played on Saturdays, this rule 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 of the rule 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 will 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.

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.

Examples

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

- Not allowing the use of golf buggies, as this increases the cost of maintaining the course;
- Restricting the number of tee times available to women during peak hours at a golf course;
- 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;
- Disproportionate and public criticism or sanctioning of an individual's behaviour by an organisation for irrelevant or personal reasons.



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 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 protected act;
- Ignoring a person's valid input into the management of a club or county after that person has made a protected act;
De-selecting a player from a squad or team as a result of that person doing a protected act.