



## ASA (Swim England) Equality Policy

### 1. Policy Objectives

- 1.1. The ASA and its subsidiaries are fully committed to the principles and practice of equality of opportunity in all its functions: as an employer, membership organisation, awarding body, in its training and development of teachers and coaches; involvement with officials and administrators; as an advisor to swimming pool designers and operators and as a facilitator of the aquatic disciplines by all its members. It is responsible for ensuring that no job applicant, employee, volunteer, member, service user or person within its jurisdiction (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 under the Equality Act 2010") or any other irrelevant characteristic.
- 1.2. The ASA considers the aquatic disciplines to provide "sport for all". They can and should be made accessible to everyone, to the greatest extent possible.
- 1.3. Within the organisation, The ASA aims to build a culture that values meritocracy, openness, fairness, respect and transparency. This is in keeping with the corporate values of respect and belief, commitment and support, innovation and drive, openness and trust.
- 1.4. To that end, all employees, volunteers, clients, members, suppliers and contractors whether permanent or temporary are responsible for the promotion and advancement of this Equality Policy. The ASA will also encourage partner organisations 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. The ASA 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. 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 swimming's related activities.
- 2.2. The ASA recognises the diversity of provision that is required in order to ensure that all people regardless of their Protected Characteristics or social or economic background can access swimming and develop at a level that is appropriate to them.
- 2.3. The ASA recognises the need to provide different and diverse opportunities as a means of creating entitlement and access.
- 2.4. In addition The ASA recognises that we live in a diverse society and will endeavour to ensure that all Stakeholders are given the same opportunities regardless of their protected characteristics and or socio-economic backgrounds.

- 2.5. Internally, The ASA is fully committed to the elimination of unlawful and unfair discrimination and values the differences that a diverse workforce brings to the organisation. 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 the workforce. The ASA shall also promote dignity in the workplace through its Commitment to Dignity in the Workplace statement, which forms a related but separate policy of The ASA. Other related but separate HR policies shall also be implemented and/or maintained to further the objectives of Equality and Diversity generally.

### **3. Legal Requirements**

- 3.1. The ASA 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 The ASA.

- 3.2. The ASA will seek advice each time this Policy is reviewed to ensure it continues to reflect the current legal framework and good practice.

- 3.3. The ASA recognises the following as being unacceptable:

#### **“Discrimination, harassment, bullying and victimisation”**

- 3.4. Unlawful discrimination which can take the following forms:

3.4.1 *Direct Discrimination:* treating someone less favourably than you would treat others because of a Protected Characteristic.

3.4.2 *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.

3.4.3 *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. The ASA is committed to ensuring that its Stakeholders are able to conduct their activities free from harassment.

3.4.4 *Bullying:* the misuse of power or position to criticise persistently or to humiliate and undermine an individual's confidence.

3.4.5 *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).

- 3.5. The ASA 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.

#### **“Reasonable Adjustments”**

- 3.6. 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.
- 3.7. The ASA recognises that it has a duty to make reasonable adjustments for disabled persons.
- 3.8. The duty to make reasonable adjustments includes the removal, adaptation or alteration of physical features, if the physical features make it impossible or unreasonably difficult for disabled people to make use of services. In addition, when acting as a service provider, The ASA has an obligation to think ahead and address any barriers that may impede disabled people from accessing its service.
- 3.9. The ASA 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.

#### **“Transgender Athletes”**

- 3.10. The ASA considers that the aquatic disciplines are gender affected sports under the Equality Act 2010 and refers any transgender athletes to its policy relating to participation by transgender persons.

### **4. Responsibility, implementation and communication**

- 4.1. The following responsibilities will apply:

- 4.1.1. The Board of The ASA is responsible for ensuring that this Equality Policy is implemented, followed, and reviewed when appropriate. The ASA Board is also responsible for ensuring that this Equality Policy is enforced and any breaches are dealt with appropriately. The Chief Executive has the overall responsibility for the implementation of this Equality Policy.

- 4.1.2. A The ASA Board member will be appointed by Board in consultation with the Chief Executive 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.

- 4.1.3. A member of staff will be designated by the Chief Executive, in conjunction with the Equality Champion, as an officer with responsibility for equality and who shall be known for the purposes of this Policy as “Equality Officer”. The Equality Officer shall work in conjunction with the Equality Champion, 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. An internal cross-departmental equality and diversity group will be created to provide additional support, which shall be chaired by the Equality Officer.

4.1.4. Objectives relating to fair and inclusive practices will be included in all employees' performance indicators and will form an integral part of performance reviews throughout the year. Individual work programmes for The ASA staff will be amended to include equality-related tasks where appropriate.

4.2. This Equality Policy will be implemented as follows:

4.2.1. The ASA will establish an Equality Action Plan which shall include a review of its policies and practices on an ongoing basis, to ensure continuing compliance with relevant legislation, demographics and internal business requirements and where possible good practice;

4.2.2. The ASA will develop and cascade a diversity vision statement;

4.2.3. The ASA will develop and cascade a Commitment to Dignity in the Workplace statement;

The ASA will develop and cascade other applicable policies, procedures and statements required to further this Equality Policy and the objectives of equality and diversity generally; The ASA will also maintain, develop and cascade as appropriate current related policies (including by way of example those listed in the annex to this Policy).

4.2.4. All job packs sent out by The ASA will contain a policy statement similar to the following:

*"The ASA 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 [www.swimming.org](http://www.swimming.org)"*

4.2.5. 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;

4.2.6. Terms and Conditions of service will be regularly reviewed from an equality and diversity perspective;

4.2.7. Consultants and advisers (and where appropriate suppliers) to The ASA will be required to abide by this Equality Policy and it will be referred to in any service level agreements or contracts issued by The ASA;

4.2.8. The ASA Volunteer Policy shall include reference to the Equality Policy and a copy of this Equality Policy shall be provided volunteers;

4.2.9. The ASA will join appropriate organisations in order to network, promote and exchange best practice

The ASA will produce a Best Practice equality policy for all affiliated clubs to adopt, and will remind clubs of their ongoing obligations under the law and under its affiliation to The ASA.

4.3 This Equality Policy will be communicated in the following ways:

- 4.3.1. 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 The ASA;
- 4.3.2. The Policy will be highlighted in all staff and volunteer inductions;
- 4.3.3. A copy of this Equality Policy will be publicly available on the ASA website and copies in other formats will also be available from the ASA Head Office.
- 4.3.4. A copy of this Policy will be contained in the ASA Handbook, where possible;
- 4.3.5. The ASA will promote and deliver continuing Equality and Respect professional development for all employees to support equal opportunities within the organisation;
- 4.3.6. The ASA 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; and
- 4.3.7. The ASA recognises that, in some cases, to further the principle of equality, an unequal distribution of resources may be required. If appropriate and proportionate, and to the extent that is lawful, The ASA 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.
- 4.3.8. The ASA will reference and include a copy of this Policy as part of its contractual agreements with consultants and other service-providers.

## **5. Monitoring and Evaluation**

- 5.1 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.
- 5.2 The Equality Action Plan, created to ensure the objectives of this Equality Policy are delivered, will be reviewed by the Equality Champion regularly. Progress relating to the Policy will be recorded annually and a full report will be presented to the Board to debate progress and review the policy status. This shall include statistical and, if appropriate qualitative, information will be collected. Once approved by the Board, a report will be published internally and externally (with due regard to the sensitivity of the information), to show the impact of this Equality Policy and progress towards achieving the Equality Action Plan.

## **6 Complaints Procedures**

- 6.1 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. In the event that it is a complaint regarding this Policy or another policy of The ASA, the complaint shall be directed to the Board unless otherwise prescribed in that policy.
- 6.2 Where assistance is needed in identifying the appropriate procedure, the Equality Officer may assist in the first instance (without comment on the merits of the complaint).
- 6.3 Appropriate action may be taken against any The ASA Stakeholder who is found to have violated this Equality Policy.

Approved by ASA Board 7<sup>th</sup> May 2011

## **Annex**

### Policies for Staff

- Bullying and Harassment Policy
- Disciplinary Procedures
- Grievance Procedures
- Recruitment and Selection Procedures
- Equal Opportunities Employment Policy
- Retirement Policy
- Adoption Policy
- Maternity Policy
- Paternal Leave Policy
- Paternity Policy
- Time Off for Dependents Policy
- Commitment to Equality in the Workplace Statement
- Appraisal/Work Programmes Policy

### Policies for Volunteers

- Volunteers Policy
- Volunteer Positions Nomination Policy
- Eligibility for Election to Committees

### Policies for Members

- Participation by Transgender Athletes
- Equal Opportunity in Swimming

## The ASA (Swim England's) Commitment to Dignity in the Workplace

### 1. Introduction to the Commitment

- 1.1 The ASA is committed to creating a work-environment free of harassment and bullying, where everyone is treated with dignity and respect.
- 1.2 Harassment in the workplace is unacceptable and may result in application of The ASA's disciplinary procedures. Furthermore, some harassment may constitute unlawful discrimination and/or be a criminal offence and therefore result in external action being taken against an individual.
- 1.3 The ASA has implemented an Equality Policy and this Commitment supplements that policy, albeit it also represents a stand-alone policy too.

### 2. What is Bullying and Harassment?

- 2.1 **Bullying** is offensive, intimidating, malicious or insulting behaviour, and/or an abuse or misuse of power that is meant to undermine, humiliate or injure the person on the receiving end. Examples of bullying would include picking on someone or setting him/her up to fail or making threats or comments about someone's job security without good reason.
- 2.2 **Harassment** is unwanted conduct related to relevant protected characteristics, which are sex, gender reassignment, race (which includes colour, nationality and ethnic or national origins), disability, sexual orientation, religion or belief and age, that:
  - has the purpose of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person; or
  - is reasonably considered by that person to have the effect of violating his/her dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for him/her, even if this effect was not intended by the person responsible for the conduct.
- 2.3 Examples of harassment would include: physical conduct ranging from unwelcome touching to serious assault; unwelcome sexual advances; demeaning comments about a person's appearance; unwelcome jokes or comments of a sexual or racial nature or about an individual's age; excluding an individual because he/she is associated or connected with someone with a protected characteristic, e.g. his/her child is gay, spouse is black or parent is disabled; repeated name calling related to an individual's religion or belief, ignoring an individual because he/she is perceived to have a protected characteristic (whether or not he/she does, in fact, have that protected characteristic), e.g. an employee is thought to be Jewish, or is perceived to be a transsexual; the use of obscene gestures; and the open display of pictures or objects with sexual or racial overtones, even if not directed at any particular person, e.g. magazines, calendars or pin-ups.
- 2.4 Conduct may be harassment whether or not the person behaving in that way intends to offend. Something intended as a "joke" may offend another person. Everyone has the right to decide what behaviour is acceptable to him/her and to



have his/her feelings respected by others. Behaviour that any reasonable person would realise would be likely to offend will be harassment without the recipient having to make it clear in advance that behaviour of that type is not acceptable to him/her, e.g. sexual touching. It may not be so clear in advance that some other forms of behaviour would be unwelcome to, or could offend, a particular person, e.g. certain "banter", flirting or asking someone for a private drink after work. In these cases, first-time conduct that unintentionally causes offence will not be harassment but it will become harassment if the conduct continues after the recipient has made it clear, by words or conduct, that such behaviour is unacceptable to him/her.

- 2.5 A single incident can be harassment if it is sufficiently serious.
- 2.6 If you think you are being bullied or harassed, you may be able to sort out matters informally. The person may not know that his or her behaviour is unwelcome or upsetting. You may feel able to approach the person yourself, or with the help of someone else at The ASA. You should tell the person what behaviour you find offensive and unwelcome, and say that you would like it to stop immediately.
- 2.7 If an informal approach does not resolve matters, or you think the situation is too serious to be dealt with informally, you can make a formal complaint by using The ASA's bullying and harassment procedure.
- 2.8 The ASA will treat complaints of bullying and harassment sensitively and maintain confidentiality to the maximum extent possible.
- 2.9 You have a right not to be victimised for making a complaint in good faith, even if the complaint is not upheld. However, making a complaint that you know to be untrue may lead to disciplinary action being taken against you.

### **3. Responsibilities**

- 3.1 Every member of the The ASA workforce is required to assist The ASA to meet its commitment under the Equality Policy which includes providing equal opportunities in employment and avoid unlawful discrimination.
- 3.2 Individuals can be held personally liable as well as, or instead of, The ASA, for any act of unlawful discrimination. Persons who commit serious acts of harassment may also be guilty of a criminal offence.
- 3.3 Acts of discrimination, harassment, bullying or victimisation against employees or other Stakeholders are disciplinary offences and will be dealt with under The ASA's disciplinary procedure. Conduct of this type will often be gross misconduct which may lead to dismissal without notice.

Approved by ASA Board 7<sup>th</sup> May 2011