



3<sup>rd</sup> June 2023

## **EQUALITY, DIVERSITY & INCLUSION POLICY 2023**

### **1. STATEMENT OF INTENT**

1.1 Etchinghill Golf Trust Golf believes 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 Etchinghill Golf Trust is committed to the principles of equality and diversity throughout its paid and volunteer workforce, throughout its membership base and any others with whom the Etchinghill Golf Trust engages.

1.3 The Etchinghill Golf Trust is a club that represents golf as a whole.

1.4 The Etchinghill Golf Trust considers that everyone should play their part in making golf inclusive and aims to ensure that all people, irrespective of background or Protected Characteristics, have a genuine opportunity to engage with golf. We will not disadvantage any individual by imposing conditions or requirements which cannot be justified.

### **2. WHO DOES THIS POLICY APPLY TO?**

2.1 This Policy shall apply to, and be binding upon The Etchinghill Golf Trust, its owners, staff, volunteers, coaches, contractors, squad players, agents, and representatives working, holding office or acting for or on behalf of The Etchinghill Golf Trust.

2.2 As an organisation, the Etchinghill Golf Trust also requires that all its members to commit to the principles set out in this policy.

### **3. OTHER IMPORTANT DOCUMENTS**

This policy works with other documents adopted by the Etchinghill Golf Trust, in particular:

- Disciplinary Regulations which may be used to deal with alleged breaches of this policy.
- Safeguarding Children and Young People Policy, and Safeguarding Adults Policy,

which will be followed in respect of any matters which give rise to a safeguarding concern.

- Etchinghill Golf Trust Golf Employee handbook and contracts of employment which relate to the relationship between the Etchinghill Golf Trust and those it employs and the recruitment process.
- Codes of Conduct and social contract which set out the standards of behaviour and conduct expected from those who are attending Etchinghill Golf Trust events, representing, working for or otherwise engaging with the Etchinghill Golf Trust in some capacity.
- Data Protection Policy which sets out how we will handle personal data, including data collected to monitor diversity in line with this Policy.
- Complaints Policy which may be used to deal with concerns raised about the actions of the Etchinghill Golf Trust.

#### **4. 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 Etchinghill Golf Trust.
2. Encourage the involvement of all those who wish to be involved in golf regardless of background, ability, or any Protected Characteristic.
3. Ensure that all competitions, events and activities are administered by the Etchinghill Golf Trust 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 Etchinghill Golf Trust policies, procedures and regulations to ensure that they are consistent with the requirements of this policy.
5. Where practical we will take steps to monitor the diversity of the Etchinghill Golf Trust's members, participants, players, volunteers and others that we may engage with in order to measure and assess the impact of this policy
6. Provide appropriate training and support to staff, volunteers, officials and others.
7. Make reasonable adjustments for those with a disability.
8. Publish this policy on the Etchinghill Golf Trust website.

## **B.WHAT WE WON'T 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 – see section 7.C below).
3. Subject anyone to harassment in relation to a Protected Characteristic.

## **5. REPORTING PROCEDURES**

If you are concerned about the behaviour or conduct of someone at a Etchinghill Golf Trust event, someone representing the Etchinghill Golf Trust, or any other breach of this policy:

5.1 please report the matter to the Etchinghill Golf Trust secretary via [secretary@Etchinghill Golf Trustgolf.co.uk](mailto:secretary@Etchinghill Golf Trustgolf.co.uk),

giving as much detail as possible.

5.2 If the matter is reported verbally, and you are able, please follow the verbal report in writing as soon as possible.

5.3 The Etchinghill Golf Trust will consider the appropriate way to deal with the matter, which may include referring the matter to and/or seeking guidance from England Golf.

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

6.1 When we receive a report or a concern that relates to this policy we will ask a member of staff of Etchinghill Golf Trust Golf to consider the matter initially. This will usually be the Director of Golf but there may be circumstances in which another person is asked.

They will consider the appropriate next steps, which may include the following:

- a. seeking further information in relation to 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.

6.2 The Etchinghill Golf Trust 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.

## **7. KEY CONCEPTS, DEFINITIONS AND EXAMPLES**

### **A. 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. 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 Etchinghill Golf Trust member of staff or golfer 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 is 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 Etchinghill Golf Trust organisation introduces a rule that Etchinghill Golf Trust 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 Etchinghill Golf Trust, 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 of Disability.

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, and 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.

### **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.

### **B. 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 is 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 competition;
- Disproportionate and public criticism or sanctioning of an individual's behaviour by an organisation for irrelevant or personal reasons.

#### C. 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 Etchinghill Golf Trust 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.

## **8. Further guidance and support**

You can find further information from the following sources:

- England Golf ED&I pages on website
- England Golf Equality Guidance
- [equalityhumanrights.com/en](https://equalityhumanrights.com/en)