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## EQUAL OPPORTUNITIES POLICY

### 1.1. Introduction

This Equal Opportunities Policy has been developed to support the work and direction of the Core Team to ensure equality best practice throughout Active Lancashire. Additionally, this policy is a point of reference for the Active Lancashire Board and organisations that are supported by Active Lancashire across the 14 District areas of Lancashire, who deliver programmes of activity through paid and unpaid staff.

The policy has been developed with direct input of the Active Lancashire Board, consultation with the Active Lancashire Core Team and support from national guidance and regional partners. The Active Lancashire Board has taken overall responsibility to approve the policy and review it as part of the business annual review and three-year strategy development process.

### 1.2. Statement of intent

Active Lancashire declares its ongoing commitment to a policy of equal opportunity and equality in all sports and physical activity and to avoid unlawful discrimination as a development organisation and as an employer. Active Lancashire is committed to the 'Sport England Sport Equality Scheme' (2012).

Sport England's definition of Sports Equality:

"Sports equality is about fairness in sport, equality of access, recognising inequalities and taking steps to address them. It is about changing the culture and structure of sport to ensure that it becomes equally accessible to everyone in society."

Active Lancashire's commitment to equality continues to be implemented through the creation of wider opportunities and encouraging increased participation in sport and physical activity for everyone at all levels and in all roles, irrespective of any of the protected characteristics (see 'The law').

Striving to ensure that that the work environment is free of harassment and bullying and that everyone is treated with dignity and respect is an important aspect of ensuring equal opportunities in employment. Active Lancashire has a separate Dignity at Work Policy which deals with these issues.

### 1.3. Purpose and aim

This policy is intended to prevent and address any potential or ongoing discrimination, whether intentional or unintentional, direct or indirect against its job applicants, employees, workers, volunteers, participants or members of Active Lancashire. The

successful implementation of the policy will support Active Lancashire's aim to lead by influence and support its employees to ensure equality of access for any person who wants to participate in sport and physical activity.

#### 1.4. Key objectives

The key objectives are:

- To develop and influence partners, including member clubs, affiliated associations, suppliers and sponsors to ensure their commitment to the principles and practices set out in this policy, with the aim of supporting access to sport and physical activity for all participants and volunteers involved with the delivery of programmes;
- To promote enhanced training and awareness of the policies and procedures as part of the effective implementation of equality across Active Lancashire;
- Development and promotion of good practices to ensure equality is consistently delivered to the desired standard of the Active Lancashire Board and partners; and
- Promote the monitoring and evaluation of the effective implementation of equality and associated policies across Active Lancashire.

#### 1.5. The law

Under the Equality Act 2010, it is unlawful to discriminate directly or indirectly in recruitment or employment because of age, disability, sex, gender reassignment, pregnancy, maternity, race (which includes colour, nationality and ethnic or national origins), sexual orientation, religion or belief, or because someone is married or in a civil partnership. These are known as protected characteristics.

Discrimination after employment may also be unlawful, e.g. refusing to give a reference for a reason related to one of the protected characteristics.

The Active Lancashire Board, Core Team and volunteers of Active Lancashire should take care not to discriminate against or harass any member of the public in the provision of its services or facilities. Active Lancashire must ensure reasonable adjustments are made to overcome barriers to using its services caused by disability. Reasonable adjustments include the removal, adaptation or alteration of physical features, if the physical features make it (or may make it) impossible or unreasonably difficult for disabled people to make use of the services.

##### 1.5.1. Types of unlawful discrimination

Active Lancashire recognises that unlawful discrimination can take a variety of forms:

- **Direct Discrimination:** is where a person is treated less favourably than another because of a protected characteristic.

- **Indirect Discrimination:** occurs when a provision, criterion or practice is applied equally to all, which has a discriminatory effect in relation to individuals who have a relevant protected characteristic, because fewer individuals can comply with it and the requirement cannot be justified as a proportionate means of achieving a legitimate aim. When decisions are made about an individual, the only personal characteristics taken into account will be those which, as well as being consistent with relevant legislation, are necessary to the proper performance of the work involved.
- **Harassment:** is where there is unwanted conduct related to one of the protected characteristics (other than marriage and civil partnership, and pregnancy and maternity) that has the purpose or effect of violating a person's dignity; or creating an intimidating, hostile, degrading, humiliating or offensive environment. It does not matter whether or not this effect was intended by the person responsible for the conduct.
- **Associative discrimination:** is where an individual is directly discriminated against or harassed for association with another individual who has a protected characteristic (apart from harassment because of marriage or civil partnership, and pregnancy and maternity).
- **Perceptive discrimination:** is where an individual is directly discriminated against or harassed based on a perception that he or she has a particular protected characteristic when he or she does not, in fact, have that protected characteristic (apart from marriage and civil partnership, and pregnancy and maternity).
- **Third-party harassment:** occurs where an employee is harassed and the harassment is related to a protected characteristic (other than marriage and civil partnership, and pregnancy and maternity), by third parties. For Active Lancashire to be liable:
  - The harassment must have occurred on at least two previous occasions (although not necessarily by the same harasser or suffering the same type of harassment);
  - It must be aware that the previous harassment has taken place; and
  - It must have failed to take reasonable steps to prevent harassment from happening again.
- **Victimisation:** is defined as when an individual is subjected to detriment because he or she has supported a complaint or raised a grievance under the Equality Act 2010, or because he or she is suspected of doing so. However, an employee is not protected from victimisation if he or she acted maliciously or made or supported an untrue complaint. There is no longer a need for a complainant to compare his or her treatment with someone who has not made or supported a complaint under the Equality Act 2010.

Active Lancashire may regard acts of discrimination, harassment or victimisation, as described above, to be sufficiently serious enough to warrant summary dismissal for gross misconduct and any employee, volunteer or member who discriminates against, harasses or victimises any other person will be liable to appropriate disciplinary action.

## **1.6. Equal opportunities in employment**

Active Lancashire will avoid unlawful discrimination in all aspects of employment including recruitment, promotion, opportunities for secondments, opportunities for training, pay and benefits, discipline and selection for redundancy.

Job Descriptions and Person Specifications will be limited to those requirements that are necessary for the effective performance of the job. Candidates for employment, promotion or secondment will be assessed objectively against the requirements for the job, taking account of any reasonable adjustments that may be required for candidates with a disability.

Active Lancashire will consider any possible indirectly discriminatory effect of its standard working practices, including the number of hours to be worked, the times at which these are to be worked and the place at which work is to be done, when considering requests for variations to these standard working practices and will refuse such requests only if Active Lancashire considers it has good reasons, unrelated to any protected characteristic, for doing so. Active Lancashire will also comply with its obligation in relation to considering statutory requests for flexible working arrangements; details of which can be found within the Flexible Working Request Policy and Procedure. It will also make reasonable adjustments to its standard working practices to overcome barriers caused by disability.

## **1.7. Training**

Active Lancashire will offer training in equal opportunities to managers and members of the Core Team likely to be involved in recruitment or other decision making where equal opportunities issues are likely to arise.

Active Lancashire will also provide training to all existing and new employees and others engaged to work at Active Lancashire including volunteers, to help them understand their rights and responsibilities under the Dignity at Work Policy and what they can do to help create a working environment free of bullying and harassment. Active Lancashire will provide additional training to managers to enable them to deal more effectively with complaints of bullying and harassment.

## **1.8. Leadership, co-ordination, monitoring and evaluation**

The lead officer for equality is the Chief Executive. The Active Lancashire Board is responsible for ensuring that this policy is implemented, followed, enforced and consequently any breaches dealt with in an appropriate manner.

Employees must take responsibility for ensuring their own equality best practice. All those who engage in the provision of sports activities will be supported to manage and deliver high quality equality practices. This policy will be communicated to all employees and volunteers via the induction process upon joining Active Lancashire.

Consultants and advisors (and where appropriate suppliers) to Active Lancashire will be required to abide by this policy and it will be referred to in any service level agreements or contracts issued by Active Lancashire.

The Core Team will monitor the ethnic, gender and age composition of the existing workforce and of applicants for jobs (including those considered for promotion and secondments), as well as the number of people with disabilities within these groups i.e. through programs such as 'Sportivate', which aims to assess the diversity amongst participants across a wide range of activity programs. Appropriate action will be considered to address any problems that may be identified as a result of the monitoring process. Furthermore, if appropriate and proportionate, Active Lancashire will consider positive action or may introduce special measures to assist any group with a protected characteristic who are currently underrepresented.

As part of the monitoring process, statistical and if appropriate, qualitative information will be collected on an annual basis and a report will be produced by the Chief Executive. Once approved by the Active Lancashire Board, the report will be published to demonstrate the impact of this policy and any other equality action plans in place from time to time.

Information provided by job applicants and employees for monitoring purposes will be used only for these purposes and will be dealt with in accordance with the Data Protection Act 2018.

Reporting systems will be continually reviewed to ensure that data collected can be best utilised to influence proactive and policy improvements.

It is proposed that this policy is reviewed and updated where appropriate by the Active Lancashire Board annually as part of the business planning process to ensure it continues to reflect the current legal framework and good practice.

### **1.9. Core Team**

Active Lancashire, through its Active Lancashire Board will continue to ensure all present, potential and future employees receive fair and equal treatment through its personnel policies and practices.

Active Lancashire will ensure that in the provision and delivery of services and activities, individuals will not be disadvantaged through the imposition of conditions and/or requirements which are barriers to participation.

Additionally, Active Lancashire (both the Active Lancashire Board and Core Team) commit to:

- Increasing awareness of equality in employment across Active Lancashire by, for example, offering training opportunities and demonstrating a balanced representation of participants through the display of visual images etc.
- Being advised by the local, regional and national Sport Equality Partners on improvements in practice;
- Promoting inclusive behaviour and best practice;
- Ensuring representation of priority groups on the Active Lancashire Board and networks;
- Promoting an understanding of the current and potential service user profile to Active Lancashire;
- Influencing best use of resources to address inequalities in participation and provision;
- Promoting innovative schemes to encourage priority groups into sport;
- Promoting the use of monitoring and evaluation to increase the participation of the priority groups;
- Securing and committing resources to achieving equality in service planning and delivery; and
- Supporting the legal responsibilities placed on Active Lancashire.

#### **1.10. Your responsibilities**

Every employee is required to assist Active Lancashire to meet its commitment to provide equal opportunities in employment and the provision of its services and to avoid unlawful discrimination.

Employees can be held personally liable as well as, or instead of, Active Lancashire for any act of unlawful discrimination. Employees who commit serious acts of harassment may be guilty of a criminal offence.

Acts of discrimination, harassment, bullying or victimisation against employees or customers are disciplinary offences and will be dealt with under Active Lancashire's Disciplinary Procedure. Discrimination, harassment, bullying or victimisation may constitute gross misconduct and could lead to summary dismissal i.e. without notice.

Active Lancashire Board members are subject to the guidelines set out in the Role Outline and Expectations documentation agreed by the Active Lancashire Board. Volunteers are subject to the Terms and Conditions of the Local Delivery Partner. Active Lancashire has a Service Level Agreement with all local delivery Partners outlining their contractual responsibilities to and for volunteers supporting activity under the umbrella of the wider organisation.

### **1.11. Grievances**

Where queries or complaints are raised about the Core Team, the Organisations activity or Active Lancashire Board members, they should be directed in the first instance to the Chief Executive.

Queries raised about the Chief Executive should be directed to the Chair of the Active Lancashire Board.

Active Lancashire will take any complaint seriously and will seek to resolve any grievance that it upholds. Any individual raising a grievance will not be penalised, even if it is not upheld, unless the complaint is both untrue and/or made in bad faith.

### **1.12. Data protection**

Active Lancashire will ensure that individuals' personal data, is handled in accordance with its data protection policy / policy on processing special categories of personal data. Any breach of confidentiality will be treated very seriously and dealt with under Active Lancashire's disciplinary procedure.

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