

Your Sport London Ltd by the PE Specialists  
**Equality, Diversity & Inclusion Policy and Procedure**

Issue: 5

Policy: HR – PES0025 - Policy & Procedure

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**EQUALITY, DIVERSITY & INCLUSION  
POLICY AND PROCEDURE**

<b>Ratification Date</b>	<b>July 2020</b>
<b>Review Date</b>	<b>July 2023</b>
<b>Next Review Date</b>	<b>July 2024</b>
<b>Author</b>	<b>Director of Quality &amp; Governance</b>
<b>Authorised By</b>	<b>Chief Executive</b>
<b>Distribution</b>	<b>All Staff</b>
<b>Available to</b>	<b>All Staff</b>

A handwritten signature in black ink, appearing to read 'D' or 'David'.

Signed .....  
July 2023  
Signature Dated .....

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### Change Control

Document Number	HR – PES0025 – Policy & Procedure
Document	Equality, Diversity & Inclusion Policy and Procedure
Version	5
Owner	HR Manager
Distribution List	All Staff
Issue Date	July 2020
Next Review Date	July 2024
File Reference	HR – PES0025 – Policy & Procedure
Impact Assessment	Positive Impact
Author	Director of Quality and Governance

### Document History

Date	Change	Authorised by
July 2020	Approved and implemented	SMT
July 2020	Review and amended	LB
July 2021	Reviewed and amended	LB
July 2022	Reviewed and amended	LB
July 2023	Reviewed and amended	LB

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## 1. Purpose

- 1.1 Your Sport London Ltd by the PE Specialists (PES) believes that all workers should be treated fairly and equally and with dignity and respect regardless of:
  - Gender
  - Marital status (including civil partner status)
  - Age
  - Race (includes ethnic or national origin or nationality within the constraints of the Civil Service Nationality Rules)
  - Disability
  - Responsibility for dependants
  - Religion or belief (actual or perceived)
  - Sexual orientation (actual or perceived)
  - Transgender status
  - Pregnancy
  - Political beliefs
  - Trade union activities
  - Working patterns
  - Contract status.
- 1.2 It is the Company's policy to apply this principle in relation to recruitment and selection, promotion, training, conditions of work, conditions of service (including pay and benefits) and to every other aspect of employment, including general treatment at work and the processes involved in the termination of employment.
- 1.3 It is also the Company's policy to ensure that employees understand the behaviours that they are expected to always demonstrate to colleagues; patients; stakeholders and any other person or groups with whom they come into contact during their work.
- 1.4 Behaviour amounting to bullying or harassment will be dealt with under the Disciplinary Policy.
- 1.5 Employees are expected to behave in a way that promotes fairness, equality, and dignity at work. This involves considering what behaviours are appropriate for the person they are with and recognising that what is acceptable or tolerable to one person may be regarded as unacceptable by another.
- 1.6 Employees are also expected to understand and adhere to the standards of behaviours outlined in the values and behaviour framework.

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## 2. Aims

The aims of this Policy are:

- 2.1 To provide equality and diversity training to all employees.
- 2.2 To provide a working environment free from discrimination, bullying and harassment.
- 2.3 To provide a framework that ensures that all employees understand what the expected standards of behaviour are.
- 2.4 To ensure that only job-related and non-discriminatory criteria are used in management decisions.
- 2.5 To make reasonable adjustments to the work for disabled employees where possible and appropriate to do so.

## 3. Roles and Responsibilities

### 3.1 Manager Responsibilities

- 3.1.1 To act as a role model to all staff by ensuring that everyone is always treated with respect and dignity .
- 3.1.2 To ensure no one takes decisions and actions based on:
  - Gender
  - Marital status (including civil partner status)
  - Age
  - Race (includes ethnic or national origin or nationality within the constraints of the Civil Service Nationality Rules)
  - Disability
  - Responsibility for dependants
  - Religion or belief (actual or perceived)
  - Sexual orientation (actual or perceived)
  - Transgender status
  - Pregnancy
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  - Contract status.

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- 3.1.3 To act in ways that respect individual differences.
- 3.1.4 To discuss any concerns with the HR Department.
- 3.1.5 To address any acts of unlawful discrimination, bullying and harassment promptly.

### **3.2 Individual Employee Responsibilities**

- 3.2.1 To treat everyone that they deal with in a manner that promotes dignity and respect.
- 3.2.2 To familiarise themselves with the Company Framework which outlines expected behaviour and explains the type of behaviour that could be harassment or unacceptable.
- 3.2.3 To be sensitive to the effects their words and actions may have on colleagues and members of the public and to ensure that their attitudes towards others carry no trace of unlawful discrimination which can affect relationships, behaviour, or judgement.

### **3.3 Legal Liability**

- 3.3.1 Managers and employees are personally legally liable, as individuals, if in the course of employment, they:
  - Commit an act of unlawful discrimination.
  - Induce or attempt to induce another person to commit an act of unlawful discrimination.
  - Help someone else to commit an act of unlawful discrimination.
  - Victimise a person for asserting or seeking to assert their legal rights either because they believe, or it has been proven, that they have been discriminated against.

### **3.4 HR Responsibilities**

- 3.4.1 To advise Managers on the appropriate courses of action.
- 3.4.2 To oversee a consistency in approach and fairness in treatment of staff across the Company.
- 3.4.3 To ensure any advice given to managers is provided in a consistent manner, to help safeguard the Company's legal obligations.

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3.4.4 To collect data on age, gender, ethnic origin, sexual orientation, marital and civil partnership status, religion, and disability of staff, in respect of applicants for jobs and for cases of discipline, grievance and underperformance.

3.4.5 To collate information on equal opportunity issues so that management can take appropriate action by adjusting policies or providing further guidance to staff and managers.

#### **4. What is Discrimination?**

4.1 It is unlawful to discriminate against employees because of any of the protected characteristics identified in the Equality Act 2010.

The protected characteristics are:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or Belief
- Sex
- Sexual orientation.

4.2 Workers also have the right not to be subjected to any detriment or dismissal on grounds of any Union membership or fixed term or part time status.

4.3 All workers (irrespective of their employment status) and job applicants are protected by law against discrimination during their employment.

#### **4.4 Direct Discrimination**

4.4.1 Direct discrimination happens when an employer treats an employee less favourably than someone else because of one of the above protected characteristics.

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#### **4.5 Discrimination by Perception**

- 4.5.1 Direct discrimination will also be unlawful if it is based on a mistaken perception that the victim possesses a particular protected characteristic.
- 4.5.2 There is an exception in respect of marital status and civil partnership status where an individual can only complain about discriminatory treatment on grounds that he or she is married or a civil partner and not on the grounds of a mistaken perception about his or her marital or civil partnership status.

#### **4.6 Discrimination by Association**

- 4.6.1 It is also unlawful to discriminate against an individual because he or she “associates with” someone with a particular protected characteristic (marital and civil partnership status are excluded from this provision).

#### **4.7 Indirect Discrimination**

- 4.7.1 Indirect discrimination occurs where an apparently neutral provision, criterion or practice is applied equally to a group of workers (including those from a protected group) but which puts the protected group at a disadvantage.
- 4.7.2 A particular individual from the protected group is then at a disadvantage because proportionately the protected group will find it harder to meet the provision, criterion, or practice than other groups. However, indirect discrimination can be objectively justified.
- 4.7.3 For example, requiring all employees to have full driving licences could be indirectly discriminatory for people who are unable to drive because of a disability (the protected group). If the role did not require regular use of a car, or the tasks requiring driving ability could be performed in another way, the criteria would be unlawful indirect discrimination unless objectively justified for another reason.

### **5. Victimisation**

- 5.1 Victimisation is defined as treating someone less favourably because they have, in good faith, complained or intend to complain about discrimination or because they have given evidence in relation to another person's complaint.
- 5.2 An employee, acting in good faith, i.e., they have a genuine belief they have been discriminated against, must not be disciplined, dismissed, or suffer reprisals (victimisation) from colleagues, for complaining or doing anything in relation to a complaint about discrimination at work.
- 5.3 However, if a complaint is made or evidence given which the employee knew to be untrue, this may lead to disciplinary action.

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## 6. Harassment

6.1 Harassment is unwanted conduct which:

- 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 or her dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for him or her, even if the person responsible for the conduct did not intend this effect.

6.2 Harassment is unlawful and applies to all the protected characteristics except marital and civil partnership status and pregnancy/maternity.

6.3 Conduct may be harassment regardless of whether it was intended to offend – different people find different things acceptable.

6.4 Conduct is likely to be harassment if a reasonable person would know the conduct would be likely to offend – it is not necessary for the recipient to make it clear in advance that the conduct is not acceptable to them, e.g., sexual touching.

6.5 It may not be so clear in advance that some other forms of behaviour would be unwelcome or offensive. First-time conduct that unintentionally causes offence may not be harassment, but if the conduct continues after the recipient has made it clear that the behaviour is unacceptable, it will become harassment. Harassment does not include legitimate constructive criticism of an employee's conduct or performance.

6.6 Harassment may take place face to face, through written communications or emails, by telephone or through behaviour. A single incident can be harassment if it is sufficiently serious.

## 7. Bullying

7.1 Bullying is offensive, intimidating, malicious or insulting behaviour which, through the abuse or misuse of power, makes the recipient feel vulnerable, upset, humiliated, and threatened. Power includes both personal strength and the power to coerce others through fear or intimidation. Bullying is often a form of harassment and can undermine an individual's self-confidence, competence, and self-esteem. As with harassment, bullying can take the form of physical, verbal, and non-verbal conduct.

7.2 Legitimate and constructive criticism of a worker's performance or behaviour or reasonable requests made of workers in the course of their employment will not constitute bullying.

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**8. What should Managers do if an employee believes that they are being subjected to discriminatory behaviour?**

- 8.1 Where appropriate, every attempt should be made to resolve the matter informally, however, the Company recognises that this is not always possible or appropriate.
- 8.2 If the employee believes that the matter cannot be resolved informally, their manager must refer them to the Grievance Policy and Procedure, seeking the support of the HR Department as may be necessary.
- 8.3 If the actions and behaviours relate to the actions/omissions of their manager, the employee should be referred to the HR Department to discuss the issue.

**9. What should Managers do if they believe an employee has failed to observe the Equality and Diversity Policy?**

- 9.1 Where appropriate, every attempt should be made to resolve the matter informally, however, the Company recognises that this is not always possible or appropriate.
- 9.2 If the Manager believes that the employee has failed to observe the Equality and Diversity Policy and the Company's behaviour framework, they should discuss this with their next level Manager and the HR Department and decide what level of disciplinary action should be taken, if any.

**10. Dealing with discrimination (including harassment) and bullying by a third party**

- 10.1 If a supplier, member of the public or any other third party fails to observe the Equality and Diversity Policy including harassment or bullying, the worker should report the incident to their manager immediately.
- 10.2 If appropriate, this should be followed up by completing and sending an Incident Report Form to the HR Department within 5 calendar days.
- 10.3 On receipt of this form, the HR Department and the Manager will consider whether any further action needs to be taken.
- 10.4 For more information, please refer to the Company's Bullying and Harassment Policy.

**11. Policy Review**

This Policy will be reviewed annually, or more frequently if required by changes in legislation or another relevant statute.

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## 12. Source

In compiling this Policy, reference has been made to the following source: -

12.1 Equality Act 2010

### Equality Impact Assessment Tool

To be completed and attached to any procedural document when submitted to the appropriate committee for consideration and approval.

		Yes/No	Comments
1.	<b>Does the policy/guidance affect one group less or more favourably than another based on:</b>		
	Race	No	
	Ethnic origins (including gypsies and travellers)	No	
	Nationality	No	
	Gender	No	
	Culture	No	
	Religion or belief	No	
	Sexual orientation including lesbian, gay, and bisexual people	No	
	Age	No	
	Disability - learning disabilities, physical disability, sensory impairment, and mental health problems	No	
2.	<b>Is there any evidence that some groups are affected differently?</b>	No	
3.	<b>If you have identified potential discrimination, are any exceptions valid, legal and/or justifiable?</b>	No	
4.	<b>Is the impact of the policy/guidance likely to be negative?</b>	No	
5.	<b>If so, can the impact be avoided?</b>	N/A	
6.	<b>What alternatives are there to achieving the policy/guidance without the impact?</b>	N/A	

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		Yes/No	Comments
7.	<b>Can we reduce the impact by taking different action?</b>	N/A	

If you have identified a potential discriminatory impact of this procedural document, please refer it to Director of Quality and Governance, together with any suggestions as to the action required to avoid/reduce this impact.

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To be completed and attached to any document which guides practice when submitted to the appropriate committee for consideration and approval.

	<b>Title of document being reviewed:</b>	<b>Yes/No/ Unsure</b>	<b>Comments</b>
<b>1.</b>	<b>Title</b>		
	Is the title clear and unambiguous?	Yes	
	Is it clear whether the document is a guideline, policy, protocol or standard?	Yes	
<b>2.</b>	<b>Rationale</b>		
	Are reasons for development of the document stated?	Yes	
<b>3.</b>	<b>Development Process</b>		
	Is the method described in brief?		
	Are people involved in the development identified?	Yes	
	Do you feel a reasonable attempt has been made to ensure relevant expertise has been used?	Yes	
	Is there evidence of consultation with stakeholders and users?	Yes	
<b>4.</b>	<b>Content</b>		
	Is the objective of the document clear?	Yes	
	Is the target population clear and unambiguous?	Yes	
	Are the intended outcomes described?	Yes	
	Are the statements clear and unambiguous?	Yes	
<b>5.</b>	<b>Evidence Base</b>		
	Is the type of evidence to support the document identified explicitly?	Yes	
	Are key references cited?	Yes	
	Are the references cited in full?	Yes	
	Are supporting documents referenced?	Yes	
<b>6.</b>	<b>Approval</b>		

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	<b>Title of document being reviewed:</b>	<b>Yes/No/ Unsure</b>	<b>Comments</b>
	Does the document identify which committee/group will approve it?	Yes	
	If appropriate have the joint Human Resources/staff side committee (or equivalent) approved the document?	Yes	
<b>7. Dissemination and Implementation</b>			
	Is there an outline/plan to identify how this will be done?	Yes	Email staff
	Does the plan include the necessary training/support to ensure compliance?	Yes	
<b>8. Document Control</b>			
	Does the document identify where it will be held?	Yes	
	Have archiving arrangements for superseded documents been addressed?	Yes	Archived in folder store on server
<b>9. Process to Monitor Compliance and Effectiveness</b>			
	Are there measurable standards or KPIs to support the monitoring of compliance with and effectiveness of the document?	Yes	
	Is there a plan to review or audit compliance with the document?	Yes	Internal auditor
<b>10. Review Date</b>			
	Is the review date identified?	Yes	
	Is the frequency of review identified? If so, is it acceptable?	Yes	
<b>11. Overall Responsibility for the Document</b>			
	Is it clear who will be responsible for co-ordinating the dissemination, implementation, and review of the document?	Yes	

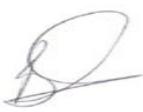
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**Individual Approval**

If you are happy to approve this document, please sign and date it and forward to the Chief Executive Officer where it will receive final approval.

Name	Brian Wren	Date	July 2023
Signature			

**SMT Approval**

If the SMT is happy to approve this document, please sign and date it and forward copies to the person with responsibility for disseminating and implementing the document and the person who is responsible for maintaining the organisation's database of approved documents.

Name	Lee Barham	Date	July 2023
Signature			