

# Equality and Diversity Policy

The Institute of Swimming is firmly committed to the principles and practice of equality, diversity and inclusion in all its functions. It is responsible for ensuring that all job applicants, employees, volunteers, members, learners, apprentices or other persons within its workforce or using its services (together "stakeholders") are afforded dignity and respect and in no circumstances subject to unlawful discrimination. It shall strive to positively promote equality of opportunity for all.

## 1. Policy Aims and Objectives

- 1.1. The Institute of Swimming 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.
- 1.2. The Institute of Swimming aims to build a positive, inclusive culture with a shared commitment to dignity. The Institute of Swimming 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 Institute of Swimming. Other related but separate People Development policies shall also be implemented and/or maintained to further the objectives of Equality and Diversity generally.
- 1.3. Further, the Institute of Swimming recognises the external legal obligations and requirements of:
  - 1.3.1. The Equality Act 2010 and any equivalent legislation (as may be amended) that may be relevant to the Institute of Swimming;
  - 1.3.2. The Education & Skills Funding Agency Equality of Opportunity Terms for apprenticeships (as may be applicable);
- 1.4. In particular, this shall mean that the Institute of Swimming specifically works to:
  - 1.4.1. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010 (as may be amended).
  - 1.4.2. Advance equality of opportunity between people who share a protected characteristic and those who do not.
  - 1.4.3. Foster good relations between people who share a protected characteristic and those who do not.

## 2. Scope

2.1. This Equality and Diversity Policy ("this Policy") is applicable to all stakeholders of the Institute of Swimming, including third party contractors.

## 3. Legal Framework

3.1. The protected characteristics referenced in this Policy mean those in the Equality Act 2010 (as may be amended), namely:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion and belief (including lack of belief)
- Sex
- Sexual orientation

3.2. Discrimination, harassment, bullying and victimisation take that definition in the Equality Act 2010 (as may be amended), namely:

Direct Discrimination:	Treating someone less favourably than others because of a protected characteristic.
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.
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 Institute of Swimming is committed to ensuring that its stakeholders are able to conduct their activities free from harassment.
Bullying:	The misuse of power or position to criticise persistently or to humiliate and undermine an individual's confidence.
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).

3.3. The Institute of Swimming 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**

3.4. 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.

3.5. The Institute of Swimming recognises that it has a duty to make reasonable adjustments for relevant persons. For learners, an opportunity to disclose additional learning support needs due to disabilities and/or learning difficulties will be offered as part of the application process to enable reasonable adjustments to be made where appropriate.

3.6. The duty to make reasonable adjustments includes, where practicable, 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, the Institute of Swimming has an obligation to think ahead and address any barriers that may impede disabled people from accessing its service.

3.7. The Institute of Swimming 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.

## **4. Governance, Leadership and Management**

4.1. All Board members, employees, volunteers, clients, members, suppliers and contractors whether permanent or temporary are responsible for the promotion and advancement of this Policy. The Institute of Swimming will also encourage partner organisations to adopt and demonstrate their commitment to the principles and practice of equality as set out in this Policy.

4.2. The following specific responsibilities will apply:

4.2.1. The Institute of Swimming Board ("the Board") is responsible for ensuring that this Policy is implemented, followed, and reviewed when appropriate. The Board is also responsible for ensuring that this Policy is enforced and any breaches are dealt with appropriately. The Institute of Swimming Managing Director has the overall responsibility for the operational implementation of this Policy.

4.2.2. A member of the Board will be appointed in consultation with the Managing Director as the "Board 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.

4.2.3. The Managing Director, in conjunction with the Board, will appoint a "Senior Management Equality Champion" from senior management level who will work closely with the Equality Officer and ensure that the Institute of Swimming management takes equality and diversity issues into account when making decisions and developing strategy.

4.2.4. A member of staff will be designated by the Managing Director, in conjunction with the Senior Management Equality Champion, as an officer with responsibility for equality and diversity and who will be known for the purposes of this Policy as “Equality Officer”. The Equality Officer will work in conjunction with the Equality Champions, and will have the overall day-to-day responsibility for the delivery of this Policy and for achieving any equality related actions resulting from it. The Equality Officer shall ensure that equality and diversity is a standing item on any appropriate internal cross-departmental group.

## **5. Implementation and Communication**

5.1. This Policy will be implemented as follows:

5.1.1. The Institute of Swimming will adopt and publish a Commitment to Dignity in the Workplace statement. The Institute of Swimming will adopt and publish applicable policies, procedures and statements required to further this Policy and the objectives of equality and diversity generally; the Institute of Swimming will also maintain, develop and cascade as appropriate.

5.1.2. All job packs sent out by the Institute of Swimming will contain a policy statement.

5.1.3. 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.

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

5.1.5. Objectives relating to fair and inclusive practices will form an integral part of staff performance reviews.

5.1.6. Consultants, advisers and suppliers to the Institute of Swimming will be required to abide by this Policy and it will be referred to in any service level agreements, partnership arrangements or contracts issued by the Institute of Swimming.

5.1.7. The Institute of Swimming will join appropriate organisations in order to network, promote and exchange best practice.

5.2. This Policy will be communicated in the following ways:

5.2.1. This Policy will be included in any employee handbook (or equivalent paper or electronic document). Reference will be made to this Policy in any code of conduct. This Policy is for guidance only and will not form part of any contract of employment with any employees of the Institute of Swimming.

5.2.2. This Policy will be highlighted in all staff inductions.

5.2.3. This Policy will be highlighted to all tutors as part of their tutor induction with the Institute of Swimming. When changes occur, tutors will be required to declare their understanding to this Policy to ensure they are considering this Policy when delivering all training.

- 5.2.4. The Institute of Swimming will consider this Policy when recruiting learners and apprentices and look to attract learners from all backgrounds. The Institute of Swimming Recruitment Academy looks to attract new learners into the sector which may lead to apprenticeship training. The Institute of Swimming work with a number of groups who specialise in working with ethnically diverse communities, with links to para swimming remaining strong to ensure equality across all characteristics.
- 5.2.5. A copy of this Policy will be publicly available on the Institute of Swimming website and copies in other formats will also be available from the Institute of Swimming Head Office.
- 5.2.6. The Institute of Swimming will promote and deliver staff Equality and Respect professional development.
- 5.2.7. The Institute of Swimming 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 Institute of Swimming will consider positive action or may introduce special measures to assist any group with a Protected Characteristic which is currently under-represented within any group of Stakeholders.
- 5.2.8. The Institute of Swimming will reference a copy of this Policy as part of its contractual agreements with employees, consultants and other service-providers.

## **6. Monitoring and Evaluation**

- 6.1. This Policy will remain in force until it is amended, replaced or withdrawn. A review of this Policy will take place as and when required, but not less than once every three years.
- 6.2. The Institute of Swimming will seek advice each time this Policy is reviewed to ensure it continues to reflect the current legal framework and good practice.

## **7. Complaints Procedures**

- 7.1. To safeguard individual rights under this Policy, any Stakeholder who believes they have suffered inequitable treatment within the scope of this 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 Institute of Swimming, the complaint shall be directed to the Board unless otherwise prescribed in that policy.
- 7.2. 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).
- 7.3. Appropriate action may be taken against any Institute of Swimming Stakeholder who is found to have violated this Policy.

# Commitment to Dignity in the Workplace

## 1. Introduction to the Commitment

- 1.1. The Institute of Swimming 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 Institute of Swimming'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 Institute of Swimming has implemented an Equality and Diversity 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 them 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, 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 personOr
  - Is reasonably considered by that person to have the effect of violating their dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for them, even if this effect was not intended by the person responsible for the conduct.
- 2.3. Examples of harassment include:
  - Unwelcome and unreciprocated behaviour of a sexual nature
  - Demeaning comments about a person's appearance
  - Innuendo with sexual references
  - References that sexual favours will help to further a person's career
  - Chatting with racist, sexist and/or anti-gay suggestions or references
  - Unwelcome jokes of a sexual or racial nature or about an individual's age
  - Laughing along with other people's offensive jokes
  - Comments aimed at people because of their age or disability
  - Offensive remarks with racial overtones
  - Excluding an individual because they are associated or connected with someone with a protected characteristic



- Repeated name calling related to an individual's religion or belief
- Ignoring an individual because they are perceived to have a protected characteristic, whether or not they do, in fact, have that protected characteristic
- The use of obscene gestures
- The open display of pictures or objects with sexual or racial overtones, even if not directed at any particular person
- Displaying sexually offensive material on the internet

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 them and to have their 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 them (for example, 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 (for example, 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 them.

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 in the Institute of Swimming. 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 directly to your line manager. If the complaint is about your line manager you can speak to another senior member of staff or People Development.

2.8. The Institute of Swimming 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 Institute of Swimming workforce is required to assist the Institute of Swimming in meeting its commitment under the Equality and Diversity 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 Institute of Swimming, 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 Institute of Swimming's disciplinary procedure. Conduct of this type will often be gross misconduct which may lead to dismissal without notice.