



# Equality & Diversity Policy

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## FOREWORD

The aim of this policy is to communicate the commitment of the Board of Directors and staff to the promotion of equality of opportunity in Welsh Netball.

It is our policy to provide equality to all, irrespective of their age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race (including ethnic or national origins); religion or belief; sex or sexual orientation. Together, these are referred to as 'protected characteristics'. Welsh Netball also supports the need for additional effort to provide better protection to individuals from lower socio-economic groups, poverty and the Welsh Language.

We are opposed to all forms of unlawful and unfair discrimination. All job applicants, employees, volunteers and members will be treated fairly and will not be discriminated against on any of the above grounds. Decisions about recruitment and selection, promotion, training or any other benefit will be made objectively and without unlawful discrimination.

We recognise that the provision of equal opportunities within the organisation is not only good management practice but also makes sound business sense.

Catherine Lewis

Welsh Netball Chair

July 2017

## **Policy Statement**

Welsh Netball endorses the principle of sports equality and will strive to ensure that everyone who wishes to be involved in netball in Wales, whether as participants, team members, volunteers, coaches, officials in clubs or those salaried by Welsh Netball:

- has a genuine and equal opportunity to participate to the full extent of their own ambitions and abilities, without regard to their age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race (including ethnic or national origins), religion or belief, sex or sexual orientation.
- supports the need for additional effort to provide better protection to individuals from lower socio-economic groups, poverty and the Welsh Language.
- can be assured of an environment in which their rights, dignity and individual worth are respected, and in particular that they are able to enjoy their sport without the threat of intimidation, victimisation, harassment or abuse.

## **Legal obligations**

Welsh Netball is committed to avoid and eliminate unfair discrimination of any kind in netball and will under no circumstances condone unlawful discriminatory practices. The organisation takes a zero-tolerance approach to harassment, bullying or victimisation on the grounds of any of the protected characteristics. Examples of the relevant legislation and the behaviours in question are given in the Appendix.

Welsh Netball recognises its legal obligations under, and will abide by the requirements of, the Equality Act 2010, and any later amendments to such legislation or subsequent equality related legislation that may be relevant to Welsh Netball.

It is unlawful to discriminate directly or indirectly in recruitment, employment or in the provision of services because of a protected characteristic.

## **Positive action**

The principle of sports equality goes further than simply complying with legislation. It entails taking positive steps to counteract the effects of physical or cultural barriers – whether real or perceived – that restrict the opportunity for all sections of the community to participate equally and fully.

Welsh Netball will therefore seek to institute, support or contribute to appropriate measures or initiatives that enable access to netball and participation in associated activities by people from any group that is under-represented in the sport or has difficulty accessing it.

## **Implementation**

The following steps will be taken to publicise this policy and promote sports equality in netball in Wales:

- A copy of this document will be published on the Welsh Netball Association website ([www.welshnetball.com](http://www.welshnetball.com)).

- The Welsh Netball Chair will take overall responsibility for ensuring that the policy is observed.
- The Board of Directors will take full account of the policy in arriving at all decisions in relation to activities of Welsh Netball.
- Welsh Netball will collaborate fully with any surveys or other initiatives designed to assess the level of participation of different sections of the community in netball in Wales and will take account of the findings in developing measures to promote and enhance sports equality in netball.
- Welsh Netball will provide access to periodic training for all Board members and paid members of staff in order to raise awareness of both collective and individual responsibilities.
- It will be a condition of Welsh Netball membership that member clubs:
  - formally adopt this policy, or produce their own equality and diversity policy in terms that are consistent with it; and
  - take steps to ensure that their Committees, members and volunteers behave in accordance with the policy, including, where appropriate, taking disciplinary action under the Club's constitution;
  - ensure that access to membership is open and inclusive; and
  - support such measures and initiatives that Welsh Netball may institute or take part in to advance the aims of this policy.
- It will be a condition of Welsh Netball membership that individual and other members ○
  - commit to act in accordance with this policy; and
  - support such measures and initiatives that Welsh Netball may institute or take part in to advance the aims of this policy.

### **Responsibility, Monitoring and Evaluation**

The Board of Directors will be accountable for ensuring that this Equality Policy is implemented, followed and reviewed where appropriate. The Chief Executive has overall responsibility for the implementation of the Equality Policy.

The Board will review all Welsh Netball activities and initiatives against the aims of the policy on an annual basis, as part of the calendar of responsibilities, and the Chair will report formally on this issue at the AGM.

The Board will review the policy every three years, (or more frequently when necessary due to changes in legislation) and will report any recommendations to the AGM.

A member of the Board will be appointed as the 'Equality Champion' and will advocate the equality agenda to the Board, ensuring equality issues are taken into consideration when making decisions.

The Head of Community Development, reporting to the Chief Executive, 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.

All members, connected participants and staff have responsibility to respect, follow and promote the spirit and intentions of the Equality Policy.

## **Complaints and compliance**

Welsh Netball regards all forms of discriminatory behaviour, including (but not limited to) behaviour described in the Appendix as unacceptable, and is concerned to ensure that individuals feel able to raise any bona fide grievance or complaint related to such behaviour without fear of being penalised for doing so.

Appropriate disciplinary action will be taken against any employee, member or volunteer who violates the Welsh Netball Equality and Diversity Policy.

Any person who believes that he or she has been treated in a way that they consider to be in breach of this policy by a member club, individual member or other member of Welsh Netball should first complain to that person or organisation. If this does not resolve the matter, or in the case of allegations of discriminatory behaviour against Welsh Netball itself, the person may raise the matter by writing directly to the Chief Executive ([sarah.jones@welshnetball.com](mailto:sarah.jones@welshnetball.com)) at the main Welsh Netball offices and requesting a formal Complaints Form.

The Chair will investigate the complaint personally or appoint the Chief Executive or another Board member to do so. The investigation will be conducted impartially, confidentially, and without avoidable delay. Any person or organisation against whom a complaint has been made will be informed of what is alleged and given the opportunity to present their side of the matter.

The outcome of the investigation will be notified to the parties in writing and reported to the Welsh Netball Board. If the investigation reveals unacceptable discriminatory behaviour on the part of an individual member, other member, or member club the Committee may impose sanctions on that person or organisation in line with the Welsh Netball Articles of Association and/or Bye Laws. Sanctions may range from a written reminder concerning future conduct up to and including temporary or permanent expulsion from Welsh Netball membership. In deciding what sanction is appropriate in a particular case the Board will consider the severity of the matter and take account of any mitigating circumstances.

Where the violation of the Equality and Diversity Policy by way of harassment, victimisation or discrimination amounts to a criminal offence, the appropriate authority will be informed.

In the event that an individual or organisation associated with Welsh Netball is subject to allegations of unlawful discrimination in a court or tribunal, the Welsh Netball Board and staff will co-operate fully with any investigation carried out by the relevant lawful authorities and, subject to the outcome, may consider taking action as above in relation to the matter concerned.

Welsh Netball Board

8<sup>th</sup> August 2017

## **APPENDIX 1 – Relevant legislation and forms of unacceptable discrimination**

## **Legal rights**

Discrimination has been legally defined through a series of legislative acts, including the Race Relations Act, the Sex Discrimination Act, the Disability Discrimination Act and the Equality Act 2006.

In April 2010, the Equality Act 2010 received Royal Assent. The Equality Act 2010 is a new law which harmonises where possible, and in some cases extends, protection from discrimination. It applies throughout the UK and came into force in October 2010.

Discrimination refers to unfavourable treatment on the basis of particular characteristics, which are known as the 'protected characteristics'. Under the Equality Act 2010, the protected characteristics are defined as age (employment only until 2012), disability, gender reassignment, marital or civil partnership status (employment only), pregnancy and maternity, race (including ethnic or national origins), religion or belief, sex (gender) and sexual orientation.

Under the Equality Act 2010, individuals are protected from discrimination 'on grounds of' a protected characteristic<sup>1</sup>. This means that individuals will be protected if they have a characteristic, are assumed to have it, associate with someone who has it or with someone who is assumed to have it.

### **Forms of discrimination and discriminatory behaviour include the following:**

#### **Direct discrimination**

Direct discrimination can be described as less favourable treatment on the grounds of one of the protected characteristics.

#### **Indirect discrimination**

Indirect discrimination occurs when a provision, criterion or practice is applied to an individual or group that would put persons of a particular characteristic at a particular disadvantage compared with other persons.

#### **Discrimination arising from disability**

When a disabled person is treated unfavourably because of something connected with their disability and this unfavourable treatment cannot be justified, this is unlawful. This type of discrimination only relates to disability.

#### **Harassment**

Harassment is defined as unwanted conduct relating to a protected characteristic that has the purpose or effect of violating a person's dignity, or which creates an intimidating or hostile, degrading, humiliating or offensive environment for that person.

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<sup>1</sup> The exception to this is pregnancy and maternity, which does not include protection by association or assumption – a woman is only protected from discrimination on grounds of her own pregnancy.

**Victimisation**

It is unlawful to treat a person less favourably because he or she has made allegations or brought proceedings under the anti-discrimination legislation, or because they have helped another person to do so. To do so would constitute victimisation.

**Bullying**

Bullying is defined as a form of personal harassment involving the misuse of power, influence or position to persistently criticise, humiliate or undermine an individual.

## **APPENDIX 2 - PREGNANCY GUIDELINES**

### **Participating in netball when pregnant - Guidelines**

Women are increasingly seeking to continue their participation in sports, such as netball, throughout their pregnancy. Accordingly, these pregnancy guidelines have been developed by Welsh Netball following the INF guidelines, to provide information and guidance for all those participating in netball at club level up to international level (including, in particular, players, umpires, bench officials and team officials).

Welsh Netball is committed to providing a safe and enjoyable environment for all who participate in netball at club, county, national and international events, including those who are pregnant.

Playing netball has many health benefits, and current research suggests that a moderate amount of exercise during pregnancy can have beneficial effects. However, netball is a physically demanding game which requires a high level of agility. It also involves a degree of contact and carries an inherent risk of accident and injury, both to the participant and the unborn child.

**Accordingly, participation in netball during pregnancy is entirely at the risk of the participant herself.**

Whilst the decision as to whether or not to participate rests solely with the relevant participant, the following advice is given:

- (a) Welsh Netball strongly recommends that the participant:
  - (i) Consults with their own appropriately qualified medical practitioner to inform them, on a voluntary basis, of their pregnancy and to obtain individual and specific professional medical advice before participating in netball (both during and following pregnancy), in particular regarding the risks of such participation.
  - (ii) Acts in accordance with the medical advice received.
  - (iii) Attends regular check-ups with their medical practitioner throughout and following their pregnancy regarding their participation in netball, adjusting participation accordingly.
- (b) The participant will be responsible for ensuring she has appropriate insurance cover for participating in netball during and following pregnancy.
- (c) By participating when pregnant, the participant will be deemed to have consented to any risks (including any risk of injury to the participant and/or the unborn child) that may arise from such participation. Aside from liability for death or personal injury resulting from negligence, the participant will also be deemed to have waived any and all claims, causes and rights of action against Welsh Netball, national associations, event organisers, players and match officials, whether at law or in equity, of whatever nature and in any jurisdiction or forum, that she and/or her unborn child may have as a result of such participation.

**Leagues and Event Organisers should:**

- (a) Use reasonable endeavours to ensure that the playing environment is safe for all participants, including those who are pregnant.
- (b) Develop protocols for communicating with players and other persons regarding participating in netball during pregnancy, including providing players with the opportunity to voluntarily advise of their pregnancy.
- (c) Be aware of relevant anti-discrimination legislation and its application to netball.
- (d) Ensure that their insurance (including public liability and player/umpire injury insurance) is up-to-date and provides adequate cover.

**Coaches should:**

- (a) Be aware of these guidelines and of the possible risks of participating in netball when pregnant.
- (b) Take reasonable steps to ensure that players are aware of these guidelines and of the possible risks of participating in netball when pregnant.
- (c) Respect and support the player's right to make her own informed decisions in relation to her participation or non-participation in netball when pregnant.

**Team Medical Personnel should:**

- (a) Be aware of these guidelines and of the current medical advice in relation to exercise participation during pregnancy.
- (b) Develop protocols for communicating with players regarding their participation in netball during pregnancy.
- (c) Create an environment where players are comfortable in voluntarily informing them of their pregnancy.
- (d) Take reasonable steps to ensure that players are aware of these guidelines and of the risks of participating in netball when pregnant.
- (e) Strongly recommend to pregnant players that they have regular medical check-ups and follow medical advice.
- (f) Respect and support the player's right to make her own informed decisions on whether or not to participate in netball when pregnant.

**Umpires at local and international events should:**

- (a) Be aware of these guidelines, which also apply to them.
- (b) Prioritise the safety of all participants during the game.
- (c) Apply the rules of netball accurately, consistently and fairly to all participants.
- (d) Ensure the game is played under safe conditions.

(e) Stop play at any time in the event of an emergency.