



## **CHELMSFORD GOLF CLUB**

### **EQUALITY, DIVERSITY & INCLUSION POLICY 2024**

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

The **Equality Act 2010, revised October 2012**, makes it unlawful for Chelmsford Golf Club (the Club) to discriminate against anyone on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race religion or belief, sex, or sexual orientation, now described as having 'Protective Characteristics'.

The Club recognizes this responsibility, is fully committed to the principles of equality of opportunity and will endeavor to ensure that members, staff, visitors, and affiliated organisations, are not discriminated against because of 'Protected Characteristics' and have a genuine opportunity to participate to their full potential at all levels and in all roles, within the Club. The Club and Vice Captains, the Presidents and the Management Committee are elected in accordance with the procedures as identified in the Memorandum of Association and The Rules of the Club and in the Equality Policy.

The Captains and Management Committee have the responsibility of ensuring that their activities support the principles contained in the Equality Policy and encourage those with Protective Characteristics to participate to their full potential.

(c) Election to Office

Any member, regardless of Protective Characteristics, who meets the criteria for election to Club Office, will be encouraged to allow themselves to be nominated for the position.

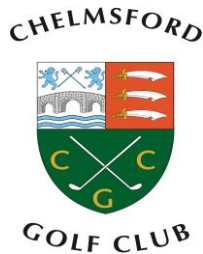
#### **2. WHO DOES THIS APPLY TO?**

This Policy shall apply to, and be binding upon the Club, its Members, Board of Directors, staff, volunteers, coaches, contractors, team players, agents and representatives working, holding office or acting for or on behalf of the Club.

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

This policy works alongside other documents adopted by the Club, in particular, its:

- Employee Handbook and other documents which relate to the relationship between the Club and those it employs and the recruitment process.
- Disciplinary Process 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.
- Club Rules and Policies which set out the standards of behaviour and conduct



expected from members, those who are attending Club events, or representing, working for, or otherwise engaging with the Club in some capacity.

- Complaints Policy which may be used to deal with concerns raised about the actions of the Club.
- Data Protection Policy which sets out how we will handle personal data, including data collected to monitor diversity in line with this Policy.

#### **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 Club.
- 2 Ensure that all competitions, events and activities are administered by the Club 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).
- 3 Monitor and review Club Policies, procedures and regulations to ensure that they are consistent with the requirements of this policy, including policies relating to admission to membership.
- 4 Where practical we will take steps to monitor the diversity of the Club's members, participants, players, volunteers and others that we may engage with in order to measure and assess the impact of this policy.
- 5 Provide, where necessary, appropriate training and support to staff, volunteers, officials and others.
- 6 Make reasonable adjustments for those with a disability.
- 7 Publish this policy on the Club 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).
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 Club event, someone representing the Club, or any other breach of this policy:



- 5.1 please report the matter to the General Manager, or a **director**, 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 Club will implement its complaints procedure with the matter within 3 working days, 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 the General Manager to implement the procedure as per Rule 21 in the Rules Book to consider the matter initially. They will then consider the appropriate next steps, which may include the following:
  - a. seeking further information in relation to matters raised
  - b. dealing with the matter informally
  - c. 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 Club 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 and wellbeing of those involved.

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

### **A. The Equality Act 2010, revised October 2012 and Discrimination**

Every individual and organisation to whom this Policy applies must not act in a way which is directly or indirectly discriminatory on the basis of a Protected Characteristic.

The Equality Act 2010, revised October 2012 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 identified at section 13(1) of the Equality Act 2010, revised October 2012: "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 club which treats females less favourably than males, this would be considered direct discrimination on the grounds of sex, which is a protected characteristic.

### **Examples**

- Club rules do not permit women to play on the course on Sunday mornings. Women, who share the protected characteristic of their sex are being treated less favourably than men in this case as they do not have the same rights of access to the course. This is direct discrimination because of sex.
- A club is holding its annual dinner. The spouses of members are also invited to the dinner as guests of the club. The spouse of one member is black and is not invited to the dinner because the organisers believe that the other members and their guests will object. This is direct discrimination because of race.

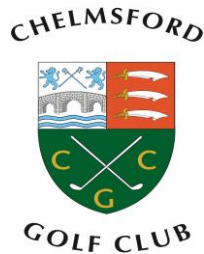
### **Indirect Discrimination**

Indirect Discrimination is defined at section 19(1) of the Equality Act 2010, revised October 2012: "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 the main effect or objective of an action or decision.

The nature of indirect discrimination is that the discriminatory effect can be an unexpected or unforeseen effect of a good faith decision. Complaints of indirect discrimination should 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 club has a rule or practice that certain competitions are only played on Saturdays, this would prevent members with certain religious beliefs from taking part in the competition. Although it may not have been the intention



of the golf club, the effect 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 can 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 a 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 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. The resources required to make an adjustment are an important factor to be considered in deciding whether an adjustment is reasonable.

### **Example**

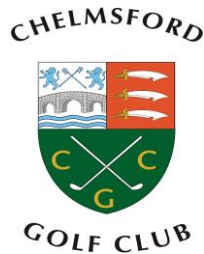
- A club is considering a ban on buggies during the winter months when bad weather adversely affects the course and the use of buggies can cause large amounts of damage. However disabled members of the club struggle to access the full course without the aid of a buggy. If the club maintains regular course inspections (daily) and genuinely considers reasonable adjustments such as (i) alternative buggy routes where possible or (ii) reducing damage by limiting use of buggies to disabled people only, they will reduce the risk of discrimination claims.

### **Positive Action**

In accordance with the provisions in the Equality Act 2010, revised October 2012, brought into force in October 2012 - 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 of Protected Characteristic. Positive Actions must be reasonable, justifiable, and clearly linked to a legitimate aim. Where a club decides to take Positive Action in respect of an underrepresented group, it should carefully record its decision making and the evidence it has considered, and review the practice regularly to ensure that the Positive Action does not continue for longer than reasonably necessary.

### **Examples**

In a golfing context, some examples of discrimination might include:



- Not allowing the use of golf buggies, as this increases the cost of maintaining the course. Permitting the use of golf buggies may be a reasonable adjustment, and the increased course maintenance costs are a factor to be assessed in deciding whether or not the adjustment is reasonable.
- Whilst it may be permissible to limit access to the course at certain times, for example to allow a competition to be played, a club will need to be certain that it is providing equal opportunity to access the course for various groups.
- Not allowing competitions to be played on alternate days to accommodate for certain religious beliefs.

Further examples of Positive Action that a Golf Club can apply to a Protected Characteristic, that came into force in 2012, include: -

#### Concessions

- allows private clubs and associations to: -
  - continue to be able to operate age-restricted competitions
  - offer concessions to members above/below a certain age or based on 'long service/membership'
  - to use Age to determine eligibility for concessions or discounts and are free to set their own age limits for the concessions
  - Use their own discretion when offering discounts on the price of membership, admission, goods, tickets etc. according to age if they wish.
  - Offer age-specific services which are beneficial or are justifiable.

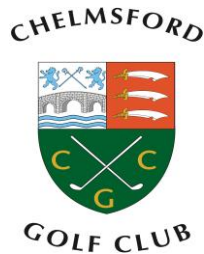
#### Membership Selection

The Management Committee will ensure that each application for membership will be determined in accordance with the Club's Statement of Intent on Equality.

Applicants who are considered to be suitable for membership will be allocated to a membership category subject only to any applicable numerical limit that may exist at the time, consistent with the Equality Policy. Membership categories based on restricted playing days or limited access will be subject to the above Equality Policy conditions. Where the Club has decided the need for positive measures, and they have agreed to offer financial incentives or discounts to;

(a) Alleviate disadvantage experienced by people who share a protected characteristic as identified above,

(b) Junior members for the duration of the specified membership status,



(c) Encourage increased levels of membership to a pre-determined number within specific categories, which may include, for example, certain age groups or other selected underrepresented groups, e.g. young adults or to address gender balance.

Such incentives shall only apply for the agreed duration of the specific recruitment drive initiative or until the requisite number of vacancies has been filled.

Members who wish to transfer their category of membership shall have their request considered by the Membership Committee who will make their decision in accordance with the Club's statement on equality.

### **Membership Rights**

The Rules of the Club introduced by the Management Committee shall reflect fair and equitable treatment in respect of the Club's practices, policies, and procedures they are designed to address. All participants at the Club, in whatever capacity, shall receive fair and equitable treatment in all aspects of their membership.

### **B. Harassment**

Harassment is defined in section 26(1) of the Equality Act 2010, revised October 2012. Harassment occurs where a person engages in unwanted conduct related to a Protected Characteristic (outlined in the Equality Act 2010, revised October 2012), which has the purpose of either:

- Violating the other person's dignity: or
- Creates an intimidating, hostile, degrading, humiliating or offensive environment for the 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
- The wider circumstances of the matter

### **Sexual Harassment**

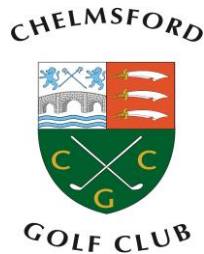
Sexual harassment occurs where a person engages in unwanted conduct of a sexual nature, and the conduct has the purpose or effects outlined above.

### **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 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 golfing context, some examples of unlawful harassment might include:

- Members and/or employees making unwanted or inappropriate contact with other members and/or colleagues at a golf club.
- Targeting disabled golfers using buggies and demanding to see proof of a disability where this is not required by the terms of a competition.
- Disproportionate and public criticism or sanctioning of an individual's behaviour by the Club for irrelevant or personal reasons. A clear disciplinary procedure will help to ensure that those facing disciplinary action at a club are treated fairly.

## C. Victimisation

Victimisation is defined in section 27(1) of the Equality Act 2010, revised October 2012.

Victimisation occurs where a person suffers a detriment because they do a protected act or are believed to have done a protected act.

### Example

- A guest at a club complains that club staff told her she was not allowed to breastfeed her baby except in the toilets. Because she has complained, the club tells her she is barred altogether. This is almost certainly victimisation.

### Protected Act

A protected act includes making a complaint (whether in writing or not, formally or informally) or bringing legal proceedings under the Equality Act 2010, revised October 2012 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 suspension, sanctions, and verbal and physical aggression.

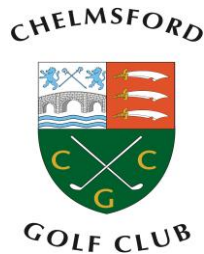
It is not necessary to show that somebody is being treated less favourably than somebody else who did not do a protected act, only that they have been subject to a detriment because of a protected act.

### Examples

In a golfing context, some examples of unlawful victimisation include:

- Initiating disciplinary proceedings against a person as a result of making a complaint about discrimination or harassment.
- Ignoring a person's valid input into the management of the Club after that





person has made a complaint

- Deselecting a player from a squad or team because that person has made a complaint.

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

You can find further information from the following sources:

Chelmsford Golf Club – Equality Policy

[CGC Governance-Equality Policy - Long\\_23082022.pdf \(intelligentgolf.co.uk\)](#)

The England Golf website contains information about Equality and Diversity, Development Initiatives and a range of other issues effecting clubs:

[Home - England Golf](#)

Government Equalities Office

[Government Equalities Office - GOV.UK \(www.gov.uk\)](#)

Equality Advisory Support

[Equality Advisory Support Service \(EASS\) - GOV.UK \(www.gov.uk\)](#)

Equality and Human Rights Commission

[Homepage | EHRC \(equalityhumanrights.com\)](#)

England Golf Guidance - The Equality Act 2010, revised October 2012 and Golf April 2018 (Mills & Reeve Report)

[England-Golf-Equality-Guidance-June-2018.pdf \(chwgl.co.uk\)](#)