



The Sport &  
Physical Activity  
Partnership

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## Equality & Diversity Policy 2016 - 2019

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Outlining our commitment  
to eliminating  
discrimination, encouraging  
diversity and inclusion  
throughout the partnership

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Leadership, Innovation & Promotion | Safeguarding & Equality |  
Strategic Planning & Co-ordination | Capacity Building & Generating Investment |  
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Event Management & Programme Delivery |

Adopted by Active Cumbria;  
The Sport and Physical Activity  
Partnership Steering Group on  
10 March 2016



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# I. Context for the Policy

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- 1.1 Active Cumbria, the sport and physical activity partnership, is one of 45 county sports partnerships across England, and is part of Cumbria County Council's Health & Wellbeing Service. (herein after referred to as 'the partnership'). The Partnership is committed to eliminating discrimination and encouraging diversity and inclusion within our workforce, in the partnerships we support and in the services we deliver. We oppose all forms of unlawful and unfair discrimination including direct and indirect discrimination, harassment, bullying and victimisation.
- 1.2 Active Cumbria; the Sport and Physical Activity Strategy 2013 – 2017 demonstrates the partnerships commitment to equality and diversity by ensuring fairness, accuracy and impartiality and aims to break down the barriers to make sport accessible to all ensuring that everyone in Cumbria has more opportunities to participate in sport and enjoy physical activity as an integral part of everyday life, irrespective of their age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 1.3 This policy has been developed to support the work and direction of the partnerships core team, partnership steering group, and the wider network of partnership organisations (herein after referred to as 'the wider partnership' who undertakes activity across the County on behalf of the partnership.
- 1.4 The partnership core team members are employees of the partnerships host authority Cumbria County Council (herein after referred to as the 'host authority') and are subject to the host authority employment terms and conditions. Similarly so, members of the partnership steering group and members of the wider partnership are subject to their individual employers' terms and conditions. However, the partnership steering group have endorsed this policy as the desired standard of best practice for the core team, partnership steering group and activity undertaken across the County on behalf of the wider partnership.
- 1.5 This policy has been developed with the direct input of the partnership steering group (representative of the wider partnership), consultation with the partnerships core team, support from the partnerships host authority and independent equality organisations. The policy has been endorsed by the partnership steering group however it is important to recognise that the partnership core team members are ultimately accountable to the host authority and not to partnership steering group.

# 2. Policy Objectives

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- 2.1 The partnership recognises its legal obligations and will abide by the requirements of the Equality Act 2010.
- 2.2 The partnership is fully committed to the principles of equality of opportunity and is responsible for ensuring that no job applicants, employees, volunteers, participants or wider partnership organisations (together "Stakeholders") are unlawfully discriminated against because of age, disability, gender reassignment, marriage and civil partnership, pregnancy

and maternity, race, religion or belief, sex and sexual orientation (together the "Protected Characteristics").

- 2.3 In addition the partnership 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.
- 2.4 The partnership will encourage stakeholders to adopt and demonstrate their commitment to the principles and practice of equality as set out in this Policy.

### 3. Purpose of the Policy

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- 3.1 This policy is intended to ensure that the partnership is compliant with the general equality duty, resulting in better informed decision-making and policy development, and better policy outcomes, essentially leading to services that are more appropriate to our users, and services that are more effective and cost-effective. This can lead to increased satisfaction of the partnerships public services.
- 3.2 The partnership aims to ensure that equality and diversity runs through everything that we do as a public service provider and employer in line with [Equality for All -Cumbria County Council's Single Equality Policy 2012 - 2016](#).

### 4. Legislative Context

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- 4.1 The Equality Act 2010 replaced existing anti-discriminatory laws with a single act. The act includes the concept of a protected characteristic which is a characteristic of a person that protects them from discrimination, unfair treatment, harassment or victimisation. The areas listed below in (a) – (i) are 'the Protected Characteristics', groups that are made up of people with the same protected characteristic are often referred to as 'Protected Groups'.

- |                                   |                        |
|-----------------------------------|------------------------|
| (a) Age                           | (f) race               |
| (b) Disability                    | (g) religion or belief |
| (c) Gender reassignment           | (h) sex; or            |
| (d) Marriage or civil partnership | (i) sexual orientation |
| (e) Pregnancy or maternity        |                        |

- 4.2 The partnership regards discrimination, harassment, bullying or victimisation, as described in section 5, 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 in line with [Cumbria County Councils Disciplinary and Grievance Procedures](#).
- 4.3 The partnership acknowledges that some children and adults, including those with protected characteristics can be particularly vulnerable to abuse and neglect .We accept our duty to comply with relevant safeguarding legislation and take responsibility, reasonable and appropriate steps to ensure their safety and welfare and as outlined in our [Safeguarding Policies](#).

## 5. Definitions of Discrimination

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- 5.1 **Direct Discrimination** - It is unlawful for the partnership and its host authority as an employer, potential employer and in relation to any of its functions and services to discriminate against any persons on the basis of a protected characteristic.
- 5.2 **Indirect Discrimination** - Not only it is unlawful for the partnership and its host authority to directly discriminate against a person on any of the protected characteristics, but must also not discriminate indirectly. For example by imposing a condition which might make it hard for a person or group of people to meet. However, indirect discrimination does not arise where it can be shown that the condition is imposed is a proportionate means for achieving a legitimate aim, for example for some jobs high English proficiency might be essential to the proper performance of the role.
- 5.3 **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 partnership is committed to ensuring that its stakeholders are able to conduct themselves free from harassment.
- 5.4 **Bullying** - the misuse of power or position to criticise persistently or to humiliate and undermine an individual's confidence.
- 5.5 **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).

## 6. The Public Sector Equality Duty

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- 6.1 Section 149 of the Equality Act 2010 places an additional set of requirements upon public bodies, known as the Public Sector Equality Duty which requires the partnership in carrying out its functions and services with due regard to the need to:
- Eliminate unlawful discrimination, harassment and victimisation
  - Advance equality of opportunity between people who share a protected characteristic and those who do not
  - Foster good relations between people who share a protected characteristic and those who do not.
- 6.2 This means that the partnership has a duty to go further than merely ensuring a person in a particular instance is not treated less favourably on the basis of their protected characteristic. The Public Sector Equality Duty requires the partnership to consider the impact of our strategies, business plans, policies procedures and key decisions on equality and the removal of discrimination in these areas.

- 6.3 It also requires the partnership to take steps to meet the needs of people from protected groups where these are different from the needs of other people and requires us to encourage people from protected groups to participate in public life or in other activities where their participation is disproportionately low. In some cases we may need to treat some people less favourably than others in order to comply with the Public Sector Equality Duty.
- 6.4 The partnership intends to bring people from different backgrounds together, thus fostering good relations between people who share a protected characteristic and those who don't.

## 7. Policy Implementation

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This policy will be implemented immediately following endorsement by the partnership steering group.

### 7.1 Leadership and Decision Making

- 7.1.1 The Public Sector Equality Duty sets out a clear mandate for the role that leaders and decision makers have in addressing equality. The scope of the Equality Act applies to all of the partnerships functions and services and has to inform all policies and decisions that are taken on behalf of the partnership.
- 7.1.2 The host authority has overall responsibility for ensuring that this policy is implemented, followed, and regularly reviewed. The host authority is also responsible for ensuring that this policy is enforced and any breaches are dealt with appropriately. This will be done through the line management arrangements within the host directorate in Health & Care Services.
- 7.1.3 To ensure the views of key stakeholders are considered, the partnership core team, partnership steering group, host authority and equality partners will be consulted on this policy and any future amendments.
- 7.1.4 A member of the partnership steering group will be appointed as the 'Welfare Champion' who will ensure that equality and diversity is considered at steering group meetings when appropriate and that the steering group takes equality and diversity related issues into consideration when making decisions.
- 7.1.5 A member of the core team will be designated as the 'Lead Welfare Officer' by senior management, and will have the overall day-to-day responsibility for the implementation and monitoring of this policy and for leading on any related actions resulting from it. If required, an internal and/or external welfare group will be created to provide additional support.
- 7.1.6 A member of the core team will be designated as the 'Deputy Welfare Officer' who will take over the Lead Welfare Officers role in their absence.

## 7.2 Service Delivery

- 7.2.1 The partnership will monitor the diversity profile of service users and user satisfaction by diversity profile to ensure that access to services is equal and that action can be taken to address inequalities of access.
- 7.2.2 Equality Impact Assessments (EIAs) are a tool to check whether the partnership is meeting the Public Sector Equality Duty. They are like a risk assessment to ensure that strategies, policies and services meet the Equality Duty and that action can be taken to remove or reduce the barriers that might exclude protected groups from engaging in partnership services. EIAs will be carried out by programme leads, monitored on an on going basis and be considered in the annual equality review which will take place in line with the partnerships continuous improvement cycle. There are three triggers for carrying out EIAs:
- Service Planning or reviews of existing services.
  - Decisions for that may reduce staffing or services to the public.
  - Organisational restructures.
- 7.2.3 Individual work programmes for the partnerships core team members will be amended to include equality and diversity related tasks where appropriate.
- 7.2.4 The partnership recognises that it has a duty to make reasonable adjustments for disabled persons. The partnership will consider all requests for adjustments and where possible in line with [Cumbria County Councils Guidance on Disability and Reasonable Adjustments](#)
- 7.2.5 Advocacy with funding commissioners of the benefits of additional funding into targeted sport and physical activity interventions to ensure the range of opportunities is appropriate for protected groups.

## 7.3 Information and Engagement

- 7.3.1 The partnership will ensure that there is a consistent, accurate and clear approach to the provision on accessible information for all stakeholders in line with [Cumbria County Councils Accessible Information Policy and Guidance](#) and Active Cumbria's Corporate Branding Guidelines.
- 7.3.2 The partnership will ensure that stakeholders are aware of and can access interpretation and translation by making information and services available on request, with minimum delay in line with, [Cumbria County Councils Guidance on using interpreters and translators](#)
- 7.3.3 The partnership will carry out an annual marketing and communications audit as part of the annual equality review to ensure that the partnership is pro-actively communicating with service users including those from protected groups.
- 7.3.4 The partnership recognises the benefits of engaging with people from the full range of protected characteristics and aims to establish effective communication mechanisms to inform and engage protected groups of partnership services.

## 7.4 Workforce

- 7.4.1 The partnership will carry out and publish an annual partnership workforce diversity profile as part of the annual equality review to monitor the diversity of its workforce.
- 7.4.2 The host authority operates a positive action scheme where there is evidence of under-representation of a specific group within the workforce who share protected characteristics.
- 7.4.3 The partnerships host authority has an Equality Staff Engagement Programme which is about making sure employees have the knowledge and support they need to deliver a service that respects equality. The programme consists of an [e-learning programme](#) and face to face equality and staff engagement sessions which are mandatory for all staff.
- 7.4.4 The partnership will promote continuing professional development for all employees and volunteers to support equal opportunities within the organisation and, where appropriate, provide specialist facilities, equipment or training where required.
- 7.4.5 Staff Equality Objectives in Appraisals - The host authority has a mandatory appraisal objective. This measure is to ensure that actions identified within EIAs are enacted. Advice and support is available on the staff intranet support them in preparing for their appraisals.

## 8. Policy Communication

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- 8.1 A copy of this Policy will be publicly available on the partnerships website and copies in alternative formats will also be available upon request.
- 8.2 The partnerships core team and steering group members will be made aware of the policy when they join; the policy will be highlighted in all staff and volunteer inductions.
- 8.3 Each time this policy is reviewed, the partnership steering group and stakeholders will be consulted. Following policy consultation, a notice of the changes being made will be publicly available and a direct communication will be sent to all those who contributed to the consultation process.

## 9. Monitoring and Evaluation

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- 9.1 The Partnership will review this policy every three years or when new legislation requires changes. The partnership will seek advice each time this policy is reviewed to ensure it continues to reflect the current legal framework and good practice.
- 9.2 The Partnership will monitor the impact of this policy an annual basis, statistical and, if appropriate qualitative, information will be collected during the annual equality review and a report will be produced by the lead welfare officer and presented by the welfare champion to the partnership steering group and host authority in line with the partnerships continuous improvement cycle. Once approved by the steering group the report will be published internally and externally, to show the impact of this policy.

## 10. Concerns or Complaints

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- 10.1 To safeguard individual rights under this Equality Policy, any stakeholder who believes they have suffered inequitable treatment within the scope of this policy may raise the matter through the appropriate procedure which can be found at [www.intouch.ccc/](http://www.intouch.ccc/) :
- 10.2 Cumbria County Councils [disciplinary procedure](#) is intended to support managers and employees where misconduct issues arise.
- 10.3 Cumbria County Councils [grievance procedure](#) is intended to help resolve concerns, problems or complaints which employees wish to raise in a prompt and fair manner.
- 10.4 Cumbria County Councils [whistleblowing policy](#) is designed to enable employees of the County Council and employees of external organisations, employed in service contracts, to notify Senior Officers of any reasonable suspicion of illegal or improper conduct.
- 10.5 For non-employees the [complaints procedure](#) can be found on [www.cumbria.gov.uk](http://www.cumbria.gov.uk) or Tel: 01228 221234 or email [complaints@cumbria.gov.uk](mailto:complaints@cumbria.gov.uk)

## 10. Key Contacts

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The following people can advise on this policy:

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## 11. Acknowledgements

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Active Cumbria would like to thank all those who were involved in the policy consultation and contributed towards the development of this policy.