



BRITISH FENCING BOARD

EM FOR DECISION

Report on BF Equality Policy Consultation

1. Background

BF is required to have an equality policy covering all aspects of its operations, including employment, both as a key part to meeting the “Equality Standard for Sport” in order to access continued funding from Sport England and UK Sport and as a worthwhile exercise in its own right in order to provide a framework from which we can ensure that we operate in an equitable way.

UK Sport/Sport England appointed Roger Clifton as our consultant to assist us through the process of attaining the foundation level Equality Standard. Piers Martin and Libby Payne met with Roger Clifton to discuss the requirements and in particular the need to update the existing BF Equality Policy and introduce a more comprehensive policy. A draft policy was provided to BF by Roger and amended by Libby. The draft policy was presented to the Board at the May 17 2009 meeting. Questions were raised and following some clarifications and small amendments the policy was approved for consultation by the Board by email shortly after the meeting.

Once approved by the Board the policy was released for consultation and links were placed on the BF website. Details of the proposed new policy were sent directly to all BF employees, WCPP athletes and Home Country Reps for forwarding to their committees. The consultation ran from 26 May 2009 to 1 July 2009. Four direct responses were received by email.

2. Responses to the consultation

The headings below set out the main points that were raised and actions that needed to be taken with regard to the policy as a result.

a. Health and Safety

A concern was raised that the policy should indicate that health and safety requirements were paramount at all times when considering the suitability of any adjustments that may be put forward by disabled participants.

This point is adequately covered by the requirement that adjustments would be “reasonable”. Where there was a risk that health and safety standard would be compromised it would be possible to show that this meant that the proposed adjustment was not “reasonable”. The ability for those responsible for running activities to determine what is appropriate in each circumstance is preserved and no amendments are suggested in response to this.

b. Positive action

The wording at clause 5.2.5 caused a lot of concern with most of the responses received

referring to this clause. The concerns appear to stem from a misunderstanding of the phrase “positive action”. Most respondents took this to mean “positive discrimination”, i.e. Favouring people from certain groups over people from other groups regardless of their ability to perform the role in question; however, in fact “positive action” would only go as far as encouraging people from underrepresented groups to apply for certain roles, or to encourage members of such groups to get involved.

Definitions of both phrases are widely understood by those who deal with equality issues on a day to day basis and so use of this phrase is unlikely to raise concerns with external agencies. However the general membership may not be aware of the distinction and some further explanation would evidently assist. For the time being this report should be capable of providing that explanation but it may be that once the current Equality Bill becomes law a redraft of this clause to reflect the changes to positive action that are currently under discussion would be appropriate. BF is required under the policy to obey all of the relevant equality legislation and as part of this it will be open to them to pursue any form of positive action that is lawful. Whether action taken is “positive action” or is unlawful “positive discrimination” will always turn on the facts of each situation and as such a definition within the policy may be at best unhelpful and at worst incorrect or out of date before too long.

The Equality and Human Rights Commission website (www.equalityhumanrights.com) contains definitions of positive action and how it differs from positive discrimination and how it may be applied in a recruitment context and when it is lawful.

c. Past discrimination

There were concerns raised by one respondent that clause 2.1 of the policy regarding recognition of past discrimination did not fit into the policy and that it was a political statement and therefore had no place. The statement is very general and does not refer to any particular type of discrimination and relates to discrimination in society as a whole and not within BF or indeed within sport generally. As such it is hard to see that this is a controversial statement that is anything other than factual and is therefore not political. The statement is necessary to set the scene for the policy and provide some context as to why the policy is required. As such no amendments are proposed to this clause of the draft policy.

d. Indirect discrimination

A question was raised about how the requirement to not “indirectly discriminate” would work in practice, for example when introducing new policies. Whilst examples of direct discrimination are easy to see (no women etc) indirect discrimination is harder. All that should be required of those introducing or implementing policies or otherwise taking decisions is to fully consider the impact of those decisions. If a height requirement will cause, for example women, to be more likely not to meet the criteria it may be indirectly discriminatory. This may be justifiable and therefore not unlawful. By considering the impact fully examples of indirect discrimination may be discovered and they can then be addressed either by justifying them or by altering the policy etc. Obviously where examples of indirect discrimination are not identified prior to implementation it will be up to BF to consider how to deal with that once it is raised as an issue.

e. Identifying underrepresentation

A concern was raised as to how BF would know whether any particular group was underrepresented or not. A requirement of the Equality Standard is to carry out continuous monitoring of the make up of the membership of BF in relation to the various

strands of discrimination. This process has not yet been undertaken except at Board level where questionnaires have already been completed. Exactly how the monitoring is undertaken is yet to be determined but it will be voluntary and members will be asked to provide as much or as little, or indeed no information, in response to the monitoring process.

3. Conclusions

Following the conclusion of this consultation the following steps were approved by the Board at a meeting on 1 August 2009:

1. The Equality Policy be formally adopted, with no amendments, by the Board.
2. The Equality Policy be reviewed following the passing of the current Equality Bill, expected to be Spring 2010
3. This report is published on the BF website along with the Equality Policy.
4. The Equality Policy is sent directly to all employees, WCPP athletes and BF committee members and others in similar roles to formally and directly inform them of the policy and to highlight their obligations under the policy.