

Following on from the recent Supreme Court ruling that the legal definition of a woman is based on biological sex, BWSW is waiting for Sport England to issue its guidance for National Governing Bodies of Sport before deciding whether to take any further action and what form it might take in relation to this and related policies.



Issue date: September 2024

BWSW EQUALITY, DIVERSITY & INCLUSION POLICY

1. Statement of Intent

1.1 BWSW is fully committed to the principles of equality of opportunity and is responsible for ensuring that no job applicant, employee, volunteer or member receives less favourable treatment on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race religion or belief, sex and sexual orientation (together the Protected Characteristics).

1.2 BWSW will seek at all times to ensure that there will be open access to all those who wish to participate in all aspects of the sport of water skiing and wakeboarding and that they are treated with fairness. In addition, BWSW recognises that we live in a diverse society and will endeavour to ensure that all participants are given the same opportunities regardless of their socio-economic backgrounds. BWSW will, wherever possible, encourage partner organisations; regions, clubs / centres, suppliers, sponsors and members to adopt and demonstrate their commitment to the principles and practice of equality, diversity and inclusion as set out in this policy.

1.3 As an organisation we aim to deliver clear leadership for water skiing and wakeboarding to ensure a vibrant and empowered sport at every level that can evolve to meet every challenge. As part of this aim, we very much recognise the benefits of diversity and inclusion across our wider leadership to include our Board, employees, committees and volunteers within the sport.

1.4. In accordance with principle 2.2 of the **Code for Sport Governance** (as published December 2021), BWSW has developed a Diversity & Inclusion Action Plan (DIAP) to give effect to this policy and which has been agreed with Sport England'. Our **Safeguarding & Protecting Young People** and related supporting policies available on the BWSW website www.bwsw.org.uk/aboutthesport/safeguarding/ are supplemental to this policy where they address equality, diversity and inclusion. Our revised Diversity & Inclusion Action Plan represents an important evolution in our approach from the existing BWSW diversity action plan.

2. Definitions

The following meanings apply in this document:

Equal Opportunities

Treating people as individuals and providing them with opportunities on the basis of their skills, talents and qualifications so that they are neither disadvantaged nor denied access on the grounds stated in section 1.1.

Equality

The state of being equal – treating individuals equally, which is not necessarily the same as treating them the same. In some cases the need for equality may require unequal effort to ensure the principle is achieved.

Fairness

Fairness and respect for other people; the process of allocating (or re-allocating) resources and entitlements, including power, fairly and without discrimination. It includes fairness in opportunities and the upholding of individual human rights through social justice.

Protected Characteristics

The characteristics identified in section 1.1 above.

3. Purpose of the Policy

3.1 BWSW recognises that individuals and / or certain groups in our society who share one or more Protected Characteristics may not have been able to participate equally and fully in water skiing and wakeboarding in the past and that barriers do exist. BWSW will take positive action to ensure that the sport is accessible for everyone and to encourage diversity. Diversity will relate to participation at all levels of the sport e.g. officiating, driving, observing, committee attendance etc.

3.2 This policy has been developed to identify and eradicate barriers and tackle unlawful discrimination or other unfair treatment, whether intentional or unintentional, which may preclude some people from participating fully in the sport.

4. Actions

4.1 BWSW will, as envisaged by section 1.4 above produce, maintain and monitor a new action plan to ensure the intent of this policy is consistently delivered.

4.2 All areas of the organisation will be affected by this action plan, which will be incorporated into the overall business delivery plan of BWSW, which is itself reviewed and updated on a regular basis.

4.3 BWSW recognises that, in some cases, to achieve the principle of equality, unequal effort and resource is required and, if appropriate and proportionate, will consider positive action or may introduce special measures to assist any group with a Protected Characteristic which is currently underrepresented within any aspect of the sport.

5. Legal Requirements

5.1 BWSW is required by law not to discriminate against its employees and recognises its legal obligations under and will abide by the requirements of the Equality Act 2010 and any relevant associated legislation.

5.2 BWSW will seek advice each time the policy is reviewed to ensure that it continues to reflect the current legal framework and good practice.

6. Discrimination, harassment, bullying and victimisation

BWSW recognise the following:

6.1 Discrimination can take the following forms:

6.1.1 *Direct Discrimination*. This means treating someone less favourably than you would treat others because of a Protected Characteristic.

6.1.2 Indirect Discrimination. Imposing requirements or conditions, which on the face of it, apply equally to all but which, in practice, can disadvantage individuals with a Protected Characteristic. Such requirements or conditions are lawful only if they can be objectively justified.

6.2 *Harassment is described as* engaging in unwanted conduct (intentional or unintentional) relating to a relevant Protected Characteristic or unwanted conduct of a sexual nature where the conduct has the purpose or effect of violating the recipients dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for the recipient, or any other individual affected by such conduct. BWSW is committed to ensuring that its employees, volunteers and members are able to conduct their activities free from harassment. Bullying is the misuse of power or position to criticise persistently or to humiliate and undermine an individual's confidence.

6.3 *Victimisation is defined as* when someone is treated less favourably than others because he or she has taken action against BWSW under one of the relevant Acts / regulations (as previously outlined) or provided information about discrimination, harassment or inappropriate behaviour.

6.4 BWSW regards discrimination, harassment, bullying or victimisation, as described above, as serious misconduct and any employee, volunteer or member who discriminates against, harasses or victimises any other person will be liable to appropriate disciplinary action.

7. Reasonable Adjustments

7.1 When decisions are made about an individual, the only personal characteristics to be taken into account will be those which, as well as being consistent with relevant legislation, are necessary to the proper performance of the work involved.

7.2 BWSW recognises that it has a duty to make reasonable adjustments for those with a disability. BWSW will consider all requests for adjustments and where possible will accommodate reasonable requests and will work with participants with disabilities and / or disability related organisations to implement any adjustments that will help people with disabilities to increase their participation in the sport and related activities.

8. LGBTQ+ and Transgender Athletes

We recognise that social attitudes and lack of information have hampered policies to ensure an inclusive approach to LGBTQ+ (lesbian, gay, bi, transgender, queer / questioning and ace) people in sport. BWSW welcomes all participants at every level of its organisation, regardless of sexual orientation and gender identification.

We aim to provide practical guidance and advice for clubs and other bodies on inclusive support for LGBTQ+ people – we currently utilise the guidance and expertise of Sport England and UK Sport as a resource on all related matters.

BWSW considers that water skiing and wakeboarding is a gender affected sport under the Equality Act 2010. Our policy is to maintain sex binary categories and consequently not allow transgender women to participate in the female category. All transgender athletes are very welcome to participate in the male category which is considered for these purposes to be “Open”.

9. Responsibility, implementation and communication

9.1 The following responsibilities apply:

9.1.1 The Board of Directors of BWSW will endorse and be responsible for seeking to ensure that this Equality, Diversity and Inclusion Policy is implemented and will seek at all times to deal effectively and fairly with any actual or potential breaches.

A member of the Board will be appointed as the '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.

9.1.2 The Chief Executive has the overall responsibility for the implementation of this policy and the relative action plan referenced in section 1.4 within the resources of BWSW. The organisation will endeavour to work with other partner organisations (e.g. Access Adventures) to ensure implementation of this policy and relative action plan on an operational level.

9.1.3 A specific member of staff, the **Development Lead – Equality, Diversity & Inclusion**, designated by the Chief Executive, has the overall responsibility for managing the implementation of the action plan as referenced in section 1.4 above and this will form a key part of their work programme.

9.1.4 All employees, volunteers and members have a responsibility to respect, act in accordance with and thereby support and promote the spirit and intentions of this policy and where appropriate, individual programmes and initiatives across the sport will be amended to reflect our aim for diversity and inclusion.

9.2 This revised policy will result in the following:

9.2.1 A copy of this document will be given to all employees (both permanent and contract) and made available to members of BWSW in the resources section of our website.

9.2.2 BWSW will take measures to ensure that its employment practices and recruitment policy are non-discriminatory.

9.2.3 No job applicant will be placed at a disadvantage by requirements or conditions which are not necessary to the performance of the role or which constitute unlawful discrimination.

9.2.4 A planned approach will be adopted to eliminate barriers that discriminate.

9.2.5 Regional representatives and affiliates (to the extent relevant) will be required to adopt this policy as a commitment to good practice.

9.2.6 Partner organisations, consultants and advisers used by BWSW will be encouraged wherever possible to demonstrate their commitment to the principles and practice of equality, diversity and inclusion.

9.3 This policy will be communicated in the following ways:

9.3.1 It will be part of the Employee Policies and Procedures and reference will be made to it in the BWSW Code of Conduct and related policies.

9.3.2 It will be covered in all staff and any volunteer induction training.

9.3.3 BWSW will promote continual personal development for all employees, volunteers and members to support equal opportunities and fairness within the organisation and, where appropriate, provide specialist facilities, equipment or training.

9.3.4 All clubs and centres will be made aware of the policy's existence when they join and a summary of any significant revisions will be communicated to members.

9.3.5 The policy will be available on the BWSW website and in alternative formats upon request.

10. Monitoring and Evaluation

10.1 This policy (as opposed to the action plan referenced in section 1.4 above) will apply for a maximum of 2 years from its issue date before a formal review takes place, unless any proposal to the Board, or legislation change, requires an interim review and / or amendment.

10.2 The referenced action plan will be reviewed with relevant external assistance by those responsible for leading its implementation, on an annual basis.

10.3 As part of the overall business delivery, the referenced action plan, will also be reviewed by the Board on an annual basis in follow up to the review contemplated in section 10.2 above and an assessment made on progress pursuant to the action plan

11. Disciplinary and Grievance Procedures

11.1 To safeguard individual rights under the policy, an employee, volunteer or member who believes he / she has suffered inequitable treatment within the scope of the policy may raise the matter through the appropriate grievance procedure. For employees this will be through the BWSW Employee Grievance Procedure, for volunteers this will be through the BWSW Code of Conduct.

11.2 Any employee, volunteer or member who is alleged to discriminate against or harass any other person will subject to potential action according to the BWSW Employee Disciplinary Policy or the BWSW Code of Conduct and Disciplinary Procedures as appropriate.

Document History

July 2012	Approved by the Board	CEO	Adopted policy - Equality Act compliant
August 2014	Policy Reviewed	CEO	No changes – fit for purpose
April 2015	Policy Reviewed	CEO	Minor amendments
April 2016	Policy Reviewed	CEO	Fit for purpose and current
April 2017	Policy Reviewed	CEO	Diversity within leadership highlighted
April 2019	Policy Reviewed	CEO	Clarification re transgender
May 2022	Reviewed and Restated	Board	Sub Group / External HR support
September 2024	Minor updates	EDI Lead	
October 2024	Policy Reviewed	HR Advisor	