



BASKETBALL ENGLAND

DIVERSITY, EQUITY, INCLUSION AND ANTI-DISCRIMINATION POLICY

SEPTEMBER 2023

#TOGETHERWEAREBASKETBALL

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1. INTRODUCTION

- 1.1 Basketball England (a company limited by guarantee, incorporated and registered in England and Wales with company number 01429756 whose registered office is at Etihad Campus Rowsley Street, Gate 13, Manchester, England, M11 3FF) is the national governing body ("**NGB**") responsible for the governance and regulation within its jurisdiction of all disciplines of the sport of basketball in England (including 5v5, 3v3, disability basketball and walking basketball) ("**Basketball**").
- 1.2 Basketball England has an ongoing duty of care to all who participate and work in Basketball to ensure they have a safe, enjoyable and positive experience. This Diversity, Equity and Inclusion ("**DEI**") and Anti-Discrimination Policy (this "**Policy**") reflects and furthers this duty of care as well as the DEI ethos of Basketball England. DEI is critical to Basketball England's purpose and strategic objectives. It is at the heart of building and maintaining Basketball's success across England and it is the thread that runs through Basketball England's values, both for those who enjoy Basketball already, and those who are new to the sport.
- 1.3 Basketball England is committed to promoting equal opportunities and creating a culture in which DEI is valued and everyone is treated with dignity and respect. As part of Basketball England's zero-tolerance approach to Discrimination in any form, Participants and Staff will receive equal treatment regardless of any "**Protected Characteristics**" (as defined in the Equality Act 2010). Basketball England respects and values cultural differences and aims to create an environment that promotes DEI, which encourages individuals to develop and maximise their potential. Basketball England are also committed to providing equitable treatment to all those it deals with as an organisation, including fans and suppliers.
- 1.4 Basketball England actively seeks to ensure that its Staff reflect the communities it serves, this makes Basketball England better able to understand the needs and priorities of its Participants. Basketball England is committed to having talented, enthusiastic and experienced Staff who can help deliver its DEI strategy.
- 1.5 Basketball England do not tolerate any form of unlawful or unfair Discrimination, Victimization, bullying or Harassment and will take appropriate action against any Participant, Staff, Regional Association, League, Club and/or other party sanctioned by and/or under the jurisdiction of the Basketball England who commit or assist others to commit such an act. It should be noted that non-conformance with this Policy may also be an unlawful act subject to criminal prosecution and potential litigation.
- 1.6 Basketball England has a dedicated "**Integrity Team**" with primary responsibility for working with Participants and Staff to provide guidance and support in relation to any DEI or Discrimination Concerns or queries. The Integrity Team can be contacted via email at: integrity@basketballengland.co.uk Other helpful external agency contact details are contained within APPENDIX 1.
- 1.7 Basketball England's board of directors is committed to contributing to raising DEI awareness and communicating policies and procedures as well as driving Basketball's culture. In furtherance of this commitment, Basketball England maintains effective lines of communication between its board of directors and Integrity Team.
- 1.8 Basketball England undertakes to make available (on request) electronic copies of this Policy as amended from time to time. Electronic copies of this Policy are available on the Basketball England website (the "**Website**"). The Website will also contain contact details in the event that
(i) any person is unable to download this, Policy; and/or (ii) any person requires this

Policy in another form, for example, in braille or large print. All requests will be considered on their merits on a case-by-case basis. In circumstances where an individual has been classified as having an intellectual impairment, Basketball England shall use all reasonable endeavours to communicate the contents of this Policy to such individual in the most appropriate manner and form in liaison with the parent of, or other person with responsibility for such individual.

2. DEFINITIONS AND INTERPRETATION

2.1 The following terms have the following meanings:

Affiliated Member:	a Club or League sanctioned by and/or falling under the jurisdiction of Basketball England who has satisfied the affiliation process;
Applicable Laws:	any and all: (i) laws, statutes, regulations, decisions, rulings, directives, codes of practice, government policies, enactments or instruments (including national, regional, local or principal laws, regulations or by-laws of any kind whatsoever) relevant to this Policy;
Basketball Rules:	the rules and regulations from time to time in force of Basketball England, national association or league under the auspices of the BBF and/or FIBA (including the FIBA Regulations) to the extent that they relate or apply to Basketball England;
BBF:	the British Basketball Federation being the national NGB responsible for regulating within its jurisdiction athletes representing Great Britain in the sport of Basketball. The BBF is a Member Federation of FIBA;
Club:	a Basketball club sanctioned by and/or falling under the jurisdiction of Basketball England;
Concern:	fear, worry or concern that a person may be subject to Discrimination;
Data Protection Legislation:	all applicable laws relating to data protection, the processing of personal data and privacy, including: the Retained EU law version of the General Data Protection Regulation ((EU) (2016/679)) (" UK GDPR ") and the Data Protection Act 2018, the Privacy and Electronic Communications (EC Directive) Regulations 2003 (as may be amended by the proposed Regulation on Privacy and Electronic Communications), and any other data protection and/or privacy legislation applicable in the UK from time to time, (each as amended, updated, replaced or re-enacted from time to time and including all subordinate legislation made from time to time under or giving effect to the same) and references to "controller", "personal data", "special category data", "process", "processing" and "supervisory authority" have the meanings set out in, and will be interpreted in accordance with, such applicable laws;
Disciplinary Code:	Basketball England's disciplinary code as in place from time to time;
Discrimination:	unequal or differential treatment which leads to one person being treated more or less favourably than others are;

Diversity:	the practice or quality of including or involving people from a range of different social and ethnic backgrounds and/or different genders, sexual orientation, age etc.;
Equity:	the fair, just and impartial treatment of people, so that the norms, practices, and policies in place ensure identity is not predictive of opportunities or outcomes. Equity differs from equality. While equality assumes that all people should be treated the same, equity takes into consideration a person's unique circumstances, adjusting treatment accordingly so that the end result is equal;
FIBA:	the international federation (Fédération Internationale de Basketball Amateur) recognised by the International Olympic Committee for administering international competitions for Basketball;
FIBA Regulations:	the general statutes, internal regulations, other rules and regulations and decisions of FIBA in force from time to time;
Free Member:	a person who has free membership of Basketball England which typically includes fans, followers, parents, medics, league organisers, administrators and others who do not require a licence from Basketball England;
Inclusion:	providing equal access to opportunities and resources to all;
League:	a Basketball league sanction by and/or falling under the jurisdiction of Basketball England;
Licensed Activity:	Basketball related activity sanctioned by and/or falling under the jurisdiction of Basketball England which requires a Licence;
Licensed Member:	a person (including but not limited to a Player, coach, referee, table official, team follower, bench personnel and/or statistician) who requires a Licence in order to carry out Licensed Activity;
Member:	a member of Basketball England (including but not limited to a Free Member, Licensed Member and/or Affiliated Member who from time to time participate in any activity sanctioned by and/or falling under the jurisdiction of Basketball England);
Member Federation:	a national governing body for Basketball which is a member of FIBA;
Minor:	a young person under the age of 18;
Official:	referees, table officials, commissioners, observers, referee coaches and/or statisticians sanctioned by and/or falling under the jurisdiction of Basketball England;

Participant:	any Member, Official, Player, Support Personnel, member of a Club, League or Regional Association sanctioned by and/or falling under the jurisdiction of Basketball England;
Player:	an individual who competes in Basketball under the jurisdiction of Basketball England;
Regional Association:	a local association with responsibility for regional Basketball activity sanctioned by and/or falling under the jurisdiction of Basketball England including North East, North West, Yorkshire, London, East, East Midlands, West Midlands, South, South East and South West regions;
Staff:	any person acting for or on behalf of Basketball England whether as an employee, volunteer, casual workers, consultant or otherwise;
Support Personnel:	any coach, trainer, manager, agent, team staff, nutritionist, medical, paramedical personnel, parent or any other person working with, treating or assisting a Club, League, Player, Regional Association or Team;
Website:	the official website of Basketball England.

- 2.2 References to “include” and “including” in this Policy are to be construed without limitation.
- 2.3 A reference to a statute or statutory provision is a reference to it as amended, extended or re- enacted from time to time and shall include all subordinate legislation made from time to time under that statute or statutory provision.
- 2.4 Any obligation not to do something includes an obligation not to allow that thing to be done.

3. THE POLICY OBJECTIVES

- 3.1 The purpose of this Policy is to set out Basketball England's approach to DEI and its commitment to the inclusion of all Participants and Staff in Basketball.
- 3.2 The aim of this Policy is to:
 - 3.2.1 encourage and support DEI and to actively promote a culture that values difference and eliminates Discrimination;
 - 3.2.2 prevent, reduce and stop all forms of Discrimination and to remove discriminatory practices within Basketball;
 - 3.2.3 ensure that all Participants and Staff are treated fairly, with respect and have equal access to opportunities; and
 - 3.2.4 ensure that Basketball is equally accessible to all.

4. APPLICATION OF THIS POLICY

- 4.1 This Policy came into effect on 8th September 2023.
- 4.2 This Policy does not form part of any contract of employment or other contract to provide services.
- 4.3 This Policy shall apply to all:
 - 4.3.1 Participants;
 - 4.3.2 Regional Associations;
 - 4.3.3 Leagues;
 - 4.3.4 Clubs; and
 - 4.3.5 Staff.
- 4.4 All Regional Associations, Leagues, Clubs and all other organisations sanction by and/or under the jurisdiction of the Basketball England must adopt and enforce this Policy.
- 4.5 Participants who are party to a Basketball England agreement and/or in receipt of Basketball England funding are obliged, as a condition of those agreements or funding, to comply with or adopt this Policy and/or enforce the provisions of this Policy through their own processes.
- 4.6 All Participants and Staff under the jurisdiction of Basketball England are subject to and bound by all Applicable Laws, Basketball Rules and agree to abide by all Basketball policies (including this Policy), procedures, rules or regulations published by or in place under the auspices of Basketball England from time to time.
- 4.7 This Policy shall not apply to:
 - 4.7.1 FIBA;
 - 4.7.2 the BBF;
 - 4.7.3 Basketball Northern Ireland, Basketball Scotland and/or Basketball Wales;
 - 4.7.4 Participants and/or Staff involved in training camps, other activities, or competitions wholly within the jurisdiction of Basketball Scotland, Basketball Wales, Basketball Northern Ireland, the BBF and/or any other body outside of Basketball England's jurisdiction.

5. POWER TO CHANGE, RESCIND OR ADD TO THE PROVISIONS OF THE POLICY

- 5.1 In the event an issue arises that is not foreseen in this Policy, it will be addressed by Basketball England in a manner that protects and promotes the objectives identified in this Policy.
- 5.2 Basketball England is committed to reviewing this Policy periodically which may be amended from time to time.

6. LAWS

The laws of England and Wales shall apply to this Policy.

7. PARTICIPANT SUPPORT

- 7.1 Parents, or other persons with responsibility for Participants who are Minors understand and agree, in respect of the Minor for which they have legal responsibility, for the Minor as a Participant to be bound by all aspects of this Policy.
- 7.2 Any individual seeking information on the application of this Policy should contact the Integrity Team for assistance at integrity@basketballengland.co.uk

8. LEGISLATION AND GUIDANCE

8.1 Basketball England's approach to DEI is based on the principles recognised within UK and International legislation and UK Government guidance. For the purposes of this Policy, the following have been taken into consideration:

8.1.1 Human Rights Act 1998

8.1.2 UK Data Protection Act and UK General Data Protection Regulation 2018

8.1.3 Equality Act 2010

8.1.4 Gender Recognition Act 2004

8.1.5 EHRC Employment Statutory Code of Practice

8.2 **Regulatory Guidance**

8.2.1 UK Sport: The Code For Sport Governance

8.2.2 FIBA Internal Regulations (General Provisions)

9. PARTICIPANT AND STAFF OBLIGATIONS

- 9.1 All Participants and Staff shall:
 - 9.1.1 act in a way that does not subject any others to Discrimination (including Direct or Indirect Discrimination), Harassment or Victimisation;
 - 9.1.2 act in accordance with this Policy as in place from time to time;
 - 9.1.3 abide by all Applicable Laws;
 - 9.1.4 abide by all Basketball Rules;
 - 9.1.5 act in accordance with any other requirements and instructions which Basketball England reasonably imposes in connection with any DEI obligations imposed on Basketball England at any time;
 - 9.1.6 undertake, or refrain from undertaking, such acts as Basketball England requests so as to enable Basketball England to comply with and deliver its DEI obligations and strategy.

10. EQUAL OPPORTUNITIES

10.1 Basketball England will take all reasonable steps to:

10.1.1 promote DEI awareness within Basketball;

10.1.2 provide training on aspects of DEI;

10.1.3 apply the principles of equity to all Staff and all job applicants so that there is equality of opportunity. Basketball England's aim is that no individual is denied employment opportunities for reasons unrelated to ability;

10.1.4 establish programmes and processes that ensure a diversity of candidates at all career stages beginning with recruitment, including the development and promotion of talent through to the appointment of senior leadership;

10.1.5 implement all internal policies and procedures (on a fair and impartial basis);

10.1.6 create an inclusive environment and culture that is sensitive to the needs of Participants and Staff of differing cultures, religions and beliefs; and

10.1.7 endeavour to ensure that all environments are free from Discrimination, Harassment, Victimisation or bullying.

11. DISCRIMINATION

- 11.1 Participants and Staff must not unlawfully discriminate against, harass or victimise other people.
- 11.2 The following forms of Discrimination are prohibited under this Policy and are unlawful:
 - 11.2.1 **Direct Discrimination:** treating someone less favourably because of a Protected Characteristic.
 - 11.2.2 **Indirect Discrimination:** a provision, criterion or practice that applies to everyone but adversely affects people with a particular Protected Characteristic more than others and is not justified.
 - 11.2.3 **Harassment:** this includes sexual harassment and other unwanted conduct related to a Protected Characteristic, which has the purpose or effect of violating someone's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.
 - 11.2.4 **Victimisation:** retaliation against someone who has reported a Concern or has supported someone else's Concern about Discrimination or Harassment. This includes where someone mistakenly believes that the person victimised has done so.
 - 11.2.5 **Disability Discrimination:** this includes Direct Discrimination and Indirect Discrimination, any unjustified less favourable treatment because of the effects of a disability, and failure to make reasonable adjustments to alleviate disadvantages caused by a disability.

12. HOW TO REPORT DISCRIMINATION

- 12.1 If you have been the victim of Discrimination, or have witnessed an incident you must report the Concerns within 48 hours or in the case of a Sunday fixture by 12.00pm on Tuesday to the Integrity Team via email or the Website at: integrity@basketballengland.co.uk or <https://www.basketballengland.co.uk/integrity/report-an-incident/>
- 12.2 All Concerns will be treated in confidence and investigated as appropriate.
- 12.3 Basketball England encourages reporting of all types of potential Discrimination.
- 12.4 Basketball England will take all Concerns seriously and those reporting will not face disciplinary action for raising a Concern if it proves to be unfounded or does not merit action, provided the Concern was raised in good faith and not maliciously. However, making a false allegation in bad faith, or that is known to be untrue, will be treated as misconduct and dealt with under the Disciplinary Code.
- 12.5 Victimisation and/or any form of retaliation against those reporting a Concern is not tolerated by Basketball England and must be reported to the Integrity Team.
- 12.6 If a Concern arises “out of hours”, it must be reported (via the Website or the email address above) to the Integrity Team immediately and within 48 hours. If the person is in immediate danger, call 999 for local Police.

13. RESPONSE TO CONCERNS

- 13.1 Basketball England will deal with Concerns in a timely, respectful, consistent, fair and confidential manner and will provide support for the person reporting the Concern (where appropriate) and the person who is subject to the Concern.
- 13.2 Where appropriate and necessary Basketball England reserves the right to report Concerns to the Police.

14. BREACHES OF THIS POLICY

Basketball England take a strict approach to breaches of this Policy and all breaches will be dealt with in accordance with the Disciplinary Code.

15. MONITORING

- 15.1 Basketball England will continue to monitor the effectiveness of this Policy in accordance with meeting Basketball's DEI objectives and to identify areas in which further resources or support are required to achieve those objectives.
- 15.2 Basketball England will also monitor the treatment and outcomes of any Concerns of Discrimination, Harassment or Victimisation to ensure that they are properly investigated and resolved, those who report or act as witnesses are not victimised, repeat offenders are dealt with appropriately, cultural clashes are identified and resolved, and training is targeted where needed.

16. DATA PROTECTION AND CONFIDENTIALITY

- 16.1 All cases arising under this Policy and in particular all Participant and Staff information provided to Basketball England under this Policy will be dealt with in strict confidence at all times in accordance with the provisions of Data Protection Legislation and Basketball England policies as in place from time to time.
- 16.2 So far as is practicable and appropriate, confidentiality will be maintained at all times in respect of all those involved in any process arising under this Policy unless there is an overriding obligation in the interests of Basketball England, the BBF, FIBA and/or the Participant or Staff and safety for such information to be shared with other interested parties Information may be shared publicly in accordance with the Basketball England Publications Policy.
- 16.3 Basketball England will not comment publicly on the specific facts of a pending or decided case (as opposed to general descriptions of the process and science involved) except in response to public comments attributed to the Participant or Staff involved or their representatives.

APPENDIX 1: EXTERNAL CONTACTS

ORGANISATION

CONTACT DETAILS

Equality and Human
Rights Commission

Helpline Telephone Number:
Phone: 0808 800 0082
Textphone: 0808 800 0084
Website: www.equalityhumanrights.com

Citizens Advice
Bureau

Adviceline: [0800 144 8848](tel:08001448848)
Website: <https://www.citizensadvice.org.uk/law-and-courts/discrimination/>