



The Magic Circle
EQUALITY, DIVERSITY AND INCLUSION POLICY

Date Originated: February 2023
Next Review Date: February 2025



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Policy Statement

The Magic Circle aims to be a society that Members want to join, enjoy being part of and are proud to contribute to. The Magic Circle is committed to promoting equality of opportunity in application, joining, examination, and progression for all Members and recognises the importance of developing and maintaining an inclusive and diverse club that reflects the wider society it serves.

As an organisation, we're committed to ensuring that everyone is treated with dignity and respect. Our commitment is so everyone in The Magic Circle feels included and is able to be who they are, feel valued, safe and respected by each other every day.

The aim of this policy is to outline our zero-tolerance approach to any form of bullying and harassment which applies to all Members, apprentices, guests, performers and visitors to The Magic Circle regardless of age, disability, sex, gender reassignment, gender identity and expression, pregnancy, race (which includes colour, nationality and ethnic or national origins), sexual orientation, religion or belief, or marital status.

This policy sets out The Magic Circle's approach to creating a safe environment free from unlawful discrimination, harassment, victimisation and bullying, ensuring it is a place where everyone is valued and has an equal chance to succeed.

Policy Scope

This policy applies to all Members and apprentices of The Magic Circle (and to any person visiting the Headquarters).

Where it is found that Members or apprentices have contravened the responsibilities as set out in this policy, appropriate action may be taken under The Magic Circle's Complaints Policy and Procedure.

The Magic Circle will promote and sustain an inclusive culture of equality and diversity by ensuring all Members or apprentices, guests, visitors and staff are treated with dignity and respect, creating a fair and safe environment.



Proactive Actions to Improve Equality, Diversity

The Magic Circle will take action to ensure that member activities and events are open and welcoming to everybody entitled to be a member.

We aim to make our meetings and events accessible to people with disabilities – for example (but not limited to) to meet in accessible premises, provide sign language interpreters when requested, and produce information in large print or Braille.

We aim to use local training opportunities to help our Council and Members better understand how discrimination occurs and how to prevent it.

We aim to showcase the diversity of our industry through the performances we present to the public, the programme we arrange for our club nights, and the articles we publish in our official publications.

We aim to ensure that all materials (print and electronic) published by The Magic Circle reflect this policy.

All Members and apprentices of The Magic Circle will have the Equality and Diversity Policy explained to them. All Members will undertake to comply with and implement this policy.

The Magic Circle will issue guidance for performers (regarding language and interactions with spectators) which aligns with this policy.

The Magic Circle will issue a Code of Conduct which aligns with this policy.

The Magic Circle will check and, where appropriate, edit its Rules to ensure that they align with the law and this policy.



What is bullying and harassment?

Bullying and harassment can happen to anyone regardless of their background. However, we recognise that those with specific/protected characteristics such as, people who identify as LGBTQ+, neuro-divergent, disabled, women, people of faith and Black, South Asian and Southeast and East Asian and people of dual heritage are more likely to be targeted. We also recognise that discrimination, bullying and harassment can be experienced on the grounds of multiple protected characteristics, and that the experiences of those with multiple identities are distinct and often heightened.

Bullying

Repeated offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power which is meant to undermine, humiliate or injure the person on the receiving end.

Harassment

Behaviour which affects the dignity of people. It may be related to age, sex, race, disability, sexuality, gender reassignment, gender identity, gender expression, religion, nationality or any personal characteristics of the person, and it may be continuous or just one incident. The actions or comments are seen as unacceptable to the person on the receiving end.

Racial harassment

The Stephen Lawrence inquiry report defines racial harassment and discrimination as "any incident which is perceived to be racist by the victim or any other person." We will investigate any complaints of racial harassment and discrimination thoroughly via the Society's Disciplinary Policy and Procedure.

Bullying and harassment can be

Face to face e.g. a derogatory 'joke' at the expense of the individual's personal or protected characteristics;
Written e.g. sending intimidating or threatening messages;
an e-mail e.g. 'flame-mail';
by phone e.g. making offensive remarks.

Although most of us would be able to spot extreme cases of bullying and harassment, there are 'grey' areas which require further exploration. For example, one person may feel certain behaviour is bullying while another may feel it is firm management. However, we will not tolerate the following behaviour:

- Spreading malicious rumours, or insulting someone.
- Copying written material that is critical about someone to others who do not need to know.
- Ridiculing or humiliating someone – picking on them or setting them up to fail.
- Excluding or victimising anyone.
- Overbearing supervision or misusing power or your position which goes against our expectations of managers.



- Unwelcome sexual advances – touching, standing too close or displaying offensive materials.
- Making threats or comments about someone's job security without good reason.
- Deliberately undermining a competent worker by overloading them and constantly criticising them.
- Preventing individuals from making progress by deliberately blocking any promotion or training opportunities.
- Making derogatory comments about someone's protected characteristics for example; sending biphobic/transphobic/homophobic, sexist or racist messages to someone.

Key principles

The Magic Circle is committed to eliminating discrimination, harassment, victimisation and other conduct that is prohibited by the Equality Act 2010. It will also advance equality of opportunity and foster good relations between Members or apprentices regardless of their protected characteristics which include: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race (including colour, nationality, and ethnic or national origin), religion or belief, sex and sexual orientation.

The Magic Circle will promote an environment where individual differences and the contributions of all Members, apprentices, performers and guests are recognised and valued.

The Magic Circle welcomes contributions from advisory bodies in supporting the organisation to meet the requirements of an inclusive culture of equality and diversity.

The Magic Circle is committed to fair treatment and application of all policy, procedure and practices. Where complaints are raised of inappropriate behaviour or discrimination that contravene the principles set out within this policy, The Magic Circle will address these consistently, promptly and effectively.



Responsibilities

The Magic Circle expects all Members or apprentices to adhere to the principles set out within this policy, however with particular emphasis on the following:

Council's Responsibilities (which may be delegated to the EDI Committee):

- To ensure The Magic Circle is complying with all duties set out in the Equality Act 2010.
- To monitor and review the fair and consistent application of The Magic Circle's policies, procedures and practices.
- To provide equal opportunities for all Members. The Council will comply with all relevant equalities legislation and regulations at all times.
- To work in partnership with the President, Diversity and Inclusion Officer and committee to implement and evaluate strategies and initiatives, ensuring they do not adversely impact against any Members on their protected characteristic or otherwise.
- To create and promote an inclusive and collaborative working environment inside and outside of the Headquarters.
- To attend and complete relevant training to broaden awareness of and promote Equality, Diversity and Inclusion issues.
- To ensure relevant training on Equality, Diversity and Inclusion issues are available to all Members or apprentices within The Magic Circle.
- To keep up to date on equalities legislation relevant to their work.
- To ensure fair and objective application of all enrolment practices, so that selection is based on individual merit alone.
- To ensure reasonable adjustments are made where legally required.
- To deal with any form of discrimination, harassment, victimisation or bullying immediately, taking appropriate action under The Magic Circle's Disciplinary Policy and Procedure.
- To attend and complete relevant training to broaden awareness of and promote Equality, Diversity and Inclusion issues.

Member's Responsibilities:

- To understand and apply the principles set out in this policy at all times
- To treat all members of The Magic Circle with dignity and respect.
- Not to induce or attempt to induce Members to practice discrimination, harassment, victimisation and other conduct that is prohibited by the Equality Act 2010.
- To be aware and understand that legal action could be taken against them personally for acts of bullying, harassment, victimisation and unlawful discrimination.
- To take appropriate action if there are breaches of this policy by either reporting incidents to the EDI Committee or Council
- To understand that behaviours that are deemed to be unacceptable and a contravention of the Equality policy will be dealt with as a disciplinary matter under the scope of The Magic Circle's Disciplinary Policy and Procedure which could first be considered by EDI Committee



How can we recognise bullying and harassment?

Sometimes bullying and harassment is clear-cut. At other times it is not so obvious. Victims of bullying and harassment may think they will be perceived as being 'weak', accused of 'overreacting' or fear they will make the situation worse or won't be believed if they speak up.

It's important to look out for any of the following indicators and come forward if you notice someone is being victimised or feel you are experiencing any of this yourself:

- Someone being constantly criticised, having duties and responsibility taken away without good reason
- Someone being put down or made to feel like the butt of the jokes
- Someone being persistently picked on in front of others or in private
- Someone being constantly ignored, mocked and excluded regularly
- Someone feeling distressed and scared of another person due to their behaviour online, via the phone or face to face.

Below are some examples of different forms of bullying and harassment. This list is not exhaustive and it's important to note that it doesn't cover every type of protected or personal characteristic but helps provide an understanding of unacceptable behaviour in the workplace:

Example 1:

Steve has recently 'come out' at work and is continually being called homophobic names by a group of Members specifically attacking his faith as a Jewish man. Steve was recently physically pushed to the floor by one member of the group but is too scared to take action. This is bullying and harassment related to sexual orientation and faith.

Example 2:

Derogatory comments have been posted on Facebook about Jane. The comments include sexist 'jokes' and tease Jane about her caring nature as a woman and her Dyslexia leaving her unable to complete certain jobs. This is bullying and harassment related to sex and disability.

Example 3:

Paul wants to avoid contact with Sharon as they have made regular offensive remarks about his shy nature in front of other Members. Sharon has given him a derogatory nickname and continually puts Paul down for not getting involved in conversations. Members have noticed that Paul is uncomfortable with this but just goes along with it to avoid clashing with the manager. This is bullying related to personal characteristics.

Example 4:

Sam is a trans man (Sam was assigned female at birth but now identifies as a man) so expects people to refer to him as he/him. A Member repeatedly (despite being corrected) misgenders Sam and refers to him as a woman. This is bullying and harassment related to gender identity and expression.



What should I do if I think I am being bullied or if I am being harassed?

We understand that it may be difficult to raise the issue of bullying or harassment but we encourage you to speak up so we can ensure there is a positive and safe environment for everyone.

It may be possible to resolve matters informally in the first instance. For example, the person may simply not know that their behaviour is unwelcome or upsetting. An informal discussion can help them understand the effects of their behaviour and agree to change it. You may choose to do this yourself, or you may want to seek support from Council or another Member.

You may want to consider mediation as a way of dealing with the problem. This is an opportunity for you and the other person to talk about the issue. An independent person - the mediator – helps you both explore the issue and how things might be improved. If you want more information regarding mediation, please contact the Council.

If you feel you cannot sort the issue out informally, we can investigate the matter via The Magic Circle's Disciplinary Policy and Procedure. We will deal with any complaints of bullying or harassment fairly, confidentially and sensitively. If we feel that there has been bullying or harassment, we will act under our Disciplinary Procedure.

Intent

The INTENT of what someone says or does is important. For example, if someone accidentally mis-genders a Member but then apologises and subsequently addresses the Member correctly this would not constitute bullying or harassment. Similarly, if a Member uses a derogatory or outdated term but changes their language when this is pointed out to them then this is not bullying or harassment. Members should have an opportunity to learn and to change.

Supporting Documents

This policy is supported by The Magic Circle's Disciplinary Procedure which outlines the process to be followed in practice. Further information is available from The Magic Circle Council.

The President will support Council, to ensure the safety of all Members and apprentices and hold those who breach the Code of Conduct to account via:

Disciplinary Policy and Procedure – if Members or apprentices display unacceptable behaviour towards another Member, report this to the Council who deal with the matter.

Relevant Legislation

Equality Act 2010
Employment Act 2008



Employment Rights Act 1996
Disability Discrimination Act 1995 (as amended in 2005)
Data Protection Act 1998 (amended 2018)
Protection from Harassment Act 1997

Organisation Relevant Policies, Procedures and Guidelines

Disciplinary Policy and Procedure
Data Retention Policy
Bullying Policy

Document Control

Policy Owner	Diversity and Inclusion Group
Approving Body	TMC Council
Date approved	February 2023
Effective date	February 2023
Review date	February 2025
Version	V1.0



Glossary

Equality

Ensuring individuals or groups of individuals are treated fairly and equally and no less favourably, specific to their needs, including areas of race, gender, pregnancy, disability, religion or belief, sexual orientation and age.

Diversity

A term used when recognising and valuing peoples different background, knowledge, skills, experiences and encouraging and using those differences positively in the workplace.

Protected Characteristics

The term used to refer to the nine characteristics that are protected from discrimination by legislation under the Equality Act 2010.

The characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

Direct discrimination

This occurs when someone is treated less favourably than another person because of a protected characteristic they have, or thought to have, or because they associate with someone who has a protected characteristic.

Indirect discrimination

This occurs when there is a rule or policy or practice that applies to everyone but disadvantages a person with a particular protected characteristic and cannot be objectively justified.

Discrimination by association

Direct discrimination experienced by someone because they are linked to or associated with a person who has a protected characteristic. This could be a friend, spouse, partner, parent or another person with who they are associated.

Discrimination by perception

Discrimination by perception happens when a person is discriminated against because they are thought to have a particular characteristic when in fact they do not. If you discriminate against people because you think they are transgender, for example, then they will be protected even if they are not transgender.



Harassment

Unwelcome and unacceptable behaviours which create a stressful or intimidating environment for the victim. Examples of harassment can include verbal abuse, racist/sexist jokes, unwanted physical contact and sexual advances, ridicule or isolation.

Victimisation

When an individual is treated less favourably or subjected to a detriment because they either make a complaint about being discriminated against or assist someone else who is being discriminated against.

Stereotype

Having inaccurate or simplistic generalisations about a group that allows others to categorise them and treat them accordingly.

Bias

To have a preference to treat a person or a particular group favourably/unfavourably.

Reasonable Adjustments

Where a provision/ criterion/ practice/ physical feature puts a disabled person at a substantial disadvantage in relation to a relevant matter in comparison with persons who are not disabled, the employer has the duty to take such steps as reasonable to avoid the disadvantage/ provide auxiliary aid (if the information is provided by the disabled person).

Due Regard

In relation to the equality duties, whenever significant decisions are being made or policies developed, relevant and proportionate consideration must be given to the equality implications.



Terms

Terms on Race Equality

Conversations about race from a place of learning are encouraged and having a shared and understood lexicon about our terms on race equality is just one part of our work to becoming an anti-racist organisation.

We use the terms Black, South Asian and Southeast and East Asian.

If we have more information, we could also say a person is from: Caribbean, and Afro-Caribbean heritage African heritage South Asian heritage, East Asian heritage, Southeast Asian heritage Middle Eastern heritage, North African heritage.

When referring to people's ethnicity, we encourage people to be specific rather homogenous.

Discourage the term Black to describe all groups of non-white people.

When there might be good reason to group experiences and communities together, the term ethnically diverse encompasses shared experiences without marginalisation.

The term 'People of Colour' or 'POC' is accepted but not preferred, and similarly, the term 'Queer, Transgender, and Intersex People of Colour' or 'QTIPOC' is accepted but specificity is preferred.

Other marginalised communities include people from:

- Romany heritage
- Irish traveller heritage
- Jewish heritage
- West and Central Asian heritage
- Latinx people.

Language on race equality is constantly evolving, and we will keep engaging and reviewing updating and sharing our preferred terms.

Preferred Terms on the LGBTQ+ Communities

These terms are not the only ones used in or by the communities, and conversation in a respectful and open way is encouraged.

The term LGBTQ+ refers to people who identify as: Lesbian, Gay, Bisexual, Transgender, Intersex, Asexual, Queer, Questioning, or Pansexual.

We also include gender non-conforming, gender neutral, gender queer and gender-fluid people within our terms.

We use the term **LGBTQ+ communities** because it's made up of lots of differing communities. Some of these terms may seem new, so we explain the terms that are less familiar below:

- **AFAB:** Assigned Female at Birth
- **AMAB:** Assigned Male at Birth



- **Asexual/Aromantic:** Asexuality is the lack of sexual attraction to others, or low or absent interest in or desire for sexual activity, whereas Aromantic is the absence of romantic feelings towards another. These terms also reference those that exist in a spectrum of differing sexual and romantic attractions, such as greysexual, and are sometimes referred to as 'aces'
- **Gender fluid:** gender fluid is a person whose gender identity (the gender they identify with most) is not fixed
- **Non-binary:** non-binary is used to describe people who feel their gender cannot be defined within the margins of gender binary. Sometimes referred to as 'enbys'
- **Pansexual:** Pansexual people are attracted to all genders, whereas bisexual people are attracted to multiple genders
- **Trans Masculine:** people who were assigned female at birth, but do not identify as female. A broad group of people who may identify as male, non-binary, agender, or 'genderqueer'. People who identify as Trans Masculine may or may not seek medical assistance through the use of hormones or surgery
- **Trans Feminine:** people who were assigned male at birth, but do not identify as male. A broad group of people who may identify as female, non-binary, agender, or 'genderqueer'. People who identify as Trans Feminine may or may not seek medical assistance through the use of hormones or surgery

Below are terms that may be used in relation to LGBTQ+ communities:

Cisgender is someone that identifies as the same gender that they were assigned at birth.

Queer is an all-encompassing term that many from the community choose to use to represent them. It's reclaimed from a slur used to vilify them. Queer is also an identity, with some people from the communities feeling like other terms don't adequately define their experience. This term is used interchangeably.