

ADULT SAFEGUARDING POLICY

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***This to be displayed in all dressing rooms, backstage areas, staff rooms and staff notice boards offices, company notice boards.**

Policy date: January 2018

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Adult Safeguarding Policy

Anti-bullying, anti-harassment and anti-discrimination: a Code of Behaviour

Theatre Royal Bath is committed to tackling behaviour deemed inappropriate. Any breach of this Code of Behaviour will be dealt with as a very serious matter and will be dealt with under our Grievance and/or Disciplinary Procedures.

Adult safeguarding duties apply to any adult who:

- experiences bullying, harassment or discrimination;
- needs care and support; and
- feels unable to protect themselves from the risk.

Bullying, harassment, including sexual harassment, and discrimination will not be tolerated by Theatre Royal Bath, regardless of the status of any individual.

Bullying and/or harassment includes any behaviour that:

- an individual may find offensive, intimidating, humiliating or hostile;
- interferes with an individual's work;
- causes stress, anxiety, fear or sickness to the individual; and/or
- sexualises the workplace including unwelcome sexual advances.

Whilst working for or at Theatre Royal Bath any individual should know that they have the right to report bullying, harassment and discriminatory behaviour.

If you feel able, tell the person that you are unhappy with their behaviour. They may not be aware of the impact of their behaviour.



Our full Adult Safeguarding Policy and reporting procedures can be found in the Staff Handbook or on our website www.theatreroyal.org.uk



For further assistance/guidance you can contact, in confidence:

Nicky Palmer

Theatre Administrator / HR

01225 823498

nicky.palmer@theatreroyal.org.uk

or

Lucy Walker

Trustee

lucy@davells.com



All reports made in accordance with our Adult Safeguarding Policy will be taken very seriously and investigated swiftly, fully and with sensitivity and confidentiality.

2. Understanding Behaviours and Knowing When to report

Everyone has a responsibility to behave in a way that is not offensive to others and to acknowledge that views and opinions held by others and decisions made by managers and supervisors, may not always coincide with their own. Such differences are unlikely to constitute harassment.

It must be recognised that those in positions of authority have both a right and responsibility to discharge managerial duties. In so doing they may need to adopt a firm or assertive style, but they should take care not to demean, devalue or intimidate employees or other workers/co-workers.

TRB will take all reasonable action as detailed in this Policy in response to any incident of unacceptable behaviour. Any persons found to be making mischievous or malicious complaints is likely to be subject to the Disciplinary Procedure.

Bullying and/or harassment includes any behaviour that an individual may find offensive, intimidating, humiliating or hostile; which interferes with an individual's work; which causes stress, anxiety, fear or sickness to the individual, for example:

- shouting in public;
- persistent or unfair criticism;
- ostracising people;
- threats and instilling fear;
- inappropriate use of email and/or social media;
- spreading malicious rumours;
- constantly criticising someone's work without constructive support;
- withholding information in such a way as to undermine or compromise the success of someone's work;
- removing areas of responsibility and/or imposing inappropriate tasks with no explanation of why these actions are being taken.

Sexual harassment includes any form of unwanted verbal, non-verbal (including through social media/texting/emailing) or physical conduct of a sexual nature, for example:

- unwelcome sexual advances and/or physical contact;
- deliberate touching;
- the display of offensive materials;
- suggestive gestures and jokes;
- insinuating and sexualised remarks;
- promise of advantage for sexual concessions;
- threat of disadvantage for rejection of advances or for reporting such behaviour.

In the rehearsal room/on stage:

- it is never appropriate for an actor to feel vulnerable through nudity, undress or costuming;
- it is never appropriate to push people to share their personal experiences to deepen the work. If it is offered it has to remain within the trust of the working room.

Harassment or discrimination on any of the following grounds is unlawful under the Equalities Act and may lead to legal action or criminal proceedings:

- Age, race, disability, sexual orientation, gender reassignment, ethnic origins, religion or beliefs, harassment of a sexual nature, marriage and civil partnership, pregnancy and maternity.

3. Reporting Process

Everyone has the right to report bullying or harassment wherever it occurs across the Theatre Royal Bath's activities, regardless of the reported parties' nature of employment.

All reports and complaints, including historical complaints, will be taken very seriously and dealt with confidentially and with sensitivity. We have a multi-tiered reporting process, some or all of which could be adhered to.

1. If you feel able to, then often the quickest and most effective means of dealing with an issue is to raise the matter informally with the person or persons concerned explaining that you find their behaviour offensive or unacceptable and ask them to stop. They may not be aware of the impact of their behaviour.
2. If you don't feel able to talk to the person concerned, or, having done so, you feel the matter is not resolved, you can ask for support from your Line Manager, the Theatre Administrator or Theatre Director at any time.
3. You are advised to make an accurate and factual record of any harassment or bullying behaviour as soon as you can after experiencing or seeing such behaviour. Make a note of dates, times, location, any other persons present and any witnesses. The information may help in any subsequent investigation.
4. If the informal procedure has been ineffective, you should consult your Line Manager and/or the Theatre Administrator and/or the Theatre Director about starting a formal Grievance Procedure. The details of the Grievance Procedure can be found in the Staff Handbook, and are also available from your Line Manager, or from the Theatre Administrator.
5. In all serious cases, as soon as you can reasonably do so you should consult your Line Manager and/or the Theatre Administrator and/or the Theatre Director in any event.
6. If you are a freelance practitioner, worker or contractor working within the environs of TRB activity, you should consult your contractor, the Theatre Administrator or Theatre Director.
7. The Theatre Administrator will lead an investigation into the report/complaint. This investigation will ordinarily be carried out with the assistance of your Line Manager. In the event that your report/complaint is about your Line Manager, the Theatre Administrator will carry out the investigation with the assistance of another Senior Manager (Theatre Director, Finance Director or General Manager).
8. In the event that your report/complaint is about the Theatre Director, the Theatre Administrator will pass the report/complaint onto the Theatre Trustee with responsibility for Adult Safeguarding (Lucy Walker). She will liaise with the Theatre Chairman to investigate the matter accordingly.
9. In the event that your report/complaint is about the Theatre Administrator, you should make your report/complaint to the Theatre Director and/or the Theatre Trustee with responsibility for Adult Safeguarding (Lucy Walker).
10. All reports/complaints relating to adult-safeguarding will be treated confidentially and shared only as explained in this Policy. The outcome of any investigations will be reported to

the Theatre Director and Theatre Trustee with responsibility for Adult Safeguarding. The Theatre Trustee will decide if any reports/complaints should be subsequently reported to the Chairman and Board of Directors and/or to the Charities Commission (in the most serious cases).

11. In accordance with standard working practice, each stage of the Grievance Procedure will be documented and agreed in writing with the relevant person/s involved at each stage. All paperwork relating to any incident or complaint raised will be confidential and will be kept securely in accordance with current data protection legislation.

Appendix A

GRIEVANCE PROCEDURE

If your grievance relates to bullying, harassment or sexual harassment you should refer to the reporting process detailed in the Adult Safeguarding Policy.

If you have any other grievances relating to your employment, you should report these in the first instance to your line manager and/or the Theatre Administrator. You may be required to put such grievances in writing and you are advised to keep copies of any such paperwork. You are advised to keep a diary/record (dates/times etc) in relation to your grievance to assist in your accurate reporting of the grievance.

Your line manager and/or Theatre Administrator will consider and investigate any grievance in a timely manner and report back to you with their findings and decision. If his/her decision is not acceptable, the matter may be referred in writing to the senior manager directly above your line manager, whose decision shall be final and binding.

To ensure full disclosure and awareness of person(s) within the organisation with overall responsibilities, any grievance reported may subsequently be brought to the attention of the Theatre Director and/or Board of Directors.

In the event that the grievance relates to bullying, harassment or sexual harassment, the findings of the investigation will be reported to the Theatre Director and Theatre Trustee with responsibility for Adult Safeguarding. They will make a decision based on the findings of the investigation and their decision shall be final and binding. The Theatre Trustee will decide if the grievance and findings of the investigation should be subsequently reported to the Chairman and Board of Directors and/or to the Charities Commission (in the most serious of cases).

When stating grievances in person, you may be accompanied by a fellow employee of your choice or by a representative of your trade union (if any), although they may not speak on your behalf.

Minutes will be taken at all meetings dealing with the grievance and these will be agreed in writing with the individual concerned following each meeting to ensure a true and accurate record.

Any paperwork relating to a grievance will subsequently be held in the appropriate personnel files and in accordance with current HR and data protection legislation and good working practice.

All grievances will be dealt with quickly, fairly, confidentially, sensitively and be considerate of all parties concerned. Each stage of the grievance process will be carried out in a timely manner with no longer than 10 working days passing in between each stage of the process. In the event that there is an unavoidable delay in the process (e.g. due to staff holiday/absence) this will be communicated immediately and a date agreed to resume the process as soon as practicably possible.

Note:

For any persons engaged on a UK Theatre/Equity or SOLT/Equity Contract, the grievance and disciplinary procedure detailed in the relevant contract will be followed.

Appendix B

DISCIPLINARY PROCEDURE

Disciplinary rules

Theatre Royal Bath and its subsidiary companies (the Company) require good standards of discipline from its employees, together with satisfactory standards of work. These disciplinary procedures apply to any misconduct including any bullying or harassment complaints or failure to meet standards of performance or attendance. The procedure is referred to in your Particulars of Employment but is not contractual.

The purpose of the procedure is to be corrective rather than punitive and it should be recognised that the existence of procedures such as these is to help and encourage you to achieve and maintain standards of conduct, attendance and job performance and to ensure consistent and fair treatment for all employees.

If your standard of work or conduct falls and, after warnings, remains below the level that is acceptable, you may be dismissed.

The following is a non-exhaustive list of examples of offences, which amount to misconduct falling short of gross misconduct:

- Unauthorised absence from work
- Lateness
- Unacceptable performance
- Inappropriate standard of dress
- Smoking in an area where smoking is prohibited
- Time wasting
- Contravention of minor safety regulations
- Disruptive behaviour
- Unauthorised use of the telephone

Summary dismissal without notice may take place if any act of gross misconduct is committed. Gross misconduct is any deliberate act by an employee that is detrimental to the good conduct of the Company's business. The following is a non-exhaustive list of examples which may amount to gross misconduct:

- Dishonesty
- Falsification of Company records (including timesheets)
- Failure to comply with relevant statutory or regulatory requirements
- Serious insubordination
- Violent, abusive or intimidating conduct
- Deliberate damage to Company property
- Bullying
- Sexual, racial or other harassment
- Unauthorised use or disclosure of confidential information

- Attending work under the influence of alcohol or non-medically prescribed drugs
- Reckless or serious misuse of a company vehicle
- Rudeness to customers
- Any action likely to bring the Company into disrepute
- Accepting a gift which could be construed as a bribe
- Sleeping on duty
- Breach of Health & Safety rules which endanger the health and safety of others
- Refusing to allow a search to be carried out in accordance with Company rules
- Failure to disclose correct information on your application form
- Conviction for any serious criminal offence while an employee of the Company

Disciplinary hearings

The Disciplinary Process will be undertaken by your Line Manager and overseen by the Theatre Administrator. No disciplinary action will be taken until the case has been fully investigated. At all stages you will be advised in writing of the nature of the complaint and will be given the opportunity to state your case before a decision is made and you may, if you wish, be accompanied by a working colleague or trade union representative (if any) who may not make representations on your behalf.

Any Disciplinary Process resulting from an allegation of bullying and/or harassment and/or sexual harassment will be undertaken by the Theatre Administrator and Theatre Director or appropriate Trustee of the Board of Directors.

Timings

Each stage of the disciplinary process will be carried out in a timely manner with no longer than 10 working days passing in between each stage of the process. In the event that there is an unavoidable delay in the process (e.g. due to staff holiday/absence) this will be communicated to all parties immediately and a date agreed to resume the process as soon as practicably possible.

Disciplinary procedure

Except for acts of gross misconduct, the following procedure will normally be adopted:

For minor breaches of discipline, or failure to achieve satisfactory standards, a formal verbal warning will be given, normally by your immediate superior or your department manager. This will be removed after 6 months in the absence of further offences.

For more serious offences, or in the event of further minor transgressions, a warning will be given in writing. The warning will normally be given either by your immediate superior or your department manager. This will be removed after 12 months in the absence of further offences.

In the event of further repetition of the misconduct or a failure to comply with a requested improvement, or in the case of misconduct or failure to comply with standards which do not amount to gross misconduct but which warrant a first and final warning, a final written warning will be issued by your department manager or the Director. This warning will specify that the consequences of a

failure to comply will normally be dismissal. This will be removed after 12 months in the absence of further offences.

In the event of any further misconduct or failure to achieve satisfactory standards or in the case of misconduct not amounting to gross misconduct but warranting dismissal, dismissal may result.

In cases of gross misconduct, you will normally be dismissed without notice or pay in lieu of notice or of accrued holiday pay. In exceptional circumstances, or if there are any genuine mitigating circumstances, alternative disciplinary action may be taken.

Rules for suspension of staff

Suspension will be on full pay and you will be informed in writing of this at the time. The suspension will not normally be for more than five working days.

Appeals

If you are dissatisfied with any disciplinary decision affecting you, you may appeal to the level of management immediately above that at which the decision was taken within four working days of the decision being communicated to you. If the decision was taken by the Director, you may appeal to the Chairman of the Board of Directors.

Any appeal must be put in writing, stating the grounds for the appeal. The appeal will be heard by an appropriate senior manager who has not been involved in the initial proceedings or by the Chairman of the Board of Directors. The appeal will review but cannot increase a disciplinary penalty.

The decision of the appeal is final. There is no further right of internal appeal.

Note:

For any employee engaged on a UK Theatre/Equity or SOLT/Equity Contract, the grievance and disciplinary procedure detailed in the relevant Agreement will be followed.