



DIVERSITY, INCLUSION & BELONGING

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Introduction

Leicester Theatre Trust Ltd (LTT) is committed to the principles of equality of opportunity, inclusion, and diversity. Furthermore, LTT wants to ensure everyone involved with the organisation feels genuinely valued and has a sense of belonging, with equal opportunity to progress within the organisation, as opposed to possibly feeling they are ticking a box!

Diversity, inclusion and belonging together form a positive approach to recognise that everyone is different and can make and bring their own unique contribution, experience, knowledge and skills to the organisation. LTT promotes dignity and respect for all, and an environment where individual differences and the contributions of all employees are recognised and valued. LTT will not unlawfully discriminate against any individuals with the protected characteristics of

- Age
- Disability (including Mental Illness)
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race (including colour, nationality, and ethnic or national origin)
- Religion or belief
- Sex
- Sexual orientation

in line with the Equality Act 2010.

In short, LTT has a **zero-tolerance** towards all forms of unlawful discrimination.

To whom does this document apply?

Both employer and employee can be held liable for acts of bullying, harassment, victimisation and unlawful discrimination in the course of their employment, against fellow employees, trustees, customers, suppliers and the public. This document and associated policies therefore applies to all employees, trustees, workers, freelancers, agency workers, consultants, actors, creatives engaged with LTT and our customers.

Any breach of this document and associated policies by an officer, trustee, employee, worker, agency worker or consultant will be taken seriously and may result in disciplinary action in relation to employees and trustees, and other action in relation to non-employees. In some instances, serious breaches may be considered to be an act of gross misconduct which could result in the immediate termination of employment, or, as is the case, the immediate termination of any consultancy or engagement.

Roles and Responsibilities

All staff are responsible for familiarising themselves and acting in accordance with this document and associated policies. Anyone to whom this document (and policies) applies should inform their manager a member of SMT or the HR department if they know or suspect that discrimination or harassment is occurring.

All staff and anyone else engaged in working or volunteering with LTT should feel confident to challenge inappropriate actions or comments. Our Speak Up Policy explains how anyone speaking up on any issue is protected from any form of retaliation for doing so.

Managers will ensure that this document and associated policies are communicated across their teams and will provide advice and guidance to everyone regarding their conduct along with sources of available support. Managers are required to exercise leadership in this field by encouraging inclusion, discouraging prejudice and modelling appropriate behaviour. They must also take speedy and appropriate action to deal with any breaches of the document, or behaviour that could lead to a breach of the policy.

The Human Resources team will ensure that this document is implemented and operated in a reasonable and fair manner, provide advice and guidance to all relevant people, line managers and key contacts and oversee provision of any letters and documents required.

The Senior Management Team will ensure that this document is communicated and understood across their management teams and will provide advice and guidance regarding expectations of conduct. The senior management team are required to exercise leadership by encouraging inclusion, discouraging prejudice and modelling appropriate behaviour. They must also take speedy and appropriate action to deal with any breaches of our Diversity, inclusion and belonging policies.

The Board of Trustees will oversee this document and LTT's policies be familiar with them and the processes in place as well as provide governance and advice where appropriate.

Related policies and procedures

The following policies and procedures may need to be consulted in conjunction with this document as applicable:

- Dignity at Work (Bullying & Harassment) Policy
- Grievance Policy
- Disciplinary Policy
- Speak Up Policy
- Whistleblowing Policy
- Safeguarding Children, Young People & Vulnerable Adults Policy (Diversity issues here include children's welfare in the theatre, vulnerable adults as victims of Modern Slavery, Child Sexual Exploitation, vulnerable adults and children being radicalised and much more)

Monitoring

- LTT, in association with Arts Council England, will maintain records of sex, ethnic origin, age, sexual orientation, disability and socio-economic background for all employees, workers, consultants, officers, freelancers, facilitators, creatives, actors and for internal and external job applicants.
- This information will be collected and stored in line with the Data Protection Act 2018 (GDPR) and will only be used to monitor compliance with the principles of diversity, inclusion and belonging. The information will be analysed at regular intervals by Human Resources.
- NB. In addition to monitoring and recording data on protected characteristics, managers and colleagues are encouraged to communicate with colleagues with a protected characteristic which may make it difficult for them to undertake their work, in order to identify and hopefully remove those barriers

Review

This document, and associated policies will be reviewed periodically – and in any case every two years – by Human Resources and SMT. It will in any case be reviewed any time it is invoked, and use suggests that changes or clarifications are needed.

Where review is necessary due to legislative change this will happen without delay.

The document will additionally be updated according to legislative and good practice changes and changes in internal structures and role responsibilities as and when needed.

Key (and more recent) terminology

Please see Appendix A below

Policies into Practice

LTT will:

- Promote our diversity, inclusion and belonging aims with our staff, partners and other stakeholders.
- Offer training for staff to enable them to understand and implement our diversity, inclusion and belonging policies, such as Dignity at Work, anti-racism and mental health awareness training
- Make use of appropriate wall space and notice boards and other physical and electronic means of communicating to publicise our zero-tolerance approach to discrimination
- Use the above means to communicate and regularly refresh content from this document's appendices on examples of discrimination and harassment, what to do if affected and other useful information to all included in the document
- Ensure that staff are aware of their responsibilities in implementing these policies.
- Take appropriate action to deal with discrimination, harassment and victimisation by or against a member of staff.

Anti-racism

We actively promote anti-racism at LTT through training across the organisation to ensure understanding of areas such as micro-aggressions and white privilege as well as how to challenge conscious and unconscious bias. We will continue to contribute to the Leicester NPO network taking a key role in the delivery of the Black Lives Matter (BLM) framework for change.

Recruitment and Employment

Recruitment

LTT will:

- Operate fair and inclusive recruitment and employment practices to achieve our operational needs, including use of the Disability Confident Employer scheme for disabled applicants.
- Ensure all our vacancies are advertised across a diverse range of recruitment platforms, such as Disability Arts online, diversity job platforms, job centres and local community centres.
- Work to achieve equality of opportunity in all areas of employment.
- Seek to maintain a diverse workforce that reflects the diversity of the communities we serve.

To achieve these aims we will:

- Ensure all interview panels have a balance of genders (e.g. no all-male interview panels).
- Engage a person from a Black, Asian or ethnically diverse background in all interview processes; ideally, they should be a member of the interview panel.
- Apply disability to the above two points if the interview panel doesn't already feature a disabled person (with an obvious or hidden impairment)
- Ensure that employment selection decisions are based on objective, open, fair, non-discriminatory job-related criteria, and that procedures are consistently applied and evaluated.
- Keep under review and improve our internal process and practices – including recruitment, selection, appraisal, opportunities to act at a higher level, training and development, grievance, disciplinary and capability procedures – to ensure they are open and transparent, do not discriminate and that they do encourage equality in representation and experience.
- Monitoring the career development of our employees, examining the reasons for any significant disparities between different groups and developing appropriate action plans.
- Regularly train all employees involved in the recruitment, selection and management of people, in order to increase awareness and understanding of equality and diversity issues.
- Draw on initiatives and other best practice aimed at improving diversity and ensure that dignity at work and speak up policies are embedded across the organisation.

Promotion, training and development

Selection for promotion will only be based on ability or demonstrated potential to do the job. All employees will be encouraged to take advantage of available, relevant and suitable training and development opportunities.

Online courses will be available and internal courses will be developed to meet specific training needs in relation to diversity and inclusion, and appropriate training events will be provided for all employees involved in selection for recruitment or delivering training.

The responsibilities of the employer and employee for diversity, inclusion and belonging will be positively incorporated into employee training at all levels from induction courses to Trustee and Senior Management workshops.

Working environment

All efforts will be made to make adjustments wherever reasonably practicable for disabled staff, applicants for posts or any staff member making a reasonable request.

We aim to have a working environment and culture where everyone feels comfortable and treated with dignity and respect.

Challenging policy, practice and individuals

LTT is committed to respectful forms of challenge and healthy conflict resolution. We actively encourage staff and others to whom this document applies to challenge each other when they are feeling uncomfortable and expect them to do so if they notice that this policy is being breached. We will provide information so that staff can access appropriate support to deal with diversity, inclusion and belonging issues which they cannot resolve themselves.

Access to services

We will, wherever possible, make reasonable adjustments to how we deliver services according to individual circumstances. We aim to ensure that no individual or group applying to use our theatre or services will be treated less favourably than any other person or group of persons for any reason that cannot be justified.

Access to information

Where possible, information will be made available in suitable formats, such as large print or recorded, where needed to meet an individuals' needs.

Procurement: contractors, consultants, agents and partners

LTT is committed to providing equality of opportunity for other workers, consultants, actors and others we engage with, and will apply fair, open and consistent criteria in their selection.

We will seek to only work with partners who share our commitment to equality, diversity, inclusion and belonging. We will also work with other community organisations where possible to help us understand the issues of relevance to local communities and groups within those communities and ensure that they are fully included in our work in their area.

Complaints

We will ensure that employees who believe they have received treatment contrary to the principles set out in this document can have their grievances dealt with quickly and confidentially in accordance with the Dignity at Work (Bullying & Harassment) Policy or Grievance Policy.

For those not directly employed by LTT, but to whom this document applies (e.g. trustees, freelancers, contractors, volunteers, customers), making a complaint due to any incident which occurs contrary to this document and associated policies will have such complaints dealt with quickly and confidentially.

Consultation in developing this document and associated policies

This document and associated policies were developed in close partnership with a number of colleagues across the business and signed off at Board level.

Additionally, any proposed changes to policies, procedures and services will be discussed with Managers and the "Voices for Change" Group to ensure the impact on any group is taken in to account.

DIGNITY AT WORK (BULLYING & HARASSMENT) POLICY

Leicester Theatre Trust Ltd	POLICY DOCUMENT	POLICY PAGE VERSION DATE OF ISSUE REVIEWED	Policy and Strategy 1 October 2021
Title: Dignity at Work (Bullying & Harassment) policy		APPROVED BY: SMT/Board	

1 Changes from Last Issue

N/A

2 Scope

This policy applies to all employees, trustees, workers, agency workers, consultants, actors, creatives engaged with Leicester Theatre Trust Ltd (LTT).

This policy does not form part of an employee's contract of employment with the Company and we may amend it at any time.

Any breach of this policy by an officer, employee, trustee, worker, agency worker or consultant will be taken seriously and may result in disciplinary action in relation to employees and other action in relation to non-employees. In some instances, serious breaches of this policy may be considered to be an act of gross misconduct which could result in the immediate termination of employment, or, as is the case, the immediate termination of any consultancy or engagement.

3 Reference Documents

INTERNAL

Speak Up policy
Grievance policy
Disciplinary policy
Whistleblowing policy

EXTERNAL

Employment Rights Act 1996
Equality Act 2010
ECHR guidance on sexual harassment

4 Policy

4.1 LTT is committed to providing a working environment free from bullying and harassment and ensuring all staff and those who are engaged at LTT are treated, and treat others, with dignity and respect.

4.2 This policy covers bullying and harassment which occurs at work and out of the workplace, such as on business trips or at work-related events or social functions. It covers bullying and harassment by "staff" (which may include trustees, consultants, contractors, freelancers and agency workers) and also by third parties such as customers, suppliers or visitors to our premises.

4.3 Our separate 'Speak Up' Policy should give staff the confidence to speak up on any concerns or observations they would like to raise without fear of repercussion. It also reinforces the need for staff to challenge inappropriate words or behaviours in relation to prejudice or discrimination, including when this is aimed at a 'third' party and therefore wouldn't be covered under this Dignity at Work (Bullying & Harassment) Policy.

4.4 This policy covers all employees, officers, consultants, contractors, casual workers, creatives, apprentices and agency workers.

5. WHO IS RESPONSIBLE FOR THIS POLICY?

5.1 Our board of trustees (the board) has overall responsibility for the effective operation of this policy but has delegated day-to-day responsibility for overseeing its implementation to CEO/Head of People/Senior Management Team.

5.2 All managers have a specific responsibility to operate within the boundaries of this policy, ensure that all staff understand the standards of behaviour expected of them and to take action when behaviour falls below its requirements.

5.3 Staff should disclose any instances of bullying and harassment of which they become aware to their line manager, member of SMT or HR department.

5.4 Questions about this policy and requests for training or information on dealing with harassment should be directed to the Head of People.

5.5 This policy is reviewed annually by the Head of People.

5.6 The Head of People has responsibility for ensuring that any person who may be involved with investigations or administrative tasks carried out under this policy receive regular and appropriate training to assist them with these duties.

5.7 Staff are invited to comment on this policy and suggest ways in which it might be improved by contacting the Head of People.

6. WHAT IS BULLYING AND/OR HARASSMENT?

6.1 Bullying and Harassment both involve any unwanted physical, verbal or non-verbal conduct that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.

6.2 Unwanted means essentially the same as "unwelcome" or "uninvited". Unwanted means "unwanted by the worker" and should be considered from the worker's subjective point of view. It is not necessary for a worker to say that they object to conduct for it to be unwanted.

6.3 A single incident can amount to bullying or harassment. Conduct can amount to bullying or harassment even if that is not what was intended.

6.4 A person may be bullied or harassed even if they were not the intended "target". For example, a person may be harassed by racist jokes about a different ethnic group if the jokes create an offensive environment.

7. HARASSMENT RELATED TO A PROTECTED CHARACTERISTIC

Unlawful harassment is harassment related to a relevant protected characteristic. A relevant protected characteristic includes age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation. Harassment is unacceptable even if it does not fall within any of these categories.

Harassment may include, for example:

- (a) spoken words, comments, mocking, mimicking or belittling a person;
- (b) banter
- (c) written words
- (d) posts or contact on social media
- (e) imagery including pornographic material and including by imagery sent by email, text message, video clips, WhatsApp, images sent by mobile phone or posted on the internet
- (f) graffiti
- (g) physical gestures
- (h) facial expressions
- (i) mimicry
- (j) jokes or pranks or stereotypical remarks about a person
- (k) acts affecting a person's surroundings
- (l) aggression; and
- (m) physical behaviour towards a person or their property.
- (n) unwanted physical conduct or "horseplay", including touching, pinching, pushing and grabbing;
- (o) continued suggestions for social activity after it has been made clear that such suggestions are unwelcome;
- (c) outing or threatening to out someone as gay or lesbian;
- (f) offensive e-mails, text messages or social media content.

Examples of this could include:

A worker has a son or daughter who is transgender and his colleagues make jokes about their transition.

A Sikh worker wears a turban to work. His manager wrongly assumes that he is Muslim and subjects him to Islamophobic abuse.

A worker with a hearing impairment is verbally abused because they wear a hearing aid.

A manager is to interview a worker who they line manage for promotion. The manager says that worker is the favourite for the job because they are the best-looking candidate.

An employee racially abuses a black worker in front of a white colleague. The black worker and the white worker may both be able to claim unlawful harassment.

7.1 SEXUAL HARASSMENT

Sexual harassment occurs when a worker is subjected to unwanted conduct which is of a sexual nature. The conduct need not be sexually motivated, only sexual in nature.

Conduct 'of a sexual nature' includes a wide range of behaviour, such as:

- (a) sexual comments or jokes
- (b) displaying sexually graphic pictures, posters or photos
- (c) suggestive looks, staring or leering
- (d) propositions and sexual advances
- (e) making promises in return for sexual favours
- (f) sexual gestures
- (g) intrusive questions about a person's private or sex life or a person
- (h) discussing their own sex life
- (i) sexual posts or contact on social media
- (j) spreading sexual rumours about a person
- (k) sending sexually explicit emails or text messages, and
- (l) unwelcome touching, hugging, massaging or kissing.

Examples could include:

A worker alters a pornographic image by pasting an image of a colleague's face on to it and sends it to other colleagues, causing the person to be ridiculed.

A worker has a brief sexual encounter with a colleague and then states that they think it was a mistake and doesn't want the relationship to continue. The next day the supervisor grabs the worker's bottom, saying "come on, stop playing hard to get".

An individual can experience unwanted conduct from someone of the same or different sex.

7.2 LESS FAVOURABLE TREATMENT FOR REJECTING OR SUBMITTING TO UNWANTED CONDUCT

The third type of harassment occurs where:

- (a) a worker is subjected to unwanted conduct of a sexual nature, related to sex or related to gender reassignment;
- (b) the unwanted conduct has the purpose or effect of violating the workers' dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for the worker; and
- (c) the worker is treated less favourably because they submitted to, or rejected the unwanted conduct.

Example

If a female worker has a brief sexual encounter with a colleague and then states that she thinks it was a mistake and doesn't want the relationship to continue. The next day the supervisor grabs the worker's bottom, saying "come on, stop playing hard to get". If the colleague then starts to make things more difficult for the worker at work, giving her more work to do or being critical of her work, then this would amount to less favourable treatment because she had rejected his conduct.

Similarly, if he refused her promotion because she rejected his advances, this would be unlawful.

7.3 VICTIMISATION

Victimisation occurs whenever a worker is subjected to a detriment because they have done a protected act – for example, because they have made a complaint of harassment, helped someone else to make a claim by giving evidence or information relating to that claim or made an allegation that someone has breached the discrimination legislation. Victimisation also means subjecting a worker to a detriment because it is believed that they have done or are going to do the protected act, even if they don't actually do it.

An act will not be a protected act where the worker gives false evidence or information or makes a false allegation in bad faith.

Example

A worker gives evidence to the employer which supports a colleague's claim of sexual orientation discrimination or harassment and, as a result, the worker is denied a promotion.

8. CONSEQUENCES OF HARASSMENT

8.1 Sexual harassment, harassment (including less favourable treatment for rejecting or submitting to unwanted conduct) and victimisation are unlawful and will not be tolerated.

8.2 If you are guilty of sexual harassment, harassment (including less favourable treatment for rejecting or submitting to unwanted conduct) and/or victimisation, this will be treated as a disciplinary matter and may constitute gross misconduct, justifying summary dismissal without notice or payment in lieu of notice.

This includes any sexual harassment, harassment (including less favourable treatment for rejecting or submitting to unwanted conduct) and/or victimisation that you commit:

- (a) In a work situation;
- (b) During any situation related to work, such as a social event with colleagues;
- (c) Against a colleague or other person connected to the employer outside of a work situation, including on social media; or
- (d) Against anyone outside of a work situation where the incident is relevant to your suitability to carry out your role.

8.3 Aggravating factors such as abuse of power over a more junior colleague will be taken into account in deciding what disciplinary action to take and in most cases, will be treated as gross misconduct justifying summary dismissal without notice or payment in lieu of notice

9. WHAT TO DO IF YOU WITNESS BULLYING OR HARASSMENT

9.1 If you witness bullying or harassment, then you are encouraged to take steps to address it. This may include:

- Intervening where you feel that it is appropriate to do so
- Asking the person subjected to bullying or harassment if they would like a witness to report it or support them in reporting it

- Reporting the incident where the witness feels that there may be a continuing risk if you do not do so
- Co-operating in any investigation.

Witnesses will not be subjected to any detriment for providing information regarding an allegation of harassment and acts of unlawful victimisation will not be tolerated.

10. IF YOU ARE BEING BULLIED OR HARASSED: INFORMAL STEPS

- 10.1** If you are being bullied or harassed, consider whether you feel able to raise the problem informally with the person responsible. You are not under any pressure to do so, but may feel that you are able. You should explain clearly to them that their behaviour is not welcome or makes you uncomfortable. If this is too difficult or embarrassing, you should speak to your line manager (or if your line manager is the one responsible for the harassment, their manager) or the Human Resources Department, who can provide confidential advice and assistance in resolving the issue formally or informally.
- 10.2** If you are not certain whether an incident or series of incidents amounts to bullying or harassment, you should initially contact your line manager (or if your line manager is the one responsible for the harassment, their manager) or the Human Resources Department informally for confidential advice.
- 10.3** If you raise the matter informally with your line manager (or if your line manager is the one responsible for the harassment, their manager) or the Human Resources Department, they will listen to you and work out how best to resolve the issue informally and in a way which you are most comfortable with, having considered all of the options. This may include:
- Providing you with advice on how to approach the issue with the alleged harasser
 - Supporting you in raising the issue with the alleged bully or harasser by accompanying you in that discussion or helping you to set out your thoughts in writing
 - Raise the matter informally with the bully or harasser on your behalf
 - Arrange mediation between you and the alleged bully or harasser
 - Help to obtain advice on how best to resolve the issue and/or assistance in doing so from other sources
 - Help to obtain counselling or support for you
- 10.4** If informal steps are not appropriate due to the nature of the incident or severity or in any other case where it is inappropriate, or have been unsuccessful, you should follow the formal procedure set out below and/or refer to our Grievance Procedure.

11. RAISING A FORMAL COMPLAINT

- 11.1** If you wish to make a formal complaint about bullying or harassment, you should submit it in writing to your line manager/company stage manager, senior manager or HR department, whose role is to achieve a solution wherever possible and to respect the confidentiality of all concerned. If the matter concerns one of the above, you should refer it to another senior manager or Trustee.
- 11.2** Your written complaint should set out full details of the conduct in question, including the name of the bully or harasser, the nature of the bullying or harassment, the date(s) and time(s) at which it occurred, the names of any witnesses and any action that has been taken so far to attempt to stop it from occurring.

11.3 As a general principle, the decision whether to progress a complaint is up to you. However, we have a duty to protect all staff and may pursue the matter independently if, in all the circumstances, we consider it appropriate to do so. We may also need to take steps to ensure that the matter is resolved in any event, for example:

- Keeping a record of the complaint and your request to keep it confidential
- Encouraging you to address the issue informally
- Providing you with support and guidance
- Keeping the situation under review
- Where the situation doesn't improve, taking steps to address the issue

If we decide that we must take formal action, then we will explain that to you and ensure that we put appropriate safeguards in place to prevent further harassment or victimisation, as well as support for you.

12. FORMAL INVESTIGATIONS

12.1 We will investigate complaints in a timely and confidential manner. Individuals not involved in the complaint or the investigation should not be told about it (save where you may need to take legal advice, as required by law or where there is a requirement to report the matter to a regulator). The investigation will be conducted by someone with appropriate experience and no prior involvement in the complaint. The investigation should be thorough, impartial and objective, and carried out with sensitivity and due respect for the rights of all parties concerned. We reserve the right to engage an independent third party to assist at any stage of this procedure.

12.2 We will arrange a meeting with you, usually within one week of receiving your complaint, so that you can give your account of events. You have the right to be accompanied by a colleague or a trade union representative of your choice, who must respect the confidentiality of the investigation. You will be given a provisional timetable for the investigation. The investigator will arrange further meetings with you as appropriate throughout the investigation.

12.3 Where your complaint is about an employee, we may consider suspending them on full pay or making other temporary changes to working arrangements pending the outcome of the investigation, if circumstances require. The investigator will also meet with the alleged harasser to hear their account of events. They have a right to be told the details of the allegations against them, so that they can respond.

12.4 Where your complaint is about someone other than an employee, such as a customer, supplier or visitor, we will consider what action may be appropriate to protect you and anyone involved pending the outcome of the investigation, bearing in mind the reasonable needs of the business and the rights of that person. Where appropriate, we will attempt to discuss the matter with the third party.

12.5 We will also seriously consider any request that you make for changes to your own working arrangements during the investigation. For example, you may ask for changes to your duties or working hours so as to avoid or minimise contact with the alleged harasser.

12.6 It may be necessary to interview witnesses to any of the incidents mentioned in your complaint. If so, the importance of confidentiality will be emphasised to them.

12.7 At the end of the investigation, the investigator will submit a report to a Senior Manager or Trustee (depending on the circumstances) nominated to consider the complaint. They will arrange a meeting with you, usually within a week of receiving the report, in order to discuss the outcome and what action, if any, should be taken. You have the right to bring a colleague or a trade union representative to the meeting. A copy of the report and the Senior Managers' or Trustees' findings will be given to you and to the alleged harasser.

13. ACTION FOLLOWING THE INVESTIGATION

13.1 If the Senior Manager or Trustee considers that bullying or harassment has occurred, prompt action will be taken to address it.

13.2 Where the harasser is an employee the matter will be dealt with as a case of possible misconduct or gross misconduct under our Disciplinary Procedure. If the bully or harasser is a third party such as a customer or other visitor, we will consider what action would be appropriate to deal with the problem. Whether or not your complaint is upheld, we will consider how best to manage any ongoing working relationship between you and the person concerned.

13.3 Whether or not your complaint is upheld, we will consider how best to manage the ongoing working relationship between you and the person concerned. It may be appropriate to arrange some form of mediation and/or counselling, or to change the duties, working location or reporting lines of one or both parties.

13.4 Any staff member who deliberately provides false information or otherwise acts in bad faith as part of an investigation may be subject to action under our Disciplinary Procedure. You will not be subjected to disciplinary action or to any other detriment simply because your complaint is not upheld. You will only face disciplinary action if it is found both that your allegation was false and/or made in bad faith.

13.5 It will be necessary for us to communicate the outcome of the complaint of harassment to the complainant. In this event, we may need to disclose the outcome of disciplinary action taken against the alleged harasser in order for that individual to be confident that appropriate action has been taken. We will need to balance our need to disclose the outcome to the complainant against our obligations under the General Data Protection Regulation.

14. APPEALS

14.1 If you are not satisfied with the outcome you may appeal in writing to Head of People, stating your full grounds of appeal, within 5 working days of the date on which the decision was sent or given to you.

14.2 We will hold an appeal meeting, normally within one week of receiving your written appeal. This will be dealt with impartially by, where possible a more senior manager or Trustee who has not previously been involved in the case (although they may ask anyone previously involved to be present). You may bring a colleague or trade union representative to the meeting.

14.3 We will confirm our final decision in writing, usually within one week of the appeal hearing. This is the end of the procedure and there is no further appeal.

15. PROTECTION AND SUPPORT FOR THOSE INVOLVED

- 15.1** Staff who make complaints or who participate in good faith in any investigation must not suffer any form of retaliation or victimisation as a result. Anyone found to have retaliated against or victimised someone in this way will be subject to disciplinary action under our Disciplinary Procedure.
- 15.2** If you believe you have suffered any such treatment you should inform your line manager or the Human Resources Department. If the matter is not remedied you should raise it formally using our Grievance Procedure or this procedure if appropriate.
- 15.3** We offer our permanent team access to confidential counselling through our Health Cash plan, Medicash. The details are available in confidence from a member of the HR team. Additional support can be found below in 15.4.
- 15.4** If you require additional/external support, you may wish to consider approaching any one of the following:

- Theatre Helpline on 0800 915 4617 or via email at www.theatrehelpline.org;
- ACAS on 0300 123 1100
- National bullying helpline on 0845 2255787 or via email at admin@nationalbullyinghelpline.co.uk
- The Equality Advisory and Support Service

Address: Freepost EASS Helpline FPN6521
Facebook: www.facebook.com/EASSHelpline/
Twitter: @EASShelpline
Phone: 0808 800 0082
Textphone: 0808 800 0084
<http://www.equalityadvisoryservice.com/>

- Rights of Women in England and Wales

52-54 Featherstone Street, London EC1Y 8RT
Tel: 020 7490 0152
<https://rightsofwomen.org.uk/contact-us/>

16. CONFIDENTIALITY AND RECORD-KEEPING

- 16.1** Confidentiality is an important part of the procedures provided under this policy. Details of the investigation and the names of the person making the complaint and the person accused must only be disclosed on a “need to know” basis, save as required by law, to enable you to take appropriate legal advice or where there is a requirement to report the matter to a regulator). Breach of confidentiality may give rise to disciplinary action under our Disciplinary Procedure.
- 16.2** Information about a complaint by or about an employee may be placed on the employee’s personnel file, along with a record of the outcome and of any notes or other documents compiled during the process.

Speak up Policy

Leicester Theatre Trust Ltd	POLICY DOCUMENT	POLICY	Policy and Strategy
		PAGE VERSION	1
		DATE OF ISSUE	Oct 2019
		REVIEWED	Oct 2021
Title: Speak Up Policy		APPROVED BY: LTT Board	

1 Changes from Last Issue

Internal and External reference documents

2 Scope

This policy applies to all employees of Leicester Theatre Trust Ltd (LTT), officers, consultants, contractors, volunteers, casual workers and agency workers.

This policy does not form part of your contract of employment and we may amend it at any time.

3 Reference Documents

INTERNAL

LTT Disciplinary Procedures
 LTT Grievance Procedures
 LTT Dignity at Work (Bullying & Harassment) Policy
 LTT Whistleblowing Policy

EXTERNAL

ACAS Code of Practice on Disciplinary and Grievance Procedure
 General Data Protection Regulation 2016
 Data Protection Act 2018

4 Policy

1. Policy Aims

LTT is committed to conducting business with fairness, integrity and respect for the law and our values. In spite of this commitment, individuals may one day observe conduct that seems to violate the law, our Code of Business Conduct and/or its policies. If an individual observes or suspects such misconduct, they are encouraged to 'Speak Up'. By doing so, this gives LTT the opportunity to deal with the issue. Remaining silent about possible misconduct may worsen a situation and decrease trust.

LTT truly values the help of employees who identify and Speak Up about potential concerns that need to be addressed. Speaking Up is encouraged and employees who Speak Up are protected. They will not suffer for raising concerns in good faith about suspected misconduct, and LTT do not tolerate any form of retaliation against individuals for Speaking Up. After all: Speaking Up is essential for LTT to sustain our reputation, success and ability to operate.

2. Purpose

The purpose of this policy is to explain how you can raise concerns about suspected misconduct in confidence and without fear of retaliation. It also describes what you can expect from LTT if you Speak Up.

3. What concerns are covered by the Speak Up Policy

The Speak Up policy can be used to raise concerns about suspected misconduct within LTT that is: any violations of the law, our code of conduct and/or its policies under which the Company operates. Employees are expected to report any fraud or good faith suspicion thereof.

A person who Speaks Up is someone who raises a concern in good faith relating to the below. If you have any genuine concerns relating to suspected wrongdoing or danger affecting any of our activities (a Speak Up concern) you should report it under this policy.

Examples of concerns that can be raised using this Speak Up policy are (please read in conjunction with the Whistleblowing policy):

- Conflicts of interest;
- Abusing a position of authority;
- Environmental, health and safety issues;
- Financial misdemeanour;
- Discrimination, Bullying or Harassment;
- Criminal activity e.g. fraud, theft, bribery;
- Any victimisation, harassment, discrimination or act of abuse towards any employee.

Exclusions:

This policy should not be used for complaints relating to your own personal circumstances at work, for example, where you believe you are being subjected to bullying, harassment, discrimination, victimisation etc. These should be dealt with under the Grievance Procedures and any such complaints should be directed to the HR team for action.

However, if you wish to raise concerns that a 3rd party is being subjected to bullying, harassment etc, these concerns should be reported under this Speak Up policy.

Other exclusions are as follows:

- To report events presenting an immediate threat to life or property;
- To settle personal disputes;
- To make accusations which you know are false. Doing so may lead to disciplinary measures

Issues with business or staff performance, customer service or non-compliance with policy and procedures, where there is no suspicion of deliberate wrongdoing and where there are no legal or regulatory implications, can be dealt with internally by the business, rather than under this policy. However, these matters can be reported to the CEO, if you wish to do so, particularly if you believe appropriate action is not being taken to address your concerns.

4. How to Speak Up

The most important thing is that you raise a concern. You can do this in a number of ways:

- Raise your concerns with your line manager, a member of SMT a member of the HR team or a Trustee;
- Raise your concerns with the Production Company personnel, Company stage manager, Designated Safeguarding officer, Workshop leader or other central liaison point you feel comfortable contacting;
- Attend a drop-in session with the CEO or make arrangements to see him.

Additionally, you can seek support from the following:

- Medicash Employee Assistance Programme (if you are a member);
- Theatre Helpline on **0800 915 4617** or via email at www.theatrehelpline.org;
- ACAS on **0300 123 1100** who will be able to offer you free advice;
- National bullying helpline on **0845 22 55 787** or via email at admin@nationalbullyinghelpline.co.uk ;
- Equity Bullying Reporting line on 020 7670 0268
- Musicians Union Safe space scheme: <https://musiciansunion.org.uk/safespace>
- Inc Arts Minds <https://incarts.uk/inc-arts-minds> or email admin@incarts.uk

If someone else raises a concern with you then you must promptly report the matter to a member of SMT, the Head of People or CEO who will advise you on what to do next.

Any unjustified delay in reporting an allegation to the relevant person or unauthorised action by employees (including senior management) could significantly compromised an investigation and may result in disciplinary action being taken against those who do so.

5. Confidentiality/Privacy

All reporting is done confidentially. This means that information about your concern will only be shared with a limited number of people on a strict need-to-know basis. Information will only be disclosed outside this small group if we are required to do so by law or an important public interest is at stake. In principle, we are obliged to inform the implicated person that a complaint has been filed against him/her, but your identify will not be disclosed. You yourself can help up protect confidentiality by being discreet and not discussing your report with your colleagues or anyone else.

You can share your concerns anonymously (where allowed by the law). We do however encourage you to reveal your identify as it is more difficult, and in some cases even impossible, for us to investigate reports that are made anonymously.

LTT is committed to protecting the privacy of everyone involved. We will do everything reasonable to safeguard personal data from unauthorised access and processing. Any personal data obtained as part of this Speak Up policy will only be used for the purposes explained in this policy or to comply with the law or an important public interest.

Speaking Up is encouraged and employees who Speak Up are protected. Please feel confident that you will not suffer for raising concerns in good faith about suspected

misconduct. Any form of threat or retaliation will not be tolerated. Retaliation is treated as a disciplinary matter. Raising a concern that you know is false will be taken seriously and dealt with appropriately.

If this policy is misused and an individual knowingly makes a false accusation, lies to investigators, interferes with an investigation or refuses to cooperate in an investigation they may be subject to the disciplinary process in line with the disciplinary policy.

6. Follow-up – What happens next/Timeline

All concerns raised regarding possible misconduct will be taken seriously. Reports will be assessed on a case by case basis and where appropriate, will be investigated. LTT will, where possible, inform you of the overall findings of the investigation but may not be able to give you full details of the outcome or actions taken for reasons of confidentiality, privacy and the legal rights of all concerned.

Review and investigation will be conducted in an independent, fair and unbiased manner with respect to all parties involved and in accordance with relevant law and principles (including fair hearing). Details of the case, your identity and the identity of anyone else mentioned in the report, are kept confidential throughout and after the investigation and are only shared on a need-to-know basis.

If you become involved in an investigation, you need to cooperate and answer all questions completely and honestly. Lying to the people performing the investigation as well as delaying, interfering with or refusing to cooperate with an investigation may lead to disciplinary measures. All parties involved, including the accused, are entitled to confidentiality in order to avoid unnecessary damage to their reputation. Therefore, if you participate in or learn about an investigation, you must keep the matter confidential.

7. Formal Action

LTT takes wrongdoing very seriously. If an investigation identifies sufficient evidence indicating wrongdoing by anyone working for LTT, a supplier or contractor, the matter will be escalated for further appropriate action to be taken.

For an LTT employee, this is likely to lead to a formal disciplinary proceeding and, if wrongdoing is proved, the possible outcomes can be significant, including dismissal, or other action in relation to non-employees. In some instances, serious breaches of this policy may be considered to be an act of gross misconduct which could result in the immediate termination of employment, or, as is the case, the immediate termination of any consultancy or engagement.

LTT may also seek formal recovery of any losses incurred from any individuals or organisations where this has occurred as a result of wrongdoing. Where criminal activity is involved, the matter may be reported to the relevant authorities.

8. Training and Development

All Trustees, managers and SMT will be trained to ensure they understand and know how to use and operate our Diversity, Inclusion & Belonging policies.

Appendix A

Key (and more recent) terminology

What is discrimination?

Discrimination is not necessarily about treating people differently. In fact, if we are providing customer excellence, we are treating some people differently on a regular basis due to their specific or additional needs or requirements, in order to give them an equal service.

Discrimination is defined in the Equality Act 2010 as ‘treating someone less favourably...’

There are different types of discrimination with the main ones being; direct discrimination, indirect discrimination, harassment and victimisation.

Bullying and Harassment

These two terms are often confused with each other. There is however a distinct difference and one important factor is that bullying, which can be incredibly destructive to the victim, is not actually unlawful! Harassment, where a protected characteristic is involved, is unlawful. LTT is clear in its zero-tolerance approach that bullying will not be tolerated and to this end we have a separate Dignity at Work (Bullying & Harassment) Policy.

Unconscious bias

Implicit or unconscious bias happens by our brains making incredibly quick judgments and assessments of people and situations without us realising. LTT recognises the need for awareness training to colleagues, and in particular to recruiters and decision makers, on unconscious bias, to enable them to become aware of the groups of people they may have an unconscious bias towards and take action to address it when necessary.

Whistleblowing

The (separate) Whistleblowing Policy would apply if an employee or third party felt that LTT as an organisation maintained a culture of inequality and discrimination, known to be either openly supported by or not acted upon by the leadership. Whistleblowing is also the disclosure of information which relates to other suspected wrongdoing or dangers at work. The policy should reassure staff (and others) that they should be able to raise genuine concerns without fear of reprisals, even if they turn out to be mistaken.

Neurodiversity

Neurodiversity is a relatively new term that refers to people who have autism, dyslexia, dyspraxia, Tourette’s, ADHD and other neurological conditions. LTT recognises that all too often we focus on the challenges associated with neurodiverse colleagues and customers, rather than the strengths. Positive attributes commonly associated with neurodivergent employees include creativity and innovation, lateral thinking and bringing a 'different perspective'.

Diversity, Inclusion & Belonging training at LTT from 2021 will include awareness training on neurodiversity, estimated to affect about 1 in 5. The awareness training will include factors such as recruitment and performance in the workplace and tailoring support to individuals in the workplace and outside.

Non-binary identity

When we talk about binary identity, we think man or woman, male or female. Non-binary is used to describe people who feel their gender cannot be defined within the margins of gender binary. Instead, they understand their gender in a way that goes beyond simply identifying as either a man or woman. They may identify as both male and female or neither male nor female.

Socio-economic background

This is not a protected characteristic although interestingly Part 1 of the Equality Act 2010 contained a proposed duty to address social mobility. This was never enacted in law. LTT is delighted to see the Arts Council of England taking a lead in researching and capturing socio-economic data in an attempt to address issues of poverty and deprivation causing obstacles to working or being involved in cultural organisations such as Curve.

Appendix B

Curve Theatre and LTT's commitment to Diversity, Inclusion & Belonging

During 2021/22 we will focus on the following:

- 1. A more representative workforce (employees, volunteers, board, actors etc); reflecting the diverse makeup of the area in which we operate**
- 2. Continue to encourage colleagues to challenge stereotyping and discriminatory practices: within the theatre and outside**
- 3. Colleagues continue to receive the latest best practice and training on equality, diversity and inclusion, including neurodiversity and mental welfare**
- 4. Procurement practices ensure contractors and suppliers demonstrate a genuine culture of inclusion and equality of opportunity**
- 5. Promote a zero-tolerance approach towards hate incidents and hate crime**
- 6. Develop a Customer Care Charter to highlight that courtesy, respect and tolerance works both ways**
- 7. Customers representing all protected characteristics are encouraged to become involved in shaping our services**
- 8. Increase awareness of diversity-related safeguarding issues including extremism and radicalisation, child sexual exploitation and modern slavery**
- 9. Develop working relations with more local agencies representing and supporting diverse communities and groups**