



## **INTRODUCTION**

Malvern Theatres Trust Ltd fully recognises its moral and statutory responsibilities for safeguarding and promoting the welfare of children, young adults and the vulnerable. Malvern Theatres Trust Ltd is committed to the well-being and safety of every child and adult we work with and this Policy outlines the principles we work to. It is supported by a series of Good Practice Guidelines, which cover areas of the company's work, which involves children and adults.

This policy has been developed in accordance with the principles established by the Children Acts 1989 and 2004; and in line with government publications 'Working Together to Safeguard Children' 2015 and 'Keeping Children Safe in Education' September 2016.

The Policy and Good Practice Guidelines apply to all staff and artists who work for the company whether on permanent, temporary or freelance contracts, or working as volunteers. Organizations and individuals that wish to hire Malvern Theatres Trust Ltd are required to have their own Child Protection Policy and Procedures in place.

## **PRINCIPLES**

**In all our work with children and young adults we adhere to the following principles:**

- The well being and safety of each child and adult is our primary concern.
- We respect the rights and dignity of every child and adult we work with.
- Children and adults are treated equally and sensitively, regardless of gender, ethnic origin, cultural background, sexual orientation or religion, in line with Malvern Theatres Equal Opportunities Policy.
- Relationships between Malvern Theatres staff and artists and the children and adults they work with are based on mutual trust and respect.

- The feelings and concerns of any child, adult or their parent/carer are listened to and acted upon.
- All Malvern Theatres staff and artists who work with children and adults have a responsibility to prevent the physical, sexual or emotional abuse of any child or adult with whom they come into contact. Any suspicions or allegations of abuse are taken seriously and responded to swiftly and appropriately.
- Employees must be carefully selected and accept responsibility for helping to prevent the abuse of children and adults.

## **LEGAL CONTEXT**

Malvern Theatres uses the word 'child' to refer to anyone under the age of 18, as defined by the Children Act 1989.

Malvern Theatres community programme also involves adults who are vulnerable, e.g. adults with learning difficulties. The Principles outlined above apply equally to our work with vulnerable adults.

## **INFORMATION SHARING & CONFIDENTIALITY**

We recognise that all matters relating to child protection and vulnerable adults are confidential.

All staff must be aware that they have a professional responsibility to share information with other agencies in order to safeguard children and vulnerable adults.

All staff must be aware that they cannot promise a child or vulnerable adult to keep secrets which might compromise the child's or vulnerable adult's safety or well-being.

## **RECORD KEEPING**

Any member of staff receiving a disclosure of abuse from a child, young person, or vulnerable adult or noticing signs or symptoms of possible abuse, will make notes as soon as possible (within the hour, if possible) writing down exactly what was said, using the child's/vulnerable adults own words as far as possible. All notes should be timed, dated and signed, with name printed alongside the signature.

## **HEALTH & SAFETY**

Our Health & Safety policy, set out in a separate document, reflects the consideration we give to the safeguarding of children and vulnerable people.

## **SAFE ENVIRONMENT**

Malvern Theatres undertakes appropriate risk assessments and checks in respect of all equipment and of the building and grounds in line with local and national guidance and regulations concerning health and safety.

Malvern Theatres has adequate security arrangements in place in respect of the use of its grounds and buildings by visitors.

Practitioners and workshop leaders will be appropriately checked, vetted and hold a current DBS check. Malvern Theatres will always seek the provision of a Local Authority approved chaperone where needed for certain events and activities.

## **MONITORING AND EVALUATION**

Our Safeguarding Children and Vulnerable Adults policy and procedures will be monitored and evaluated by:

- Scrutiny of risk assessments
- Supervision of staff involved in activities working with children
- Discussions with staff, children and external chaperones
- Monitoring and logging of bullying/racist/behaviour incidents

## **MALVERN THEATRES**

### **Safeguarding Children and Vulnerable Adults Guidelines**

The safeguarding policy and the guidelines are intended to protect not only the young people, but also Malvern Theatres employees who come into contact with them.

## STAFF CHECK LIST

In your job you have a “relationship of trust” with young people under the age of 18.

- It is unacceptable for an employee and a young person working together to enter into a relationship of a personal or sexual nature.
- Do not meet with children outside your work
- Do not give them lifts in your car or the Theatres vehicles
- Do not exchange telephone numbers or e-mail addresses
- Do not use suggestive language with them
- Try not to be alone with a young person – should you find yourself in an enclosed space with a child, you should first seek to move into a more public area. If this is not possible, keep doors propped open and request a second staff member to be in the space with you.
- Photographs/video footage of young people are not allowed to be taken unless their parents have given written consent.
- No one other than designated Malvern Theatres staff or designated photographers can take photographs/video footage. That means parents are not allowed to photograph/video events.
- Stop and question people that you don't know, that are in restricted areas of the building.
- If you feel uncomfortable about approaches made to you by a young person you should discreetly make the young person aware of your discomfort. If the situation persists, the employee should inform the Head of Engagement and Creative Learning (DSL), using a cause for concern form.

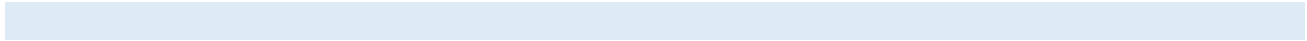
It is our legal duty to report suspected child abuse.

If an employee has reason to suspect:

- a) a child or vulnerable adult is experiencing physical, sexual, or emotional abuse or neglect
- b) a colleague of causing physical, sexual or emotional abuse or neglect

it should be reported to **Bridget Lloyd, Head of Engagement and Creative Learning, the appointed Designated Safeguarding Lead**, (Rhiannon Williamson, DDSL and Creative Learning Administrator in their absence, or to Lucy Fern, Theatre Administrator.) **See page 10 and 23 for reporting procedure and contact details.**

If a child or vulnerable adult tells you they are being abused, you cannot keep it a secret – even if they ask you to. You should tell them you have to pass this information on & report it to the **Head of Engagement & Creative Learning (DSL)**. Staff should never make promises to a child or vulnerable adult to withhold information.



## GOOD PRACTICE GUIDELINES: MEDIA ACTIVITIES

### INTRODUCTION

The following good practice guidelines have been designed for use by members of Malvern Theatres staff & photographers when working with children and vulnerable adults. Malvern Theatres is committed to ensuring that all publications, resources and media represent participants appropriately and with due respect.

### GENERAL PRINCIPLES

The overall aims of these guidelines are:

- to reduce the opportunities for unscrupulous individuals to gain access to, or information about, children or young people taking part or featuring in Malvern Theatres publicity;
- to protect children, young people and the vulnerable wherever photographs or recorded images are taken and stored.

When working with children and vulnerable adults Malvern Theatres will:

- Confer the same rights to children as adults, i.e. treat them in the same way as we would treat company members taking part in publicity
- Gain permission from the child, their parent/guardian/carer or school
- Ensure that the media work is representative and accurate

## CONSENT

An individual who poses for a photograph has, in effect, given their consent for that photograph to be taken, however they may not fully understand how their image is going to be used. Parents/carers of children, young people and vulnerable adults who work with Malvern Theatres will be asked to sign a form giving consent for photographs/video footage to be taken and they have the right not to give that consent.

During activity days, workshops etc. notices informing parents and carers that photographs/video footage may be taken should be displayed in prominent positions. The notice should include a sentence that informs the parent or carer that they can object should they wish to do so. Parents and carers should be encouraged verbally to only take photos of their own child where possible, and strictly not to put images containing any other child than their own onto any social media platforms they may have.

## GENERAL GUIDELINES FOR RECORDING VISUAL IMAGES

- The photograph should focus on the activity not on a particular child, young person. Where possible images of children/young people should be recorded in groups and the workshop leader should be included in the photograph/video footage when it is appropriate to do so.
- Photographs and video footage should be representative, accurate and sensitive to religious and cultural beliefs
  - Particular care must be taken when it is known that a child/young person is particularly vulnerable (e.g. the subject of a child protection issue). Individuals with physical, learning and communication/language disability may be over 18 years and still fall under the scope of Child Protection Guidelines.
  - Parents/guardians, photographers, film-makers and other participants intending to photograph or video an education event should be made aware of Malvern Theatres guidelines and, where relevant, any school guidelines concerning media coverage. As stated above, schools and/or individual parents/carers have the right to refuse permission for photography or videoing to take place. If permission has been refused, Malvern Theatres will ensure that no photos or videos are taken.

**NB** - No photographs/video images may be taken by anyone other than Malvern Theatres staff or a photographer approved to do so by Malvern Theatres. Staff must not use personal devices or store photographs/video on personal computers or storage devices.

## GUIDELINES FOR PUBLISHING IMAGES

- If a photograph is used, avoid where possible naming the young person or use their first name only. If the name of the child's school is given, never use the child's name. Malvern Theatres avoids giving details that may lead to a personal identification of a child. Personal details such as email address, home address and telephone numbers must never be released.
- Use photographs that represent the broad range of children/young people involved.

## COMMISSIONING PHOTOGRAPHY

When commissioning professional photographers or inviting the press to watch a Malvern Theatres event or activity, it is important to ensure they are clear about your expectations of them in relation to Child Protection.

- Photographers are not to be left unsupervised when working with children. A member of Malvern Theatres staff should be present at all times. Where possible, photographers should bring with them a copy of their DBS certificate.
- Parents / carers must give written consent for both the taking and publication of film or photographs (appendix 2).
- Photographers employed by Malvern Theatres are to be issued with a set of Malvern Theatres media good practice guidelines.



## STORAGE

Malvern Theatres commissions and stores photographs involving children and young people in relation to:

- Education work
- Performances

Images are stored securely within the Education Department. Access is limited to appropriate members of the organisation. Staff must not use personal devices or store photographs/video on personal computers or storage devices.

## VISUAL IMAGES AND THE INTERNET

Photographs and video footage placed on the internet are subject to stricter rules as this type of personal data becomes available worldwide to countries which have no data protection legislation in place to protect an individual.

Photographs/video footage placed on the internet requires explicit written consent from parents/carers if the image is sufficiently close-up to enable the individual to be recognised.

Appendix 1

## CLAUSE IN THE STANDARD CONTRACT ISSUED TO SCHOOLS BY THE EDUCATION DEPARTMENT

Malvern Theatres invites representatives of the press and media to attend Malvern Theatres Educational activities on an occasional basis, and the Education Department regularly employs freelance photographers to document projects. We ask for each school's consent to photographers and/or media crews filming or photographing our workshops. This is not compulsory, and if you have any concerns about it please talk to us.

## I REPORTING THE DISCLOSURE

If a child lets you know, by whatever means, that he/she has been abused, or if you are told by anyone else that a child is being abused, or if you see something yourself which leads you to think a child may be being abused (please see the Good Practice Guidelines for Working with Children at Malvern Theatres for guidance on what may constitute abuse), you should

1. Listen to what he/she says, without making any suggestions yourself;
2. Do not promise total confidentiality, but explain whom you must tell and why;
3. Pass the information on immediately to Bridget Lloyd, Head of Engagement and Creative Learning, DSL, or Rhiannon Williamson, Creative Learning Administrator, DDSL. If neither are available, please speak to Lucy Fern, Theatre Administrator.
4. If the allegation is against the Head of Engagement and Creative Learning, the Chief Executive should be informed.
5. Make a written, dated record of the allegations as soon as practicable (and certainly within 24 hours).

## II INITIAL CONSIDERATION OF WHETHER THERE IS SUBSTANCE IN AN ALLEGATION

1. Immediately an allegation is made, as well as consulting the appropriate child protection agency (see below), the designated person should obtain details of the allegation in writing, (signed and dated by the person who receives the allegation), and record any information about times, dates, locations and names of potential witnesses. This information will be made available to the appropriate authorities, and a copy will be kept securely at Malvern Theatres within the Personnel Department.
2. **Where an allegation is made against a person not working for Malvern Theatres**, including an allegation against another child, the designated person will inform the appropriate authorities via the Family Front Door telephone number. Any further involvement from Malvern Theatres will be agreed between the designated person and the child protection agency, and will only take place if in the child's best interests
3. **Where an allegation is made against anyone working for Malvern Theatres**, the designated person will make an urgent initial consideration, in consultation with the appropriate child protection agencies, of whether or not there is sufficient substance in an allegation to warrant an investigation. The substantive decision on whether to investigate under local child protection procedures rests with the child protection agencies, who will advise if a further investigation is needed and, if so, by whom. Only if the allegation is trivial or demonstrably false, would a further investigation **not** be warranted. Any subsequent investigation of all the facts will be aimed at establishing whether the allegation can be substantiated.

- 3.i There will be one of four possible decisions, following that consideration:

- a. that an immediate referral under the local child protection procedure is necessary (ie if any child or children is/are at risk of significant harm and in need of protection);
- b. that there is reason to suppose abuse could have occurred and that referral under the local child protection procedure or under internal disciplinary procedures may be necessary;
- c. that the allegation was prompted by inappropriate behaviour which needs to be considered under internal disciplinary procedures;
- d. that the allegation is apparently without foundation.

3.ii Unless there is an objection by the police or child protection agency concerned, the designated person will inform the parents of the child concerned, and the Theatre Administrator will inform the employee against whom the allegation is made, of the outcome of the initial consideration and the procedures which will now be followed.

### III INVESTIGATIONS

#### 1. Where a referral under the local child protection procedure is necessary

The allegations will need to be investigated under both the local child protection procedures and Malvern Theatres disciplinary procedures. Any investigation by the police or child protection agencies will take priority over an internal investigation by Malvern Theatres. The employee will be informed of the instigation of the disciplinary proceedings, but the internal investigation will be held in abeyance pending the outcome of the external investigation.

The police should be given every assistance with their enquiries but confidentiality about the enquiries maintained in the employee's interests. When the police are involved, it would not normally be expected that police interviews of Malvern Theatres staff would be undertaken on Malvern Theatres premises.

2. Where wholly satisfied that the child or children is/are not at risk of significant harm, and that a reportable criminal offence has not been committed

An internal investigation will be carried out to establish whether action in accordance with Malvern Theatres disciplinary procedure is appropriate. The nature of the investigation must take into account the need to minimise the stress to the person who may be wrongly accused of serious offences.

#### 3. Suspension, pending the outcome of an investigation

Suspension from any element of an employee's work may be considered at any stage of an investigation, but will not be undertaken without good reason. Circumstances in which suspension properly occurs include:

- a. where that person presents a risk to a child, children or young person

- b. where the allegations are so serious that dismissal for gross misconduct is possible
- c. where a suspension is necessary to allow the conduct of the investigation to proceed unimpeded

If it is considered that suspension is necessary along with a full investigation of the allegation, the employee should be advised that he or she is suspended from duty on full pay. This should be confirmed in writing, giving reasons for the suspension.

The Theatre Administrator will consider carefully, and keep under review, decisions as to whom is informed of the suspension and investigation and to what extent confidentiality can or should be maintained, according to the circumstances of a particular case. In a situation where a matter becomes common knowledge or the subject of general gossip, it may be desirable to provide an accurate statement for general information.

The employee will be kept informed of the timetable of the investigation, and should feel able to contact those conducting the investigation.

#### **IV. Outcome of investigation**

At the end of the investigation, a meeting should be arranged to inform the employee of the next steps. The employee may be accompanied or represented by a union representative or colleague.

If the outcome is a disciplinary charge, further action will be in accordance with Malvern Theatres disciplinary procedures, and will happen after the child protection enquiries are completed.

If the employee has been suspended and it is not intended to proceed with any form of disciplinary action or to dismiss, the suspension should be lifted immediately.

Other than in the event of dismissal, the Theatre Administrator will offer the opportunity for informal counselling. This could be used to give appropriate guidance, support and reassurance and to help rebuild, where necessary, an employee's confidence.

On the conclusion of any investigation and any related disciplinary proceedings, the child or children who made the allegations and their parents should be informed of the outcome of the proceedings, and appropriate support for them should be considered.

## **V ALLEGATIONS FOUND TO BE WITHOUT SUBSTANCE**

Where, following the initial consideration, the allegation is found to be without foundation:

The designated person will:

- a. consider in consultation with the child protection agencies whether the child might have been abused by someone else;
- b. consider, in consultation with the child protection agencies, appropriate counselling and support for the child, children or young person who made the allegation(s)

- c. inform the parents of the child or children, young person of the allegation and the outcome;
- d. prepare a report, setting out in conclusion that the allegation is without foundation, with reasons.

The Theatre Administrator will

- a. inform the employee of the allegation and the fact that no further action is to be taken under disciplinary or child protection procedures. The employee may be accompanied by a union representative or colleague;
- b. consider whether counselling and/or informal professional advice to the employee is appropriate and the form either might take.

***NB: the word 'employee' is used in this document for convenience. These procedures apply equally to anyone working for Malvern Theatres in any capacity, whether freelance, or employed.***

## GOOD PRACTICE GUIDELINES:

### WORKING WITH CHILDREN AT MALVERN THEATRES

These Guidelines have been developed to help all staff and artists who work for Malvern Theatres to ensure the safety of all the children we work with. They are also designed to help protect staff. It is important that staff do not put themselves in situations where they might be vulnerable.

- **A child-centred approach:** It is essential to Malvern Theatres that the children we work with are valued and respected as individuals, and that their views and concerns are listened to. Working with children in any context at Malvern Theatres, staff must:
  - \* treat children with respect
  - \* take time to listen to children's views
- **Contact with children:** you must adhere to the following guidelines:
  - \* Work should always take place in the presence of a teacher if working with school groups.
  - \* Avoid being on your own with a child – if it is unavoidable, make sure that you are within sight or hearing of others.

- \* Do not have any unnecessary physical contact with children. If it is unavoidable or indeed desirable, for example if a child is distressed about something, the purpose of the contact must be made clear and it should only take place with the child's consent. Remember that someone else might misinterpret your actions, however well intentioned. *Clearly within dance/drama classes and rehearsals physical contact is essential and more detailed advice is given about that in the education and rehearsal/performance guidelines.*
  - \* Respect a young person's right to privacy.
  - \* Do not do anything of a personal nature for a child if they can do it themselves.
  - \* Separate sex dressing rooms and toilets should be provided for children.
  - \* It is not good practice to take children alone on car journeys, however short. If it is essential it must be done with the parents'/carers' consent, a second staff member must also be present for the whole journey and insurance liability needs to be checked.
- **Relationships:** many people at Malvern Theatres will develop relationships with children or young people through their work. This might be – for example - as a dancer performing with children on stage, a technician working on a school's production, or a member of staff working with young people who are taking part in Malvern Theatres work placement. This contact can lead to what is known as a "relationship of trust", i.e. a relationship that exists between an adult and a young person aged 18 years or under, where the adult has power or influence over that young person due to the nature of their role within an organisation. It is essential that such power is not abused in any way by anyone working for Malvern Theatres.

You should bear in mind:

- Young people aged 16 to 18 years can legally consent to some types of sexual activity, however in law they are still classified as children (The Children Act 1989). A young person's age does not necessarily reflect maturity and emotional development, and young adults may still be vulnerable to abuse. The law says that it is an offence for a person aged 18 or over to have sexual intercourse or engage in any other sexual activity with a person under that age, if the older person is in a position of trust in relation to the younger person.
- It is essential that you recognise your responsibility towards the children and young people Malvern Theatres works with, and that you do not abuse your position of trust.

Do not meet with children outside your work, whether that work is taking place at Malvern Theatres, in an educational institution, or elsewhere.

- **Children in employment:** occasionally young people are employed by the company. The Company's relationship with any employee is governed by employment law, however where an employee is under the age of 18 we are mindful of the fact that they are still defined as a child in law. As far as is practically possible within their job role, the principles behind our Child Protection Policy are adhered to.

- **General:**

- \* It is important that you challenge unacceptable behaviour. Sanctions or reprimands which are in any way humiliating, or make a child look or feel foolish in front of others, are not acceptable. Humiliating behaviour is equally unacceptable from an adult or another child.
- \* You must report any suspicions or allegations of abuse or bullying, whether by an adult or another child. The separate Procedures document gives details of how to do this.

- **Bullying**

Bullying is not acceptable to Malvern Theatres, whether adult to adult, adult to child, or child to child.

Bullying can include:

- \* Physical actions such as hitting and kicking;
- \* Name calling, humiliation, ignoring;
- \* Racial insults and gestures;
- \* Sexual comments and suggestions;
- \* Unwanted physical contact

If a child tells you that they are being bullied they must be taken seriously and given support. Similarly, the bully needs to be supported, as they may well be a victim of bullying themselves. Any incident of bullying will be discussed with the victim and bully's parents and/or teacher.

## GOOD PRACTISE GUIDELINES:

### PROTECTING CHILDREN & VULNERABLE ADULTS FROM CORONAVIRUS

While at Malvern Theatres, all children, young people and vulnerable adults should be given the resources and advice needed to protect them from contracting Coronavirus (Covid 19) where possible. The guidelines also endeavour to prevent Malvern Theatres staff from passing the virus on to children and vice versa.

Resources and advice given include:

- Make hand sanitiser and hand wash stations available for use throughout the building and encourage their use when children arrive at the building, as well as throughout their visit.
- Make parents/carers aware of the theatres Coronavirus policies to avoid children and their families visiting when infected with the virus.
- Encourage children to refrain from physical contact with each other where possible.
- Encourage children to direct all coughs and sneezes into their elbow and to follow the catch it, kill it, bin it method.
- Encourage children to wear facemasks should the government make this mandatory within the given setting and if age appropriate.

To lessen the chances of passing the virus on to children and vice versa, staff should bear in mind:

- Do not to come into work should you test positive for coronavirus. Follow the national government guidelines to prevent the spread.
- Keep working spaces well ventilated by keeping doors and windows open where possible.
- Direct all coughs and sneezes into your elbow, away from children in your care. Follow the catch it, kill it, bin it method.
- Avoid becoming too close to children, particularly when talking and singing or using raised voices.
- Staff with children in their care should be aware that they have a right to request a child to be collected and taken home by a family member should they suspect they may be showing signs of having Coronavirus. Staff should however also be aware they cannot enforce testing upon children, or indeed their colleagues as a way of proving this.



## **CHILDREN IN REHEARSAL AND PERFORMANCE**

These Guidelines have been developed to help staff and artists who work for Malvern Theatres to ensure the safety of all the children we work with. The Guidelines apply to all staff, whether on permanent, temporary or freelance contracts or working as volunteers.

### **A child-centred approach**

It is essential to Malvern Theatres that the children we work with are valued and respected as individuals, and that their views and concerns are listened to. Staff must:

- treat children with respect
- take time to listen to children's views

### **• Chaperones**

**Visiting companies should make all efforts to employ a licensed and council approved chaperone (with experience in dance/theatre) during all fittings, rehearsals and performances to accompany all children. All chaperones should display their LA approval ID badge at all times.**

Each chaperone should only be responsible for up to twelve children at one time. More than one chaperone should be provided where appropriate, e.g. groups of different sexes, different age groups or when the group needs to be split into different rehearsals or onto opposite sides of the stage and to allow for toilet breaks.

All children should be met by a chaperone at the entrance to Malvern Theatres and escorted to the appropriate venue. No child should ever be left without their chaperone at any time – if toileting, the chaperone should wait outside the entrance door close by.

### **• Licences**

It is required by law that each child will be licensed to perform at Malvern Theatres by the appropriate local authority; the licences should be acquired by the Visiting Company Manager.

### **• Rehearsals**

In taking rehearsals it is sometimes necessary to touch a student, for example to correct a position or guide a movement. There are some basic guidelines about touching children, which you should always follow when rehearsing with children:

- Think about whether the correction you are making or the point you are trying to explain could be made clear in another way, e.g. by you, or another student, demonstrating. If it can, it is always preferable to use the alternative approach instead of physical contact.
- Children and young people must always be treated with respect and dignity. If it is necessary to touch a child therefore, it is important that there is an understanding and agreement to this taking place.
- A touch can be misconstrued, so it is important that the child understands the intention behind your action. You should make sure that you touch in a firm, unambiguous manner – it is important that you are neither too rough nor too delicate, both of which can be misunderstood.
- Be sensitive to a young person's feelings – if a child or young person says they do not want you to touch them, or if you sense that this is the case, respect that young person's feelings and find different approaches to teaching them. There could be many reasons for such a reaction - a child may have been bullied or abused for example, and young people going through the hormone changes of adolescence can be very embarrassed by touching.

- **Stage Rehearsals and Performances**

While on stage all children are the responsibility of the Malvern Theatres Senior Stage Manager; chaperones/staff should check that it is safe and appropriate before bringing them on to stage.

While performing on stage, the chaperone must wait in the wings/ as close by as possible to have a clear view of the child/children. This will allow the children to be immediately escorted from stage once they have finished their performance/ section of performance has ended.

- Separate sex changing rooms should be provided, where possible. Transgender individuals should have access to a changing room/toilet that corresponds to their gender identity.
- A separate chaperone will need to be present in each, for every twelve children. Where separate rooms are not available for changing, suitable screens to change behind must be put in place to protect the modesty and dignity of the child.

## EQUAL OPPORTUNITIES AND DIVERSITY POLICY

### INTRODUCTION

Malvern Theatres Trust Ltd is committed to achieving a working environment which provides equality of opportunity and freedom from unlawful discrimination on the grounds of race, sex, pregnancy and maternity, marital or civil partnership status, gender reassignment, disability, religion or beliefs, age or sexual orientation. This policy aims to remove unfair and discriminatory practices within the Trust and to encourage full contribution from its community. The Trust is committed to actively opposing all forms of discrimination.

The Trust also aims to provide a service that does not discriminate against its clients and customers in the means by which they can access the services and goods supplied by the Trust. The Trust believes that all employees and clients are entitled to be treated with respect and dignity.

Any and all personal data used in connection with this policy shall be collected, held, and processed in accordance with the trusts data protection policy.

### OBJECTIVES OF THIS POLICY

- To prevent, reduce and stop all forms of unlawful discrimination in line with the Equality Act 2010.
- To ensure that recruitment, promotion, training, development, assessment, benefits, pay, terms and conditions of employment, redundancy and dismissals are determined on the basis of capability, qualifications, experience, skills and productivity.

### DEFINITION OF DISCRIMINATION

Discrimination is unequal or differential treatment which leads to one person being treated more or less favourably than others are, or would be, treated in the same or similar circumstances on the grounds of race, sex, pregnancy and maternity, marital or civil partnership status, gender reassignment, disability, religion or beliefs, age or sexual orientation. Discrimination may be direct or indirect, and includes discrimination by perception and association.

### TYPES OF DISCRIMINATION

#### DIRECT DISCRIMINATION

This occurs when a person or a policy intentionally treats a person less favourably than another on the grounds of race, sex, pregnancy and maternity, marital or civil partnership status, gender reassignment, disability, religion or beliefs, age or sexual orientation.

## INDIRECT DISCRIMINATION

This is the application of a policy, criterion or practice which the employer applies to all employees but which is such that: -

- It is detrimental to a considerably larger proportion of people from the group that the person the employer is applying it to represents;
- The employer cannot justify the need for the application of the policy on a neutral basis; and
- The person to whom the employer is applying it suffers detriment from the application of the policy.

Example: A requirement that all employees must be 6ft tall if that requirement is not justified by the position would indirectly discriminate against employees with an oriental ethnic origin, as they are less likely to be able to fulfil this requirement.

## HARASSMENT

This occurs when a person is subjected to unwanted conduct that has the purpose or effect of violating their dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment.

## VICTIMISATION

This occurs when a person is treated less favourably because they have brought or intend to bring proceedings or they have given or intend to give evidence.

## UNLAWFUL REASONS FOR DISCRIMINATION

### SEX

It is not permissible to treat a person less favourably on the grounds of sex, marital status, civil partnership, pregnancy or maternity, gender reassignment or transgender status. This applies to men, women and those undergoing or intending to undergo gender reassignment. Sexual harassment of men and women can be found to constitute sex discrimination.

Example: Asking a woman during an interview if she is planning to have any (more) children constitutes discrimination on the ground of gender.

### AGE

It is not permissible to treat a person less favourably because of their age. This applies to people of all ages. This does not currently apply to the calculation of redundancy payments.

## **DISABILITY**

It is not permissible to treat a disabled person less favourably than a non-disabled person. Reasonable adjustments must be made to give the disabled person as much access to any services and ability to be employed, trained, or promoted as a non-disabled person.

## **RACE**

It is not permissible to treat a person less favourably because of their race, the colour of their skin, their nationality or their ethnic origin.

## **SEXUAL ORIENTATION**

It is not permissible to treat a person less favourably because of their sexual orientation. For example, an employer cannot refuse to employ a person because s/he is homosexual, heterosexual or bisexual.

## **RELIGION OR BELIEF**

It is not permissible to treat a person less favourably because of their religious beliefs or their religion or their lack of any religion or belief.

## **POSITIVE ACTION IN RECRUITMENT**

Under the Equality Act 2010, positive action in recruitment and promotion applies as of 6 April 2011. 'Positive action' means the steps that the Trust can take to encourage people from groups with different needs or with a past record of disadvantage or low participation, to apply for positions within the Trust.

If the Trust chooses to utilise positive action in recruitment, this will not be used to treat people with a protected characteristic more favourably, it will be used only in tie-break situations, when there are two candidates of equal merit applying for the same position.

## REASONABLE ADJUSTMENTS

The Trust has a duty to make reasonable adjustments to facilitate the employment of a disabled person. These may include:-

- Making adjustments to premises;
- Re-allocating some or all of a disabled employee's duties;
- Transferring a disabled employee to a role better suited to their disability;
- Relocating a disabled employee to a more suitable office;
- Giving a disabled employee time off work for medical treatment or rehabilitation;
- Providing training or mentoring for a disabled employee;
- Supplying or modifying equipment, instruction and training manuals for disabled employees; or
- Any other adjustments that the Trust considers reasonable and necessary provided such adjustments are within the financial means of the Trust.

If an employee has a disability and feels that any such adjustments could be made by the Trust, they should contact their Line Manager.

## RESPONSIBILITY FOR THE IMPLEMENTATION OF THIS POLICY

All employees, subcontractors and agents of the Trust are required to act in a way that does not subject any other employees or clients to direct or indirect discrimination, harassment or victimisation on the grounds of their race, sex, pregnancy or maternity, marital or civil partnership status, gender reassignment, disability, religion or beliefs, age or sexual orientation.

The co-operation of all employees is essential for the success of this policy. Senior employees are expected to follow this policy and to try to ensure that all employees, subcontractors and agents do the same.

Employees may be held independently and individually liable for their discriminatory acts by the Trust and in some circumstances an Employment Tribunal may order them to pay compensation to the person who has suffered as a result of discriminatory acts.

The Trust takes responsibility for achieving the objectives of this policy, and endeavours to ensure compliance with relevant legislation and Codes of Practice.

## THE EXTENT OF THE POLICY

The Trust seeks to apply this policy in the recruitment, selection, training, appraisal, development and promotion of all employees. The Trust offers goods and services in a fashion that complies with the spirit of this policy.

This policy does not form a part of any employment contract with any employee and its contents are not to be regarded by any person as implied, collateral, or express terms to any contract made with the trust.

The trust reserves the right to amend and update this policy at any time.

## USEFUL RESOURCES

### SAFEGUARDING CONTACTS

#### DESIGNATED SAFEGUARDING LEAD

Bridget Lloyd, Head of Creative Learning

Phone: 01684 580956 E-mail: [bridget@malvern-theatres.co.uk](mailto:bridget@malvern-theatres.co.uk)

#### DEPUTY DESIGNATED SAFEGUARDING LEAD

Rhiannon Williamson, Creative Learning Administrator

Phone: 04684 580943 E-mail: [rhiannon@malvern-theatres.co.uk](mailto:rhiannon@malvern-theatres.co.uk)

#### THEATRE ADMINISTRATOR

Lucy Fern, Theatre and HR Administrator

Phone: 01684 580950 E-mail: [lucy@malvern-theatres.co.uk](mailto:lucy@malvern-theatres.co.uk)

### CONTACTS FOR REPORTING

#### Concerns for a child or vulnerable individual in Worcestershire

- Family Front Door is the central contact and referral point for all referrals
- Telephone number 01905 822666 - Out of hours' number 01905 768020
- Levels of Need Guidance:  
[http://www.worcestershire.gov.uk/download/downloads/id/7962/levels\\_of\\_need\\_guidance\\_formerly\\_threshold\\_guidance.pdf](http://www.worcestershire.gov.uk/download/downloads/id/7962/levels_of_need_guidance_formerly_threshold_guidance.pdf)
- Level 2 or 3 – Early Help Family Support : Request for Early Help Family Support: [Early help family support | Worcestershire County Council](#)
- Level 4 – Statutory services: Referral to Children's Social Care:

[Refer to Children's Social Care | Worcestershire County Council](#)

- 999 urgent referrals

## LINKS FOR OUTSIDE AGENCIES FOR SUPPORT & INFORMATION

### CHILDLINE

[Help for children and young people](#)

Call Childline on 0800 1111

[Help for adults concerned about a child](#)

Call us on 0808 800 5000

### CHILD PROTECTION, SAFEGUARDING & POLICIES

<https://learning.nspcc.org.uk/safeguarding-child-protection>

<https://www.nncee.org.uk/>

[Legislation.gov.uk](https://www.legislation.gov.uk)

<https://www.hse.gov.uk/>

<https://www.bbfc.co.uk/>

### MENTAL HEALTH & WELLBEING

<https://www.gov.uk/government/publications/covid-19-guidance-on-supporting-children-and-young-peoples-mental-health-and-wellbeing>

<https://www.nhs.uk/every-mind-matters/coronavirus/tips-to-cope-with-anxiety-lockdown-lifting/>

<https://www.mind.org.uk/>

<https://www.samaritans.org/>

<https://www.youngminds.org.uk/>

<https://www.place2be.org.uk/>

<https://www.nhs.uk/nhs-services/mental-health-services/>

<https://www.ageuk.org.uk/>

<https://www.scope.org.uk/>



## COVID 19 SAFETY

<https://www.gov.uk/guidance/reducing-the-spread-of-respiratory-infections-including-covid-19-in-the-workplace>