

# EQUALITY & DIVERSITY POLICY

## 1. SCOPE

This policy describes Upland's commitment and work to:

- ensure equality, equity, and inclusion.
- embrace and value diversity in all its forms.
- prevent unlawful discrimination, bullying and harassment.

This policy exists to ensure equal access to the employment and service opportunities that are available in every dimension of our work.

Everyone engaged in delivering Upland's work (including Board members, employees, self-employed artists and volunteers) are responsible for ensuring that the commitments in this policy are met and will be held accountable for its delivery.

The commitments in this policy underpin all other Upland policies.

## 2. OUR COMMITMENTS

### 2.1 Why are we doing this? Our legal and moral responsibilities.

Upland strives to be an advocate of equality and diversity for all our stakeholders and will work hard to ensure all sections of the community are included. We will aim to attract and retain members, supporters, staff, volunteers, Board members, contractors, consultants and participants that reflect the diverse communities in which we operate and who are committed to our equality principles.

The organisation is committed to creating recruitment processes; a work environment and service delivery which is free of discrimination, harassment, and bullying, where everyone is treated with dignity and respect.

All stakeholders have a right to equal treatment and Upland will not tolerate unfair or unlawful discrimination on the grounds of any "protected characteristic", except for those situations as permitted under current legislation. The characteristics, which are considered "protected" under the **Equality Act 2010**, are as follows (see section 4 for definitions):

- Age
- Disability (including diagnosed and undiagnosed neurodivergent people)
- Gender reassignment (although Upland will widen this definition to all transgender people)
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

Upland will also make special efforts to include other groups of people not specifically named in the Equality Act 2010, and to protect them from unfair treatment, including (but not limited to) those with caring responsibilities, and people experiencing socio-economic disadvantage.

Trade union representatives and members also have legal protection against unfair treatment on the ground of trade union activity. We will not treat employees unfairly on the grounds of trade union membership or non-membership. Unfair treatment includes dismissal and subjecting employees to detrimental treatment. We respect the right of staff to join a trade union of their choosing if they so wish.

Upland also understands that most people will have multiple aspects of their identity and experience which could lead to disadvantage in employment and access to services, and it is often where different protected characteristics intersect that the most profound inequalities occur (e.g. people who are both disabled and from an ethnic minority community, or those who are both a woman and neurodivergent etc.). We recognize that it is important for us to consider equality and diversity from an intersectional perspective, instead of as a purely 'single strand' issue.

We are also committed to doing all we can to address the root causes and impacts of stereotyping, prejudice, discrimination, harassment and victimisation, as well as the indirect discrimination that can unintentionally arise from ineffective implementation of our policies, practices and procedures.

Through ensuring the effective implementation of this policy, we will strive to build an organisational culture that is tolerant, open and inclusive and where people feel safe, where differences are accepted, engagement is apparent and the contributions of all are encouraged, valued and respected.

## **2.2 A summary of what we will do**

To translate these commitments into action, we will:

- Consult, engage with, and learn from our stakeholders in the development and delivery of an equality and inclusion action plan.
- Find proportionate ways to analyse the demographic profile of our members and participants and make efforts to:
  - reach under-represented or hard to reach groups such as disabled people, ethnic minority people, older people, people of faith etc.
  - remove barriers to participation for example for those on low income or with parenting or caring responsibilities
- Implement tailored positive actions to respond to the evidence we collect.
- Provide reasonable adjustments for disabled people where appropriate.
- Seek to implement fair work practices including responding positively to request for flexible working where possible.
- Train our staff and volunteers, including board members and consultants in equality and diversity principles, and to carry out the commitments within this policy
- Communicate this policy to all our stakeholders so that they are aware of our commitment to treat them fairly and their obligation to operate in line with this policy.
- Take appropriate action when incidents occur which breach this policy (see section 8).
- Regularly monitor and review the success of this policy in promoting equality and evaluate the effectiveness of our action plan.

### 3. TYPES OF DISCRIMINATION PROTECTED UNDER THE EQUALITY ACT 2010

There are various types of discriminatory conduct that Upland seeks to avoid in its policy, practice and in the behaviour of its Directors, staff, self-employed artists and volunteers.

- **Direct discrimination:** This occurs where, because of a protected characteristic, a person receives worse treatment than someone who does not have that characteristic. For example, an employee is turned down for a job because their manager believes that their sexual orientation will prevent them gaining their team's respect. It is important to note the following exceptions:
  - Different treatment because of age is not unlawful direct or indirect discrimination if you can justify it, i.e. if you can demonstrate that it is a proportionate means of meeting a legitimate aim. Age is the only protected characteristic that allows employers to justify direct discrimination.
  - In limited circumstances, employers can directly discriminate against an individual for a reason related to any of the protected characteristics where there is an occupational requirement. The occupational requirement must be crucial to the post and a proportionate means of achieving a legitimate aim.
- **Indirect discrimination:** This occurs when there is a policy or a practice that applies to everyone but which particularly disadvantages people with a protected characteristic compared with people who do not have that characteristic. For example, including unnecessary criteria in a person specification that could increase the barriers for those with certain characteristics to applying, or if all Directors decisions are arrived at in email communication which may discriminate against people with literacies issues or learning disabilities.
- **Discrimination by association:** This is discrimination against someone because they associate with another person who possesses a protected characteristic. For example, a man is treated less favourably at an event because of his friendship with an individual who is transgender.
- **Perception discrimination:** This is discrimination against an individual because others think (incorrectly) that they possess a protected characteristic. For example, an employee is not offered the chance to represent her company at a major event because her line manager believes she has mental health issues.
- **Failure to make reasonable adjustments** is where a physical feature or a provision, criterion or practice puts a disabled person at a substantial disadvantage compared with someone who does not have that protected characteristic and the employer has failed to make reasonable adjustments to enable the disabled person to overcome the disadvantage.
- **Causing/aiding discrimination:** it is unlawful to instruct, cause, induce or knowingly help someone discriminate against another.
- **Victimisation:** This occurs when a person is treated less favourably than someone else because they have complained about discrimination or are suspected of doing so or have supported someone else who has. This would include denying someone training opportunities, a promotion or isolating them because they have made a complaint or giving them a heavier or more difficult workload.

- **Bullying** is offensive, intimidating, malicious or insulting behaviour, and/or an abuse or misuse of power that is meant to undermine, humiliate or injure the person on the receiving end. Bullying will constitute unlawful discrimination where it relates to one of the protected characteristics.
- **Harassment:** This is unwanted conduct related to a protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual (even if it is not intended). Points to note:
  - Conduct may be harassment whether or not the person behaving in that way intends to offend.
  - Harassment may also occur where a person engages in unwanted conduct towards another because they perceive that the recipient has a protected characteristic (for example, a perception that they are gay or disabled)
  - A single incident can be harassment if it is sufficiently serious.
  - There may also be circumstances in which an individual is subjected to unwanted conduct from a third party, such as a client or customer. Serious bullying or harassment may amount to other civil or criminal offences, eg a civil offence under the Protection from Harassment Act 1997 and criminal offences of assault.
- **Other points of note:**
  - Disabled people are specifically protected against discrimination 'arising from disability'. For example, they would be protected from an employer penalising them from taking regular comfort breaks to manage chronic pain when they would reasonably be expected to know that the employee has a disability. This type of discrimination is only justifiable if an employer can show that it is a proportionate means of achieving a legitimate aim.
  - Disabled people also have a legal right to reasonable adjustments from their service provider or employer. For example, through the provision of specific software, furniture or lighting.
  - A woman (or pregnant transgender or non-binary person) is protected against discrimination on the grounds of pregnancy and maternity during the period of her pregnancy and any statutory maternity leave to which she is entitled. For more information see Upland's maternity policy.
  - Finally, it would be discrimination to treat transgender people less favourably for being absent from work because they are undergoing gender reassignment than they would be treated if they were absent because they were ill or injured.

#### 4. DEFINITIONS

This policy is based on the following definitions and explanations.

**Bisexual:** emotionally and sexually attracted to people of either men or women. Some people also refer to themselves as pansexual, particularly when they recognize that gender identity is not always binary to simply male and female.

**Disability** is defined by the Equality Act as a physical or mental impairment that has a substantial and long-term adverse effect on ability to carry out normal day-to-day activities. Long-term means that it has lasted, or is expected to last, for 12 months. Included in this definition are:

- Physical impairments (including asthma, diabetes, epilepsy etc.).
- Sensory impairments such as hearing impairment or visual impairment.
- Severe facial disfigurement.
- Progressive conditions such as cancer, multiple sclerosis or HIV infection.
- Mental health impairments
- Learning impairments
- Neurodivergent conditions including autism, ADHD, dyslexia, Tourettes etc.
- People who have had impairment in the past but have since recovered (such as cancer, mental health issues).

Upland supports the social model of disability that states that disability is created by society's barriers and not by particular medical conditions or impairments. Removing these barriers, which disable people who have impairments, can therefore reduce disability. Barriers can include:

- Prejudice and stereotypes
- Inflexible organisational procedures and practices
- Inaccessible information
- Inaccessible building
- Inaccessible transport

**Diversity:** is used to describe the process of valuing differences in individuals' attitudes, cultural perspectives, beliefs, ethnic background, sexuality, skills, knowledge and life experiences. Diversity recognises and celebrates difference as something which is positive and beneficial to us all.

**Equality:** is about making sure that people are treated fairly and given fair chances. It is not about treating everyone the same. Achieving equality of outcomes means meeting different needs in different ways. When mentioned in policies the word equality usually implies a focus on those characteristics covered by legislation.

**Equity:** This means that the exercise of human rights leads to outcomes which are fair and just.

**Gay/Lesbian:** emotionally and sexually attracted to people of the same sex. The term gay is most commonly (but not exclusively) applied to men. Another term often applied to women who are sexually and emotionally attracted to other women is lesbian.

**Gender:** refers to the socially constructed roles, behaviours, activities, and attributes that a given society considers appropriate for men and women. It also refers to the relations between men and women, girls and boys and those between women and those between men. Some people don't define themselves as simply male or female and are often called non-binary.

**Gender Mainstreaming:** means ensuring that everyone's concerns and experiences are integrated into the design, implementation, monitoring and evaluation of our strategies, policies, programmes, projects and workplace culture. The aim of gender mainstreaming is gender equality; an outcome where women's and men's rights and needs are recognised and addressed.

**Gender Reassignment:** a person who is proposing to undergo, is undergoing or has undergone a process to change their sex. To qualify for protection from discrimination a transsexual person does not have to show that they are under medical supervision and may not ever undergo any kind of surgical intervention.

**Homosexual:** An older term for people who are sexually and emotionally attracted to members of the same sex. Not so commonly used by lesbian, gay and bisexual people to describe themselves.

**Mainstreaming:** the seamless integration of equalities issues into the policy making and service delivery process – planning, development, implementation and evaluation. And a way to ensure that promoting equality is not reliant on the commitment of a few individuals but part and parcel of our everyday business

**Monitoring:** for equality data to check if people with protected characteristics are participating and being treated equally. For example, monitoring the representation of women, or disabled people, in the workforce or at senior levels within organisations.

**Positive Action:** a range of lawful actions that seek to overcome or minimise disadvantages (e.g. in employment opportunities) that people who share a protected characteristic have experienced, or to meet their different needs.

**Positive Discrimination:** Treating someone with a protected characteristic more favourably to counteract the effects of past discrimination. It is generally not lawful although the duty to make reasonable adjustments is an exception where treating a disabled person more favourably may be required by law.

**Race:** Refers to the protected characteristic of race. It refers to a group of people defined by their race, colour, nationality (including citizenship) ethnic or national origins. It includes Anglo-Roma Gypsies, Irish, Scottish and Welsh Travellers.

**Reasonable Adjustment:** Where a disabled person is at a substantial disadvantage in comparison with people who are not disabled, there is a duty to take reasonable steps to remove that disadvantage by (i) changing provisions, criteria or practices, (ii) altering, removing or providing a reasonable alternative means of avoiding physical features and (iii) providing auxiliary aids.

**Religion or Belief:** includes any religion and lack of religion, in other words individuals are protected if they do not follow a certain religion or have no religion at all. Additionally, a religion must have a clear structure and belief system. Belief means any religious or philosophical belief or a lack of such belief. To be protected, a belief must satisfy various criteria, including that it is a weighty and substantial aspect of human life and behaviour.

**Sex:** refers to whether a person is a man or a woman (of any age).

**Sexual Orientation:** Whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes

**Stereotyping:** making assumptions about an individual or group based on a particular attribute.

**Transsexual Person:** a person who has the protected characteristic of gender reassignment. This may be someone who was assigned female at birth, and who has transitioned or is transitioning to be a man, or someone who was assigned male at birth, who has transitioned or is transitioning to be a woman. The law does not require a person to undergo a medical procedure to be recognised as a transsexual. Often the term transgender is used instead of transsexual.

## 5. Roles and Responsibilities

5.1 The **Board** of Upland's responsibility is to:

- Own and monitor implementation of this policy
- Ensure that equality induction, equality training and other development opportunities are provided to build equality competence and ensure all are attended.
- Investigate and deal promptly with any incidents or individual behaviours that contravene this policy.
- Set up effective systems to ensure that positive action on equality is continuously evaluated and improved.

5.2 The **Creative Director's** responsibility is to:

- Take responsibility for delivery of this policy.
- Provide strong leadership on equality.
- Drive delivery of the Equality Action Plan.
- Work closely with other relevant team members to monitor progress

5.3 Our **Staff Team's** responsibility is to:

- Act as equality champions and role models.
- Implement this policy and integrate equality into the work of Upland.
- Approve the Equality Action Plan and oversee its implementation.
- Ensure staff, freelancers and volunteers are fully aware of their individual and collective responsibilities under this policy.
- Prioritise attendance at equality training to equip staff, volunteers and consultants working with us with the competences needed to comply with this policy and deliver the action plan.
- Respond to allegations of discrimination and harassment fairly, quickly and effectively.
- Support staff, volunteers and consultants to prioritise delivery of the equality action plan.
- Communicate regularly with all stakeholders about equality issues in a way that keeps this policy and its action plan live and central to our mission.

5.4 **Everyone** working or volunteering with Upland has responsibility to:

- Treat others with dignity and respect.
- Report discrimination, bullying, unfair treatment or harassment that they experience or witness
- Help identify discriminatory practices or procedures and bring these to the attention of relevant Upland members of staff
- Contribute to creating an inclusive learning environment that values difference.
- Attend mandatory training and development events.
- Express opinions constructively with sensitivity and respect.
- Play an active part in delivering the Equality Action Plan.

A copy of the Equality and Diversity Policy will be given to all staff, volunteers, Board members and freelance contractors and where we are commissioning work, an assessment of contractors' commitment to complying will form part of any formal tendering process.

## **6. Monitoring and Implementation**

Ultimate responsibility for monitoring the implementation of this policy rests with the Creative Director. However each and every individual involved in Upland needs to play their part in translating policy into practice.

On a day-to-day basis breach of this policy could occur at several levels, some requiring a more urgent response than others:

- If staff or volunteers find examples of indirect discrimination in Upland’s policies and procedures, you should bring this to the attention of the Creative Director or the Board. They can then consider the issue and respond as appropriate.
- Should staff or volunteers experience or witness more severe breaches of this policy, perhaps involving direct discrimination against an individual or bullying and harassment then you have a number of options including:
  - speaking to the individual(s) involved
  - contacting the Creative Director or a member of the Board
  - talking to your trade union representative
  - talking to a member of Upland staff
  - Whichever option you chose you are strongly encourage to take action. Cases of this nature will then most likely be dealt with through Upland’s grievance, disciplinary, whistle blowing, or Dignity at Work policies.

Upland will take action where needed to address any inequalities that are surfaced through the implementation of this policy.

Regular review of the policy and action plan will be led by the Creative Director and will be reported to the Board. The review will focus on tracking progress, identifying challenges to delivery and devising ways to overcome these as well as checking that the policy aims and actions remain relevant.

## **7. Upland Policies that Support Equality and Diversity**

Although the principles set out in this policy underlie all our policies at Upland, it should be particularly be read in conjunction with the following policies:

### **7.1 Staff**

- Dignity at Work
- Recruitment and Selection
- Flexible working
- Maternity/Paternity/Adoption
- Retirement

### **7.2 Volunteers**

- Volunteer Policy

### **7.3 Consultants and contractors**

- Code of Conduct



# BULLYING AND HARRASSMENT POLICY

## 1. Scope:

The aim of this policy is to create a supportive environment within Upland, which can:

- prevent and seek early resolution to bullying and / or harassment concerns.
- provide a formal mechanism to address unresolved, significant or persistent bullying and / or harassment

The policy applies to all Board members, staff, volunteers and freelancers engaged in the work of Upland.

## 2. Definitions

### 2.1 What is bullying?

Although there is no legal definition of bullying, it can be described as unwanted behaviour from a person or group that is either:

- offensive, intimidating, malicious or insulting
- an abuse or misuse of power that undermines, humiliates, or causes physical or emotional harm to someone

Bullying might:

- be a regular pattern of behaviour or a one-off incident
- happen face-to-face, on social media, in emails or calls
- happen at work or in other work-related situations
- not always be obvious or noticed by others

It's possible someone might not know their behaviour is bullying. It can still be bullying even if they do not realise it or do not intend to bully someone.

### 2.2 Examples of bullying

Examples of bullying at work could include:

- constantly criticising someone's work
- spreading malicious rumours about someone
- constantly putting someone down in meetings
- deliberately giving someone a heavier workload than everyone else
- excluding someone from team social events
- putting humiliating, offensive or threatening comments or photos on social media

### 2.3 Upward bullying

Bullying can also happen from staff towards someone more senior, for example a manager. This is sometimes called 'upward bullying' or 'subordinate bullying'. It can be from one employee or a group of employees.

Examples of upward bullying can include:

- showing continued disrespect
- refusing to complete tasks
- spreading rumours
- constantly undermining someone's authority
- doing things to make someone seem unskilled or unable to do their job properly

It can be difficult for someone in a senior role to realise they're experiencing bullying behaviour from their staff.

It's important to consider the real reasons for the behaviour. For example, there might be a wider issue with the culture of the organisation that can be identified and addressed.

## 2.4 When bullying might be harassment

Bullying and harassment are often confused. By law (Equality Act 2010), bullying behaviour can be harassment if it relates to any of the following 'protected characteristics' including age, disability, gender reassignment, race, religion and belief, sex, sexual orientation. Please see our Equality and Diversity Policy for more info.

Bullying that's not classed as harassment could still lead to other legal issues. For example, severe bullying might contribute towards [constructive dismissal](#).

## 3. Roles and Responsibilities

Upland will do all we can to try to prevent bullying from happening and to take any bullying complaint seriously and look into it as soon as possible.

3.1 The **Board** of Upland's responsibility is to:

- Own and monitor implementation of this policy
- Ensure that the culture of Upland is one which prevents bullying and harassment
- Investigate and deal promptly with any incidents or individual behaviours that contravene this policy.

3.2 The **Creative Director's** responsibility is to:

- Take responsibility for delivery of this policy.
- Provide strong leadership on anti-bullying and developing a positive culture.

3.3 **Everyone** involved in Upland has a mutual duty to treat each other honestly and with respect. This means that everyone working or volunteering for Upland have the right to:

- have trust and confidence in their employer
- expect not to be bullied at work
- be protected from harm
- expect Upland to deal with bullying issues effectively.

#### **4. What should I do if I think I am being bullied or harassed?**

You may be able to sort out matters informally. The person may not know that their behaviour is unwelcome or upsetting. An informal discussion may help them to understand the effects of their behaviour and agree to change it. You may feel able to approach the person yourself, or with the help of a manager, trade union representative or another employee.

Alternatively, an initial approach could be made on your behalf by one of these people. You should tell the person what behaviour you find offensive and unwelcome, and say that you would like it to stop immediately. You may want to add that, if the behaviour continues, you intend to make a formal complaint to your manager. You should keep a note of the date and what was said and done. This will be useful evidence if the unacceptable behaviour continues and you wish to make a formal complaint.

If an informal approach does not resolve matters, or you think the situation is too serious to be dealt with informally, you can make a formal complaint by using the Upland's Grievance and Complaints Procedure. If the situation involves a criminal offence being committed against you, the Organisation will support you (if desired) to report this to the police.

#### **5. What I do to help prevent and stop bullying and harassment.**

We all have a responsibility to help create and maintain a work environment free of bullying and harassment. You can help to do this by:

- being aware of how your own behaviour may affect others and changing it, if necessary - you can still cause offence even if you are "only joking";
- treating your colleagues with dignity and respect;
- taking a stand if you think inappropriate jokes or comments are being made;
- making it clear to others when you find their behaviour unacceptable, unless it should be obvious in advance that this would be the case;
- intervening, if possible, to stop harassment or bullying and giving support to recipients;
- making it clear that you find harassment and bullying unacceptable;
- reporting harassment or bullying to your manager and supporting the organisation in the investigation of complaints; and
- if a complaint of harassment or bullying is made, not prejudging or victimising the complainant or alleged harasser.

Directors and staff members have a particular responsibility to:

- set a good example by their own behaviour;
- ensure that there is a supportive working environment;
- make sure that staff know what standards of behaviour are expected of them;
- intervene to stop bullying or harassment; and
- report promptly to human resources any complaint of bullying or harassment, or any incident of bullying or harassment witnessed by them.

## **6. What happens if I am accused of bullying or harassment?**

If someone approaches you informally about your behaviour, remember that different people find different things acceptable and everyone has the right to decide what behaviour is acceptable to them and to have their feelings respected by others.

If a formal complaint is made about your behaviour, this will be fully investigated and the organisation may bring disciplinary proceedings, if appropriate. The organisation will follow its disciplinary procedure and you will have the rights set out in that procedure.

# WHISTLE BLOWING POLICY

## I. INTRODUCTION

It is important to the organisation that any fraud, misconduct or wrongdoing by Directors, staff, self-employed artists or volunteers of the organisation is reported and properly dealt with. The organisation therefore encourages all individuals to raise any concerns that they may have about the conduct of others in the business or the way in which the business is run. This policy sets out the way in which individuals may raise any concerns that they have and how those concerns will be dealt with.

## II. BACKGROUND

The law provides protection for Directors, staff members, self-employed artists or volunteers who raise legitimate concerns about specified matters. These are called 'qualifying disclosures'. A qualifying disclosure is one made in good faith by an employee who has a reasonable belief that:

- a criminal offence
- a miscarriage of justice
- an act creating risk to health and safety
- an act causing damage to the environment
- a breach of any other legal obligation or
- a concealment of any of the above

is being, has been, or is likely to be, committed. It is not necessary for the Director, staff member, self-employed artist or volunteer to have proof that such an act is being, has been, or is likely to be, committed - a reasonable belief is sufficient. The Director, staff member, self-employed artist or volunteer has no responsibility for investigating the matter - it is the organisation's responsibility to ensure that an investigation takes place.

A Director, staff member, self-employed artist or volunteer who makes such a protected disclosure has the right not to be dismissed, or subjected to victimisation, because they have made the disclosure.

The organisation encourages Directors, staff members, self-employed artists or volunteers to raise their concerns under this procedure in the first instance. If a Director, staff member, self-employed artist or volunteer is not sure whether to raise a concern, they should discuss the issue with the Executive Managing Director (or another Director) of the organisation.

## III. PRINCIPLES

Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. Directors, staff members, self-employed artists or volunteers should be watchful for illegal or unethical conduct and report anything of that nature that they become aware of.

Any matter raised under this procedure will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation reported back to the Director, staff member, self-employed artist or volunteer who raised the issue.

No Director, staff member, self-employed artist or volunteer will be victimised for raising a matter under this procedure. This means that the continued employment and opportunities for future promotion or training of the Director, staff member, self-employed artist or volunteer will not be prejudiced because they have raised a legitimate concern.

Victimisation of a Director, staff member, self-employed artist or volunteer for raising a qualified disclosure will be a disciplinary offence.

If misconduct is discovered because of any investigation under this procedure the organisation's conduct and capability procedure will be used, in addition to any appropriate external measures.

Maliciously making a false allegation is a disciplinary offence.

An instruction to cover up wrongdoing is itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority such as a Director; Directors staff member, self-employed artist or volunteers should not agree to remain silent. They should report the matter to the Chair of the Upland Board or other Board Director.

#### **IV. PROCEDURE**

This procedure is for disclosures about matters other than a breach of an employee's own contract of employment. If an employee is concerned that their own contract has been, or is likely to be, broken, they should use the organisation's grievance procedure.

In the first instance, and unless the Director, staff member, self-employed artist or volunteer reasonably believes their line manager to be involved in the wrongdoing, or if for any other reason the Director, staff member, self-employed artists or volunteer does not wish to approach their line manager, any concerns should be raised with the direct line manager. If they believe the line manager to be involved, or for any reason does not wish to approach the line manager, then the Director, staff member, self-employed artist or volunteer should proceed straight to stage 3.

(2) The line manager will arrange an investigation of the matter (either by investigating the matter themselves or immediately passing the issue to someone in a more senior position). The investigation may involve the Director, staff member, self-employed artist or volunteer and other individuals involved giving a written statement. Any investigation will be carried out in accordance with the principles set out above. The Director, staff member, self-employed artist or volunteer's statement will be taken into account, and they will be asked to comment on any additional evidence obtained. The line manager (or the person who carried out the investigation) will then report to the Directors, who will take any necessary action, including reporting the matter to any appropriate government department or regulatory agency. If disciplinary action is required, the line manager (or the person who carried out the investigation) will report the matter to the manager and start the disciplinary procedure. On conclusion of any investigation, the Director, staff member, self-employed

artist or volunteer will be told the outcome of the investigation and what the trustees has done, or proposes to do, about it. If no action is to be taken, the reason for this will be explained.

(3) If the Director, staff member, self-employed artist or volunteer is concerned that their line manager is involved in the wrongdoing, has failed to make a proper investigation or has failed to report the outcome of the investigations to the trustees, they should inform the Executive Managing Director who will arrange for another appropriate person to review the investigation carried out, make any necessary enquiries and make their own report to the trustees as in stage 2 above. If for any other reason the Director, staff member, self-employed artist or volunteer does not wish to approach their line manager they should also in the first instance contact the Chair of the Upland Board. Any approach to the Chair of the Upland Board will be treated with the strictest confidence and the Director, staff member, self-employed artist or volunteer's identity will not be disclosed without their prior consent.

Note, if the concern is regarding the Chair of the Upland Board, then another Director should be contacted.

(4) If on conclusion of stages 1, 2 and 3 the Director, staff member, self-employed artist or volunteer reasonably believes that the appropriate action has not been taken, they should report the matter to the proper authority. The legislation sets out a number of bodies to which qualifying disclosures may be made. These include:

- HM Revenue & Customs;
- the Financial Services Authority;
- the Office of Fair Trading;
- the Health and Safety Executive;
- the Scottish Environmental Protection Agency.