

# GUARDIANS NETWORK PRACTICAL GUIDE

**‘There are those that talk and those that act. The Old Vic is leading the way in ensuring a cultural shift that we need to see across all industries and organisations. It is hugely exciting and a privilege to be involved in something that is groundbreaking. Organisations that take this approach can be confident they are creating a happy, safe environment in which everyone can thrive’**

Joanna Nicolas, Safeguarding Consultant

# HOW TO ESTABLISH A GUARDIAN SCHEME

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# STEP 1

## CHECK YOUR POLICIES & PROCEDURES

### **Does your organisation have a Dignity at Work and/or Harassment and Bullying Policy in place?**

If not, you should create one — guidance at [acas.org.uk/index.aspx?articleid=1864](https://www.acas.org.uk/index.aspx?articleid=1864)

There is also a free policy, approved by specialist law firm Lewis Silkin, which is free to download and tailor for your organisation.

[lewissilkin.com/Campaigns/A-Lasting-Change/Guides-and-policy-documents](https://www.lewissilkin.com/Campaigns/A-Lasting-Change/Guides-and-policy-documents)

We are also happy to share ours if looking at another organisation's precedent is helpful. And most larger statutory funded organisations share theirs on their websites. If your organisation works with any Unions, check their policies, processes and support structures are also shared with those workers to whom this would apply.

You should also deliver appropriate workplace behaviour training to support your policies and ensure that they are properly understood.

If you have this in place already, move to Step 2.

# STEP 2

## ESTABLISH A COMMON CULTURE

Does your organisation have an additional code of conduct or behavioural guidelines that sets out the culture that you would like to enshrine within your organisation? This is not a legal requirement but is often established as a matter of good practice by organisations wanting to further embed a healthy and respectful culture.

### THE OLD VIC – CASE STUDY

#### 1. OK/NOT OK SESSIONS

At The Old Vic, we have crafted our own guidelines through holding a series of 'OK/Not OK' Sessions. We began a detailed process in January 2018 and following a series of workshops with stakeholders from across the organisation.

The genesis of the 'OK/Not OK Sessions' was our clear desire to write a policy informed entirely by the collective voice. We felt it essential to workshop, with a wide group who all have different perspectives, responses to a number of the issues often faced in the workplace where the answer isn't obvious. Every organisation has clear processes for discrimination, criminal offences and for the safeguarding of children and vulnerable adults. But outside of the clear cut is a wide grey area where there could be many different responses to a situation because of the specific context and working relationships involved. We all think differently. The purpose of our sessions was as much for the participants to hear from each other as for us to hear from them.

In the sessions, we worked through a short presentation giving context, and then discussed a number of scenarios. All of the scenarios were informed by staff across the organisation, who we had asked in advance to share with us examples of behaviour that had either happened to them or that they could envisage happening in our workplace.

Topics covered included; healthy professional relationships, the crossover between friendships and professional relationships, the blurring between in work hours and out of work hours, and the imbalance of power that can exist in so many professional relationships. We also explored personal versus professional opinions, and the challenges that different working groups can face.

#### 2. GUIDELINES

The outcome of the sessions created a short set of guidelines shared with all those who work in The Old Vic's building, be that in a permanent, part time or casual capacity. There is real strength in these guidelines being informed and owned by those who use this building every day. And of course, they will feed into the culture that the Guardians uphold.

### **3. PRACTICALITIES**

- Sessions were facilitated by our Safeguarding Consultant, Joanna Nicolas, but if you are in an organisation where there is no budget for this, they could be facilitated in house by HR or other management team member
- The sessions were voluntary and open to all permanent and casual staff, freelancers (including the current and incoming acting company), creative associates and Trustees
- Five sessions were held with different time slots to ensure that working hours were not a barrier to attendance
- Each session hosted 20 people each so that participants felt able to openly share their views in a more intimate group
- The HR team and the Executive Director attended all sessions, and the guidelines were drafted in consultation with our Safeguarding Consultant and Lewis Silkin
- Sessions of this nature could be run concurrently with establishing a Guardians Programme (as at The Old Vic) so that both are rolled out at the same time
- Our presentation slides and workplace scenario questions are available on request, if helpful

# STEP 3

## ESTABLISH GUARDIANS PROGRAMME

To establish the Guardians Programme within the organisation:

### INITIAL COMMUNICATION

- Contact your workforce, including a representative sample of freelancers, and invite them to an open forum session where you share what the role of a Guardian is and run through the proposed **Terms of Reference** (Old Vic precedent, page 10)
- At the session, ask those present if the Terms of Reference suit them. The main question to cover is whether they want the Guardians to be a completely confidential resource or whether there is a trigger to HR if the information shared could constitute a criminal offence. Our workforce wanted the trigger to be in place — hence the wording in the draft terms of reference attached

### RECRUITMENT PROCESS

- Following the session, send the agreed Terms of Reference to your staff group with a note asking for applications for the role of Guardian. Applications can be made by email to the HR Director/or equivalent
- Shortlisting at The Old Vic took place against the **Skills Matrix** (page 12)
- For interest, The Old Vic received 17 applications (out of a permanent workforce of 85 and an overall workforce of 250 at any one time). Shortlisted applicants were asked to meet Lewis Silkin and the Safeguarding Consultant for a 30 minute discussion to share more about the role of a Guardian and to hear from the individuals about why they were interested in becoming a Guardian. Note: where budgets do not permit external involvement, this step could be carried out in-house by HR or equivalent
- The applicants not shortlisted were still offered the Guardian training in order for the culture and expectations of Guardians to be further disseminated within the building; and for there to be a wider pool who had been trained should appointed staff leave within the first year of the scheme
- We found that it is worth waiting to confirm the Guardians in post until after the training, so that both the individual and the organisation have the opportunity to reaffirm their commitment and suitability following the training process
- Seven Guardians were then formally appointed at The Old Vic following the training
- Depending on budget, you could either appoint external consultants as we did; or run this process in-house at no cost using this guide.

### KICK-OFF TRAINING — TO BE PROVIDED PRO BONO FOR ALL NETWORK ORGANISATIONS

- Kick-off training sessions for Guardians within organisations who have signed up to the Network will be provided, and thereafter offered once a year, covering:
  - how to refer people to your organisation's policies, procedures and escalation options, and those of any relevant Union
  - how to embed and apply any cultural guidelines/behavioural codes in place
  - soft skills training covering context, engagement style, open questioning, verbal cues, body language, neutrality, confidentiality and expectation management workshop/role play scenarios.

Guardians attending the training would ideally have received internal training on their own organisation's policies, procedures and escalation options together with any cultural guidelines/behavioural codes in place, before attending the pro bono kick-off training, so that they are fully aware of the legal and regulatory obligations on both the organisation and the individual before getting into the more nuanced aspect of the training centred on behaviours and listening skill development.

This can take place in the organisation's own timeframe and be delivered by HR or equivalent. The Old Vic sessions took place over a two hour period and were delivered by the HR Director.

The internal training should ideally cover not only the basic content of policies, but also practical information. For example, information about grievances would not only include the formal process but also reassurance about how simple a written grievance document can be, and (i) who would be in a grievance meeting, (ii) what their roles would be, and (iii) how the meeting would typically proceed.

## **RESOURCES FOR GUARDIANS**

The Old Vic has created a Guardians resource pack which contains our policies and processes, and those of the Unions with whom we work, in order for the Guardians to have a 'how to' handbook but also so that they are able to give accurate recommendations of all resources to those who use the programme to fully understand the various ways they can escalate concerns. It will also contain the list of potential criminal offences, and a sheet to give those using the programme setting out both escalation processes and counselling/support group options and resources. A copy of The Old Vic's resource pack is available on request.

# STEP 4

## ROLL OUT & ONGOING SUPPORT

### ORGANISATIONAL ROLL-OUT

- Once the Guardians are trained (after the pro bono training session in June), the programme is active
- At The Old Vic, we rolled out the scheme by introducing Guardians to the following stakeholders: All Staff Meeting; Front of House training; Company Meet & Greet (additional session built into the first week of every production just introducing Guardians and the scheme); written material in Staff Handbooks and Company Welcome packs; Board meetings
- The identity of the Guardians is shared with anyone walking into the building, given to visiting companies in their welcome pack, and will be on our website. The Guardians will be the most 'easy to contact' members of the organisation.

### ONGOING NETWORK TRAINING

- Guardians will themselves need ongoing training and support
- The purpose of the Network is to bring together Guardians from different organisations and sectors to provide pro bono continued training on common topics and themes that the Guardians may experience
- Professional development pro bono training of the Guardians will take place at Lewis Silkin twice a year. At these sessions, anonymised case studies will be shared, created from feedback given in advance by Guardians in the Network, so that the group can understand trends and where the need for further internal training may be required within their own organisations to prevent issues arising or taking hold
- There will be an email distribution list connecting Guardians cross-organisation.

### GUARDIAN SUPPORT

- After the training session, Guardians can be given a resource pack (The Old Vic's pack available if helpful)
- The Guardians at The Old Vic will meet as a group with our Safeguarding Consultant two — four times per year as demand dictates, to share anonymised trends and issues, to ensure that they are all giving consistent support where possible and using our Safeguarding Consultant as a sounding board
- Additionally at The Old Vic, if any Guardian would like immediate support, they can speak to our Safeguarding Consultant at any time to get a steer on the right approach, anonymising the information so as to continue to keep confidentiality
- Any discussion with a Guardian remains absolutely confidential unless the criminal offence trigger is enacted
- Many organisations operate without an HR function, but it will be rare not to have a Safeguarding Consultant who could fulfil this support role. If you do not have a Safeguarding Consultant, one Guardian could be the lead Guardian and support the other Guardians through feedback from the Network.

### BOARD INVOLVEMENT

- Each organisation will have a different reporting structure, but at The Old Vic the Guardians will write and deliver a report to The Old Vic Theatre Trust 2000 Board annually giving them an anonymised analysis of the year's issues and trends
- Throughout the year, any anonymised trends or requests for training that arise out of a need observed by the Guardians will be shared with the Executive so that the organisation can ensure it is being responsive to any issues that might be raised. For example, this might be organising staff training on a specific topic that has repeatedly been raised with the Guardians.



## **1. ARE GUARDIANS TRAINED TO UNDERSTAND WHEN SOMETHING MIGHT BE A CRIMINAL OFFENCE?**

Yes, the Guardians training includes briefing on what could constitute a criminal offence. There is also information in their pack. The Old Vic Guardians can also ask our Safeguarding Consultant anonymised queries of this nature as an additional support.

## **2. WHAT HAPPENS IF SOMETHING IS RAISED WITH A GUARDIAN THAT IS A CRIMINAL OFFENCE?**

Guardians are trained to explain to those who come to them that they are a confidential support, in all but one instance — where the behaviours being discussed could amount to a criminal offence. Guardians will always make it clear at the start of a conversation with an individual what the parameters are, so there is never a chance that the Guardian will be duty bound to share confidential information against the will of the person who has shared it. In the case of a criminal offence, the Guardian would encourage the individual to escalate the issue themselves.

## **3. ARE GUARDIANS JUST FROM YOUR PERMANENT WORKFORCE OR EXTERNAL TOO?**

This is up to each organisation to decide. At The Old Vic, our collective decision was to recruit Guardians from our permanent workforce on the basis that they would be much more accessible to those both within the building or visiting as a freelancer, and more connected to and understanding of our policies and procedures.

## **4. CAN WE ADAPT THE TERMS OF REFERENCE?**

Yes, absolutely. These terms of reference were drafted for The Old Vic with the intention that they could form a precedent. Whilst some elements will be pretty universal, there will be others that you will want to update or amend to make sure it fits within the culture or norms of your own organisation. Like everything in this pack, they are shared as a helpful precedent rather than as a prescription. The Guardians Network will ultimately be comprised of a number of organisations who all sign up to the concept of the Guardians Programme, and who have made it their own based on discussions amongst their own workforce.

## **5. HOW DO WE EVALUATE PERFORMANCE OF GUARDIANS?**

The Guardians at The Old Vic will check in with our Safeguarding Consultant quarterly, and will also receive professional development training from Lewis Silkin bi-annually (as will all those Guardians in the Network). At The Old Vic, we will be trialling a feedback format where those who use the Guardians will be offered an opportunity to feedback anonymously online as to the value and use of the programme to them.

## **6. IF YOUR BUSINESS HAS RELATIONSHIPS WITH UNIONS, HOW DOES THIS INTERACT WITH THEIR PROCESS?**

The Guardian Programme acts as a signpost for all policies, processes and formal methods of escalation. Any helplines or services provided by a Union for workers will be flagged and highlighted to that individual as part of the conversation about methods of escalation.

# TERMS OF REFERENCE

**The role of a Guardian is an extremely important new function within The Old Vic. It carries responsibility, and requires significant maturity and discretion. It complements the existing roles and processes available within The Old Vic:**

- HR staff
- Managers
- Trustees
- Grievances
- Disciplinary procedures
- Employee Assistance Helpline
- Confidential Inbox.

Guardians facilitate the optimal use of these staff and processes and in so doing empower their colleagues to take control of situations which cause them concern.

## **CHARACTERISTICS**

- They respect and maintain absolute confidentiality over issues raised with them in their capacity as Guardians, except only cases in which the issues might amount to criminal offences
- They are trained in the roles and processes that exist within The Old Vic, and are available to advise other staff regarding the options they can take up when they have issues to raise
- They are trained in The Old Vic culture, and are available to advise other staff who might be unsure as to whether an incident amounts to a breach of The Old Vic culture or not
- They are open-minded, friendly and approachable
- They are good listeners
- They maintain neutrality about issues that are raised with them
- They do not judge colleagues who approach them, or those implicated in the information they are given
- They are empathetic towards colleagues experiencing personal and/or professional difficulties
- They offer neutral support and advice as to:
  - Informal ways of managing issues; and
  - Where relevant, which Old Vic processes and staff to escalate matters to appropriately
- They take their role seriously and commit time to learn the role and attend quarterly Guardians meetings
- They identify recurring issues for senior management to consider and report these via quarterly Guardians meetings.

## **DUTIES**

- Attend training sessions on:
  - The staff and processes at The Old Vic
  - Listening skills
  - Mediation skills
  - Safeguarding
- Understand Old Vic OK/Not OK principles
- Attend quarterly Guardians meetings, to report anonymised themes emerging in their work and agree a report to the Board's People & Remuneration Committee
- Model, promote and uphold our culture
- Maintain current awareness of our culture (OK/Not OK Principles)
- Be a confidential resource for colleagues who are unsure or concerned about behaviour which may be 'Not OK'
- Support their colleagues when experiencing behaviour which they believe may be 'Not OK'.

## **GUARDIANS DO NOT**

- Call out inappropriate practices internally (Guardians are not policemen/women)
- Intervene and try to fix problems themselves. They only advise colleagues as to actions they can take themselves, if they wish to.

## **GOVERNANCE**

- The role is not subject to normal line management
- The Guardians escalate any difficult questions to the Safeguarding Consultant
- The Guardians will meet quarterly for sessions moderated by an external chair, the Safeguarding Consultant, to:
  - share their experiences and discuss best practices in responding to issues in an anonymised form; and
  - record any patterns of behaviour or issues in development
- Annual presentation by a select group of Guardians to the Board of Trustees in addition to the quarterly update reports going to the People & Remuneration Committee.

## **TRAINING**

Training the Guardians will receive will be as follows:

- |  |                  |
|--|------------------|
| — Culture and values of The Old Vic:<br>(building on the OK/Not OK sessions) | HR Director      |
| — Old Vic structure and processes:   | HR Director      |
| — Facilitation training:   | Richard Miskella |
| — Safeguarding/soft skills 'listening' training:                             | Joanna Nicolas   |

## **HOW MANY GUARDIANS WILL WE HAVE?**

We are looking for between six to eight Guardians from across The Old Vic (work force 250) including permanent and casual staff.

## **WOULD YOU MAKE A GOOD GUARDIAN?**

**Case study:** A junior member of staff tells you their manager is bullying them. What would you do?

1. Listen sympathetically and tell them the manager's behaviour is totally wrong?
2. Tell them to confront their manager and coach them how to do it?
3. Offer to approach the manager informally to try to nip the issue in the bud?
4. Investigate the allegations informally, to get an idea of whether bullying was occurring?
5. Refer the junior employee to HR?
6. Talk the junior employee through the grievance process and encourage them to use it?
7. Listen carefully and help the junior employee to apply The Old Vic cultural frameworks for themselves — 'OK and Not OK', explain the practical options and pros and cons of those options, let the junior employee decide for themselves what to do, and support them to carry out their decision?

If you would do 7, you might make a good Guardian.

## **APPLICATIONS & TRAINING PROCESS**

- People interested in the applying for the role of Guardian are asked to email their application
- Shortlist of candidates is based on criteria set out in Appendix 1. This takes into account not only their potential capability in the role of a Guardian but also the appropriate representation across teams
- There are then individual discussions with Joanna Nicolas (Safeguarding Consultant) and Richard Miskella (Partner, Lewis Silkin) about the role and what it would involve for each shortlisted Guardian before appointment
- Training sessions are then held for all Guardian applicants, as well as the Guardians selected, in order for us to not only widen the pool of staff who receive professional development training, but also to encourage and embed the principles from the training more widely across the organisation
- Guardians then assume their duties.

# SKILLS MATRIX

**Name of Candidate**

**Date Screened**

**Score Breakdown**

1: Not able to demonstrate  
2: Can demonstrate to some degree

3: Able to demonstrate consistently  
4: Leads by example in demonstrating this attribute

5: Goes over and above in this by the way they go about their day-to-day

| AREA TO ASSESS  | NOTES ON APPLICATION | WEIGHTING | SCORE (1-5) |
|---|----------------------|-----------|-------------|
| Appreciative of the need for the role   |                      |           |             |
| Appreciative of commitment required   |                      |           |             |
| Previous experience in a similar capacity   |                      |           |             |
| Demonstrates strong self-awareness  |                      |           |             |
| Demonstrates OV values  |                      |           |             |
| Knowledgeable and well-respected  |                      |           |             |
| Passive, neutral and non-judgemental  |                      |           |             |
| Able to objectively consider issues against OK/Not OK principles                    |                      |           |             |
| Able to have discretion and keep confidentiality                                    |                      |           |             |
| Open-minded, friendly, approachable   |                      |           |             |
| Able to show empathy with others  |                      |           |             |
| Ability to actively listen  |                      |           |             |
| Commitment to attending training and moderation meetings                            |                      |           |             |
| Able to give confidential and objective advice on policies and procedures available |                      |           |             |
| Comprehensiveness of Application  |                      |           |             |

# SCENARIOS FOR GUARDIANS

1. A new member of staff comes to you, she is young and female. Another member of staff, who is older and male, keeps putting his arm round her. She has tried moving away, in a subtle way, but he does not seem to take the hint and she does not know what to do because it makes her really uncomfortable.
2. A production assistant comes to you because they feel that a visiting director is really patronising towards them and they don't like it but don't know what to do.
3. A cast member comes to you because they are concerned about the physical contact between another cast member and a child actor. There is physicality in the show but they think the actor's hands linger too long but no one else seems to have noticed.
4. A wardrobe assistant comes to you because the actor they have to make up every night, with whom they used to have good banter, has now taken offence because the wardrobe assistant has turned their offer of going out for a drink together down, and is making sarcastic and unkind remarks every night.
5. An older member of the development team comes to you because they feel they are being passed over because there is a new member of the team who is much younger and prettier than they are. The individual feels that they are being side-lined because of their age and how they look.
6. A member of staff comes to you because they are concerned about how a member of the cast is with one of the child actors. They always seem to make a beeline for them when they come in and spend a lot of time with them. They don't know if they should do anything, or not.
7. A relatively new male member of staff comes to you because they are unhappy about the fact that an older male member of staff, who is gay, keeps posting photographs of them on social media at work and after work functions.
8. A young actor comes to you because they feel very uncomfortable about the behaviour of a world famous actress towards them. She is very touch-feely and he does not like it but does not know what to do.
9. A member of staff who has recently come to the UK comes to you because they are very upset about how another member of staff is 'teasing' her. She constantly laughs about how she pronounces certain English words and it is a running 'joke' for this member of staff.

## CONTACT

For further information please contact us using the details below:

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**‘The Guardians Programme is an inspired way of achieving two difficult things: disseminating and maintaining your desired culture across all areas and locations of the business; and empowering staff with concerns to make well-informed and appropriate choices regarding escalation of issues’**

Richard Miskella, Partner, Lewis Silkin