

# **GUARDIANS** AT **THE OLD VIC** **INFORMATION**

**‘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

# INDEX

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<b>Foreword</b>	<b>3</b>
<b>What is a Guardian?</b>	<b>4</b>
<b>Join In</b>	<b>5</b>
<b>The Guardians Network</b>	<b>6</b>
<b>The Old Vic's Press Release</b>	<b>8</b>
<b>The Way Forward</b>	<b>9</b>

# FOREWORD

When allegations of sexual harassment and abuse started to trickle out of Hollywood I don't think anyone could have imagined that the #MeToo movement would take off in the way it did. These shocking claims of bullying, sexual harassment and abuse were not confined to the film and television industry — they touched the charity sector, the sports industry, and of course politics and Westminster. I have been determined to change the culture in Westminster and I am so pleased to see The Old Vic showing a similar commitment to change the culture of theatre.

Bullying, harassment and sexual harassment are unacceptable wherever they take place. Over the decades victims have stayed silent for fear of being ignored, being called a liar, or having their career threatened. Now, the changes we make will support them to have their voices heard. By putting the right structures in place to raise complaints, allowing them to be investigated confidentially, having meaningful sanctions, and raising greater awareness through training, organisations can help to solve the problem rather than perpetuate it. Opening up the discussion not only improves the lives of individuals but can also positively impact wider society and create safer, happier workplaces.

Each workplace is different and will require unique solutions, but the common threads are evident. In Parliament, the cross-party Working Group I chaired has agreed to establish an Independent Complaints and Grievance Policy, underpinned by a Behaviour Code and a robust set of sanctions which puts the victim and their confidentiality at the heart of the process. Critically, the independence of this process has been paramount. That same logic has underpinned The Old Vic's approach in developing the Guardians Programme. We can all agree that complainants must have confidence that their views will be heard and considered fairly if any meaningful change is to be achieved.

This year, we are celebrating the fact that a century ago, the Suffragettes, Suffragists and other campaigners succeeded in their bid to change history giving some women the right to vote for the first time. I'm inspired by their tenacity as, a century later, we are seeking another cultural shift in attitudes to women. It will not be easy, whether in the world of the theatre or the world of politics. But I am sure that with determination we can work to ensure that everybody is able to be treated with the dignity and respect that they deserve.

## **Andrea Leadsom**

Secretary of State for Business, Energy and Industrial Strategy

# WHAT IS A GUARDIAN?

A Guardian is a trained member of staff who helps to ensure a consistent understanding of culture throughout the organisation, and who acts as a sounding board for colleagues who have something that they might want to share, but are unsure about the best way of doing so.

The Guardians Programme is designed to help an organisation go further in its commitment to creating a safe and secure working environment for all, offering information resources for colleagues who have questions or concerns about behaviour or the culture at work.

## **THE ROLE OF A GUARDIAN**

The role of a Guardian is to listen and give neutral support on issues and, where relevant, to advise upon which processes and staff may assist. This could relate to something serious, or a more everyday matter. Guardians respect and maintain absolute confidentiality over issues raised with them except in cases in which the issues might amount to a criminal offence. Guardians are not in post to call out inappropriate practice; nor intervene and try to fix problems. They will only advise colleagues as to actions they can take themselves, if they wish to; and model, promote and uphold the organisations culture.

## **APPOINTMENT**

Guardians can be appointed either directly or through an application process. The Old Vic held an open workshop with a subsequent selection process. Guardians will receive specialist training on facilitation and mediation, safeguarding and listening, the culture and values of the organisation, and its structure and processes before the programme formally begins. They will then receive ongoing training and support throughout the year.

Guardians are selected from across the current workforce based on their open minded, friendly, approachable manner. They will be an available resource for both permanent, part-time, casual and freelance workers and will support an open, considerate culture where anyone feels they can raise something in good faith.

## **WHAT ARE THE COSTS?**

Implementing a Guardians Programme can be no, or relatively low cost depending on preference. The terms of reference in this pack can have universal application and are provided here free for organisations to use and adapt. The additional papers in this pack may be helpful in establishing your own scheme.

You can arrange the initial training for Guardians yourself or make use of the pro bono training being provided by Lewis Silkin this July (date tbc). Additionally, ongoing training for organisations who are part of the Guardians Network will be provided pro bono by Lewis Silkin.

The Guardians Network is free to join and is an information sharing resource — for more detail on the Network see p5 'Join In'.

# JOIN IN

We want to share this pack as widely as possible in the hope that it will help keep a wide range of organisations and workforces safe and happy. As such please feel free to use the documents contained here in their entirety, or select specific sections that might work for you, and pass them to those who might be interested in joining the scheme.

## **GUARDIANS NETWORK**

If you are interested in implementing a Guardians Programme, or a variant thereof, in your organisation, please let us know. We have had many initial conversations with organisations from both within the arts industry and in other sectors, and there has been immediate and enthusiastic response to the principles of the scheme.

As such, in order to continue to share best practice and training, we are forming the **Guardians Network**. The Network is a group of organisations who have implemented the principles of a Guardians Programme. The Network receive free training, and — in between times — can share with the group anonymised trends and learnings from their own programmes, together with centralised resources through a webpage which we are in the process of establishing.

The Network is **free to access**. In order to ensure as many as would wish to are able to introduce the scheme, we have arranged with Lewis Silkin for Guardian training to take place free of charge. This will be a four hour Guardian training session by Richard Miskella (Lewis Silkin) and Joanna Nicolas (Safeguarding Consultant). This four hour session will equip Guardians with the necessary training to fulfill the role in your organisation.

Ongoing training for organisations running Guardians Programmes will also be provided pro bono by Lewis Silkin for any organisation who signs up to the Guardians Network. In advance of the sessions, those in the Network will be encouraged to share anonymised feedback on trends and scenarios from within their organisations so that we can all be responsive to current cross-sector issues in the workplace.

Each organisation, each industry, will have experiences and solutions with universal application that, through an open collaboration of resources and ideas, can benefit and strengthen us all.

## **WHO TO CONTACT**

The Guardians Programme is an Old Vic innovation. This pack was prepared by The Old Vic, with legal advice in relation to the new programme from Richard Miskella of Lewis Silkin and Safeguarding Consultant Joanna Nicolas. If you would like any further information about the programme itself or to join the Guardians Network, do contact Executive Director, Kate Varah or Associate Director of Business, Rowena Russell — contact details at the end of this pack. We would love to enthuse about this programme with you and share what we've learnt thus far so that what we have learnt can be put to widest possible use.

## **RESOURCES**

### **Lewis Silkin: Richard Miskella**

Richard has been with Lewis Silkin LLP for 15 years and a partner for nine. Richard advises on employment issues and legislation. As well as his advisory work and training, Richard's particular focus is on disputes and mediation. He is a CEDR-accredited mediator, and acts for clients as well as mediating disputes of all kinds.

### **Safeguarding Consultant: Joanna Nicolas**

Joanna is a national commentator on safeguarding children, appearing regularly across the BBC, Sky and ITV. She chairs and speaks at national conferences and is a writer and published author. Joanna is advising and working with us more widely at The Old Vic on all best practice across all safeguarding policies, activities and training.

# THE GUARDIANS NETWORK

**In order to share best practice and training, we have formed the Guardians Network.**

The Guardians Network is a group of organisations who have implemented the Guardians Programme (or a version thereof) who come together to benefit from:

- Pro bono training offered by Lewis Silkin throughout the year
- Sharing with the group anonymised trends and learnings from their own programmes
- Centralised resources through The Old Vic's website.

The Guardians Network is free to access and virtual. Pro bono training sessions are delivered by a Lewis Silkin lawyer in person three times a year in a central London location.

Each organisation will have experiences and solutions with universal application that, through an open collaboration of research and ideas, can benefit and strengthen us all.

**‘We are getting significant interest from clients across a wide range of industries, who want to achieve both of these goals and think the framework can be usefully adapted to meet their specific needs. We’re proud to support the programme with free training three times a year from our offices’**

Richard Miskella, Partner, Lewis Silkin

# THE GUARDIANS NETWORK

**Almeida Theatre**  
**AKA**  
**BFI**  
**Birmingham Royal Ballet**  
**Bush Theatre**  
**Camphill Village Trust**  
**Chichester Festival Theatre**  
**Coutts**  
**English National Ballet**  
**English National Opera**  
**English Touring Opera**  
**Exeter Northcott Theatre**  
**Glyndebourne Productions Ltd**  
**Hampstead Theatre**  
**JHI Marketing/Fane Productions**  
**King's Head Theatre**  
**Lewis Silkin LLP**  
**Lyric Hammersmith**  
**Macfarlanes**  
**National Portrait Gallery**  
**National Theatre of Scotland**  
**New Adventures**  
**Nottingham Playhouse**  
**Nuffield Southampton Theatres**  
**Playful Productions**  
**Police Now**  
**Rifco Theatre Company**  
**Rose Theatre Kingston**  
**Royal Philharmonic Orchestra**  
**Runaway Entertainment**  
**Sheffield Theatres**  
**Society of Authors**  
**Society Of London Theatre & UK Theatre**  
**Soho Theatre**  
**Southbank Centre**  
**SSQ**  
**Tate**  
**The Gate**  
**The Old Vic**  
**WDW Entertainment**  
**ZooNation: The Kate Prince Company**

# THE OLD VIC'S GUARDIANS PRESS RELEASE

## **Empowering the individual: The Old Vic launches new 'Guardians' Programme as part of its commitment to the Way Forward**

The Old Vic has created a new Guardians Programme. A Guardian is a trained member of staff who helps to ensure a consistent understanding of culture throughout the organisation, and who acts as a sounding board for colleagues who have something that they might want to share, but are unsure about the best way of doing so.

As outlined in the Way Forward, our commitment to creating a safe and secure working environment for all, the role of a Guardian is to listen and give neutral support and advice on issues and, where relevant, to advise upon which processes and staff may assist. This could relate to something serious, or a more everyday matter. Guardians respect and maintain absolute confidentiality over issues raised with them except in cases in which the issues might amount to a criminal offence. Guardians are not in post to call out inappropriate practice; nor intervene and try to fix problems. They will only advise colleagues as to actions they can take themselves, if they wish to; and model, promote and uphold our culture.

Four to six Old Vic Guardians will shortly be appointed following a workshop and interview process. They will receive specialist training on facilitation and mediation, safeguarding and listening, the culture and values of The Old Vic, and its structure and processes before the programme formally begins in March 2018. They will then receive ongoing training and support throughout the year. Guardians are being selected from our current staff based on their open minded, friendly, approachable manner. They will be available to both our permanent and freelance workers and will support an open, considerate culture where anyone feels they can raise something in good faith.

Executive Director Kate Varah says,

*'We devised the Guardians Programme in dialogue with our staff to enshrine our values and workplace culture. It grew out of our desire to help reassure people they have a voice. We want everyone to have a way to share their concerns with someone outside of the 'regular' reporting line. Our Guardians actively listen and support, offering confidential advice on options, with discretion and empathy. It is incredible to see the commitment in both the arts and other sectors in embracing a solution that helps reframe how our workforces share concerns, escalate issues, and enjoy working together respectfully.'*

–ENDS–

## **PRESS CONTACT**

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# THE WAY FORWARD

**The Old Vic is committed to a new Way Forward that will build on existing practices and procedures to ensure that the theatre fulfills its duty of care to all who work in the organisation. The Way Forward is committed to rapidly evolve an intelligent new standard of protection and support in and around the workplace.**

## **DEFINING RIGHTS & PRESCRIBING ACTION**

We commit to creating a safe and secure working environment for all.

This requires:

- Leadership and commitment from our Board to set the tone and culture of the organisation and ensure accountability
- Thoughtful engagement from the theatre management and staff in order for solutions to be workable, and avoid negatively impacting on creative relationships
- In-depth discussion led by industry bodies and with colleagues to share learnings and best practice so that our solutions are impactful and meaningful.

The Old Vic cannot change behaviours and theatre culture in isolation. Engaging with the rest of the UK theatre community and establishing practices which minimise the opportunity for inappropriate behaviour and seek to ensure that such behaviour is addressed when it occurs are key.

Creating a healthy and dignified environment in which to work is essential for every profession. It is a right that everyone should be able to reasonably expect.

## **RULES & EXPECTATIONS**

We will develop with our people, our own set of conduct rules and behavioural expectations based around two categories of behaviour: 'OK/Not OK'.

Both the general life of the theatre and specifically productions will be covered. Every member of staff and member of the company and creative team will sign up to and will be encouraged to ensure that it is implemented effectively and adhered to.

It will include clear guidance regarding one-on-one meetings in isolated locations, especially outside The Old Vic building, and in particular late at night or involving alcohol.

It will include clear guidance on what to do in a circumstance that feels uncomfortable or Not OK.

It will establish a zero tolerance policy on inappropriate behaviour in the workplace.

## **GUARDIANS**

The Old Vic will establish a Guardians Programme.

A Guardian is a trained member of staff who helps to ensure a consistent understanding of culture throughout the organisation, and who acts as a sounding board for colleagues who have something that they might want to share, but are unsure about the best way of doing so. The Guardians Programme is designed to help an organisation go further in its commitment to creating a safe and secure working environment for all, offering an alternative way for colleagues to share concerns about behaviour or the culture at work.

Guardians will be approachable, informed, responsive. They will receive additional training to support them in this role. Any person working at The Old Vic can contact a Guardian at any point, knowing that they will be a safe point of contact with information to help colleagues make empowered and informed decisions.

## **GUIDANCE**

Additional training for all staff, including creative and production staff, will be initiated on diversity issues and acceptable workplace behaviour.

This will be designed in conjunction with the creative and production staff so that it properly takes into account the features of theatre productions at The Old Vic.

Training will demonstrate how people should speak out and report concerns quickly. It will cover boundaries and what constitutes inappropriate behaviour.

## **ACCOUNTABILITY**

Protocols and processes will be drafted and enacted. They will not sit on a shelf. All who work here, regardless of seniority or role, will be held to them.

Some, like our Dignity at Work policy already exist. Others, like an extended whistleblowing policy will be drafted and put in place to provide a clear, formal route for incident escalation where necessary.

Specific and supportive guidance about alcohol use will be written, together with guidance on The Old Vic's expectations, all to be given without it having a 'chilling' effect on camaraderie and the creative culture, or driving performers and staff away from the bar as a place to relax post-work or show.

Clear reporting lines will be established for swift escalation of concerns. Guardians will sit alongside this to give an additional mechanism for support should a formal approach not feel right.

## **CHECKS & BALANCES**

A governance review will be undertaken to check that the programme of modernisation and improvement that has taken place since 2014 within The Old Vic Board of Trustees has gone far enough; and to ensure that it remains fully equipped to fulfil its role in providing independent oversight of The Old Vic.

Regular 360 feedback will be requested not just for permanent staff and their managers during appraisals and reviews, but within acting companies and creative teams to provide clarity around effective line management, and include confidential questions regarding culture and behaviours.

In all we do, we will strive to make The Old Vic a healthy, happy, safe place to work.

## CONTACT

For further information please contact us using the details below:

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**‘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

# 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 to guardians@oldvictheatre.com; inbox managed by the HR Director
- 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			