

Book Works Safeguarding Policies

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I. Safeguarding

Statement

Every charitable organisation has a duty to protect the people they work with and those they are trying to help from any form of harm, especially children, young people, the elderly and vulnerable. The purpose of this policy statement is to:

1. Provide staff overarching principles that guide our approach to safeguarding and necessary and related information to ensure they know how to respond to concerns, including bullying, harassment, fraud, misconduct or wrongdoing by staff or others working on behalf of Book Works.
2. Promote the principles of Equality and Equity as described in our Equal Opportunities Policy, to all aspects of our working environment.
3. Provide staff with the information needed to ensure that children and young people or adults at risk of abuse are protected from harm.

Review date: Annual

Current Chair: Teresa Drace-Francis

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Current Safeguarding Trustee: Gerrie van Noord

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Other relevant policies

Contract of employment

Equality Policy

Health and safety policy

Privacy policy

Existing employees: As this will be a new policy for Book Works all staff will be sent the document once it is agreed, and will be asked to confirm they have read the document.

New employees: This policy will be given to all new employees as part of their contract of employments and main terms and conditions of work

Policy

Book Works is a registered charity, a National Portfolio Organisation of Arts Council England. Our mission statement is 'Book Works was established in 1984 'to advance education for the benefit of the public in the visual arts, particularly books which may be recognised as art works in their own right. We are dedicated to supporting new work by emerging artists, and our projects are initiated by invitation, open submission, and through guest-curated projects.

Book Works programme and core work does not involve working with children and young people or adults at risk of abuse. Book Works staff do not work directly with children and young people or adults at risk of abuse as part of their jobs and therefore do not have Disclosure and Barring Service (DBS) checks.

Our staff cannot be left in sole charge of children and young people or vulnerable adults when visiting an organisation, individual, project or performance, and will refuse to do so if asked. We will take every reasonable step to ensure that children and adults at risk of abuse are protected when we collaborate with an arts/cultural organisation for a programme of work, or for core work. When we do work with organisations that work with children and young people or adults at risk of abuse, including libraries and other publicly funded organisations, we will take every reasonable measure to ensure that those organisations have Safeguarding Policies and appropriate measures are in place to ensure a safe collaboration with Book Works.

Book Works' policy is based upon the principles enshrined within the United Nations Convention on the Rights of the Child, and the Care Act of 2014. We recognise that the terms and conditions under which Book Works receives funding from Arts Council England includes a mandatory requirement to adopt policies and procedures to ensure the safeguarding of children and adults at risk of abuse with whom there is direct contact.

We also recognise that the principles of safeguarding extend beyond working with children, young people and adults at risk of abuse, and with the support of our Board of Trustees, and where relevant, we adopt the principles of: respect, transparency, building a safeguarding culture, and ensuring genuine equality of opportunity as referenced in our Equal Opportunities statement and policy across all aspects of our organisation.

2. Book Works Anti-Harassment and Bullying Policy

Introduction

Book Works is committed to having an organisation which is free from harassment and bullying, and to ensuring that all employees, contractors, collaborators and others who come into contact with us in the course of our work are treated with dignity and respect, regardless of gender, sexual orientation, colour, race, nationality, ethnic or national origins, creed, culture, religion or belief, age, socio- economic status or disability. Striving to ensure that the work environment is free of harassment and bullying and that everyone is treated with dignity and respect is central to ensuring equal opportunities in employment.

This policy and procedure is intended to support this commitment in practice and to provide guidance to staff and trustees on how to deal with concerns of bullying or harassment.

Policy

Book Works staff are bound by the terms of our Equalities and Safeguarding Policies. We will not tolerate any form of discrimination, bullying or harassment in our workplace or at work-related events outside of the workplace, whether the conduct is a one-off act or repeated course of conduct, and whether done purposefully or not. Neither will we tolerate retaliation against, or victimisation of, any person involved in bringing a complaint of harassment or bullying. Retaliation or victimisation will also constitute a disciplinary offence, which may in appropriate circumstances lead to dismissal.

Allegations of bullying and harassment will be treated seriously. Investigations will be carried out promptly, sensitively and, as far as possible, confidentially. In order to facilitate this, we recognise the right of those involved to be accompanied by a third-party including union representation. If, after an investigation, we decide that an employee has harassed or bullied another employee or contractor, then the employee may be subject to disciplinary action, up to and including dismissal.

Employees and others who make allegations of bullying or harassment in good faith will not be treated less favourably as a result. False accusations of harassment or bullying can have a serious effect on innocent individuals. Staff and others have a responsibility not to make false allegations. False allegations made in bad faith will be dealt with under our disciplinary procedure.

What type of treatment amounts to bullying or harassment?

Bullying or harassment is something that has happened that is unwelcome, unwarranted and causes a detrimental effect. If employees complain they are being bullied or harassed, then they have a grievance which must be dealt with regardless of whether or not their complaint accords with a standard definition. For further information, please refer to [ACAS guidance](#).

It is important to recognise that conduct which one person may find acceptable, another may find totally unacceptable. All employees must therefore treat their colleagues with respect and appropriate sensitivity, and in accordance with Book Works Equal Opportunities Policy.

Bullying does not include appropriate criticism of an employee's behaviour or proper performance management.

Reporting concerns

What you should do if you witness an incident you believe to be harassment or bullying

If you witness such behaviour you should report the incident in confidence to one of the co-directors or the safeguarding trustee if it concerns one of the co-directors, or is otherwise appropriate. Such reports will be taken seriously and will be treated in strict confidence as far as it is possible to do so.

What you should do if you feel you are being bullied or harassed by a stakeholder or supplier (as opposed to a colleague)

If you are being bullied or harassed by someone with whom you come into contact at work, please raise this with one of the co-directors or safeguarding trustee if it concerns one of the co-directors, or is otherwise appropriate. We will then decide how best to deal with the situation, in consultation with you. Co-directors will inform the safeguarding trustee in every case.

What you should do if you are being bullied or harassed by a colleague

If you are being bullied or harassed by another employee or contractor, there are two possible avenues for you, informal or formal.

Informal Resolution

If you are being bullied or harassed by another employee or contractor, you may be able to resolve the situation yourself by explaining clearly to the perpetrator(s) that their behaviour is unacceptable, contrary to our policy and must stop. Alternatively, you may wish to ask your manager or a colleague to put this on your behalf or to be with you when confronting the perpetrator(s).

If the above approach does not work or if you do not want to try to resolve the situation in this way, or if you are being bullied by your own manager, you should raise the issue with one of the co-directors or the safeguarding trustee if it concerns one of the co-directors, or is otherwise appropriate. They will discuss with you the option of trying to resolve the situation informally by:

- telling the alleged perpetrator(s), without prejudging the matter, that there has been a complaint that their behaviour is having an adverse effect on a fellow employee
- that such behaviour is contrary to our policy
- that the continuation of such behaviour could amount to a serious disciplinary offence.

It may be possible for you to have this conversation with the alleged perpetrator without revealing your name, if this is what you want. They will also stress that the conversation is confidential.

In certain circumstances we may be able to involve a trustee or a neutral third party (a mediator) to facilitate a resolution of the problem. The person you raised your concerns with will discuss this with you if it is appropriate.

If your complaint is resolved informally, the alleged perpetrator(s) will not usually be subject to disciplinary sanctions. However, in exceptional circumstances (such as a serious allegation of sexual or racial harassment or in cases where a problem has happened before) we may decide to investigate further and take more formal action notwithstanding that you raised the matter informally. We will consult with you before taking this step.

Raising a formal complaint

If informal resolution is unsuccessful or inappropriate, you (or a representative acting on your behalf) can make a formal complaint about the harassment or bullying to one of the co-directors or if concerns them, or for other reasonable reasons, the safeguarding trustee. A formal complaint may ultimately lead to disciplinary action against the perpetrator(s).

We will first investigate the complaint. You will need to co-operate with the investigation and provide the following details (if not already provided).

- The name of the alleged perpetrator(s)
- The nature of the harassment or bullying
- The dates and times the harassment or bullying occurred
- The names of any witnesses
- Any action taken by you to resolve the matter informally

We will carry out the investigation as confidentially and sensitively as possible. The alleged perpetrator(s) may need to be told your name and the details of your complaint in order for the issue to be investigated properly. Where you and the alleged perpetrator(s) work in proximity to each other, we will consider whether it is appropriate to separate you while the matter is being investigated.

After the investigation, we will meet with you to consider the complaint and the findings of the investigation. At the meeting, you may be accompanied by a friend, third party, or union representation nominated by you.

After the meeting (and normally within five working days) we will write to you to inform you of our decision and to notify you of your right to appeal to the Board if you are dissatisfied with the outcome. You should put your appeal in writing explaining the reasons why you are dissatisfied with our decision. You should submit your appeal within five working days of receiving written confirmation of our decision. If you submit an appeal, you will be invited to attend a meeting to consider it which will be heard by a person appointed by the Chair. Once again you may be accompanied. We will write to you afterwards to confirm our final decision.

Use of the disciplinary procedure

Harassment and bullying constitute serious misconduct. If, at any stage from the point at which a complaint is raised, we believe there is a case to answer and a disciplinary offence might have been committed, we will instigate our disciplinary procedure. Any employee found to have harassed or bullied a colleague will be liable to disciplinary action up to and including summary dismissal.

Where a potentially criminal offence or Serious Incident as defined by the Charity Commission has occurred, Book Works will inform the relevant authorities.

Keeping records

Book Works keeps a confidential record of all alleged safeguarding concerns in a safeguarding log which is kept by the Director (Publishing) and shared with the Safeguarding Trustee. This captures the date of the alleged incident(s), those involved, steps taken to resolve and /or investigate and/or report and lists which authorities were informed. Where a complainant requests that a potential crime is not reported to the police, this is also noted and signed and dated by the complainant. Book Works reserves the right to report the potential crime even where the complainant requests that this should not happen.

Before and after employment at Book Works

- References are taken from at least two people prior to employment.
- In addition Book Works may need to ask for a basic DBS check from an employee if a staff member has regular contact with children and adults with care and support needs. Enhanced DBS checks will also be sought as appropriate.
- The Director (Publishing) will advise on what level of check is required.
- Subject to legal advice, where Book Works is aware that someone has a record of harassment or bullying, references will either include this or a reference will not be given.
- Only co-directors can give references from Book Works.

3. Book Works Whistleblowing Policy

Introduction

It is important that any fraud, misconduct or wrongdoing by staff or others working on behalf of Book Works is reported and properly dealt with. We therefore require all individuals to raise any concerns that they may have about the conduct of others in the charity, or the way in which the organisation is run. This policy sets out the way in which individuals may raise any concerns they have and how those concerns will be dealt with.

Background

The Public Interest Disclosure Act 1998 amended the Employment Rights Act 1996 to provide protection for workers who raise legitimate concerns about specified matters in the public interest. These are called 'qualifying disclosures'. A qualifying disclosure is one made by an employee who has a reasonable belief that any of the following is being, has been or is likely to be, committed:

- 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
- Concealment of any of the above

It is not necessary for you to have proof that such an act is being, has been, or is likely to be committed – a reasonable belief is sufficient. You have no responsibility for investigating the matter: it is the charity's responsibility to ensure that an investigation takes place.

If you make a protected disclosure, you have the right not to be dismissed, subjected to any other detrimental treatment or being victimised because you have made a disclosure. We encourage you to raise your concerns under this procedure in the first instance.

Principles

- Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. Staff and others working on behalf of the charity should be watchful for illegal or unethical conduct and report anything of that nature that they become aware of.
- Any matter raised under these principles will be investigated thoroughly, promptly and confidentially (where requested and where practical), and the outcome of the investigation reported back to the person who raised the issue.
- No employee or other person working on behalf of the charity will be victimised for raising a matter under these principles. This means that the continued employment and opportunities for future promotion or training of the worker will not be prejudiced because they have raised a legitimate concern.
- Victimisation of an individual for raising a qualified disclosure will be treated as a disciplinary offence.

- If misconduct is discovered as a result of any investigation under these principles, our disciplinary procedure will be used, in addition to any appropriate external measures. Maliciously making a false allegation is itself a disciplinary offence and will be treated accordingly
- Any 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 manager, you should not agree to remain silent. You should report the matter to one of the co-directors, or the Chair of the Board of Trustees.
- We recognise that in any circumstance an employee or other person working on behalf of the charity may want to be accompanied during this process, or have third-party or union representation.

Procedure

This procedure applies to any disclosures about matters other than a breach of your own contract of employment, which should be raised via the grievance procedure.

Stage 1

In the first instance, any concerns should be raised with one of the co-directors, or if the matter concerns one of the co-directors the Chair of the Board of Trustees, who will arrange an investigation of the matter. The investigation may involve you and other individuals who will be asked to give a written statement. Any investigation will be carried out in accordance with the principles set out above. Your statement will be taken into account and you will be asked to comment on any additional evidence obtained. The co-directors, or if the matter concerns one of the co-directors the Chair, will take any necessary action, including reporting the matter to the Chair of the Board of Trustees and any appropriate government department or regulatory agency. They will also invoke any disciplinary action required. On conclusion of any investigation, you will be told the outcome and what the charity has done, or proposes to do, in response to the matter raised. If no action is to be taken, the reason for this will be explained.

Stage 2

If you are concerned that the co-director or Chair are involved in the wrongdoing, has failed to undertake a proper investigation, or has failed to report the outcome of the investigations to the relevant person(s)/organisations, you should escalate the matter to the Chair of the Board of Trustees, or Safeguarding Trustee if it concerns the Chair. The Chair will arrange for a review of the investigation to be carried out, make any necessary enquiries and present their own report to the board.

Stage 3

If on conclusion of stages 1 and 2 you have reasonable belief that the appropriate action has not been taken, you should report the matter to the relevant body/ies. This/ese may include:

- HM Revenue & Customs
- the Health and Safety Executive
- the Environment Agency

- the Serious Fraud Office
- the Charity Commission
- the Pensions Regulator
- the Information Commissioner
- the Financial Conduct Authority.

You can find the full list in The Public Interest Disclosure (Prescribed Persons) Order 2014:

www.gov.uk/government/uploads/system/uploads/attachment_data/file/496899/BIS-16-79-blowing-the-whistle-to-a-prescribed-person.pdf