

Harassment in the Performing Arts (HiPA) Working Group – DRAFT Terms of Reference

1 Background

- 1.1 Harassment, including sexual harassment, is a form of unlawful discrimination under the Equality Act 2010. Issues of harassment, sexual harassment and abuses of power have been long discussed in society, the workplace and other settings. As the Me Too movement gained prominence, the issues began to be discussed seriously in relation to the performing arts in the UK, USA and elsewhere with several high profile examples in England and Ireland where men in mostly Artistic Director positions were investigated by the boards of directors of the organisations employing them, the media and, in some cases, the police due to their conduct.
- 1.2 In 2017, FST pledged to, “take the lead in supporting the theatre sector in Scotland to take practical steps against the abuse of power, including bullying, harassment and sexual abuse, in the industry.” The intended outcome was the development of a toolkit, codes of practice and guidance for the performing arts in Scotland to combat abuse in and around the workplace. Activity took place, including regular members’ meetings, specialist forums and some practical, focused workshops. FST offered training in areas such as intimacy on stage. In 2020, FST commissioned a general Guidance Note from legal partners, the solicitors Anderson Strathearn, on dealing with sexual harassment in the workplace. This is available on a [webpage signposting to advice and helplines and information and resources](#). It is available to members of FST and non-members.
- 1.3 The wider ambition to develop a toolkit and codes of practice was not fully realised due to the complexity of the task and complications due to the pandemic. Following a high profile conviction of sexual assault within the industry, the issue gained additional momentum. FST was approached by Stellar Quines and Persistent & Nasty to contribute to action in this area. Subsequently, Persistent & Nasty met with a group of Artistic Directors of organisations, mainly FST members, to raise the issue directly and encourage action. A subsequent meeting with this group agreed that FST should co-ordinate activity in this area, working closely with Persistent & Nasty and Lisa Sangster, theatre designer and trained sexual violence support worker. Lisa conducted research into sexual harassment in Scottish Theatre in 2019 as part of her MA in Arts Management.
- 1.4 In September 2021, Elaine Stirrat (Persistent & Nasty), Lisa Sangster and the Chief Executive of FST met to agree a way forward, including the establishment of a short-term working group (the Group).
- 1.5 In the first instance, it was discussed that the Group’s aims would be to:
- Develop an anti-harassment guide for the performing arts in Scotland, including a practical toolkit for its use;
 - Test and launch the guide and toolkit;
 - Promote and disseminate them throughout the performing arts sector in Scotland.
- 1.6 We expect that there will be a legacy of the work of this Group that extends beyond its initial output and that a permanent forum of some kind may need to be established. However, this will be decided in the context of FST’s strategy development work and longer-term planning which will commence from November 2021, and the progress of the Group itself.

2 Purpose of the HiPA Working Group

- 2.1 This Group exists to respond to the needs of the performing arts sector in Scotland (organisations and individuals), in providing practical guidance in dealing with harassment and abuse. The Group will:
- Create a best practice template for dealing with complaints of harassment;
 - Investigate the viability of creating a framework for investigating harassing behaviours to ensure transparency and consistency with how complaints are dealt across the sector, with the ambition that this becomes the 'go to' tool for decision making around harassment cases;
 - House these actions and ambitions within an accessible and easy-to-use guide and toolkit.
- 2.2 Content may include:
- Transparency around timelines for making complaints;
 - Recommendations around training and guidance on the appointment of contacts for making complaints;
 - Setting up rehearsals with roadmap/agreements on how to stop low-level harassment;
 - Aftercare guidelines;
 - Guidance or links through ACAS to employers' legal responsibilities;
 - Clear guidelines on how to handle cases where harassment or abuse takes place outside work time/off premises.
- 2.3 The Group may also make recommendations on training options for up-skilling the sector including, for example, bystander training, how to respond to disclosures appropriately, trauma-informed practice, how to investigate complaints sensitively and effectively, and look at the feasibility of alternatives to [The Guardians Network \(Young Vic Theatre\)](#), including circles and wellbeing reps.
- 2.4 While we want to create a warm and welcoming space for this work to take place, and are mindful of the emotional impact for all involved and those working outside this group, we will not be a space for individual disclosures and support. We support the creation of spaces that can hold these stories and share them in a way that is truthful to the experiences of targets of harassment. The Group is not that space. Neither is it the appropriate channel for pursuing complaints against individuals.

3 Principal values of the HiPA Working Group

- 3.1 **Person- or human-centred** - an approach to problem-solving commonly used in design and management frameworks that develops solutions to problems by involving the human perspective in all steps of the problem-solving process. Our approach will be guided by this methodology.
- 3.2 **Intersectional** - we commit to including as many different perspectives within the Group, its research and its output.
- 3.2 **Transparent** - all best practice documents and frameworks will exist in a public space, which is accessible to everyone working in the sector including theatre companies, organisations, producers and freelancers.
- 3.3 **Pragmatic** - the Group will focus on what is practical and possible within its initial 6-month timescale. However, it is natural that the Group will want to make recommendations about the legacy of the work.

- 3.4 **Change and impact** – Chairs, Boards, Artistic Directors, Chief Executives, other leaders and prominent companies will be asked to publicly and vocally support the framework and enact it within their own organisations.

4 Principal Activities of the HiPA Working Group

4.1 Research and scoping

- Meet as a Group to agree the Terms of Reference and general approach going forward.
- Prepare a work plan from November 2021 – March 2022.
- Consult with and seek outside guidance and best practice advice around how investigations and decisions are conducted. This may come from Anderson Strathearn, FST members, independent Human Resources' advice, and SWRC.
- The Group will be mindful of the work of Stellar Quines in sexual harassment awareness-raising which FST is contributing to, and the anonymous reporting test being piloted by the Lyceum.

4.2 Content and Creation

Agree content and populate the guide and framework with copy and references. Agree any other content to be gathered and delegate this within the Group or to the FST team.

4.3 Testing

Undertake a series of focus groups with users of the guide and framework, for example:

- Managers responsible for HR in organisations enacting it;
- Different sets of freelancers navigating it (mixed groups; people of colour; disabled people; spaces for different genders).

At every practical opportunity, the work will be opened up for feedback.

4.4 Promotion and dissemination

Working with the FST's Marketing & Communications Manager and Chief Executive, devise a communications plan for launching, promoting and disseminating the guide to the FST membership and wider performing arts sector.

5 Membership

- 5.1 Members of the HiPA Working Group have been brought together for a specific purpose and are initially invited to the Group as individuals committed to encouraging practical change within the performing arts in Scotland in relation to harassment. They encompass a range of professional and life experience, with some working within organisations and also having a freelance practice, and some working primarily as freelance practitioners. In the first instance, the Group does not claim to reflect the broad range of size, type and geography of performing arts organisations in Scotland, or full diversity. In reflection of our Principal Values, we seek to create a group which is: committed to a person-centred approach; intersectional; transparent; pragmatic; and, committed to change and making an impact. Additional members of the Group include FST staff who, with their agreement and dependent on workload, will be delegated tasks by the Group.

- 5.2 Members who are freelance and do not receive a full-time salary from an organisation they work for will be paid £200 per day, pro rata, for their involvement in the Group – or £28.60 per hour, depending on logistics and other commitments. Involvement is likely to include preparation for meetings, attendance at meetings and any other tasks delegated to individuals (with their prior agreement). Full-time employees of organisations will be volunteers and will not be paid for their involvement in the Group. Payment for external individuals' involvement in focus groups will be agreed with FST.
- 5.3 At the present time, we will not accept requests from others to join the Group. However, we are committed to creating opportunities for people to provide feedback on, and into, the work of the Group, and being transparent about the work we are, and are not, doing.
- 5.4 Members will agree to meet the Expectations of Membership (see point 8) and actively contribute to the Group.
- 5.5 Management structure of the Group will be continually reviewed as it develops to ensure that membership is well managed, that the Group maintains ability to work in an impactful and effective way and that all voices have the chance to be heard.
- 5.6 Guests may be invited to join a particular meeting to present information or participate in a discussion. We ask that members seek approval of the wider Group before inviting guests to a meeting.
- 5.7 See Appendix 1 for a list of current members

6 Regularity and length of meetings

- 6.1 The Group shall aim to meet every 2-3 weeks, on Thursdays, for approximately 90-120 minutes.
- 6.2 Members with specialist expertise may have specific tasks delegated to them, for which they will be recompensed. This will be negotiated with FST.
- 6.3 If the Group needs to meet more frequently as required to complete actions, this will be negotiated with FST.
- 6.4 Meetings and all other related work are expected to be conducted online.

7 Chairing

- 7.1 The Group is co-chaired by Lisa Sangster and Elaine Stirrat. If neither can chair a meeting that they are schedule to chair, they will arrange for another member to manage the meeting or delegate the task to FST.
- 7.2 The chair's responsibilities include:
- a) Drawing up the agenda and liaising with FST staff about its circulation;
 - b) Managing the meeting;
 - c) Managing any request to invite guests to future meetings;
 - d) Following up on actions arising.

8 Expectations of membership

8.1 Members are expected to:

- a) Regularly attend meetings, bringing personal experience as well as representing organisations, wider networks, and sectors where appropriate;
- b) Contribute to the agenda of the Group through suggesting ways in which the Group can meet its ambitions and output;
- c) Take responsibility for actions agreed by the Group, contributing in an active and timely manner to ensure that the workload of the Group is shared across its membership;
- d) Agree delegation of tasks where necessary and appropriate either to specific members or FST;
- e) Inform Group members of potential opportunities/risks;
- f) Actively advocate for the Group and promote key achievements;
- g) Review and give feedback on research, evaluation and reports as and when required.

8.2 Group reflection and development will take place on a regular basis to ensure that workload is being shared across members and that members are actively involved in the Group's activities.

9 Taking Decisions

9.1 Given the nature of the work, it is anticipated that this Group will be collegiate and reach a consensus on decisions. However, if a dispute arises, the group may seek to invite input from FST or external sources to further inform both sides. If dispute remains after further input, decisions can then be taken by a vote of members at meetings. For a decision to be passed, 50% of members need to agree to it.

9.2 Decisions may be carried out via email/digital polling if required to enable work to be carried forward before the next Group meeting.

10 Administration, communication and project management

10.1 Administration for the Group is provided by FST. This will involve:

- a) Booking Zoom meetings and inviting members;
- b) Taking minutes;
- c) Circulating agenda and minutes in liaison with the Co-Chairs;
- d) Other administrative tasks as are manageable and negotiated in advance.

10.2 The FST Chief Executive will oversee project management.

10.3 The Group will create a communications plan, in close consultation with the FST's Marketing and Communications Manager. This will particularly relate to the later stages of promotion and dissemination of the guide and toolkit.

Appendix 1 – List of Members

Zinnie Harris

Nelly Kelly

Fraser MacLeod
Harriet Mould
Lisa Sangster
Elaine Stirrat
FST staff when required

Lisa Sangster, Elaine Stirrat, Fiona Sturgeon Shea, Chief Executive Officer, Federation of Scottish Theatre
2 November 2021