



# ORGANISATIONAL HANDBOOK



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Uppertunity

## Welcome

Hello and welcome to Uppertunity. The aim of this handbook is to create a one-stop information point where you would be able to access all the information you are likely to need in relation to Uppertunity.

This handbook provides information on expectations, support and policies which are currently in effect in specific relation to organisational practices and procedures. Separate handbooks for volunteers and employees are available. These policies may be modified or supplemented, as part of our continuous effort to improve operations and to make Uppertunity a better place.

We look forward to having you part of our journey.

## About Uppertunity

### 1. What are we?

We are a registered Community Interest Company (a type of non-profit social enterprise), working with individuals (16+) with learning disabilities, autism and mental health barriers. We focus on an individual's strengths and aspirations, then work with them to realise their potential, leading to self-worth and independence. We do this through: creative workshops, group and community work, mentoring, skill development programs, meaningful volunteering roles and social events.

Our 4 mission aims are:

1. We believe in equality for all. We empower individuals and help create, develop and maintain purpose and self-worth.
2. We champion the development of mindsets which enable people to reach their optimum self. We use a mixture of methods that bring about an inner resilience, challenging people's perceptions of themselves and their own capabilities of shaping their world.
3. We create social change by demonstrating that everyone has strengths and skills to offer their world. We all have a calling and a purpose we can serve that provides self-fulfilment.
4. We create environmentally sustainable communities through community partnership and climate friendly methods.

### 2. What do we do?

Our current services we offer are:

- Weekly Warriors: Our programme of activities that take place each week, including art, sewing, woodwork, active groups etc.
- Daring for Development: Our skill and capacity building program
- Serendipities: Our social change space in the form of a café in the City Centre, offering unique food, social events, volunteering, job roles and catering.
- Energising the Everyday: An inclusive training programme run at Serendipities, involving life developing skills and gaining knowledge and practical skills in hospitality
- UppMakes: Our creative skills program where individuals upcycle, while developing life skills.
- Growing Places: Our therapeutic garden volunteering programme where volunteers are in charge of creating a beautiful environment within Uppertunity's premises.
- The Upside: Our pluralistic mentoring service to help resolve personal problems, including My Journey.

### 3. History of Uppertunity

- Uppertunity was set up on the 15<sup>th</sup> of September 2015 as community interest company by two founders, Danielle and Darryl.

## Uppertunity

- In October 2015, the first therapeutic art group, scribbles, was set up (with no funding, just the positive attitude of the founders). Uppertunity were based in various local community centre. Uppertunity started adding more and more groups, as well as a gardening group in April 2017.
- In June 2017, Uppertunity moved into their very own premises at The Circle, receiving funding support for rent.
- We then received funding to trial a personal development programme, now known as Daring for Development.
- In July 2019, Uppertunity opened Serendipities. This our café in Dundee City centre that provides a training pace for our members.
- Uppertunity has also won awards for growth, young entrepreneur and for our garden spaces at The Circle.
- We have hosted various events since opening such as craft fairs, camping trips, community lunches and more.

### 4. Organisational Structure

Uppertunity is a registered Community Interest Company limited by Guarantee. Uppertunity a social enterprise that trades for the good of the community and with social aims. Uppertunity has an asset and profit lock: all assets and profits must be permanently retained within the CIC and used solely for community benefit and aims.

We have a Board of Directors. This board makes all the final decisions of the organisation. None of the board members are paid, it is voluntary. Uppertunity then has a manager and various project workers who all work together to run Uppertunity and Serendipities. Uppertunity then have volunteer facilitators who help the project workers and volunteer members who help the organisation achieve its aims. Uppertunity also have placements from different organisations. Uppertunity then Uppertunity have all our amazing members who use our facilities.

We are person centred, placing an emphasis on mutual respect and trust. Every single member, staff and volunteer are a part Uppertunity and not merely a recipient of a service. Everyone is part of the **big team** and everyone's voice matters.



## Code of Conduct

### 1. Aim

This policy outlines our expectations regarding all employees', volunteers and placements behaviour towards their fellow team, clients, and overall organisation. Uppertunity promote freedom of expression and open communication, while at the same time expecting the same respect back. Uppertunity expect all team members to follow this code of conduct and to foster a well-organized, respectful, and collaborative environment. The policy provides guidelines on the required behaviour in a wide range of situations, including usual work hour activities, social events and out of hours activities that directly reflect on Uppertunity.

This Code of Conduct is not a contractual document and Uppertunity reserves the right to amend it at any time. Any breach of the Code will be considered a disciplinary matter, which could result in disciplinary up to and including dismissal.

The main principles are as follows.

- Everyone complies with laws and regulations.
- Everyone rejects bribery and corruption
- Everyone avoids conflicts of interest.
- Everyone respects the confidentiality of all personal and corporate information
- Everyone promotes diversity and equality, treating people fairly and with respect
- Everyone maintains a safe and healthy environment for people to work in and are proactive in managing responsibilities to the environment
- Everyone supports those who have any suspicions of any misconduct, malpractice, illegal or unethical behaviour and report their concerns in confidence to the appropriate channels.

### 2. Zero Tolerance

While this Code gives guidance in certain situations, there are specific areas where Uppertunity has a policy of zero tolerance. These are:

- Unsafe, illegal, or unethical working practices
- Violence and aggression
- Discrimination, bullying and harassment
- Bribery and corruption
- Retaliation or action against anyone who speaks up and, in good faith, reports a wrongdoing

### 3. Compliance with law

All employees and volunteers must protect our company's legality. They should comply with all environmental, safety and fair dealing laws. Uppertunity expect employees and volunteers to be ethical and responsible when dealing with our company's finances, products, partnerships and public image.

#### 4. Health and safety

Uppertunity places a high priority on providing a safe workplace and minimising the risks. Effective safety management requires the active involvement of every employee and volunteer, and every employee and volunteer have a legal duty to look after their own health, safety and welfare and that of those around them. Employees and volunteers are expected to follow procedures outlines in the health and safety folder.

#### 5. Environment

Uppertunity is committed to preventing, or, at the very least, minimising, any harmful effects it causes to the natural environment. It encourages all employees to conduct their work in accordance with the highest environmental practices and the minimising of waste, aiming to reuse wherever possible.

#### 6. Respect in the workplace

All employees and volunteers should respect their colleagues, fellow team members and clients. Uppertunity won't allow any kind of discriminatory behaviour, harassment, or victimization. Employees and volunteers should conform with our equal opportunity policy in all aspects of their work, from recruitment and performance evaluation to interpersonal relations.

#### 7. Protection of Company Property

All employees and volunteers should treat Uppertunity's property, whether material or intangible, with respect and care. They should not misuse any equipment and should respect all kinds of incorporeal property. This includes trademarks, copyright and other property (information, reports etc.). They should only be used to complete duties. Employees and volunteers should protect company facilities and other material property from damage and vandalism, whenever possible.

#### 8. Conflict of interest

We expect employees to avoid any personal, financial or other interests that might hinder their capability or willingness to perform their job duties. Any potential conflicts of interest must be declared so that individuals are not involved in decisions that could be regarded as biased.

#### 9. Professionalism and Attitude

All employees and volunteers are expected to work in a professional manner including using positive language, avoiding swearing, limit moaning, encourage positive health and wellbeing, avoid shouting, have an overall positive attitude and display good role model attributes. If employees and volunteers are to have any meals at the workplace, they are asked to bring healthy meals to encourage positive health and wellbeing attitudes.

## 10. Personal Appearance

All employees and volunteers are expected to dress professionally. This includes: no midriffs on show, no short dresses or skirts, no low tops, show awareness of bodily and smoke odour and respond appropriately, avoid clothing with negative or swear words, and wear clothes comfortable to work in.

## 11. Job Duties

All employees and volunteers should fulfil their job duties with integrity and respect toward clients, fellow staff and the community. Supervisors and managers mustn't abuse their authority. Uppertunity expect them to delegate duties to their team members, taking into account their competences and workload. Likewise, Uppertunity expect team members to follow team leaders' instructions and complete their duties with skill and in a timely manner. All team members should be friendly and collaborative. They should try not to disrupt the workplace or present obstacles to their colleagues' work. Uppertunity encourage mentoring throughout our company.

## 12. Confidentiality

Uppertunity is committed to the maintenance of the highest level of integrity in all its dealings with clients, customers and staff. This extends not only to commercial confidentiality but also to the protection of personal information received in the process of providing a service.

## 13. Tardiness and Absenteeism

Employees must follow their schedules and volunteers are expected to follow their agreed schedules. Uppertunity can make exceptions for occasions that prevent employees from following standard working hours or days, but generally Uppertunity expect employees, and volunteers, to be punctual when coming to and leaving from work.

## 14. Collaboration

Employees and volunteers should be friendly and cooperative when working in collaboration with other companies, groups and organisations. Uppertunity respect the ethos and regulations of external staff and volunteers, and Uppertunity expect the same respect and attitude in return. Uppertunity aim to meet in agreement to what works best for our clients and staff.

## 15. Equality, diversity and inclusion

An important core value of Uppertunity is the promotion of inclusivity and diversity. It seeks to ensure that the workplace is supportive of all employees and volunteers and one where individual respect is shown to all clients, volunteers and employees, regardless of age, (dis)ability, gender, marriage or civil partnership, pregnancy or maternity, race, ethnic background, culture, sexual orientation, religion or belief, sex or any other factor. All

staff will be supported and encouraged to perform to their potential. For further information, employees should refer to the Equal Opportunities policy.

### 16. Communication

All employees must be open for communication with their colleagues, supervisors or team members. Uppertunity aims to communicate all information that is relevant to all clients, volunteers and employees.

### 17. Policies

All employees and volunteers should read and follow our company policies. If they have any questions, they should ask their supervisors or the manager.

### 18. Social media

Employees and volunteers may use social media for work purposes (such as LinkedIn) or for personal use (for example, Facebook). Any use of such social media must be respectful of Uppertunity's reputation and that of all its team members. Employees and volunteers must not disclose confidential information when using personal social media. For further information, employees should refer to the Social Media policy. Failure to comply with this policy is a disciplinary offence. It may amount to gross misconduct and could result in summary dismissal.

### 19. Relationships with other members of staff and clients

Uppertunity does not concern itself with the private lives of its any staff unless they affect its effective operation or its reputation. Members of staff who are relatives or who have a close personal relationship should not normally have a supervisory, assessing or authorising relationship with each other. Employees and volunteers must inform their line manager if they have a close personal relationship with another employee or a client which could be considered by colleagues or other, as impacting on the way they conduct themselves at work.

### 20. Criminal offences

For the avoidance of doubt, an employee and volunteer must inform their manager in writing if they are under investigation for a criminal act (including road traffic offences) or have been arrested in connection with a criminal action. They must also inform their manager in writing if they have been found guilty and convicted of any offence or received a police caution. This will not result in dismissal. The need for this information is to ensure that all employees and volunteers are not barred from working with vulnerable individuals. Failure to disclose this information may be treated as a disciplinary offence. Furthermore, if an employee commits a criminal offence outside employment, Uppertunity will investigate the matter to ascertain whether there is any connection between the offence and the individual's employment. If there is an adverse finding in this respect, this could result in the employee's dismissal under the disciplinary procedure. Any information will be treated fairly in conjunction with equality laws.

## 21. Conduct outside work

As a general rule, what employees and volunteers do after working hours and away from the premises is a personal matter. However, Uppertunity will become involved in the following circumstances: At office parties, events and other work-related social occasions; At third-party occasions where the individual has been invited in their capacity as a representative of Uppertunity; At work-related conferences and training courses, locally or away. All policies will continue to apply at all these events. An employee should not bring Uppertunity's name into disrepute at any time. Improper behaviour will lead to investigation and possible disciplinary action, including dismissal and in cases of gross misconduct, a summary dismissal.

## Data Processing and Protection Policy

### 1. Policy Details

- 1.1. This document provides guidance for everyone on processing information in accordance with the principles and legal obligations outlined in the Data Protection Act (2018), General Data Protection Regulation and common law duty of confidentiality. It explains how Uppertunity can comply with best practice for information handling within Uppertunity.
- 1.2. Uppertunity will keep all personal information secure, be accountable for what the organisation does with personal data, be transparent about the data collected, how it is collected and why it is collected and ensure all individuals involved in the organisation know their rights regarding their data.
- 1.3. It is the duty of all paid and unpaid staff to ensure that Uppertunity meets its legal responsibilities regarding confidentiality in relation to Disclosure Scotland Checks, GDPR and any current or subsequent human rights legislation which guarantees a right of privacy.
- 1.4. Uppertunity will abide by these 6 principles:
  - 1.4.1. Processing shall be lawful, fair and transparent
  - 1.4.2. The purpose of processing shall be specified, explicit and legitimate
  - 1.4.3. Personal data processed shall be adequate, relevant and not excessive
  - 1.4.4. Personal data shall be accurate and kept up to date.
  - 1.4.5. Personal data processed for any purpose or purposes shall not be kept for longer than is necessary
  - 1.4.6. Personal data shall be processed in a secure manner
- 1.5. The Board of Directors will review the operation of this confidentiality policy regularly and will ensure that all relevant people are aware of their responsibilities under the policy.

### 2. Collection of Personal Information

- 2.1. The personal information that Uppertunity collects is the following:
  - 2.1.1 Contact details for staff, students, volunteers and management committee
  - 2.1.2 Emergency contact details for staff, students, volunteers and clients
  - 2.1.3 Any disabilities or medical needs of clients, staff and volunteers relevant to posts or group activities
  - 2.1.4 Employment history of staff
  - 2.1.5 Driving license and history of staff and volunteers who will be driving clients
  - 2.1.6 Referees for staff and volunteers
  - 2.1.7 Criminal record relevant to posts of staff and volunteers
- 2.2. Data can be collected via email or in paper form through personalised forms designed by Uppertunity. On all forms, it will be stated why the data is being collected and that the individual has the right to have the data removed at any time.
- 2.3. Uppertunity will maintain records of processing activities detailing what personal data is held and who has access to it. The manager is in charge of updating this register.

### 3. Asking for And Recording Consent

- 3.1. Uppertunity will comply by the following principles regarding consent:
  - 3.1.1 Consent is the most appropriate lawful bases for processing
  - 3.1.2 Consent will be made prominent and separate from the organisation's terms and conditions
  - 3.1.3 Individuals will be asked to positively opt in
  - 3.1.4 Unticked opt-in boxes will be used
  - 3.1.5 Clear and plain language will be used
  - 3.1.6 Granular options will be given to allow individuals to consent separately to different types of processing
  - 3.1.7 Any third-party organisations who will rely on this consent will be given
  - 3.1.8 Individuals can refuse to consent without detriment
- 3.2. Where an individual does not have the capacity to give written or verbal consent, the consent from their legal guardian will be requested
- 3.3. Where an individual is unable to give written consent or the nature of the activity does not demand written consent, all individuals will be verbally told what data is being used, where it will be used and why. In this instance, minimal data is a must. This data includes photos, videos, age or first name.

### 4. Storage and Access

- 4.1. All personal information in paper form will be kept securely, in lockable, non-portable storage container in the main office of Uppertunity. This room will be locked when no staff are in, with designated key holders. The keys to the cabinets are kept in a key safe with access strictly controlled and limited to those who are entitled to see it as part of their duties.
- 4.2. All online information will be made safe by secure passwords which only the relevant staff will be made aware of. All business phones, tablets and laptops will be secured using passwords. These passwords will only be shared with staff who are entitled to use it as part of their duties
- 4.3. The manager will keep up to date with who has access to what data and how often data is being viewed.
- 4.4. Any and all information with any data can identify a person is kept in the lockable storage unit.

### 5. Sharing of Information

- 5.1. Confidentiality means that details about other people should only be disclosed on a need-to-know basis. Any details of a personal nature must only be disclosed with the consent of the person involved.
- 5.2. Uppertunity asks that anyone involved within the organisation should not discuss personal information given by clients, volunteers, members or staff with anyone unless it is vital that the information is passed on for safety reasons. This is discussed in the introduction training.
- 5.3. Any personal information that a staff member, volunteer or client discusses with their supervisor or manager will not be discussed with others without consent and knowledge from that individual.

## 6. Retention

- 6.1. Information is not kept for any longer than is necessary.
- 6.2. All paid staff, board members and volunteer's personal information will be held for 7 years after the data, coinciding with HMRC's data retention.
- 6.3. Client's personal information will be kept for 3 years after they are no longer acquiring a service from the organization.

## 7. Disposal

- 7.1. Once the retention period has elapsed, the Manager will dispose of the data immediately by secure means.
  - 7.1.1. Data in paper form will be shredded. Uppertunity is assigned to a company, "Let's Talk Shred", who collects all shredded data and disposes of it according to GDPR regulations. A certificate of destruction is given monthly.
  - 7.1.2. Any personal information that is electronically will be deleted immediately and any online recycle bins will be emptied immediately.

## 8. Training

- 8.1. Uppertunity will provide induction training on or shortly after appointment to all paid staff, volunteers and student placements
- 8.2. Uppertunity will update all staff at regular intervals or when required regarding data handling
- 8.3. Uppertunity will provide specialist training for staff with specific duties, such as marketing, information security and database management.

## 9. Risks

- 9.1. The organisation will ensure that there is current Data Protection Officer at all times. The Board of Directors will assign this role. Current designated person: **Manager**. This person will be supported by the Board of Directors in meeting compliance needs of data protection.
- 9.2. The organisation will look to continually minimise the amount and type of data collected, processed and stored. Regular audits will be undertaken to ensure this.
- 9.3. All personal data, both physical and electronic, will be handled with constant vigilance to minimise risk of breach. Passwords and locks will be used at all times when dealing with personal data.
- 9.4. Any external organisations using photos from Uppertunity's social media or website without consent will be contacted immediately and asked to delete the photos.
- 9.5. Any data breaches will be acted upon within 48 hours.
- 9.6. All staff will receive training on how to report and handle a breach in induction training.

## Safeguarding Vulnerable Adults Policy

### 1. Statement of Policy

- 1.1. Named safeguarding person: **Manager, Danielle du Plooy, 07544984289**
- 1.2. File location: This document is found within the health and safety folders at all our locations as well as on our website, Uppertunity.org.uk
- 1.3. This policy outlines the steps Uppertunity will make to safeguard an adult with care and support needs if they are deemed to be at risk. This policy sets out the roles and responsibilities of Uppertunity in working together with other professionals and agencies in promoting the adult's welfare and safeguarding them from abuse and neglect.
- 1.4. Uppertunity will ensure that decisions made will allow adults to make their own choices and include them in any decision making. Uppertunity will also ensure that safe and effective working practices are in place.
- 1.5. This policy is intended to support staff and volunteers working within Uppertunity to understand their role and responsibilities in safeguarding adults. All staff and volunteers are expected to follow this policy.
- 1.6. The key objectives of this policy are for all employees and volunteers of Uppertunity to:
  - 1.6.1. have an overview of adult safeguarding
  - 1.6.2. be clear about their responsibility to safeguard adults
  - 1.6.3. ensure the necessary actions are taken where an adult with care and support needs is deemed to be at risk
- 1.7. Uppertunity will not tolerate the abuse of adults in any of its forms and is committed to safeguarding adults with care and support needs from harm. Uppertunity takes reasonable steps to manage risks and keep all our clients safe.
- 1.8. Uppertunity prevents the employment of individuals in work with vulnerable adults where they have been barred by Disclosure Scotland or are deemed by Uppertunity to pose an unacceptable risk to vulnerable groups.
- 1.9. This policy aims to ensure that appropriate action is taken in the event of any allegations or suspicions regarding harm to vulnerable adults arising from contact. It is may be difficult for adults with care and support needs to protect themselves and to report abuse. They rely on support to help them.
- 1.10. Uppertunity adheres to following the six key principles that underpin safeguarding work:
  - 1.8.1 Empowerment
  - 1.8.2 Prevention
  - 1.8.3 Proportionality
  - 1.8.4 Protection
  - 1.8.5 Partnership
  - 1.8.6 Accountability
- 1.11. Uppertunity will not tolerate the abuse of any individual, and staff and volunteers should ensure that their work reflects the principles above and ensure the adult with care and support needs is involved in their decisions and informed consent is obtained. Uppertunity should ensure that the safeguarding action agreed is the least intrusive response to the risk. Partners from the community should be involved in any safeguarding work in preventing, detecting and reporting neglect and abuse.
- 1.12. Uppertunity should be transparent and accountable in delivering safeguarding actions.

## 2. Duty of Care Statement

- 2.1. Duty of Care is about individual wellbeing, welfare, compliance and good practice, and Uppertunity takes it very seriously.
- 2.2. All workplaces, whether a school, a business, or a voluntary organisation have a moral and a legal obligation to ensure that everyone associated with the establishment, whether employee, volunteer, student, client or the general public, is fully protected from any personal physical and/or emotional harm, either on the premises or when engaged in activities relating to the establishment.
- 2.3. When staff and volunteers are working with our clients, they are to ensure they are protecting them physically and emotionally. All staff and volunteers are to be aware of their own behaviour and the clients, particularly their responses. If there are any concerns, the manager is to be informed immediately.
- 2.4. Staff and volunteers are asked not to speak to clients using their personal phone, email or social media inside or outside of work. A client may contact us on these platforms in regards to work as it is most suited to their communication needs. This must be appropriate to the staff member's position, i.e., manager, and the context, i.e. time of day. If this occurs the manager is to be informed immediately.

## 3. Definition of A Vulnerable Adult

- 3.1. A vulnerable adult is any individual aged 16 or over who is or may be in need of community care services by reason of disability, age or illness; and is or may be unable to take care of unable to protect him or herself against significant harm or exploitation.
- 3.2. An adult may be vulnerable if he/she:
  - Has a learning or physical disability
  - Has a physical or mental illness, chronic or otherwise, including an addiction to alcohol or drugs
  - Has a reduction in physical or mental capacity
  - Is in the receipt of any form of healthcare
  - Is detained in custody
  - Is receiving community services because of age, health or disability
  - Is living in sheltered or residential care home
  - Is unable, for any other reason, to protect himself/herself against significant harm or exploitation
- 3.3. Under the Human Rights Act 1998, everyone has the right to live free from abuse and neglect: <https://www.equalityhumanrights.com/en/human-rights/human-rights-act>

## 4. Safeguarding and Abuse

- 3.1 Safeguarding means protecting an adult's right to live in safety, free from abuse and neglect. It is about people and organisations working together to prevent and stop both the risks and experience of abuse or neglect, while at the same time making sure that the adult's wellbeing is promoted including, where appropriate, having regard to their views, wishes, feelings and beliefs in deciding on any action. This must recognise that adults sometimes have complex interpersonal relationships and may be ambivalent, unclear or unrealistic about their personal circumstances - Care and Support Statutory Guidance, Department of Health, updated February 2017
- 3.2 Safeguarding adults includes:
  - 3.2.1 Protecting their rights to live in safety, free from abuse and neglect.

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- 3.2.2 People and organisations working together to prevent the risk of abuse or neglect, and to stop abuse or neglect from happening.
- 3.2.3 Making sure people's wellbeing is promoted, taking their views, wishes, feelings and beliefs into account.
- 3.3 Abuse is a misuse of power and control that one person has over another. Where someone is dependent on another, there is the possibility of abuse or neglect unless enough safeguards are put in place. It can happen when a vulnerable adult is persuaded into a financial or sexual exchange they have not consented to, or cannot consent to. Abuse can occur in any relationship and may result in significant harm or exploitation.
- 3.4 Types of abuse: Abuse can take many forms. It might not comfortably fit into any of these categories, or it might fit into more than one.
- 3.4.1. Physical: This includes assault, hitting, slapping, pushing, giving the wrong (or no) medication, restraining someone or only letting them do certain things at certain times.
- 3.4.2. Domestic: This includes psychological, physical, sexual, financial or emotional abuse. It also covers so-called **'honour' based violence**.
- 3.4.3. Sexual: This includes rape, indecent exposure, sexual harassment, inappropriate looking or touching, sexual teasing or innuendo, taking sexual photographs, making someone look at pornography or watch sexual acts, sexual assault or sexual acts the adult did not consent to or was pressured into consenting.
- 3.4.4. Psychological: This includes emotional abuse, threats of harm or abandonment, depriving someone of contact with someone else, humiliation, blaming, controlling, intimidation, putting pressure on someone to do something, harassment, verbal abuse, cyber bullying, isolation or unreasonable and unjustified withdrawal of services or support networks.
- 3.4.5. Financial or material: This includes theft, fraud, internet scamming, putting pressure on someone about their financial arrangements (including wills, property, inheritance or financial transactions) or the misuse or stealing of property, possessions or benefits.
- 3.4.6. Modern slavery: This covers slavery (including domestic slavery), human trafficking and forced labour. Traffickers and slave masters use whatever they can to pressurise, deceive and force individuals into a life of abuse and inhumane treatment.
- 3.4.7. Discriminatory: This includes types of harassment or insults because of **someone's race, gender or gender identity, age, disability, sexual orientation or religion**.
- 3.4.8. Organisational: This includes neglect and poor care in an institution or care setting such as a hospital or care home, or if an organisation provides care in **someone's home**. The abuse can be a one-off incident or repeated, on-going ill treatment. The abuse can be through neglect or poor professional practice that might be because of structure, policies, processes and practices within an organisation.
- 3.4.9. Neglect and acts of omission: This includes ignoring medical, emotional or physical care needs, failure to provide access to educational services, or not giving someone what they need to help them live, such as medication, enough nutrition and heating.
- 3.4.10. Self-neglect: This happens when someone is not caring for their own personal hygiene, health or surroundings. It may include hoarding.

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- 3.4.11. **Forced marriage:** Forced marriage happens across all cultures. It's when someone is pressured into an arranged marriage or forced to marry someone they haven't freely chosen. It can also happen if someone lacks the mental capacity to make their own choices. If Uppertunity suspect abuse involving a forced marriage, Uppertunity will refer the matter to the Forced Marriage Unit.
- 3.5. **Abuse can happen anywhere, even in somebody's own home.** Most often abuse takes place by others who are in a position of trust and power. It can take place whether an adult lives' alone or with others. Anyone can carry out abuse or neglect, including:
  - Partners
  - other family members
  - neighbours
  - friends
  - acquaintances
  - local residents
  - people who deliberately exploit adults they perceive as vulnerable to abuse
  - paid staff or professionals
  - volunteers and strangers

### 3. Safe Recruitment

- 4.1. All staff and volunteers who are in regular, i.e., weekly, and direct contact with vulnerable adults will be asked to provide two references and obtain a PVG check. Individuals who are barred or pose a danger to our clients will not be hired.
- 4.2. Volunteers will not be working alone with our clients, but will still be required to obtain a PVG.
- 4.3. During the recruitment process, the manager is to ensure that all staff and volunteers to be hired are deemed safe by asking about previous posts as well as the individual's attitude towards vulnerable adults
- 4.4. When receiving a disclosure which shows a conviction, Uppertunity will take into consideration:
  - 5.2.1 Whether the conviction is relevant to the position being offered
  - 5.2.2 The seriousness of the offence revealed
  - 5.2.3 The length of time since the offence took place
  - 5.2.4 Whether the applicant has a pattern of offending behaviour
  - 5.2.5 Whether the applicant's circumstances have changed since offending took place
- 4.5. Any new joining paid staff will shadow the manager or lead project worker for a minimum of 2 weeks. This may be extended if needed.
- 4.6. All staff and volunteers are required to complete a safeguarding declaration form before starting and work or volunteering.

### 5. Training

- 5.1. All joining staff and volunteers will be made aware of this policy.
- 5.2. All joining staff and volunteers will be made aware of Uppertunity's Data Protection/GDPR Policy.

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- 5.3. It is mandatory for all joining staff and volunteers to complete Uppertunity's Induction training which includes Uppertunity's in house training on working with adults with additional needs.
- 5.4. All paid staff are required to complete approved safeguarding training before starting. This is paid for by Uppertunity and is completed online.
- 5.5. All training is discussed with staff who have attended training sessions to ensure they are embedding this in practice.
- 5.6. The safeguarding lead is required to attend PVG and disclosure training provided by Disclosure Scotland, as well as stay up to date on policies.
- 5.7. Paid staff are also required to complete the approved below training, paid for by Uppertunity. These modules are either completed online or in person, depending on the requirements of the training. Training must be completed within 1 month of
  - general health and safety
  - autism awareness
  - mental health awareness
  - learning disability awareness
  - food and hygiene safety
  - emergency first aid

## 6. Designated Person

- 6.1. There will be designated person who will implement this policy and conduct PVG checks. The current person is: Manager, Danielle du Plooy
- 6.2. The designated person's general terms of reference could include:
  - 4.2.1 Maintaining an up-to-date policy and procedures
  - 4.2.2 Ensuring that relevant staff and/or volunteers are aware of and follow the procedures, including implementing safe recruitment procedures
  - 4.2.3 Advising the management committee on safeguarding issues
- 6.3. If there is a concern, the designated person would:
  - 4.3.1 Be the first point of contact for any concerns or allegations from vulnerable adults, carers or others, ensuring that confidentiality is maintained in all cases
  - 4.3.2 Decide on the appropriate action to be taken

## 7. Responsibilities and confidentiality

- 7.1. All staff, management, trustees and volunteers at Uppertunity are expected to report any concerns to the named person for safeguarding. If the allegation is against one of Uppertunity members, volunteers, trustees or directors, seek advice from Uppertunity safeguarding lead. If the allegation is against the safeguarding lead, seek advice from Dundee First Contact Team.
- 7.2. The designated safeguarding adults lead should be responsible for providing acknowledgement of the referral and brief feedback to the person raising the original concern. Feedback should be given in a way that will not make the situation worse or breach the Data Protection Act. If the police are involved, they should be consulted prior to giving feedback to the referrer to ensure any criminal investigation is not affected. The local authority will decide on who will lead on a safeguarding enquiry should it progress to that stage. Uppertunity should not conduct its own safeguarding enquiry unless instructed to do so by the local authority.

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- 7.3. Staff and volunteers should ensure that the adult with care and support needs is involved at all stages of their safeguarding enquiry ensuring a person-centred approach is adopted.
- 7.4. Uppertunity promotes transparency and honesty when things go wrong. All staff and volunteers should apologise and be honest with service users and other relevant people when things go wrong.
- 7.5. Uppertunity expects all staff, volunteers, trustees to maintain confidentiality at all times. In line with Data Protection law, Uppertunity does not share information if not required. It should however be noted that information should be shared with authorities if an adult is deemed to be at risk of immediate harm. Sharing the right information, at the right time, with the right people can make all the difference to preventing harm. For further guidance on information sharing and safeguarding see:

## 8. Managing Risks

- 8.1. The designated person is to ensure all activities involving vulnerable adults are risk assessed, and that these risk assessments are updated regularly and are made readily available
- 8.2. All joining clients are required to complete a referral form where any risks and concerns that Uppertunity needs to be aware of is explained, including allergies and emergency contact details.
- 8.3. All staff and volunteers are to be aware of this policy, definition of abuse and safeguarding and trained on their role to fulfill the aims of this policy.

## 9. Procedure: respond, report, record, refer and support

- 9.1. Uppertunity will take all suspicions or allegations of abuse seriously and respond immediately. Any risks or concerns, no matter how small or minor they may seem, will be taken seriously and responded to.
- 9.2. Incidents of abuse may be one-off or multiple and may affect one person or more. Staff and volunteers should look beyond single incidents to identify patterns of harm. Accurate recording of information will also assist in recognising any patterns.
- 9.3. Staff and volunteers at Uppertunity who have any adult safeguarding concerns should:
  - 9.3.1. Respond and report:
    - Take action to ensure the immediate safety and welfare of the adult (and any other person/child at risk). Any individual, employee or volunteer, who becomes aware of any client at risk of harm in current danger must report it to the designated safeguarding person, the manager, immediately. If the manager is not available, they should contact First Contact Team in Dundee or 101.
    - Take emergency action if someone is at immediate risk of harm/in need of urgent medical attention. Dial 999 for emergency services.
    - Seek consent from the adult to take action and to report the concern. Consider whether the adult may lack capacity to make decisions about their own and other people's safety and wellbeing. If you decide to act against their wishes or without their consent, you must record your decision and the reasons for this.

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- Get brief details about what has happened and what the adult would like done about it, but do not probe or conduct a mini-investigation

### 9.3.2. Record:

- Complete the safeguarding incident form
- Listen, write down what has happened in the words of the person, do not investigate, do not make promises and remain calm
- Keep records about safeguarding concerns confidential and in a location where the alleged abuser will not have access to the record. Access should not be given to any unauthorised personal for accessing confidential information including the sharing of passwords. As far as possible, records should be written contemporaneously, dated and signed.

### 9.3.3. Refer:

- The designated safeguarding person will lead from here. Report to Dundee First Contact Team
- If a crime has been committed, report this to 101
- Ensure key people are informed. For example, Responsible safeguarding lead, CQC, relatives as appropriate, service commissioning teams
- Do this: Immediately where the concern is urgent and serious or within the same working day for any other concerns

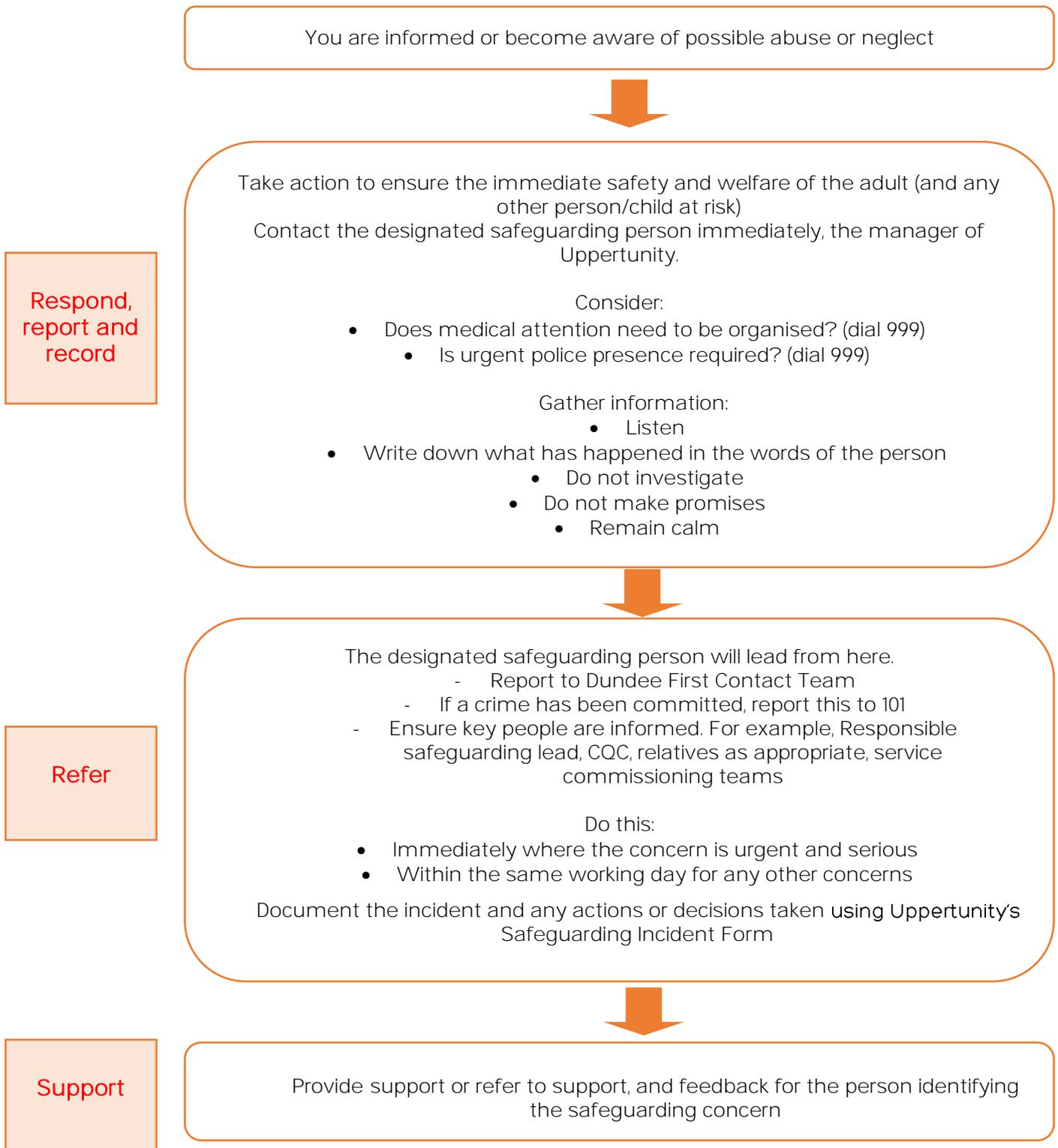
### 9.3.4. Support:

- The designated safeguarding person is to provide support or refer to support, and feedback for the person identifying the safeguarding concern

## 9.4. Contact numbers:

Police Emergency	999
Police Non-Emergency	101
NHS24	111
Dundee Council (First Contact Team)	01382 434019
Angus Council (Access Line)	03452 777778

9.5.Raising a safeguarding concern diagram



Uppertunity Safeguarding Incident Form

Your information			
Name			
Address			
Contact number(s)			
Email			
Name of organisation		Your role	

Personal information - vulnerable individual					
Name				Date of birth	
Gender <sup>1</sup>	Male <input type="checkbox"/>	Female <input type="checkbox"/>	Non-binary <input type="checkbox"/>	Another description (please state) <input type="checkbox"/>	
Is there any information about the individual that would be useful to consider?					

Contact information - parent / carer / social worker		
Name(s)		
Address		
Contact number(s)		
Email		
Have they been notified of this incident?	No <input type="checkbox"/>	Please explain why this decision has been taken
	Yes <input type="checkbox"/>	Please give details of what was said / actions agreed

Incident details*			
Date and time of incident			
Please tick one:	<input type="checkbox"/> I am reporting my own concerns.	<input type="checkbox"/> I am responding to concerns raised by someone else - please fill in their details:	
Name of person raising concern		Role within the organisation or relationship to the individual	
Contact number(s)			
Email			

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Details of the incident or concerns (include other relevant information, such as description of any injuries and whether you are recording this incident as fact, opinion or hearsay)

\* Attach a separate sheet if more space is required (e.g. multiple witnesses)

Incident details (continued)			
Individual's account of the incident			
Please provide any witness accounts of the incident			
Name of witness (and date of birth, if a child)		Role within the organisation	
Address			
Contact number(s)			
Email			
Details of any person involved in this incident or alleged to have caused the incident / injury			
Name (and date of birth, if a child)		Role within the organisation	
Address			
Contact number(s)			
Email			
Please provide details of action taken to date			
Has the incident been reported to any external agencies?	<input type="checkbox"/> No	<input type="checkbox"/> Yes - please provide further details:	
Name of organisation / agency			
Contact person			
Contact number(s)			
Email			

Uppertunity

Agreed action or advice given
-------------------------------

Declaration	
Your signature	x
Print name	
Today's date	

Contact your organisation's Designated Safeguarding Officer in line with Uppertunity's reporting procedures	
Safeguarding Officer's name	
Date reported	

Uppertunity Safeguarding Declaration

The overall safety of our clients is of utmost importance to Uppertunity and we take every step possible to ensure we maintain this. Uppertunity will not tolerate the abuse of adults in any of its forms, and is committed to safeguarding adults with care and support needs from harm. Uppertunity takes reasonable steps to manage risks and keep all our clients safe.

It is a requirement that all volunteers and staff assist in safeguarding procedures. Completing this form does not remove the requirement on a staff members or volunteer to complete a PVG application. It is in addition. Copies of this form will be kept by the manager of Uppertunity for up to a year after the end of your engagement with Uppertunity. Thank you for supporting our work.

Declaration	
I understand what safeguarding is, and what my roles and responsibilities are in regards to keeping our clients safe at Uppertunity	
I hereby agree to comply with Uppertunity's Safeguarding Policy and Procedures, and attend any required training	
I am aware of who the Named Safeguarding Person is, and how to contact them	
I understand what to do if there is a safeguarding incident or emergency, or if I have any concerns	
I understand duty of care, and agree to comply to Uppertunity's code of conduct	

Signed by employee or volunteer	
Employee/volunteer	
Date of completion	
Signature	

Sign-off by manager	
Manager	
Date of completion	
Signature	

## Health and Safety Policy

### 1. Purpose of policy

- 1.1. Uppertunity CIC (the Employer) takes health and safety issues seriously and is committed to protecting the health and safety of its staff and all those affected by its business activities and attending its premises. This policy is intended to help the Employer achieve this by clarifying who is responsible for health and safety matters and what those responsibilities are.
- 1.2. This is a statement of policy only and does not form part of your contract of employment. This policy may be amended at any time by the Employer in its absolute discretion. The Employer will review this policy at regular intervals to ensure that it is achieving its aims effectively.

### 2. Who is responsible for workplace health and safety?

- 2.1. Achieving a healthy and safe workplace is a collective task shared between the Employer and all staff and volunteers. This policy and the rules contained in it apply to all staff of the Employer, irrespective of seniority, tenure and working hours, including all employees, directors and officers, consultants and contractors, casual or agency staff, trainees, homeworkers and fixed-term staff and any volunteers. Specific responsibilities of staff are set out in the section headed "Responsibilities of all staff" below.

### 3. Employer responsibilities

- 3.1. The Employer is responsible for:
  - a. taking reasonable steps to safeguard the health and safety of staff, people affected by the Employer's business activities and of people visiting its premises;
  - b. identifying health and safety risks and finding ways to manage or overcome them;
  - c. providing a safe and healthy place of work and safe entry and exit arrangements, including during an emergency situation;
  - d. providing and maintaining safe working areas, equipment and systems and, where necessary, appropriate protective clothing;
  - e. providing safe arrangements for the use, handling, storage and transport of articles and substances;
  - f. providing adequate information, instruction, training and supervision to enable all staff to do their work safely, to avoid hazards and to contribute positively to their own health and safety at work. The Employer will give you the opportunity to ask questions and advise who best to contact in respect of those questions, if you are unsure about how to safely carry out your work;
  - g. ensuring any health and safety representatives receive appropriate training to carry out their functions effectively;
  - h. providing a health and safety induction and appropriate safety training to your role, including:
    - i. manual handling;
    - j. control of substances hazardous to health (COSHH);
    - k. electrical safety;
    - l. the use of personal protective equipment (PPE);

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- m. promoting effective communication and consultation between the Employer and staff concerning health and safety matters and will consult with staff directly relating to health and safety;
  - n. if an epidemic or pandemic alert is issued, providing instructions, arrangements and advice to staff as to the organisation of business operations and steps to be taken to minimise the risk of infection; and
  - o. regularly monitoring and reviewing the management of health and safety at work, making any necessary changes and bringing those to the attention of all staff.
- 3.2. Manager has overall responsibility for health and safety and has appointed Project Worker on shift as the Principal Health and Safety Officer with day-to-day responsibility for health and safety matters.
- 3.3. Any concerns about health and safety matters should be notified to the Principal Health and Safety Officer.

## 4. Responsibilities of all staff

### 4.1. General staff responsibilities

All staff must:

- a. take reasonable care for their own health and safety and that of others who may be affected by their acts or omissions;
- b. co-operate with the Principal Health and Safety Officer and the Employer generally to enable compliance with health and safety duties and requirements;
- c. comply with any health and safety instructions and rules, including instructions on the safe use of equipment;
- d. keep health and safety issues in the front of their minds and take personal responsibility for the health and safety implications of their own acts and omissions;
- e. keep the workplace tidy and hazard-free;
- f. report all health and safety concerns to the Principal Health and Safety Officer promptly, including any potential risk, hazard or malfunction of equipment, however minor or trivial it may seem; and
- g. co-operate in the Employer's investigation of any incident or accident which either has led to injury or which could have led to injury, in the Employer's opinion.

### 4.2. Staff responsibilities relating to equipment

All staff must:

- a. use equipment as directed by any instructions given by representatives of management or contained in any written operating manual or instructions for use and any relevant training;
- b. report any fault with, damage to or concern about any equipment (including health and safety equipment) or its use to the Principal Health and Safety Officer, who is responsible for maintenance and safety of equipment;
- c. ensure that health and safety equipment is not interfered with; and
- d. not attempt to repair equipment unless suitably trained and authorised.

### 4.3. Staff responsibilities relating to accidents and first aid

All staff must:

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- a. promptly report any accident at work involving personal injury, however trivial, to the Principal Health and Safety Officer so that details can be recorded in the Accident Book and cooperate in any associated investigation;
- b. familiarise themselves with the details of first aid facilities and trained first aiders, which are displayed on the notice board in staff room;
- c. if an accident occurs, dial 07931560936 and ask for the duty first aider, giving name, location and brief details of the problem.
- d. The Principal Health and Safety Officer is responsible for investigating any injuries or work-related disease, preparing and keeping accident records, and for submitting reports under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR), where required.

### *4.4. Staff responsibilities relating to national health alerts*

- 4.4.1. If an epidemic or pandemic alert is issued, all staff must comply and co-operate with all instructions, arrangements and advice issued by the Employer as to the organisation of business operations and steps to be taken by staff to minimise the risk of infection. Any questions should be referred to the Principal Health and Safety Officer.

### *4.5. Staff responsibilities relating to emergency evacuation and fire*

- 4.5.1. All staff must:

- a. familiarise themselves with the instructions about what to do if there is a fire which are displayed on the notice board in kitchen and are available from the Principal Health and Safety Officer;
- b. ensure they are aware of the location of fire extinguishers, fire exits and alternative ways of leaving the building in an emergency;
- c. comply with the instructions of fire wardens if there is a fire, suspected fire or fire alarm (or a practice drill for any of these scenarios);
- d. co-operate in fire drills and take them seriously (ensuring that any visitors to the building do the same), fire drills will be held at least once every 12 months;
- e. ensure that fire exits or fire notices or emergency exit signs are not obstructed or hidden at any time;
- f. notify the Principal Health and Safety Officer immediately of any circumstances (for example, impaired mobility) which might hinder or delay evacuation in a fire. This will allow the Principal Health and Safety Officer to discuss a personal evacuation plan for you, which will be shared with the fire wardens and colleagues working near to you

- 4.5.2. On discovering a fire, all staff must:

- a. immediately trigger the nearest fire alarm and, if time permits, call Manager and notify the location of the fire; and
- b. attempt to tackle the fire ONLY if they have been trained or otherwise feel competent to do so. Nominated members of staff will be trained in the use of fire extinguishers.

- 4.5.3. On hearing the fire alarm, all staff must:

- a. remain calm and immediately evacuate the building, walking quickly without running, following any instructions of the fire wardens;
- b. leave without stopping to collect personal belongings;
- c. stay out of any lifts; and
- d. remain out of the building until notified by a fire warden that it is safe to re-enter.

- 4.5.4. The Principal Health and Safety Officer is responsible for ensuring fire risk assessments take place and changes made where required, and for making sure there are regular checks of fire extinguishers, fire alarms, escape routes, signage and emergency lighting.

## 5. Risk assessments, hazardous substances, display screen equipment and manual handling

- 5.1. Risk assessments are simply a careful examination of what in the workplace could cause harm to people. The Employer will assess any risks and consider measures to best minimise any risk. The Employer will carry out general workplace risk assessments when required or as reasonably requested by staff. Managers must ensure that any necessary risk assessments take place and the resulting recommendations are implemented. The Principal Health and Safety Officer is responsible for workplace risk assessments and any measures to control risks.
- 5.2. The use of hazardous substances at work will be avoided where possible and less hazardous alternatives will be used where available. Training on the control of substances hazardous to health (COSHH) will be provided where required.
- 5.3. Personal Protective Equipment (PPE) is provided where risks cannot be otherwise effectively controlled.
- 5.4. Staff who use a computer for prolonged periods of time should try, where possible to organise short breaks every few hours away from the computer screen, but may request a workstation assessment and/or an eye test by an optician by contacting the Principal Health and Safety Officer. The Principal Health and Safety Officer will then provide you with more details and make arrangements if you would like to proceed. Guidance on the use of display screen equipment can also be obtained from the Principal Health and Safety Officer.
- 5.5. Guidance on manual handling (for example, lifting and carrying heavy objects) can be obtained from the Principal Health and Safety Officer and where necessary training will be provided by the Employer, but the Employer will try to minimise or avoid the need for manual handling where there is a risk of injury.

## 6. Non-compliance with health and safety rules

- 6.1. Any breach of health and safety rules or failure to comply with this policy will be taken very seriously and is likely to result in disciplinary action against the offender, in accordance with the Employer's disciplinary policy, up to and including immediate dismissal.

## Reserves Policy

### 1. Introduction

- 1.1. A Reserves Policy is to ensure trustees and directors consider how they will secure and sustain the organisations viability and future and to give reassurance to the staff, clients and general public that the organisation intends to use all the money it receives and is not for profit.
- 1.2. Reserves are defined as unrestricted funds that are freely available to spend on any of the organisations purpose. It excludes restricted income funds and tangible fixed assets.
- 1.3. The organisations reserves are referred to Operating Reserves.

### 2. Purpose

- 2.1. The purpose of reserves is for stability of the mission, programs, employment, and ongoing operations of the organisation.
- 2.2. Operating reserves are intended to provide an internal source of funds for situations such as a sudden increase in expenses, onetime unbudgeted expenses, unanticipated loss in funding, or uninsured losses. Reserves may also be used for one-time, nonrecurring expenses that will build long-term capacity, such as staff development, research and development, or investment in infrastructure.
- 2.3. Operating Reserves are not intended to replace a permanent loss of funds or eliminate an ongoing budget gap.
- 2.4. As stated in the company's Articles of Association, "The Company is not established or conducted for private gain. Any surplus or assets are used principally for the benefit of the community."

### 3. Calculating Reserves

- 3.1. The calculation of average monthly operating costs includes all recurring, predictable expenses that are necessary for the operation of the organisations aims such as salaries, occupancy, and ongoing professional services.
- 3.2. The amount of the Operating Reserve Fund will be calculated each year after yearly accounts are approved by an external accountant.
- 3.3. As a company limited by guarantee with no fixed assets, reserves are set according to the organisations budgeted income. Reserves are to be reviewed and adjusted in response to internal and external changes.
- 3.4. The target minimum Operating Reserve Fund is equal to **(six) months** of average operating costs.
- 3.5. The Board of Directors may from time to time direct that a specific source of revenue be set aside for Operating Reserves. Examples may include one-time gifts or bequests, special grants, or special appeals.

### 4. Reporting and Monitoring

- 4.1. Reserves are held openly and presented in a transparent way, through monthly management accounts.

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- 4.2. The Executive Manager is responsible for ensuring that the Operating Reserve Fund is maintained and used only as described in this policy and is expected to raise any issues in relation to excessive reserves directly with directors and trustees, or shortfall of reserves.
- 4.3. The policy will be reviewed once a year when budgets and activities for the year is planned.
- 4.4. The level of reserves will be stated within the **organisation's Annual Report**. This will include where funds are designated, the amount and purpose of the designation, and where designated funds are set aside for future expenditure.
- 4.5. The Operating Reserves will be commingled with the general cash and business account of the organisation and will be reviewed monthly through management accounts.
- 4.6. This policy will be reviewed annually to ensure that it is fit for purpose.

## 5. Expenditure of Reserves

- 5.1. Reserves will be carried forward to each month.
- 5.2. The Board of Directors will decide on whether cash flow permits expenditure of excessive reserves. This is decided through a Directors Meeting where a majority vote is needed.
- 5.3. If there is a shortfall of funds, for example to pay rent or salaries, the Executive Manager is to hold a meeting with The Board of Directors to discuss the use of reserves.
- 5.4. When use of Reserves are needed, analysis of the reason for the shortfall is to be done.
- 5.5. If Operating Reserves are used, The Board of Directors will plan to replenish the reserves within a reasonably set period of time.
- 5.6. Upon approval for the use of Operating Reserve funds, the Executive Manager will maintain records of the use of funds.

## 6. Available Reserves

- 6.1. As at the end of the last financial year (30/09/2020), our Unrestricted Funds balance was **£5000**.

## Recruitment of Ex-Offenders Policy

### 1. Introduction

- 1.1. Uppertunity is an Equal Opportunities organisation and as such undertakes to treat all applicants for paid or voluntary positions within the organisation fairly and not to discriminate unfairly on the basis of conviction or other information revealed.
- 1.2. We are committed to equality of opportunity and our policy is to take every reasonable step to ensure that no-one connected to Uppertunity receives less favourable treatment than others, on the grounds of race, colour, nationality, religion, disability, sex, marital status, sexual orientation, responsibility for dependents, or unrelated criminal record (see Equal Opportunities Policy).
- 1.3. The nature of the work of the organisation means that some staff and volunteers will have regular and ongoing contact with vulnerable adults. For this reason, it will be necessary to carry out criminal record checks (PVG's) as part of the recruitment process for some posts within the organisation. Uppertunity complies fully with the Code of Practice, issued by Scottish Ministers, in connection with the use of information provided to registered persons and other recipients of information by Disclosure Scotland under Part V of the Police Act 1997 for the purposes of assessing applicants' suitability for positions of trust.
- 1.4. The aim of this policy is to ensure that having a criminal record will not necessarily refuse any individual from working with Uppertunity, and that due consideration is given to the nature of the position together with the circumstances and background of any offences. This document should be seen as part of a policy framework designed to ensure safe and fair recruitment and selection procedures throughout the organisation that includes:
  - Recruitment & Selection Policy
  - Equal Opportunities Policy
  - Safeguarding Vulnerable Adults Policy.
- 1.5. Uppertunity will ensure that all staff and volunteers involved in the recruitment process are aware of this policy and have received relevant training and support on the recruitment of ex-offenders. Uppertunity will also ensure that they have received appropriate guidance and training in the relevant legislation relating to employment of ex-offenders (e.g., Rehabilitation of Offenders Act 1974).

### 2. Procedure for employees and volunteers

- 2.1 Uppertunity promotes equality of opportunity for and welcomes applications from a wide range of candidates, including those with criminal records. The selection of candidates for interview will be based on skills, qualifications and experience.
- 2.2 All applicants will be asked to provide details of their criminal record at an early stage of the application process. In line with the Rehabilitation of Offenders Act 1974, Uppertunity will only ask about convictions which are defined as 'unspent' in terms of that Act, unless the nature of the position is such that Uppertunity are entitled to ask questions about an individual's entire criminal record. Uppertunity will ask that this information be shown and discussed in person. If this is not possible, this information should be sent in a sealed envelope using signed for delivery. Uppertunity guarantee that this information will only be seen by those who need to see it as part of the recruitment process.

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- 2.3 Information about an applicant's criminal record will only be looked at for those who have been short-listed and invited for interview. Uppertunity will request a PVG check where the individual will be working in direct contact with vulnerable adults on a regular basis.
- 2.4 Employees and volunteers will also be requested to provide 2 separate references.
- 2.5 If an individual is volunteering as a one off and will not be on their own with our clients, it will not be necessary to complete a PVG check.
- 2.6 If a PVG check is necessary, all job adverts, application forms and other relevant literature will contain a statement that a Disclosure will be requested in the event of the individual being offered the position.
- 2.7 At interview, or under separate discussion, Uppertunity undertake to ensure an open and measured discussion on the subject of any offences or other matters that might be considered relevant for the position concerned. At interview or when receiving a disclosure which shows a conviction, Uppertunity will take into consideration:
  - 2.7.1 Whether the conviction is relevant to the position being offered
  - 2.7.2 The seriousness of the offence revealed
  - 2.7.3 The length of time since the offence took place
  - 2.7.4 Whether the applicant has a pattern of offending behaviour
  - 2.7.5 Whether the applicant's circumstances have changed since offending took place.
- 2.1. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment or volunteer placement. Uppertunity will, however, undertake to discuss any matter revealed in a Disclosure with the subject of that Disclosure before withdrawing a conditional offer.

### 3. Placements of individuals with criminal convictions

- 3.1. Uppertunity provides placement opportunity's to individuals from open prisons. This is to help individuals build a CV and assist with personal development, helping to prevent reoffending. At Uppertunity, Uppertunity aim to remove stigmas of all individuals facing barriers.
- 3.2. When offering a placement, the manager will assess the conviction and take into consideration:
  - 3.2.1. Whether the conviction is relevant to the position being offered
  - 3.2.2. The seriousness of the offence revealed
  - 3.2.3. The length of time since the offence took place
  - 3.2.4. Whether the applicant has a pattern of offending behaviour
  - 3.2.5. Whether the applicant's circumstances have changed since offending took place
- 3.3. Any individual with convictions relating to sexual offences or murder will not be accepted.
- 3.4. When an individual is on placement: they will never be on premises alone and they will not be allowed access to electronic devices
- 3.5. If the manager or any other staff members feels the individual is not suitable, termination can be made immediately.
- 3.6. Personal information of the individual will not be shared with anyone unless relevant to employees, complying with data protection laws.

## Workplace Mental Wellbeing Policy

### 1. Policy statement

- 1.1 Mental health problems and stress can affect anyone, regardless of their position in the organisation. This policy applies equally to all employees and volunteers. The implementation of this policy will also be supported by other health and safety policies, e.g., sickness absence, alcohol, drug and substance abuse, and bullying and harassment.
- 1.2 The aim of this policy is to create a workplace environment that promotes the mental wellbeing of all employees and volunteers.
- 1.3 Uppertunity aims to treat mental illness seriously, identify issues proactively and resolve them, support employees who face mental health problems, and create pleasant workplaces in collaboration with managers, employees, unions and health experts.

### 2. Key principles

- 2.1 To tackle workplace factors that may negatively affect mental wellbeing, and to develop management skills to promote mental wellbeing and manage mental health problems effectively:
  - 2.1.1 As an employer, Uppertunity aim to create and promote a workplace environment that supports and promotes the mental wellbeing of all employees. Uppertunity acknowledge that certain working conditions and **practices can negatively affect employees' mental wellbeing, including aspects of work organisation and management, and environmental and social conditions that have the potential for psychological as well as physical harm.**

Policy actions:

    - Give employees information on and increase their awareness of mental wellbeing.
    - Provide opportunities for employees to look after their mental wellbeing, for example through physical activity, stress-buster activities, team bonding and social events
    - Offer employees flexible working arrangements that promote their mental wellbeing.
    - Give all staff the opportunity to influence how they do their jobs, scope for varying their working conditions as far as possible, and opportunities to develop and fully utilise their skills.
    - Set employees realistic targets that do not require them to work unreasonable hours.
    - Ensure all staff have clearly defined job descriptions, objectives and responsibilities and provide them with good management support, appropriate training and adequate resources to do their job.
    - Manage conflict effectively and ensure the workplace is free from bullying and harassment, discrimination and racism.
    - Establish good two-way communication to ensure staff involvement, particularly during periods of organisational change.
- 2.2 To develop a culture based on trust, support and mutual respect within the workplace.

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2.2.1 As an employer Uppertunity aim to create and promote a culture where employees are able to talk openly about their job and mental health problems and to report difficulties without fear of discrimination or reprisal. Policy actions:

- Give non-judgemental and proactive support to individual staff who experience mental health problems.
- Deal sympathetically with staff suffering from mental health problems due to circumstances outside the workplace, and who consequently find it difficult to do their jobs properly.
- Give new employees a comprehensive induction programme providing an understanding of the organisation, the established policies and procedures, and the role they are expected to carry out.

2.3 To provide support and assistance for employees experiencing mental health difficulties.

2.3.1. Policy actions:

- Ensure individuals suffering from mental health problems are treated fairly and consistently and are not made to feel guilty about their problems.
- Encourage staff to consult their own GP, or a counsellor of their choice
- Investigate the contribution of working conditions and other organisational factors to mental ill health and remedy this where possible.
- In cases of long-term sickness absence, put in place, where possible, a graduated return to work.
- Make every effort to identify suitable alternative employment, in full discussion with the employee, where a return to the same job is not possible due to identified risks or other factors.
- Treat all matters relating to individual employees and their mental health problems in the strictest confidence and share on a 'need to know' basis only with consent from the individual concerned.

2.4. To positively encourage the employment of people who have experienced mental health problems by providing fair and non-discriminatory recruitment and selection procedures.

2.4.1 As an employer Uppertunity recognise that people who have or have had mental health problems may have experienced discrimination in recruitment and selection procedures. This may discourage them from seeking employment. While some people will acknowledge their experience of mental health issues openly, others may fear that stigma will jeopardise their chances of getting a job. Given appropriate support, the vast majority of people who have experienced mental health problems continue to work successfully, as do many with ongoing issues. Policy actions:

- Show a positive and enabling attitude to employees and job applicants with mental health issues. This includes having positive statements in recruitment literature.
- Ensure that all staff involved in recruitment and selection are briefed on mental health issues and the Disability Discrimination Act, and are trained in appropriate interview skills.
- Make it clear, in any recruitment or occupational health check undertaken, that people who have experienced mental health issues will not be discriminated against and that disclosure of a mental health problem will enable both employee and employer to assess and provide the right level of support or adjustment.

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- Do not make assumptions that a person with a mental health problem will be more vulnerable to workplace stress or take more time off than any other employee or job applicant.
- Ensure all line managers have information and training about managing mental health in the workplace.

2.5. To recognise that workplace stress is a health and safety issue and acknowledge the importance of identifying and reducing workplace stressors.

2.5.1 Policy actions:

- Identify all workplace stressors and conduct risk assessments to eliminate stress or control the risks from stress. These risk assessments will be regularly reviewed.
- Consult with trade union safety representatives on all proposed action relating to the prevention of workplace stress.
- Provide training in good management practices, including those related to health and safety and stress management.
- Provide confidential counselling for staff affected by stress caused by either work or external factors.
- Provide adequate resources to enable managers to implement the organisation's agreed workplace mental wellbeing policy

### 3. Responsibilities

Everyone has a responsibility to contribute to making the workplace mental wellbeing policy effective.

3.1 Managers have a responsibility to:

- Monitor the workplace, identify hazards and risks and take steps to eliminate or reduce these as far as is reasonably practicable.
- Ensure good communication between management and staff, particularly where there are organisational and procedural changes.
- Assist and support employees who are known to have mental health problems or are experiencing stress outside work - for example due to bereavement or separation.
- Ensure staff are provided with the resources and training required to carry out their job.
- Monitor workloads to ensure that people are not overloaded.
- Monitor working hours and overtime to ensure that staff are not overworking, and monitor holidays to ensure that staff are taking their full entitlement.
- Ensure staff are provided with meaningful developmental opportunities
- In addition, senior management will ensure that staff performing a management or supervisory function have sufficient competence to discharge that function in a manner consistent with the maintenance of mental health in the workplace.
- Organise training and awareness courses on workplace mental wellbeing in conjunction with suitable experts
- Provide advice and support to employees and managers in relation to this policy
- Monitor and report to the board on levels of sickness absence which relate to mental health problems including stress-related illness (in conjunction with the occupational health service and departmental managers).

3.2. Employees have a responsibility to:

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- Raise issues of concern and seek help from their safety representative or line manager
- Accept opportunities for counselling when recommended

## Equal Opportunities Policy

### 1. Statement of policy and purpose of policy

- 1.1 Uppertunity is committed to equal opportunities for all staff and applicants.
- 1.2 It is our policy that all employment decisions are based on merit and the legitimate business needs of the organisation. Uppertunity does not discriminate on the basis of race, colour or nationality, ethnic or national origins, sex, gender reassignment, sexual orientation, marital or civil partner status, pregnancy or maternity, disability, religion or belief, age or any other ground on which it is or becomes unlawful to discriminate.
- 1.3. Our intention is to enable all our staff to work in an environment which allows them to fulfill their potential without fear of discrimination, harassment or victimisation. Uppertunity's commitment to equal opportunities extends to all aspects of the working relationship including:
  - 1.3.1. recruitment and selection procedures
  - 1.3.2. terms of employment, including pay, conditions and benefits
  - 1.3.3. training, appraisals, career development and promotion
  - 1.3.4. work practices, conduct issues, allocation of tasks, discipline and grievances
  - 1.3.5. work-related social events
  - 1.3.6. termination of employment and matters after termination, including references.
- 1.4 This is a statement of policy only and does not form part of your contract of employment. This policy may be amended at any time by Uppertunity, in its absolute discretion.
- 1.5 The Equal Opportunities Policy applies to:
  - job applicants and potential applicants
  - staff, both paid and volunteers
  - students on work experience or placements
  - client

### 2. Responsibility for equal opportunities

- 2.1 Achieving an equal opportunities workplace is a collective task shared between Uppertunity and all its staff. This policy and the rules contained in it therefore apply to all staff of Uppertunity irrespective of seniority, tenure and working hours, including all employees, directors and officers, consultants and contractors, casual or agency staff, trainees, homeworkers and fixed-term staff and any volunteers or interns (referred to as **Staff**).
- 2.2 The board of directors of Uppertunity has overall responsibility for this policy and for equal opportunities and discrimination law compliance in the workplace and the Manager has been appointed as the person with day-to-day operational responsibility for these matters.
- 2.3 Managers must take all necessary steps to:
  - 2.3.1. promote the objective of equal opportunities and the values set out in this policy
  - 2.3.2. ensure that their own behaviour and those of the Staff they manage complies in full with this policy
  - 2.3.3. ensure that any complaints of discrimination, victimisation or harassment (including against themselves) are dealt with appropriately and are not suppressed or disregarded.

### 3. Definition of Discrimination

- 3.1. Discrimination occurs in different ways, some more obvious than others. Discrimination on the grounds of any of the Protected Characteristics is prohibited by law, even if unintentional, unless a particular exception applies.
- 3.2. Direct discrimination: Direct Discrimination is less favourable treatment because of one of the Protected Characteristics. Examples would include refusing a woman a job as a chauffeur because you believe that women are not good drivers or restricting recruitment to persons under 40 because you want to have a young and dynamic workforce. Direct discrimination can arise in some cases even though the person complaining does not actually possess the Protected Characteristic but is perceived to have it or associates with other people who do. For example, when a person is less favourably treated because they are (wrongly) believed to be homosexual or because they have a spouse who is Muslim.
- 3.3. Indirect discrimination: Indirect discrimination arises when an employer applies an apparently neutral provision, criterion or practice which in fact puts individuals with a particular Protected Characteristic at a disadvantage, statistically and this is unjustified. To show discrimination the individual complaining also has to be personally disadvantaged. An example would be a requirement for job candidates to have ten years' experience in a particular role, since this will be harder for young people to satisfy. This kind of discrimination is unlawful unless it is a proportionate means of achieving a legitimate aim.
- 3.4. Victimisation: Victimisation means treating a person less favourably because they have made a complaint of discrimination or have provided information in connection with a complaint or because they might do one of these things.
- 3.5. Harassment: Harassment is:
- unwanted conduct which is related to a Protected Characteristic and which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them
  - unwanted conduct which is of a sexual nature and which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them
- 3.6. Harassment may include:
- use of insults or slurs based on a Protected Characteristic or of a sexual nature or other verbal abuse or derogatory, offensive or stereotyping jokes or remarks;
  - physical or verbal abuse, threatening or intimidating behaviour because of a Protected Characteristic or behaviour of a sexual nature;
  - unwelcome physical contact including touching, hugging, kissing, pinching or patting, brushing past, invading personal space, pushing grabbing or other assaults;
  - mocking, mimicking or belittling a person's disability, appearance, accent or other personal characteristics;
  - unwelcome requests for sexual acts or favours; verbal sexual advances, vulgar, sexual, suggestive or explicit comments or behaviour;
  - repeated requests, either explicitly or implicitly, for dates;
  - repeated requests for social contact or after it has been made clear that requests are unwelcome;
  - comments about body parts or sexual preference;

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- displaying or distributing offensive or explicit pictures, items or materials relating to a Protected Characteristic or of a sexual nature;
- shunning or ostracising someone, for example, by deliberately excluding them from conversations or activities;

### 4. Person with disability's

- 4.1. Any Staff member who considers that they may have a disability is strongly encouraged to speak with the Manager, particularly if they experience difficulties at work because of their disability so that any reasonable adjustments to help overcome or minimise difficulties can be discussed.
- 4.2. For these purposes, disability includes any physical or mental impairment which substantially affects your ability to perform day to day activities and has lasted (or is likely to last) more than 12 months. Disclosure of this information will be treated in confidence, if you wish it to be, so far as is reasonably practicable and Uppertunity will do our best to handle matters sensitively and to ensure that you are treated with dignity and with respect for your privacy.
- 4.3. We will consult with you about whether adjustments are needed to avoid you being disadvantaged and may ask you to see a doctor appointed by us, to advise on this. Uppertunity will seek to accommodate your needs within reason. If Uppertunity consider a particular adjustment unreasonable Uppertunity will explain why and try to find an alternative solution.

### 5. Making employment decisions fairly

- 5.1. Uppertunity will recruit employees and volunteers, and make other employment decisions concerning promotion, training, dismissal and related issues. on the basis of objective criteria.
- 5.2. Managers involved in recruitment must:
  - specify only recruitment criteria that are relevant to the job, reflect genuine business needs and are proportionate. More than one person should be involved in shortlisting of applicants wherever practicable
  - ensure that vacancies are advertised to a diverse audience and try to avoid informal recruitment methods that exclude fair competition. In very rare cases, it may be legitimate and necessary to restrict recruitment to a particular role to certain groups, but it is essential that this is discussed with the Manager so that appropriate steps can be taken to ensure legality
  - review job advertisements carefully to ensure that stereotyping is avoided and that particular groups are not unjustifiably discouraged from applying
  - not ask applicants about health or disability before a job offer is made (other than in exceptional circumstances and after having been approved by the Manager). If necessary, a job offer can be expressed to be conditional upon satisfactorily passing a medical check.
  - not ask candidates about any Protected Characteristic if the question may demonstrate an intention to discriminate. For example, candidates should not be asked about current or future pregnancy, childcare or related matters; and
  - not make assumptions about immigration status based on appearance, accent or apparent nationality

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- so far as reasonably practicable, keep a written record of their reasons for relevant decisions.

5.3. Uppertunity is legally required to verify that all employees have the right to work in the UK. Prior to starting employment, all employees must produce original documents to Uppertunity's satisfaction, irrespective of nationality. Information about the documents required is available from the Manager.

### 6. Discipline and termination of employment

- 6.1. Any redundancy selection criteria and procedures that are used, or other decisions taken to terminate employment, will be fair and not directly or indirectly discriminatory.
- 6.2. Disciplinary procedures and penalties will be applied without discrimination, whether they result in disciplinary warnings, dismissal or other disciplinary action.
- 6.3. Part-time and fixed-term staff will be treated the same as full-time or permanent staff of the same position and enjoy no less favourable terms and conditions (pro-rata, where appropriate), unless different treatment is justified.

### 7. Non-compliance with equal opportunities rules

- 7.1. If you believe that you have been the victim of discrimination, you should follow Uppertunity's Grievance Procedure.
- 7.2. Every member of Staff has a responsibility to combat discrimination if they encounter it. Staff who observe or are aware of acts that they believe amount to discrimination directed at others are encouraged to report these to the Manager.
- 7.3. Any grievance or report raised about discrimination will be kept confidential so far as this is practicable. Uppertunity may ask you if you wish your complaint(s) to be put to the alleged discriminator if disciplinary action appears to be appropriate. It sometimes may be necessary to disclose the complaint or take action even if this is not in line with your wishes, but Uppertunity will seek to protect you from victimisation and, if you wish, Uppertunity will seek to protect your identity. You should be aware that disciplinary action may be impossible without your co-operation or if you refuse to allow relevant information to be disclosed.
- 7.4. Staff who raise a complaint about or report discrimination in good faith will be protected from retaliation or victimisation. As long as you act in good faith, the fact that you have raised a complaint or report will not affect your position within Uppertunity, even if the complaint is not upheld. Making a false allegation deliberately and in bad faith is a misconduct offence and will be dealt with in accordance with our disciplinary policy. Any member of Staff who attempts acts of retaliation or victimisation may be subject to disciplinary action up to and including summary dismissal for gross misconduct.
- 7.5. If you make a complaint, it may be necessary to ask you to stay at home on paid leave while investigations are being conducted and the matter is being dealt with through the appropriate procedure. This may particularly be necessary in cases of alleged harassment.
- 7.6. Any breach of equal opportunities rules or failure to comply with this policy will be taken very seriously and is likely to result in disciplinary action against the offender, up to and including immediate dismissal.
- 7.7. Staff should also note that in some cases, they may be personally liable for their acts of discrimination and that legal action may be taken against them directly by the

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victim of any discrimination and it may be a criminal offence intentionally to harass another employee.

## Environmental Policy

### 1. Policy Statement

- 1.1. Uppertunity recognises that it has a responsibility to the environment beyond legal and regulatory requirements. Uppertunity are committed to reducing our environmental impact and continually improving our environmental performance as an integral part of our business strategy and operating methods. Uppertunity will encourage customers, suppliers and other stakeholders to do the same.
- 1.2. Uppertunity endeavors to:
  - Comply with all relevant regulatory requirements.
  - Continually improve and monitor environmental performance.
  - Continually improve and reduce environmental impacts.
  - Incorporate environmental factors into business decisions.
  - Increase employee awareness and training.

### 2. Responsibility

- 2.1. The manager and board are responsible for ensuring that this environmental policy is implemented, however, all employees and volunteers have a responsibility in their area to ensure that the aims and objectives of this policy are met.

### 3. Processes

- 3.1. Paper:
  - Minimise the use of paper in the office.
  - Reduce packaging as much as possible.
  - Seek to buy recycled and recyclable paper products.
  - Reuse and recycle all paper where possible.
- 3.2. Energy and water
  - Reduce the amount of energy used as much as possible.
  - Switch off lights and electrical equipment when not in use.
  - Adjust heating with energy consumption in mind.
  - Take energy consumption and efficiency of new products into account when purchasing them.
- 3.3. Office supplies:
  - Evaluate if the need can be met in another way.
  - Evaluate if renting or sharing is an option before purchasing equipment.
  - Evaluate the environmental impact of any new products Uppertunity intend to purchase.
  - Favour more environmentally friendly and efficient products wherever possible.
  - Reuse and recycle everything Uppertunity are able to.
- 3.4. Transportation
  - Reduce the need to travel, restricting to necessity trips only.
  - Promote the use of travel alternatives such as e-mail or video/phone conferencing.
  - Make additional efforts to accommodate the needs of those using public transport or bicycles.

3.5. Maintenance and cleaning:

- Use cleaning materials that are as environmentally friendly as possible.
- Use materials in any office refurbishment that are as environmentally friendly as possible.
- Only use licensed and appropriate organisations to dispose of waste.

4. Monitoring and improvement

- 4.1. Uppertunity will comply with all relevant regulatory requirements.
- 4.2. Uppertunity will continually improve and monitor environmental performance.
- 4.3. Uppertunity will continually improve and reduce environmental impacts.
- 4.4. Uppertunity will incorporate environmental factors into business decisions.
- 4.5. Uppertunity will increase employee awareness through training.
- 4.6. Uppertunity will review this policy and any related business issues at weekly management meetings.

5. Culture

- 5.1. Uppertunity will update this policy at least once annually in consultation with staff and other stakeholders where necessary.
- 5.2. Uppertunity will involve staff in the implementation of this policy, for greater commitment and improved performance.
- 5.3. Uppertunity will provide staff with relevant environmental training.
- 5.4. Uppertunity will work with suppliers, contractors and subcontractors to improve their environmental performance
- 5.5. Uppertunity will use local labour and materials where available to reduce CO2 and help the community.

## Conflict of Interest Policy

### 1. Introduction

- 1.1. All staff, volunteers, and Directors of Uppertunity will strive to avoid any conflict of interest between the interests of the Organisation on the one hand, and personal, professional, and business interests on the other. This includes avoiding actual conflicts of interest as well as the perception of conflicts of interest.
- 1.2. The purpose of this policy is to protect the integrity of the Organisation's decision-making process, to enable stakeholders to have confidence in the organisation's integrity, and to protect the integrity and reputation of volunteers, staff and Directors.
- 1.3. This policy is meant to supplement good judgment, and staff, volunteers and Directors should respect its spirit as well as its wording.
- 1.4. Examples of conflicts of interest include:
  - 1.4.1. A Director who is also a user may be faced with a decision in a committee meeting regarding whether fees for users should be increased.
  - 1.4.2. A Director who is related to a member of staff and there is decision to be taken on staff pay and/or conditions at a committee meeting.
  - 1.4.3. A Director who is also on the committee of another organisation that is competing for the same funding.
  - 1.4.4. A Director who has shares in a business that may be awarded a contract to do work or provide services for the organisation or is a director, partner or employee or related to someone who is.
  - 1.4.5. **Employees' ability to use their position with the company to their personal advantage.**
  - 1.4.6. Employees engaging in activities that will bring direct or indirect profit to a competitor.
  - 1.4.7. **Employees owning shares of a competitor's stock.**
  - 1.4.8. Employees using connections obtained through the company for their own private purposes.
  - 1.4.9. Employees using company equipment or means to support an external business.
  - 1.4.10. Employees acting in ways that may compromise the company's legality (e.g. taking bribes or bribing representatives of legal authorities).

### 2. Appointing Directors and Hiring Staff

- 2.1. Upon appointment, each Director and staff member will make a full, written disclosure of interests, such as relationships, and posts held, that could potentially result in a conflict of interest. This written disclosure will be kept on file and will be updated annually or as appropriate.
- 2.2. In the course of meetings or activities, Directors will disclose any interests in a transaction or decision where there may be a conflict between the organisations' best interests and the Director's best interests or a conflict between the best interests of two organisations that the Director is involved with. If in doubt the potential conflict must be declared anyway and clarification sought.

### 3. Articles of Association Statement

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- 3.1. Whenever a Director finds themselves in a situation where a personal interest is reasonably likely to give rise to a Conflict of Interest, they must declare their interest to the board.
- 3.2. For the purposes of the preceding Article, a Director shall be deemed to have a personal interest in a Company matter if any partner or close relative of theirs or any firm of which they are a partner or any limited company of which they are a substantial shareholder or director (or any other party who/which is deemed to be connected to them for the purposes of the Act), has an interest in that matter.
- 3.3. If any question arises as to whether a Director has a Conflict of Interest, the question shall be decided by a majority decision of the other Directors.
- 3.4. Whenever a matter is to be discussed at a meeting or decided and a Director has a Conflict of Interest in respect of that matter then, unless the Directors decide otherwise, he or she must:
  - 3.4.1. remain only for such part of the meeting as in the view of the other Directors is necessary to inform the debate;
  - 3.4.2. not be counted in the quorum for that part of the meeting; and
  - 3.4.3. withdraw during the vote and have no vote on the matter.
- 3.5. The Chair of the board, and all other Directors have one vote each.

## 4. Contract of Employment Statement

- 4.1. During the term of the Employee's active employment with the Employer, the Employee will not, directly or indirectly, engage or participate in any other business activities that the Employer, in its reasonable discretion, determines to be in conflict with the best interests of the Employer without the written consent of the Employer, which consent will not be unreasonably withheld.
- 4.2. The Employee agrees that during the Employee's term of active employment with the Employer, the Employee will not, directly or indirectly, as employee, owner, sole proprietor, partner, director, member, consultant, agent, founder, co-venture or otherwise, solely or jointly with others engage in any business that is in competition with the business of the Employer within any geographic area in which the Employer conducts its business, or give advice or lend credit, money or the Employee's reputation to any natural person or business entity engaged in a competing business in any geographic area in which the Employer conducts its business.
- 4.3. The Employee understands and agrees that any attempt on the part of the Employee to induce other employees or contractors to leave the Employer's employ, or any effort by the Employee to interfere with the Employer's relationship with its other employees and contractors would be harmful and damaging to the Employer. The Employee agrees that during the Employee's term of employment with the Employer, and for a period of one (1) year after the end of that term, the Employee will not in any way, directly or indirectly:
  - 4.3.1. Induce or attempt to induce any employee or contractor of the Employer to quit employment or retainer with the Employer.
  - 4.3.2. Otherwise interfere with or disrupt the Employer's relationship with its employees and contractors.
  - 4.3.3. Discuss employment opportunities or provide information about competitive employment to any of the Employer's employees or contractors; or

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- 4.3.4 Solicit, entice, or hire away any employee or contractor of the Employer for the purpose of an employment opportunity that is in competition with the Employer.

## 5. Conflict Arising

- 5.1. In the case of a conflict of interests arising for a Director because of a duty of loyalty owed to another organisation or person and the conflict is not authorised by virtue of any other provision in the memorandum or the articles, the unconflicted directors may authorise such a conflict of interests where the following conditions apply:
- 5.1.1. The Charity Commission's permission is sought before a benefit for a trustee may be authorised that isn't otherwise authorised in the Memorandum of Articles or already authorised in writing from the Commission.
- 5.1.2. the Director who has declared the conflict of interest withdraws from the part of the meeting at which there is discussion of any arrangement or transaction affecting that other organisation or person;
- 5.1.3. the Director who has the conflict of interest does not vote on any such matter and is not to be counted when considering whether a quorum of Directors is present at the meeting;
- 5.1.4. the other Directors who have no conflict of interest in this matter consider it is in the interests of the charity to authorise the conflict of interest in the circumstances applying.
- 5.1.5. Any such disclosure and the subsequent actions taken will be noted in the minutes.
- 5.1.6. For all other potential conflicts of interest, the advice of Social Enterprise Scotland will be sought and the advice recorded in the minutes. All steps taken to follow the advice will be recorded.

## Appendix

### Declaration of Interest Form

Person or organization	Nature of relationship and/or nature of conflict of interest

Name: \_\_\_\_\_

Position: \_\_\_\_\_

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

NB: Complete one form for each member of the committee and file with the minutes.

## Social Media Policy

### 1. Statement of policy and purpose of Policy

- 1.1. Uppertunity recognises that social interaction on the internet is an important and integral part of life and, if used correctly, can offer valuable business opportunities. However, inappropriate use of social media can be a serious drain on productivity and can also pose significant business risks.
- 1.2. It is our policy that staff may make limited use of social media during their hours of work, as set out in this policy. In addition, the use by staff members of social media at any time, and whether or not using our equipment, must comply with the rules set out in this policy if it may affect our business in any way.
- 1.3. The purpose of this policy is to ensure that all staff understand:
  - a. the extent to which personal use of social media is permitted during hours of work;
  - b. the limitations on their use of social media, whether used during or outside hours of work; and
  - c. the types of use of social media that could expose them and us to legal liability.
  - d. This is a statement of policy only and does not form part of employment contracts. Uppertunity may amend this policy at any time, in our absolute discretion.
- 1.4. This policy should be read in conjunction with our data protection policy.

### 2. Who and what does this policy apply to

- 2.1. This policy and the rules contained it in apply to:
  - a. all our staff, irrespective of seniority, tenure and working hours, including all employees, directors and officers, consultants and contractors, casual or agency staff, trainees, homeworkers and fixed-term staff and any volunteers (**Staff**)
  - b. use by Staff of websites specifically aimed at social interaction such as Facebook, LinkedIn, Wikipedia and Twitter as well as blogging, participation in wikis and the use of interactive features or the ability to post or publish comments or information (including video, audio, photographs and text) with other people on other websites (**Social Media**);
  - c. use of Social Media for business and/or personal purposes, whether or not during working hours and irrespective of whether our equipment or resources are used.
- 2.2. The Manager has general responsibility for the oversight and updating of this policy. All Staff have personal responsibility to ensure compliance with this policy. Managers have special responsibility for leading by example, ensuring that members of Staff are familiar with this policy and for monitoring and enforcing compliance.

### 3. Business and personal use of Social Media

- 3.1. All media enquiries (including requests for comments for publication on Social Media) should be directed to the Manager. If you are contacted by a media representative or asked for comment for publication about us or otherwise in connection with your employment, you should not respond unless you have been given written approval by the Manager

- 3.2. Only Staff specifically authorised by the Manager (**Authorised Business User**) may use Social Media on our behalf as an organisation or otherwise or post comments on any of our Social Media accounts or profiles. If you are authorised to do this, then Uppertunity may require you to undergo training before undertaking such activities and you will be required to comply with additional guidance and instructions concerning these communications.
- 3.3. We allow Staff to make occasional personal use of Social Media while at work and using our IT or communications resources and equipment (**IT Systems**), so long as all use complies with this policy and does not interfere with the proper performance of work duties.

#### 4. Guidance on use of Social Media

- 4.1. Personal capacity: Unless you are an Authorised Business User, when using Social Media:
  - a. you should make it clear that you are speaking in your personal capacity and not as our representative, communicate in a way consistent with that and if you choose to include contact information this should be your personal, not work contact details; and
  - b. if you do elect to disclose your connection to us, then you must clearly and expressly state that your views do not represent those of Uppertunity.
- 4.2. Permanent form: It is always useful to bear in mind when posting any Social Media content or comment that they may be permanently and publicly available and that you may not be able later to delete or remove them. You should ensure that your communications are consistent with the image that you would like to present publicly including to us and any future employers, colleagues, friends, business contacts and the world at large.
- 4.3. Personal liability. Remember that you are personally responsible and may be legally liable for what you communicate on Social Media. Public statements of this type can create legal issues in a number of different ways include for being defamatory, breach of confidentiality, infringement of intellectual property or amounting to unlawful harassment.
- 4.4. Taking care to avoid misunderstandings: Before posting comments, think about whether, even if innocently meant, they could be misconstrued in a way that creates legal problems or reputational damage for us or you. Steer away from commenting on sensitive topics relating to us or your employment. Such comments might damage our reputation even if you make clear that the views you express are personal.
- 4.5. Respecting privacy and confidentiality. All of us have information that Uppertunity prefer to keep private. Do not post anything related to your colleagues or our customers, clients, business partners, suppliers, vendors or other stakeholders without their written permission or in breach of this policy.
- 4.6. Respecting intellectual property: If you post or reference material that is protected by intellectual property rights, you should satisfy yourself that you have taken steps to avoid legal liability such as appropriately referencing sources and ensuring that citations are accurate. If you are an Authorised Business User and have questions about whether a particular post or upload to our Social Media accounts or profiles might violate anyone's copyright or trademark, then you should check with the manager in advance.

## 5. Prohibited uses of Social Media

5.1. Your communications through Social Media, like all other modes of communication, must not breach our disciplinary or workplace rules or any other policy and procedure and must not cause us to be in breach of obligations Uppertunity owes to others. For example, you must not use Social Media in any way that:

- breaches obligations of confidentiality which you owe to us or to any third party or which causes us to breach duties of confidence which Uppertunity owe to any third party;
- breaches the rights of any other Staff member or third party to privacy, data protection and confidentiality or which amounts to bullying or harassment;
- is offensive, insulting, discriminatory or obscene;
- poses a threat to our trade secrets, confidential information and intellectual property;
- infringes the intellectual property rights of any other person or entity;
- defames, disparages or causes reputational damage to us or our associated companies or to any party with whom Uppertunity have a business relationship, such as suppliers or customers;
- breaches or causes us to breach any law or the rules or guidelines of any regulatory authority relevant to our business;
- breaches data protection rules;
- breaches our rules, policies or procedures for the use of our IT Systems or other equipment or resources;
- is dishonest, improper, unethical, misleading or deceptive (e.g., pretending to be someone);
- is likely to either directly or indirectly damage your reputation or our reputation;
- breaches any of our other policies and procedures, including Data Protection.

5.2. You may not use our logos, brand names, slogans or other trademarks, or post any of our confidential or proprietary information without prior written permission.

5.3. Information relating to business contacts that you make in the course of your employment amounts to confidential information and belong to us. As such, you are not permitted to add such information (including contact details) to your personal Social Media accounts.

5.4. You must not give references for any person on a social media site (including any professional networking sites) on which our identity as your employer is shown in any public or private part of the site. This applies whether the reference is positive or negative. The reason for this is that such references may otherwise be attributed to us and create legal liability both for us and for you personally as the author.

## 6. Monitoring

6.1. Information stored in our IT Systems belongs to us. You should have no expectation of privacy in any communication, document, information file, post or conversation (**Information**) which you send or receive, access, print or store using our IT Systems. In particular, Uppertunity may:

- a. intercept, monitor and read any Information or activities using our IT Systems, including Social Media use, to ensure compliance with our rules and for our legitimate business purposes. This may include use of recording devices or other surveillance methods, keystroke monitoring and other technologies; and

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- b. retain copies of Information to store copies of such data or communications after they are created and delete such copies from time to time without notice.
- 6.2. Monitoring Social Media use will be conducted in accordance with an impact assessment that we've carried out to ensure that monitoring is necessary and proportionate. Monitoring is in our legitimate interests and ensures this policy is being complied with. For the purposes of the law on data protection, Uppertunity is a data controller of the personal information in connection with your employment. This means that Uppertunity determine the purposes for which, and the manner in which, your personal information is processed. The person responsible for data protection compliance is the manager.
- 6.3. Monitoring will normally be carried out by the Manager.
- 6.4. Personal information obtained through monitoring may be shared internally, including with members of the HR team, your line manager, managers in the business area in which you work and IT staff, if access to the information is necessary for performance of their roles. Information is only shared internally if Uppertunity have reasonable grounds to believe that there has been a breach of this policy. Uppertunity will not share information gathered from monitoring with third parties, unless Uppertunity have a duty to report matters to a regulatory authority or law enforcement agency. Personal information gathered through monitoring will not be transferred outside of the European Economic Area (EEA).
- 6.5. You have a number of rights in relation to your personal information, including the right to make a subject access request and the right to have your information rectified or erased in some circumstances. If you believe that Uppertunity have not complied with your data protection rights, you can complain to the Information Commissioner.
- 6.6. Access to Social Media may be withdrawn in any case of misuse.

## 7. Breaches of this policy

- 7.1 We must all contribute to protecting the business reputation of Uppertunity. If you see content in Social Media that is defamatory, false or disparages or reflects poorly on our organisation or our stakeholders, you should contact the Manager.
- 7.2 Staff who breach this policy:
  - a. will be required to disclose relevant passwords and log in information and to otherwise co-operate with our investigation;
  - b. may be required to remove the offending internet postings, comment or information; and
  - c. may be subject to disciplinary action up to and including dismissal.

## Terms and Conditions of Use of Organisations Websites

### 1. Introduction

- 1.1. These terms and conditions apply between you, the User of this Website (including any sub-domains, unless expressly excluded by their own terms and conditions), and Uppertunity, the owner and operator of this Website. Please read these terms and conditions carefully, as they affect your legal rights. Your agreement to comply with and be bound by these terms and conditions is deemed to occur upon your first use of the Website. If you do not agree to be bound by these terms and conditions, you should stop using the Website immediately.
- 1.2. In these terms and conditions, **User** or **Users** means any third party that accesses the Website and is not either (i) employed by Uppertunity and acting in the course of their employment or (ii) engaged as a consultant or otherwise providing services to Uppertunity and accessing the Website in connection with the provision of such services.

### 2. Intellectual property and acceptable use

- 2.1. All Content included on the Website, unless uploaded by Users, is the property of Uppertunity, our affiliates or other relevant third parties. In these terms and conditions, Content means any text, graphics, images, audio, video, software, data compilations, page layout, underlying code and software and any other form of information capable of being stored in a computer that appears on or forms part of this Website, including any such content uploaded by Users. By continuing to use the Website you acknowledge that such Content is protected by copyright, trademarks, database rights and other intellectual property rights. Nothing on this site shall be construed as granting, by implication, estoppel, or otherwise, any license or right to use any trademark, logo or service mark displayed on the site without the owner's prior written permission
- 2.2. You may, for your own personal, non-commercial use only, do the following:
  - retrieve, display and view the Content on a computer screen
  - download and store the Content in electronic form on a disk (but not on any server or other storage device connected to a network)
  - print one copy of the Content
- 2.3. You must not otherwise reproduce, modify, copy, distribute or use for commercial purposes any Content without the written permission of Uppertunity.
- 2.4. You acknowledge that you are responsible for any Content you may submit via the Website, including the legality, reliability, appropriateness, originality and copyright of any such Content. You may not upload to, distribute or otherwise publish through the Website any Content that (i) is confidential, proprietary, false, fraudulent, libelous, defamatory, obscene, threatening, invasive of privacy or publicity rights, infringing on intellectual property rights, abusive, illegal or otherwise objectionable; (ii) may constitute or encourage a criminal offence, violate the rights of any party or otherwise give rise to liability or violate any law; or (iii) may contain software viruses, political campaigning, chain letters, mass mailings, or any form of "spam." You may not use a false email address or other identifying information, impersonate any person or entity or otherwise mislead as to the origin of any content. You may not upload commercial content onto the Website.

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2.5. You represent and warrant that you own or otherwise control all the rights to the Content you post; that the Content is accurate; that use of the Content you supply does not violate any provision of these terms and conditions and will not cause injury to any person; and that you will indemnify Uppertunity for all claims resulting from Content you supply.

### 3. Prohibited use

3.1. You may not use the Website for any of the following purposes:

- 3.1.1. in any way which causes, or may cause, damage to the Website or interferes with any other person's use or enjoyment of the Website.
- 3.1.2. in any way which is harmful, unlawful, illegal, abusive, harassing, threatening or otherwise objectionable or in breach of any applicable law, regulation, governmental order.
- 3.1.3. making, transmitting or storing electronic copies of Content protected by copyright without the permission of the owner.

### 4. Links to other websites

- 4.1. This Website may contain links to other sites. Unless expressly stated, these sites are not under the control of Uppertunity or that of our affiliates.
- 4.2. We assume no responsibility for the content of such Websites and disclaim liability for any and all forms of loss or damage arising out of the use of them.
- 4.3. The inclusion of a link to another site on this Website does not imply any endorsement of the sites themselves or of those in control of them.

### 5. Privacy Policy and Cookies Policy

5.1. Use of the Website is also governed by our Privacy Policy and Cookies Policy, which are incorporated into these terms and conditions by this reference.

### 6. Availability of the Website and disclaimers

- 6.1. Any online facilities, tools, services or information that Uppertunity makes available through the Website (the **Service**) is provided "as is" and on an "as available" basis. Uppertunity give no warranty that the Service will be free of defects and/or faults. To the maximum extent permitted by the law, Uppertunity provide no warranties (express or implied) of fitness for a particular purpose, accuracy of information, compatibility, and satisfactory quality. Uppertunity is under no obligation to update information on the Website.
- 6.2. Whilst Uppertunity uses reasonable endeavours to ensure that the Website is secure and free of errors, viruses and other malware, Uppertunity give no warranty or guaranty in that regard and all Users take responsibility for their own security, that of their personal details and their computers.
- 6.3. Uppertunity accepts no liability for any disruption or non-availability of the Website.
- 6.4. Uppertunity reserves the right to alter, suspend or discontinue any part (or the whole of) the Website including, but not limited to, any products and/or services available. These terms and conditions shall continue to apply to any modified version of the Website unless it is expressly stated otherwise.

## 7. Limitation of liability

- 7.1 Nothing in these terms and conditions will: (a) limit or exclude our or your liability for death or personal injury resulting from our or your negligence, as applicable; (b) limit or exclude our or your liability for fraud or fraudulent misrepresentation; or (c) limit or exclude any of our or your liabilities in any way that is not permitted under applicable law.
- 7.2 To the extent that the Website and Content are provided free of charge, Uppertunity will not be liable to you for any loss or damage of any kind.
- 7.3 We will not be liable to you in respect of any losses arising out of events beyond our reasonable control.
- 7.4 To the maximum extent permitted by law, Uppertunity accepts no liability for any of the following:
- any business losses, such as loss of profits, income, revenue, anticipated savings, business, contracts, goodwill or commercial opportunities.
  - loss or corruption of any data, database or software.
  - any special, indirect or consequential loss or damage.

## 8. General

- 8.1 You may not transfer any of your rights under these terms and conditions to any other person. Uppertunity may transfer our rights under these terms and conditions where Uppertunity reasonably believe your rights will not be affected.
- 8.2 These terms and conditions may be varied by us from time to time. Such revised terms will apply to the Website from the date of publication. Users should check the terms and conditions regularly to ensure familiarity with the then current version.
- 8.3 These terms and conditions together with the Privacy Policy and Cookies Policy contain the whole agreement between the parties relating to its subject matter and supersede all prior discussions, arrangements or agreements that might have taken place in relation to the terms and conditions.
- 8.4 The Contract (Third Party Rights) (Scotland) Act 2017 shall not apply to these terms and conditions and no third party will have any right to enforce or rely on any provision of these terms and conditions.
- 8.5 If any court or competent authority finds that any provision of these terms and conditions (or part of any provision) is invalid, illegal or unenforceable, that provision or part-provision will, to the extent required, be deemed to be deleted, and the validity and enforceability of the other provisions of these terms and conditions will not be affected.
- 8.6 Unless otherwise agreed, no delay, act or omission by a party in exercising any right or remedy will be deemed a waiver of that, or any other, right or remedy.
- 8.7 This Agreement shall be governed by and interpreted according to the law of Scotland and all disputes arising under the Agreement (including non-contractual disputes or claims) shall be subject to the exclusive jurisdiction of the Scottish courts.