

Shetland Arts Development Agency
Board of Trustees Meeting
Thursday 16 December 2021 5.15pm
Venue: Mareel/Zoom



Item	Description	Report	Item taken by	Action
1	Welcome and apologies		Chair	Note
2	Declarations of interest		Chair	Note
3	Minutes 28 October 2021		Chair	Approval
4	Scrutiny 4.1 Management Accounts 4.2 Operational Issues 4.3 Performance Monitoring 4.4 Major Projects	Attached Attached Attached Attached	KE GH GH GH	Note Note Note Note
5	Governance 5.1 Policies	Attached	KE	Approve
6	Strategy 6.1 Update from Stakeholders	Attached	GH	Note
7	General 7.1 Key Upcoming Events	Attached	GH	Note
8	Any other business None			
9	Future SADA Board Meetings: Board Meeting Thursday 24 February 2022 – 5.15pm		Chair	

The Board may decide that on grounds of confidentiality particular items should be considered in private. Any such items will be noted in separate “closed” minutes for approval at the next Board meeting

**Minute of Meeting of Shetland Arts Development Agency Board of Trustees,
Thursday 28th October 2021, held at 5.30pm at Mareel and by Video Conference**

Present:

Susan Mail (SM), Chair, Shetland Arts
Lynn McHattie (LM), Trustee, Shetland Arts (Zoom)
Renzo Spiteri (RSp), Trustee, Shetland Arts
Ryan Stevenson (RSt), Chair, Shetland Arts (Zoom)
James Johnston (JJ), Trustee, Shetland Arts (Zoom)
Chris Gadsby (CG), Trustee, Shetland Arts (Zoom)
Kerry Larbalestier (KL), Trustee, Shetland Arts
Michele Kerry (MK), Trustee, Shetland Arts (Zoom)
Molly Williams (MW), Trustee, Shetland Arts

In Attendance:

Graeme Howell (GH), Chief Executive, Shetland Arts
Kerry Eunson (KE), Head of Organisational Support, Shetland Arts

Apologies:

Sophie Whitehead

Item	Topic	Action
1	Welcome and Apologies The chair welcomed everyone to the meeting. Apologies were received from Sophie Whitehead.	
2	Declarations of Interest There were no declarations of interest.	
3	Minutes of Previous Meeting The minutes of the prior meeting were approved by RS and seconded by KL. KE updated the board on recruitment as requested at the last meeting. Since the last meeting there had been two separate recruitment processes. The supervisor role was filled internally but the events assistant recruitment was very successful. 10 applications were received with 3 being offered a contracted role and 4 a casual role.	
4.1	Management Accounts The management accounts were taken as read and they will be covered in more detail in the closed section.	
4.2	Operational Issues GH took the board through this report adding the following additional details: A quote has been requested from Train Shetland for the SIA training, it has not yet been received. The Post Office has also still not made approval of identification for the licences available in Shetland. SM asked that if Train Shetland were offering a quote does that mean they are willing to offer the training? GH explained that they need to contract a trainer from mainland Scotland to do this due to the experience of SIA work required to become a trainer	

4.3	Performance Monitoring This report was taken as read, there were no queries.	
4.4	Major Projects GH took the board through this report with the following additional comments: The Schools Out project was a project that the staff were excited about but the take up was very poor and did not work at all. The learning was that for children's projects if COVID restrictions mean they cannot come as a group they will not attend. The SCT Capital Grant Scheme application is currently under consideration. JJ asked for an update on the timeline for the capital grant decision. GH explained there was no definitive date in the guidance. SM asked what the timeline on the management review was and GH explained the consultant will report back at the end of January 2022. He added that the management review was to look at the processes, structures etc in use to make sure what is being done is suitable given the changes to working due to COVID. RSt asked who was doing the management review? GH said that it was Rachel Ross a consultant who several managers have worked with before.	
5.1	Strategic Risk Register GH explained that the risk register will come to the board on a 6 monthly basis going forward. The only change made to the Register is the failure to recruit SIC trained personnel. SM asked the new trustees if they understood the risk register or had any questions as it was a complex document. MW and MK both stated that it is a lot of information to take in and a session to explain it would be useful. SM asked it be added to the induction going forward.	GH/KE
5.2	Policies KE introduced the paper and explained the background. JJ asked what was the comprehensive system for Health and Safety that was in place and KE explained that it was made up of all the documentation reviewed as part of the Health and Safety Audit. The Trustees can get confidence in the systems through these audits and the on site audits due to happen next year will add to this. RSp asked what the review process was for these systems and KE explained that Health and Safety issues were discussed at the weekly operations meeting. GH added that they were also noted in the daily management reports and major issues would be reported to the board.	

	<p>JJ asked if it was a named system that was used for Health and Safety and GH explained it was not but the templates provided by WorkNest and the Health and Safety Executive provide the basis for this.</p> <p>RSt noted the section on asbestos and asked if SADA was aware of any asbestos in any of its buildings. KE explained that when discussed on preparation of the policy there was none in the buildings, but it was best practice to leave this section in.</p> <p>CG asked for an email to be sent to SCT to request an up-to-date asbestos survey for the Garrison Theatre as it is best practice as the tenant.</p> <p>JJ asked about the frequency of health and safety reporting to the board. It was agreed that serious H&S would be reported. KE explained that WorkNest would carry out annual audits, the results of which would also be reported to the board.</p> <p>RSt noted the section on hazardous substances and queried whether the appropriate COSH documents were in place whereby KE confirmed they were and had been checked as part of the documentation audit by WorkNest.</p> <p>MW queried the language used in 4.6 as it was not gender neutral. KE agreed to review this and update as necessary.</p> <p>SM asked if there were training records in place for all staff as per the policy statement and KE confirmed that there were.</p> <p>SM asked for 4.15 be amended to read that SADA only provides a voucher towards the cost of spectacles and not the spectacles themselves.</p> <p>KL proposed the policy be approved with the amendments noted above, and JJ seconded.</p>	<p>GH</p> <p>KE</p> <p>KE</p>
5.3	<p>Trustee Recruitment</p> <p>SM said that an interview had taken place and the panel felt that due to his experience and job role he would make a good addition to the board. The nominations committee proposed him for the role.</p> <p>He was unanimously appointed by the board.</p>	
5.4	<p>Feedback from Chair Matters Conference</p> <p>SM explained that she attended a diversity webinar held by Arts and Business Scotland. The attendees were Chairs from a number of different organisations throughout Scotland funded by Creative Scotland. It was very interesting.</p> <p>SM felt that the board must be careful to not become complacent around equality and diversity due to being in Shetland. The board must think about what their role is in driving diversity and inclusion within the organisation and recruitment of board members.</p> <p>SM added that it is important for the board to consider how it gives people with no board experience an opportunity.</p>	

	<p>MW explained that it would be good for the board to be more visible to the public. This could help encourage people to apply to become a board member.</p> <p>SM agreed and added that it has to be clear to people who do not see themselves as creative that they can still contribute towards the board.</p> <p>KL asked if there were discussions on around the issues around accessibility in island locations? SM said there was a discussion that Zoom/Teams does make things much more inclusive.</p> <p>GH added he thinks the board being more visible to the public would be interesting and it would be good to have blog posts about being on the board talking about the experience. Where we are struggling to recruit is within the creative sector.</p> <p>MK added that being more specific about what is wanted would be beneficial.</p>	
6.1	<p>Update from Stakeholders</p> <p>GH took the board through the report and added the following:</p> <p>Siobhan from CS would like to visit again and possibly attend Decembers board meeting. There will likely be a second art form lead who also comes with her. GH has suggested Karen Dick the Head of Place and Sustainable Communities join her on the visit.</p>	
7.1	<p>Key Upcoming Events</p> <p>This was taken as read.</p>	
8.1	<p>Christmas Meal</p> <p>The next board meeting will be held on Thursday 16th December. It is proposed for the Christmas Meal to be held after this. It was agreed for this to take place. KE to book.</p>	KE
9	<p>Date of Next Meeting</p> <p>Thursday 16th December 2021.</p>	
	Meeting closed at: 6.15pm	

Minute approved:

Susan Mail
Chair, Shetland Arts Development Agency

4.1 Management Accounts

7 Months to October 2021

Profit and Loss Accounts



Shetland*arts*

	Actual £	Reforecast £	Variance £
<u>Income</u>			
Ticket Sales	134,015	132,119	1,896
Education and training income	73,843	68,546	5,297
Retail income	45,900	46,269	- 369
Food and beverage income	128,089	127,728	361
Foyer income	29,596	29,537	59
Box office commission income	1,002	936	66
Gallery commission income	1,333	1,305	28
Hire of rooms and equipment income	11,780	10,659	1,121
Screen advertising income	-	833	- 833
Gift Vouchers	- 1,385	-	- 1,385
Sponsorship income	250	408	- 158
Donations received	477	427	50
Grant Funding - Capital	-	-	-
Grant Funding - SIC	40,877	40,961	- 84
Grant Funding - SCT	379,167	379,167	-
Grant Funding - Creative Scotland	311,489	311,489	-
Other Grants - Trusts and foundations	4,560	4,560	-
Operating lease income - SIC	52,500	52,500	-
Other income	79,450	77,849	1,601
Memberships received	6,198	5,720	478
	<u>1,299,141</u>	<u>1,291,013</u>	<u>8,128</u>
<u>Purchases</u>			
Food and beverage purchases	43,195	44,503	1,308
Foyer purchases	13,236	14,552	1,316
Retail purchases	29,849	29,427	- 422
Direct costs	88	70	- 18
	<u>86,368</u>	<u>88,552</u>	<u>2,184</u>

Direct Costs

Gross wages and salaries - regular	449,451	450,160	709
Gross wages - casual	49,721	52,029	2,308
Employers NI	35,215	35,574	359
Employers pension	84,458	85,295	837
Recruitment expenses	747	1,164	417
Employee/Trustee expenses	-	83	83
Training and protective clothing	4,114	4,625	511
Programme costs - project	328,509	287,394	- 41,115
Marketing costs - project	5,002	5,807	805
Licences - PRS etc	18,497	18,629	132
Film transport	266	433	167
Hire of equipment	661	661	-
	<u>976,641</u>	<u>941,854</u>	<u>- 34,787</u>

Overheads

Travel and subsistence and Entertainment	16,331	18,297	1,966
Rent, Rates and Insurance	28,445	29,311	866
Heat and Light	40,235	41,871	1,636
Operating leases - Rent and Equipment	63,301	63,477	176
Repairs and maintenance and cleaning	75,143	75,059	- 84
Print, postage and stationary	1,714	1,980	266
Telephone and broadband	4,644	4,705	61
Computer costs	15,173	15,404	231
Marketing costs - strategic	1,410	1,244	- 166
Website costs	813	1,108	295
Subscriptions	1,463	1,369	- 94
Consumables	815	1,516	701
Sundry	152	-	- 152
Legal and professional fees	22,728	20,725	- 2,003
Till differences	- 235	- 139	96
Bank charges	7,690	7,661	- 29
Loan interest	2,206	2,391	185
	<u>282,028</u>	<u>285,979</u>	<u>3,951</u>
SURPLUS/DEFICIT	<u>- 45,896</u>	<u>- 25,372</u>	<u>- 20,524</u>

7 Months to October 2021

Balance Sheet



Shetlandarts

	£	£
Tangible Fixed Assets		9,174,707
<i>Current Assets</i>		
Stock	24,198	
Debtors	234,124	
Cash at Bank	737,612	
	<u>995,934</u>	
<i>Current Liabilities</i>		
Creditors	<u>559,170</u>	
Net Current Assets		436,764
<i>Long term liabilities</i>		
Loans	94,290	
Pensions liability	<u>2,336,000</u>	
		2,430,290
Net Assets		<u><u>7,181,182</u></u>
Capital and Reserves:		
Capital funds		9,098,373
Revenue funds		418,809
Pension liability		<u>(2,336,000)</u>
		<u><u>7,181,182</u></u>

7 Months to October 2021 Movement on Selected Funds



Shetland*arts*

Fund Name	Opening				Closing
	Balance	Income	Expenditure		Balance
Shetland Film Club	1,705	-	-	-	1,705
Trad Big Band	2,435	-	-	300	2,135
Culture Collective	269,325	-	-	140,545	128,780
Youth Arts	35,235	-	-	33,680	1,555
Corra Foundation	4,146	-	-	150	3,996
Robertson Trust	24,612	-	-	7,747	16,865
BFI FAN	7,920	-	-	7,920	-
Xchange	20,913	-	-	2,000	18,913
Summer of Play	-	4,150	-	542	3,608
Visual Arts and Crafts Maker Awards	1,580	-	-	1,580	-
Total	367,871	4,150	-	194,464	177,557

4.2 Operational Issues

December 2021



INTRODUCTION

This report details the following

- Operational Issues
- Health and Safety Issues

OPERATIONAL ISSUES

Date	Issue	Staff Involved	Outcome
Ongoing	Covid 19	SMT	Work from home guidance has tightened and we have responded, will review guidance as it updates. 1m distancing still required in education settings, mask wearing required unless seated in the café or eating/drinking in the auditorium or cinema. Enhanced cleaning still in place.
Ongoing	Front Line Staffing	Head of Customer Services, Head of Organisational Support, CEO	We continue to be in a challenging situation regarding the recruitment of front-line staff. Adverts now highlight additional perks of working for SADA. Restricted hours and services being used to protect core business.
Ongoing	Provision of SIA licenced door staff	Head of Customer Services, CEO	Discussion underway with Train Shetland on the provision of a SIA course locally. Discussions under way with Post Office on local endorsement of

			licences. Verbal update at meeting on progress.
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HEALTH AND SAFETY ISSUES

Date	Issue	Staff Involved	Outcome
	None to Report		

4.3 Performance Monitoring

December 2021



INTRODUCTION

This report details the following

- Key Performance Indicators

KEY PERFORMANCE INDICATORS

As Per SCT Funding 21/22	May	Jun	Jul	Aug	Sep	Oct
Concerts, Screenings, Exhibition Days	645	207	285	271	209	215
Audience attendances	13,090	4,949	13,634	15,964	13,016	15,127
Development Sessions	116	28	18	27	193	96
Participations	522	204	231	119	1,143	545

Formal Education Delivery	Applied to Study at Mareel 21/22		Taught Across the Network 20/21
	Full Time	Part Time	
Vocational Pathway	NA	32	NA
NC	7	0	NA
HNC	7	0	NA
Degree	11	1	21
Masters	0	0	11

4.4 Major Projects

December 2021



INTRODUCTION

This report details the following

- Significant projects completed
- Updates on short term projects
- Listing of medium and long term projects

SIGNIFICANT PROJECTS COMPLETED

Date	Title	Intention	Outcome
26 November 2021	Fragmented (drama production)	Support a partnership between Stephenie Pagulayan, Islesburgh Drama Group, Shetland Rape Crisis and Shetland Women's Aid	Critically acclaimed and well attended production. Strengthened partnerships. Increased awareness of social issues
8 November 2021	ShetlandMade Decommission	Exit retail space at Sumburgh	Complete

UPDATES ON ONGOING PROJECTS

Title	Intention	Update
Good Governance Award	To work towards receiving the good governance award as recommended by OSCR.	Work ongoing, all areas will be in for review by the end of February. The key item missing is the business plan and a meeting will be arranged to discuss if the new modular framework will be acceptable.
Culture Collective. CS funded.	Support creative practitioners to deliver wellbeing projects in Shetland, Orkney and Western Isles through small grants.	23 projects in total, 8 in Shetland awarded funding. Activity underway

Youth Arts Small Grants. CS funded	Support practitioners to deliver youth arts projects through small grants.	7 projects awarded funding. Activity underway
VACMA 21/22 round 1. CS, SIC, SADA funded.	Bursaries for Visual Artists and Craft makers.	Round 1 applications currently being processed
Performing Arts Venue Relief Fund Rd2. CS Funded	To support creatives and reengage audiences as part of a COVID recovery strategy	We Are Live - 6 performances commissioned. Project Manager and Instructional Designer appointed to develop Professional Development training modules
Cultural Bridge	SADA invited to be one of three Scottish CS RFO's to take part in the Cultural Bridge project with partners in Germany.	Application successful for partnership with Das Letzte Kleinod (Bremerhaven). Visit planned from W/C 6/12 postponed due to changing travel restrictions
Islands Deal Knab Project Strand	To support the development of the Cultural Hub	Application made to HIE and SIC to fund a three day per week CPM to focus on the Knab for two years.
Management Review	To review existing structures, systems and processes to ensure they are fit for purpose.	Consultant appointed and process agreed for January 2022.
Competencies Review	To review existing competencies and behaviours to ensure they are fit for purpose.	To be led by WorkNest in January 2022.
Business Plan	To develop a new business plan for SADA	DRAFT Modular Strategic Framework now being reviewed by Management Team. Creative Scotland approves of approach.

SIGNIFICANT PROJECTS PLANNED

Medium = 3 Months - 1 Year; Long = 1 Year +

Medium/Long Term	Title	Intention
Long	Paperless Purchase Ledger	To develop a new purchase ledger system which is paperless due to the move to working from home.
Medium	Yesplan Relaunch	Relaunch of Yesplan system to ensure used by all staff in the organisation to full potential.
Medium	Risk Assessment Review	To improve the quality of operational risk assessments, training delivered in September.
Medium	Staff Structure Review	To ensure the staff structure is appropriate to new ways of working TBC by end of March 2022

5.1 Policies

December 2021



INTRODUCTION

This report details the following

- Policies for Approval
- Policy Register

POLICIES FOR APPROVAL

Policy Name	Appendix	Changes
Sick Pay	1	No changes
Adoption, maternity and paternity	2	Updated rates of all statutory pay and made gender neutral.
Statutory right to time off	3	No changes
Absence management	4	No changes

POLICY REGISTER

Policy Name	Date for Review	Notes
Pay Policy	14/01/2020	To be reviewed at the April 2022 board meeting
Sick Pay	14/01/2020	Updated policy to board in December
Adoption, Maternity and Paternity	14/01/2020	Updated policy to board in December
Statutory Right to Time Off	14/01/2020	Updated policy to board in December
Training and Trips	14/01/2020	To be reviewed at the February 2022 board meeting
Disciplinary Procedure	14/01/2020	To be reviewed at the February 2022 board meeting
Capability Procedure	14/01/2020	To be reviewed at the February 2022 board meeting

Appendix 1

Sick Pay

Anti- Harassment, Bullying and Victimisation	14/01/2020	To be reviewed at the April 2022 board meeting
Equality, Inclusion and Diversity	14/01/2020	To be reviewed at the April 2022 board meeting
Absence Management	14/01/2020	Updated policy to the board in December
Communications	14/01/2020	To be reviewed at the April 2022 board meeting
Whistleblowing	14/01/2020	To be reviewed at the June 2022 board meeting
Expenses	14/01/2020	To be reviewed at the June 2022 board meeting
Data Protection	14/01/2020	To be reviewed at the June 2022 board meeting
Alcohol and Drugs	14/01/2020	To be reviewed at the June 2022 board meeting
Social Media	14/01/2020	To be reviewed at the August 2022 board meeting
Environmental	14/01/2020	To be reviewed at the August 2022 board meeting
Health, Safety and Welfare	28/10/2022	
Children, Young and Vulnerable Adults	14/01/2020	To be reviewed at the February 2022 board meeting
Conflicts of Interest	29/04/2023	
Smoke Free Policy	14/01/2020	To be reviewed at the August 2022 board meeting
Volunteering Policy	14/01/2020	To be reviewed at the February 2022 board meeting
Menopause Policy	29/04/2024	
Portable IT Policy	In development	
Procurement Policy	In development	
Recruitment Policy	In development	
Lone Working Policy	In development	

Appendix 1

Sick Pay

This policy sets out the arrangements for sick pay and for reporting and managing sickness absence.

Abuse of sickness absence, including failing to report absence or falsely claiming sick pay will be treated as misconduct under Shetland Arts Development Agency's (SADA) Disciplinary Policy.

This policy does not form part of any employee's contract of employment and may be amended at any time.

Absence Reporting

It is the responsibility of all staff to ensure that every effort is made to communicate with the respective managers whilst on sick leave. All staff should ensure that they know the reporting arrangements within their work area, and whom they should contact if their manager is not available.

If you are unable to attend work, you must tell your manager at the earliest opportunity before your starting time and no later than within half an hour of your scheduled starting time. If you work flexibly please contact your manager before 10am.

It is your responsibility to make contact personally with your manager. Only in exceptional circumstances where you are unable to phone personally, a relative or friend may phone on your behalf, but the responsibility remains with you. Where the manager is not available, it is essential that contact be made with an alternative senior member of staff who will be responsible for taking the information and passing it to the manager. Messages should not be left on voice mail nor should email or text messaging be used to report absence.

Failure to make contact in time may lead to you being treated as absent, pay being stopped and may ultimately lead to disciplinary action.

It is important that you communicate all relevant details when making contact, including:

- The reason for absence ("sick" or "unwell" is not an adequate description);
- An indication of when you expect to be fit to return to work; and
- Details of any appointments with your GP.

At this stage, your manager will tell you when you should get in touch again and when, if appropriate, a sick certificate must be submitted.

It is your responsibility to ensure you keep your manager informed of your progress and, in particular, should you be unable to return when you anticipated. If you are absent immediately before leave days or days off, you must tell your manager when you will be fit to come back to work.

If you fall ill at work or have to leave due to sickness or other reasons, you must discuss this with your line manager or supervisor before leaving.

Evidence of incapacity

The Employee must complete a self-certification form for sickness absence of up to seven calendar days.

Appendix 1

Sick Pay

For absence of more than a week the Employee must obtain a certificate from their doctor stating that they are not fit for work, giving the reason. The Employee must also complete a self-certification form to cover the first seven days. If absence continues beyond the expiry of a certificate, a further certificate must be provided.

If the doctor provides a certificate stating that the Employee "may be fit for work" then the Employee must inform their manager immediately. The Organisation will hold a discussion with the Employee about how to facilitate their return to work, taking account of the doctor's advice. If appropriate measures cannot be taken, the Employee will remain on sick leave and we will set a date for review.

Statutory sick pay

The Employee may be entitled to Statutory Sick Pay (SSP) if they satisfy the relevant statutory requirements. Qualifying days for SSP are Monday to Friday, or as set out in the employment contract. The rate of SSP is set by the government in April each year. No SSP is payable for the first three consecutive days of absence. It starts on the fourth day of absence and may be payable for up to 28 weeks.

The main qualifying conditions are that:

- the Employee does not earn a wage below the threshold for paying NIC;
- the Employee has commenced work with the Organisation; and
- the Employee has not received their maximum entitlement to SSP in the last three years.

Organisation sick pay

After successfully completing their probationary period the Employee will qualify for Organisation sick pay provided they comply with this policy and any further requirements set out in their contract. Organisation sick pay is inclusive of any SSP.

Organisation sick pay is equal to the Employee's full basic salary for up to two weeks' (ten working days) absence followed by half their basic salary for up to a further two weeks' (ten working days) absence in any 12-month period. When this entitlement is exhausted, the Employee will not qualify for Organisation sick pay.

In calculating an Employee's entitlement to Organisation sick pay, any Organisation sick pay made in the 12 months immediately preceding the first day of absence will be taken into account.

An Employee's entitlement to claim Organisation sick pay will be calculated by reference to his/her length of service on the first day of sickness.

The payment of Organisation sick pay does not imply that termination of employment may not take place whilst the Employee is in receipt of Organisation sick pay.

Any payments in excess of an Employee's Organisation sick pay entitlement will be made at the sole discretion of the Chief Executive.

Organisation sick pay is paid at our discretion and we may amend or withdraw the scheme at any time.

Appendix 1

Sick Pay

Return-to-work interviews

After a period of sick leave the Employee's manager may hold a return-to-work interview with the Employee. The purposes may include:

- ensuring the Employee is fit for work and agreeing any actions necessary to facilitate a return;
- confirming the Employee has submitted the necessary certificates;
- updating the Employee on anything that may have happened during their absence;
- raising any other concerns regarding the Employee's absence record or their return to work.

Appendix 2

Adoption, Maternity and Paternity

This policy sets out the arrangements for staff who are about to become parents through either adoption or child birth.

This policy does not form part of any employee's contract of employment and may be amended at any time.

We are using maternity and paternity in a gender neutral way in line with terminology used in government legislation.

Please note that statutory rates of pay and earnings limits will change from time to time. You can find details of them at www.gov.uk.

Adoption Leave

Qualifying employees who have been matched with a child may take up to 52 weeks adoption leave, and may be entitled to 39 weeks of statutory adoption pay. If a couple jointly adopt a child, one may take adoption leave and the other parent may be able to take paternity leave or shared parental leave.

Key points

- The main adopter will be able to take paid time off for up to five adoption appointments. The secondary adopter will be entitled to take unpaid time off for up to two appointments.
- Adoption leave is a "day one" right there is no qualifying period.
- Statutory Adoption Pay - the first six weeks will be paid at 90% of the employee's normal earnings.
- Some surrogate parents will become eligible for adoption leave. Please check with your line manager.

Adoption leave may be taken:

- When a child starts living with the employee or up to 14 days before the placement date (UK adoptions).
- When an employee has been matched with a child by a UK adoption agency.
- When the child arrives in the UK or within 28 days (overseas adoption).

The partner of an individual who adopts, or the secondary adopter if a couple are adopting jointly may be entitled to paternity leave and pay or shared parental leave.

You must give your line manager documentary proof to show that you have the right to paid Statutory Adoption Leave. This is usually a matching certificate from the adoption agency. The adoption agency must be recognised in the UK.

Statutory adoption leave can start either:

- from the date the child starts living with the employee
- up to 14 days before the date the child is expected to start living with the employee.

You should tell your line manager within seven days of being told that you have been matched with a child, if this is not possible you must tell your line manager as soon as possible.

Employees who request or take adoption leave are protected against suffering a detriment or unfair dismissal. You have a right to return to the same job after 26 weeks adoption leave and after 52 weeks a suitable alternative job must be found.

Appendix 2

Adoption, Maternity and Paternity

Statutory Adoption Pay

The current rate of statutory adoption pay is £51.97 per week. For the first six weeks the employee will be entitled to 90% of their normal earnings. The following 33 weeks will be paid at the statutory adoption pay rate.

Keep in touch day

Both parties should agree when and how Shetland Arts will keep in contact, this may be via email, telephone contact etc. We will also agree you how, if at all, you will work the "keeping in touch" days. These can be used for training days, team events etc.

Up to ten keeping in touch days can be worked, and these will be paid at your equivalent hourly rate.

Maternity Leave

Pregnant employees are entitled to 52 weeks Statutory Maternity Leave if they give the correct notice to the employer. Employees don't have to take 52 weeks if they don't want to, however, the first 2 weeks following the birth must be taken or 4 weeks for those who work in a factory.

Key points

- Pregnant employees have the right to 52 weeks maternity leave.
- Pregnant employees are protected against unfair treatment and discrimination.
- During maternity leave an employee and employer can agree to have up to 10 keeping in touch days.
- Employees are entitled to paid reasonable time off for antenatal care.
- Women returning to work following Maternity Leave have the right to return to the original job or suitable alternative.

A pregnant employee has the right to both 26 weeks of ordinary maternity leave as well as 26 weeks of additional maternity leave. To qualify for maternity leave, you must tell your line manager at least 15 weeks before the baby is due:

- that you are pregnant
- the expected week of childbirth, by means of a medical certificate if requested
- the date you intend to start maternity leave. This can normally be any date which is no earlier than the beginning of the 11th week before the baby is due. It is best to advise your line manager as soon as possible.

Once notification has been given to your line manager they must write to you, within 28 days of receiving your notification, setting out your return date. You must give eight weeks' notice to change the return date. Maternity Leave will automatically start 4 weeks before the baby is due if the employee is off work for pregnancy-related illness. If the baby arrives early the leave will start on the day after the birth.

Appendix 2

Adoption, Maternity and Paternity

Antenatal care

All pregnant employees are entitled to reasonable time off with pay for antenatal care made on the advice of a registered medical practitioner, which may include relaxation classes and parent-craft classes. Except for the first appointment, you should show your line manager an appointment card or other documents showing that an appointment has been made. An expectant partner of a pregnant person has the right to take time off work to go to 2 antenatal appointments.

Statutory maternity pay

Statutory maternity pay (SMP) will be payable if you have been employed continuously for at least 26 weeks ending with the 15th week before the expected week of childbirth, and have an average weekly earnings at least equal to the lower earnings limit for National Insurance contributions. SMP is payable for 39 weeks; for the first six weeks it is paid at 90 percent of the average weekly earnings. The following 33 weeks will be paid at the SMP rate or 90 per cent of the average weekly earnings whichever is the lower. The standard rate for SMP is reviewed every April. The SMP rate is currently £151,97 per week.

Employee rights while on Maternity Leave

During the maternity leave, you are entitled to benefit from all your normal terms and conditions of employment, except for remuneration (monetary wages or salary). You can do up to 10 days' work during your maternity leave without losing any Statutory Maternity Pay. These days are called Keeping in touch days and are optional. Payment for these days will be made at your hourly rate equivalent.

At the end of maternity leave, you have the right to return to your original job, if that is not possible then a similar job on the same terms and conditions will be offered. If a redundancy situation arises, you must be offered a suitable alternative vacancy if one is available. If there is no suitable alternative work, you may be entitled to redundancy pay

Paternity leave

An employee may be entitled to Paternity Leave and Pay if their partner is having a baby, adopting a child or having a baby through a surrogacy arrangement.

Key points

- Paternity leave is available to employees who:
 - have or expect to have responsibility for the child's upbringing
 - are the parent of the child not making use of maternity allowances
 - have worked continuously for their employer for 26 weeks ending with the 15th week before the baby is due, or the end of the week in which the child's adopter is notified of being matched with the child (UK adoption), or the date the child enters the UK (overseas adoptions).

You should tell you line manager as soon as possible that you wish to take paternity leave, but no later than the end of the 15th week before the expected week of childbirth. You should say when the baby is due, if you're going to take one or two weeks off, and when you expect your paternity leave to start. If you are eligible you can choose to take either one week or two consecutive weeks' paid paternity leave (not odd days).

Appendix 2

Adoption, Maternity and Paternity

You will need to take paternity leave within 56 days of the actual date of birth of the child. Paternity leave can't start until the birth of the baby; you may be able to take some annual leave before.

A period of Paternity leave when adopting a child can start:

- On the date of placement.
- An agreed number of days after the date of placement.
- On the date the child arrives in the UK or an agreed number of days after (for overseas adoption).
- The day the child is born or the day after for surrogate parents.

Paternity pay

Employees may be entitled to Statutory Paternity Pay at the statutory rate in force at the time or 90 per cent of your average weekly earnings, if that is less. The current rate of paternity pay is £151.97.

Shared parental leave and pay

Shared Parental Leave is available to eligible mothers, fathers, partners and adopters to choose how to share time off work after their child is born or placed for adoption. This could involve returning to work for part of the time and then resuming leave at a later date.

Key points

- Qualifying parents and adopters continue to be entitled to Maternity and Adoption rights but they may also be able to choose to end this early and exchange it for Shared Parental Leave and Pay. They and their named partner will then need to decide how they want to share this new entitlement.
- Two weeks of paid Paternity Leave continues to be available to qualifying partners. However, Shared Parental Leave has replaced the Additional Paternity Leave entitlement.

How Shared Parental Leave works

Shared Parental Leave is designed to give parents more flexibility in how to share the care of their child in the first year following birth or adoption. Parents will be able to share a pot of leave, and can decide to be off work at the same time and/or take it in turns to have periods of leave to look after the child.

To qualify, you must be entitled to some form of maternity or adoption entitlement, have given notice to curtail it and must share the main responsibility for caring for the child with the named partner. To be eligible to take Shared Parental Leave you must be an employee and pass the continuity of employment test. In turn, the other parent in the family must meet the employment and earnings test.

- Continuity of employment test: the person must have worked for the same employer for at least 26 weeks at the end of the 15th week before the week in which the child is due (or at the week in which an adopter was notified of having been matched with a child or adoption) and is still employed in the first week that Shared Parental Leave is to be taken.
- Employment and earnings test: the person must have worked for at least 26 weeks in the 66 weeks leading up to the due date and have earned above the maternity allowance threshold of £30 week in 13 of the 66 weeks.

Appendix 2

Adoption, Maternity and Paternity

Where both parents satisfy these tests they will both be able to share the leave. However, a family can still use Shared Parental Leave even when only one parent actually meets the eligibility criteria. For example, a self-employed parent will not be entitled to take Shared Parental Leave but they could still pass the employment and earnings test allowing the other parent in the family to qualify.

The parent in receipt of maternity or adoption pay must decide whether to keep taking their maternity or adoption entitlement or to use Shared Parental Leave. If they choose to use Shared Parental Leave, they can end their entitlement or give advance notice to curtail it. This advance notice means their partner could begin to take Shared Parental Leave while the other parent is still on maternity or adoption leave.

Shared Parental Leave may be taken at any time within the period which begins on the date the child is born/date of the placement and ends 52 weeks after that date. An employee is entitled to submit three separate notices to book leave. Leave must be taken in complete weeks and may be taken either in a continuous period, which an employer cannot refuse, or in a discontinuous period, which the employer can refuse. If a request for discontinuous leave is refused then the total amount of leave requested in the notice will automatically become a continuous block unless it is withdrawn.

Shared Parental Pay

Statutory Shared Parental Pay is paid at the current rate set by HMRC or 90% of your average weekly earnings (whichever is lower).

If the parent curtails their entitlement to maternity/adoption pay or maternity allowance before they have used their full entitlement then Statutory Shared Parental Pay can be claimed for any remaining weeks.

To qualify for Statutory Shared Parental Pay a parent must pass the continuity of employment test and have earned an average salary of the lower earnings limit of £111 for the 8 weeks' prior to the 15th week before the expected due date or matching date. The other parent in the family must meet the employment and earnings test.

Notification of Shared Parental Leave and pay

If you wish to take Shared Parental Leave you must notify your line manager of your entitlement at least eight weeks before the start of any Shared Parental Leave starts. Your line manager will write to you to confirm they have received and accept this notification.

You can give your line manager up to 3 separate notices booking or varying leave, although it must be given at least eight weeks before the leave is due to start. Each notice can be for a block of leave, or the notice may be for a pattern of "discontinuous" leave involving different periods of leave. If you ask for a continuous block of leave SADA is required to agree to it. However, where the notification is for discontinuous blocks of leave your line manager can refuse and require that the total weeks of leave in the notice be taken in a single continuous block. It is therefore beneficial for you to discuss this with your line manager and attempt to agree a way in which the different blocks of leave can be taken.

Note: to be eligible for Shared Parental Leave, at least one parent must submit a booking when they notify their employer of their entitlement

Discuss your intentions sooner rather than later.

Appendix 2

Adoption, Maternity and Paternity

Having an early and informal discussion can provide an opportunity for your line manager to talk about their preference regarding when Shared Parental Leave is taken. It can also be an opportunity to discuss when any discontinuous leave can be best accommodated.

Once a notification for a period of leave has been received your line manager will consider: is the notification for leave one continuous block or two or more weeks of discontinuous leave?

- what cover will be needed for the employee's absence?
- will a discussion with the employee be beneficial at this time?
- is any modification to a discontinuous leave request necessary?

Outcomes

Depending on the circumstances involved, there are four outcomes available to an employer once they have received, considered and discussed a Shared Parental Leave notification. It is important to note an employer cannot refuse a notification for continuous leave.

A) Confirm a continuous leave period or accept a discontinuous leave request.

B) Agree a modification to a leave request (an employee is under no obligation to modify a continuous leave notice and should never be put under any pressure to do so).

C) Refuse a discontinuous leave notification.

D) Whilst it is not good practice and should be avoided, it is possible for an employer to make no response to a leave notification.

For outcomes C and D above, the employee can withdraw their notification on or before the 15th day after the notification was originally made and it will not count as one of their three notifications. If not, they must take the total amount of leave notified in one continuous block. The employee can choose when this leave period will begin within 19 days of the date the notification was given to the employer but it cannot start sooner than the initial notified start date. If they don't, the leave will begin on the starting date stated in the original notification.

Appendix 3

Statutory Right to Time Off

This policy sets out the arrangements for Working Time, Time Off, TOIL and Annualised Hours.

This policy does not form part of any employee's contract of employment and may be amended at any time.

Working Time

Working time is defined by the DTI as, when a worker is working, at their employer's disposal and actually carrying out their contracted activity or duties. It Includes;

- job-related training
- time spent travelling if you travel as part of your job
- working lunches, eg business lunches
- paid overtime
- unpaid overtime you're asked to do
- time spent on call at the workplace
- any time that is treated as 'working time' under a contract

It does not include

- time you spend on call away from the workplace
- breaks when no work is done, eg lunch breaks
- unpaid overtime you've volunteered for, eg staying late to finish something off
- paid or unpaid holiday
- travel to and from work

In line with the Working Time Directive you cannot work an average of more than 48 hours a week, over a 17 week reference period. There are, however, provisions for special cases which allow the reference period to be extended to 26 weeks without collective agreement. It will be your manager's responsibility to decide whether these special cases can be applied, examples may be;

- The need for continuity of service
- A foreseeable surge in activity e.g. festivals
- Where there is an unusual and unforeseeable occurrence or exceptional event that could not have been avoided

All workers are entitled to opt-out of the 48 hour per week restriction.

- Shetland Arts may ask you to sign an opt out but doing so is entirely voluntary
- You may bring the agreement to an end by giving notice in writing of three months

Managers who are in control of when and how they work are responsible for managing their own working time.

Rest Periods

- Daily Rest Period
 - Adult Workers are entitled to 11 hours consecutive rest in every 24 hour period which they are at work
 - Young Workers (who are over compulsory school leaving age, but under 18) are entitled to 12 hours consecutive rest in every 24 hour period.

Appendix 3

Statutory Right to Time Off

- **Weekly Rest Period**
 - Adult Workers are entitled to at least 24 hours continuous rest in each 7 day period, or 48 hours rest every 14 days.
 - Young Workers are entitled to 48 hours in every 7 days.
- Exceptions to daily and weekly rest periods apply when there is an “objective, technical or organisational reason”. When a rest period is interrupted compensatory rest must be given if possible.
- **In Work Rest Breaks**
 - Adult Workers are entitled to 20 minutes for every 6 hours worked
 - Young Workers are to 30 minutes for every 4.5 hours worked
 - In work rest breaks are unpaid and cannot be taken at the beginning or end of the shift. The timing of these breaks will be dependent on the needs of your department.

Time Off

All requests for time off should be submitted to your line manager on Breathe HR.

- Requests for up to 1 day off need to be submitted at least one week in advance
- Requests for 2 or more days off need to be submitted at least four weeks in advance

Shetland Arts reserves the right to turn down any time off requests because of the potential impact upon the business.

Up to one weeks contracted working time can be carried forward at the end of the leave year at the discretion of your manager.

Compassionate Leave

All compassionate leave requests need to be made to your line manager on the Compassionate Leave Request form, they are ultimately authorised by the Chief Executive. Compassionate leave can be applied for paid or unpaid, or a combination of the two and should only be used for unforeseen circumstances involving a dependent or close relative.

Toil

TOIL stands for Time Off in Lieu and certain roles within Shetland Arts can accrue TOIL and this can be booked as holiday through the Time Off procedure. TOIL is not appropriate for all roles, please check with your manager if your job uses TOIL.

- A maximum of 15 hours can be carried forward at the end of the financial year.
- Any TOIL in excess of 15 hours on the last day of the financial year will be lost.
- You are allowed a TOIL deficit of up to 7.5 hours at the end of a month, anything in excess of 7.5 hours will need to be discussed with your manager
- No payments will be made for accrued toil when a staff member leaves the organisation any deficit will be recouped in the final payment

If your job qualifies for TOIL your working hours need to be tracked through the Shetland Arts time management system.

Appendix 3

Statutory Right to Time Off

Annualised Hours

Annualised Hours is a method of organising work over a period of one year calculated on the basis of the number of hours to be worked. The hours you are required to work will be specified in your contract of employment and any variations will be notified in writing. Annualised hours are not appropriate for all roles, please check with your manager if your job uses annualised hours.

- Annualised hours are monitored quarterly and any significant deviations will be discussed with the staff member immediately

If your job qualifies for Annualised hours your working hours need to be tracked through the Shetland Arts time management system.

Overtime

Certain job roles can attract overtime payments depending upon the nature of the job and the circumstances. Overtime will only be paid if it is preapproved by both your line manager and the Chief Executive.

Exceptions

Any deviation to this policy will be made at the sole discretion of the Chief Executive.

Appendix 4

Absence Management

This policy sets out the arrangements for managing sickness absence.

Abuse of sickness absence, including failing to report absence or falsely claiming sick pay will be treated as misconduct under Shetland Arts Development Agency's (SADA) Disciplinary Policy.

This policy does not form part of any employee's contract of employment and may be amended at any time.

Managing long-term or persistent absence

The following paragraphs set out the SADA's procedure for dealing with long-term absence or where the level or frequency of short-term absence has given the Organisation cause for concern. The purpose of the procedure is to investigate and discuss the reasons for the Employee's absence, whether it is likely to continue or recur, and whether there are any measures that could improve their health and/or attendance. The Organisation may decide that medical evidence, or further medical evidence, is required before deciding on a course of action.

It is important that managers have clear 'trigger points' in place for reviewing sickness absence. These 'triggers' include:

- frequent short-term sickness absence, defined as four episodes or more than eight days' short term sickness absence within a twelve month period
- absence that is not satisfactorily explained;
- absence linked to certain shift patterns;
- absence linked to certain days or times; and
- absence that reaches a continuous period of 4 weeks ('long term' sickness absence).

These triggers should prompt an absence review meeting between the line manager and the employee.

The Organisation will notify the Employee in writing of the time, date and place of any meeting, and why it is being held. The Organisation will usually give a week's notice of the meeting.

Meetings will be conducted by the Employee's line manager and may involve the Chief Executive if deemed appropriate

If the Employee has a disability, the Organisation will consider whether reasonable adjustments may need to be made to the sickness absence meetings procedure, or to the Employee's role or working arrangements.

Medical examinations

The Organisation may ask the Employee to consent to a medical examination by a doctor or occupational health professional or other specialist nominated by the Organisation.

The Employee will be asked to agree that any medical report produced may be disclosed to the Organisation and that the contents of the report may be discussed with the specialist and with the Organisation's advisers. All medical reports will be kept confidential.

Appendix 4

Absence Management

Initial sickness absence meeting

The purposes of a sickness absence meeting or meetings will be to discuss the reasons for the Employee's absence, how long it is likely to continue, whether it is likely to recur, whether to obtain a medical report, and whether there are any measures that could improve the Employee's health and/or attendance.

In cases of long-term absence, the Organisation may seek to agree a return-to-work programme, possibly on a phased basis.

In cases of short-term, intermittent absence, the Organisation may set a target for improved attendance within a certain timescale.

If matters do not improve

If, after a reasonable time, the Employee has not been able to return to work or if their attendance has not improved within the agreed timescale, the Organisation will hold a further meeting or meetings. The Organisation will seek to establish whether the situation is likely to change, and may consider redeployment opportunities at that stage. If it is considered unlikely that the Employee will return to work or that their attendance will improve within a short time, the Organisation may give the Employee a written warning, warning the Employee that they are at risk of dismissal. The Organisation may also set a further date for review.

Final sickness absence meeting

Where the Employee has been warned that they are at risk of dismissal, and the situation has not changed significantly, the Organisation will hold a meeting to consider the possible termination of the Employee's employment. Before making a decision, the Organisation will consider any matters the Employee wishes to raise and whether there have been any changes since the last meeting.

Appeals

The Employee may appeal against the outcome of any stage of this procedure. If the Employee wishes to appeal they should set out their appeal in writing to the Chief Executive or if your line manager is the Chief Executive you may appeal to the Chair of the Board, stating the grounds of appeal, within one week of the date on which the decision was sent or given to them.

If the Employee is appealing against a decision to dismiss them, the Organisation will hold an appeal meeting, normally within two weeks of receiving the appeal. This will be dealt with impartially and, where possible, by a more senior manager who has not previously been involved in the case.

The Organisation will confirm the final decision in writing, usually within one week of the appeal hearing. There is no further right of appeal.

6.1 Updates from Stakeholders

December 2021



INTRODUCTION

This report details the following

- Updates from key stakeholders

UPDATES FROM KEY STAKEHOLDERS

Creative Scotland	Siobhan Anderson, CS lead Officer visited in early December. Very impressed and supportive, particularly highlighted the current exhibitions in Mareel as great examples of the support SADA gives to the community.
Shetland Charitable Trust	No updates
Highlands and Islands Enterprise	In discussion re SIA and Islands Deal
Shetlands Islands Council	Invited to make a presentation to a council seminar on Shetland Art's work.

7.1 Key Upcoming Events December 2021



EVENT DETAILS

Date	Title	Venue
Saturday 18 September	When Santa Got Stuck Up The Chimney: The Truth!	Mareel
Sunday 19 December	<i>Flitsang</i>	Mareel
Wednesday 22 December	The Imposters Present: An Improvised Musical Panto	Mareel
Till 24 December	An Island Christmas	Bonhoga
21 Jan-13 Mar	Blanket Coverage	Bonhoga