

**CULTURE AND WELLBEING SERVICE  
- 2025/26 FLEXIBLE FUNDING -**

**APPLICATION GUIDELINES  
DIVERSITY & INCLUSION FUND  
- STRENGTHENED BY DIVERSITY -**

**INTRODUCTION**

Considering the importance and legacy of [Edinburgh's 900th anniversary](#) as a royal borough, we support innovative ideas that celebrate the City of Diversity by exploring themes, narratives and voices of our communities through the artistic lens looking at city's past, present and future. This fund is to ensure this diversity is encouraged, facilitated, and celebrated across the city as outlined in The City of Edinburgh Council's [Citywide Cultural Strategy 2023-2030](#).

The recent [Scotland's Census 2022](#) offers more insights into the diverse population living in Edinburgh. 20% of resident population are affected by long term health condition or disability. Most of the elderly population are female as the number of women aged 85 or over outnumber their male counterparts by two to one. 15% and 17% of adult men and women respectively identifying as LGBTQI+ and 1% of the population as trans or with a trans history. The 2022 census also notes 2% of BSL users based in Edinburgh.

Edinburgh has been recognised as the most ethnically diverse city in Scotland with 26% of residents of multi-ethnic backgrounds, including 11% of non-UK European (10% EU, 1% non-EU), 2% of African, 7 % of Middle Eastern and Asian, 3% of North/South American or Caribbean descent and 1% from Antarctica and Oceania. The capital is also home to many displaced communities, who recently settled in our city. With these in mind, we encourage ideas and projects that welcome ethnically diverse communities and promote celebrating cultures and heritages across artforms and creative platforms.

The support offered by this fund is using positive action to promote equality as reflected in the Equality Act 2010 and to mitigate potential impacts of discrimination or disadvantage. There are nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation. In addition, The City of Edinburgh Council also recognises care experience as a tenth protected characteristic. This fund is to help creatives with protected characteristics who are under-represented or at a disadvantage to access resources to assist with their creative practice and raise awareness of impacts, narratives and experiences shared by individuals and groups and communities protected characteristics.

In response to continued feedback from creative practitioners based in Edinburgh which has highlighted the need for broadening the eligibility scope, this fund seeks to make inroads into addressing underrepresentation of artists and creatives with different or

multiple protected characteristics in our city. With the aim of embedding and mainstreaming the work in mind, this fund supports greater visibility and recognition of projects designed and managed by artists and creatives with protected characteristics for the benefit of participants, audiences and the arts and culture industry at large. It seeks to invest in Edinburgh-based talent and promote the diversity of thought, ideas and expression rooted in cultural identities.

In line with recommendations of the Desire Lines Report, the Flexible Fund aims to 'invest in artists' development, and support and sustain the local artistic community' as well as 'support greater partnership working across the arts and culture sector enabling it to flourish year-round.' With that in mind, this fund seeks to support collaborative working between artists and other industry members across artforms and creative practices to encourage greater peer learning, cross-sector working and multi-artform development and production.

## **BACKGROUND**

Edinburgh, a world leading cultural capital, is home to an eclectic mix of diverse narratives, art forms, and creative practice. Our residents across the city should feel the benefit, the challenge and the inspiration this meeting of local and international talent brings and their diversity should be reflected in and connected to the programmes on offer.

This funding has been allocated as a result of the city's Culture Plan to deliver wider access to Council cultural funding opportunities and continues the Council's core role in ensuring Edinburgh is a city of creative opportunities. Our cultural activity and offer continues to be a crucial contribution to the city's success as an exceptional place to live and work.

As stated in the Action Plan agreed at the Culture and Communities Committee Meeting on 18 June 2019, the City of Edinburgh Council is committed to promoting stronger collaboration, developing new partnerships and creating new funding streams for the culture sector in Edinburgh.

## **PURPOSE OF SCHEME**

Grants will be awarded to projects that promote greater partnership and collaboration between artists/practitioners, independent creatives and/or Edinburgh-based cultural organisations. Projects should reach, involve, benefit and engage artists/creative practitioners with protected characteristics and cultural organisations based in Edinburgh.

The fund is intended to support projects and activities, including development and delivery of creative work and cultural events, that utilise one or multiple art forms, such as visual and performing arts (music, dance, spoken word and theatre), film, digital arts, literature and poetry, to promote greater collaboration and partnerships between artists and creatives with protected characteristics and other independent practitioners and cultural organisations in Edinburgh. Priority will be given to quality multi art form projects.

## FUND CRITERIA

We invite applications from diverse artists and creatives with protected characteristics (and organisations) to submit proposals which meet **TWO or more** of the following criteria:

- they recognise the need for **greater representation and visibility of work and narratives in the arts, culture and heritage sector developed by artists and creatives with protected characteristics**.
- they have a **clear vision** for the project, its outcomes and learning;
- they present a **mutually beneficial** partnership / collaborative working model where applicable.
- they commit to **continuing and /or increasing engagement with groups** and communities often underrepresented in the arts and culture sector;
- they explain how this project is **relevant to Edinburgh's cultural tapestry**;
- they consider how the project creates **further opportunities for development and / or engagement**.

## PRIORITIES

Individuals and organisations wishing to apply for a grant from the Diversity and Inclusion Fund must be able to demonstrate how their project meets **TWO or more** of the following funding priorities:

1. Meaningful artist/practitioner lead involvement and direction in project development and delivery;
- AND**
2. Imaginative and/or experimental creative concept;
  3. Partnership/collaboration working - a City and Culture Plan funding priority;
  4. Use and promotion of languages as a means of expressing one's cultural background;
  5. Use of multi art forms within projects;
  6. Planned demonstrable learning and / or impact from the project activity;
  7. Development of creative platforms for displaced artists and communities living in Edinburgh celebrating diverse cultures and heritages;
  8. Consideration for multiple characteristics and identities often underrepresented in the arts and culture sector.

We will be assessing the likely impact of the proposed activity on greater visibility and representation of diverse arts and culture and potential reach of outlined cultural activity across the city.

We want to see how you propose to use this funding and what you envisage the learning from the funded activity and / or the direct impact of that funding will be on direct and indirect project beneficiaries, including learning and development, engagement with diverse narratives and communities, representation of diverse voices in the arts and culture sector.

Our focus will be on what major difference this funding will make to the project (i.e. what wouldn't happen without this support) at the proposed stage of its development and delivery.

## FUNDS AVAILABLE

A total budget of £70,000 is available offering grant awards of:

| Award Level | Description  |
|-------------|--|
| £2,500      | <p>£2,500 project bursary to artists and creatives with protected characteristics who wish to propose a visual arts project that culminates in creative outputs and public exhibition in early March 2026 at St Margaret's House in partnership with Scot-ART.</p> <p>The successful artists will be provided with free of charge access to Gallery 16 (St Margaret's House) to develop their project between January and March 2026. Artists can apply individually or as a collective.</p> <p>The budget should include both artists' fees and materials. Please note that a maximum of 3 awards will be granted to the successful artists.</p>  |
| £2,500      | <p>£2,500 project bursary to artists and creatives with the experience of displacement who wish to propose an arts project that culminates in creative outputs and public event at City Art Centre in April/May 2026 hosting stakeholder groups representing and supporting displaced communities living in Edinburgh.</p> <p>The successful artists will be provided with free of charge access to CAC exhibitions, Curators tour of Michael Fullerton, Mona Yoo, Unmasked / Our of Chaos exhibitions, access to CAC library and collection, access to technical support, studio visit / curatorial visit with CAC curators.</p> <p>The selected artists must develop their project between January and March 2026 and jointly with other participating artists plan and deliver the public event. Artists can apply individually or as a collective.</p> <p>The budget should include both artists' creative and admin fees as well as materials allowing for completion of work by the end of March 2026. Please note that a maximum of 3 awards will be granted to the successful artists.</p> |
| £2,500      | <p>£2,500 project bursary to artists and creatives for parents and foster carers returning to their practice who wish to propose a creative project to be developed and delivered through a supported creative collective working model that offers bespoke networking, peer learning, and training opportunities.</p>   |

|               |  |
|---------------|--|
|               | <p>The successful artists will be also offered free of charge access to office and crèche facilities at Work+Play Hub, located at Inch House Community Centre as well as bespoke service support offered by The City of Edinburgh Council's Parental Employability Support (PES) team.</p> <p>The six-month-long period of development will culminate in a sharing event in summer 2026. If required, the successful artists, if required, will be provided with free of charge access to St Margaret's House Gallery 3 (selected times offered on Wednesdays or Saturdays only) to develop their project between January and June 2026.</p> <p><b>Artists must apply individually.</b></p> <p>The budget should include both artists' fees and materials. Please note that a maximum of 3 awards will be granted to the successful artists.</p> |
| £5,000 award  | Up to £5,000 to artists and creatives with protected characteristics working in collaboration with other artists for projects developed in financial year 2025/26 and completed by the end of December 2026. Please note that a maximum of 3 awards will be granted to the successful artists.   |
| £10,000 award | up to £10,000 to organisations working with at least one artist or creative with protected characteristics for projects developed in financial year 2025/26 and completed by the end of December 2026. Please note that a maximum of 3 awards will be granted to the successful artists.   |

Please note that all project facilitators, artists, creatives, managers involved in the project delivery are expected to be remunerated as per industry rates. Only in special circumstances when project partners declare that they do not require to be paid for their work and their contribution towards the project delivery is in-kind they can be involved on a no-fee basis. Links to industry rates, as recommended by industry bodies, are listed below:

[BECTU](#)

[ITC](#)

[UK Theatre / Equity Commercial Theatre Rates](#)

[UK Theatre/ Equity Rates for Subsidised Managers \(in receipt of public funding\)](#)

[UK Theatre/Musicians Union](#)

[UK Theatre / Writers Guild](#)

[SSP](#)

[Musicians](#)

[UK Theatre/ BECTU/Equity Choreographers:](#)

[UK Theatre/ BECTU/ Equity Designers/Resident Designers](#)

[Set and Costume Designers](#)

[Lighting Designers](#)

[UK Theatre/ BECTU/ Equity Directors](#)

[Visual Artists \(Paying Artists\)](#)  
[Exhibition Payment Guide](#)  
[The Society of Authors](#)

**Applicants should apply for the exact amount needed for their project and will not automatically be awarded the full amount of their application submission. The awards panel reserves the right to award an amount different to that submitted.**

**DEADLINE: Monday 22 December 2025 (23:59 GMT). Late applications will not be accepted.**

**Please note that the funding award for successful applications will be issued in one payment (100%) on receipt of a signed funding agreement. You will be required to submit for approval, a project report on completion of project. You will be advised w/b 19 January 2026 if your application has been successful by email. Funding payments to successful applicants will be made within 4 weeks from the date of notification of a successful funding application.**

#### **WHO CAN APPLY?**

- Projects must be submitted by lead artist / creatives with protected characteristics and take place within the City of Edinburgh boundary with Edinburgh-based partners.
- Partnership working is a City and Culture Plan funding priority therefore applicants will be expected to place an emphasis on this in any submission. This can be both in cash and/or in kind.
- Independent artists and creatives registered as self-employed or sole traders are eligible to apply individually or in partnership with other independent practitioners for bursaries of £2,500 and awards of up to £5,000. The lead artists will be asked to provide their UTR number confirming their self-employment status.
- A constituted organisation must be the lead project partner for the release of any grant award between £5,001 and £10,000. The organisation will be asked to provide a copy of their constitution to the Council and where appropriate the organisation's Memorandums & Articles. Your financial accounting practices will need to meet as a minimum the essential elements and requirements of the Office of the Scottish Charity Regulator (OSCR).
- A Council revenue-funded Strategic Partner organisation or Grouping **cannot** lead on an application and if they are in receipt of Strategic Partnership grant funding of more than £50,000, they cannot directly receive project grant funding. They can, however, be involved as a partner in any application. For example, a venue may act as host or a company provide in-kind support. A list of CEC Strategic Partner organisations and Groupings can be found in the Related Documents section in the online application.
- Only one application per partnership can be considered.
- Those in receipt of the Diversity and Inclusion 2024/25 are eligible to apply as long as they present, or are part of, a new partnership/project for consideration.

The [Culture Plan](#) vision is that “city partners work together to keep culture and creativity at the heart of Edinburgh’s success”. Further information on the vision can be accessed through the [Council’s Business Plan](#).

## EXCLUSIONS

### Applications cannot be considered:

- for projects already started or planned to start before the decision is made, ***unless it is the next stage of a previously completed phase of work;***
- if received after the deadline date; and
- unless there is a suitable management/governance structure in place.

### Funding cannot support:

- Revenue costs or permanent posts;
- Press events or launches;
- Capital projects;
- International travel or accommodation costs;
- Projects which primarily take place outside Edinburgh.

## HOW TO APPLY

Please read these guidelines carefully. Applications must be submitted using the [online application form](#), returned by the stated deadlines and signed by the applicant. Please contact Beata Skobodzinska, Senior Cultural Development Officer, [beata.skobodzinska@edinburgh.gov.uk](mailto:beata.skobodzinska@edinburgh.gov.uk) if you require advice on your application.

**Before starting this application [online](#), please download a blank PDF application form for your preview. Please also download the Application Guidelines and the Budget spreadsheet.** Links to the Council's Culture Plan, Business Plan and Privacy Notice are also available in the Related documents section.

## APPLICATION PROCESS AND AWARDS PANEL

Submitted application forms will be acknowledged via email. Applications will be considered by members of the awards panel, comprising of specialist independent advisors with protected characteristics. All project proposals will be reviewed regarding the outlined creative concept, collaborative work model, envisaged learning/impact and budget planning.

The panel will meet within 2 weeks of the fund deadline, and you will be informed by email of the outcome within further 2 weeks of the meeting.

## MONITORING AND REPORTING

If successful, the project partners will be notified of the award recommendation for their acknowledgement. The funding award agreement reflecting the project proposal and any potential adjustment will be signed and the award release within 4 weeks from the date of the award notification.

The awardees will be expected to develop the project as indicated in their funding agreement and should any circumstances change, advise the Grant Officer of any major adjustments. All awardees are also expected to submit one final project delivery report as part of the terms and conditions of the funding award. The delivery report template will be sent along with the funding agreement.

## **EQUAL OPPORTUNITIES AND ACCESS**

Once you have submitted your application form, please complete the [Equal Opportunities Monitoring Form](#).

If you require this application in Braille, large print, audiotape or need to be provided with other access support such as scribing, please contact the Cultural Development on [Culturaldevelopment@edinburgh.gov.uk](mailto:Culturaldevelopment@edinburgh.gov.uk).

## **PRIVACY NOTICE**

To deliver Council services we need to collect, store, use, share and dispose of personal information. This is known as data processing. When we collect personal data, we must tell you why we need it, and what we will do with it. This information is called a privacy notice. The Privacy Notice [link](#) takes you directly to the City of Edinburgh Council's privacy notice. Here we explain how we process your personal information as a Council.

## **COUNCIL STANDARD CONDITIONS OF GRANT**

**It is the responsibility of grant applicants to carefully read the following Council Standard Conditions of Grant (Council Funding Conditions) as these will be the basis of any grant relationship. These conditions may be subject to change over the proposed funding period, however, grant recipients will be sent any updated conditions.**

These are the City of Edinburgh Council's (Council) standard conditions for the award of grant funding.

The Council provides grant funding to third parties to improve social, environmental, health and well-being and economic outcomes for Edinburgh's citizens and communities. The Council is committed to working in partnership with third party organisations, to ensure the agreed outcomes / objectives related to this funding are delivered.

If you want to be considered for a Council grant, you must be willing to accept the following conditions (Please note that there may be additional conditions applied by the specific Council service making individual grant awards):

### **1 General**

- 1.1 You must provide confirmation that your organisation is properly constituted i.e. a set of rules. You will be asked to provide a copy of your constitution to the Council and where appropriate your organisation's Memorandums & Articles or equivalent.
- 1.2 You must only use Council funds for the purposes agreed with the Council, as stated in your Funding Agreement, or as agreed in writing by the Council and these should be treated as restricted funds in your organisation's accounts.
- 1.3 All organisations are expected to have the following in place:
  - suitable operational and financial management practices;



- proven effective organisational governance;
- auditable record keeping systems; and
- relevant employment, equalities, rights, and sustainability policies.

## **2 Sound Financial Practice**

- 2.1 Your financial accounting practices should meet as a minimum the essential elements and requirements of the [Office of the Scottish Charity Regulator](#) (OSCR) unless otherwise agreed by the Council.
- 2.2 If your grant is more than £10,000 annually, you will need to submit to the Council financial information as required by OSCR or where this is not available such other information as agreed by the Council. This financial information should be returned each financial year, either by 30 December or such other date as agreed with the relevant service area providing funding.
- 2.3 If your grant is below £10,000 annually, you will need to submit records and receipts to demonstrate that the Council funds were used as indicated within your Funding Agreement. This information should be returned for the previous financial year, either by 31 July or another date set by the relevant service area providing funding.
- 2.4 Failure by an organisation to submit the required financial information or annual performance report on request may seriously jeopardise any future funding relationship with the Council.
- 2.5 The organisation's record-keeping and management practices should be of a good standard compliant with the [Public Records \(Scotland\) Act 2011](#).

## **3 Monitoring the use of Council funds**

- 3.1 The Council service area providing funding and the funded organisation will each nominate a contact person in respect of the grant to:
  - be the initial point of contact on matters relating to their funding relationship; and
  - ensure that the agreed monitoring and review processes are effectively managed.
- 3.2 The Council service area's nominated officer, for the purposes of the Funding Agreement, the Grant Monitoring Officer (GMO), will be entitled to attend the organisation's Board/Committee meetings subject to giving advance notice and in an observer capacity and where the GMO requests must be provided with minutes and or board papers of such meetings.
- 3.3 The Council is committed to the principles of collaboration and co-production. Co-production means the real and meaningful involvement of the citizens of Edinburgh and recipients of services in delivering better outcomes. For the purposes of co-production and improving the service, the GMO may meet with service users for feedback sessions. As a grant recipient you are encouraged to communicate effectively and to work together with recipients of services and communities of interest to achieve and improve outcomes.

- 3.4 Performance in relation to the Funding Agreement will be reviewed annually through a variety of means and may involve at least one meeting per year for this purpose. The Council should be provided with a written report covering achievements against the Funding Agreement and detailing any outstanding plans for use of the grant.
- 3.5 If your grant is for more than £10,000 per annum, you will be required to provide an annual financial and performance report which shall include, outcomes, impacts and outputs delivered annually as a result of receiving the grant as detailed and agreed as part of the Funding Application. User satisfaction levels.
- Performance against targets set in Funding Agreement
  - Volunteering and paid staff hours
  - Additional funding received
- 3.6 If any Council funds contribute to an organisation's financial reserves, these must be accounted for as restricted reserves. Where possible, an organisation should continue the general good practice guidance of maintaining non-earmarked reserves equal to three months' operating expenditure.
- 3.7 If an organisation is winding up, the GMO must be consulted about any proposals to distribute surpluses and assets. Any unspent Council funding must be returned before any distribution is commenced. Approval may be sought from the Council to use unspent funding to meet outstanding commitments such as salaries, rents and costs incurred in winding up etc.

## **4 Climate Change and Protecting the Environment**

- 4.1 Climate Change is considered the biggest threat facing humanity which is why the City of Edinburgh has declared a climate emergency. The Council's [2030 Climate Strategy](#) calls upon our third sector partners and funded organisations to support the Council's net zero pledge for 2030. It also sets out the action city partners and citizens are asked to support the city's transition to net zero. Your organisation is asked to help deliver the city's net zero commitment by completing carbon reduction plans when requested by the Council, by signing up to the [Edinburgh Climate Compact](#) or similar sector-appropriate sustainability alliances as is appropriate given the size and nature of the organisation and by pledging to reduce your emissions. If your organisation is operating in the culture sector the Council requests that you sign the [Green Arts Charter](#) and adhere to the pledges.
- 4.2 You will ideally have in place, or will develop policies and practices that should minimise any detrimental environmental impacts and complement the Council's commitment to protecting and improving Edinburgh's environment for current and future generations. Resources to support local organisations with their transition can be found on the [Net Zero Edinburgh website](#)
- 4.3 In recognition that food systems are a key driver of the climate crisis, the Council is a signatory to the global Plant-Based treaty campaign. To support this commitment the Council asks grant recipients, when catering for events or providing packed lunches, to provide vegetarian and/or vegan options, redistribute food left-overs where possible to reduce food waste and recycle waste generated during these events.

## **5 Equalities**

- 5.1 Your organisation must have a commitment to mainstream equalities and rights in accordance with the [Equality Act 2010](#) Both in terms of its practices employing staff and volunteers and in providing services, you should be able to show how your organisation:
- advances equality of opportunity;
  - fosters good relations; and
  - eliminates any unlawful discrimination, harassment and victimisation.
- 5.2 If service users or prospective service users ask, you must produce information in accessible formats (e.g. tape, disk format, Braille, large print (18 or 36 point) and community languages). Records of requests for accessible formats should be kept and shared with the GMO at Funding Agreement meetings.

## **6 Staff and Volunteers**

- 6.1 If your activities involve children and adults at risk, you must:
- vet staff and volunteers using the national disclosure scheme and provide written confirmation that this has been carried out;
  - train staff and volunteers to communicate effectively with clients and be aware of relevant safety issues;
  - follow the policies and procedures for making the Council aware of [any abuse or neglect](#); and
  - [be aware of and follow the Prevent Duty Guidance for Scotland](#).  
<https://www.gov.uk/government/publications/prevent-duty-guidance/revised-prevent-duty-guidance-for-scotland>

Copies of procedures which may offer a useful framework, such as [Safer Recruitment Through Better Recruitment](#), are available from your supporting service area.

- 6.2 Vacancies for posts, funded (or contributed to) by the Council grant, covering six months' duration or longer, should be publicly advertised. Advertising must indicate that the organisation is in receipt of funding from the Council for the post(s) concerned.
- 6.3 If your activities involve the use of volunteers, volunteer management and support should be of the highest standard in line with the [Investing in Volunteering scheme](#).
- 6.4 If a Council funded post lies vacant for a period of time, funding may be reduced proportionately.
- 6.5 Staff must not be hindered in any efforts to establish trade union recognition in your organisation.

## **7 Sponsorship and Publicity**

- 7.1 If offered sponsorship packages please contact your GMO to check they comply with the Council's Advertising and Sponsorship policy particularly those that could be considered controversial such as tobacco, alcohol, pay day lending or high carbon products or services.

- 7.2 If you produce any publicity or promotional information about your organisation, including information of events or exhibitions, social media activity, recruitment information or annual reports, this material must indicate the Council's support, proportionate to the level of funding being provided. In addition, this proportionally must be reflected when listing any other funders / supporters.
- 7.3 You must adhere to Council procedures relating to the acknowledgement of funding e.g. the Council logo, or the words 'Supported by the City of Edinburgh Council' should always appear on promotional material, websites, online presence, social media, programmes, annual reports and job vacancy advertisements.
- 7.4 By prior agreement, the Council and the funded organisation shall be entitled to:
- host promotions, photo calls and press briefing at mutually-convenient times, located within the funded organisation;
  - issue press releases regarding areas of the funding relationship at any time throughout the period of the fund; and
  - work closely with the Council's Communication Team to identify mutually beneficially promotional opportunities. Your GMO can give you the relevant contact in the Council's Communication Team.
- 7.5 During the period of funding, any press release or other communications activity which relates to the relationship between a funded organisation and the Council, must be agreed by both parties before being issued. Any releases or other communications activity out-with this period that relate to activity associated with this funding must also reference the Council's support and the opportunity for the inclusion of a Council comment.
- 7.6 [Section 2 of the Local Government Act 1986](#) prohibits the Council from publishing any material that appears to be designed to affect public support for a political party. The same section also prohibits the Council from awarding funding to organisations for this purpose.

## **8 Funding Terms & the Subsidy Control Act 2022**

- 8.1 Funding agreements cover a single financial year. Where a grant award spans more than one year, this can be referenced in a funding agreement but awards for a second and subsequent year(s) of funding are "in principle" only. Funding agreements are reviewed and renewed annually and grant awards for second or subsequent year(s) are subject to the Council's own financial position as judgement on the satisfactory performance of funded organisations.
- 8.2 You acknowledge that the Council is bound by Grant Standing Orders and to encourage the future financial sustainability and diversity of funding sources all grant recipients are encouraged where possible to seek and secure alternative sources of funding and to acknowledge that Council grant programmes are subject to the requirement to openly advertise grants to all eligible applicants unless agreed by the relevant Committee.
- 8.3 Funding will be issued following the agreement of both parties to the Funding Agreement and related signing. The funds will be paid by the Council in the form of direct payment through BACS to the organisation's bank account.

- 8.4 The Funding Agreement will record the pattern of payments to be followed. Payment will be by BACS into the organisation's bank account.
- 8.5 Grant funding provided by the Council may be considered a subsidy under the UK Subsidy Control Regime. Where this is the case, the Council must meet the relevant conditions. There may also be conditions for the grant recipient. Information for beneficiaries can be found on the [UK Government website](#). Further information about the Regime can be found on the [Scottish Government website](#).

## **9 Breach, termination and variation of the Funding Agreement**

- 9.1 The Council acting reasonably and proportionately shall have the right to demand immediate repayment by the organisation of the whole grant or any part thereof if there is failure to:
- give appropriate recognition of the Council's support as outlined above;
  - comply with all the terms and conditions specified;
  - attend, as appropriate, meetings with the Council;
  - communicate in advance proposed changes in the Funding Agreement including any inability to meet agreed service delivery outcomes;
  - act to meet the agreed targets contained in the Funding Agreement;
  - make decisions or operate systems to the standards expected by the Council in managing public funds.
- 9.2 This agreement will automatically terminate with immediate effect:
- by reason of fundamental breach, unremedied or repeated default on the Funding Agreement conditions;
  - following a breach of statutory duty;
  - if the funded organisation is in receivership, insolvent or in liquidation;
  - if the funded organisation does anything to bring the Council into disrepute.

Based on any of the above, the Council reserves the right to the return of appropriate funds from the organisation.

- 9.3 To terminate a Funding Agreement, either party must submit a Notice of Termination to the Registered or Head Office of the other party by recorded delivery or registered post.
- 9.4 Any party wishing to vary a Funding Agreement will need to give a minimum of twenty-eight days' notice to the other party or parties of the proposed variation. Any variation shall only be valid if agreed by both parties in writing.

## 10 Miscellaneous Conditions

- 10.1 For the purpose of this clause 10 the terms “data controller”, “processor” and “personal data” shall have the meaning set out in the Data Protection Legislation.
- 10.2 “Data Protection Legislation” means all applicable laws relating to privacy and the processing of personal data including the [General Data Protection Regulation \(EU\) 2016/679](#) and the [Data Protection Act 2018](#) or any equivalent or similar legislation implemented in the UK following the UK’s withdrawal from the European Union.
- 10.3 “Information Legislation” means the [Freedom of Information \(Scotland\) Act 2002](#) and the [Environmental Information \(Scotland\) Regulations 2004](#).
- 10.4 You must observe your obligations under the Data Protection Legislation and the Information Legislation, and shall comply with all applicable laws, regulations, best practice and codes of practice.
- 10.5 You acknowledge that the Council is subject to requirements under the Data Protection Legislation and the Information Legislation. Where requested by the Council, you will provide reasonable assistance and cooperation to the Council to assist the Council’s compliance with its information disclosure obligations.
- 10.6 On request from the Council you will provide the Council with all such relevant documents and information relating to your data protection policies and procedures.
- 10.7 You acknowledge that the Council, acting in accordance with the codes of practice issued and revised from time to time relating to the Information Legislation, may disclose information concerning your organisation and this Funding Agreement without consulting you.
- 10.8 You can request that specific information you provide to the Council as part of the Funding Agreement is exempted from disclosure under the Information Legislation. However, no guarantee can be given that the Council can comply with such a request.
- 10.9 You agree that you are the data controller of any personal data processed by you for the funded activities agreed with the Council as stated in the Funding Agreement. You will comply fully with the Information Acts to the extent that they are applicable to you and with the ICO’s public guidance for data controllers.
- 10.10 You agree that the Council, its employees and contractors may use personal data which you provide about your staff, partners and participants involved in the activities agreed with the Council in order for the Council to administer and evaluate the grant, and to exercise the Council’s rights under the Funding Agreement.
- 10.11 You agree that the Council may share details of the grant, the name of your organisation and any personal data obtained from you with the Scottish Government and that such details may appear on any Government Grants Information System database which is available for search by other funders. You also agree to the Council publishing any details of the grant on the Council’s website.



- 10.12 You will ensure that you have adequate insurance including public liability and employer's liability.
- 10.13 You will provide, if requested, evidence that where the award is used to purchase items of equipment, the equipment is adequately insured. In the event of the equipment being lost, stolen or damaged and not replaced, money obtained from the insurance must be paid to the Council.
- 10.14 In the event of items of capital equipment funded by the Council being no longer required, or an organisation with such equipment ceasing to exist, at the discretion of the appropriate Director, the equipment should be returned to the Council.
- 10.15 You will notify the Council of any conflict of interest that may reasonably be deemed to affect the impartiality of any member of staff, volunteer, Office Bearer or Board/Management Committee Member on any matter relevant to his or her duties.
- 10.16 You will provide evidence to the Council that the organisation is working to support the principles of Best Value. These principles include:
- Accountability to service users;
  - Transparency in the organisation's decision-making through easily accessible information;
  - Demonstration of continuous improvement in the provision of services or activities; and
  - Encouraging ownership of the organisation by all stakeholders through effective consultation processes.
- 10.17 The Council will not approve grants for projects whose members have been involved in activity deemed to be inappropriate by the Council e.g. fraud, criminal activity or breach of workforce regulations.

## **11 Fair Work Practices / Living Wage Foundation Rate**

- 11.1 The Council expects funded organisations to adopt policies which comply with [Fair Work First](#) practices. Fair and equal pay, including the Living Wage, is a positive factor and one of the clearest ways in which a funded organisation can demonstrate that it adopts fair work policies.
- 11.2 The Council has committed to paying the [Living Wage Foundation Rate](#) and therefore encourages funded organisations to do the same.
- 11.3 Funded organisations are also asked to demonstrate a commitment to Fair Work First practices through a variety of policies and practices. Fair Work First is the Scottish Government's policy for driving high quality and fair work, and workforce diversity across the labour market in Scotland by applying fair work criteria to grants, other funding and public contracts being awarded by and across the public sector, where it is relevant to do so. Fair Working First practices include
- payment of at least the real Living Wage
  - provide appropriate channels for effective workers' voice, such as trade union recognition
  - investment in workforce development
  - no inappropriate use of zero hours contracts

- action to tackle the gender pay gap and create a more diverse and inclusive workplace
- offer flexible and family friendly working practices for all workers from day one of employment and,
- oppose the use of fire and rehire practice. The Fair Work First criteria seek to address particular challenges in Scotland's labour market, to make a real difference to people and their communities, business and other organisations and the economy.

## **12 New conditions of grant provision**

- 12.1 If there is a need to introduce new conditions of grant, the Council will make organisations aware, including the reasons for their introduction.

## **13 Special Conditions**

Organisations must comply with the special conditions noted below:

- 13.1 If you are registered with the Care Inspectorate, you are required to inform the Council and/ or EHSCP as appropriate of any changes to your registration or inspection grades or where any restrictions or conditions