

Ben England Music Ltd

Acceptable Behaviour Policy

Statement

April 2021

The purpose and scope of this policy statement

Ben England Music Ltd provides music directing and leadership, music teaching, online music-making, audio recording and mixing, and music technology support services. These include the setup, running and leadership of live-streamed choir and orchestra rehearsals, the creation of socially-distanced audio and video recordings and performances, and face-to-face music teaching and directing.

The purpose of this policy statement is:

- to prevent unacceptable behaviour from occurring within or around the business activities of BEM Ltd.
- to make sure unacceptable behaviour is stopped as soon as possible if it does happen and that those involved receive the support they need.

This policy applies to anyone working on behalf of Ben England Music Ltd, including the company directors, paid staff, volunteers, subcontractors and students, and to all service users including choristers and event attendees both online and face to face. Clients may be barred from accessing services if they are found in breach of this policy.

Separate documents set out:

- our code of behaviour for children, young people and adults
- our policies and procedures for preventing and responding to bullying and harassment that takes place between adults involved with our organisation.

What is unacceptable behaviour?

Unacceptable behaviour (including bullying, harassment and victimisation), may involve actions, words or physical gestures that could reasonably be perceived to be the cause of another person's distress or discomfort. Bullying or harassment may be by an individual against an individual or involve groups of people.

BEM Ltd. defines behaviour as being unacceptable if:

- It is unwanted by the recipient.
- It has the purpose or effect of violating the recipient's dignity and/or creating an intimidating, hostile, degrading, humiliating or offensive environment, and

- Having regard to all the circumstances, including the recipient's perception, it was reasonable for the behaviour to have that effect.

Unacceptable behaviour does not have to be face-to-face, and may take many forms such as written, telephone or e-mail communications or through social media.

If a third party (for example, a customer, a supplier or a visitor) behaves in an unacceptable manner, this should be reported to the Safeguarding Lead, who will determine an appropriate course of action to deal with the issue.

Some examples of unacceptable behaviour are:

- Aggressive or abusive behaviour, such as shouting or personal insults
- Spreading malicious rumours or gossip, or insulting someone
- Discrimination or harassment when related to a protected characteristic under the Equality Act 2010
- Unwanted physical contact
- Stalking
- Offensive comments/jokes or body language
- Publishing, circulating or displaying pornographic, racist, sexually suggestive or otherwise offensive material or pictures
- Isolation, deliberate exclusion and/or non co-operation at work
- Persistent and unreasonable criticism
- Unreasonable demands and impossible targets
- Coercion, such as pressure to subscribe to a particular political or religious belief
- Poor personal hygiene at face to face events, sufficient to cause discomfort to those in physical proximity

Bullying, Harassment and Victimisation

Whilst bullying and harassment will always be deemed to be forms of unacceptable behaviour, the two terms have distinct and separate legal meanings.

Harassment is connected to anti-discrimination legislation. Therefore if an individual is on the receiving end of unacceptable behaviour which relates to their sex, race, sexual orientation, age, disability, religion or belief or gender reassignment (collectively known as 'the protected characteristics'), this will be deemed to be harassment. Harassment may be established from a single event and a series or pattern of behaviour is not necessary in order to establish that an individual has suffered harassment.

Individuals are also protected from harassment based on someone else's protected characteristic, or based on the perception that they have a protected characteristic. Harassment, as defined in the Equality Act 2010, is **unwanted conduct related to a relevant protected characteristic which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.**

Bullying is a broader concept which may generally be characterised as: **offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient.** For bullying to be

established, there will generally be a series of pattern of events in which one individual has demonstrated unacceptable behaviour towards another individual.

With regards to both harassment and bullying, the unacceptable behaviour may be overt (for example, verbal abuse/threats/physical violence) or it may be more subtle and insidious. See our separate anti-bullying policy for more information.

Victimisation is unfavourable treatment of a person ('the victim') to a detriment because they have:

- brought discrimination (including harassment) proceedings or given evidence or information in connection with such proceedings
- done any other thing in connection with discrimination (including harassment) proceedings
- made an allegation (whether expressly or otherwise) of discrimination or harassment
- or because it is suspected that the victim has done or intends to do any of these things.

BEM Ltd will not tolerate victimisation and a perpetrator may be excluded from further interaction with the activities of BEM Ltd without recourse.

What does not constitute Unacceptable Behaviour?

It is important to note that behaviour that is considered bullying by one person may be considered acceptable by another. For instance, legitimate, constructive and fair feedback on a person's performance or behaviour is not bullying.

Isolated incidents of unreasonable behaviour such as abruptness, sharpness or rudeness whilst unacceptable, will generally not be considered to amount to bullying. However, individuals may want to let the other person know how their behaviour has made them feel in order to avoid a repeat of such behaviour. If the behaviour does continue over a period of time this may be considered to be bullying/harassment.

Criminal offences

Some forms of unacceptable behaviour may be serious enough to constitute a criminal offence.

Where matters are reported to the police, whether by a company director, member of staff, volunteer, subcontractor, student, or client, internal investigations and/or removal of the perpetrator from access to our services may still take place, whether or not the police decide to proceed.

Related policies and procedures

This policy statement should be read alongside our organisational policies and procedures including:

- Safeguarding policy statement

- Safeguarding procedures
- Online safety policy and procedures
- Online safety agreement
- Privacy policy and procedures

Contact details

Nominated safeguarding lead

Dr Ana-Marie S England

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We are committed to reviewing our policy and good practice annually.

This policy was last reviewed on: ...21 Apr 2021.....(date)

Signed:.....

Date:21 Apr 2021.....