

## Bullying, Harassment & Discrimination Policy

### Statement

Merton Music Foundation (MMF) opposes bullying, harassment and discrimination and will not tolerate such behaviour within the organisation or its networks. MMF is committed to providing a working environment free from harassment, bullying and discrimination and ensuring all staff are treated, and treat others, with dignity and respect.

MMF is a signatory of the MU ISM [Music Sector Code of Practice](#). We are committed to playing our part in improving the working culture of the music sector.

### Policy Purpose

The purpose of this policy is to ensure a safe, inclusive and professional working environment for all MMF staff, tutors, trustees visitors and stakeholders by creating a positive organisational culture across the charity.

This policy covers harassment, bullying and/or discrimination which occurs at work and out of the workplace, such as at work-related events or social functions. It covers bullying, harassment and discrimination by staff, which may include partners, and also by third parties such as customers, suppliers or visitors to our premises.

This policy does not form part of any employee's contract of employment and we may amend it as the need arises.

## *Moving Music Forward*

### Our Values:

## Joy

Music is for life – music is life. Happiness should permeate everything we do.

[www.mmf.org.uk/vision](http://www.mmf.org.uk/vision)

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## What is harassment?

Harassment is any unwanted physical, verbal or non-verbal conduct that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. A single incident can amount to harassment.

It also includes treating someone less favourably because they have submitted or refused to submit to such behaviour in the past.

Unlawful harassment may involve conduct of a sexual nature (sexual harassment), or it may be related to age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation. Harassment is unacceptable even if it does not fall within any of these categories.

Harassment may include, for example:

- Unwanted physical conduct or "horseplay", including touching, pinching, pushing and grabbing
- Unwelcome sexual advances or suggestive behaviour (which the harasser may perceive as harmless)
- Offensive e-mails, text messages or social media content
- Mocking, mimicking or belittling a person's disability
- Micro-aggressions - subtle verbal or non-verbal behaviours or actions that communicate negative messages or put-downs towards a person or group of people based on their actual or perceived characteristics (including, but not limited to: belittling comments; assuming a person's cultural background or preferences; making stereotyped assumptions about a person or group's abilities, or behaviours).

A person may be harassed even if they were not the intended "target". For example, a person may be harassed by racist jokes about a different ethnic group as such jokes create an offensive environment.

Harassment includes bullying and/or discriminatory behaviour.

## What is bullying?

Bullying is offensive, intimidating, malicious or insulting behaviour involving the misuse of power that can make a person feel vulnerable, upset, humiliated, undermined or threatened. Power does not always mean being in a position of authority, but can include both personal strength and the power to coerce through fear or intimidation.

Bullying can take the form of physical, verbal and non-verbal conduct. Bullying may include:

- Physical or psychological threats
- Overbearing and intimidating levels of supervision
- Inappropriate derogatory remarks about someone's performance

Legitimate, reasonable and constructive criticism of a worker's performance or behaviour, or reasonable instructions given to workers in the course of their employment, will not amount to bullying on their own.

MMF values inclusivity, appreciates difference and welcomes learning from others. We consider people equal without prejudice or favour and build relationships based on mutual respect. We work to give and receive feedback in a constructive way, which we know will improve creativity and productivity.

### **What is discrimination?**

Discrimination is the unfair or prejudicial treatment of people and groups based on their actual or perceived characteristics. The Equality Act 2010 protects people from discrimination by employers; business and organisations; health and care providers; housing associations, landlords and estate agents; schools and education providers; transport services; and public bodies.

MMF is an anti-discrimination organisation and works pro-actively to ensure that all stakeholders are treated fairly and equitably.

The nine protected characteristics that are listed in the Equality Act 2010 are:

- Age
- Disability
- Gender Reassignment
- Marriage or Civil Partnership
- Pregnancy and Maternity
- Race
- Religion or Belief
- Sex
- Sexual Orientation

MMF recognises that discriminatory behaviour could also occur against other aspects of a person's identity such as class, nationality or socio-economic background.

Discrimination can take many forms, including verbal or physical harassment, exclusion, denial of opportunities, or creating a hostile or intimidating environment. Discrimination is unacceptable and has no place in our learning community.

## **If You Experience, Witness or Discover Harassment, Bullying or Discrimination**

If you experience, witness or discover harassment, bullying or discrimination, including instances of micro-aggressions; consider whether you feel able to raise the problem informally with the person responsible. You should explain clearly to them that their behaviour is not welcome and/or makes you uncomfortable.

If you do not feel able to raise the matter directly with the individual, or if you feel it would be ineffective; you should first speak to a member of the Senior Leadership Team (SLT) to disclose your concern.

If you do not feel able to speak to a member of the SLT about your concern, you may feel more comfortable referring the matter to the EDI Leader or a member of the Board of Trustees.

## **What to Expect When Making a Disclosure**

We understand that it is difficult for individuals who have suffered bullying, harassment or discrimination to speak out. We will respect confidentiality where possible and aim to make the process of reporting clear, straightforward and accessible.

When you make a disclosure about bullying, harassment or discrimination to a member of staff with responsibility, they will listen calmly without bias or judgement to your concern with your safety and wellbeing as MMF's first priority. They may also ask questions to clarify their understanding of the situation. Your disclosure will be handled sensitively and compassionately. If you wish, you may ask to remain anonymous throughout the following process.

The person listening to your disclosure will ask you how you want the situation to be handled, whilst recognising and understanding that you may not be sure and that you may change your mind about this at a later point. They may be able to provide confidential advice and assistance in resolving the issue.

All disclosures of bullying, harassment or discrimination made to a person with responsibility will be reported (anonymously unless consent has otherwise been granted) to a second responsible person, as set out in the processes below.

Depending on the nature of your disclosure and how you have indicated that you would like the situation to be handled, either a non-formal or formal investigation will then take place.

## Non-Formal Disclosure Process

The following process is to be followed for all non-formal disclosures of harassment, bullying and/or discrimination that are brought to the attention of a person with responsibility.

- The disclosure is to be listened to and heard in a non-judgemental, safe environment. Clarity may be sought through compassionate questioning.
- The member of staff that receives the disclosure is to refer this to a second person with responsibility within two working days. Anonymity must be preserved unless consent is otherwise granted by the member of staff making a disclosure.
- The responsible persons should convene a 'Reflection Panel' of c. 3 appropriate persons within ten working days to consider the disclosure and possible next steps / resolution. The Reflection Panel should not include the individual that has made the disclosure. Anonymity must still be preserved unless consent is otherwise granted by the member of staff making a disclosure.
- The Reflection Panel may consider a range of actions to mediate the issue, including but not limited to: policy review; staff training and education; challenging the perpetrator and inviting them to reflect on impact; a formal investigation; mediated discussion between those involved.
- A nominated person from the Reflection Panel, typically the person to whom the original disclosure was made, will report back the findings of the Panel to the victim within five working days. Findings will be shared in the spirit of collaboration and the victim's feelings and opinions in response to the findings will be sought: 'how do you feel about the proposed course of action?'
- Follow up action will then be undertaken in-line with the recommendations of the Panel
- If the victim is unhappy with the outcome, the process should repeat with the Reflection Panel reconvening to reconsider follow up actions. If following this the victim is still unhappy with the outcome, a Formal Investigation should be initiated.

## Formal Investigation

If informal steps are not appropriate, or have not been successful, you may raise the matter formally under our Grievance Policy.

Your complaint will be investigated in a timely and confidential manner. The investigation will be conducted by someone with appropriate experience and no prior involvement in the complaint, where possible. Details of the investigation and the names of the person making the complaint and the person accused must only be disclosed on a "need to know" basis. MMF will consider whether any steps are necessary to manage any ongoing relationship between you and the person accused during the investigation.

Once the investigation is complete, the outcome will be shared with you. If it is shown that you have been harassed or bullied by an employee the matter will be dealt with under the Disciplinary Policy as a case of possible misconduct or gross misconduct. If the harasser or bully is a third party such as a customer or other visitor, MMF will consider what action would be appropriate to deal with the issue. Whether or not your complaint is upheld, MMF will provide adequate protection for complainants, and will consider how best to manage any ongoing working relationship between you and the person concerned.

### **Protection and Support for Those Involved**

Staff who make complaints or who participate in good faith in any investigation must not suffer any form of retaliation or victimisation as a result. Anyone found to have retaliated against or victimised someone in this way will be subject to disciplinary action under our Disciplinary Procedure.

If you belong to a trade union or professional association, we encourage you to seek its advice and support.

MMF also maintains a list of support services for those who have suffered harassment, bullying or discrimination.

Where issues are raised that may be of a criminal nature, MMF will refer the individual concerned to an appropriate support service.

### **Persons with Responsibility: Guidance for Receiving a Disclosure**

- Listen deeply without bias. Don't interrupt or assume. Ask short, non-leading open questions to help clarify your understanding of the situation
- Do not make value judgements about the perpetrator's intentions. Focus on understanding the impact on the victim
- Leave space. Ask clarifying questions. Ask: 'And what else?'
- Where appropriate, establish a timeline of events
- Make detailed notes including verbatim transcriptions of any pertinent phrases the victim uses
- Where appropriate, ask the victim to write an account in their own words
- Maintain anonymity of the victim at all times unless prior consent has been granted
- Ensure the victim feels heard and understood
- Recognise and apologise for the impact on the victim
- Ask how the victim would like the situation to be handled (formal / non-formal), but remain mindful that they may not know or may change their mind later
- Outline the next steps in accordance with this policy (second referral, Reflection Panel, timeline)

## Record-keeping

Information about a complaint by or about an employee may be placed on the employee's personnel file, along with a record of the outcome and of any notes or other documents compiled during the process.

Confidential records are also kept regarding the number of instances of reported bullying, harassment and discrimination; the nature of the bullying, harassment and/or discrimination; and the profile of both perpetrator and victim (e.g. staff, visitor, etc), including the perpetrator's name. MMF is committed to publishing reports on instances of reported bullying, harassment and discrimination annually.

Data will be processed in accordance with our data protection obligations.

## Policy Review

This policy should be reviewed biennially by the SLT or as required in response to changes in statutory guidance.

**Updated: Feb 2023**