

Harassment Response Policy and Procedure

Purpose

This policy covers:

- How we identify and respond to harassment, discrimination and other unwelcome behaviour against audience or staff
- How we will support people who experience inappropriate behaviour
- How we will assess risk and deal with giving warnings and/or ejecting attendees
- Specialist services we will signpost to

Date

Our policy was last reviewed on 13 September 2023 and is subject to continuous review. This policy was developed with the support of Good Night Out Campaign CIC as part of our accreditation with them.

Our public message

Everyone is welcome and respected at the ICA.

There is no place for any form of discrimination or harassment here.

If you experience or witness anything that makes you uncomfortable, please speak to a member of staff wearing a green ICA lanyard. Staff are trained to support.

Please treat our staff and visitors with kindness and respect.

More info can be found at ica.art/safety

This message will be displayed on onsite / website / ticket emails.

Our Aims

Harassment and violence of any form is unacceptable and will be challenged. We are committed to providing an environment where:

- all visitors and staff feel safe and welcome;
- diversity is valued and celebrated;
- visitors feel able to report any unacceptable behaviour; and
- consequences for unacceptable behaviour are consistent, proportionate and appropriate.

Our short-term goals in enacting this policy are to:

- prevent further imminent harm
- provide targeted individuals with genuine, calm practical support
- ensure that consequences for perpetrators of this are upheld, applied consistently and when possible are in line with the requests of a person targeted

Our long-term goal is to prevent sexual harassment, sexual assault and discrimination of any form from taking place on our premises.

Definitions

Legality

The terms 'sexual harassment' and 'sexual assault' have specific legal meanings in different jurisdictions. Some of the behaviours named below could be unlawful under: Sexual Offence Act, 2003 or Public Order Act 1986.

Note:

Definitions below have been adopted based on the kinds of behaviour we do not feel is appropriate in our premises. Please be aware that no team members should be asked to assess whether or not a potential crime or offence has been committed before they act.

These laws are for your information only.

Sexual harassment

At ICA we define sexual harassment as unwanted conduct (words or actions) of a sexual nature, done with the purpose or effect of creating an intimidating, hostile or degrading environment and make someone feel uncomfortable, intimidated or threatened. It may be a one-off or repeated incident and may be targeted at a single person or a group.

This might include (but may not be limited to) any of the following:

- Sexually suggestive comments, jokes, insults or sexual requests or questions about a person's private life, their gender or sexuality (assumed or otherwise).
- Sexually aggressive or suggestive behaviour targeted at people.
- Unwanted persistent questioning, repeated deliberate misgendering, or telling a person that they are not allowed to use facilities based on an assumption of their gender.
- Following a person around the premises.
- Prolonged staring or leering.
- Taking photos or recordings of a person without their consent or knowledge (including those of a sexual nature).
- Repeatedly buying drinks for someone who doesn't want them is considered predatory behaviour and not taking no for an answer.

- Making comments that target someone's actual or perceived sexuality or gender identity or expression.

Sexual Assault

Sexual assault includes various acts and behaviour (some examples of which are listed below) but will usually involve touching of a sexual nature without the person's consent. It could include:

- coercing verbally or physically forcing a person to engage in a sexual act against their will; and
- any unwanted physical attention of a sexual nature (for example, brushing up against someone, touching, fondling or hugging).

Spiking

We define spiking as one person putting alcohol or drugs into another person's drink or body without their consent or knowledge.

All staff should be aware that the most common drug used to spike is alcohol, and be mindful and vigilant about how e.g. large rounds of shots are being distributed.

Spiking can occur in a number of ways:

- By giving someone alcohol or more alcohol than they were expecting.
- By putting a drug (illegal or prescription) in their drink.
- By knowingly giving someone a different substance than what was expected. For example a person accepts a line of cocaine, but is given ketamine instead.
- There is no specific crime named 'drink spiking' but this act itself is illegal under other laws, even if someone does not go on to assault the person they have spiked. In England and Wales the Sexual Offences Act 2003 and Offences Against the Person Act 1861 cover this as a criminal offence.
- Anyone showing signs of an overdose of any substance or appearing in any way unwell should be offered a quiet place to sit away from crowds and be monitored by a member of staff.
- Drug overdose vs. too much alcohol may be hard to differentiate, and both should be given adequate attention. All attendees deserve our support whether they have had an adverse reaction to alcohol or any other drug and do not need to 'prove' they have been spiked to receive care.

- Look for any rapid onset change in state, which can include:
 - Sudden nausea, vomiting or feeling sick
 - Blurred or slowed vision, or trouble seeing properly
 - Difficulty breathing
 - Sweating or chattering teeth
 - Loss of bowel or bladder control
 - Reporting feeling drunk when they have consumed little to no alcohol
- If their state does not quickly improve or they become unresponsive an ambulance should be called and our first aid protocol should be followed. Even if you suspect someone has taken drugs – when describing an incident to medical personnel – please only describe symptoms – do not attempt to diagnose why they may be having a reaction or what substances they may have taken.

Discrimination and the Equality Act 2010

Discrimination law (Equality Act 2010) protects people against discrimination at work.

It's important to understand what the law says about discrimination, so everyone knows their rights and responsibilities.

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

These are called 'protected characteristics'. It can still be discrimination even if the treatment was not intended.

Harassment

Harassment is unwanted conduct which has the purpose or effect of violating another person's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for that other person. A single incident can amount to harassment if sufficiently serious.

Consent, freedom and capacity

We will always challenge any actual or apparent non-consensual behaviour in our space. Our team will always check if they are concerned or unsure about any interaction they witness.

A person must feel free to choose if they want to do something sexual, and have the freedom and capacity to do so, in order for it to be truly consensual.

Capacity

It is possible that a person who is very drunk or drug affected may not have the capacity to consent to do something sexual. The threshold for this will be different in each person. Staff should be aware of anyone unsteady on their feet or slurring their words.

Freedom

A person is not considered free to choose to do something sexual if they feel threatened, coerced, scared or intimidated. This may not be immediately obvious from the outside so every report must be taken seriously.

Responding to disclosures

Responding to and supporting a person who has been targeted

If you witness harassment or discrimination, or you have an incident reported to you, follow these steps:

- Listen carefully, give your full attention, and provide a supportive response such as: "Thank you for sharing, I'm going to do what I can to help."
- At this point, please radio for an OVM. Our code word for discrete assistance is 'yellow marker'. Immediately report the incident to the OVM. Remain with the OVM for their safety.

How to reach the OVM:

- Radios can be found with any FOH member of staff and security. Please use the following call: ' (YOUR NAME HERE) to OVM. Please may I have a yellow marker to (LOCATION) '.

Be conscious not to:

- Dismiss or downplay the seriousness of the incident;
- Speak or behave in a way that blames the targeted person for the incident;
- Attempt to justify the perpetrator's behaviour;
- Ask other customers to intervene in the matter;
- Offer to mediate between parties;
- Identify or name the targeted person to the perpetrator without their permission;
- Pressure or encourage the targeted person to report to the police (if they wish to report to the police they may do so themselves);
- Do anything that would risk your own safety or the safety of visitors.

OVM Response:

- Check whether the targeted person has any physical injuries that need urgent attention.
- Ensure that the targeted person is not at immediate risk of further harm. If the incident is ongoing then offer that person space away from the situation.
- Explain to the targeted person that you are taking their report/your observation seriously.
- Explain to the targeted person that we have a procedure to follow, and ask if they have a preference for what happens next.
- Clarify with the targeted person that you have understood what you have been told/witnessed.
- Staff will have these conversations in a quiet space removed from the incident. If for an event there is a designated quiet / welfare space this will be described on the briefing sheet and at the staff briefing.
- Decide which of the 3-tiered responses (below) is appropriate for the situation.

- The ICA Taxi Policy includes the option for OVMs to call a taxi (on the ICA Uber account) for anyone who may require one to get home safely.
- Check if there is anything else that the targeted person might need from you.

Dealing with perpetrators

OVM Response:

Speaking to the person who has been identified as causing harm. This should always be done in pairs (security if ejection is the desired outcome). All conversations should be conducted in a discrete, quiet area wherever possible, away from crowds. If a PA is the secondary person of the pair their role will be as a witness.

Use one of three general tiers of response:

Check-in

- To check-in: The OVM should introduce themselves to the person, ask their name too (if appropriate) and remind them to be more considerate of how their words or actions may affect other people, regardless of their intentions. This could involve asking if they have seen our posters or material. It is important that the team member must be friendly, clear and calm but they should also be clear that such behaviour is not acceptable.

Warning

- OVM and support staff should introduce themselves to the person, and choose a suitable location for the conversation. Explain to them that their actions and behaviours are unacceptable and if they do not stop immediately they will be asked to leave.

Ejection

- OVM and support staff (security if available) should introduce themselves to the person and explain, calmly but firmly that due to our policy, we are now asking them to leave the premises. Our goal wherever possible is to have someone agree to leave, perhaps after being offered a follow up conversation in future if they feel they are unclear about why this is happening. If the person refuses to leave, use security staff to remove. A verbal warning should always be given by security before physical touch is used. In no instance should the identity of the person who has been subject to this behaviour be shared with the alleged perpetrator. In cases of a reported sexual assault, hate speech, transphobia, homophobia, racism or spiking it is appropriate to eject the person from our premises.

Important note on defamation

All staff should also be aware of the risk of claims of defamation, specifically slander, which is where a public statement has been spoken which is 'considered likely to cause serious harm to the reputation of the claimant.'

To reduce this risk, limit your conversation with an alleged perpetrator to your duty to enact your workplace's policy, and:

- explain that you are not there to decide the exact facts of a situation.
- explain that you are asking someone to leave on the basis of a complaint that you have received, not playing 'judge and jury'.

If appropriate, an OVM can offer a business card for the person to continue the conversation via email or make an appointment, as this may expedite their agreement to leave quietly.

Recording and reporting incidents

You must record and report to the OVM any incidents of actual or apparent sexual violence or inappropriate behaviour.

An OVM will make a record of these incidents and create an incident report.

Reporting and sharing information

- The choice to report an incident to the police lies with the targeted person.
- Licensed premises are advised to keep a record of any potential criminal activity that may have occurred.
- If evidence of an incident is captured we will safeguard this information pending police confirmation on whether they intend to use it, subject to relevant data protection laws.
- We will provide intelligence about an alleged perpetrator to the police if we believe a serious criminal offence (e.g. sexual assault, rape) has taken place.
- Our security team cannot hold a perpetrator.
- We will request personal information from the targeted person and the alleged perpetrator in order to offer support and to properly record and report the incident. However they have the right to refuse to provide their personal information.
- If they prefer not to, we will accept their decision. In particular, the targeted person has the right to refuse to disclose their name, or may use a pseudonym.

- If we collect personal information about any person then we will allow them to view the information about themselves if they ask to do so.
- We will not disclose any personal information about the targeted person that you have recorded to anyone other than the targeted person or the police or emergency services.
- All personal information must be stored securely and dealt with in line with our data retention policy when it is no longer needed.

UK support signposts

It is not the role of our team to provide mediation, investigative services or ongoing support.

If we have the contact details of someone who had a negative experience on site we will offer one follow up email (from the shared OVMs email address) to check in with them. This approach will be made no more than 5 days after the initial contact and will include sign posting to the services listed below.

The following services can provide treatment or support to people affected by sexual violence, regardless of whether they choose to make a report to the police.

Rape Crisis Helpline

24/7 emotional and practical support 365 days a year for anyone aged 16+ who has witnessed or experienced sexual violence including sexual harassment or assault.

<https://247sexualabusesupport.org.uk>

0808 802 9999

Sexual Assault Referral Centre (for in person medical care)

→ find your local service and how to attend here:

<https://www.nhs.uk/live-well/sexual-health/help-after-rape-and-sexual-assault>

Victim Support

24/7 support for anyone affected by any crime or traumatic event.

<https://www.victimsupport.org.uk>

0808 16 89 111

SurvivorsUK

SurvivorsUK runs the National Male Survivors Online Helpline – a webchat and SMS service for men, boys and non-binary people who have experienced sexual abuse at any time in their lives.

<https://survivorsuk.org>

020 3322 1860.

STOP HATE UK

Stop Hate UK is a leading anti-hate and anti-discrimination organisation for corporate, statutory, and community sectors. Today, we operate the UK's only free dedicated 24-hour anti-hate Crime reporting service for all monitored strands of a person's identity or perceived identity (Disability, Race, Faith/Religion/Belief, Sexual Orientation, and Transgender identity, as well as Alternative Subculture and Gender/Misogyny).

<https://www.stophateuk.org>

GALOP

National Lesbian, Gay, Bisexual and Trans+ helpline is for anyone experiencing hate crime, domestic abuse, sexual violence, so-called "conversion therapy" or another kind of abuse.

<https://galop.org.uk>

0800 999 5428

National Domestic Abuse Helpline

Confidential 24/7 support:

<https://nationaldahelpline.org.uk>

0808 2000 247

NHS 111 for health advice.

Dial 101 to make a non-emergency police report