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# PRODUCTION CODE OF CONDUCT

&

# COMPLAINTS PROCESS



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AUGUST 2023

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## OVERVIEW

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**Everyone involved in our productions is entitled to a professional setting where they can do their best work.**

All our employees, freelancers and suppliers should be protected by, and held accountable to, this Code of Conduct & Complaints Process.

The aim of this Code is to promote an atmosphere that prioritises the wellbeing and dignity of all individuals engaged in our productions, regardless of their role or organisation affiliation.

This Code & Process complements, rather than overrides any of our existing pledges, initiatives, policies and/or agreements with staff and suppliers. Adherence to, and awareness of this Code & Process can be bound into productions through Section J of the PIBS Agreement, PPM documents and/or Call sheets – or for editing, post, audio and music companies, making reference to it in a quote or any contractual document. Any additions to the Code & Process should also be bound into productions in this same way.

Please take note of the following **'In the Moment' Actions**:

- **If you or anyone else is in immediate danger or risk of serious harm, or to urgently report a crime, dial 999.**
- **If you want to make a complaint or have a concern or query relating to this Code & Process, please speak to a senior representative of our company on the relevant production e.g., the Managing Director or Head of Production.**

For independent, confidential advice and support, individuals working on a production can contact the APA for a list of independent resources, and should contact their relevant union if applicable, or the National Advertising Benevolent Society Advice Line (NABS) on: **0800 707 6607** between 9am – 5.30pm or email: **support@nabs.org.uk**.



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# INTRODUCTION

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## Why do we have this Code of Conduct?

This Code of Conduct sets out the standards of behaviour and business conduct we expect from everyone involved in our productions under the Code. We expect these standards, underpinned by the principle of doing the right thing, to be adopted by individuals in respect of a production on set, as well as in the office or studio – whenever they are performing their duties. We also expect this Code to be upheld in various other scenarios including during meetings, travel and rest periods, post-production, awards shows and wrap dos, and at events and gatherings where you are engaging with colleagues, even in informal settings such as at a pub or restaurant.

Everyone involved in a production must take personal responsibility for ensuring that our collective commitment to sound, ethical behaviour and business conduct is delivered. It also provides us with a structure in which to manage issues regarding the conduct of people we engage from other organisations. The Complaints Process provides a framework for managing complaints and the Code of Conduct itself is crucial because without it, there would be no set of shared standards to examine the merits of a complaint against.

## What is required of me?

You must read and understand this Code and be accountable for complying with it at all times. It applies when dealing with everyone you come into contact with during the course of your engagement, including any colleagues, suppliers, trainees, and guests. Everyone is entitled to the same protection under this Code of Conduct, and we expect this Code to be upheld by everyone including clients and suppliers.



If you are senior personnel, you have an added responsibility to lead by example. You must ensure that members of your team and everyone working on a production understand this Code, that they are able to seek guidance when required and that any issues of concern which are reported to you are dealt with in the proper manner.

This Code provides a framework and guidance for ethical conduct but is not designed to cover all situations which you may encounter in your day-to-day activities. If you are faced with a decision about an ethical matter and are unsure of what to do, you should ask yourself whether you consider a particular course of action as the best path to take and whether you would be pleased if other people learnt of your decision.

### **What if I am the victim of a breach of the Code of Conduct?**

In all instances, we recommend making a detailed note of what happened, including how it made you feel, what was said, the time, date and any witnesses. This can be beneficial as an outlet for your thoughts, but also as a step towards your next actions, which might be talking to a manager or senior representative at our company (or another organisation, if applicable), or following the Complaints Process outlined in this Code. Whether you intend to complain formally or informally, keeping a diary will become a useful reference for the reporting and investigation process.

You may speak to a manager or senior representative at our company who can provide confidential advice and assistance in resolving the issue. All complaints will be investigated in accordance with the procedures set out in the Complaints Process section of this Code. At any point in the reporting process, from the first informal conversation to formal investigation, you can have a colleague or other neutral representative accompany you for support. It can be useful to ask your support person to take notes on your behalf.



Managing each individual's wellbeing will be our priority throughout this process. The type of support offered may vary depending on the severity of the complaint. For example, whilst mediation can be a great way of healing relationships, it may not be appropriate in all instances, and so it is beneficial to inform us or your employer on what solutions you might find most helpful.

### **What if I witness a breach of the Code of Conduct?**

If you believe that you have experienced or witnessed behaviour which does not meet the standards required by the Code, you have a responsibility to do something about it. You should report what you witnessed to a senior representative of the relevant company or organisation on the production. Any such claims will be investigated thoroughly. Anyone who seeks to obstruct a report from being made, or is found to engage in retaliation or reprisal against a person making a report, will be considered to be in breach of this Code.

If you feel comfortable to do so, and where possible, offer support to the victim – this could be practical or emotional.

### **What are the consequences of breaching the Code of Conduct?**

We expect anyone working on a production to uphold this Code as a condition of your participation. We regard any failure to comply with the Code as a serious issue. Accordingly, breaches of the Code may be dealt with as misconduct and may result in disciplinary action by the relevant employer, up to and including dismissal, or if the party guilty of misconduct is freelance / self-employed, it is possible that they may not be hired for future engagements.



**What if someone believes they are in breach of the Code of Conduct?**

It may not be appropriate to speak directly to the person you have potentially impacted with your behaviour so if there were others present when the incident took place, ask for their perspective in the first instance. You should also read through the list of possible examples of misconduct in this Code of Conduct to consider whether you may have acted in any of the ways suggested.

If upon reflection you believe that your behaviour was unacceptable and someone has been impacted, apologise sincerely and change your behaviour from that point forward. When apologising, avoid language such as 'I'm sorry you feel that way' as this puts the onus on the victim rather than taking responsibility for your actions. Consider and reflect on your behaviour, and understand what led to these circumstances. Be clear about how you will ensure this behaviour will not happen again; consider whether you need training or to seek other kinds of assistance, and be open to suggested ways of self-improvement.

**What if someone believes they may have been wrongfully accused?**

As difficult and uncomfortable as it may be, we will need to establish the facts of the accusation made against you. We are obligated to investigate a complaint and deal with it in accordance with our respective policies and this Code of Conduct.

Such a process will provide you with the opportunity to be heard and respond to the allegation which has been made. You also have the right to seek independent advice and appeal an outcome, as detailed in the Complaints Process.



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# PRODUCTION CODE OF CONDUCT





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## HEALTH AND SAFETY

Safeguarding the health and safety of everyone we engage, and everyone who works on a set we are responsible for, is a critical goal for us. Everyone we engage has an important role in helping us achieve that goal. Therefore, you agree to:

- Take steps to understand and comply with applicable health and safety rules and procedures, both for your own safety and the safety of others.
- Work in a way that protects the health and safety of those you come into contact with.
- Be aware of the risks and hazards in your workplace and seek to reduce the potential for harm.
- Commit to promoting and embracing a positive health and safety culture.
- Report potential hazards and concerns through the appropriate channels, and take action to intervene and stop work if you consider you or others may be at risk.
- Comply at all times with all applicable health and safety requirements.



## DIVERSITY AND INCLUSION

We are committed to providing equal opportunities, irrespective of age, disability, gender identity, job role or position, marital or civil partnership status, nationality, pregnancy or maternity, race, religion or belief, sex, sexual orientation, or socio-economic group.

We recognise the valuable contribution of everyone we engage and are committed to treating people fairly and providing an inclusive working environment. We also recognise the benefits of diversity and that a diverse workforce produces better results.

We aim to create a diverse and inclusive working environment in which everyone we engage feels respected and valued, and in which they are able to make the best use of their skills, free from discrimination or harassment. Our broader aim is to have a workforce that is truly representative of all sections of society and we make that commitment because it is fair and just. Diverse talent will provide new and more varied solutions to customers of our business, and as an industry that is reactive to and informs cultural trends, our workforce should reflect the population we are advertising to.

You will treat everyone we engage on a production and everyone we meet whilst conducting business, fairly and with dignity and respect at all times. You agree to:

- Have consideration and regard for the beliefs and opinions of others, even when they may differ from your own.
- Speak up if you witness any individual being subjected to discrimination, bullying or harassment.
- Behave in a way that does not offend, intimidate, degrade, insult or humiliate others. This includes jokes, 'banter' or ridicule (see examples in this Code).



- Challenge poor practice in others.
- Be respectful in both giving and accepting feedback. Good feedback is clear and constructive, and focused on goals and values rather than personal preferences.

## THE ENVIRONMENT

We are committed to managing our environmental impact to a high standard and maintaining the sustainability of our business. Specifically, we believe that it is essential to minimise the environmental impact of productions. That is both our responsibility and important when endeavouring to secure future business.

You will undertake your role in accordance with this overall objective and by complying with such further directives or schemes (as we advise you are committed to) in order to reduce the environmental impact of productions.

## OUR REPUTATION

Our reputation is important to us and vital to our credibility as a business. You will not take any action or engage in any behaviour, either at work or outside of the workplace, which may cause reputational damage to us. You will:

- Act in a way which protects and promotes our good reputation at all times.
- You will not make disparaging or damaging remarks about us or any of our employees or stakeholders, whether verbally, in writing, electronically via email, the internet or social media; or engage in any activities outside of work which may reflect adversely on our reputation.



## ANTI-BULLYING

Bullying can be defined as offensive, intimidating, or insulting behaviour. It is typically an abuse or misuse of power through means that undermine, humiliate, or injure the recipient. Bullying can include the use of personal strength or power to coerce through fear or intimidation, though not necessarily from someone in a position of authority.

Bullying behaviour can harm people physically or emotionally and although the actual behaviour might not be repeated, there is often a threat that it could be sustained over time. It can involve spreading malicious rumours, name-calling or unjust criticism.

Bullying can also include microaggressions, which are everyday verbal or behavioural communications that send hostile or negative messages to marginalised individuals, even unintentionally.

Examples of workplace microaggressions:

- Someone carelessly mispronouncing a colleague's name or asking if they mind being called something else because they are not willing to expend energy learning to pronounce a new name.
- Expecting only staff from marginalised groups to take on the informal role of office assistant or cleaner in the workplace.
- 'You don't seem like you're depressed. Sometimes I get sad, too,' – statements of this nature minimise the personal experiences of people with mental health problems.



## ANTI-HARASSMENT

Harassment is defined as unwanted conduct that has the purpose or effect of violating the dignity of people in the workplace or creating an intimidating, hostile, or degrading environment. Under the Equality Act 2010, in order for such conduct to be considered harassment, it must be related to age, disability, gender reassignment, marital or civil partnership status, pregnancy or maternity, race, religion or belief, sex, or sexual orientation. It may be an isolated or repeated incident. Harassment can include bullying, as it is defined in this Code, if the behaviour relates to one of the protected characteristics listed above.

Everyone working in our industry should be free to work in a safe environment without enduring harassment or other offensive behaviour. Everyone deserves to work in an environment which supports good mental health and wellbeing.

A person's conduct can count as harassment even if they did not intend to harass someone else or if they are wrong about someone else having a protected characteristic. It is about the effect that the behaviour had on an individual – even if it was not directed at them.

Depending on the circumstances, jokes or pranks can all constitute forms of bullying or harassment, in particular if the behaviour is repeated, unreasonable and/or creates a risk to health and safety. Therefore, labelling such behaviour as a 'joke' or 'banter' is no excuse.



## ANTI-RACISM

The Equality Act 2010 states you must not be discriminated against because of your race. According to the Equality Act, race can mean skin colour or nationality (including citizenship). It can also mean ethnic or national origins, which may not be the same as current nationality. Race also covers ethnic and racial groups – meaning a group of people who all share the same protected characteristic of ethnicity or race.

Everyone working in our industry – regardless of their race, nationality, or ethnicity – should be free to work in a safe environment without being apprehensive about enduring racism or discrimination. Everyone deserves to work in an environment which is conducive to protecting one's mental health and wellbeing.

Race discrimination can take many forms. This includes direct and indirect discrimination, microaggressions, unconscious bias, harassment, and victimisation.

Examples of victimisation may look like a person being treated badly or unreasonably because they complain about race discrimination or they help a victim of discrimination, or someone not being employed for future opportunities because of a previous grievance they have raised regarding sexual harassment, regardless of the outcome of the complaint made.



## ANTI- INAPPROPRIATE SEXUAL BEHAVIOUR

Everyone working in our industry should be free to work in a safe environment without fear of enduring sexual harassment or abuses of power.

Inappropriate sexual behaviour is any activity, including physical contact or language of a sexual or sexualised nature, that is non-consensual or unwelcome by anyone it is directed towards or who witnesses it.

Inappropriate sexual behaviour can occur in several different forms:

- in person
- via email or social media
- written (e.g. letters or notes)
- verbal including face-to-face, telephone or via video call

Notwithstanding the above, it is important to remember that inappropriate or non-consensual sexual behaviour, or sexual harassment and violence in the workplace are often not primarily about sex, but rather power and control.

Anti-harassment policies alone do not adequately confront power and control and their impact on the workplace, especially when compounded by broader societal inequities. Sexual harassment can range from behaviour that is easily identifiable to anyone, or more subtle behaviour which is less obvious to either the person responsible for the behaviour or the recipient.



## ANTI-BRIBERY AND CORRUPTION

We have a zero-tolerance approach to bribery and corruption. Therefore, you will:

- Not accept or offer gifts/hospitality which may improperly influence our or others' business decisions or outcomes, and which may be construed as a bribe.
- Speak up if you become aware of any potential or actual breach of anti-bribery laws, or any regulations of our own.

### **Anti-bribery and Corruption Policy**

Only accept or offer gifts, or hospitality of a modest value, when it is lawful and customary practice to do so.





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# COMPLAINTS PROCESS



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## COMPLAINTS PROCESS

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In order to drive unacceptable behaviour out of the industry, it is everyone's responsibility to report such unacceptable behaviour if they witness it, rather than leave it to the complainant. We encourage every member of a production to become an 'active bystander', prepared to challenge inappropriate behaviour when it happens even when it is not directed at them.

Commercials productions are often of a very short duration so it is imperative that issues are raised as soon as possible. However, complaints can be made during or after productions.

## CONFIDENTIALITY

**All complaints will be treated with complete confidentiality.**

Although not written in statute, the principle of the common law duty of confidentiality states that information confided should not be used or disclosed further, except as originally understood by the discloser, or with their subsequent permission. In other words, if you are told something in confidence, you are not at liberty to disclose the information without permission. In practice, this will often mean that confidential information cannot be disclosed without that person's explicit consent, unless there is another valid justification or legal basis to do so.

When a complaint is made, information shall only be shared with the parties involved and their representatives. This applies to any documents relating to a complaint and the decision-making process. Documents linked to a complaint shall be stored securely, and only shared in confidence with parties who need to be aware of such information. If you are involved in any breach of this Code of Conduct, you must keep the matter confidential.



A complainant will provide their consent to disclose personal information relating to their complaint at the beginning of the procedure. This information will only be used to process the complaint. It is likely that information disclosed by the parties will contain sensitive personal data. Such information will be treated as being disclosed in confidence. Additionally, if either party wish to submit information or evidence from a third party as part of the complaint, they will need permission from that party.

The common law duty of confidentiality does not prevent you or the other party from discussing the complaint in confidence with a support person or adviser. Neither does it restrict your right to seek legal advice or make a complaint to a professional body.



## HOW TO COMPLAIN ABOUT A BREACH OF THE CODE OF CONDUCT

This procedure is available to anyone working at our company or involved in one of our productions.

1. The complainant may in the first instance wish to raise the matter directly with the person who may have breached the Code of Conduct, if they feel this is appropriate.
2. If the complainant does not feel that is appropriate, complaints should be raised either during or after the production with a senior employee/manager at our company.
3. All parties involved in a complaint are required to maintain strict confidentiality.
4. When handling a grievance about discrimination a senior employee/manager should:
  - Keep an open mind – discrimination situations are often very individual, and what may or may not be felt to be discriminatory can change over time, and from person to person.
  - Be respectful and empathetic to the worker who raised the complaint – it can be particularly upsetting and/or stressful to experience or witness discrimination.
  - Ensure that the matter is investigated thoroughly and be tactful when looking for evidence that supports or undermines the grievance.
  - Conclude and/or resolve the matter.
5. The senior employee/manager must keep a record of how they dealt with the problem, even if it is informal. The record should include:



- What the problem was about
  - What the senior employee/manager did (such as have an informal meeting)
  - What was discussed in any informal chat or meeting
  - Any next steps agreed
  - The reasons for any next steps, ensuring that all records conform with GDPR requirements
- 6.** The next steps should be clear, specific and measurable. For example, 'Person A will do action B by date C, because of reason D'. The complainant will be given a copy of the record.
- 7.** If the complaint is about actions that could constitute a criminal offence, it should be reported to the police for investigation.



## THE INFORMAL PROCEDURE

1. A person might wish for their complaint to be handled informally, for example where they are confident the matter may simply need bringing to a senior employee or manager's attention to be resolved. While a manager should consider this route, it may not always be appropriate, for example if the matter is extremely serious, or has also been experienced by other workers. Ultimately, as part of the informal procedure, it is for the manager to decide whether to take any action and/or what process to follow.
2. When someone raises a complaint informally, a senior employee/manager will arrange a private meeting as soon as possible to discuss it. The complainant can be accompanied by a person of their choice, this could be a colleague, or a union representative or union official if the complainant is a member of a union. The complainant will describe the matter to a manager; the manager will listen and ask them how they would like it to be resolved.
3. If the senior employee/manager accepts that there is an issue to be resolved (i.e. behaviour which goes against this Code of Conduct), the manager will arrange to have an informal discussion with the person who may have breached the Code, via their relevant manager (from another organisation, if applicable). The person who may have breached the Code can be accompanied by a colleague, or if they are a union member, a union representative or union official. The manager(s) will seek to resolve the matter informally as requested by the complainant. The focus is on repairing working relationships and agreeing acceptable standards of behaviour.
4. The relevant manager(s) could propose some form of support to help the person to understand the expectations of appropriate behaviour, such as training, mentoring, or mediation.



5. The manager will inform the complainant of the outcome and action taken, and ask whether the problem is now resolved for them. If it is not, to move things forward the manager could:

- Check any next steps have been completed
- Set up more informal discussions
- Find out if anything else can be done

The senior employee/manager should remind the complainant that they can also raise the grievance formally.



## THE FORMAL PROCEDURE

1. If it is not possible or advisable to resolve a grievance informally, the complainant should raise the matter formally with their manager/senior employee, and without unreasonable delay.
2. The complainant should put their complaint in writing, explain the basis of the complaint and focus on the facts of the matter.
3. Having received the complaint, a manager/senior employee will write to the complainant arranging a meeting to discuss it. A colleague or trade union representative may accompany the complainant.
4. Following the meeting, the manager/senior employee will ensure an independent investigation of the complaint. 'Independent' in this sense means those conducting the investigation will be such owners, managers or employees of the company who were not directly involved in the behaviour being complained about. The investigator(s) will collect evidence relevant to the matter. If the company is small and/or there is only one person in management (and this may be the person who has been accused), the complainant may contact an independent party such as NABS, or their union representative. The investigation can include meeting with the person(s) raising the concerns and those who are the subject of the concerns, as well as any witnesses, and obtaining any documents if relevant. A colleague or trade union representative may accompany those involved. The investigation should aim to be completed within two weeks.
5. The investigator(s) will present the evidence to the senior employee(s)/ manager(s) who will determine whether there is a case to answer. The senior employee(s)/manager(s) will then inform the subject(s) of the complaint and give them the opportunity to put their case in response before any decisions





are made. If, as is possible in a small company, the investigator is the manager/owner of the company, the investigator will make a decision as to whether there is a case to answer on the basis of the evidence they have gathered.

6. The senior employee(s)/manager(s) will then decide whether to uphold the grievance and if so, what action they will take. They will inform both parties of this.
7. If the grievance is upheld and the party whose behaviour led to the grievance is employed on staff, then the employer may give the employee a verbal warning, or if the matter is more serious, a written warning, and if it is very serious dismiss them for gross misconduct, as per their policies and agreements. If the party is freelance/self-employed/no longer employed on the production, remedies could include inviting them to do any of the following:
  - Apologise to the complainant
  - Meet with the senior employee(s)/manager(s) who will discuss with them how to avoid a repeat of this in future
  - Undertake training
  - Undertake mediation (if the complainant is willing to do so)
  - Understand that such behaviour, particularly if repeated, would make it less likely that the company would wish to hire them for future engagements
8. The senior employee(s)/manager(s) will keep a written record of the outcome, the reasons for the decision, and whether the required actions have been carried out. The complainant will be given a copy of the record.



## APPEALS PROCEDURE

1. If a complainant feels that their grievance has not been satisfactorily resolved, they are entitled to appeal in writing to the company CEO within 28 working days, giving the grounds for their appeal. If there is no appeal within this timeframe the case shall be considered closed.
2. Appeals will be heard by the company's CEO.
3. Complainants may be accompanied at any such appeal hearing by a colleague or trade union representative. The outcome of the appeal should be communicated to the complainant in writing without unreasonable delay.
4. If a complainant is dissatisfied with the outcome of their appeal, they may seek independent legal advice.

