

## **ISM Members' Code of Conduct**

### **Introduction**

The Incorporated Society of Musicians ('the ISM') is the professional association for all those working in the music profession. The ISM prides itself on its values of professionalism and independence. One mark of the ISM's commitment to professionalism is the entry requirements that all full members must meet before being admitted to membership of the ISM. The conduct of any member of the ISM may have consequences for the reputation both of the ISM and of the music profession more widely. All members must therefore maintain the highest standards of professional conduct and personal integrity, consistent with their continuing membership of a professional body. This Code of Conduct sets out the standards that we expect our members to maintain.

**Failure to comply with the provisions set out in this Code of Conduct could lead to membership of the Society and/or the privileges of membership, including any listing on the ISM Music Directory, being suspended or terminated.**

### **The ISM's objects**

The objects of the ISM are:

1. to promote and support the Art of Music
2. to promote and support the interests of persons working as professionals within the music profession
3. to provide assistance, support and relief of need for persons who are or who have worked as professionals within the music profession and their families and dependants.

### **Principles of professional conduct**

In the context of the music profession, the underlying principles of professional conduct are:

- a commitment to the achievement and maintenance of the highest artistic standards
- a commitment to the achievement and maintenance of the highest levels of knowledge and expertise in relation to all professional activities
- a commitment to continuing professional development
- a commitment to honesty, respectfulness and integrity in all dealings with fellow professionals, ISM members, the ISM staff team and members of the public
- an acceptance of the recognised standards of professional conduct as set out in the provisions of this Code of Conduct.
- compliance with the law relating to discrimination and the ISM Dignity at Work Code of Practice.

## **Provisions of the Code of Conduct applicable to all members**

1. Members must not engage in any conduct which could bring the ISM, the member or the profession into disrepute or adversely affect the interests or reputation of the ISM.
2. Members must support the ISM in its endeavours to promote and support the art of music and to serve the interests of the music profession, and uphold the values, objects and aims of the ISM.
3. Members must, at all times, act in accordance with the best interests of the ISM and must not undermine the functioning of the ISM or the ISM Council.
4. Members must not engage in dishonest, abusive or bullying behaviour either in relation to their professional activities or in relation to their dealings with the ISM (including dealings with members of the ISM Council and the ISM staff team).
5. Members must, in the course of their professional activities and their dealings with the Society, treat fellow professionals, members of the public and members of the ISM Council and ISM staff team with respect.
6. Unless speaking, having been duly briefed, in an official capacity on behalf of the ISM, members must make it clear that their opinions, whether made known publicly or privately, are personal and are not those of the ISM. If a member has any comments, complaints, or matters of general concern in relation to the administration or governance of the ISM he or she should refer these matters to the ISM's Chief Executive or President, rather than express them publicly.
7. All members must comply with the Data Protection Act 2018 and must ensure that any use of personal data relating to ISM members complies with their obligations under the Data Protection Act 2018. Failure to do so will be taken very seriously by the ISM and may constitute a disciplinary matter. Members must not process personal data obtained from the ISM or relating to ISM members without the express authorisation of the ISM's registered Data Controller. Contact details for ISM members are provided via the ISM Handbook and the ISM Directory. These contact details must not be used for purposes that are inconsistent with the provisions of this Code of Conduct. An ISM member must comply with any request received from another ISM member that he or she should not contact the other member directly or indirectly (either by using the contact details provided in the ISM Handbook or ISM Directory, or by some other method of communication).
8. Members must comply with the ISM's Dignity at Work Code of Practice to ensure they do not discriminate against persons on the grounds of age, sex, race, disability, religion or belief, sexual orientation, gender reassignment, pregnancy and maternity, marriage and civil partnership.
9. Members must comply with all ISM policies, procedures and Code of Practice in relation to child protection and safeguarding children and adults at risk.

10. Members should not disclose confidential information except as required by law or by the ISM's *Safeguarding and Child Protection Policy* and the ISM's *Safeguarding Code of Practice*.

### **Copyright**

11. Members must ensure that they are familiar with the laws of copyright and abide by them. In particular they should never photocopy copyright material (except in the limited circumstances set out in the Music Publisher's Association's Code of Fair Practice where that Code applies) and should only participate in the public performance of copyright works where the appropriate PRS licence is in place (or, if the work is unpublished, with the express permission of the composer of the work).

### **Criminal offences and investigations**

12. Members must notify the Chief Executive promptly if:
  - they are convicted or accept a caution in relation to a criminal offence
  - they are charged with a criminal offence
  - they are subject to an investigation (whether criminal or not) which could raise concerns in relation to the protection of children or vulnerable adults, or
  - they are arrested for any offence that, if proved, could cause serious reputational damage to the ISM (for example sexual offences, assault, theft or drugs offences).

### **Provisions applicable to full members**

13. Full members should co-operate with other music professionals in sharing expertise and encouraging professional development, and acknowledge sources where appropriate. All members should make a constant effort to develop professionally and maintain the very highest standards in the field in which they are engaged.
14. Full members should, wherever possible, use written agreements in relation to their professional contracts, seeking to ensure that the terms are understood by all parties at the outset. Members should carry out their contractual obligations to the best of their abilities.
15. Full members must always maintain suitable records of their tax and financial affairs and submit timely and accurate returns to HMRC where required to do so.

### **Guidance for performers and private teachers**

16. Performers are required to have regard to the guidance set out at Annexe 1 to this Code of Conduct. Private teachers are required to have regard to the guidance set out at Annexe 2 to this Code of Conduct.

March 2018

# Dignity at Work Code of Practice

## 1. Introduction

Everyone, whether employed or self-employed, is entitled to be treated fairly, appropriately and accorded dignity while at work or at study. Discrimination and harassment of any kind are unacceptable. The ISM has therefore adopted this Dignity at Work Code of Practice which sets out appropriate standards of behaviour in the workplace and educational environments.

The ISM will invoke the Disciplinary Procedure where necessary if a member fails to comply with the provisions set out in this Code of Practice.

## 2. Discrimination: the law

2.1. The law protects individuals with protected characteristics from discriminatory behaviour on the part of others. Under Section 4 of the Equality Act 2010 it is unlawful to discriminate against people at work because of nine protected characteristics under the Act:

- Age
- Sex
- Race
- Disability
- Religion or belief
- Sexual orientation
- Gender reassignment
- Pregnancy and maternity
- Marriage and civil partnership

2.2. There are four main categories of unlawful discrimination, all of which are prohibited under this policy:

- i) **Direct Discrimination** – treating someone less favourably because of a protected characteristic, for example causing offence on the grounds of someone's religious views or their sexuality, or failing to make reasonable adjustments for a person with a disability.
- ii) **Indirect Discrimination** – this is where a provision, criterion or practice is applied to everyone, but which will adversely affect people with a particular protected characteristic, without justification.
- iii) **Harassment** – this includes sexual harassment and other unwanted conduct related to a protected characteristic, which has the purpose or effect of violating someone's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.
- iv) **Victimisation** – this means retaliation against someone who has complained or has supported someone else's complaint about discrimination or harassment.

The legislation does not extend to non workers such as students. However the ISM takes its role as a professional association very seriously and for this reason the Dignity at Work Code of Practice applies to members who are located in educational establishments as students.

### **3. The Law and the ISM Member**

- 3.1. All ISM members accept responsibility for ensuring that they do not engage in any behaviour which could be contrary to the Equality Act 2010 and related legislation. Members will respect and treat with dignity all persons with whom they come into contact whether in a working or educational environment irrespective of gender, age, race, gender, religion or disability or of any other protected characteristic.
- 3.2. Members must not use or encourage language or gestures whether face to face or in any media in any working or educational context which is /are or could be discriminatory.
- 3.3. Members must avoid unwanted physical contact since such behaviour can constitute discrimination and/or harassment. Unwanted physical contact can also constitute a criminal offence.
- 3.4. Members should have regard to the positions they occupy to ensure that they never take advantage, inadvertently or otherwise, of any authority or power which accrues to their position.
- 3.5. In the event that the ISM becomes aware that a member has breached the terms of this Code of Practice the matter will be dealt with appropriately and the ISM Disciplinary Procedure may be invoked.
- 3.6. If a member believes they have suffered discrimination they should raise the matter with the ISM in-house legal team who can provide legal advice. All requests for advice will be treated in confidence. The ISM Members Fund also runs a Counselling helpline which may be helpful.
- 3.7. We regard any false allegation of discrimination including harassment very seriously and reserve the right to address such matters under the ISM Disciplinary Procedure.
- 3.8. The ACAS guidelines on Equality and Discrimination are also a useful resource although they are more focused on employees than freelancers. Accordingly, the ISM in-house legal team will have a greater knowledge in connection with discrimination and the self employed.

March 2018

## **Annexe 1: Guidance for performers**

1. Performers should, wherever possible, use an appropriate form of written contract (*such as the ISM standard performance contract*).
2. In the event of an unavoidable cancellation of a performance, performers should offer an alternative date to the promoter, based on the original terms of the agreement, or, if appropriate, provide a suitable deputy acceptable to the promoter.

### **Fees**

3. Fees for an engagement are a matter for negotiation between the parties to the agreement. However, performers are advised that accepting unrealistically low fees can undermine their standing and that of professional colleagues.
4. Performers should be aware that undertaking engagements for no fee or accepting remuneration in the form of enhanced expenses can undermine their professional status and erode employment opportunities both for themselves and other professional musicians. It is nevertheless important to recognise the contribution of amateur music-making to a vigorous musical environment; performers should always seek to develop opportunities for amateurs to benefit from their experience as a professional artist.

### **Publicity**

5. Advertising should only relate to services offered. Publicity should not be dishonest or misleading. Sources should be quoted in abstracts of press notices.

## **Annexe 2: Guidance for private teachers**

### **Contractual arrangements**

1. Teachers should use an appropriate form of written agreement, (such as the *ISM agreement for private music tuition*) and seek to ensure that the terms of the contract are clearly understood, either by the pupil or, where the pupil is a child, by the pupil's parent or guardian, before lessons commence.
2. Teachers have a responsibility to provide tuition to pupils in a professional manner. This includes ensuring that the teaching methods, procedures, facilities and equipment used are of an appropriate standard.
3. If extra lessons of any kind are needed, arrangements should be mutually agreed in accordance with the conditions of the written agreement.
4. Teachers should make clear whether or not they are able to accompany non-pianist pupils and at whose expense the services of an accompanist will be provided.
5. Teachers should not solicit as pupils anyone known to be a pupil of another teacher. However, members of the public have the right to choose their own teachers and, if they wish, transfer from one teacher to another.
6. When a student of one teacher wishes to transfer to another, it is the responsibility of the new teacher to be satisfied that the pupil has satisfactorily terminated all obligations with the previous teacher. New teachers should therefore ensure that all fees have been paid and any property such as books or audio-visual material returned to the previous teacher and that there is no professional reason why that pupil should not be taken on.

### **Communicating with pupils and parents**

7. Teachers are reminded of the requirements of paragraphs 4 and 5 of the *ISM Code of Practice on Safeguarding and Child Protection*. Teachers should only communicate directly with children by email or text messages in exceptional circumstances and only then with the prior consent of the child's parent or guardian. Teachers should never communicate with children via Twitter, Facebook or other social media.
8. Teachers are expected to initiate and maintain good communications with parents, schools and other private teachers, as well as with pupils, and to communicate clearly and openly at all times. In the case of child pupils, teachers must maintain appropriate direct communication with the parent or guardian. It is not appropriate to rely on information being passed on by the child pupil.
9. In the case of child pupils, teachers should offer parents regular progress reports. This should include a written progress report, a discussion with parents, or both, at least once a term.

10. In the case of adult pupils, information on progress should be conveyed during the process of giving tuition.
11. Teachers are expected to communicate examination results and to pass on certificates promptly to pupils and parents. On no account should results be withheld pending payment of tuition fees or settlement of any dispute.
12. Teachers should be able to advise pupils and parents or suggest reliable sources of information for making choices about (a) the purchase of instruments, (b) the appropriate schools for music education and (c) courses in further and higher education. While there are many matters on which teachers may be asked to advise, they should only do so where they are professionally competent to do so, or otherwise suggest where an expert opinion can be obtained.

### **Teaching content**

13. Teachers are expected to provide a varied and balanced course of study appropriate to the age and ability of each pupil, with regard to both technique and repertoire.
14. Teachers are expected to make an ongoing commitment to professional development and should seek to ensure that their teaching methods reflect continuing developments in their field and are consistent with current best practice.
15. Teachers should make it clear to pupils (and parents) whether theory and aural training are specifically included in lessons, whether and when extra lessons will be necessary, or whether theory lessons will replace instrumental or singing lessons when needed.
16. Teachers should make it clear whether or not they prepare pupils for graded examinations and should advise on alternative approaches to studying music.
17. Teachers should not view their work in isolation. They should be aware if a pupil has overlapping musical interests, for example whether the pupil learns other instruments, is studying for GCSE or A/AS Level Music, or belongs to an orchestra, band, choir, music club, etc.
18. Teachers are expected to provide performing opportunities for pupils.

### **Child protection**

19. Teachers must comply with the ISM's *Safeguarding and Child Protection Policy* and the *ISM's Safeguarding Code of Practice*.
20. Physical contact between teachers and pupils is only appropriate in very limited circumstances. Teachers should consider using other strategies such as demonstrating for the student to copy or using a mirror. If a teacher intends to use any physical contact in their teaching, they should state this in writing before lessons begin and ask the parent or guardian to sign that they have read



the document. Explain the type of touch involved, where on the body and why, and make sure the pupil is aware of the reason for physical contact. Explain this orally to parents, guardians and pupils, and keep them informed of any need to modify the type of touch required as pupils progress. It is not advisable to touch a child on the trunk of the body unless there is a justifiable reason (e.g. to administer first aid). It is not appropriate to touch a child around the chest, waist, diaphragm or ribs in order to teach breathing.

21. Private teachers need to be aware of the risks associated with teaching children alone (particularly when teaching takes place at the home of the teacher or pupil). In institutional settings it is good practice to make it possible for another person to view the lesson from outside the room (for example by using a room with a window in the door, or teaching with the door open). When teaching at home, teachers are encouraged to ask parents or guardians either to sit in on lessons, or to wait in an adjacent room with the door open while the lesson is taking place.
22. Teachers should always provide information on who else might be in the house or premises where lessons take place.
23. ISM Registered Private Teachers are required, as a condition of applying to join the Register, to apply for a DBS Enhanced Disclosure check every three years. The ISM recommends that all private teachers who teach child pupils should apply for a DBS Enhanced Disclosure check through the ISM, even if they do not wish to be included in the Register. The ISM considers that applying for a DBS Enhanced Disclosure is consistent with a commitment to best practice in relation to child protection and safeguarding issues.

### **Teaching facilities**

24. Teachers are expected to have a suitably equipped studio with access to cloakroom facilities for pupils' use and a waiting area for pupils and parents.

### **Health and safety**

25. Teachers should ask parents to fill in a form on any health needs and allergies the pupil may have that may require physical attention. Teachers should ask parents to be clear about who is collecting pupils and not allow pupils to leave by themselves without a parent's or guardian's written permission. Teachers should ensure they have emergency contact details for a parent or guardian.

### **Insurance**

26. Teachers should make sure that they have adequate insurance provision in place to cover any potential liabilities. All ISM members benefit from public liability and employer's liability insurance.