WHAT NEXT ?

MEETING ETHICAL AND REPUTATIONAL CHALLENGES
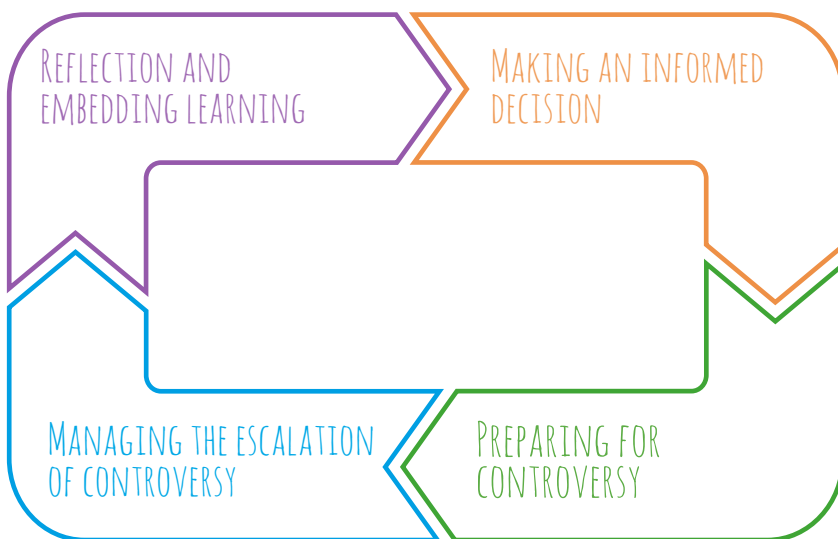## Guidance

INTRODUCTION

This guidance is intended to help cultural organisations and their governing bodies meet ethical and reputational challenges with a greater sense of confidence.

It stems from a What Next? discussion about the difficult situations organisations can find themselves in when an action sparks controversy, for example, the presentation of a divisive piece of work, or a contentious sponsorship deal.

What Next? distributed a survey to find out about the kinds of challenges organisations across the UK were facing. It found people grappling with a range of ethical and reputational dilemmas, mostly in relation to programming, partnerships and financial arrangements. This guidance is written with these areas of activity especially in mind.

Survey responses indicated that, while there is an appetite for risk-taking among organisations, there is also hesitancy for fear of the consequences. Some suggested that governing bodies are tending to behave in increasingly risk-averse ways. While some organisations will want to take more risk than others, what came through strongly as common to all was a will to develop better strategies for approaching risk and the potential for controversy, in order to improve the resilience of individual organisations and the sector as a whole.*

This guidance aims to help with the development of such strategies, taking the reader through a cycle: from decision-making, where the potential for controversy exists, to preparation for managing controversy and reflection on experiences. 50% of respondents said that, at the time of the survey, they would have no strategy in place if controversy arose and escalated to a point of crisis; this guidance therefore includes a section on managing the escalation of controversy.

In working to sustain a thriving, vibrant and at times challenging cultural sector, there will be tricky decisions to make and the need to handle difference of opinion. In an increasingly complex world, the more that can be done to approach contention with courage and a zest for debate, the healthier our cultural and civic life. This guidance has been compiled to encourage bold, yet measured decision-making.

Régis Cochefert, Director, Grants and Programmes, Paul Hamlyn Foundation

With each section there is a checklist and accompanying notes.
A list of useful links and references is at the end of the document.

*Summary of survey findings at the end of this document.

The resource is aimed at senior and executive staff, working in organisations of various size and type. It is also for governing bodies and can be used throughout an organisation. If you think the guidance could be relevant to your organisation, we suggest you familiarise yourself with it when you have time, rather than referring to it in the heat of a moment.

Many of the ideas in the document come from survey contributions and the content has been discussed and tested by an advisory group. It has been further informed by interviews across the sector and more widely. It does not attempt to offer definitive answers and every organisation will want to use it in different ways, taking and embedding what is useful to them. We hope the prompts and suggestions are useful and welcome feedback via this link.

Please note that if you choose to use this guidance or any of its materials, you do so at your own discretion and risk.

What Next? cannot accept any responsibility for any consequences that may arise from your reliance on any material contained in this guidance and the guidance is not a substitute for legal or expert advice.

MAKING AN INFORMED DECISION

On occasion, cultural organisations find themselves contemplating a course of action that has the potential for controversy. For instance:

- Presenting a piece of theatre that touches on issues of faith around which there is a high level of sensitivity
- Showing an artwork that references the sexualisation of young people
- Touring a music ensemble to a country that has a poor record on human rights
- Renegotiating a partnership where a stakeholder is seeking too much influence
- Accepting sponsorship from a corporation whose environmental reputation is subject to criticism
- Divesting from a company that has interests in a political regime involved in military conflict.

The following checklist is designed to help organisations and individuals address such dilemmas and arrive at well thought-through, clearly articulated decisions that are rigorous, defensible and enable leaders to take difficult and brave decisions.

Decision-making Checklist

1. Does the proposed course of action support our vision, mission and values?

2. Is it consistent with our policies?

3. Have we weighed the risks against the benefits?

4. Has the course of action been discussed to an appropriate extent across the organisation?

5. Have we done enough research and taken sufficient advice from outside the organisation?

6. Has our governing body been sufficiently involved in the decision-making process, so that it is fully informed and in a position to endorse a decision?

7. If we decide to proceed, do we have a clear articulation of why we are pursuing the course of action and have we logged the decision-making process?

Notes to the Checklist

1. Does the proposed course of action support our vision, mission and values?

Check whether the proposed course of action contributes to and supports your organisation's intent. While considering the fit, you might think about whether it would:

- Affect public trust in your organisation
- Harm or exploit people in any way
- Cause serious concern to employees, partners or stakeholders.

2. Is it consistent with our policies?

Many organisations have policies in place that help guide decision-making – for example, policies on equality, the environment and child protection, as well as frameworks for good governance. However, increasingly, organisations are also putting ethical policies in place, especially ethical fundraising policies. Such policies help to gather an organisation's thinking and position on ethics in one place, making for ease of reference when it comes to making a difficult decision.

Please see expanded box on p.8 for further information on ethical policies.

3. Have we weighed the risks against the benefits?

If you sense that a course of action may court controversy, undertake a formal risk assessment, which helps to:

1. Identify the threat
2. Assess the degree of risk the threat poses
3. Assess the probability of the threat occurring.

Various matrices can be used for calculating risk. Mind Tools offers a simple matrix with a step-by-step guide on how to use it. The IRM publication, A Risk Management Standard, gives advice on recognising and assessing risk, with examples of risk-identification techniques and risk-analysis methods.

Alongside assessment of risk, undertake a complementary exercise to calculate the benefit to your organisation and weigh the two against each other.

As you work through these exercises, you might also think about your organisation's relationship to risk – what is your appetite for it?

If you wish to pursue a course of action, a preliminary working out of how you would mitigate against risk is necessary. If you decide to go ahead, you will need to put plans for mitigation into practice (see the next section of this guidance).

4. Has the course of action been discussed to an appropriate extent across the organisation?

During the decision-making process, check for views across your organisation.

The people who will carry out – and/ or be affected by – the action need to feel comfortable with it. If you are working with artists or creatives, check that you have a shared understanding of the potential for controversy and that you are able to work together to handle it effectively.

If you work in a large organisation, you could engage with your colleagues by bringing departments together for 'think-ins', or distributing an employee survey. Understanding the views of colleagues will help shape your decision and, if you decide to proceed, inform subsequent planning. Being open, listening authentically, and allowing different views to be heard, avoids fragmentation and builds resilience.

WHAT NEXT ?

5. Have we done enough research and taken sufficient advice from outside the organisation?

External consultation is critical when sense-checking a new direction.

Depending on the course of action, you may want to consult:

- Stakeholders
- Partners
- Colleagues and/ or other organisations in the cultural sector
- Professional bodies (e.g. ITC, UK Theatre, Equity, ABO, Creative Industries Federation, Museums Association)
- Experts in other sectors (e.g. experts in business, finance, political advisors)
- Community groups (e.g. those that could be affected by, or who are referenced in a work)
- Audience
- Local Authority
- Police*
- Lawyers*
- Media and press (trusted representatives).

Sharing decision-making can help build a reputation for transparency, drawing others to you and increasing their understanding of your work. In turn, this can increase the likelihood of a diverse set of people lending support if and when needed.

It may be that an aim of the proposed action is to generate debate. Consultation can help you assess the scope of that debate and think about how to support it.

If you encounter serious dissent, work hard to understand different perspectives and counter views; if you decide to pursue the course of action you will need to address these.

Consulting widely ensures you look at a proposal through multiple lenses, considering every angle. You might ask:

How well do we understand how different facets of society nationally/ internationally will receive the course of action?

As part of your research pay attention to current affairs, local and global. Check what impact these might have on your proposed action. If you are dealing with a sensitive political issue, experts from other sectors may be able to lend helpful perspectives from contexts outside the cultural arena.

*Police and Lawyers
Please see expanded box on for information on consulting the police and lawyers.

WHAT NEXT ?

6. Has our governing body been sufficiently involved in the decision-making process, so that it is fully informed and in a position to endorse a decision?

If a decision is made to proceed, the governing body carries ultimate responsibility and, if challenged, must be able to defend the decision quickly and robustly.

To ensure board involvement, you might:

- Convene a discussion with members of your governing body around ethical and reputational risk and, if helpful, work through this guidance with them
- Make ethical and reputational risk an item on every board agenda and give one member/ sub-committee special responsibility for this area
- Allocate one member (perhaps the same as above) as chief contact if and when a particular course of action is in question.

If a variety of positions on risk exist among board members and senior management, you might devote time to discussing where, collectively, you think the organisation stands on the risk spectrum, using hypothetic examples to test. Reaching a shared understanding should ease decision-making.

7. If we decide to proceed, do we have a clear articulation of why we are pursuing the course of action and have we logged the decision-making process?

If a decision is made to proceed, a clear articulation of why must follow. The articulation can set out why the course of action is the right one for your organisation and point to the wider public benefit. It should be written in a straightforward and accessible way. It will be the keystone to your planning and internal and external communications.

A clear log is also important. Ask:

If someone were to dig into how we made our decision, could we demonstrate an ordered and comprehensive process?

A log might include: dates, times, decisions, rationales, people involved.

Controversy increases the likelihood of Freedom of Information (FOI) requests, so think of the possibility of all written exchanges being made public. You might give some thought to working practices, for example, you could decide to restrict key communications and decisions to meetings that are formally minuted. In the interests of transparency, you could make some of your records public voluntarily.

Ethical Policies

Developed with input from across an organisation and upheld by its board, an ethical policy:

- Acts as a useful checking tool when it comes to making a nuanced decision
- Demonstrates thought has been given to ethical questions
- Communicates the organisation's ethical position and its relation to vision, mission and values
- Declares responsibilities and/ or obligations held
- States pitfalls to avoid.

Currently, most policies in the cultural sector named as 'ethical' focus on fundraising. As funding becomes tighter and organisations find themselves facing difficult decisions, ethical fundraising policies become increasingly useful.

Cause 4 has published an Ethical Fundraising Policy template for arts and cultural organisations on the Arts Fundraising and Philanthropy website.

Artsadmin, Live Art Development Agency and Home Live Art developed ethical fundraising policies as a joint initiative with the support of Platform. The Artsadmin and Live Art Development Agency policies can be found on their websites.

These policies also address partnerships and demonstrate how the principles of one policy can be extended to another. It can be difficult to 'catch all' in an ethical policy, but by leading with values, stating principles and connecting these to areas of practice, it is possible to signal an ethical position on most matters.

Many organisations develop a code of conduct for employees and this often contains ethical policy as well as direction on the behaviour expected of a workforce. Tyne & Wear Archives & Museums Ethics Policy is an example of such a code and ethical policy being brought together.

You may find it interesting to look at other codes and the various ways in which they address ethics. The British Council's Code of Conduct, Museums Association's Code of Ethics and PR Agency Edelman's Code of Ethics & Business Conduct are all online.

Consulting the Police and Lawyers

Index on Censorship, in partnership with Vivarta, has produced a set of information packs entitled Art & the Law, a guide to the legal framework impacting on artistic freedom of expression. The packs cover five areas of law:

- Public Order
- Child Protection
- Counter Terrorism
- Obscene Publications*
- Race & Religion.*

and hold helpful information on how and when to involve lawyers and the police.

The Public Order pack has a sample letter from an arts organisation to the police, notifying a community support officer of its intention to screen a film that has been met with hostility from a lobby group, asking to open a dialogue about how to proceed.

The Public Order pack also contains practical guidance on how to prepare to defend a work of art and contains a sample free speech statement, taken from the US National Coalition Against Censorship, which demonstrates how an organisation can make clear that:

- To exhibit an artwork is not necessarily to endorse the ideas and opinions therein
- If controversy arises in response to an artwork, the organisation welcomes public discussion and debate as integral to the experience of that work.

The packs have been compiled in collaboration with Bindmans LLP, Clifford Chance, Doughty Street, Matrix Chambers and Brick Court, and a list of lawyers who may be able to offer advice is posted where the packs are available for download.

The packs are accompanied by Case Studies, which not only illustrate Index on Censorship's work, but help to bring alive steps outlined in this guidance.

Case Studies are on:

- The Seige, Freedom Theatre
- Behud, Gurpreet Kaur Bhatti
- Spiritual America 2014 & Illegal Books, Xenofon Kavvdias
- Can we talk about this? DV8
- Exhibit B, Brett Bailey

*To be published September 2015

WHAT NEXT ?

PREPARING FOR CONTROVERSY

If you have taken the decision to proceed with a course of action, you next need to prepare to:

- Meet whatever level of controversy arises effectively
- Prevent its escalation.

This process can be both developmental and creative – the following checklist is designed to help you plan as appropriate to your situation.

Preparation Checklist

1. Is the team carrying out the course of action briefed and ready to respond?
2. Is the organisation briefed and ready to respond?
3. Have we built supportive alliances across the sector?
4. Have we informed people more broadly and got champions on board?
5. Shall we continue engagement with community groups and our audience?
6. Is our external messaging clear, accessible and widespread?
7. Are we monitoring progress and reviewing responses as we proceed?
8. If controversy escalates, have we got a plan for managing it?

Notes to the Checklist

1. Is the team carrying out the course of action briefed and ready to respond?

The team behind an action (the project team) will vary, but will typically include:

- A senior executive (e.g. Artistic or Executive Director)
- A member of the governing body
- The person closest to the action (e.g. producer, director, curator, artist, creative, Head of Development)
- A communications representative (e.g. Head of Communications or whoever has responsibility for communicating the action).

Smaller organisations may find their project team comprises their full organisation; no matter what the size of your organisation or the make-up of your team, those leading on an action need to fully understand the rationale behind it and be able to communicate it effectively to others.

The project team plans and carries out preparatory measures. It will engage in:

- Scenario Exercises
  Imagining situations that could occur in response to an action, talking through them, preparing, testing and practising responses (this includes establishing clear lines of internal and external communication).

It will also prepare briefing documents, such as:

- Key Messages Sheet
  Features key messages extracted from the articulation/ rationale behind an action.
- Q&A Sheets
  Anticipate questions that could be directed at your organisation and provide a response. They can be designed or adapted for different members of staff, for example key spokespeople (e.g. Artistic or Executive Director, Head of Communications) who may want to answer lines of enquiry from press, or frontline staff to answer questions of audience/ visitors.

If you are working with artists or creatives from outside your organisation, check they feel supported and fully involved in team planning.

If you are working with creative content, the project team needs to be on top of this content as far as possible, so that it can promote and manage it with confidence.

2. Is the organisation briefed and ready to respond?

People across the organisation need to have a good grasp of the action and why it is being pursued. Consultation during decision-making will have generated some understanding but could be developed further by, for example:

- Holding a 'Town Hall' meeting where the full organisation comes together and employees can ask questions of senior staff
- Inviting front-of-house or visitor teams to see work before it opens to the public and giving them the chance to discuss it with the creative team.

Rehearse and refine responses to scenarios with colleagues and share tools such as Key Messages and Q&A sheets in an active way (e.g. employing role play).

Frontline staff (e.g. reception, box office, bar staff, FOH and visitor teams) are of critical importance. If briefed well, these colleagues should feel able to field challenges. However, put a mechanism in place for referral to a senior member of staff if a query or approach proves problematic.

By preparing people across the organisation, most challenges can be met in an effective way and prevented from escalating.

For example:

- A visitor to an exhibition is offended by its content, but a gallery attendant gives an understanding and informative response
- A non-aggressive protest takes place in an auditorium – FOH, back stage and security staff allow the protest to run its course before facilitating the continuation of the show
- A critical article in a national newspaper is met with a straightforward reiteration of why an organisation is pursuing its course of action, published on its website, via social media and/ or other media channels
- Challenges on social media are met with an invitation to speak at and/ or attend a public debate on the subject.

It may be worth noting that, as well as knowing what *is* to be communicated, colleagues also need to know what *isn't*. You might ask colleagues to stick to key messages in their private communications. Policy and procedure around what work-related content individuals can share via social media may be important in this.

3. Have we built supportive alliances across the sector?

Could you share your plans with organisations across the sector? For example, with an organisation that has pursued a similar course of action or with organisations you consulted earlier. You may be presenting work as part of a tour and could work on plans with other presenters. Sharing can help shape plans to best effect and create a support network.

You might consider 'buddying up' with another organisation in order to secure resource, expertise or experience that you don't have (e.g. a smaller organisation may ask a larger organisation to lend communications support).

4. Have we informed people more broadly and got champions on board?

The checklist for consultation during decision-making also applies here (see p.4).

Keep in close communication with stakeholders and any partners. Depending on the level of their involvement, you could include them in, or share with them, your internal briefing and exercises.

Inform others on the consultation checklist as appropriate and flag any support you need. Put energy into building relationships that seem critical to you.

You could invite individuals to become champions. For example:

- A journalist who might write supportive editorial
- An elected member of your local authority who could speak up for you.

Informing, involving and getting key individuals on board extends your support network.

5. Shall we continue engagement with community groups and our audience?

Depending on the course of action, it may be helpful to continue engagement. Taking people on a journey with you could assist the development of work or inform a programme of participatory events. You might consider setting up a steering group (e.g. with community leaders, producers or youth groups). Engagement can help shape your communications and make sure your messages reach the right people. It can strengthen and extend your support network and also benefit the groups you work with.

However, engagement can sometimes backfire; it can create an expectation that input or influence is possible, which, if frustrated, can lead to disappointment and anger. Consequently, it needs to be managed carefully, and alliances built gradually and in some cases cautiously.

If you face dissent, the level of which increases and/ or is coming from new quarters, you might step up your engagement, for example, by planning a series of facilitated public debates. Opening up dialogue and giving space to difference of opinion can dispel tension. Of course, if your intention is to generate public debate, you will be actively engaged in creating opportunities for dialogue from the start.

WHAT NEXT?

6. Is our external messaging clear, accessible and wide spread?

- Does our messaging relate directly to the rationale behind your course of action?
- Is it easy to find and easy to understand?
- Is it shared across other websites, social media channels, blogs, online articles, etc?
- Is its reach as great as it could be?

Fostering as clear an understanding of why you are pursuing your course of action, as widely as possible, can stop serious controversy arising. If challenges are made, you will want your public messaging to stand up well against counter messaging.

7. Are we monitoring progress and reviewing responses as we proceed?

The project team monitors reception of an action and makes sure the governing body is kept informed. The team regularly reviews the initial risk assessment, making adjustments to plans as necessary and keeping preparatory measures responsive and adaptive.

8. If controversy escalates, have we got a plan for managing it?

Not everything can be foreseen or prevented and sometimes controversy escalates. If this happens, you will need to act on a different kind of plan – this is given attention in the next section.

MANAGING THE ESCALATION OF CONTROVERSY

Knowing that not everything can be foreseen and that difference of opinion can spark events out of the ordinary, it is important to think about how to manage controversy if it escalates.

50% of respondents to the What Next? survey on ethical and reputational challenges said that they would have no strategy in place if controversy arose and escalated to a point of crisis. Therefore, this section looks at how to manage a crisis situation, for instance:

- A protest in an auditorium, which stops a performance and threatens public safety
- A sustained and aggressive demonstration outside a gallery, which raises the question of whether to keep the venue open
- A social media campaign targeting an organisation, bombarding it with thousands of messages and throwing it quickly and unexpectedly into public view.

Crisis situations are characterised by the involvement of a large number of people and have a public element. They are abnormal, unstable and can threaten an organisation's strategic objectives, reputation and viability. In these circumstances, the protection of people – public and staff – is of primary importance.

Though challenging, when an organisation handles crisis well, it can reap benefits; it may have the chance to show its true mettle and may, for example, form new relationships or strengthen existing ones with colleagues, audiences, partners and stakeholders.

Crisis Management Checklist

1. Do we have a crisis management team with clear roles and responsibilities?
2. Is the organisation ready to respond to crisis?
3. Does our plan allow us to listen to counter argument?
4. Do we know how we will communicate externally?
5. Have we thought about the day to day?
6. Have we got a plan for recovery?

Notes to the Checklist

1. Do we have a crisis management team with clear roles and responsibilities?

If crisis occurs, it helps to have a team ready to step in to take leadership, undertake decision-making and guide communication. A crisis team is able to take action immediately and drive a rapid response.

Your crisis team will not necessarily be the same as your project team – it is not managing the action, but is a team that is prepared to manage any crisis that may impact the organisation at any time.

Many organisations, no matter what their size or purpose, use the Gold, Silver, Bronze system employed by the police and emergency services to structure a crisis team. You may not want to mirror this system exactly, but understanding its structure could be helpful.

- Gold – Strategic
  Someone who can take responsibility for making sure the organisation responds and recovers in the best way possible, protecting people, the organisation and its reputation (e.g. Chief Executive)
- Silver – Tactical
  Someone positioned to devise a tactical response and control messaging – providing support to those who are dealing with events (e.g. Senior Manager) – Silver briefs Gold
- Bronze – Operational
  Someone who can respond immediately to events, initiating a practical response to stabilise a situation (e.g. Duty Manager) – Bronze alerts and briefs Silver.

Best practice, whatever the size of your organisation, is to assign just one person to each of these roles. Further information on the Gold, Silver, Bronze system can be found on the web.

The RSC has produced a helpful document, which describes how it works with the Gold, Silver, Bronze system. The document, Ready for Anything offers suggestions on how to put a crisis or major incident plan together (major incidents include events such as flood, fire, terrorism, protest). Liz Wainwright, Head of Theatre Operations and author of the document, can be contacted for further information.

If your Crisis Team does need to act, make sure it is easy for them to contact others, by having an up-to-date, comprehensive contact sheet and a prearranged, pyramid-shaped system such as a telephone tree to help spread messages quickly.

2. Is the organisation ready to respond to crisis?

Work on scenarios will have included projections of worst-case scenarios. According to your assessments and how likely you think crisis is to arise, project and crisis teams need to devote appropriate time to working through these scenarios with members of the governing body and colleagues, testing and practising responses. This process may also involve people outside the organisation, such as the local authority or the police. Any responses you build can borrow from, or dovetail with, plans you already have in place as part of, for example, your organisation's major incident planning.

In a crisis colleagues will want to help; clear procedures demonstrate exactly how they can do that. Try to involve those without a role in your exercises, so they have confidence that an effective plan is in place.

Detailed information about building crisis management capability can be found in the British Standard, BS 11200:2014 Crisis Management – Guidance and Practice, considered the best guidance in the public domain.

3. Does our plan allow us to listen to counter argument?

If a crisis hits, the demand on organisational resources will be high, but where possible, create time and space for listening to counter arguments, demonstrating that you are looking for common ground and for ways to reach mutual understanding. Could you, for example, create room in your building for outsiders (e.g. campaigners, the media) establishing a place for engagement?

4. Do we know how we will communicate externally?

If a crisis occurs, be proactive in your external communications.

If a situation is beginning to feature on social media and this is likely to feed through to news channels, aim to get out a statement – which can be a simple statement of facts – within 15 minutes. If the situation is not moving as fast as this, put out a more considered statement when you are ready.

An expanded box on p.17 offers further information on communicating externally.

5. Have we thought about the day to day?

A crisis may develop over time. In thinking about how to keep things running efficiently over an extended period, consider:

- The wellbeing of colleagues and collaborators – establishing reasonable working hours and ensuring breaks; if out-of-hours work is necessary, making sure a senior colleague is on call
- Holding debriefs at the beginning and end of each day (including checking on colleagues' wellbeing)
- Keeping the governing body and organisation fully informed – updating on developments and any shift in messages
- Logging everything (dates, times, decisions taken, people involved).

6. Have we got a plan for recovery?

In a crisis situation, you will need to keep the organisation going while working on getting back to normal.

Your crisis team should put plans in place for continuity and recovery and, if crisis occurs, your strategic lead will determine resources required (e.g. people, financial) and may set recovery teams in motion (e.g. communications, welfare, even relocation).

Gov.uk has helpful information on continuity planning (links to this can be found at the end of this document).

WHAT NEXT ?

Communicating in a Crisis

Respondents to the What Next? survey on ethical and reputational challenges expressed an interest in guidance on how to communicate in a crisis.

When a crisis occurs, of a scale that interests the media, the '3 Ms' can be of help in understanding how the media, including social media, will respond.

3Ms: *Mayhem* – as the crisis emerges, the media asks what happened

Mastermind – as the crisis team acts to bring the situation under control, the media asks how it came to happen – involves analysis and expert opinion

Manhunt – as the crisis team works to restore normality, the media asks who was responsible and looks for someone to hold accountable.

This kind of terminology may seem a little extreme, but the 3Ms can be of help in thinking about how to meet external inquiry or pressure (from media and public).

Written Statements

If you are experiencing events that are picked up rapidly by the media and look likely to grow in impact, aim to put a statement out as quickly as possible, addressing the facts of what has happened and signalling that updates are to follow.

An example might be the interruption of a performance, which requires an audience to leave the venue. Such an event might be communicated factually at first, via social media, and then followed by a full statement communicating the organisation's position on what has happened and how it is choosing to respond: statements might include information about whether the performance will go ahead on subsequent nights (anticipating questions the public might have).

Before issuing a full statement:

- Verify the situation by asking: what, where, when, who and how?
- If necessary, check the information you have is credible and accurate (consistent from several sources).

Once certain of the situation, develop key messages to cover:

- The organisation's understanding of what has happened
- Its position on the event
- Its chosen response.

If the situation continues to evolve, review these key messages regularly.

If events are not as serious as in the example given, you may choose to issue a single statement. It might simply acknowledge the event and reiterate why your organisation is pursuing its course of action. In some circumstances communications can be kept lean, avoiding giving oxygen to a situation that does not warrant it.

Whatever the situation, ensure statements are posted on your website and on partner, stakeholder and other websites as appropriate, as well as on social media. Make sure to speak with collaborators (e.g. artists, creatives), partners and stakeholders at the earliest opportunity – before issuing a full statement if possible.

WHAT NEXT ?

Build the integrity and trustworthiness of your social media channels ahead of time, so that if it comes to it, your information and images have profile among others. A note on images: while useful in showing how an organisation is responding (e.g. engaging with the public or getting back to normal activity), deploy them judiciously, as they can turn a small article into a big article.

Interviews

It is not necessary to respond to interview requests by giving an interview immediately or, depending on the scale of the crisis, at all. Journalists may demand interviews and issue deadlines – but these are their demands/ deadlines, not yours.

When receiving a request from a journalist:

- Gather as much information as possible about the request (e.g. what the publication is, what angle is being taken, who else is being interviewed, when the deadline is)
- Let them know you will get back as soon as possible on whether you are able to provide a spokesperson
- Risk assess the interview with team members, making a decision on whether and when to undertake the interview and get back to the journalist promptly
- Remain polite, friendly and neutral throughout the exchange.

You may choose to rely on written statements, but if your organisation does want to give interviews, allow time and prepare. Rather than giving multiple interviews, you might consider planning a press conference.

Whoever is nominated as a spokesperson must be well briefed and fully committed to the role. A spokesperson should be senior enough to show that the situation is being treated seriously, but hold back your most senior figure (e.g. Chief Executive or Chair of the governing body) so that, if a crisis deepens and your organisation finds itself in acute PR difficulty, this person can step in.

If you choose to give interviews to camera, you are likely only to have time to communicate key messages (a typical broadcast interview lasts 2.30-4.30 minutes). If speaking to camera, aim to put forward a positive image (e.g. avoid defensive language, including body language).

Managing Social Media

If your organisation becomes the target of a social media or digital campaign, you could find yourself overwhelmed by messages. In this situation:

- Stand back and assess the messages
- Identify the points of protest and, if necessary, update your own messages to address them
- Identify organisers and 'influencers' – those who have a public profile and/ or a large number of followers – and see whether it is possible to meet and discuss issues offline.

Do not try to respond individually or on an ad hoc basis to a mass of messages. Take an overview, review and, if necessary, adapt and respond strategically.

Campaigns can be highly organised. To avoid being on the back foot, take every opportunity to understand better the strategies used by campaigners, for example, talk to larger organisations in other sectors, or even attend a course on how to organise a campaign yourself.

REFLECTION AND EMBEDDING LEARNING

At the end of a controversial process and/ or at appropriate milestones during it you will want to ask what your organisation can learn from the experience.

Evaluation Checklist

1. Are we clear about what/ how we will evaluate?

2. Are we clear about how we will embed learning into planning and practice?

3. Do we have a plan for looking after people?

Notes to the Checklist

1. Are we clear about what/ how we will evaluate?

You will need all your records to hand. You may want to keep, and at this stage add to, a tracker-style document that holds key information in one place over time, for example:

- Potential for controversy
- Assessment of risks and benefits
- Responses prepared
- Actual occurrences
- Learning
- Responses to learning.

As you look back, ask:

- How did the course of action play out?
- What could we have done better?
- If controversy escalated, what happened? How? Why?
  What was the impact?
  Could it happen again?

Share your evaluation process with your governing body and across your organisation, and, as appropriate, involve external bodies (e.g. partners, stakeholders, local authority, police).

If controversy escalated, the media and public will be asking the same questions you are asking of yourself; be prepared to share your records and your evaluation process and findings publicly.

2. Are we clear about how we will embed learning into planning and practice?

Make sure that evaluation findings are translated into adjustments to, or innovations in, plans and practice. Think of your plans as living documents, make them accessible and test them regularly, rather than letting them sit unloved in a filing cabinet.

Do not be tempted to shy away from acknowledging and addressing failings and, if you do make positive adjustments, think about how best to share these across the sector as well as with the media and public.

WHAT NEXT?

3. Do we have a plan for looking after people?

People are at the heart of any process and their wellbeing is critical to the success of an organisation's activity. A plan, such as an employee welfare plan, makes sure people are looked after in any circumstance. Plans should include care for artists, creatives and any freelancers you may be working with, as well as your permanent staff.

Your plan could provide for individual consultations and debriefs and, if a crisis has taken place, counselling away from the organisation. People may be reluctant to admit they have been affected by events, so check with them more than once.

If controversy escalated, discussion around events may bubble away for a long time. At some point, you and your colleagues will need to disengage from the debate. When you are confident that all appropriate steps have been taken, that the organisation has absorbed the learning – and articulated this internally and externally – you can draw a line clearly and positively under events, making sure that colleagues are thanked and feel empowered to move on.

Plans are useless, but planning is indispensable.
Dwight D. Eisenhower

It is the collaborative process of planning, not the plan itself that builds capability. We hope that working through the steps in this guidance will help your organisation meet ethical and reputational challenges with greater assurance.

Please let us know how useful you find it by feeding back via this link.

WHAT NEXT ?

USEFUL LINKS AND REFERENCES

Codes of Ethics

Museums Association Code of Ethics
http://www.museumsassociation.org/ethics/code-of-ethics

British Council Code of Conduct
http://www.britishcouncil.org/sites/britishcouncil.uk2/files/codeofconduct-feb2014.pdf

Edelman Ethics resources
http://www.edelman.com/who-we-are/code-of-ethics-and-business-conduct/

Tate Ethics Policy
http://www.tate.org.uk/download/file/fid/37157

BBC Editorial Guidelines
http://www.bbc.co.uk/editorialguidelines/

Freedom of Expression

Index on Censorship & Vivarta, Art & the Law Information Packs and Case Studies
https://www.indexoncensorship.org/art-and-the-law-guides-to-the-legal-framework-impacting-on-artistic-freedom-of-expression/

Index on Censorship, Taking the Offensive – Defending Artistic Freedom of Expression in the UK Conference report, 2013
https://www.indexoncensorship.org/takingtheoffensive/

NCAC (National Coalition Against Censorship) (US), Guidance for cultural organisations on creation of policy (including procedure) around showing or sponsoring art that may spark controversy
http://ncac.org/resource/guidelines-for-state-arts-agencies-museums-university-galleries-and-performance-spaces/

NCAC, Free Expression Network
http://ncac.org/free-expression-network/

Ethical Fundraising Policy

Arts Fundraising & Philanthropy, Ethical Fundraising Policy Template (created by Cause 4)
http://artsfundraising.org.uk/governance-supporting-resources/

Cause 4 – supports charities, social enterprises and philanthropists in development and fundraising
http://www.cause4.co.uk/

Cause 4, Blog
http://www.cause4.co.uk/opinion-page/

Platform – assistance with Ethical Fundraising Strategy and Policy
http://platformlondon.org/oil-the-arts/workshops-training/

WHAT NEXT?

Platform Study Guide – Take the Money and Run, Some positions on ethics, business sponsorship and making art (commissioned by Live Art Development Agency)
http://platformlondon.org/wp-content/uploads/2013/04/tmr1.pdf

Institute of Fundraising – Code of Fundraising Practice
http://www.institute-of-fundraising.org.uk/guidance/code-of-fundraising-practice/

Ethical Fundraising Policies
http://www.artsadmin.co.uk/how-you-can-help-us/ethical-fundraising-policy

http://www.thisisliveart.co.uk/uploads/documents/ethical_funding_policy.pdf

https://twmuseums.org.uk/corporate-publications-and-policies/policies

http://www.nationalgallery.org.uk/content/ConMediaFile/19561

Ethical Consumer – Guide to Ethical Policy Development
http://www.ethicalconsumer.org/researchservices/ethicalpolicydevelopment.aspx

Risk

Mind Tools, Risk Resource
http://www.mindtools.com/rs/risk

Institute for Risk Management (IRM)
https://www.theirm.org/knowledge-and-resources/risk-management-standards/
https://www.theirm.org/media/886059/ARMS_2002_IRM.pdf

Lawyers

LVFA (Lawyers Volunteering for the Arts)
http://lvfa.org.uk/

Index on Censorship & Vivarta list of lawyers
https://www.indexoncensorship.org/art-and-the-law-guides-to-the-legal-framework-impacting-on-artistic-freedom-of-expression/

Professional and funding bodies can often supply contacts for lawyers on specific issues.
NB: Aim to seek advice from a number of sources.

Crisis Management

RSC – Ready For Anything, Major Incident Planning, Guidance
http://www.whatnextculture.co.uk/files/RSC_ReadyforAnything.pdf
Liz Wainwright, Head of Theatre Operations (author of guidance), is available for support or advice on devising or adapting Major Incident Plans: liz.wainwright@rsc.org.uk

Chris Webb Communication Ltd
Chris Webb, former Head of News and Deputy Director of Media and Communication for the Metropolitan Police Service, recognised as one of the UK's leading experts in crisis communication: chris@webbcommunication.co.uk

British Standards Institution – BS 11200:2014 Crisis Management – Guidance and Practice
http://shop.bsigroup.com/ProductDetail/?pid=000000000030274343
More depth and detail than any other Standard on Crisis Management - covers crisis leadership, decision-making, crisis communications, training & exercising.

Gov.uk – Business continuity planning for Museums and Galleries
https://www.gov.uk/business-continuity-planning-for-museums-and-galleries

Gov.uk – Expecting the unexpected
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/61089/expecting-the-unexpected.pdf
Guide to creating an effective business continuity plan

Steelhenge, London-based international Consultancy – crisis management and business continuity
http://www.steelhenge.co.uk/services/organisational-resilience

Wikipedia entry on Gold, Silver, Bronze Command Structure
https://en.wikipedia.org/wiki/Gold%E2%80%93silver%E2%80%93bronze_command_structure

Ethics

Gov.uk Standards in Public Life / Nolan, 7 Principles of Public Life
https://www.gov.uk/government/publications/the-7-principles-of-public-life

BBC Ethics Resource
http://www.bbc.co.uk/ethics/introduction/

Santa Clara University, Ethics Resource – Framework for Ethical Decision Making
http://www.scu.edu/ethics/practicing/decision/

WHAT NEXT? SURVEY ON ETHICAL AND REPUTATIONAL CHALLENGES, 2015

The survey received 117 complete responses from across the UK, most submitted by directors of organisations. Organisations were wide-ranging in discipline and geography, and of various size.

FINDINGS

Two thirds of respondents said they had faced ethical and/ or reputational dilemmas with the potential to cause controversy and/ or damage.

32.7%

67.3%
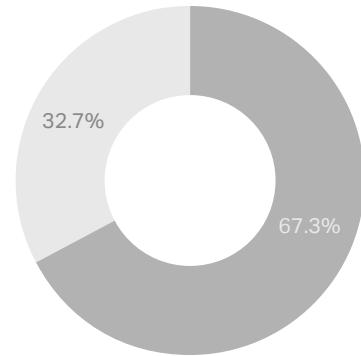
(99 respondents)

Respondents indicated that ethical and/ or reputational dilemmas were most likely to occur in relation to artistic programme, followed by partnerships and financial arrangements.

62.1%

33.3%

30.3%

Artistic Programme | Financial Arrangements | Partnerships
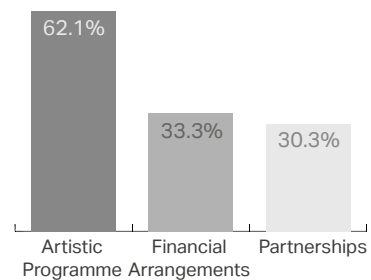
(66 respondents)

A third of respondents said that risk of controversy or damage had stopped them pursuing a particular course of action.

31.3%

68.7%

(100 respondents)

WHAT NEXT?
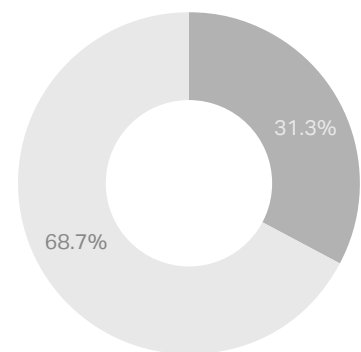
Similarly, a third of respondents indicated that fear or caution around controversy had led their organisation to self-censor.

33.7%
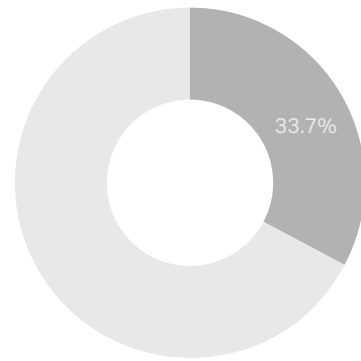
(89 respondents)

Text responses suggested that, against this backdrop, organisations' governing bodies were becoming more risk-averse. However, in relation to artistic programming, comments throughout the survey revealed a workforce strongly committed to championing the freedom of artistic expression and to producing and presenting challenging and at times provocative work.

Many organisations made it clear that, where there is no clear directive and ethical and reputational implications exist, decision-making needs to be value-led and guided by discussion between senior management and governors. Some organisations demonstrated how this was backed-up by process, policy and various mechanisms for testing a decision inside and outside an organisation, while others signalled a desire to learn of recommended practice.

Half of respondents said they would have no strategy in place if controversy arose and escalated to a point of crisis.

49.5%
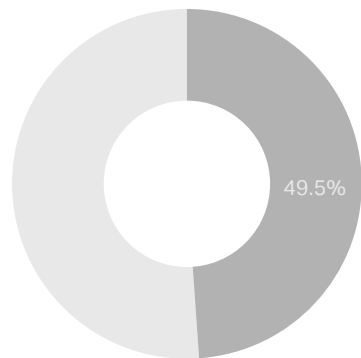
(100 respondents)

While larger organisations tended to emphasise the importance of planning and referred to established procedures for decision-making, preparing for and managing controversy, some smaller organisations indicated that they had little in place.

Acknowledgements

Thank you to all those who contributed to the What Next? survey on ethical and reputational challenges, to the wider research process and to the compilation of this guidance.

Special thanks to Liz Wainwright, Head of Theatre Operations, RSC; Amber Massie-Blomfield, Executive Director, Camden People's Theatre; and Chris Webb Communication Ltd for help and advice on crisis planning and communication.

Compiled by research consultant Vicky Long and guided by a What Next? advisory group.

What Next? is a movement that brings together arts and cultural organisations from across the UK, to articulate and strengthen the role of culture in our society.

The advisory group comprises individuals who took a special interest in the subject when it first arose at a What Next? meeting in London (2014).

Advisory group members:

Graham Devlin (Chair)	Independent Consultant
Hannah Bird	Independent Consultant
Tim Burley	Director of Development, Sadler's Wells
Régis Cochefert	Director, Grants and Programmes, Paul Hamlyn Foundation
Maurice Davies	Independent Consultant / The Museum Consultancy
Julia Farrington	Associate Arts Producer, Index on Censorship
Sue Hoyle	Director, The Clore Leadership Programme
Louise Jeffreys	Director of Arts, Barbican Centre
Charlotte Jones	Chief Executive, ITC
Sally O'Neill	Chief Operating Officer, Royal Opera House
Clare Slater	Executive Director, The Gate Theatre
Alistair Spalding	Chief Executive and Artistic Director, Sadler's Wells
Nicola Thorold	Executive Producer, Roundhouse / World Stages

Vicky Long is an independent consultant and producer, who has worked with organisations including Southbank Centre, Eden Project, The Open University, Siobhan Davies Dance, Tonic Theatre and Cape Farewell.