



REGISTER OF ORGANISATIONS

Guidance and Procedures (May 2014)

This document provides guidance on the implementation of the Registered Organisation by-law approved by Council, and the Registered Organisation scheme and its implementation by IfA and Registered Organisation committee.

Contents

| | | |
|-------------|--|----|
| 1 | Benefits and responsibilities of registration | 2 |
| 2 | Qualifying for registration | 3 |
| 3 | The registration process..... | 4 |
| 4. | The Registrations Committee (Organisations)..... | 7 |
| 5. | Application procedure chart | 9 |
| 6 | Right of appeal | 10 |
| 7. | Registration Committee (Organisations)'s complaints procedure | 11 |
| Appendix 1 | IfA recommended starting salaries and pay minima | 17 |
| Appendix 2 | Guidance on completing the application form | 20 |
| Appendix 3 | Guidance on registration process and inspections for applicants..... | 23 |
| Appendix 4: | Guidance on registration and inspections for the panel | 25 |

1 Benefits and responsibilities of registration

- 1.1 The Register will be kept at the IfA office. Copies will be published annually in the *IfA Yearbook and directory*, on the IfA website and on request.
- 1.2 Registration is for a three-year period and an inspection is normally required for each registration period.
- 1.3 The IfA will promote the Registered Organisations scheme and Registered Organisations.
- 1.4 Enquirers seeking to commission work in the historic environment will be directed by IfA to the Register and those listed as offering commercial services.
- 1.5 Registered Organisations will receive a certificate for the period of registration. They may refer to themselves as an 'IfA Registered Organisation' or as 'registered as an organisation with the IfA' (RO by-law 3.7). A special IfA logo accompanied by the phrase 'registered organisation' is available digitally from the IfA. If used, it must always appear in a position subsidiary to the organisation's name and logo; organisations must ensure that at no time can they be mistaken for the IfA. (Registered Organisations may continue to use the former designation 'Registered Archaeological Organisation'.)
- 1.6 Registered Organisations will receive one copy of all mailings distributed to IfA members and will receive occasional email bulletins about items or opportunities of potential interest.
- 1.7 Registered Organisations are entitled to the following discounts
 - 25% off the annual subscription fee if 100% of the organisation's historic environment staff are members of the IfA at a corporate grade (Practitioners, Associates or Members) and 10% off if 80% of the organisation's historic environment staff are members of the IfA at a corporate grade (see 2.5 below)
 - free institutional subscription to the IfA's Jobs Information Service bulletin and unlimited free advertisements in it
 - for every four employees a Registered Organisation registers for the IfA's annual conference, a fifth can attend free of charge providing they are an existing IfA member
- 1.8 All work carried out by the organisation, whether those involved are individual members or not, must be in accordance with the *Code of conduct*, other by-laws and standards of the Institute. It is the responsibility of the Responsible Post-holder (RPH) to ensure this (RO by-law 1.1 and 2.1).
- 1.9 A procedure exists for investigating complaints or concerns about the performance and conduct of organisations (www.archaeologists.net/regulation/complaintsand RO by-law 1.3).
- 1.10 Disciplinary action may be taken against the RPH for individually transgressing the Institute's *Code of conduct* or for failing to deal adequately with malpractice by a member of staff for whom the Post-holder is responsible.
- 1.11 An organisation will be removed from the Register
 - if at any time during the period of registration the organisation fails to fulfil the criteria for registration and has failed to rectify the situation within two months
 - if the organisation fails to pay the annual registration fee by the due date (RO by-law 3.6)

which is thirty days after invoicing.

An organisation may also be removed

- if false information is found to have been supplied in support of an application
- if the RPH ceases to be a member of the IfA, but retains his/her position of responsibility in the organisation
- if three conditions are imposed in any three year period (3.14)

1.12 In applying for registration with the IfA's Registered Organisation scheme, the applicant accepts that the scheme operates on the basis of peer review and agrees to abide fully with the decisions of the Registrations Committee (Organisations)(or its nominated representatives in the form of a sub-committee or panel).

2 Qualifying for registration

2.1 To qualify for registration

- the organisation or its governing body must pass a resolution stating that all its work in the historic environment shall be carried out in accordance with the *Code of conduct* and other by-laws of the IfA (RO by-law 2.4)
- the organisation must demonstrate to IfA's satisfaction that all its work in the historic environment is in accordance with IfA regulations, by satisfactorily completing an application form, by receiving a visit from peers and by disclosing pertinent information
- the senior person(s) (responsible for all historic environment work) within the organisation or part of the organisation seeking registration should normally be a Member (or Members) (MIfA) of the Institute (see 2.2-2.3 of the RO by-law).

In exceptional circumstances Council may agree to register an organisation that does not meet this requirement, but IfA will still need a principal contact and subscription to the *Code of conduct* by the senior person(s). For example, in exceptional circumstances relating to university departments where the Head of Department may be ineligible to become a MIfA, the role of Responsible Post-holder (RPH) might be delegated to a nominated deputy who does hold MIfA status.

- the organisation must have Professional Indemnity Insurance or in exceptional circumstances, by virtue of its constitution or parent body, provide satisfactory evidence of alternative arrangements to cover losses that may arise from negligence (RO by-law 2.5)
- it is expected but not mandatory that Organisations will pay any historic environment employee at or in excess of the relevant recommended IfA minimum salary equivalent (see Appendix 1: *IfA recommended pay minima*) in accordance with clause 5.5 of the *Code of conduct*. The Registrations Committee (Organisations) is likely to seek further clarification if Organisations do not meet this. It may accept applications for registration from organisations unable to meet this expectation where it judges that there are exceptional circumstances.
- the organisation must pay an annual registration fee (RO by-law 3.5-3.6)
- the organisation must pay an application fee for each registration (see 2.4 and 2.5 below)

2.2 Application for registration should be made on the application form with supporting documents such as the organisation's structure chart and a copy of the resolution. An inspection by a panel of peers will normally be required (see 3.15 to 3.17).

2.3 The application form allows organisations applying for registration to demonstrate that they abide by IfA by-laws, *Standards and guidance*, and policy statements. It allows them to demonstrate that the work they undertake is within their capabilities. Relevant documents are available on the

website. IfA's intention is to ensure that all bodies that undertake, commission, advise or monitor historic environment work ensure high standards with regard to research, heritage management, dissemination of information including archive care and publication, employment standards, responsibilities to the public and ethical considerations. Such bodies may include commercial organisations and practices, universities, museums, curatorial organisations at national and local level, and the voluntary sector.

2.4 Application fee

A non-returnable fee should be included with the application form if the organisation has not been previously registered or has not been registered for a year. The application fee is set by Council every year. A break in registration, of any period, will result in a new application form and fee to be submitted. Cheques should be made payable to the Institute for Archaeologists.

2.5 Annual registration fee (RO by-law 3.5-3.6)

The registration year runs from 1 April to 31 March. If an organisation's initial application for registration is confirmed between August and April their first year's fee is halved. All other annual fees are due on 1 April. In most cases the fee is graded on the basis of the financial turnover of the organisation's historic environment operations. This should be taken from the last complete set of annual accounts available at time of registration. Educational or curatorial organisations which have no contracting element will normally be charged on the basis of non-core earnings, grants and subscriptions. Fee bands are listed at <http://www.archaeologists.net/sites/default/files/node-files/RO-Subscriptions-2014.pdf>

3 The registration process

3.1 The first stage in the application process is the completion of the application form. The form consists of different sections. Sections A or B needs to be completed, depending on whether the organisation is currently registered or not. All applicants are required to complete sections C, I and J. Sections (D-H) are to be completed as relevant for the services provided by the applying organisation.

All questions relevant to the organisation should be completed. For all questions referring to employment matters or staffing, include information on all employees, not just 'core' or 'long-term contract' staff. If the organisation is a sole trader (self-employed), please answer the relevant questions with regards to yourself, as an 'employee' of your company. The application form only applies to historic environment work. It is not intended to assess the quality of teaching, which is assessed by a different agency. Both the application form and Guidance and Procedures are updated periodically, therefore you should check the IfA website or contact the office for the most recent versions if you do not apply immediately.

3.2 The purpose of the regular application process is to allow the organisation to demonstrate that it complies to the expectations of its peers, with by IfA by-laws, *Standards and guidance*, and policy statements. Relevant documents are

By-laws

- *Code of conduct*
- Code of approved practice for the regulation of contractual arrangements in archaeology
- Disciplinary regulations
- Registration of organisations

Standards and guidance

- archaeological desk-based assessment
- archaeological field evaluation
- archaeological excavation
- archaeological watching brief
- archaeological investigation and recording of standing buildings or structures
- the collection, documentation, conservation and research of archaeological materials
- stewardship of the historic environment
- nautical archaeological recording and reconstruction
- the creation, compilation, transfer and deposition of archaeological archives
- geophysical survey
- forensic archaeologists
- appendices

Policy statements

- Health and Safety
- Equal opportunities
- Use of volunteers and students on archaeological projects
- Environmental protection
- Self employment

Initial assessment

- 3.3 Once the application has been received it will be assessed to determine whether the application is complete and ready to be considered by an inspection panel and the organisation inspected. The organisation may receive requests for additional documentation or information in advance of an inspection.

Inspections

- 3.4 Normally, as part of the application process, IfA will ask a panel of peers to visit the organisation to assess its suitability for registration and report to the committee. Every organisation should expect to be inspected for every registration period, which is normally every three years. For sole traders an inspection may consist of an interview and review of documents. On occasion inspection may take the form of an interview with the RPH and a review of documentation at a place other than their workplace. No organisation will be registered if it has not been inspected for six years. A site visit is an essential part of the inspection process (if appropriate for the activities of the organisation) and an application will not be assessed without a complete visit.
- 3.5 The inspection panel is usually of about four people, depending on the size and nature of the organisation, and may be composed of or have input from
- members of the Registered Organisations committee
 - Responsible Post-Holders or their nominated deputies, who must be senior employees of a Registered Organisation
 - relevant curators for organisations carrying out contracting and consulting work
 - relevant (IfA member) contractors or consultants for organisations carrying out curatorial work
 - other members of the IfA who have appropriate knowledge of the organisation
 - historic environment specialists who are not members of the IfA and who have relevant technical knowledge
 - and a member of IfA office staff, or appropriate representative, to take minutes, guide procedure, and write up the final inspection report

Policy statements, procedures guides and sample documentation, such as examples of publications, must be available to the panel during the visit. Failure to provide documentation may result in the application being delayed.

- 3.6 The proposed RPH of the organisation to be inspected is given the opportunity to express concerns and preferences about the potential panel, and the IfA will do its best to act upon reasonable requests.
- 3.7 Registered Organisations must expect to be asked to provide staff time to serve on inspection panels.
- 3.8 On completion of the visit the panel will discuss the findings of the inspection and decide on the recommendations to the Committee. The RPH will be informed of the findings of the inspection but not the Panel's recommendation to the Committee.
- 3.9 There is separate guidance on the conduct of inspection visits (see appendices 3 and 4 below).
- 3.10 A copy of the report will be submitted to the organisation concerned and the organisation's file at the Institute's office, and will be considered by the Registered Organisations committee.

Decisions

- 3.11 The findings of the report and recommendation(s) of the panel will be considered by the Registered Organisations committee, which will make the final decision on registration.
- 3.12 The outcomes of the Committee's consideration of an application for may be

| | <i>Recommendation</i> | <i>Criterion</i> |
|-----|--|---|
| i | registration | no benchmarks triggered/ no obvious areas for improvement |
| ii | registration with encouragement and recommendations for improvement | implementation of recommendations likely to improve the quality or reliability of the organisation's practice. Committee to determine whether the recommendation is 'to be considered' or 'to be implemented' to make improvements. |
| iii | registration conditional upon demonstrated improvement or production of a programme of improvement | failure to implement means the organisation has the potential to do work that could be considered in breach of the <i>Code of conduct, other by-laws and Standards and guidance</i> |
| iv | registration refused | fails to meet criteria in by-law; or the organisation's responses insufficient to persuade Committee that it can be depended on to comply with the <i>Code of conduct , other by-laws and Standards and guidance</i> |
| v | registration deferred | application not ready to be reviewed by RO committee, awaiting additional information |

- 3.13 Conditions of registration may be recommended by inspection panels, or by members of the Registered Organisations committee. The Committee is responsible for setting and signing-off conditions which will normally include a suitable period of time and deadline for the organisation to

comply. Deadlines should be set in accordance with the circumstances of the condition and should also take account of the normal Committee annual meeting timetable.

Members of any panel which has recommended a condition or has raised a matter which results in a condition set by the Committee will normally be consulted as part of the signing off process. The Committee may also delegate authority for signing-off conditions.

- 3.14 If three conditions for registration (3.12) are imposed on an organisation in any 3-year period (whether similar recommendations repeated or different ones), it will be judged that the organisation needs to conduct a serious review of the quality of its work or systems, and is therefore ineligible for registration until the year following the current year (eg the acquisition of three conditions in October 2012 would mean that an application would not be considered until summer 2013 for the 2014-17 registration years).
- 3.15 Following that period the organisation would be eligible to apply again for registration.
- 3.16 An organisation refused registration has a right of appeal (see 7 below). If the appeal process is exhausted and the organisation is not registered, no application will be considered for any part of the period of registration already applied for. If an organisation is refused registration in October 2012, it would not be eligible to apply again until summer 2013 for the 2014-17 registration years.

4. The Registrations Committee (Organisations)

- 4.1 The RO committee has delegated authority from IfA Council to determine applications for registration in accordance with these Guidelines and Procedures.
- 4.2 The RO committee is fundamental to the IfA. Council which appoints those on the committee must therefore have complete confidence in it. Its members must be fully committed to carrying out the work of the committee, and must work effectively, efficiently and in line with Council's instructions as set out in these guidelines. They must act in the best interest on IfA, be alert to potential conflicts of interest, declaring and managing them appropriately; and observe confidentiality.
- 4.3 The rules and conduct of the RO scheme are set out in the By-law *Regulations for the Registration of Organisations*
http://www.archaeologists.net/sites/default/files/node-files/ifa_organisation_reg.pdf
- 4.4 The RO committee shall consist of members of Council and/or corporate members appointed to the committee by Council. The quorum is five. Committee members are expected, unless there is good reason, to attend two committee meetings and one inspection panel a year. Failure to attend may result in removal from the committee.

Best practice is to have six or more committee members present at each meeting. This allows the quorum to be maintained if a committee member has to declare an interest regarding a particular application. In such cases it may be appropriate for the member of the committee to leave the room while the application is being considered (see 4.7 on impartiality).

- 4.5 **Meetings**
The RO committee meets regularly; the timetable is decided and agreed by the committee each year.

4.6 Confidentiality

All documents reviewed and information discussed at the inspections and committee meetings are strictly confidential and are treated as such by all concerned.

4.7 Impartiality

The RO committee must be, and be seen to be, impartial in its decisions. All applications are considered on their merits and on the evidence provided from the application and inspection.

Given the size and nature of the profession, it is common for a member of the RO committee to have personal or commercial ties to an organisation that has made an application. It is important that committee members are able to discuss all applications openly and be free to make positive or negative recommendations. Any potentially prejudicial relationship should therefore be declared before discussion of an application. In some cases, it may be appropriate for a committee member to leave the room during the discussion.

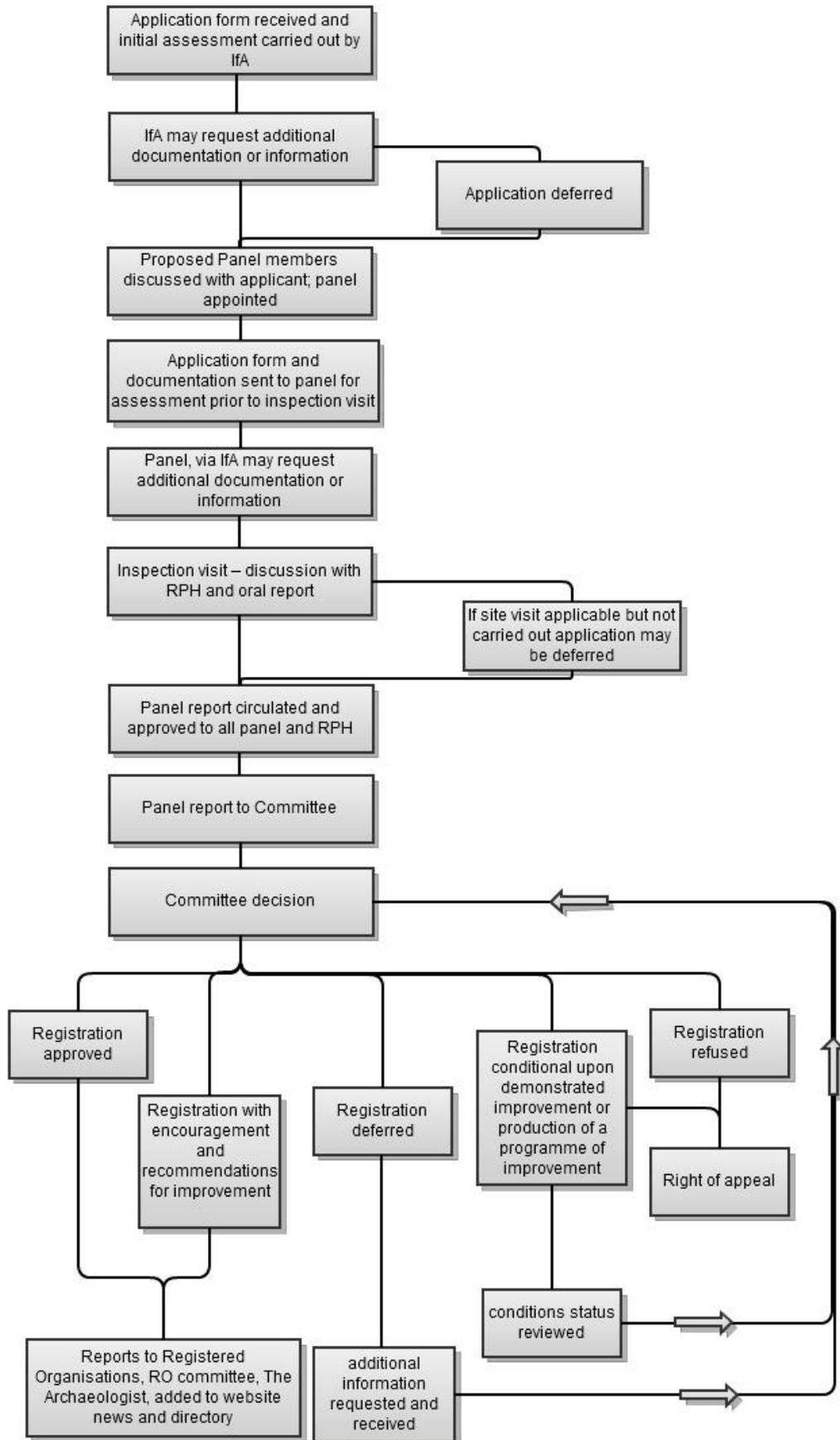
4.8 The committee investigates complaints against Registered Organisations

<http://www.archaeologists.net/regulation/complaints>

4.9 The committee advises Council on developments of the RO scheme. It is essential that there are good lines of communication between all parts of the Institute and the RO committee, particularly with regard to recruitment. Meeting minutes are circulated to Council. If the Chair of the committee is not a Council member, Council agenda and papers will be circulated to him/her.

4.10 Where an assessment of an application for registration indicates that there may have been a potentially significant breach of the *Code of conduct* the matter should be referred to the Standards Compliance Manager to consider whether an allegation of misconduct should be made. Should this happen the application for registration will normally be deferred pending an outcome of the disciplinary procedure. Applications may be similarly deferred pending criminal or other legal proceedings.

5. Application procedure chart



6 Right of appeal

- 6.1 The applying organisation may appeal against a refusal of registration or that the imposition of a particular condition following an investigation is unreasonable. Such an appeal would be considered by a tribunal composed of a panel of IfA Council members appointed by the Hon Chair of the Institute (or nominee).
- 6.2 The applying organisation may appeal against the conduct of an investigation or the Registered Organisations committee's confirmation of its findings. Such an appeal would be considered by a tribunal of IfA Council members appointed by the Hon Chair of the Institute (or nominee).
- 6.3 The applying organisation may not formally appeal against the judgement of circumstances that led to a condition being imposed on them, but they have the right to ask the Committee to reconsider.

7. Registration Committee (Organisations)'s complaints procedure

Complaints may originate from the actions of a member of the Institute or other persons, or arise from information that comes to the attention of the Institute might lead it to make its own allegation.

The Registration Committee (Organisations)'s complaints procedure is a five stage process

- Stage 1: an assessment either of whether a complaint is frivolous or vexatious, is appropriate for the Registration Committee (Organisations)'s complaints procedure or whether
- Stage 2: an investigation by a duly appointed Registered Organisation complaints panel of a formal allegation to determine the evidence for and against the allegation and record their findings, make recommendation to Registration Committee (Organisations) Committee
- Stage 3: 'Stage 3 Review of Registered Organisation complaints panel report by the Registration Committee (Organisations) and agreement of proposed sanctions or determination of other actions
- Stage 4: appeal process
- Stage 5: reporting and review

Raising a complaint under the Registration Committee (Organisations)'s complaints procedure

1. Complaints against a Registered Organisation should be made on a complaints form (available from the IfA office or online at www.archaeologists.net/modules/jcontent/index.php?page=226).
2. The Complaint should specify how the Registered Organisation has not met good practice. If there is more than one issue, each element is assessed separately as part of a whole complaint.
3. Any complaint of poor practice should be signed by the complainant; it is not possible to bring an anonymous complaint although it may be possible for complainants' contact details not to be made available to the respondent. Allegations may be brought via the committee of a Special Interest or Area Group
4. The complaints procedure will not investigate or discuss further any issues that appear to be disciplinary matters (ie constituting a potential breach of the Code of conduct), or contractual matters that could be more appropriately dealt with by arbitration or mediation. If an issue could lead to a Disciplinary matter this will take precedence over the Registration Committee (Organisations)'s complaints procedure, which will be suspended until completion of the Disciplinary process. It is also possible that the Disciplinary process may be started following the completion of an investigation into a RO complaint.
5. For an assessment to be made on the complaint the IfA expects every Registered Organisation who is the subject of a complaint to follow the processes in this procedure. If the Registered Organisation does not respond the process will go ahead using the evidence available.
6. As part of the complaint process the complainant must provide examples and where relevant possible evidence of how they have tried to resolve the matter through discussion. If the assessor does not feel that this has been demonstrated or that the matter may be better resolved through mediation they can make this determination.

7. All allegations are reported to IfA Council on a quarterly basis. Details of the parties concerned are not normally disclosed.

Receipt of a complaint

8. All complaints will be appropriately acknowledged by a member of IfA staff normally in writing

9. The Chief Executive and the Chair of the Registered Organisation committee will be notified of any complaints.

10. IfA may commence the complaints process in cases which are in the wider interests of the profession or the Institute, even if no formal complaint has been received. In such cases these complaints procedures will be applied.

Stage 1 Assessment

11. The Assessment is intended to assess whether the alleged allegation has been completed properly and is relevant to be processed under the Registration Committee (Organisations)'s complaints procedure

12. The assessors will normally be the Standards Compliance Manager and the Chair of the Registration Committee (Organisations) unless either has a potential conflict of interest.

13. Copies of all documentation relating to the case will be kept in the IfA office

14. The assessment may or may not involve any contact with the organisation against whom the complaint is made.

15. The assessors will review the following

- whether the complaint has been completed correctly
- whether the complaint appears to be frivolous or vexatious
- whether there appears to have been sufficient attempt to resolve any disputes, if appropriate before submitting the allegation
- whether the Registration Committee (Organisations) complaints procedure is the appropriate procedure to follow: those matters which are not appropriate may include
 - matters which have already been dealt with by IfA or are materially similar to those which have already been dealt with by IfA unless the complaint concerns a new occurrence
 - matters which are best considered in an alternative forum
 - disputes about matters of legitimate academic judgement or professional opinion
 - contractual disputes
 - matters that appear to be Disciplinary (ie breach of the Code of conduct)

16. If the assessors determine to reject the complaint they will notify the complainant of their decision within 28 days of receipt of the complaint.

17. If the assessors determine that the complaint should more appropriately be resolved by discussion the assessors will report this to the Chief Executive, the complainant and respondent accordingly.

18. If the assessors determine that the Registration Committee (Organisations) complaints procedure is the appropriate process to hear the complaint then the complaint will be investigated.

Stage 2 Investigation

19. The appointment of a Registered Organisation complaints panel does not indicate that the assessors believe that the Registered Organisation has failed to follow good practice. It is the role of the Registered Organisation complaints panel to carry out the full investigation of an allegation and recommend

- a. the allegation is inappropriate for the Registered Organisation complaints procedure at this time
- b. there is no case to answer
- c. that practice has been below standard or does not constitute good practice, and warrants an advisory recommendation or condition
- d. that there may have been a breach of the IfA Code of conduct and/ or other by-laws and/or a serious failure to follow Standards and guidance, and the matter should be referred to the Standards Compliance Manager as a potentially disciplinary matter

20. The Registered Organisation complaints panel will consist of three people nominated by the Chair of the Registration Committee (Organisations) and will normally consist of a member of the Registration Committee (Organisations) or of IfA Council, a Member of IfA (MIfA), and one other person, normally a solicitor.

21. No person who has a prejudicial interest may participate in an Registered Organisation complaints panel

22. The Institute will normally commence the investigation of all complaints made within twelve months of the last incident or last conduct that forms the basis of the allegation. The panel shall have absolute discretion as to whether the Institute should process any complaint about something that happened more than twelve months before the complaint was received by the Institute.

23. The Registered Organisation complaints panel may agree administrative and procedural matters as seem appropriate by telephone, e-mail, fax or correspondence.

24. The panel will contact the organisation against whom the allegation is made within 28 days of appointment unless exceptional circumstances apply.

25. The role of the panel is to contact all parties it considers relevant to collate all evidence, statements, and the findings of any inspection visit concerning the complaint and make a recommendation on this evidence. The recommendation will be made on the basis of the evidence presented and whether the organisation has submitted a reply or not.

26. The Registered Organisation complaints panel may at any stage decide to cease or suspend their work due to anticipated or actual civil or criminal proceedings, serious illness, or any other compassionate grounds and report to Registration Committee (Organisations).

27. If the Registered Organisation complaints panel determines 19c (that practice has been below standard or does not constitute good practice, and warrants an advisory recommendation or condition) then they shall propose advisory recommendations or conditions to the Registration Committee (Organisations).

- the Registered Organisation complaints panel may recommend
 - a. to identify (and document) issues which will be reviewed at future applications for Registration
 - b. to continue registration with imposed recommendations for improvement to be implemented or considered
 - c. to continue registration on condition that specified actions are undertaken

Stage 3 Agreement of sanctions

28. The Registration Committee (Organisations) shall be able to act in this matter if they are quorate, and shall be provided with the panel's summary report, and recommendations.

29. The Registration Committee (Organisations) shall consider the recommendation of the Registered Organisation complaints panel at the next most suitable meeting. The Registration Committee (Organisations) shall consider the summary report from the Registered Organisation complaints panel and vote on the following to agree on one of them

- a. whether they agree with the findings of the Registered Organisation complaints panel
- b. whether they disagree with the findings of the Registered Organisation complaints panel as they have identified matters for further consideration.

30. If the Registration Committee (Organisations) agrees with the findings of the Registered Organisation complaints panel the decision is final.

31. If the Registration Committee (Organisations) disagrees with the findings of the Registered Organisation complaints panel as they have identified matters for further consideration they shall provide the Registered Organisation complaints panel with the details they wish to be considered further. The Registered Organisation complaints panel will consider those matters, act on the advice if it sees fit, and report back to the Registration Committee (Organisations).

32. The decision of the Registered Organisations' committee is final.

33. The Registration Committee (Organisations) will notify all parties of the outcome of the complaint within 28 days of the meeting at which the recommendation from the Registered Organisation complaints panel is considered

Stage 3: Complaints Appeal

34. The Registered Organisation against whom the allegation is made may appeal the finding and/or the sanction imposed by the Registration Committee (Organisations)

The grounds on which an appeal may be made are that

- a. the determination is flawed because the defined process for considering a complaint was not followed
- b. that the determination was wrong in that insufficient weight was given, or incorrect conclusions were made from the evidence provided
- c. that the sanction imposed was excessive in the light of the determination

35. Any such notice of appeal must be made in writing to Council within 28 days of the date of the relevant decision, and must state the grounds for the appeal and state the facts or matters or notification relied on in support of the appeal.

36. Council shall assess the merits of the appeal on the evidence provided under section 35

37. Council shall determine

- a. if it is frivolous or vexatious and reject the appeal
- b. that there is insufficient evidence given in the appeal to take the matter further and reject the appeal
- c. that there is sufficient cause to set up an Appeal panel

38. In the case of 38c the Hon Chair, or nominee shall appoint a Complaint Appeal panel consisting of 5 people, 2 members of Council, 2 Members of IfA who are not members of Council or Registration Committee (Organisations), and the remaining appeal panel member may or may not be an archaeologist and/or a member of the Institute. The person appointing the appeal panel shall make enquiries of each potential member of the appeal panel to ensure that they do not have a potentially prejudicial interest in the matter they are about to consider.

39. The Complaint Appeal panel shall make determinations based on the grounds of the appeal which may include:

- *“that the decision of the Registration complaints panel as endorsed by the Registration Committee (Organisations) is flawed because the defined process for assessing the complaint was not followed”*
- *“that the determination on the investigation was wrong in that insufficient weight was given, or incorrect conclusions were made from the evidence provided”*

40. The Complaint Appeal panel will assess whether due process was followed review the evidence provided and the conclusions of the Registration complaints panel as endorsed by the Registration Committee (Organisations) and shall determine one of the following:

- a. *that due process was followed and reject the appeal*
- b. that the decision of the Registration complaints panel as endorsed by the Registration Committee (Organisations) was correct based on the evidence provided and reject the appeal
- c. that the decision of the Registration complaints panel as endorsed by the Registration Committee (Organisations) was not concordant with the evidence provided
- d. that the imposition of a particular recommendation for improvement or condition is unreasonable

If the conclusion is c. the Complaint appeal panel will instruct the Chair of the Registration Committee (Organisations) to appoint a new Registered Organisation complaints panel.

If the conclusion is d. the Complaint appeal panel will notify the Registration Committee (Organisations) that the recommendation for improvement or condition should be amended or removed.

41. Decisions made by the Complaint Appeal panel are final, and are reported to Registration Committee (Organisations) and Council.

Stage 5: Reporting and review

Reporting

42. In order to ensure that the profession benefits from lessons learned the IfA may publish or otherwise communicate summary information about complaints and their outcomes.

43. A summary of the findings only may be published if the 28 days to appeal have passed.

44. Any account of the case may include the name of the organisation involved and the details of the decision if it was conditional registration or removal from the register.

45. If the decision was removal from the register the Institute may also make this information known to third parties by other means.

46. The scheme works by offering positive encouragement and constructive advice to the organisation. To avoid unwarranted damage to the reputation of the organisation, the IfA will take all reasonable care consistent with the effective conduct of the investigation to maintain confidentiality, and expects its members to do likewise.

Annual review

47. Whatever the outcomes of any cases, the Institute will normally arrange for a review of complaints annually and publish an account of the number and nature of cases but will not name the parties to cases that have not reached a conclusion, where the allegation was not upheld, or where lesser sanctions than conditional registration or removal from register applied.

48. The review will be undertaken by a lay person (who is not a member of the Institute) who will review the papers from all of the proceedings in the period of the review. The review report will be presented to the next meeting of the Council which shall have absolute discretion as to how to respond to matters identified in the review report.

Appendix 1 IfA recommended starting salaries and pay minima

Recommended starting salaries

IfA seeks to foster recognition of the responsibility held by archaeologists and other historic environment professionals in the study and care of the historic environment. The high-level skills required for this vital role should be recognised in status and salary levels.

For the guidance of employers seeking to determine appropriate starting salaries for archaeologists, we provide the following figures based on a study of salary levels in comparative professions

PIfA level competence/responsibility £19,853 - £20,926

AlfA level competence/responsibility £29,123 – 31,561

MIfA level competence/responsibility £36,552 - £40,276

Recommended pay minima

The minimum salaries for 2014/15 (from 1 April 2014)

Posts requiring competence/responsibility at PIfA level - £17,094

Posts requiring competence/responsibility at AlfA level - £19,911

Posts requiring competence/responsibility at MIfA level - £25,738

The IfA's recommended minimum salaries are based on the assumption of a total employment package which includes, as a minimum, the following

1. 6% employer pension contribution subject to any reasonable qualifying period
 - There is no requirement within the amended scheme for employers to compensate staff who choose not to join a pension scheme where employer contributions are offered.
 - There is no *requirement* to compensate staff on short-term contracts who are not employed for a sufficient length of time to meet the qualification period of a pension scheme although this is something which the IfA strongly encourages as good employment practice.
 - It is recognised that the qualifying period may be set by the pension company.
2. Average 37.5 hour working week
 - It is recognised that the circumstances of work often require working beyond these hours, compensated for by systems of time off in lieu or overtime payments. A regular increase in working hours should be reflected by a corresponding increase in pay.
3. Sick leave allowance of at least 1 month on full pay subject to any reasonable qualifying period
 - Sick leave allowance may be aggregated over a rolling twelve-month period. Three to four months is suggested as a reasonable qualifying period. Staff employed on a fixed-term or part-time basis should be entitled to sick pay accrued on a sliding scale or pro-rata basis.

Any shortfall in the above increases the minimum salary requirement, although betterment of the stated terms does not justify a reduction in basic pay.

The following table illustrates examples of the salary enhancements which would be required if the employment package fell below the minimum recommended allowances.

Table 1.

| | PifA | AifA | MifA |
|--|--------------|--------------|--------------|
| 2014/15 minimum salary recommendations | £17,094.00 | £19,911.00 | £25,738.00 |
| No employer pension contributions (+6%) | +£1,025.64pa | +£1,194.66pa | +£1,544.28pa |
| Per additional hour over and above 37.5 hpw | +£455.84pa | +£530.96pa | +£686.35pa |
| No sick leave allowance (based on min. 1 month full pay) | +£1,424.50pa | +£1,659.25pa | +£2,144.83pa |

Pay minima and Registration

As of 1 April any Registered Organisation that is applying for another registration period will no longer have to comply with salary minima as a condition of application.

Council maintains that the salary minima have played and could continue to play a role in preventing cuts to pay. **It has therefore unanimously reaffirmed its commitment to minimum salary recommendations** as guidance and as a benchmark that members and Registered Organisations must endeavour to meet or exceed. However, **Council resolved that it should not continue to make compliance with minimum salary recommendations an absolute requirement of Registered Organisation status.** Salary minima will remain in place, however, and a commitment to fair pay remains a valuable part of the Registered Organisation scheme.

For both new applicants to the scheme and those applying for a new registration period the Registered Organisation committee will use non-compliance with the salary minima as a trigger for a more detailed consideration and discussion of the way the organisation is able to attract, retain and motivate appropriately competent staff.

Statutory Annual Leave Requirements

From April 2009, the statutory entitlement to paid annual leave increased to 28 days (pro rata for part time workers). For more information, please see the DWP website at www.direct.gov.uk/en/Employment/Employees/Timeoffandholidays/DG_10029788.

Fixed-Term Employees Regulations

Attention is drawn to the Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations which came into force on 1 October 2002 and state that:

Fixed-term employees will have the right not to be less favourably treated than comparable permanent employees, unless the less favourable treatment is justified on objective grounds. The right applies both to less favourable treatment in relation to contractual terms (including pay and pensions) and to their overall package of conditions. In addition fixed-term employees should not be subject to other detrimental treatment by the employer.

Further information on the Regulations can be seen at www.dti.gov.uk/er/fixed/fixed-pl512.htm.

Monitoring of job advertisements

Routine monitoring of adverts placed on the Jobs Information Service bulletin will be carried out.

Appendix 2 guidance on completing the application form

1. The application form seeks principally to indicate how your organisation complies with the *Code of conduct* and its supporting by-laws and *Standards & guidance*, and how your quality management systems ensure that compliance. All organisations, regardless of size and role, are expected to comply with IfA by-laws, *Standards and guidance*, and policy statements in all their historic environment activities.
2. The application form has been divided into sections to make completion and assessment on the form more effective. Sections A or B needs to be completed, depending on whether the organisation is currently registered or not. All applicants are required to complete sections C, I and J. Sections (D-H) are to be completed as relevant for the services provided by the applying organisation.
3. Section A – For new applications to the Registration scheme
 - 3.1. An application fee is due with the application form, see website for current fees and subscriptions.
 - 3.2 It is a condition of Registration that the organisation has formally committed itself to the IfA *Code of conduct* and by-laws (RO by-law 2.4). Provisional registration for a limited period may be considered if an organisation is able to demonstrate that its parent organisation is committed to passing the resolution, but needs time to do so. The resolution adopted must be passed by the organisation's board of directors (if a company), partners (if a partnership), committee or directorate level officer (if a local authority or similar), trustees (if a trust) or other governing body (RO by-law 2.3). The resolution must be worded as follows:

All (archaeological/historic environment) work of (the organisation) shall be carried out in accordance with the *Code of conduct* and other by-laws of the IfA.

A copy of the signed resolution or an appropriate signed minute must be submitted with the initial application form, but need not be provided with applications to renew registration unless the original resolution has become invalid.
4. Section B – Organisations that are currently Registered on the scheme will need to complete an application for the following registration period the year before their current registration expires to ensure there is enough time to process the application, organise an inspection visit, and present the application to the RO committee. A resolution was signed by the Board of Directors or equivalent on initial Registration this must be reviewed regularly to ensure that it is up to date.
5. Section C – ALL organisations are to complete this section
 - 5.1 In section C1 the Responsible Post-holder of the organisation must be identified (see 2.1 above). It is accepted that there may be a very few instances of organisations in which it is difficult to identify the holder of the Responsible Post. The IfA does not wish to disbar unfairly any organisation from registration on technical grounds and in such circumstances the Institute will welcome any application which has attempted to uphold the spirit of the scheme. Copies of documents or reports which identify the RPH(s) of an organisation should be included in support of the application form (eg organisational structure chart or job description).
 - 5.2 Section C2 covers the historic environment activities and services provided by the organisation. Question 3.2 identifies which skills are available in-house, and which are bought in. Please note that there is a separate section (Section J) for the list of services to be listed in the *IfA Yearbook and directory* and to provide keywords for the website listing.

5.3 Section C3 of the application form demonstrates the organisation's, and its staff's, commitment to the IfA and professional ethics. An organisation applying for Registered status should ensure that all its staff are aware of the commitment which this entails.

5.4 Section C4.1 covers general standards and quality assurance. Please note that Sections D-H will look at quality assurance in more detail.

5.5 Section C4.2 of the application form relates to the employment and development of staff (or of yourself, if you are a sole trader/self-employed). Responsible treatment of employees and colleagues is covered by Principle 5 of the IfA *Code of conduct*. All organisations employing staff must ensure that they are aware of the IfA recommended starting salaries and pay minima as set out in Appendix 1.

Those organisations that are currently registered beyond 31 March 2013 have already signed up to comply with the salary minima and must contact the Registered Organisation committee, via IfA office, to inform them of changes to their current registration if they will no longer comply with salary minima.

5.6 Section C4.3 of the application form relates to the training and development of the organisations and its staff. Health and safety training, such as site inductions, first aid training and training for CSCS cards can be included in answers. Please note that the recording of Continuing Professional Development (CPD) became compulsory for all corporate grade members (MifAs, AlfAs, PlfAs) at the IfA's AGM in October 2009.

5.7 Section C4.4 covers the use of volunteers and students.

5.8 Section C4.5 covers any opportunities the organisation may have or had for public engagement.

5.9 Section C4.6 relates to health, safety and welfare. Please answer the questions with reference to all work environments, including offices. The IfA *Code of conduct, Standards and guidance*, and policy statements are independent of any legal requirements in this area.

5.10 Section C5 relates to insurance cover of the organisation and therefore risk management. It is a condition of Registration that the organisation has professional indemnity insurance (RO by-law 2.5).

5.11 Section C6 asks organisations to identify financial turnover. This relates to the annual fee payable to the IfA for Registration (see 2.5 above).

6 Section D is to be completed by all organisations that provide archaeological advice to national or local government bodies responsible for implementing planning and heritage consent processes.

7 Section E is to be completed by all organisations that commission and procure historic environment services, including from specialists and subcontractors. Consultants who advise clients on commissioning such work should also answer the 'if you commission' questions

8 Section F is to be completed by all organisations that undertake research into the Historic Environment including the investigation of buried, upstanding or submerged heritage assets including post-field work activities such as post-ex assessments, publications (inc. grey literature), and archive deposition.

- 9 Section G is to be completed by organisations who run educational taught programmes
- 10 Section H is the declaration of the proposed RPH(s) confirming the organisation's wish to be registered with the IfA. The completed form should be printed out and signed, or returned as an email attachment.
- 11 Once the application has been received it will go through an initial assessment to determine whether the application is ready to be assessed by an inspection panel and the organisation inspected. The organisation may be asked to provide additional information during the initial assessment and prior to the inspection visit by the panel.

Appendix 3 guidance on registration process and inspections for applicants

1. On receipt an application for Registration is reviewed to make sure that it has been completed correctly and that all relevant documentation has been received. A receipt of application will be sent to the applying organisation requesting either additional documentation/information or notifying the applicant that an inspection visit will need to be arranged,

2. As part of the registration process the IfA will normally ask a panel of peers to visit an organisation on its behalf to assess its suitability for registration, to offer advice and guidance and to provide information to the Registered Organisations committee. Any organisation applying for registration will be visited before the application is determined, although the committee reserves the right to make a decision without proceeding to an inspection.

3. To organise an inspection panel the IfA will contact the applicant to discuss possible panel members, available sites/projects to visit, and suitable dates. The organisation will also be required to send in (electronically) three examples of its publications/work to be reviewed by the panel. Confidentiality (see Guidance and Procedures 4.6 above) will be maintained at all times by all concerned
The panel and applicant organisation should co-operate to plan the inspection visit in advance so that it can proceed as effectively as possible and the maximum time will be devoted to matters of substance. It is not possible to monitor all aspects of an organisation so it is important to identify in advance the key areas for the inspection.

4. A site visit will be required as part of the inspection for all organisations undertaking or procuring investigation and recording of the built, buried or submerged historic environment. It is preferable that a suitable project be available to visit on the same day as the inspection to reduce time required from the panel and costs.

If a site visit is to take place on the same day as the office visit, it is likely to be necessary for the panel to split into two groups so that both elements of the inspection can be completed in the time available. If it is not possible for the site visit to take place on the same day as the office visit, it will be carried out on a different day.

5. The inspection visit will normally be confirmed a minimum of two weeks prior to the date agreed to ensure adequate time for papers to be circulated to the panel and assessed prior to the inspection.

6. The main elements of an inspection visit will normally include
- first meeting of the panel to discuss initial assessment and panel assessments
 - discussion with the RPH and others he or she would like to have present
 - a quick tour of the organisation premises and brief introduction to some members of staff
 - inspection of a completed project - the panel should review a project from beginning to end through its record system preferably with a member of the project team to discuss the project and quality systems with. This may include inspection of documentation including policy statements, procedures guides and sample documentation, such as examples of publications
 - informal discussions with staff (in office and at other work places visited)
 - a private meeting of the panel to agree its provisional findings
 - a concluding meeting with the RPH to discuss its findings (RO Guidance and Procedures 3.18) and for the RPH to have an opportunity to comment on these and give the panel feedback on the inspection, the scheme and the IfA
 - a private meeting of the panel to discuss the points raised and report to Committee

7. The requirements of the panel include

- a meeting room to have discussions in private
- presence of RPH
- presence of a range of staff with responsibility for conducting and or managing activities

and may include

- the opportunity to obtain lunch as the panel usually work through lunch to ensure minimum disruption and maximise time
- further examples of work
- policies and procedures
- PPE if a site visit is required (safety boots will be brought by panel members)

8. The panel has an inspection form that is to be completed and reported back to the RO committee. The IfA staff members of representative will ensure that this is completed and circulated to all parties for approval as a factual record of the day. The panel will report back to the RPH on the points for discussion.

9. The inspection panel will report to the RO committee who will make a decision on the application for registration and the RPH will be notified of the decision (Guidance and Procedures 3.11-3.16),

Appendix 4: guidance on registration and inspections for the panel

1. Panel members should read and have an understanding of these Guidance and Procedures and take particular note of Appendix 3 'guidance on registration process and inspections for applicants'.
2. On receipt an application for Registration is reviewed to make sure that it has been completed correctly and that all relevant documentation has been received. IfA office will ensure that any missing documentation or responses are completed, and that the application is therefore ready to be assessed by the panel.
3. To organise an inspection panel the IfA office will contact the applicant to discuss possible panel members, available workplaces/projects to visit, and suitable dates. As a prospective panel member there may be several communications to and from the office to pinpoint available dates for the RPH, and all panel members and your patience is appreciated. The panel and applicant organisation should co-operate to plan the inspection visit in advance so that it can proceed as effectively as possible and the maximum time will be devoted to matters of substance. It is not possible to monitor all aspects of an organisation so it is important to identify in advance the key areas for the inspection.
4. A site visit will also be required as part of the inspection for all organisations undertaking or procuring investigation and recording of the built, buried or submerged historic environment. It is preferable that a suitable project is available to visit on the same day as the inspection to reduce time required from the panel and costs. Panel members must provide their own safety booths, but PPE will be provided by the RPH.

If a site visit is to take place on the same day as the office visit, it is likely to be necessary for the panel to split into two groups so that both elements of the inspection can be completed in the time available. If it is not possible for the site visit to take place on the same day as the office visit, a member of the panel will be asked to carry out a site visit on a different day.
5. The inspection visit will normally be confirmed a minimum of two weeks prior to the date agreed to ensure an adequate time for paper to be circulated to the panel and assessed prior to the inspection.
6. Once the date for the inspection, and the panel members have been confirmed the organisation will be requested to send electronically to the office three examples of their publications/work. Confidentiality (see Guidance and Procedures 4.6 above) must be maintained at all times by all concerned
7. The office will circulate the following documents to the inspection panel to allow the application to be assessed prior to the inspection
 - organisation application form
 - organogram
 - completed initial assessment form
 - blank panel assessment form
 - examples of work
 - any other information submitted or requested prior to the inspection
 - confirmation letter regarding the inspection visit including map
8. The panel should assess the application and documents prior to the inspection so that any points for discussion, questions etc are collated at the start of the inspection visit.
9. Other preparation by the panel may include

- reviewing the organisation website
- discussing the work of the organisation with colleagues who have had direct contact with organisation if the panel member hasn't (eg a curator is on the panel that hasn't dealt with the organisation in the past, but their colleague has) whilst maintaining confidentiality and impartiality.

10. The main elements of an inspection visit will normally include

- first meeting of the panel to discuss initial assessment and panel assessments
- discussion with the RPH and others he or she would like to have present
- a quick tour of the premises for the panel members to become familiar with the premises and brief introduction to some members of staff
- inspection of a completed project - the panel should review a project from beginning to end through its record system preferably with a member of the project team to discuss the project and quality systems with. This may include inspection of documentation including policy statements, procedures guides and sample documentation, such as examples of publications
- informal discussions with staff (in office and at other workplaces)
- site visit (if appropriate)
- a private meeting of the panel to agree its findings
- a concluding meeting with the RPH to discuss the inspection (RO Guidance and Procedures 3.18) and for the RPH to have an opportunity to comment on these and give the panel feedback on the inspection, the scheme and the IfA
- a private meeting to discuss the points raised and report to Committee

11. The panel has an inspection form that is to be completed and reported back to the RO committee. The IfA staff members of representative will ensure that this is completed and circulated to all parties for approval as a factual record of the day.

12. The panel may feel it appropriate to make recommendations or conditions for improvement to the Committee in line with possible decisions (RO Guidance and Procedures 3.12). Such recommendations should normally relate to matters of comment or concern recorded on the inspection report form.

For example, recommendations for action should serve to improve 'the quality or reliability of the organisation's practice'. The recommendations should not instruct the organisation to undertake specific actions - it is up to the applicant to determine how to comply with IfA regulations. The panel should draw attention to any IfA information and support which is available.

If the matter is one that may improve the work of the organisation than the recommendation may be 'to consider'.

If the matter is one that would improve the work of the organisation, but failure to implement would NOT mean the organisation has the potential to do work that could be considered in breach of the *Code of conduct* and *Standards and guidance* AT THAT TIME then the recommendation should be 'to implement before the next registration application'

If a matter of concern is such that in the panel's view 'failure to implement (improvement) means the organisation HAS the potential to do work that could be considered in breach of the *Code of conduct* and *Standards and guidance*', the panel should recommend to the Registrations Committee (Organisations) that registration should be conditional on demonstrated improvement.

If the panel believes that the organisation may be in breach of the *Code of conduct* or *Standards and guidance* they should report this to the RPH and record it on the inspection form.

13. After the inspection members of the inspection panel will return all papers relating to the visit to the IfA staff member and delete any reports circulated by e-mail.

The IfA staff member will type up the inspection report, which will act as the formal record of the day's proceedings. They are dealt with sensitively. RPHs and all panel members will be able to comment on the draft before it is considered by the Registered Organisations committee.

The report will be considered by the Registered Organisations committee, which will make the final decision on registration (RO Guidance and Procedures 3.13).

The annual published summary will list the organisations monitored. It may make general observations, but it will not relate information or findings to individual organisations.

14. IfA staff will assist in the process by

- facilitating panel members' agreement on who will chair the inspection
- providing a summary of queries and matters which should be discussed with the organisation based on the benchmarked application form and any previous recommended improvements
- confirming with the panel and the organisation which documents the panel will want to view on the day of the inspection
- liaising with the panel and the organisation to devise a timetable for the inspection visit, taking account of the logistics of any visit to a site project
- agreeing with the panel in advance who will undertake any site visit – normally this should be two members of the panel
- drafting finding, recommendations and conditions
- assisting with reporting to the proposed RPH

IfA staff will also provide the following

- details of the date and location of the inspection, names and contact details of the other panel members, and clarification of what to bring in terms of personal protective equipment and lunch arrangements
- the completed application form
- any additional supporting documents provided by the organisation (such as a copy of its resolution, organogram, publication lists, etc)
- a completed benchmarking form (this is filled out in the IfA office as the first response to the information given on the application form. Where a benchmark has been triggered, the box on the form will be ticked and notes added as relevant. Please note that answers that warrant praise of the organisation may also be noted here.)
- information on previous registration recommendations and inspections, where appropriate
- these Guidance and Procedures
- the template inspection report form (to provide an agenda for the inspection)
- a site visit report form (if relevant to the inspection)
- a map and/or directions of how to get to the premises
- an IfA expenses claim form (where possible, train or plane tickets should be booked in advance to get the best deals)