

Regulations for the registration of organisations

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REGULATIONS FOR THE REGISTRATION OF ORGANISATIONS

1. Introduction

- 1.1. The scheme for the Registration of Organisations is governed by the provisions in the Charter (4 xx-xxi, 9), by-laws (5.6) and regulations of the Institute. The regulations governing the scheme may be changed as the Board of Directors see fit from time to time.
- 1.2. The object of the scheme for the Registration of Organisations is to ensure that organisations carry out their historic environment work in accordance with the *Code of conduct* of the Chartered Institute for Archaeologists. It requires that ultimate accountability for the historic environment work of a ClfA Registered Organisation shall be vested in a suitably experienced voting member of ClfA (MCIfA) holding the senior historic environment post in the organisation (referred to as the Responsible Post for the purposes of these regulations: see section 2, particularly 2.2 below for definition and responsibilities).
- 1.3. The Registered Organisation scheme does not itself define detailed standards for best practice; instead it provides a general control against which the adherence to professional standards can be judged.
- 1.4. A complaints procedure exists. It operates as determined by the Board of Directors. The Registered Organisation scheme itself does not link directly to the ClfA *Professional conduct regulations*, which exist to govern the investigation of potential breaches of the *Code of conduct* by an individual ClfA member. The making of a complaint against a Registered Organisation may however lead to the implementation of professional conduct proceedings either instead of or in addition to the processing of the complaint.

2. The Responsible Post

- 2.1. All historic environment work conducted by the organisation shall be carried out by, or under the ultimate responsibility of a Member (MCIfA) of the Chartered Institute for Archaeologists unless otherwise agreed by the Board of Directors.
- 2.2. Therefore (subject to 2.3) the position which represents the highest level of specifically historic environment responsibility within the management structure of an organisation, whether or not any other historic environment posts are subordinate to that position, will normally be held by a Member (MCIfA) unless otherwise agreed by the Board of Directors. This position shall be known as the **Responsible Post** and the person holding this position shall be known as the **Responsible Post Holder**.
- 2.3. Under Rule 1.12 of the *Code of conduct*, a member of the Institute in a Responsible Post has ultimate responsibility for ensuring that work carried out by anyone subordinate to them is conducted in accordance with the *Code of conduct*. This ensures that all work undertaken by the organisation is conducted in accordance with the Institute's *Code of conduct*.
- 2.4. In the special case of an organisation constituted as a cooperative in accordance with the model Memorandum and Articles of Association of the Industrial Common

Ownership Movement or similar, a minimum of three-quarters of the members of the cooperative, or two-thirds if there are only three members, will be deemed to hold Responsible Posts and must at all times be Members (MCIfA) unless otherwise agreed by the Board of Directors. In this case, the obligations of holders of Responsible Posts under rules 1.12 and 1.13 of the *Code of conduct* are deemed to extend throughout the membership of and to all employees of the cooperative.

- 2.5. The Board of Directors may also recognise more than one Responsible Post for a Registered Organisation in the case of partnerships, job shares or organisations with more than one division of equal status carrying out historic environment work. In each case the individual named will normally be a Member (MCIfA) as set out in rule 2.2.
- 2.6. Any member who occupies a Responsible Post in a Registered Organisation shall notify the Institute of any change in the factors determining the eligibility of that organisation to hold registered status, including their departure from the organisation, as early as possible and in any case within 14 days of the change becoming effective.
- 2.7. Any member holding a Responsible Post in an organisation which stays registered (other than due to negligence by the Institute) when in breach of the registration criteria, and who knows or could reasonably be expected to have known of the breach, shall be deemed to be in breach of Rule 1.8 of the *Code of conduct*.

3. Register

- 3.1. The Register of Organisations shall be maintained and published in a form to be decided by the Board of Directors in accordance with by-law 5.6. A continually updated version will be held at the Institute's office and will be available for consultation and enquiry.
- 3.2. The period of registration for an organisation shall be no more than three years, providing that the organisation remains eligible and not in breach of the by-law(s) and regulations relevant to registration during that time.
- 3.3. In addition to the obligations imposed under regulation 2.6, Registered Organisations will be sent an annual enquiry, in a form determined by the Board of Directors, to confirm their continuing eligibility for registration. This must be completed by the/a holder of the/a Responsible Post. In the case of there being more than one Responsible Post, a single person responding to the enquiry shall be deemed to be acting in a binding capacity on the holders of all other Responsible Posts.
- 3.4. The response to the annual enquiry must be received by the Institute within the given deadline, which shall be no less than 28 days. Failure to respond within this period may lead to immediate removal from the Register.
- 3.5. An annual charge will be levied on Registered Organisations. This is to cover administrative costs of the scheme, and also the benefit to the organisation in terms of professional status that registration will confer. It does not imply in any way that the organisation is a member of the Chartered Institute for Archaeologists.

- 3.6. The annual charge will be set by the Board of Directors of the Institute. It will be payable on demand once the Institute is satisfied that the organisation remains eligible to register. Failure to pay the charge after a period to be determined by the Board of Directors may lead to immediate removal from the register. 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 the time of registration or annual renewal. Educational or curatorial organisations which have no contracting element will normally be charged on the basis of non-core earnings, grants and subscriptions.
- 3.7. Organisations accepted for entry onto the Institute's Register of Organisations will be entitled to use the Institute's Registered Organisations logo and the following designations:
- 3.7.1. ClfA Registered Organisation
 - 3.7.2. Registered as an organisation with the Chartered Institute for Archaeologists
 - 3.7.3. Registered Organisation – this option shall only be used in conjunction with the Institute RO logo, in such a way that the connection between the two, and hence the role of the Institute, is clear and unambiguous.

The Institute may issue further binding instructions or guidance governing the use of the logo and designations at its discretion.

- 3.8. Entry on the register and use of the designation is merely an acknowledgement of the fact that the structure and personnel of the organisation ensures compliance with the registration criteria. It does not imply in any way that the organisation is a member of the Chartered Institute for Archaeologists.

4. Qualification for registration

- 4.1. The eligibility of organisations to be entered on the Register will be verified under the Registration of Organisations regulations and procedures for the time being adopted by the Board of Directors.
- 4.2. To be registered the organisation shall adopt a resolution of the board of directors (if a company), partners (if a partnership), committee or similar (if a local authority), trustees (if a trust) or other governing body, stating the following:

All [archaeological/historic environment] work of [the organisation] shall be carried out in accordance with the Code of conduct, the Charter, by-laws and regulations of the Chartered Institute for Archaeologists

- 4.3. Where the organisation is an incorporated company with a Memorandum and Articles of Association, the organisation shall on request provide confirmation that these do not conflict with the *Code of conduct*, Charter, by-laws and regulations of the Institute.
- 4.4. To be registered, an 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.

- 4.5. The organisation must demonstrate to the Institute's satisfaction that all its work in the historic environment is in accordance with the Charter, by-laws and regulations of the Institute, by satisfactorily completing an application form, by receiving a visit from peers and by disclosing pertinent information.
- 4.6 It is expected that Organisations will pay any historic environment employee at or in excess of the relevant recommended CfA minimum salary equivalent (details of which shall be published annually by the Institute) in accordance with clause 5.5 of the *Code of conduct*. The Registered Organisations committee 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.

5. Applications

- 5.1. Applications for registration should be made on the standard application form published by the Institute with supporting documents and a copy of the resolution as required in section 4.2. An inspection by a panel of peers will normally be required (see section 7 below).
- 5.2. The application form allows organisations applying for registration to demonstrate that they abide by the Charter, by-laws, regulations, Standards and guidance, and policy statements of the Institute. It allows them to demonstrate that the work they undertake is within their capabilities. The Institute'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.
- 5.3. The application fee is set by the Board of Directors every year. A non-returnable fee should be included with the application form if the organisation has not been previously registered. A break in registration, of any period, will result in a new application form and fee to be submitted.

6. Initial assessment

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

7. Inspections

- 7.1. As part of the application process, the Institute 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 each registration period, which is normally every three years. On occasion, for example with sole traders, the inspection may take the form of an interview with the Responsible Post Holder 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.

- 7.2. Where an organisation has more than one suitable office for an inspection, the Institute will choose which office to inspect.
- 7.3. The inspection panel will vary depending on the size and nature of the organisation, and may be comprised of or have input from
 - 7.3.1. members of the Registrations committee (Organisations)
 - 7.3.2. Responsible Post Holders or their nominated deputies, who must be senior employees of a Registered Organisation and an accredited member of the Institute
 - 7.3.3. relevant curators for organisations carrying out contracting and consulting work
 - 7.3.4. relevant (Institute-accredited member) contractors or consultants for organisations carrying out curatorial work
 - 7.3.5. other accredited members of the Institute with relevant technical knowledge
 - 7.3.6. historic environment specialists who are not members of the Institute and who have relevant technical knowledge
 - 7.3.7. and a member of Institute office staff, or appropriate representative, to take minutes, guide procedure, and write up the final inspection report
- 7.4. Policy statements, procedures guides and sample documentation, such as examples of publications, must be available to the panel before and during the visit. Failure to provide documentation may result in the application being delayed.
- 7.5. The proposed Responsible Post Holder of the organisation to be inspected will be given the opportunity to express concerns and preferences about the potential panel, and the Institute will consider reasonable requests. The final decision will rest with the Institute.
- 7.6. Registered Organisations must expect to be asked to provide staff time to serve on inspection panels.
- 7.7. On completion of the visit the panel will discuss the findings of the inspection and decide on the recommendations to the Committee. The Responsible Post Holder will be informed of the findings of the inspection but not the panel's recommendation to the Committee.
- 7.8. 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 Registration Committee (Organisations).

8. Decisions

- 8.1. The findings of the report and recommendation(s) of the panel will be considered by the Registration Committee (Organisations), which will make the final decision on

registration.

8.2. The outcomes of the Committee’s consideration of an application may be

Recommendation	Criterion
Registration	no benchmarks triggered/ no obvious areas for improvement
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, and may recommend a timescale
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</i> , other regulations and Standards and guidance
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</i> , other regulations and Standards and guidance
Registration deferred	application not ready to be reviewed by Registered Organisations committee, awaiting additional information

8.3. Conditions of registration may be recommended by inspection panels, or by members of the Registration Committee (Organisations) at any time during the registration period if, for any reason, they believe the organisation has the potential to do work that could be considered in breach of the *Code of conduct*, other regulations and Standards and guidance.

8.4. 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 and may be imposed with immediate effect. 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.

8.5. Failure to meet the requirements of a condition is likely to result in immediate removal from the register. An organisation will need to demonstrate they have met the requirement of the condition as part of a new application for registration.

8.6. If three conditions for registration are imposed on an organisation in any three-year period (whether similar conditions repeated or different ones), it shall be judged

that the organisation needs to conduct a serious review of the quality of its work or systems and will be removed from the register with immediate effect.

- 8.7. An organisation which has received three conditions of registration in any three-year period will be ineligible for registration until the year following the current year (eg the acquisition of three conditions in October 2017 would mean that an application would not be considered until summer 2018 for the 2019-22 registration years). Following that period, the organisation shall be eligible to apply again for registration.
- 8.8. An organisation removed from the register for failing to meet the requirements of a condition or having received three conditions of registration in any three-year period has a right of appeal (see below). During this process the organisation will not be included on the Institute's register of organisations and will not be entitled to use the Institute's Registered Organisations logo and designations as specified in 3.7
- 8.8. An organisation refused registration has a right of appeal (see 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 2017, it would not be eligible to apply again until summer 2018 for the 2019-22 registration years.

9. Removal from the Register of organisations

- 9.1. In applying for registration with the Institute'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 Registration Committee (Organisations) (or its nominated representatives in the form of a sub-committee or panel). It is the duty of the Responsible Post holder to assist with any enquiries made by the Registration Committee (Organisations) in response to issues raised during the registration process and to respond to them in a timely and substantive manner.
- 9.2. An organisation shall be immediately removed from the Register
 - 9.2.1. 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
 - 9.2.2. if the organisation fails to pay the annual registration fee by the due date (Registration regulation 3.6) which is thirty days after invoicing.
 - 9.2.3. if false information is found to have been supplied in support of an application
 - 9.2.4. if the Responsible Post Holder ceases to be a member of the Institute, but retains their position of responsibility in the organisation
 - 9.2.5. if the organisation fails to meet a condition imposed as part of registration
 - 9.2.6. if three conditions are imposed in any three-year registration period
 - 9.2.7. if the organisation fails to provide the annual update form in the timeframe given

10. The Registered Organisations committee

- 10.1. The Registration Committee (Organisations) shall be delegated authority from the

Board of Directors to determine applications for registration in accordance with these regulations.

- 10.2. The Registration Committee (Organisations) may also consider general matters relating to the running of the Registered Organisation scheme and to registration and make proposals for revisions to the Board of Directors.
- 10.3. The Registration Committee (Organisations) will consist of voting members appointed to the committee by the Board of Directors. The Board of Directors may also invite any other person to advise the Registration Committee (Organisations) on the determination of applications.
- 10.4. Registration Committee (Organisations) shall elect a Chair and Vice-chair.
- 10.5. The quorum for meetings of the Registration Committee (Organisations) is five: the Registration Committee (Organisations) may for a single meeting appoint any member of staff who is a voting member to step in to ensure a quorum.
- 10.6. All documents reviewed and information discussed at the inspections and committee meetings shall be treated as strictly confidential.
- 10.7. The Registration Committee (Organisations) shall meet as required and at a frequency sufficient to ensure that applications are processed on a reasonable timescale; the timetable shall be decided and agreed by the committee each year.
- 10.8. The Registration Committee (Organisations) shall be, and shall be seen to be, impartial in its decisions. All applications shall be considered on their merits and on the evidence provided from the application and inspection. Any potentially prejudicial relationship should therefore be declared before discussion of an application and recorded in the committee minutes. In these cases, it would be appropriate for a committee member to leave the room during the discussion.
- 10.9. The Institute shall investigate complaints against Registered Organisation (see regulation 1.4 above).
- 10.10. 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 shall be referred to the Institute to consider whether an allegation of misconduct should be made. Should this happen, the application for registration will normally be deferred pending the outcome of the Professional conduct procedure. Applications may be similarly deferred pending criminal or other legal proceedings.

11. Right of appeal

- 11.1. The applying organisation may appeal against
 - a refusal of registration
 - the imposition of a particular condition on the basis that it is unreasonable
 - removal from the Register on the basis that the decision that a condition has not been met is unreasonable
 - Removal from the register following receipt of three conditions in a three-year period

- 11.2. The applying organisation may not formally appeal against the judgement of circumstances that led to a condition being imposed on it, but it has the right to put a case to the Committee for reconsideration.

12. Appeals process

- 12.1. Appeals shall be heard according to the provisions below by an appeals panel convened by the Advisory Council. The panel shall consist of six members of the Advisory Council, who are not also members of the Registration Committee (Organisations), of which four shall constitute a quorum.
- 12.2. No member of the appeals panel who has a relationship with the Responsible Post Holder, a Registration Committee (Organisations) member involved in the decision, a member of the inspection panel or staff member involved in the decision, which might reasonably be considered a conflict of interest/prejudicial interest in the case shall serve on the panel.
- 12.3. Appeals or requests to reconsider conditions shall be lodged in writing with the Institute's Office by the relevant Responsible Post Holder within 30 days of being notified of the Registration Committee (Organisations) decision.
- 12.4. The Institute office shall acknowledge the receipt of the request for an appeal or request to reconsider in writing and shall keep the Responsible Post Holder informed about the progress of the appeal.
- 12.5. The role of the appeals panel is to determine whether the Institute has followed its procedure, and in doing so has not reached a decision that might reasonably be considered perverse. If substantial new evidence is brought before the appeals panel which has not been seen before by the Registration Committee (Organisations), the appeals panel may determine forthwith to return the application to the Committee as in 12.9.2 below
- 12.6. The documentation supplied to the panel shall consist of
- 12.6.1. the original application form as supplied
 - 12.6.2. records and correspondence generated by the inspection panel and Registration Committee (Organisations)
 - 12.6.3. any subsequent supporting information sent with the letter of appeal
 - 12.6.4. any additional information sought by the panel
- 12.7. The panel members shall return all paper copies of documentation to the Institute office after the decision is made and delete any electronic copies.
- 12.8. The decision will be arrived at by a majority vote of those attending the meeting if a consensus cannot be achieved.
- 12.9. The decisions that the appeals panel may make are as follows
- 12.9.1. to reject the appeal
 - 12.9.2. to refer the application back to the Registration Committee (Organisations), with any observations as to how the application has been considered and

the decision reached, and direct the Committee to reconsider the application

- 12.9.3. to make any other recommendations to the Registration Committee (Organisations) or Board of Directors relevant to the way in which the Institute determines applications for registration

13. Reporting

- 13.1 In order to ensure that the profession benefits from lessons learned and for the scheme to be open and transparent, ClfA may publish or otherwise communicate information about the reasons for an organisation being refused registration or being removed from the register. This may include the name of the organisation involved and the reasons why it has been removed from or not added to the register.
- 13.2 Information may only be published if the 28 days allowed to lodge an appeal have passed or following the conclusion of an appeal.
- 13.3 If an organisation has previously been on the register and its application is declined, or if it is removed from the register, the Institute may also make this information known to third parties by other means as it sees fit.