

Standard and guidance for commissioning work or providing consultancy advice on archaeology and the historic environment

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STANDARD

The Standard

Specialist advice to commissioners of archaeological and other historic environment work will, as far as is reasonably possible, ensure that the commissioner sufficiently understands and complies with ethical, legal and policy requirements, and is aware of the likely resource requirements.

The procurement of historic environment services to implement that advice will ensure that work is fit for purpose and is undertaken by appropriate experts in accordance with the ClfA *Code of conduct*, regulations and *Standards and guidance*.

Advice should be clear, compliant, impartial, informed and robust, and should be proportionate to a thoroughly researched and clearly reasoned assessment of the known or potential significance of the heritage assets concerned.

The advisor should be suitably qualified, skilled and competent.

Purpose and scope

The Standard and guidance applies to all ClfA members and Registered Organisations providing advice to the commissioners of services in relation to the historic environment, or procuring services on their behalf, within the same organisation or externally. This includes:

- a. providing advice to a landowner, developer or member of his/her professional team on commissioning historic environment services in order to fulfil a planning or other requirement
- b. procuring historic environment services within the organisation or externally
- c. advising a heritage body commissioning a specific study

The overarching ClfA *Standard and guidance for the Stewardship of the historic environment* amplifies the stewardship responsibilities that **all** members of the Institute owe to the historic environment under the *Code of conduct*. This Standard and guidance expands that responsibility, providing more detailed guidance to advisors working in a consultancy environment. It is complemented by the ClfA *Standard and guidance for archaeological advice by historic environment services*, which fulfils a similar role for advisors acting on behalf of regulatory bodies. These two documents have been closely aligned very deliberately in order to acknowledge that all parties are working together to manage change and to achieve the best outcomes for the historic environment.

It is recognised that advisors carry out a wide range of roles within the historic environment, some of which will fall outside the scope of this Standard and guidance, and further advice flowing from the *Stewardship* Standard and guidance may be developed in the future.

The key section of this document is the Standard. It defines the desired outcome; it is only a few lines long and deliberately lacks detail. In part this is because it is impossible to foresee every circumstance in which archaeological advice and procurement may take place. Nor does

the Chartered Institute for Archaeologists (CifA) seek to dictate to its members in detail the means by which advice may be provided, but rather to outline procedures by which outcomes or products can be attained, and against which performance can be measured. The archaeologist is left free to make a considered selection of appropriate techniques and to develop new approaches.

Advice is considered as failing to meet the Standard in the following circumstances:

- a. where the manner of provision of advice and/or the procurement of services does not permit the commissioner to understand and comply with ethical, legal and policy requirements
- b. where the manner of provision of advice and/or the procurement of services has failed to make the commissioner aware of the potential resource requirements
- c. where the manner of provision of advice and/or the procurement of services has failed to ensure that the resulting work is fit for purpose and is undertaken by appropriate experts in accordance with the CifA *Code of conduct*, by-laws, and Standards and guidance

Defining 'reasonably possible' (as used in the Standard above) relies on shared professional judgment and values. It is recognised that, despite an advisor's best efforts, a commissioner may choose to ignore or only partially implement their advice; this is why it is important for an advisor to maintain good records of their advice and actions; compliance with the Standard and guidance can then be demonstrated.

The guidance seeks to define current good practice in the provision of archaeological advice and/or the procurement of services, in line with the regulations of CifA, in particular the *Code of conduct*. It is phrased in terms of 'must', 'should' and 'may'. To ensure attainment of the Standard and adherence to the *Code of conduct* it will almost always be necessary to comply with a 'must' clause. Departures from 'should' clauses require caution, and it is advisable to document the reasons. 'May' clauses reflect that advisors' roles do vary.

This document applies to CifA members' work wherever it is undertaken. Professional practitioners are likely to produce their own yet more detailed handbooks and procedural documents on how they interpret and implement the CifA guidance.

The Standard and guidance applies equally to paid or unpaid archaeologists. For CifA members and Registered Organisations, compliance with the Standard is an obligation of membership or registration; failure to meet the Standard may be judged to be in conflict with the regulations through the Institute's professional conduct or complaints procedures. CifA members are expected to follow the principles set out in the guidance wherever they work and in whatever capacity, as well as complying with international, national and local requirements.

Professional practice is changing. New methods are being developed, and the circumstances in which archaeological advice is provided are subject to changing legal, administrative and ideological perspectives. Comments and recommendations on this document are welcome at any time.

GUIDANCE

1 Ethical obligations

1.1 The ClfA *Code of conduct* places general obligations on members as follows:

- a. a member shall adhere to high standards of ethical and responsible behaviour in the conduct of archaeological affairs
- b. a member has a responsibility for the conservation of the historic environment
- c. a member shall conduct his or her work in such a way that reliable information about the past may be acquired, and shall ensure that the results be properly recorded
- d. a member has responsibility for making available the results of archaeological work with reasonable dispatch
- e. a member shall recognise the aspirations of employees, colleagues and helpers with regard to all matters relating to employment, including career development, health and safety, terms and conditions of employment and equality of opportunity

1.2 More specifically, in the context of this Standard and guidance, a member may face ethical dilemmas concerned with reconciling the needs of their client with those of the historic environment. In these circumstances, a member must act in accordance with the ClfA *Code of conduct*.

2 Expertise/competence

2.1 Those providing advice to the commissioners of archaeological services and/or procuring archaeological services must:

- a. be able to demonstrate accreditation, qualifications, skills and competence appropriate to the projects in which they are involved, for example through organisational Registration or individual ClfA membership
- b. ensure that the commissioners concerned are appropriately informed and have access to the necessary specialist advice. The relevant expertise may not be purely archaeological but might also include, amongst other skills, expertise in project management, spatial planning, consultancy, research, public engagement and presentation.

3 Procedures

3.1 Provision of professional consultancy advice

3.1.1 Advisors must:

- a. maintain high standards of professional conduct, competency and integrity in their working relationships with clients, colleagues, suppliers and other stakeholders
- b. give advice based on a sound understanding of the heritage issues and, through the provision of advice, seek to manage change within the historic environment, reconciling wherever possible the need to conserve and enhance significance with the needs of their clients.
- c. ensure that any investigation has a defined research objective, complies with the appropriate ClfA Standards and guidance and is conducted in a way to optimise a research output proportionate to the nature and results of the investigation
- d. ensure that advice is provided in accordance with relevant national and local policy and national and regional guidance

3.1.2 Advisors should

- a. ensure that their advice regarding the scope of any assessment of archaeological or cultural heritage significance complies with the relevant ClfA Standard and guidance, and is sufficient to ensure as full an understanding as is reasonably possible of the potential impact of change on the asset's significance. This should include consideration of all aspects of the historic environment, be proportionate to both the significance of the asset(s) and the potential impact of the proposal on them, and be clearly explained and reasoned. Where ClfA members or registered organisations form part of a team, with elements undertaken by other contractors (such as historic building recording, landscape and visual assessment), advisors should advise clients of the importance of integrating all aspects of historic environment work.
- b. ensure that clients are aware of a range of potential courses of action and the costs and risks associated with them
- c. where possible, promote community engagement with the historic environment, seeking to ensure that archaeological investigation is directed towards providing benefit to the public, whether directly through participation and engagement in the process, where it is appropriate to do so, or indirectly through the increase in knowledge that the results of investigation provide to the local and wider community. Such engagement should be proportionate to the scale, nature and circumstances of the work
- d. where appropriate to the nature and significance of the results, promote in addition to formal publication the use of innovative forms of dissemination which produce wider public benefit than conventional methods of publication. These might include the use of different forms of media, exhibitions or events
- e. satisfy themselves that adequate provisions are made for completing the project to the required standards. A recommended way to achieve this is to commission work from ClfA Registered Organisations, which are assessed for, amongst other archaeological considerations, their ability to recruit, retain, motivate and develop the skills of appropriately competent expert staff

- f. ensure that a clear and transparent process exists for dealing with real or perceived conflicts of interest. In particular, archaeologists whose professional responsibilities combine recommendations about investigation and/or management with their execution must clearly indicate the combination of these interests to all relevant parties and ensure formal protocols or codes of practice are put in place to prevent any conflicts of interest.

3.2 Procurement

3.2.1 Those advising the commissioners of archaeological services or procuring those services themselves must:

- a. satisfy themselves that the proposed programme of work can be delivered to the required standard within the budget that has been identified for it or within the tender price submitted, and that it complies with relevant ClfA Standards and guidance. This must include ensuring that mechanisms are in place for securing an appropriate level of analysis and publication and for preparation of the archive
- b. ensure that all parties are aware of the unpredictable nature of buried archaeological evidence and that appropriate contingency arrangements have been made
- c. act with impartiality and integrity in devising and implementing the procurement of archaeological services in a fair, open and transparent manner
- d. where the commissioning organisation has not adopted a procurement policy, select a procurement route appropriate and proportionate to the scope of the project
- e. procure, or advise their client to procure, services from an organisation that meets the competency and quality standards, and that has the resources necessary for the proposed project
- f. be aware that there are legal responsibilities on those undertaking procurement
- g. ensure that a clear and transparent process exists for dealing with real or perceived conflicts of interest. In particular, archaeologists whose professional responsibilities combine recommendations about investigation and/or management with their execution must clearly indicate the combination of these interests to all relevant parties and ensure formal protocols or codes of practice are put in place to prevent any conflicts of interest

3.2.2 Those advising the commissioners of archaeological services or procuring those services themselves should:

- a. define the scope of the project and the nature of the heritage in a clear and concise form to allow potential suppliers to prepare their responses. Any areas of uncertainty in terms of scope or the nature of the heritage should be made clear to all parties

- b. where appropriate, ensure that the brief and/or specification for services accords with the requirements of the planning or other relevant authority
- c. consider the cost to suppliers of preparing tender documentation and proposals and require only the submission of relevant information by providers that will be considered for the work
- d. define the selection and award criteria, and the scoring and any weighting to be applied in the invitation to tender, using selection criteria which are appropriate and relevant to the project
- e. recommend the selection of suppliers on a Most Economically Advantageous Tender basis (i.e. based on a combination of cost and quality), although there may be circumstances where a simple Lowest Price basis can be used for suppliers who have reached a minimum quality threshold
- f. provide feedback on the tender result to unsuccessful suppliers, outlining the advantages of the successful proposal
- g. where appropriate, seek to ensure continuity from fieldwork through to analysis and publication of results; this can normally be achieved by designing for continuity of personnel across the stages of the work, departing only where service suppliers have demonstrated that they are unlikely to be able to complete the project satisfactorily
- h. seek to ensure that archaeological investigation is undertaken only by practices or individuals that can demonstrate adherence to ClfA standards. To facilitate this, they may advise that suppliers be professionally accredited by ClfA's Registered Organisations scheme.

4 Resources

4.1 Those providing advice to the commissioners of archaeological services and/or procuring archaeological services must:

- a. ensure that resources are sufficient and suitable for the work to be done
- b. advise clients to make provision for appropriate funding, highlighting the importance of choosing suppliers of archaeological and historic environment services based on a range of quality and other criteria
- c. ensure that those initiating, sponsoring or commissioning archaeological fieldwork understand their responsibility for resourcing the processing and analysis of the data and finds, appropriate scientific analysis, synthesis, and dissemination of the results, long-term conservation, security of and access to the archive

4.2 Those providing advice to the commissioners of archaeological services should:

- a. advise on the implications of non-compliance with regulatory requirements and the financial, reputational and other risks that might result from failing to plan effectively for a proportionate level of investigation.

5 Communication

- 5.1 Those providing advice to the commissioners of archaeological services and/or procuring archaeological services must:
- a. seek to ensure that clear communication channels exist between themselves, their clients and service providers and, where appropriate, regulators and curators, and that the channels are understood and agreed
 - b. ensure that communication is adequately documented to provide a robust audit trail for contractual and quality management purposes
- 5.2 Those providing advice to the commissioners of archaeological services and/or procuring archaeological services should:
- a. within the limitations of commercial confidentiality and legal restrictions, promote open communication as most likely to secure the best outcomes for the historic environment.

6 Monitoring and managing the quality of archaeological work

- 6.1 Those providing advice to the commissioners of archaeological services and/or procuring archaeological services must:
- a. require the compliance of all archaeological work with ClfA Standards and guidance and the agreed specification
 - b. undertake monitoring of all relevant stages of archaeological work in accordance with stated policies or contractual agreement, and document and share the results of monitoring with appropriate parties in order to provide a robust audit trail for planning, legal and quality management purposes
 - c. ensure that a system for reviewing the quality and the outcomes of advice and/or investigation is in place before work is undertaken
- 6.2 Those providing advice to the commissioners of archaeological services and/or procuring archaeological services should:
- a. where work is undertaken within the planning process or other statutory consent regimes, cooperate with national and/or local curators who will also be monitoring quality and compliance. National and/or local curators may discuss technical and compliance issues both on and off site with those undertaking the work. Where this might affect any commercial arrangements, such as those between a consultant, client and fieldwork contractor, care should be taken not to enter into agreements beyond the authority of the parties involved, for example matters affecting consents or the discharge of conditions
- 6.3 Those providing advice to the commissioners of archaeological services and/or procuring archaeological services may:

- a. where it is appropriate and justified, consider a greater reliance on self-regulation by archaeological practitioners who are subject to third-party professional accreditation or auditing/quality control through a professional accreditation and auditing process.