

Policy statements

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The Chartered Institute for Archaeologists is incorporated by Royal Charter.

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Policy statements

CIfA's *Code of conduct* indicates the general standard of conduct to which members of the Institute are expected to adhere. The Institute from time to time produces written standards and guidance and policy for specific areas of historic environment work. Members must comply with the standards. Guidance and policy set out current good practice for complying with the Code, and members are advised to respect them. Departure from the guidance and policy may be acceptable if circumstances justify it and the action taken is consistent with the provisions of the Code, but the rationale should be clearly documented.

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EQUAL OPPORTUNITIES IN ARCHAEOLOGY

Equal opportunities are an issue integral to every aspect of archaeological work. It is essential that all people are treated equally and not disadvantaged by prejudices or bias. Principle 5 of the *Code of conduct* states that any member shall respect the aspirations of employees, colleagues and helpers with regard to all matters relating to issues of equality of opportunity and employment, including but not limited to career development, health and safety, and terms and conditions of employment. This policy statement provides more guidance for members and the Institute about how best comply with the Code and to lead by example.

- 1.1 The Chartered Institute for Archaeologists is committed to implementation of a policy of equal opportunities in archaeology.
- 1.2 This policy aims to heighten awareness of equality issues amongst archaeologists, and to encourage employers to adopt guidelines ensuring that no job applicant or employee receives less favourable treatment or access to opportunities for training and development on any grounds not relevant to employment practice.
- 1.3 The Institute will observe this policy in relation to its own employees, and will consider the policy applicable to its membership. According to the Institute's *Code of conduct*, all members must practice ethical and responsible behaviour in archaeological affairs (Principle 1), and in dealing with employees and colleagues (Principle 5). Appropriate professional conduct includes refraining from discrimination, harassment and bullying. Such behaviour may lead to allegations of improper conduct under the Institute's Professional Conduct regulations.
- 1.4 The Institute is committed to equality of opportunity to serve on its committees, working parties, Advisory Council and Board of Directors, and in its accreditation processes and all other activities.
- 1.5 The Institute will observe a policy of non-discriminatory language and behaviour in its by-laws, administration, publications, presentations and annual conference.
- 1.6 Through its Advisory Council and Equality and Diversity Group the Institute is committed to a programme of action to make this policy fully effective.

HEALTH AND SAFETY

- 1.1 The Chartered Institute for Archaeologists recognises its individual members' responsibilities as regards Health and Safety under Principle 5 of the *Code of conduct*. Responsibilities are further defined in individual *Standard and guidance* documents.
- 1.2 ClfA recognises that all employers, regardless of the size of the organisation, need to have an effective Health and Safety policy (in the UK the Health and Safety Executive's publication *Successful Health and Safety Management* HS(G)65 reinforces this position).
- 1.3 Acting in an unsafe way, failing to ensure a healthy and safe environment for archaeological work, or otherwise disregarding this policy may result in a case being brought under the Institute's *Professional Conduct regulations*.

THE USE OF VOLUNTEERS AND STUDENTS ON ARCHAEOLOGICAL PROJECTS

1 INTRODUCTION

- 1.1 Through its *Code of conduct* and published standards, ClfA requires that *inter alia* archaeologists shall only undertake work for which they are adequately qualified (Rule 1.4); shall comply with all applicable laws (Rule 1.6); shall have due regard for terms of employment and career development (Rule 5.6); and have a duty, not only to observe the code but to encourage others to do likewise (Rule 1.12).
- 1.2 Community engagement both fosters public understanding and support for the historic environment and adds value to archaeological work. It may include providing talks and presentations, guiding walks, arranging conferences, exhibitions, open days and living history events, providing school project work and learning resources, offering work experience and volunteering opportunities, and supporting community archaeology projects.
- 1.3 ClfA acknowledges the continuing, invaluable contribution made to archaeology by volunteers and recognises the necessity for students to gain experience in field techniques. Furthermore, it believes that the following guidelines offer a framework for the involvement of such individuals in such a way as to avoid misunderstanding and accusation of unfair practice.

2 GLOSSARY OF TERMS

- 2.1 **Volunteer** someone who by agreement does not receive either a wage or salary.
- 2.2 **Student** someone who is pursuing a formal course of tuition in archaeology.
- 2.3 **Employee** an individual who works under contract (implied, oral or written) with an employer, and receives remuneration for work done.
- 2.4 **Professional** the standards of work promoted by ClfA and to which accredited professionals are assessed against
- 2.5 **Personal research** investigations which do not normally result from the requirements of a development control authority. Such research may be sponsored or grant-aided.
- 2.6 **Development-led projects** work which is a direct consequence of planned landuse change, such work may be in compliance with government guidance or may be required by a controlling authority.
- 2.7 **Commercial work** work undertaken as part of the business of a client or contractor and for which payment is usually made.

3 GUIDELINES

- 3.1 ClfA wishes to encourage the participation of as many people as possible in archaeology and recognises the need to give students practical experience. However, this cannot be done at the expense of professional standards or risk to the limited archaeological resource.

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- 3.2 It is normally inappropriate for organisations to bid for commercial work if there is the expectation that they will use staff who will not be paid a proper wage or be appropriately contracted.
 - 3.3 Employers will not use volunteers and students in place of employed staff when funding is agreed for the latter, as this would be tantamount to exploitation.
 - 3.4 In all archaeological projects, greater public benefits may be achieved by means of community engagement and participation both during and after the project. Health and safety, public liability or commercial confidentiality considerations may dictate the form of engagement that is possible, but in all cases, it should be demonstrated that the potential engagement of the community has been fully considered.
 - 3.5 So as to avoid misunderstandings, ClfA recommends that on every occasion on which volunteers or students are to be used, and especially when competitive tenders are sought for a commercial contract, the full extent of their activities in respect of the services offered must be declared and included in the submitted written project proposals. The implications (for example financial, timetable, insurance, competence etc) must be fully explained so that both the client and curator can satisfy themselves that requirements can be discharged satisfactorily.
 - 3.6 All archaeological work, especially where it is intrusive, must be adequately supervised to ensure that professional standards are met whatever the funding arrangements.
 - 3.7 All archaeological work must be carried out in accordance with the relevant ClfA Standards and guidance. It is the responsibility of the archaeologist directing the work to ensure that this is the case and of ClfA to consider alleged cases of breaches of the *Code of conduct*. For this reason, it is recommended that the archaeologist directing the work should preferably be an accredited member of ClfA. Where it falls under their jurisdiction, national or local curators may also monitor archaeological work to ensure that it is carried out to an appropriate standard.
 - 3.8 Organisations working with voluntary and student participants are encouraged to develop suitable policies with due regard to ClfA's *Code of conduct* and this Policy, to recognise the positive contribution made by them, to offer reassurance that their efforts form an integrated component of the organisation's overall activities and goals, and to clarify working arrangements.
 - 3.9 No archaeologist will denigrate valuable contributions made by volunteers and students.

ENVIRONMENTAL PROTECTION

1. Introduction

- 1.1 Our environment has been shaped over millennia by human activity, and the Chartered Institute for Archaeologists recognises that its members' professional responsibilities to the historic environment extend to the environment more generally. All CifA members have a responsibility for the protection of the archaeological heritage (*Code of conduct*, Principle 2).
- 1.2 Equally, members shall adhere to the highest standards of responsible and ethical behaviour in the conduct of archaeological affairs (*Code of conduct*, principle 1). Archaeological activities have the potential to affect any component of the environment and to create harmful emissions, and CifA recognises its members' ethical responsibilities to care for the environment and limit emissions.
- 1.3 This policy aims to heighten awareness of environmental protection and carbon reduction issues amongst the membership of the Institute, and to encourage archaeological organisations and individuals to adopt and implement environmental protection policies. A model policy is appended for the use of CifA members: CifA does not require its members or registered organisations to use this form of words
- 1.4 The Institute will observe this policy in relation to its own activities.
- 1.5 Failing to comply with the principles of this policy or to fulfil environmental protection obligations may result in a case being brought under the Institute's *Professional Conduct regulations*.

2. Model policy for organisations and individuals

- Conscientious protection of people and the environment is an integral part of this organisation's working practice.
- It is this organisation's intention that all work be carried out in accordance with the relevant statutory provisions and should seek to exceed them where possible. All reasonably practicable measures will be taken to avoid and/or alleviate potential damage or nuisance to people and impact on the environment.
- Avoidance of nuisance or damage is the first objective. Where this is not practicable, the second objective is to alleviate the impact by appropriate methods.
- This organisation will seek to minimise its impact on the environment by reducing waste, pollution and emissions, by promoting recycling and by taking into account environmental and ethical considerations when sourcing products, supplies and equipment wherever possible. Further information on the action taken by the organisation to achieve its commitment to minimising impact on the environment will be issued from time to time.
- This organisation's management and supervisory staff are responsible for implementing this environmental policy throughout the organisation, and must ensure that, subject to

requirements of Health and Safety, environmental protection has a high priority in planning and day-to-day supervision of work.

- All employees, sub-contractors and visitors are expected to cooperate with the organisation in carrying out this Policy, and ensuring their own work, in so far as is reasonably practicable, is undertaken without risk or nuisance to themselves or others, or to the wider environment.
- X has responsibility for environmental matters, and reference should be made to that person in the event of any difficulty arising in the implementation of this Policy. Appropriate external advice will be sought where necessary.
- The operation of this Policy will be kept under review and monitored by the management and staff of the organisation at all permanent and temporary workplaces.
- This statement of organisation Policy will be displayed prominently at all sites and work places and all staff will be issued with a copy.

Signed

Dated.....

Position.....

SELF-EMPLOYMENT AND THE USE OF SELF-EMPLOYED SUB-CONTRACTORS

1. Introduction

- 1.1 ClfA recognises that its members and Registered Organisations use a range of different business models and employment types. ClfA does not have a remit to dictate how its members should carry out their business. However, it does have a role in ensuring that members and Registered Organisations work to recognised standards and in a manner which does not contravene the *Code of conduct* and Standards and guidance. Specifically, self-employed status may in some circumstances raise ethical issues of good practice, within the remit of ClfA. This policy statement clarifies the interpretation of the *Code of conduct*.
- 1.2 Self-employment provides an appropriate model for many ClfA members, particularly those working as individual specialists. However, being self-employed brings with it responsibilities that those working for an employer do not have. Moreover, whether or not someone is self-employed is not simply a matter of choice or contract; in many administrations it is a matter of law. (In the UK, there is no clear legal definition of self-employment for the purposes of determining tax and National Insurance contributions. Sub-contracted individuals and those whose work is offered through an employment or temporary work agency need to take particular care to understand their employment status. Cases may be decided in court on the basis of a number of factors. More information about employment status can be found on the HMRC's website at <http://www.hmrc.gov.uk/employment-status/index.htm#1>.)

2. ClfA position

- 2.1 An example of where self-employment might be considered by ClfA to conflict with ethical practice would be when self-employed workers are used as a way of cutting costs by avoiding the employers' obligation to provide benefits such as paid leave, sick pay, provision of personal protective equipment etc. Engaging self-employed workers for this purpose is considered to be a contravention of Principle 5 of the ClfA *Code of conduct*. For members and Registered Organisations this could lead to investigation under ClfA's professional conduct procedures as appropriate.
- 2.2 In contrast, there are circumstances where it will be entirely appropriate to engage self-employed archaeologists. An obvious example would be a self-employed finds specialist sub-contracted to a principal contractor as part of a wider project.
- 2.3 A potential grey area is the increasingly common practice of sub-contracting fieldwork either to an individual or a group of self-employed archaeologists.
- 2.4 Where questions are raised regarding the use of self-employed archaeologists in this way, either through an allegation or a complaint as part of the disciplinary or Registered Organisation complaints procedure or during the Registration process, ClfA may require the member or Registered Organisations based in the UK to provide an opinion from an HMRC Status Inspector or a report from the online Employment Status Indicator tool as confirmation of employment status. Again, more information can be found on the HMRC website.

3 Responsibility of ClfA members engaging subcontractors

3.1 Regardless of the circumstances, ClfA expects Registered Organisations and members engaging the services of sub-contractors who are not themselves members or registered with the Institute to ensure that the sub-contractors are made aware of the responsibilities of membership or Registration with regard to the ClfA *Code of conduct* and standards and guidance. Members and Registered Organisations should satisfy themselves that their sub-contractors

- are able to meet the appropriate standards
- are adequately insured and
- are remunerated in line with ClfA minimum salary recommendations¹

4. Responsibility of ClfA self-employed members

4.1 In order to remunerate themselves in line with ClfA minimum salary recommendations, self-employed members should remember to include the appropriate uplift to the minimum salary for their grade to compensate for lack of sick pay, paid annual leave and employers' pension contribution and other business costs such as professional indemnity insurance as required by the *Code of Conduct*. Minimum salary recommendations have been evolved as guidance to employees and employers in the UK only, but similar factors should be considered for self-employed members working elsewhere in the world.

5. Further information

5.1 Further guidance for ClfA members seeking to work on a self-employed basis is available on the ClfA website at www.archaeologists.net/practices/selfemployment. Discussion and useful information on costing projects and charge out rates for specialists can also be found on this page (Working freelance – some points to consider by Rachel Edwards and Catrina Appleby), in TA 77 (discussion piece on the benefits of self-employment), TA 63 (guidance on charge out rates for specialists) and TA 59 (Costing the Earth? Discussion and guidance on costing archaeological work). Further information and advice for self-employed workers in the UK can be found on the HMRC website at www.hmrc.gov.uk/selfemployed and on Business Link www.businesslink.gov.uk.

¹ minimum salary recommendations have been evolved as guidance to employees and employers in the UK only

THE USE OF TRAINING POSTS ON ARCHAEOLOGICAL PROJECTS

1. Introduction

1.1 ClfA recognises the value of structured on-the-job learning in all aspects of archaeology. Training positions are a valuable way for archaeologists to gain skills and experience in real work situations². However, this cannot be done at the expense of professional standards or risk to the limited archaeological resource. ClfA issues the following guidance to promote the importance of structured training while at the same time safeguarding high standards of ethical and responsible behaviour.

1.2 Through its *Code of conduct* and published standards, ClfA insists that *inter alia* archaeologists shall only undertake work for which they are adequately qualified (Rule 1.4); shall apply with all applicable laws (Rule 1.6); shall have due regard for terms of employment and career development (Rule 6.6); and have a duty, not only to observe the Code, but to encourage others to do likewise (Rule 1.12).

1.3 The minimum level of competence to be expected of any practising archaeologist shall be equivalent to that required for Practitioner (PCIfA) grade membership of the Chartered Institute for Archaeologists. Any employee who has not reached PCIfA level competence should be working within a structured training programme designed to develop their skills and competence to PCIfA level.

Note: Registered Organisations are already expected to have in place a training plan for the organisation. The plan should explain how career entrants will be supported to develop the skills and competence required to gain Practitioner level membership of ClfA.

2. Guidelines

2.1 All archaeological work, especially where it is intrusive, must be adequately supervised to ensure that professional standards are met. The ratio of experienced staff to trainees must take into account the nature and complexity of the work undertaken.

2.2 It will be the responsibility of the relevant curators, where applicable, to monitor and control archaeological work to ensure that professional standards are attained, and of ClfA to consider alleged breaches of the *Code of conduct*.

2.3 To avoid misunderstanding, ClfA recommends that on every occasion on which trainees are to be used, and especially where commercial tenders are sought for a commercial contract, the full extent of their activities in respect of the services offered must be declared and included in the submitted written project proposals. The implications (for example, financial, timetable, insurance, competence, etc.) must be fully explained so that both the client and curator can satisfy themselves that requirements can be discharged satisfactorily.

2.4 In some instances, it may be appropriate for trainees to be paid at rates below the ClfA recommended minimum salary level which would apply were the full

² See www.archaeologists.net/publications/papers - An introduction to providing career entry training in your organisation ClfA, 2014 (revised 2021)

responsibilities of the post being carried out. In these circumstances, organisations should ensure

- that the post is clearly advertised as a training position
- that a training plan for the post is in place, linked to National Occupational Standards
- that the training period is of finite duration with clearly defined learning outcomes and automatic progression to (or above) the appropriate CfA minimum salary recommendation once they have been achieved

ACTS AND OFFENCES THAT MAY BE CONSIDERED UNDER THE PROFESSIONAL CONDUCT, MEMBERSHIP AND REGISTRATION OF ORGANISATIONS REGULATIONS

1. Introduction

- 1.1 The professional conduct regulations govern the process by which CifA investigates allegations of a breach of the Code of conduct. The regulations cover what is in and out of scope, but leave room for interpretation by those charged with assessing and investigating an allegation.
- 1.2 To guide those making, defending, assessing or investigating an allegation, the Board of Directors has provided this statement of policy on how it would like to see the regulations interpreted.

2. Professional and private life

- 2.1 The principles and rules of CifA's ethical *Code of conduct* are intended to apply to an accredited member's behaviour as an archaeologist, including outside hours of employment or contracts, but not to their private life.
- 2.2 Rule 1.6 states *A member shall know and comply with all laws applicable to their archaeological activities whether as employer or employee*. This means that a professional conduct investigation may arise if a member breaks any law relating to the historic environment or archaeology or any other law relevant to their archaeological activities.
- 2.3 The exception to clause 2.1 of this policy statement is rule 1.1 of the Code of conduct, which states *A member shall conduct themselves in a manner which will not bring archaeology or the Institute into disrepute*.
- 2.4 It is unlikely that conduct outside a member's archaeological activities would bring archaeology or the Institute into meaningful disrepute, and the professional conduct process should not be used for minor matters.
- 2.5 However, there are two types of conduct where the consequences of the actions are so serious that it may be judged that archaeology or the Institute has been or is likely to be brought into disrepute.
- 2.6 One comprises any criminal conviction that attracted a penalty of more than four years' imprisonment or a public protection sentence (a custodial sentence for specified sexual and violent offences) – because a penalty of that magnitude will have taken into account the gravity and impact of the offence on victims, mitigating circumstances and the social attitude prevailing in the jurisdiction where the penalty was imposed. In the UK custodial sentences over four years and public protection sentences are never regarded as spent. The professional conduct and accreditation processes should take account of differing thresholds in other jurisdictions.
- 2.7 The second type comprises proven acts that attracted lesser or no penalties – because those actions are particularly offensive to archaeologists and those they serve, or to society generally, but may not attract high sentences in criminal justice systems. These are considered to include sexual harassment, racist behaviour,

serious bullying, corporate manslaughter, serious Health & Safety breaches, serious fraud and embezzlement.

- 2.8 The list of acts and offences cannot be definitive and on occasion it may be appropriate for ClfA to investigate offences not on the list, or to disregard those included, but for any exception this policy expects a strong rationale, following the principles of this policy statement.
- 2.9 The principles in this policy statement should be applied in the accreditation of individual archaeologist or archaeological organisations.
- 2.10 Certain historic conduct will become 'spent' (in accordance with the provisions of the UK Rehabilitation of Offenders Act) and therefore should not form the basis for taking action for a breach of the *Code of conduct*, or in consideration of an application for accreditation. A member with a conviction in a jurisdiction where the threshold for unspent convictions is higher may be able to argue an appropriate exemption. The assumption here is that what constitutes good practice relating to employment of ex-offenders equally constitutes good practice for determining 'fitness to practise', either through a professional conduct case or assessment of an application. The professional conduct and accreditation processes should take account of differing thresholds in other jurisdictions.