

BY-LAWS

Code of approved practice for the regulation of contractual arrangements in field archaeology

By-laws of the Institute of Field Archaeologists
Code of approved practice for the regulation of contractual arrangements in field archaeology
 Revised edition, September 2002

(The *Code of approved practice for the regulation of contractual arrangements in field archaeology* was formally ratified and adopted as a by-law of the Institute at the Annual General Meeting held on 17 September 1990. This revised edition incorporates amendments to the by-law approved at Annual General Meetings of the Institute held on 17 September 1993, 14 October 1994, 22 September 1995, 10 September 1997, 17 September 1998, 7 September 2000 and 5 September 2002)

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SETTING STANDARDS IN ARCHAEOLOGY

Introduction

This Code provides guidance to archaeologists about professional conduct in situations where sponsored or commissioned archaeological work is undertaken on a contractual basis, especially as part of development controlled by the planning process. It is based on the five principles already enshrined in the Institute's *Code of conduct*. The principles are

- 1 The archaeologist shall adhere to the highest standards of ethical and responsible behaviour in the conduct of archaeological affairs.
- 2 The archaeologist has a responsibility for the conservation of the archaeological heritage.
- 3 The archaeologist shall conduct his/her work in such a way that reliable information about the past may be acquired, and shall ensure that the results be properly recorded.
- 4 The archaeologist has a responsibility for making available the results of archaeological work with reasonable dispatch.
- 5 The archaeologist 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.

It is recognised that a variety of local organisational arrangements exist for the conduct of archaeological fieldwork and its associated processes and that these are continuing to evolve. In some areas most projects are undertaken by a single integrated body, in others several organisations coexist harmoniously and elsewhere a more competitive environment prevails. This *Code of approved practice for the regulation of contractual arrangements in field archaeology* is not an attempt to promote any particular organisational system for obtaining or carrying out archaeological work. Rather it is intended to encompass all work, whether undertaken through local authorities, central government, universities, museums, independent trusts or private companies.

The Code addresses issues of particular current concern. It provides guidance on professional behaviour where more than one individual or organisation is competing for the same piece of work. It seeks to ensure that the terms and conditions for all work undertaken on behalf of a third party are clearly defined, normally by contract. It requires the declaration of interests by members of the Institute involved with commissioning and implementing a programme of work. It reminds all archaeologists, whatever their role in a particular project, of the need for a sound brief and specification of work together with effective monitoring of professional, academic and technical standards in their execution.

The *Code of approved practice for the regulation of contractual arrangements in field archaeology* indicates the general standard of professional conduct to which individual members of the Institute and organisations are expected to adhere when constructing a tender, considering a tender, or undertaking sponsored or commissioned archaeological fieldwork under contract. Members failing to observe the norms of behaviour set out in the Code may be judged guilty by the Institute's governing body of conduct unbecoming to a member and may be either reprimanded, suspended or expelled. The Institute from time to time produces written standards and guidance for the execution of archaeological projects, and policy statements. All members are advised to respect such standards, guidance and policy statements in the interests of good professional practice; a full list of the IFA *Standard and guidance* documents and policy statements

published to date will be found in the 'Further reading' section appended to the Code.

This *Code of approved practice for the regulation of contractual arrangements in field archaeology* was formally ratified and adopted as a by-law of the Institute at the Annual General Meeting held on 17 September 1990, and amended by Ordinary Resolutions passed at Annual General Meetings held on 17 September 1993, 14 October 1994, 22 September 1995, 10 September 1997, 17 September 1998 and 7 September 2000. It should be read in conjunction with the Memorandum and Articles of Association, *Code of conduct*, *Disciplinary regulations* and *Standard and guidance* documents (by-law enacted under Article 44, pursuant to Clause 3 of the Memorandum).

Code of approved practice for the regulation of contractual arrangements in field archaeology

General

- 1 An archaeologist must act with integrity, within the law of the land, and in accordance with the Institute's *Code of conduct* at all times, and encourage others, whether individuals or organisations, to do likewise.
- 2 An archaeologist's primary responsibility is to safeguard the archaeological resource and to seek preservation *in situ* as the first option. All archaeologists thus have a curatorial role whether, in respect of any particular arrangements for preservation or recording, they act as curator¹, contractor or consultant.
- 3 An archaeologist shall not put at risk any archaeological resource purely for commercial reward.
- 4 An archaeologist who is in breach of the Institute's *Code of conduct* opens himself/herself to disciplinary action through the Institute's *Disciplinary regulations*.

On information requirements for decision making

- 5 An archaeologist should only make a recommendation or decision on the future of primary archaeological evidence if he/she has adequate information to reach an informed judgement. He/she should provide advice on appropriate steps to acquire such a level of information, including, if necessary, the need for further assessment.
- 6 An archaeologist must ensure that those initiating, sponsoring or commissioning recording action understand their responsibility not only for the acquisition of data in the field but also for the processing and analysis of the data and finds, appropriate scientific analysis, synthesis, appropriate dissemination of the results, long-term security of the archive and conservation and storage of the finds, together with the appropriate financial provision.
- 7 An archaeologist will at an early stage seek instruction on the ownership and future of the project records and cultural material produced by archaeological work in order to ensure the necessary close working relationship with the designated repository.
- 8 An archaeologist has a responsibility to ensure that in cases of funding from several sources, the combined funds will enable him/her to discharge his/her full obligations against an agreed

scope of works.

On the adequacy of a brief and the competence of an archaeologist to undertake it

- 9 An archaeologist should not seek to undertake work where insufficient information is available to formulate a brief² specification and costing.
- 10 An archaeologist may advertise his/her services but must ensure that the services offered are consistent with the *Code of conduct* and that claims of competence match the task in hand.
- 11 An archaeologist shall not offer, recommend the offer of, or accept a contract of work unless he/she is satisfied that the work can be satisfactorily discharged. The archaeologist undertaking the work should have the requisite qualifications, expertise and experience and be able to meet the projected timescale.
- 12 An archaeologist involved in commissioning or undertaking works will satisfy himself/herself that the scope of any agreed brief or specification is adequate for the declared purpose, conforms with accepted academic standards and does not needlessly place the resource at risk.

On the nature of contractual arrangements

- 13 An archaeologist involved in seeking tenders must endeavour to ensure that all potential contractors consider the same brief, are provided with the same information regarding the criteria for selection, form of tender and deadline, and are clearly notified of the selection procedures and who will select tenders. An archaeologist must treat each such tender as a confidential document unless otherwise specified and the contents of the tender must not be divulged to other tenderers prior to the selection of a contractor.
- 14 An archaeologist shall not select a contractor or recommend a contractor for selection on the basis of price alone. Having satisfied himself/herself that competitors are adequately qualified and are available to undertake the specified work, an archaeologist will select or recommend for selection from competing tenders those which: meet the brief; are least damaging to the resource; are the most comprehensive; and are the most cost effective.
- 15 An archaeologist, before offering or accepting a contract for work or recommending the same, will define beyond reasonable doubt the terms of the service, the allocation of responsibilities and any limitation of liability, the method of calculation of remuneration, and the provision for variation or termination.
- 16 For the avoidance of doubt, an archaeologist should evidence in writing all offers, agreements and declarations; otherwise the archaeologist's position may be weakened if subsequently his/her integrity is in question.

On the standards of execution and monitoring of archaeological work

- 17 In addition to self regulation an archaeologist must make provision for the relevant curator or his/her agent to monitor work to ensure that it is satisfactorily undertaken and

conforms with the brief and specification.

- 18 An archaeologist monitoring archaeological work should draw to the attention of a contractor, his client and other directly involved parties, at the earliest opportunity, work which conflicts with the brief or specification. Where this threatens to breach the Institute's *Code of conduct* it should be brought to the attention of the relevant parties and IFA.
- 19 An archaeologist involved in commissioning or undertaking works should ensure that a comprehensive and fully integrated archive consisting of project records and cultural material in a permanently accessible form is deposited in a designated repository within a reasonable time of the completion of the works.
- 20 An archaeologist will seek to ensure the prompt dissemination of all work in accordance with IFA's *Code of conduct*.

On the regulation of contingency

- 21 An archaeologist must ensure that all parties to contractual arrangements are aware of the unpredictable nature of buried archaeological evidence and should seek to make appropriate contingency arrangements.

On the declaration of interests

- 22 An archaeologist whose professional responsibilities combine recommendations about preservation and recording with its execution must clearly indicate the combination of these interests to all relevant parties in order that any potential conflicts of interest can be clearly identified. So as to avoid unfair accusations of commercial advantage, an archaeologist should not normally hold such joint responsibilities. If, at any time during the life of the project, circumstances change so that an archaeologist holds joint responsibilities, this must be notified to all interested parties without delay.
- 23 An archaeologist will declare to other parties within a contractual arrangement any other relevant business interests, and will execute the contract faithfully, conscientiously, fairly and without inducements to show favour.
- 24 An archaeologist should exercise caution in undertaking, for different organisations, a series of contracts relating to a single site or monument where conflicts of interest may arise.

On obligations to other parties

- 25 An archaeologist embarking upon fieldwork will secure the permission of the landowner and tenant as appropriate, and of any others with rights or responsibilities for the land and its safekeeping.
- 26 The need for early assessments of the nature and extent of archaeological deposits is recognised and encouraged. It is in the best interests of any commissioner of archaeological work, and for the finite archaeological resource, to ensure that the brief and specification for fieldwork affecting the primary archaeological resource accords with the requirements of the planning or other relevant authority. To ensure a brief or specification fit for the purpose, the archaeologist carrying out fieldwork shall consult the planning or other authority as appropriate regarding what is proposed, and seek agreement to the proposal. The archaeologist must make provision for the relevant authority or his/her agent to monitor the work to ensure that it is satisfactorily undertaken and conforms to the

brief and specification.

- 27 An archaeologist must respect confidentiality, but should allow access to primary archaeological records within a reasonable time (normally six months).
- 28 At all times confidentiality must be maintained and all documents intended for limited circulation and use, and so indicated, must only be used for their specified purpose.

¹ A curator is here regarded as a person or organisation responsible for the conservation and management of archaeological evidence by virtue of official or statutory duties.

² A brief here means a framework for a project; a specification means a detailed statement of the necessary works associated with the undertaking of a particular project; both are normally prepared by or agreed with the relevant curator.