



## THE INTERNATIONAL GUILD OF BATTLEFIELD GUIDES

### CODE OF STANDARDS OF CONDUCT AND PRACTICE FOR MEMBERS

(adopted as a By-law by the Management Board of the Guild in accordance with Article 51 of the Guild's Constitution)

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## INTRODUCTION

As a professional organisation constituted as a company limited by guarantee, the Guild seeks to analyse, develop and raise the understanding, practice and profession of battlefield guiding and to promote the education of battlefield visitors and students in military heritage. It places a strong emphasis on the integrity, competence and professionalism of its Members, and therefore expects them to conduct themselves in accordance with a Code of Conduct within their professional and business life.

The Code should be considered central to the professional life of a battlefield guide not only as a source of ethical guidance, but also as a common-sense indicator to principles of good practice. It is only through the maintenance of high standards by individuals that battlefield guiding will be served, the public will be protected, and the profession will thrive.

## 1 THE SCOPE OF THE CODE AND ENFORCEMENT

This Code lays down standards of professional conduct and practice expected of all Members of the Guild, whatever their grade or level of membership. Although this Code primarily contemplates a Member undertaking professional battlefield guiding, Members not undertaking guiding are nonetheless expected to comply with all parts of the Code which are relevant to such “non-guiding” Members.

The Guild Management Board has the responsibility and power to enforce this Code on behalf of the Guild and shall adopt a Complaints Policy and Procedure to establish a formal process to investigate and determine alleged breaches by Members of the Code and determine whether sanctions should be imposed for proven breaches (“**Code Proceedings**”)

The fact that a course of conduct is not specifically referred to in this Code does not mean that it cannot form the basis of Code Proceedings. Members are expected to be guided in their professional conduct and professional work as much by the spirit of the Code as by its express terms.

Code Proceedings may be brought in respect of the professional conduct or competence of a Member whether or not practising or carrying on business under any name, style or title and whether or not containing the words ‘Battlefield Guide’, ‘Battlefield Tour Operator’ or ‘Battlefield Historian’.

Code Proceedings may arise if a member of the Guild has been convicted of a criminal offence other than an offence which has no material relevance to their fitness to practise as a battlefield guide. Such latter offences are outside the scope of this Code.

## 2 THE LIMITS OF THE CODE

The failure by a Member to comply with the provisions of the Code shall not be taken of itself to constitute unacceptable professional conduct or serious professional incompetence on their part, but shall be taken into account in any Code Proceedings should it be necessary to examine the conduct or competence of a Member.

A minor transgression of this Code is unlikely to give rise to grounds for Code Proceedings unless it forms part of a pattern of unacceptable professional conduct or professional incompetence.

The private life of a Member cannot be the subject of Code Proceedings unless it affects their professional work or brings the profession of battlefield guiding into disrepute.

## 3 THE STANDARDS

The ten Standards are set out below in three sections together with guidance and/or examples of circumstances to illustrate the Standard.

### Promoting professional attitudes

**Standard 1:** The Guild expects Members to uphold the reputation and dignity of the profession of battlefield guiding and the Guild.

You should not be party to any action or statement such that such action or statement might reasonably be considered likely to damage the public trust and confidence in the integrity of the profession of battlefield guiding, or to bring the Guild or its Members generally, into disrepute.

The scope of this Standard is wide, and you should be aware that in addition to what might be considered clear scenarios which might be considered proof of a breach of this Standard, there may be others which are less obvious. Without limiting the scope of this Standard or that of the other Standards, the following may also be regarded as within scope:

- If you fail to take reasonable care for the health, safety and welfare of your clients and others affected by your actions or inactions;
- If you claim to speak, write, represent or act on behalf of the Guild without being duly authorised to do so;
- If you falsely claim to have a professional qualification, status or experience;
- If you damage or otherwise improperly interfere with a battlefield or its environs, its archaeology and artefacts; or
- If you consistently fail or refuse to comply with the reasonable directions of the Guild and those authorised on its behalf.

It should be noted that the misuse of Guild Symbols contrary to any guidelines issued by the Guild shall not on its own be within the scope of the Code unless it is coupled with a failure to comply with another Standard and/or the Member has consistently refused or failed to follow the reasonable directions of the Guild and those authorised on its behalf in relation to the use of Guild Symbols.

In addition to complying with legislation, you should not be party to any communication that is likely to be construed as defamatory by the profession, the public or others, or which may be considered discriminatory in any form.

**Standard 2:** The Guild expects Members to actively and positively promote the standards set out in this Code of Conduct.

You are expected not only to order your own professional life according to the Standards in this Code; you should also do whatever can reasonably be done to ensure their observance generally by other Members. You should therefore report to the Chairman any serious falling short of these Standards on the part of any other Member of which you are aware (it is not necessary to report facts that have been widely reported in the media).

You shall not take as a partner or as a co-director an unsuitable person, such as a person who has been expelled from or refused membership of the Guild for disciplinary reasons or has been disqualified or expelled from or refused membership of another recognised professional organisation.

You should report to the Chairman without delay if you:

- are convicted of an indictable offence or sentenced to imprisonment in respect of any offence; or
- are made the subject of an order of a court disqualifying you from acting as a company director.

If you fail to make a prompt report, it may count against you in the event of Code Proceedings.

You are expected to co-operate with the Chairman or authorised representatives of the Guild in any investigations into the professional conduct or competence of yourself or any other Member. A failure to do so may itself constitute grounds for Code Proceedings.

**Standard 3:** The Guild expects members to act with integrity and avoid any action or situations which are inconsistent with their professional obligations.

You should not be party to any statement, written or otherwise, which is contrary to your professional opinion, or which you know to be misleading, or unfair to others, or otherwise discreditable to the profession.

You are expected to conduct yourself in an appropriate professional manner with all persons with whom you come into contact and in accordance with the law of your own jurisdiction as well as where you are working. You should not discriminate because of disability, age, gender, sexual orientation, ethnicity or any other inappropriate consideration.

You should observe the confidentiality of your clients' affairs and the privacy of others and should only disclose confidential information with their prior consent or other lawful authority.

You should respect the beliefs and opinions of other people, recognise social diversity and treat everyone fairly.

You should, when finding that your personal or professional interests conflict with those of the client or of other relevant parties, inform all parties, and either withdraw from the situation, or remove the source of conflict or obtain the agreement of the parties concerned to the continuance of the engagement.

When two or more clients whose interests may be in conflict both require your services, you should manage this to ensure that the interests of one client do not adversely affect the other.

You should not offer bribes to or accept bribes from anyone, and should maintain a register of hospitality as required by law. If you give or receive any introductory or referral fees, you should disclose this arrangement to the prospective client.

## Promoting professional competence

**Standard 4:** Members should only undertake professional work for which they are able to provide proper professional and technical competence, and resources.

Undertaking work refers to the duty arising when a contract is entered into and continues throughout the term of the contract. No contract normally exists when engaging in speculative work.

You are expected to be competent to carry out work for which you have been engaged, or if you engage others, you are responsible for ensuring that they are competent to perform the task and are adequately supervised.

You are expected to accurately represent your professional status and qualifications as well as those working for you in any capacity.

**Standard 5:** The Guild expects Members to maintain and develop their professional competence in areas relevant to their professional work.

Competence is at the heart of being a professional, so your knowledge, skills and expertise are your key assets. You are therefore expected to keep yourself informed of changes affecting the profession and broader developments relevant to your work and to ensure that your practice, knowledge, skills and techniques are up to date and further developed. As a practitioner you should reflect on and learn from your practice.

The Guild Accreditation Programme also offers members the opportunity to attain Accredited Guide Status which indicates that such member is an experienced guide who has attained a peer verified level of professional expertise. For many members, working through the assignments of the Accreditation Programme proves to be challenging, rewarding and beneficial in widening their knowledge and guiding ability.

For details of the Guild Accreditation Programme, please consult the Guild's website or contact the Validation Secretary.

## Promoting trust in professional relationships

**Standard 6:** The Guild expects Members to organise and manage their professional work responsibly and with integrity and having regard to the interests of their clients.

You should not undertake professional work unless the terms of the contract have been recorded in writing as to:

- the scope of the work;
- the allocation of responsibilities;
- any limitation of responsibilities;
- the fee or method of calculating it; and
- any provisions for cancellation and termination, including refund policies.

Ideally, you should have a standard set of terms and conditions which apply to all your engagements and which is provided to your clients.

You should ensure that you have appropriate security for both electronic and paper-based records appropriate to the client's requirements for confidentiality, and you should ensure that you comply with all data protection legislation.

You should return clients' documents or other property which belong to them, or to which they are legally entitled, at the end of the engagement or upon reasonable request, whichever is the earlier.

**Standard 7:** Members of the Guild should only promote their professional services in a truthful and responsible manner and such promotion shall not be an attempt to subvert professional work from another Member.

When advertising your services, you should not make untruthful or misleading statements, nor claim to be better than other professional Members. Special expertise, however, may be properly claimed and referred to.

Advertisements should conform, as appropriate, to the Advertising Standards Authority or any other body having oversight of advertising standards in the various types of media.

The business style of a practice should not be misleading nor be capable of being confused with another practice or service.

If you are aware that a client (or potential client) already has a contract for services provided by another member, you should not attempt to gain a contract which will involve the client breaching the prior contract.

**Standard 8:** The Guild expects Members to ensure that their personal and professional finances are managed prudently and to comply with any relevant legislation for protection of clients in the course of business.

You are expected to manage your professional finances responsibly.

Should your business finances fail, this may potentially bring you or the profession into disrepute.

The following are examples of acts which may be examined in order to ascertain whether they disclose a wilful disregard by you of your responsibilities. You should therefore inform the Chairman within 28 days if you:

- are made the subject of a bankruptcy order; or
- are the director of a company that has subject to a creditors' or insolvent winding up; or
- make an accommodation with creditors (including a voluntary arrangement); or
- fail to pay a judgement debt.

You should familiarise yourself and comply with relevant legislation and regulations concerning your obligations regarding financial management and record keeping for your business.

You should comply with the European Travel Package Directive if applicable to your business. The following link provides a useful summary <https://www.cbi.eu/market-information/tourism/how-work-new-2018-european-package-travel-directive/>. If you are in any doubt as to its application to you or your business, seek professional advice.

You should deal with creditors and debtors in conformity with best practice and the law, and you should maintain adequate business records of all costs and expenses.

**Standard 9:** The Guild expects Members to have adequate and appropriate Liability Insurance cover for their professional work.

The need for cover extends to your professional work and to work undertaken by employees, sub-contractors or consultants.

You are expected that both you and third parties have an appropriate level of cover commensurate with the work undertaken.

If you are employed, you are advised to ensure as far as possible that Liability Insurance cover, or other appropriate cover, is provided by your employer.

Under the Guild Liability Insurance Scheme, members of the Guild carrying on business in their own name may join the scheme. For further details, contact the Guild Secretary.

**Standard 10:** The Guild expects that any complaints concerning the professional work of individual Members or their business received by the Member or his or her business should be dealt with promptly and appropriately by the Member.

You are expected to have a procedure for the prompt and courteous handling of complaints.

If, after reviewing the complaint, you are unable to resolve the complaint to the satisfaction of the complainant, you should inform the complainant that Members are subject to the Guild Complaint Policy and Procedure and that, if the complainant can demonstrate that a Member has been guilty of unacceptable professional conduct or serious professional incompetence, Code Proceedings may follow.

Where appropriate, you should consider offering alternative means of dispute resolution such as mediation or conciliation.

You should handle complaints at every stage courteously, sympathetically and in a timely manner.

You should also respond to all correspondence from the Guild concerning complaints and/or compliance with the Code in a timely manner and in accordance with the Guild's Code of Conduct and the Guild's Complaints Policy and Practice.

## GENERAL GUIDANCE

### 1 INTERPRETATION

This Code is issued by The International Guild of Battlefield Guides in accordance with the requirements of its Constitution. It consists of an Introduction and the Standards, which are intended to be read together. The Code has not been drafted in legal language and is not intended to be construed like an Act of Parliament.

Throughout this Code:

- "Client" means the person or organisation with whom the member makes an agreement or contract for the provision of services or the supply of goods.
- "Guild" means The International Guild of Battlefield Guides.
- "Chairman" means the Chairman of the International Guild of Battlefield Guides.
- A word in the singular should be taken as including the plural and a word in the plural as including the singular, unless otherwise specified.

### 2 LEGAL PROCEEDINGS

The following notes are intended to clarify the relationship between the International Guild of Battlefield Guides' Code Proceedings and proceedings in a court of law. These are not part of the Code.



### Civil Proceedings

The successful bringing of civil proceedings against a Member does not automatically constitute grounds for Code Proceedings. However, the facts giving rise to a civil suit can result in Code Proceedings if they disclose serious professional incompetence or unacceptable professional conduct, for example, by way of a wilful disregard of the member's contractual obligations.

### Criminal Proceedings

If it is alleged that a Member has committed a criminal offence, the courts are the appropriate forum for deciding guilt or innocence and such an allegation will not, in itself, normally be the subject of investigation. The fact that a Member has been acquitted in the courts of a criminal charge does not mean that he or she may not be disciplined for acts or omissions connected with that charge if those acts or omissions constitute unacceptable professional conduct.

### Criminal Convictions

A criminal conviction may be materially relevant to a Member's fitness to practise, if, for example:

- it constitutes an offence under legislation directly affecting members of the International Guild of Battlefield Guides; or
- it arises directly out of their professional activities; or
- it results in a sentence of imprisonment, whether suspended or not; or
- it constitutes an offence of dishonesty; or
- it constitutes an offence of violence or threatening behaviour; or
  
- it is otherwise of a nature which calls into question the Member's integrity; or
- it may otherwise undermine the reputation of the profession.

This list is not exhaustive of the offences materially relevant to profession of battlefield guiding.

## 3 FURTHER ADVICE

Members in doubt as to how they should act in a particular situation may benefit from impartial advice. The Guild can provide guidance on the interpretation of the Code. The fact that a Member has consulted the Guild, or, if the problem has a legal dimension, a lawyer, and acted upon their clear advice, may be of assistance should conduct or competence subsequently be called into question. All Members are expected to observe this Code wherever they work, except and only to the extent that to do so would be inconsistent with local law or, in countries where the standards of professional work are governed by a reputable body, with local practice.