

THE INTERNATIONAL GUILD OF BATTLEFIELD GUIDES

CODE OF CONDUCT

COMPLAINTS POLICY AND PROCEDURE

(made as a By-law by the Management Board of the Guild in accordance with Article 53 of the Guild's Constitution)

1. Complaints Policy and Procedure

The Constitution of the Guild provides that the Guild shall have a Code of Conduct (the "Code") and associated Complaints Policy and Procedure (the/this "CPP") and it shall be the duty of the Management Board ("MB") to adopt and maintain the same.

This CPP sets out the procedure ("Code Proceedings") in relation to complaints that may be made against a Guild Member regarding the Code either by a member of the public ("MOP") or by another Guild member. It also covers the scenario that the MB have been made or become aware of circumstances which appear to be a breach the Code by a Guild member, and which ought to be investigated.

The CPP is also intended to provide help and guidance to a MOP, Guild members, and other interested parties, as to how complaints may be made and how the Code will be enforced through the CPP. (See also guidance under the heading "Complaints against Guild Members" on the Guild website, and in particular descriptions of what the Guild can and cannot do under an investigation.)

This procedure under the CPP may be changed, if experience and external circumstances indicate that it is necessary. The MB acknowledges that the procedure under the CPP may not be appropriate in all circumstances and reserves the right at any time (at its absolute discretion) to change the procedure as appropriate either generally or for a specific case. If such a change is made in a specific case, the MB shall notify all parties of the change so that they are aware of it.

It should be noted that the CPP only applies to the Code. Other conduct (e.g. complaints against officers' in the course of their duties) may be reviewed by members by bringing these matters to the attention of members in general meeting. (See By-law on "Members' Propositions concerning complaints about the Management Board")

2. The Principles of the CPP

The principles of the CPP includes the following:

- **Independence** – There is to be independence between the investigation of alleged Code breaches and the implementation of the findings and recommendations of the investigation. Any investigation as to whether the Code has been breached shall be conducted by an Investigating Committee (“IC”) which is independent and separate from the MB, whilst the latter is responsible for implementing the findings and recommendations of the IC, including appeals
- **Timeliness** – Any Code Proceedings should be dealt with as much speed as possible. This will occur with due regard to fair process and other demands on the time of all the relevant parties concerned (See suggested timetable for Code Proceedings are set out in Appendix 4)
- **Objectivity** – Each person involved, in any of the process, will deal with the information as presented. They will not be unduly affected by any prior knowledge or pre-judgements.
- **Communication** – Each complainant and each Guild member who is the subject of a complaint is entitled to receive good and timely communication from the Guild, the MB and the IC, to be provided with all relevant information and evidence for the purposes of the Code Proceedings and to be kept up to date with the progress of Code Proceedings.
- **Confidentiality** – Each person involved is committed to maintaining confidentiality of confidential and/or privileged information. This goes to the very heart of the Code Proceedings. All parties shall only release information about steps taken, information received, discussions, findings etc. in a controlled way to those to whom disclosure is required or permitted under the CPP.
- **Records** – All records of Code Proceedings will be held in secure and confidential storage in the Guild’s files. They will not be retained by individuals involved in Code Proceedings and after the conclusion of those Code Proceedings shall be delivered to the Guild Secretary and/or destroyed/deleted as directed.
- **Indemnification** – The Guild will indemnify each of the IC member, officers of the Guild and other members of the Guild serving in official capacities in the furtherance of the CPP, providing they have acted in good faith and with reasonable care.
- **Report** – The MB will report on the development of the issues relating to the Code and the CPP, as well as outcomes under it in summary or in full, at each successive Guild AGM.
- **Conflicts** – If any MB member, other Guild officer or an IC member is the subject of the Code Proceedings or has a significant conflict or interest in the outcome of the process, then that person will be excluded / will exclude themselves from any process or discussion related to the case.
- **Applicability** – The Code and CPP are applicable to all individual members of the Guild and one of the strengths of the professional body is that it can advertise this fact. However, the appropriateness of formal actions (and the severity of any outcomes) will be conditioned by considerations of the level of Guild member and motivations of the person concerned.
- **Costs** – The MB shall have the power to reimburse the reasonable costs and expenses of the IC and witnesses called by the IC. Additionally, the MB and IC shall generally always have regard to the cost burden on the Guild whose financial resources are limited and shall use reasonable endeavours to mitigate such burden, including using technology and resources available within the Guild itself.
- **Technology** – The MB / the IC may adopt any technology including video conferencing / links as part of their procedure and as a means of conducting its investigations and performing

their functions under the Code Proceedings as they deem expedient, desirable and/or for cost saving.

3. Interpretation

In this CPP, references to the “Subject” shall mean the Guild member who is the subject of the complaint or allegations unless the context otherwise requires.

4. Summary of the Code Proceedings

Code Proceedings may conveniently be separated into three parts, namely

- Part 1 -The receipt of a complaint that the Subject has breached the Code and the initial steps to be taken by the MB;
- Part 2 - The appointment of an IC to investigate the complaint against the Subject; and
- Part 3 - The review of the IC’s finding, the right of the Subject to appeal and/or provide mitigation and the imposition of sanctions by the MB.

Each of the part of the Code Proceedings has been set out diagrammatically in flow charts which are attached as appendices to and form part of the CPP.

Each Part of the Code Proceedings together with other matters specifically or generally applicable to them are set out below.

5. Code Proceedings, Part 1 - The Complaint

1. The MB shall ensure that the Code and CPP are publicly advertised on the Guild website and shall provide information and forms to be used to enable complaints to be made against a Subject in accordance with this CPP.
2. The procedure to be followed in this Part 1 of the Code Proceedings is set out herein and illustrated in the flow chart in Appendix 1.
3. The MB’s role in this Part 1 of the Code Proceedings must be limited to the steps set out therein and shall not extend to the investigation as to whether the Subject has breached the Code, which is a matter for the IC under Part 2 of the Code Proceedings.
4. Whilst it is envisaged that complaints may be made by MOP and other members of the Guild, it is recognised that there are scenarios whereby there is no formal complainant (e.g. where matters are in the public domain and brought to the attention of the MB) and where these are matters which could be a breach the Code by a Subject and which ought to be investigated. In these cases, the role of the MB is to refer the matter to an IC for investigation and is not to be treated as the complainant.
5. The President is not a member of the MB but attends meetings of the MB. In this part of the Code Proceedings, the President has an important role to ensure that the MB does not carry out any steps which amount to investigating the complaint, and this confirmation shall be recorded in the records of the MB.
6. As a general principle, to properly investigate a complaint, the identity of the complainant will need to be disclosed to the Subject. The Guild recognises that in limited circumstances, it is

appropriate for parties to be able to make confidential complaints – see “8. Confidential / Anonymous Complaints” below.

7. In circumstances where a complaint is made which is very serious and may amount to the commission of a crime, it shall be the duty of the MB to consider whether it has a duty to disclose information contained in the complaint to the Police under the Guild’s Safeguarding Policy or as a matter of law.

6. Code Proceedings, Part 2 – The Investigation

1. The Guild will maintain a panel of a sufficient number of Members who are willing to serve as members of an IC (“IC Panel”).
2. The IC shall be 3 members of the Guild, at least one of whom shall be an accredited member and at least one of whom shall be an ordinary member. The chair of the IC shall be nominated by the MB and shall be an accredited member.
3. The procedure to be followed in this Part 2 of the Code Proceedings is set out herein and illustrated in the flow chart in Appendix 2.
4. Challenges against IC members may only be made for cause (material conflicts or interests) which the MB shall determine, appointing replacement IC members as necessary.
5. The MB shall as far as be practicable provide resources to the IC to facilitate its investigation, including Guild email accounts, access to video conferencing facilities, online shared document facilities.
6. The IC shall have the power at any time during the investigation to determine the procedure that it shall follow and communicate each step required to the Subject and the complainant. Without prejudice to the generality of the foregoing, the IC may categorise matters under its consideration and deal with them procedurally accordingly.
7. It shall be the duty of the IC to consider which provisions of the Code have may been breached by the Subject in relation to the complaint, and it shall notify the Subject and the complainant of such provisions at the start of the investigation and subsequently whenever it appears to the IC that additional provisions of the Code may have been breached.
8. It shall also be the duty of the IC to consider whether an MOP complaint is capable of remedy with the cooperation of the Subject and agreement of the complainant. If an MOP complaint is remedied to the satisfaction of the complainant, the IC shall determine whether the remedy should terminate the investigation or, if not, subject to the IC finding that the Code has been breached, be regarded as mitigation in respect of that finding.
9. The IC has the power to gather evidence from any party, including that from expert witnesses, for the purposes of investigating the complaint.
10. The IC shall give the Subject every reasonable opportunity of putting his or her case and calling witnesses to provide evidence in answer to a complaint to enable the IC to investigate the complaint.
11. If the Subject requests a hearing, inter alia, to enable the Subject to challenge the evidence supporting the complaint, the IC shall use reasonable endeavours to hold such a hearing at the reasonable convenience of the parties. The obligation of the IC to hold a hearing shall be satisfied by arranging one to take place using video conferencing / meeting software.
12. There is no obligation upon a Subject to participate or provide evidence in the Code Proceedings, and in this case or if IC reasonably believes that the Subject is otherwise refusing or failing to cooperate or is being obstructive without reasonable excuse, the IC may proceed at any time as

it thinks fit and/or complete its investigation without the participation or evidence of the Subject.

13. The IC may seek the advice and/or assistance of any other IC Panel member (who must confirm that he or she has no material conflicts or interests in the investigation) on any matter within its investigation, provided always that such an IC Panel member shall not become a member of the IC by reason of the advice and/or assistance sought.
14. The IC may seek the guidance or advice of the MB on any matter of procedure under the CPP, taking care not to disclose the IC's deliberations to the MB before having concluded the IC's findings. The request in these circumstances should be made to the Governance Director or his/her deputy in the first instance.
15. The IC will use balance of probabilities, rather than beyond reasonable doubt, as the criterion for judging evidence submitted to it. It shall also ignore evidence which is not relevant to the pertinent aspects of the investigation and shall ignore evidence of character unless the Subject asserts the good character of him or herself, or the bad character of the complainant.
16. For the avoidance of doubt, the IC is not limited to finding whether or not the Code has been breached. The IC may also reject a complaint as being trivial, vexatious or for any other justifiable reason established by the IC.
17. In making findings and making its determination of the matters under investigation, the IC shall produce a report which includes:
 - 17.1. Details of the parties.
 - 17.2. The nature of the complaint and/or matters which ought to be investigated.
 - 17.3. A summary of the evidence which the IC considered.
 - 17.4. The findings and/or conclusions of the IC.
 - 17.5. Which provisions of the Code found to have been breached (if any) and the elements of the complaint sustained or not.
 - 17.6. The recommendations as to which sanctions should be imposed by the MB - see also "13. Sanctions" below.
18. If any finding or determination is made other than by unanimous agreement of the IC, that fact shall be stated in the IC's Report.

7. Code Proceedings, Part 3 – Appeal and Sanctions

1. The procedure to be followed in this Part 3 of the Code Proceedings is set out herein and illustrated in the flow chart in Appendix 3.
2. In this part of the Code Proceedings, the President has an important role to independently review the IC's report and to provide advice to the MB as to their obligations and role under this Part.
3. To appeal against the findings and recommendations of the IC, the Subject will need to prove one or more of the following grounds:
 - 3.1. that the decision of the IC is manifestly unreasonable considering all the circumstances of the case or cannot be supported by the evidence that was available at the time the decision was made;
 - 3.2. that procedural requirements specified in this CPP were not followed and resulted in a decision which was manifestly unfair;
 - 3.3. that fresh evidence has become available to the Subject which was not available or not known to the Subject at the time of the investigation by the IC; or

- 3.4. the sanction(s) recommended by the IC is manifestly excessive considering all the circumstances of the case.
4. If the Subject wishes to appeal the decision of the IC, the Subject shall provide a written submission setting out the grounds of appeal, relevant information to the appeal and the outcome sought.
5. The MB shall consider any appeal at a meeting at which the President shall attend and to which the Subject is invited to be able to present his or her appeal.
6. The MB may:
 - 6.1. dismiss the appeal (no change in outcome);
 - 6.2. refer the matter back to the IC for reconsideration;
 - 6.3. allow the appeal in whole or in part;
 - 6.4. substitute an alternative sanction to that recommended by the IC.
7. If the Subject does not appeal against the IC's findings and recommendation of sanction, the MB shall impose the sanction recommended by the IC.
8. If the Subject appeals against the IC's findings and recommendation of sanction, the MB shall not be limited to the sanction recommended by the IC and may impose any one or more of the sanctions within its powers – see also "13. Sanctions".
9. The decision of the MB upon an appeal and the imposition of a sanction(s) shall be final.

8. Confidential / Anonymous Complaints

1. The general principle is that complaints should normally be addressed to the Guild Secretary on behalf of the MB and have a complainant who will be a witness to any investigation under Code Proceedings and who will need to be able to give evidence to the IC.
2. The Guild encourages Guild Members and MOPs to report behaviour which is in breach of the Code and/or may constitute the commission of serious criminal offences, and for informants to be able to do so without fear of retaliation or resulting in a danger to the informant or the informant's wellbeing. Therefore, there may be exceptions to the above principle.
3. Where all the subject matter of the complaint against the Subject is within the public domain, upon the MB being notified of this or becoming aware of this, the matter may be referred by the MB to an IC to investigate and the informant shall not be regarded as a complainant and may remain anonymous.
4. Serious allegations of conduct against a Subject in respect of a safeguarding matter should be handled with sensitivity and confidentiality of the victim or informant may be desirable during the process of determining whether the Guild has a duty to make a report to the Police and/or advice from the Police has been received.
5. Allegations of misconduct made against officers of the Guild should be capable of being made without fear of retaliation. It is therefore important that a complainant or informant should be able to make the allegations to an officer of the Guild who is not tainted by the allegations, and it will be the duty of that officer to keep the identity of the complainant or informant confidential from any officer against the allegations are made until at least the process of Part 1 of the Code Proceedings has been completed.
6. For the benefit of members of the Guild and MOP, all of the officers of the Guild are identified and their respective contact details may be found on the Guild website.

9. Suspension of the Subject

1. The MB shall have the power to suspend the rights of membership of the Subject at any time before or during an investigation under the CPP.
2. By default, and unless the MB determine otherwise, in every case where the MB notify the Police under the Guild's Safeguarding Policy and/or an investigation is to be conducted under the CPP, the MB will suspend the following membership rights of the Subject:
 - 2.1. Acting in any capacity as an officer of the Guild;
 - 2.2. Acting in any capacity as a member of any Guild committee;
 - 2.3. Appearing in any publicity or marketing provided by the Guild (e.g. on the "Find a Guide" webpage);
 - 2.4. Attending Guild events; and
 - 2.5. Voting at meetings of the Guild.
3. The timing of notification to the Subject of any suspension shall be subject to any advice from the Police in relevant cases.
4. The suspension of rights shall not on its own affect any contractual rights with third parties enjoyed by the Subject (e.g. participation in the Guild's public liability insurance policy scheme) unless such third parties determine otherwise.
5. The suspension of membership rights of the Subject shall continue until the conclusion of the Code Proceedings, any Police investigations and any criminal proceedings, whichever is the last to occur, unless the MB shall determine otherwise.

10. Subject ceasing to be a Member

1. If a Subject ceases to be a member of the Guild at any time after a complaint has been received or matters which appear to be a breach the Code by a Subject have been brought to the attention of the MB, but before any Code Proceedings have been concluded, then subject to paragraph "10. Matters in the public domain and public statements" below, the Code Proceedings against the Subject shall terminate.

11. Matters in the public domain and public statements

1. If the underlying subject matter forming part of the complaint is or becomes within the public domain, notwithstanding the principle of confidentiality of the CPP, the MB may at any time issue a public statement for the purposes of setting out the position of the Guild. In doing so, the MB shall be satisfied that the subject matter of the complaint has been made public and shall not refer to the Subject by name unless that information is already in the public domain.
2. Upon termination of the Code Proceedings because of the Subject ceasing to be a member of the Guild, the MB may publish that fact publicly or otherwise and may provide other information as may be appropriate in the circumstances dependent upon what information is in the public domain.

12. Right of a Subject to have a friend present

1. The Subject shall have the right to nominate another Guild member to be present with the Subject during any meeting or interview in the Code Proceedings, and that such Guild member be copied with correspondence and documents during the Code Proceedings.

2. The Guild member nominated by the Subject shall be entitled to speak on behalf of the Subject during the Code Proceedings.

13. Sanctions

1. The MB has power to impose any one of the following upon a Subject where the Code has been found to have been breached:
 - 1.1. Advice on future conduct;
 - 1.2. A formal warning;
 - 1.3. Disqualification for a specified time from holding any position in the Guild and/or being a Member of any committee, working group or panel;
 - 1.4. Suspension from the Membership or a category of Membership of the Guild for up to two years upon such conditions (if any) as the MB may specify are required to be fulfilled before re-admission to membership will be considered; and
 - 1.5. Expulsion from the Guild.

14. Safeguarding

1. In the case of any matter considered under this CPP which is a safeguarding matter, any of the following shall be regarded as conclusive evidence that the Code has been breached:
 - 1.1. The Subject is convicted of a safeguarding criminal offence;
 - 1.2. The Subject's name is placed on a list prohibiting that person from working with vulnerable persons under the Safeguarding Vulnerable Groups Act 2006 of the United Kingdom, associated legislation or the equivalent legislation of another jurisdiction;
 - 1.3. The Subject is given a formal caution in connection with the commission of a safeguarding criminal offence;
 - 1.4. The Subject has a note (a warning or advice) on his or her Police criminal record about his or her behaviour in connection with a safeguarding matter.
2. If the Code is proved to have been breached by such conclusive evidence, the MB may proceed to impose a sanction against the Subject without the requirement of following Parts 1 to 3 of the CPP.

15. Reporting of Code Proceedings findings and sanctions

1. The default position regarding reporting and publication of Code Proceedings is that all findings of the IC, appeal decisions and sanctions imposed by the MB will be published on the public pages and Members Area of the Guild's website.
2. The name of the Subject shall be included where the sanction imposed is expulsion / removal from Guild membership and in circumstances where the name of the Subject is in the public domain in relation to the complaint / matters which the MB considered ought to be investigated. In respect of all other sanctions, the MB shall have a discretion as to whether to identify the Guild Member or not.

Appendices:

1. Code Proceedings, Part 1 – the Complaint

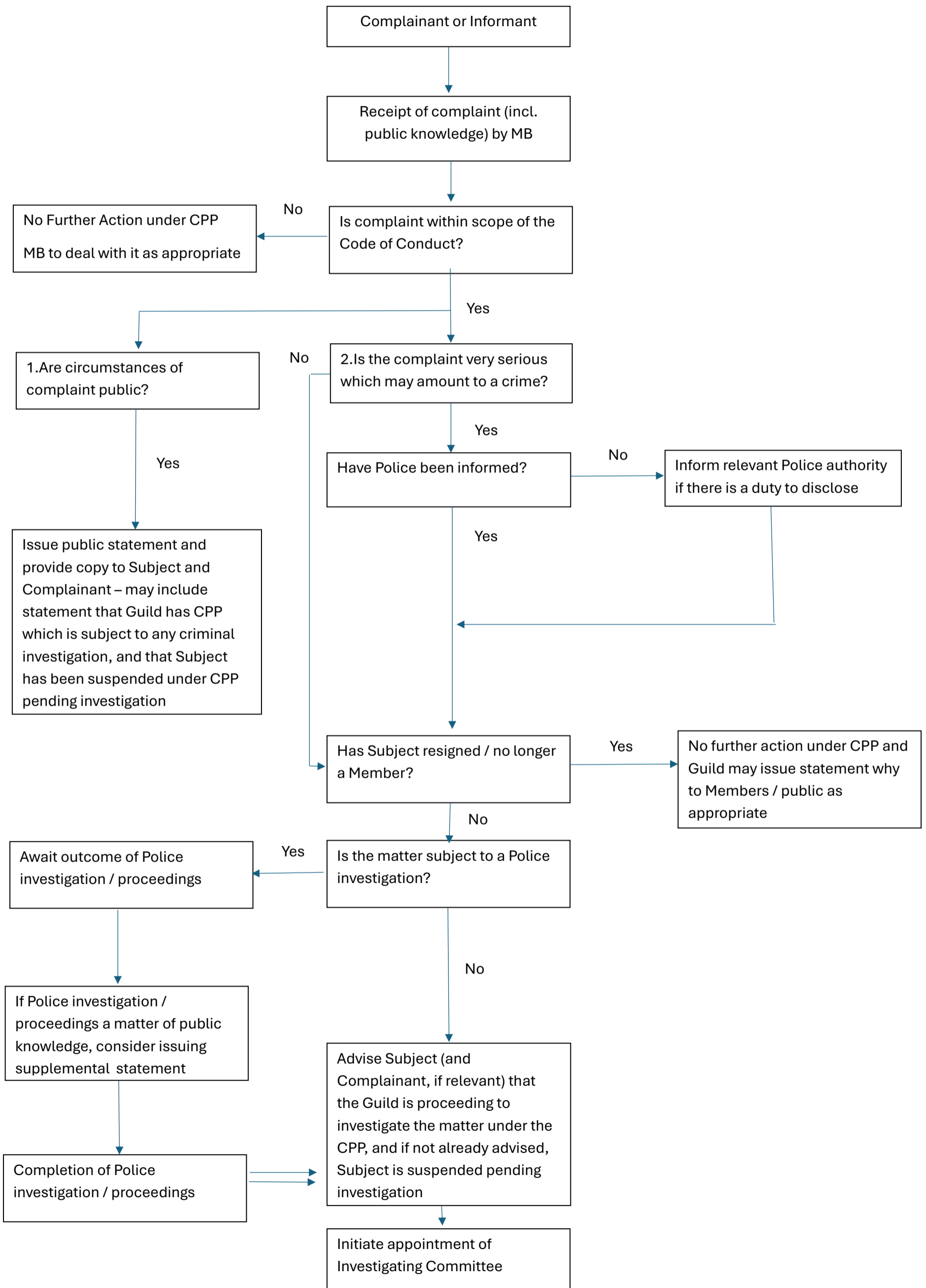
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2. Code Proceedings, Part 2 – the Investigation
3. Code Proceedings, Part 3 – Appeal and Sanctions
4. Suggested Timetable

Appendix 1
Code Proceedings, Part 1 – the Complaint

Complaints Policy and Procedure

Flow chart – Part 1 – The receipt of a complaint – Initial Steps by MB (in consultation with President throughout)

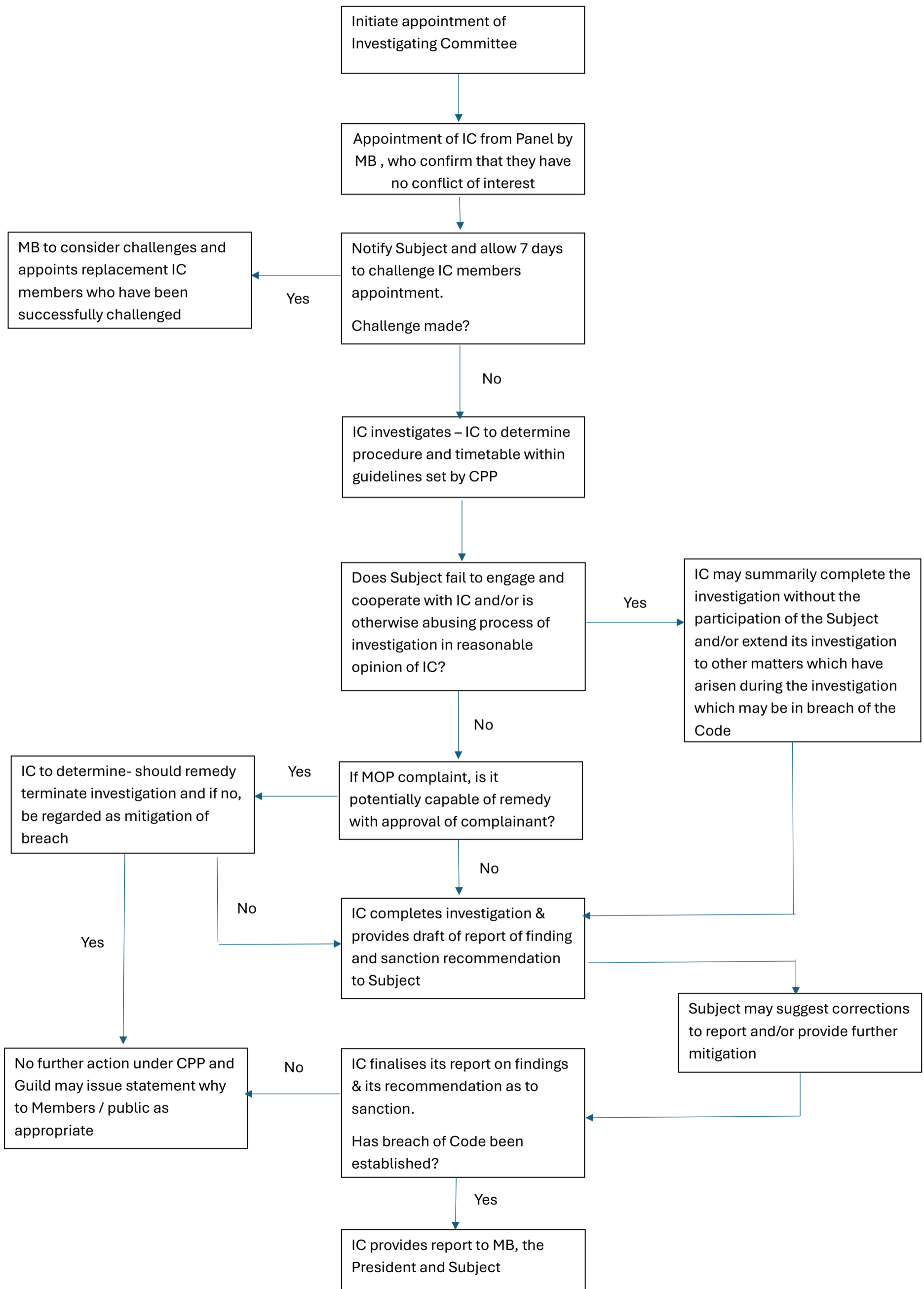


Appendix 2

Code Proceedings, Part 2 – the Investigation

Complaints Policy and Procedure

Flow chart – Part 2 – The Appointment of an Investigating Committee and the Investigation



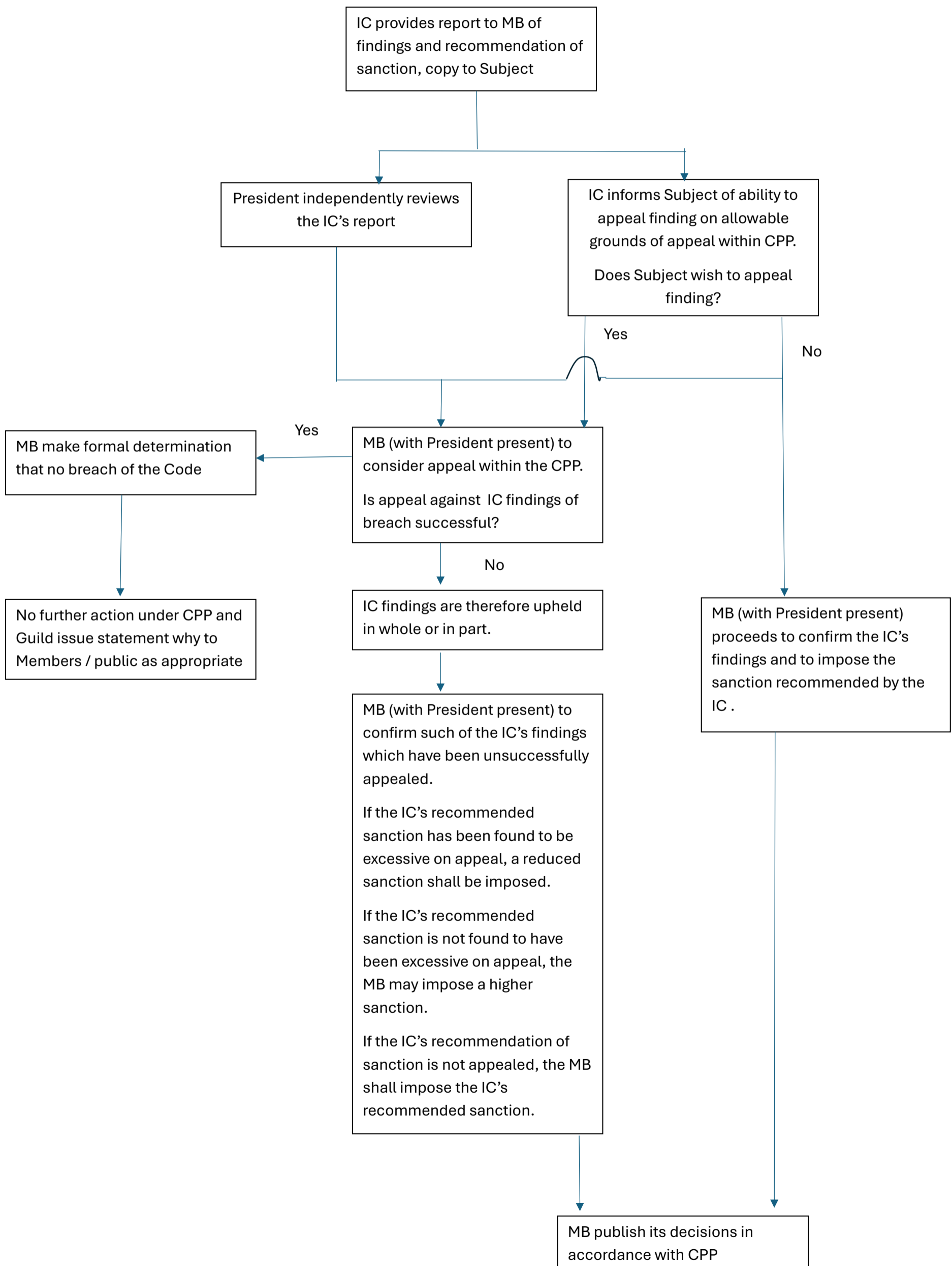
Appendix 3

Code Proceedings, Part 3 – Appeal and Sanctions

Complaints Policy and Procedure

Flow chart – Part 3 – Review of the IC finding (if appealed by Subject) and the imposition of sanctions by the MB

MB to consider appeal within the CPP with President present.



Appendix 4 Suggested Timetable

1	Within 7 days of the later of (1) receipt the complaint etc and (2) the conclusion of any Police / criminal investigation	Notification by MB of complainant and Subject that Code Proceedings have started	Part 1
2	Within 14 days of 1	MB appoints IC from IC Panel and notifies the complainant, IC and Subject	Part 2
3	Within 7 days from notification of the Subject	Challenge by the Subject of IC members	
4	Within 7 days of receipt of challenges from the Subject	Determination by MB of any challenges to IC members and appointment of replacements. Notify the complainant, IC and Subject. IC in place and ready to start investigation	
5	Between 1 month and 6 weeks	Conclusion of the Investigation by IC and report of findings of the IC. IC notify MB, the complainant and the Subject	
6	Within 7 days after notice of IC findings	Subject provides notice of grounds of appeal (if any) to MB	Part 3 - appeal
7	Within 14 days after notice of IC findings	Subject provides written submissions in support of appeal to MB which the Subject wishes the MB to consider	
8	Within 1 month after notice of IC's findings	Appeal hearing by MB. If appeal dismissed, the determination of the sanctions by the MB	
9	Within 14 days after notice of IC's findings	MB to meet to confirm findings and impose IC recommended sanctions	Part 3 – no appeal
10	Within 7 days of determination by the MB	Publishing of findings and sanctions	Part 3

This timetable is suggested timing rather than mandatory. The failure to follow this timetable shall not invalidate the Code Proceedings on its own.