



Professional Conduct Disciplinary Procedure

1. Objective

The purpose of this procedure is to ensure that all tourist guides, tour operators, staff at tourism sites, members of the public using tourist guiding services, and any other stakeholders, are aware of the Institute of Tourist Guiding's Code of Professional Conduct for tourist guides and the proper channels through which allegations of professional misconduct should be raised, investigated and dealt with.

It is the aim of the Institute of Tourist Guiding (henceforth 'the Institute') to investigate and deal with quickly, fairly and consistently with any allegations of unacceptable conduct or performance by its members. The procedure is designed to help and encourage all tourist guides to achieve and maintain appropriate standards of conduct and job performance.

All allegations of misconduct will be referred initially to the Institute's Professional Conduct Committee (PCC). Any disciplinary action will be confirmed by the Board of the Institute.

2. Policy

It is the policy of the Institute that all members must abide by the Code of Professional Conduct, and that if disciplinary action has to be taken against tourist guides, it should:

- Only be undertaken after an investigation and disciplinary interview have been carried out;
- Be appropriate to the nature of the offence that has been committed; and
- Be fair and also consistent with previous action in similar circumstances, provided that action proved to be appropriate.

3. Allegations of professional misconduct

Allegations of professional misconduct by tourist guides should be made in the first instance in writing to:

Professional Conduct Committee
Institute of Tourist Guiding
Coppergate House
16 Brune Street
London
E1 7NJ

The PCC will review all allegations and determine whether there is a case to be answered. In the event that the Committee decides that there is no case to be answered, the Chair will provide a written response to the allegation, stating that no further action will be taken and provide an explanation.

Where the PCC determines that there is a case to be answered, an investigating Officer, who will be a member of the Board of the Institute, will be appointed by the PCC to deal with the allegation.

An initial response to the allegation will be given in writing within 14 days of receipt of the allegation.

If the allegation or complaint is dismissed after an initial investigation of the evidence provided, then the person or organisation making the allegation or complaint will be informed in writing of this decision. The Institute may or may not decide to inform the tourist guide in question about the allegation.

4. Investigations

The investigating Officer will obtain details of the allegations in WRITING, along with details of any witnesses. Such witnesses should be asked to provide a written statement of events.

The investigating Officer will contact the member against whom the complaint/allegation has been made and will inform him/her of the details. The investigating Officer may choose to withhold the identity of the person making the complaint. The member will be invited to provide a written response to the allegations within 15 days and should be asked to identify any witnesses. These witnesses should also be asked to provide a written statement of events.

Taking into account all the evidence provided, the investigating Officer will determine whether there is a case to answer in relation to the Institute's Code of Professional Conduct and, therefore, whether a disciplinary hearing should be convened. The investigating Officer will provide a written report, along with a recommendation as to whether a disciplinary hearing should be convened, to the PCC within 30 days of informing the member concerned of the allegations.

The PCC will review the investigating Officer's report and will decide whether to summon a disciplinary hearing, request additional investigation/information or take no further action. The PCC's decision should be made within 10 days of receiving the investigating Officer's report.

If the PCC determines that there should be a hearing, the Chair will write to the member concerned, asking him/her to attend a disciplinary hearing within 30 days. Every effort should be made to find a date for the hearing convenient to all relevant parties.

5. Disciplinary hearing

No member will be disciplined without first being given the opportunity to state his/her side of the case at a disciplinary hearing. The member will be given details of the complaint against him/her at least three working days before the hearing and will have the right to be accompanied by a guide colleague of his/her choice or an accredited trade union official. A disciplinary hearing may go ahead in the guide's absence if he/she fails to attend on the agreed date.

A disciplinary hearing will be before a panel composed of two members of the PCC or Directors of the Institute, who will review the complaint and any written evidence, and will then ask the member to provide his/her explanation. The person making the original complaint and any witnesses to the alleged incident should not attend the hearing.

The panel will make its decision within two days of the hearing, and the Chair of the PCC will communicate its decision, along with any disciplinary action, in writing to the member concerned.

6. Disciplinary action

There are four levels of disciplinary action available to the Institute, depending on the seriousness of the offence and/or whether a previous stage in the procedure has already been used.

- **Stage One – Oral Warning**

The guide will be advised by the Chair of the PCC that the warning constitutes the first formal stage of this procedure, and a note of it will be placed on record and remain in force for six months.

An Oral Warning will be given in respect of a less serious offence, infringement or case of incapability.

- **Stage Two – Written Warning**

This will be sent to the guide by the Chair of the PCC for a more serious offence or if a further offence occurs while a previous offence remains on record.

A written warning will be forwarded to the guide and a copy kept on record for 12 months. Stage Three of the procedure may be considered if there is not satisfactory improvement.

- **Stage Three – Final Written Warning**

This will be confirmed to the guide in writing by the Chair of the PCC and will state that, if the guide commits a further offence of misconduct, registration will be withdrawn.

A Final Written Warning will be given following the use of Stage Two, or without the use of Stage Two where the offence, infringement or case of incapability is of a more serious nature. A note will be placed on record and remain in force for 12 months.

- **Stage Four – Withdrawal of Registration**

Withdrawal of Registration will take place following further misconduct after a warning has been given under Stage Three of the procedure or, where the withdrawal of registration relates to incapability, inadequate or no improvement in performance, following a warning under Stage Three of the procedure.

A Withdrawal of Registration must be approved by the Institute Board of Directors. Such decisions will be communicated to the membership bodies so that they can update their membership data accordingly.

Once a registration has been withdrawn, the individual concerned may not re-apply to join the Institute. No member will have his/her registration withdrawn for a first offence unless his/her conduct amounts to gross misconduct.

7. Offences which will lead to disciplinary action

Offences under the disciplinary procedure fall into three categories:

- Misconduct
- Gross misconduct
- Incapability

The following lists give examples of each of these categories. The lists are not intended to be exclusive or exhaustive, and offences and cases of a similar nature will be dealt with by this procedure.

- **Misconduct**

Behaviour which is contrary to the Institute's Code of Professional Conduct, including:

- Abusive behaviour
 - Failure to devote the whole of your time, attention and abilities to the job for which you have been engaged
 - Disorderly conduct
 - Minor acts of discourtesy towards clients or employees
 - Discourtesy towards site staff, other groups and/or their leaders
 - Damaging the reputation of other guides, individually or severally
 - Bringing the Institute of Tourist Guiding into disrepute
 - Disregard for clients' safety, comfort or satisfaction levels
 - Minor negligence including misuse of or damage to our property
 - Poor timekeeping
 - Serious loss of time through smoking
 - Sexual or racial harassment
- **Gross misconduct**
- Breach of duty of good faith or dishonesty, even though it may be isolated
 - Falsification of reports, account, expense forms, or self-certification forms
 - Refusal to carry out reasonable requirements as previously agreed with clients
 - Serious negligence or recklessness in the conduct of our business

- Sexual or racial harassment
- Taking, being in possession of, or under the influence of illegal substances
- Being under the influence of alcohol
- Theft or unauthorised possession of property
- Unauthorised disclosure of confidential information or information in regard to which there is a duty of confidence to anyone
- Violent, dangerous or intimidatory conduct
- **Incapability**
 - Incompetence
 - Lack of application
 - Poor performance