

**THE BYE LAWS OF THE INSTITUTE OF TOURIST GUIDING (“the
Institute”)**
BY ORDER OF THE BOARD OF DIRECTORS OF THE INSTITUTE
 (“the Board”)¹

CATEGORIES OF INSTITUTE ADMISSION AND REGISTRATION

1.1 The following categories of Member exist:

Fellow: A senior Ordinary Member of the Institute.

Ordinary Member: An accredited guide as exemplified by the Blue Badge qualification as defined in 10.

Associate: An accredited guide as exemplified by the Green Badge qualification defined in 11.²

1.2 The following categories of individual professional admission and registration also exist:

Affiliate: An accredited guide as exemplified by the White Badge qualification as defined in 12.³

Retired: As defined in 6.1.

Career Break: As defined in 6.2.

1.3 Any individual applying to become an Ordinary Member, Associate, Affiliate, Student, Retired or Career Break categories must do so on the application form prescribed for the purpose by the Board.

1.4 The Board may appoint as Companions of the Institute individuals who in their view have made an outstanding contribution to tourist guiding and/or its related disciplines but are not involved in guiding.

1.5 Any individual, organisation or other body not professionally involved in tourist guiding and/or its related disciplines, or any individual who is involved but who upon application satisfies the Board that he/she is an unpaid volunteer, may apply to become a Subscriber.

1.6 Any organisation or other body involved in the tourism industry and/or its related discipline and on whose behalf the Institute conducts examinations as exemplified by the White Badge may apply to become a Corporate Subscriber

RIGHTS AND PRIVILEGES/USE OF TITLES

2.1 Fellows, Ordinary Members and Associates may describe themselves as such and may use the letters FITG, MITG and AITG respectively and enjoy voting rights at General Meetings or on a written resolution of the Institute.

¹ These Revised Bye Laws were approved by the Board on 4th March 2021 replacing all earlier versions.

² Amended by the Board on 13th January 2022.

³ Amended by the Board on 13th January 2022.

- 2.2 Companions, Affiliates, Students, Retired and Career Break may use these titles only. There are no designating letters for these categories and the word Member cannot be used in connection with these categories. They do not enjoy voting rights at General Meetings or on a written resolution of the Institute.
- 2.3 Subscriber or Corporate Subscriber does not confer any title or designating letters and the word Member cannot be used in connection with this category. They do not enjoy voting rights at General Meetings or on a written resolution of the Institute.
- 2.4 Benefits accorded to the categories of admission may be varied from time to time by the Board.

ADMISSIONS

- 3.1 All individuals admitted into a professional category of the Institute will receive written acceptance issued by the Board. The written acceptance will declare the category in which they have been accepted and registered, together with any other information that the Board shall prescribe from time to time.
- 3.2 All individuals accepted in any professional category must re-register each year by paying an annual subscription as prescribed under Bye Law 5. Failure to re-register for six weeks shall be deemed resignation from the Institute and application for re-admission shall be subject to Bye Law 7.

WITHDRAWALS

4. An individual registered with the Institute as a Fellow, an Ordinary Member or Associate who resigns from the Institute or ceases to be registered for any other cause shall return any document(s) issued under Bye Law 3 to the Secretary including the Institute's photo card. Any such individual would lose the right to use the designated letters as stipulated in 2 above.

SUBSCRIPTIONS

- 5.1 Except as set out under Bye Laws 7 and 8, Fellows, Ordinary Members, Associates, Affiliates, Retired, Career Break and Corporate Subscriber categories of registration will pay an annual subscription.
- 5.2 The level of annual subscription for each category above will be determined by the Board.
- 5.3 An individual making an application for admission to the Institute is required to deposit the appropriate subscription with the Institute at the time the application is made.

CONCESSIONARY RATES OF MEMBERSHIP

- 6.1 If any Fellow, Ordinary Member, Associate or Affiliate is able upon annual application to satisfy the Board that he/she has ceased practising as an accredited guide, the Board shall allow him/her to pay an annual subscription rate at an amount to be determined from time to time by the Board. The individual concerned will be described as Retire.

If at any time the Board is satisfied that the applicant has returned to guiding, it shall have discretion to terminate this concession and require him/her to subscribe at the full rate applicable for his/her category of registration. All applicants for re-admission as Fellow, Ordinary Member, Associate or Affiliate after being registered as Retired for three years shall take such of the Institute's examinations as may be required by the Board.

- 6.2 If any Fellow, Ordinary Member, Associate or Affiliate is able upon annual application to satisfy the Board that he/she is taking a career break from practising as an accredited guide for a variety of reasons (health, family issues, returning to education, etc), the Board shall allow him/her to pay an annual subscription rate at an amount to be determined from time to time by the Board. The individual concerned will be described as Career Break. If at any time the Board is satisfied that the applicant has returned to guiding, it shall have discretion to terminate this concession and require him/her to subscribe at the full rate applicable for his/her category of registration. All applicants for re-admission as Fellow, Ordinary Member, Associate or Affiliate after being registered as Career Break for three years shall take such of the Institute's examinations as may be required by the Board.
- 6.3 The Board may, at its discretion, introduce a Life Membership for Members at such subscription rate as it may from time to time determine.

RE-ADMISSION AND RE-ADMISSION FEE

- 7.1 Any individual, who, after exclusion from or resignation from the Institute in any professional category except Student, is re-admitted by the Board, shall pay a fee in addition to the annual subscription due in respect of the year of re-admission of up to fifty percent of the rate of full subscription applicable at their entitled level.
- 7.2 All applications by individuals for re-admission after three years or more since the end of their last registration year shall be determined by the Revalidation Policy as amended from time to time which is annexed hereto as Annex I.

ELIGIBILITY FOR ADMISSION

Discretion of the Board

- 8.1 Notwithstanding any of the provisions contained in Bye Laws 9, 10, and 11 below, the Board may in its discretion admit as a Fellow an individual who has, in its opinion, attained a position of distinction in the practice of tourist guiding, or admit as an Ordinary Member an individual who has, in its opinion, attained recognised professional standing in the practice of tourist guiding, or admit as an Associate an individual who, in its opinion, is suitably qualified at that level.
- 8.2 All applicants shall satisfy the Board that they are fit and proper persons for admission to the Institute.

Fellows

- 9.1 Except as provided in Bye Law 8, Fellowship of the Institute may only be given to individuals.

- 9.2 Except as provided in Bye Law 8, only an Ordinary Member shall be eligible to become a Fellow.
- 9.3 Fellows must be nominated and seconded by other Ordinary Members/Fellows, recommended by the Board and elected by a General Meeting of the Institute.

Ordinary Members

10. Except as provided in Bye Law 8, individuals applying for admission as Ordinary Members of the Institute shall be required to satisfy the Board that they:
- a. have passed, not more than four years before the date of application, the examinations/assessments for the Institute's Tourist Guiding Award exemplified by the Blue Badge and thereby in compliance with BSI EN 15565:2008.⁴ The Board may, in its discretion, allow exemption from a part or parts of any examinations;
 - b. are engaged as tourist guides.⁵

Associates

11. Except as provided in Bye Law 8, individuals applying for admission as Associates of the Institute shall be required to satisfy the Board that they:
- a. have passed, not more than four years before the date of application, the examinations/assessments conducted and/or accredited by the Institute for walking tours in town or country or such other examinations as the Board may from time to time approve, and
 - b. are engaged in an occupation or employment providing commentaries and interpretation.

Affiliates

12. Individuals applying for admission as Affiliates of the Institute shall be required to satisfy the Board that they:
- a. have passed, not more than four years before the date of application, the examinations/assessments conducted and/or accredited by the Institute for fixed parameter tours or such other examinations as the Board may from time to time approve, and
 - b. are engaged in an occupation or employment providing commentaries on fixed parameter tours.

Students

- 13.2 A Student registration with the Institute will be tenable for a period of four years, but the Board may, in its discretion, extend the period.

PROFESSIONAL CONDUCT

- 14.1 All Fellows, Ordinary Members, Associates, Affiliates and Students must adhere to the Institute's Code of Conduct as amended from time to time and attached to these Bye Laws as Annex 2.

⁴ British Standards Institute (BSI) EN15565 specifies minimum requirements for the provision of professional tourist guide training and qualification programmes in the United Kingdom, implementing Committee for European Standardization (CEN) 15565.

⁵ Amended by the Board on 13th January 2022.

- 14.2 The Code of Conduct shall include an undertaking to carry out Continuing Professional Development.

DISCIPLINARY PROCEDURE⁶

15. The Board shall appoint a Professional Conduct Committee and Professional Conduct Appeal Committee and the rules and procedures governing the conduct of disciplinary cases are set out in the document annexed to these Bye Laws as Annex 4.

THE DIRECTORS

- 16.1 The Directors shall meet at least four times a year, such meetings may be held virtually.⁷
- 16.2 The Board shall appoint a President (or two Co-Presidents) and a Deputy President (or two Deputy Presidents) from Members who have been elected to the Board. It will be usual for the Deputy President (or one of the two Deputy Presidents) to be elected President for the following year. The immediate Past President may be co-opted to the Board for the year after his/her Presidency.⁸
- 16.3 When the number of Associates reaches 100, a maximum of two Directors shall be Associates, nominated by Associates and elected by them at the AGM. When the number of Associates is fewer than 100, the number of Associate Directors elected shall be one.
- 16.4 The Board shall appoint a Treasurer.
- 16.5 The Chairman of all London and UK Associations of Registered Tourist Guides shall be invited to attend Board meetings when it is felt by the Board that their presence would be beneficial to a specific item on the agenda, and for that part of the Board meetings only. They may contribute to the debate on that item but may not vote.
- 16.6 The Board shall use its best endeavours that an adequate geographical and constituency coverage is achieved in its membership.
- 16.7 No Director shall be reimbursed expenses incurred without the prior approval of the Treasurer and/or Board. Directors must provide supporting documentation with all claims for reimbursement.
- 16.8 A request to see the Minutes of the Board should not be made to the office but to the Board as a whole. Nothing should be sent until the Minutes have been agreed by the Board. A copy of the relevant extract may be sent, on condition that the Board collectively agrees.

EXECUTIVE COMMITTEE

⁶ Amended by the Board 4th March 2021.

⁷ Amended by the Board 13th October 2021.

⁸ Amended by the Board 27th October 2021.

17. The Board may appoint an Executive Committee to manage the day-to-day operations, financial management, human resources, accommodation and equipment of the Institute. Its composition shall consist of the Officers of the Institute as elected by the Board, the Operations Manager and other members appointed by the Board. The quorum for its meeting shall be fifty per cent. It shall report directly to the Board. Minutes of its meetings must be kept and shall be made available to all members of the Board. Its terms of reference, which shall include a requirement to use its best endeavours to make decisions by consensus, its procedures and precise scope of work, will be determined by the Board from time to time.⁹

COMMITTEES, WORKING PARTIES, COUNCILS

- 18.1 The Board shall appoint such Committees and other bodies as it shall from time to time consider to be necessary for the carrying out of the Institute's objects. The terms of reference, procedures and precise scope of work shall be determined by the Board. Guides who are members of those Committees or other bodies must be either Fellows, Ordinary Members, Associates or Affiliates of the Institute of Tourist Guiding.
- 18.2 The Board shall appoint a Consultative Council from across the tourism industry to ensure that there is an effective communications channel with the tourism industry. The Consultative Council shall meet from time to time and shall be consulted on the Institute's work. Neither the Board nor the Institute shall be bound by any view expressed or advice given by the Council. Its terms of reference, procedures and precise scope of work shall be determined by the Board.

TUTORS, TRAINERS, INVIGILATORS, COMPILERS, EXAMINERS

19. Guides who are appointed in any of these capacities must be either Fellows, Ordinary Members, Associates or Affiliates of the Institute of Tourist Guiding.

EXAMINATION APPEALS¹⁰

20. The Institute shall establish a body, known as the Examinations Appeals Panel, to determine examination appeals. The rules and procedures governing such appeals are set out in SOP7 of the Examinations Handbook.

USE OF LOGOS

- 21.1 The Institute's logo shall be determined by the Board, who may also amend or change the logo from time to time. The logo should wherever practicable be used on all documents relating to the Institute's business. This is the Company logo, for Institute office use only. Any other use of the logo shall be at the discretion of the Board.¹¹
- 21.2 The use of the Blue, Green and White Badge images shall be at the discretion of the Board.

⁹ Amended by the Board on 19th September 2019.

¹⁰ Amended by the Board on 4th March 2021.

¹¹ Amended by the Board on 16th October 2020.

- 21.3 The Blue, Green and White Badges and images of those badges, and the words 'Institute of Tourist Guiding', are trade marks of the Institute. Images of the Blue and Green Badges and the words Institute of Tourist Guiding have been registered as Collective Trade Marks by the Institute. All of these registered and unregistered trade marks may be used by individual badge-holders who are Fellows, Ordinary Members, Associates or Affiliates of the Institute on their personal social media, stationery, email signatures, advertising and promotional materials and other reasonable uses for an accredited guide so long as they comply with regulations governing the use of those trade marks published by the Institute from time to time. Individual badge-holders who are not Fellows, Ordinary Members, Associates or Affiliates of the Institute must apply for a licence to use the images in this way. There will be a charge for this licence.¹²
- 21.4 The Intellectual Property Office (IPO) requires the Institute to keep a database of all individuals entitled to use the badge images. The IPO also requires the wording 'Institute of Tourist Guiding' to be clearly visible on the rim of the badge image or, failing that, the website page or stationery must indicate that the image is the Collective Trade Mark of the Institute of Tourist Guiding.
- 21.5 Other organizations such as private companies, tourist offices or groups of Institute accredited guides (whether formal guide associations or informal groups with a website/leaflet advertising the services of more than one guide) may only use the Blue, Green and White Badge images on their publicity material or stationery if they have signed a Licence Agreement with the Institute. There may be a charge for this Licence.
- 21.6 The Institute owns the intellectual property rights in its Blue, Green and White Badges and images of these badges. It is an infringement of those rights to produce or use a badge or image sufficiently similar that it may be passed off as the Institute's trademarked images. Such infringement may ultimately lead to legal action by the Institute.¹³

¹² Amended by the Board on 13th October 2021.

¹³ Amended by the Board on 21st October 2020.

ANNEX 1 - REVALIDATION OF QUALIFICATIONS¹⁴

1. In order to ensure the maintenance of high standards in tourist guiding, the Institute's Bye Laws have always stated that guides wishing to rejoin the Institute after a period of years may need to revalidate their original qualification. The Institute Board remains concerned to ensure that those who have been away from the profession for a period without maintaining Institute membership (and therefore contact with their professional body) have retained the knowledge and skills required as an accredited guide.¹⁵
2. Until 2012, the specific requirements for individual cases were determined at the discretion of the Board. With the introduction in 2012 of the new Career Break and Retired membership categories, the Board set out an objective policy for revalidation of Institute qualifications. The details were communicated to the full membership, including all newly accredited guides when they joined the Institute, and to guiding associations throughout the country.¹⁶
3. Following a review in 2020, the Board decided to modify and simplify the requirements. The implications of new health and tourism industry challenges convinced the Board to adjust the revalidation policy to help the effort to retain members as well as extend membership to as many accredited guides as possible, without compromising standards. Other factors included: the cost and delay faced by lapsed members rejoining; limited access to many exams which are held only infrequently; the relative success to date of relying on references as evidence of skills and knowledge; and the increasing practice of undertaking continuing professional development.
4. The revised policy came into effect on 4th March 2021 and applies to accredited guides who:
 - (a) for a period of three or more years have chosen to join the Career Break or Retired membership categories and who subsequently wish to return to active tourist guiding;OR
 - (b) have allowed their membership of the Institute to lapse or who have never joined the Institute and who now wish to join as Members, Associates or Affiliates.

¹⁴ Approved by the Board on 4th March 2021.

¹⁵ Amended by the Board on 13th January 2022.

¹⁶ Amended by the Board on 13th January 2022.

- 5 The revalidation policy will not apply to accredited guides who:
 - (a) return to full membership after fewer than three years as Career Break or Retired members; or
 - (b) rejoin the Institute as full members within three years of allowing their membership to lapse; or
 - (c) join the Institute within three years of achieving their qualification.
- 6 An accredited guide returning to full Institute membership as a Member (Blue Badge), or Associate (Green Badge) after 3 years without it should provide at least two references from tour operators, other travel trade companies, guide associations, or volunteer guide employers, showing that they have been working regularly throughout the period.
- 7 Those accredited guides applying to join or rejoin without being able to provide references to demonstrate evidence of regular guiding activity will receive student membership, but will not be admitted to full membership unless they pass one practical and one written exam retaken for the relevant area and level. The practical exam will normally be the coach exam at Blue Badge level, and the walk at Green Badge level. The written exam at Blue Badge level will be the paper containing the essay questions on regional knowledge. Arrangements for revalidating White Badge qualifications will be agreed case by case.
- 8 Examinations will usually be offered as part of the Institute's existing examination schedule. When no exam cycle for the region and level is available within a reasonable time, the applicant may be admitted to full membership after passing an assessment of one practical module of the last exam cycle (walk, gallery/museum, church), conducted by an Institute-accredited examiner. However, continued full membership will be conditional on success in retaking the exams as per Para 7 in the next official exam cycle.
- 9 In due course the Institute may further reduce reliance on exams by taking account (alongside references) of training, professional development undertaken, or alternative tests of skill and knowledge, provided that objective criteria for the assessment of such activities have been developed.
- 10 When an assessment or examination is required to achieve revalidation of qualifications, fees will apply (payable by the guide).
- 11 All guides returning to active guiding will be required to show that they have current Public Liability Insurance and indicate the provider of it.

- 12 Holders of an Institute of Tourist Guiding awarded badge agree to provisions of the Code of Professional Conduct. These include holding current Public Liability Insurance, and appropriately recording training and professional development undertaken to improve the standard of work and expand and update one's range of knowledge and skills. Guides rejoining the Institute will be required to sign the Code of Professional Conduct again.

ANNEX 2 - CODE OF CONDUCT¹⁷¹⁸

As a holder of an Institute of Tourist Guiding awarded badge, I agree to:

1. **Standards:** Uphold the standards of quality and professionalism inherent within the Institute of Tourist Guiding [“Institute”] qualifications for heritage interpretation, presentation skills, environmental concerns, sustainable tourism and duty of care to clients.
2. **Conduct:** Always be courteous, professional, ethical, flexible and collaborative towards clients, visitors, colleagues, site staff, drivers, etc. and never at any time undermine the profession to the detriment of any colleague/s nor bring into disrepute the reputation of the Institute.
3. **Qualification:** Only promote myself to guide in those areas and in those languages for which I hold Institute accredited qualifications/endorsements.
4. **Use of Institute Photo Card and Guide Badge:**
 - a. Wear the Institute photo card, with or without the guide badge, when on duty
 - b. Not allow, under any circumstance, any other person to use the Institute photo card or guide badge, which remain the property of the Institute at all times.
5. **Continuing Professional Development [“CPD”]:** Improve the standard of my own work and take the opportunity to expand and update my range of knowledge and skills wherever possible. I will record my CPD appropriately.
6. **Compliance:** Observe all health, safety and insurance requirements, hold current Public Liability Insurance, abide by current site guiding rules and recognise that it is a privilege and not an automatic right to guide at any particular site.

Breaches of this Code of Conduct:

In the event of a written complaint to the Institute about a member being upheld as a result of due investigation, one or more of the following sanctions [as per the Bye Laws of the Institute] will be applied:

- a. Admonishment;
- b. Suspension for any period not exceeding one year without refund of subscription;
- c. Expulsion without refund of subscription;
- d. Withdrawal of Institute photo card and guide badge.

¹⁷This Code of Conduct has been drafted in conjunction with the Guild of British Tourist Guides.

¹⁸ The Institute, whilst maintaining the Register of Ordinary Members and Associates, does not act as an agency for guiding work and cannot accept responsibility for any loss or injury however sustained by an Ordinary Member, Associate or by their clients

ANNEX 3

USE OF GUIDE BADGE CODE FOR BLUE BADGE, GREEN BADGE AND WHITE BADGE

- 1) Badge-holders should wear their badges and/or photo cards at all times when on duty.
- 2) Badge-holders should behave professionally and ethically at all times.
- 3) Badge-holders should not under any circumstances allow any other person to use their badge or photo card.
- 4) All badges and photo cards remain the property of the Institute.
- 5) Badge-holders should observe all health, safety and insurance requirements.
- 6) Badge-holders shall not offer themselves for work in languages other than their first language or languages for which they have passed the Institute approved examination of speaking proficiency.
- 7) Badge-holders shall not hold themselves out to be qualified to guide in areas for which they hold no accredited qualifications.
- 8) Badge-holders are required to abide by current site guiding rules and have no automatic right to guide at a particular site. Breaches of this Code of Conduct: In the event of a written complaint to the Institute regarding professional misuse of the badge by the badge-holder, the complaint will be referred to the Professional Conduct Committee (PCC). The rules and procedures of the PCC are annexed to the Bye Laws of the Institute and are published on the Institute's website.

Signed _____ Date _____

Name (CAPS) _____

ANNEX 4¹⁹

PROFESSIONAL CONDUCT & DISCIPLINARY PROCEDURE

NOTE: This procedure deals with complaints about Institute accredited guides. It does NOT relate to complaints about the Institute itself – for which [see](#).

1. Objective

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

It is the aim of the Institute to investigate and deal quickly, fairly and consistently with any allegations of unacceptable conduct or performance by accredited guides. The procedure is designed to help and encourage all accredited guides to achieve and maintain appropriate standards of conduct and job performance.

2. Codes of Conduct

Tourist guides who are accredited by the Institute of Tourist Guiding (“the Institute”), and have been awarded the Institute’s Blue Badge, Green Badge or White Badge, (“accredited guides”) sign a Professional Code of Conduct and a Use of Guide Badge Code when they qualify. These Codes provide that breaches will be investigated by the Institute, and this applies even where an accredited guide is not a member, since the Institute is given authority in the Code(s) signed by every accredited guide (and the Badges are marked as the property of the Institute). Breaches of any of the Codes of Conduct constitute professional misconduct

The Institute’s investigation of allegations that an accredited guide has breached one of these codes is carried out by the Professional Conduct Committee according to the following procedure.

3. Policy

It is the policy of the Institute that all accredited guides must abide by the Code(s) of Conduct applicable to them, and that, if disciplinary action has to be taken against accredited guides, it should:

- only be undertaken after an investigation and a disciplinary interview have been carried out;
- be appropriate to the nature of the offence that has been committed;
- be fair; and

¹⁹ Amended by the Board on 13th January 2022.

- be consistent with previous action in similar circumstances (unless such previous action proved to be inappropriate).

The ultimate purpose of the disciplinary procedure is to protect the public, by ensuring that the public can expect all accredited guides to adhere to the highest professional standards, as set out in the Codes of Conduct.

4. Professional Conduct Committee

The Professional Conduct Committee (“PCC”) has a Chair, who must be a Member of the Institute, and at least two other members, who must be accredited guides. The members of the PCC are appointed by the President of the Institute, who may consult the Chair of the British Guild of Tourist Guides and the Chair of the Association of Professional Tourist Guides and such other members of the guiding profession as may be appropriate. The Chair of the PCC, in consultation with the President of the Institute, may co-opt additional members of the PCC if required.

To ensure their independence, members of the PCC should not be serving officers or directors of the Institute, or serving members of any other of its committees. Although it is not a requirement that they be legally qualified, it is desirable that they should have knowledge and experience of legal or disciplinary procedures.

Members of the PCC are expected to serve for three years, and will liaise with one another to try to ensure that they retire in rotation.

The names of the members of the PCC will not be published by the Institute or its officers.

5. Complaints of professional misconduct

Any person may make a complaint of professional misconduct against an accredited guide. The Complaint should be in writing and sent by post or email to:

Post: Operations Manager
Institute of Tourist Guiding
Coppergate House
10 Whites Row
London E1 7NF

Email: office@itg.org.uk

If the Complaint relates to the President of the Institute, the Operations Manager will ask another Director to perform, in relation to the investigation of that complaint, all the duties of the President.

The Complaint should:

- Identify the accredited guide concerned (“the Respondent”);

- Identify the Code of Conduct concerned (see <https://www.itg.org.uk/resources/membership-forms/code-of-conduct/> [NOTE this page on the web site does not mention the Examiners' Code of Conduct]);
- Give particulars of the facts that are alleged to constitute a breach of the relevant Code of Conduct;
- Provide details of the evidence which the Investigating Officer will need when investigating the allegation (see section 7 below), including contact details of any witnesses and any relevant web-links.

The Complainant's name will be provided to the Respondent unless there are exceptional circumstances, which should be explained in a covering letter or email.

The Complainant should provide contact details if they wish to be informed of the outcome of the investigation.

The Operations Manager will acknowledge receipt (where the Complainant has provided contact details) and the President will forward the Complaint to the Chair of the PCC. If possible, the Operations Manager will also obtain and forward to the Chair of the PCC a copy of the relevant Code(s) of Conduct signed by the Respondent, and details of any previous Complaints against the Respondent.

Subsequent communications with the Complainant and the Respondent will be by the President of the Institute or the Chair of the PCC. If the Complaint relates to the President of the Institute, the Operations Manager will ask another Director to perform, in relation to the investigation of that complaint, all the duties of the President.

6. Initial Consideration by PCC

The PCC will review the Complaint and assess whether, if the allegations were established, there would have been a breach of an applicable Code of Conduct. The PCC will endeavour to complete this assessment within 14 days of receipt by the PCC Chair of the Complaint.

If the PCC concludes that there would clearly not have been a breach even if the facts alleged were established, they will set out in writing the reasons for that conclusion, and forward them to the President for onward transmission to the Complainant. The President may or may not decide to inform the Respondent about the Complaint. The procedure is then concluded.

If the PCC concludes that the facts, if established, could have constituted a breach, they will, in consultation with the President, appoint an Investigating Officer.

In cases where the alleged breach is trivial or borderline, the PCC may recommend that the President resolve the matter informally, for example, by simply notifying the Respondent of the Complaint, or by seeking an acknowledgement that a breach had occurred, an

undertaking not to repeat it, and if appropriate an apology to the Complainant; in such a case the PCC may determine that it is not necessary to appoint an Investigating Officer.

Where the PCC considers that a Complaint, or complaints of a specified nature, or from a specified source, is or are abusive or vexatious, it may refer the matter to three Directors of the Institute, including the President (save where it is not appropriate for the President to be involved), who may determine that the Institute shall be under no obligation to deal with such Complaints. The determination will be recorded in writing and logged by the Operations Manager.

If the Complainant has asked not to be identified to the Respondent, the PCC will decide whether there are exceptional circumstances justifying this.

7. Investigating Officer

The Investigating Officer appointed by the PCC Chair must be a member of the Institute with experience of serving on the Board or a committee of the Institute. The Investigating Officer will carry out the following procedure.

Investigation Procedure

1. The Investigating Officer notifies the Respondent and provides them with a copy of the Complaint and any accompanying documents.
2. The Respondent has two weeks in which to respond to the Complaint; this time may be extended by agreement with the Investigating Officer.
3. The Respondent's Response to the Complaint should:
 - a. State whether the Respondent contests all or any part of the Complaint;
 - b. Where some or all of the facts in the Complaint are contested, provide details of the evidence with the Investigating Officer will need when investigating the allegation, including contact details of any witnesses and any relevant web-links;
 - c. If the Respondent contends that the facts, as stated in the Complaint or as set out by the Respondent, do not constitute a breach of the relevant Code of Conduct, explain why not;
 - d. Identify any other matters which should be taken into account when the Complaint is adjudicated.
4. Where any facts stated in the Complaint are contested by the Respondent, the Investigating Officer will consider the evidence provided by the Complainant and the Respondent (including inviting the witnesses to provide written statements);
5. The Investigating Officer will then prepare a written report, stating whether, in the Investigating Officer's opinion, the facts as determined by the investigation warrant a disciplinary hearing. Any written statements of witnesses shall be annexed to the report. The Investigating Officer will send this report to the PCC Chair.

The Investigating Officer will endeavour to send the report to the PCC Chair within 30 days of being appointed.

8. Review by PCC

The PCC will review the Investigating Officer's report and decide whether to call a disciplinary hearing, request additional investigation/information or whether to take no further action.

If the Complainant's factual account is central to the allegations and they do not wish to be identified to the Respondent, the PCC may decide for that reason not to refer the matter to a disciplinary hearing.

The decision of the PCC should be made within 10 days of receiving the Investigating Officer's report.

9. Disciplinary Hearing

If the PCC determines that there should be a hearing, the PCC Chair will write to the Respondent, sending them a copy of the Report of the Investigating Officer, and asking them to attend a disciplinary hearing not less than 14 days after the provision of the Report but if possible within 30 days. The notice of the disciplinary hearing will list the names of the members of the disciplinary panel. Every effort should be made to find a date for the hearing convenient to all relevant parties. The hearing may take place in person or remotely.

Accredited guides will not be disciplined without first being given the opportunity to state their side of the case at the disciplinary hearing. A disciplinary hearing may go ahead in their absence if they fail to attend on the agreed date.

The Respondent may not challenge any facts stated in the Report of the Investigating Officer unless she or he informs the PCC Chair in writing at least seven days before the Disciplinary Hearing what facts are challenged, stating why they are challenged.

The Disciplinary Hearing will be before a panel composed of three members of the PCC. The Respondent will have the right to be accompanied by a guide colleague of their choice or an accredited trade union official. The Investigating Officer will also attend. The original Complainant and any witnesses to the alleged incident should not attend the hearing, save in exceptional cases, as determined by the PCC, where their account is contested. They may then be asked questions by the PCC.

At the hearing, the members of the panel will review the Complaint, the Response and the report of the Investigating Officer, and will then ask the Respondent to provide their explanation. The Respondent may ask questions of the Investigating Officer, and the panel may ask questions of the Investigating Officer and the Respondent. Other aspects of the procedure will be determined by the Chair of the PCC.

The panel will make their decision within 2 days of the hearing. Decisions as to the facts shall be on a balance of probabilities. The Chair of the PCC will communicate their decision along with any disciplinary action in writing to the Respondent.

10. Disciplinary Action

Breaches of the Codes of Conduct may be divided into three categories:

- Misconduct
- Gross Misconduct
- Incapability

Examples of each of these categories are given in the Appendix; they are not intended to be exclusive or exhaustive.

There are four levels of disciplinary action available to the PCC depending on the seriousness of the breach, and whether the Respondent has been the subject of previous Complaints and/or disciplinary action. The PCC may also make recommendations to the Respondent (for example, as to attending relevant CPD, making apologies for their behaviour etc) and, if there is a subsequent Complaint against the Respondent, the PCC may take into account the extent to which the Respondent has complied with such recommendations.

o Level One – Verbal Warning

A verbal warning will be appropriate where Misconduct is minor, on a first breach. It is less likely to be appropriate in the case of a second or subsequent breach.

A note of the verbal warning will be placed on the Respondent's record.

o Level Two – Written Warning

A written warning will be appropriate in most cases of Misconduct, or on repetition of Misconduct which is minor, or in most cases of Incapability.

The written warning is sent to the Respondent by the Chair of the PCC and a copy will be placed on the Respondent's record.

o Level Three – Final Written Warning

A final written warning will be appropriate in most cases of Gross Misconduct, in cases of persistent Misconduct, and in cases of Incapability where the Respondent has taken no effective steps to remedy the incapability. It indicates that, in the view of the panel issuing it, a repetition of the behaviour would justify withdrawal of accreditation.

A final written warning is sent to the Respondent by the Chair of the PCC and a copy will be placed on the Respondent's record.

o **Level Four – Withdrawal of Accreditation**

Withdrawal of accreditation will be appropriate where there is a further instance of Misconduct or Gross Misconduct, or continued failure to take steps to remedy Incapability, following a Final Written Warning, or in cases of particularly egregious Gross Misconduct.

A withdrawal of accreditation must be approved by the Institute's Board of Directors. Once approved by the Board, the withdrawal of accreditation will be communicated to the Respondent by the President.

Where a Respondent holds more than one accreditation, the withdrawal of accreditation will apply to all accreditations, unless the PCC or the Board determine otherwise.

The President will also ask the Respondent to return the Respondent's Blue, Green or White Badge (s) (which are the property of the Institute), and if the Respondent fails to do so, the Institute may commence legal proceedings to require the return of the badge.

The withdrawal of accreditation will take effect 28 days after it is notified to the Respondent; but if within that time the Respondent files a Notice of Appeal (see Appeal Procedure, below), it will be suspended pending the outcome of the appeal.

When the withdrawal of accreditation has taken effect, the Institute will notify the British Guild of Tourist Guides, the Association of Professional Tourist Guides, and any other relevant guiding organisation, so that they can update their membership data accordingly. The Institute may also notify relevant tourism agencies and tourist sites.

Once an accreditation has been withdrawn, the individual concerned will cease to be a Member of the Institute, and may not apply to join any Blue Badge, Green Badge or White Badge course.

11. Records and Confidentiality

The identities of individual Respondents will be treated as confidential and will be disclosed by the Institute only to those who need to know.

The materials relating to each Complaint will be stored with the file of the Respondent in the Institute's records.

An anonymised version of the PCC's decision will be stored in a manner accessible to the PCC so that it can check how previous breaches of the Codes of Conduct were treated, so as to ensure consistency.

The Chair of the PCC will report to the Board in September every year summarising the number of Complaints received and their outcomes.

Anonymised case summaries may be used for relevant articles/warnings to the membership by the President or in newsletters or websites.

APPENDIX

Examples of types of breach of the Codes of Practice. The examples are not intended to be exclusive or exhaustive.

Misconduct

- 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 accredited guides, individually or severally
- Bringing the Institute into disrepute
- Disregard for clients' safety, comfort or satisfaction levels.
- Minor negligence including misuse of or damage to property
- Poor timekeeping
- Serious loss of time through smoking

Gross Misconduct

- Breach of duty of good faith or dishonesty even though it may be isolated
- Falsification of reports, accounts, 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 business
- Bullying
- Any form of harassment under the Equality Act 2010
- 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 about clients
- Violent, dangerous or intimidating conduct

Incapability

- Incompetence
- Lack of application
- Poor performance

PROFESSIONAL CONDUCT APPEAL PROCEDURE²⁰

1. Professional Conduct Appeal Committee

The President of the Institute shall appoint a Professional Conduct Appeal Committee (“Appeal Committee”) consisting of three members; two Blue or Green Badge accredited guides, and one lay person (that is, a person who is not an accredited guide, such as a tourism academic) who will be the Chair of the Appeal Committee. The members of the Appeal Committee may not be Directors of the Institute, members of the PCC or of the Membership Committee, but the Chair may be a member of the Qualifications Board.

The names of the members of the Appeal Committee will be disclosed to the Appellant and may be disclosed to the Directors of the Institute and the members of the Professional Conduct Committee but will otherwise be kept confidential. Nevertheless, the President may consult other Directors of the Institute and external members of the Institute’s Qualifications Board to help identify candidates who might be approached to become members of the Appeal Committee.

2. Grounds of Appeal

A decision of the Professional Conduct Committee may be challenged by the accredited guide to which the decision relates (“the Appellant”) on the following grounds:

1. That the Professional Conduct Committee made an error in interpreting or applying the Institute’s Codes of Conduct, Bye Laws or other rules; or
2. That the Professional Conduct Committee made an error of fact; or
3. That the penalty imposed by the Professional Conduct Committee was inappropriate or excessive; or
4. That the Professional Conduct Committee exceeded its powers.

3. Nature of Appeal; New Evidence

- 3.1 The appeal is by way of rehearing, that is, the Appeal Committee may consider whether it would have reached the same or a different decision as the Professional Conduct Committee. The Appeal Committee is not bound by findings of fact made by the Professional Conduct Committee but will give deference to findings of fact made in the light of oral evidence from witnesses.
- 3.2 The Appellant may introduce new evidence provided that s/he explains why it was not made available to the Professional Conduct Committee, and how it will affect the outcome of the appeal. The Appeal Committee may ignore and refuse to hear new evidence where such explanations are not given.

²⁰ Approved by the Board on 13th January 2022.

4. Appeal Procedure

- 4.1 An Appellant who wishes to appeal must send a Notice of Appeal by email to the President of the Institute (president@itg.org.uk) (with a copy to the Secretary (companysecretary@itg.org.uk)) within 28 days of the date of the decision of the Professional Conduct Committee.
- 4.2 The President will forward the Notice of Appeal to the Chair of the Appeal Committee, with a copy to the Chair of the Professional Conduct Committee.
- 4.3 The Chair of the Professional Conduct Committee will, within 7 days, send to the members of the Appeal Committee copies of all materials available to the Professional Conduct Committee when it made its decision.
- 4.4 If the Appellant has requested a hearing in her/his Notice of Appeal, the Chair of the Appeal Committee will consult with the Appellant and the members of the Appeal Committee to set a date and time for the hearing to take place within six weeks of the date of the Notice of Appeal. The names of the members of the Appeal Committee who will attend the hearing will be provided to the Appellant.
- 4.5 The hearing may take place in person or remotely.
- 4.6 At the hearing, the Appellant may address the Appeal Committee and will answer any questions asked by the Appeal Committee. The Appellant may be accompanied by a friend or acquaintance, provided that their name and contact details have been notified to the Chair of the Appeal Committee at least 24 hours before the hearing. The friend or acquaintance may address the Appeal Committee on the Appellant's behalf.
- 4.7 The Appeal Committee will give its decision in writing, within two weeks after the hearing or, if there is no hearing, after it receives the materials available to the Professional Conduct Committee. The decision may uphold the decision of the Professional Conduct Committee, or overrule it, in whole or in part; and if it overrules it, it may make any order which would have been open to the Professional Conduct Committee. The decision will be sent by the Chair of the Appeal Committee to the Appellant, the Chair of the Professional Conduct Committee and the President of the Institute.
- 4.8 The decision of the Appeal Committee is final.

5. Contents of Notice of Appeal

The Notice of Appeal will cover the following matters:

- Name of Appellant, and contact details;
- Date of decision appealed against;
- Identify the grounds of appeal upon which the Appellant relies;
- Identify the errors which the Appellant contends that the Professional Conduct Committee made and explain why they are errors;
- If the Appellant wishes to introduce new evidence, it must be identified, and the Notice of Appeal must explain why it was not made available to the

Professional Conduct Committee, and how it will affect the outcome of the appeal. If it is in writing, a copy must be attached to the Notice of Appeal. If it is a new witness, the contact details must be given, and an indication of what the evidence will cover. The new witness may attend the hearing and answer questions from the Appellant and from the Appeal Committee;

- State whether the Appellant wants a hearing.

6. Confidentiality

- 6.1 The identity of the Appellant is to be kept confidential (unless the Appellant waives her/his right to anonymity) except to the extent that it is necessary to disclose her/his name in order to give effect to the decision of the Appeal Committee.
- 6.2 The Institute may disclose the existence of the proceedings and the Appeal and give a general indication of the nature of the complaint, but not in such detail as might make it easy to identify the Appellant.
- 6.3 The President of the Institute may inform the original Complainant of the existence of the Appeal and its outcome.