

ARCHIVES & RECORDS ASSOCIATION

CODE OF ETHICS

The Archives & Records Association outlines the steps its members should take if they find themselves being asked to do something that could constitute a breach of the Code of Ethics, and possibly also break the law of the country they work in.

In the Introduction to the ARA Code of Ethics, the ARA recognises that there may be times when individual members may be bound by their terms of employment to implement decisions which may conflict with the Code. The 'Purpose' section of the Code sets out options members can consider in such circumstances.

While the ARA does not compel members to act in a way that would conflict with their terms of employment, members may wish to consider what courses of action are open to them. This advice is intended to help members facing ethical issues, which may include actions that could constitute a breach of the law in the country in which they are based.

This checklist may help you decide what course of action to take should you be concerned that a potential course of action or an instruction you have been given could constitute a breach of the Code of Ethics or possibly be against the law in the country you work in. This list may also help you in advance of contacting the ARA Chief Executive in confidence over the issue.

1. Ensure you have identified sources of relevant information and guidance?
These will include, but may not be limited to
 - the ARA Code of Ethics
 - employment laws and other legislation
 - your contract of employment
 - relevant organisational policies, which may include policies on speaking up or whistleblowing
 - guidance from your trade union (if applicable)
 - guidance from other relevant professional bodies (if applicable)
2. Does your employer have a policy on speaking up or whistleblowing? If yes, ensure you know if your employing organisation has a policy on speaking up, or whistleblowing and that you have access to it.
3. Are you clear about your obligations and any protection available to you under your organisation's policy, your contract of employment, or under legislation?
4. Do you have reasonable grounds for believing that the concerns you have relate to wrongdoing or malpractice which would constitute a breach of the Code of Ethics and/or could be unlawful?
5. Do you need to distinguish between actions which may be part of work in progress and have the potential to be remedied and actions which are so far advanced as to constitute a long-term issue and sufficiently serious to be raised in the first instance internally and potentially externally at a later stage?
6. Have you raised your concerns at the appropriate level internally within your organisation?
7. Do the sources of information and guidance suggested in point 1 identify how and to whom the issue should be raised?

8. Are you confident that the external party identified in point 7 would treat the matter in total confidence unless expressly agreed you? Any information shared with an external party could be regarded as a breach of contract by an employer. You can seek advice from the ARA Chief Executive in confidence, though you should be aware that this could still be regarded as sharing issues your organisation could regard as confidential with an external body.

9. Do you have reasonable grounds to believe that any disclosure outside your organisation to an appropriate third party is substantially true?

10. Have you properly assessed the risks of not reporting the issue?

If you decide that speaking up is necessary, you may find it helpful to record the reasons for your decisions. Points to consider include:

- The nature of your concern
- Your reasons for believing there is an issue
- The full name(s) of those involved, including anyone with whom you have already raised the issue
- Times and dates when your concerns first raised
- Details of any location(s) concerned
- Details of any evidence
- Names and positions of any witnesses
- Whether action on the issue has been taken by anyone else

If you are considering raising your concern outside your organisation, have you considered whether you should first follow any internal procedures your employing organisation has in place?

If you are a member of a trade union, have you considered asking your union representative for advice?

If, having gone through these stages, you still feel you need to take action, **we recommend that you should contact the ARA Chief Executive in confidence** as your next step. Any approach will be treated in complete confidence though, if appropriate and with your permission, anonymised details may be shared with the ARA Ethics Panel outlining the nature of the concern, but excluding any of your details, the details of people you have named and any details about your employing organisation.

The ARA cannot guarantee to take action on your behalf, especially action that could result in legal action being taken against the ARA, however the Chief Executive may ask for legal advice and then share details of the matter you have raised in confidence. The ARA will never compel a member to act in any way that conflicts with their terms of employment. Furthermore, no member will be deemed to have breached the terms of the Code of Ethics as a result of an instruction by their employing organisation as long as they can clearly document the processes they went through internally and the objections they raised before still being compelled to carry out the unethical action. However members should consider their position should the action be not just unethical but also a breach of legislation as they may be deemed individually liable in such circumstances.

For further information, please click [here](#) or contact the ARA's CEO.