

## 1. The Code of Practice

### Part 1

As an AOP Member, you undertake to abide by the Code of Practice, as set out below and you agree that you will:

1. Be bound by the AOP's Memorandum and Articles and the Members' Charter (incorporated into this Code), copies of which are available to download from the members' area of the AOP website, <http://www.the-aop.org>.
2. Act with integrity and honesty and in all business dealings.
3. Act ethically and with due diligence and work to gain and maintain the trust of your client.
4. Actively support AOP activities and lend your name, where possible, to campaigning issues.
5. Recognise and accept your responsibilities under the Health & Safety At Work Act 1974 and other relevant legislation and conduct your operations in a manner that befits your professional standing and does not bring the AOP into disrepute.
6. Consider people equal without prejudice or favour and create and maintain an inclusive workplace that is positive and supportive, that appreciates difference and diversity and builds relationships based on mutual respect, regardless of the seniority of roles.
7. Not tolerate bullying and harassment of any sort, recognise that such behaviour may be unlawful and ensure that processes are in place for the reporting and investigation of such and that appropriate action is taken.
8. Ensure that as a minimum you have all the relevant/appropriate insurances, (such as Public Liability, Employer's Liability and Professional Indemnity) in place to meet the legal requirements for your business.
9. Ensure that the equipment you use is maintained, fit for purpose and serviceable. (In some business circumstances, this may be a legal requirement – see point 4 above).
10. Exercise all reasonable skill and care in the undertaking of a piece of work, strive to uphold and further the professional standard of your work and encourage others to do the same.
11. Ensure that everyone involved in the process of creating a piece of work is fully aware of the expectations that relate to acceptable behaviour and that all recognise that the manner in which they perform their role is just as important as technical competence or creative ability.
12. Treat as confidential any information disclosed to you by your client, in the course of your business.

## Part 2

You should also undertake to:

13. Do what is necessary to create a positive working environment with your client.
14. Ensure that all your paperwork is in place and up to date. (This would include permissions/permits, model/property releases, terms of business, usage agreements, estimates/quotations and invoices/statements.)
15. Maintain an active interest in your continuing professional development including staying abreast of industry developments.
16. Create, maintain and encourage a supportive and nurturing environment for all those that you work with and show generosity in sharing examples of best practice.

## Part 3

We also recommend that:

13. You retain ownership of your intellectual property.

## **2. Background**

### 2.1. What is a Code of Practice?

A Code of Practice lists commonly agreed principles of best practice and demonstrates why and how they should be applied. It encompasses professional ethics as well as methodology. These principles are, on the whole, points that are agreed on by the professional peer group involved and serve as a measure by which comparisons can be made to the advantage of both clients of signatories to the Code of Practice and those signatories themselves.

The Code of Practice for AOP members draws from the experiences of practicing professional photographers along with those of commissioners, art buyers and others with whom photographers work and looks at the principles and methodology that underpin best practice.

### 2.2. Why is a Code of Practice useful?

A Code of Practice benefits both sides of the business transaction. Our members know that they are operating to a standard that denotes best practice and this adds value to them within our industry, enabling fees to be commensurate with experience and approach. The commissioner understands that they are engaging

with someone who cares about all the processes involved, not just the practice of creativity but of business and ethics too.

In essence, a Code of Practice communicates that our members are professional in **all** aspects of the business and are what might be termed, 'a safe pair of hands'. In the absence of any regulation in the photographic industry it is often too easy to be drawn into competing on the basis of price alone. There are many factors that can influence a client's buying decision, not just price, and the AOP's members are extremely well-placed in the industry to maximise these other areas. Thorough preparation, effective contribution, high standards and professional collaboration are areas that positively influence the level of work produced.

By linking the AOP's members together through a Code of Practice, it is hoped that the resultant multi-brand association will be beneficial to all parties; beneficial to the membership by being associated with an organisation that represents the best in professional photography, beneficial to the AOP by having its membership derived from the best of the best, and lastly, beneficial to the client who is looking for reassurance that the commission will be handled with all due diligence.

It is hoped that the Code of Practice will be attractive to potential members who wish to aspire to be part of an association that promotes the values of quality and professionalism. The Code of Practice should enable the AOP's members to feel a breed apart from the competition and enhance their marketing opportunities. The AOP should market itself to both buyers and potential members on this basis, amongst others.

### **3. Engagement**

This section sets out how both AOP members and commissioners/buyers of photography relate to the Code of Practice.

The Code of Practice is a yardstick, a set of professional ethics and requirements that the AOP expects its members to abide by. In addition, buyers and commissioners of photography can use the Code of Practice as a means to establish what the minimum level of service is that they can reasonably expect from an AOP member. (Note: The Code of Practice does not attempt to set out any parameters for the visual interpretation or stylistic rendition of any brief presented to an AOP member).

#### The Code of Practice, the AOP and its members:

The Code of Practice contains elements taken from the Members' Charter that AOP members must abide by, all of which are contained above. In addition the Code contains elements that are recommended in the interests of best practice. It is made clear in the Code of Practice, which elements are mandatory (Part 1) and which are advisory or recommended (Parts 2 and 3).

Being a member of the AOP means that every point in Part 1 is part of their professional practice. It also means that each member looks to constantly improve the quality of their practice through the implementation of the points in Parts 2 and 3. While there might be no obligation placed upon members to encompass the points in Parts 2 and 3, the nature of the AOP's members means that they would most likely wish to do so.

Any member proven to be in contravention of the points in Part 1 will be suspended as a member of the AOP and be subject to the AOP's disciplinary procedure, set out in Section 4.

#### The Code of Practice and the buyers/commissioners:

The Code of Practice can be used by the commissioning/buying side to provide a basis for the working relationship and a 'checklist' of certain key areas of business practice in order that a client's minimum expectations may be based on real foundations.

Buyers/commissioners can expect certain minimum standards of professionalism when they commission an AOP member. The very minimum they can expect is encapsulated in Part 1 - what AOP members shall undertake to provide. For the buyer/commissioner, when they employ the services of an AOP photographer, they are commissioning the highest level of professional service, expertise, creativity and production. Put simply, they are commissioning the best.

## **4. Disciplinary and Complaints Procedure**

In order that the Code of Practice has solid foundations, the AOP needs to have a suitable complaints and disciplinary procedure in place to underwrite the Code.

If the AOP receives a complaint against a member, this will be investigated using the procedure outlined below.

IMPORTANT: The AOP will not deal with any disputes or claims for financial redress.

### 4.1. Aim

To investigate alleged breaches of the Code of Practice, either through the receipt of a complaint made directly to the AOP or when documented elsewhere, the nature of a complaint has been drawn to the attention of the AOP.

### 4.2. The Disciplinary & Complaints Officer

The AOP shall from time to time appoint a person to act as the Disciplinary and Complaints officer. That person so appointed need not be a member of the AOP.

### 4.3. The Disciplinary & Complaints Committee

The AOP's Board of Directors shall elect a group of 4 members and 4 non-members to sit as the Disciplinary and Complaints Committee to review any issues that are placed before it. The Committee shall be headed up by the Disciplinary and Complaints Officer, who has shared responsibility for the operation of the Committee with the Executive Director of the AOP.

### 4.4. The Procedure

4.4.1. The process is started by (a) the referral of an issue drawn to the attention of the Board or (b) the raising of a complaint from any other person to the Executive Director.

4.4.2. In both cases, the nature of the complaint, complainant and relevant information must be submitted in writing and be supported by any documented evidence.

4.4.3. The complaint must fall within the scope of the Code of Practice in the first instance. If it does not, after referral to the Executive Director, the complainant should be informed in writing and the matter closed.

4.4.4. If complaint is to be heard, the Disciplinary & Complaints Officer will be asked to take responsibility and see that these procedures are followed. The first requirement will be to inform the Disciplinary & Complaints Committee that there is a new matter to deal with.

4.4.5. Any member(s) connected to the complaint should be informed of the nature of the complaint and allowed 21 days from date of notification to submit their response in writing, with any supporting documentation to the Committee.

4.4.6. If there is any proposed or on-going legal activity pertaining to the complaint then any action by the Committee shall be suspended until such activity is concluded.

4.4.7. The Committee will review the material submitted and decide if the complaint is supported within a period of 21 days from the date that all material submissions were made.

4.4.8. In the event that the complaint is upheld, the Committee may do one or more of the following;

- (i) reprimand the member concerned.
- (ii) suspend the member concerned for a period determined by the Committee.

- (iii) recommend that the member be expelled from the AOP.
- (iv) ask for the member to cover the costs involved for the Committee to meet.

4.4.9. The Committee will notify the Board, the complainant and those members associated with the complaint of its decision, in writing.

4.4.10. No further correspondence will be entered into with either the complainant, the member or any other members who were involved, once the Committee has reached its decision.

4.4.11. Appeal: Any member removed from the AOP shall be entitled to appeal to the Board against that decision as long as any appeal is lodged within 21 days of the member being informed of the Committee's decision. The Board shall review the evidence presented to the Committee and act accordingly within a period of a further 21 days.

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