

Manchester Digital Code of Practice

Overview

Organisations and individuals who are members of the Manchester Digital Association agree to abide by the Manchester Digital Code of Practice (the Code).

- The Code shall be applied to all Members without modification or exception.
- Members can display the Manchester Digital logo as a mark of commitment to good business practice.
- The Board of Manchester Digital shall administer the Code.
- Generally, the Board will respond only when alerted to breaches of the code by a current member of the association: it will not monitor Members' activities for breaches of the Code.
- The code may be altered by simple majority at a General Meeting.
- Members recognise that solely complying with the Code does not necessarily mean that they are acting within the law. Compliance with the code represents "best practice" in addition to any relevant legal obligations.
- Any reference in the Code to lawfulness or unlawfulness relates solely to the laws of England and Wales.

Terms used

- Customer means customer of a Member.
- Complaints Procedure means the complaints procedure set out in this document.
- MDA means Manchester Digital Association.
- Constitution means the constitution of the Manchester Digital Association.
- General Meeting means a meeting of the members of MDA convened in accordance with the Constitution.
- Member means a member of MDA who has paid the relevant subscription fee for the current period.
- Officer means an officer of MDA such as the Chair or Secretary.

- Board means the Board of Manchester Digital Limited, which is responsible for the administration of Manchester Digital Association.
- Published Material means information of any form provided or accepted by the member for publication on the Internet or otherwise.
- Third Party Content means material accessible using digital facilities provided by or operated by or on behalf of a member, which originates from and/or is owned by one or more third parties (including, for the avoidance of doubt, that Member's Customers).

Aims of the Code of Conduct

MDA represents a wide range of Members each with differing interests in addition to the interests of Customers. A code of conduct aims to balance the interests of all these parties. A code can also bring benefits by way of providing guidance to Members as to what may and may not be considered acceptable by their fellow Members and others. It is important to the integrity of MDA and ultimately the industry within which we operate, that Members conduct themselves in an appropriate manner and in adherence with a set of common values.

Obligations

Members shall abide by the following rules:

Core Values

- Respect/consideration for others. Respect should be displayed at all times.
- Integrity and honesty. Members should act morally, ethically and honourably.
- Openness and accountability. Members are responsible for their actions and should ensure transparency.
- Discretion. Members should respect confidentiality at all times and show prudence and self restraint in the way they communicate; and
- Common sense. Members are expected to exercise sound, rational judgement.

Professional standards

It is in the mutual interest of Members that the work and services each provides is of a good standard that all can be proud of.

Members accordingly shall produce work and provide services of an appropriate professional standard, paying attention where possible to relevant standards and norms.

Published Material

Members shall use their reasonable endeavors to ensure the following:

- Published Material (excluding Third Party Content) does not contain anything that is unlawful, nor omit anything that is required by law.
- Published Material (excluding Third Party Content) does not promote, encourage or facilitate practices that are unlawful, including, but not limited to, the production and dissemination of child pornography.
- Published Material (excluding Third Party Content) does not contain material inciting violence, cruelty or racial hatred.
- Published Material (excluding Third Party Content) is not dishonest or misleading.

MDA supports the Internet Watch Foundation. Members shall cooperate with MDA and the Internet Watch Foundation in its efforts to remove illegal material from Internet web-sites.

Equal Opportunities and Discrimination

MDA promotes equal opportunities and as such Members do not discriminate in any respect on the basis of gender, sexual orientation, marital or civil partner status, gender reassignment, race, religion or belief, colour, nationality, ethnic or national origin, disability, age, pregnancy or any other basis protected by law.

Manchester Digital will not tolerate a discriminatory environment or the harassment of any Member or Customer in any form. Any complaints of discrimination and/or harassment should be raised with the Chair (or if this is not appropriate, a Board Member). Any Member found to be in breach of the duty contained in this section will be immediately expelled from MDA by ruling of the Board under Clause 6(b) of the Constitution.

Fair Trading

Members must act fairly and reasonably at all times towards people and organisations they trade with.

Members must, upon request, use reasonable means to bring to the attention of their Customers and Suppliers the existence of the Code and the Complaints Procedure.

Members must use all reasonable endeavors to ensure that promotional material complies with the provisions of the British Codes of Advertising and Sales Promotion which are supervised by the Advertising Standards Authority.

Employees

Members must act fairly and reasonably towards their employees.

Members should inform their employees about Manchester Digital and this Code.

Customer Contracts

Members shall ensure that they bring their Terms and Conditions to the attention of all new Customers.

Data Protection and Privacy

Members shall comply with UK legislation relating to data protection and should encourage Customers to do likewise.

Media Attention

Members should remember if contacted by the media on an issue concerning Manchester Digital that they are not obliged to respond. If they wish to respond they should always state that they cannot and do not speak on behalf of Manchester Digital. Members should direct all enquiries regarding Manchester Digital to the current Chair.

Best Practice

MDA recommends that Members adhere to the following best practice guidelines:

Members should include on their websites the MD logo, with a link to the MD website.

Members should take all reasonable steps to minimize the impact that their business activities have on the environment.

Members should endeavour to ensure that Published Material on websites conforms to best practice guidelines for accessibility, including relevant W3C guidelines.

Members should, where appropriate, have professional indemnity insurance to protect themselves and customers.

Members can help develop the digital sector economy in Manchester by choosing to work and trade with each other.

For the avoidance of doubt, breach of any of these guidelines for best practice set out in this section shall not constitute a breach of the Code.

Complaints Procedure

All members agree to comply with the complaints procedure as set out below.

It is in the mutual interest of Members that standards in this Code are upheld and seen to be upheld.

If a complaint is made that a Member is in breach of the Code, the aim of the Complaints Procedure is to find a solution acceptable to both complainant and Member. The Complaints Procedure is not designed to determine redress for past faults: this is generally a matter better left to the law. The complaints procedure shall only apply where a complaint is made against a current, paid up Member.

Where a Customer or other third party (a Complainant) believes that a Member has acted in breach of the Code, the Complainant should in the first instance seek a resolution

through dialogue with the Member, making clear what the Member should do to resolve the complaint. If that process fails, and the alleged breach is not remedied to the satisfaction of the Complainant, the matter may be escalated using the Complaints Procedure, according to the following steps:

Step 1: The Complainant shall inform the Member in writing of the complaint, copying an Officer of MDA into the communication and making clear the action or actions that the Member should undertake to resolve the Complaint.

An Officer will inform the Member that the Complaints Procedure has been invoked and that the Member has four weeks to respond.

The Member must respond to the Complainant directly within four weeks, copying an Officer into the response or, where this is not possible, contact an Officer explaining its position in respect of the Complaint.

Step 2: If the Complainant remains unsatisfied, and informs an Officer accordingly, an Officer shall within two weeks propose to the parties a method for resolving the dispute. Such methods may include but are not limited to informal mediation or the use of an independent arbitrator or mediator.

If the proposed method for resolving the dispute is not acceptable to one or other of the parties, then the dispute shall be said to have reached deadlock.

If the proposed method is acceptable to the parties, but the subsequent dispute resolution process fails, and no further progress can be made by negotiation, then the dispute shall be said to have reached deadlock.

Step 3: If a complaint reaches deadlock, and the complainant wishes to pursue the matter further, then the complaint shall be referred to Board.

The Board may decide to appoint a committee to examine the case further, or may issue its own ruling.

The Board and its Officers shall keep confidential, and shall require the relevant Member and the Complainant to keep confidential, the details of any Complaint dealt with using this procedure prior to its resolution.

Ruling and Sanctions

The Board shall, having examined the case itself or having received the recommendations of a committee set up to examine the case, decide whether the Code has been breached.

Where the Board decides that a breach has not occurred, the Complaint shall be dismissed and the Complainant and Member informed.

Where the Board decides that a Member has breached the Code, and having taken all relevant circumstances into account, the Board may:

- Require an assurance from the Member, or any associated individual, relating to future behaviour, in terms dictated by the Board; and/or

- Suspend the Member from MDA without any reimbursement of membership fees in whole or in part until such time as the Board is satisfied that the Member has taken adequate steps to ensure that the breach is not repeated; and/or
- Expel the Member, in accordance with clause 6(b) of the constitution of the Manchester Digital Association, with immediate effect and without any reimbursement of membership fees in whole or part.

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