

# TATE ETHICS POLICY

Approved by the Board of Trustees on 25 March 2020

Date of Next Review: March 2022

## 1 Introduction

This policy sets out the standards of conduct that are expected from all Tate representatives, that is its Trustees, co-opted Non-Executives, staff, advocates and those working with Tate Enterprises Ltd., Tate Foundation, Tate Americas Foundation and Tate Canada Foundation. It is to be read in conjunction with other of Tate's policies which set out in detail ethical considerations in other areas (e.g. Due Diligence, Acquisitions and Disposals and Management of Conflict of Interest).

This policy is consistent with the Museums Association's *Code of Ethics for Museums* and the *Code of Ethics for Museums Worldwide* produced by ICOM; it also takes into account the *Seven Principles of Public Life* (Nolan Committee; March 1996). In addition, this document is supplemented by the Employee Handbook and Tate's policies on Fraud and Whistleblowing and the rules in relation to hospitality and gifts.

## 2 Ethical Principles

2.1 Tate was founded as a national institution on the premise of public service. In addition to our mission, which is to promote public knowledge, understanding and enjoyment of British and modern and contemporary art, to care for and add to the Collection and to secure that it is made available, we also have a duty to the public to be transparent and accountable, and always to act in the public interest. Our ability to maintain a strong relationship of trust with our public is critical to our ability to fulfil our mission.

2.2 Tate recognises it is not possible to predict every situation in which its representatives may find themselves. Of paramount importance is the simple principle that:

*No individual should use his or her position at Tate for personal gain or to benefit another at the expense of the Museum, its mission, its reputation, or the public which it serves, nor should any individual act in a way that could be reasonably seen by others as compromising the independence and integrity of Tate.*

In addition to this overarching principle, there are three additional principles to which all Tate representatives should adhere. These include:

- a. The public benefit of any activity undertaken by Tate or its employees should outweigh any incidental private benefit that might accrue as a result of any activity;
- b. Tate should not be seen to sanction or endorse any sale of work to a private collector, regardless of whether the artist is represented in the Tate Collection;
- c. Tate should have authority over the content and presentation of all exhibitions, displays, publications, research or other activities.

2.3 Where conflicts of interest arise – actual, potential, or perceived – the duty of loyalty must not be compromised. Tate expects all representatives to:

- a. Conduct themselves in accordance with all applicable national and international laws at all times;
- b. Act with honesty and integrity, and never knowingly mislead any person;
- c. Protect confidential information obtained during their work;
- d. Be impartial, for example to (i) declare and make known any personal interests, (ii) not give or receive any inducements which could, or could be seen to be in conflict with the interests of the museum, (iii) not provide any services that could or could be seen to be in conflict with the interests of the museum, (iv) not compete with the museum in any

- personal collecting activity, (v) not accept any hospitality or other form of gift or reward which could be seen as an inducement, (vi) not authenticate any work of art in exchange for monetary or other personal remuneration or in any circumstances without the consent of the Director of Tate; (vii) not act, or sanction activities, in a way where Tate might be seen to endorse any private sale of work; and,
- e. Apply the ethical standards governing their particular profession.

### **3 Procedures**

- 3.1 In furtherance to these principles, all Tate Trustees, co-opted Non-Executives, Directors and senior Leadership must make known to a Committee Chair, Board or the Director as appropriate any:
  - a. Actual, potential or perceived conflict between their own and the Museum's interests;
  - b. Actual, potential or perceived pecuniary interests of theirs or of any member of their close family, which may, or may be perceived to be, in conflict with the interests of the Museum; and
  - c. Actual, potential, or perceived conflicts between the interests of the Museum and those of any relevant private entity.
- 3.2 The Director's Office will maintain registers of interests for all Tate Trustees, Directors and senior Leadership staff.
- 3.3 In furtherance to these principles, all other staff of the Museum must:
  - a. Understand their responsibilities and obligations to uphold the public trust;
  - b. Follow appropriate policies and procedures as set out in the Employee Handbook;
  - c. Declare any actual, potential, or perceived conflicts of interest as outlined in section 3.1 above.
- 3.4 As further detailed in Tate's Trustee and Committee Member Conflict of Interest Policy, concerns in relation to actual, potential, or perceived conflicts of interest may be referred to Tate's Ethics Committee for consideration.

### **4 Ethical Fundraising**

- 4.1 Consistent with the principles outlined in Section 2.2 above, Tate will not accept funds in circumstances when:
  - a. The donation is made anonymously, through an intermediary who is not prepared to identify the donor to anyone at Tate;
  - b. The donor has acted, or is believed to have acted, illegally in the acquisition of funds, for example when funds are tainted through being the proceeds of criminal conduct; or,
  - c. When acceptance of the funds would, in the judgment of the Board of Trustees, having taken the advice of the Ethics Committee where appropriate, significantly damage the effective operation of Tate in delivering its mission, whether because such acceptance would:
    - 1. Harm Tate's relationship with other benefactors, partners, visitors or stakeholders;
    - 2. Create unacceptable conflicts of interest;
    - 3. Materially damage the reputation of Tate; or,
    - 4. Detrimentally affect the ability of Tate to fulfil its mission in any other way than is mentioned above.
- 4.2 In the context of ethical fundraising Tate will adhere to the provisions of its Donations Policy adopted by the Board of Trustees on 25 March 2020.

### **5 Compliance**

- 5.1 The Director of Tate shall have responsibility for compliance and oversight, and will report to the Board of Trustees or a committee of the Board, as deemed necessary, on an annual basis.

## **Appendix: Seven Principles of Public Life<sup>1</sup>**

### **Selflessness**

Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family or their friends.

### **Integrity**

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

### **Objectivity**

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices based on merit.

### **Accountability**

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

### **Openness**

Holders of public office should be as open as possible about all the decisions and actions they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

### **Honesty**

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in any way that protects the public interest.

### **Leadership**

Holders of public office should promote and support these principles by leadership and example.

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<sup>1</sup> The government endorsed the Seven Principles of Public Life in “Spending Public Money, Governance, and Audit Issues” (Cm 3179) in March 1996.