



## **MEMBERS' CODE OF CONDUCT**

When identifying and contacting potential Best Practice partners, you should follow this Members' Code of Conduct to ensure that all parties benefit from the exchange of information.

1. Prior to initiating contact with a potential Best Practice partner, determine the process on which you want to share information, identify the process steps (flow map your process) and complete a rigorous self-assessment of your existing process. (Examine only one Best Practice Process at a time.)
2. Develop a one-page survey listing 6-8 questions you would like to ask a potential Best Practice partner. Make the questions as specific as possible. (One of the best ways to verify that you are ready to share information is to answer this survey for your own process.)
3. Identify potential Best Practice partners (the Member one2one and/or Club team can help here).
4. Contact the Club representative at the potential Best Practice partner, indicate the process on which you want to exchange information and ask the representative to supply you with the name of that organisation's process owner. Be willing to supply the potential partner with a flow map of your process and the list of question.
5. Agree in writing the information you are intending to share. You might also be required to sign a confidentiality agreement before exchanging information with the Best Practice partner.
6. Be willing to provide the same type and level of information that you request from your Best Practice partner. Be honest and complete, and remember that all information should be considered confidential to the individuals and companies involved.
7. Agree to comply with the European Benchmarking Code of Conduct.
8. Thank your Best Practice partner for sharing their process at the end of the study.
9. The purpose of the Club is to allow mutual learning amongst its membership therefore any explicit marketing within it of products and services by members must be approved by the Club Director.

## **EUROPEAN BENCHMARKING CODE OF CONDUCT**

During 1995 it became evident that the activity of benchmarking might contravene European Competition law; Article 85 of the Treaty of Rome.

Following initial discussions which confirmed that there was cause for concern, leading European benchmarking organisations were invited to meet with their legal advisors and discuss a Code of Conduct that complied with European law. This meeting took place in January 1996, and resulted in a draft document based on the International Benchmarking Clearinghouse code, but amended with the help of European legal advisors.

The code was broadly welcomed and has now been accepted and adopted by the principal European benchmarking organisations. It has also been sent for review to the European Commission.

Benchmarking the process of identifying and learning from best practices in other organisations is a powerful tool in the quest for

continuous improvement and performance breakthroughs. The authors and sponsors have produced this European Code of Conduct to guide benchmarking encounters and to advance the professionalism and effectiveness of benchmarking in Europe. It is closely based on the widely used APQC/SPI Code of Conduct promoted by the International Benchmarking Clearinghouse, and the authors gratefully acknowledge this source. The wording has been modified to take into account the rules of European Union competition law. The layout and presentation have been modified to provide a more positive chronological approach. Adherence to this Code will contribute to efficient, effective and ethical benchmarking.

### **1.0 Principle of Preparation**

- 1.1 Demonstrate commitment to the efficiency and effectiveness of benchmarking by being prepared prior to making an initial benchmarking contact.
- 1.2 Make the most of your benchmarking partner's time by being fully prepared for each exchange.
- 1.3 Help your benchmarking partners prepare by providing them with a questionnaire and agenda prior to benchmarking visits.
- 1.4 Before any benchmarking contact, especially the sending of questionnaires, take legal advice.

### **2.0 Principle of Contact**

- 2.1 Respect the corporate culture of your partner organisation and work within mutually agreed procedures.
- 2.2 Use benchmarking contacts designated by the partner organisation if that is its preferred procedure.
- 2.3 Agree with the designated benchmarking contact how communication or responsibility is to be delegated in the course of the benchmarking exercise. Check mutual understanding.
- 2.4 Obtain an individual's permission before providing their name in response to a contact request.
- 2.5 Avoid communicating a contact's name in open forum without the contact's prior permission.

### **3.0 Principle of Exchange**

- 3.1 Be willing to provide the same type and level of information that you request from your benchmarking partner, provided that the principle of legality is observed.
- 3.2 Communicate fully and early in the relationship to clarify expectations, avoid mis-understanding, and establish mutual interest in the benchmarking exchange
- 3.3 Be honest, complete and timely with information submitted.

### **4.0 Principle of Confidentiality**

- 4.1 Treat benchmarking findings as confidential to the individuals and organisations involved. Such information must not be communicated to third parties without the prior consent of the benchmarking partner who shared the information. When seeking prior consent, make sure that you specify clearly what information is to be shared, and with whom.
- 4.2 An organisation's participation in a study is confidential and should not be communicated externally without their prior permission.

### **5.0 Principle of Use**

- 5.1 Use information obtained through benchmarking only for purposes stated to and agreed with the benchmarking



partner.

- 5.2 The use or communication of a benchmarking partner's name with the data obtained or the practices observed requires the prior permission of that partner.
- 5.3 Contact lists or other contact information provided by benchmarking networks in any form may not be used for purposes other than benchmarking.

#### **6.0 Principle of Legality**

- 6.1 Take legal advice before launching any activity.
- 6.2 Avoid discussions or actions that could lead to or imply an interest in restraint of trade, market and/or customer allocation schemes, price fixing, dealing arrangements, bid rigging or bribery. Do not discuss costs with competitors if costs are an element of pricing. Do not exchange forecasts or other information about future commercial intentions.
- 6.3 Refrain from the acquisition of information by any means that could be interpreted as improper, including the breach, or inducement of a breach, of any duty to maintain confidentiality.
- 6.4 Do not disclose or use any confidential information that may have been obtained through improper means, or that was disclosed by another in violation of a duty of confidentiality.
- 6.5 Do not, as a consultant, client or otherwise pass on benchmarking findings to another organisation without first getting the permission of your benchmarking partner and without first ensuring that the data is appropriately 'blinded' and anonymous so that the participants' identities are protected.

#### **7.0 Principle of Completion**

- 7.1 Follow through each commitment made to your benchmarking partner in a timely manner.
- 7.2 Complete a benchmarking effort to the satisfaction of all benchmarking partners as mutually agreed.

#### **8.0 Principle of Understanding and Agreement**

- 8.1 Understand how your benchmarking partner would like to be treated, and treat them in that way.
- 8.2 Agree how your partner expects you to use the information provided, and do not use it in any way that would break that agreement.

*Important notice:*

*This Code of Conduct is not a legally binding document. Though all due care has been taken in its preparation, the authors and sponsors will not be held responsible for any legal or other action resulting directly or indirectly from adherence to this Code of Conduct. It is for guidance only and does not imply protection or immunity from the law.*

## **BENCHMARKING PROTOCOL**

#### **Benchmarkers should:**

- Know and abide by the European Benchmarking Code of Conduct.
- Have a basic knowledge of benchmarking and follow a benchmarking process.
- Prior to initiating contact with potential benchmarking partners:
  - Determine what to benchmark
  - Identify key performance variables to study
  - Recognise superior performing organisations

- Complete a rigorous internal analysis of the process to be benchmarked
- Prepare a questionnaire and fully developed interview guide, and share these in advance if requested.
- Possess the authority to share and be willing to share information with benchmarking partners.
- Work through a specified contact and mutually agreed arrangements.
- When the benchmarking process proceeds to a face-to-face site visit, the following behaviours are encouraged:
  - Provide meeting agenda in advance.
  - Be professional, honest, courteous and prompt.
  - Introduce all attendees and explain why they are present.
  - Adhere to the agenda.
  - Use language that is universal, not one's own jargon.
  - Be sure that neither party is sharing proprietary or confidential information unless prior approval has been obtained by both parties, from the proper authority.
  - Share information about your own process, and, if asked, consider sharing study results.
  - Offer to facilitate a future reciprocal visit.
  - Conclude meetings and visits on schedule.
  - Thank your benchmarking partner for sharing their process.

## **BENCHMARKING WITH COMPETITORS**

The following guidelines apply to both partners in a benchmarking encounter with competitors or potential competitors:

- In benchmarking with actual or potential competitors, ensure compliance with competition law. Always take legal advice before benchmarking contact with actual or potential competitors and throughout the benchmarking process. If uncomfortable, do not proceed. Alternatively, negotiate and sign a specific non-disclosure agreement that will satisfy the legal counsel representing each partner.
- Do not ask competitors for sensitive data or cause the benchmarking partner to feel that they must provide such data to keep the process going.
- Do not ask competitors for data outside the agreed scope of the study.
- Consider using an experienced and reputable third party to assemble and 'blind' competitive data.
- Any information obtained from a benchmarking partner should be treated as you would treat any internal, privileged communication. If 'confidential' or 'proprietary' material is to be exchanged, then a specific agreement should be executed to specify the content of the material that needs to be protected, the duration of the period of protection, the conditions for permitting access to the material, and the specific handling requirements that are necessary for that material.



The Code of Conduct is the result of a consultation and development process coordinated by the Performance Improvement Group with the help of the Eurocode Working Group. The Eurocode Working Group comprises senior benchmarking managers and legal representatives from the following organisations:

- British Telecommunications
- Department of Trade and Industry (UK)
- European Foundation for Quality Management
- IFS International (The Best Practice Club)
- KPMG Peat Marwick (USA)
- Shell International
- Siemens
- The Benchmark Network
- European Performance Improvement Centre
- The Post Office

Contributions were also gratefully received from the following:

- American Productivity & Quality Centre
- British Quality Foundation
- Prudential Assurance
- Swedish Institute of Quality
- Strategic Planning Institute
- The Benchmarking Centre UK
- The Benchmarking Club Italy
- The Law Society
- The Quality Network