

CODE & RULES OF PROFESSIONAL CONDUCT

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One of the factors inherent in the enjoyment of Professional Status and one of the prime reasons why the public accords respect to professional persons, is that professional persons are bound by a code of conduct, and that sanctions may be imposed if the code is infringed.

In Britain, this situation is generally taken for granted and it is only in a limited number of professions, for example medicine and law where the sanctions can be legally enforced to the extent that a person can be legally prohibited from practising his or her profession.

In the European Community, the situation is different. The Treaty of Rome provides that professional persons (amongst others) must be free to practice anywhere within the community. To enable this freedom of movement to be effective, the Treaty also prescribes the qualifications and conditions which entitle a person to professional recognition within the community. Among other qualifications, the Treaty requires that professional bodies must prescribe a code of conduct with rules and regulations for the enforcement thereof and that each member shall sign an undertaking to be bound by the code and rules.

It is in this respect that the engineering profession in the UK falls short of the European conditions. To enable British engineers to be recognised throughout Europe, the Engineering Council requires that all nominated Institutions have in place a common code of conduct together with rules and regulations for enforcement. (Which latter may be slightly modified to meet the varying needs of the Institutions.)

The code of conduct of the Institution is already embodied in the Institution's

Articles of Association. The Council of the Institution has now adopted a set of rules and regulations. For ease of reference, the relevant Articles, the code of conduct and the rules and regulations now adopted by the Council are published below. All Members are asked to retain these pages carefully for future reference.

CODE OF CONDUCT

The Code of Conduct of the Institution is embodied in Article 15. Other related Articles are numbers 3 and 10. These Articles are quoted below:

ARTICLE 15

(a) Every member of the Institution shall exercise their professional skill and judgement to the best of their ability and uphold the reputation and dignity of the profession by discharging their professional responsibilities with integrity, and shall safeguard the public interest in matters of safety, health and otherwise.

No member shall abuse their connection with the Institution to further their personal or business interests.

(b) The Council shall prescribe Rules of Professional Conduct and Regulations for the Enforcement thereof, which rules and regulations shall be made known to the members.

Such Rules and Regulations shall inter alia include specific provision giving the accused member the right to call, examine and cross-examine witnesses and shall give any member accused of unprofessional conduct the right of appeal. Provided that no member's name shall be removed from the Roll of Members in pursuance of the foregoing or any breach thereof until after

the conditions of Article 10 have been duly observed and given effect.

(c) Should the Secretary receive any information from any source which in his or her opinion constitutes prima facie evidence that a member is acting or has acted in breach of the Rules of Professional Conduct, then the Secretary shall forthwith proceed in accordance with the Regulations for the Enforcement thereof, prescribed by Council.

ARTICLE 3

The provisions of sections 352 and 353 of the Act shall be observed by the Institution, and every member upon election shall sign an engagement form undertaking to abide by these presents as they now are or as they shall subsequently be amended or revised.

ARTICLE 10

The Council shall have the power by resolution, without assigning any reason therefore, to determine the membership of any member whose conduct, in the opinion of three-quarters of the whole elected Council, is deemed to be detrimental to the interests of the Institution, provided always that there shall be given at least twenty-one day's notice of such meeting, clearly stating the intention to consider at such meeting the determination of such membership, and the member whose conduct is in question shall be given an opportunity of appearing before the Council in person or by his or her representative and being heard in his or her defence.

RULES OF PROFESSIONAL CONDUCT

1. These rules are to be read in conjunction with Article 15.

2. In discharging their duties a member shall:

2.1 satisfy him/herself as to the extent of those duties and if in doubt obtain such clarification or confirmation as is necessary to satisfy him/herself as to their extent before entering upon them and shall not accept professional obligations which he/she believes that he/she has not sufficient competence to perform.

2.2 accept personal responsibility for all work done by him/her or under his/her supervision

or direction and shall take all reasonable steps to ensure that persons working under his/her authority are competent to carry out the tasks assigned to them and that they accept personal responsibility for work done under the authority delegated to them.

2.3 when called upon to give an opinion in his/her professional capacity, give an opinion that is objective and reliable to the best of his/her ability.

2.4 when his/her professional advice is not accepted, take all reasonable steps to ensure that the person overruling or neglecting his/her advice is made aware of the danger which he/she believes may result from such overruling or neglect.

3. In respect of his/her professional relationship (whether with employers or clients) a member shall:

3.1 disclose all or any profits benefits or interest he/she may have in the matter in which he/she is engaged on their behalf.

3.2 at all times respect the confidence of his/her clients or employers and shall not communicate to any person nor publish any confidential information or matter communicated to him/her by any client or employer, or of which he/she may otherwise become aware, without the expressed authority of that client or employer.

4. A member in connection with work in a country other than their own shall order his/her conduct according to the provisions of Article 15 and of these rules so far as they are applicable but where there are recognised standards of professional conduct in that country he/she may adhere to them.

5. A Member shall be prepared to further the education and training of candidates for the qualification of Membership of the Institution.

6. A member shall at all times take care:

6.1 to ensure that his/her work and the products of his/her work constitute no avoidable danger of death or injury or ill-health to any person.

6.2 to avoid waste of natural resources,

damage to the environment, and damage or destruction of the products of human skill and industry: provided that lawful work in connection with weapons or war-like materials intended for the defence of a nation shall not be regarded as a breach of this rule.

6.3 Identify and evaluate and, where possible, quantify risks.

7. A member shall give due weight to all relevant law, facts and guiding principles and to the public interest, he/she should:

7.1 ensure that all work is lawful and justified.

7.2 minimise and justify any adverse effect on wealth creation, the natural environment and social justice whilst ensuring that all developments meet the need of the present without compromising the ability of future generations to meet their own needs.

7.3 act honourably, responsibly and lawfully so as to uphold the reputation, standing and dignity of the profession.

8. A member shall take all reasonable steps to maintain and develop his/her professional competence by attention to new developments in science, technology and design relevant to his/her field of professional activity and shall encourage persons working under his/her supervision so to do.

9. A member shall inform his/her employer in writing of any conflict between his/her professional interest and faithful service to his/her employer.

10. A member shall not improperly solicit work as an independent adviser or consultant, either directly or by an agent, nor shall he/she improperly pay any person, by commission or otherwise, for the introduction of such work.

11. A member shall not maliciously or recklessly injure or attempt to injure, whether directly or indirectly, the professional reputation of another.

12. A member shall not be the medium of payment made on his/her employer's behalf unless so requested by his/her employer nor shall he/she place contracts or orders in connection with work on which he/she is employed except with the

authority of and on behalf of his/her employer.

13. A member shall not in self-laudatory language or in any manner derogatory to the Institution or the profession of engineering design advertise his/her services nor shall he/she write advertisements or articles for publication or take part in any broadcast or public performance in such a manner as will bring the Institution or the profession of engineering design into disrepute.

14. A member shall not accept remuneration in connection with services rendered to his/her employer other than from his/her employer, or with his/her employer's consent; nor shall he/she receive directly or indirectly any royalty gratuity or commission on any article or process used in or for the purpose of the work in respect of which he/she is employed unless or until such royalty gratuity or commission has been authorised in writing by his/her employer.

15. A member may be found guilty of improper conduct if in the opinion of the disciplinary committee, referred to in the Regulations for Enforcement, his/her conduct is in breach of these rules or of Article 15.

REGULATIONS FOR THE ENFORCEMENT OF THE CODE AND RULES OF PROFESSIONAL CONDUCT

1. Any allegation or accusation of improper conduct made against a member shall be made in writing under confidential cover and addressed to the Secretary of the Institution at the registered address of the Institution.

Such allegation or accusation shall give the full name, address and status of the person making the allegation or accusation; the full name, address and status of the member against whom the charge is made; and shall set out the circumstances forming the basis of such charge.

2. Within seven days of receiving notice of a charge of improper conduct against a member, the Secretary shall inform the President, or in his/her absence another of the Principal Officers in order of seniority as defined in Article 31. Contemporaneously, the Secretary shall notify the

member against whom the charge has been made and shall inform him/her of the nature of the charge.

3. If, after examination of the information supplied, the President, or other Principal Officer, is not satisfied that a prima facie case has been made then he/she shall forthwith instruct the Secretary to inform the person making the charge and the member against whom the charge is made and the matter shall be terminated: subject always to the right of the person making the charge to make a fresh charge if further evidence is forthcoming.

4. If, after examination of the information supplied, the President (or other Principal Officer) is of the opinion that a prima facie case has been made then he/she shall instruct the Secretary to empanel within fourteen days a disciplinary committee consisting of three members of the Council (excluding the Principal Officers) who shall act with the authority of the Council.

5. The disciplinary committee shall fix a date and place for the case to be heard; which date shall be not less than twenty-eight days nor more than forty-two days from the date when the member who is charged shall have been given notice and the place shall ordinarily be the headquarters of the Institution provided that in special circumstances the disciplinary committee may decide upon some other place having due regard to the convenience of the member who is charged.

6. The member who is charged with improper conduct shall have proper opportunity to bring witnesses and adduce any relevant evidence he/she may think fit and may be present and be represented either legally or by a friend at the hearing.

7. The disciplinary committee may make enquiries by correspondence or otherwise as it may in its absolute discretion think fit in relation to the allegation or accusation of improper conduct.

8. The disciplinary committee shall hear and determine the charge of improper conduct. If the disciplinary committee determines that the case has not been proved then the case shall be dismissed

and the disciplinary committee shall report accordingly to the Council; and the Secretary shall forthwith inform the person making the charge and the member charged.

If the disciplinary committee determines that the charge has been proved then they may:

8.1 Dismiss the case.

8.2 Warn the member charged as to his/her future conduct.

8.3 Reprimand the member charged.

8.4 Suspend the member charged.

8.5 Expel the member charged and their decision shall be made known at the end of the proceedings to the member who has been charged.

9. The disciplinary committee may if they think fit warn or reprimand the member privately, but if a member is sentenced to suspension or expulsion notice of such shall be published in the Journal and notice given to the Engineering Council and every constituent member thereof.

10. If a member duly gives notice of appeal then the sentence and the notices thereof shall be suspended until after the appeal is heard.

11. The notice of appeal shall be in writing under confidential cover addressed to the Secretary at the registered office of the Institution within twenty-eight days of the hearing. Such notice shall set out in full the grounds of the appeal.

12. Within fourteen days of receiving notice of appeal the Secretary shall empanel an appeal tribunal consisting of three past Presidents or past Chairmen of Council so that none of them shall have been involved in the original hearing.

13. The appeal tribunal shall determine at their absolute discretion the manner in which the appeal shall be heard, but having regard to natural justice and to the convenience of the appellant. The decision of the appeal tribunal shall be notified forthwith to the appellant, and to the Council whereupon the notices required in regulation No.9 shall be duly given by the Secretary provided that no such sentence or notices thereof shall be implemented until twenty-eight days have elapsed after the hearing, during which time the member

may appeal.

14. If a member duly gives notice of appeal to the Engineering Council then the sentence and notices thereof shall be further suspended until after the appeal to the Engineering Council is heard.

15. The notice of appeal shall be in writing under confidential cover addressed to the Secretary at the registered office of the Institution within twenty-eight days of the Institution's appeal tribunal hearing. Such notice shall set out in full the grounds of the Appeal.

16. Within seven days of receiving notice of appeal to the Engineering Council the Secretary shall under confidential cover inform the Engineering Council of the appeal together with a copy of the notice setting out the grounds of the appeal.

17. The Engineering Council appeal tribunal shall determine at their absolute discretion the manner in which the appeal shall be heard, but having regard to natural justice and to the convenience of the appellant. The decision of the Engineering Council appeal tribunal shall be final and shall be notified forthwith to the appellant and to the Institution's Council: whereupon the notices required in regulation No. 9 shall be duly given by the Secretary.