

# Code of Professional Conduct of the Association of Building Engineers

## INTRODUCTION

The ABE has established this Code of Professional Conduct to lay down for its members and for the general public, the ethical standards by which its members should abide. The code will apply to all its members, irrespective of their grade, the professional role they fulfil, and the countries in which they practise.

The Rules of Conduct indicate the manner in which members are required to conduct themselves in various situations. They represent the minimum standard of conduct required of members. In all situations, including any not specifically covered by the Rules of Conduct, the underlying principle to be followed is that, in any conflict between a member's personal interest and the public interest, the latter should take precedence. The Rules of Conduct should be complied with both in the letter and the spirit.

The building engineering profession encompasses a broad range of individuals as members of the profession, many of whom are, in fact, employed by general corporate bodies. The Rules of Conduct are generic and should thus be equally applicable to ALL members. It is however realised that certain aspects will have varying degrees of application depending on the sector within which any individual member is practicing. This does not, however, remove from them the obligation, as a member of the ABE, to act in accordance with the Rules for Professional Conduct in all aspects of their professional lives

IT IS EACH MEMBER'S DUTY TO READ AND UNDERSTAND ALL THE RULES OF CONDUCT AND AT ALL TIMES AND IN ALL RESPECTS TO SATISFY THEMSELVES AS TO THEIR APPLICABILITY TO THEIR PERSONAL CIRCUMSTANCES. In addition, members must remember that in any given circumstance, more than one Rule of Conduct may be applicable.

It should also be noted that compliance with the Code of Professional Conduct could in some circumstances be quoted by a member as a defence in the event of disciplinary proceedings being brought against that member.

The Code contains, first of all, the specific Rules of Professional Conduct to which members must adhere. These rules state in plain language those basic things that members must do.

Following the initial statement, a series of Guidance Notes to help members interpret and apply the rules are provided where appropriate (some Rules have no Guidance Notes). These Guidance Notes are not exhaustive and do not cover all contingences. An act which seriously breaches one of the Guidance Notes will probably breach the Rule for Professional Conduct to which that Guidance Note applies.

## RULES OF PROFESSIONAL CONDUCT

### All members shall :

- 1 Exercise all reasonable professional skill and care to prevent avoidable danger to health or safety.
- 2 Exercise all reasonable professional skill and care to prevent avoidable adverse impact on the environment.
- 3 Maintain their competence, undertake only professional tasks for which they are competent and disclose relevant limitations of competence.
- 4 Accept appropriate responsibility for work carried out under their supervision.
- 5 Treat all persons fairly with respect and without bias, and encourage others to advance their learning and competence.
- 6 Avoid where possible real or perceived conflict of interest and advise affected parties when such conflicts arise.
- 7 Observe the proper duties of confidentiality owed to appropriate parties.
- 8 Discharge their professional duties with integrity, impartiality and objectivity and have no involvement with any form of bribery.
- 9 Assess relevant risks and liability and, if appropriate, have in force appropriate liability insurances.
- 10 Notify the institution –
  - a) if convicted of a criminal offence other than parking fines or convictions for exceeding the speed limit:
  - b) upon becoming bankrupt or disqualified as a Company Director:
  - c) of any significant violation of the institution's Code of Conduct by another member.

### All members in private practice shall :

- 11 Comply with the additional Rules contained in the 'Annexe for Members in Private Practice'.

# **GUIDANCE NOTES ON THE INTERPRETATION AND APPLICATION OF THE RULES FOR PROFESSIONAL CONDUCT**

## **1 Prevent avoidable danger to health or safety.**

The manner in which members could breach this Rule might include the following:

- Failing to take all reasonable care to avoid creating any danger of death, injury or ill-health to any person or of damage to property by any act or omission whilst carrying out his/her work or as a result or consequence of his/her work, save to the extent that the creation of such danger is lawfully authorised;
- Failing to conduct him/herself so as to safeguard the public interest in matters of safety and health and in a manner consistent with the dignity and reputation of the engineering profession;
- Failing to take all reasonable steps to protect the health and safety of members of the public and of those engaged in a project, during the construction, operation and maintenance stages. 'Reasonable steps' will include obeying all legislation relating to health and safety but may extend beyond that to all situations in which there is inadequate statutory provision. Members must not enter into any contracts which compromise this overall responsibility.
- Failing to pay a reasonable level of attention to the public safety implications, and failing to have regard to the possibility that performance of materials or methods may be worse than forecast. The use of materials or methods and the risks involved must be drawn specifically to the client's notice.
- Producing competitive bids which result in the inappropriate exposure to hazard of any person at any time. Members have a duty, as far as is reasonable, to keep abreast of emerging hazards, and to inform interested parties accordingly.

## **2 Prevent avoidable adverse impact on the environment.**

The manner in which members could breach this Rule might include the following:

- Failing to take all reasonable steps to avoid preventable disasters. If members are in any doubt about the action they should take, they should seek the advice of the Association
- Failing to take account of the broader public interest - the interests of all stakeholders in any project or activity must be taken properly into account, including the impact on future generations. This must include regard for the impact upon the society and quality of life of affected individuals, groups or communities, and upon their cultural, archaeological and ethnic heritage, and the broader interests of humanity as a whole.
- Failing to take all reasonable care to protect the working and living environments of him/herself and others and to ensure the efficient use of materials and resources;

In addition, members should:

- Promote the use of recycled or reusable materials wherever practicable and should make use of energy-efficient techniques in the construction and life maintenance of projects. Members should, as far as practicable, use their influence to minimise the production of waste and should maximise environment-friendly reuse, recycling or disposal. Members should minimise the impact on the natural and non-built environment, e.g. by recommending the use of 'brown-field' sites in preference to 'green-field' sites where practicable, and conserve natural environments wherever practicable. They should take account of the 'global' environmental impact of any project they undertake, including foreseeable future effects, not simply the immediate effect upon the site of the project and the adjacent area.
- Members should make themselves aware of relevant good practice and advice on the prevention of disasters; for example the Royal Academy of Engineering 'Guidelines for Warnings of Preventable Disasters'. If a situation is developing which is causing a member concern, the member should not hesitate to consult the Institution for guidance if this is needed. The responsibility to prevent disasters does not lie simply with those who first become aware that a set of circumstances has arisen which might lead to a disaster. Members who are in senior management positions have a duty to establish procedures so that potentially hazardous situations can be reported to those in a position to take action and ultimately to prevent them becoming actual disasters. They should ensure that all relevant staff are fully versed in these procedures, and they should provide that the lines of communication reach not only those who have the responsibility to take corrective action, but also those who can understand the implications of the situation.

## **3 Maintain their competence, undertake only professional tasks for which they are competent and disclose relevant limitations of competence.**

A member shall, at all times, take all reasonable steps both to maintain and to develop his/her professional competence and knowledge in relation to new developments, whether in science or engineering or otherwise, and new or changed statutory provisions relevant to his/her field of professional activity and shall encourage persons working under his/her supervision also to do so.

Members should be competent in relation to every project that they undertake. They should ensure that, having regard to the nature and extent of their involvement in a project, they have the relevant knowledge and expertise. Where appropriate, this may include access to the knowledge and experience of others, or access to other relevant sources of knowledge, in addition to the member's own knowledge and experience.

The manner in which members could breach this Rule might include the following:

- Failing to disclose, where appropriate, any relevant limitations upon their competence.
- Accepting or undertaking work for which he/she does not have sufficient competence, time or authority to perform unless he/she obtains such advice, assistance or authority as will enable him/her properly to perform that work.
- Failing to satisfy him/herself (obtaining in advance any clarification or confirmation as may be necessary) before accepting or undertaking any work as to the scope of the work and the allocation of responsibilities between him/herself and anyone else involved in carrying out the work.
- Conducting or carrying out any occupation or business in any way which would reflect adversely upon his/her professional status or the dignity and reputation of the building engineering profession.
- When acting as expert witnesses, failing to ensure that the testimony they give is both independent and impartial. In such a role, members must be mindful that their prime duty is to the Court or Tribunal, not to the client who engaged them to give evidence, and they should not give any professional opinion that does not accurately reflect their honest professional judgement or belief. To do otherwise would not only place members in danger of perjury but would clearly breach the requirement in the Rules for Professional Conduct to discharge their professional duties with integrity.

#### **4 Accept appropriate responsibility for work carried out under their supervision.**

The manner in which members could breach this Rule might include the following:

- Failing to ensure that they have the knowledge and expertise to effectively oversee the work for which they are accountable.
- Failing to take responsibility for the work produced by those for whom they are responsible
- Failing to exercise proper supervision over any persons working under his/her authority or direction

#### **5 Treat all persons fairly with respect and without bias, and encourage others to advance their learning and competence.**

The manner in which members could breach this Rule might include the following:

- Failing to show due consideration for other colleagues and for other persons with whom they have dealings in the course of their professional duties. Members must treat all persons without bias and with respect.
- Attempting, directly or indirectly, improperly to supplant another person,
- Failing to take all reasonable steps to establish that any previous engagement in relation to the project they are to enter into has been terminated.
- Failure when commenting on another person's work to advise that person of their involvement, except for routine or statutory checks or where the member's employer or client requires confidentiality.
- Acting maliciously or recklessly when competing with other professionals, and when taking actions likely to adversely affect the professional or business interests of another person.
- Failing to be pro-active in the training and continuing professional development of others, especially those under their supervision.
- Failure at any time to recognise his/her professional responsibility to those who may be affected by his/her work.

#### **6 Avoid where possible real or perceived conflict of interest and advise affected parties when such conflicts arise.**

The manner in which members could breach this Rule might include the following:

- Failing to carry out professional duties with complete objectivity and impartiality.
- Failing to carry out work with diligence and promptness and exercising appropriate care and skill and having proper regard for the technical and professional standards expected of them as a member.
- Failing to avoid, wherever possible, any conflict of interest and to consider carefully before entering into any engagement where this may arise.
- Failing to make full disclosure of any conflict of interest, or possible conflict of interest, to all the relevant parties and failing to do so on a continuing basis.  
Members should be aware that even though the parties involved may have said at the outset that they are content with the arrangements, their views may change if unforeseen difficulties arise. This is likely if some parties are affected more adversely, or benefit disproportionately, relative to others, particularly if this arises from decisions in which the member has had to apply his/her or her professional judgement. The disadvantaged parties may then challenge the member's objectivity and it may become difficult to resolve this in such a way that the member's integrity remains unquestioned. Such an outcome is clearly undesirable.

## **7 Observe the proper duties of confidentiality owed to appropriate parties.**

The manner in which members could breach this Rule might include the following:

- Failing to have due regard to their duty of confidence in relation to all parties with whom they have dealings as part of their professional duties.
- Disclosing or authorising to be disclosed information acquired in the course of professional work for his/her employer or client or former employer or former client which is not already in the public domain (for the purposes of this Rule of Professional Conduct referred to as "confidential information"), except where:
  - a) the prior written consent of the employer/client to the disclosure has been obtained; or
  - b) the member is compelled by law to make the disclosure; or
  - c) disclosure is in the public interest; or
  - d) disclosure is made to his/her professional advisers but only to the extent permitted by law.
- Making improper use of confidential information either for his/her own benefit or for the benefit of a third party.

## **8 Discharge their professional duties with integrity, impartiality and objectivity and have no involvement with any form of bribery.**

The manner in which members could breach this Rule might include the following:

- Having any form of involvement, whether direct or indirect, and whether for the benefit of the member, the member's employer, or a third party, in bribery, fraud, deception and corruption. Members should be especially rigorous when operating in countries where the offering and accepting of inducements and favours, or the inflation and falsification of claims, is endemic.
- Failing to ensure that at all times and in any respect he/she does nothing which compromises or impairs or is likely to compromise or impair his/her integrity, impartiality, objectivity or his/her ability to perform his/her work with due technical competence.
- Failing, when discharging his/her professional duties, to give at all times advice that is objective, reliable and timely.
- Failing to take all reasonable steps to ensure that, should his/her professional advice not be accepted, the person who overrules or disregards such advice is made aware of any possible consequences of doing so.
- Terminating a professional assignment prematurely or refusing to complete work he/she has agreed to undertake, except for good reason and upon reasonable notice.
- Notwithstanding the provisions of any of the other Rules of Professional Conduct, failing to comply with all laws and regulations applicable to his/her professional work.
- Entering into any arrangement or contract of any nature whatsoever with any other person, the performance of which will or may involve a breach of these Rules of Professional Conduct.
- Failure to abide by any and all Rules and/or Codes of the ABE
- Being a party to any agreement which seeks to preclude anyone from reporting his/her conduct to the Institution.
- Holding him/herself as being in membership of any body or organisation in which they are not a fully paid-up member and/or of being at any membership grade for which he/she is not registered.

## **9 Assess relevant risks and liability and, if appropriate, have in force appropriate liability insurances.**

All members must, by maintaining awareness in his/her discipline, be aware of the risks involved in their work (including in any project for which they have responsibility) and their causes and where the responsibility for them lies. Members should be sufficiently familiar with the underlying procedures, processes and mechanisms to analyse their risks, recommend sensible control measures and give informed, expert judgements on the causes and probabilities of failure, based on the residual risks. This may involve assistance from trained risk analysts, but the member's responsibility for the judgement is his/hers alone.

No member can be expected to eliminate all risk. But members have a responsibility to take all appropriate measures to limit risk, in particular by ensuring that there is adequate risk analysis/assessment, and an effective management process throughout any activity or project.

The manner in which members could breach this Rule might include the following:

- Failure to undertake appropriate risk assessments and to ensure that all practical control measures have been implemented.
- With specific regard to construction related projects, failing to take account of lifetime performance in relation to the investment concerned and the negative impact concomitant with every addition to the built environment.
- Failure to have in place appropriate public liability and professional indemnity insurance where appropriate.
- Where members do not carry appropriate insurance, either personally or through their employers, failing to advise their clients of the position before accepting an engagement. Members should take all reasonable steps to ensure that their prospective clients understand the extent to which they are covered by appropriate insurance.

## **ANNEXE FOR MEMBERS IN PRIVATE PRACTICE**

### **A. OBTAINING INSTRUCTIONS FROM A CLIENT**

- A.1 A member shall have due regard to their duty of care to clients and not take advantage of any client or potential client for whatever cause or reason in obtaining and carrying out instructions.
- A.2 A member shall not accept a professional assignment if he/she is aware or has reasonable cause to suspect that another member is acting for the client in respect of the same assignment, until either the first contract has been determined by the client, or the other member has consented to him acting.
- A.3 A member shall put all terms of engagement in writing and state the fees to be charged; whenever practicable, these should be issued to the client before a project is begun.
- A.4 A member shall inform his/her client immediately if it appears that his/her estimate as to the total fees to be charged is likely to be or will be exceeded.
- A.5 A member shall take care not to mislead a client as to the range of services that a quoted fee is intended to cover and the amount of future fees which may be involved.
- A.6 A member shall not induce a client to agree to pay sums of money which are not justified by reference to the work which the member has carried out or has been instructed to carry out.
- A.7 A member shall not offer or give any fee, commission, discount or other inducement (financial or otherwise) to a third party in return for the introduction of clients or particular professional assignments unless, before entering into a legally binding agreement with that client, the member makes full disclosure to the relevant client of the nature or amount of such fee, commission, discount or inducement and the name of the person or persons to whom such fee, commission, discount or inducement was offered or given.

### **B. COMPOSITION OF PRACTICES, PRACTICE NAMES AND COLLECTIVE USE OF TITLES AND DESCRIPTIONS**

- B.1 A member shall ensure that in respect of any firm in which a member is or is held out to be a sole proprietor, partner or a director or through which a member practises or conducts business:
  - (a) the composition (list of partners or directors) is clearly stated on all appropriate documentation and that where there has been a material alteration to the composition, all clients of the firm or company are notified of the change promptly;
  - (b) the style or title does not adversely reflect upon the member's professional status as a building engineer and the dignity and reputation of the building engineering profession;
  - (c) the name is not misleading or liable to cause confusion with the public.
- B.2 For the purposes of B3 below :
  - a) The styles or titles "Hon FBEng.", "FBEng." and "MBEng." shall be referred to as "ABE Titles" and any one of them shall be referred to as an "ABE Title".
  - b) The styles or titles "Fellow of the Association of Building Engineers", "Member of the Association of Building Engineers", and all others relating to membership of the Association of Building Engineers, together with any plurals thereof and any abbreviations thereof authorised under the Bye-Laws of the Association, shall be referred to as "Association Titles" and any one of them shall be referred to as an "Association Title".
  - c) "Relevant Title" means that the ABE Title and/or the Association Title an individual is entitled to use by virtue of such individual's name being maintained on the appropriate Register.
- B.3 Save to the extent provided below, the ABE Titles, and/or Association Titles shall not be used or authorised to be used in or in connection with and/or to describe the name of any partnership or in or in connection with and/or to describe the name of any company or in or in connection with and/or to describe the name of any firm or business which is not a partnership or company -
  - (a) A member's Relevant Title may be used in connection with and/or to describe the name of any partnership in which such member practises provided all the member's partners are similarly entitled to use the Relevant Title.
  - (b) A member's Relevant Title may be used in connection with and/or to describe the name of any company provided only that all the shareholders and/or members of such company and all the directors of such company are similarly entitled to use the Relevant Title.
  - (c) A member's Relevant Title may be used in connection with and/or to describe the name of a firm or business which is not a partnership or company in which he/she practises provided such use of the Relevant Title does not give the impression that any other person or persons with whom such member is carrying on business or whom such member employs or with whom such member is associated in any way is entitled to use the same Relevant Title or, if the impression referred to is given, such other person or persons is or are similarly entitled to use the Relevant Title.

## **C. MANAGERIAL RESPONSIBILITY**

- C.1 In addition to the responsibilities referred to in the Rule of Professional Conduct 4, but subject to the following, a member shall be prima facie responsible, as a matter of professional conduct, for the acts or omissions including, in particular, breach of any of the provisions of the Articles and Bye-Laws of the ABE or these Rules of Professional Conduct of:
- a) any firm in which the member is, or holds him/herself out to be, or allows him/herself to be held out as a partner, or any firm which the member allows to use his/her name and/or style and title or designatory letters in any of its advertisements, publicity material or notepaper; and
  - b) any company of which he/she is a director or any co-director of that company or any company which the member allows to use his/her name and/or style and title or designatory letters in any of its advertisements, publicity material or notepaper.

If a member is able to show that, without default on his/her part, he/she was not aware, and there was no reason for him to be aware at the time of any breach of these provisions by any firm or company referred to above and he/she had, prior to the breach, taken all reasonable steps to ensure that such a breach would not occur, then such member shall not be in breach of this Rule.

## **D. PUBLICITY AND ADVERTISING**

- D.1 A member may publicise his/her services or permit another person to do so, but in doing so the member must have due regard to the standards set by the Advertising Standards Authority and any standards set by any other regulatory or governmental authority in relation to advertising and ensure that any publicity for which he/she is in any way responsible is neither inaccurate nor misleading.
- D.2 In all advertising, publicity material or public statements for which a member is in any way responsible, he/she shall avoid all claims of superiority over, or critical comparisons of, the services provided by other engineers and shall avoid any direct comparison of fees and charges levied by other engineers.
- D.3 A member may only refer to the name of a client in any advertising, publicity material or public statement if the prior written consent of that client is first obtained.
- D.4 Advertisements or other publicity material issued by a member or by a firm in which the member is or is held out to be a partner or director or a company through which the member practises or conducts his/her business may state (subject to compliance with any other relevant regulations or legal requirements) either expressly or implied that the member, firm or the company (as the case may be) offers expertise or specialist advice in relation to a particular field of engineering provided only that this is the case.