

# Code of Professional Conduct

## Guidance Note 1

### Integrity Conflicts of Interest Confidentiality and Privacy Corruption and Bribery

#### Integrity

- 1.1 Members should act with integrity in all their professional and business activities which means acting with honesty and fairness, and not allowing oneself to be improperly influenced either by self-interest or the interests of others.
- 1.2 If a member finds themselves subject to situations or untrue statements which are inconsistent with their professional obligations, they should remove themselves from the situation. They are advised to seek advice from the Institute.
- 1.3 **Criminal conviction/disqualification as a director**  
A criminal conviction which relates in any way to a member's practice of architecture may be regarded as grounds for sanction. Members who receive a criminal conviction of any kind must report it to the RIBA. Members disqualified from acting as a director, must report this to the RIBA for possible investigation. Additionally, any sanction imposed on a member by the Architects Registration Board, must be reported to the RIBA.

#### Conflicts of Interest

- 1.1 Members' personal, private, religious, political or financial interests should not conflict with their duties and obligations to their clients . Should such a conflict arise it should be declared to the client or employer, and, if the conflict is unacceptable or cannot be resolved, the member should withdraw from the engagement or resign from the employment.
- 1.2 Members involved in any other business activity which might impact, even indirectly, on their practice of architecture, must declare that involvement to the client or employer as soon as possible. If the other activity is unacceptable to the client members should either withdraw from

the projector decline the commission; if the other activity is unacceptable to the employer, members must either withdraw from it during the employment or resign from/refuse to accept the job.

### **Confidentiality**

- 1.3 Information acquired during the course of work should be regarded as privileged and treated as confidential. Such information must not be used by members for their personal benefit, nor disclosed to any third party without the prior consent, of the person or company it concerns.
- 1.4 It is recognised that there are certain specific circumstances in which the disclosure of confidential information may be required e.g. planning and Building Regulation applications, a court order, or prevailing legislation (such as the Proceeds of Crime Act 2002). In such circumstances, members are expected to obey the law.
- 1.5 Members should respect the privacy of their clients and should comply with any legal rights of privacy and any contractual provisions regarding confidentiality.
- 1.6 Data held by members concerning others must be handled in accordance with the prevailing data protection legislation.

### **Corruption and Bribery.**

#### **1.7 Acting Corruptly**

The Royal Institute shall regard members as acting corruptly if they give or offer a gift or advantage to someone with the intention of persuading them to act against their professional obligations and/or the interests of those to whom they owe a duty (such as a client or employer). Members who request and/or accept and act on such an incentive shall be regarded as acting corruptly.

#### **1.8 A Bribe**

An incentive to act against one's professional obligations or duty to others is a bribe. However, the exchange of small gifts and advantages in the normal course of business (such as promotional gifts or corporate hospitality) is not prohibited so long as the value to the recipient is not such that it exerts an improper influence over them.

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## Guidance Note 2

### Advertising

#### 2.1 Advertising Architectural Services

In advertising their services members must ensure that the information

They include is factual and relevant, does not mislead and is not unfair

to anyone else. All marketing and promotional material should:

- be legal, decent, honest and truthful;
- be prepared with a sense of responsibility to consumers, to society generally and to the environment and natural resources;
- respect the principles of fair competition;

and should not:

- imply expertise or resources beyond those which can be provided;
- unfairly discredit competitors either directly or by implication;
- encourage or condone unacceptable behaviour.

#### 2.2 Practice Names and Descriptions

The manner in which members present their practices should not be misleading, and must comply with all relevant legislation, such as the Architects Act 1997, if protected words or titles/descriptions are used. A practice name and description should not imply the ability to provide technical resources and services when the practice cannot do so.

Further guidance for principals on their practice names and the correct

use of the RIBA crest and affix is provided in the following Annex.

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## GN2 ANNEX

### Business Names

#### 1. **Members' Entitlements**

The RIBA's Charter bestows the status of 'Chartered Architect' on chartered members. Practising members using this title must also be registered wherever registration is a requirement under the law. Accordingly, a practising 'Chartered Architect' in the UK must be both a chartered member of the RIBA *and* registered at the ARB.

2. As the 'chartered' status is applicable only to individuals, members should be careful when using 'Chartered ArchitectS' (plural) in their letterheadings, practice names, or elsewhere.

#### 3. **Practice Descriptions**

Practices may refer to themselves as 'Chartered Architects' only where all principals in the practice are chartered members. To do otherwise is misleading and may be in breach of principle 1 of the Code.

4. If the names of the founders form the business name, then it is inevitable that over time those people will be replaced by new principals. The historic name may be retained, however, and it is up to the practice to determine whether the names of any current principals are substituted for those of the founders. The practice may continue to refer to itself as 'Chartered Architects' *only* if all current principals are chartered members of the Royal Institute<sup>1</sup>. Therefore, 'Chartered Architects' must be corrected or removed if the new principals are *not* registered and chartered members of the RIBA

#### 5. **Chartered Practices**

In 2007, the Privy Council extended the right to use the 'chartered' status to practices which qualify under the RIBA's Chartered Practice Scheme. Those practices may define themselves as an 'RIBA Chartered Practice'. At least one of the full-time principals must be a Chartered Member of the RIBA, and at least one in eight of all the staff must be an architect registered at the Architects Registration Board (in the UK – or its equivalent overseas). One in ten of all staff must be an RIBA Chartered Member. Care should be taken in describing a multi-disciplinary business as 'Chartered Architects' when referring to its composition and the services offered (see point 3 above).

#### 6. **Accuracy**

Business titles should accurately reflect the services which can be provided and should not exaggerate the firm's expertise and resources.

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<sup>1</sup> and/or the Royal Incorporation of Architects in Scotland

## RIBA Crest

### 7. **Members' Entitlements**

In May 1984, the RIBA Council agreed that chartered members may use the RIBA crest in the following circumstances :

#### i.. **Private Sector**

Where a chartered architect is a principal in an organisation (i.e. a director, partner or sole principal), the crest may be used on stationery and in publicity, provided that the business to which the use relates is one/more of the following :

- consulting architectural services
- development
- contracting (including design and build)

The crest *cannot* be used by an organisation where neither partners nor directors are chartered architects.

#### ii. **Public Sector**

Chartered members who are

- chief officers;
- their designated deputies;
- the most senior in their authorities; or
- heads of architectural departments

may use the crest on their stationery (for correspondence, reports, business cards etc.) in conjunction with their name. Neither the department, nor the overall authority, can use the crest indiscriminately simply because a member of staff is a chartered architect.

#### iii. **Educational Sector**

Chartered members in teaching positions may use the crest on their personal stationery.

#### iv. **Social Use**

Chartered members may use the crest on private personal stationery for social purposes (e.g. writing paper bearing private addresses).

The following may not use the crest:

Student members  
Associate members  
Affiliate members  
Honorary fellows

## RIBA Affix and the need to be registered

### 8. **Members' Entitlements**

The Royal Institute's Charter and Byelaws entitle all chartered members to use 'RIBA' after their name.

### 9. **Registration**

However, where the law requires a practising architect (whether full-time, part-time or semi-retired) to be registered members must comply in order to use the affix legally. The exceptions are explained below.

### 10. **Non-registered**

In the UK Chartered Members who may use the affix without being registered are:

- the fully retired – undertaking no practice of architecture whatsoever, and
- those in other non-practising types of occupation.

Un-registered Chartered Members who practice architecture and do not use the title 'architect', may *not* use the affix, as it has been established in law that to do so would constitute a breach of section 20 of the Architects Act 1997<sup>2</sup>.

The following therefore may not use the RIBA affix:

Student members  
Associate members  
Affiliate members  
Honorary fellows

11. In the UK the Architects Registration Board requires anyone undertaking **any type** of work that could be described as 'architecture' to be registered, regardless of their age or retirement status. The ARB has issued a guidance note (on Section 20 of the Architects Act 1997) which includes a list of the type of activities it will treat as 'practice or business related to architecture'. These are :-

- Arbitration
- Building contracting
- Building services engineering
- Conservation
- Expert Witness
- Interior Design
- Project Management

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<sup>2</sup> Via a case fought up to the High Court, the ARB established that the affix 'RIBA' can only mean 'architect' for the purposes of section 20 of the Architects Act 1997.

- Space planning
- Structural engineering
- Surveying

The ARB is careful to state that this list is *not* exhaustive, merely illustrative of those activities it regards as demonstrating the practice of architecture. Members working abroad should check the equivalent criteria with the registration body in their country of residence.

12. **Use of the Affix in Business Names**

The affix is exclusive to individual chartered members of the Royal Institute and should not be used as part of a business name on its letterhead or anywhere else.

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## Guidance Note 3

### Appointments

#### 3.1 Terms of Appointment

When proposing or confirming an appointment, a member should ensure that its terms and scope of works are clear and recorded in writing. Members should take particular care when contracting with consumer clients.

3.2 Details of the key requirements of an appointment can be found in the current RIBA standard forms of appointment.

3.3 Any variation to a standard form of appointment should be agreed with the client and clearly stated in the contract documentation. Members should take care that non-standard terms and conditions are:

- legally acceptable,
- compatible with other provisions,
- will not lead to excessive liabilities, and
- do not create conflicts of interest.

#### 3.4 Taking over a previous appointment

Before accepting an appointment to continue a project started by someone else, the member should inform the previous appointee and also ascertain from the potential client:

- that the previous appointment has been properly determined; and
- the client holds a licence to use any information, including drawings, specifications, calculations and the like, prepared by the preceding appointee; and
- that there are no outstanding contractual or other matters, which would prevent the member from accepting the appointment.

The existence of a dispute or similar should not necessarily prevent a member taking over a project where another architect has previously been employed. However, the member should use their best endeavours to understand the facts of the dispute, and to use their professional judgement as to whether to proceed with the project.

If there are any doubts, a suitable indemnity should be obtained from the client.

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# Code of Professional Conduct

## Guidance Note 4

### Insurance

#### 4.1 RIBA Requirements

Members practising architecture are exposed to the risk of being sued for negligence or breaches of contract. Some form of insurance should therefore be held which will cover liabilities arising from such claims. Holding appropriate insurance cover is also a requirement of an RIBA Chartered Practice.

#### 4.2 ARB Requirements

In the UK, the Architects Registration Board requires all practising registered persons to be covered by a professional indemnity insurance (PII) policy. Advice should be sought from the ARB regarding the level of cover it requires.

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## Guidance Note 5

### Continuing Professional Development

#### Introduction

5.1 Members are expected to continue to develop and update their skills, knowledge and expertise throughout their careers for the benefit of their clients and the quality of the built environment. Learning does not cease on passing Part III and becoming a chartered member. The Royal Institute therefore requires its practising chartered members to undertake **continuing professional development** (CPD) for as long as they continue in practice (RIBA Byelaw 2.8(a)). This is also an obligation under Standard 6 of the Architects' Code, published by the Architects Registration Board and applicable to members registered in the UK.

#### Rules

##### 5.2 RIBA Requirements

Under the RIBA's CPD scheme, practising Chartered Members must undertake to:

- carry out a minimum of **35 hours** of CPD annually of which 50% should be structured CPD wherever possible;
- 20 of the 35 hours should come from the 10 mandatory CPD curriculum topics (at least two learning hours per topic per year)
- achieve a minimum of **100 points** each year as a means of self-assessment
- Keep records of CPD undertaken so that records can be audited

Members should make themselves aware of the Royal Institute's current CPD scheme which can be found on the Royal Institute's website at: [www.riba.org/go/RIBA/Member/CPD\\_495.html](http://www.riba.org/go/RIBA/Member/CPD_495.html), or a hard copy may be requested from any RIBA regional office.

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# Code of Professional Conduct

## Guidance Note 6

### Relationships

6.1 As previously referred to under Conflicts of Interest, members are expected to place their duty to their clients and/or employers ahead of their personal religious beliefs or political convictions. If a member is faced with a situation which presents them with a personal moral dilemma, they should withdraw from the situation.

6.2 **Duties to other architects**

Members should neither maliciously nor unfairly seek to damage another member's reputation or practice.

6.3 **Supplanting other architects**

Members should not deliberately approach another architect's client in a conscious attempt to take over an active project. This does not prohibit speculative approaches to clients (such as developers) who regularly engage architects.

6.4 **Verifying offers of work**

When members are approached by clients to undertake work on an existing project, enquiries should be made to establish whether or not any other architects are already involved. If there are, members must clarify with the client whether their role will be to replace an appointed architect or take on separate work within the same project. Members should, unless there is a justifiable reason not to, inform the appointed architect(s) that the client has approached them. However, if the client denies or fails to mention that another architect is already engaged for this work, the Royal Institute is unlikely to regard an omission to notify the original architect as professional misconduct.

6.5 **Taking over a previous appointment**

Before accepting an appointment to continue a project started by someone else, the member should inform the previous appointee and also ascertain from the potential client:

- that the previous appointment has been properly determined; and
- the client holds a licence to use any information, including drawings, specifications, calculations and the like, prepared by the preceding appointee; and
- that there are no outstanding contractual or other matters, which would prevent the member from accepting the appointment.

The existence of a dispute or similar should not necessarily prevent a member taking over a project where another architect has previously been employed. However, the member should use their best

endeavours to understand the facts of the dispute to use their professional judgement as to whether to proceed with the project.

If there are any doubts, a suitable indemnity should be obtained from the client.

**6.6 Acknowledging the contribution of others**

The contribution of others to a member's work should be appropriately acknowledged. Members should not seek to pass off someone else's work as their own.

**6.7 Commenting on the work of others**

Members engaged to review, appraise or comment on another member's work should do so fairly and objectively, based on their own knowledge and experience. Members should not engage in personal criticisms of other members, nor attempt to discredit their work in order to gain advantage.

**6.8 Notification of breaches of the Code**

If members become aware of a clear breach of the Code of Conduct by another member, they should report it to the Royal Institute, with such supporting documentary evidence as is available, for investigation. Failure to report a breach may only be justified when prevented by law or the courts (such as an agreed settlement which precludes any further action).

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# Code of Professional Conduct

## Guidance Note 7

### Employment and Equal Opportunities

- 7.1 Members must not unlawfully discriminate against others on the grounds of gender, sexual orientation, race, religion, age, disability or culture (see Principle 3 of the RIBA Code of Conduct).

#### Employment

- 7.2 Members who employ staff must comply with the RIBA policy on employment, below:

##### **RIBA Employment Policy**

*The RIBA believes that good employment practice, by and for its members, will contribute positively to the effectiveness and influence of the architectural profession. It will also improve business opportunities, employment diversity and personal development, and is vital to the profession's role in raising the quality of our built environment and benefiting society.*

7.3 **Employment disputes**

The resolution of disputes concerning employment matters will generally be outside the Institute's competence, and should therefore be taken up with an appropriately qualified authority. Employment disputes cannot be resolved through the RIBA's disciplinary procedures and in order to form a judgment on whether a member is guilty of professional misconduct, an RIBA Hearings Panel would require a decision against the member from an authority (such as an employment tribunal) with the relevant competence to make such a judgment.

7.4 **Employing Students**

Where an employee is an architectural student undertaking professional experience at Stage 1, (Post Part 1) or Stage Two, (Post Part 2), the employer should also have due regard for the employee's general training and education in accordance with the objectives of the RIBA's Professional Experience and Development Record Scheme (PEDR)<sup>1</sup>.

- 7.5 Members who employ students are expected to:

- provide them with a proper written contract of employment; (NB. The RIBA has produced a model employment contract for the use

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<sup>1</sup> The PEDR is published on [www.pedr.co.uk](http://www.pedr.co.uk)

of members in the UK employing Stage One and Stage Two architectural students)

- nominate an employment mentor to supervise the professional development of the employee and to complete the quarterly PEDR record sheets in a timely manner;
- provide a reasonable breadth of work experience and level of responsibility in accordance with the objectives and regulations of the PEDR scheme
- permit attendance at courses, study days and examinations and for work shadowing in accordance with the objectives and regulations of the PEDR scheme.

## **Equal Opportunities and the Promotion of Diversity**

- 7.6 Members must have due regard for The Royal Institute's policy on equal opportunities, (adopted by RIBA Council in February 2001), produced below:

### **RIBA Equal Opportunities Policy**

*The RIBA values the creative potential which individuals from diverse backgrounds, and with differing skills and abilities, bring to the Institute and the architectural profession. We will endeavour to foster an environment that is free from harassment or unfair discrimination, where human potential can be cultivated and in which the human rights of all individuals are respected.*

To achieve this policy the RIBA is committed to:

- Fostering an environment of mutual respect in working relationships between RIBA members, between members and their employees, and between RIBA members and RIBA staff.
- Increasing awareness and understanding of equal opportunities amongst members and staff through public forums and events, the media and training.
- Identifying opportunities for achieving appreciation of diversity and the promotion of equal opportunities in both the architectural profession and in architectural education.
- Monitoring and keeping under review policies and practices within the Institute to ensure the promotion of equal opportunities amongst RIBA members in both architectural practice and in architectural education.

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# Code of Professional Conduct

## Guidance Note 8

### Complaints and Dispute Resolution

#### 8.1 **Members' complaint handling procedures**

The Royal Institute recognises that in the course of their work members may occasionally be involved in disputes and complaints. Members are expected to have a written procedure which handles disputes and complaints promptly. This is also a requirement of the ARB. The complaints procedure must be available on request to any complainant (client or other stakeholder). Further information on producing a complaints procedure can be obtained from the RIBA Professional Standards team.

#### 8.2 **Dispute Resolution**

If a complaint or dispute cannot be resolved by a member's own procedures, members and clients may make use of the Royal Institute's extensive Alternative Dispute Resolution (ADR) services, which include mediation, adjudication and arbitration. Further information is available on the [RIBA website](#).

#### 8.3 **Complaints to the RIBA about professional misconduct**

A complaint or dispute concerning a member's performance is very different from a complaint about their professional conduct or competence. A complaint about performance should be resolved by the member's own complaints procedure or one of the ADR processes. The RIBA's disciplinary procedures are unable to provide a solution to specific project or performance disputes. The RIBA's complaints and disciplinary procedures only deal with professional conduct.

#### 8.4 **Complaint to the Architects Registration Board**

In the UK complaints against a registered architect may be made to the Architects Registration Board (ARB). Architects found to have breached the ARB's code, may be removed or suspended from the Register which means that they can no longer use the title 'architect'. If a member is sanctioned by the ARB, the RIBA has the discretion to impose a similar sanction.