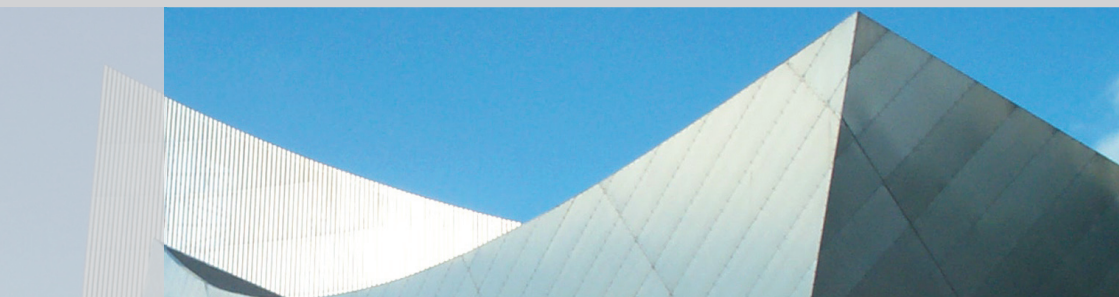


Code of Conduct and Guidance Notes



CODE OF CONDUCT

Members shall

- 1 act with integrity and fairness,
- 2 have regard to the public interest and to the interests of all those affected by their professional activities,
- 3 uphold the reputation of the profession,
- 4 maintain and broaden their competence, and assist others to do so,
- 5 undertake only those tasks for which they are competent,
- 6 exercise appropriate skill and judgement,
- 7 not maliciously or recklessly injure or attempt to injure the reputation of another person, and
- 8 avoid conflicts of interest.

Members shall forthwith disclose to the Institution if they have been convicted of a criminal offence.

GUIDANCE NOTES

Guidance note 1 – General conduct

- 1.1 The list that follows gives examples of conduct by members that may be regarded as breaching the laws of the Institution. The list is not intended to be exhaustive.
 - Failing to take reasonable care to ensure the safety and serviceability of structural engineering work entrusted to them;
 - Failing to discharge their duties with care, courtesy, impartiality and fidelity;
 - Being convicted by a court of law of an offence relevant to their professional activities;
 - Before accepting a commission, or at any time it becomes apparent, failing to declare an interest which may influence professional judgment;
 - Corruptly offering or receiving, either directly or indirectly, inducements or favours in connection with the provision of professional services;
 - Reviewing the work of another person without due authority and without taking appropriate steps to consult or notify that person;

- Approaching a client and offering or seeking to supplant another member appointed by the client;
- Causing unreasonable or unjustified delay;
- Disclosing confidential information;
- Disclosing the contents of a report to parties other than the client, without the client's express permission;
- Failing to ensure that the documentation of an organisation, for the control of which they are responsible, properly describes its structure, for example as a sole practitioner, partnership, or private or public limited company;
- If undertaking professional services, either personally or through an organisation that they control, failing to ensure that appropriate professional indemnity cover is carried; or, if not carrying such cover, failing to advise the client accordingly before accepting a commission. (Requirements in relation to professional indemnity may differ in some countries and members should act accordingly.)

1.2 Members whose membership of the Institution ceases for any reason are no longer entitled to any titles or designatory

letters conferred by their membership and must immediately cease using these. The Institution takes positive action to protect its titles and designatory letters. If former members who have continued to use any titles or designatory letters to which they are no longer entitled apply for readmission, such misuse is liable to be taken into account when their applications are considered. In serious cases of misuse, readmission may be denied.

1.3 On request the Institution will give members specific guidance on professional conduct matters.

Guidance note 2 – Terms of reference

2.1 The engineer should take all reasonable steps to ensure that the client understands the scope and limitations of the service to be provided. The urgency with which work is often required should not be allowed to override the need for written clarification of the brief.

2.2 When an approach is received from a potential client, engineers should take all reasonable steps to understand and define the brief with the client. Engineers should be particularly careful to make the client aware that they will not be offering a service in matters lying outside their competence. If other professional advice is required the client should be informed.

2.3 Engineers should ensure that their brief and terms of payment are agreed by the client and should obtain written acceptance prior to commencement of work. If it becomes apparent that the scope of work, and fee eventually chargeable, will be greater than originally estimated, the client should be advised of this at the earliest opportunity.

Guidance note 3 – Checking and appraisal/review

- 3.1 The checking engineer should have full regard to the public interest. It is preferable that (subject to the consent of the client) the checking engineer should inform the designer of their appointment and have access to all those responsible for the original design, and that they are able to freely discuss, and resolve, all pertinent matters with the designer. The checking engineer should remain impartial and objective and avoid being influenced by the designer.
- 3.2 There should be a formal agreement between the checking engineer and the client, defining the extent and scope of the check and making provision for effective communication between the checking engineer and the designer. It may be appropriate to include in this a statement detailing the obligations of the designer to the client.

3.3 If the checking engineer finds a problem in a design which they are unable to resolve, they should state clearly why it is a problem and should not hesitate to advise the client accordingly.

3.4 The checking engineer should obtain another opinion if the original design is considered to be seriously at fault.

3.5 The checking engineer should not offer themselves for any remedial works to be undertaken, but if the client wishes to instruct the checking engineer to supervise those works, the client first should inform the designer.

3.6 In the public as well as in the client's interest, an engineer may accept appointment in replacement of another engineer, but not until the replacing engineer is satisfied that the appointment of the original engineer has been terminated and also that steps are in hand to resolve any outstanding matters between the client and the original engineer.

Guidance note 4 – Advertising and informative publicity

4.1 Advertising and informative publicity should be helpful to the public, while upholding the reputation of the profession.

- 4.2 Factual statements may be made including the professional qualifications of members of an organisation and giving a description of the services available. Extravagant or self-laudatory language should not be used. Members should ensure that the information provided is neither misleading nor unfair to other members of the Institution or to other professions.
- 4.3 Personally-addressed letters sent to those who may have an interest in receiving details of services offered may more fully describe those services.
- 4.4 With regard to circulars which are not personally addressed, provided there is no reference to the Institution in such documents, they will not be regarded as unprofessional. Accordingly, members wishing to issue such material should ensure that there is no allusion to the Institution by the use of designatory letters or the titles 'Chartered/Incorporated Structural Engineer' or the Institution's logo.

Guidance note 5 – Structural inspections and surveys of buildings

- 5.1 A structural inspection is a survey relevant to the structure of a building or specific elements of it. By contrast, a building survey will normally include an investigation and assessment of the construction and condition of a building, including its structure and fabric. Members should be cautious when a client seeks to receive a comprehensive report, for which the structural engineer is expected to take full legal responsibility, covering every aspect of the property.
- 5.2 The intended scope and purpose of the report should be incorporated in a letter either of appointment or of acceptance of appointment, and should be repeated in the text of the report itself. In this way the extent of the responsibilities accepted by a member will be properly recorded.
- 5.3 Difficulties may arise where the engineer, given a limited brief, examines a property in which defects are observed outside the scope of the commission. If these matters may endanger health or safety or, if not attended to, may result in financial loss, a duty of care requires the engineer to bring them to the attention of the client or any other party likely to be immediately affected. Where matters are of lesser consequence the engineer must apply the dictates of common sense. No attempt should be made to advise further.
- 5.4 In preparing a report following a survey or inspection, the findings, conclusions and recommendations should be given clearly and, where appropriate, in layman's terms, and evidence from which conclusions are drawn should be stated.

Guidance note 6 – Properties in multiple occupancy

- 6.1 Members may be asked to report or undertake work on a property that adjoins or is above or beneath a property in different ownership.
- 6.2 The client should be advised of the effects that adjacent properties may have on the property concerned. Consideration should be given to the state of the whole building or block of buildings, particularly in respect to overall stability. Modest alterations by adjacent owners may, when taken together, have a significant effect on the total structure and may affect the right of support. It may be desirable, subject to the client's prior agreement, to seek permission to make a detailed inspection of an adjacent property or even the whole building.
- 6.3 If approaches to adjacent owners are ruled out, for example by the client's requirement of commercial confidentiality, the limitations that such a restriction may impose on the advice given should be clearly stated by the engineer.
- 6.4 Inspection of adjacent properties should be conducted with care and tact. The engineer should not breach the client's confidentiality and should not cause concern to the adjacent owner. The engineer should avoid being drawn into discussion or correspondence with adjacent owners: this may blur the engineer's responsibilities to the client. If such communication is unavoidable the client should be informed.
- 6.5 Permission should be obtained before entering an adjacent property. Unauthorised inspections even of empty property are inadvisable.
- 6.6 If, on inspection of an adjacent property, it is apparent that there are factors that could affect the client's property then the client should be so advised.
- 6.7 Should the engineer conclude that the property may be unsafe, the engineer should notify those concerned: this may include the appropriate authority.
- 6.8 An adjacent owner may have appointed their own engineer. If both clients so wish, discussion of any technical problems on an engineer-to-engineer basis would be an appropriate way forward with a view to a mutually-agreed course of action.
- 6.9 Reports should be clear and concise. In particular any assumptions made in respect of adjacent properties should be clearly stated. There is no guarantee that a confidential report to the client will not be passed to others, including the owners of adjacent properties.

Guidance note 7 – Working for insurers or loss adjusters

- 7.1 A significant duty of a professional adviser is to their client, but in fulfilling this duty members must conduct themselves in a professional and responsible manner as regards all other parties or advisers involved with the matter.
- 7.2 Members should not take exception to a client requesting a second opinion on advice given, or to another party to an issue engaging their own professional adviser. In the interests of their respective clients all advisers should endeavour to cooperate to achieve a satisfactory resolution to the issue.
- 7.3 The client should be made aware by the structural engineer to be appointed that it is the responsibility of the client to pay the agreed professional fees of their engineer. It should not be assumed that the insurer will pay fees incurred by the insured, unless such an agreement has been reached beforehand between the insured and the insurer. Insurance policies usually lay down procedures for the conduct of claims. In any event, the fee arrangement should be clarified as soon as possible.
- 7.4 The member should explain the technical aspects of the problem in simple terms to the insured and in particular the timescales which may be involved. Insurers or their loss adjusters are

responsible for answering any questions on insurance matters.

Guidance note 8 – Clients' funds

- 8.1 Monies entrusted by a client to a member must be handled with full regard to the client's interests.
- 8.2 Such monies must be paid promptly into a separate client account, be accurately recorded in the member's accounts, and be readily available for their intended purpose.
- 8.3 The member must obtain the prior written authority of the client for payments from the account.
- 8.4 If such monies are placed in an interest-bearing account, the interest may not be retained by the member.
- 8.5 Where appropriate, advice should be sought from an accountant, lawyer or other qualified person.

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