



Code of Professional Conduct

This Code is issued in conjunction with the Building Control Act 2007 and if there is a conflict the relevant section of the Act will supersede it. The Code has been published by the RIAI for public consultation, consultation with RIAI members and has been submitted to the Competition Authority for comment: these comments have been incorporated in the Code as provided for in Section 56(1) and (2) of the Building Control Act 2007. As the non-architect members of the statutory professional conduct committee have yet to be nominated by Government, the final consultation will be with the committee, and following such consultation the final version of the Code will be published.

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INTRODUCTION

1. The Code of Professional Conduct reflects the ethics and culture of the profession for architects in fulfilling their obligations when providing architectural services. The Code reflects responsibilities to the public, to clients and users of architecture and to the art and science of architecture.
2. The Code does not repeat obligations placed upon architects by the general law.
3. It is acknowledged that the professional work of architects is varied and, consequently, not all parts of the Code apply to all architects, for example there could be architects on the Register who mainly write or lecture in architecture.
4. Not every shortcoming on the part of an architect, or failure to comply with the Principles and Standards of the Code will necessarily justify a complaint or disciplinary proceedings. However, a failure to comply with the provisions of the Code is a factor which will be taken into account should it be necessary to examine the conduct or competence of an architect.
5. The fact that a course of conduct is not specifically referred to in the Code does not mean that it cannot form the basis of disciplinary proceedings. Architects are expected to be guided in their professional work as much by the spirit of the Code as by its express terms. The principles, which should be read in conjunction with this introduction, are specified and illustrated by notes.
6. The Code is not to be taken as, nor understood as, having a bearing on the standard of proof required of a person pursuing legal proceedings against an architect (including breach of conduct, tort, criminal law or equitable principles).

PRINCIPLES

- 1. Architects shall act with honesty and integrity when providing architectural services in connection with their profession.**
- 2. Architects shall be aware of the social, environmental and economic impact of architectural activities.**
- 3. Architects shall uphold the integrity and dignity of the profession.**
- 4. Architects shall honourably discharge their responsibilities to the client or employer.**
- 5. Architects shall act honourably towards their colleagues.**
- 6. Architects shall promote the standards of this Code**

PRINCIPLE 1:
GENERAL OBLIGATIONS

Architects should act with honesty and integrity when providing architectural services.

1.1 Architects shall maintain and advance their knowledge of the art and science of architecture, respect the body of architectural accomplishment, contribute to its growth and give precedence to learned and independent professional judgement over any other motive in the pursuit of the art, science, and business of architecture.

1.2 Architects shall ensure that they continually maintain and develop their professional knowledge and skill, in all areas relevant to their practice in the State, to the standards established by the RIAI.

1.3 Architects shall continually seek to raise their standards of excellence in all relevant areas including architectural education, research, training, design, technology, construction methods and practice.

1.4 Architects shall ensure that they have appropriate and effective procedures such as enable them to discharge their obligations under the Code.

1.5 An architect is an independent professional and must be allowed to make independent professional judgements. Allowance has to be made for legitimate differences in professional opinion.

1.6 Architects should not, in an architectural practice, be a partner, shadow-director, ordinary director or take up employment with an unsuitable person or persons, such as a person whose name has been erased from the Register of Architects as a result of a disciplinary decision or convicted of a relevant criminal offence.

Principle 2

OBLIGATIONS TO THE PUBLIC

Architects shall be aware of the social, environmental and economic impact of architectural activities.

2.1 Whilst architects' primary responsibility is to their clients, they should nevertheless have due regard to their wider responsibility to conserve and enhance the environment.

2.2 Architects shall not communicate or promote or represent themselves or their professional services in a false, misleading or deceptive manner, nor shall they allow others to do so if acting on their behalf.

2.3 Architects shall avoid, at all times, any action or situation which is inconsistent with their professional obligations or which is likely to raise doubts about their independence, impartiality or integrity.

2.4 Architects shall not make, support or acquiesce in any statement, written or otherwise, which is contrary to their own knowledge or professional opinion or which they know to be misleading or unfair to others or otherwise discreditable to the profession or their client or user.

2.5 Architects shall not promote, encourage, support or acquiesce in any act which is likely to assist in the commission of a crime or of unethical conduct.

Principle 3

OBLIGATIONS TO THE PROFESSION

Architects shall uphold the integrity and dignity of their profession.

3.1 Architects in the practice of their profession, shall pursue their professional activities with independence, impartiality, confidentiality, integrity, honesty and fairness at all times.

3.2 Architects, in providing a professional service and in safeguarding a client's legitimate interests, shall comply with all relevant statutory procedures and regulations in the State.

3.3 Architects shall act fairly and impartially when administering a contract or otherwise acting between parties.

3.4 Architects shall have regard to the RIAI's published client/architect agreements when proposing to a client the services to be provided. Sample copies of these agreements can be viewed on the RIAI website. Architects are not required to utilise these documents, but when proposing services to be provided they should include at a minimum the following:

- The scope of the work
- The fee or method of calculating fees
- Description and allocation of the responsibilities of client, architect and other consultants
- Any limitation of responsibilities
- Payment stages and terms of payment
- Provisions for termination
- Any special or unusual factors
- Information on dispute resolution procedures
- Projected timescales for delivery of stages of the service
- Architects should be aware of their professional responsibility to inform their clients, when agreeing an appointment, of the range of issues covered in RIAI Client/Architect Agreements

3.5. Architects shall not be party to any arrangement which provides for the payment of professional fees by or through a contractor except when the contractor is the client.

3.6. Architects shall not be party to any arrangement which involves the giving or receipt of an improper inducement in any form.

3.7. Architects shall not offer or give consideration for the introduction of clients.

3.8. Architects shall not abuse an office or position of trust to attract potential clients.

3.9 Architects shall not accept a commission if, by reason of office or position, they could grant or influence the granting of any form of statutory or other approval or assistance for the commission.

3.10 Architects shall not imply skills not attested to by their qualifications or experience or use such qualifications in a misleading way.

3.11 Architects shall not engage in any business which could lead to a conflict of interest or be inconsistent with the proper discharge of their professional responsibilities and the maintenance of their professional independence.

3.12 Architects practicing in any form of association with a person who is not an architect shall ensure that the agreement controlling such association incorporates a requirement that the Code of Professional Conduct is observed in all matters pertaining to the practice.

3.13 Architects shall maintain, at all times, a reasonable level of professional skill and competence, at least to the standards established by the RIAI.

3.14 Architects should not publish or cause to be published any promotional material or advertisements which:

- are false or misleading in any respect.
- are likely to bring the architectural profession into disrepute.
- reflect unfavourably on other architects.

For the avoidance of doubt nothing in this Code should be used to prevent normal pro-competitive practice and normal commercial practice.

3.15 Architects may bring their practice to the notice of potential clients provided that the application is not in respect of a project for which they could reasonably know that an architect has already been commissioned.

3.16 Architects may allow their name or practice-name to be inserted in any classified list of architects.

3.17 Architects shall practice as sole trader, body corporate, firm or partnership only in compliance with the rules as issued by the RIAI in accordance with the Building Control Act 2007, Section 18(6).

Principle 4

OBLIGATIONS TO CLIENTS AND EMPLOYERS

Architects shall honourably discharge their responsibilities to their client or employer.

4.1 Architects shall conduct their architectural practice and deal with clients in a professional and efficient manner. In particular architects shall keep clients regularly informed of the progress of work undertaken on their behalf.

4.2 Architects shall treat the affairs of a client or employer in strict confidence.

4.3 Architects shall not, without the agreement of the client or employer, use to their own advantage confidential information gained in the course of their association.

4.4 Architects who have a personal, business or financial interest in a matter referred to them for their advice or services shall disclose such interest to the relevant client or employer.

4.5 Architects may limit their liability provided always that it is done within the spirit and intention of the Code.

4.6 Architects shall be mindful at all times that the honourable discharge of responsibility to a client demands reasonable standards of professional practice.

4.7 Architects, before accepting an architectural commission, shall satisfy themselves that they can provide the technical, financial and administrative resources required to complete it to a reasonable professional standard.

4.8 Architects, when undertaking an architectural commission shall, as soon as is reasonably practicable, confirm in writing the scope of the professional services to be provided, the fee arrangements, the target or other cost limit for the project, work or services and, as appropriate, the essential requirements of the project and any special circumstances and conditions relevant to the commission.

4.9 Where an architect considers it necessary to engage specialist expertise on the client's behalf the architect shall inform the client or employer before entering into any agreement with such specialist.

4.10 Architects should respond promptly and courteously to a client's complaint in relation to the architect's professional service.

4.11 If so requested, Architects should provide a client or employer with information on how to obtain a copy of the Code of Professional Conduct and of the complaints procedures available from the Registration Body.

4.12 Architects should not engage in architectural practice unless adequate and appropriate professional indemnity insurance cover as established by the RIAI and confirmed annually as may be required by the RIAI is in place.

4.13 Sole practitioners should have arrangements in place for the conduct of their business in the event of incapacity or other absence from work.

4.14 Architects should ensure that their professional finances are managed prudently, so as not to be to the detriment of a client

Examples of matters which may be examined to establish whether they might indicate a wilful disregard for responsibility or integrity by an architect include:

- an order of bankruptcy
- the liquidation of a company of which they are a director other than for the purposes of reconstruction or amalgamation
- an accommodation with creditors, including voluntary arrangements.
- failure to pay a judgement debt.

4.16 Architects should carry out their professional work without undue delay and, so far as it is within their power, within an agreed reasonable time limit.

4.17 When an architect offers, or is part of such offer, a service combining architectural services with building/construction contracting services, the architect should confirm in writing to all relevant parties that their services will not include the independent functions of an architect.

4.18 Nothing in this Code shall prevent an architect from resigning from a project or terminating an appointment provided reasonable notice is given

Principle 5

OBLIGATION TO COLLEAGUES

Architects shall act honourably towards their colleagues.

5.2 If required or on being required by a client to proceed with work on which the member has reason to believe, or ascertain by reasonable enquiry, another architect is engaged, the architect shall immediately take all reasonable steps to so inform such other architect and shall record the action taken.

5.3 An architect, if approached to give an opinion on the work of another architect, shall notify that architect, unless it is prejudicial to the interest of the client to do so.

5.4 Architects practicing in any form of professional association shall ensure that a formal partnership or corporate agreement is in place and is kept up to date.

5.5 Architects, before undertaking an architectural collaboration directly with other architects, shall ensure that a written agreement is in place defining the nature of the collaboration, the manner in which the work will be allocated and fees shared between the parties, and the attribution of design responsibility and credits.

5.6 Architects who collaborate with others in the design of a building project shall ensure that any publicity relating to it accurately and fairly reflects the contribution of their colleagues.

5.7 Criticism of a colleague's work should only be made in the context of a reasoned debate or review.

5.8 Architects shall regard the design of a building or complex as the intellectual property of the architect responsible for it. Before undertaking a commission to carry out the design of another architect or to make material changes to an existing building designed by another architect, architects shall take all reasonable steps to notify that architect.

5.9 "The infringement of the intellectual property rights of another architect is unethical and a breach of the Code".

Principle 6

Architects shall promote the standards in the Code

6.1 Architects should conduct their professional work in accordance with this Code and, subject to any restrictions imposed by law or the courts, report to the Registrar any serious breach of the Code which may come to their notice.

6.2 Where an architect is appointed as an arbitrator, adjudicator, mediator, conciliator or expert witness and is in receipt of privileged information, their duty in that role may take precedence over any requirement to report breaches of the Code to the Registrar.

6.3 An architect should not (except in the circumstances described at 6.2 above) enter into a contract other than a settlement of a dispute, the terms of which would prevent any party from reporting an apparent breach of the Code by another architect to the Registrar.