ICE CODE OF PROFESSIONAL CONDUCT

Made by the Council on 21 July 2004 to come into effect on 1 November 2004, in accordance with By-law **34**. Modified in accordance with By-law **34** by the Council on 20 May 2008 and taking effect from 10 June 2008; modified by the Council on 17 July 2012 and taking immediate effect; further modified by the Council on 15 April 2014 and taking immediate effect; further modified by the Council on 17 October 2017 and taking effect from 7 November 2017; and further modified by the Trustee Board on 21 June 2022 and taking immediate effect.

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INTRODUCTION

The purpose of the Code of Professional Conduct

The ICE has provided a Code of Professional Conduct to lay down, both for its members and for the general public, the standards of professional conduct and ethical behaviour 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 Code contains, first of all, the specific Rules of Professional Conduct to which members must adhere. The rules cover, in plain language, those basic things that members must do. Where appropriate, there are Guidance Notes to help members interpret and apply the rules (there are no Guidance Notes for Rule 6). The Guidance Notes are not exhaustive and do not cover all contingencies. However, the Guidance Notes do cover the main areas where instances of improper conduct have arisen. An act which seriously breaches one of the Guidance Notes will probably breach the Rule of Professional Conduct to which that Guidance Note applies.

In the course of their careers members may undertake roles that remove them from direct involvement with engineering matters. This does not, however, remove from them the obligation, as members of the ICE, to act in accordance with the Rules of Professional Conduct in all aspects of their professional lives.

Advice to members

The ICE has published a separate document entitled ‘Advice on Ethical Conduct’. This advice is to help members by providing more information on what the Institution considers to be ethical conduct. A member will not be considered to have breached the Rules of Professional Conduct solely because he or she has not followed the ‘Advice on Ethical Conduct’.

The ICE is anxious that any members who are troubled by an ethical problem, particularly if they are worried about breaching the Rules of Professional Conduct, should be able to discuss their concerns with one or more of the senior members of the ICE. Any members who wish to do this should contact the Professional Conduct Department so that arrangements can be made.

The duty to behave ethically

The duty upon members of the ICE to behave ethically is, in effect, the duty to behave honourably; in modern words, 'to do the right thing'. At its most basic, it means that members should be truthful and honest in dealings with clients, colleagues, other professionals, and anyone else they come into contact within the course of their duties. Being a member of the ICE is a badge of probity and good faith, and members should do nothing that in any way could diminish the high standing of the profession. This includes any aspect of a member's personal conduct which could have a negative impact upon the profession.

Members of the ICE should always be aware of their overriding responsibility to the public good. A member's obligations to the client can never override this, and members of the ICE should not enter undertakings which compromise this responsibility. The 'public good' includes care and respect for humanity's cultural, historical and archaeological heritage, in addition to the duties specified in the Rules of Professional Conduct to protect the health and well-being of present and future generations and to show due regard for the environment and for the sustainable management of natural resources.

THE RULES OF PROFESSIONAL CONDUCT

1. **All members shall discharge their professional duties with integrity and shall behave with integrity in relation to all conduct bearing upon the standing, reputation and dignity of the Institution and of the profession of civil engineering.**
2. **All members shall only undertake work that they are competent to do.**
3. **All members shall have full regard for the public interest, particularly in relation to matters of health and safety, and in relation to the well-being of future generations.**
4. **All members shall show due regard for the environment and for the sustainable management of natural resources.**
5. **All members shall develop their professional knowledge, skills and competence on a continuing basis and shall give all reasonable assistance to further the education, training and continuing professional development of others.**
6. **All members shall:**
    a. **Promptly notify the Institution if convicted of a serious criminal offence;**
    b. **Promptly notify the Institution if they have had membership of**

another professional body terminated as the result of a disciplinary procedure;

c. **Promptly notify the Institution upon becoming bankrupt or disqualified as a Company Director;**

d. **Promptly notify the Institution where the member, in good faith, believes there has been a significant breach of the Rules of Professional Conduct by another member;**

e. **Promptly notify the employer or relevant authority where the member, in good faith, has a concern about a danger, risk, malpractice or wrongdoing which affects others (but this shall be an obligation only where the law of the relevant jurisdiction provides protection for such good-faith reporting under 'whistleblowing' or similar legislation), and;**

f. **Support a colleague or any other person to whom the member has a duty of care who in good faith raises any issues covered by Rules 6d or 6e.**

GUIDANCE NOTES ON THE INTERPRETATION AND APPLICATION OF THE RULES OF PROFESSIONAL CONDUCT

Rule 1: All members shall discharge their professional duties with integrity and shall behave with integrity in relation to all conduct bearing upon the standing, reputation and dignity of the Institution and of the profession of civil engineering.

The manner in which members can fulfil this Rule includes, but is not limited to, the following:

- Carry out their professional duties with complete objectivity and impartiality.
- If a member has an interest, the member must declare it.
- Have due regard to their duty of confidentiality in relation to all parties with whom they have or have had dealings as part of their professional duty, including past employers or past clients.
- Have due regard to their duty of care to clients, especially lay clients in domestic or small works engagements.
- Put terms of the engagement in writing and state the fees to be charged; whenever practicable, these should be issued to the client before the project is begun.
- Members who do not carry appropriate insurance, either personally or through their employers must advise their clients of the position

before accepting the engagement. Members must take all reasonable steps to ensure that their prospective clients understand the extent to which they are covered by appropriate insurance.

- Members must 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 with respect and without bias.
    - Members must never behave in a way that discriminates against persons because of their race, gender, disability, sexual orientation, age, religion, or country of origin.
    - Members must not treat anyone more favourably because of their race, nationality, country of origin, religion, gender, status, or because they are related to the member or have family connections with the member. In their professional dealings, members must treat everyone the same and must be fair to all.
    - Members must not, directly or indirectly, improperly attempt to supplant another person, and must take all reasonable steps to establish that any previous engagement in relation to the project they are to enter into has been terminated.
    - When commenting on another person's work, members must advise that person of their involvement, except for routine or statutory checks or where the member's client or employer requires confidentiality.
    - When competing with another person, and when taking actions likely to adversely affect the professional, business or other interests of another person, members must not act maliciously or recklessly.
- Members who are responsible for the work of others or who have a management responsibility for other persons must take responsibility for the work produced. Members must therefore ensure that all such persons are appropriately qualified and supervised in a manner appropriate to their competence and that such persons have full regard to the public interest, particularly in relation to matters of health and safety. Members must also ensure that they have the knowledge and expertise to effectively oversee the work for which they are accountable.
- Members must not have 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, extortion, fraud, deception, collusion or any other corrupt activity. Members must 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.
- Members must report in accordance with their employing organisation's instructions or code of conduct what they know of any corrupt activity in which their employing organisation has become engaged. Members must

not ignore wrong-doing and must not act with ‘wilful blindness’.

- Members who are senior managers or senior officers in an organisation must properly investigate any suspicion of corruption of which they become aware and for which their organisation may be responsible, and must in all other ways act with reasonable care in relation to evidence of such corruption. Above all, members must not act with ‘wilful blindness’.

- Breaching the Bribery Act 2010. Members who are UK citizens or who work for UK registered companies should be aware that under the Bribery Act 2010, bribery committed anywhere in the world by a UK citizen or a UK registered company is a criminal offence both in the UK and in the country in which the offence is committed. The maximum penalty in the UK for bribery is an unlimited fine and/or imprisonment for seven years. For more information, members should refer to the following website, showing the Act in full and the Explanatory Notes: http://www.legislation.gov.uk/ukpga/2010/23/introduction

- Members must not be guilty of any form of plagiarism.

    - “Plagiarism” is using the work of others but presenting it without permission, acknowledgement or reference as if it were the person’s original work, e.g. copying electronically by ‘cut and paste’ from the source document. It will include the use of such material as written text, statistics or similar data, diagrams or illustrations, and photographs.

    - Examples of where plagiarism might occur are as follows: reports and publications of any kind including articles and books; and course work or answers in examination papers submitted for academic or professional qualifications. This will include the use of ‘model’ reports, and ‘model’ answers to examination questions, where text is copied and used verbatim or with minor alteration. In some circumstances plagiarism might constitute criminal deception, thus rendering the guilty person liable to prosecution and a criminal conviction, and, in the case of published works, civil action for damages where copyright law has been breached.

- Members must not collude with any form of plagiarism and they must exercise reasonable care in relation to evidence of any form of plagiarism.

- Members must not make any untrue or misleading statements in job applications, Curricula Vitae, applications for admission to any grade of ICE membership or grade of membership of any other professional body, and applications for admission to any academic body or institution or for any course of study. In some circumstances this might constitute criminal deception, thus rendering the guilty person liable to prosecution and a criminal conviction.

- Members must not collude with, or fail to exercise reasonable care in relation to, any form of untrue or misleading job application, or any

application for admission to any grade of ICE membership or grade of membership of any other professional body, e.g. when acting as a sponsor or referee. References must only be given where the referee is sufficiently familiar with the person to be able to vouch for them authoritatively. To provide a reference where this is not the case, or which is in any way untruthful or misleading, will breach this Rule.

- When acting as expert witnesses, members must 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 of Professional Conduct to discharge their professional duties with integrity.

Rule 2: All members shall only undertake work that they are competent to do.

- Members must be competent in relation to every project that they undertake. They must 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. In so doing, they must pay due regard to the laws on copyright and other rights of intellectual property. They must disclose, where appropriate, any relevant limitations upon their competence.

- Being competent means that members have ensured that their knowledge has remained up to date, and has covered all relevant developments; in other words, members must maintain structured programme of continuing professional development to improve and update their technical knowledge.

Rule 3: All members shall have full regard for the public interest, particularly in relation to matters of health and safety, and in relation to the well-being of future generations.

The manner in which members can fulfil this Rule includes, but is not limited to, the following:

- Take all reasonable steps to protect the health and safety of members of the public and of those engaged in the project. This covers the whole life of a project during construction, operation, maintenance and decommissioning.

- All laws and regulations on health and safety must be obeyed. However, taking 'all reasonable steps' may sometimes mean doing more if the

legal

provisions are inadequate to protect the health and safety of those who are, or could be, affected.

- Members must not enter into any contracts which compromise their overall responsibility to protect health and safety.
- Members must assess and manage relevant risks and communicate these appropriately.
- Where new or under-tested materials or methods are being used, members must pay attention to the public safety implications, and must have regard to the possibility that performance of the materials or methods may be worse than forecast. The use of such materials or methods and the risks involved must be drawn specifically to the client's notice.

Other matters relating to this Rule include:

- Producing competitive bids should not 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.
- Members must take all reasonable steps to avoid preventable disasters and should act in accordance with relevant good practice; for example, for UK-based members this will be the Royal Academy of Engineering Guidelines for Warnings of Preventable Disasters. If members are in any doubt about the action they should take, they should seek the advice of the Institution.
- Members must take account of the broader public interest - the interests of all stakeholders in any project 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.
- Members must act with due regard to international law. In particular, members must:
    - Show due respect for the rights of other peoples under international law and for their culture and customs, in particular their right to live in peace without fear of oppression, dispossession or exile.
    - Take into account that a project that is legal according to the administrative power concerned may have been judged illegal under international law or may be subject to UN censure, especially in relation to territory that has been illegally annexed, illegally occupied or is disputed.

Rule 4: All members shall show due regard for the environment and for the sustainable management of natural resources.

- In all the work that members do, they must be able to demonstrate, by an appropriate audit trail, that they have taken all reasonable steps to take account of all the relevant factors in relation to the impact upon the environment and the sustainable management of natural resources. It is increasingly the case that engineers are called to account for their decisions, especially where projects are controversial or are opposed by particular interest groups.

Rule 5: All members shall develop their professional knowledge, skills and competence on a continuing basis and shall give all reasonable assistance to further the education, training and continuing professional development of others.

- All members have a duty to improve and update technical knowledge, and to keep abreast of relevant developments, including new or changed statutory provisions.
- Every member has a duty to be pro-active in the training and continuing professional development of others, especially those for whom the member has line management responsibility.

Rule 6: All members shall:

a. **Promptly notify the Institution if convicted of a serious criminal offence;**
A member has a duty to notify the Institution if he or she is convicted of a serious criminal offence (defined by By-law 1(23) as an offence involving dishonesty or deception or any offence punishable by a Court of competent jurisdiction by a term of imprisonment of 12 months or more (whether or not any custodial sentence is in fact imposed). If you are in any doubt as to whether or not the offence of which you have been convicted is a 'serious criminal offence' you should seek advice from the Institution.

b. **Promptly notify the Institution if they have had membership of another professional body terminated as the result of a disciplinary procedure;**
A member must notify the Institution if they have had membership of another professional body terminated for disciplinary reasons (not for administrative reasons such as non-payment of subscriptions).

c. **Promptly notify the Institution upon becoming bankrupt or disqualified as a Company Director;**
A member must notify the Institution if he or she is declared bankrupt.

d. **Promptly notify the Institution where the member, in good faith,**

believes there has been a significant breach of the Rules of Professional Conduct by another member;
A member must notify the Institution if he or she, in good faith, believes there has been a significant breach of the Rules of Professional Conduct by another member. This is to allow the Institution to investigate the matter and consider disciplinary action in line with its duty to regulate members for the public good. If it transpires there was no significant breach of the Rules, then no action will be taken against the member making the notification provided he or she was acting in good faith.

e. **Promptly notify the employer or relevant authority where the member, in good faith, has a concern about a danger, risk, malpractice or wrongdoing which affects others (but this shall be an obligation only where the law of the relevant jurisdiction provides protection for such good-faith reporting under 'whistleblowing' or similar legislation), and;**
A member must notify the employer or relevant authority where the member, in good faith, has a concern about a danger, risk, malpractice or wrongdoing which affects others. However, this is an obligation only where the law of the relevant jurisdiction provides protection for such good-faith reporting under 'whistleblowing' or similar legislation.

f. **Support a colleague or any other person to whom the member has a duty of care who in good faith raises any issues covered by Rules 6d or 6e.**
A member must support a colleague or any other person to whom the member has a duty of care who in good faith raises any issues covered by Rules 6d or 6e.