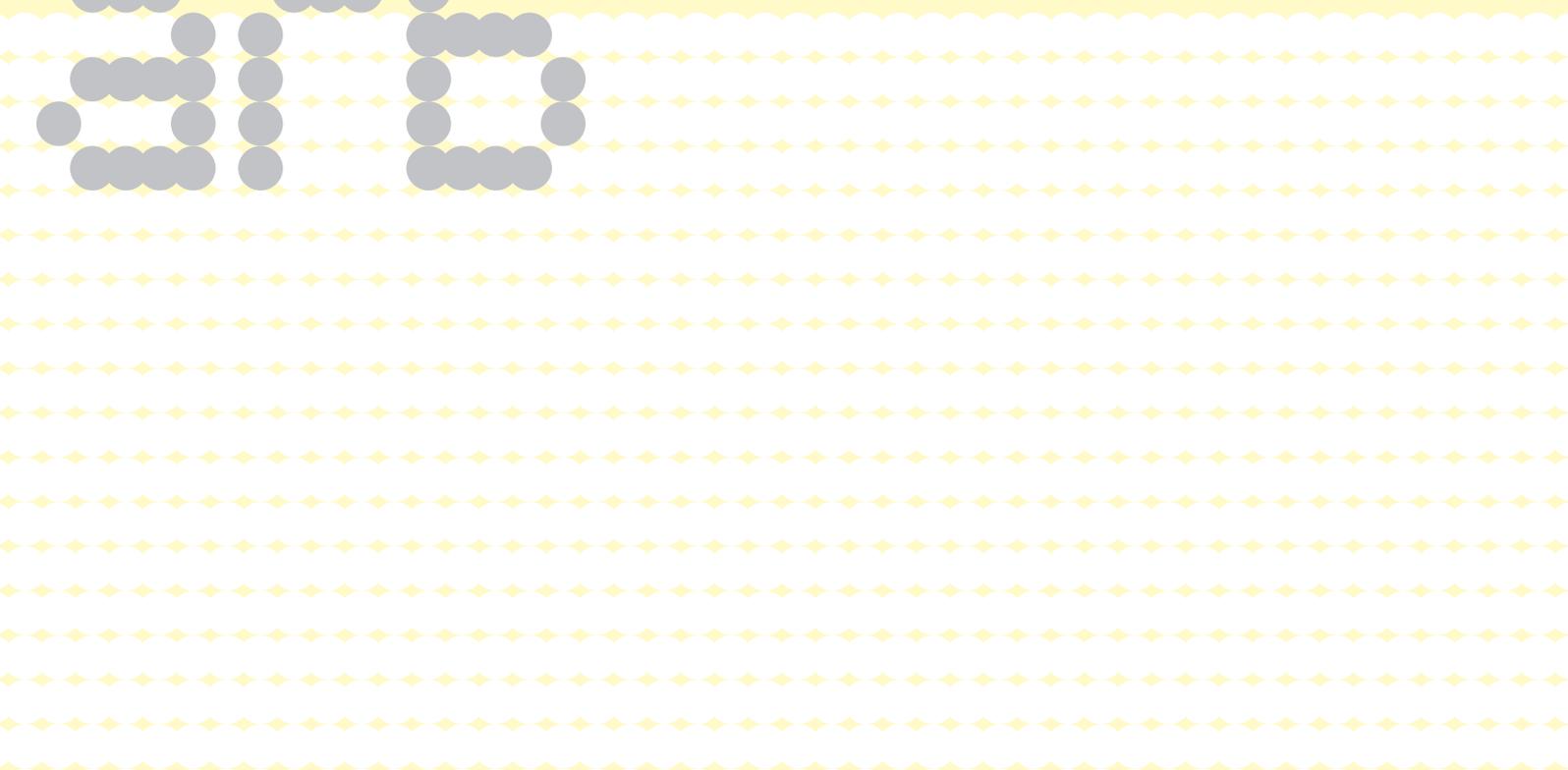
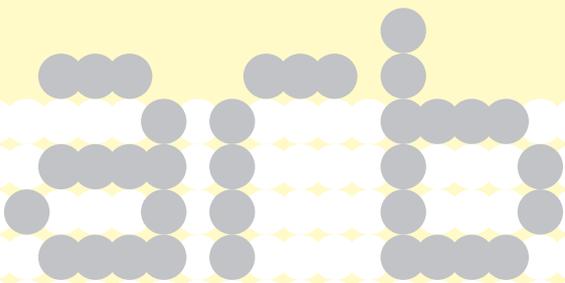


Architects Code Standards of Conduct and Practice

Protecting the consumer and
safeguarding the reputation
of architects



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Standards of Conduct and Practice**

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Foreword

Architects deservedly enjoy a high standing within the construction and design industry, but with that comes an obligation to deliver standards and services which both demonstrate and reinforce that status.

The Architects Registration Board was established to protect the consumer and safeguard the reputation of architects. The Architects Act 1997 sets out the law while the Code highlights the standards of conduct and practice which the Board believes the public have a right to expect from all architects.

This second edition of the Code replaces the 1997 edition. There has been some minor reorganisation of material and strengthening and clarification of certain standards to reflect concerns expressed by both architects and consumers.

The Code should be central to the professional life of an architect not only as a source of ethical guidance but also as a commonsense indicator to the principles of good practice. It is only through the maintenance of high standards by individuals that architecture as a whole will be served, the public will be protected and the profession as a whole will thrive.

Achieving an appropriate Code is a continuing and developing process. We will be reviewing the Code regularly and I therefore welcome any feedback which will enable the Board to build constructively on the standards and guidance given.

Barbara Kelly CBE DL

Chairwoman
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Introduction

- 1 This Code sets out the standards of professional conduct and practice expected of Architects, including complaints handling and client service. The Code does not repeat obligations placed upon Architects by the general law, for example, in the areas of discrimination and employment.
- 2 Not every shortcoming on the part of an Architect, nor failure to comply with the provisions of the Code, will necessarily give rise to disciplinary proceedings. However, a failure to follow the guidance of this Code is a factor that will be taken into account should it be necessary to examine the conduct or competence of an architect.
- 3 It is recognised that the professional work of architects takes many different forms and, accordingly, not all parts of the Code apply to all Architects. For example, there are Architects on the Register who do not practise or carry on business as such, and others who only write or lecture on architectural subjects.
- 4 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 conduct and professional work as much by the spirit of the Code as by its express terms.
- 5 Architects are subject to the disciplinary procedures of the Board. In particular, a disciplinary order may be made against an Architect if, after considering the case, the Professional Conduct Committee is satisfied they are guilty of:
 - a unacceptable professional conduct
defined as: conduct which falls short of the standard required of a registered person; and/or
 - b serious professional incompetence
which is considered to be: service which falls short of the standards required of a registered person.
- 6 A disciplinary order may be made against an Architect convicted of a criminal offence other than an offence which has no material relevance to their fitness to practise as an Architect.

The Standards

The Standards, which should be read in conjunction with the introduction on page 3, are amplified and illustrated by notes.

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Section 1 Conduct and Competence

Standard 1

Architects should at all times act with integrity and avoid any action or situations which are inconsistent with their professional obligations.

- 1.1 Architects should not make, support or collaborate in any statement, written or otherwise, which is contrary to their professional opinion, or which they know to be misleading, or unfair to others, or otherwise discreditable to the profession.
- 1.2 Architects should disclose in writing to any prospective client or employer any financial or personal business interests the existence of which, if not so declared, would or might be likely to raise a conflict of interest and doubts about their integrity.
- 1.3 Architects should, when finding that their personal or professional interests conflict with those of the client or of other relevant parties (thereby risking a breach of this Standard), either withdraw from the situation, or remove the source of conflict or obtain the agreement of the parties concerned to the continuance of the engagement.
- 1.4 Architects should not (in an architectural practice) be a partner, co-director or take up employment with an unsuitable person. Examples of unsuitable persons are:
 - A person whose name has been removed from the Register of Architects by virtue of disciplinary measures.
 - A person disqualified from membership of a recognised professional body.
- 1.5 Whenever an Architect offers, or takes part in offering, a service which combines consulting services with contracting services, the Architect should make it clear to all parties in writing that their services will not incorporate the independent functions of an Architect.

Standard 2

Architects should only undertake professional work for which they are able to provide adequate professional, financial and technical competence and resources.

- 2.1 The duty under this Standard arises when a contract is entered into, and continues throughout the term of the contract. The duty does not extend to architects taking part in competitions or otherwise engaging in speculative work.
- 2.2 Where professional work is carried out on behalf of an Architect by an employee or by anyone else acting under an Architect's direct control, the Architect is responsible for ensuring that such person is competent to perform the task and, if necessary, is adequately supervised.
- 2.3 A sole practitioner should have arrangements in place for the conduct of their business in the event of their death, incapacity or other absence from work.

Standard 3**Architects should only promote their professional services in a truthful and responsible manner.**

- 3.1 In advertising their professional services or otherwise drawing them to the attention of a potential client, Architects should not make untruthful or misleading statements.
- 3.2 Advertisements should conform, as appropriate, to the British Code of Advertising Practice and the ITC and Radio Code of Advertising Standards and Practice.
- 3.3 The business style of a practice should not be misleading.
- 3.4 Architects should ensure that the work of their office and any branch office insofar as it relates to architecture is under the control and management of an architect and that the identity of that architect is apparent to clients and potential clients.

Standard 4**Architects should carry out their professional work faithfully and conscientiously and with due regard to relevant technical and professional standards.**

- 4.1 Architects, when acting between parties or giving advice, should exercise impartial and independent professional judgement to the best of their ability and understanding.
- 4.2 Architects should perform their work with due skill, care and diligence.

Standard 5**In carrying out or agreeing to carry out professional work, Architects should pay due regard to the interests of anyone who may reasonably be expected to use or enjoy the products of their own work.**

- 5.1 Whilst Architects' primary responsibility is to their clients, they should nevertheless have due regard to their wider responsibility to conserve and enhance the quality of the environment and its natural resources.

Standard 6**Architects should maintain their professional service and competence in areas relevant to their professional work, and discharge the requirements of any engagement with commensurate knowledge and attention.**

- 6.1 The fact that an Architect has not maintained their professional competence may count against them in the event of that competence having to be investigated.

Standard 7**Architects should preserve the security of monies entrusted to their care in the course of their practice or business.**

- 7.1 When Architects hold monies belonging to a client or third party they should arrange for its receipt to be carefully recorded and for it to be kept (where possible) in an interest-bearing account in a bank or similar institution separate from any personal or business account.
- 7.2 Such an account should be designated a “client account” and the bank or similar institution should be given written instructions that all money held in it is held as clients’ money and that the bank or similar institution is not entitled to combine the account with any other account or to exercise any right of set-off or counterclaim against it.
- 7.3 Money may only be withdrawn from a client account to make a payment:
 - a to or on behalf of a client; or
 - b on the client’s specific written instructions (for example, in order to defray the Architect’s fees).
- 7.4 Unless otherwise agreed by the client, any interest (or other benefit) accruing to a client account should be paid to the client.

Standard 8**Architects should not undertake professional work without adequate and appropriate professional indemnity insurance cover.**

- 8.1 The need for cover extends to professional work undertaken outside an Architect’s main professional practice or employment and to work undertaken by employees of an Architect.
- 8.2 Employed Architects, should as far as possible ensure that professional indemnity insurance cover or other appropriate cover is provided by their employer.
- 8.3 Without limiting an Architect’s duty to maintain professional indemnity cover which is adequate and appropriate for the work the Architect is undertaking, Architects must maintain, in any event, minimum cover in accordance with the Board’s guidelines on professional indemnity insurance issued from time to time and provide such evidence in such form as the Board may require demonstrating compliance with this standard.

Standard 9**Architects should ensure that their personal and professional finances are managed prudently.**

- 9.1 The following are examples of acts which may be examined in order to ascertain whether they disclose a wilful disregard by an Architect of their responsibilities or a lack of integrity, namely:
 - an order of bankruptcy;
 - the placing into liquidation of a company of which they are a director; (other than for amalgamation or reconstruction purposes).
 - an accommodation with creditors; (including a voluntary arrangement).
 - failure to pay a judgment debt.

Standard 10**Architects should promote the Standards set out in this Code**

- 10.1 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.
- 10.2 Architects need not report matters widely reported in the press and should not make unreasonable or vexatious reports, bearing in mind the provisions of Standard 1.
- 10.3 Where an Architect is appointed as an arbitrator, adjudicator, mediator, conciliator or expert witness and is in receipt of privileged information the Board accepts that their duty in that role may take precedence over any requirement to report breaches of the Code to the Registrar.
- 10.4 An Architect should not (except in the circumstances described at 10.3 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.
- 10.5 An Architect should report to the Registrar within 28 days if they:
 - are convicted of an indictable offence or sentenced to imprisonment in respect of any offence; or
 - are made the subject of an order of court disqualifying them from acting as a company director; or
 - are made the subject of a bankruptcy order; or
 - are a director of a company which is wound up (other than for amalgamation or reconstruction purposes).
- 10.6 Failure to make a prompt report may count against the Architect in the event of disciplinary proceedings.
- 10.7 An Architect is required to co-operate with an Investigator appointed under the Architects Act 1997.
- 10.8 Failure by an Architect to co-operate promptly and fully with enquiries by such an Investigator will count against them in the event of disciplinary proceedings and related matters before the Professional Conduct Committee. Failure to co-operate may also in itself constitute grounds for disciplinary proceedings.
- 10.9 Any threat by an Architect to bring defamation proceedings in an attempt to frustrate the investigation of a complaint by the Registrar, Investigator or Board's Solicitor, may be regarded as unacceptable professional conduct in itself and treated accordingly.

Section 2 Client Service and Complaints

Standard 11

Architects should organise and manage their professional work responsibly and with regard to the interests of their clients.

- 11.1 Architects should not undertake professional work unless the terms of the contract have been recorded in writing as to:
- the scope of the work;
 - the fee or method of calculating it;
 - the allocation of responsibilities;
 - any limitation of responsibilities;
 - the provisions for termination;
 - any special provisions for dispute resolution;
- and they have informed the client that Architects are subject to the disciplinary sanction of the Board in relation to complaints of unacceptable professional conduct or serious professional incompetence.
- 11.2 At the end of a contract (if requested) or otherwise upon reasonable demand an Architect should promptly return to a client any papers, plans or other property to which the client is legally entitled.
- 11.3 Architects should ensure that their firm has:
- appropriate and effective internal procedures, including monitoring and review procedures; and
 - sufficient suitably qualified and supervised staff;
- such as to enable it to deliver an effective and efficient client service.
- 11.4 Architects should carry out their professional work without undue delay and, so far as is reasonably practicable, in accordance with any time-scale and cost limits agreed with the client.
- 11.5 Architects should keep their client informed of the progress of work undertaken on their behalf and of any issue which may significantly affect its quality or cost.
- 11.6 Architects should observe the confidentiality of their client's affairs and should not disclose confidential information without the prior consent of the client or other lawful authority, for example, when disclosure is required by order of a court.

Standard 12**Architects should deal with disputes or complaints concerning their professional work or that of their practice or business promptly and appropriately.**

- 12.1 a In the case of a firm or company comprising four or more partners or directors, a senior staff member should be designated as being responsible for dealing with complaints in the first instance and the client advised accordingly.
- b Where the designated person is unable to resolve a complaint to the satisfaction of the complainant, they should refer it promptly to the senior partner or managing director.
- c If, after reviewing the complaint, the senior partner or managing director is unable to resolve the complaint to the satisfaction of the complainant, they should advise the complainant that the matter can be referred to the Architects Registration Board if there are alleged breaches of the Code involved.
- 12.2 In the case of a sole practitioner or a firm of three or fewer partners or directors, complaints should be referred directly to the sole practitioner, senior partner or managing director, who should deal with them as in sub-paragraph (c) of the previous paragraph.
- 12.3 If appropriate, alternative matters of dispute resolution, such as arbitration or conciliation, should be encouraged.
- 12.4 Complaints should at every stage be handled courteously, sympathetically and where possible in accordance with the following time scale:
- a an acknowledgement should be sent within 10 working days from the receipt of a complaint; and
- b a response addressing the issues raised in the initial letter of complaint should be sent within 30 working days from its receipt.

All correspondence with the Architects Registration Board concerning complaints and/or compliance with the Code will, where possible, be handled within the same time limits as shown above, unless otherwise instructed by the Board.

**General
 Guidance**

A Interpretation

This Code is issued by the Architects Registration Board in accordance with Section 13 of the Architects Act 1997. It consists of an Introduction and the Standards, which are intended to be read together.

The Code has not been drafted in legal language and is not intended to be construed like an Act of Parliament.

Throughout this Code:

- *Architect* has the meaning ascribed to it by the Architects Act 1997.
- *Client* means the person or body corporate or incorporate with whom the Architect makes an agreement or contract for the provision of services or the supply of goods.
- *Body corporate or unincorporate* includes a central government department, a local authority, public board or corporation, and any society, firm or company.
- *Board* means the Architects Registration Board.
- *Registrar* means the Registrar of the Architects Registration Board.
- *Professional Conduct Committee* means the Professional Conduct Committee of the Board as established by the Architects Act 1997.
- *Disciplinary Proceedings* means proceedings taken in accordance with the Architects Act 1997.
- The text shall be interpreted in accordance with the terms of the Interpretation Act 1978 (c30). A word in the singular as including the plural; and a word in the plural as including the singular.

B Legal Proceedings

The following notes are intended to clarify the relationship between the Board’s disciplinary proceedings and proceedings in a court of law. They do not form part of the Code but are included here for the guidance of Architects.

The Architects Registration Board may suspend an investigation pending the outcome of civil or criminal proceedings.

Civil Proceedings

- 1 The successful bringing of civil proceedings against an Architect does not automatically constitute grounds for disciplinary proceedings. However, the facts giving rise to a civil suit can result in disciplinary proceedings if they disclose serious professional incompetence or unacceptable professional conduct

Criminal Proceedings

- 2 If it is alleged that an Architect has committed a criminal offence, the courts are the appropriate forum for deciding guilt or innocence and such an allegation will not, of itself, normally be the subject of investigation.
- 3 The outcome of proceedings (criminal or civil) against an Architect relating to their employment of others, whether based on unfair dismissal, sex, race or disability discrimination or otherwise, may in certain cases disclose unacceptable professional conduct.
- 4 The fact that an Architect has been acquitted in the courts of a criminal charge does not necessarily mean that they may not be disciplined for acts or omissions connected with that charge if those acts or omissions constitute unacceptable professional conduct.

Criminal Convictions

- 1 A criminal conviction may be materially relevant to an Architect's fitness to practise, if, for example:
 - it constitutes an offence under the Architects Act 1997 or other legislation directly affecting Architects; or
 - it arises directly out of their professional activities; or
 - it results in a sentence of imprisonment, whether suspended or not; or
 - it constitutes an offence of dishonesty; or
 - it is otherwise of a nature which calls into question the Architect's integrity.
- 2 This list may not be exhaustive of the offences materially relevant to an Architect's fitness to practise.

C Employees

- 1 Architects should observe this Code whether working on their own account, as a Partner or Company Director or as an employee. As employers, Architects are responsible for ensuring that all members of their staff, irrespective of status, conduct themselves in accordance with this Code.
- 2 When accepting an appointment as an employee, Architects should ensure that the employer knows the Architect will be governed by this Code in addition to their duties as an employee. If the two sets of obligations conflict, the Architect should attempt to follow this Code and resolve the conflict or, in the last resort, resign the appointment.
- 3 An Architect who is an employee of a non-architect employer and who receives a complaint, should refer the matter to the person designated by their employer to deal with it in accordance with Standard 12 of the Code. However, where an employer is not subject to the Code, the Architect should seek to ensure that the complaint is nevertheless processed in accordance with the spirit and procedures in Standard 12.

D Leaflets and Advice

- 1 The Board is not in a position to give legal advice, nor can it become involved in the settlement of disputes, but it does publish a range of informative documents concerning different aspects of its work. An Architect in doubt as to how they should act in a particular situation may benefit from impartial professional or legal advice.
- 2 Architects are expected to observe this Code wherever they work, save that in a country where there are accepted standards of professional conduct for Architects, they may (and if registered there, must) order their conduct within that country according to such Codes and ethical standards.
- 3 Advice on the appointment of Architects, including the appointment of expert witnesses or advisers in the case of disputes, may be obtained from the Royal Institute of British Architects, the Royal Incorporation of Architects in Scotland, the Royal Society of Ulster Architects or other professional organisation.

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