

The Institute of Materials, Minerals & Mining

CODE FOR PROFESSIONAL CONDUCT REGULATIONS (Bye-Law 18)

- 1. Statement of what is meant by ethical behaviour and how it applies to the member.**
- 2. Rule for Professional Conduct.**
- 3. Guidelines on the interpretation and application of the Rules.**

ETHICAL BEHAVIOUR AND ITS APPLICATION TO THE MEMBER

The duty upon members of the Institute to behave ethically is, in effect, the duty to behave honourably; in other words, 'to do the right thing'. At its most basic, it means that a member should be truthful and honest in dealings with clients, colleagues, other professionals and anyone else the member comes into contact with in the course of their duties. Being a professional and a member of a professional body, such as the Institute, 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 give a negative impact upon the profession.

Members should always be aware of the overriding responsibility to the public good. A member's obligations to the client can never override this, and members should not enter undertakings which compromise this responsibility. The 'public good' encompasses care and respect for the environment, and for humanity's cultural, historical and archaeological heritage, as well as the primary responsibility members have to protect the health and wellbeing of present and future generations.

THE CODE FOR PROFESSIONAL CONDUCT

To enable members to conduct themselves properly in the performance of their professional duties, the Institute is obliged to provide a Code of Professional Conduct to lay down, both for its members and for the general public, the ethical standards 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 country in which they practise. The code contains, first of all, the specific rules of 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. The Guidance Notes do cover the main areas of professional activity in which members are likely to be involved. An act which seriously breaches one of the Guidance Notes will probably breach the Rule for Professional Conduct to which the Guidance Note applies.

Further, more general guidance is given in the 'Good Practice Advice'. This general guidance is to help members by providing more information on what the Institute considers to be good practice. A member will not be considered to have breached the Rules for Professional Conduct solely because they have not followed the 'Good Practice Advice'.

Many, perhaps most members will pass through their professional lives without ever having to consider whether their actions are in accordance with the Code for Professional Conduct. However the Institute is anxious that any member, who is troubled by an ethical problem, particularly if they are worried about breaching the Rules for Professional Conduct, should be able to discuss their concerns with one or more of the senior members of the Institute. Any member who wishes to do this should contact the Director of Membership and Professional Standards so that arrangements can be made.

THE RULES FOR PROFESSIONAL CONDUCT

1. All members discharge their professional duties with integrity and shall not undertake work which they are not competent to do.
2. 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.
3. All members shall show due regard for the environment and for the sustainable management of natural resources.
4. All members shall update and broaden their professional knowledge and skills on a continuing basis and shall give all reasonable assistance to further the education, training and continuing professional development of other members and prospective members of the profession.
5. All members shall notify the Institute if convicted of a criminal offence involving dishonesty or violence, or upon becoming bankrupt or disqualified as a Company Director, or if removed from the membership of another professional body as a consequence of a disciplinary procedure.

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

Rule 1: All members shall discharge their professional duties with integrity and shall not undertake work that they are not competent to do.

- Members must carry out their professional duties with complete objectivity and impartiality, and must always declare, and where possible avoid all conflicts of interest.
- Members must have due regard to the duty of confidence in relation to all parties with whom they have dealings as part of their professional duties.
- Members must at all times have due regard to their duty of care to clients, especially lay clients in domestic or small works engagements.
- Terms of the engagement must be put in writing and must state the fees to be charged; whenever practicable these should be issued to the client before the project has begun.
- Members not carrying Professional Indemnity Insurance, either personally or through their employers, must advise their clients of the position before accepting the engagement. They must take all reasonable steps to ensure that their prospective clients understand the extent to which they are covered by professional indemnity insurance and must not accept an engagement

where there is reasonable doubt that the client does not understand the extent of their professional indemnity insurance.

- Members must not have any form of involvement, however indirect, in bribery and corruption. Members should be especially rigorous when operating in countries where the offering and accepting of inducements and favours is endemic.
- Members must show due consideration and respect to colleagues and other people with whom they have dealings in the course of their professional duties, including communication on social media. They must treat all people equally and without bias, and must uphold the legal standing of protected characteristics defined by the 2010 Equality Act.
- When commenting on another person's work, a member 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 other professionals and when taking actions likely to affect adversely the professional or business interests of another person, a member must not act maliciously or recklessly.
- 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 all 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 the rights of intellectual property. They must disclose, where appropriate, any relevant limitations upon their competence.
- 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. They must ensure that they have the knowledge and expertise to effectively oversee the work for which they are accountable.

Rule 2: 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.

- Members must take all reasonable steps to protect the health and safety of members of the public and of those engaged in the project, both during the construction and the operation and maintenance stages. This will include obeying all legislation relating to health and safety but may extend beyond that to all situations in which there is inadequate statutory provision. Members must not enter into any contracts which compromise this overall responsibility.
- Where new or under-tested materials, methods or equipment are being used, members must pay particular attention to the public safety implications, having 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.
- 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 inform interested parties accordingly.

- Members must take all reasonable steps to manage and limit risk and should act in accordance with the Engineering Council Guidance on Risk. If members are in any doubt about the action they should take, they should seek the advice of the Institute.
- Members should take all reasonable steps to avoid preventable disasters and should act in accordance with 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 Institute.
- Members must take account of the broader public interest – the interests of ‘winners’ and losers’ 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 notify the Institute of any significant breach of the Rules for Professional Conduct by another member and should seriously consider reporting another professional with whom they may be professionally connected, to their professional body if they appear to be breaching the general principles of ethical practice and who is likely to bring the profession into disrepute.

Rule 3: All members shall show due regard for the environment and for the sustainable management of natural resources.

- Members should act in accordance with the Engineering Council Guidance on Sustainability. If members are in any doubt about the action they should take, they should seek the advice of the Institute.

Rule 4: All members shall update and broaden 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 other members and prospective members of the profession.

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

Rule 5: All members shall notify the Institute if convicted of a criminal offence involving dishonesty or violence, or upon becoming bankrupt or disqualified as a Company Director.

- Members need not notify the Institute of any parking fines or minor motoring offences. Members must, however, report convictions for dangerous driving or driving whilst under the influence of drugs or alcohol.

Risk

Members need to know of the Engineering Council Guidance on Risk. All projects or business ventures involve some sort of risk. Whether a project can be said to have been a 'failure' will depend not only on its performance in simple structural terms. It will be judged according to its lifetime performance in relation to the investment concerned and the negative impact concomitant with every addition to the built environment.

Any member with a responsibility for a project, or any part of it, must, by maintaining awareness in their discipline, be aware of the risks and their causes and whose is the responsibility for them. Members should be sufficiently familiar with the underlying procedures, processes and mechanisms to analyse their risks, recommend sensible management measures and give informed expert judgements on the causes and probabilities of failure, based on the residual risks. This may involve assistance from trained risk analysts, but the member's responsibility for the judgement is theirs alone.

No member can be expected to eliminate all risk. But members of the Institute have an ethical responsibility to take all appropriate measures to limit risk, in particular by ensuring that there is adequate risk analysis/assessment and an effective management process during the planning, implementation and post-implementation phases in any project, e.g. through the use of such tools as are designed to evaluate all major risks over the lifetime of a project, including the risk that the net revenue stream may vary significantly from that forecast.

Preventing Disasters

Members need to know of the Royal Academy of Engineering Guidelines for Warnings of Preventable Disasters. If a situation is developing which is causing a member concern, the member should not hesitate to consult the Institute for guidance if this is needed. Members working in the UK should be aware of the statutory provisions in the UK enshrined in the Public Interest Disclosure Act 1998, which permit certain disclosures in the public interest and prohibits dismissal in relation to those disclosures. Further advice is also available from the Engineering Council Guidance on Whistleblowing.

The responsibility to prevent disasters does not lie simply with those who first become aware that a set of circumstances has arisen which might lead to a disaster. Members who are in senior management positions have a duty to establish procedures so that potentially hazardous situations can be reported to those in a position to take action and ultimately to prevent them becoming actual disasters. They should ensure that all relevant staff are fully versed in these procedures, and they should provide that the lines of communications reach not only those who have the responsibility to take corrective action but also those who can understand the implications of the situation.

Small Projects

Unclear terms of engagement in small projects, particularly with small, private or lay clients, can be a common cause of client dissatisfaction, sometimes leading to complaints against members. Members should always make clear at the outset, in simple, layman's language, what the contract will cover and what it will not cover. Members should take all reasonable steps to satisfy themselves that the client fully understands the service that is to be provided.

Amendment of these Regulations

The Executive Board has authority to review and revise these Regulations but must take into account the Royal Charter and Bye-Laws of the Institute, and the requirements of our Licencing bodies.