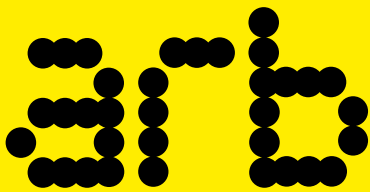


# The Architects Code: Standards of Professional Conduct and Practice



Architects Registration Board

# **The Architects Code: Standards of Professional Conduct and Practice**

**As an architect you are expected to:**

- 1. Be honest and act with integrity**
- 2. Be competent**
- 3. Promote your services honestly and responsibly**
- 4. Manage your business competently**
- 5. Consider the wider impact of your work**
- 6. Carry out your work faithfully and conscientiously**
- 7. Be trustworthy and look after your clients' money properly**
- 8. Have appropriate insurance arrangements**
- 9. Maintain the reputation of architects**
- 10. Deal with disputes or complaints appropriately**
- 11. Co-operate with regulatory requirements and investigations**
- 12. Have respect for others**

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# Introduction

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Section 13 of the Architects Act 1997 (“the Act”) requires the Architects Registration Board (“ARB”) to issue a Code laying down the standards of professional conduct and practice expected of persons registered as architects under the Act.

This is that Code. Any failure to comply with the provisions of this Code is not of itself to be taken as constituting unacceptable professional conduct or serious professional incompetence, but it shall be taken into account in any disciplinary proceedings before ARB’s Professional Conduct Committee.

You are expected to be guided in your professional conduct and professional work by the spirit of the Code as well as by its express terms. The Code also covers your private life where your conduct may affect your fitness to practise as an architect, or public confidence in the profession.

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. Each case is judged on its facts, and there may be circumstances in which unacceptable professional conduct or serious professional incompetence is found even where there has been no clear breach of the express terms of the Code.

Not every shortcoming, or failure to meet the Standards expected by the Code, will necessarily give rise to disciplinary proceedings.

A disciplinary order may be made against you if you are convicted of a criminal offence that has material relevance to your fitness to practise as an architect.

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# Standard 1

## Honesty and Integrity

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- 1.1 You are expected at all times to act with honesty and integrity and to avoid any actions or situations which are inconsistent with your professional obligations. This standard underpins the Code and will be taken to be required in any consideration of your conduct under any of the other standards.
- 1.2 You should not make any statement which is contrary to your professional opinion or which you know to be misleading, unfair to others or discreditable to the profession.
- 1.3 Where a conflict of interest arises you are expected to disclose it in writing and manage it to the satisfaction of all affected parties. You should seek written confirmation that all parties involved give their informed consent to your continuing to act. Where this consent is not received you should cease acting for one or more of the parties.
- 1.4 Where you make or receive any payment or other inducement for the introduction or referral of work, you should disclose the arrangement to the client or prospective client at the outset.

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# Standard 2

## Competence

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- 2.1 You are expected to be competent to carry out the professional work you undertake to do, and if you engage others to do that work they should be competent and adequately supervised.
- 2.2 You are expected to make appropriate arrangements for your professional work in the event of incapacity, death, absence from, or inability to, work.
- 2.3 You are expected to ensure that the necessary communication skills and local knowledge are available to you to discharge your responsibilities.
- 2.4 You are expected to keep your knowledge and skills relevant to your professional work up to date and be aware of the content of any guidelines issued by ARB from time to time.

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## Standard 3

### Honest promotion of your services

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- 3.1 You are expected to promote your professional services in a truthful and responsible manner.
- 3.2 In advertising and promoting your professional services you should comply with the codes and principles applying to advertising generally. These include those of the Advertising Standards Authority or any other body having oversight of advertising standards in various media.
- 3.3 The business style of a practice should not be misleading.
- 3.4 If you are a principal in a practice you are expected to ensure that all architectural work is under the control and management of one or more architects, and that their names are made known to clients and any relevant third party.
- 3.5 You should notify your client promptly of any change in the identity of the architect responsible for the work.

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# Standard 4

## Competent management of your business

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- 4.1 You are expected to have effective systems in place to ensure that your practice is run professionally and that projects are regularly monitored and reviewed.
- 4.2 You should ensure that you are able to provide adequate professional, financial and technical resources when entering into a contract and throughout its duration. You should also, where appropriate, ensure you have sufficient suitably qualified and supervised staff to provide an effective and efficient service to clients.
- 4.3 You should ensure that adequate security is in place to safeguard both paper and electronic records for your clients, taking full account of data protection legislation, and that clients' confidential information is safeguarded.
- 4.4 You are expected to ensure that before you undertake any professional work you have entered into a written agreement with the client which adequately covers:
- the contracting parties;
  - the scope of the work;
  - the fee or method of calculating it;
  - who will be responsible for what ;
  - any constraints or limitations on the responsibilities of the parties;
  - the provisions for suspension or termination of the agreement, including any legal rights of cancellation;
  - a statement that you have adequate and appropriate insurance cover as specified by ARB;
  - the existence of any Alternative Dispute Resolution schemes that the contract is subject to and how they might be accessed;
  - that you have a complaints-handling procedure available on request;
  - that you are registered with the Architects Registration Board and that you are subject to this Code.
- 4.5 Any agreed variations to the written agreement should be recorded in writing.
- 4.6 Upon reasonable demand you should promptly return to a client any papers, plans or property to which they are legally entitled.

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## Standard 5

### Considering the wider impact of your work

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- 5.1 Where appropriate, you should advise your client how best to conserve and enhance the quality of the environment and its natural resources.



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## **Standard 6**

# **You should carry out your professional work conscientiously and with due regard to relevant technical and professional standards**

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- 6.1 You are expected to carry out your work with skill and care and in accordance with the terms of your engagement.
  - 6.2 You should carry out your professional work without undue delay and, so far as is reasonably practicable, in accordance with any time-scale and cost limits agreed with your client.
  - 6.3 You are expected to keep your client informed of the progress of work you undertake on their behalf and of any issue which may significantly affect its quality or cost.
  - 6.4 You should, when acting between parties or giving advice, exercise impartial and independent professional judgment.

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# Standard 7

## Trustworthiness and safeguarding clients' money

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- 7.1 You are expected to keep proper records of all money held by you which belongs to a client or other third party, and to account for it at all times.
- 7.2 You should keep such money in a designated interest-bearing bank account, called a "client account" which is separate from any personal or business account.
- 7.3 You are expected to instruct the bank in writing and ensure that all money in the client account is held as clients' money, and that the bank cannot combine it with any other account, or exercise any right of set-off or counterclaim against it.
- 7.4 You should ensure that money is not withdrawn from a client account to make a payment unless it is made to or on behalf of a client on the client's specific written instructions.
- 7.5 Unless otherwise agreed by the client, you should arrange for any interest (or other benefit) accruing from a client account to be paid to the client.

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# Standard 8

## Insurance arrangements

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- 8.1 You are expected to have adequate and appropriate professional indemnity insurance cover for you, your practice and your employees. You should ensure that your insurance remains adequate to meet a claim. You are expected to maintain a minimum level of cover, including run-off cover, in accordance with ARB's guidance.
- 8.2 The need for cover extends to professional work undertaken outside your main practice or employment.
- 8.3 If you are an employed architect you should, as far as possible, ensure that insurance cover and/ or other appropriate indemnity arrangements are provided by your employer.
- 8.4 When requested, you are expected to provide ARB with evidence that you have professional indemnity insurance in accordance with this Standard.

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# Standard 9

## Maintaining the reputation of architects

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- 9.1 You should ensure that your professional finances are managed responsibly.
- 9.2 You are expected to conduct yourself in a way which does not bring either yourself or the profession into disrepute. If you find yourself in a position where you know that you have fallen short of these standards, or that your conduct could reflect badly on the profession, you are expected to report the matter to ARB. You should notify the Registrar within 28 days if, for example, you:
- are convicted of a criminal offence;
  - are made the subject of a court order disqualifying you from acting as a company director;
  - are made the subject of a Bankruptcy Order, Debt Relief Order or Bankruptcy Restriction Order;
  - have given a director disqualification undertaking or Bankruptcy Restriction undertaking;
  - are a director of a company which is wound up or placed in administration or a CVA (other than for amalgamation or reconstruction purposes);
  - make an accommodation with creditors (including a voluntary arrangement);
  - fail to pay a judgment debt.
- 9.3 In appropriate circumstances, you should report to ARB and/or other public authority another architect whose conduct falls significantly short of the expected standards. If you are in doubt as to whether such a report is required, you should consult ARB for guidance.
- 9.4 Standard 9.3 may not apply to the contents of privileged information given to you when acting as an arbitrator, adjudicator, mediator, conciliator or expert witness.
- 9.5 You should not enter into any agreement the terms of which would prevent any party from reporting an apparent breach of the Code to ARB.

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## **Standard 10**

### **Deal with disputes or complaints appropriately**

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- 10.1 You are expected to have a written procedure for the handling of complaints which will be in accordance with the Code and published guidance.
- 10.2 Complaints should be handled courteously and promptly at every stage, and as far as practicable in accordance with the following time scales:
  - a) an acknowledgement within 10 working days from the receipt of a complaint; and
  - b) a response addressing the issues raised in the initial letter of complaint within 30 working days from its receipt.
- 10.3 If appropriate, you should encourage alternative methods of dispute resolution, such as mediation or conciliation.

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# Standard 11

## Co-operation with regulatory requirements and investigations

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- 11.1 You are expected to co-operate fully and promptly with ARB, and within any specified timescale, if it asks you to provide information which it needs to carry out its statutory duties, including evidence that you are complying with these Standards.
- 11.2 You should notify ARB promptly and in writing of any changes in the details held about you on the Register, including your address. Under the Act, architects who do not tell ARB of a change of address may be removed from the Register.

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## Standard 12

### Respect for others

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- 12.1 You should treat everyone fairly. You must act in compliance with your legal obligations. You must not discriminate because of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, or sexual orientation.

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# General Guidance

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## A Interpretation & Definitions

## B Legal Proceedings

## C Leaflets and Advice

### A Interpretation & Definitions

The whole of this document is the Code of Conduct issued by the Architects Registration Board in accordance with section 13 of the Architects Act 1997. It is effective as of 1 January 2017.

Throughout this Code:

- Architect has the meaning given to it by the Architects Act 1997.
- Principal is the architect in control and management of all the architectural work pursuant to section 20(3) Architects Act 1997
- Bank may also mean a similar institution.
- Client means the person or body to whom the architect agrees to supply services or goods.
- ARB 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.
- Disciplinary Proceedings means proceedings taken in accordance with the Architects Act 1997.
- A word in the singular shall be taken as including the plural; and a word in the plural shall be taken as including the singular, unless otherwise specified.

The following sections provide guidance on ARB's approach to complaints which are made in the context of court proceedings or arbitrations. It is not part of the Code.

- Throughout this document:
  - 'must' is used where the duty is compulsory by law;
  - 'should' is used where the duty would not apply in all situations and where there are exceptional circumstances outside your control that could affect whether, or how, you can comply with the guidance.



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# General Guidance

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## **B Legal Proceedings**

### **1 Parallel Proceedings**

ARB may suspend an investigation pending the outcome of civil or criminal proceedings where this is necessary in the interests of justice.

### **2 Civil or Tribunal Proceedings**

It will not automatically lead to disciplinary proceedings if a civil action is successfully brought against you. However, the facts giving rise to a civil suit may result in disciplinary proceedings if they disclose serious professional incompetence or unacceptable professional conduct.

Conduct resulting in proceedings against you relating to your employment of others, whether based on unfair dismissal, disability, age, gender, sexual orientation, ethnicity, race discrimination or otherwise, may amount to unacceptable professional conduct, and judicial findings may be evidence in the disciplinary process.

### **3 Criminal Proceedings**

ARB does not determine whether or not a criminal offence has been committed and ARB will not assume the responsibilities allocated to the criminal justice system.

If you are acquitted by a court of a criminal charge you may nonetheless be still subject to disciplinary proceedings arising from the same factual circumstances.

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# General Guidance

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## **Criminal Convictions**

A criminal conviction may be materially relevant to your fitness to practise, if, for example (this list is not exclusive):

- a) it constitutes an offence under the Architects Act 1997 or other legislation directly affecting architects;
- b) it arises directly out of your professional activities;
- c) it constitutes an offence of dishonesty;
- d) it otherwise calls into question your integrity.

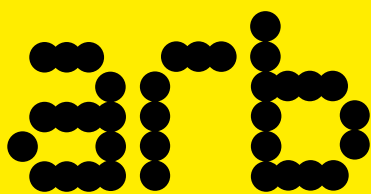
## **C Leaflets and Advice**

ARB does not give legal advice, nor does it become involved in the settlement of disputes. ARB does publish a range of information leaflets about different aspects of its work. If you are in doubt as to how to act in a particular situation, you should seek independent professional or legal advice.

You are expected to observe this Code wherever in the world you work. In a country where there are accepted standards of professional conduct for architects, you are expected to (and, if registered there, you should) also conduct yourself according to that country's codes and ethical standards.

Advice on the appointment of Architects, including the appointment of expert witnesses or advisers in the case of disputes, can be obtained from the Royal Institute of British Architects, the Royal Incorporation of Architects in Scotland, the Royal Society of Ulster Architects, the Royal Society of Architects in Wales, the Association of Consultant Architects, or other relevant professional organisation.





Architects Registration Board

Architects Registration Board  
8 Weymouth Street  
London W1W 5BU  
Telephone +44 (0)20 7580 5861  
Facsimile +44 (0)20 7436 5269  
info@arb.org.uk www.arb.org.uk  
www.architects-register.org.uk