

## **Bye-Laws of the Irish Planning Institute Code of Ethics & Professional Conduct**

(Adopted by Extraordinary General Meeting, 3rd September 1982, as amended by Annual General Meeting, 18th May 2000 and further amended by Annual General Meeting 27<sup>th</sup> May 2010)

### **PREAMBLE**

The object of the Irish Planning Institute is to advance the art and science of urban, rural and regional planning in Ireland for the benefit of the community. A Member of the Institute is governed by the Memorandum and Articles of Association and by this Code of Conduct.

In this Code, the term 'Member' means every Corporate/Fellow Member of the Institute, and also, where appropriate, every Non-Corporate/Fellow or other Member and every Student of the Institute.

This code is divided into 3 sections:

1. Obligations to society
2. Obligations clients, colleagues and employers
3. Enforcement proceedings and disciplinary action

### **1. Obligations to Society**

1.1 The primary obligation of planners is to serve the common good. For this reason members shall strive to advance the art and science of urban, rural and regional planning for the benefit of the citizens of the country.

1.2 Members while allowed to act as an advocate for a project should always seek to secure the delivery of proper planning and sustainable development, pursue quality place making for people and shall respect diversity in cultures, ecosystems and the built environment.

1.3 Members shall aim to foster awareness of the need for proper planning and sustainable development among the general public and support citizen participation in planning.

1.4 In undertaking their professional activities, all members shall not discriminate on the grounds of race, sex, sexual orientation, creed, religion, disability or age and shall seek to promote equality of opportunity.

### **2. Obligations to clients, colleagues and employers**

2.1 A Member shall conduct himself or herself in such a manner as to uphold the reputation of the Institute and of the planning profession, and in

no way to prejudice his or her own professional status as one who provides services related primarily to his or her professional training and experience with remuneration related strictly to those services in accordance with personal integrity. Without prejudice to the generality of this statement, applicable as a standard of conduct to Members, whether in the public service, private consultancy, academic employment or in whatever capacity engaged as planners, the undermentioned numbered clauses spell out in more detail the requirements of this Code. Any cases of alleged unprofessional conduct which are not specifically covered by those clauses will be dealt with having regard to the particular circumstances of the case. The provisions of this Code shall apply notwithstanding any permission or agreement to the contrary by or with the client or body employing or consulting the Member.

2.2 All Members shall conduct themselves in such a manner as not to prejudice their professional status or the reputation of the Institute, failing which the Council may judge a Member guilty of unprofessional conduct and may either reprimand, suspend or expel such Member.

2.3 A Member must not hold, assume, accept or retain a position in which his or her interest is in conflict with his or her professional duty.

2.4 A Member must not undertake any duties or carry out any instructions of an employer or supervisor which involve making statements purporting to be his or her own but which are contrary to his or her bona fide professional opinion, and must not instruct any other Member to do so.

2.5. It is the duty of a Member to treat all information of a client as confidential, in as far as he/she knows that such information is confidential, or in as far as he/she may reasonably assume that this information is confidential. A Member must not use for his/her benefit any knowledge of facts which he/she obtained only through his/her position of trust, or through and by his/her status; nor shall a Member communicate such knowledge to a third party. A Member has the duty to see to it, in as far as is within his/her power, that colleagues do not misuse such information either.

2.6. A Member must not undertake any work which gives rise to any conflict of interest between clients (including public clients), unless otherwise agreed by the parties. A Member must declare an interest to his/her client.

2.7 A Member who has undertaken planning work on behalf of a client must not, until that engagement has been terminated, undertake work for or on behalf of any other client if by doing so the interests of either client would be in any way prejudiced or the member's ability to act in the interests of either client would be in any way impaired.

2.8 A Member in private practice on being approached to undertake professional work upon which to his/her knowledge another Member is, or

was previously employed, shall notify the fact to such Member prior to appointment and shall seek to establish in so far as is reasonably practicable that no undisputed fees are outstanding to the other Member in respect of said work.

2.9 A Member, whether in private practice or otherwise, shall not act in a professional capacity for a public body without notifying, as a matter of courtesy, the chief or most senior planner in that body.

2.10 It is the duty of a Member, who advertises his/her planning activities or allows these to be advertised, to see it that such advertisements are not misleading to the public nor detrimental to the dignity of the profession and the reputation of the Institute. Such advertisements should be modest in scale and frequency.

2.11 Members exercising their right as ordinary citizens to make public their personal views on any matter shall do so in such a manner as to avoid giving the impression to any person reading or hearing those views that they comprise or form part of a statement made by or on behalf of the Institute.

2.12 No Member shall claim as his/her own, or suppress, work carried out and recommendations made by any other Member of the Institute. Nor may a Member alter work done by another Member in such a way as to distort the latter's professional opinion.

2.13 All members shall take reasonable steps to maintain their professional competence throughout their working lives and shall engage and encourage other members to engage with the Institute's Continuing Professional Development programmes.

2.14 Members shall endeavour to mentor new members of the profession whenever possible.

### **3. Enforcement proceedings and disciplinary action**

3.1 The Institute will consider complaints received in writing regarding the professional conduct of members (of all classes).

3.2 Complaints regarding the professional conduct of Members will be:

- (a) Formally acknowledged by the Institute's Administrator normally within 5 working days; and
- (b) Referred to the next meeting of the Membership and Professional Practice Committee.
- (c) The complaint shall be treated as strictly confidential until such time as the Decision is made.

- 3.3 At the outset, the Membership and Professional Practice Committee shall determine whether or not:
- (a) The complaint alleges matters that are a significant breach of the Institute's Code of Professional Conduct; and
  - (b) The complaint includes sufficient details to enable the investigation of the matters alleged.
- 3.4 If the Membership and Professional Practice Committee is of opinion that the complaint does not relate to a possible significant breach of the Institute's Code of Professional Conduct, it shall:
- (a) Notify the complainant, in writing by registered post of this opinion, and
  - (b) Request the complainant to supply within a period of 2 months upon receipt of the notification such further evidence particulars or other matter in support of his/her complaint so as to support the allegation that it relates to a possible significant breach of the Institute's Code;
  - (c) If no response has been received within the specified period, the complaint shall be deemed to have been withdrawn, and the complainant shall be notified accordingly;
  - (d) If a response has been received, the Committee shall consider this response and if it is the Committee's view that it now relates to a possible significant breach of the Institute's Code, it shall proceed as per paragraphs 3.6 and following;
  - (e) If a response has been received, and having considered this response, if it is the Committee's view that the complaint does not relate to a possible significant breach of the Institute's Code, it shall decide accordingly and notify the complainant of this decision and the reasons therefor, and the complaint shall therefore be determined not to be upheld.
- 3.5 If the Membership and Professional Practice Committee is of opinion that insufficient details to enable the investigation of the matters alleged are included, it shall:
- (a) Notify the complainant, in writing by registered post of this opinion, and
  - (b) Request the complainant to supply within a period of 2 months upon receipt of the notification such further evidence particulars or other matter in support of his/her complaint;
  - (c) If no response has been received within the specified period, the complaint shall be deemed to have been withdrawn and the complainant shall be notified accordingly;
  - (d) If a response has been received the Committee shall consider this and if it is now of the view that the complaint does relate to a possible significant breach of the Institute's Code, it shall proceed as per paragraphs 3.6 and following;
  - (e) If a response has been received, and having considered this response, if it is the Committee's view that the complaint does

not relate to a possible significant breach of the Institute's Code, it shall decide accordingly and notify the complainant of this decision and the reasons therefor, and the complaint shall therefore be determined not to be upheld.

- 3.6 If the Membership and Professional Practice Committee determines that the complaint does relate to a possible significant breach of the Institute's Code of Professional Conduct and that sufficient details to enable the investigation of the matters alleged have been provided, then it shall:
- (a) Appoint a sub-committee of 3 Corporate or Fellow Members to carry out an investigation and prepare a written report;
  - (b) Send a full copy of the complaint to the member concerned by registered post and invite the submission of his/her written observations; and
  - (c) Write to the complainant by registered post indicating the steps that have been taken to investigate the complaint.
- 3.7 In conducting its investigation, the sub-committee may, at its absolute discretion, invite any of the parties to the complaint to an informal discussion of the matters raised if, in its opinion, such a discussion would assist in the completion of the investigation.
- 3.8 At the conclusion of its investigation, the sub-committee shall submit a written report to the Membership and Professional Practice Committee that:
- a. Summarises the complaint;
  - b. Summarises any response of the Member to the issues raised in the complaint;
  - c. Expresses the opinion of the sub committee as to whether or not a significant breach of the Institute's Code of Professional Conduct has occurred;
  - d. Recommends appropriate action, including possible disciplinary action; and
  - e. Indicates whether or not all the members of the sub committee are in agreement with the report.
- 3.9 On receipt of the sub-committee report, the Membership and Professional Practice Committee shall make a copy available to both the complainant and the member and invite each party to make any further submissions in writing by registered post within two months.
- 3.10 After the expiration of the period for additional submissions by the parties, the Membership and Professional Practice Committee, at its next ordinary meeting, shall consider the recommendations of the sub-committee and any further observations by the parties to the complaint and shall make a written report to the Council of the Institute

recommending any appropriate action, including possible disciplinary action, as set out in paragraph 2.2.

- 3.11 Where the Membership and Professional Practice Committee recommends disciplinary action, the member concerned shall be furnished with a copy of the report of the Membership and Professional Practice Committee and afforded the opportunity to address the Council of the Institute before any decision is taken.
- 3.12 The Members of the Council shall receive the Membership and Professional Practice Committee's written report not less than 7 working days before the Council meeting.
- 3.12 The Council then shall issue the appropriate sanction if it is satisfied that a significant breach of the Code of Professional Conduct has occurred. The decision of the Council is by simple majority of those present.
- 3.13 The Complainant shall then be notified of the outcome.