

Bye-Laws of the Irish Planning Institute

Code of Professional Conduct

(Adopted by Extraordinary General Meeting, 3rd September 1982, as amended by Annual General Meeting, 18th May 2000)

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.

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.

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

1. 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. 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.
3. 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.
4. A Member must not undertake any planning services which involve the giving or receiving of discounts or commissions, nor must he or she accept any discount, gift or commission from developers, contractors, or tradesmen in connection therewith.
5. A Member should observe the Schedule of Professional Charges adopted by the Institute from time to time, provided that this shall not preclude him/her waiving fees entirely if he/she wishes to act in an honorary capacity.

6. It is the duty of a Member to treat all information of a client as confidential and to keep it secret, in as far as he/she knows that such information is confidential or secret, or in as far as he/she may reasonably assume that this information is confidential or secret. 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.

7. A Member must not undertake any work which gives rise to any conflict of interest between clients (including public clients). A Member must declare an interest to his/her client.

8. 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.

9. A Member in private practice on being approached or instructed to proceed with professional work upon which to his/her knowledge another Member was previously employed, shall notify the fact to such Member.

9.a 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.

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.

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.

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.

13. (i) The duty of investigating any alleged breach of this Code or other alleged unprofessional conduct shall be vested in the Membership and Professional Practice Committee of the Institute, referred to as 'the Committee'.

(ii) If the Committee consider that a matter requires investigating in pursuance of their duties aforesaid, particulars of the alleged breach of this Code or other alleged unprofessional conduct shall be sent in writing to the Member concerned with a request for his/her observations.

(iii) The Committee shall not proceed with its investigations until the Member's observations have been received and considered or a period of six weeks has elapsed without reply from the Member.

(iv) Without prejudice to a Member's rights or the Committee's duty, the Committee may invite the Member concerned, or accept an offer from him/her to discuss the matter informally at this stage with the Committee or with members of officers thereof.

(v) The Committee shall not recommend any disciplinary action to the Council without first notifying the Member concerned of the recommendations proposed, with the reason or reasons therefore, and giving him/her the opportunity, within a period of six weeks of such notification, to make written representations to the Committee or to appear before the Committee or a sub-committee thereof in person or through any representative that he/say may choose.

(vi) When its investigation is complete, and subject to the last preceding paragraph, the Committee shall report to the Council and may recommend disciplinary action within the powers of the Council as hereinafter set out.

(vii) If the Council is satisfied on a report from the Committee that a breach of this Code or other unprofessional conduct has been proved the Council may :

(a) warn the Member as to his/her future conduct;

(b) reprimand the Member;

(c) suspend the Member from membership of the Institute for such period as the Council shall determine; or

(d) terminate the Member's membership of the Institute forthwith or from such date as the Council shall specify; provided that the Council shall not decide to take more severe disciplinary action against the Member than that recommended by the Committee without first notifying the Member concerned of the proposed action and giving him/her a further opportunity to make representations or to appear before the Council, the Committee or a sub-committee thereof in person or through any representative that he/she may choose.

(viii) The Council's decision shall be conveyed to the Member concerned in writing and shall be final.

(ix) The Council reserves the right, in the event of its deciding to suspend or terminate a Member's membership of the Institute to give such publicity thereto as it may, in its absolute discretion, deem appropriate in the interest of both the Institute and the public.

14. Members shall have regard to practice guidelines which may be issued by the Council of the Institute from time to time.