



The Royal Town Planning Institute

## **CODE OF PROFESSIONAL CONDUCT**

as last amended by the Board of Trustees on 28 September 2011

Effective from 1 January 2012

1. The Chartered Object of the Royal Town Planning Institute is to advance the science and art of town planning for the benefit of the public. It is the purpose of this Code to ensure that in all their professional activities members of the Royal Town Planning Institute:

- (a) shall act with competence, honesty and integrity;
- (b) shall fearlessly and impartially exercise their independent professional judgement to the best of their skill and understanding;
- (c) shall discharge their duty to their employers, clients, colleagues and others with due care and diligence in accordance with the provisions of this Code;
- (d) shall not discriminate on the grounds of race, sex, sexual orientation, creed, religion, disability or age and shall seek to eliminate such discrimination by others and to promote equality of opportunity;
- (e) shall not bring the profession or the Royal Town Planning Institute into disrepute.

To this end the Board of Trustees has drawn up the under mentioned numbered clauses which spell out in more detail the requirements of this Code. These requirements shall apply notwithstanding any permission or agreement to the contrary by or with the client or body employing or consulting any member.

In this Code the word 'member' means every corporate member, non-corporate member, honorary member and student of the Institute as defined by the Byelaws of the Institute. Words importing the singular number include the plural and vice versa.

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- 2 (a) Members shall take all reasonable steps to maintain their professional competence throughout their working lives and shall comply with the Institute's continuing professional development regulations as amended from time to time.  
  
(b) Members who, as employers or managers, have responsibility for other members shall take all reasonable steps to encourage and support such other members in the maintenance of professional competence and in compliance with the Institute's continuing professional development regulations.
- 3 In all their professional activities members shall not discriminate on the grounds of race, sex, sexual orientation, creed, religion, disability or age and shall seek to eliminate such discrimination by others and to promote equality of opportunity.
- 4 Members shall not make or subscribe to any statements or reports which are contrary to their own bona fide professional opinions and shall not knowingly enter into any contract or agreement which requires them to do so.
- 5 Members must take steps to ensure that their private, personal, political and financial interests do not conflict with their professional duties. They must take all reasonable precautions to ensure that no conflict of duty arises between the interests of one employer or client and another, or between the interests of any employer or client and the interests of themselves or their firms or business associates. They must disclose to their employer or clients, as appropriate, any such conflict, whether involving pecuniary or non-pecuniary interests. For the avoidance of doubt, 'private and personal interests' include those of a member's immediate family and friends, as well as those arising through membership of or association with clubs, societies and other organisations.
- 6 Members shall not disclose or use to the advantage of themselves, their employers or clients information acquired in confidence in the course of their work.
- 7 Members shall disclose to their employers or clients any discounts, gifts or commissions received from any third parties in connection with their work as professional planners.
- 8 (a) Before commencing work on any commission members shall ensure that their terms of engagement (which shall include a written fee agreement and clear indication as to the likely costs of an appointment) have been given and confirmed in writing to their clients and shall satisfy themselves that these terms have been accepted. Members shall honour the terms of engagement provided unless there is written agreement to a variation.  
  
(b) Members shall notify their clients in writing before undertaking work or incurring fees or expenses additional to those previously agreed and shall satisfy themselves that the necessary instructions have been received.
- 9 When accepting instructions from private individuals members shall ensure that the services offered are appropriate to the individual's requirements.
- 10 Members shall be insured against claims for breach of professional duty as town planners in accordance with the regulations appended to this Code.
- 11 Members shall provide the Institute with particulars of their practice, employment and business in accordance with the regulations appended to this Code.
- 12 The Board of Trustees may from time to time publish supplementary regulations relating to such matters as continuing professional development, planning aid, professional indemnity insurance, professional designations or licensed access to the Bar, and members shall comply with any such regulations.

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13 Members with responsibility for the work of a company or of a practice or partnership or of a local planning authority or of any central government department or agency or of any other organisation or body any of which is engaged in town planning work, or for the work of any department, section or team within any such organisation or body, shall take all reasonable steps to ensure that all town planning matters in the organisation or body, or within that part of the organisation or body for which they have responsibility, are conducted in accordance with this Code, whoever undertakes such work.

14 Members practising outside the United Kingdom and Ireland shall order their professional conduct in such a way as to uphold the status and integrity of the Royal Town Planning Institute and the profession of town planning.

15(a) It is the duty of every member, subject to any restrictions imposed by law or the courts, to report to the Institute any alleged breach of this Code of which he or she becomes aware and to assist the Institute in its investigations.

(b) It is the duty of every member who is the subject of investigation by the Institute to assist the Institute in its investigations.

16 The Board of Trustees, acting through the Conduct and Disciplinary Panel, has power to discipline any member who

(a) in the opinion of the Panel contravenes any of the provisions of the Code of Professional Conduct, including the supplementary regulations referred to in Annex A to the Code, or of the Royal Charter and Byelaws; or who

(b) is convicted by a court of a criminal offence which in the opinion of the Panel results in a breach of the provisions of Byelaw 19; or who

(c) in the opinion of the Panel is guilty of gross professional misconduct or incompetence or of such conduct as to render him or her unfit to continue to be a member of the Institute.

17 Disciplinary action will be taken only when the Panel believes that the member is personally responsible for the conduct or action in question.

*Annexes*

- A Supplementary regulations
- B Relevant Byelaws
- C Disciplinary action

## **ANNEX A: SUPPLEMENTARY REGULATIONS**

Paragraph 12 of the Code refers to supplementary regulations. These are as follows.

### **A1 Continuing Professional Development**

Every member, except for Student members who have not obtained a recognised planning qualification and Retired members shall, subject only to the exercise of the Board of Trustees' discretion in exceptional cases:

(a) at least once a year prepare a professional development plan for the next two years identifying his or her personal professional development needs;

(b) in any two year period undertake a minimum of 50 hours CPD activity related to the undertaking or managing of town planning;

(c) maintain a written record of his or her CPD activity;

(d) submit to the Institute on request and in such form as may be prescribed by the Institute:

(i) a copy of his or her professional development plan or plans covering the previous two years;

(ii) a written record of his or her CPD activity over the same period of two years, with an assessment of the value to him or her of each activity recorded and an explanation of the relationship between the CPD undertaken and the professional development plan or plans covering the period in question, taking into account any revisions to the plan made during the two year period;

(iii) a copy of his or her current professional development plan, if not already submitted under (i) above.

(iv) where appropriate, an explanation of his or her reasons for not having complied with any part of this regulation.

### *Notes to Regulation A1*

(i) CPD, or continuing professional development, is defined by the Institute as: 'The systematic maintenance, improvement and broadening of knowledge and skill and the development of personal qualities necessary for the execution of professional and technical duties throughout the practitioner's working life.' Work experience is not in itself CPD, although action-based learning undertaken on a structured basis to fulfil objectives identified in a member's professional development plan would generally be accepted as CPD.

(ii) The Institute's Professional Conduct Advice Note 1 gives further information and advice on how to comply with the CPD regulations, including the prescribed form for the submission of professional development plans and written records of CPD activity.

(iii) Corporate members who have retired from practice but who have *not* transferred to Retired Membership, and who are therefore still corporate members, remain subject to the CPD requirements of the Code.

### **A2 Planning aid**

A Code of Practice for Planning Aid Volunteers is published as annex A in 'The Management and Operation of RTPI Planning Aid Services', a copy of which should be held by every member involved in the provision of planning aid services.

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**A3 Advertising**

(a) All advertising must be legal, decent, honest and truthful and must avoid exaggeration and flamboyant language.

(b) Members must not make derogatory comparisons with the services available from other members and must not misrepresent the services available from their own practices.

(c) When canvassing instructions from private individuals members must:

(i) indicate that the individual's existing professional adviser (if any) should be consulted;

(ii) not canvass repeatedly or importunately nor continue canvassing instructions from individuals who have clearly stated that they do not require the services offered.

**A4 Use of the RTPI logo**

Members, Fellows, Legal Members, Legal Associate Members, Legal Associates and practices entitled to be described as 'Chartered Town Planners' may use the Institute's logo on letter headings and advertising and promotional material in accordance with the following provisions.

(a) Whenever so used by individual members the logo must be accompanied by the words 'Chartered Town Planner', 'Legal Member of the RTPI', 'Legal Associate Member of the RTPI' or 'Legal Associate of the RTPI' (or '... of the Royal Town Planning Institute') as the case may be.

(b) Whenever so used by practices entitled to be described as 'Chartered Town Planners' the logo must be accompanied by the words 'Chartered Town Planners'.

(c) Whenever so used by individual members who are partners or directors of a practice not entitled to be described as 'Chartered Town Planners' the logo and the accompanying words as prescribed in paragraph (a) above must clearly refer to the named individual member or members and not to the practice.

(d) The logo should not be used in such a way as to suggest that the member, members or practice are acting on behalf of the Institute and the words 'Royal Town Planning Institute' should be used (if at all) only in accordance with the provisions of this regulation.

(e) The logo may not be used by any member, practice or other organisation except in accordance with this paragraph and with the most recent guidance issued by the RTPI.

**A5 Provision of information to the Institute**

Every member shall within 28 days of being required to do so furnish to the Institute such particulars in such form as the Board of Trustees shall reasonably require:

(a) of his or her firm, if he or she is carrying on professional practice as a sole principal, partner, director or consultant to a firm; and

(b) of his or her employment, if he or she is employed under a contract of service or a contract for services.

Where a member has furnished particulars in accordance with this regulation and where any change occurs in the circumstances notified in those particulars he or she shall furnish full particulars thereof to the Institute no later than 14 days after such change has come into effect.

**A6 Compulsory Professional Indemnity Insurance Regulations**

**1. Definitions**

For the purpose of these Compulsory Professional Indemnity Insurance (CPII) Regulations unless the context otherwise requires:

“Member” means	<p>(a) any member of any class of membership of the Institute (including all corporate and non-corporate members and Students) who is or who is held out to the public to be practising as a town planner and who is</p> <p>(i) a sole principal of or</p> <p>(ii) a partner in or</p> <p>(iii) a director of or</p> <p>(iv) a consultant to</p> <p>a firm offering town planning services to the public</p> <p>(b) any member of any class of membership of the Institute (including all corporate and non-corporate members, Retired Members and Students) who has or was held out to the public to have practised as a town planner in any of those capacities and has within a period of six years ceased to do so;</p>
“Sole principal”	includes a Member who carries on practice as a principal whether in addition to other employment or not;
“Consultant”	includes any Member, whether or not expressly described as a consultant, who is employed in any firm offering town planning services to the public in which no partner or director is a Member and whose name appears on that firm’s business stationery or in business communications or material of any nature;
“Firm”	includes a sole principal, partnership, body corporate or company incorporated with either limited or unlimited liability;
“Held out to the public”	means described on business stationery or in business communications or material of any nature by words which include ‘sole principal’, ‘partner’, ‘director’ or ‘consultant’ or otherwise represented to the public as being a sole principal, partner or director of or consultant to a firm. For the avoidance of doubt ‘the public’ in the context of these CPII Regulations includes professional, corporate and institutional clients;

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<p>“Town planning services”</p>	<p>covers all work which town planners hold themselves out as being professionally qualified to undertake and includes but is not necessarily limited to:</p> <p>development planning and development control services;</p> <p>site appraisals and development feasibility studies;</p> <p>development and design briefs;</p> <p>environmental impact assessments;</p> <p>master plans and urban design studies;</p> <p>policy research;</p> <p>government development and urban regeneration strategies;</p> <p>coastal planning and waterside development;</p> <p>conservation of the historic environment;</p> <p>contaminated and derelict land;</p> <p>economic development;</p> <p>minerals planning and the management of waste;</p> <p>major housing schemes and new settlements;</p> <p>planning for retail, commercial, industrial, healthcare, tourism and leisure uses;</p> <p>re-use of surplus land;</p> <p>rural planning;</p> <p>transportation planning;</p> <p>urban regeneration;</p> <p>legal advice and services relating to town planning law and procedures</p> <p>but excludes teaching and lecturing</p>
<p>“RTPI Approved Policy”</p>	<p>means the policy wording as last approved by the Board of Trustees;</p>
<p>“Gross Income”</p>	<p>for the purposes of these CPII Regulations means all professional fees, remuneration, commission and income of any sort whatsoever in so far as these have been derived from work undertaken or performed in the United Kingdom (including the Channel Islands and the Isle of Man) and/or within the Republic of Ireland but excluding any sums received for the reimbursement of disbursements, any amounts charged by way of Value Added Tax and any income</p>

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	from judicial or other such offices as the Board of Trustees may from time to time determine;
“Preceding Year”	means the Member’s accounting year which ended during the 12 months before the date on which any insurance policy under these CPII Regulations is taken out;
“Uninsured excess”	means the amount of any claim which a Member or his or her firm may be required to pay before any indemnity is granted under the terms of any policy of insurance required under these CPII Regulations;

**2. Scope of cover required**

- (a) Members shall insure by means of a policy no less comprehensive than the form of the RTPI Approved Policy in force at the time when the policy of insurance is taken out.
- (b) Subject to sub-paragraph (c) of this Regulation every Member shall ensure that he or she and any firm offering town planning services to the public of which he or she is a principal, partner or director shall be insured against claims arising from work undertaken or performed within the United Kingdom (including the Channel Islands and the Isle of Man) and/or within the Republic of Ireland and that each partner or director of or consultant to such firm shall also be insured.
- (c) If a Member who is practising solely as a consultant to a firm offering town planning services to the public can show:
  - (i) that the firm to which he or she is a consultant covers the Member under its policy of insurance; and
  - (ii) that the firm names the Member as the insured or one of the insured on the policy of insurance; and
  - (iii) that such policy of insurance gives no less cover to the Member than that required by these CPII Regulations

then that Member shall not be under an obligation to carry any separate insurance cover over and above that carried by the firm concerned.

**3. Minimum limits of indemnity**

Subject to regulation 4 the minimum amount of cover required under these CPII Regulations shall be :

- (a) £100,000 for each and every claim where the gross income of the firm in the preceding year did not exceed £40,000; or
- (b) for each and every claim two and a half times the gross income of the firm in the



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preceding year where that income exceeded £40,000 but did not exceed £200,000; or

- (c) £500,000 for each and every claim where the gross income of the firm in the preceding year exceeded £200,000.

**4. Uninsured excess**

The uninsured excess under any policy of insurance shall not exceed:

- (a) in the case of a policy with a limit of indemnity of up to and including £250,000 a maximum sum of £7,500 each and every claim; or
- (b) in the case of a policy with a limit of indemnity of more than £250,000 a maximum of 2.5% of the sum insured or £10,000 each and every claim, whichever shall be the greater.

**5. Run-off cover**

- (a) Expert professional advice should always be sought and followed as to whether run off cover is required in all and any relevant circumstances.
- (b) In particular, run off cover (and following expert professional advice in respect of the same) is strongly recommended in the following situations:
  - (i) any former partner, director, sole principal or consultant be insured on an each and every claim basis against any claim arising from work previously undertaken for a period of six years from the date when such individual ceased to be a partner, director, sole principal or consultant.
  - (ii) any former partner, director, sole principal or consultant of a firm that amalgamates, merges, dissolves or is wound up or otherwise ceases to trade be insured for the six-year period following such amalgamation, merger, dissolution or winding up in compliance with the requirements set out in these CPII Regulations.
  - (iii) any Member who has formerly practised as a sole principal and has ceased to do so, for a period of at least six years

**6. Monitoring and return of certificates**

- (a) Every Member shall provide to the Institute within 28 days of being required by the Institute to do so, such evidence and in such form as the Board of Trustees shall from time to time prescribe either that the Member is not subject to these CPII Regulations or that the Member has complied with them.
- (b) Any sole principal, partner or director of or consultant to a firm offering services to the public who wishes to establish his or her exclusion from the effect of these Regulations on the grounds that the services offered by the firm are not town planning services must seek written confirmation of such exclusion from the Institute.

**7. Exclusion of liability**

No Member shall be insured under a policy of indemnity insurance which contains an exclusion of liability for claims arising from the Member's previous practice activity unless:

- (a) it is limited to claims arising as a result of work undertaken more than six years previously; or
- (b) the same liability is covered by a separate policy of indemnity insurance.

**8. Territorial application**

Although these CPII Regulations do not require Members to insure in respect of work which is undertaken outside the United Kingdom and/or the Republic of Ireland the Institute advises Members to obtain the best available cover for all work that they undertake wherever it is undertaken and expects them to abide by the spirit of the Regulations in so far as they are compatible with the laws of the countries in which they undertake work.

**9. Effective date**

These Regulations shall come into force on 1 January 2007.

**ANNEX B: RELEVANT BYELAWS Revised 2007**

The Byelaws of the Chartered Institute include the following provisions relating to matters of professional conduct and discipline.

***Conduct of membership***

- 18 The Board of Trustees may issue a code or codes of professional conduct and practice setting out the standards, ethics and professional behaviour expected of corporate and other members and may from time to time amend any such code or any part or parts thereof.
- 19 Every corporate or other member shall observe the provisions of the Charter and these Bye-laws and shall conduct him or herself in such a manner as shall not prejudice his or her professional status or the reputation of the Chartered Institute and without prejudice to the generality of the foregoing every corporate or other member shall, in particular, comply at all times with any code of professional conduct prescribed and published by the Board of Trustees under the provisions of the last preceding Bye-law.
- 20 Procedures for the conduct of disciplinary proceedings in respect of any complaint made against a corporate or other member of any action contrary or prejudicial to the aims, objects and interests of the Chartered Institute or of conduct unbecoming to a corporate or other member shall be prescribed by Regulations which shall include power to warn, reprimand, suspend or expel a corporate or other member and which shall conform to the European Convention on Human Rights and the principles of natural justice and the Board of Trustees may establish a disciplinary committee and such other committees as it sees fit for the conduct of such procedures.

***Termination of membership***

- 21 The membership of a corporate or other member shall cease forthwith:
- 21.1 on receipt by the Secretary General of notice in writing from the corporate or other member of his or her intention to resign provided that if a corporate or other member has been notified that an investigation into his or her conduct involving any grounds for disciplinary action is to be conducted in accordance with these Bye-laws or that consideration is being given to such an investigation, his or her resignation shall not prevent the Chartered Institute continuing with disciplinary action relating to conduct before the resignation takes effect.
- 21.2 if a corporate or other member is expelled for non-payment of his or her subscription or otherwise in accordance with Regulations made under Bye-law 20.
- 22 The Board of Trustees may reinstate any corporate or other member whose membership has been terminated for any reason, and may cause reinstatement to be subject to previous compliance with such conditions as it may determine, including the payment of subscriptions in arrears and a re-registration fee.

**ANNEX C: DISCIPLINARY ACTION**

- C1 The Institute shall not use its disciplinary procedures to review the decisions of local planning authorities nor to investigate allegations of poor administration on the part of local planning authorities or other organisations.
- C2 The Institute will not normally investigate allegations which fall within the competence of a criminal court, civil court, industrial tribunal, Local Government Ombudsman or other duly appointed tribunal. In such cases, however, the Conduct and Disciplinary Panel reserves the right to consider whether any findings of fact by the relevant tribunal constitute a breach of the Code and if they do and if the Panel so determines to take appropriate disciplinary action.
- C3 Where there is a remedy that could reasonably be available to the complainant in civil proceedings the Institute will initiate its own investigation only
- (a) after the conclusion of any such proceedings, or
- (b) upon receipt of a written undertaking from the parties concerned that no such proceedings will be commenced pending the conclusion of the Institute's investigation.