

## PROFESSIONAL STANDARDS GUIDANCE NOTE 3

### Accuracy and mis-statements

#### Version 03.01

The [RTPI Code of Professional Conduct](#) (the Code) sets out the required standards of professional conduct and practice expected of RTPI Members. Its purpose is to protect and guide practitioners, and to serve as a tool to maintain public trust in the profession. All members, irrespective of their class of membership, are required to adhere to its five Core Principles:

- Honesty and integrity
- Professional competence
- Independent professional judgment
- Professional practice and duties
- Professional behaviour and respect

This guidance has been prepared to support RTPI Members with their professional responsibilities regarding: (1) Taking reasonable steps to avoid errors, (2) Avoiding misleading statements, (3) Facts vs Professional opinions, and (4) Plagiarism, referencing and using the work of others.

The relevant parts of the Code are within clauses 1, 7 and 13 which state:

*1. Members are required to uphold the highest standards of professional ethics and must act with honesty and integrity throughout their career.*

*7. Members shall act competently, conscientiously and responsibly and to this end are expected to apply reasonable standards of skill, knowledge and care in the performance of all their work, with the understanding that Members have a duty to their employers, clients, colleagues and others.*

*13. Members must base their professional advice on relevant, reliable and supportable evidence and present the results of data and analysis clearly and without improper manipulation.*

### 1. Taking reasonable steps to avoid errors

Many complaints arise as statements made are disputed, often by members of the public. As a result all members of the Institute must ensure that they give accurate information that can be justified when challenged.

The Code requires RTPI Members to act honestly and take all reasonable steps to ensure that their statements and actions are fair, honest and are not misleading. Where facts are presented these should always be checked to the best of your ability.

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CASE STUDY EXAMPLE: A consultant was engaged to submit a planning application for a new agricultural dwelling. The supporting statement included information relating to the number of livestock and operations of the farm business. While the accuracy of the statement was disputed by local residents, the RTPI Member qualified the information by stating it was provided by the client and this satisfied the Code's requirements.

It may not be possible to check the accuracy of all the information someone else provides; however RTPI Members must satisfy themselves that they have taken all reasonable steps to ensure that any information being relied upon is accurate, that those steps are recorded and therefore the information could be defended if challenged. Reasonable steps will depend upon many factors including the nature of the information and what it is being used for. A proportional approach should be taken. The more significant the information is to a decision, the greater the need for accuracy.

CASE STUDY EXAMPLE: A consultant was engaged to submit a planning application for a new house within a road where there was no mains drainage. The form stated that the property would be connected to the main sewerage system. A number of other planning applications had been submitted within the road, where the applicants had all noted that alternative provision was required. The information provided was incorrect and could have been easily checked and as a result, a breach of the Code was found.

If the source of information is someone you know to be reliable such as the opinion of another professional, it is reasonable to assume that the information they have given you is accurate. However, there may be instances where you have cause to question the accuracy of the information provided to you including where the advice is based on a misunderstanding of the brief or has a different interpretation of planning legislation, policy or guidance. Again a proportional approach should be taken and you may need to seek independent verification where the matter is of significance and make reference accordingly. An accurate and retrievable record should be kept of all matters relevant to a planning decision or evidence used to support the development of planning policy. This includes information which is in the public domain or that which may be used by others inside or outside their employing organisation. Handwritten notes should be clear and legible, or typed up, so that colleagues can refer to them in case of sickness, absence from work or where there may be a difference of view on what had or had not been agreed.

From time to time, errors in planning documentation can occur. Whilst one or two minor errors would not normally be found to be a breach of the Code, sustained errors throughout a document or major errors that bring the entire document into question or call into question the member's professional competence may amount to a breach of the Code.

## **2. Avoiding misleading statements**

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The deliberate inclusion of misleading information in any planning documentation or withholding information of material significance requires a different test as this questions the honesty and integrity of the Member. RTPI Members often have to make planning judgements, based upon a range of considerations. Mis-statements should be brought to the attention of the organisation, employer or client to conduct their own checks. You should seek to clarify any ambiguities in wording if asked to do so.

**CASE STUDY EXAMPLE:** An RTPI Member was engaged to appeal against a refusal by a local authority for an agricultural building. This Member was aware that the site had a long history of noise and other nuisances and several planning applications had been refused at the site. In preparing the appeal statement, the consultant neglected to include references to previous decisions which would have given the independent inspector relevant context for the professional view being expressed. The RTPI Member was in breach of the Code and received a warning for their conduct.

### **3. Facts vs Professional opinions**

Often statements are made as if they were a fact rather than a professional opinion. A statement such as "the proposal will not have an adverse effect on a location" is an opinion even though it is not clearly stated that it is one. Differing opinions are not a breach of the Code, unless it can be proved that the planner does not actually believe the statement that has been made. Where opinions are given, Members should make it clear that they are providing a professional opinion or judgement rather than stating a fact and provide an explanation why they have come to that opinion.

This can be done by using upfront wording such as "in my profession opinion" or within a 'Recommendations' section to your report outlining your professional advice based on the information that has been presented or made available and your assessment of the proposals.

When giving expert evidence within appeals, the Planning Inspectorate has provided advice on the inclusion of an endorsement as follows:

"The evidence which I have prepared and provide for this appeal reference APP/xxx (in this proof of evidence, written statement or report) is true [and has been prepared and is given in accordance with the guidance of my professional institution] and I confirm that the opinions expressed are my true and professional opinions."

### **4. Plagiarism, referencing and using the work of others**

RTPI Members should always reference other people's work where it has been used in a report authored or signed off by the Member and should make clear where information has been drawn from. In addition, when using someone else's work

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members should ensure that they have consent to use it, and in doing so should ensure that it conveys the intent of the author.

**CASE STUDY EXAMPLE:** A consultant commissioned an ecology assessment to support a planning application but then made significant changes to the report without making it clear which elements were their own, with the intention to mislead the local authority and others of the ecological appraisal of the proposed development. As a result, there was evidence of redrafting and use of someone else's work with improper accreditation of the material. By changing the report in that manner, the member was found to have not acted with honesty and integrity, had not discharged with due care and diligence their responsibilities to the client and others and in doing so had brought both the profession and reputation of the Institute into disrepute.

**CASE STUDY EXAMPLE:** An RTPI Member submitted a planning application accompanied by a planning statement which was substantially the same as one for a similar development nearby produced by another planner. The consultant was found to have plagiarized the work of another professional without acknowledging the author or checking whether they had consent to use the work.

Within research or academic reports and articles it is normal to analyse and reflect upon other work within the subject area, and in these instances it is not necessary to obtain the author's consent to do so, but all material should be fully referenced and attributed.