



RTPI
Royal Town Planning Institute

CODE OF PROFESSIONAL CONDUCT

As last amended by the Board of Trustees
Effective from 10 February 2016

RTPI
Professional
Standards

FEBRUARY
2016

Introduction

The Royal Town Planning Institute, as constituted by Royal Charter, (the 'Chartered Institute') exists to advance the science and art of planning for the benefit of the public. To achieve this the Chartered Institute requires planning professionals to meet and maintain high standards of competence and conduct themselves in a way that inspires trust and confidence in the profession.

This document is, in accordance with the Chartered Institute's Byelaws, a code of professional conduct and practice setting out the standards, ethics and professional behaviour expected of Members. The Chartered Institute requires its Members to adhere to five core principles, namely:

- Competence, honesty and integrity
- Independent professional judgement
- Due care and diligence
- Equality and respect
- Professional behaviour

The following numbered clauses indicate the required standards, ethics and professional behaviour of these five principles.

These requirements apply regardless of any permission or agreement to the contrary by or with the client or body employing or consulting any Member.

Additional guidance to Members, offering case studies and advice on the behaviours and practices required, may be published by the Chartered Institute.

Competence, honesty and integrity

1. Members must take all reasonable steps to maintain their professional competence throughout their career.
2. Members who, as employers or managers, have responsibility for other Members or professionals must take all reasonable steps to encourage and support them in the maintenance of professional competence.
3. Members must act within the scope of their professional competence in undertaking the professional planning services they are employed or commissioned to do.
4. Members must act with honesty and integrity throughout their career.
5. Members must take all reasonable steps to ensure that their private, personal, political and financial interests do not conflict with their professional duties.
6. Members must disclose to their employer or clients, as appropriate, any potential conflicts of interest.
7. Members must take all reasonable precautions to ensure that no conflict of duty arises between the interests of one employer, client or business associate and the interests of another.
8. Members must not disclose or use to the advantage of themselves, their employers or clients information acquired in confidence in the course of their work.
9. Members must not offer or accept inducements, financial or otherwise, to influence a decision or professional point of view with regards to planning matters.
10. Members must disclose to their employers or clients any offers of inducements, discounts, gifts or commissions received from any third parties in connection with their work.

Independent professional judgement

11. Members must exercise fearlessly and impartially their independent professional judgement to the best of their skill and understanding.
12. Members must not make or subscribe to any statements or reports which are contrary to their own bona fide professional opinions, nor knowingly enter into any contract or agreement which requires them to do so.
13. Members must disclose their professional designation where appropriate to their employers,

clients, colleagues or others and use their post-nominal letters, where held and where possible, in any professional correspondence as a mark of professional standing.

Due care and diligence

14. Members must discharge their duty to their employers, clients, colleagues and others with due care and diligence.
15. Before commencing work on any planning services, Members must:
 - a. ensure that their terms of engagement, which includes a written fee agreement and clear indication as to the likely costs and description of the services proposed, have been given and confirmed in writing to their clients and
 - b. satisfy themselves that these terms have been accepted.
16. Members must honour the terms of engagement provided unless there is written agreement to a variation.
17. Members must notify their clients in writing before undertaking planning work or incurring fees or expenses additional to those previously agreed and satisfy themselves that the necessary instructions have been received.
18. When accepting instructions Members must ensure that the services offered are appropriate to the client's requirements.
19. Members engaging in planning practice must, where applicable, be insured against claims for breach of professional duty.
20. Members who, as employers or managers, have responsibility for the work of an organisation or body engaged in planning work must take all reasonable steps to ensure that planning matters in the organisation or body are conducted in accordance with this Code.

Equality and respect

21. Members must not discriminate on grounds including but not limited to race, nationality, gender, sexual orientation, religion, disability or age.
22. Members must seek to eliminate discrimination by others and promote equality of opportunity throughout their professional activities.

Professional behaviour

23. Members are expected at all times to conduct themselves in such a manner that does not prejudice their professional status or the reputation of the Chartered Institute.
24. The Board of Trustees, acting under Byelaw 19, has power to discipline any Member who:
 - a. in the opinion of a disciplinary committee 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 18; or who
 - c. in the opinion of the disciplinary committee 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 Chartered Institute.

General provisions

25. The Code applies to all Members, irrespective of their class of membership or territory within which they practise.
26. It is the duty of every Member, subject to any restrictions imposed by law or the courts, to report to the Chartered Institute any alleged breach of this Code of which he or she becomes aware and to assist the Chartered Institute in its investigations.
27. It is the duty of every Member who is the subject of investigation by the Chartered Institute to assist the Chartered Institute in its investigations.
28. Disciplinary action will be taken only when the Chartered Institute believes that the Member is personally responsible for the conduct or action in question.
29. The Board of Trustees may from time to time publish supplementary regulations and Members must comply with any such regulations.

Annexes

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

Annex A: Supplementary regulations

A1: Continuing professional development

Every individual Member except for Affiliates, Student members and Retired members must, 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 planning;
- (c) maintain a written record of his or her CPD activity;
- (d) submit to the Chartered Institute on request and in such form as may be prescribed by the Chartered Institute:
 - (i) a copy of his or her current professional development plan and professional development 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) 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 Chartered 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 Chartered Institute will provide practical 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) Chartered and Non-Chartered members who have retired from practice but who have *not* transferred to Retired Membership, remain subject to the CPD requirements of the Code.

A2: Advertising

- (a) All advertising must be legal, decent, honest and truthful and must avoid exaggeration.
- (b) Members must not make derogatory comparisons with the services available from others engaged in planning work and must not misrepresent the services available from their own practices.
- (c) When canvassing instructions from a client or private individual, members must:
 - (i) indicate that the existing professional adviser (if any) should be consulted;
 - (ii) not canvass repeatedly or importunately nor continue canvassing instructions from individuals or clients who have clearly stated that they do not require the services offered.

A3: Use of the RTPI logo

Chartered Members, Legal Associates and practices directly employing two or more Chartered Members may use the Chartered Institute's logo on letter headings and advertising and promotional material in accordance with the following provisions:

- (a) For 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 Chartered Institute') specifically relevant to the class of membership.
- (b) For practices directly employing two or more Chartered Members the logo must be accompanied by the words 'Chartered Town Planners'.
- (c) Whenever so used by entitled individual Members who are partners or directors of a practice not otherwise entitled to be described as 'Chartered Town Planners' the logo and the accompanying words must clearly refer to the named individual member or members and not to the practice in accordance with the provisions of this regulation.
- (d) The logo may not be used by any member, practice or other organisation except in accordance with this regulation and with the most recent guidance issued by the Chartered Institute.

A4: Provision of information to the Chartered Institute

Every Member must, within 28 days of being required to do so or when a subsequent change in circumstances occurs, furnish to the Chartered Institute such particulars in such form as the Board of Trustees will 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.

A5: 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	(a) any individual member of any class of membership of the Chartered Institute (except Retired members) who is or who is held out to the public to be practising as a town planner and who is (i) a sole principal of; or (ii) a partner in; or (iii) a director of; or (iv) a consultant to; a firm offering planning services to the public; (b) any individual member of any class of membership of the Chartered Institute 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;
“Sole principal”	includes a Member who carries on planning 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 planning services to the public in which no partner or director is a Member;
“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 town planner or employee to a firm providing planning services. For the avoidance of doubt ‘the public’ in the context of these CPII Regulations includes professional, corporate and institutional clients;
“Planning services”	covers all work which town planners hold themselves out

	<p>as being professionally qualified to undertake and includes but is not necessarily limited to:</p> <p>development planning, development control or development management;</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 and marine planning and waterside development;</p> <p>conservation or enhancement of the historic or natural 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>public consultation and community engagement relating to planning practice;</p> <p>legal advice and services relating to planning law and procedures;</p> <p>climate change;</p> <p>energy and infrastructure development</p>
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	but excludes teaching and lecturing;
“RTPI Approved Policy”	means the policy wording as last approved by the Board of Trustees;
“Gross Income”	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 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 must 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 must ensure that he or she and any firm offering planning services to the public of which he or she is a principal, partner or director should 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 is also be insured.
- (c) If a Member who is practising solely as a consultant to a firm offering 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 such policy of insurance gives no less cover to the Member than that required by these CPII Regulations

then that Member will 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 must 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 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 must not normally 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 previous 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 must provide to the Chartered Institute within 28 days of being required by the Chartered Institute to do so, such evidence and in such form as the Board of Trustees will from time to time prescribe either that the Member is not subject to these CPII Regulations or that the Member has complied with them.

7. Exclusion of liability

No Member must 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:

- (i) it is limited to claims arising as a result of work undertaken more than six years previously; or
- (ii) 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 Chartered 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 10 February 2016.

Annex B: Relevant byelaws

The Byelaws of the Chartered Institute include the following provisions relating to matters of professional conduct and discipline. *Last revised and adopted in 2012.*

Conduct of membership

17. 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 Members and may from time to time amend any such code or codes or any part or parts thereof.
18. Every 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 Member shall, in particular, comply at all times with any code of professional conduct applicable to his or her category of membership prescribed and published by the Board of Trustees under the provisions of the last preceding Bye-law.
19. Procedures for the conduct of disciplinary proceedings in respect of any complaint made against a Member of any action contrary or prejudicial to the aims, objects and interests of the Chartered Institute or of conduct unbecoming to a Member shall be prescribed by Regulations which shall include power to warn, reprimand, suspend or expel a Member and which shall conform to 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

20. Membership shall cease forthwith:
- 20.1 on receipt by the Chief Executive of notice in writing from the Member of his or her intention to resign provided that if a 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.
 - 20.2 if a Member is expelled for non-payment of his or her subscription or otherwise in accordance with Regulations made under Bye-law 19.
 - 20.3 the Board of Trustees may reinstate any 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 Chartered Institute will 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 Chartered Institute will not normally investigate allegations which fall within the competence of a criminal court, civil court, employment tribunal, Local Government Ombudsman or other duly appointed tribunal. In such cases, however, the Conduct and Discipline Panel reserves the right to consider whether any findings of fact or judgement by the relevant tribunal or court 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 Chartered Institute will initiate its own investigation only after the conclusion of any such proceedings.



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For more information on professional standards

www.rtpi.org.uk/professionalstandards

For information on CPD

www.rtpi.org.uk/CPD

For more on professional indemnity insurance

www.rtpi.org.uk/PII

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