



The Royal Town Planning Institute

## **CODE OF PROFESSIONAL CONDUCT**

as last amended by the Council on 17 January 2001

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 Council has drawn up the undermentioned 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. Words importing the singular number include the plural and vice versa.

*RTPI Code of Professional Conduct*

- 1 (a) Members shall take all reasonable steps to maintain their professional competence throughout their working lives and shall comply with the Council'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 Council's continuing professional development regulations.
- 2 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.
- 3 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.
- 4 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.
- 5 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.
- 6 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.
- 7 (a) Before commencing work on any commission members shall ensure that their terms of engagement have been given and confirmed in writing to their clients and shall satisfy themselves that these terms have been accepted.  
  
(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.
- 8 When accepting instructions from private individuals members shall ensure that the services offered are appropriate to the individual's requirements.
- 9 Members shall be insured against claims for breach of professional duty as town planners in accordance with the regulations appended to this Code.
- 10 Members shall provide the Institute with particulars of their practice, employment and business in accordance with the regulations appended to this Code.
- 11 The Council may from time to time publish supplementary regulations relating to such matters as continuing professional development, planning aid, professional indemnity insurance, professional designations or direct professional access to the Bar, and members shall comply with any such regulations.

*RTPI Code of Professional Conduct*

- 12 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.
- 13 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.
- 14 (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.
- 15 The Council has power to discipline any member who
- (a) in the opinion of the Council 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 Council results in a breach of the provisions of Byelaw 7(2); or who
- (c) in the opinion of the Council 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.
- 16 Disciplinary action will be taken only when the Council 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 11 of the Code refers to supplementary regulations. These are as follows.

### **A1 Continuing Professional Development**

Every corporate member, Legal Associate, Technical Member and academically qualified Student shall, subject only to the exercise of the Council's 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) 'Academically qualified' means having successfully completed a course of initial professional education accredited by the Institute.

(iv) 'Student' means someone registered as being a Student of the Royal Town Planning Institute. It is not synonymous with a 'student' on an academic course.

(v) 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.

## *RTPI Code of Professional Conduct*

### **A3 Direct Professional Access to Barristers**

The Council has published guidance notes to assist Chartered Town Planners in the use of Direct Access to Barristers in England and Wales. As the title suggests, these are guidance notes rather than regulations. However, members' attention is drawn to paragraph 7.1, which points out that instructing members are personally liable for payment of barristers' fees and says: 'Failure by an instructing member to pay a barrister's fee would normally amount to professional misconduct and could result in disciplinary action being taken against the member under the Institute's Code of Professional Conduct.'

### **A4 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.

### **A5 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 letterheadings 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.

### **A6 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 Council 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.

## **A7 Compulsory Professional Insurance Regulations**

### 1: Definitions

For the purpose of these CPII Regulations unless the context otherwise requires:

'Member' means

(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

- (i) a sole principal of or
- (ii) a partner in or
- (iii) a director of or
- (iv) a consultant to

a firm offering town planning services to the public;

(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;

'Sole principal' includes a Member who carries on practice as a principal in addition to other employment;

'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;

'Town planning services' covers all work which town planners hold themselves out as being professionally qualified to undertake and includes but is not necessarily limited to:

development planning and development control services;  
site appraisals and development feasibility studies;  
development and design briefs;  
environmental impact assessments;  
master plans and urban design studies;  
policy research;  
government development and urban regeneration strategies;  
coastal planning and waterside development;  
conservation of the historic environment;  
contaminated and derelict land;  
economic development;  
minerals planning and the management of waste;  
major housing schemes and new settlements;  
planning for retail, commercial, industrial, healthcare, tourism and leisure uses;  
re-use of surplus land;  
rural planning;  
transportation planning;  
urban regeneration;  
legal advice and services relating to town planning law and procedures

but excludes teaching and lecturing.

'RTPI Approved Policy' means the policy wording as last approved by the Council;

## *RTPI Code of Professional Conduct*

'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 Council 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;

'Assigned Risks Pool' means an arrangement approved by the Council and established by the Institute to provide a temporary insurance facility for Members who are unable to comply with the Institute's Compulsory Professional Indemnity Regulations because they have been declined or constructively declined insurance but who satisfy the relevant rules of admission;

'ARP Panel' means the panel approved by the Council of the Institute to administer the Assigned Risks Pool on such terms as the Council shall from time to time determine;

'Listed Insurer' means an insurer who:

(a) is authorised by the Department of Trade and Industry in the United Kingdom or the Department for Enterprise and Employment in the Republic of Ireland to underwrite general liability insurance business or is in some other way recognised by the Department of Trade and Industry or the

Department for Enterprise and Employment to provide professional indemnity insurance business in the United Kingdom or in the Republic of Ireland respectively; and

(b) is rated within Standard & Poors 'secure range' (in at least Category BBB); and

(c) agrees to write a policy that is no less comprehensive than the form of the RTPI Approved Policy in force at the time when the policy of insurance is taken out; and

(d) agrees to underwrite for the period of the contract the ARP lineslip contract on terms set out in the Prospectus for Listed Insurers and to be bound by the terms thereof; and

(e) is listed by the RTPI for the purposes of the Assigned Risks Pool.

### 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

## *RTPI Code of Professional Conduct*

(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 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) (i) Every Member who is a partner, director or sole principal of a firm offering town planning services to the public shall ensure that any former partner, director or consultant continues to be insured on an each and every claim basis against any claim arising from work previously undertaken by such former partner, director or consultant within any of the territories referred to in sub-paragraph (b) of Regulation 2 above for a period of six years from the date when such individual ceased to be a partner, director or consultant.

(ii) In the event that a firm is amalgamated, merged, dissolved or wound up or otherwise ceases to trade, as the case may be, each former sole principal, partner, director and consultant shall ensure during the six-year period following such amalgamation, merger, dissolution or winding up that insurance cover that complies in all respects with the requirements set out in these CPII Regulations is maintained.

(b) Subject to sub-paragraph (c) every Member who has formerly practised as a sole principal and has ceased to do so shall for a period of six years maintain insurance cover on an each and every claim basis in accordance with the minimum limits of indemnity set out in Regulation 3 in respect of his or her previous practice.

(b) Notwithstanding Regulation 3 and sub-paragraph (b) of this Regulation a sole principal who has ceased to practise may take out a policy that provides a minimum limit of indemnity cover of £250,000 for any one claim and in all provided that the average annual gross income of the firm over the three years preceding cessation of practice did not exceed £50,000.

### 6: Assigned Risks Pool and Listed Insurers



## *RTPI Code of Professional Conduct*

- (a) Every Member shall in respect of all policies renewed on or after 1 January 2001 insure with an insurer who is a Listed Insurer as agreed from time to time by the Council and whose name has been entered on a list issued by the Council and available for inspection by Members on request.
- (b) Nothing in Regulation 6(a) shall conflict with the requirements of the EU rules applicable to public authorities and utilities when acquiring goods, works or services.
- (c) Notwithstanding the requirements of Regulations 2, 3 and 4 Members who are insured through the Assigned Risks Pool may take out a policy in the form prescribed by the Council that:
  - (i) is less comprehensive than the form of the RTPI Approved Policy in force at the time of admission to the Assigned Risks Pool; and
  - (ii) provides a minimum limit of indemnity according to gross income as set out in Regulation 3 except that it is in the aggregate rather than on an each and every claim basis; and
  - (iii) provides a maximum uninsured excess as determined by the ARP.
- (d) The ARP Panel will perform such advisory, monitoring and other functions (including that specified in paragraph (iii) above) in relation to the Assigned Risks Pool as the Council shall from time to time determine.

### 7: Monitoring and return of certificates

- (a) Every Member shall provide to the Institute:
  - (i) within 28 days of effecting indemnity insurance, a certificate in such form as the Council shall from time to time prescribe

signed by the Member or on the Member's behalf confirming details of the Member's current indemnity insurance policy; or

- (ii) within 28 days of being required by the Institute to do so, such evidence and in such form as the Council 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 Member who ceases to have indemnity insurance as specified in these CPII Regulations shall notify the Institute immediately.
- (c) 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.

### 8: 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.

## *RTPI Code of Professional Conduct*

### 9: 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 Council 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.

### 10: Power of waiver

The Council shall have power to waive in writing in a particular case any of the provisions of these Regulations.

The Council shall have power to delegate any or all of its powers under these Regulations to a committee of members of the Institute appointed for the purpose.

### 12: Effective date

These Regulations shall come into force on 1 January 2001.

**ANNEX B: RELEVANT BYELAWS**

(as last amended 4 January 2000)

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

**7(1) Code of Professional Conduct.** The Council shall have the power to prescribe and publish a Code of Professional Conduct and thereafter from time to time to revise, amend, add to or rescind such Code or any part or parts thereof.

**7(2) Conduct of members.** Every corporate and other member shall observe the provisions of the Royal Charter and these Byelaws and shall conduct himself 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 shall, in particular, comply at all times with any Code of Professional Conduct prescribed and published by the Council under the provisions of the last preceding paragraph of this Byelaw.

**7(3) Disciplinary action.**

(a) In respect of any member who in the opinion of the Council fails to comply with any Code of Professional Conduct prescribed and published as aforesaid or who otherwise contravenes the provisions of the Royal Charter or these Byelaws the Council shall have the power to:

- (i) warn the member as to his or her future conduct; or
- (ii) reprimand the member; or
- (iii) suspend the member from membership of the Chartered Institute for such period as the Council as determine; or
- (iv) terminate the member's membership of the Chartered Institute forthwith or from such date as the Council shall specify.

(b) Before suspending or terminating a member's membership in the circumstances referred to in sub-paragraph (a) of paragraph 3 of this Byelaw the Council shall notify the member concerned of the action proposed, with the reason or reasons therefor, and give him or her the opportunity, within a period of six weeks of such notification, to make written representation to the Council or a committee of the Council or to appear before the Council or a committee of the Council in person or through any representative that he or she may choose, and if the member shall elect to appear before the Council or a committee of the Council as aforesaid he or she or his or her representative (as the case may be) shall have the right to call a witness or witnesses to give evidence in his or her defence and to cross-examine any witness or witnesses called by the Council or a committee of the Council to give evidence against him or her: provided that any member of the Council or other person who shall have been previously concerned on behalf of the Chartered Institute in relation to the alleged contravention of the Code of Professional Conduct shall not take part in these proceedings.

(c) Any member whose membership is suspended or terminated as aforesaid shall remain liable to pay any unpaid appropriate subscription due from him or her.

**8(2) Resignation.** ... Once a corporate or other member has been notified that an investigation into his or her conduct involving any of the grounds for disciplinary action set out in sub-paragraph (a) of paragraph (3) of Byelaw (7) is to be conducted by or on behalf of the Council or that the Council is considering whether to carry out such an investigation, he or she shall not be entitled to resign from membership of the Institute until either the investigation has been completed and any conclusion notified to him or her or the Council has notified him or her that it has decided not to carry out such an investigation.

8(3) **Reinstatement.** ... Any person who has been convicted by a court of any criminal offence involving any of the grounds for disciplinary action set out in sub-paragraph (a) of paragraph (3) of Byelaw 7 and who has resigned his or her membership or whose membership has been terminated by the Council shall not normally be eligible for consideration for reinstatement within ten years.

### **ANNEX C: DISCIPLINARY ACTION**

C1 The Council 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 Council 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 Council 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 Council accepts the findings to take appropriate disciplinary action.

C3 Where there is a remedy that could reasonably be available to the complainant in civil proceedings the Council 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.