

Registration Body for Building Surveyors
CODE OF PROFESSIONAL CONDUCT STANDARDS
FOR
Building Surveyors

This Code should be read in conjunction with the Building Control Act 2007 and where there is a conflict the Act will take precedence over the Code

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Introduction

This Code for Building Surveyors reflects the ethos and culture of the profession and the spirit of the law governing it. It identifies the key principles and values that should guide day to day practice and emphasises the core values that are to be honoured.

The Code sets out the minimum standard of professional conduct and practice to be expected of Building Surveyors in the provision of services. It requires of them not only a recognition of their responsibilities to their clients but also their responsibilities to the public and fellow professionals.

Adherence to the Code demonstrates an ongoing commitment to ethical business practices as well as professional integrity and honesty and the provision of efficient and effective services.

Building Surveyors subscribing to this Code also demonstrate a commitment to ensuring that public confidence in the profession is maintained at a high level. This Code is binding on all Registered Building Surveyors.

1. GUIDING PRINCIPLES

1.1: Statutory Duty

Building Surveyors are obliged to be aware of their legal obligations, and to ensure that they and their employees comply fully with these obligations and all future relevant legislation

1.2: The Public Interest

Building Surveyors should recognise and accept that they have a responsibility to the public and should at all times, in the conduct of their professional business, act in a manner which affirms this. They should endeavour, in the conduct of their business, to ensure that public confidence in the integrity, probity and honesty of the profession is maintained by adhering to the highest standards of ethical behaviour.

1.3: Ethical Conduct

Building Surveyors should, in the conduct of their business, uphold at all times the standards set out in this Code and should conduct themselves in accordance with the standards of conduct expected of Building Surveyors in their practice. They should, in their day to day practices, adhere to an ethical standard of business practice and behave with independence, integrity, and fairness towards the public, their clients and fellow professionals.

1.4: Professional Conduct

Building Surveyors should, in the conduct of their business, act in a manner consistent with the good reputation of the profession and refrain from any conduct which might discredit it. For the avoidance of doubt, the latter conduct does not include:-

- normal competitive commercial activity, or
- advertising not prohibited elsewhere in this Code.

A Building Surveyor shall not take over the work of another Building Surveyor without communicating to that Building Surveyor that they have taken over such work.

Where a client transfers from one Building Surveyor to another, the second Building Surveyor shall inform the client that he may be liable to fees for both.

Building Surveyors should, at all times, act objectively, with honesty and free of any conflict of interest and not allow their actions or advice to be unduly influenced by others.

1.5: Conflict of Interest

A Building Surveyors has a conflict of interest where he is in a position of trust which requires the exercise of judgment on behalf of a person for whom he is acting and also has either private or business interests or obligations of a sort that might interfere with the exercise of his judgment.

Where a Building Surveyor identifies the existence of, or the potential for, a conflict of interest he should, as soon as practicable, inform the person for whom he is acting, in writing, of the circumstances and unless such person(s) consent(s) or requests in writing to his continuing to act, he must cease to act in provision of that service.

Where a Building Surveyor is offered any form of inducement by a third party or potential third party he shall immediately inform his client.

1.6: Confidentiality

A duty of confidentiality exists in respect of information gathered in the course of business. Confidential information may only be used or disclosed in accordance with statutory requirements. The duty of confidentiality shall remain even after the relationship has been terminated.

1.7: Professional Development

Building Surveyors have an on-going duty to maintain professional knowledge and skill at a level which ensures that they deliver an efficient and effective service to the highest standard.

1.8: Insurance

Building Surveyors should arrange, where appropriate, insurance cover in respect of professional indemnity together with statutory insurances.

1.9: Record of services

Records of service provided shall be retained for a period of at least six years and be made available for inspection by the Professional Conduct committee.

1.10: Advertising

Building Surveyors should not publish or cause to be published any material or advertisements that are false, misleading or dishonest. Any advertising material must take notice of advertising codes as well as consumer legislation.

2. RELATIONSHIP WITH CLIENTS

2.1: Provision of Service

Building Surveyors should take reasonable steps to ensure that they:

- Only engage in the provision of services for which they are qualified, and
- Not claim to have expertise or experience which they do not have.
- There is clarity on the part of the Building Surveyors on the precise nature of the services requested by the client,
- There is clarity on the part of the client on the precise nature of the service to be provided by the Building Surveyors,
- No agreement or letter of engagement is entered into for services which the Building Surveyors has not a reasonable expectation to fulfill by nature of competence, ability and resources,
- Where he requires to engage specialist expertise to assist in carrying out the agreement he shall inform the client before entering into an agreement with any such specialist,
- An agreement for the provision of services and conditions of engagement should be in writing,
- The terms of any such agreement are lawful, fair and reasonable, and include the following:-
 - The name of the Building Surveyor.
 - The address and contact details of the Building Surveyor.
 - Registration number.

2.2: Client Accounts

Building Surveyors who receive money other than fees in relation to the provision of Building Surveying services shall open and operate appropriate Client Accounts. The rules for operating such accounts shall be as follows:

- All client money shall be kept in an account, or accounts, separate from any personal, office or business account.
- A client account shall be a current or deposit account in which the word "client" appears and which is kept in a bank at a branch in the Republic of Ireland.
- Building Surveyors shall provide the client with notice of the lodgment of money to the client account and, on reasonable request, shall inform the client of the amount of money held in his client account.
- Building Surveyors shall maintain an up to date record of client accounts for inspection by the Professional Conduct Board.
- It will be the responsibility of Building Surveyors to ensure that records of client accounts are audited on an annual basis. Such an audit report should be retained for a period of six years from the closing of the client account.
- All monies in client accounts shall be clearly identifiable.
- All relevant money shall be lodged to client accounts without unreasonable delay, and no later than five working days from receipt by the Building Surveyor of such money.
- Each client account shall be held in credit until it is closed.

28th February 2008