

## *Association of Consulting Engineers of Ireland*

### **Code of Conduct**

#### **1. Role of the Association**

The Association is a professional body representing the business and professional interests of firms and individuals engaged in the practice of Consulting Engineering. It acts as the voice of the Consulting Engineering profession; assists in resolving issues of importance for clients and Consultants alike; and contributes to the development of relevant public policy and papers through involvement in Working Groups, Government Committees, and related fora.

#### **2. Code of Conduct**

The Association believes that it is essential that its Members should always act in an ethical and principled manner, and it therefore requires all Members to abide by a strict Code of Conduct which is supported by a written Complaints Procedure.

##### **2.1 General**

In carrying out its professional duties, an ACEI Member shall:

- Have full regard to the needs of society to protect the public interest;
- Recognise the fundamental role that a healthy, functioning environment has for the wellbeing of society and that this is under threat from climate change;
- Act consistently with the United Nations' 2030 Agenda for Sustainable Development;
- Preserve the integrity of the profession of consulting engineers; and
- At all times provide an impartial service of high quality in accordance with this code.

##### **2.2 Standards & Codes:**

- Members shall endeavour to respect and comply with the regulations, standards and codes of practice appropriate to their profession and to the task entrusted to them.

##### **2.3 Competence & Standards of Training**

- Members shall maintain knowledge and skills at levels consistent with development in technology, the needs of the environment, legislation and management and exercising reasonable skill care and diligence in the services rendered to the client.
- Members shall perform services only when competent to perform them.
- Members shall be committed to the principle of professional development of the management team and should undertake appropriate programmes of staff training.

##### **2.4 Professional Control**

- Members shall organize their work for a client in such a way that it is under the direct control of appropriate professionally qualified or suitably experienced persons

##### **2.5 Remuneration**

- Members shall be remunerated solely by the client. No direct or indirect benefit shall be received from any other party.
- Remuneration agreed between a member and its client should be such as to enable the Member to carry out its responsibilities to the client adequately in every respect.
- Members shall neither offer nor accept remuneration of any kind which in perception or in effect either: (a) seeks to influence the process of selection or compensation of Members and / or their clients or (b) seeks to affect the member's impartial judgement.

- 2.6 **Impartiality**
- Members shall be impartial in the provision of advice, judgment or decisions.
  - Members shall inform the client of any potential conflict of interest that might arise in the provision of services to the client
  - Members shall not accept remuneration which prejudices independent judgment.
  - Members shall not accept from any persons or company, any kind of favour which might compromise the impartiality of the member's decision, or prejudice their duties to their client.
  - Members shall not be the medium of payments made on their client's behalf (unless specially so requested in writing by their client) but shall only issue certificates or recommendations for payment.
- 2.7 **Conflict of Interest**
- Members shall avoid all conflict of interest with their client.
  - Members shall promptly inform clients of any shareholdings, association, connections or other commercial interests which the client might consider would impair the impartiality of their professional advice or the quality of their service.
- 2.8 **Fairness to Others**
- Members shall neither carelessly nor intentionally do anything to injure the reputation or business of others.
  - Members shall neither directly nor indirectly knowingly attempt to take the place of another member already appointed for specific work.
  - A Member shall build its professional reputation on the quality of its service and shall not compete unfairly with others.
  - A Member shall not pay, or offer to pay, any commission or contribution in order to secure or retain work.
  - A Member shall not falsely, maliciously or recklessly, directly, or indirectly, injure the professional reputation of another member.
- 2.9 **Reviewing the Work of Others**
- A Member shall not knowingly review or appraise the work of another engineer for the same client, without notifying such engineer.
- 2.10 **Taking Work Over**
- A Member shall not take over the work of a fellow Member, for the same client, unless it has satisfied itself, as far as it reasonably can, that the connection of such Member with the work has been terminated; that the legitimate interests of the member have been protected, and that it has notified the member concerned and received a request in writing from the client to take over the work.
  - A Member shall not take over the work of another member until that Member's appointment has been terminated by the client in writing.
  - A Member shall not knowingly solicit project work from a client who has a Member or Members already engaged for the same project.
- 2.11 **Clarity of Engagement**
- Members shall ensure that the terms of their engagements are clearly stated and in writing.
- 2.12 **Quality Management**
- Members are encouraged to adopt and maintain a system of quality management.
- 2.13 **Indemnity Insurance**
- Members shall maintain appropriate professional indemnity insurance cover.
- 2.14 **Working Overseas**
- The Association is a member of the International Federation of Consulting Engineers (FIDIC) and/or of the European Federation of Engineering Consultancy Associations (EFCA).
  - Members shall order their conduct according to the rules and standards of those bodies when working in a country where a member of those bodies is constituted.

### 2.15 **Bringing the Association into Disrepute**

- A Member shall not by its actions bring the Association into disrepute.
- A Member shall not act, or conduct itself in a manner which is, in the opinion of the Executive Committee, prejudicial to its position as a Consulting Engineering enterprise, or to the interests of the Association or its Members.
- A Member shall not knowingly act in a manner derogatory to the honour, integrity or dignity of the Association or any of its Members.

### 2.16 **Advertising of Services**

- Discreet advertising is permitted. Such publications and expressions of opinion shall be moderate and discreet in tone and content, factual and capable of verification or if not so capable of verification then clearly made as expressions of opinion.
- A Member shall not unfairly criticize either explicitly or by implication the work of another member.
- Statements shall not in any way bring discredit to the Association or to the profession.
- Signboards or plates may be placed on Members' premises or on work sites.
- Commemorative tablets or inscriptions bearing Members' names may be placed on completed works.

### 2.17 **ACEI Ethics Committee**

- Members shall co-operate fully with the ACEI Ethics Committee in any inquiry with regard to a complaint brought against a member under this Code of Conduct.
- Members shall abide by the decisions of the ACEI Executive Committee.

## **3. Complaints against a Member Company or an ACEI Fellow Professional Consulting Engineer**

The Association is seriously concerned at all times with any breaches of the Constitution or Code of Conduct of the Association and views with particular concern any action by a member or an ACEI Registered Fellow Consulting Professional Engineer which may directly or indirectly injure the professional interest of another member or the Association.

Allegations regarding breaches of the Code of Conduct shall be considered by the Association's Ethics Committee which is one of the Advisory Committees established by the Executive Committee. The ACEI Code of Conduct is mainly concerned with the ethical standards and the propriety of actions taken by members. The ACEI Executive Committee shall undertake to assist where possible in the resolution of a complaint made by a client(s) against a member or a complaint made by a member against another member.

In relation to a complaint against an ACEI Fellow Professional Consulting Engineer (FConsEI), if in the judgment of the Executive Committee it is appropriate to do so the matter shall be referred to the Ethics & Disciplinary Committee of the respective Chartered Institution of the person concerned.

The procedures for dealing with complaints against ACEI members are as follows:

### **3.1 Complaints from Clients**

- i. All complaints must be received in writing for consideration by the Executive Committee.
- ii. Client informed of procedures for dealing with such complaints.
- iii. The member concerned to be made aware of the complaint, receive copies of relevant correspondence and asked to submit a report on the matter.
- iv. If appropriate, Executive Committee to refer the complaint to the Ethics committee for investigation.
- v. Ethics Committee to undertake review of the issues involved.
- vi. Ethics Committee then may arrange informal meetings with both the client making the complaint and the member being complained about to give both an opportunity of offering their explanations.
- vii. No minutes of these meetings are to be recorded and members are to be advised accordingly.
- viii. It will be pointed out at the meeting that the purpose of the meeting is to establish details of the alleged breaches of conduct.

- ix. Meeting will not concern itself with the assessment of any engineering design.
- x. Members of current Executive Committee shall be precluded from acting on Ethics Committee.
- xi. If Member concerned has objection to any one of the Ethics Committee members, replacement to be sought.
- xii. The Association recognizes that in the event of a dispute between a client and a Member the most important thing to do is to try to resolve the matter in a just and amicable manner.
- xiii. Ethics Committee to submit a written statement on the matter to the Executive Committee for its consideration.
- xiv. In the case of a complaint by a client, following consideration by the Ethics Committee the Executive Committee may deem it appropriate to proceed to use the formal procedure.
- xv. If in the judgement of the Executive Committee the resolution of a complaint is one for arbitration or of a legal nature the Executive Committee will so advise the complainant and no further action will be taken by the Association in relation to this matter.
- xvi. In relation to the dispute over fees, and to avoid legal costs if possible, the Association will invite the complainant to consider, (if both parties agree) seeking the services of a conciliator or mediator who may be able to facilitate agreement and assist in the resolution of the dispute.
- xvii. Letter to be sent to complainant setting out Executive Committee response in relation to the complaint.

### **3.2 Complaint from a Member against another Member**

A Member making a complaint against another member shall be informed of the procedures set down by the Association for dealing with such complaints.

If in the judgement of the Executive Committee the resolution of a complaint is one for arbitration or of a legal nature the Executive Committee will so advise the complainant and no further action will be taken by the Association in relation to this matter.

- In relation to the dispute over fees, and to avoid legal costs if possible, the Association will invite the complainant to consider, (if both parties agree) seeking the services of a conciliator or mediator who may be able to facilitate agreement and assist in the resolution of the dispute.
- Complainant will be advised that, if, having resolved the monetary element by a mediated or legal course, the complainant wishes to pursue any other remaining grounds for complaint, the Association will follow its' normal procedures in this regard. In the meantime the file will remain 'open'.

When proceeding with the complaint, the recommendation of the Association is that Members first avail of the informal resolution procedure. They must be informed that if they are not happy with the outcome of the informal resolution process then they have a right to make a formal complaint to the Executive Committee, which will be processed according to the requirements of the ACEI Constitution.

Member will then be informed of the process involved in the informal and formal procedures currently in place as follows:

#### **3.2.1 Informal Procedure**

- i. If a complaint received by phone the complainant to be advised to put details in writing naming the project and the member deemed to be in breach of the Code of Conduct of the Association.
- i. Member concerned requested to confirm whether or not it wishes to initially avail of informal procedure.
- ii. Member to be advised of names of 3 past presidents or other persons held in high esteem who have been appointed by the Executive Committee to act on informal Ethics Committee.
- iii. Members of current Executive Committee are precluded from acting on Ethics Committee.
- iv. If member concerned has objection to any one of the members of the Ethics Committee being put forward replacements will be sought.

- v. The Ethics Committee then may arrange informal meetings with both the member making the complaint and the member being complained about to give both an opportunity of offering their explanations.
- vi. No minutes of these meetings are to be recorded and members are to be advised accordingly.
- vii. It will be pointed out at the meeting that the purpose of the meeting is to establish details of the alleged breaches of conduct.
- viii. Meeting will not concern itself with the assessment of any engineering design.
- ix. Evidence from complainant will first be received in full before being responded to by the member alleged to be in breach of the Code of Conduct of the Association.
- x. Ethics Committee may first meet with both members separately and then all parties involved can discuss the matter and seek clarification on issues raised. Questions may also be asked by Ethics Committee during these exchanges.
- xi. Following end of these meetings Chairman will communicate to all parties the result of the Ethics Committee's own deliberations and will then try to resolve the situation between the members involved.
- xii. However, in the case of a complaint against another member, if the member making the complaint is unhappy with the outcome and wishes to formalize the complaint the Ethics Committee will advise the Executive Committee and the Formal procedure as outlined below will be followed.

### **3.2.2 Formal Procedure**

In the event of a complaint by any person or body which the Executive Committee decide by majority is a serious complaint against a member or its representative(s) the Executive Committee shall proceed as follows:

- i. Establish that a prima facie case has been made against the member or its representative(s).
- ii. Arrange for a hearing of the complaint in a manner which ensures at all stages the protection of the legal and constitutional rights of all those concerned in accordance with the principles of natural justice and take whatever steps necessary without limitation to ensure this outcome.
- iii. Take appropriate action when the outcome of the hearing is known.

**8<sup>th</sup> March 2002**

**Revised and agreed: Executive Committee Meeting 12<sup>th</sup> February 2008**

**Changes Proposed by President in 2013 – formally approved at Executive Committee Meeting 14<sup>th</sup> July, 2015**

**Changes proposed by President and Honorary Secretary in 2017 – Formally approved at AGM 31<sup>st</sup> March 2017**

**Changes proposed by Sustainability Committee in 2022 – Formally approved at AGM 25<sup>th</sup> March 2022**