



# **RIAS-regs**

## **Code of Conduct**

**Version 3.0 December 2019**

May 2018 revision: Change of Scheme name to RIAS-regs  
December 2019: Removal of EPCs

**RIAS**  
The Royal Incorporation  
of Architects in Scotland



## 1. Code of Conduct for Approved Certifiers of Design and Energy Assessors

This Code of Conduct applies equally to all Approved Certifiers of Design approved by **RIAS-regs**.

The object of this Code of Conduct is to promote the standard of conduct, or self-discipline, required of Approved Certifiers of Design who have been approved by **RIAS-regs** in the interest of the public. It aims to ensure that:

- Approved Certifiers of Design conduct themselves in a manner consistent with that of a professional person
- one Approved Certifier of Design does not gain an unfair advantage over another
- Approved Certifiers of Design do not misrepresent themselves
- the public may rely upon an Approved Certifier of Design for their integrity and professionalism
- Approved Certifiers of Design maintain evidence of the projects certified in sufficient detail to enable audit by **RIAS-regs**
- Approved Certifiers of Design maintain a complaint register, detailing complaints received with regard to their certification role and provide complainants with a copy of their Approved Bodies Complaints Procedure, and
- Approved Certifiers of Design provide complainants with a copy of **RIAS-regs** Complaints procedure

The RIAS-regs Complaints Procedure details those activities, such as working outwith competency, fraud, bribery etc which might lead to a complaint against an Approved Certifier of Design and/or an Approved Body.

All Approved Certifiers of Design must adhere to the Code of Conduct at all times. When it is alleged that an Approved Certifier of Design who is a member of **RIAS-regs** has acted in breach of the Code, the case shall be referred for full investigation to the Conduct Panel who shall inform the Approved Certifier of Design of the right to explain the circumstances.

## 2. The Code

In this Code, the words standing in the first column of the following table shall bear the meaning set opposite to them respectively in the second column if not inconsistent with the subject or context:

Appeals Procedure	An independent tribunal to consider appeals against a decision by the Conduct Committee following a hearing where a charge has been proven.
Client	Any person or body who commissions a service or services from a member.
Conduct Panel	The Conduct Panel is established to consider any charges against an Approved Certifier of Design arising out of the Code of Conduct or any complaint against an Approved Certifier of Design who has deemed to have conducted him or herself in a manner inconsistent with membership of the <b>RIAS-regs</b> Schemes.
Director	Director of a company incorporated under the <i>Companies Acts 1948 to 1985</i> .
In writing	Written, printed or lithographed or partly one or partly another or produced by any other modes of representing or reproducing words in a visible form.

Institutes	The Chartered Institute of Architectural Technologists or Chartered Institute of Building Services Engineers or The Royal Incorporation of Architects in Scotland or The Royal Institute of British Architects.
LLP member	Member of a Limited Liability Partnership incorporated under the <i>Limited Liability Partnerships Act 2000</i> .
Certifiers	Approved Certifiers of Design who have been approved to certify compliance with one or more parts of the Technical Standards by the <b>RIAS-regs</b> Scheme.
Partner	Partner in a partnership constituted under the <i>Partnerships Act 1890</i> .

**Clause 1:**

Certifiers shall at all times:

- a. act within their level of competency
- b. act with integrity and fairness so as to uphold the standing and reputation of the Scheme
- c. act faithfully and honourably in their professional responsibilities
- d. have regard to the public interest and to the interests of all affected by their activities
- e. rely solely on merit to secure commissions and appointments
- f. not seek directly or indirectly to injure the professional reputation of another

**Clause 2:**

- a. Certifiers shall take reasonable precautions to ensure that no conflict of interest arises as a result of their certification activities
- b. Any Certifiers perceiving a potential conflict of interest shall report that conflict in writing to their clients or employer at the earliest opportunity.
- c. Certifiers must not certify work designed by others without carrying out necessary checks to satisfy themselves of the adequacy of the design.
- d. Certifiers must disclose to RIAS-regs if they have been convicted of an offence by a court or have been subject to an adverse finding of any kind by any tribunal, court or other authority.

**Clause 3:**

- a. Those Certifiers who provide services directly to a client shall obtain and maintain professional indemnity insurance of no less than £50,000.
- b. Those Certifiers who are Directors or members of a LLP who provide services directly to a client shall ensure that professional indemnity insurance of no less than £50,000 is obtained and maintained on behalf of either that company or their Limited Liability Partnership
- c. Those Certifiers who, as sole practitioners, Partners, Directors or members of a LLP have ceased to provide services directly to clients shall take all reasonable steps to ensure that adequate run off professional indemnity insurance cover is in place

**Clause 4:**

The Certifiers in providing a professional service shall:

- a. exercise due skill, care, diligence and judgement
- b. on accepting instructions from clients, endeavour to ensure that services offered are appropriate to the clients' requirements
- c. before commencing work on any commission, endeavour to ensure that their terms of engagement have been given in writing to the client and shall satisfy themselves that those terms have been accepted
- d. endeavour to ensure that the clients' existing professional advisors (if any) have been consulted and that all responsibilities to those persons have been appropriately discharged

- e. not misrepresent their skills, qualifications and expertise nor the extent and depth of services they provide
- f. decline to provide a service to their clients if they knowingly lack adequate resources or, if appropriate, advise or recommend the necessity of assistance from a suitably qualified professional.

**Clause 5:**

The Certifiers must:

- a. keep themselves informed of current practices and developments appropriate to the type and level of their responsibilities
- b. undertake a minimum of 10 hours of energy related CPD per annum (this may take the form part of the general requirement for CPD required by a professional organisation) and maintain a CPD diary
- c. undertake only those tasks for which they have appropriate expertise and experience

**Clause 6:**

The Certifiers shall:

- a. report to **RIAS-regs** any alleged breaches of this Code by themselves of which they become aware
- b. not at any time seek to dissuade penalise or in any way discourage any person from bringing a complaint against a member.

**Clause 7:**

- a. Only Certifiers approved by **RIAS-regs** shall describe themselves as Approved Certifiers of Design and advertise their membership of the RIAS-regs for the appropriate parts of the Technical Standards.
- b. The Certifiers who are the subject of an investigation by **RIAS-regs** for an alleged breach of this Code shall use their best endeavours to assist in that investigation at their own cost.

### 3. Acceptance

I \_\_\_\_\_(applicant) agree to comply with the above Code of Conduct at all times in pursuance of my duties as an Approved Certifier of Design.

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Signed

Dated

### Referee

I \_\_\_\_\_(referee) confirm that to the best of my knowledge that the above signature is that of \_\_\_\_\_(applicant) who I have known for \_\_\_\_\_(years/month), In the capacity of \_\_\_\_\_(employer, senior colleague etc). I am a member of \_\_\_\_\_(name of Institute), Membership No \_\_\_\_\_(ref)

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Signed

Dated