

## **XVI. CODE OF PROFESSIONAL CONDUCT**

# **ARCHITECTS REGISTRATION BOARD CODE OF PROFESSIONAL CONDUCT BARBADOS-2008**

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### **PREAMBLE**

This Code indicates the minimum standard of conduct which the Architects Registration Board (ARB) expects of all Architects that they approved for registration.

It is important to note that an Architect approved by the ARB is considered a Licensed Architect and is not a Registered Architect in Barbados until he/she is properly registered with the Registrar of the Supreme Court. A Licensed Architect is only allowed to practise Architecture in Barbados for the period(s) that he/she is Registered. At the enactment of this code Architectural registration is required annual.

Any Architect whose conduct is found to be contrary to this Code or whose conduct is likely to bring the ARB or the profession into disrepute shall be liable to disciplinary action.

For the purpose of the application of this Code, the ARB may hold an Architect, acting through any organization, government body, corporate or unincorporated body or association, whether owned or controlled by the Architect, responsible for misconduct on the part of such groups if it is deemed that the action was within the control of the Architect.

Cases of unprofessional conduct not specifically covered by these clauses shall be dealt with by the ARB having regard to the particular circumstances of the case.

#### **A. PROFESSIONAL STANDARDS:**

##### **A.1 Integrity and Competence**

- (a) An Architect must show a proper sense of responsibility and integrity to his/her client, to his/her profession and to the public at large. He/she should seek continually to raise the standards of aesthetic excellence, architectural education, research, training and practice.
- (b) An Architect is required to perform his/her work with due care and diligence. He/She is required to have due regard for international, regional and local building codes as required for the prescription of acceptable health, safety and welfare standards in his/her practice.
- (c) An Architect must describe honestly his/her qualifications and competence to provide services to a client or an employer. He/She should not undertake or continue with work for which his/her training and experience have not adequately prepared him/her, without obtaining proper assistance and resources.
- (d) An Architect is allowed to use the title "Registered Architect" and the professional designation "RA" (which abbreviates "Registered Architect") after his name only for the period(s) that he/she is properly registered with the Registrar of the Supreme Court.
- (e) An Architect should not undertake professional work without adequate and appropriate professional indemnity insurance cover.
- (f) An Architect should preserve the security of monies entrusted to their care in the course of their practice or business.

A.2 Conflict of Interest

- (a) An Architect shall not assume or consciously accept or continue in a position in which his/her interest is in conflict with his/her professional duty.
- (b) An Architect shall declare to any client any business interest the existence of which, if not so declared, would or might be likely to raise doubts about his/her integrity by reason of an actual or apparent connection with or effect upon his/her engagement.
- ((c) An Architect may be architectural consultant, advisor, or assistant to building contractors, decorators, manufacturers, house and estate agents, estate development concerns or concerns trading in materials used in or whose activities are otherwise connected with the building industry, provided that he/she is paid by fee, salary or royalty and not by commission on sales or profits, and provided that he/she does not either directly or indirectly solicit custom for the concern involved.
- (d) An Architect shall not permit the insertion of any clause in tenders, bills of quantities, specifications, or other contract documents which provides for payment to be made to him/her by the contractor whatever may be the consideration unless with the full knowledge and approval of his/her clients (evidenced in writing).
- (e) An Architect shall not, when giving professional advice, put his/her own interest before that of his/her Client or Employer.

A.3 Impartiality:

- (a) An Architect shall act impartially in all cases in which he/she is acting between parties. Where he/she has responsibilities as Architect, under a building contract, he/she shall interpret the conditions of such contract with fairness.

A.4 Confidentiality:

- (a) An Architect shall not disclose information concerning the business affairs or technical processes or correspondence of Clients or Employers without their consent except when compelled to do so by a Court of Law or an appointed arbitrator.

A.5 Employee/Associate Relations:

- (a) An Architect employed as a salaried Architect/Officer by any Government/Government Agency, who is by reason of his/her office in a position to grant or influence the granting of any form of statutory or other approval, shall not undertake private work (notwithstanding any permission from his employing authority) unless his/her position and action in the matter can be shown to be free from any suspicion or suggestion of abuse.
- (b) An Architect shall have a proper regard for the professional obligations and qualifications of those from whom he/she receives or to whom he/she gives authority, responsibility or employment or with whom he/she is professionally associated. An Architect who employs architects shall define their conditions of employment, authority, responsibility and liability.

A.6 Improper Signing/Sealing of Drawings

- (a) An Architect shall not fix nor permit the fixing of his/her name, seal or stamp to any document or drawing that was not prepared by himself/herself or under his direction.
- (b) An Architect shall not fix nor permit the fixing of his/her name, seal or stamp to any document or drawing while he /she is not properly registered with the registrar at the time.

## **B. COMMISSIONS & REMUNERATION**

### **B.1 Obtaining Commission & Method of Remuneration**

- (a) An Architect shall be remunerated solely by the professional fees charged for the work entrusted to him/her.
- (b) An Architect shall render professional services to a client in accordance with the recognized method of remuneration and Conditions of Engagement of the **Barbados Institute of Architects (BIA)**, except in cases of an approved competition or works for charitable bodies, in which case prior approval of BIA shall be sought in writing.
- (c) An Architect shall not attempt to supplant another Architect by means of reduction of fees or other inducements. An Architect who is offering services as an independent consulting architect shall not revise a fee quotation to take account of the fee quoted by another Architect for the same service.
- (d) In order to influence or produce employment, an Architect shall not give or offer to any person any donation, rebate, discount, bonus, fee or commission which would, in effect, reduce the Architect's fee.
- (e) An Architect shall not attempt to obtain a commission by the submission of designs or provide any form of design service until he/she has been formally retained.
- (f) An Architect shall not provide professional services without a written agreement clearly defining the scope of his/her services and fees.
- (g) An Architect on being approached or instructed to proceed with work upon which he/she knows, or can ascertain by reasonable inquiry, that another Architect is or has been engaged by the same client shall notify the fact to such Architect by registered mail within seven (7) days, the receipt of which shall be acknowledged within seven (7) days. In the event of a response not being received within seven (7) days or if evidence is presented of a genuine dispute with the client then the facts may be presented to the ARB for direction.
- (h) An Architect should not compromise the quality or adequacy of the services to be provided in establishing remuneration.

### **B.2 Competitions: (Barbados only)**

- (a) An Architect shall not take part in an architectural competition which is not carried out in accordance with the BIA published guidelines for competitions, or such special conditions as may be subsequently approved by the ARB.
- (b) An Architect shall refrain from participation in, or immediately cease work on, a competition for which preliminary warning or instruction has been issued by the BIA or the ARB.
- (c) Architects asked to take part in a competition shall at once notify BIA, submitting particulars thereof.
- (d) No Architect may, except as a duly authorized competitor, attempt to obtain work for which an approved competition is in progress.
- (e) An Architect may not attempt to influence, directly or indirectly, the awards in any approved competition, except where he/she is a member of the jury appointed for such competition.

### **B.3 Acceptance Of Gifts Or Commissions:**

- (a) An Architect shall not accept any commissions, gifts, contribution or allowance, directly or indirectly, from contractors or other parties if these would reasonably appear to compromise the Architect's professional judgement or prevent the Architect from serving the best interests of his/her clients.

## **C. PUBLICITY**

### **C.1 Business Name:**

- (a) Architects' letterheads and other printed identification shall not mislead the public and may be subject to review by the ARB.

### **C.2 Office and Site Signs:**

- (a) An Architect may display his/her name or that of his/her firm at their place of business, provided that such name is not displayed ostentatiously. Lettering shall not exceed a height of 50mm.
- (b) An Architect may display a site sign not exceeding 305 x 1219mm. which shall state only the name, the address and the contact information of the Architect or of his/her firm and may be displayed only during the actual construction of the project up to practical completion.
- (c) An Architect may affix his/her name permanently in a discreet location to work for which he has been responsible, the lettering of which shall not exceed 25mm. in height.

### **C.3 Brochures:**

- (a) An Architect may prepare a written or audio-visual presentation or brochure for distribution to prospective clients, or a web page consisting of up to four pages, provided that the material consists solely of a description of the firm and personnel, factual outline of the activities of the firm, and illustrations and descriptions of selected work of the firm.

### **C.4 Advertisements in Press:**

- (a) An Architect may be permitted to advertise his/her name or services on a paid basis in the public press only in accordance with the following recommendations:
  - a1. A single advertisement where this is connected with the publicising of the completion of a particular building project with which the Architect or his/her firm has been involved. Such advertisement shall not exceed approximately four column inches in size, and shall contain only the name of the Architect or his/her firm, an indication of professional degrees and designations, business address and contact information.
  - a2. A modest notice dealing with the opening of a new practice, or any change of name, address, telephone number or the legitimate change of the make-up of a firm. Such notice shall be consistent in size and tone with the purpose of the notice.
  - a3. A suitably sized and phrased notice when seeking to hire persons for employment, or in the connection with a legitimate public notice such as calling for tenders.
  - a4. As part of a general listing authorised or sponsored by the ARB or BIA.
- (b) An Architect may allow his/her name, or that of his/her firm, to be used in connection with the publication or broadcast of legitimate news or professional reports.
- (c) An Architect shall not publish drawings of an indefinite or imaginary project unless it is clear that these are in no way intended as a means of obtaining a commission.
- (d) An Architect may allow his/her name or that of his/her firm to be listed as "patrons" in conjunction with affording financial support to educational, artistic or charitable organizations.

### **C.5 Product Endorsement:**

- (a) An Architect shall not give or permit any public endorsement of any building material or service by means of a statement to which his/her name is attached or with which his/her portrait is displayed.
- (b) The name of an Architect should only appear in a discreet manner in a product advertisement under a photograph of a building designed by that Architect and the Architect knowing of the intent of publication shall advise the advertiser accordingly of his/her approval, or otherwise.
- (c) An Architect shall not solicit or allow someone to solicit on his/her behalf, advertising for a publication promoting his/her work.

**D. GENERAL BEHAVIOUR:**

**D.1. Personal Behaviour:**

- (a) An Architect shall at all times conduct himself/herself in a manner befitting a Member of a learned and dignified profession.
- (b) An Architect shall report to ARB within 30 days if they are convicted of an indictable offence or sentenced to imprisonment in respect of any offence. Failure to make a prompt report may count against the Architect in the event of disciplinary proceedings.

**D.2 Public Comment:**

- (a) An Architect shall not injure falsely or maliciously, directly, or indirectly, the professional reputation of a fellow Architect or other person.

**D.3 Relationship With Other Architects:**

- (a) An Architect must not attempt to supplant another Architect by any means.
- (b) An Architect shall not copy or pass off the work of another Architect as his/her own and shall not claim authorship of the design of a project executed under a firm name other than his/her own, but he/she may identify his/her contribution to the project provided he/she acknowledges the author-firm by name.
- (c) An Architect shall not, without justification, refuse to provide to another Architect information of documents in his/her possession concerning a project in order to enable that other to continue or execute work relating thereto.
- (d) An Architect is required to notify the ARB of any alleged breach of this Code of which he/she has knowledge.

**D.4 Public Relations & Professional Involvement:**

- (a) An Architect should be willing to support the ARB in whatever way he/she may be best fitted so that its affairs are kept in good order and should assist and encourage other Architects so to do.
- (b) An Architect should endeavour to provide opportunities for continuing professional development of those entering the profession by assisting them to acquire a full understanding of the functions, duties and responsibilities of members of the profession.
- (c) An Architect should be willing to explain to the public at every opportunity the value and service of the Architect.
- (d) An Architect is not required but encouraged to support the development of Architecture in Barbados by joining the local professional association (BIA).

**D.5 Compliance With Regulations:**

- (a) An Architect must not be a party to any attempt to evade or circumvent or commit a breach of the provisions of the Architects Registration Act or regulations of the ARB.
- (b) An Architect shall respond within 30 days (or within such period as may be directed by ARB), to any letter received from the ARB relating to his/her professional conduct.
- (c) An Architect shall not refuse a request to appear before or to submit written documentation to Professional Conduct Committee of the Institute without proper justification.

**D.6 Disciplinary Proceedings**

- (a) The duty of investigating any alleged breach of this Code or other alleged unprofessional conduct shall be vested in the ARB and the Professional Conduct Committee of the ARB hereinafter referred to as "the Committee".
- (b) If the Committee considers that a matter requires investigating in pursuance of their duty aforesaid, particulars of the alleged breach of this Code or other alleged unprofessional conduct shall be sent in writing to the Architect concerned with a request for his/her observations.
- (c) The Committee shall not proceed with its investigation until the Architect's observations have been received and considered or a period of six weeks has elapsed without reply from the Architect.

- (d) Without prejudice to an Architect's rights or the Committee's duty, the Committee may invite the Architect concerned, or accept an offer from him/her, to discuss the matter with the Committee or with members or officers thereof. It may also invite the complainant or such other persons as it so wishes to discuss the matter with the Committee, or with members or officers thereof, and the complainant or any representative that he/she may choose.
- (e) The Committee shall not recommend any disciplinary action to the ARB without first notifying the Architect concerned of the recommendations proposed, with the reason or reasons therefore, and giving him the opportunity within a period of six weeks of such notification, to make written representations to the Committee or a sub-committee thereof in person or through any representative that he/she may choose.
- (f) When its investigation is completed and subject to the last preceding paragraph, the Committee shall report to the ARB on whether or not a breach of this Code or other unprofessional conduct had been proved.
- (g) In the event of the Committee reporting that no breach of this Code or other unprofessional conduct has been proved, such report shall be received by the ARB for information only and shall conclude the matter, subject only to the Architect and complainant concerned being notified in writing of the findings.
- (h) In the event of the Committee reporting that a breach of this Code or other unprofessional conduct has been proved, the Committee may recommend disciplinary action within the powers of the ARB as hereinafter set out.
- (i) If the ARB is satisfied on a report from the Committee that a breach of this Code or other unprofessional conduct has been proved the Council may:
  - 1) Warn the Architect as to his future conduct;
  - 2) Reprimand the Architect;
  - 3) Suspend the Architect's Licence to practise architecture in Barbados for such period as the ARB shall determine; or
  - 4) Terminate the Architect's ARB Licence (thus prohibiting him/her from any future registration to practise Architecture in Barbados) forthwith or from such date as the ARB shall specify; provided that the Council shall not decide to take more severe disciplinary action against the Architect than any recommended by the Committee without first notifying the Architect concerned of the proposed action and giving him/her a further opportunity to make representations or to appear before the ARB or the Committee in person or through any representative that he/she may choose.
- (j) The ARB decision shall be conveyed to the Architect and complainant concerned in writing and shall be final.
- (k) The ARB reserves the right, in the event of a finding that there has been a breach of this Code or other unprofessional conduct, to give such publicity thereto and to any disciplinary action taken thereon as it may see fit in the interest of both the ARB and the Public.

**END OF CODE**  
**BARBADOS ARCHITECTS REGISTRATION BOARD**