

ICE ADVICE ON ETHICAL CONDUCT

Contents

1. Introduction	2
2. Clarity of communication with clients	3
3. Declaring conflicts of interest	3
4. Preventing bribery and corruption	4
5. Preventing disasters	5
6. Respecting boundaries - provisions of the Party Wall etc Act 1996.....	6
7. Respecting and promoting equality and diversity	6
8. Sustainability	7
9. Whistleblowing	8
Appendix 1 - ICE Rules of Professional Conduct.....	9
Appendix 2 - Bibliography and further reading	9



1. Introduction

The purpose of the Institution of Civil Engineers' (ICE) Advice on Ethical Conduct is to give members advice and information about standards of professional practice that they should follow in order to behave ethically.

The institution recognises the international and increasingly dynamic nature of our membership. Ethics is considered here to be the system or code of moral rules, principles, or values expected of all our members. Ethics should also be considered within the context of country, culture, profession and global benefit.

The advice covers those matters which members should consider and adopt in their conduct when carrying out their professional duties, rather than simply those things which, if disregarded, would be likely to attract censure. Any form of involvement in bribery and corruption would be likely to breach Rule 1 of the ICE's Rules of Professional Conduct, as well as criminal law in the UK and in many other countries. Similarly, any breaches of the UK law governing equality and diversity would be likely to breach Rule 1 of the Rules of Professional Conduct. The ICE acknowledges the international status of our institution and advises that members should be familiar with local law and legislation within the country in which they reside and operate.

The Engineering Council and the Royal Academy of Engineering have jointly created a Statement of Ethical Principles for all engineering professionals. The ICE Code of Professional Conduct aligns with that Statement and outlines specific Rules of Professional Conduct to which members **must** adhere.

The duty to behave ethically

The duty upon members of the ICE to behave ethically is, in effect, the duty to behave honorably; in modern words, 'to do the right thing'. At its most basic, it means that members should be truthful and honest in dealings with clients, colleagues, other professionals, and anyone else they come into contact with during the course of their duties.

Members of the ICE should always be aware of their overriding responsibility to the public good. A member's obligations to the client can rarely, if ever, override this, and members of the ICE should not enter undertakings which compromise this responsibility. The public good includes care and respect for humanity's cultural, historical and archaeological heritage, in addition to the duties specified in the Rules of Professional Conduct to protect the health and wellbeing of present and future generations and to show due regard for the environment and for the sustainable management of natural resources.

The wider engineering community, including the Royal Academy of Engineering and the Society of Construction Law, have both issued statements of ethical principles which can be summarised below:

- **Honesty** - act with honesty and avoid conduct likely to result, directly or indirectly, in the deception of others.
- **Fairness** - do not seek to obtain a benefit which arises directly or indirectly from the unfair treatment of other people.

- **Fair reward** - avoid acts which are likely to result in another party being deprived of a fair reward for their work.
- **Reliability** - maintain up to date skills and provide services only within your area of competence.
- **Integrity** - have regard for the interests of the public, particularly people who will make use of or obtain an interest in the project in the future.
- **Objectivity** - identify any potential conflicts of interest and disclose the conflict to any person who would be adversely affected by it.
- **Accountability** - provide information and warning of matters within your knowledge which are of potential detriment to others who may be adversely affected by them. Warning must be given in sufficient time to allow the taking of effective action to avoid detriment.
- **Impartiality** - take decisions without prejudice or bias.
- **Transparency** - identify potential conflicts of interest and disclose this to the party who would be adversely affected by it.
- **Consistency** - behave in an ethical manner regardless of circumstance.

Advice to members

Members who are troubled by an ethical problem, particularly if they are worried about breaching the Rules of Professional Conduct, should be able to discuss their concerns with one or more of the senior members of the ICE. Any members who wish to do this should contact the Professional Conduct Panel (professional.conduct@ice.org.uk) or the ICE Ethics Committee (ethicscommittee@ice.org.uk) in confidence so that suitable arrangements can be made.

2. Clarity of communication with clients

Unclear terms of engagement with clients, especially in domestic and small works engagements, are a common cause of client dissatisfaction, sometimes leading to complaints against members. It is the duty of ICE members to provide all relevant information to enable a full understanding of agreed scope at the time of entering into a contractual arrangement. This can greatly lessen the likelihood of misunderstanding and disputes.

Members should ensure that the written terms of engagement are set out clearly in simple, layperson's language, with full details of the scope of services and fees to be charged.

Structural surveys are a common area of misunderstanding, with clients and members frequently at odds over what they think a structural survey actually entails. It is better that members avoid altogether the use of the term structural survey. This, too, is the advice of the Construction Industry Council (CIC) - see the CIC leaflet, Definitions of Inspections and Surveys of Buildings. Members should always make clear at the outset, in simple, layperson's language, what the survey will cover and what will not be covered. Members should take all reasonable steps to satisfy themselves that the client fully understands the service that is to be provided.

3. Declaring conflicts of interest

A conflict of interest is a set of circumstances that creates a risk that an individual's ability to apply judgement or act in one role is, or could be, impaired or influenced by a secondary interest. This may occur in any situation in which an individual or an organisation may benefit through the exploitation of an existing relationship/arrangement.

Whilst it may not always be possible to avoid a conflict of interest, the Code of Professional Conduct requires that ICE members must declare an interest. Each organisation should have

a means of formally declaring a conflict of interest and for tracking any developments/changes. Members should familiarise themselves with their organisation's policy.

As interests may change over a period of time members should keep all interested parties fully informed of all relevant developments and maintain an audit trail to demonstrate that they have done this. In particular, members should ensure that they are able to show that interested parties have been given time to lodge objections to any proposal which adversely affects them, and that the objections have received due consideration

4. Preventing bribery and corruption

Members should familiarise themselves with, and comply with, the relevant laws of the countries in which they work or of which they are citizens or residents. Members based in the UK or working for UK-based firms should be mindful of the provisions of the Bribery Act 2010, under which UK-registered companies and UK nationals can be prosecuted in the UK for an act of bribery committed either in the UK or partially or wholly overseas.

But irrespective of anti-corruption legislation, whether in the UK or in other countries, and the ICE's Rules of Professional Conduct, members should be aware of the wholly malign effect of bribery and corruption, particularly upon the poorest nations. In some parts of the developing world, bribery and corruption in construction and civil engineering is so widespread that it has significantly reduced the number of infrastructure projects. This could not have occurred without the participation in bribery and corruption of parties based in the developed world. The effect has been to reduce markedly the amount of work that these parties might otherwise have obtained.

Until recently, it has been a standard justification for such behavior that competitors indulge in these practices, and that failure to do so may disadvantage companies that are not dishonest. This can never be accepted as an excuse for members of the ICE to participate in bribery and corruption. Members in senior management positions have a particular obligation here. They should make positive efforts to ensure that, as far as reasonably possible, bribery and corruption does not exist, and cannot occur, in the organisations for which they work. They should set in place anti-corruption protocols and procedures so that junior employees are not drawn into corrupt practices through intimidation or persuasion by senior colleagues, and whereby they are able to report such practices without fear of reprisals of any kind, in particular, damage to their careers or prospects of advancement.

TI-UK, the UK sector of Transparency International, the world-wide coalition against corruption, has published a number of business tools which are designed to assist in the prevention of corruption in the construction and engineering industry. The ICE recommends all members, especially senior managers, to take advantage of the work that TI-UK has done here.

Another source of information and management tools to prevent corruption is the Global Infrastructure Anti-Corruption Centre (GIACC), an independent not-for-profit organisation which provides resources and services for the purpose of preventing corruption in the infrastructure, construction and engineering sectors. The GIACC Resource Centre is a web resource which provides free access to information, advice and tools designed to help stakeholders understand, prevent and identify corruption.

5. Preventing disasters

The responsibility to prevent disasters does not lie simply with those who first become aware that a set of circumstances has arisen which might lead to a disaster. Members who are in senior management positions have a duty to establish procedures so that potentially hazardous situations can be reported to those in a position to take action and ultimately to prevent them becoming actual disasters. They should ensure that all relevant staff are fully versed in these procedures, and they should provide that the lines of communication reach not only those who have the responsibility to take corrective action, but also those who can understand the implications of the situation.

This may also include the regular briefing of staff and teams on sites to communicate risk and disaster prevention measures. It is the duty of all ICE members to fully understand the impact of their decisions throughout a project lifecycle, the potential for disaster and the means of mitigation. Such examples of disaster on sites may include: structural collapse, plant overturning, and fire and explosion.

Large scale environmental disasters, such as deadly earthquakes, recurring floods and volcanic eruptions may not be avoidable. It is therefore the duty of ICE members to understand how to build better first time to safeguard the public where possible. This may include designing infrastructure and assets with particular focus on access, or the inclusion of materials which perform better in seismic activity i.e., bearings, structural frames etc. Engineers should consider how to provide greater resilience in projects and how communities may mitigate and recover in the event of a disaster. The ICE has published two themed issues (169 ME2 and 169 ME3) of its Municipal Engineer journal on best practice related to disaster management and emergency planning.

In the event that an engineer recognises a risk which has not been communicated, the duty to warn may be applicable. That is, the duty to identify and communicate the risk to those who the risk pertains.

Considerations

ICE members are expected to conduct themselves with an awareness of their overriding responsibility to the public good. This may therefore pose questions of conflict between that overriding responsibility and the requirement to protect the interests of their client organisation; most frequently where “doing the right thing” is more expensive or requires more time to deliver.

It is in these cases that a robust approach to risk assessment and management and disaster prevention should be employed. Each hazard should be assessed in a robust, documented manner.

Particular attention should be drawn to structural safety. Collaborative Reporting for Safer Structures is an independent body and was established in 1976 under the name of SCOSS. CROSS was started in 2005. In response to recommendations in the [Hackitt enquiry](#) and the requirements of the draft Building Safety Bill, SCOSS and CROSS were integrated under the name Collaborative Reporting for Safer Structures (CROSS) in March 2021.

CROSS is supported by the [Institution of Civil Engineers](#), the [Institution of Structural Engineers](#) and the [Health and Safety Executive](#) to maintain a continuing review of building and civil engineering matters affecting the safety of structures.

CROSS identifies in advance those trends and developments which might contribute to an increased risk to structural safety. CROSS interacts with the professions, industry and government on all matters concerned with design, construction and use of building and civil engineering structures. CROSS has introduced the Confidential Reporting on Structural Safety (CROSS) scheme. This aims to improve structural safety and reduce failures by using confidential reports to publicise lessons that have been learnt, and to generate feedback and influence change.

More information, including details of the confidential reporting procedures and safeguards, are given on <https://www.structural-safety.org/confidential-reporting/>

6. Respecting boundaries - provisions of the Party Wall etc Act 1996

Members should comply with the law of the country in which they operate. The Party Wall etc Act 1996, which applies throughout England and Wales, is highlighted because it is a continuing source of complaints about the professional conduct of members.

New construction projects and projects on existing structures frequently involve work affecting adjacent properties and which may be covered by the Party Wall etc Act 1996. In such circumstances, members must ensure that they are sufficiently aware of the provisions of the Act to be able to apply them properly, together with the procedures and the strict timing that the Act lays down.

Members who are responsible to their client for the design of works and then accept appointment as party wall surveyor under the Act must understand and appreciate the differences between their relationship with their client, as designer, and their statutory role as appointed surveyor, with an appointing owner. As appointed surveyor under the Act, a member's statutory duty is (and is ethically bound) to impartially apply the provisions of the Act, even where doing so may conflict with their client's instructions or require amendment of the design already prepared by the member. This distinction must be clearly explained to their client before accepting a statutory appointment as party wall surveyor. If in doubt, or where a member feels there could be a perceived conflict of interest, the member should decline to accept appointment as party wall surveyor under the Act.

Failure to apply the Act properly might, in certain circumstances, cause a member to be in breach of the ICE's Code of Professional Conduct, and thus in danger of disciplinary action.

The Party Wall etc Act 1996 is shown in full on the Parliamentary website: [Party Wall etc. Act 1996 \(legislation.gov.uk\)](#)

7. Respecting and promoting equality and diversity

The ICE values diversity and works to create a fairer environment free from harassment and

discrimination, and one in which everybody feels included and valued.

Rule 1 in the ICE Code of Professional Conduct includes the requirement to treat all persons with consideration and respect without bias. As a member of ICE, a reported breach of any of the Rules of Professional Conduct will lead to investigation and disciplinary action, irrespective of the local laws and/or custom.

The Universal Declaration of Human Rights is the foundation of much of the legislation enacted by individual countries to uphold and promote equality. It was adopted by the United Nations General Assembly in 1948 and Articles 1 and 2 enshrine the right of all persons to equal treatment.

The Equality Act 2010 is the legal framework for equality in the UK. Details of this legislation are shown on the website for the Equality and Human Rights Commission, at:

<https://www.equalityhumanrights.com/en/equality-act/equality-act-2010>

It is the expectation of the ICE that whilst members will practice due regard for local laws, they are required to comply with the Rules of Professional Conduct. In an effort to reveal and diminish occurrences of injustice and marginalisation and to promote a culture of fairness and inclusion, members are encouraged to respectfully call-out unethical behaviours. This may include encouraging inclusive language and practice, questioning and encouraging diverse representation or highlighting an underrepresented viewpoint.

Members who are in positions of authority in their organisations or firms should be mindful that an employer is liable in law if employees are subjected to direct/indirect harassment, victimisation or discrimination, and the employer does not take reasonable steps to prevent such activity. Policies and procedures should be in place to tackle wrongdoing and to encourage positive behaviours within the workplace.

8. Sustainability

The ICE believes that sustainable development is central to civil engineering and that the institution and the profession it serves must organise themselves accordingly. To aid members the ICE has produced a Charter for Sustainable Development and most recently the ICE State of the Nation report. Members should familiarise themselves with the contents of both the charter and the report, and from this they must aim to develop and maintain a high standard of sustainability awareness. They must strive for continuous improvement with a specific focus on the [17 UN Sustainable Development Goals](#). The ICE Professional Code of Conduct Rules 3, 4 and 5 refer specifically to the obligation of ICE members to consider:

- the well-being of future generations
- the environment and natural resources
- their own and others' professional knowledge, skills, and competence

Increasingly, engineers are called to account for their decisions, especially where projects are controversial or are opposed by particular interest groups. Members should therefore ensure that there is an audit trail to show that they have taken all relevant factors into account, and above all, that they have not acted in a way that breaches the ICE Rules of Professional Conduct. Members should ensure that they are able to show that parties opposing the project have been given time to lodge objections, and that the objections have received due consideration. Members who fail to take these actions may be vulnerable to disciplinary action by ICE in the event of a complaint against them.

9. Whistleblowing

Whistleblowing may be defined as “publicly raising concerns about misconduct within an organisation where internal reporting systems do not exist or are ineffective”.

Many organisations, both within the public and the private sector, including the engineering, infrastructure and construction sectors, have policies and procedures for the protection of whistleblowers. In the first instance, therefore, ICE members who are concerned about apparent wrong-doing in their organisations should consult their employer’s code or procedures for reporting wrong-doing. However, there may be good reasons not to use the employer’s internal procedures, e.g., they do not exist, they have already proved to be ineffective or not to have protected whistleblowers, in particular where their livelihoods and professional prospects have been compromised. Details on Protect, the whistleblowing charity, appear below.

The ICE’s scope for action, and its code of conduct

It is important that ICE members understand at the outset that ICE has very limited scope to support members who feel an obligation to make public disclosure i.e. to whistleblow. The ICE is constrained by its Royal Charter and cannot act as a trade union or professional association. Members should be mindful of the provisions in the ICE Code of Professional Conduct and the corresponding obligations upon all ICE members, which also apply to other ICE members who might be involved or implicated in the matter concerned, or who have failed to take appropriate action where the matter has been reported internally. Above all, ICE members should think things through carefully and use whistleblowing as a last resort.

The most common ethical themes that are raised by whistleblowers within the construction industry include:

- **Modern slavery** – including the employment of illegal workers, the redirection of wages or accounts of vulnerable people, abuse of the workforce and general exploitation of workers.
- **Health and safety breaches** – including breaches of legislation around risk assessment, training, provision of appropriate personal protective equipment, safe methods of working and the provision of appropriate policy and procedure.
- **Fraud, bribery, theft and corruption** – this may include acquisitive crimes, fraudulent procurement practice, bid rigging, disputes, inventory theft and other financial fraud.
- **Bullying, harassment, racism and discrimination** – unfair practices, noncompliant procedure, disregard for local law and legislation and harmful behaviours within a workplace.
- **Substance abuse issues** – over one third of respondents to a Considerate Constructors Scheme survey in 2016 confirmed that they have witnessed substance abuse amongst construction worker colleagues. Posing a threat to health, safety and welfare within the industry, the mismanagement of substance abuse is a common cause for whistleblowing.

Protect - the whistleblowing charity

Protect is recognised as a legal advice centre by the Bar Council and the Law Society. Since its establishment in 1993, Protect (previously called Public Concern at Work) has successfully advised on fifteen hundred cases.

Through its helpline, Protect’s lawyers provide confidential advice, free of charge, to people who are concerned about wrongdoing at work but who are not sure whether to, or how to raise their concerns. Examples of the wrongdoing about which Protect can give advice are fraud, public dangers and risks to consumers. For persons who are in this position, Protect aims to help them

identify how best to raise their concerns, while minimising any risk to them, and maximising the opportunity for any wrongdoing to be addressed.

Protect also provides information about how the Public Interest Disclosure Act 1998 (PIDA) operates. It does not take cases or represent clients, but for persons wishing to make claims under PIDA and needing help to do so it will provide information on other useful sources of advice. Information about Protect is given on its website at: <https://protect-advice.org.uk/>

Protect helpline: 020 3117 2520.

Appendix 1 - ICE Rules of Professional Conduct

Rule 1: All members shall discharge their professional duties with integrity and shall behave with integrity in relation to all conduct bearing upon the standing, reputation and dignity of the institution and of the profession of civil engineering.

Rule 2: All members shall only undertake work that they are competent to do.

Rule 3: All members shall have full regard for the public interest, particularly in relation to matters of health and safety, and in relation to the well-being of future generations.

Rule 4: All members shall show due regard for the environment and for the sustainable management of natural resources.

Rule 5: All members shall develop their professional knowledge, skills and competence on a continuing basis and shall give all reasonable assistance to further the education, training and continuing professional development of others.

Rule 6: All members shall:

- a. Promptly notify the institution if convicted of a serious criminal offence;
- b. Promptly notify the institution if they have had membership of another professional body terminated as the result of a disciplinary procedure;
- c. Promptly notify the institution upon becoming bankrupt or disqualified as a Company Director;
- d. Promptly notify the institution where the member, in good faith, believes there has been a significant breach of the Rules of Professional Conduct by another member;
- e. Promptly notify the employer or relevant authority where the member, in good faith, has a concern about a danger, risk, malpractice or wrongdoing which affects others (but this shall be an obligation only where the law of the relevant jurisdiction provides protection for such good-faith reporting under 'whistleblowing' or similar legislation), and;
- f. Support a colleague or any other person to whom the member has a duty of care who in good faith raises any issues covered by Rules 6d or 6e.

The ICE Code of Professional Conduct applies to all members of the ICE and outlines specific Rules of Professional Conduct to which members **must** adhere. The Code is supported by a number of Guidance Notes, these can be accessed at: [ICE Code of Professional Conduct](#)

Appendix 2 - Bibliography and further reading

1. INSTITUTION OF CIVIL ENGINEERS (2012) [ICE Charter for Sustainable Development](#),
2. INSTITUTION OF CIVIL ENGINEERS (2022) [Guidance on Attribute: Sustainable Development](#)

3. ENGINEERING COUNCIL (2020) [The UK Standard for Professional Engineering Competence and Commitment \(UK-SPEC\), 4TH edition.](#)
4. [UNITED NATIONS. Sustainable Development Goals: The 17 goals.](#) (website)
5. UNITED NATIONS (2015) [Transforming our world: the 2030 Agenda for Sustainable Development.](#)
6. INSTITUTION OF CIVIL ENGINEERS. [ICE and Decarbonisation: Towards net zero for infrastructure.](#) (Website)
7. INSTITUTION OF CIVIL ENGINEERS (2023) [ICE policy position statement: how can the UK's infrastructure system be made more climate resilient?](#)
8. UNITED NATIONS (2017) [The New Urban Agenda.](#)
9. UNITED NATIONS CLIMATE CHANGE (2015) [The Paris Agreement.](#)
10. UNDRR (2015) [Sendai Framework for Disaster Risk Reduction 2015 -2030.](#) United Nations Office for Disaster Risk Reduction,
11. [International Ethics Standards Coalition \(IES\)](#)
12. SOCIETY OF CONSTRUCTION LAW. [SCL Ethics Group.](#)
13. ICE (2016) [Proceedings of the Institution of Civil Engineers–Municipal Engineer 169\(2\): Themed issue on emergency planning and disaster relief: part I \(June, 2016, pp. 63-124\).](#)
14. ICE (2016) [Proceedings of the Institution of Civil Engineers–Municipal Engineer 169 \(3\): Themed issue on emergency planning and disaster relief: part II \(September, 2016, pp. 125-186\).](#)
15. ROYAL ACADEMY OF ENGINEERING (2023) [Ethics in the engineering profession : A Good Corporation report for the Royal Academy of Engineering.](#)
16. ROYAL ACADEMY OF ENGINEERING (2011) [Engineering ethics in practice: a guide for engineers.](#)
17. GOV UK (1998) [Public Interest Disclosure Act 1998.](#) (PIDA, UK)
18. GOV UK (2020) [Guidance: The Public Interest Disclosure Act.](#) (Updated 15 April 2020)
19. CROSS UK. [Reporting to CROSS-UK.](#)
20. UNITED STATES, SENATE (2002) [The Public Company Accounting Reform and Investor Protection Act 2002 \(USA\).](#)
21. [ACAS Whistleblowing at work.](#)
22. BEIS (2015) [Blowing the whistle to a prescribed person. List of prescribed persons and bodies](#)
23. DEPARTMENT FOR BUSINESS AND TRADE (2023) [Review of the whistleblowing framework: terms of reference.](#)
24. ENGINEERING COUNCIL (2015) [Guidance on Whistleblowing: for engineers and technicians](#)
25. GOV UK [Whistleblowing for employees.](#) (website)
26. [PROTECT- protection for whistleblowers and for regulators.](#)
27. PROTECT [A guide to PIDA \(Public Interest Disclosure Act 1998 \(PIDA\)\)](#)

28. This is a superseded document, we question its relevance to this list of references.
29. CONSTRUCTION INDUSTRY COUNCIL (2005) [Definitions of Inspections and Surveys of Buildings.](#)
30. DCLG (1996) [Guidance: The Party Wall Act 1996: explanatory booklet.](#)
31. PYRAMUS & THISBE CLUB (2016) [The Party Wall Act Explained. A commentary on the Party Wall etc Act 1996. 3rd Rev. edition. \(The Green Book\)](#)
32. GOV UK (1996) [The Party Wall etc Act 1996.](#) (Legislation)
33. GOV UK (2010) [The Equality Act 2010.](#) (Legislation)
34. EQUALITY AND HUMAN RIGHTS COMMISSION. [Equality Act 2010: Equality Act guidance and information.](#)
35. ROYAL ACADEMY OF ENGINEERING. [Diversity and Inclusion Research.](#)(website)
36. ICE. [Diversity and Inclusion](#) (website)
37. [Transparency International UK](#) (website)
38. Global Infrastructure Anti-Corruption Centre.www.giacentre.org
39. MINISTRY OF JUSTICE (2011) [The Bribery Act 2010: Guidance.](#)
40. [Collaborative Reporting for Safer Structures UK \(CROSS-UK\).](#)
41. ICE (2021) [Why the expansion of the CROSS confidential reporting scheme into fire safety matters to all civil engineers.](#) (Blog)
42. [ICE State of the Nation 2024](#)

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001	ICE Council	21 July 2004	Effective from 1 November 2004
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