

**The Faculty of
Party Wall Surveyors**



FPWS



**CODE OF
CONDUCT**

May 2018 Edition

Introduction

The purpose of this Code of Conduct is to uphold the professional standards of the party wall surveying profession and the reputation of the Faculty and its membership, and in doing so, ensure that the general public are best served.

Adherence to the Faculty’s Code of Conduct is a condition of membership, and a failure to do so may result in disciplinary proceedings being brought against the member.

This Code of Conduct applies solely to corporate and non-corporate members’ conduct in relation to all matters pertaining to the Party Wall etc. Act 1996 (‘the Act’) matters and/or their appointment or selection as a surveyor under section 10 of the Act.

Save for the Overarching Provision to members set out at Rule (1) below, this code of conduct does not apply to members’ other areas of professional practice outside of party wall work.

For members requiring further guidance, help on different aspects of this Code of Conduct can be found in the Guide to the Code of Conduct in the Faculty Handbook, and also on the Faculty’s website.

Interpretation

Unless the context otherwise requires:

‘Advertising’ shall include published, printed or digital media and editorial documentary article or material of any description.

‘Act’ is the Party Wall etc. Act 1996.

‘Corporate Member’ means a Member of the Faculty or Fellow of the Faculty, and entitled to use the post-nominals MFPWS or FFPWS; or an Honorary Member or an Honorary Fellow and entitled to use the post-nominals HonMFPWS or HonFFPWS.

‘Faculty’ means The Faculty of Party Wall Surveyors.

'Member' means a Member or Fellow of the Faculty only, and for the avoidance of doubt does not include Honorary Members, Honorary Fellows, Associates, Affiliates or Student Members of the Faculty.

'Non-Corporate Members' means Associates, Affiliates and Student Members and Retired Members, the latter bearing the post nominals MFPWS(Ret) or FFPWS(Ret) as appropriate.

RULES OF CONDUCT

Overarching Provision

1. Corporate and Non-Corporate Members shall conduct themselves at all times in a manner that befits their professional status and membership of the Faculty, and shall not engage in behaviour that may reasonably be regarded as prejudicial to the interests of the Faculty or its other members.

Bye Laws

2. Corporate and Non-Corporate Members shall comply with the bye-laws of the Faculty, where applicable.

Conflicts of Interest

3.
 - (1) Corporate and Non-Corporate Members shall avoid conflicts of interest (whether real or apparent) at all times when acting as a party wall surveyor. Appointments or selections should not be accepted where there is a known conflict of interest (real or apparent).
 - (2) Where a conflict of interest subsequently becomes apparent or arises, Corporate and Non-Corporate members shall immediately inform their appointing owners and, where appropriate, any other appointed surveyors.

Honesty and Integrity

4. Corporate and Non-Corporate Members shall conduct themselves with integrity at all times. In doing so, members shall:
 - (1) seek to resolve disputes under the Act both fairly and expeditiously.
 - (2) not undertake, and charge for, work that is not reasonably deemed necessary for the resolution of the parties' dispute.
 - (3) not charge excessive costs.
 - (4) not misuse or misappropriate appointing owner's funds.

- (5) not instruct or refer work to others where it is not in an appointing owner's best interests in pursuance of the Act.
- (6) not instruct or refer work to others for commission, discount or other similar such arrangement.
- (7) where appropriate, promptly pay any creditors such as other professionals or tradesman instructed in relation to party work.
- (8) respect confidentiality and the privacy of others insofar as practically possible.

Impartiality and due regard to appointing owners.

5.

- (1) Corporate and Non-Corporate Members appointed or selected under section 10 of the Act should act, and be seen to be acting, impartially.
- (2) Whilst maintaining impartiality, party appointed surveyors should nevertheless act with due regard to the interests of the party who appointed them.

Competence

6. Corporate and Non-Corporate Members shall carry out their work with due skill, care and diligence and with proper regard for the professional and technical standards expected of them as competent party wall surveyors.

Diligence

7. Members shall apply themselves diligently, and in doing so shall carry out their work in a timely manner and with proper regard for the standards of service expected of them and as required by the Act.

Courtesy and Respect

8. Corporate and Non-Corporate Members shall at all times act and correspond in a courteous and respectful manner with all owners, surveyors, and other professionals.

Advice and Assistance

9. Corporate and Non-Corporate Members shall, when undertaking their statutory functions, work with other surveyors within a spirit of impartial collaborative cooperation.

Advertising

10.

- (1) Advertising shall be factual and relevant, and must not contain untrue or misleading information.
- (2) Corporate and Non-Corporate Members shall ensure that the personal details of clients / appointing owners remain confidential and shall not be disclosed in any advertising without prior permission.

Use of Faculty Logo

11. Subject to Rule 13 below, Corporate Members are entitled to use the Faculty's logo on their company's or firm's website(s) and/or stationery, but this is permitted solely on the basis that:

- (1) the same website expressly states which personnel are Corporate Members of the Faculty, and
- (2) such a statement must be sufficiently prominent.

12. Non-Corporate Members are not entitled to use the Faculty's logo at all.

Use of Faculty's Post Nominals

13. Only Corporate Members or retired Members shall use the post nominals MFPWS, FFPWS, HonMFPWS or HonFFPWS, MFPWS(Ret) or FFPWS(Ret) respectively, and strictly in accordance with their requisite membership status.

Continuing Professional Development ('CPD')

14.

- (1) Members shall undertake a minimum of ten hours relevant activities per membership year for CPD purposes. At least five of these hours must be hours accredited by the Faculty.
- (2) The Faculty reserves the right to make random enquiries of members to ensure compliance with CPD. Members, when requested, shall therefore provide the Faculty's designated CPD co-ordinator with details of CPD undertaken in any particular membership year (currently 1st July to 30th June).
- (3) For the avoidance of doubt Non-Corporate Members and Honorary members do not have to comply with the aforementioned CPD requirements.

Professional Indemnity Insurance ('PII')

15. Practising members are required to maintain appropriate PII for party wall work purposes and commensurate with the level of party wall work that they undertake.

Notification

16. Corporate and Non-Corporate members shall:
 - (1) notify the Faculty if convicted of a criminal offence.
 - (2) notify the Faculty if found guilty of any complaint or disciplinary action relating to their professional activities.
 - (3) notify the Faculty if they become bankrupt; if they or their company enter into insolvency proceedings; or if they are disqualified as a company director.
 - (4) notify the Faculty if the subject of any county court judgments against them, either personally or as a company director or partner of a firm.

Membership Subscription Fees

17. Annual Subscription Fees shall be paid by the annual renewal date.

Other Sums

18. Corporate and Non-Corporate Members shall pay any other sums due to the Faculty within twenty-eight days of the date of the invoice.

Complaints

19.
 - (1) Corporate and Non-Corporate Members shall have in place an internal Complaints Handling Process ('CHP') for the purposes of any party wall work that they may engage in.
 - (2) Corporate and Non-Corporate Members shall therefore deal at first instance with any complaints regarding their conduct via their own internal CHP if requested to do so.

- (3) The aforementioned CHP shall include the Faculty as the final appealing body for such complaints.
- (4) For the avoidance of doubt, Corporate and Non-Corporate members' CHP are to be used where the complainant is either their appointing owner, any other owner who is a party to the matter, the other party appointed surveyor or the third surveyor.

Disciplinary Matters

20. Corporate and Non-Corporate Members shall co-operate fully with any investigation that the Faculty's Disciplinary Panel may conduct into a member's conduct.
-