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Code of Conduct and Guidance on Professional Practice

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Code of Conduct and Guidance on Professional Practice Royal Society of Chemistry

1. REGULATION OF THE PROFESSION

A profession demands advanced learning, practical experience and judgement in the application of special skills and is governed by a code of ethical conduct and practice. Those who claim professional status must, individually and as a whole, adhere strictly to the code and carry out their duties accordingly.

The Royal Society of Chemistry (RSC) is both a learned society and a professional body. Under its Royal Charter it has a paramount duty to serve the public interest. The RSC is responsible for fostering the advancement of chemical science and for certifying the competence and maintaining the integrity of its members.

Under the terms of its Charter, those members of the RSC who are entitled to use designatory letters are encouraged to do so in a professional context, to enhance both their own status and the standing of the RSC.

The RSC requires all members individually to uphold its Charter commitments, and has Disciplinary Regulations and procedures to ensure that high professional standards are maintained. There is a comprehensive and continuous duty on all members to act in such a way as to uphold the dignity and reputation of the profession and of the RSC itself, and to conform to any specific requirements that the RSC may prescribe in connection with particular circumstances.

The RSC provides advice, through this booklet, on its web site, and, when necessary, on a personal basis, to guide members on their professional duties and responsibilities. The guidance offered in this booklet applies to all fields of chemical activity; it is intended to complement but not to conflict with more specific advice or legislation that may apply to particular industries or professional pursuits.

The booklet supports the RSC's Code of Conduct and reflects the policies and views of the RSC Council and may be cited in any disciplinary inquiry. If a member is adversely criticised in a published report, or in the courts, such criticism may be regarded by the RSC as evidence of discreditable conduct and, if so, action under the RSC's Disciplinary Regulations will be considered.

The booklet's main purpose, however, is to help members to deal with the demands of their working lives and to cope with ethical problems. The RSC is always willing to help its members who have doubts about the ethics of any proposed course of action and can offer more specific guidance if necessary.

2. CODE OF CONDUCT THE ROYAL SOCIETY OF CHEMISTRY

The Council of the Royal Society of Chemistry (RSC) has adopted the following Code of Conduct.

1. This Code of Conduct is applicable to all members (Honorary Fellows, Fellows, Members, Associate Members and Affiliates).

2. All members, having subscribed to the declaration as required under paragraphs 6 and 13 of the By-laws, have a duty to

- observe the provision of the Charter and By-laws of the RSC and any regulations made under them

- *conduct themselves honourably in the practice of their profession*
- *maintain the highest standards of competence and integrity, especially in carrying out any statutory duties relevant to a particular appointment or area of employment*
- *have regard at all times to the public interest*
- *further the interests of and maintain the dignity and welfare of the RSC*

3. In order to fulfil their duty under this Code, members shall give due attention to any general guidance on professional conduct, together with advice on specific issues, and shall conform to any rulings on such matters that may be approved and issued from time to time by the Council of the RSC.

Members are reminded of the declaration signed on taking up membership of the RSC (as required under By-laws 6 and 13):

"I, the undersigned, do hereby declare that, while a member of the Royal Society of Chemistry, I will observe the provisions of the Charter and By-laws and any regulations made under them, and that I will conduct myself honourably in the practice of my profession and will further the interests and maintain the dignity and welfare of the RSC for as long as I shall continue to be a member."

3. GUIDANCE ON PROFESSIONAL PRACTICE

RSC members as professionals

The RSC demands rigorous standards of professional conduct; a lapse on the part of a member may have serious consequences. By taking a thoughtful and positive attitude towards their professional duties, members can solve for themselves most of the problems involving their duty to their employers and the community.

If a member, after careful consideration of the situation and, where possible, consultation with a respected senior colleague, remains in doubt about the right course of action, he or she should not hesitate to consult the RSC for impartial and constructive advice. The advice will be based on a unique fund of accumulated knowledge and experience and, should the need arise, is an important advantage of being a member of the RSC.

Members have responsibility for maintaining, improving and broadening their knowledge and skills to ensure continuing competence throughout their careers. This process is known as Continuing Professional Development (CPD) and is of increasing importance to all professional people. CPD can be carried out in a number of ways, for example through courses or seminars or by reading professional journals or networking with other professionals.

It is in members' own interests to be able to demonstrate to others that they have been undertaking appropriate CPD. Ongoing CPD is part of the assessment process for the award of the Chartered Chemist designation and holders of the designation should be able to demonstrate that they have developed and maintained competence in their chosen field.

RSC members and employment

As employees - ethical obligations

Members in all fields of employment should:

- fulfil their contractual responsibilities in letter and in spirit
- in serving the interests of their employer in good faith and to the best of their ability, always keep in mind the obligation to serve the public interest and maintain and enhance the reputation of the profession

How these principles are interpreted will vary from one job to another, but all members have an obligation to

- apply knowledge and skills to the best of their ability
- share with the employer a high degree of trust and confidence
- accept and carry out lawful instructions from a superior, subject to the right to have reservations put on record, and to request access to higher authority on matters of importance
- avoid any actions that could be interpreted as being of a discriminatory nature
- accept that resignation or dismissal may be the ultimate consequence of sustained protest on a matter of conscience or judgement

Members of the RSC may occasionally face difficulties that arise from pressure exerted upon them by others (individuals or organisations) to engage in, or condone, action that is in conflict with professional integrity and the ethical principles that the RSC requires them to observe. The RSC recognises that it has a role to fulfil regarding members who are considering speaking out against alleged wrong-doing on the part of an employer or others. It has procedures for investigating allegations of questionable behaviour on the part of non-members (as individuals or organisations) that are brought to the RSC's attention by members.



Most situations involving ethical problems can be solved by approaching a superior who, after all, is usually subject to the same ethical obligations. If there is a serious dispute with an employer that cannot be resolved, members should consult the RSC for advice and for support in professional matters. Members in small organisations may feel particularly exposed. They may have no scientific colleagues and they may have to face pressure to act unprofessionally. In these circumstances, the RSC may be approached in strict confidence.

As employees - contractual obligations

When members become employed, most of the contractual rights and obligations will be specified, either in a formal contract of service, or a letter of appointment. In any case, all employers in the UK are obliged to produce a document containing the main conditions of service.

There are also obligations, some legally enforceable, that arise from the relationship between the member and the employer. These apply even if they are not set down in writing.

The main obligations in summary are

- to give loyal, willing and diligent service
- to deal honestly with the employer's property and facilities
- to provide whatever skills and competence were claimed when entering employment
- to fulfil legal obligations specific to the field of employment
- to be willing to adopt new and improved methods of working, and to accept training
- to obtain the employer's permission, and to ensure that there are no conflicts of interest, before undertaking outside roles or additional employment
- not to obtain, attempt to obtain, or accept, any bribe, secret commission or inducement of any sort
- not to use information obtained by virtue of the employment to the detriment of the employer; and not to divulge secret information acquired in the course of employment (both during and after employment, without time limit)
- to allow and assist the employer to profit fully from discoveries and inventions arising from the normal duties of the employment (there may be a legal provision for an employee to derive benefit from an innovation of outstanding benefit to the employer)

Trades union membership and industrial action

Membership of a trades union can bring benefits to employees. The RSC has no objection either to trades union membership or to participation in collective bargaining. Many members of the RSC are in fields of employment where official negotiating machinery is in place, and belong to bodies which fulfil the functions of a trades union, whether they are described as such or not.

Participation in industrial action is not, in itself, unethical but there should be no situation in which members are obliged to take part in industrial action against their own wishes.

Industrial action may conflict with the primary duties of any member to serve the public interest.

Industrial action will almost certainly represent a breach of the employee's contract of employment and may also go against the fundamental principal of trust and confidence between an employee and employer. It is open to interested parties to seek to resolve disputes by negotiation or arbitration.

Some contracts of service specify that disputes which cannot be resolved by negotiation be referred to an arbitrator. The RSC commends this arrangement.

As managers or employers

Members who are in managerial positions, or who are employers, have professional responsibilities by virtue of their position; they will influence others by giving instructions and by example. In addition to meeting the ethical and contractual requirements that may apply (see previous sections), members have an obligation to

- recognise the right of professional subordinates to exercise their discretion
- facilitate the professional development of all employees
- provide equal opportunities for all employees
- be accurate and fair in appraising the work of others
- provide informative and constructive references
- resolve conflicts in accordance with clear procedures
- be strictly impartial when discussing redundancies or promotions

- avoid unfair or misleading statements to industrial tribunals investigating complaints of unfair dismissal by an employee
- ensure compliance with all regulatory requirements

Self-employed members

Much of the advice in the sections relating to the obligations of employees and managers is also applicable to members who are self-employed.

RSC members in education

Members engaged in teaching at any level have a special responsibility in that they lay the foundations on which scientific and professional standards will ultimately be built. They have an obligation not only to their students but also to the profession as a whole, because its future may be markedly determined by their influence on those of their students who choose to become members of the RSC. In addition to their other duties, they should set an example to their students.

Members in further and higher education have an important influence on the ultimate professional and ethical standards of their students. The highest standards of personal integrity and attention to accuracy should be exercised in chemical investigations and in the recording of results since anything less is unscientific and incompatible with high professional standards. In addition to imparting accurately the appropriate factual and scientific information, members should be aware of the ethical and societal implications of their work. The societal and environmental effects of chemical discovery should be a focus throughout a scientist's training, and teachers of chemistry and related sciences at all levels should emphasise these aspects.

Members who have a responsibility for the health and safety of students in laboratories must ensure that they and their students observe all relevant safe practices.

On occasion a conflict of interest may develop between responsibilities for the students and to the institution. An example is where management decisions are taken in the overall interest of the institution but which have an adverse effect on a particular group of students. In such cases the member must weigh up all the facts in the particular circumstance and may wish to talk confidentially to the RSC about the dilemma.

RSC members as consultants

All consultants must maintain a confidential relationship with clients, and must not divulge information obtained from clients to a third party. This may preclude the consultant from accepting work from another client working in the same field as an existing client.

At the outset of any consultancy work, the consultant and client should agree on

- a clear understanding of the objective of the consultation
- working arrangements
- the assignment of any patents arising out of the consultation
- the scope and manner of reporting including any publication
- the estimated cost, or the basis for charging

Consultants should ensure that they have sufficient Professional Indemnity Insurance cover.

The main duty of a consultant is to further the interest of the client, but there are also duties towards other consultants. Members must not attempt to poach other consultants' clients by attacking the consultants' reputations or improperly soliciting for work.

Consultants may have direct contact with the public, and so have a considerable influence on the perception of the profession.

RSC members and society

Serving the public interest

All members have responsibilities arising from their fundamental duty to serve the public interest and should be concerned with the progress of their science and with the use to which it is put. The RSC expects members to use their skills to advance and safeguard the welfare of humanity, particularly in the fields of health, safety and the environment.

Members, through their training and experience, can appreciate the benefits that chemical science has brought to society and can also foresee possible dangers. They therefore have a duty to refrain from one-sided arguments and they should discount and, when appropriate, counter exaggerated, illinformed or prejudiced statements. They should be prepared to advocate suitable precautions against possible harmful side-effects of science and technology and, unless constrained by statute, to bring their recommendations into the public domain. The ethical difficulties do not lie in the



acceptance of these social responsibilities but rather in deciding what is marginally good or bad for society and what action is appropriate.

Members have a duty to identify the hazards and assess the risks of scientific and technological activities and processes. They must strive for the highest standards of care in their own workplaces and take an active interest in safety throughout their organisations.

Some members work in industries or in areas of scientific activity that can be subjected to adverse publicity or can arouse hostility from pressure groups. Members are entitled to undertake any lawful scientific activity, which should be carried out within the general principles of societal responsibility outlined above. The RSC does not condone any attempt to coerce its members into refraining from lawful activity.

Members and legislation

Members should be aware of the general principles of law relating to health and safety, environmental protection, personal negligence, discrimination and human rights, and data protection. In addition, there is legislation relating to many specialised fields of scientific work.

Large organisations with many scientific staff will have experts whose job it is to keep employees and other staff informed of legal requirements affecting their work. Smaller organisations may not have such experts and will rely on members to watch for relevant legislation and to ensure compliance.

Although the prime responsibility lies with the employer in the event of a breach of the law, members should maintain a broad and up-to-date understanding of the laws, regulations and other developments in their own field. The fact that it is not a member's primary job to monitor legislation is not an excuse for ignorance of the law in the event of a breach.

If members are aware that legal requirements are being overlooked, they have a duty to put their objections on record and to do all they can to put matters right. Failure to act may count as consent, connivance or neglect in connection with any offence, and could result in charges being brought against the member as an individual.

Impact on the environment

Members should use their knowledge and experience for the protection and improvement of the environment.

In addition to legal obligations, members also have a duty to minimise adverse effects on the environment, to recommend and use best environmental practice, and to seek opportunities to promote sustainable development.

As part of their obligations to their employers and to society, members should assess the environmental impact of their activities and give appropriate advice.

News media

The news media often deal with health and safety issues, environmental protection, and other matters related to applications of chemical science. The coverage given is not always accurate or objective.

Members may be interviewed by reporters or representatives of newspapers and magazines, and may be asked to appear on radio or television. They should bear in mind that what they say may be taken as representing general opinion among members.

Members who are invited to comment by the media should first ascertain the facts of the case and ensure that they have a genuine contribution to make. If not, they should decline the invitation and if possible refer the inquirer to another scientist, rather than risk giving misleading answers through lack of knowledge.

Contributors should also consider the nature and objective of the programme or publication. If it has a reputation for running sensational news stories, there is a danger that comments may be taken out of context. Bad news attracts more attention than good, and the media may exaggerate the seriousness of an issue. Contributors may have to counter distortions without shrinking from unpleasant facts or conclusions.

It is most important that members make it clear when they are expressing opinions, rather than stating facts. This is especially true when the opinions are not shared by all professional colleagues.

Opinion, qualified or otherwise, should only be given following consideration of its possible consequences, particularly for other members. This does not mean that a member who believes it is in the public interest to express a particular opinion should hesitate to express it because it happens to be controversial, but it should be appreciated that strongly held personal attitudes are not always compatible with the public interest.

The RSC's name must not be used to imply its endorsement of personal views under any circumstances.

Publications, lectures and contributions to electronic media

The highest standards of integrity are required of members submitting scientific papers for publication. The considerations which apply to broadcast and press interviews apply also to other forms of communication such as books, lectures, and contributions to electronic media.

Authors should be aware of intellectual property laws governing copyright. In particular they should

- always obtain written permission from the copyright holder for the reproduction of figures, photographs, charts, drawings, tables and direct quotations
- guard against wrongful disclosure of confidential information, especially relating to current research and development work – it is best to obtain specific written approval from the appropriate organisation or individual
- give due acknowledgement to past scientific work and to all substantial help and advice received – omissions and mistakes can lead to defamation actions because reputations are involved
- obtain written permission from their employer before signing a contract with a publisher, even if the subject matter is not directly related to the employment

RSC members and evidence

Public committees

Members may be called on to give evidence to governmental or parliamentary committees or other public bodies. If so, they are advised to contact the RSC for advice about procedures.

Members should study the body's terms of reference and establish the capacity in which he/she will appear: as a representative of an employer, as a representative of an industry, as an independent expert, or as an interested member of the public.

If an inquiry is to consider matters of relevance to members generally, the RSC will probably make written or oral submissions and this may involve its members. A member who expects to give evidence before an inquiry in a personal capacity, on a matter that may affect RSC members generally, should contact the RSC. The RSC will be able to offer advice and information to the member and will find it useful to be aware of the matters that are the subject of the inquiry. Endorsement by the RSC should not be implied unless obtained in advance.

Commissions and committees may sometimes misinterpret or over-simplify scientific evidence. Witnesses should ask to see transcripts of their evidence, so that errors can be corrected before publication.

Tribunals and committees of inquiry

After a major accident, or other incident that has caused public concern, a tribunal or committee of inquiry may be set up. The powers of these tribunals vary, but they usually follow procedures similar to those used in the courts, except that no charges are brought. At the end of the hearing, a report is submitted. If serious criticisms, or allegations of default, negligence, or misconduct are made in the report, then legal proceedings may follow.

Inquiries and tribunals often seek to determine whether incompetence, misjudgement or neglect on the part of professional people caused or contributed to the accident or incident. Members called to take part in any inquiry should establish the capacity in which they are being called.

Unless called as completely independent witnesses, with no previous involvement in the events leading to the incident, members should seek personal legal advice before the hearing. This is in addition to any legal advice that their employer may provide. They should make sure that legal advice and consultation are available to them throughout the proceedings, so that evidence damaging to them may be questioned on their behalf.

A full transcript of the proceedings is usually available before publication. If so, witnesses should exercise their right to receive a copy and challenge any misleading statement relating to the evidence.

The RSC can advise members about their responsibilities and rights at hearings but is not able to present the cases of members called before tribunals or committees of inquiry. Therefore, members should seek to ensure that they are adequately represented. The RSC may also decide to have its own representatives present when a question of principle is raised which affects the profession as a whole.

Members as expert witnesses

The function of an expert witness is to assist the court in arriving at a verdict by elucidating the technical or scientific facts on which a lawsuit may depend.

In civil cases, the British courts normally expect both parties to appoint one agreed expert witness. If the parties cannot so agree, the court may appoint an expert from an approved list. Only in exceptional cases is there a requirement for appointment of experts by both sides. The overriding duty of an expert witness in a civil case is to the court, rather than to either party. This principle also applies in cases where expert witnesses are appointed by both sides.

In criminal cases, the British courts allow each party to call one or more expert witnesses to support its own case or to rebut evidence produced by the other side. This may result in the expert witness identifying with the interest of one side. Whereas it is clearly the duty of the expert witness to be concerned with the interests of the client, evidence must, nevertheless, be objective and strictly confined to matters on which the witness can speak with authority and from

personal knowledge. An obviously biased attitude in a case will detract from the value of the evidence and also cast doubts upon the integrity of the witness.

Members called as expert witnesses should familiarise themselves with court procedure and the Rules of Evidence. It is, for example, usually possible to quote from standard works of reference if these are produced, but the admissibility of this evidence, or its implications, may be challenged if the author is living and could be called. Scientific papers in journals may be quoted and produced, but the possibility of challenge is even greater. Hearsay, and conversations with third parties not present, will seldom be admitted as evidence.

During court hearings, counsel on both sides may well attempt to lead the expert beyond the strict confines of scientific knowledge into the realms of conjecture, personal opinions or prejudices which may later be demolished and the witness's credibility thus undermined. If, during the course of proceedings, matters come to light about which the expert witness was unaware, the court should be informed about this. Failure to do so may place the expert in an untenable position.

Evidence should be given in language understandable to everyone in court. Witnesses should, however, avoid traps set by counsel in the form of questions that demand a simple answer but to which a simple unqualified answer might be misleading. In such cases, appeals to the judge for permission to amplify or qualify the answer are seldom refused.

All expert witnesses should aim to establish their expertise with courtesy and with the highest professional integrity. They should also appreciate that, if two parties produce their own experts, there may be disagreement in the views presented by the experts. If alternative interpretations are put forward in good faith and with skill and moderation, a court will respect the integrity of the opposing experts even if it has to accept one argument and reject the other.

RSC members outside the United Kingdom

The RSC acknowledges that problems may arise in applying its requirements to members who are working outside the United Kingdom. Laws and customs in various parts of the world differ.

Nevertheless, all members of the RSC accept the same obligations on admission to the RSC.

The By-laws of the RSC provide specific powers for expulsion and suspension of members found guilty of any criminal offence involving fraud or dishonesty or who have been committed to prison for any other criminal offence. The term 'criminal offence' when used in these cases [contained in By-law 18] applies to offences defined by the law of the country in which the offence took place.

When dealing with allegations about a member's conduct, the RSC will take all relevant matters into account, including the laws and customs of the country in which the actions took place and which gave rise to the allegation.

All members, wherever they are resident or employed, are required to show the same allegiance to the RSC. Equally, the RSC provides appropriate support and advice to its members worldwide, by face-to-face contact, telephone, email or via its web site.