



## Code of Ethics and Professional Conduct

### ITACS Code of Ethics and Professional Conduct for Members

#### **BACKGROUND AND INTRODUCTION**

ITACS (Independent Trade Association of Computing Specialists) is for people who work in the IT industry and associated services in the UK. Its objectives are to improve the standards, training and education of those engaged in the profession. In carrying out these objectives, ITACS aims to ensure its members subscribe to its values and achieve high standards of professional conduct.

ITACS has the power to:

*'make rules and regulations to cover the conduct of its members and to provide for sanctions in the event of their infringement and to set up disciplinary procedures for the investigation of alleged breaches and for the imposition of sanctions where appropriate and for the hearing and final disposition of appeals by a member against any findings where a breach of such rules and regulations has been committed and or against the sanction imposed in respect of such breach.'*

This Association requires a high standard of commercial and technical competence amongst its members and for many years the members have provided customers with service rated as second to none. Member companies in ITACS are conscious of their obligation to their customers and continue to meet it willingly as part of a standard of good retailing and service. While in the vast majority of cases, the sale and servicing of IT equipment is performed accurately, promptly, courteously and effectively, this Code of Practice has been drawn up by ITACS to govern the conduct of ITACS members in their day to day dealings with customers and to give the consumers and clients confidence in the standards that they will receive.

The efficient operation of this Code is also dependent upon the support of manufacturers and wholesalers in the supply of products, spares and service facilities. The ITACS constitution contains provisions for the enforcement of the Code by the Committee of ITACS. In the event that a Member's behaviour to a customer or client is proved to the satisfaction of the Committee to have fallen below the standards set by the Code, the measures which may be imposed are a warning or termination of Membership of ITACS pursuant to the provisions of the byelaws of the Association.

## **PURPOSE OF THE CODE**

There is an identity of interest between customers, clients and the responsible Member to receive and to give good sales and after sales service. That service should ensure to be efficient, reliable, courteous and fair.

This Code of Ethics and Professional Conduct (The Code) is intended to assist members by defining conduct that if not adopted, could lead to suspension or loss of membership of the Association under the Bye-Laws. ITACS requires its members to accept and abide by its Code of Ethics and Professional Conduct as a condition of membership. The Code sets out in detail the standards of professional conduct required. The standards concern integrity, honesty, self-discipline, diligence and professional competence.

The Code is intended to give ITACS members clear guidance about how to conduct themselves. It is also of value to potential customers, clients and the wider business community by demonstrating the standard of behaviour they can expect of ITACS approved members. The Code does not detract or attempt to detract from, and is over and above, the legal rights of customers, of which the minimum level of service may be in excess.

ITACS will not accept into membership any person or organisation who immediately on becoming a member would breach any of the conditions of the Code of Professional Conduct and could lead to their suspension or loss of membership.

## **CHANGES TO THE CODE**

The Code may be amended from time to time by the approval of the membership at an Annual General Meeting by a simple majority of those present by virtue of the Bye-Laws and a decision of the ITACS Committee on the powers, duties, procedures and composition of the Professional Conduct Committee and Appeals Committee by virtue of Bye-Laws.

Copies of all relevant documents will be brought to the attention of new members at the time of joining and a current copy of each will be posted on the Associations website and will be made available by electronic mail if requested.

## **TO WHOM DOES THE CODE APPLY?**

The code applies to all members of ITACS and the staff working in those member companies. Every member has a duty to accept and abide by this Code as a condition of ITACS membership.

Members shall signify that they subscribe to the Code by signing the membership application form.

All members of the Association must comply at all times with current legislation which affects their business. Failure to do so will result in expulsion from the Association.

## WHAT HAPPENS WHEN MEMBERS DO NOT COMPLY WITH THE CODE?

ITACS disciplinary powers and procedures are as agreed by the ITACS Committee and are outlined in the Articles of Association, Memorandum and the Bye-Laws and reviewed from time to time. This provides that ITACS can suspend or disqualify members found to be 'guilty of unprofessional conduct or of conduct prejudicially affecting the reputation of the association'.

On receiving a report of alleged misconduct the Association will take the following steps:

- i) The ITACS Representative brings the matter to the attention of the ITACS Committee.
- ii) The Professional Conduct Committee (hereafter called the PCC) appointed by the ITACS Committee investigates the alleged report. The PCC after making suitable enquiries may decide not to investigate any such referral or complaint if it decides that there is insufficient evidence of professional misconduct to warrant further enquiry or if the matter is considered trivial or is an employment issue or it is more appropriate to be dealt with under another procedure. If it considers that the allegations are prima facie proven, it:
  - a) Informs the member in writing of the allegations; and
  - b) Sets a date for a meeting, which gives the member at least 30 days to prepare an answer. The member can make a written statement or can request an oral hearing at the Membership Committee, at which any person of his/her choice may represent the member.

The Professional Conduct Committee shall give the member a full and fair hearing and will decide if the allegations are proven. This decision will be made on the basis of a two-thirds majority of the committee.

If the allegations are deemed to be proven, a written report of the result of the investigation is then made to the ITACS Committee. Otherwise no further action will be taken.

- iii) Based upon this report the ITACS Committee will meet to consider the report. If the ITACS Committee is satisfied that the allegations are proven, the Committee will consider a proposal that the member be suspended from membership for up to two years or be required to resign their membership. At least twenty-one days written notice of this meeting must be given to the member concerned together with details of the object of the meeting and the grounds on which the proposal is based.
- iv) Any member aggrieved by a decision of the PCC and the ITACS Committee may exercise the right of appeal. Such appeal shall be made to the Appeals Committee. Such appeal shall be made in writing and sent to the Chair of the Association and addressed to the registered office of the Association and a copy of the notice must be sent to the ITACS Secretary. Notice of appeal must be made within thirty working days of the date of the notification of the PCC's and ITACS Committee's decision. If no appeal is lodged within the time limit, such decisions shall be considered final and shall be reported as such.
- v) The member cannot be suspended or required to resign his or her membership unless at least two thirds of the members of the Committee present, and voting at the meeting, or who have submitted a vote, have voted to that effect, and the member has had the opportunity to state his or her defence in writing or orally either in person or by counsel, solicitor or agent and has had the opportunity of cross-examination. The quorum for this meeting shall be 6 ITACS Committee members in person.
- vi) Any decision to suspend a member or require them to resign their membership may be revoked or modified at any time by the ITACS Committee at a further meeting and provided that a resolution to that effect is passed by a two thirds majority.

- vii) If a member who has been called on to resign fails to do so within seven days from the date of the requirement, their name will be removed from the register of members, the ITACS Web Site and shall immediately cease to be a member.
- viii) A member who has been suspended is not entitled to exercise any rights of membership during the period of suspension. However, any such suspension shall be without prejudice, it is the right of the ITACS Committee during this period to investigate any further breach of discipline and require them to resign their membership as if the suspended member remained a member.
- ix) No membership fees will be reimbursed and the decision by the ITACS Committee is final.

## **DEFINITIONS: FOR THE PURPOSES OF THE CODE**

"Member" shall include all categories of membership, as defined in the Articles of Association and the Bye-laws and all terms and expressions used shall have the meaning assigned to them by the Memorandum of Association and those Articles and Bye-laws.

"Misconduct" shall include any action that is contrary to the professional standards expected of a Member, such as honesty, integrity, competence, and respect for people's rights, social responsibility and particularly making any unjustified statement that may reflect on the character or integrity of others.

"Professional matter" shall include anything done in connection with a Members work, employment or Association role.

## **THE TERMS OF THE CODE**

### **Responsibilities to the profession and the association**

- 1) The aims and the objectives of the Association as set out in the Memorandum of Association, the Articles of Association and Bye-laws, the Code of Professional Conduct, Equal Opportunities Policy and the E Mail Protocol, together with any other agreed policy documents shall be supported and promoted by the conduct of every Member.
- 2) Members must conduct themselves in a manner that upholds the reputation of ITACS.
- 3) Each member owes their first duty of allegiance in all individual professional matters to their employer or themselves if self employed and should fulfil that duty to the highest professional standards. If a conflict arises between the requirements of an employer and the aims and objectives of the Association, the member shall notify the ITACS Secretary, in writing, of the grounds of such conflict. The ITACS Secretary may refer that conflict to the Professional Conduct Committee for advice and possible arbitration.
- 4) A Member shall inform the ITACS Secretary of any impending civil or criminal proceedings or action involving themselves that may bring their character or professional standing into question.
- 5) A Member shall not do anything which would be considered to be misconduct or which could bring the Association or its Members into disrepute on any professional matter or which could be detrimental to the aims and objectives or good standing of the Association. Nor shall they by failing to act themselves or by failing to report the actions of other Members allow or condone misconduct or a failure to uphold those same aims, objectives or good standing of the Association.

Members must not do, say, or omit to do anything that might bring ITACS into disrepute, be inconsistent with or detrimental to the objectives and interests of ITACS or cast doubt on another member's professional integrity.

- 6) A member shall be conscious of the confidential and personal nature of information which they receive both in discharging their duties and as a member of the Association. They shall at all times protect the confidential and personal nature of such information, whether or not such protection is provided by statute, and shall not use that information for any unjustifiable purpose.
- 7) All members shall honour property rights including copyrights and patents. Violation of copyrights, patents, trade secrets and the terms of license agreements is prohibited by law in most circumstances. Copying of software without proper authorisation is deemed to be unprofessional conduct and a violation of this code. Unauthorised duplication of software or materials will not be condoned.
- 8) Subject to the constraints of this Code, it shall be the duty of every member to inform the appropriate officer of the Association of any matters affecting or likely to affect the Association where that member believes the information may not be known to that officer.
- 9) A member shall not represent or purport to represent the Association or knowingly permit themselves to be so represented unless authorised to do so and in particular shall ensure that where they are representing another organisation or body, that the other body is clearly identified. It should be recognised that when dealing with the media extra care should be taken to ensure that correct titles and organisations are quoted.

Members who make public their personal views on any subject must not claim or give the impression that they are representing the official views of ITACS, unless they have been expressly authorised in writing to do so by the ITACS Committee.

- 10) Subject to any constraints of this Code, a member shall make all reasonable efforts to assist fellow members, and wherever possible within legal limitations, shall share information and expertise which may be of assistance in the proper performance of their statutory duties, or which will best serve the objectives and interests of the Association.
- 11) A member shall act courteously to all other members and in particular members employed by public authorities shall endeavour, at the earliest possible time, to advise other such members of actions contemplated or taken which may directly affect the duties or interests of those members. In particular, significant enforcement matters concerning specific commercial undertakings of members should be discussed with the ITACS representative and or Chair at the earliest possible time.
- 12) A member shall abide by the Equal Opportunities Policy of the Association. In carrying out their professional duties, a member shall refrain from conduct or behaviour which is directly or indirectly discriminatory with respect to other members, work colleagues or the public.
- 13) Members must ensure that in providing the services offered to customers they must have the appropriate skills, and capabilities to deliver such services.
- 14) Members must not malign the products or services of other companies.
- 15) Members must report to ITACS any breach of the Code that comes to their attention.
- 16) Members must assist ITACS in its enquiries into any breach of the Code.

### **Member Responsibilities**

- 17) A member or members employee shall bring to the attention of their employer, through their Chief/Senior Officer, the implications or effect of any trading standards matter which they know, or which they have reason to believe, will adversely affect either their responsibilities, duties or other interests of their employer.

18) Where a member is employed by a public authority:

- a) they shall avoid any action which may prejudice the acceptance of their impartial advice and shall uphold the law relating to their duties so that at no time shall their integrity be questioned. In particular, a member should not accept any preferential loans, gratuities or other benefits from commercial undertakings, which could appear to place them in the debt of that undertaking and which could be held to have been offered solely as a result of their professional position.
- b) they shall not enter into contracts, engagements or activities which could cast doubt on their impartiality or integrity. In particular, where they or their immediate family have a direct or indirect financial interest in any commercial activities with which they may come into contact with in the course of their official duties any such interest should be brought to the attention of their Chief/Senior Officer and ITACS Representative.

Where the member or their immediate family is a shareholder in a limited company which the member may come into contact with during their official duties, such shareholding need not be disclosed under this paragraph if it totals less than one per cent of the shares issued and the shareholder takes no active interest in the running of the company.

19) Where a member is not employed in a public authority they should in particular:-

- a) Ensure that their membership is not used to endorse any commercial or business activity not undertaken by themselves or others to obtain any commercial advantage within the Public Sector.
- b) Ensure that their membership of the Association is not used or permitted to be used in such a way that they appear to have an advantageous relationship with members of the Association who are so employed in the Public Sector.
- c) Ensure that any privileges, information or benefits direct or indirect which they receive from their membership of the Association are not used or permitted to be used in such a way as to bring the Association into disrepute or to otherwise prejudice the Association, its affairs or its members.
- d) Recognise any likely conflict between their employment and their obligations both to the Association and their fellow members and to bring any such conflict to the attention of the ITACS Secretary or the Chair of the Association in writing as soon as it becomes apparent.
- e) Declare an interest at any meeting of the Association members where the interests of their employment are relevant to matters under consideration.
- f) Ensure that they attempt at all times to avoid any action or inaction which is prejudicial to the Association or any of its members.
- g) Where a member is self-employed, employment for the purposes of the Code includes employment by any commercial undertaking to whom they may offer their professional services.

20) Where a member is an affiliate of an affiliate organisation or any person representing that affiliate member shall, as well as abiding by the Code and any other Association documents, and in particular:

- i) Ensure that any special conditions of that membership are complied with at all times; and
- ii) Recognise that failure of individuals within their organisation to meet the requirements of this Code so far as they apply could lead to suspension or termination of their membership.

**Members shall uphold the following professional values**

1. To uphold the principles of fair trading in the community generally by ensuring uniform compliance with trading standards legislation so as to best serve the interests of consumers and clients alike.
2. To provide fair, unbiased, and competent advice to other Members, colleagues, employers, members of the public, individual traders and other trade organisations.
3. To report the discovery of fraudulent and other unfair trade practices to the ITACS Committee and to use all legal means available to stop them. To report the discovery of goods and practices which are fraudulent or prejudicial to the safety and welfare of consumers, clients and other members and to use every proper means to seek to prevent their use in trade.
4. To encourage good practice within the profession and to promote the use of quality assured standards within the profession and within the industry by the exchange of information and expertise.
5. To keep up to date with legal, economic and technological change both in the U.K. and in Europe and to ensure that modern trade practices are balanced by the most appropriate technologies.
6. Where any individual or corporate body is subject to action by a Member, the member shall do everything that is within their control to ensure that the matter shall be actively pursued to a speedy decision within the constraints of fairness and the rights of the individual whilst, at the same time, maintaining professional standards.
7. Members must maintain the highest level of knowledge and skills for themselves and their employees and must comply with any ITACS guidelines on education and continuing professional development (CPD) that may be issued from time to time.
8. Members must act in a proper manner when dealing with customers, employees, sub-contractors and the general public.
9. Members must ensure that their words and actions do not cause nuisance or harassment to others, and never use language that is likely to offend, such as racist and sexist terms.
10. Members are expected to promote the effective use of IT for social and economic good.
11. Members must at all times work within the law. They have a responsibility to advise individuals and organisations for whom they work, and those to whom they delegate work, (such as consultants and contractors), of their respective duties.
12. Members must offer advice to those for whom they work, with a view to providing IT services which best satisfy customers' needs and aspirations. In particular members are expected to draw to their attention any matter that could be detrimental to their customers' or clients' business.
13. Members must seek to eliminate discrimination and promote equality of opportunity for all. They must not discriminate against any individual or group on the grounds of race, ethnic

origin, nationality, religion, cultural background, sex, domestic circumstances, disability, illness, age or sexual orientation.

14. Members must not disclose to a third party any confidential or privileged information entrusted to them by clients and customers. Members should honour any explicit or implicit promise to respect the confidentiality of information concerning employers, employees, clients or users unless discharged from such obligations by requirements of the law or other principles within this code.

It is the responsibility of professionals to preserve the privacy of individuals and any data relating to them. Care should be taken to ensure the accuracy of data as well as protecting it from unauthorised access or accidental disclosure to inappropriate third parties. Procedures must be established to allow individuals to review their records and correct inaccuracies as per the data protection act.

15. Members must not misrepresent the functionality of their products and provide clear and precise agreements for the supply of systems, software, hardware and services.
16. Advertising by members must be legal, decent, honest and truthful and must not mislead or cause public offence.
17. Members must not allow any of their clients names to be used in advertisements for any IT related service or product, unless they have the express written permission of their client to do so.
18. Members must not directly or indirectly exert undue pressure or undue influence on any person, for the purpose of securing work or a contract.
19. Before accepting a contract, members must check whether there is likely to be a conflict between the interests of the potential client and any existing client and should inform both parties to this effect. The commission should only be accepted if both parties agree to this in writing.
20. Members must be able to meet any claims for breach of their professional duty. This is best provided by adequate professional indemnity insurance.
21. Members must ensure that no person is encouraged to act in breach of any existing or previous contract with another company.
22. Members must ensure that all services provided by their organisation are carried out in accordance with the Code even when undertaken by sub-contractors who are not ITACS members.
23. If a member is introduced into a company by another company, as a contractor working for the introducer or that company, ITACS members will respect the relationship and not seek to enter into separate agreements with the company into which (or customer to whom) they were introduced. Verbal contracts must be honoured.

## **USE OF THE ITACS LOGO**

1. The use of ITACS, Independent Trade Association of Computing Specialists UK Limited, its membership logo and authorised text documentation is available to members for publication and advertising purposes. All variations of standard advertising using the above must be approved and authorised in writing by the Committee before being published.
2. A separate logo is available for use by "approved members". This status requires the member to submit 3 separate references from satisfied clients. The designated Committee

representatives or committee will investigate these references and, if appropriate, approved status will be granted. The use of this logo by approved members is subject to the constraints described in the Bye-Laws.

3. The ITACS name and logo (in any variants) belong to ITACS. ITACS UK is entitled, at its absolute discretion, to require any person to cease using the logo and/or the name at any time and to remove it from all stationery and/or marketing material of any description until further notice. Everyone should be aware that ITACS logo and name are trademark registered, which gives ITACS further rights over any misuse of the name or the trademark.