

UKita Code of Professional Conduct for its Members

THE TERMS OF THE CODE

1. Responsibilities to the profession

- 1.1. Members must conduct themselves in a manner that upholds the reputation of UKita.
- 1.2. Members must act in a proper manner when dealing with customers, employees, subcontractors and the general public.
- 1.3. Members must not do, say, or omit to do anything that might bring UKita into disrepute, be inconsistent with or detrimental to the objectives and interests of UKita or cast doubt on another member's professional integrity.
- 1.4. Members are expected to promote the effective use of ICT for social and economic good.
- 1.5. 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 UKita, unless they have been expressly authorised in writing to do so by the UKita board (on behalf of UKita).
- 1.6. Members must ensure that the people providing the services offered to customers must have the appropriate skills, capabilities and capacity.
- 1.7. Members must provide clear and precise agreements for the supply of systems, software and hardware and must not misrepresent the functionality of their products.
- 1.8. Members must maintain the highest level of knowledge and skills for themselves and their employees and must comply with any UKita guidelines on education and continuing professional development that may be issued from time to time.
- 1.9. Members must not malign the products or services of other companies.
- 1.10. Members must assist UKita in its enquiries into any breach of the Code.

2. Professional Conduct

- 2.1. 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.
- 2.2. Members must offer advice to those for whom they work with a view to providing ICT 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 the customers' business.
- 2.3. 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.
- 2.4. Members must ensure that their words and/or actions do not cause nuisance or harassment to others, and never use language that is likely to offend, such as racist and sexist terms.
- 2.5. Members must not disclose to a third party any confidential or privileged information entrusted to them by clients and customers.
- 2.6. Advertising by members must be legal, decent, honest and truthful and must not mislead or cause public offence.

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- 2.7. Members must not allow their client's name to be used in advertisements for any ICT related service or product, unless they have the express permission of their client to do so.
- 2.8. Members must not directly or indirectly exert undue pressure or undue influence on any person, for the purpose of securing work or a contract.
- 2.9. Members must be able to meet any claims for breach of their professional duty. This is best provided by adequate professional indemnity insurance.
- 2.10. 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.
- 2.11. Members must ensure that no person is encouraged to act in breach of any existing or previous contract with another company.
- 2.12. 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 UKita members.
- 2.13. If a member is introduced into a company by another company, as a contractor working for the introducer or that company, UKita 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.
- 2.14. The use of any logos, trade marks or trade names of UKita is available to members for publication and advertising purposes. All alterations to, variations of, or the incorporation into other intellectual property of any such logos, marks or names, must first be approved and authorised in writing by the UKita Board before being published. It shall be a breach of this Code to knowingly allow the use of any logos or trade names or marks of UKita in a manner likely to bring disrepute to UKita or any member thereof, or to allow the use of any such intellectual property by any party who is not a member, irrespective of the use to which the said property is being put.
- 2.15. A separate UKita Quality Mark logo is available for use by "approved members". This status requires the member to have submitted 3 separate references from satisfied clients. The designated 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 2.14.
- 2.16. The UKita name and logo (in any variants) belong to UKita. UKita 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 UKita's logo and name are pending trademark registration, which will give UKita further rights over any misuse of the name or the trademark.

WHAT HAPPENS WHEN MEMBERS DO NOT COMPLY WITH THE CODE?

The disciplinary powers and procedures are as agreed by UKita and may be reviewed from time to time. This provides that UKita, through its 'Standards' Committee, can suspend or disqualify members found to conduct themselves in a manner which is in breach of the Code.

PROCEDURE

1. On receipt by Central Office of a report of perceived misconduct by a member, under the direction of the CEO or Chairman, Central Office will collate any information and gather available evidence regarding the alleged misconduct as soon as possible in order only to satisfy itself that there is likely to have been an act of misconduct to be investigated.

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2. If there are reasonable grounds to believe that there is an act of misconduct to be investigated, Central Office will thus notify the Standards Committee of UKita. The quorum for any meeting under this procedure shall be the full 3 members of the UKita Standards Committee, and no account shall be taken of proxies for any such meeting.

3. The Standards Committee, acting by two or more of its members, will investigate the alleged misconduct in a timely manner to the extent necessary to substantiate that there are reasonable grounds for believing that a member has breached the Code of Conduct. If the Committee considers that there are reasonable grounds for believing that the allegation is substantiated, it will inform the relevant member in writing of the nature and specifics of the allegations and notify the member of a date for a Committee meeting on the matter. Such date is not to be earlier than two weeks from the date of notification.

4. The member may attend the meeting but is not compelled to attend. The member may make a written statement (which can refer to supporting documents) to be put before the Committee at the meeting, or can be heard at the hearing on the appointed date. Any person of the member's choice may represent the member. Any written statement which is not submitted prior to the appointed hearing may be disregarded by the Committee. If the member has indicated a desire to attend the meeting but is not in attendance at the appointed time, the Committee may proceed to the business of the meeting.

5. Should a hearing be requested, and the member in question is in attendance, the Committee shall give the member a full and fair hearing and, at the conclusion of any hearing may decide if, in the reasonable opinion of the Committee, there had been misconduct such as to contravene the Code of Conduct.

6. If no such hearing is requested, the Committee shall meet on the appointed date to consider all evidence and submissions (if any). The Committee may:

(i) decide (by a majority of no less than two thirds by number of those Committee members present) that the allegations of misconduct are substantiated; or

(ii) decide (by a bare majority) that the matter be adjourned for the sole purpose of gathering further information or evidence pertinent to the conduct in question; or

(iii) dismiss the matter as unproven.

7. If the allegations are deemed to be proven, a written report of the result of the finding is to be made to the Board of UKita.

8. On receipt of a report from the Committee under 7 above or 10 below, the Board shall, acting by the CEO or Chairman, do one of the following:

(i) remit the matter to the Standards Committee for the administration by the Committee of a warning (which may be in writing or not as the Board see fit) to the member concerning the misconduct; or

(ii) suspend the member's membership for any continuous period up to two years; or

(iii) terminate the member's membership,

and, in the event of a decision of the Board under 8(ii) or 8(iii), shall notify the member of the decision by no less than twenty-one days written notice and such notice shall contain details of the grounds on which the suspension or termination has been decided.

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9. Should the Standards Committee decide that the matter be adjourned under 6(ii), it shall notify the member in writing as soon as practicable and shall appoint one or more of its Committee members to conduct such enquiries or recover such information as it deems necessary in order to conduct a full and fair inquiry into the alleged misconduct.

10. On the conclusion of such inquiry under 9, the Standards Committee shall reconvene and rule 4 above shall apply. The Committee may then:

(i) decide (by a majority of no less than two thirds by number of those Committee members present) that the allegations of misconduct are substantiated; or

(ii) dismiss the matter as unproven,

and, in the case of a finding under 10(i), rule 8 above shall then apply.

11. A member may not be suspended nor may membership be terminated unless the member has had an opportunity to appeal any decision in front of a quorate meeting of the Board. In order to appeal any such decision, the member must lodge a notice of appeal with UKita prior to the expiry of the period of 21 days stated at rule 8 above.

12. Any appeal shall be heard at the next scheduled meeting of the Board (informal or formal) unless all parties agree to put the matter back to the following scheduled meeting. The member shall have the opportunity to state its case in writing or orally either in person or by counsel, solicitor or agent and shall have the opportunity of cross-examination of any person. If the member fails to take any steps to attend the relevant Meeting or appoint any person to attend on its behalf, or to furnish any written submissions in advance of such meeting, the Board may nevertheless consider and decide the appeal at that meeting.

13. Following the hearing of any appeal, either immediately or within the 14 days next following, the Board, acting by a bare majority may uphold the suspension or termination, may vary the terms of the suspension, or may uphold the member's appeal and find that the matter is unproven. A member who has been suspended or whose membership is terminated shall cease to be a member 21 days after the date of the notice issued under rule 8 above or the date upon which the Board upheld the finding against the member appeal (whichever is the case).

14. 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, and UKita shall be able to investigate any further breach of discipline and require them to resign their membership as if the suspended member had remained a member.

15. No membership fees will be reimbursed and the decision by UKita is final. Any member suspended for more than one year under this procedure shall pay any due membership fees.