

Use of moral theory to analyse the RICS Nine Core Values and RICS Rules of Conduct

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Abstract:

Ethics is a vitally important issue for professionals. Ethics is a vitally important issue for professionals. The general public has trust and belief in professionals because of their professional knowledge and the high quality services that they can offer, but it is also due to their high level of conduct of the professionals.

The aim of this paper is to discuss the use of moral theory as a framework to analyse the nine RICS Core Values (RICS, 2006) and the RICS Rules of Conduct for Members (RICS, 2007). The chosen moral theories are 'deontology', 'utilitarianism' and 'virtue ethics'. Data were collected through semi-structured interviews, comprising twelve chartered surveyors from the three major RICS disciplines: Building Surveying, Quantity Surveying and General Practice. Their views on the application of the moral theory to explain the RICS ethical principles were gathered.

The interviewees have mixed opinion on the use of moral theory on explaining RICS Core Value and Rules of Conduct. There is a slightly stronger view that deontology is the most suitable moral theory. This is because the surveyors do not know the outcome when they are working on it, so the best strategy is to ensure they have undertaken the process correctly. On the other hand, the interviewees who have been RICS members for longer and have more involvement with the RICS professional ethics tend to think that virtue ethics is the most appropriate theory to explain RICS ethical standards as they understand the importance of the correct 'result' and 'process'.

The interviewees generally welcome the move from the 60-page RICS Rule Book to 10-page RICS Rules of Conduct. However, they have suggested some improvement, which is to refer to the separate Policies and Helpsheets on Handling Clients Money, Complaints Handling Procedures and Professional Indemnity Insurance in the Rules of Conduct.

Keywords:

Ethics, Moral Theory, RICS Rules of Conduct, RICS Core Values

1 Introduction

Ethics is a vitally important issue for professionals. A profession is largely a creature of public demand. Such organisations remain in existence because of the continuing need by the public for them and the services of their members. The underlying reason for a high level of conduct by any profession is the need for the public to have confidence in the quality of the services offered by the profession. Professions can only survive if the public have confidence in them. For a profession to command public confidence there are two essential elements, professional knowledge and ethical conduct (Chalkley, 1994). Therefore, the cost of ignorance of ethics is potentially very high. Aside from any effects on the professionals themselves, it can also have a significant impact on the quality of services that are provided to clients and thereby on the resultant public perception and image of the profession.

Unethical behaviour can impose negative costs at personal, group and organisational levels, such as increasing client dissatisfaction, decreasing productivity, profitability and low working morale. An organisation that constantly creates a negative ethical impact will encounter a diminishing market for its services and withdrawal of public approval. This is especially the case for the construction industry due to the inter-organisational relationship of the project team. Suen et. al. (2006) echoed this comment, stating 'since construction professionals are working under temporary organisational settings, which means, in practice, setting up special units to support ethical conduct they face certain technical problems. There is no doubt that managing ethical behaviour in construction organizations is possible, but it is not an easy task' (p.264).

Bowen et. al. (2007) further listed the various business and professional ethical issues facing the construction industry, including conflicts of interest, negligence of customer needs, unfair competition, poor professional integrity and responsibilities. The recent 'price-fixing' scandal shows that there is ethical concern for the UK construction industry. On 17 April 2008, the Office of Fair Trading (OFT) announced it had issued a Statement of Objections (SO) to 112 companies alleged to have engaged in bid rigging activities/ anti-competitive behaviour, particularly covering pricing, in the construction sector. This allegation is not a one-off accusation for the construction industry, the evidence received by the OFT in the course of its investigation indicated that cover pricing was a widespread and endemic practice in the construction industry as a whole (OFT, 2008). The finding of a FMI Corp survey conducted in USA in 2004 also showed that bid shopping is one of most critical ethical issues facing the construction industry (Business Environment, 2004; Contractor's Business Management Report, 2004 and EC&M, 2004). Eighty-four percent (270) of respondents of the same survey, including owners, architects, construction managers, consultants, contractors and subcontractors expressed their concern on decreasing ethical standards, said they had 'experienced, encountered or observed construction industry-related acts or transactions that they would consider unethical in the past year'. Sixty-one percent of the respondents think that the industry has been 'tainted' by unethical acts. Research on professional ethics of surveyors conducted in the UK shared the same finding: 62 (38%) respondents think that ethical standards decreased over the last decade (Poon, 2006).

Some former British colonial territories, such as Hong Kong, have also shared concern on ethical issues for several decades. During the 1980s, the most notorious ethical scandal of the Hong Kong construction industry was 'salt water' buildings. About 100 reinforced concrete building blocks were noted to be deteriorating with abnormal speed and after only 15 years of building life. In the 1990s and 2000s, there have been 'short-piling' construction scams and other recent issues of unethical behaviour for construction professionals including corruption, overcharge and defective works. The 'Salengane' case discovered some unqualified suppliers had become approved contractors of the Hong Kong government by bribing local civil servants. The case involved a total of HK\$16.8 million of loss.

The cost of unethical behaviour is high. There are not only the financial costs to the companies which deliver the services, but also to the whole industry. According to the FMI Corp survey, 61% of respondents believe that unethical behaviour affects the cost of getting projects built. Thirty-five percent of respondents think that 1% to 2% of the total project cost is the cost of unethical behaviour, while twenty-five percent of respondents estimated that between 2% to 5% of the total cost is lost because of different types of unethical behaviour conducted by the construction project team (Parson, 2005). Jeff Tickal, wrote in 'The Contractor's Compass': 'the actions of a few unethical; contractors cloud the reputation of the entire construction industry' (Contractor's Business Management Report, 2004: p.12). This is exactly the case for the recent 'price fixing' scandal in the UK which adds further blight to the UK construction industry, on top of the impact from the recent slow-down in economic conditions.

2. Rationale for conducting this research

Previous research on the professional ethics of construction and surveying professionals has been generally a-theoretical. The following are typical examples: the impacts of ethical dilemmas on surveyors' decision making; identifying typical ethical problems for the surveying profession and their causes; identifying surveyors' views on ethical behaviour; studying surveyors' rating and ranking of stakeholders' interests when they face ethical dilemmas and finally studying how professional ethics influence construction performance. However, there is lack of research on the Codes of Practice of professional organisations, which to codify some degree the relationship between professionals, their professional body and the wider society. In addition, previous research has not used moral theories to study and analyse professional ethics for construction and surveying professionals.

The aim of this research is to investigate surveyors' understanding of professional ethics. It will explore the theoretical foundations of professional ethics. It will also investigate how the nine Core Values of the Royal Institution of Chartered Surveyors (RICS) (RICS, 2006) and the current RICS Rules of Conduct for Members (RICS, 2007) can be explained by the traditional moral theories. This reason for focusing on Rules of Conduct for Members is that there has been longer standing history of having a Code of Practice for Members. As the first stage of the wider research project, the author intended to focus on the aspect which is more familiar with the respondents.

3. Literature review

3.1 Moral Theories

3.1.1 Deontology

Deontology or duty based theory, is an approach to ethics that focuses on the rightness or wrongness of actions themselves. This can be contrasted with the consequences of those actions as the foundation for rightness, for example, in the consequentialist theory of utilitarianism.

The rigorous version of deontology was developed by Kant (1785/ 1898). It focuses on duty or moral obligation. The term 'deon' comes from Greek and means duty, so in the general sense a deontological theory is concerned with our duties, obligations and responsibilities to others.

Kant saw a sharp difference between self-interest and morality and proposes that an action only has moral value if is performed from duty. Kant proposes his Categorical Imperative (1785/1898, p.438):

'Act only on that maxim whereby thou cast at the same time will that it should become universal law'

A different version of the Categorical Imperative reads (Kant, 1785/ 1898, p.47):

'So act as to treat humanity, whether in thine own person or in that of any other, in every case as an end, never as means only'

3.1.2 Utilitarianism

Utilitarianism is consequentialist theory. It was developed by Bentham (1748/ 1832) and Mills (1808/ 1873). Under the consequentialist principles, an act's rightness or wrongness is determined by the goodness or badness of the results from it.

Teleological or consequentialist ethics judges the rightness or wrongness of an act by its consequences. The most elaborate consequentialist theory is that of utilitarianism, as propagated by Bentham (1799/1802). In the definition of his disciple Mills (1831/ 1862, p.257) stated:

'Utility, or the Greatest Happiness Principle holds that actions are right in proportion as they tend to promote happiness, wrong as they tend to produce the reverse of happiness'

3.1.3 *Virtue ethics*

Virtue ethics, in the West, traditionally was developed by Plato and Aristotle. It is a branch of moral philosophy that emphasises character rather than rules or consequences, as the key element of ethical thinking. In contrast to the universal emphasis on moral duty in deontology and on general happiness in utilitarianism (Preuss, 1998), Aristotle emphasised the importance of a person's character for morality. He suggests that highest human good is happiness, not in a crude material sense, but in a comprehensive meaning which carries connotations of flourishing and well-being. Virtue theory emphasises character, rather than rules or consequences, as the key element of ethical thinking. This highest good is closely linked to the function of a human being, which is to obey reason, as this is the main characteristic to set humans apart from other living beings.

3.2 **Development of RICS's Guidance on Ethical Standards**

RICS is an institution with Royal Charter. The objective of the Institution is to 'maintain and promote the usefulness of the profession for the public advantage'. RICS has paid great attention to ethical standards for construction and property professionals. Increasing the ethical standards of surveyors is one of the top priorities of the RICS's 'Agenda for Change'. The aim of this Agenda is to increase public recognition of the value of the RICS qualification as the unrivaled mark of professionalism worldwide. Under this principle, the RICS has conducted major work with the aim of increasing ethical standards of its members.

The RICS first published the old 'Rule Book' on 1st January 2004 and it was updated in January 2006. In the 2006 edition (RICS, 2006), the nine RICS Core Values were also announced. They are:

- Act with integrity
- Always be honest
- Be open and transparent in your dealings
- Be accountable for all your actions
- Know and act within your limitations
- Be objective at all times
- Always treat others with respect
- Set a good example
- Have the courage to make a stand

These principles are adaptable to reflect changes in legislation and changes in society's expectations of the profession. The RICS expects members not only to demonstrate a knowledge and understanding of these principles, but also to demonstrate a commitment to meet these ethical standards and maintain the integrity of the profession.

The most recent major review of all aspects of the RICS Regulations was undertaken by Sir Bryan Carsberg in 2004 to 2005 (Carsberg, 2005). As stated in the Carsberg Report

(2005), Sir Carsberg commented on some principles that have governed his approach to preparing the Report and formulating his recommendation. He emphasised the importance of self-regulation which is fundamental to any profession. He stated that 'strong ethical codes are the heart of what it means to be a profession and a professional body is therefore fitted to regulate its members. In a professional body, ethics come together with expertise to create a basis for sound regulation. The public interest in the United Kingdom has benefited for more than a hundred years from having strong professional bodies practising self-regulation. The merits of continuing with this system seem to be clear' (Carsberg, 2005: p.4).

The new Rules of Conduct for Members and Rules of Conduct for Firms have started to apply from 4 June 2007 following Carsberg's review. The aim of the principles is to help surveyors in doubt about how to handle difficult circumstances or in situations where there is a danger that members' professionalism may be compromised. This has demonstrated that the RICS is committed to maintain the ethical standards of the surveying profession in order to ensure that the wider public interest is protected.

One of the key changes of the reform package is the reduction of the RICS's 60-page Rule Book to fewer than 10 pages of principles, in two parts. The first part covers individual personal and professional conduct and applies to all RICS members. The second part covers conduct of business matters and applies to firms. It reduces the burden of regulations on members and positions RICS as a bold, cutting edge professional regulator for the 21st Century. It is also the first time in the RICS's history that separate regulatory guidance to firms has been offered.

The RICS' new principles-based Rules of Conduct for Members are:

- Integrity
- Competence
- Service
- Lifelong learning
- Solvency
- Information to RICS
- Co-operation

4. Methodology

The methodology for conducting this research is qualitative in nature. Semi-structured face-to-face interviews were chosen as the method for collecting data. Quantitative methods, such as the use of questionnaires were considered to collect data. However, these were rejected because they were not able to give opportunity for the interviewer to explain the various approaches to Moral Theory. Also, the views of the participants are required for this research.

The other types of qualitative data collection strategy, such as focus group, were considered. These were rejected as the interviewer would like to have detailed

discussion with each interviewee. Also, it is difficult for the practical arrangement of focus group as the interviewees are working in different organisations.

The interviewees were selected by the interviewer with the aim of ensuring that there is a balance of the interviewees, who have different professional backgrounds. An e-mail was sent out to invite the interviewees to participate in the research projects. Once they agreed, a document which explains the definition of the three moral theories, information about the nine RICS Core Values and RICS Rules of Conduct for Members, the nature of the interview and the interview questions were sent out to them. The definition and short explanation of the various ethics theories were sent to the interviewees prior to the interview. These information were abstracted from Section 3 of the paper. In addition, the detailed description of the RICS Core Values (RICS, 2006) and RICS Rules of Conduct (RICS, 2007) were also been sent to all interviewees prior to the interview. At the start of the interview, the interviewer explained the moral theories and asked the interviewees whether they understand the information of various moral theories which had been sent to them. The interviewer is prepared to explain the theories further. Generally speaking, the interviewees who are more experienced and have involvement in professional ethics have better understanding of the moral theories. They understand the difference in principles and focuses of these three moral theories. On the other hand, some of the less experienced interviewees who also have not had involvement in professional ethics had not heard of these ethics theories and the interviewer is needed to explain to them in detail.

5. Data Collection

The data was collected through semi-structured interviews with Chartered Surveyors. Twelve surveyors, include four Building Surveyors (BS), four Quantity Surveyors (QS) and four General Practice Surveyors (GP), were be interviewed. The reason for focusing on these three disciplines is that they are major professional areas of the RICS and they have the largest number of members. The aim of the interviews is to seek targeted interviewees' comments on the use of moral theory to explain the RICS Core Values and RICS Rules of Conduct for the Members.

Firstly, some background information of the interviewees was sought:

- Discipline
- Duration of having full RICS membership
- Current role
- Involvement with the RICS activities, in addition to as a member
- Involvement in issues or activities related to professional ethics

Table 1 shows some background information of the interviewees. The interviewees were also asked to comment on which moral theory is most suitable to explain the nine RICS Core Values and RICS Rules of Conduct as overall. Then the interviewees were also asked to comment on the suitability of the moral theory for each Core Value and each Rule of Conduct. Furthermore, the interviewees were also asked for their comments on the improvement of the RICS ethical principles and Rules of Conduct.

Table 1: Description of Interviewees

| Interviewee | Discipline | Duration of full RICS Membership (Years) | Involvement with professional ethics |
|-------------|------------|--|--|
| 1 | GP | 6 | Uses professional ethics to underpin his day-to-day professional practice |
| 2 | QS | 5 | Applied relevant RICS guidance when teaching relevant subject |
| 3 | BS | 23 | None |
| 4 | BS | 15 | Ask APC candidates professional ethics related questions at RICS APC ¹ interview |
| 5 | QS | 47 | None |
| 6 | BS | 20 | None |
| 7 | GP | 13 | <ul style="list-style-type: none"> • In his current role, he teaches RICS Rules of Conduct for Undergraduate Year 2 students • When he was a practitioner, he was required to comply with the RICS Rules of Conduct and had Professional Indemnity Insurance for his company |
| 8 | BS | 30 | <ul style="list-style-type: none"> • As Chairman of RICS APC interview, he asks professional ethics related questions to candidates • He also ensures that he underpins the subject matter of the modules which he teaches with professional ethics |
| 9 | GP | 21 | None |
| 10 | QS | 30 | None |
| 11 | QS | 26 | <ul style="list-style-type: none"> • Conducted research on professional ethics in 1990s. The outcome of that research project was that the RICS set up the RICS Professional Ethics Working Party and was a member of this Working Party |

¹ APC is the RICS Assessment of Professional Competence

| | | | |
|----|----|----|---|
| | | | <ul style="list-style-type: none"> Published papers on area of professional ethics |
| 12 | GP | 29 | None |

The mean value of the duration of the full RICS membership is 22 years and thus the sample consists of very experienced Chartered Surveyors.

4. Research Findings

4.1 Nine RICS Core Values

The interviewees have mixed views on the use of moral theory to explain the nine RICS Core Values. Three respondents commented that more than one moral theory can be used to explain the nine RICS Core Values, one respondent advocated the use of two moral theories (deontology and virtue ethics) while the other two respondents commented that all moral theories are relevant to the explanation of RICS Core Values. There are mixed view on respondents' comments on the use of moral theory to explain the RICS Core Values. However, the one common theme is that the interviewees who have been RICS members for longer and have more involvement with RICS professional ethics tend to have stronger opinions. They tend to think virtue ethics theory is the most appropriate theory to explain professional ethics because they acknowledge the importance on 'doing the right thing during the process' and 'ensuring the final outcome is correct'

The dominant moral theory for explaining the RICS Core Values is deontology. This followed by virtue ethics and utilitarianism. They received eight responses, five responses and three responses respectively². The respondents think that deontology is the most appropriate moral theory for explaining RICS Core Values because it stated the importance of duty and moral obligations. It is also related to the correctness of actions and to ensure to do the right thing in the process. Interviewee 2 commented that 'RICS is more concerned with the process rather than the outcome'. The other interviewees echoed this comment and they stated that the surveyors do not know the outcome when they are working on their actions, therefore, the best thing that they can do is to ensure the correctness of the procedures. Also, if the members have been charged for negligence or breach of Rules of Conduct, it is important for them to demonstrate that they have done the right thing in the process.

On the other hand, Interviewee 8, who has been a RICS member for 30 years and a Chairman for RICS APC Panel has a totally opposite view. He stated that 'the RICS Core Value is all about utilitarianism. The RICS aims to ensure that the client does not come to any harm when they receive services from the RICS members. Therefore, the way that the RICS acts is an utilitarianism approach'.

² There are twelve respondents. Two respondents identified two moral theories and one respondent used three moral theories to explain RICS Core Values. Therefore, there are sixteen responses in total.

Some other respondents have broader views on the use of moral theory. They think that the RICS has concerns on the process as well as the result. Therefore, they think virtue ethics is the most appropriate moral theory as it considered the characteristics of both utilitarianism and deontology. Interviewee 7 commented that 'utilitarianism is not the correct one to explain the RICS Core Values. The RICS is very concerned with how you get there, deontology is also not the correct one as it is only concerned with the process. RICS is very concerned with how you get there as well as the final outcome. So, I would think it is more about virtue ethics as it considers both utilitarianism and deontology'. This comment is further echoed by Interviewee 11, who has substantial experience on research on professional ethics and involvement with the RICS activities. He stressed the thought or thrust of the nine RICS Core Values are related to the Chartered status of the RICS which means it is for the good of the member but more significantly for the good of the public. In turn, the outcome is critical to the RICS in the society. However, the implications for the Core Values are about governing the rightness and wrongness of the actions for the members. Therefore, he commented that virtue ethics is the most suitable moral theory as its core principles are about 'doing the right things'.

Overall, there is a very mixed view on the use of the moral theory. The common theme is the respondents think the RICS has great concern on ethics and it aims to ensure the interest of the clients and the general public are protected.

4.2 RICS Rules of Conduct

Similar to comments for the RICS Core Values, the respondents have different views on the use of moral theory in the RICS Rules of Conduct. Five respondents commented that deontology is the key moral theory to RICS Rules of Conduct; four respondents think it should be utilitarianism and three respondents commented it should be virtue ethics.

The comments on the use of utilitarianism are the same as for explaining RICS Rules of Conduct, that is to ensure the clients are not subject to any harm as a consequence of the negligence of the surveyors. The interviewee 8 stated 'the RICS's concern is that the clients do not come to any harm. If the surveyors do any harm to the clients, it will bring disgrace to the Institution and the professional itself'. It follows the fundamental principle of utilitarianism on ensuring there is a good final outcome. Interviewee 3 also echoed this comment as he thought that the focus of Rules of Conduct does not have process involved but is about the rightness or wrongness of the outcomes. These two interviewees have similar professional backgrounds; they are Building Surveyors and have been RICS members for over twenty years. On the other hand, there are no consistent comments from the General Practice surveyors and Quantity Surveyors.

Interviewee 6 summarised the major difference on the use of moral theory for the RICS Core Value and RICS Rules of Conduct. He stated that 'the RICS Core Values is more emphasised on the ethical principles, which is more about governing members' behaviour. It is more about deontology. While, the RICS Rules of Conduct is more

about making the procedures function well and focus on achieving a good final outcome, so it is more about utilitarianism’.

4.3 Improvement of the RICS ethical principles and Rules of Conduct.

Generally, the interviewees found that the RICS has offered clear guidance on ethical principles. They welcome the introduction of the new Rules of Conduct. They found them straightforward, simpler and easily to follow. Also, the interviewees welcome the idea of having separate Rules of Conduct for Firms.

On the other hand, the interviewees suggested some improvement that could be made. The current RICS Rules of Conduct for Members do not mention some key ethical issues such as Complaints Handling Procedure, Handling Clients Money and Professional Indemnity Insurance. Although there are separate Policies and Helpsheets which give more guidance to the members on these issues, they are not cross-referenced or referred to the Rules of Conduct for Members document. Interviewee 11 suggested that one of the improvements is to add these documents or cross-reference them to the Rules of Conduct.

5. Conclusion

This research aimed at investigating the use of moral theory to explain the RICS Core Values and RICS Rules of Conduct for Members. The chosen moral theories are deontology, utilitarianism and virtue ethics. The approach taken to conduct this research of a qualitative nature. Twelve semi-structured interviews were conducted. The interviewees are Building Surveyors, Quantity Surveyors and General Practice Surveyors.

The interviewees have mixed opinion on the use of moral theory on explaining RICS Core Value sand Rules of Conduct. The interviewees commented that all three moral theories can be explained in RICS ethical principles in some respect. There is a slightly stronger view that deontology is the most suitable moral theory. The argument is that the surveyors do not know the outcome when they are working on it, so the only thing that they can do is to ensure the process is right. Also, if there is any claim for negligence for their activity in the future, they can provide the arguments that they have done it correctly. On the other hand, the interviewees who have been RICS member for longer and have more involvement with the RICS professional ethics tend to think that virtue ethics is the most appropriate theory to explain RICS ethical standards as they understand the importance of the correct ‘result’ and ‘process’.

The interviewees generally welcome the move from the 60-page RICS Rule Book to 10-page RICS Rules of Conduct. However, they have suggested some improvement, which is to refer to the separate Policies and Helpsheets on Handling Clients Money, Complaints Handling Procedures and Professional Indemnity Insurance in the Rules of Conduct.

This paper has presented the finding of research on investigating the surveyors' view of the use of Moral Theory to analysis the Rules of Conduct for Members. There are some interesting findings from this research which could lead to future research.

The first suggested future area for research is the use of Moral Theory to explain the Rules of Conduct for Firms and it can then compare the results with the findings as presented in this paper. The second suggested area is to research on wider surveyors' view on the use of moral theory to analyse RICS Rules of Conduct and the suggested improvements which can be made. It aims to find out surveyors' theoretical understanding on professional ethics and the areas of improvement that can be made.

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