

# Landscape Institute

## THE LANDSCAPE INSTITUTE CODE OF STANDARDS OF CONDUCT AND PRACTICE FOR LANDSCAPE PROFESSIONALS

May 2012

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## **INTRODUCTION**

As a professional organisation constituted under a Royal Charter, the Landscape Institute seeks to protect, conserve and enhance the natural and built environment for the benefit of the public through the promotion of landscape architecture. It places a strong emphasis on the integrity, competence and professionalism of its members, and therefore requires them to conduct themselves in accordance with a Code of Conduct within their professional and business life.

The Code should be considered central to the professional life of a Landscape Professional not only as a source of ethical guidance, but also as a commonsense indicator to principles of good practice. It is only through the maintenance of high standards by individuals that landscape architecture as a whole will be served, the public will be protected and the profession as a whole will thrive.

### **1 The Scope of the Code**

This Code lays down standards of professional conduct and practice expected of all members of the Landscape Institute, whatever their grade or level of membership.

The fact that a course of conduct is not specifically referred to in this Code does not mean that it cannot form the basis of disciplinary proceedings. Members are expected to be guided in their professional conduct and professional work as much by the spirit of the Code as by its express terms.

Disciplinary proceedings may be brought in respect of the professional conduct or competence of a member whether or not practising or carrying on business under any name, style or title containing the words 'Landscape Architect, Landscape Manager or Landscape Scientist'.

Disciplinary proceedings may arise if a member of the Landscape Institute has been convicted of a criminal offence other than an offence which has no material relevance to their fitness to practise as a Landscape Professional. Such proceedings are outside the scope of this Code.

### **2 The Limits of the Code**

Not every shortcoming on the part of a Landscape Professional, or lack of compliance with the Code will necessarily constitute grounds for disciplinary proceedings, but a failure to follow the guidance of this Code will be taken into account should it be necessary to examine the conduct or competence of a Landscape Professional.

The private life of a Landscape Professional cannot be the subject of disciplinary action unless it affects their professional work or brings the profession into disrepute.

A minor transgression of this Code is unlikely to give rise to grounds for disciplinary proceedings unless it forms part of a pattern of unacceptable professional conduct or professional incompetence.

# THE STANDARDS

## Promoting professional attitudes

**Standard 1: The Landscape Institute expects members who are carrying out professional work to have regard to the interests of those who may be reasonably expected to use or enjoy the products of their work.**

You have responsibilities to the character and quality of the environment. You should seek to manage change in the landscape for the benefit of both this and future generations, and should seek to enhance the diversity of the natural environment, to enrich the human environment and to improve them both in a sustainable manner.

**Standard 2: The Landscape Institute expects members to uphold the reputation and dignity of their profession and their professional organisation.**

You should not be party to any action or statement that is likely to bring the profession into disrepute.

In addition to complying with legislation, you should not be party to any communication that is likely to be construed as defamatory by the profession, the public or others, or which may be considered discriminatory in any form.

**Standard 3: The Landscape Institute expects members to actively and positively promote the standards set out in this Code of Conduct.**

You are expected not only to order your own professional lives according to the Standards in this Code: you should also do whatever can reasonably be done to ensure their observance generally by other members. You should therefore report to the Chief Executive any serious falling short of these Standards on the part of any other member of which you are aware (it is not necessary to report facts that have been widely reported in the media).

You shall not take as a partner or as a co-director an unsuitable person, such as a person who has been expelled from membership of the Landscape Institute for disciplinary reasons, or has been disqualified or expelled from membership of another recognised professional organisation.

You should report to the Chief Executive without delay if you:

- are convicted of an indictable offence or sentenced to imprisonment in respect of any offence; or
- are made the subject of an order of a court disqualifying you from acting as a company director.

If you fail to make a prompt report it may count against you in the event of disciplinary proceedings.

You are expected to co-operate with the Chief Executive or his representative in any investigations into the professional conduct or competence of yourself or any other member. A failure to do so may itself constitute grounds for disciplinary proceedings.

**Standard 4: The Landscape Institute also expects members to actively and positively promote and further the aims and objectives of The Landscape Institute, as set down in its Charter, and to contribute to the work and activities of the Institute.**

You should also actively promote participation in the Institute's activities to your staff.

**Standard 5: The Landscape Institute expects members to act at all times with integrity and avoid any action or situations which are inconsistent with their professional obligations.**

You should not be party to any statement, written or otherwise, which is contrary to your professional opinion, or which you know to be misleading, or unfair to others, or otherwise discreditable to the profession.

You are expected to conduct yourself in an appropriate professional manner with all persons with whom you come into contact and in accordance with the law. You should not discriminate because of disability, age, gender, sexual orientation, ethnicity or any other inappropriate consideration.

You should observe the confidentiality of your clients' affairs and the privacy of others, and should only disclose confidential information with their prior consent or other lawful authority.

You should respect the beliefs and opinions of other people, recognise social diversity and treat everyone fairly.

You should, when finding that your personal or professional interests conflict with those of the client or of other relevant parties, inform all parties, and either withdraw from the situation, or remove the source of conflict or obtain the agreement of the parties concerned to the continuance of the engagement. However, some conflicts of interest are so extreme as to prevent you from entering into or continuing work, even with the client's knowledge or consent. You should also consider the business and commercial interests of your partners or co-directors.

When two or more clients whose interests may be in conflict both require your services, you should manage this to ensure that the interests of one client do not adversely affect the other.

You should not offer or accept bribes to anyone, and should maintain a register of hospitality as required by law. If you give or receive any introductory or referral fees you should disclose this arrangement to the prospective client.

## **Promoting professional competence**

**Standard 6: Landscape Professionals should only undertake professional work for which they are able to provide proper professional and technical competence, and resources.**

Undertaking work refers to the duty arising when a contract is entered into and continues throughout the term of the contract. No contract normally exists when engaging in speculative work or taking part in a competition.

You are expected to be competent to carry out work for which you have been engaged, or if you engage others, you are responsible for ensuring that they are competent to perform the

task and are adequately supervised.

You are expected to accurately represent your professional status and qualifications as well as those working for you in any capacity.

**Standard 7: The Landscape Institute expects members to maintain their professional competence in areas relevant to their professional work and to provide educational and training support to less experienced members or students of the profession over whom they have a professional or employment responsibility.**

Competence is at the heart of being a professional, so your knowledge, skills and expertise are your key assets. You are therefore expected to keep yourself informed of changes affecting the profession and broader developments relevant to your work and to ensure that your practice, knowledge, skills and techniques are up to date. As a practitioner you should reflect on and learn from your practice.

You are expected to maintain, record and provide evidence of your Continuing Professional Development (CPD) in compliance with the Landscape Institute's CPD requirements.

You are also expected to actively promote CPD for all your staff, and to ensure that an appropriate amount of time is devoted to such activities.

You should undertake a mentoring role for any junior staff you employ or should ensure that others are available to do so. You should ensure that either you or other senior staff become formal Mentors within the Pathway to Chartership. You are also encouraged to assist Licentiates outside your place of work who may not be employed by a fully chartered member.

## **Promoting trust in professional relationships**

**Standard 8: The Landscape Institute expects members to organise and manage their professional work responsibly and with integrity and with regard to the interests of their clients.**

You should not undertake professional work unless the terms of the contract have been recorded in writing as to:

- the scope of the work;
- the allocation of responsibilities;
- any limitation of responsibilities;
- the fee or method of calculating it;
- any provisions for termination; and
- any special provisions for dispute resolution.

You should ensure that any changes to the fee arrangements are similarly recorded in writing.

You should ensure that you have appropriate and effective internal procedures, including monitoring and review procedures, and sufficient suitably qualified and supervised staff to enable you to function efficiently.

You should return clients' papers, plans or other property, to which they are legally entitled, if reasonably requested to do so.

You should have arrangements in place for the conduct of your business in the event of your death, incapacity or other absence from work.

**Standard 9: The Landscape Institute expects members to carry out their professional work with care, conscientiously and with proper regard to relevant technical and professional standards.**

When you are acting between parties or giving advice, you should exercise impartial and independent professional judgement to the best of your ability and understanding

You should perform your work with due skill, care and diligence, and, so far as is reasonably practicable, in accordance with an agreed time scale and to cost limits agreed with the client. You should keep the client informed of the progress of the work undertaken on their behalf, any key decisions that you make, and you should inform them about any issue which may affect the quality of the work or its cost.

You should ensure that you have effective systems in place, and that projects are regularly monitored and reviewed.

You should ensure that you have appropriate security for both electronic and paper-based records appropriate to the client's requirements for confidentiality, and you should ensure that you comply with all data protection legislation.

**Standard 10: Members of the Landscape Institute should only promote their professional services in a truthful and responsible manner and such promotion shall not be an attempt to subvert professional work from another member.**

When advertising your services you should not make untruthful or misleading statements, nor claim to be better than other professional members. Special expertise, however, may be properly claimed and referred to.

Advertisements should conform, as appropriate, to the Advertising Standards Authority or any other body having oversight of advertising standards in the various types of media.

The business style of a practice should not be misleading nor be capable of being confused with another practice or service.

If you are aware that a client already has a contract for services provided by another member, you should not attempt to gain that contract.

**Standard 11: The Landscape Institute requires member to ensure that their personal and professional finances are managed prudently and to preserve the security of monies entrusted to their care in the course of practice or business.**

You are expected to manage your professional finances responsibly.

Should your business finances fail, this may potentially bring you or the profession into disrepute. The following are examples of acts which may be examined in order to ascertain whether they disclose a wilful disregard by you of your responsibilities. You should therefore inform the Chief Executive within 28 days if you:

- are made the subject of a bankruptcy order; or
- are the director of a company that has been wound up (other than for amalgamation or reconstruction purposes); or
- make an accommodation with creditors (including a voluntary arrangement); or
- fail to pay a judgement debt.

When you hold monies belonging to a client or third party, you should arrange for its receipt to be recorded and for it to be kept (where possible) in an interest-bearing account in a bank or similar institution separate from any personal or business account.

You should keep such money in a designated a 'client account' and you should give the bank written instructions that all money held in it is held as client's money and that the bank is not entitled to combine the account with any other account or to exercise any right of set-off or counterclaim.

You may only withdraw money from a client account to make a payment to or on behalf of a client, or on the client's written instructions. Unless otherwise agreed by the client, you should pay any interest (or other benefit) accruing to the client.

You should deal with creditors and debtors in conformity with best practice and the law, and should maintain adequate business records of all costs and expenses.

**Standard 12: The Landscape Institute expects members to have adequate and appropriate Professional Indemnity Insurance.**

The need for cover extends to professional work undertaken outside your main professional practice or employment and to work undertaken by employees, sub-contractors or consultants.

You are expected that both you and third parties have an appropriate level of cover commensurate with the work undertaken and to ensure that it includes run-off cover.

If you are employed, you shall ensure as far as possible that Professional Indemnity Insurance cover, or other appropriate cover, is provided by your employer.

**Standard 13: The Landscape Institute expects that any complaints concerning the professional work of individual members or their practice should be dealt with promptly and appropriately.**

You are expected to have a written procedure for the prompt and courteous handling of complaints. A named individual should respond to complaints, which in the case of a firm or company should be a director or partner. If the named person is unable to resolve a complaint to the satisfaction of the complainant, they should refer it promptly to the senior partner or managing director.

If, after reviewing the complaint, the senior partner or managing director is unable to resolve the complaint to the satisfaction of the complainant they should inform the complainant that members are subject to the disciplinary provisions of the Landscape Institute and that, if the complainant can demonstrate that a member has been guilty of unacceptable professional conduct or serious professional incompetence, disciplinary proceedings may follow.

Where appropriate, you should consider offering alternative means of dispute resolution such as mediation or conciliation.

You should handle complaints at every stage courteously, sympathetically and in a timely manner.

You should also respond to all correspondence from the Landscape Institute concerning complaints and/or compliance with the Code in a timely manner and in accordance with the Institute's disciplinary regulations.

## GENERAL GUIDANCE

### 1 INTERPRETATION

This Code is issued by The Landscape Institute in accordance with the requirements of its Charter. It consists of an Introduction and the Standards, which are intended to be read together.

The Code has not been drafted in legal language and is not intended to be construed like an Act of Parliament.

Throughout this Code:

- "Client" means the person or organisation with whom the member makes an agreement or contract for the provision of services or the supply of goods.
- "Institute" means The Landscape Institute.
- "Chief Executive" means the Chief Executive of the Landscape Institute.
- A word in the singular should be taken as including the plural and a word in the plural as including the singular, unless otherwise specified.

### 2 LEGAL PROCEEDINGS

The following notes are intended to clarify the relationship between the Landscape Institute's disciplinary proceedings and proceedings in a court of law. These are not part of the Code.

#### Civil Proceedings

The successful bringing of civil proceedings against a member does not automatically constitute grounds for disciplinary proceedings. However, the facts giving rise to a civil suit can result in disciplinary proceedings if they disclose serious professional incompetence or unacceptable professional conduct, for example, by way of a wilful disregard of the member's contractual obligations.

#### Criminal Proceedings

If it is *alleged* that a member has committed a criminal offence, the courts are the appropriate forum for deciding guilt or innocence and such an allegation will not, in itself, normally be the subject of investigation.

The fact that a member has been *acquitted* in the courts of a criminal charge does not mean that they may not be disciplined for acts or omissions connected with that charge if those acts or omissions constitute unacceptable professional conduct.

#### Criminal Convictions

A criminal conviction may be materially relevant to a member's fitness to practise, if, for example:

- it constitutes an offence under legislation directly affecting members of the Landscape Institute; or
- it arises directly out of their professional activities; or
- it results in a sentence of imprisonment, whether suspended or not; or
- it constitutes an offence of dishonesty; or

- it is otherwise of a nature which calls into question the member's integrity; or
- it may otherwise undermine the reputation of the profession.

This list is not exhaustive of the offences materially relevant to a member's fitness to practise.

### **3 EMPLOYEES**

In taking on a member of the Landscape Institute as an employee, the employer does so in the knowledge that the conduct of that member will be governed by this Code in addition to any duties as an employee.

If the two sets of obligations should conflict for the employed member, they should in the last resort follow this code or resign their employment.

In the case of an employed member, the more senior the position held, the greater the responsibility to ensure conformity by the employer with the Standards in this Code.

### **4 FURTHER ADVICE**

Members in doubt as to how they should act in a particular situation may benefit from impartial advice. The Landscape Institute is able to provide guidance on the interpretation of the Code.

The fact that a member has consulted The Landscape Institute, or, if the problem has a legal dimension, a lawyer, and acted upon their clear advice, may be of assistance should conduct or competence subsequently be called into question.

All members are expected to observe this Code wherever they work, except and only to the extent that to do so would be inconsistent with local law or, in countries where the standards of professional work are governed by a reputable body, with local practice.