

The Landscape Institute Code of Practice



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 act in accordance with a professional Code of Practice.

This Code sets out the standards of professional conduct expected of all members of the Landscape Institute, irrespective of grade or membership level. Where an individual is approved to join the Landscape Institute as a member, they agree that such approval is conditional upon their acceptance to be bound by the requirements of this Code.

Layout

Each rule of the Code of Practice is set out as per the following example: “R1” to indicate rule 1. Rules are mandatory and compliance is required. Each rule is followed by the relevant global principle/s to which it is linked, indicating how the LI Code of Practice has been

developed in alignment with the international ethical principles. This is then followed by guidance indicated by “g” – for example R1g. Guidance is not mandatory but compliance with guidance is strongly encouraged.

Breach

Evidence of a breach of this Code by a member will in most cases trigger a supporting review between the Landscape Institute and that member. Members will in most cases be supported towards compliance and the Landscape Institute will provide advice where necessary to enable its requirements to be met. However, where repeated or serious breach occurs the Landscape Institute reserves the right to undertake a full investigation and reserves the right to revoke membership and/or permanently disbar the individual.

Review

This Code will be reviewed every three years. This means the Code will next be reviewed in 2023.

The Rules

RULE 1

Landscape professionals must deliver landscape services in ways which promote sustainable development and environmentally responsible use of resources.

Linked to global ethical principles 1 and 2:

Principle 1: Landscape professionals promote conservation and enhancement of the environment and quality of life for now and future generations.

Principle 2: Landscape professionals recognise the issue of climate and biodiversity emergency and practice in a manner consistent with the UN Sustainable Development Goals.

R1g

- a) Landscape professionals have responsibilities to the character and quality of the environment. Landscape professionals 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. This will mean considering the impact on the environment, people, place and nature of the work to be undertaken before work takes place. In some cases, this will take the form of a full, formal, environmental impact assessment. In other cases, the assessment will be less formal and practitioners Landscape professionals should use their professional judgement. Such assessment would include considering the impacts on the environment as a whole (both positive and negative). Such assessment will include consideration of any activity that could mitigate or remove detrimental impact, where this is identified.
- b) "People, place and nature" includes the cultural and social heritage of place as well as the environmental place. Practitioners should take time to understand the cultural and social history of the place where they will be working to understand the impact such work will have.
- c) Landscape practitioners understand the issues raised by the global climate and biodiversity crises and how these impact on their work. They understand that working in the public interest means working to reduce negative impacts on the environment. Practitioners should undertake an assessment of impact, in the context of the climate crisis, posed by work they intend to undertake. Such a assessment should include consideration of any activity that could mitigate or remove detrimental impact, where this is identified. It should also include consideration of any activity that would actively combat climate change.
- d) Landscape professionals understand and are committed to the principles of the UN Sustainable Development Goals 2030 and the environmentally responsible use of resources in their organisations/businesses and in the provision of professional advice. This may be demonstrated by the use of sustainable procurement policies, understanding carbon impacts, involvement in government/society initiatives linked to UN SDG.

The Rules

RULE 2

You must deliver landscape services in a manner consistent with the principles of equality and diversity and must not unlawfully discriminate against others.

Linked to global ethical principle 3:

Landscape professionals work collaboratively with and are respectful of others and do not in their provision of landscape services unlawfully discriminate.

R2g

- a) Landscape professionals should ensure that services are delivered without prejudice or discrimination. Services should be open to all eligible clients and Landscape professionals should be mindful of the protections in place for protected characteristics. In the UK services must be delivered in a way which is compatible with the Equality Act 2010 and other relevant UK equality legislation. Where appropriate, reasonable adjustments for disabled people accessing landscape services should be made. Individual LI members are expected to ensure they know and understand the legal requirements in this area relevant to their place of practice. Equality law is different in different countries and therefore some activities which would not be unlawful in one country may be contrary to the law in others. Practitioners are strongly encouraged to deliver services in a way that respects the diversity of the communities they serve in a way that exceeds the obligations of the law, where this is possible.
- b) Landscape professionals should be aware of any obligations on them arising from a relationship with a particular regulated entity/firm or parent company.
- c) Landscape professionals are encouraged to be respectful of the cultural and social heritage and community cultures present in the places where landscape services are being delivered. Respect for different cultural identities and traditions is important.
- d) Landscape professionals are encouraged to actively seek out a diversity of viewpoints in any engagement or consultation relating to landscape work. This is likely to include ensuring a cross section of the affected community is consulted and that representatives of relevant communities are engaged where relevant.

The Rules

RULE 3

You must uphold the reputation and dignity of the landscape profession and that of the Landscape Institute.

Linked to global ethical principle 4:

Landscape professionals comply with national and international law.

R3g

- a)** As a professional member of the Landscape Institute, Landscape professionals are required to behave in a professional manner and with integrity. This means acting in accordance with relevant national and international law.
- b)** Examples of behaviour which may bring the profession into disrepute include but are not limited to:
- Being convicted of an indictable offence or sentenced to imprisonment in respect of any offence
 - Being made the subject of a bankruptcy order; or failing to pay a judgement debt
 - Being a party to communications likely to be construed as defamatory or discriminatory
 - Mismanagement of professional finances
 - Delivering landscapes services knowingly in contradiction to their professional opinion
 - Making statements in the course of delivering landscape services, which they know to be misleading or otherwise discreditable to the profession.
- c)** Landscape professionals must inform the Landscape Institute as soon as practicable if they:
- a) are declared bankrupt or;
 - b) are the director of a company that has been wound up (other than for amalgamation or reconstruction purposes) or;
 - c) make an accommodation with creditors (including a voluntary arrangement); or
 - d) fail to pay a judgement debt or;
 - e) are convicted of an indictable offence or sentenced to imprisonment in respect of any offence or;
 - f) are made the subject of an order of a court disqualifying Landscape professionals from acting as a company director or;
 - g) are disqualified from any other professional body.
- d)** Failure to inform the Landscape Institute of a) – g) above within a reasonable timeframe may result in membership being revoked.
- e)** Landscape professionals should not take as a partner or as a co-director, any person to whom any of the above a) – g) apply.

The Rules

RULE **4**

You must ensure that your landscape business is properly managed and in accordance with relevant legal requirements.

Linked to global ethical principle 4:

Landscape professionals comply with national and international law.

R4g

- a)** Where Landscape professionals hold monies belonging to a client or third party, Landscape professionals should ensure its receipt is recorded. Client money should always be held in an interest-bearing account in a bank or similar institution separately from any personal or business account. Client money should be held in a designated a 'client account', the bank being advised that all money held in it is held as client 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.
- b)** Landscape professionals should 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, Landscape professionals should pay any interest (or other benefit) accruing to the client. Landscape professionals 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.
- c)** Landscape professionals should not undertake professional work in the absence of a written contract. 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. Contracts for the delivery of landscape services should cover as a minimum:
 - a) the scope of the work;
 - b) the allocation of responsibilities;
 - c) any limitation of responsibilities;
 - d) intellectual property rights;
 - e) the fee or method of calculating it;
 - f) any provisions for termination and;
 - g) any special provisions for dispute resolution.
- d)** Contractual changes should be recorded in writing.

The Rules

RULE **5**

You must ensure that personal data gathered, held or otherwise handled in the course of the delivery of landscape services is protected in accordance with relevant national and international legislation

Linked to global ethical principle 4:

Landscape professionals comply with national and international law.

R5g

- a)** Landscape professionals should ensure that any personal data (data which is capable of identifying any individual) is held securely by the business and that data breaches are reported to clients and the relevant authorities as required by law. In the UK relevant law includes but is not limited to the General Data Protection Act 2018.
- b)** Landscape professionals should protect the confidentiality of clients' affairs and personal information as well as ensuring the privacy of relevant others. Confidential information may only be disclosed to others with consent or other lawful authority.

The Rules

RULE

6

You must have appropriate Professional Indemnity Insurance covering the periods during which you are delivering landscape services.

Linked to global ethical principle 4:

Landscape professionals comply with national and international law.

R6g

- a) The need for insurance cover also extends to professional work undertaken outside a Landscape professional's main practice area or employment and to work undertaken by employees, sub-contractors or consultants. Insurance should be commensurate with the work undertaken and should include "run-off" cover. If Landscape professionals are employed, they should check that Professional Indemnity Insurance cover, or other appropriate cover, is provided by their employer.

The Rules

RULE 7

You must take steps to ensure you only provide services you are competent to deliver. This includes undertaking at least 25 hours of CPD each year which should be broken down into at least 10 hours of “formal” CPD and 15 hours of “informal” CPD. 5 hours must be related to climate and/or sustainability and/or resilience and/or environmental gain.

Linked to global ethical principle 5:

Landscape professionals are committed to continuing professional development and ensure they only provide services they are competent to deliver.

R7g

- a)** 25 hours of CPD must be undertaken each year by all Corporate members of the LI. At least 5 of the annual 25 hours must relate to climate, sustainability and resilience. The 25 hours should be broken down into at least 10 hours of “formal” CPD and 15 hours of “informal” CPD.
- b)** CPD should comprise a mix of formal and informal learning – For example formal CPD may involve participating in formal organised activities, e.g. courses, seminars, workshops, conferences. Informal CPD may involve activities undertaken by the individual on their own such as experiential/ workplace learning, reading and research. Some examples of informal CPD activities include peer review, work shadowing/ secondments, meetings or project work.
- c)** A record of all CPD undertaken by the individual should be kept. This record can be used to demonstrate competence in addition to being able to demonstrate compliance with national association requirements.
- d)** Landscape professionals should always seek out relevant professional advice where necessary and should never undertake work or provide advice where they are not fully competent to do so.

The Rules

RULE 8

You must ensure that at all times you aim to deliver the highest quality, safe landscape service, consistent with your professional obligations to clients and in the public interest.

Linked to global ethical principle 6:

Landscape professionals deliver quality landscape services and clients and/or the public are able to provide feedback or raise issues about service.

R8g

- a) Landscape work can be hazardous and therefore safety should be paramount in the minds of those delivering landscape services. Landscape professionals should be familiar with any legislation relevant to their role within the landscape profession. In the UK such legislation may include the Construction (Design and Management) Regulations 2015 (CDM 2015) and its 2007 predecessor. The Landscape Institute has published a Technical Information Note 02/15 on the 2015 Regulations, which is a useful guide.
- b) In considering the health and safety implications of any piece of work the key consideration is ensuring an adequate risk assessment is undertaken, followed by the design of control measures designed to bring the risk of harm within acceptable limits. Considering, evaluating and mitigating (or removing) risk is fundamental to the quality delivery of landscape services.
- c) Some examples of unsafe practice for various roles within the Landscape profession include:

Landscape Designer: failing to assess risks and control measures during construction phase and establishment; bad design of a retaining wall, slope or handrail that later collapses, injuring someone;

over-estimating ability to design structures such as footbridges or pergolas and failing to get relevant input e.g. from a structural/civil engineer.

Landscape manager/contractor: failing to assess and manage risks generally; failing to undertake inspections e.g. of play equipment for safety, trees for disease/safety, lakes for the presence of blue-green algae; not ensuring contractors/employees are suitably trained and use equipment safely – there are lots of obvious potential dangers with equipment such as mowers, brush cutters, chainsaws as well as some less obvious ones, such as Hand-Arm-Vibration-Syndrome with power tools.

Practice head/supervisor: poor development or operation of organisational policies, e.g. failure to have a lone working policy on site, not ensuring staff are suitably trained/qualified for role or activities, not ensuring policies are being followed, e.g. with a disciplinary system. Practice heads and supervisors are usually also responsible for the safety of their staff as often landscape professionals will be visiting sites such as active quarries, waste disposal sites, construction sites, working woodland, derelict sites, wetlands, coast, mountain tops etc.

The Rules

RULE **9**

You must ensure there is an appropriate process in place to deal promptly and effectively with complaints about landscape services you provide.

Linked to global ethical principle 6:

Landscape professionals deliver quality landscape services and clients and/or the public are able to provide feedback or raise issues about service.

R9g

- a)** Landscape businesses should have a publicised, written procedure for the prompt and courteous handling of complaints about the landscape services Landscape professionals provide. A named individual should be responsible for responding to complaints, which in the case of a firm or company should be a director or partner. Where appropriate, Landscape professionals should consider offering alternative means of dispute resolution such as mediation or conciliation. Landscape professionals should handle complaints at every stage courteously, sympathetically and in a timely manner.
- b)** All complainants should be informed (via an organisational complaints policy or process) that they have recourse to the Landscape Institute if complaints are not satisfactorily resolved at local firm/entity level. The Landscape Institute will only respond to such complaints where the internal process has been exhausted and clients should be made aware of this.
- c)** Landscape professionals should respond promptly to all correspondence from the Landscape Institute in relation to any complaint made about them or their firm. Failure to do so may be considered a breach of this code as per Rule 7.

The Rules

RULE 10

Landscape professionals must avoid, where possible, conflicts of interest and ensure these are declared where they arise.

Linked to global ethical principle 7:

Landscape professionals uphold the integrity of the landscape profession and are honest and transparent in their relationship with their national body/regulator.

R10g

- a) A conflict of interest can arise where an individual or entity's impartiality may be undermined due to the possibility of a conflict between that person's self-interest and their professional interest or the public interest. A conflict may also occur where an individual or entity's responsibility to another limits that person or entity's ability to discharge its responsibility to a third-party. For example, if an individual offers or accepts a bribe in order to secure a contract for landscape work – that is usually a conflict of interest and would therefore be prohibited under this Code.
- b) Where an actual or perceived conflict of interest arises in the course of a Landscape professional's work, they should ensure that this is clearly logged in writing. Landscape professionals should ensure that clients are informed in addition to other relevant parties. Where a conflict arises a Landscape professional may decide to withdraw from the situation, remove the source of conflict or obtain the agreement of the parties concerned to the continuance of the engagement. However, a conflict of interest may be so substantial as to prevent a landscape professional from entering into or continuing work, even with their client's knowledge and consent. In such cases landscape professionals should always withdraw.
- c) When two or more clients, whose interests may be in conflict, both request the services of a landscape professional then that individual should usually not act for both unless they are able to manage the work to ensure that the interests of one client do not adversely affect the other.
- d) Landscape professionals must not offer or accept bribes in the course of their professional landscape business. A register of hospitality, given and received, should be kept where this is required by law. If a landscape professional is given, or receives, any introductory or referral fees these should always be disclosed to their prospective client/s.

The Rules

RULE 11

You must be honest, transparent and responsive in your relationship with clients, other landscape professionals, the public and the Landscape Institute.

Linked to global ethical principle 7:

Landscape professionals uphold the integrity of the landscape profession and are honest and transparent in their relationship with their national body/regulator.

R11g

- a) Requests for information from the Landscape Institute must be truthful and such requests should be responded to within a reasonable timeframe e.g. requests for information in relation to CPD or other LI Code requirements. Landscape professionals should understand that honesty and transparency is key to the integrity of their practice and the profession.
- b) Landscape professionals should respond promptly and fully to reasonable requests from the Landscape Institute. Where a prompt response is not possible they should advise the Landscape Institute of the reasons for this and request extra time to respond. Requests for information include but are not limited to:
 - CPD returns/log requests
 - Responses/requests for further information in relation to complaints made about Landscape professionals
 - Information about conflicts of interest and associated registers
 - Information about compliance with this Code
 - Firm/entity diversity monitoring returns
- c) Landscape services should be advertised in a manner which is truthful and accurate to the best of the landscape professional's knowledge. Landscape professionals should not make untruthful or misleading statements. They should not make claims about other professionals or those delivering landscape services. Landscape professionals may reference their own specialism and expertise, where relevant.
- d) Advertisements should conform, as appropriate, to the Advertising Standards Authority (or other relevant advertising regulator) standards.
- e) If a landscape professional becomes aware that another Landscape Institute member or landscape professional has a contract for services in place, they should not attempt to gain that contract.

