

Date approved:	28 June 2021
To be reviewed:	June 2022

Conflict of Interest Policy

1. Introduction

- 1.1. This conflict-of-interest policy explains what a conflict of interest is and the process to follow should such a conflict come into existence.
- 1.2. This conflict-of-interest policy is part of the Landscape Institute's governance documents. Other relevant documents are:
 - i. Royal Charter
 - ii. By-Laws
 - iii. Regulations
 - iv. Expenses Policy
 - v. Gifts and Hospitality Policy
 - vi. Procurement Policy
 - vii. Whistleblowing Policy

2. Purpose

- 2.1. The purpose of this policy and guidance is to ensure that the LI properly manages situations where there are actual or potential conflicts of interest in an open and transparent manner, thereby mitigating the institute's exposure to any reputational, financial and regulatory risk.
- 2.2. Proper management of conflict of interest would also mitigate the reputational or credibility risk to the relevant individuals or members listed in the scope of this policy and remove the impression that they have acted improperly.
- 2.3. Trustees have a legal obligation to act in the best interests of the LI, and in accordance with LI's governing documents, and to avoid situations where there may be an actual or potential conflict of interest. Members of the Advisory Council, LI Committees and sub-committees, working groups, staff, volunteers, and independent advisors, also have similar obligations.
- 2.4. When competing interests impair or might appear to impair judgement or ability to make objective, unbiased decisions, there is a conflict of interest.
- 2.5. You may face a conflict of interest when your fiduciary duties as a Board member, Advisory Council member, Committee (sub-committee) member, Volunteer, an independent adviser or senior staff member and your business/personal interests diverge.
- 2.6. Such conflicts may create problems; they can inhibit free discussion, result in decisions or actions that are not in the interests of the Landscape Institute (LI) and risk the impression that the LI has acted improperly.

3. Scope

- 3.1. This policy applies to members of the Board of Trustees, Advisory Council, Standing Committees and sub-committees, working groups, staff, volunteers, and independent advisors.
- 3.2. Where context permits, reference to trustees and their duties in this policy would be extended to cover staff, Council, Committees and sub-committees, working groups, staff, volunteers, independent advisors and other relevant Groups or Fora.

4. Objectives

- 4.1. To communicate the Institute's requirements in respect of conflicts of interest.
- 4.2. To advise all members of the Board, Council, Committees and sub-committees, working groups, staff, volunteers, and independent advisors of their obligation to disclose conflicts of interest.
- 4.3. To ensure that all organisational decisions are made in the best interests of the Landscape Institute.

5. Definition

- 5.1. Conflict of Interests can arise in a number of different contexts. A material conflict of interest is one which a reasonable person would take into account when making a decision regarding the use of LI resources because the interest has relevance to that decision.
- 5.2. Financial interest is where an individual may get direct financial benefit from the consequences of a decision, they are involved in making.
- 5.3. Non-financial personal interest is where an individual may benefit personally in ways which are not directly linked to their professional career and do not give rise to a direct financial benefit, because of decisions they are involved in making in their professional career.
- 5.4. Non-financial professional interest is where an individual may obtain a non-financial professional benefit from the consequences of a decision, they are involved in making, such as increasing their professional reputation or promoting their professional career.
- 5.5. Indirect interest is where an individual has a close association with another individual who has a financial interest, a non-financial professional interest or a non-financial personal interest who would stand to benefit from a decision they are involved in making.
- 5.6. Examples of common situations which can give rise to risk of conflicts of interest:
 - i. Gifts
 - ii. Hospitality
 - iii. Outside employment
 - iv. Shareholdings and other ownership interests
 - v. Loyalty interests
 - vi. Donations
 - vii. Sponsored events
 - viii. Sponsored research
- 5.7. Examples of conflicts include:
 - i. Having a close involvement with an organisation which operates in the same field as the Institute but holds conflicting views on key policy positions
 - ii. Having a client that is applying for a contract with the Institute
 - iii. Recommending a contractor/consultant to the Institute when they are providing your business with a similar service.
- 5.8. Questions to ask yourself in order to assess whether a conflict of interest exists:
 - i. Will this interest substantially affect my ability to carry out my role?
 - ii. Will this interest interfere in my ability to act in the best interests of the Institute?
 - iii. Would this look like a conflict to others?

6. Principles

- 6.1. Persons referred to in paragraph 3 of this policy (Scope) are expected to:
 - i. Maintain the highest possible standard of integrity in all their relationships, both inside and outside the organisation.
 - ii. Reject any business practice which might reasonably be deemed improper.
 - iii. Never use their authority or position for personal gain.
 - iv. At all times, act with impartiality, independence and integrity.
 - v. Avoid being, or giving the appearance of being, in a position which may result in an actual or perceived detriment to the Institute's reputation and/or interests.
 - vi. Adhere to the Nolan principles for public life.
- 6.2. You are required to disclose or seek direction on any issues which may potentially conflict with your responsibilities to the Institute.

7. Declaration of Interests

- 7.1. The following interests should be declared:
 - i. posts held in the course of employment or practice
 - ii. consultancies, directorships or advisory positions in the landscape/environment/ planning and related sectors, or in an organisation with which the Institute might do business

- iii. a position of authority in a charity or voluntary organisation in the field of the landscape/environment/ planning and related sectors
 - iv. any public appointments
 - v. membership/fellowship of other professional bodies and/or specialist societies
 - vi. membership of or affiliation to a political party, lobbying and campaign groups
 - vii. any association with other organisations or individuals which may have an interest or influence in the Institute's work.
- 7.2. The list above is not exhaustive; in all cases, individuals have a responsibility to assess any potential conflicts and actual or perceived conflicts of interest and disclose same.
- 7.3. We require all persons referred to in paragraph 3 of this policy (Scope), to declare their interests, and any gifts or hospitality offered and received in connection with their role in the Landscape Institute. A declaration of interests' form is provided for this purpose, listing the types of interest you should declare.
- 7.4. If you are not sure what to declare, or whether/when your declaration needs to be updated, please err on the side of caution. If you would like to discuss this issue, please contact the Regulations team at regulations@landscapeinstitute.org for confidential guidance.
- 7.5. Interests and gifts will be recorded on the Landscape Institute's register of interests, which is maintained by the relevant LI staff with oversight by the Hon. Secretary. The register will be accessible by the trustees, staff, volunteers on the relevant Committees and Working Groups, members and any statutory body which has a legal right to access the information.
- 7.6. Gifts of a value over £25 and hospitality over £50 received by persons listed in paragraph 3 (Scope) will be recorded in the register of interests.

8. Procedure

- 8.1. It is essential that declarations of interest and actions arising from any declarations are recorded formally and consistently.
- 8.2. It is not possible to define all situations or relationships which may create a conflict of interest, so each situation must be evaluated individually.
- 8.3. Board, Council, Standing Committee Members and Senior Staff will be asked to complete a new declaration form annually.
- 8.4. The register will be available for each meeting of the Board, Council or Committee and you would be asked to confirm if there are any changes.
- 8.5. Where an item is being discussed at a meeting, members, advisers and staff are required to disclose the existence and nature of any personal or prejudicial interest that they may have at the beginning of the item, or when a conflict of interest becomes apparent during the course of a discussion.
- 8.6. Such a declaration will be recorded in the minutes. Where there is a substantial interest, the member, independent or staff member may be asked to withdraw from the meeting and take no part in either the discussion or the decision, and the withdrawal will be recorded in the minutes.
- 8.7. In advance of a meeting
- i. Meeting agendas should include a standing item on declaration of interests, including a definition of conflicts of interest, to enable individuals to raise any issues and/or make a declaration prior to or at the meeting.
 - ii. The agenda should be circulated to enable attendees (including observers/visitors) to identify any interests relating specifically to the agenda items being considered.
 - iii. Members should contact the Chair or Convenor as soon as an actual or potential conflict is identified on the agenda.
 - iv. The Chair or Convenor should ensure that they apply the provisions of this policy and ensure that any conflicts of interest declared are managed in line with the procedure above.
 - v. The Chair or Convenor should ensure a copy of the register is checked to establish any actual or potential conflicts of interest that may occur during the meeting and the chair should consider how the potential conflict will be perceived externally and the appropriate response.
- 8.8. At the Meeting

- i. Chair or Convenor requests members to declare any interests in agenda items which have not previously been declared and authorised, including the nature of the conflict.
 - ii. The register will be made available for inspection at the meeting and any updates made at the meeting will need to be dealt with before the meeting can proceed.
 - iii. Chair or Convenor makes a decision as to how to manage each potential conflict which has been declared, including whether and to what extent the individual member should continue to participate in the meeting, on a case-by-case basis, and this decision is recorded.
 - iv. As a minimum requirement, the following should be recorded in the minutes of the meeting:
 - a. declaration of any interest or any reference to previous declarations and how these were dealt with;
 - b. at what point the interest was declared;
 - c. the nature of the interest;
 - d. the chair or convenor's decision and resulting action taken;
 - e. an explanation of reasons for any broader decisions taken.
 - f. All other attendees (guests or visitors) who participate in the meeting must also follow the meeting protocol and declare any interests in a timely manner.
 - g. While the 'Declaration of Interests' form should be completed in advance of any meetings, template forms for recording any interests during meetings should be made available by the relevant LI staff.
- 8.9. Following the meeting, all interests should be promptly updated on the published declarations of interest register.

9. Consequences

Failure to comply with the above procedures may result in disciplinary action in line with the LI's Disciplinary Process or the staff Disciplinary Policy & Procedure or appropriate terms of engagement.

10. Data Protection

The information provided will be processed in accordance with data protection principles as set out in the Data Protection Act 2018 or other relevant legislation in force. Data will be processed only to ensure persons referred to in paragraph 3 of this policy (Scope) act in the best interests of the LI.

11. Approval/Review

11.1. This policy was approved by the Board on the 28th of June 2021.

11.2. This policy will be reviewed annually subject to any need for an earlier review date due to regulatory changes.