

Managing Conflicts of Interest

Supporting guidance for the Architects Code of Conduct and Practice

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Introduction

The Architects Registration Board (ARB) has developed this guidance to support architects in complying with Standard 1 of the Architects Code: *Architects must be honest and act with integrity*

Standard 1 explains that architects will meet this Standard when they declare and manage conflicts of interest appropriately.

This guidance is not mandatory, but any architect departing from it must be prepared to justify why they did so, after using their professional judgment.

When engaged to provide architectural services it is important that architects act with independence, integrity and in the best interests of their clients. When architects are engaged to act between parties, or to give advice, that must exercise impartial and independent professional judgement.

What is a Conflict of Interest

A conflict of interest can arise when an architect's ability to exercise judgement is impaired or influenced by personal interests or another relationship.

Architects might have a professional duty to a number of parties or have beneficial personal interests as a result of their professional obligations.

Conflicts can be **potential** and **perceived**, as well as **actual**. Architects should be aware of situations that others may see as being a conflict, even when they do not perceive it as one. A familiarity or long-standing relationship with a contractor, receiving gifts or hospitality from a business, handling confidential information, or having a close association with an individual who has an interest in a supplier (e.g. a spouse/partner or close relative) could all be seen as conflicts.

Managing Conflicts

Declaring a conflict of interest plays a vital role in ensuring that architects are acting with honesty and integrity.

Some activities, such as design and build, have inevitable and inescapable conflicts. Architects cannot provide both independent consulting and contracting services. While there is nothing inherently wrong with this arrangement, the conflict must be appropriately managed.

Transparency is key to managing a conflict. Architects must be honest and open about any interests they have that might impact on their professional service. Many clients will be ignorant of the potential ramifications of the conflict, so it is the architect's responsibility to outline the advantages and disadvantages of proceeding with any course of action.

Architects should declare the conflict to all relevant parties and ensure they receive **informed consent** in writing before continuing to act. This declaration should be made at the time of engagement if conflicts are known, and during the course of the engagement if they arise unexpectedly. Where consent in writing is not received, architects should cease acting for one or more of the parties.

Architects should formalise processes for managing conflicts to ensure they are identified and managed appropriately. A register of interests is an effective way of doing this.

Glossary of Terms

Actual conflict of interest

There is a real conflict between professional duties and interests

Potential conflict of interest

This refers to circumstances where it is foreseeable that a conflict may arise in future and steps should be taken now to mitigate that future risk

Perceived conflict of interest

Clients or a third party could form the view that interests could improperly influence decisions or actions, now or in the future

Informed consent

Permission granted as a voluntary choice, having been supplied with full knowledge of the possible consequences

Additional Resources

For further information and support, architects can:

Contact ARB for advice on meeting professional standards

professionalstandards@arb.org.uk

Seek advice from professional indemnity insurers or legal advisors