

## Making a complaint – what you need to know

### 1. Purpose

This guidance note contains advice for any individual or organisation who may be dissatisfied with the professional conduct of a member of the Institute of Chartered Foresters. It should help a potential complainant to determine whether there are grounds to complain and to understand the process for making and determining a complaint.

Whilst this guidance note summarises the process, you are strongly advised to refer to the full Professional Complaint Process document which is available on the Institute's website.

The Institute of Chartered Foresters makes no charge for dealing with complaints against its members.

### 2. Background

As a professional organisation constituted under a Royal Charter, the Institute of Chartered Foresters sets standards of education, competence and ethics for its members. It places a strong emphasis on the integrity and competence of its members, and therefore requires them to conduct themselves in accordance with a Code of Conduct.

The Code is considered central to the professional life of a forestry or arboriculture professional not only as a source of ethical guidance, but also as a guide to principles of good practice that the public has a right to expect.

The Code comprises six standards of professional conduct with guidance to explain how each standard can be upheld.

The six standards are:

- Act with integrity
- Always provide a high standard of service
- Treat others with respect
- Take responsibility
- Act in a way that promotes trust in the profession
- Have regard for sustainability throughout your work.

The Institute's Council has developed a Professional Complaint Process to assess any allegation of a breach of the Code. A Professional Complaints Panel with an independent Chair determines compliant complaints.

### **3. What you can complain about**

A complaint can be made if you believe that a member, or members, of the Institute has acted in breach of the Code of Conduct.

Minor transgressions of good practice do not usually count as unprofessional conduct but can do so if they form part of a pattern of unacceptable professional behaviour.

### **4. Who you can complain about**

You can complain about any member of the Institute of Chartered Foresters whatever their level of membership.

Chartered Members and Fellows will usually use the letters MICFor or FICFor after their name, but non-chartered members cannot do so.

To check whether the person you want to complain about is a member of the Institute, you can search the list of current members and their category of membership on our website at <https://www.charteredforesters.org/who-we-are/our-members>.

The Institute can only deal with complaints against individuals who are current members of the Institute.

### **5. Dispute resolution**

Disputes may be better resolved by discussion rather than confrontation and complainants are strongly encouraged to seek to resolve the matter mutually before making a professional complaint.

Therefore, the Institute shall expect to see that complainants have endeavoured to achieve resolution by discussion before a complaint is submitted. For example, if you have suffered loss or damage due to the actions of a member of the Institute, you should initially seek to reach an agreement with the member through negotiation or mediation. Alternatively you can seek redress through arbitration or the courts.

If the matter cannot be resolved by these means, you may consider making a professional complaint to the Institute.

### **6. Time limitation**

The Institute shall normally only assess professional complaints made within six months of the last incident or last conduct that forms the basis of the complaint. The complainant needs to show good cause on grounds of equity and justice, for submitting a complaint beyond this time limit.

## 7. Making a complaint

### Complaint Form

A complaint must be made using the Institute's official Complaint Form which is available on the Institute's website.

The Complaint Form will ask you to set out your complaint, provide details about yourself and the Member, and other information we need to understand the circumstances of the complaint. Further guidance on how to complete the Complaint Form is provided on the form.

The form must be completed in full and submitted to the Secretary by email.

Please contact us if you have any difficulties with written or verbal communication so we can adapt to your needs where possible: e-mail [complaints@charteredforesters.org](mailto:complaints@charteredforesters.org).

### Basis of the complaint

Remember that your complaint must relate to a potential breach of the Code of Conduct.

On the Complaint Form, you will be asked to indicate which of the Code's six standards you believe to have been contravened and why you think the Code may have been breached.

Please give us the main points of your complaint with some information about each point. What has gone wrong and when did it happen? What was done or failed to be done?

Please be as precise as you can and where possible, give us details of incidents or behaviour, dates and times, any issues that arose and details of anyone else who witnessed them. If there are several issues, try to summarise them as separate points or paragraphs.

For each allegation you will be asked to specify why you think ICF's Code of Conduct has been breached. For example, if you believe that the member failed to act with integrity you must describe their behaviour or actions and explain how it fell short of that expected.

In short, you must not simply allege that a member has breached one of the Code's standards, you must explain how they did so.

Here is an easy-to-understand example of what you need to tell us:

- **Allegation:** The driver broke the Highway Code by driving recklessly.
- **Behaviour:** The behaviour was reckless because they drove at 50 mph in a 20-mph zone.

Wherever possible, you should provide referenced evidence in support of your allegation. Send us copies of letters, documents or witness statements which you think will help us to understand your complaint properly. Be sure to include a copy of any complaint you sent to the Member and any response received. Please do not send originals as these will not be returned.

### How has this affected you?

On the Complaint Form, you will be asked to tell us how the actions of the member have affected you. Tell us how you felt about what went wrong and about any costs or losses you incurred.

For example, if you had to pay for things because of the member's actions, tell us how much you had to pay and, where you have receipts, send us copies. Please note that the costs/losses should be things that you would not have been required to pay if the member's actions had been different.

#### What would help resolve the problem(s)?

On the Complaint Form, you will be asked to tell us how you would like your complaint to be resolved and why. This might include an apology, a reduction in fees, compensation or other actions the member might take.

Please be aware that if your complaint is upheld the Institute cannot order a financial penalty against a member either by a fine or compensation.

## **8. Processing a complaint**

Once a signed Complaint Form has been received by the Institute the complaint then follows a formal process towards resolution.

There are three stages in the process:

1. Initial assessment of a complaint
2. Investigation of a compliant complaint
3. Professional Complaints Panel's determination meeting

A complainant also has a right, if dissatisfied with the Panel's findings, to request that the matter be reviewed by the Complaints Appeal Board.

The full professional complaint process is available on the Institute's website and a brief explanation of each stage is given below.

#### Initial assessment of a complaint

A Complaints Assessor will consider whether the Complaint Form and any supporting documentation provides sufficient information for making an initial assessment of the complaint.

If the Complaint Form provides insufficient information, it cannot be processed any further and the Complaints Assessor will advise the complainant to complete and resubmit the Complaint Form.

If the Complaint Form provides sufficient information, the Complaints Assessor shall proceed to the initial assessment.

The Complaints Assessor shall consider all the information provided by the complainant and determine whether the complaint is relevant and competent.

To be considered relevant and competent, the Complaints Assessor must be satisfied that four conditions are met:

- a) The complaint relates to a possible breach of the Code of Conduct.
- b) If substantiated, the alleged incident(s) could be a breach of the Code of Conduct.
- c) The complainant has provided sufficient information in support of the complaint for it to be put before the Professional Complaints Panel.
- d) The complaint is not frivolous or vexatious in nature.

The Complaints Assessor may at their discretion seek clarification and/or request further information from you regarding the complaint and may set a reasonable deadline for response.

If considered relevant and competent, the complaint will be considered 'compliant' and referred to the Professional Complaints Panel for determination by them.

The Institute will advise you of the outcome of the initial assessment and if your complaint is found to be non-compliant, provide written reasons for the rejection of the complaint.

#### Investigation of a compliant complaint

If a complaint is 'compliant', the Institute will notify you in writing that following initial assessment your complaint has been referred to the Professional Complaints Panel. This notification marks the start of the procedure to investigate and determine the complaint.

The Complaint Form and any other documentation received from you will be provided to the Member who shall be invited to submit an Initial Response. The Member's Initial Response and any other documentation received from the member, will be copied to you without undue delay. Both you and the Member will then be invited to prepare a Written Statement which sets out, in summary, the case they will present to the panel at the determination meeting.

The Institute will compile an indexed dossier of documentation comprising all the documents provided by both parties including copies of the original complaint, the Member's Initial Response, any further representations by either party, any additional documentation from either party, and the Written Statements of both parties. Copies of the dossier will be shared with you, the Member and the Professional Complaints Panel.

Please note that once the complaint procedure has started, it will not be terminated by the voluntary resignation of the Member against whom the complaint has been laid.

Similarly, if you withdraw your complaint, the Institute's Council may decide to take your place and proceed with the complaint.

## Professional Complaints Panel's Determination Meeting

The Panel's independent Chair shall call a Determination Meeting to consider and determine your complaint. The Panel, at its discretion, may call a physical meeting or meet by electronic means.

You and the Member may attend, or be represented or accompanied at, the Determination Meeting. You must give seven clear days' notice of the names of the person or persons representing or accompanying you and of any witnesses you propose to call. It shall be your responsibility to secure the attendance of any person appearing on your behalf.

Any expenses incurred by you in attending a Determination Meeting will not normally be met by the Institute. Under no circumstances shall the Institute be responsible for meeting the costs or fees of any person accompanying or representing you, or for loss of earnings or salary or any other consequential losses.

You and the Member will have the opportunity to present your cases to the Panel and to answer questions from Panel members. Having considered the evidence laid before them, the Panel members will determine by majority vote whether the complaint should be upheld or dismissed.

If the complaint is upheld, the Panel will then determine what disciplinary sanction is appropriate. The sanctions available to the panel are:

- a) Issue a reprimand and/or an advisory recommendation on good conduct.
- b) Issue a severe reprimand and/or require that certain actions be completed within a specified timeframe as a condition of continued membership.
- c) Remove from membership without the opportunity to seek renewal of membership.

Please be aware that the Institute cannot go beyond these disciplinary sanctions.

The Institute will advise the parties to the complaint in writing of the Panel's decision, the reasons for the decision and their right of appeal.

The Panel's determination is final. If you disagree with their findings, you can request that the matter is reviewed by the Institute's Complaints Appeal Board as set out in Procedure 5.4 of the Professional Complaint Process.

Any such request must be received within 28 clear days of you being informed of the Panel's decision and you will need to specify the reasons for seeking a review. You should also bear in mind that the Complaints Appeal Board has no power to rehear the case and can only order the Professional Complaints Panel to do so in exceptional circumstances.

A Member of the Institute has the right of appeal to the Complaints Appeal Board on specific grounds. If the Panel's decision is the subject of an appeal, no sanction will be put into effect until the appeal has been determined by the Complaints Appeal Board.

If the Panel upheld the complaint and the Member has not lodged an appeal within 28 clear days, then the Panel's Chair may publish a brief statement of the Panel's decision in one or more of the Institute's publications, including on-line publications.