

Chartered Institute of Horticulture- Grievance and Disciplinary Policy



Purpose

All members of the Chartered Institute of Horticulture (CIH) agree to abide by its Code of Professional Conduct when they sign up. If you believe a CIH member, volunteer or employee has breached the Code, there is a procedure in place to make a complaint against that individual. This ensures anyone coming into contact with a member of the CIH (of any membership grade) will receive the same high standard of professionalism expected of any member of a Chartered Body.

Who may make a complaint?

Anyone, whether a member, volunteer, employee or member of the public.

For the purposes of this policy document the word "member" shall be taken to mean either a paid-up member of the Institute regardless of grade of membership or designation or a non-paid up member who is classified as one of the categories specified below:

- i. members whom the Institute is waiting to pay their subscription within the time limit associated with their payment method
- ii. Prizewinners and Honorary Fellows from whom the Institute does not expect a subscription whilst they retain this category.

The word "employee" shall be taken to apply to a person employed directly by the Institute, an agent acting with legitimate authority of the Institute or a person employed by an organisation providing services to the Institute who is employed wholly or partly in conducting the business of the Institute.

NB. The staff of the Secretariat are employed by the Horticultural Trades Association (HTA) which also has a Disciplinary Policy.

You do not have to have suffered loss or damage in order to complain: you only have to believe that a Member of the Institute may have breached the Code of Conduct.

Sometimes the Chartered Institute of Horticulture itself will initiate a complaint or take over the role of complainant, for instance if the complaint raises a matter of general principle.

This Policy will allow for:

- i) Confidentiality. Except in cases such as abuse when safeguarding adults, Police or Social Services need to be informed or another member or employee is guilty of an offence requiring disciplinary action. In most cases the Secretariat will be informed of an alleged issue to assist in any investigation, unless the issue concerns a member of staff of the Secretariat. If the complainant wishes to remain anonymous from the subject of their complaint then this can be accommodated until such point as that sharing their identity with the subject is necessary for the resolution of the case.

- ii) **Speed.** The Honorary Secretary must ensure that any genuine concern brought to his/her attention under the terms of this policy will be dealt with quickly and sympathetically.
- iii) **Flexibility.** If the alleged issue affects or involves the Honorary Secretary, the President should be informed. The President will exercise his/her best judgement in determining who should be informed of the alleged issue. In most cases the Secretariat will be informed to assist in any investigation, unless the issue is related to a member of staff of the Secretariat.
- iv) **Sensitivity.** The Honorary Secretary is required to be sensitive to issues involving any type of discriminatory practice or other discriminatory behaviour.

Whom can you complain about?

Members of the Chartered Institute of Horticulture. If the complaint is directed against a member of the Secretariat then the matter will be referred to the HTA so that their own policy can be followed.

You may recognise members from the letters C Hort, FCI Hort, MCI Hort or ACI Hort after their name, but you can also ask us to check whether someone is a member – or whether they were a member at the time of the events that you want to complain about. Members cannot avoid responsibility for their past conduct by resigning from the Institute.

We cannot deal with complaints about horticulturists who have not been members of the CIH.

To register a complaint

Contact the CIH Secretariat at cih@horticulture.org.uk, on [00353 872587586](tel:00353872587586) or by letter to:

Chartered Institute of Horticulture, Horticulture House, Chilton, Didcot, Oxon, OX11 0RN

The Secretariat will immediately pass on the complaint to the Honorary Secretary who will then advise you (and the member you complain about) on the various stages of a complaint. He/she will then be your contact point with the CIH throughout the process.

If the complaint concerns a member of the Secretariat then your complaint should be sent directly to the Honorary Secretary at secretary@horticulture.org.uk.

Initial checks

We will check that the person you have complained about is actually a member – or was, at the time of the events you are complaining about. If this is not the case, there is nothing further that we can do. We will also tell you if we think the complaint is not covered by the Code of Conduct.

Written details

You will be asked to state your complaint in writing (we can help you to do this, if necessary). The person you have complained about will be shown this document and asked to provide a written reply (and the same help is available to them).

Conciliation

Most complaints are resolved through 'Conciliation', when the Institute helps both sides to reach an agreement by acting as a go-between in negotiations. It is always the first resort, but it depends on the willingness of both sides to take part.

This is a very informal process, organised at the discretion of the Honorary Secretary. The process is confidential; no records of the discussions are kept, and the result is not published.

Outcomes

If the complaint is not resolved by Conciliation or the process is not deemed appropriate, a Disciplinary Panel may be formed by the Honorary Secretary to consider other options. The Disciplinary Panel will be formed of: Honorary Secretary plus Vice-President and President-Elect or other nominated senior officers to form a total panel of three. They may decide to:

1. Advise the member (the person you have complained about) to improve the way he or she does business;
2. Reprimand the member (including revoking their right to use the CIH logo)
3. Advise the member to repay fees received for work that forms the subject of the complaint;
4. Require the member to pay the Institute's costs of the disciplinary procedure;
5. Expel the member;
6. Drop the case, if they consider that the complaint is not proven; or take no further action.

Compensation

The CIH does not award damages. If you have complained that a CIH Member carried out substandard work for you, the member may be required to return any fees that you paid for that work. If the substandard work was part of a larger contract, the refund is limited to the value of that part of the contract. If you want more or different compensation, you should use the courts.

Legal action

Occasionally disputes are pursued through the courts and through a complaint to the CIH at the same time. We will normally halt the CIH Disciplinary Procedure until the court case is completed.

Legal action, in other words, does not of itself cancel the CIH Disciplinary Procedure, whether the action is taken by you (the person who is complaining) or by the CIH Member (the person who is complained about).

Procedural Guidance for Grievance and Disciplinary Policy

Procedures for Making a Disclosure

The complaints procedure will, at all times, follow the principles of natural justice: in other words, both sides will receive fair and equal treatment.

On receipt of a complaint, the member of the Secretariat who receives and takes note of the complaint, must pass this information as soon as is reasonably possible, to the appropriate designated investigating officer as follows:

- Complaints will be investigated by the Honorary Secretary unless the complaint is against the Honorary Secretary or is in any way related to the actions of the Honorary Secretary. In such cases, the complaint should be passed to the President for referral.
- In the case of a complaint, which is any way connected with but not against the Honorary Secretary, the President will nominate a member of Management Board to act as the alternative investigating officer.
- The complainant has the right to bypass the Secretariat/Honorary Secretary and take their complaint direct to the President. The President has the right to refer the complaint back to the Honorary Secretary if he/she feels that the Honorary Secretary, without any conflict of interest, can more appropriately investigate the complaint.

If there is evidence of criminal activity then the investigating officer should inform the police. The Chartered Institute of Horticulture will ensure that any internal investigation does not hinder a formal police investigation.

Timescales

Due to the varied nature of these sorts of complaints, which may involve internal investigators and / or the police, it is not possible to lay down precise timescales. The investigating officer should ensure that the complaint is investigated as quickly as possible without affecting the quality and depth of the investigation.

The investigating officer, should as soon as practically possible, send a written acknowledgement of the concern to the complainant.

All responses to the complainant should be in writing and sent to their home address.

Investigating Procedure

The investigating officer should follow these steps:

- Full details and clarifications of the complaint should be obtained.
- The investigating officer should inform the individual against whom the complaint is made as soon as is practically possible.
- The investigating officer should consider the involvement of the Police at this stage and should consult with the President.
- The allegations should be fully investigated by the investigating officer with the assistance where appropriate, of other individuals / bodies. The identity of the complainant will be kept confidential from those not involved in the investigation.
- A judgement concerning the complaint and validity of the complaint will be made by the Disciplinary Panel. This judgement will be detailed in a written report containing the findings of the investigations and reasons for the judgement. The report will be passed to the President.
- The President will decide if the action recommended by the Disciplinary Panel is appropriate. If the action is shown to be justified, then the investigating officer will organise its implementation with the assistance of the Secretariat.

- The complainant should be kept informed of the progress of the investigations and of the final outcome.

If the complainant is not satisfied that their concern is being properly dealt with by the investigating officer, they have the right to raise it in confidence with the President.

External Agencies

If the Institute's policies are working, The Chartered Institute of Horticulture should be able to deal with most issues internally, however, in exceptional circumstances; it may be felt necessary to contact an external agency if the problem involves;

- (a) The Honorary Secretary, the Chair of the Management Board or the President;
- (b) Abuse of public or donated funds;
- (c) Abuse of a vulnerable person