

ARBORICULTURAL ASSOCIATION

COMPLAINTS PROCEDURE & MEMBER APPEALS

Our expectation is that members of the Arboricultural Association (the Association) will abide by our Code of Ethics and Code of Conduct. In the unlikely event that you feel a member has fallen below the standards set by the Association, you may wish to make a complaint.

The people best placed to resolve any problem or concern you have are usually the people directly involved so in the first instance, or as a first step, you should contact them with your complaint to seek to resolve matters informally.

Our complaints procedure has 3 stages:

STAGE 1 COMPLAINT - TALK TO OUR MEMBER

Most issues can be resolved without you having to make a formal complaint. We always encourage the complainant and our member to resolve disputes between themselves, working together to achieve a positive outcome.

You should talk to our member in the first instance about your concerns to give them a chance to put right any problems or complete work that is unfinished.

Some Arboricultural Association Approved Contractors and Registered Consultants may have their own complaints procedure that should be easy to follow. You should put your issues in writing to them and, where possible, clearly identify what redress you seek; this is their chance to resolve your complaint at the earliest opportunity.

A mediator might help parties reach a solution to their problem and to arrive at an outcome that both parties are happy to accept. Mediators do not take sides, make judgements or give guidance. They are simply responsible for developing effective communications and building consensus between the parties. The focus of a mediation meeting is to reach a common sense settlement agreeable to both parties in a case.

Mediation is a voluntary process and will only take place if both parties agree. It is a confidential process where the terms of discussion are not disclosed to any party outside the mediation hearing.

If you are unable to resolve your complaint with our member you might wish to contact us, asking that we consider the complaint under stage 2 of our complaints procedure.

Only after attempts to resolve the complaint directly with our member have been fully exhausted can any complaint be escalated to the Arboricultural Association for our consideration as a stage 2 complaint.

STAGE 2 COMPLAINT – CONTACT THE ARBORICULTURAL ASSOCIATION

There may be times when you are unable to resolve your complaint with our member or where the complaint is so serious that an informal resolution would be inappropriate. In such circumstances you may wish to raise a complaint with the Arboricultural Association.

The Association is only empowered to deal with complaints made against one or more of its members. Before embarking upon the submission of a complaint, you are advised to check with us that the person, persons, organisation or a principal in the organisation that you are complaining about is a member of the Association.

Please Note: Enquiries relating to a complaint cannot be dealt with over the telephone. Members of staff at HQ are unable to provide a view in respect of any complaint and are only able to provide advice in respect of the process.

If you make a stage 2 complaint, we will first determine whether or not your complaint is within our scope, for example, does what you are complaining about amount to unethical or unprofessional behaviour by our member. We cannot deal with complaints that fall outside the scope of the Association's Code of Ethics and Code of Conduct and so you should read these codes before making a complaint to the Association. Both codes may be updated from time to time and you can read or download the most recent copies on the Arboricultural Association's website www.trees.org.uk

Should your complaint fall outside these parameters, there may be other options available to you that could lead to a resolution of your dispute with, or grievance against, our member. Any alternative courses of action are outside the Association's control and you may wish to seek advice from outside the Association.

We want to be able to resolve any concerns you have quickly, confidentially and fairly. To enable the Association to consider the matter fully please write to the Chief Executive of the Association. You will need to:

1. Provide a clear and concise written description of the issue(s) under dispute.
2. Describe what endeavours have been made to resolve the matter and the outcome of these endeavours, including the reasons a resolution could not be reached.
3. Send copies of any associated and appropriate communication records.
4. Summarise the redress you seek. For example, are you content with an apology?
5. Provide your contact details, including your name and address, an email address and a telephone number where we can contact you during weekday office hours.

Please Note: The Association reserves the right to reject your stage 2 complaint if you cannot demonstrate that you have taken reasonable steps to deal with the matter in accordance with our stage 1 complaint procedure, or if you fail to provide the required information at the time of making your complaint.

Upon receipt of a stage 2 complaint we will contact our member, requesting their response to the complaint being made against them. This first step enables us to assess whether the complaint is valid and substantive.

The validated complaint will be considered by the Chair of Professional Committee or such person(s) that he or she may delegate the task to. Once we have weighed the information provided by both parties, we will advise you and our member of the outcome in writing.

We will aim to acknowledge your complaint within 5 working days of receipt. We will also consider your complaint and aim to send a full response to you as soon as possible, normally within 42 days, either by email or letter. If we cannot meet or adhere to these timescales we will let you know, explain the reason for the delay and provide an alternative date.

Please be aware that in the event of your complaint being upheld, the sanctions available to the Association are limited. The Association cannot fine or order any other financial penalty against our member.

STAGE 3 COMPLAINTS - ASK FOR A REVIEW OF THE OUTCOME AT STAGE 2

You have the right to request a review of the Association's response to your stage 2 complaint. The request for a review, complete with supporting documents, must be made in writing within 21 days of the decision being issued by the Arboricultural Association.

You will need to specify in writing, to the Chief Executive of the Association, the reasons for seeking such review, bearing in mind that the reasons for making a stage 3 complaint must be objective and that the person(s) who will be undertaking the review can only consider new evidence if it could not reasonably have been made available when the Association considered the stage 2 complaint.

The member will be informed that the matter has been referred for review as a stage 3 complaint and the Association may request their response before we undertake the review. Once we have reviewed the case we will advise you and our member of the outcome in writing.

The review of the stage 2 complaint shall be undertaken by the Chair of Professional Committee or such person(s) that he or she may delegate the task to. The Association will ensure that the person(s) undertaking the review was not involved in the determination of the stage 2 complaint.

We will aim to acknowledge your stage 3 complaint within 5 working days of receipt. We will also review what has happened so far and aim to send a full response to you within 42 days, either by email or letter. If we cannot get back to you within these timescales we will let you know, explain the reason for the delay and give you a date by which we will get back to you.

Please Note: The outcome of this stage 3 appeal will be final; there is no further right of appeal to the Arboricultural Association. If you remain dissatisfied with the outcome, you might, at your own expense, consider seeking help via your local trading standards service if you haven't already done so.

APPEAL PROCEDURE FOR OUR MEMBER

Our member has the right, if dissatisfied with a finding of the Association, to appeal the outcome of the stage 2 complaint, requesting that the matter be reviewed. The appeal, complete with all supporting documents, must be made in writing within 21 days of a stage 2 complaint decision being issued by the Arboricultural Association.

The member shall specify in writing, to the Chief Executive of the Association, the grounds for the appeal, bearing in mind that they must be objective and that the person(s) who will be undertaking the review can only consider new evidence if it could not reasonably have been made available when the Association considered the stage 2 complaint.

Any appeal must be made on one or more of the following grounds:

1. The complaint procedure was not followed in the consideration of the complaint;
2. The Association reached a finding or imposed a sanction which was unreasonable given the circumstances of the case;
3. New pertinent evidence, which could not reasonably have been made available, has since come to light.

The appeal shall be heard by the Chair of Professional Committee or such person(s) that he or she may delegate the task to. The Association will ensure that the person(s) hearing the appeal was not involved in the consideration of the stage 2 complaint.

We will aim to acknowledge the appeal within 5 working days of receipt. We will also review what has happened so far and aim to send a full response to you within 42 days, either by email or letter. If we cannot get back to you within these timescales we will let you know, explain the reason for the delay and give you a date by which we will get back to you.

The complainant will be informed that the outcome of the stage 2 complaint has been appealed. Once we have reviewed the case we will advise both parties of the outcome in writing.

If the stage 2 complaint was upheld then the disciplinary sanction will not take effect until such time as the appeal is considered and /or the 21 day appeal period has elapsed.

Please Note: The outcome of the appeal will be final; there is no further right of appeal to the Arboricultural Association.

SCOPE OF COMPLAINTS PROCEDURE

The following complaints are either not within the scope of the Association's stage 2 or stage 3 complaints procedure, or may, at the discretion of the Association, need to be held in abeyance pending the conclusion of any third-party action.

- You have not attempted to resolve the complaint by following our stage 1 complaints procedure.
- The complaint relates to something which happened more than 2 years ago.
- The complaint relates to something that is currently under investigation, or is due to be investigated by the Police or the Health & Safety Executive.
- The complaint relates to something that is the subject of an ongoing planning appeal or TPO appeal.
- The complaint relates to enforcement action that is currently being taken, or is due to be taken, by a Local Planning Authority.
- The complaint relates to a financial matter or contractual issues.
- The complaint relates to a matter that is the subject of Court proceedings.

SCOPE OF DISCIPLINARY SANCTIONS

Please Note: The following information is for guidance only.

Please be aware that in the event of your complaint being upheld, the sanctions available to the Association are limited. The Association cannot fine or order any other financial penalty against a member. The following are the disciplinary sanctions available:

1. **Reprimand** – The member is admonished by the Chair of the Professional Committee of the Association. The written warning is noted on the member's record and remains on file for one year.
2. **Severe Reprimand** – The member is firmly admonished by the Chair of the Association, who may at this stage take into account any previously upheld complaints against the member. The written warning is noted on the member's record and remains on file for three years.
3. **Removal from Membership** – The member is removed from membership. Responsibility for removal from membership rests with the Professional Committee. Any such decision may take into account any previously upheld complaints against our member and the decision will need to be ratified by the Board of Directors of the Association. Membership can be reapplied for after five years.

CONTACTING THE ARBORICULTURAL ASSOCIATION

To contact us with a stage 2 or stage 3 complaint you can either:

Email the Chief Executive at:
stewart@trees.org.uk

Write to the Chief Executive at:
Arboricultural Association, The Malthouse, Stroud Green,
Standish, Stonehouse, Gloucestershire, GL10 3DL

OUR PROMISE

We will:

- listen to you and make every effort to help;
- be fair, objective and impartial;
- provide information in clear and easy to understand language;
- consider the complaint on the basis of the information presented by both parties;
- treat any complaint or response to a complaint in confidence