

THE LANDSCAPE INSTITUTE'S DISCIPLINARY PROCEDURES

1.0 Preamble

- 1.1 The Landscape Institute, as the chartered body for landscape professionals, is committed to ensuring that the standard of competence and conduct of its members is to a level that the public has a right to expect.
- 1.2 The Institute is governed by its Royal Charter, By-Laws and Regulations. The Institute also provides a Code of Standards of Conduct and Practice (the "Code of Conduct") for the guidance of its members. Every member of the Institute is bound by the Landscape Institute's Charter, By-laws, Regulations and Code of Conduct.
- 1.3 The power of the Landscape Institute to investigate complaints against its members and to discipline them is set out in By-Laws 10

THE BY-LAWS OF THE LANDSCAPE INSTITUTE

as amended on 12 October 2016

10. PROFESSIONAL CONDUCT AND DISCIPLINE

10.1 Code of Practice

- 10.1.1 The Board shall issue a code laying down standards of professional conduct and practice expected of Institute Members.
- 10.1.2 The Board shall keep the code under review and vary its provisions whenever it considers it appropriate to do so.
- 10.1.3 Failure by an Institute Member to comply with the provisions of the code:
 - (a) shall not be taken of itself to constitute unacceptable professional conduct or serious professional incompetence on their part; but
 - (b) shall be taken into account in any disciplinary proceedings.

10.2 Disciplinary orders

- 10.2.1 A Disciplinary Panel may make a disciplinary order in relation to an Institute Member if it is satisfied that they are guilty of:
 - (a) unacceptable professional conduct; or
 - (b) serious professional incompetence;or that they
 - (c) have been convicted of a criminal offence (other than an offence which has no material relevance to practise as a Landscape Professional).

10.2.2 If an Institute Member fails to comply with an order made by a Disciplinary or Fitness to Practise Panel that shall be deemed prima facie to constitute unacceptable professional conduct.

10.2.3 In these By-Laws a “**disciplinary order**” means one or more of the following:

- (a) advice on future conduct;
- (b) a warning;
- (c) a requirement to carry out specified continuing professional development;
- (d) an appointment of a Mentor for a specified period;
- (e) a penalty of up to £5,000;
- (f) the imposition of conditions on continued Institute Membership, such conditions may include but are not limited to a condition not to offer a particular service in relation to the practice of landscape architecture for up to 1 year and/or until stipulated continuing professional development steps have been completed and such conditions may include provisions for the review and/or variation of any condition imposed;
- (g) disqualification for a specified time from:
 - (i) membership of a Branch committee;
 - (ii) being a member of the Council, the Board, a Standing Committee and/or any other committee, working group, or panel;
 - (iii) acting as, or standing for election to be, an Officer;
- (h) suspension from Institute Membership for up to 2 years;
 - (iv) suspension from Institute Membership until such conditions as the Disciplinary Panel may specify are fulfilled. These conditions may include (but are not limited to) a requirement to carry out such training or professional development as the Disciplinary Panel considers appropriate;
 - (v) expulsion from the Institute.

10.3 Effect of expulsion and suspension

10.3.1 Subject to reinstatement or the end of any suspension, any Institute Member suspended or expelled from the Institute will lose their entitlement to exercise any rights or privileges of Institute Membership including (but not limited to) the right to:

- (a) make any statement or use any title or initials suggesting that they are an Institute Member;
- (b) use the premises or services of the Institute;
- (c) attend any meetings of the Institute where attendance is restricted to Institute Members;
- (d) vote in any Institute poll or election.

10.4 Reinstatement

10.4.1 At the expiry of any suspension the Institute Member may make a formal application to the Honorary Secretary in writing to be re-instated.

10.4.2 An expelled Institute Member may make a formal application to the Honorary Secretary in writing to be readmitted to the Institute after a minimum term of 10 years from the relevant disciplinary order.

- 10.4.3 The Honorary Secretary shall submit applications under this By-Law to the Board for a decision. The Board may admit the applicant if it considers in all the circumstances it is appropriate to do so.

10.5 Fitness to Practise Orders

- 10.5.1 A Fitness to Practise Panel may make a fitness to practise order in relation to an Institute Member if it is satisfied that by reason of an impairment to the Institute Member's fitness to practise for any reason such an order is appropriate. A Fitness to Practise Order may:

- (a) contain advice;
- (b) require the Institute Member to appoint a Mentor for a specified period or until review;
- (c) require the Institute Member to undergo training or professional development;
- (d) suspend Membership of the Institute for up to 2 years, or for a shorter period until such conditions as the Fitness to Practise Panel may specify are fulfilled; or
- (e) impose conditions of continued Institute Membership, such conditions may include but are not limited to a condition not to offer a particular service in relation to the practice of landscape architecture for up to 1 year and/or until the Institute Member has delivered a medical report to the Institute covering such matters as the Panel may direct;
- (f) terminate Institute Membership.

- 10.5.2 The Fitness to Practise Panel may vary any order or substitute a different order at any time.

10.6 Adjudication Pool, Panels, the Panel Clerk and the Presenting Officer

- 10.6.1 There shall be an **Adjudication Pool** comprising no fewer than 12 persons appointed by the Institute from time to time as eligible to be selected by the Panel Clerk to form part of an Investigation & Screening Panel, Disciplinary Panel, Fitness to Practice Panel, or Appeal Panel.
- 10.6.2 There shall be an **Investigation & Screening Panel** the function of which shall be the investigation and screening of issues arising in relation to the conduct and fitness to practise of Institute Members.
- 10.6.3 There shall be a **Disciplinary Panel** the function of which shall be the adjudication of conduct matters referred to it by the Investigation & Screening Panel in respect of Institute Members.
- 10.6.4 There shall be a **Fitness to Practise Panel** the function of which shall be the adjudication of fitness to practise matters referred to it by the Investigation & Screening Panel in respect of Institute Members.
- 10.6.5 There shall be an **Appeal Panel** the function of which shall be the adjudication of appeals in respect of disciplinary orders made by the Disciplinary Panel and fitness to practice orders made by the Fitness to Practise Panel.

10.7 Regulations

- 10.7.1 The Board shall issue regulations laying down the powers, constitution and procedures governing:
- (a) the Adjudication Pool;
 - (b) the Investigation & Screening Panel;
 - (c) the Disciplinary Panel;
 - (d) the Fitness to Practise Panel; and
 - (e) the Appeal Panel.