

**CODE OF PROFESSIONAL CONDUCT AND RULES PURSUANT TO CLAUSES 22 & 23 OF THE CONSTITUTION**

1. Members of the Institute are expected to maintain a high standard of professional practice, conduct and integrity and no member shall conduct himself in such a manner as to bring into disrepute their professional status, the Institute or the profession of Agricultural Consultants generally.
2. In particular but without prejudice to the generality of the foregoing rule, no member shall:
 - (a) be employed or have any other financial relationship with any Company, firm or organisation if such employment or relationship shall in the opinion of Council be inconsistent with their duty to advise their Clients impartially nor be engaged in any trade, profession or occupation which might in the opinion of the Council be or become inconsistent with such duty.
 - (b) be in any way connected with or have any relationship with any other person or body if such connection or relationship might be or become prejudicial or inconsistent with their duty to any of their Clients without making a full disclosure to that Client
 - (c) disclose or allow any disclosure of the affairs of any of their Clients to any other Client or to any other person for their own advantage or for the advantage of any other person.
 - (d) take an instruction where there is a conflict of interest or a conflict could reasonably be expected as clients have a substantial common interest and/or the parties are competing for the same objective unless all the clients have consented, given or evidenced in writing, and/or members have put in place effective safeguards to protect confidential information
 - (e) engage in any work outside the sphere of their competence.
 - (f) seek to obtain instructions from a Client in a manner considered by the Council to be unprofessional or knowingly seek to procure instructions from a Client for whom another member of the Institute is already acting without the consent of the member.
 - (g) make any charge for their services in a manner considered to be unprofessional by the Council.
3. (a) If it shall appear from information in the possession of the Council, a Committee, Officer or servant of the Institute that any member is in breach of the provisions of the Constitution of the Institute or of any Rules, Bye laws or Regulations made hereunder, (and if the matter cannot be dealt with by correspondence between the Chief Executive and the member to the satisfaction of the complainant), then all relevant information shall be presented by the Chief Executive to the Complaints Sub-Committee of the Entrance, Membership and Disciplinary Committee.
 - (b) If the Complaints Sub-Committee shall decide that there is a case to answer, then the member shall be so notified and required to appear before the Institute's Standing Disciplinary Committee. Not less than 21 days notice in writing giving particulars of the charges against the member concerned shall be given.
 - (c) Upon hearing all relevant evidence and if the facts are found to constitute proof of a breach of professional conduct as a member of the Institute, the Standing Disciplinary Committee shall next consider by passing the appropriate resolution to any or several of the following effects:

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- (i) Removal from membership of the Institute
- (ii) Down-grading of grade of membership
- (iii) Suspension for a period from all or any of the privileges of membership
- (iv) Issue of a reprimand by the Chairman of the Institute
- v) Removal or suspension from membership of the Council or of any Committee or from any office or appointment connected with the Institute
- (vi) Promulgation of the decision of the Disciplinary Hearing as Council deem fit

The above penalties will be imposed by the Standing Disciplinary Committee in the name of Council, following the Disciplinary Hearing, and subject to the following provisions the decision shall be final. If the member wishes to appeal against such penalty, that shall take the form of a petition to Council within 21 days of the decision being promulgated for the penalty to be referred to arbitration. The Chairman or Vice-Chairman shall appoint a Registered or other suitable Arbitrator to review the case, who shall have the power to alter the penalty imposed and to award an order for costs.

- (d) Any such suspension or down-grading may be for as long as the Standing Disciplinary Committee shall think fit or indefinite but shall not relieve the member from payment of their subscription appropriate to the grade of membership from which he has been suspended or down-graded.
- (e) No such resolution shall be passed by the Standing Disciplinary Committee unless carried by a simple majority of those present and voting. Approval of its resolution by Council shall require a majority of two thirds of those present and voting, excluding any member of Council who attended the Disciplinary Hearing, the President, and the member accused, if he should be a member of Council.
- (f) The member concerned shall be entitled to be represented legally or by a friend at the hearing before the Standing Disciplinary Committee should he so desire, but he and their representatives shall not be present during the discussion or voting upon the resolution.

PROCEDURES FOR THE ENTRANCE, MEMBERSHIP AND DISCIPLINARY COMMITTEE IN HANDLING A DISCIPLINARY MATTER

1. On receipt of a written complaint against a member (the respondent), the Chief Executive will:

- (a) inform the respondent that a written complaint has been made against him and with the express permission of the complainant advise him of the exact nature of that complaint;

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(b) provide the respondent with copies of all documentation relating to the facts forming the subject of the complaint;

(c) invite the respondent to submit within 21 days their written observation on the complaint, provided always that, if good cause is shown, the Committee Chairman may grant one extension of 21 days;

(d) if it is felt to be appropriate, seek written advice on any technical aspects of the case from an appropriate member with the necessary qualifications, skill or experience;

(e) initiate such other preliminary enquiries as are felt to be appropriate at that stage;

(f) in any case and whenever the Chief Executive deems appropriate, attempt to resolve the complaint by mediation between the parties.

2. If attempts at mediation are unsuccessful, all written evidence obtained by the Chief Executive under paragraph above shall be placed before the Complaints Sub Committee of the Entrance, Membership & Disciplinary Committee, which Sub Committee shall;

(a) consist of at least three voting members;

(b) include in addition at least one non-voting member with skills, qualifications or experience considered by the

Chief Executive to be appropriate if there are technical or other special aspects of the case; (c) not include the Chairman or Vice-Chairman of the Institute.

3. After considering all available evidence, the Complaints Sub-Committee shall determine the sole issue, whether there is a case to answer of a breach of professional conduct by the respondent as a member of the Institute and the terms, from time to time in force, of the Code of Professional Conduct of the Institute.

4. If the Complaints Sub-Committee shall be sure that there is no case to answer, then the matter shall be concluded at that stage and the complainant informed accordingly.

5. If the Complaints Sub-Committee decides that there may be a case to answer, then the complainant and the respondent shall be so informed and shall be advised of a date fixed for a hearing of the case before the Standing Disciplinary Committee of the Council.

6. A charge shall be formulated and a written copy of the same shall be sent to the respondent not less than 21 days before the date specified for hearing before the Standing Disciplinary Committee.

7. The respondent shall be invited to attend the Standing Disciplinary Committee on the day specified, on which occasion the Institute's "Procedures for Consideration of a Disciplinary Matter" for the time being apply, a current copy of which shall be sent to the respondent along with the details of the charge. The members of the Standing Disciplinary Committee shall not be given details of the findings of the Complaints Sub-Committee beyond the information that there is a case to answer.

PROCEDURES FOR THE CONSIDERATION OF A DISCIPLINARY MATTER BY THE STANDING DISCIPLINARY COMMITTEE AND ARBITRATOR

1. The Standing Disciplinary Committee (in these procedures referred to as "the Committee") shall convene and conduct its consideration of a disciplinary matter in accordance with the Code of

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Professional Conduct pursuant to Clauses 24 and 25 of the Constitution as may from time to time be in force.

2. The Standing Disciplinary Committee shall consist of:

(a) the Chairman or Vice-Chairman of the Institute where practicable, either of them attending shall act as Chairman of the Committee (the Chairman), or in their absence another member nominated by them to act in their place, provided that the member so nominated was not a member of the Complaints Sub-Committee considering the case;

(b) at least four other voting members nominated by Council, provided that the quorum of the Committee shall be five:

(c) another member co-opted if necessary, with appropriate skills qualifications and experience who shall act as technical assessor not being a member of the Complaints Sub-Committee, who shall be entitled to ask questions of the respondent and other witnesses, and to advise the Standing Disciplinary Committee in public, but not to take any further part in the proceedings.

3. The Institute shall, in advance of such meeting, consult a solicitor or barrister to advise the Chairman and Committee on any legal matters arising, if so requested by the Chairman of their own volition, or at the request of a majority of the Committee, and where appropriate, shall appoint such solicitor or barrister to sit as legal assessor at any hearing.

4. At the hearing before the Committee, the following procedures shall apply:

(i) The Chairman shall identify the parties attending. Where the respondent member does not appear, the Chairman shall call upon the Chief Executive to demonstrate that the Notice of Charge has been received by the member. If it does not appear to have been so received, the Committee may nevertheless proceed with the enquiry, if they think fit, or being satisfied that all reasonable efforts have been to serve the Notice of Charge on the member.

(ii) The Chief Executive or other appointed officer of the Institute shall read the charge.

(iii) The Chairman shall invite the member to indicate whether the facts alleged in the charge are admitted and, if the member or their representative indicates that they are so admitted, the Committee shall continue as if the facts were found proved.

(iv) If the facts are not admitted, the Chairman shall invite the Institute's Chief Executive or appointed legal representative to address the Committee and to adduce evidence in support of the charge. If the evidence is given orally, the member or their representative may cross-examine such witness and the Committee may ask questions of such a witness.

(v) At the conclusion of the case on behalf of the Institute, the member or their representative may submit:

(vii) At the conclusion of evidence, the Institute's representative shall be entitled to address the Committee upon the evidence, whereupon the member or their representative shall be entitled to address the Committee upon the evidence.

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(viii) After hearing such submissions, the Committee shall consider in camera, whether or not the facts are found proved.

(ix) If the alleged facts are not found proved, the Committee shall determine the matter appropriately at that stage.

(x) If the alleged facts are found proved, the Committee shall announce its determination in public and shall invite the member or their representative to address them upon the issue, whether the proved facts substantiate the charge of a breach of professional conduct by a member of the Institute.

(xi) The Committee shall next consider in camera, whether or not the proved facts amount to a breach of professional conduct as a member of the Institute and shall announce its determination in public.

(xii) If the Committee determines that the proved facts do not amount to a breach of professional conduct as a member of the Institute, the matter shall be appropriately determined at that stage.

(xiii) If the Committee determines that the proved facts amount to a breach of professional conduct as a member of the Institute, the Committee shall:

(a) Invite the Institute's representative to advise the Committee of any antecedent matters;

(b) invite the member or their representative to address the Committee in mitigation of penalty, at which time further evidence, oral or documentary may be adduced by the member, which may be subject to cross examination by the Institute's representative and questions by members of the Committee.

(xiv) At the conclusion of any such plea in mitigation, the Committees shall consider in camera what may be the appropriate resolution (if any) to deal with the member in accordance with the Rules of Professional Conduct of the Constitution of the Institute, and shall announce its decision in public, to conclude the case.

5. The decision of the Committee shall be final, save that the member may within 21 days of the decision petition the Council of the Institute for the penalty to be referred to arbitration.

6. The decision of the Council on whether to refer the matter to arbitration shall be final.

7. If a case is referred to arbitration, a Registered or other suitable Arbitrator shall be appointed by the President or Vice- President.

8. The Arbitrator's decision on penalty, shall be final. The Arbitrator shall have the power to substitute a greater or lesser penalty as laid down in the Institute's Rules of Professional Conduct, having regard to the proven facts of the case and the findings of the Committee, but may not hear any submissions on the Committee's determination of facts found proved nor seek to reach any alternative determination of the facts proved.

9. The Arbitrator shall have the power to make such order as to costs as he thinks fits.