

## **Ebley Allotments Association (EAA)**

### **Complaints and Disciplinary Policy and Procedures**

#### **1. Introduction**

The EAA recognises that allotment sites can be sociable places populated by people who share a mutual appreciation of gardening. The Association also acknowledges that many plot holders may wish to be left to garden in peace and any form of unreasonable interaction within or across boundaries of that individual's allotment plot will not be tolerated.

The EAA hopes that nobody feels the need to make a complaint whilst being a member of the Association. Nevertheless, where disputes between tenants arise or between tenants and members of the Committee, then the following procedures will come into play to ensure complaints are dealt with fairly and transparently.

#### **2. Informal Action**

In the first instance, we would encourage members to raise any concerns or complaints by speaking to one of the committee members so that they can attempt to deal with the problem informally. A record will be kept of any informal steps, communications or actions taken by the committee member at this stage, and, in most scenarios, it is usually possible to resolve issues without the need to escalate beyond this stage.

However, if you are not satisfied with the outcome of any informal actions taken, or the committee member feels it would be more appropriate, then the Association members have the option of making a formal complaint by following the process below.

If you wish to do so, you can request to have a family member or friend to help in dealing with the complaint process if you feel unable to do so by yourself.

*Complete confidentiality shall be maintained with respect to all complaints and investigations ie the matter should not be discussed by anyone other than the relevant parties.*

#### **3. Formal Complaint Procedure**

a) A complaint must be received as soon as possible after the event or issue being complained about has occurred. Complaints received more than 3 months after an event will not be admitted except where evidence of exceptional circumstances can be provided, such as an extended period of ill health.

b) Your complaint should be sent in writing via email to the Chairman and Secretary. (If your complaint relates to the Chairman or Secretary, please write to the individual who your complaint does not relate to (ie Chairman or Secretary) and another Committee Officer eg Treasurer by providing the following information:

(i) Your name, address, phone number and email address

(ii) Full details of the matter you are complaining about. It is important to set out all the details with names, dates, places, times etc so that someone who knows nothing about the issue can easily grasp the problem and understand your complaint.

Where relevant, list a sequence of events and dates and include sketches and/or photos, videos and measurements relevant to your complaint.

Give the names and contact details of any witnesses who are prepared to provide evidence relating to the event/ issue.

c) If neither yourself or your supporting friend/ family member is able to write the complaint, you can request another member of the Committee (not involved in the complaint) instead to write one for you with the understanding of confidentiality as above. They will send a summary of the

account you have given to them to check they have understood it correctly and may contact you for further information where necessary.

d) When the complaint is received, the Chairman and Secretary will discuss and decide on no less than two appropriate individuals from the Association Committee who will meet to deal with your case within 28 days of having received your formal complaint. You will be told in writing who it is that will consider your complaint and approximately when you may expect to hear the result of that consideration. The committee members dealing with your complaint will use those 28 days to review any evidence, contact any witnesses and obtain a statement from any accused persons so as to allow a fair and balanced assessment.

e) When the persons considering your complaint have made a decision of an appropriate outcome or action/s, they will tell you and any other parties involved in writing (via email) of that decision no less than 7 days after it has been made. Any decisions made, actions taken or outcomes will be recorded and kept on file by the Association.

f) Possible outcomes and actions are detailed below in Section 5 (Disciplinary Procedure)

#### **4. Appeal Procedure**

a) If you are dissatisfied with the outcome of your complaint, you may appeal for the Association to review it. Such a request must be in writing (if you are unable to write an appeal request yourself, please arrange a friend, family member or EAA committee member to do so for you) via email to the Chairman and Secretary. If your complaint relates to the Chairman or Secretary, please write to the individual who your complaint does not relate to and a named Officer of the Committee by providing a written request following the same format as described in section 3b(i) and 3b(ii) above.

You should give reasons for the appeal and it must be made within 14 days of you being informed of receiving the Association's initial decision, unless you have provided evidence of exceptional circumstances preventing you from being unable to meet the deadline (such as a medical emergency). The Association may turn down a request for an appeal if there is nothing new or material to add to your original complaint.

b) The Chairman and Secretary will discuss and decide *on no less than* two new and appropriate members of the Association Committee who will meet to deal with your appeal, though we will aim to contact you within 28 days after having received your Appeal request. The persons conducting the review will not have been considering your complaint previously.

Where necessary, the Association may appoint an independent person who has no connection with the matter complained about to carry out the review eg a referral to the Clerk of Cainscross Town Council to appoint an independent person.

#### **5. Conflict of Interest**

In the event, hopefully unlikely, that the issue in question brought by the complainant involves one or more members of the Committee and that there is likely to be/ would be a conflict of interest, then the complainant has the right to request an independent observer to be involved at the Appeal stage to carry out a review.

At this point, the Committee would refer the matter to the Clerk of Cainscross Town Council and request involvement in the Complaint Appeal process. Both parties must agree to this intervention and accept the outcomes of the review.

The complainant must be able to show that stages 2 and 3 have been followed before this process is initiated.

## **6. Disciplinary Procedures**

If a tenant is found to have breached section (TBA) of the EAA Tenancy Agreement, the Association reserve the right to follow the disciplinary procedure outlined below. If the tenant feels they have a grievance with another tenant, committee member, or other representative of the EAA, they reserve the right to have the matter dealt with in a reasonable manner. Each case will be dealt with on its own merits.

EAA believes that everyone should be treated with dignity and respect whilst at the allotments and not contravene the guidelines of the Association's policies, agreements or constitution.

Bullying and harassment of any kind are in no-one's interest and should not be tolerated but, if you are being bullied or harassed it can be difficult to know what to do about it – so please follow our complaints procedure above.

A variety of interventions can be used by the Association to deal with your complaint, including:

- no action necessary
- verbal warning
- mediation
- issue of a 1<sup>st</sup> warning
- issue of a final warning
- issue of an eviction notice
- provision of advice, training or additional guidance
- Change of plot/ Site/ Committee position
- Charges or fines for damage to items or property in relevant cases (max value of replacement)

Depending on the seriousness of the problem\*\*, one or more options of interventions/ action could be bypassed or utilised. The tenant will be informed of which stages if any will be bypassed. The committee and tenant should be given the opportunity to talk things through.

The tenant should be informed of allegations against them, including evidence which should be provided in advance of the meeting.

The tenant should have a right to appeal.

The disciplinary committee should consist of 3 committee members, the chair would normally be the Chairman unless a conflict of interest is declared.

The appeal committee should be, wherever possible, comprise of 3 different members of the Committee and chaired by the Chairman unless the tenant wishes the chair to be another Committee member.

In the case of eviction, the tenant should be given up to 1 month to remove all items unless otherwise decided by the Committee and arrangement for supervised collection be made.

NB \*\* Immediate eviction will occur if an act of gross misconduct eg theft, fraud, violence occurs. In addition appropriate authorities will be informed.

### **NOTE:**

#### **What is bullying or harassment?**

These terms are used interchangeably by most people and many definitions include bullying as a form of harassment.

Harassment as defined in the Equality Act 2010:

Unwanted conduct related to a relevant protected characteristic which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.

Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient.

Bullying or harassment may be by an individual against an individual or involve groups of people. It may be obvious or insidious. Whatever form it takes, it is unwarranted and unwelcome to the individual.

***Ebley Allotments Association supports the treatment of everyone with dignity, respect and courtesy whilst at the Allotments and any concerns should be raised at the earliest opportunity and will be listened to and action taken where necessary.***