



Colwall Orchard Group

Disagreements and Disputes Policy

Date: October 2023
Version: 1.0



Introduction

Colwall Orchard Group (COG)¹ is committed to providing its members and volunteers with the most engaging and nature-friendly experiences it can within the context of its mission to restore and celebrate Colwall's traditional orchards. Regrettably, as in all organisations, sometimes disagreements, disputes or disgruntlements arise, for example when a member is using a service that COG has provided; or has taken part in a COG activity; or when interacting with another member.

Managing a dispute can be stressful and time-consuming for all involved. Having a procedure to follow minimises stress and reduces the time an inquiry or investigation takes.

COG does not expect disputes to arise often, but when they do, COG wants to deal with the situation as quickly and painlessly as possible and put measures in place to prevent it recurring.

Resolving a dispute informally

COG has appointed 2 arbitrators to help resolve disputes: Jilly Rosser, one of the Trustees, and Peter Key, a longstanding member of COG. When a member has a grievance, they should contact Jilly or Peter directly - their contact details are at the end.

The arbitrator will want to know

- what has happened or gone wrong
- what the complainant thinks COG should do to put it right

Through a process of listening and discussion, every effort will be made to resolve the issue informally, to everyone's satisfaction. There will then be an agreed plan of action to resolve the problem. The complainant is expected to act reasonably when discussing their complaint. An angry, raised voice, shouting or personal insults are not acceptable. Refusal to work together amicably to find a reasonable solution is unacceptable.

Depending on the situation, we may want to confirm any agreed actions in writing and follow up in a few weeks, to ensure the matter remains resolved.

Please note, if someone else complains on your behalf, we need written confirmation from you saying that you agree for them act for you.

If settling the grievance informally doesn't prove possible, it will be necessary to proceed to a formal complaint procedure. The Board understands that in some circumstances, the complainant might want the issue handled formally at the outset because it is particularly personal or serious (e.g. an allegation of bullying, discrimination or inappropriate relationships between volunteers and children or adults at risk).

¹ Formally Colwall Orchard Trust Ltd, a company limited by guarantee (registration no. 07495461) and a charity (registration no. 1142573)



Making a formal complaint

Our volunteers are an essential part of COG's activities. As stated in the Volunteer Charter, whilst COG promises to look after the health and safety of its volunteers, respecting their skills, dignity and individual needs, it is likewise incumbent on any volunteer to follow COG's rules and procedures and the (trustee) code of conduct. In particular, by signing up to be a volunteer, the individual *agrees to work considerately and respectfully with all – respecting diversity, different roles and boundaries, and avoiding giving offence.*

Before submitting a complaint, it is important to reflect on one's own behaviour and be certain that you have followed the COG code of conduct at all times, which applies to all members.

If a member makes a formal complaint, it will be dealt with by the COG Board of Trustees. The Trustees will make sure that the issue is: treated seriously, treated promptly, handled fairly without bias or discrimination, and that neither party (complainant nor complainee) felt disadvantaged by the process.

The person with a grievance first needs to set out their complaint in writing either by letter or (preferably) by email. When submitting their complaint, the person should:

- Be clear about what the issue is and support this with facts and evidence.
- not state their opinion as fact ("*person X is totally useless!*") and not use inflammatory or threatening language.
- Be clear and realistic about what s/he wants the COT Board to do in response.
- Be aware that there could be other ways of seeing the issue

The complaint should then be sent to the secretary of the COT Board of Trustees by email: secretary@colwallorchardgroup.org who will acknowledge the complaint and outline a timetable for the COT Board to:

- Set up a sub-committee to investigate the circumstances of the complaint
- Take evidence from the complainant, in writing or verbally
- Take evidence from any other people involved, as far as possible.

If submitting the complaint by letter, it should be addressed c/o the secretary at the COT registered address.²

After completing its investigation, the Board will provide a written report to the complainant setting out its decision as to whether the complaint is upheld or not upheld. If the complaint is not upheld, the Board will consider the matter closed. If the complaint is upheld, the Board will initiate a process of reconciliation, mediation or other resolution.

² Brookmead, Old Church Road, Colwall, MALVERN, Worcestershire WR13 6HB.



Resolution and reconciliation

Where a complaint has been upheld in connection with an unsatisfactory service or product that COG has provided (e.g. pruning, tree planting etc) the remedy should be straightforward and involve COG offering an apology, refund or other compensation as appropriate.

Where a complaint has been upheld in connection with relational issues between two or more individuals, the options for remedying the situation involving reconciliation or possibly some form of sanction, are more limited. It could be helpful to involve a mediator, i.e. an impartial adviser external to COG who can help to facilitate a discussion between the different parties. Again, the options for mediation are likely to be limited as no-one can be compelled to participate. The option of mediation would be considered on a case-by-case basis.

The only sanction available to the Board is to request that one party withdraw from his/her involvement in COG. This step would only be taken if all other efforts at resolution had failed.

Reporting and Lessons Learned

The complaint will at all times be treated confidentially. However, the occurrence of a complaint will necessarily be recorded in the Annual Report.³

After the complaint has been dealt with and the matter closed, the COT Board will ensure that any lessons learned are identified, recorded and acted upon. Even when a complaint is *not* upheld, it is likely that there are lessons to be learned.

Complaint to Charity Commission

If a member suspects COG of serious wrongdoing s/he may report the charity to the Charity Commission.⁴ Examples of serious harm include:

- If someone's health or safety is in danger, for example if the charity does not follow its safeguarding policy.
- A criminal offence, for example theft, fraud or financial mismanagement.
- If the charity uses its activities as a platform for extremist views or materials.
- Loss of charity funds.
- If the charity does not meet its legal obligations, for example if someone uses a charity for significant personal advantage.

³ In accordance with charity best practice guidance, the COG Annual Report will also include information concerning any Safeguarding incidents.

⁴ <https://www.gov.uk/guidance/report-serious-wrongdoing-at-a-charity-as-a-worker-or-volunteer>



References and further reading

Charity Commission <https://www.gov.uk/government/organisations/charity-commission>

Charity Commission (2006) [*Cause for Complaint. How charities manage complaints about their services*](#). Report RS11, Charity Commission.

Charity Commission (2018) *Trustee Welcome Pack*. May.

Charity Excellence Framework <https://www.charityexcellence.co.uk/>

COG *Volunteer Charter (incorporating Safeguarding children and adults at risk)*. April 2022.

COG *Conflicts of Interest Policy*. 1st December 2015.

COT *Privacy Policy*. April 2021.

National Council for Voluntary Organisations (NCVO) <https://www.ncvo.org.uk>

NCVO *Handling grievances* <https://www.ncvo.org.uk/help-and-guidance/running-a-charity/employing-managing-staff/discipline-grievances-whistleblowing/handling-grievances/#/what-is-a-grievance-at-work>

UK Government [*Complain about a charity*](#)

UK Government [*Report serious wrongdoing at a charity as a worker or volunteer*](#)

Arbitrators' contact details

Jilly Rosser: jilly@colwallorchardgroup.org 0796 456 2699