



## **WDAHS COMPLAINTS AND DISPUTES POLICY – April 2023**

Management Committee (Committee)

CO Complaints Officer

IP Investigating Panel

WDAHS Winchester & District Allotment Holders Society (The Society)

### **1. Scope**

This policy has been introduced to protect the interests of all members and to ensure that any complaints or disputes are dealt with in a fair and timely manner. This policy relates to complaints and disputes between WDAHS members.

### **2. National Guidance**

WDAHS endorses and has adopted the National Allotment Society document [NAS Policy document 110 for Social Interaction on Allotment Sites] regarding anti-social behaviour and disputes as follows:

i. The Society recognises that allotment sites can be sociable places, populated by people who share a mutual appreciation of gardening. The Society encourages activities that further the development of social interaction and a sense of community on allotment sites. At the same time, the Society recognises that allotments are both public and private places, within which some tenants may wish to be left to garden in peace. The Society recognises the right of any tenant gardening in compliance with their tenancy agreement to the quiet enjoyment of their allotment garden, a right that if violated by any form of unreasonable interaction within, across or outside the boundaries of that individual's allotment garden, will not be tolerated.

ii WDAHS will appoint a designated Complaints Officer (CO)

iii. When necessary the Management Committee shall appoint an Investigation Panel (IP) of the CO and 1/2 other Committee Members who shall attempt to resolve the dispute in a fair and transparent manner.

iv. WDAHS maintains that responsibility for the behaviour of any person who is invited onto the allotment site by a tenant lies with the tenant. This principle applies both to members of the tenant's family and third parties.

v. WDAHS recognises the value and importance of good social relations between WDAHS members, external parties, neighbours, and visitors.

### **3. Verbal Complaints**

Verbal complaints will be deemed to be informal and will not be formally investigated under this policy.

#### **4. Formal Complaints**

4.1 Only written complaints will be formally investigated under this policy to ensure that there is a full record of any allegations made. Written complaints can be given to Society Secretary, the Complaints Officer, posted to the WDAHS registered office or made by e-mail to: [Committee@wdahs.org](mailto:Committee@wdahs.org)

Written complaints must include the full name and plot number of the complainant and current contact details.

4.2 In the first instance, all formal complaints shall be reviewed by the CO and the Secretary, providing neither is the subject of the complaint. If either the CO or the Secretary is the subject of the complaint, they shall withdraw from the review process and be replaced by another member of the committee.

4.3 If the CO or the Secretary are of the opinion that an investigation is not warranted or justified then they should consult with one other nominated Committee member. If there is agreement that an investigation is not warranted the reasons for this should be communicated to the complainant in writing or if it is not clear that an investigation is warranted, then more information should be requested.

If the CO and Secretary are of the opinion that an investigation is warranted, an Investigating Panel (IP) of CO, Secretary, and one other Committee member shall be appointed by the Committee to gather evidence and report initial findings to the Committee. The Committee shall then decide how the investigation should proceed.

4.4 If the complaint indicates that a criminal offence may have been committed, the complaint should be referred to the police.

4.5 If a complaint is referred to the police, any WDAHS investigation shall be deferred until such time as the police confirm that their investigation is concluded or that they will not be taking any further action.

4.6 All complaint investigations should focus on obtaining all relevant facts and can include:

- interviews with relevant individuals
- review of any relevant correspondence, e-mails or other documents
- inspection of the relevant plot(s) or equipment
- reference to the requirements of WDAHS policies and rules.

4.7 Full records of interviews and action taken as part of an investigation should be kept including the date and times of any meetings and who was present.

4.8 Complete confidentiality shall be maintained with respect to all complaints and investigations.

## **5. Complaints Between Members**

5.1 For complaints that relate to breaches of WDAHS rules or disputes between members, the CO should seek to resolve the complaint or dispute by amicable agreement with the relevant member(s). In the event that a resolution is agreed, a record of what was agreed should be made and all records of the complaint and investigation and issues agreed should be forwarded to the Secretary who shall ensure that these documents are securely retained for five years. A copy of the resolution agreed shall also be communicated to all parties. Records may be digitally stored.

5.2 If no amicable resolution to a complaint or dispute is possible then the CO should refer the matter to the Committee in order to establish an IP as set out in paragraph 4.3.

## **6. Complaints Against a Committee Member**

6.1 Any complaint that relates to any actions of any of the Committee members shall be investigated by an IP comprising of the CO, the Secretary and one other Committee Member, providing none are the subject of the complaint.

6.2 No Committee member who is the subject of a complaint shall take part in the investigation except to give evidence to the IP if requested to do so.

6.2 Upon completion of their investigation the IP shall report their findings and recommendations to the Committee for approval.

## **7. Outcomes** - Warning Letters:

7.1 If, after review by the Committee, it is agreed that a member is failing to comply with any WDAHS rule and is unwilling to agree to a resolution, a warning letter shall be sent to the member by the Secretary giving a minimum of 14 days for the member to comply with the resolution. If a compliance period of greater than 14 days is deemed to be appropriate, then a clear deadline for compliance must be stated in the warning letter.

7.2 If a member has not conformed to the requirements of the first warning letter within the deadline set, the CO should liaise with the Committee. A second warning letter should then be considered. This letter should allow a minimum of a further 14 days for compliance.

7.3 The issuance of all warning letters should be reported to the committee in confidence at monthly Committee meetings.

7.4 If a second warning letter is not complied with, a report shall be prepared by the CO and submitted to the Committee which shall decide whether the member should be evicted.

7.5 If the Committee agrees that the member should be evicted then the Secretary should prepare a suitable eviction letter which shall be signed by the Secretary and the Chairman. The eviction will become effective after 14 days. The

evicted member will be required to clear all possessions including sheds, greenhouses or plants that the member wishes to retain within the 14 day period.

7.6 Correspondence and documents relating to complaints, disputes or non-compliance with WDAHS rules shall be retained on record for a period of five years and if future complaints are received, any previous poor conduct or breach of rules may be referred to.

## **8. Serious Misconduct**

8.1 In cases of serious misconduct, depending on the severity of the case, the first warning letter may be replaced by a final warning or eviction letter with the approval of the Committee. These letters shall be sent as soon as possible and signed by the Chair and Secretary or CO after evidence of the misconduct has been confirmed.

8.2 In some cases the membership of the allotment holder may be suspended pending the outcome of investigations by the Police or WDAHS. Written notice of temporary suspension shall be signed by the Secretary or Chairman.

8.3 A temporary suspension notice shall remain in force until it is rescinded by WDAHS or a formal eviction notice is issued.

8.4 WDAHS reserves the right to rescind a temporary suspension notice or an eviction notice at any time.

## **9. Appeals**

9.1 Members have the right to appeal against evictions and temporary suspensions.

9.2 Appeals will be considered by an Appeal Panel comprised of at least three persons appointed by the Committee, who have not been involved in the original investigation. At least one member of the appeal panel will be an Officer (preferably the Chair) of the Society. The appellant will be entitled to present their case to the Appeal Panel and to be accompanied by one other person of their choosing at the appeal.

9.3 The Appeal Panel shall present their recommendations to the Committee who will decide whether to uphold or reject the appeal.

9.4 If the appeal is upheld, then a letter will be sent by the Secretary to the appellant explaining the decision.

9.5 If the appeal is rejected, a letter will be sent by the Secretary to the appellant setting out the reasons.

9.6 A full record of the appeal hearing shall be made by WDAHS.