

WESTERN WARDS ALLOTMENT ASSOCIATION COMPLAINTS AND DISCIPLINARY PROCEDURES

1. Introduction

The WWAA hopes that nobody is made to feel the need to make a complaint whilst being a member of the Association. But on occasions when members feel that it is best to raise a concern or grievance, we have outlined the process below for you and committee members to follow, to ensure your complaints are dealt with fairly.

2. Informal Action

In the first instance, we would encourage members to raise any concerns or complaints by speaking to one of the site managers or 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 site manager or committee members at this stage, and in most scenarios, it is usually possible to resolve issues without needing to escalate them beyond this stage.

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

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

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 (i.e. Chairman or Secretary) and your Site Manager instead) of the Association by providing the following information:

- (i) Your name, postal address, telephone number and e-mail 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, please 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. Explain exactly how the event/issue is causing you a problem or concern, and what you would like to be done about it.

(c) If neither yourself nor your supporting friend or family member is able write the complaint, you can request that the Chairman or Secretary instead write one for you. They will send you a summary of the account you have given to them to check that 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 witness, and obtain a statement from any accused persons so as to allow for 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 for a friend, family member, or WWAA 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 (i.e. Chairman or Secretary) and your Site Manager instead) of the Association by providing a written request following the same format as described in section 3bi and 3bii 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 able 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 individuals from the Association Committee who will meet to deal with your appeal. You will be told who will review the initial complaint decision and approximately when you should expect to hear the result of that review, 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 involved in considering your complaint previously.

Where necessary, the Association may appoint an independent person who has no connection with the matter complained about or the Association to carry out this review.

5. Disciplinary Procedure

If a tenant is found to have breached section 13.4 of the WWAA 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, site manager or other representative of the WWAA, they reserve the right to have the matter dealt with in a reasonable manner. Each case will be dealt with on its own merits.

Western Wards Allotment Association believe 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
- Issuing of a first warning
- Issuing of a final warning
- Issuing of a rectification notice
- Issuing of an eviction notice
- Provision of advice, training or additional guidance
- Change of Plot / Site / Committee position
- Charges or fines imposed for damage to items or property in relevant cases (fines will be set to the maximum value of replacing any damaged or destroyed items or property, and must not exceed the original value of the item or property in question when it was originally purchased)

Depending upon the seriousness of the problem*, one or more options of intervention/action could be bypassed or utilised. The tenant will be informed of which stages if any have been bypassed. The tenant and the committee 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 right to appeal.

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

The appeal committee should be where ever possible comprise of three different members of the committee and chaired by the Chairman. Where the tenant wishes the chair to be another committee member this is acceptable.

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 made.

Note:

*Immediate Eviction will occur if an act of gross misconduct (e.g. theft, fraud, violence) occurs.

In addition, the appropriate authorities will be notified where necessary.

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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.

What are bullying and 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 is:

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 it may be insidious. Whatever form it takes, it is unwarranted and unwelcome to the individual.