

RED HOUSE FARM ALLOTMENT SOCIETY

Policy - Dispute Resolution

It is the policy of Red House Farm Allotments Society to provide a framework and resources for the formal resolution of disputes between: 1 The Committee and a Member(s), 2 Member(s) and Member(s) and 3 A Member(s) and the Committee. This formal process does not apply to non-Members, although the principles may be useful when dealing with some external representations.

The Committee of Red House Farm Allotments Society recognises its duty as far as possible to satisfy its legal, contractual and moral obligations to the Landlords, Council and Members and encourage good practice in the fostering of constructive relationships, both internally and externally.

Through the Council and the Society, every Member has legal and contractual obligations in the Allotment Acts and Agreements to cultivate their plot so that good relations are maintained e.g. by not causing a nuisance or annoyance to others. Most relationship issues are well dealt with on a day to day basis but there may be a few occasions when a formal process would be helpful and, indeed, the Society is required to agree a "disciplinary procedure" with the Council in paragraph 9 of its Agreement. Also, this policy augments the Society's Members' Booklet where it seeks to regulate Members' conduct, in particular paragraph 5 of the Constitution.

Whether the issue is between 1 The Committee and a Member(s), or 2 Member(s) and Member(s) and or 3 A Member(s) and the Committee, the same basic two stage process, Primary and Appeal, should apply when routine channels are no longer adequate i.e. assuming that the Member or the Committee have already tried to resolve the issue or are unable to do so without this process.

It is intended that this process should be used for breaches of Agreement and for disciplinary purposes and the following will apply:

1. If a major misdemeanour is proved then the disciplinary process applies at once i.e. Primary (and Appeal if required). A major misdemeanour will include: arson, theft, physical violence, damage to property or persons, threats of such and seriously abusive language, and failure to pay rent by the due date, but this is not an exhaustive list.
2. If a misdemeanour is proved the process may be used three times in any twelve month period to give Initial Warning, Final warning and Notice of Termination. If appropriate a Final Warning may be issued at the first pass through this process. Warnings over twelve months old will cease to be active. The objective of warnings is to help the Member improve their behaviour. Misdemeanours which will result in a warning include: trespass on another plot, nuisance bonfires, erection of structures without prior permission, sheds of the wrong colour(s), but this is not an exhaustive list.

For clarification the results of monthly Plot Inspections can generally be equated to Initial Warning, Final Warning and Notice of Termination. However, in appropriate circumstances the Initial and/or Final Warnings may not be given i.e. the state of the plot may warrant immediate Final Warning or Notice of Termination. In particular, what this Resolution of Disputes framework provides is a formal Appeal process, which the Member may wish to use in response to an improvement or termination notice.

This Resolution of Disputes process will not apply during a Member's probationary period of three months.

Primary Process

1. On representation being made the Committee or Officers of the Committee will appoint at least two Members of the Committee (one to be an Officer of the Committee) to consider the matter. They should be those who have already been involved and have good capability to make such investigation. If appropriate, effort should be made to add a Member who is not on the Committee to the investigating panel but this would be desirable, not essential.
2. The Investigators will:
 - a. Let all parties know about the formal proceedings, including likely timetable.
 - b. Carry out enquiries, including questioning anyone who may have relevant knowledge.
 - c. As soon as they know their enquiries would benefit from the suspension from Membership of any Member or that such action may prevent further problems they should do so verbally and in writing. The terms of such Suspension may include not visiting the site and not contacting directly anyone else involved without first asking the Investigators.

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- d. As soon as they know that disciplinary action may follow they must offer the Member concerned the opportunity to be accompanied by another Member in any discussions. The Member's friend is not there to take a material part in the discussions but as adviser to the Member.
- e. Allow any Member involved in their proceedings to be accompanied by another Member at any meeting if the Member so wishes, whether disciplinary action may follow or not. The Member's friend is not there to take a material part in the discussions but as adviser to the Member.
- f. Make notes of their findings, give copies to all parties involved and record any feedback.
- g. Having carried out their initial investigation they should seek a formal meeting with the Member(s) concerned to allow them and the Member(s) to exchange information and views on the issue.
- h. Repeat the investigation and meetings process until satisfied there is no practical benefit in continuing.
- i. On completion of their investigation they will, as appropriate, (verbally and confirmed in writing if possible):
 - i. Make recommendations to the parties involved, which if not followed may result in a further investigation.
 - ii. Give instructions or warning to the parties involved, which if not followed may result in disciplinary action.
 - iii. Initiate disciplinary action, which may include termination of membership.
- j. Advise the parties involved of the opportunity to appeal against their conclusion within fourteen days to the Society's Secretary in writing, stating the grounds for so doing.

Appeal Process

1. On representation being made the Committee or Officers of the Committee will appoint at least two Members of the Committee (one to be an Officer of the Committee) to consider the matter. They should be those who have not already been involved, have good capability to make such investigation and the authority to overturn previous conclusions if necessary. If appropriate, effort should be made to add a Member who is not on the Committee to the investigating panel but this would be desirable, not essential.
2. The Investigators will:
 - a. Let all parties know about the formal proceedings, including likely timetable.
 - b. Carry out enquiries, including questioning anyone who may have relevant knowledge.
 - c. As soon as they know their enquiries would benefit from the suspension from Membership of any Member or that such action may prevent further problems they should do so verbally and in writing. The terms of such Suspension may include not visiting the site and not contacting directly anyone else involved without first asking the Investigators.
 - d. As soon as they know that disciplinary action may follow they must offer the Member concerned the opportunity to be accompanied by another Member in any discussions. The Member's friend is not there to take a material part in the discussions but as adviser to the Member.
 - e. Allow any Member involved in their proceedings to be accompanied by another Member at any meeting if the Member so wishes, whether disciplinary action may follow or not. The Member's friend is not there to take a material part in the discussions but as adviser to the Member.
 - f. Make notes of their findings, give copies to all parties involved and record any feedback.
 - g. Having carried out their initial investigation they should seek a formal meeting with the Member(s) concerned to allow them and the Member(s) to exchange information and views on the issue.
 - h. Repeat the investigation and meetings process until satisfied there is no practical benefit in continuing.

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- i. On completion of their investigation they will, as appropriate, (verbally and in writing if possible);
 - i. Make (confirmation of) recommendations to the parties involved, which if not followed may result in a further investigation.
 - ii. Give (confirmation of) instructions or warning to the parties involved, which if not followed may result in disciplinary action.
 - iii. Initiate (or confirm) disciplinary action, which may include termination of membership.
- j. Advise the parties involved that this is the last stage of the Resolution of Disputes Procedure and that the findings are final.

This policy is due for review by 1st February 2020.

Approved by the Committee on.....

C Meikle

Chairperson