

RED HOUSE FARM ALLOTMENT SOCIETY



RHFAS - Policy - Dispute Resolution

This policy details the process 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.

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 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 including to cultivate their plot so that good relations are maintained e.g. by not causing a nuisance or annoyance to others.

Most concerns can be resolved informally in a bid to reach an agreement on how to resolve improve matters and we encourage all members of the society to try and resolve concerns in a productive way.

If that does not resolve matters, or if the concern is more serious, the society has a two-stage process, Primary and Appeal 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

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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 framework provides is a formal Appeal process, which the Member may wish to use in response to an improvement or termination notice.

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 investigate and prepare a report into the matter.
2. The appointed persons will:
 - a. Let all parties know about the formal proceedings, including likely timetable.
 - b. Carry out enquiries, including gathering information from anyone who may have relevant knowledge.
 - c. Document their findings, conclusions and recommendations or instructions in a report to be circulated to the parties and to the Chair of the Committee.
 - d. Advise the parties involved of the opportunity to appeal against the decision within fourteen days to the Society's Secretary in writing, stating the grounds of the appeal.

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 review the decision(s) of the Primary Process at an appeal panel. They should be those who have not already been involved, have good capability to make such investigation and the authority to overturn the original decision(s) if necessary. If appropriate, effort should be made to add a member who is not on the Committee to the Appeal Panel, but this would be desirable, not essential.
2. The Appeal Panel will:
 - a. Let all parties know about the formal proceedings, including likely timetable.

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- b. Carry out enquiries, including gathering information from anyone who may have relevant knowledge.
- c. Document their findings, conclusions and recommendations or instructions in a report to be circulated to the parties and to the Chair of the Committee.
- d. Advise the parties involved that this is the last stage of the Disputes Resolution procedure and that the findings are final.