

KVLGA Complaints Policy

The Kingston Vale Leisure Gardeners' Association (KVLGA) deals with complaints about a plot holder's conduct or behaviour at the allotments. This includes situations in which someone has behaved in a way that is unprofessional, discriminatory, offensive or intimidating or they may have broken KVLGA rules or policies. KVLGA treats complaints seriously and accords each complainant due respect and attention. Complainants should receive a proper response following due process. Complaints will be dealt with fairly, confidentially, and transparently and regardless of age, gender, disability, race, religion, nationality, social status, sexual orientation, political persuasion or length of time they have had their plot. Nobody should be harassed, bullied, or put at a disadvantage because of making a complaint.

1) Complaints Officer

- a. All complaints will be administered by a Complaints Officer who is responsible for ensuring that this complaints policy is carried out properly. The Complaints Officer is appointed by the Committee and is a member of the Committee.
- b. Complaints from plot holders may be made in the first instance by speaking with or writing to any member of the Committee. All complaints should be passed on to the Complaints Officer for action unless the complaint is about the Complaints Officer.
- c. The Complaints Officer will explain to the complainant the process for dealing with their complaint. Their contact details will be confirmed, and the timescales provided. If appropriate, the Complaints Officer may assist those involved to communicate their case clearly and unambiguously.
- d. The Complaints Officer will recuse themselves if he or she is perceived by the Committee to be potentially biased e.g. by being connected to any of the parties through family, friendship or work, or through having previously expressed an opinion in favour of one side's position.

2) Validating the Complaint

- a. The Complaints Officer will validate each complaint to register if:
 - i. the complainant is a plot holder named in the sublease
 - ii. the complaint relates to a specific provision of the KVLGA rules

- iii. the complaint is made within the designated time limit (one month unless exceptional circumstances)
 - iv. the complaint falls within the jurisdiction of the association
 - v. the person(s) against whom the complaint is made is clearly identified and whether he/she/they are a plot holder
 - vi. a case statement and evidence have been supplied
 - vii. the desired remedy is within the powers of the association
 - viii. whether the complainant is acting for themselves, is legally represented or has someone advocating for them
 - ix. whether the complainant is vexatious
 - x. whether another organisation needs to be consulted
 - xi. whether a Police report has been made regarding the incident
- b. If the complaint refers to a member of the public invited onto the site by a plot holder, then that plot holder is held vicariously liable.
 - c. Even if a separate report has been made to the police regarding the matter, the committee should continue to deal with the complaint according to the process set out herein.

3) Informal Resolution

- a. In the first instance, the Complaints Officer will seek to resolve the matter informally by discussing the issue with the parties involved either separately or together.
- b. The Complaints Officer may negotiate a consensual agreement where the relevant parties agree on the outcome. Consensual agreements include:
 - A change in arrangements for particular activities
 - An explanation or unconditional apology
 - An agreement to communicate or act differently in the future
 - An agreement to withdraw the complaint

- c. The Complaints Officer must obtain agreement from the parties regarding the form of words for any written outcome.
- d. If an informal resolution of the issue cannot be achieved within a reasonable time period, the Complaints Officer may escalate the matter to the Complaints Panel.

4) The Complaints Panel

- a. The Complaints Panel is specially convened for each referred complaint and comprises at least two committee members in addition to the Complaints Officer. Any bias or conflicts of interest must be declared. The panel acts on behalf of the Committee.
- b. The Complaints Panel will deal with those complaints which could be resolved informally, and which are referred by the Complaints Officer. The Panel will seek to find a fair outcome for each case using the principles of natural justice including the right to present one's case and evidence and to rebut adverse evidence.

5) Stage 1: Investigation

- a. The Complaints Panel will consider the complaint and invite a response from the other party which should be submitted within two weeks (unless there is a good reason for delay).
- b. The case statements from each side should be provided to the other side for any comments before the panel makes its decision.
- c. If either side is unwilling to deal with the panel, attend a meeting or to answer reasonable questions then such non-compliance may have adverse consequences.

6) Stage 2: Decision

- a. The parties may mutually agree to have the decision hearing via Zoom or in person. If the parties cannot agree the mode of hearing, the default will be that the decision will be made on the basis of the case documents alone without the presence of the parties.
- b. The Complaints Officer will communicate the decision within 7 days of the hearing.

- c. The Complaints Panel must obtain prior approval from the Committee for any disciplinary decision involving a sanction against a plot holder. Sanctions include:
 - A verbal or written warning
 - Notice to quit, where the complaint is against a tenant
 - Immediate eviction in cases of gross misconduct
- d. The Complaints Panel may dismiss the complaint without action.
- e. The complainant may revert to the Complaints Officer at any time if a consensual agreement or a warning has been breached or ignored.
- f. The decision of the Panel may be appealed provided the appeal is received by the Complaints Officer within 2 weeks of the decision being notified.

7) Stage 3: Appeal

- a. The appellant must make the appeal in writing setting out clearly the grounds for the appeal. There must be new evidence or a compelling argument for the appeal to be considered. The complaint will be dealt with by the whole Committee who may consult external experts as required. If the complaint directly relates to a member of the Committee, he or she should recuse themselves from the discussion.
- b. The Committee should deliver its decision on the appeal within 1 week of the next scheduled Committee meeting.
- c. The decision of the Committee is final. If any party is not satisfied, they are at liberty to resort to legal action.