

EAST BARNET ALLOTMENTS AND GARDENS ASSOCIATION
CAT HILL
COMPLAINTS PROCEDURE.

MAKING A COMPLAINT – INFORMATION FOR COMPLAINANTS

Introduction

Complaints are usually made first by speaking to one of the allotment site's officers or management committee members and they deal with the problem informally. Where a person wants to make a more formal complaint this allotment association generally follows the process set out below. This process is outlined in a Memorandum of Understanding that was agreed by Barnet Council and the Barnet Allotment Federation.

The complaints process may be modified at this association's discretion to fit the circumstances of an individual case. Any proposed modification of the procedures set out below will be explained and discussed with you before the process begins. **You may use someone to help you (friend or relative) in dealing with the complaints process if you feel unable to do so by yourself.**

Your Complaint (Stage One)

- (a) A complaint must be received as soon as possible after the event or the issue being complained about has occurred. Complaints received more than 3 months after the event will not be considered except where evidence of exceptional circumstances, such as an extended period of ill-health, is provided
- (b) Your complaint should be in writing giving the following information.
 - (i) Your name with postal address, telephone number and e-mail address if available (this association generally manages complaints by e-mail).
 - (ii) Full details of the matter you are complaining about. It is important to set out all the details with names, dates, places, etc, so that someone who knows nothing about the issue can easily grasp the problem and understand your complaint. Where relevant, list a sequence of events and dates and include sketches and/or photos and measurements. 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 and what you would like to be done about it.
- (c) If neither you nor whoever is helping you are able write the complaint down, the person or persons considering the complaint may send you a summary of the account you have given to them verbally to check that they understand it correctly, and may contact you for further information.
- (d) When the complaint is received by the association you will be told in writing who will consider your complaint and approximately when you may expect to hear the result of that consideration.
- (e) When the person or persons considering the complaint has made a decision, they will tell you in writing of that decision.

A Review (Stage Two)

- (a) If you are dissatisfied with the Stage 1 decision about your complaint you may ask the association to review it. Such a request must be in writing (if you are unable to write your request yourself please arrange for someone to do so for you). You should give reasons for the request, and it must be made within two weeks of you being informed of the association's Stage One decision, unless you have provided evidence of exceptional circumstances preventing you from meeting the deadline. The association may turn down a request for a review if you don't have anything new or material to add to your original complaint.
- (b) You will be told who will review the Stage One decision and approximately when you may expect to hear the result of that review. The person or persons conducting the review will not have been involved in considering your complaint previously. Where the association so requests, the Barnet Allotment Federation may appoint an independent person (generally an experienced allotment officer from another association who has no connections with the matter complained about) to carry out this review.

The Role of the Barnet Allotment Federation's Review Service

The review service is available only to the Federation's member societies. The Federation has no power to investigate or intervene on behalf of individuals who wish to make a complaint against the association, or who are in dispute with the association.

The review service functions solely to provide an independent, personal opinion on an unresolved complaint or dispute. The service is intended to assist the parties involved to come to a mutually acceptable conclusion.

The reviewer works in a personal capacity and does not represent the Federation. The opinion of the reviewer has no legal status and does not alter the positions of the association and complainant in relation to their respective rights and obligations. Any findings or recommendations made by the reviewer are not binding on either of the parties involved unless the parties agree to accept them.

The Appointment of the Reviewer

When a request for an independent review is made by the association the Federation's service coordinator selects a reviewer from the Federation's panel. Panel members are all volunteers and are mostly experienced officers from the various Barnet allotment societies. The coordinator plays no part in the review itself.

The coordinator will write to you and to your allotment association telling you who has been appointed to carry out the review and explaining that the reviewer will be contacting you personally to introduce him or herself, set out how the review will be conducted and agree a timetable with you and the association.

If either party to the complaint/dispute believes that they have a legitimate reason to object to the appointment they must do so within 7 working days. Contact the coordinator in writing if you wish to object to the appointment and explain your reasons. He or she will consider whether to select an alternative reviewer and let you and the association know of his or her decision.

Once the appointment is confirmed the reviewer will write to you and the association and the review will commence.

The Reviewer's Role

The reviewer will be objective, unbiased, impartial and fair in dealing with your complaint/dispute and will:

- deal with a review as quickly as is practical;
- ensure that all communications are in writing so that a full record can be kept;
- examine all recorded material associated with the complaint/dispute and give your association and the complainant the opportunity to supplement it; and
- If relevant, visit the allotment site with your association's officers and the complainant. If the complainant or the association request separate visits these will be arranged with your association's nominated contact.

The reviewer will have regard to:

- the terms of your association's lease from Barnet Council, your tenancy agreement with your allotment holders, where appropriate, and any site rules or guidelines that may have a bearing on the case;
- any legal or regulatory requirements which bear upon the complaint e.g. the Allotment Acts;
- good allotment site and association management, as set out in the Federation's published guidance to societies; and
- your association's own policy and procedures for handling complaints and disputes;
- The BAF advice paper *Handling Complaints and Disputes* which incorporates the *Memorandum of Understanding* between the Council and BAF and the *Guidance on Complaint Handling* to which societies are required by their leases to have due regard.

How the Review is Conducted

The core task of the reviewer is to look in detail at the complaint/dispute, considering all the evidence relating to it and inviting both parties to submit for consideration any further evidence they may wish to provide. The reviewer then records his or her findings and makes a recommendation to the association, copying these to you.

In all cases, the association will make the formal decision about what to do as the result of a review, unless they agree in advance to be bound by the reviewer's conclusions and recommendations. Likewise, you can also choose at the start whether or not to agree that you will accept the findings of a review. You are under no obligation to do so and by doing so you do not lose your right to pursue your complaint further under the terms of the Federation's Memorandum of Understanding with Barnet Council.

Once the review is underway it is important that any information that you wish the reviewer to consider is made available to him or her as soon as possible. The first stage of the review involves the reviewer gathering evidence. The reviewer may seek to check with each party (you and the association) the reliability and veracity of facts and claims made by the other, and to that end you should ensure that the information you supply to the reviewer is both factual and objective.

The reviewer then examines the history of the complaint/dispute and the processes by which the matter had been handled. For example, where an allotment holder's tenancy has been terminated by the association the reviewer will look at the termination procedures that have been followed by the association and all the paper work relating to the decision. Once the reviewer is satisfied that he or she has a full account of the complaint/dispute he or she will consider all the evidence, make his or her findings, conclusions and recommendations and put these to the association and to you in writing.

However, every case is different and the reviewer may tailor his or her approach to suit the particular circumstances of your case. For example, the reviewer may decide at an early stage of the review that he or she has insufficient evidence on which to base an opinion and may ask the association to reconsider the decision that led to your complaint. In other cases, the process of acquiring evidence and consulting the parties may throw up potential options for an agreeable settlement. In which case if both you and the association were to agree, you might decide to withdraw the complaint or treat the dispute as resolved.

Each stage of the process will be explained to you and your association as the review proceeds. Please ensure that all your communications with the reviewer are in writing so that a full record of the process can be maintained. Once the review is completed, the reviewer stands down and will enter into no further correspondence.

The Council's Complaints Service (Stage 3)

If you still remain dissatisfied after exhausting the process described above, you may take your complaint to the Council and you should contact the Council directly to access their process. Please note that the Council will not accept a complaint directly from you until you have exhausted the complaints procedure of this association.