

Worcester City Council

Allotments: Tenant Dispute and Complaints Procedure

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Contents

Contents.....	2
1 Introduction.....	3
2 General Principles	3
3 Disputes	4
4 Complaints against other allotment users	4
5 Appeals:	5
6 Timescales	6

1 Introduction

- 1.1 This policy lays down how Tenant v Tenant disputes and/or complaints will be dealt with, the general principles and the detailed procedure. This policy will be reviewed as necessary.

2 General Principles

- 2.1 Worcester City Council aims to encourage harmonious interaction and positive relationships between all allotment tenants and users.
- 2.2 However, we recognise that there may be occasions where disputes arise and/or where complaints are made about other allotment users.
- 2.3 This policy aims to detail how the Council will manage tenant disputes and/or tenant complaints against other tenants/allotment users. **For the avoidance of doubt, any complaints that relate to the actions or inactions of the Council will be dealt with under the Council Complaints Policy.**
- 2.4 We are committed to dealing with all complaints and disputes fairly and impartially and recognise the need for consistency.
- 2.5 We will ensure that there is a periodic review of this process, to keep it up to date.
- 2.6 Any personal data provided to the council will be managed in line with the requirements of the UK GDPR and the Data Protection Act 2018. The council will use this information to respond to the customer and improve services.
- 2.7 Information provided as part of feedback or in responses to feedback will be assumed to have been provided in confidence and will be treated accordingly unless there are criminal or safeguarding exceptions.
- 2.8 Personal data will be kept anonymous wherever possible.
- 2.9 Allotment users can raise disputes, make user-related complaints through several channels: telephone, email, mail or direct to the Site Representatives.
- 2.10 Complaints will only be accepted if they are reported within 2 months of the incident occurring.
- 2.11 Any complaints relating to safeguarding will be addressed through the Council's Safeguarding Policy and referred to a Safeguarding Advisor who will investigate. It should be noted that information supplied as part of a safeguarding complaint will be forwarded to relevant agencies as appropriate.

3 Disputes

- 3.1 Following the raising of a dispute the Allotment Officer, or nominated deputy ("the Officer") will determine if the matter falls within the Council's area of responsibility or jurisdiction;
- 3.2 Where the Officer determines that a dispute does not fall within the Council's area of responsibility or jurisdiction, then all parties involved at that point will be notified of this decision;
- 3.3 Where the Officer determines that a dispute does fall within the Council's area of responsibility and/or jurisdiction, they will investigate the matter and, where relevant, gather information from all parties concerned;
- 3.4 If the Officer's investigation determines that there is not enough evidence to proceed, then all parties involved at that point will be notified of that decision;
- 3.5 Where the evidence identifies a dispute that is capable of being resolved by arbitration, then the Officer will arbitrate between the parties;
- 3.6 Where a dispute cannot be resolved by arbitration, the Officer will make a decision on behalf of the Council, giving due regard to available evidence, good practice and any previous precedent. That decision will be confirmed to all parties, with a timescale for any decisions to be implemented;

4 Complaints against other allotment users

- 4.1 Following the raising of a complaint the Officer will determine if the matter falls within the Council's area of responsibility or jurisdiction;
- 4.2 Where the Officer determines that a complaint does not fall within the Council's area of responsibility or jurisdiction, then all parties involved at that point will be notified of this decision;
- 4.3 Where the Officer determines that a complaint does fall within the Council's area of responsibility and/or jurisdiction, they will investigate the matter and gather any evidence available, including information and/or evidence from the party against whom the complaint has been made;
- 4.4 If the Officer's investigation determines that there is not enough evidence to proceed or that the complaint is not upheld, then all parties involved at that stage will be notified of this decision;
- 4.5 Where an allegation, if subsequently proven, is likely to constitute a criminal offence (i.e., theft, assault etc.) then the complainant will be encouraged to report the matter to the police;
- 4.6 Where the evidence identifies a valid complaint that is capable of being resolved through mediation, then the Officer will liaise with the parties to try to resolve matters amicably;

- 4.7 If the evidence confirms that there is a valid complaint, that is incapable of being resolved through mediation, then the Officer will determine the outcome;
- 4.8 If informal resolution is not appropriate, then formal action may be taken against the offending party;
- 4.9 Formal action could result in a warning being issued: a warning may relate to future conduct, may require the allotment user to rectify a matter within a given timescale, or may require the offending party to desist from undertaking (or allowing) a particular action or practice;
- 4.10 For more serious matters, or where the offending party fails or refuses to rectify matters following a warning, or where the offending party repeats an action that has previously led to a warning being issued in the last 12 months, then termination of the tenancy may be considered.
- 4.11 Examples of actions that could lead to a warning (this list is not exhaustive and is purely for guidance):
- Trespass onto another person's plot;
 - Excessive noise;
 - Unauthorised visitors;
 - Continued blocking of access routes/entrances;
 - Continued failure to secure gates.
- 4.12 Examples of actions that could lead to a termination of tenancy (this list is not exhaustive and is purely for guidance):
- Assault;
 - Verbal abuse, bullying or harassment;
 - Theft, or property damage;
 - Repeat instance of a transgression that has led to a previous warning;
 - Failure to comply with a previous warning.

5 Appeals

Either party has the right to appeal if they are dissatisfied with the outcome of the Officer's findings, in regard to:

- The decision to determine that a dispute or complaint is outside of the Council's jurisdiction;
- The findings of the complaint investigation;
- The decision taken to resolve a dispute or complaint;
- The action taken against a proven complaint;

Any appeal must be lodged in writing within seven working days of the date that notification confirming the decision of the Officer is received.

The appeal is the final stage of this procedure

6 Timescales

- 6.1 Acknowledgement of a complaint and/or notification of a dispute will be sent within five working days of receipt.
- 6.2 A full response within 15 working days of receipt of the complaint or dispute notification. If any investigation delays the process, the parties will be kept informed of the timescale and reasons for delay.
- 6.3 Appeals will be heard within seven working days of receipt of the appeal.