



HEREFORD ALLOTMENT AND LEISURE GARDENERS

Complaint Procedure

Definition

A complaint is any expression of dissatisfaction about the actions or omissions of the charity or its members that requires a response.

General Overview

Complaints must be made in writing and sent to the registered address The Pavillion, Castle Green, Hereford, HR1 2NW or by email to the Secretary sent to holmerallotments@outlook.com. This is to provide a clear record of the complainant's concerns so that relevant enquiries can be made.

If a complainant needs support to make a complaint and wishes to use someone to represent them, this is permitted provided that the complainant affected by the matter complained about has given their genuine consent. HALGS may however refuse to communicate with a person claiming to act as representative if it considers that the person affected is unable to give such consent or if there is an apparent conflict of interest.

If HALGS considers the subject matter of the complaint is not for the charity to deal with, the complainant will be told in writing at the earliest opportunity. Likewise, this procedure allows HALGS not to investigate a complaint if it considers there is no or insufficient evidence that the complainant has been significantly affected by the matter complained about. Any such decision shall be communicated to the complainant with reasons.

Complaints will not be considered if the complaint is made more than 3 months after the event or decision complained about. However, HALGS are open to making exceptions to the strict application of such a rule for good reason such as illness or other personal circumstances that have prevented the member from complaining earlier.

At any stage of the complaints process, HALGS may decide to end its involvement in the investigation of a complaint on the grounds of the complainant's unreasonable behaviour such as repetitious, disruptive, abusive or offensive conduct or if there is reasonable evidence to suggest the complaint is malicious. HALGS will not tolerate

'troublemaking' and may seek to take action against the complainant if this transpires to be the case.

Cooperation Between the City Council and HALGS

There is potential for an overlap of complaint handling functions between the Hereford City Council and HALGS. In such cases the following principles will apply in the interests of providing a responsive and, as far as practicable, a seamless service to complainants:

If the HALGS considers a complaint it has received does not relate to any of its powers or responsibilities but raises issues for which the City Council may be responsible, it will inform the complainant accordingly and advise the complainant to complain under the City Council's complaints procedure or, with the complainant's consent, refer the complaint directly to the City Council.

If the HALGS considers that a complaint it receives relates in part to its own actions or decisions and in part also to the City Council's exercise of its own administrative functions, HALGS and the City Council will discuss and agree who should take the lead in investigating and responding to the complainant. The objective will be, as far as is reasonably practicable, to achieve a single agreed response to the whole of the complainant's concerns.

If the HALGS considers that a complaint it receives raises serious or complex issues that it does not have the resources or expertise to investigate, the society may:

- First, seek advice and support, for example from the National Allotment Society and/or Solicitor;
- Second, with the agreement of the complainant, refer the matter to an agreed mediator in order to find a practical resolution of the issues complained about to the satisfaction of all parties; and
- Third, if such mediation fails to resolve the matter or is declined, discuss with the City Council the option of the City Council carrying out the investigation of the complaint under its procedures and, if this is agreed, either inform the complainant to refer the matter to the City Council or, with the complainant's consent, refer it directly to the City Council for consideration.

Information Sharing

Any communication of information between HALGS and the City Council must be compliant with the General Data Protection Regulation (GDPR) and other relevant law such as the law on disclosure of confidential information. Any such sharing of information shall only take place where this is for the purposes of the investigation of

a complaint by the HALGS or the City Council as appropriate. It shall also only be shared with the minimum number of people required for the complaint to be properly investigated.

Where personal data is being shared the consent of the complainant or other relevant person will normally be obtained in writing. When sharing personal data, whether with the individual's consent or not, this must be shared safely and securely.

Investigation and Response

Where the charity agrees to investigate a complaint HALGS will appoint a person or persons to investigate and respond. This person will acknowledge the complaint within 15 days of its receipt by the charity and provide contact details.

The person/s appointed to investigate the complaint should carry out a proportionate investigation and respond to the complaint in writing (by letter or email) within 30 working days of receipt of the complaint by the society.

Right to Review and Response

If the complainant remains dissatisfied with all or part of the '*Investigation and Response*' to the complaint, the complainant can seek a review of that response. To do so the complainant should contact the charity in writing to the registered address or by email to the Secretary (holmerallotments@outlook.com) within a time scale to be indicated in the response, requesting a review. The complainant should receive a written acknowledgment of the receipt of this request within 15 working days.

The charity will make arrangements to review the '*Investigation and Response*' and send its written decision (by letter or email) within 40 working days of receipt of the request for a review. The review will be carried out by a nominated person or persons without any involvement in the previous decision on the complaint.

However, HALGS may turn down a request for a review for good reason including because:

- The complainant has not provided any new evidence;
- The points raised by the complainant were considered in the '*Investigation and Response*'; or
- The points raised by the complainant would not lead to a change in the outcome of that investigation.

A decision to turn down a request for a review, or the written decision informing the complainant of the outcome of the review, will tell the complainant that he or she has the right to complain to the City Council if they remain dissatisfied with the response.

Record Keeping

For a period of 3 years from the date of a final decision by the society on a complaint, the following records will be kept (and destroyed on expiry of that period):

- Copies of any correspondence from the complainant including the original complaint and any review request
 - Contact details of the complainant
 - Details of the investigation of the complaint
 - Investigation and Response
 - Right to Review and Response
 - Decisions not to investigate or to cease investigating a complaint for any reason including on the grounds of unreasonable complainant behaviour
 - Any lessons learned from complaint investigations.
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