

Social interaction and behaviour policy for Exmouth District Allotment Association

This policy is based on guidance from NSALG Policy 110 and developed for local use and incorporates EDAA rules relating to tenancy.

This states that Association members have a right to care for their plot without fear of being threatened or verbally abused. To successfully manage the Association on behalf of the Town Council then mutual respect between all parties has to be expected.

The committee takes it very seriously if a member of committee or a fellow plot holder is treated in abusive or aggressive way. The Association supports NSALG's recommendation to develop a local policy to manage unacceptable behaviour on the allotment sites.

All our committee members aim to be polite, reasonable and helpful, taking into account individual needs and circumstances where possible of individual plot holders. The committee understand that people do not always act in a reasonable manner and will take this into consideration when trying to address matters which are upsetting and distressing to the individuals concerned.

It is expected that this policy will rarely need to be used if members of the Association adhere to principles of good neighbourliness and considerate conduct. This policy is for the occasions when there are breaches of these expectations that need a more formal, trackable action plan and resolution.

Good process and recording will be integral to this policy as it supports all plot holders and the committee members in discharging their responsibilities.

The committee reserve the right to decide upon the scope of the sanctions as a consequence of problem behaviour on the sites. This can range from simple, amicable solutions through to termination of tenancy. Each incident or issue will be dealt with on a case by case basis

What is expected from all plot holders.

In order for all parties to maintain good relations with each other the list below identifies and takes note of the occasional types of behaviour that would be found unacceptable:

- Using bad language or swearing at committee members or each other that is not normal conversational swearing but is spoken in anger.
- Any physical violence towards any member such as pushing or shoving or worse.
- Verbal abuse in any form including verbally insulting others which is determined to be malicious
- Any racial abuse and sexual harassment will not be tolerated.

- Persistent or unrealistic demands that cause stress will not be accepted.
- Causing damage/stealing from the premises or other plot holders.

The terms relating to these could reflect behaviours such as 'harassment', 'threatening behaviour', intimidation, and bullying 'abusive behaviour. Any behaviour considered consistent with these descriptions could lead to further investigation and action be taken to remedy the situation for the benefit of all members.

This policy applies to

- Everyone on the allotment sites
- Plot holders are deemed to be responsible for the behaviour of individuals they invite onto the site who are not tenants
- Interactions between plot holders
- Interactions between plot holders and committee members
- Interactions between committee members

1. Process for reporting

1.0 In the event of an incident occurring that cannot be resolved at the time between the parties involved then it can be reported to a committee member.

1.1 It is the responsibility of the committee member to then discuss the incident to gather verbal information, including accurate details of who was involved and when it occurred.

1.2 If the committee member can resolve it at the time then there will be no need to take it to the formal process of putting the process into action. It is recommended the committee member make a brief note to pass to an officer to be filed in case a pattern of problem behaviours emerge which needs to be addressed at a later date.

1.3 If it cannot be resolved then it will be suggested to the plot holder they can put the incident in writing, completing the form developed for this purpose. This cannot be imposed on the person and must be their choice.

1.4 The exception should be that if there is a serious breach of the behaviour policy i.e. threats against the person or an actual form of assault then the committee member must bring that to the attention of an officer for further discussion and action.

1.5 It is expected the member involved will write down some details for accurate and factual recall

1.6 If the individual has difficulty, for whatever reason completing the form the committee member can help to complete the form but must only write the words and descriptions supplied by the individual in order to remain neutral – see Appendix 1

1.7 Once the form is completed it goes to the next stage.

2.0 Time frames for reporting

2.1 The reporting of an incident should take place within 72 hours at the latest in some form. This could be in person to a committee member, by a telephone call or through the 'contact us' page of the website. The reporting form will be available on the website (Appendix 9) for those who wish to either complete it online or print off and submit a written copy.

2.2 If the report is verbal i.e. by telephone then the committee member needs to make a note of information they have heard and recommendations given from that conversation, which can then be shared with committee or Officers as appropriate and recorded on relevant form as soon as possible (Appendix 1)

2.3 This will be kept on file as part of process. This is a record of action to demonstrate a response has been given and the conversation took place. Date, time, person and minimal details are essential

2.4 Until the incident is investigated it is important for all parties to realise no blame will be attributed by the reporting of an incident to parties named in the incident.

2.5 The report will be shared with an appropriate officer within 48 hours either by telephone or email so a timely response in accordance with the policy can begin.

3.0 Review of report

3.1 In accordance with the data protection and privacy policy of the Association the information will be considered to be confidential and shared on a 'need to know' basis only by the members of the committee and officers involved.

3.2 Records of the process will be held and stored by the secretary to reflect the protection of data and confidentiality.

3.3 To ensure a balanced and fair consideration of the incident the Chair, or someone deputising in Chairs absence, will expect to convene with up to 3 other members to consider the complaint. This is at the discretion of the Chair but will involve a minimum of 2 reviewers.

3.4 Exceptions to this will be where committee members are the subject of the complaint or there is a conflict of interest – relative, friends for example. This is not exhaustive.

3.5 All committee members can be approached to participate in the process, and depending upon demands on their time should be willing to support the Chair or their deputy in reviewing the incidence

3.6 The review group will meet within the next 7 days

3.7 Members of the review group will formulate a plan of action which is documented at the time – see Appendix 2. This is also a confidential document but can, where appropriate be shared

4.0 Next Stage

4.1 The review group may decide to interview the parties involved. In most instances this will be done individually to obtain information that is not influenced by any ill feeling and conflict that may arise. Methods to contact the parties are at the discretion of the reviewing group. If they cannot be contacted within 7 days then a letter informing them concerns have be raised and they are expected to contact a named person within the next 7 days. It would be a matter of courtesy to keep all parties involved informed of this action.

4.2 Another option is that the review group may choose to bring parties to get together at this stage if it is judged that the parties would be receptive to this and be able to manage the interaction without further conflict.

4.3 If a member who is implicated in the incident refuses to cooperate with this suggestion from the review group it will be noted and an individual conversation arranged.

4.4 Where the conversations take place will usually be mutually negotiated and open to flexibility. However reasonable time of day and location must be observed by all parties.

4.5 A member of the review group will take contemporaneous notes to record the discussion which is then transferred to Appendix 3

4.6 If the incident requires a site visit and part of the dispute involves concerns over damage, boundaries property it is expected that the review group will arrange to take photographic evidence of any relevant items. This will form part of the records and will be kept with all other documentary evidence.

4.7 Witness statements can be gathered if appropriate by members of the review group and recorded on Appendix 4

4.8 Part of the investigation is expected to look into a breach of EDAA rules by any of the parties involved.

4.9 Part of the review will include attempting to identify what actions or decisions, within reason, and in accordance with policy and EDAA rules will resolve the issue. This will be included in documentation.

5.0 Action Plan

5.1 Once all information has been gathered the review group will meet separately to consider all the information and make recommendations for an action plan. This plan will be recorded – see Appendix 5

5.2 The review group will approach the parties involved and share the recommendations and plan with a view to resolving this amicably between parties, preferably in writing to have a trackable process. This will be brief and act as a record of the committees efforts to manage the situation. We will request a response

from the parties in a maximum of 7 days. Once again, face to face, letter, email or telephone would be a form of acceptable communication. See template letter as Appendix 6

5.3 In the event the review group can seek advice and support from other members whom they deem useful to consult with as long as there is not a conflict of interest relating to that person

5.4 Responses received will be recorded on section of template letter reserved for this feedback

5.5 If agreement reached then action plan to be implemented. Expectations of all actions to be taken by parties involved will be put in writing, with timescales for actions – where relevant e.g. moving structure, carrying out work and a plan for review after timescale and by whom. It is recommended at least 2 people from the review group do this review of implementation together. See template letter Appendix 7

5.6 The action plan will need to detail any sanctions the committee considers reasonable, in proportion to the incident, should the parties fail to adhere to the action plan

5.7 The action plan needs to document any written warnings the committee feel are proportionate to the incident being investigated.

5.8 If no agreement can be reached the review group, supported by the committee, will decide what the plan will be for all parties and communicate this in writing in the format described in 5.4 and 5.5

5.8 Copies of all this communication will be held as part of the process, in accordance with principles previously outlined.

6.0 Outcomes

6.1 Any sanctions that have to be taken will be done so in a timely manner, with records being kept with all other papers relating to the incident.

6.2 When the matter is finally resolved the chair will 'sign off' the review for the record.

7.0 Appeals

7.1 The parties involved have 1 opportunity to appeal to the committee in writing after all decisions have been taken. This has to be within 7 days of final decisions being communicated on Appendix 8. This includes information relating to why the party disagrees with the action plan with a requirement to propose a working alternative that would resolve the issue

7.2 This appeal will be reviewed within 14 days using all documentary evidence of process by chair or deputy, plus 1 other, not involved to date. If appeal not upheld reasons will be recorded and this decision is final

7.3 Outcome will be communicated in writing to person making the appeal.

7.4 If appeal upheld then all parties will be written to to see if alternative plan can be agreed by all parties. If not – the original action plan will be final plan and this will be final decision.

7.5 Outcome will be communicated in writing to person making the appeal and other parties involved and kept on record.

Appendix 1

Initial information gathering form.
Date and time of incident
Names of persons involved and related plot numbers
Description of incident as reported
Any recommendations or feedback given at time Please note if photos have been taken and retained
Date completed
Names and signatures of members involved in information gathering

Appendix 2

Review group –Initial action plan
Members of review group
Action plan recommended with time frames and who is responsible for which action.
Date
Signatures

Appendix 3

Interview information gathered re incident - 1 form per interviewee
Names and plot numbers of plot holder spoken to re incident
Members present at interview
Date, time and location of interview
Information gathered as reported
Signature of interviewee
Signatures of review members
Date

Appendix 4

Witness Statement – information from someone who witnessed but was not involved in the incident. One form per witness in case of more than one witness.
Name and plot number or other relevant details
Name of Members gathering information
Witness information – focus on factual information as seen and heard
Date, time and location
Witness signature
Member signature

Appendix 5

Revised Action Plan
Members involved in drawing up Action Plan
Action Plan – in numerical points detailing actions, time frame and who is responsible
Review date of implementation and by whom
Date action plan and information shared with involved parties
Record of response within 7 days
Signatures
Date

Appendix 6 – Template letter

Dear

I am writing to you on behalf of the management committee of Exmouth District Allotment Association to share with you the recommended action plan for implementation as detailed in this letter with regard to the serious incident we have been investigating which occurred on.... and involved these people. (names of parties)

The aim of the plan is to resolve the incident in proportion to the nature of the event with due regard for the impact on all parties and in accordance with EDAA rules and policies.

Here the details of the plan would be laid out

Please read the recommendations in the plan carefully as it will place some requirements on you with timeframes considered reasonable based on nature of actions investigated.

We respectfully ask you confirm either by email or in writing your acceptance and intention to comply with the plan in the next 7 days to me or another officer. The response must be documented and we will retain this information as part of the process relating to the investigation.

The section below is to offer any comments or feedback on the plan.

If you do not agree with this final plan you have 7 days to appeal and need to refer to the policy to understand your responsibilities with regard to declining to a) commit to the plan for resolution and b) the appeal process as the management committee will seek a final resolution in accordance with the policy.

I look forward to hearing from you in the next 7 days. If the action plan is agreed to by yourself then it will be reviewed by the committee and we will write to you again with our feedback. Hopefully, if all goes well and in accordance with the plan, the incident can be considered to be resolved and closed.

Yours faithfully

Feedback on Action plan

Please strike circle response that applies. I Agreement /I Do not agree to plan

Name

Signature

Appendix 7 - Template letter for review of implementation of action plan

Dear

As detailed in our previous letter we have now conducted a review of the implementation of the action plan detailed in that letter and accepted by you on (date here). We reviewed the situation (date here).

Choose appropriate option here

- a) We are pleased to confirm all actions have been taken as recommended and EDAA consider the matter resolved and closed.
- b) We are pleased to say there has been progress but the following issues are outstanding (give detail) and must be actioned by (give date). This will be reviewed.
- c) We are disappointed to find that none of the required actions have been carried out. As a consequence of this failure to act EDAA has decided to (put sanction here and date by which to be applied) There will be no opportunity to appeal this decision as all our reasonable efforts to resolve this incident in a timely and fair manner, with your involvement, have not met with your support.

Should there be a recurrence of a serious incidence during your tenancy for which you are held responsible the following sanction will automatically apply (put sanction here)

Any additional comments or information to be added on case by case basis

Yours faithfully

Appendix 8 – Appeal

Appeal against agreement with final action plan
Name and plot number of person appealing
Items of action plan and not agreed with and why.
Proposal for workable alternative, taking views of other involved parties into account.
Signature and date
Admin only – date received by EDAA..... Date reviewed by EDAA - upheld/not upheld and comments relating to decision.
Date of feedback to appellant
Signed and dated - EDAA

Appendix 9. Website reporting form.

Reporting incident of unacceptable behaviour in breach of behaviour policy
Date, time and location of incident
Who was involved?
What happened – please include all factual detail and details of any witnesses
What would help resolve this in your opinion?
I can confirm I have read and understand the EDAA behaviour policy Signed
Admin only – date received and signed