Formal Complaints

Issue:1

September 23 2023

1. Only written complaints (email or letter to the SCAS email address or post office box) will be formally investigated under this policy to ensure that there is a full record of any allegations made.  Written complaints must include the full name, plot number of the complainant and current contact details.
2. In the first instance all formal complaints shall be reviewed by the Secretary/Chairperson (or the inspections teams).
3. If the Secretary/Chairperson is of the opinion that an investigation is not warranted or justified, then they will consult with one other committee member. If there is agreement that an investigation is not warranted the reasons for this should be communicated to the complainant in writing or if it is not clear that an investigation is warranted then more information should be requested.
4. If the complaint indicates that a criminal offence may have been committed, the complaint should be referred to the police.
5. If a complaint is referred to the police, any SCAS investigation shall be deferred until such time as the police confirm that their investigation is concluded or that they will not be taking any further action. At this time the normal complaints procedure shall resume as described in this document.
6. Any complaints that involve any member of the management committee shall be investigated by the Secretary/Chairperson assuming that the Secretary/Chairperson is not the subject of the complaint.  Any complaint that relates to any actions of any of the committee members shall be investigated by the rest of the committee.
7. Complaints that relate to breaches of a member’s tenancy agreement, specific rules or if a dispute arises between plot holders, shall be referred to the Secretary/Chairperson as described in step 2.
8. All complaint investigations should focus on obtaining all relevant facts and can include:

* interviews with relevant individuals
* review of any relevant correspondence, e-mails or other documents
* inspection of the relevant plot(s) or equipment
* reference to the requirements of SCAS policies and rules.

1. Full records of interviews and action taken as part of an investigation should be kept including the date and times of any meetings and who was present.
2. Complete confidentiality (between the complainant and the committee) shall be maintained with respect to all complaints and investigations.
3. For complaints that relate to breaches of SCAS rules or disputes between members, the Secretary/Chairperson should seek to resolve the complaint or dispute by amicable agreement with the relevant member(s).  In the event that a resolution is agreed, a record of what was agreed should be made and all records of the complaint and investigation and issues agreed should be securely retained for five years.  A copy of the resolution agreed shall also be communicated to all parties. Records may be digitally stored.
4. If no resolution to a complaint or dispute is possible then the Secretary/Chairperson should refer the matter to the committee for review and assistance. If at this point the committee conclude that no resolution is possible, then the matter will be closed and will not be revisited.
5. If, after review by the committee, it is agreed that a plot holder is failing to comply with any SCAS rule and is unwilling to agree to a resolution, a warning letter shall be sent to the member by the Secretary/Chairperson giving a minimum of 14 days for the member to resolve the issue.  If a compliance period of greater than 14 days is deemed to be appropriate, then a clear deadline for compliance must be stated in the warning letter.
6. If a member has not conformed to the requirements of the first warning letter within the deadline set, a second warning letter should then be considered.  This letter should allow a minimum of a further 14 days for compliance.
7. The issuance of all warning letters should be reported to the committee in confidence at monthly Management Committee (MC) meetings.
8. If a second warning letter is not complied with, a report shall be prepared and submitted to the committee which shall decide whether the member should be evicted within 14 days.
9. The eviction letter shall include details of an appeal procedure.  In the first instance the member should write to the Secretary/Chairperson setting out the grounds for appeal.  Appeals must be made within 21 days of the eviction letter being sent to the member.
10. Appeals will be considered by an Appeal Panel comprised of at least three persons who are committee members who have not been involved in the original investigation.  At least one member of the appeal panel will be the chairperson. The appellant will be entitled to present their case to the Appeal Panel and to be accompanied by one other person of their choosing at the appeal.
11. If the appeal is upheld, then a letter will be sent by the Secretary/Chairperson to the appellant explaining the decision.
12. If the appeal is rejected, a letter will be sent by the Secretary/Chairperson to the appellant setting out the reasons and eviction will be expected within 14 days