

Complaints and grievances procedure 2021.

All complaints will follow the following procedure:

1, The complainant must notify The Farm's Board of Directors within 7 days of the alleged incident. Complaints after this time will only be considered if the complaint can show reasonable extenuating circumstances. Such circumstances will be judged on a case by case basis and the complainant may be required to adduce evidence to prove these extenuating circumstances.

2, All complaints must be sent to The Board of Directors using the GCF Complaints form. A complaint that is sent in any other way will be returned unread. The form is made up of three sections all of which must be filled in.

- **Resolution.**

The complainant is required to state how they would like to see the complaint resolved, for example a mediation process, or a complaint of misconduct etc. In the first instance and with all low level complaints, Complainants are encouraged to attempt a mediation resolution in the first instance.

- **Facts**

All complainants must be aware that the evidence they present as a complaint must be truthful and based in fact and that evidence can be presented in order to support and allegation. It is a civil wrong under The Defamation Act (2013) to make a statement that is not fact or the fact cannot be proved. Complainants are advised that if they make any false or malicious allegations against any other person or representative of The Greenslate Community Farm (hereafter GCF) this will be treated as a disciplinary matter. Facts of the complaint must be presented in bullet points and where available examples of evidence available are shown after the fact I.E

- X swore at me – evidence I recorded the conversation on mobile phone, or an impartial witness saw the argument or CCTV is available.

- **Impact**

In this section the compliant is encouraged to use emotion and opinion in saying how they have personally been affected by the issue.

3, Once the Statement of Facts has been submitted. The matter will be referred to a member of the Board of Directors or to a Board of Enquiry for investigation. At this point a message (written or electronic) must be sent to the person complained about (hereafter complaine) within 24hrs stating that an official complaint has been made against them.

4, All complaints will be looked at objectively and fairly and only substantiated facts will be taken into consideration by investigators. Investigators may then speak to the person/people/representative of the Farm in order to ascertain the other side of events and to put the statement of facts including resolution and impact to the complaine, this must

be recorded and stored in the complainants personal file within complaints and grievances folder on GCF Microsoft Teams.

6, Once the complainee has been given an opportunity to comment on the complaint made against them, the investigator(s) will complete a report outlining the two sides of the case and assessing on the civil standard of proof what is most likely to have transpired.

Civil standard of proof.

All complaints made to GCF will use the burden of proof used in UK Civil Courts, that being 'On a balance of probabilities.' All persons judging this case ought to make the following test 'is it more likely than not that this event really happened?' if this is the case than that assessment will form part of an investigators report if not, then it must also be indicated by an investigator that there is no reasonable way of proving one way or another.

7, Once investigators have made *reasonable and proportionate*¹ attempts to fully examine the complaint, they will submit their report to the Board of directors. The Board of Directors will be guided in making a decision on the complainee by the investigators report and the complainants impact statement.

8, The Board can decide if there is no complaint to answer. As stated if a complaint is found to be false or malicious a disciplinary process will be brought against the complainant. If the complaint is upheld The Board will decide what level the incident should be judged against. (See GCF Handbook for full details.

unsatisfactory misconduct general misconduct will include rudeness, aggressive behaviour, behaviour that could reasonably be considered intimidating by a reasonable third party² and any activity that causes another harassment, alarm or distress that the person undertaking these activities knew or ought to have known amounted to an act of harassment.³

The Board can in low level complaints of rudeness, incivility etc can suggest a form of mediation that both parties agree to.

Any act that on the balance of probabilities showed an intentional attempt to cause another person to feel intimidated, harassed, alarmed or distressed will be immediately escalated to serious misconduct. Any act that on the balance of probabilities⁴ could constitute criminal offence will also be immediately escalated to serious misconduct (not precluding gross misconduct). GCF will immediately escalate any incident, involving assault or violence (including sexual assault), theft, substantial criminal damage, misuse of drugs as being an act

¹ The phrase reasonable and proportionate attempts is subjective. However, in general obtaining CCTV footage if available, obtaining a statement from an impartial witness, listening to recording on mobile phones, that have been offered to the investigator would all be considered reasonable and proportionate. It is not considered reasonable or proportionate to obtain statements from those who are not considered to be impartial or who's statement would not alter the material facts.

² A reasonable third party is part of Criminal Law. (see *R v Sanchez* [1996] Crim L R 572 CA).

³ See Protection from Harassment Act (1997)

⁴ GCF only uses the balance of probabilities test to judge if a criminal act actually took place. GCF does not use the criminal standard of proof – 'beyond all reasonable doubt'. As such the standard of proof will be enough to show that it was more likely than not that a criminal offence took place and GCF does not need to prove beyond all reasonable doubt that a person is guilty of a criminal offence. In such circumstances the matter would be reported to the Police.

of gross misconduct⁵. Matters involving a complaint by a member of staff, volunteer or representative of GCF will receive the full backing, support and assistance of GCF in reporting the matter to the Police. GCF will report any criminal activity falling into the Gross misconduct to the Police unilaterally.

9, The GCF handbook details the Appeals procedure.

⁵ This is not an exhaustive list and any serious criminal activity that involves physical harm including sexual abuse, financial lose, damage to property or drug misuse will be considered.