



## APPEALS and HEARING PROCEDURE

### APPEALS PROCEDURE

#### A. Notice of appeal

- i. If a tenant (“the Appellant”) wishes to appeal a decision (“the Decision”) (**Note 1\***), they must deliver a notice (“the Appellant’s Notice”) to the Chair or deputy of the RGS. This must be in writing and dated. The Appellant’s Notice must set out the grounds of appeal in simple language, clearly and concisely;
- ii. The Appellant’s Notice must be delivered within 48 hours from the date of the notification to the tenant of the Decision;
- iii. The Appellant’s Notice needs to be sent, preferably by email, to [rgs.sw15@gmail.com](mailto:rgs.sw15@gmail.com). If unable to use email, a hard copy would need to be posted in one of the allotment site mailboxes and the Chair or deputy informed of this delivery.
- iv. Copies of the Appellant’s Notice must be distributed by the RGS Chair to the Site Manager, the Site Secretary and the Respondent (**Note 2\*\***);
- v. A copy of the Decision under appeal must be attached to the Appellant’s Notice;
- vi. The Respondent must deliver a Notice (“the Respondent’s Notice”) to the Chair or deputy, preferably by email, within 48 hours of receipt of the Appellant’s Notice acknowledging receipt;
- vii. The Chair or deputy must deliver the Respondent’s Notice to the Appellant within 48 hours of receipt.

**\*Note 1: The Decision will be:**

- a. *the result of a complaints hearing in accordance with the COMPLAINTS PROCEDURE; or*
- b. *a termination letter sent by email by the Site Manager in accordance with THE PROCEDURE FOR DEALING WITH BREACH OF ALLOTMENT RULES.*

**\*\*Note 2: The Respondent will be:**

- a. *the Complainee in the case of a tenant’s complaint about a fellow plot holder, a Site Secretary, Site Manager or other Committee member. (Please see COMPLAINTS PROCEDURE); or*
- b. *the Site Manager or Site Secretary in the case of a termination letter arising out of the Procedure for Dealing with Breach of Allotment Rules.*

To summarise: the appeal documents should contain:

- a. the Appellant's Notice;
- b. the Decision; and
- c. the Respondent's Notice.

## **B. Extending the time in which to appeal**

Where the time for delivering the Appellant's Notice has expired, the Appellant must:

- i. include an application for an extension of time within the Appellant's Notice stating the reason for the delay and the period of extension sought;
- ii. The Chair will decide if the extension requested is reasonable or not and will advise the Appellant accordingly within 48 hours of the Appellant's application, proposing an alternative extension if it is deemed appropriate.

## **C. Appeal Documents**

- i. As soon as practicable, but in any event no later than 14 days from the delivery of the Appellant's Notice, the Appellant must deliver their appeal documents to the Chair which must contain only those documents relevant to the appeal. These should include the following:
  - a. a copy of the Decision;
  - b. a copy of the Appellant's Notice;
  - c. a copy of any Respondent's Notice;
  - d. a copy of any Appellant's or Respondent's skeleton argument (ie. a summary of the Appellant's or Respondent's case and the points upon which they rely in support of their case).
- ii. The following documents should also be considered by either party for inclusion in the appeal documents but only where they are relevant to the appeal:
  - a. a statement of case;
  - b. a chronology of relevant events;
  - c. witness statements (if any) in support of any of the grounds of appeal made in the Appellant's Notice;
  - d. other witness statements (if applicable);
  - e. any other documents which either party to the appeal considers would assist the appeal.
- iii. The assembled Appellant's and Respondent's appeal documents must be delivered by the Chair to all parties to the appeal.

**D. Late documents**

Any relevant document which is obtained or created after the appeal documents have been assembled and delivered should be added to the appeal documents as soon as practicable but, in any event, no later than 7 days before the hearing of the appeal.

## HEARING PROCEDURE

1. The Chair of the RGS (or deputy) will convene the hearing.
2. The hearing will take place no later than 28 days after the date of the Notice of No Resolution (in the case of a complaint – see the Complaints Procedure) or after the date of the Appellant’s Notice (in the case of an appeal – see Appeals Procedure).
3. The hearing will be heard by:
  - (a) the RGS Chair (if the RGS Chair has a conflict of interest, a deputy with no conflict of interest will be appointed);
  - (b) a sub-committee of two appropriate committee members (“the Panel”), with no conflict of interest;
  - (c) the relevant Site Secretary; and
  - (d) the Site Manager.
4. Within 48 hours of the date of the Notice of No Resolution or the Appellant’s Notice, the Complainant/Appellant will be:
  - (a) invited by email and hard copy to bring no more than one supporter and/or witness;
  - (b) provided with a copy of the Hearing Procedure; and
  - (c) informed that **if they fail to attend, the hearing will proceed in their absence.**
5. In a hearing arising from the Complaints Procedure, the Site Secretary or Chair of the Panel will circulate a copy of the “Agreed Facts” to the Panel and the Complainant/Complainee/Appellant/Respondent (“the Parties”). In every case, details of all communications with and between the Parties will also be circulated to the Panel.
6. The RGS Chair or deputy will chair the meeting.
7. The Complainant/Appellant will present their case. The case for the Complainee/Respondent will then be presented by the relevant Site Secretary (even if the Site Secretary is the Complainee/Respondent in the matter).
8. There will follow a discussion with a question and answer session. All attendees at the hearing, except the Chair and the Panel, will then leave the hearing.
9. The Panel will vote (the matter will be decided by a simple majority).
10. If the Panel cannot agree, the Chair of the meeting will have a casting vote.

11. The decision of the Panel (“the Decision”) will be communicated to the Parties by email and hard copy no later than 48 hours after the hearing.
12. **Complaint Resolution Hearing:** If the Panel decides against a Complainant, he/she may appeal against the Decision of the hearing. In this case, please refer to the Appeals Procedure.
13. **Appeal:** If the Panel decides against an Appellant, he/she may appeal to the Head of Parks at Enable acting on behalf of Wandsworth Council copying in the Chair of the RGS. This must be done in writing, again with full details, by no later than 21 days from the date of the Panel’s decision. Decisions made by the Head of Parks will be final and binding.