

## **Highland Council Community Council Complaints Guidance**

Complaints made to a Community Council are likely to be in relation to action or lack of action taken by a Community Council collectively; procedural issues such as a departure from standing orders or the agreed constitution or may relate to the conduct of an individual Community Councillor. Any complaint should be investigated with reference to the [Scheme for the Establishment of Community Councils](#).

The scheme comprises separate key documents that govern the operation of Community Councils:

- Constitution – outlines the role, responsibility and membership of the Community Council.
- Standing Orders – the detailed mechanics and procedures for running the Community Council - meetings, minutes, etc.
- Code of Conduct – offers guidance on how individual Community Councillors should conduct themselves.

If the complaint falls out-with the terms of these documents, the complainant should be informed that there is no complaint for the Community Council to answer.

It is important that Community Councils have an agreed process in place to deal with any complaints made, as detailed in the current Scheme for Establishment of Community Councils. Our Community Council Complaints Handling Process below provides guidance for Community Councils with regards to complaints.

While each Community Council is free to adopt their own tailored complaints procedure, it is important that any procedure adopted consists, at the very least, of the following steps: -

1. Identify the address/email address to which any complaint should be sent.
  2. Acknowledge complaints and let the complainant know how, when and where they can expect their complaint to be considered.
2. The Community Council should investigate and aim to resolve complaints as quickly as possible.
3. Having investigated the complaint it may be appropriate to include it on the agenda for the next scheduled meeting.
4. If appropriate, the terms of the complaint may be discussed in full and in public at the next scheduled meeting, when it would be expected that an appropriate resolution can be reached by the majority of Community Councillors present.
5. If it is deemed necessary to deal with a complaint at the next scheduled meeting and depending on the nature of the complaint and in accordance with 11.1 of the constitution and 1.1 and 9.1 of the standing orders, the Community Council may suspend standing orders and discuss the complaint in private. The minute of the Community Council must however note the reason for taking the item in private and the decision made.
6. Irrespective of whether or not the complainant was present at the meeting, written confirmation regarding the outcome of the complaint should be sent to them setting out what decision has been reached, any changes in procedure agreed as a consequence of the complaint and, if appropriate, an apology. The written confirmation should also set out that should the complainant remain dissatisfied by the response provided, they have the right to [refer their complaint to The Highland Council](#) who

will consider whether to review the matter further and/or provide support and guidance to the complainant and the Community Council.

**Key principles when attending to complaints: -**

1. All Community Councillors should be familiar with the complaint procedure. Any Community Councillor may receive a complaint (particularly important if there is an issue with conduct of an individual rather than a collective complaint). If the complaint is about an office bearer, that person should not lead on taking forward the complaint to the point of resolution.
2. All complaints should be acknowledged within a recommended timescale of 7 days – you should also consider whether it might be necessary to set out an agreed timeframe for responding to the complaint within your procedure.
3. Straightforward complaints may be dealt with by the Chair or Secretary (e.g. the agenda and minutes not made available to the public) and the outcome reported to the next meeting. More complex complaints should be dealt with at the next scheduled meeting and the complainant kept properly informed.