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:

- Identify the address/email address to which any complaint should be sent.
- Acknowledge complaints and let the complainant know how, when and where they can expect their complaint to be considered.
- The Community Council should investigate and aim to resolve complaints as quickly as possible.
- Having investigated the complaint, it may be appropriate to include it on the agenda for the next scheduled meeting.
- 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.
- 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.

- 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:

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.

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.

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.

Complaints Procedure Example

1. Complaints to XXXXXXXXXXXXXX Community Council must be in writing outlining the nature of complaint – this can be by letter or email to the Secretary or Chair of the Community Council.

2. The Secretary will pass the complaint to the Chairperson, or, if the complaint relates to the Chairperson, another appropriate officer bearer or Member of the Community Council.

3. Complaints will be acknowledged within 7 days of being received where possible and the complainant advised how, when and where they can expect their complaint to be considered and responded to.

4. For a procedural type complaint, (for example, breaches to the Highland Council Scheme of Establishment of Community Councils) the Chairperson or appointed person/s will investigate and recommend to the Community Council whether to uphold or not uphold the complaint and send a response to the complainant within a recommended timescale of 10 days of the decision having been made. If the complaint is upheld appropriate action will be taken. This will include an apology and explanation if appropriate. In such circumstances, the Community Council will identify any steps will be taken to prevent such a problem reoccurring. In this case all members of the Community Council will be updated at the next meeting and an item will be added to the agenda to note the position.

5. Where the Chairperson or appointed person/s determines that the complaint is not upheld the matter will be noted and no further action will be taken other than providing a written/email response to the complainant. This response should outline that if the complainant remains dissatisfied with the response provided. they have the right to refer their complaint to The Highland Council (through the Community Development Manager for your area) who will consider whether to review the matter further and/or provide support and guidance to the complainant and the Community Council. In this case all members of the Community Council will be updated at the next meeting and an item will be added to the agenda to note this.

6. If the complaint is more complex and requires a more detailed investigation a longer time may be required. In this case the complainant will be advised of the timescale and the Chairperson or appointed person/s will undertake the required investigation (for example, the conduct of an individual Community Council Member). The matter will also be reported to the next meeting of the Community Council for consideration by all members present.

7. 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.

8. 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.

9. Once a decision is made the complainant will be notified in writing within 10 days of the meeting where the complaint was considered. The decision letter/email will advise the complainant of the outcome of the Community Council's investigation and consideration of the complaint and how they might proceed if they remain dissatisfied with the outcome.