

Guidance 7 – Complaints Procedure

This Procedure is for making complaints against Community Councils or its members and can be used by members of the public, Community Councillors or elected members.

What is a Community Council complaint?

A Community Council complaint is an expression of dissatisfaction or concern relating to the actions of a Community Council or its members. This may be about the conduct, standard of service, actions or lack of action by a Community Council or its members.

Who can complain?

Anyone who is affected by a Community Council or its decisions can make a complaint.

Anonymous Complaints will not be accepted.

What can I complain about?

You can complain about matters such as:

- Treatment by, or attitude of, a Community Councillor when dealing with a Community Council issue;
- Breaches of the Scheme for the Establishment of Community Councils;
- Breaches in confidentiality;
- Misuse of social media, email or letters for the purpose of personal and/or financial gain; or
- Bringing the Community Council into disrepute.

What can't I complain about?

There are some matters Community Councils can't deal with, these being:

- Decisions of Aberdeen City Council;
- Complaints regarding Aberdeen City Council services or officers
- A request for compensation on a decision the Community Council has made

How long do I have to make a complaint?

You must make your complaint within 3 months of the incident you want to complain about.

Complaint received regarding an individual Community Councillor

When there is a complaint made that a member of a Community Council is in breach of the Community Councillors' Code of Conduct or has otherwise brought the Community Council into disrepute then the following procedure must be followed. (flow chart also provided as Appendix 1)

Stage 1

The complaint should be made in writing and submitted to the Community Council Chairperson or another appointed person.

The Chairperson or another Office Bearer of the Community Council should:-

1. Acknowledge receipt of the complaint by letter or e-mail as soon as possible.
2. Make the subject of the complaint aware of the complaint by letter or e-mail and provide them with a copy of the complaint.
3. Make contact with the complainant and the person being complained about to discuss the nature of the complaint to see if it is possible to resolve the complaint without progressing further.
4. Resolution should be taken to the satisfaction of the complainant which may result in withdrawal of the complaint or an agreed action put in place. Any such agreement should be recorded in writing and retained for 12 months then destroyed securely.
5. Advise the Community Council Liaison Officer (CCLO) for monitoring purposes of the complaint and the action taken.

Chairperson or Office Bearer Permitted Actions	
Breach	<ul style="list-style-type: none">• Ask the member to apologise• Advise that Training would be beneficial to prevent similar incidents in the future• Advise that for a period of 3 months, contact should be restricted between the parties• Advise behaviour would be monitored for a period of 3 months
Serious Breach	Refer to Stage 2

If no resolution can be found or the complaint relates to a serious breach, the complaint should be considered using the Stage 2 process.

Complaint against the whole Community Council

When a complaint relates to the whole Community Council, these should be submitted in writing to the CCLO. If a Community Council receives the complaint they should forward it to the CCLO as a matter of urgency.

Stage 2

Stage 2 deals with two types of complaints:

- those that have not been resolved at stage 1; and
- complaints relating to the whole Community Council.

Stage 2 complaints will be referred to a Panel of five Community Councillors from within the pool of members. Members will be drawn from other Community Councils, who do not have a neighbouring boundary with the Community Council.

Not resolved at Stage 1

Where the complaint has not been resolved at stage 1, the person who dealt with the complaint shall within seven days of identifying that the complaint cannot be resolved informally must:-

1. Advise both parties that the matter will have to be heard by the Complaints Panel.
2. Advise both parties that they have up to seven days to provide, a written statement to support their position and that the written statements would form part of the information provided to the Complaints Panel.
3. Notify the CCLO so that a Panel can be convened.
4. On receipt of written statements submit these to the CCLO.

Community Council as a whole

Where the complaint relates to the whole Community Council, the CCLO shall within seven days of receipt of the complaint:-

1. Acknowledge the complaint
2. Inform the Community Council of the complaint
3. Convene the Complaints Panel.

Complaints Panel Process

The Panel must appoint a Chairperson and a note taker.

The Panel needs to consider whether the complaint has merit and whether the Panel is required to make any further decision. If the Panel determines that there is no merit, then the process ceases, and the parties must be informed.

If the complaint does have merit, then the Panel must determine if they are able to make a decision based on the information before them. If there is enough information then the panel will make its decision and notify both parties.

If the Panel are unable to make a decision and require additional information then they must:

1. Seek supporting information from both parties and any witnesses
2. Consider the complaint and any supporting information provided

3. If necessary, undertake interviews to aid the investigation of the complaint;
4. Determine whether a breach has occurred, and if so, what course of action is required and inform all parties of their decision in writing (letter or e-mail) within 28 days from the date of receipt of the complaint.
5. Provide a written note of the complaint, the panel process and the outcome to the CCLO for monitoring purposes and to undertake any training that may be required.

The Panel can determine the following sanctions:

Complaints against and Individual Community Councillor		
Degree Of Breach	Possible Sanctions	Requirement
No Breach	No sanction	None
Breach	<ul style="list-style-type: none"> • Apology • Training (exact nature to be identified) • Mentoring • Restriction of communication between parties (to be clearly specified) • Written undertaking to behave within the Code of Conduct 	Must be by at least a two-thirds majority of the Panel
Serious Breach	<ul style="list-style-type: none"> • Suspension for a set period up to six months. • Instruction to stand down from an Office Bearer position. • Expulsion. This must be a unanimous decision of the Panel. 	Must be a unanimous decision by the Panel
Complaints against the whole Community Council		
Degree of Breach	Possible Sanctions	Requirement
No Breach	No sanction	None
Breach	<ul style="list-style-type: none"> • Apology • Training (exact nature to be identified) • Mentoring • Written undertaking to behave within the Code of Conduct 	Must be by at least a two-thirds majority of the Panel
Serious Breach	<ul style="list-style-type: none"> • Recommend that the Community Council goes into Supported Status 	Must be a unanimous decision by the Panel

The decision by the panel will be the final decision in respect of the complaint. If further clarification is required, the Chair of the Panel can be contacted via the CCLO.

Appendix 1 – Complaints Flowchart

COMPLAINT RECEIVED
STAGE 1

IMMEDIATELY

- Acknowledge complaint
- Make subject aware of the complaint and provide a copy

NEXT

Contact complainant to discuss the complaint and see if it is possible to find an acceptable solution

WITHIN 7 DAYS

If no solution available

Inform both parties:

- that the matter will be heard by the Complaints Panel.
- that they have up to seven days to provide, a written statement to support their position which would be submitted to the Panel.

Solution Agreeable to both parties

- Inform both parties of the outcome and ensure any actions are undertaken
- Retain a copy of the complaint and correspondence
- Notify the CCLO

NO FURTHER ACTION

NEXT

- Provide the CCLO with the complaint and a note of actions taken to date
- Submit written documentation to the CCLO

STAGE 2
COMPLAINTS PANEL

- To be convened by the CCLO
CCLO plays no part in the Panel decisions
- Appoint a Chairperson and note taker
- Review the documentation available
- Request additional information where required
- Undertake interviews, where required
- Make a decision based on the evidence
- Communicate decision within 28 days on receipt of complaint unless otherwise advised more time was required.
- Submit a written note of the complaint, process and outcome to the CCLO
END OF PROCESS