

Coll Community Council Complaints Procedure

What is a complaint?

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 and/or constitution; or else could relate to the conduct of community councillors. It is important that the Community Council have an agreed procedure in place to deal with complaints as the Scheme requires all complaints to be dealt with by the community council in the first instance, except where:

1. The complaint concerns the conduct of the community council as a whole, or the conduct of half or more of the community council members;
2. Three or more complaints have previously been received about a particular community council member, or from a particular individual, during a single community council term; or
3. The complaint concerns the response of the community council to a previous complaint.

Where a complaint relates to any of those 3 conditions are met then the community council must refer the complaint to the Community Council Liaison Officer who will arrange for a Conduct Review Panel to be convened. The community council should advise the complainant accordingly.

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. Acknowledge the complaint and intimate to complainant when and where they can expect their complaint to be discussed (except in the circumstances outlined above which may require a Complaints Review Panel to be convened)
2. Place copy of the complaint on the agenda for the next scheduled meeting.
3. The terms of the complaint should be discussed in full and in public and the community council will, by simple majority of persons present and voting (noting that the subject(s) of a the complaint or the complainer, shall not be entitled to vote) either:
 - (a) Determine that the complaint is viewed as vexatious or the subject of the complaint is substantially identical to that of a previous complaint that has been, or is being dealt with by either the community council or the Conduct Review Panel, in which case they may decide (by simple majority of persons present and voting) that they need not consider the substance of the complaint, nor refer a complaint to the Conduct Review Panel; or
 - (b) Determine (by simple majority of persons present and voting) that that there is no deemed breach of the Scheme for the Establishment of Community Councils, the constitution and standing orders (as may be amended from time to time) and the code of Conduct for Community Councillors; or
 - (c) Determine (by simple majority of members present and voting) that the subject of the complaint has, on the balance of probabilities, failed (on one or more grounds of the complaint) to comply with the obligations in terms of the Scheme for the Establishment of Community Councils, the

constitution and standing orders (as may be amended from time to time) and the code of Conduct for Community Councillors.

4. There should be provision in place to allow for voting on the complaint by way of secret ballot if this is requested by the complainer or the subject(s) of the complaint.
5. In the case of 3(c) above, the community council must either:
 - (a) censure the member(s) in question;
 - (b) issue a formal written warning to the member(s) in question;
 - (c) suspend the member(s) from the community council for up to 3 months; or
 - (d) where it is considered the sanctions above would be inappropriate or insufficient, refer the complaint to the Community Council Liaison Officer who will establish a Conduct Review Panel in terms of paragraph 13.7 of the Scheme for the Establishment of Community Councils.
6. Irrespective of whether or not the complainant was present at the meeting, written confirmation regarding the outcome of the meeting should be sent to the complainant 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 or subject of complaint remain dissatisfied by the course of action taken by the community council, they have the right to raise a new complaint to the Community Council Liaison Officer, Kilmory, Lochgilphead, PA31 8RT, who will, upon receipt, establish a Conduct Review Panel. Where this relates to a sanction which has been applied, the sanction shall be suspended pending the Panel's determination.

Key principles when attending to complaints:-

1. All community councillors should be familiar with the complaints procedure on the basis that any community councillor could potentially receive a complaint (particularly important if there is an issue with conduct of one or more individuals). If the complaint is about an office bearer, it would be beneficial to have an agreement that the person who is in receipt of the complaint be the person whose name is included on correspondence from the community council in regard to the complaint.
2. All complaints should be acted upon immediately – consider whether it might be necessary to set out an agreed timeframe for acknowledging the complaint within your procedure.
3. Complaints should be dealt with at the next scheduled meeting and the complainant kept properly informed.
4. Responses must address **all** issues raised by the complainant.
5. The complainant must be advised of the action taken to resolve the complaint and any changes in procedures to be adopted as a direct result of the complaint.
6. If a complaint is upheld or partially upheld then the response **must** contain an apology.
7. The response must inform the complainant and subject(s) of the complaint of how they might proceed if they remain dissatisfied with way in which the complaint has been resolved.

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