



Aberdeen City Council
Community Council
Complaints Procedure

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Introduction

Community Councils should aim to represent all people in the area without prejudice and be non-party political and non-sectarian. Any person 16 years or over and resident in the Community Council area, can be nominated to join their local Community Council.

Community Councils are regularly consulted by the local authority and public bodies on a wide range of issues which affect their area, such as planning, environment and health. All Community Council meetings are open to the public.

From time to time, complaints may be made about Community Councils and individually against Community Councillors.

Community Councils should adhere to the Code of Conduct as detailed in the Aberdeen City Council Scheme of Establishment for Community Councils.

If you are dissatisfied or have concerns about a standard of service, actions or lack of action provided by your Community Council or one or more of its members, these can be reported through the Community Council Complaints Procedure.

Please note that Aberdeen City Council have a separate Complaints Handling Procedure to record and manage complaints by members of the public in relation to Council Services and/or Officers of the Council and this should not be confused with the Community Council Complaints Procedure. You can find information relating to complaints by going to <https://www.aberdeencity.gov.uk/index.php/services/have-your-say/make-complaint>

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 can make a complaint. Sometimes you may be unable or reluctant to make a complaint on your own. We will accept complaints brought by third parties as long as you have given personal consent.

If you are under 16 and wish to complain, you may contact us yourself or if you would prefer, you can ask a trusted adult such as a parent, older sibling or a guardian to contact us for you.

If you believe yourself to be a vulnerable adult, you may contact us directly or if you would prefer, you can ask someone you trust to contact us on your behalf.

Anonymous Complaints will not be accepted.

What can I complain about?

You can complain about things such as:

- Treatment by, or attitude of, a Community Councillor when dealing with a Community Council issue;
- Breaches to the Aberdeen City Council Scheme for the Establishment of Community Councils;
- Financial irregularities or fraud;
- 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 things 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 do I complain?

You can complain by email or in writing to the Secretary of the Community Council or in person to the Chairperson of the Community Council.

If the complaint relates to the Secretary then contact the Chairperson and vice versa.

If you feel that it is not appropriate for the Community Council to deal with the complaint, you can contact the Community Council Liaison Officer for Aberdeen City Council for guidance on how to proceed.

Community Council Contact	Aberdeen City Council Contact
<p>As the secretaries may change, the most up to date contact information can be found on the website at:</p> <p>http://www.aberdeencity.gov.uk/council_government/councillors/community_councils/elr_community_councils.asp</p>	<p>Community Council Liaison Officer, Aberdeen City Council, Governance, Town House, Broad Street Aberdeen, AB10 1AQ</p> <p>Communitycouncils@aberdeencity.gov.uk</p> <p>01224 522723</p>

When complaining, please provide the following information:

- Your full name, address and email address (if applicable)
- As much detail as you can about the complaint
- How you would like us to resolve the issue

How long do I have to make a complaint?

You must make your complaint within 6 months of the incident you want to complain about.

It is expected that most complaints will be submitted immediately or within two to three months from the date of the incident. In exceptional circumstances, we may be able to accept a complaint after the time limit. If you feel that the six month time limit should not apply to your complaint, please tell us why by contacting us.

What happens when I have complained?

Our complaint procedure provides two opportunities to resolve complaints:

Stage 1 – Frontline Resolution

Stage 2 – Investigation by Panel

These have been outlined below.

Stage 1 – Frontline Resolution

We aim to resolve complaints quickly by the Community Council. This could mean an explanation or where appropriate an apology if something has clearly gone wrong. In such circumstances, steps will be taken to prevent such a problem re-occurring.

Process

1. The complaint should be made in writing to the Secretary of the Community Council or in person to the Chairperson.
2. The Secretary will pass the complaint to the Chairperson, or another appropriate officer bearer (if the complaint relates to the Chairperson).
3. The Chairperson will determine whether to uphold or not uphold the complaint and send a response to the complainant within five working days.
4. Where the Chairperson determines that the complaint is not upheld the matter will be noted and no further action will be taken other than providing a response to the complainant.
5. Where the Chairperson determines that the complaint is upheld, appropriate action will be taken to address and resolve the complaint. This could be an explanation of the circumstances or where appropriate an apology or referral to stage 2.
6. If your complaint is more complex and requires a more detailed investigation it will be escalated to stage 2 of the complaints process. If we do this, we will notify you within five working days.
7. If you are unhappy with the frontline resolution response you can ask us to consider your complaint at stage 2 by contacting the Community Council or the Community Council Liaison Officer.

Stage 2 – Investigation by Panel

Stage 2 deals with two types of complaints:

- those that have not been resolved at frontline resolution; and
- those that are complex and require a detailed investigation from the outset.

Stage 2 investigations will be referred to a Panel of Community Councillors from within the pool of members. The Panel will consist of five members who will have been trained in basic mediation and conflict resolution.

Process

1. The Panel Chair will acknowledge receipt of the complaint in writing within five working days.
2. On receipt of all paperwork in relation to the complaint, the Panel will determine whether further interviews are required or if a decision can be made using the information before them.

If Further Information is Required

1. The Panel will arrange to meet with you to discuss your concerns and to review any evidence provided. Questions at this time shall be for clarification purposes and notes will be taken by the Panel Members.
2. Where the subject of the complaint relates to a Community Council's actions or decisions, the Panel will meet with the Office Bearers of the Community Council to discuss the complaint and to give them the opportunity to put forward their position and to answer any questions.
3. Where the subject of the complaint relates to the behaviour of a Community Councillor, the Panel will meet with the individual concerned to explain the nature of the complaint and to seek their position in relation to the complaint.

Outcome

1. We will provide you with a full written response detailing the final outcome of the complaint as soon as possible but within 30 days, unless we have contacted you to advise that your complaint will take longer to resolve.
2. The decision by the panel will be the final decision in respect of your complaint. If you require further clarification then you can contact the Chair of the Panel via the Community Council Liaison Officer.

Permitted Sanctions

The Panel can make the following decisions:

1. Where the complaint is in relation to a Community Council:
 - Guidance given in relation to the issue
 - Mentoring offered, where appropriate
 - Training given, where appropriate
 - Censure of behaviour and a written warning to behave in accordance with the Code of Conduct contained in the Scheme for the Establishment of Community Councils.

2. Where the complaint is in relation to a Community Councillor's behaviour or actions:
 - Training given, where appropriate
 - Suspension from Community Council meetings and activities for a period of time to be agreed by the majority of the Panel
 - Censure of behaviour and a written warning to behave in accordance with the Code of Conduct contained in the Scheme for the Establishment of Community Councils

In serious cases only (Criminal Investigations):

- Request by the majority of the Panel that the Community Councillor resign from the Community Council
- To remove the Community Councillor with immediate effect only by unanimous decision of the Panel.

Quick Guide to our Complaints Procedure

Complaints Procedure

- You can complain in writing or by email to the Secretary of Community Council or in person to the Chairperson;
- We have a two stage complaints procedure – Frontline Resolution and Investigation by Panel. We will try to deal with your complaint quickly but if it's clear the matter will require a detailed investigation and it will take longer we will notify you of progress.

Stage 1 - Frontline Resolution

- We will always try to resolve your complaint as soon as possible (within five working days);
- If you are unhappy with the frontline resolution response, you can ask us to consider your complaint at stage 2;
- We will determine whether to uphold or not uphold your complaint.

Stage 2 - Investigation by Panel

- We will acknowledge your complaint within five working days;
- We will consider complex complaints;
- We will consider complaints where you are unhappy with the frontline resolution response;
- We will determine whether to uphold or not uphold your complaint;
- We will give you our decision in writing within 30 working days unless we have notified you that your complaint will take longer to resolve.

Further Advice

If after receiving your final decision at Stage 2, you are still dissatisfied or require further clarification you can seek further guidance from the Panel Chair via the Community Council Liaison Officer.



Community Council

Complaints Procedure Guidelines for Community Councils

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Introduction

However much you strive to avoid complaints being made about your Community Council or Community Councillors, there may be occasions when complaints are made based on decisions you have taken, in connection with matters you have not taken any action on or regarding the conduct of your Community Council or Community Councillors.

This complaints procedure has been developed at the request of a number of Community Councils and has been facilitated by the Community Council Liaison Officer of Aberdeen City Council. The Minister for Local Government and Housing wrote to all Local Authorities in 2016 requesting that they consider implementing a complaints procedure for Community Councils.

On most occasions a swift apology or explanation will be enough but sometimes a detailed investigation will be required. This guidance document explains the process for dealing with complaints at Stage 1 – Frontline Resolution and at Stage 2 – Investigation by Panel.

Basic training on Mediation and Conflict Resolution will be given to individual Community Councillors to help you deal with complaints that may occur. This will be a requirement to enable Community Councillors to sit on the Investigation Panel for Stage 2 complaints.

Stage 1 – Frontline Resolution

Complaint Received

Procedure

1. The complaint should be made in writing to the Secretary of the Community Council or in person to the Chairperson.
2. The Secretary will pass the complaint to the Chairperson or another appropriate officer bearer (if the complaint relates to the Chairperson).
3. The Chairperson will determine whether to uphold or not uphold the complaint and send a response to the complainer within five working days.
4. Where the Chairperson determines that the complaint is not upheld the matter will be noted and no further action will be taken other than providing a response to the complainant.
5. Where the Chairperson determines that the complaint is upheld, appropriate action will be taken to address and resolve the complaint. This could be an explanation of the circumstances or where appropriate an apology or referral to stage 2.
6. All decisions should be notified to the Community Council Liaison Officer.
7. Where the complaint has been referred to Stage 2, the Community Council Liaison Officer will make arrangements for a Panel to be convened and for the relevant paperwork to be shared with the Panel members.
8. Where required, the Community Council Liaison Officer can provide advice based on the content of the Scheme for the Establishment of Community Councils.

Stage 2 – Investigation by Panel

If the complaint has been referred from Stage 1, the Community Council Liaison Officer will have received the paperwork in relation to the complaint and will organise for a Panel of five members, from within the pool of members, to be convened to deal with the complaint.

The Panel will not have members from Community Councils with adjacent boundaries to the Community Council that the complaint is about.

Where the complaint is from one Community Council against another, members of that Community Council will not sit on the Panel.

If the complaint has been referred from Stage 1 by the Community Council the complainant will have been notified in writing of that decision.

If after receiving the decision of the Community Council at Stage 1, the complainant is still not satisfied, they can write to the Community Council or Community Council Liaison Officer asking that the complaint be referred to Stage 2.

Procedure

1. The members of the Panel will agree on the Chair for the Investigation
2. The Panel Chair will acknowledge receipt of the complaint in writing within five working days.
3. On receipt of the paperwork in relation to the complaint, the Panel will determine whether further interviews are required or if a decision can be made using the information before them.
4. All investigation meetings will be held in private.

Further Information Required

1. The Panel will arrange to meet the complainant to discuss their concerns and to review any evidence provided. Questions at this time shall be for clarification purposes and notes will be taken by the Panel Members.
2. Where the complaint is about a Community Council's actions or decisions, the Panel will meet with the Office Bearers of the Community Council to discuss the complaint and to give them the opportunity to put forward their position and to answer any questions.
3. Where the complaint is about a Community Councillor, the Panel will meet with them to explain the nature of the complaint and to seek their position in relation to the complaint. The Community Councillor can be accompanied to the meeting by a friend or another Community Councillor to support them.

Any person accompanying a Community Councillor will not be allowed to address the Panel but can offer advice or assistance to the Community Councillor.

No Further Information Required

Where the Panel agree that a decision can be made using the evidence before them based on the written submissions provided they will make a decision.

When the Investigation Process is Complete

1. The Panel will meet to determine the outcome of the investigation. They will decide to either uphold or not uphold the complaint and what sanctions if any should be applied.
2. The decision of the Panel will be communicated to the Community Council or the individual Community Councillor by Recorded Delivery letter.
3. Where the subject of the complaint relates to a Community Council, the Panel can make the following decisions:
 - Guidance to be given in relation to the matter
 - Mentoring offered, where appropriate
 - Training given, where appropriate
 - Censure of behaviour and a written warning to behave in accordance with the Code of Conduct contained in the Scheme for the Establishment of Community Councils
4. Where the subject of the complaint relates to a Community Councillor's behaviour or actions, the Panel can make the following decisions:
 - Training given, where appropriate
 - Censure of behaviour and a written warning to behave in accordance with the Code of Conduct contained in the Scheme for the Establishment of Community Councils
 - Suspension from Community Council meetings and activities for a period of time, up to a maximum of six months, to be agreed by the majority of the Panel

In serious cases only (Criminal Offences)

- Request by the majority of the Panel that the Community Councillor resign from the Community Council
- To remove the Community Councillor with immediate effect by unanimous decision of the Panel

Following the Decision of the Panel

1. The decision of the Panel is final
2. The complainant will be notified in writing within 30 days of receiving the initial complaint, of the decision of the Panel (unless prior notification has been given that the complaint will take longer to resolve)
3. The Community Council Liaison Officer will be notified in order for them to action the sanction as agreed by the Panel.
4. The Community Council Liaison Officer will monitor the complaints to enable them to identify common complaints and to implement training where required.

Stage 1 – Frontline Resolution Template

Your Ref. ***insert complainant's ref here***
Contact. ***insert your name here***
Email: ***insert contact email address here***

CC Logo here

Insert Contact Details of Complainant here

Insert Date here

Dear insert complainant's name here

Complaint regarding – insert brief title/description

Thank you for your complaint of ***insert date here*** regarding ***insert issue of complaint here***.

Your complaint highlights the following point(s) which will be addressed within this letter:

1. ***enter all complaints in order of severity***
- 2.

Summarise the complaint, explain why any issues occurred, and provide a meaningful apology as appropriate.

Identify key areas where failings have already been identified and/or remedial action has already taken place as a result of the complaint.

I trust this response has addressed all areas of your complaint and explains why the outcome has been reached. However, if this does not resolve the matter and you remain dissatisfied, you have the right to request us to escalate your complaint to the next stage of the Community Council complaints procedure and for a Panel to carry out an investigation into your complaint. If you wish for this to happen, please contact us using the email address at the top of the letter or by contacting the Community Council Liaison Officer on 01224 522723 or email communitycouncils@aberdeencity.gov.uk

Yours sincerely

Stage 2 - Complaint Investigation Plan

Complainant Name:

Complaint Reference:

Panel:

	Points of complaint	Issues to be explored	Evidence available	Evidence needed	How evidence will be gathered	Any other comments or observations
1						
2						
3						
4						
5						
6						

	Target date for response	
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Stage 2 – Decision Letter Template

Your Ref. ***insert complainant's ref here***
Contact. ***insert your name here***
Email: ***insert contact email address here***

Name and address of complainant

Date here

Dear ***insert complainant's name here***

Complaint regarding [insert broad description of complaint here]

Thank you for your complaint on ***insert date*** here regarding ***insert issue of complaint here***.

Your complaint has now been investigated and the findings are set out below. In this letter I will explain what the Panel have found out from the investigation, what the conclusions are and if appropriate, what actions are to be taken to address your concerns.

The complaints investigated are:

1. ***enter all complaints in order of severity***
- 2.

Background

Enter the background to the events leading to the complaint including a brief time line if helpful. This section should outline the relevant facts only.

Investigation

Provide a brief background to investigation process, i.e. we have reviewed the documentation you provided, reviewed notes held on the matter

Provide any other factual evidence relevant to the complaint

Conclusion

The conclusion should summarise the complaint and the decision reached

Identify key areas where failings have been identified and/or remedial action has already taken place as a result of the complaint.

Yours sincerely