

Community Council Complaints Handling Procedure

Introduction

This Community Council Complaints Handling Procedure has been developed by Shetland Islands Council, as owners of the Community Council scheme of establishment, in conjunction with the Association of Shetland Community Councils and consultation with Community Councils.

The procedure is designed to address issues and complaints as quickly as possible using a fair, consistent and timely approach.

Community Councils may be subject to complaints from time to time. Complaints can often provide important information and feedback which can in turn be used as a learning tool to improve service delivery and potentially prevent similar problems that led to the complaint from reoccurring.

This procedure will help Community Councils to work more effectively, promote accountability, improve relationships and develop trust and respect within their local community.

All complaints will be treated confidentially. This document sets out the procedure, timescale and roles and responsibilities to enable Community Councils to handle a complaint.

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1. What is a complaint?

The definition of a complaint is:

- an expression of dissatisfaction by one or more members of the public, or
- a member of the Community Council that a member or members of a Community Council is in breach of the Code of Conduct for Community Councillors, or has otherwise brought the Community Council into disrepute.

Complaints can take a number of forms. For example it may relate to one of the following:

- Behaviour and conduct of a Community Councillor
- Failure of a Community Council to follow correct procedures
- Condition of a Community Council managed amenity
- Failure of a Community Council and/or member to carry out their duties effectively
- A breach of Community Council policy

This list does not cover everything.

Some complaints received may be internal to the Community Council. For example a Community Councillor making a complaint about another Community Councillor. However there may also be complaints lodged against the entire Community Council from a member of the public or elsewhere.

Wherever possible, it is always best to resolve a complaint quickly and simply.

Anonymous complaints will not be considered under this Community Council Complaints Procedure. However issues raised may be discussed by the Community Council as a valuable learning opportunity.

2. Who can complain?

Complaints can be received from a wide range of sources. A complaint can be from an individual or an organisation provided they have received a service, requested a service or been affected by a Community Council decision. Anyone submitting a complaint on behalf of an organisation or another individual must demonstrate their authority to do so.

3. How to report a complaint?

Complaints may be reported in a number of ways:

- By email
- By letter
- By completion of a Community Council complaint form (Appendix C)

Complaints may be received by any individual Community Councillor or be directed to the Community Council's clerk. The clerk shall refer all complaints to the Community Council Chair who will decide the appropriate course of action required.

High level information about complaints received should be an agenda item at Community Council meetings.

4. Complaints handling process

Community Council complaints process is separated into three distinct stages to resolve complaints. This is summarised as follows:

- Stage one** - front line resolution - Community Council
- Stage two** - investigation - Community Council
- Stage three** - independent external review - Shetland Islands Council

Front line resolution	Investigation	Independent external review
<p>For straight forward issues that are easily resolved, requiring little or no investigation.</p> <p>“On-the-spot” apology, explanation, or other action to resolve the complaint quickly, in five working days or less, unless there are exceptional circumstances.</p> <p>Complaints addressed by any Community Councillor or alternatively referred to the Community Council Chair or Vice Chair for frontline resolution.</p> <p>Complaint details, outcome and action taken shall be reported to the next Community Council meeting for noting and service improvement.</p>	<p>For issues that have not been resolved at the frontline or that are complex, serious or “high risk”.</p> <p>A definitive response provided within 20 working days following a thorough investigation of the points raised.</p> <p>Responses determined and agreed at a special meeting of the Community Council in private.</p> <p>Community Council have an active interest in complaints and will use the information gathered to learn lessons and improve services.</p>	<p>For issues that have not been resolved by the Community Council.</p> <p>Complaints progressing to Shetland Islands Council will have been thoroughly investigated by the Community Council.</p> <p>Shetland Islands Council will assess whether there is evidence of a breach of the Code of Conduct for Community Councillors, not identified by the Community Council.</p>

Stage one: frontline resolution

Frontline resolution aims to quickly resolve straightforward complaints that require little or no investigation. Complaints are normally dealt with by the Chair of the Community Council, but in certain circumstances the Chair may authorise another Community Councillor to deal with the complaint.

The main principle is to seek early resolution, resolving complaints at the earliest opportunity. This may mean a face-to-face discussion with the person or organisation making the Complaint, or asking an appropriate Community Councillor to deal directly with the complaint.

In practice, frontline resolution means resolving the complaint at the first point of contact with the Community Council.

In either case, you may settle the complaint by providing an on-the-spot apology where appropriate, or explaining why the issue occurred and, where possible, what will be done to stop this happening again. You may also explain that, as an organisation that values complaints, we may use the information given when we review service standards in the future.

Stage two: investigation

Not all complaints are suitable for frontline resolution and not all complaints will be satisfactorily resolved at that stage. Complaints handled at the investigation stage of the complaints handling procedure are typically complex or require a detailed examination before a decision can be made. These complaints may already have been considered at the frontline resolution stage, or they may have been identified from the start as needing immediate investigation. An investigation aims to establish all the facts relevant to the points made in the complaint and to give the person making the complaint a full, objective and proportionate response that represents the Community Council's final position.

How the investigation is conducted is entirely at the discretion of the Community Council, depending on the facts and circumstances of the complaint.

The Community Council will hold a special meeting in private to consider the outcome of the investigation and reach a decision.

Once the meeting is arranged, the Chair must ensure that all parties are provided with the date, time, venue, agenda, process and complaint materials, at least seven days before the meeting.

The meeting at which the complaint will be considered must be quorate in terms of the Community Council's constitution.

Community Councils may wish to consider one or more of the following methods of investigation:

1. Community Councillor gathers relevant facts from the complainer & the Community Council;
2. If the Community Council is a member of Association of Shetland Community Councils (ASCC) it could ask the ASCC to nominate an appropriate ASCC representative to independently investigate the complaint and make recommendations to the Community Council.

If Community Councils choose option 2 above, please seek advice from the Council's Community Council Liaison Officer.

This list does not cover everything.

Stage three: Independent external review

Once the investigation stage has been completed, the complainer has the right to approach Shetland Islands Council (SIC) if they remain dissatisfied. The complaint should be sent to the Council's Community Council Liaison Officer:

Solarhus
3 North Ness Business Park
Lerwick
ZE1 0LZ
Michael.duncan@shetland.gov.uk

The SIC considers complaints from people who remain dissatisfied at the conclusion of this complaints procedure. The SIC looks at Code of Conduct for Community Councillors as well as how the Community Council has handled the complaint.

The Council's CCLO and Executive Manager – Community Planning & Development will determine the appropriate way to investigate the complaint. Both parties will be informed of the process and timescales involved.

5. Timescales for handling a complaint?

Stage one – the Community Council aim to resolve complaints **within 5 working days** of complaint being received.

Stage two – the Community Council aim to investigate and resolve complaints **within 20 working days** of complaint being received and will acknowledge receipt of complaint at this stage within 3 working days.

Stage three – Shetland Islands Council aim to conduct their independent external review **within 20 working days** of complaint being received and will acknowledge receipt of complaint at this stage within 3 working days.

Where complaints cannot be completed within these timescales, the Community Council and/or SIC must inform the complainer of reasons for the delay and confirm expected completion date.

6. Timescales for receiving a complaint?

This complaints handling procedure sets a time limit of six months from when the complainer first knew of the problem, within which time they may ask for the Community Council to consider the complaint, unless there are special circumstances for considering complaints beyond this time.

If the complainer is dissatisfied with the decision at stage two or has not received a response within the specified timescales above, the complainer must submit a request to the Council to review the complaint within 20 working days of the expected stage two decision date.

The time limit for requesting an independent external review by the SIC is one year from when the complainer first knew of the problem they are complaining about, unless there are special circumstances for considering complaints beyond this time.

7. Requirements of the complaints handling procedure

Community Council must maintain a record of all complaints received and response provided.

Roles and responsibilities

Overall responsibility and accountability for the management of a complaint lies with the Community Council. Written complaints can be submitted using the Community Council Complaints Form, see Appendix C.

At **stage one** of the Complaints procedure, any Community Councillor, with the authorisation of the CC Chair, can respond to a complaint on behalf of the Community Council. The Community Councillor should keep a brief record of the complaint and their response.

At **stage two** of the complaints procedure, the Community Council's final position is determined at a meeting held to consider the complaint. The minute (which will go in the public domain) should keep all of the details and parties involved confidential. The minute should only show that a complaint has been received, if a vote has been taken and the decision of the Community Council. No discussion should be included in the public minute.

Following the decision a letter containing an explanation of the Community Council's position on the matter will be issued to the complainer notifying them of the outcome. The Community Council shall also provide details on the complainer's right to refer the matter to the Council's Community Council Liaison Officer and ensure the CCLO is copied into said letter.

This ensures that the Community Council is accountable for the decision. It also reassures the complainer that their concerns have been taken seriously.

At **stage three** of the complaints procedure, the Council’s Director of Development Services, or his nominee, will prepare and sign a decision letter to both parties based on the investigation carried out within the Council.

All records and correspondence pertaining to complaints received by the Community Council must be passed to the clerk for safekeeping in line with the Community Council’s Retention & Destruction Policy. Individual Community Councillors shall not retain any records of complaints.

8. Sanctions available

If a breach of rules or agreed practises by a Community Councillor (s) or the Community Council has been identified, there are a range of sanctions that may be applied as appropriate:

Degree of Breach	Possible sanctions (Examples only)
No Breach	No sanction
Breach	<ul style="list-style-type: none"> a) Apology b) Community Council may amend original decision, where appropriate c) Training (exact nature to be specified) d) Mediation e) Restriction of communication between parties (to be clearly specified) f) Written undertaking to act within the Code of Conduct and any or all of a) to e) above
Serious Breach	g) Shall be a matter for the Council to determine within its statutory powers and the Community Council scheme of establishment

This list does not cover everything.

9. Managing unacceptable behaviour

People may act out of character in times of trouble or distress. The circumstances leading to a complaint may result in the complainer acting in an unacceptable way. Complainers who have a history of challenging or inappropriate behaviour, or have difficulty expressing themselves, may still have a legitimate grievance.

A complainer's reasons for complaining may contribute to the way in which they present their complaint. Regardless of this, the Community Council must treat all complaints seriously and properly assess them. However, the Community Council also recognises that the actions of complainers who are angry, demanding or persistent may result in unreasonable demands on time and resources or unacceptable behaviour towards the Community Council.

The Community Council will not tolerate unacceptable behaviour such as unreasonable persistence, threats or offensive behaviour from complainers. Complainers who demonstrate unacceptable behaviour will not have access to this Complaints Procedure and will be advised in writing of the reasons. This will allow the complainer to demonstrate a more reasonable approach later.

Unreasonable Persistence

It is recognised that some complainers will not or cannot accept that the Community Council is unable to assist them further or provide a level of service other than that provided already. Complainers may persist in disagreeing with the action or decision taken in relation to their concern or contact the Community Council persistently about the same issue.

Examples of actions grouped under this heading include persistent refusal to accept a decision made in relation to a complaint, persistent refusal to accept explanations relating to what the Community Council can or cannot do and continuing to pursue a matter without presenting any new information. The way in which these customers approach the Community Council may be entirely reasonable, but it is their persistent behaviour in continuing to do so that is not.

Community Councils consider the actions of persistent service users to be unacceptable when they take up what the Community Councils regard as being a disproportionate amount of time and resources.

Appendix A

Example complaints

Below are examples of potential Community Council complaints that may be received.

Complaints may be raised from within the Community Council i.e. "Internal" or they may be raised from out with the Community Council i.e. "external". Examples of both types of complaints are listed below:

Internal

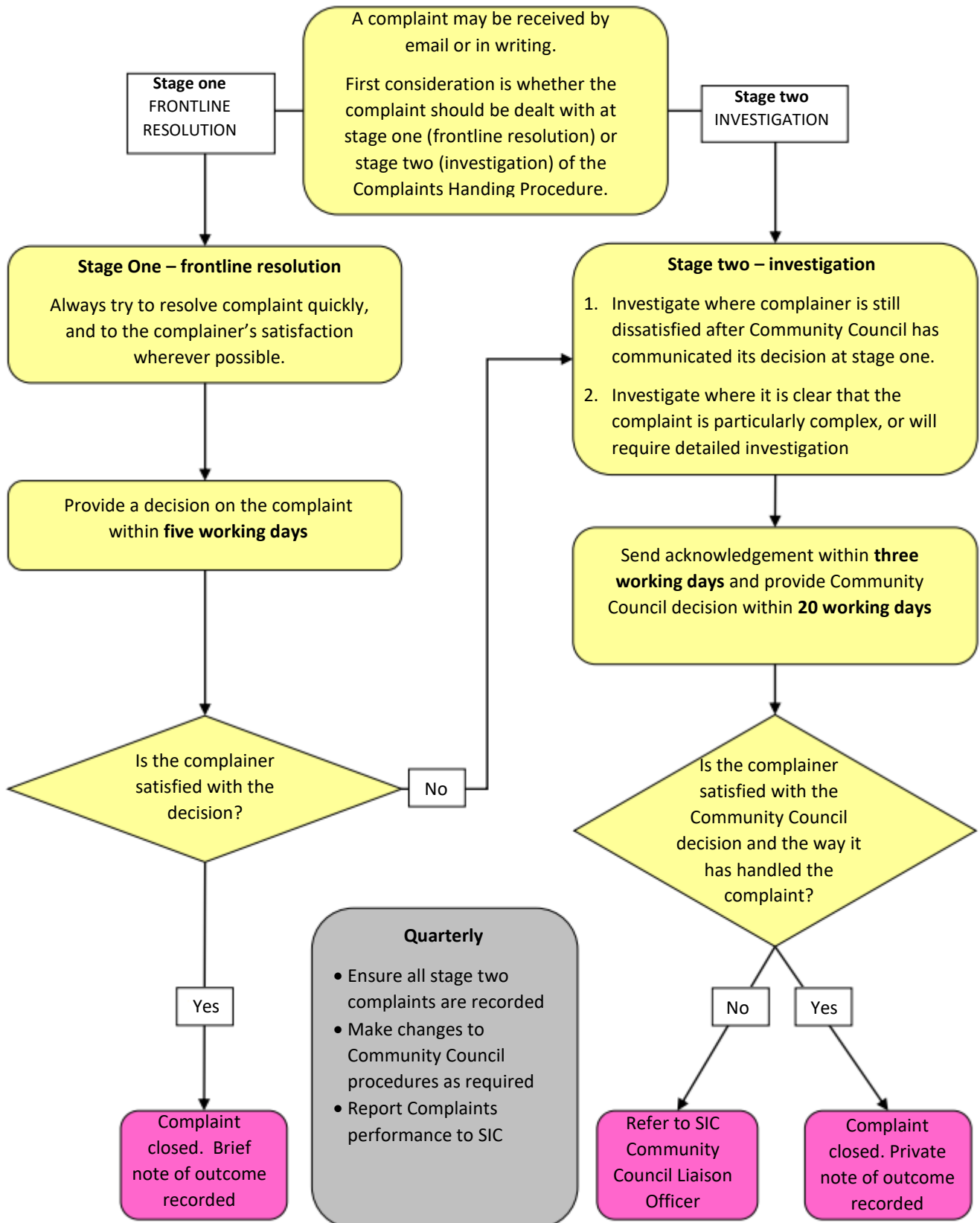
1. Complaint made against the Community Council chair by another Community Councillor (s)
2. Complaint made against a Community Councillor by another Community Councillor (s)
3. Complaint made against two or more Community Councillors by another Community Councillor (s)
4. Complaint made against a Community Council process by a Community Councillor (s)
5. Complaint made against a Community Council decision by a Community Councillor (s)

External

1. Complaint made against the Community Council chair by member(s) of the public
2. Complaint made against a Community Councillor by member (s) of the public
3. Complaint made against the whole Community Council regarding a decision made
4. Complaint made against the whole Community Council regarding process followed
5. Complaint made against the whole Community Council regarding the condition of a Community Council maintained amenity/equipment

The above list does not cover everything.

Complaints handling procedure Flowchart



Appendix C

<Insert Community Council Title here>

Community Council Complaints Form

Your name

Your address
(including post code)

Your telephone number

Email

Please tell us about your complaint

If you have contacted the Community Council about this complaint before, what is the name of the Community Councillor that you contacted?

Name

How did the Community Council respond to your complaint?

What would you like the Community Council to do to put the matter right?

If there is any other information or documentation you feel may be required to allow the Community Council to fully assess your complaint then please attach it to this Complaint form and submit as detailed below:

Contact details:

<insert here>

- Community Council name
- Community Council address
- Community Council email address

The information provided by you is processed in accordance with the Data Protection Act 2018 to allow us to effectively handle your complaint. The Data Protection Act 2018 gives you the right to know how we will use your data. Further information about how we use your personal data is available from the Clerk, who can be contacted [[insert e-mail and/or other contact details](#)].