



COLDINGHAM COMMUNITY COUNCIL

COMPLAINTS HANDLING PROCEDURE

DOCUMENT HISTORY

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APPROVALS

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1.0	CCC members	18/06/2024

INTRODUCTION

This document details the procedure for making complaints about a Coldingham Community Council or its members and the three part process for handling them. The procedure can be used by members of the public, Community Councillors or SBC 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 one or more of its members.

This may be about:

- breaches of the Community Council Scheme or the Constitution of a Community Council;
- treatment by, or attitude of, a Community Council when dealing with a Community Council issue;
- financial irregularities or fraud;
- breaches in confidentiality;
- misuse of social media, email or letters for the purpose of personal and/or financial gain;
- bringing the Community Council into disrepute.

WHO CAN COMPLAIN?

Anyone who is affected by Coldingham Community Council can make a complaint. Anonymous complaints will not be accepted.

WHAT CAN A COMPLAINT BE ABOUT?

A complaint can be about things such as:

- treatment by, or attitude of, a Community Councillors when dealing with a Community Council issue;
- financial irregularities or fraud;
- breaches in confidentiality;
- misuses of social media, emails or letters for the purpose of personal and/or financial gain; or
- bringing the Community Council into disrepute.

A complaint cannot be about such things as:

- a decision of Scottish Borders Council;
- complaints regarding Scottish Borders Council services or officers (the complaints procedure of Scottish Borders Council should be used);
- a request for compensation on a decision the Community Council has made.

HOW TO MAKE A COMPLAINT

You can complain about Coldingham Community Council in writing or via email to the Chair or Secretary of the Community Council, not on social media, and can't be anonymous . If the complaint relates to the Chair then contact the Secretary, and vice versa. If the complaint relates to both these office bearers, then contact another Community Councillor.

When complaining, you need to provide the following information:

- a full name, address and email address (if applicable);
- as much detail about the complaint as possible;
- how you wish to see the issue resolved.

You must make your complaint within 3 months of the incident you want to complain about. Coldingham Community Council expect that most complaints will be submitted immediately or within two to four weeks from the date of the incident. In exceptional circumstances, your complaint may be accepted beyond the 3 month time limit, but you will need to explain why the time limit should not apply in this situation.

The complaint procedure comprises three stages to resolve a complaint depending on its and the outcome.

Stage 1 – Simple Complaints

Stage 2 – Complex Complaints

Stage 3 – Complaints escalated to SBC Democratic Services.

STAGE 1 – SIMPLE COMPLAINTS

Coldingham Community Council will aim to resolve complaints quickly, either by 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 reoccurring.

If the subject of a complaint is an individual or individuals, then the complaint will be dealt with as detailed in Stage 2.

Steps

(a) The complaint should be made in writing to the Chair or Secretary of the Community Council, or other Community Councillor where appropriate.

(b) The complaint will be dealt with by the Chair or another appropriate office bearer or another Community Councillor (if the complaint is about the Chair).

(c) The Chair will determine whether to uphold or not uphold the complaint, and send a response to the complainant within 10 working days, with an explanation of why the complaint is not being upheld.

(e) If the Chair deems the complaint to be complex and requires a more detailed investigation, an extension of time should be sought or it may be escalated directly to Stage 2 of the complaint process. If this is the case, the complainant will be notified within 10 working days.

(f) Where the Chair 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.

(g) Where the Chair 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.

(h) Having investigated the complaint it may be appropriate for the Chair to include it on the agenda for the next scheduled meeting where the terms of the complaint may be discussed in full in public if appropriate. It would be expected that an appropriate resolution can be reached by the majority of Community Councillors present.

(i) Written confirmation regarding the outcome of the complaint 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 remain dissatisfied by the response provided, they have the right to refer their complaint to Scottish Borders Council: Democratic Services (Stage 3) who will consider whether to review the matter further and/or provide support and guidance to the complainant and the Community Council.

(g) If the complainant is unhappy with the resolution response, they can ask for their complaint to be considered at Stage 2 by contacting the Community Council.

STAGE 2 - COMPLEX COMPLAINTS

At a public meeting the CC will agree to form a complaint sub-group to discuss the complaint in private in accordance with 11.1 of the constitution and 1.1 and 9.0 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.

The sub-group should comprise at least one third of CC members and not include members who have a complaint against them. The sub-group may also include CC members and ex-officio members, however the ex-officio members carry no voting rights. (SBC Cllrs).

The sub group will make recommendations relating to the complaint to the community council with private details being discussed in a private session of the community and a redacted minute of the meeting provided to ensure transparency.

Members with a complaint against them should be made aware of the complaint by the Chair, or designated CC member in writing.

The member with the complaint should be given the opportunity to answer any allegations verbally and in writing privately.

The sub-group would:

(a) Meet in private to discuss the complaint. Their duty is to establish, based on the facts and without prejudice, if a Law, breach of the constitution or code of conduct has been made.

(b) Create a recommendation to the Community Council of the breach.

(c) Set out any action agreed to be adopted by the community council. Actions may be, nothing to answer, a written apology to be given, a written warning, specific time sensitive ban from CC meetings and duties.

(d) Discuss the recommendations in private prior to the public meeting to ensure all CC members have full sight of documents that cannot be shared with the public.

(e) Minute the private meeting with all relevant details for records to show the process was conducted fairly and without bias. The minutes can be approved by moving to private business as the last item of the agenda at a monthly meeting at which point members of the public would then be asked to leave so members of the CC can discuss and approve the minute.

(f) Where appropriate a redacted minute, for reasons specific to GDPR¹, showing the process for the public is advisable. The redacted minute should also be agreed for publication in a private session.

STAGE 3 – ESCALATE TO SCOTTISH BORDERS COUNCIL, DEMOCRATIC SERVICES

In instances where the complainant is unsatisfied with the outcome of the handling of the complaint by Coldingham Community Council, the complainant may refer the complaint to the Scottish Borders Council Democratic Services.

¹ GDPR prohibits the disclosure of personal information of the person making the complaint without their express permission.