

Appendix 2

MIDLOTHIAN COMMUNITY COUNCILS

COMPLAINT PROCEDURE (3 Stages)

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Community Councils

Midlothian Community Councils aim to represent all people in their area without prejudice: they are non-party political and non-sectarian. They must call for nominations publicly and hold contested elections if necessary. 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. Most Community Council meetings are open to the public in accessible venues.

Visit the Midlothian Federation of Community Councils website for further contact information: [Midlothian Community Councils](#)

Midlothian Community Councillor - Code of Conduct

Community Councils and their members are required to adhere to the 'Midlothian Community Councillors Code of Conduct'.

A copy of the Code of Conduct can be found in the 'Policies' section here:

[Community Council Documents](#)

A breach of one or more of the key principles does not in itself constitute evidence of a breach of the Code of Conduct.

A complaint may be made about Community Councils in general and individually about Community Councillors.

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

Please note: The Midlothian Community Councils Complaint Procedure has been devised and agreed by Midlothian Federation of Community Councils and should not be confused with the Midlothian Council Complaint Policy.

What is a complaint?

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

Maintaining confidentiality

- The complainant's confidentiality should be maintained at all times.
- All complaints will also be subject to legal requirements including data protection legislation and therefore any communications or documentation held will be retained as per the Midlothian Community Council Data Protection Guidance.

Who can complain?

- Anyone in a Community Council area can make a complaint. Sometimes you may be unable or reluctant to make a complaint on your own. A complaint brought by third parties made on your behalf will be accepted as long as it is clear that you have given personal consent.
- If you are under 16 and wish to complain, you may contact your Community Council yourself or if you would prefer, you can ask a trusted adult such as a parent, older brother or sister, or a guardian to contact us for you.
- If you believe yourself to be a vulnerable adult, you may again contact your Community Council directly or if you would prefer, you can ask someone you trust to contact the Community Council on your behalf. Please provide written evidence (letter\email) to indicate that you have given personal consent.

What can I complain about?

You may complain about things such as:

- inadequate standard of office.
- treatment by or attitude of a Community Councillor when dealing with a Community Council issue.
- breaches of the Midlothian Council Scheme for Community Councils or its Code of Conduct.
- financial irregularities and fraud.
- breaches of confidentiality.
- inappropriate use of social media, email, or letters contrary to the Community Council Code of Conduct.
- bringing the Community Council into disrepute.

This is not an exhaustive list and may involve more than one issue.

What can't I complain about?

There are some things that cannot be dealt with under this complaint policy. These include:

- a dispute of a personal nature which does not encompass an individual's role as a Community Councillor.
- an attempt to reopen a previously concluded complaint or to have a complaint reconsidered, where a final decision has been reached.
- any decisions Midlothian Council has made.
- a request for compensation on a decision the Community Council has made.

How do I make a complaint?

- It is easier for a complaint to be resolved if you make them quickly and directly to the Community Council concerned.
- In the first instance, if appropriate, please speak to a member of the Community Council so they can try to resolve any problems at the earliest opportunity.
- You can make a complaint by email, in writing or in person to the Chairperson or Secretary of the Community Council in your area.
- A form is available to download ('Policies' section) here: **Complaint Procedure Form** or you can contact your local Community Council.
- **Please Note: ALL** sections of the form must be completed for the complaint to be considered.

Contact your Community Council

- Contact details are available **here** on the Midlothian Federation of Community Councils website or on the **Community Councils** page on the Midlothian Council website.

What should I include when making a complaint?

- your full name and address, including an e-mail address if possible.
- as much detail as you can about the complaint.
- what has gone wrong.
- what action would provide a resolution for you.

How long do I have to make a complaint?

- It is anticipated that most complaints will be submitted immediately or within three months from the date of the incident.
- There is a time limit of six months from the event you want to complain about.
- In exceptional circumstances, a complaint may be accepted out with the six-month time limit. If you feel that the six-month time limit should not apply to the complaint, please explain your reasons.

THE COMPLAINT PROCEDURE

The complaint procedure provides three opportunities to resolve complaints:

- Stage One - Frontline Resolution - Community Council
- Stage Two - Investigation - Midlothian Federation of Community Councils
- Stage Three - External Review - Midlothian Council

Stage One - Frontline Resolution

Each Community Council will aim to resolve a complaint as quickly as possible. This could mean an apology and explanation if something has clearly gone wrong. In such circumstances, steps should be taken to prevent such a problem re-occurring.

- Your Community Council should endeavour to acknowledge the complaint within 10 working days and thereafter seek a resolution at the earliest opportunity.
- If the complaint cannot be resolved at this stage, is complex or requires more detailed investigation, the Community Council will move it to a second stage, which is an Investigation.

Stage Two – Investigation

- Deals with a complaint that has not been resolved at frontline resolution.
- A complaint will go to a panel of Community Councillors who will conduct a more detailed investigation and seek an appropriate resolution.
- The Midlothian Council Liaison Officer for Community Councils will also be notified at this stage.
- You should receive a response to your complaint within 28 days of the complaint moving to Stage Two. If this is not possible, you will receive an explanation and an amended timescale.
- After receiving a response, if you are still unhappy with the outcome or the way that the complaint has been managed, you can ask the Chairperson of the Midlothian Federation of Community Councils (MFCC) for advice and request that the complaint be externally reviewed by Midlothian Council.
- They will inform the Midlothian Council Liaison Officer for Community Councils.

Email: contact-midlothianfederation@googlegroups.com

Stage 3 - Independent External Review – Final Stage

- A complaint progressing to Midlothian Council will have been thoroughly investigated by the Community Council and then Midlothian Federation of Community Councils.
- Midlothian Council will assess whether there is evidence of a breach of the Code of Conduct for Community Councillors, not identified during stages 1 and 2.
- You will be contacted by the Midlothian Council Liaison Officer for Community Councils who will provide you with the findings of the review.
You can contact them by emailing: cll@midlothian.gov.uk

A QUICK GUIDE TO THE COMPLAINT PROCEDURE

Complaint Procedure

- You can complain by email, in writing or in person to the Chairperson or Secretary of your Community Council.
- Download a form in the 'Policies' section [here](#).
- **ALL** sections of the form must be completed for the complaint to be considered.
- There is a three-stage complaint procedure - **Frontline Resolution, Investigation Stage and External Review**. A complaint will be dealt with at the earliest opportunity. However, if it is clear that the matter will require a detailed investigation you will be notified of the progress.

Stage 1 - Frontline Resolution

- Please complete ALL sections of the Complaint Procedure Form
- An acknowledgement of receiving the complaint will be issued within 10 working days.
- A resolution of the complaint will be sought as soon as possible.
- If a resolution cannot be found, the Community Council will consider a **Stage 2 - Investigation**

Stage 2 - Investigation

- The complaint will be considered for investigation if a resolution cannot be found at Stage 1.
- If a complaint is complex or requires detailed investigation, the Community Council will move directly to Stage 2.
- The request for investigation will be acknowledged within seven days.
- The Midlothian Council Liaison Officer for Community Councils will be notified at this stage.
- Normally a response will be made within 28 days unless there is clearly a good reason for needing more time.
- If, after receiving the response at the Investigation Stage, you are still unhappy with the decision or the way the complaint has been managed, you can ask the Chairperson of the MFCC for advice and request that the complaint be externally reviewed. Email: contact-midlothianfederation@googlegroups.com

Stage 3 – Independent External Review – Final Stage

- The external review, including an assessment as to whether there is evidence of a breach of the Code of Conduct for Community Councillors, not identified during stages 1 and 2 will be undertaken by Midlothian Council.
- You will be contacted by the Midlothian Council Liaison Officer for Community Councils who will provide you with the findings of the review.