

## INDEPENDENT COMPLAINTS PROCEDURE

### 1. INTRODUCTION

This Appendix to the Scheme for the Establishment of Community Councils in Dumfries & Galloway (hereafter called “the Scheme”), gives guidance on how complaints about Community Councils or disputes between members of the Community Council (CC) may be dealt with. The Independent Complaints Procedure may be adopted by a Community Council at an ordinary meeting. It does NOT apply to:

- Complaints that have been submitted more than 12 months after the complainant became aware of the matter they want to complain about.
- Complaints that are being dealt with by insurers.
- Complaints that are the subject of legal proceedings or statutory procedures.

### 2. WHAT IS A COMPLAINT?

A complaint is an expression of dissatisfaction about a Community Council or individual Community Councillor which requires action to remedy, for example:

- Failure to conform to the Scheme or to exercise their purpose under the Scheme.
- Failure to provide information/giving incorrect information.
- Behaviour or conduct of a Community Councillor acting in their role as a Community Councillor.
- The absence of policies or procedures.
- Alleged discrimination, for example on the grounds of race, gender, disability, age, sexual or religious orientation.

If any doubt remains as to whether the complainant’s dissatisfaction qualifies as a complaint, the complainant’s wishes should be respected. If the complainant insists on making a complaint then they should be allowed to do so and have their complaint investigated fairly in all respects.

**All complaints should be submitted to the Community Council’s responsible person for complaints and responded to in writing (by e-mail or letter).** After receiving a complaint, at all stages communication with the complainant should be by their preferred method: e-mail, letter or telephone. The CC or Community Councillor who is the subject of a complaint will be invited to make representations at all stages of the process.

**All timescales are in working days i.e. Monday to Friday.** However, some complaints may take a longer period to sort out in which case timescales may be extended and the complainant advised.

### 3. STAGE 1: LOCAL RESOLUTION

A complaint expressing dissatisfaction about a CC or an individual Community Councillor should be made to the Community Council. Complaints should always be made in writing (by letter or email). The CC’s Secretary would usually be the responsible person for dealing with complaints, but another Community Councillor could be appointed. If the complaint is about the responsible person for dealing with complaints, the complaint should be sent to another office bearer.

If a complaint is raised with an elected Member (local Councillor) of Dumfries & Galloway Council (DGC) or an officer of DGC, the complainant shall be advised to submit their complaint directly to the Community Council.

The Community Council will try to resolve any complaint quickly and informally where possible. If it is not possible for immediate resolution the Community Council shall:

- Appoint an investigating officer and send a written acknowledgement of the complaint within **5 working days**.
- Convene a Special Meeting of the Community Council within **30 working days** of receipt of the complaint to consider the investigating officer's findings. This meeting may be held in private, in compliance with the Scheme. This may require some Community Councillors to be excluded due to conflict of interest e.g. being implicated in the complaint.
- Inform the complainant about the outcome in writing within **42 working days** from the date the complaint was received by the Community Council, advise whether the points of complaint were upheld, not upheld or partially upheld; and give advice on Stage 2 in the event that the complainant is not satisfied with the outcome.
- In the event the timescales cannot be met, write to update the complainant regularly until the outcome of the complaint is available.

#### **4. STAGE 2: APPEAL TO REVIEW PANEL**

If a complainant is not happy with the response of the Community Council to the complaint, they may request a referral to a Review Panel. A request for review must be made in writing to the Community Council **within 20 working days** from the date of the response to the original complaint. The request for a review will be acknowledged in writing by the Community Council within **5 working days** from the date the request is received by the Community Council.

The Review Panel should involve a Chair (not necessarily the Chair of the Community Council) and three other Community Councillors who are from neighbouring Community Councils.

The Review Panel shall seek to negotiate an acceptable resolution; and the outcome will be confirmed to the complainant and the Community Council within **35 working days** of the receipt of the request for review and will advise what further action, if any, may be taken in the event that either the complainant or Community Council continues to be unhappy.

The Review Panel will make recommendations to the Community Council as to further action which may be taken e.g. in the event that complaints are considered vexatious then no further redress would be appropriate.

#### **5. REMEDY & REDRESS**

When at any stage a complaint is found to be upheld the response will seek to provide an appropriate resolution. This may include:

- an explanation and an apology;
- a proposal to see an appropriate resolution;

- advice on any changes to be made as a result of the complaint to avoid problems recurring in the future.

Censure or suspension (see below) may be considered at Stage 1 in cases of obvious misconduct, following appropriate checks and approvals before such action is taken.

The Review Panel at Stage 2 may impose sanctions as a result of the complaint and these sanctions may include:

- Censure (an official rebuke or expression of disapproval) but otherwise taking no action against an individual member or a Community Council.
- Suspension for a period not exceeding 6 months of entitlement of a member of a Community Council to act in such capacity.

In the case of a Community Council, a recommendation may be made to Dumfries & Galloway Council that:

- Any sums payable to the Community Council should be withheld.
- The Community Council should be dissolved in accordance with Section 14 of the Scheme of Establishment (or as revised).

## **6. COMPLAINTS RELATING TO FINANCIAL IMPROPRIETY OR CRIMINAL ACTIVITY**

Any complaints alleging financial impropriety should be given careful consideration as to decide how to proceed and, if appropriate, DGC Communities Business Management staff should be advised. Upon receipt of complaints making allegations of criminal activity the Community Council should consider whether to involve the Police.

DGC has the right to commission a financial governance audit or other type of independent financial review of the CC if there is suspected financial impropriety. The Council's auditors will have access to the CC's key records and, if appropriate, its accounts and financial arrangements so that the auditors may follow the trail of public money from DGC through the CC to its final destination.

## **7. INVESTIGATIVE REPORTS**

Investigative reports shall be written by the person responsible for investigating a complaint, and will be shared with the complainant.

### **SCHEDULES:**

01. Guidance note
02. New complaint notes sheet
03. Record of complaints
04. Acknowledgement letter
05. Stage 1 response
06. Stage 2 response
07. Stage 1 extension letter
08. Stage 2 extension letter
09. Stages 1 and 2 satisfaction form
10. Stage 1 dissatisfied acknowledgement
11. Investigation report