

Community Councils

in Dundee

Complaints Procedure

The procedure is designed to address complaints and issues as quickly and effectively as possible using a fair, consistent and timely approach. From time-to-time Community Councils will receive complaints. Complaints can often highlight 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, time scale and roles and responsibilities to enable Community Councils to handle a complaint.

Dundee City Council will not receive complaints about Community Councils or Community Councillors. Community Councils are independent bodies established by statute and therefore Dundee City Council have no powers of compulsion or sanction over Community Councils.

In exceptional circumstances, where it has been demonstrated that all other avenues have been exhausted, Dundee City Council may agree to mediate between a Community Council and a complainer.

Contents:

1. What is a complaint?
2. What a complaint is not
3. Who can complain
4. How to report a complaint
5. Complaint handling process
6. Timescales for handling a complaint
7. Timescales for receiving a complaint.
8. Requirements of the complaint handling procedure.
9. Sanctions available
10. Managing unacceptable behaviour



1. What is a complaint?

A complaint may be about the actions of the Community Council or individual Community Councillors.

2. What a complaint is not

- A dispute of a personal nature which does not encompass an individual's role as a Community Councillor.
- An issue that is in court or has already been heard by a court or a tribunal.
- A disagreement with a decision, where a statutory right of appeal exists.
- An attempt to reopen a previously concluded complaint or to have a complaint reconsidered, where a final decision has been reached.

This list is not exhaustive.

3. 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. This procedure is for making complaints against Community Councillors or Community Councils or its members and may be used by members of the public or fellow Community Councillors.

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.

4. How to report a complaint

Complaints may be received by the Secretary or Chairperson of the Community Council. If the complaint relates to the Secretary then contact the Chairperson or vice versa.

Representations submitted elsewhere will not be formally considered as complaints.



Dundee City Council Complaints Procedure

5. Complaint Handling Process

Community Council Complaints process to resolve complaints and who deals with the complaint at the relevant stage.

	Stage 1: Frontline Resolution Community Council	Stage 2: Investigation Community Council
Type of Complaint	Straightforward issue to resolve	For issues that could not be dealt with at the first stage 'frontline resolution' or are more complex or serious
Timescales	Receipt of complaint to be acknowledged within 3 working days. Complaint can be resolved quickly in 10 working days or less resulting in an apology (if appropriate) or and an explanation in relation to the issue. This may take longer if there are exceptional circumstances. The Community Council will contact the complainer if this is the case.	Receipt of complaint to be acknowledged within 3 working days. A response provided within 20 working days after a period of investigation of the complaint takes place. This may take longer if there are exceptional circumstances. The Community Council will contact the complainer if this is the case.
Method of Resolution	Complaints are dealt with by the Chair or Secretary of the Community Council	Complaint responses are determined and agreed at a special meeting of the Community Council in private.

Stage 1 - Frontline Resolution

The Community Council Chair (unless complaint directed at chair, will be the Secretary as stipulated above) will deal with complaints that are deemed as 'frontline resolution' where they should be straightforward and quick to deal with and requires no further investigation. In effect this stage should be direct contact with the Community Council and dealt with and resolved by the Community Council.



This would result in resolving the complaint as early as possible and contacting the person or organisation that raised the complaint. The Community Council will offer an explanation on why the incident that resulted in a complaint happened in the first place, how this can be resolved and prevent in future, if possible.

If an apology is appropriate and can happen on the spot to resolve a the issue at the first stage, the Scottish Public Services Ombudsman (SPSO) guidance should be followed:

www.spsso.org.uk/meaningful-apologies

Stage 2 - Investigation

Due to the nature of the complaint, this might not be classed as 'frontline resolution' where it can be dealt with and satisfactorily be resolved at the first stage. Some complaints may be more complex, and therefore require more details and information before a decision can be made. The 'investigation stage' deals with these types of instances regarding complaints.

A complaint may start at the 'Frontline Resolution' stage but after further consideration, may require more time and be escalated to a stage 2 – Investigation or be identified from the start as needing to go straight to stage 2 for further investigation.

How the investigation is conducted is at the discretion of the Community Council, depending on the facts and circumstances of the complaint. A special meeting will be held in private to consider the outcome of the investigation and agree on a decision. This meeting must be at quorate as per the Community Council's constitution. The Chair must ensure all parties are provided with the details of the meeting, where it is to be held, any paperwork including an agenda and any other materials in relation to the meeting/complaint at least 7 days before the meeting.

Any complaints where there is more than one complaint about the same issue or incident will be considered together. The existing complainant will be notified if this is the case.

6. Timescales for handling a complaint

Stage one – The Community Council aim to resolve complaints within 10 working days of the complaint being received and will acknowledge receipt of a complaint within 3 working days.

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



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

7. Timescales for handling a complaint

A complaint must be made within 6 months of the incident you want to complain about. In exceptional circumstances, we may be able to accept a complaint after the 6 months' time limit. If you feel that this should apply to your complaint, you must contact us in writing to tell us why you believe this may apply to your complaint.

8. Requirements of the complaints handling procedure

The Community Council must keep a record of all complaints received including the response provided for a period of 3 years from the date of a final decision. Individual Community Councillors shall not keep any records of complaints.

Stage one – Brief record of complaint and response to be retained for period dictated by retention policy.

Stage two – As a meeting is held by the Community Council at this stage to discuss their final position on the complaint after an investigation has taken place, there will be a minute of the meeting which will state the outcome of the complaint. This minute will be in the public domain but will keep all details and information pertaining to the parties confidential. This minute will only show that a complaint was received, if a vote was taken (if necessary) and the Community Council's decision. No discussions that took place at the meeting will be in the public minute.

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.

In the event of a Stage 2 complaint being upheld the Community Council shall also notify the local Authority of the decision.

9. Sanctions

If a complaint identifies that there has been breach of rules/agreed practices by the Community Council or Community Councillor, there is a range of sanctions that can be applied by the Community Council, where appropriate/necessary.

These include but are not limited to:

- Mandatory Training
- A Period of Suspension
- Expulsion of Community Councillors from the Community Council



Expulsion or suspension of any Community Councillor/s must be agreed by not less than 51% of voting Community Councillors. The subjects of the Complaint may not be considered as voting Community Councillors for the purposes of this vote.

10. Managing unacceptable behaviour

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.

11. 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 not 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.



Dundee City Council Complaints Procedure

Date:

Name:

Your address (including postcode)

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Telephone number:

Email:

Please tell us about your complaint

If you have contacted the Community Council before, please state the name of the Chair/Secretary you contacted

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Dundee City Council Complaints Procedure

What action would you like the Community Council to take 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:

..... Community Council Chair

..... Community Council Secretary

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.

