

**MIDLOTHIAN  
COMMUNITY  
COUNCILS**

**COMPLAINT  
PROCEDURE**

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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 Website below for further information:

[Midlothian Community Councils](#)

### **Community Councillor – Code of Conduct**

Community Councils and their members should adhere to the 'Code of Conduct'.

A copy of the Code of Conduct can be found here:

[Community Council Documents](#)

Complaints 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 using the '**Midlothian Community Councils Complaint Procedure**'.

**Please note:** the Midlothian Community Councils Complaint Procedure should not be confused with the Midlothian Council Complaints Policy.

### **Maintaining confidentiality**

- The complainant and subject's confidentiality should be maintained at all times.
- All complaints will also be subject to legal requirements including data protection legislation.

### **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.

### **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. Complaints 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.

### **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 complaints 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 complain?**

- It is easier for complaints 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 on the spot.
- You can complain 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 here: [Complaints Procedure Form](#) or you can contact your local Community Council.

### **Contact Your Community Council**

- Contact details are available on the *Community Councils* page on the Midlothian Council Website or click on the link below.  
[Your local Community Council](#)

### **When complaining in writing please include:**

- 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 expected most complaints will be submitted immediately or within two to three months from the date of the incident and within 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 COMPLAINTS PROCEDURE**

**The complaint procedure provides two opportunities to resolve complaints:**

- Stage One - Frontline Resolution
- Stage Two - Investigation

### **Stage One – Frontline Resolution**

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

- Each Community Council will endeavour to acknowledge the complaint within 7 working days and thereafter seek a resolution at the earliest opportunity.
- If the complaint cannot be resolved at this stage, the Community Council will automatically move it to a second stage, which is an investigation.

### **Stage Two – Investigation**

- Investigation deals with complaints that have not been resolved at frontline resolution.
- If it is clear from the outset that a complaint is complex or requires more detailed investigation, a Community Council may decide to proceed directly to Stage Two.
- A complaint may go to a panel of Community Councillors who will then conduct a more detailed investigation and seek an appropriate resolution.

You should normally receive a response to your complaint within 28 days. If this is not possible, you will receive an explanation for this and an amended timescale.

### **What happens if I am still unhappy?**

After receiving a response to your complaint, 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.

**Contact the Chairperson of Midlothian Federation of Community Councils**

**Email: [contact-midlothianfederation@googlegroups.com](mailto:contact-midlothianfederation@googlegroups.com)**

# A QUICK GUIDE TO THE COMPLAINTS PROCEDURE

## Complaints Procedure

- You can complain by email, in writing or in person to the Chairperson or Secretary of your Community Council.
- Download a form [here](#).
- There is a two-stage complaints procedure – **Frontline Resolution** and **Investigation Stage**. Complaints 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 the Complaints Procedure Form
- 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, upon receiving an initial complaint it is clear that the complaint is complex or requires detailed investigation, the Community Council may decide to move directly to Stage 2.
- The request for investigation will be acknowledged within seven days.
- Normally a response will be made within 28 days unless there is clearly a good reason for needing more time.

## If still unsatisfied

- 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.
- **Email: [contact-midlothianfederation@googlegroups.com](mailto:contact-midlothianfederation@googlegroups.com)**