

# **MIDLOTHIAN COMMUNITY COUNCILS**

## **COMPLAINT PROCEDURE**

### **Guidance for Community Councils**

<b>Contents</b>	<b>Page</b>
Community Councillor Code of Conduct .....	<b>3</b>
Maintaining confidentiality .....	<b>3</b>
What is a complaint? .....	<b>3</b>
Who can complain? .....	<b>3</b>
What can a complaint be made about? .....	<b>3</b>
What can't a complaint be made about? .....	<b>4</b>
How can a complaint be made? .....	<b>4</b>
Contacting your Community Council .....	<b>4</b>
What should be included in a complaint .....	<b>4</b>
How long do people have to make a complaint? .....	<b>4</b>
The complaint procedure .....	<b>5</b>
A quick guide to the complaint procedure .....	<b>6</b>

### **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 in the 'Policies' section here:

[Community Council Documents](#)

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

If residents interacting with Community Councils 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](#)'.

### **Maintaining confidentiality**

- 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 people may be unable or reluctant to make a complaint on their own. A complaint brought by third parties made on their behalf will be accepted as long as it is clear that they have given personal consent.
- If the complainant is aged 16 or under they may prefer, to ask a trusted adult such as a parent, older brother or sister, or a guardian to contact you.
- If they consider themselves to be a vulnerable adult, they may again contact your Community Council directly or may prefer, to ask someone they trust to contact the Community Council on their behalf. They should provide written evidence that they give consent for someone to contact you on their behalf.

### **What can a complaint be made about?**

They 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 Scheme for the Establishment of Community Councils in Midlothian (2025) or the Community Council 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 a complaint be made 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 can a complaint be made?**

- It is easier for a complaint to be resolved if they are made quickly and directly to the Community Council concerned.
- In the first instance, a complainant may speak to a member of your Community Council so that they can try to resolve any problems at the earliest opportunity.
- A complaint can be made by email, in writing or in person to the Chairperson or Secretary of your Community Council.
- A form is available to download from the 'Policies' section here: Midlothian Community Councils Complaint Procedure Form.

### **When complaining in writing complainants should include:**

- Their full name and address, including an e-mail address if possible.
- As much detail as they can about the complaint.
- What has gone wrong.
- What action the Community Council could take to provide a resolution for them.

### **How long do people 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 for them to make the complaint.
- In exceptional circumstances, a complaint may be accepted out with the six-month time limit, but a reason would need to be provided.

## **THE COMPLAINT PROCEDURE**

The complaint procedure provides three opportunities to resolve a complaint:

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

### **Stage One - Frontline Resolution**

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

- Complainants *must* engage at Stage 1 for the process to commence.
- A representative of the Community Council should acknowledge the receipt of the complaint within 10 days of receiving it.
- Organise a meeting (elected community councillors only) to discuss the complaint within 14 days.
- Carefully consider the content of the complaint, particularly the section that notes how the complainant would like their complaint resolved.
- Agree any actions to address the complaint and inform the complainant of the proposed resolution.
- Make an offer to meet the complainant to discuss the proposed resolution.
- If the complainant is not satisfied with the proposed resolution inform them that the complaint will be moved to Stage 2 – Investigation by Community Councillors.

### **Stage Two – Investigation**

- Deals with a complaint that has not been resolved at frontline resolution.
- A panel of Community Councillors will be convened to undertake a further investigation and seek an appropriate resolution.
- The Midlothian Council Liaison Officer for Community Councils will also be notified.
- The panel will seek to respond to the complainant within a period of 28 days highlighting a proposed resolution for the person making the complaint.
- After receiving the response, if the complainant is unhappy with the outcome or the way that the complaint has been managed, they 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 by emailing.  
[contact-midlothianfederation@googlegroups.com](mailto: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.
- If it is found that there has been a serious breach of the Code of Conduct, a Community Councillor *may* be disqualified from holding a position as a Community Councillor.

## A QUICK GUIDE TO THE COMPLAINT PROCEDURE

### Complaint Procedure

- A person can complain by email, in writing or in person to the Chairperson or Secretary of your Community Council.
- There is a three-stage complaint procedure - **Frontline Resolution, Investigation Stage and External Review.**

### Stage 1 - Frontline Resolution

- The process **cannot** proceed until the complainant has engaged with your Community Council in the first instance.
- Inform them of the formal complaint procedure, providing them with a copy of the procedure and the form to be used. Download [here](#).
- Request that they complete **ALL** sections of the Complaint Procedure Form.
- Acknowledge receipt of the complaint within 10 working days.
- Seek to resolve the complaint at the earliest opportunity.
- Inform your Community Council Liaison Officer that you have received a complaint.
- If a resolution cannot be found, the Community Council will consider a **Stage 2 – Investigation.**

### Stage 2 - Investigation

- 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 should be acknowledged within ten days.
- If you haven't done so before, inform your Midlothian Council Liaison Officer of the progress.
- 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, the complainant is still unhappy with the decision or the way the complaint has been managed, they can ask the Chairperson of the MFCC for advice and request that the complaint be externally reviewed. Email: [contact-midlothianfederation@googlegroups.com](mailto:contact-midlothianfederation@googlegroups.com).
- They can request that the complaint moves to a Stage 3, independent, external review.

### 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 the Midlothian Council Liaison Officer.
- The Midlothian Council Liaison Officer for Community Councils will provide the complainant with the findings of the review.