

SCHEDULE 4
SCHEME FOR THE ESTABLISHMENT OF COMMUNITY COUNCILS IN FIFE
COMPLAINTS PROCEDURE

1. INTRODUCTION

This schedule gives guidance on how complaints about Community Councils or individual Community Councillors or disputes between members of the Community Council will be dealt with.

It does not apply to:-

- complaints 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 for the Establishment of Community Councils in Fife or to exercise their purpose under the Scheme

Failure to provide information or giving incorrect information

Behaviour of, or conduct of individual Community Councillors acting in his/her 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 he/she insists on making a complaint, then he/she should be allowed to do so and have their complaint investigated fairly in all respects.

All complaints should be responded to in writing (e-mail or letter), however at all stages communication with the complainant should be by their preferred method – e-mail, letter or telephone. The Community Council 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, however it may be that complaints may take a longer period to resolve and timescales may be extended subject to the complainant being advised.

3. STAGE 1 – MAKING A COMPLAINT - LOCAL RESOLUTION

A complaint expressing dissatisfaction about a Community Council or an individual Community Councillor should be made to the secretary, or other office bearer of a Community Council. Complaints should normally be submitted in writing but may be made by speaking to the secretary or other office bearer who will record the complaint in writing and agree the content with the complainant who will require to countersign the complaint.

If complaints are raised with any of the local Fife Councillors or an officer of Fife Council then the local Fife Councillor or officer should immediately pass the complaint to the secretary or other office bearer of the Community Council.

The secretary or another office bearer of the Community Council will try to resolve any complaint quickly and informally where possible and if it is not possible for immediate resolution the secretary or office bearer shall:-

- send a written acknowledgement of the complaint within 5 days. If the complaint is made verbally the acknowledgement will outline the complaint as agreed with and countersigned by the complainant.
- carry out a further investigation of the complaint and report to the Community Council within 35 days
- inform the complainer about the outcome in writing within 42 days from the date the complaint was received by the Community Council and give advice on Stage 2 in the event that the complainant is not satisfied with the outcome.
- in the event the timescales can not be met, write to update the complainant regularly until the outcome of the complaint is available .
- send copies of formal correspondence to the Executive Director, Performance & Organisational Support, Fife Council for information.

4. STAGE 2 –REVIEW BY FIFE COUNCIL

If a complainant is still not happy with the response of the Community Council to the complaint it can be referred to the Executive Director, POS, Fife Council for review. A request for review must be made within 20 days of receiving the response to the original complaint.

The request for a Review will be received by the Executive Director, POS and will be acknowledged in writing within 5 days.

The Executive Director, POS will carry out a review of the complaint and response seeking to negotiate an acceptable resolution and the outcome will be confirmed to the complainer and the Community Council within 35 days from the receipt of the request for review, and will advise what further action, if any, may be taken in the event either the complainant or Community Council remain unhappy.

The Executive Director, POS will have discretion as regards the further action which may be taken (eg in the event that complaints are considered vexatious or no further redress would be appropriate).

5. STAGE 3 – APPEAL TO PANEL

If the complaint remains unresolved (including the Community Council not being happy with the decision arising from the stage 2 review) the matter may be referred by the complainant, the Community Council or the individual Community Councillor to a 3 person panel comprising 2 Fife councillors with an interest in Community Council matters, and 1 Community Councillor from another area of Fife.

The Executive Director, POS shall make the appropriate arrangements for the panel to meet within 28 days of this referral. Such an appeal must be made within 20 days of being advised of the outcome of Stage 2.

The outcome of the appeal will be intimated to all parties within 14 days from the date of the appeal being heard.

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

The independent panel at Stage 3 may impose sanctions as a result of the complaint and these sanctions may include:-

- Censure 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 and/or disqualification of a member of a Community Council for a period not exceeding 5 years from being or being nominated for election as or being elected such a member.

In the case of a Community Council a recommendation may be made to Fife Council that:-

- any sums payable to the Community Council be withheld.
- that the Community Council be dissolved in which case paragraph 20 of the scheme shall apply.

7. COMPLAINTS RELATING TO FINANCE OR CRIMINAL ACTIVITY

Any complaints received alleging financial impropriety should be given careful consideration as to how to proceed and, if appropriate, the Executive Director, Finance & Resources, Fife Council should be consulted.

Any complaints making allegations of criminal activity should involve consideration as whether or not to involve the police.