

City of Edinburgh Council

Councillor Complaints Procedure

The City of Edinburgh Council is committed to providing high-quality services, and relationships between councillors with colleagues, members of the public, and each other are crucial to achieving this.

The purpose of this procedure is to set out the various routes for complaints that involve councillors. If the complaint concerns the Council failing to meet service standards, the City of Edinburgh Council's formal Complaints Process should be used.

This procedure focuses on three sources of complaints in respect of Councillors:

- Complaints from members of the public;
- Complaints from elected members; and
- Complaints from colleagues.

Recording and Reporting

Various routes will be used for recording and reporting, depending on the nature of the complaint:

- Where a colleague raises a complaint or concern, and it is substantiated, this will be recorded in the MyHR System. Complaint data from colleagues regarding elected members will be reported in the quarterly Workforce Dashboard;
- Where a complaint from a colleague is raised through the Whistleblowing Process, this will be recorded and reported as part of the Sub Committee trend reporting; and
- Any other recording will be through the Complaints Handling Process, led by the Governance Team.

Types of complaints and their handling are outlined below, along with specifics on recording. Information will be held in accordance with the Council's Retention policies.

Complaint Outcomes

Whilst not exhaustive, there are several potential outcomes as a result of complaints or concerns being raised, including:

- The Chief Executive, Monitoring Officer, Head of Governance and Democracy or Service Director – HR, engaging with the relevant Councillors and political groups as required on an informal basis;
- Referral to the Ethical Standards Commissioner;
- Referral to the Ethical Standards Commissioner, where it is considered that a pattern of behaviour breaches the Code;
- Referral to Police Scotland;
- Removal or change to service provision or support from Council officers; and
- Wellbeing support considered or put in place.

It should be noted that the Council cannot instigate disciplinary processes against councillors.

Complaints Handling

Each Political Group is responsible for considering its own complaints-handling procedures. Best practice principles for Groups developing or reviewing their own complaints handling procedures centre on a framework that is accessible, fair, timely, transparent, and focused on learning and improvement.

Ethical Standards Commissioner

If you think a Councillor has not behaved in line with the Code of Conduct, you can complain to the Ethical Standards Commissioner.

The Commissioner and their team investigate complaints against local authority councillors when they may have breached a code of conduct which applies to them.

If you are unsure whether the Councillors' Code of Conduct applies to the conduct you wish to complain about, the Standards Commission for Scotland has published a helpful [Advice Note on "When the Code Applies"](#).

They will assess your complaint to determine whether to investigate further – more details are available here: [Ethical Standards](#).

Both the Councillors' Code of Conduct and the Model Code of Conduct for Members of Devolved Public Bodies are based on the nine key principles of public life in Scotland. The nine key principles of public life in Scotland are:

1. Selflessness
2. Integrity
3. Objectivity
4. Accountability & Stewardship
5. Openness
6. Honesty
7. Leadership
8. Duty
9. Respect

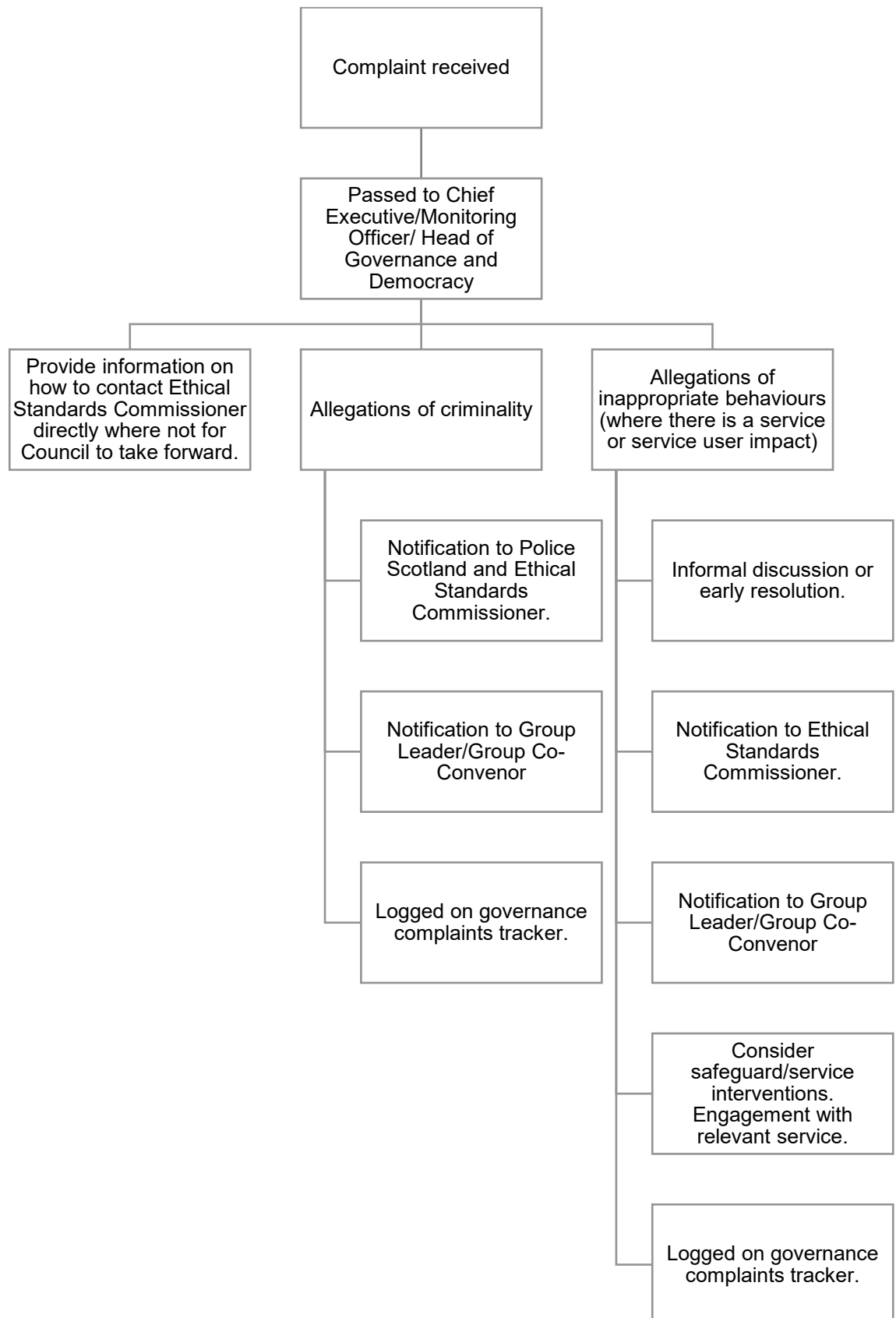
The first seven key principles listed above emerged in 1995 from the Committee on Standards in Public Life's (CSPL) first report, sometimes known as the 'Nolan Committee' after its then Chairman, Lord Nolan. The principles themselves are also commonly referred to as the 'Nolan Principles'.

Evaluation and Review

A review of the procedure will be undertaken following its first 12 months of implementation. An annual meeting will be offered to each Group Leader or nominated representative to present a summary relative to each specific political Group.

Complaints from Members of the Public

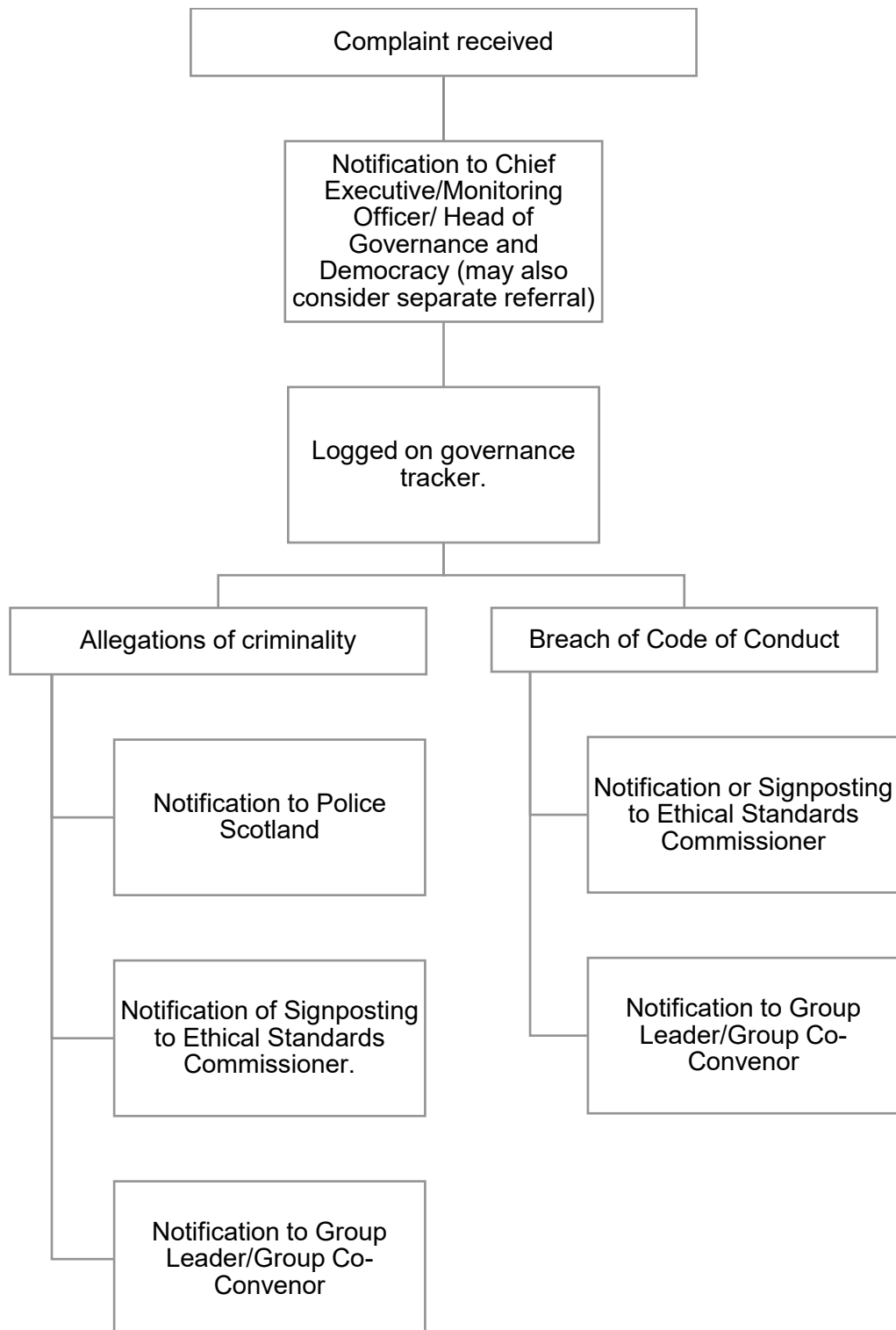
The City of Edinburgh Council will consider a complaint from the public where this may impact a statutory council service, or where there is alleged criminality.



Complaints from Councillors about other Councillors

Informal resolution

Where possible and appropriate, informal resolution should be sought through conversation between individuals and/or support within or across political groups, or with Group Leaders to help address and seek a satisfactory outcome for all involved. Informal resolution support can be provided by the Head of Democracy and Governance, the Chief Executive, the Monitoring Officer, or the Service Director – Human Resources.



Complaints from Colleagues (Staff Members)

Complaint received					
Informal resolution Many concerns can be resolved quickly and informally without the need for formal action. You can discuss it in the first instance with:					
The individual(s) it concerns.	Your Line Manager, another manager or a senior person you feel comfortable with.	Trade Union representative	Head of Democracy and Governance, Monitoring Officer or Service Director – Human Resources.	Human Resources You can seek support and guidance from the HR helpdesk team at AskHR or by calling 0131 469 5555.	Speak Up Supporters You can contact them and find out more at: Speak Up Supporters .
If it cannot be resolved informally.					
Formal Grievance Policy			Whistleblowing Service		
If the complaint cannot be resolved through this route, colleagues can raise their grievance formally under the Grievance Policy. Formal complaints will be considered through formal processes and recorded appropriately through the HR System. Any sanctions in respect of Councillors will be aligned with the Councillors' Code of Conduct.			Advice can be sought from our Whistleblowing Team, and colleagues can also use the confidential Safecall Whistleblowing Service to raise their concerns. Complaints will be considered, and information may be gathered to support an investigation or allow this to be passed for consideration through another internal or external process. You can view more about whistleblowing here: Whistleblowing.		
Logged on to MyHR and reported within the Workforce Dashboard			Logged on to the Whistleblowing System and included within the Committee trend reports.		
Notification to Group Leader/Group Co-Convenor					

Other colleague referral routes

Police	Some forms of unacceptable behaviour may be severe enough to constitute a criminal offence. Where the colleague believes the situation requires Police involvement, for example, when they think they may have been the victim of criminal behaviour, managers will support colleagues in doing so. Notification should be provided to the Monitoring Officer if this route is taken.
Ethical Standards Commissioner	If you think a Councillor has not behaved correctly, you may be able to complain to the Ethical Standards Commissioner. The Commissioner and their team investigate complaints against local authority councillors or board members of public bodies when they've breached a code of conduct which applies to them. If you are unsure whether the Councillors' Code of Conduct applies to the conduct you wish to complain about, the Standards Commission for Scotland has published a helpful Advice Note on "When the Code Applies". They will assess your complaint to determine whether to investigate further – more details are available here: Ethical Standards. You can also seek support from your Line Manager or HR with advice on submitting a complaint to the Ethical Standards Commissioner.
Unacceptable Behaviour Policy	This Policy sets out expectations of behaviour in the workplace and ensures colleagues are supported if they encounter unacceptable behaviour, such as harassment, abuse, or violent or aggressive behaviour, in the course of their work. It contains links to various other speak-up arrangements, policies, and procedures. https://www.edinburgh.gov.uk/downloads/file/26910/protecting-colleagues-from-unacceptable-behaviour-policy
Post-incident support	Unacceptable behaviour at work may result in colleagues suffering physical, emotional or psychological impacts to their experiences. Managers will provide post-incident support to colleagues. Access to the Employee Assistance Programme and 24- hour helpline. Referral to our occupational health service for additional support, if required.