

# MUNICIPAL COMPLAINT POLICY

<b>SUBJECT:</b> Municipal Complaint Policy	<b>EFFECTIVE DATE:</b> _____
	<b>POLICY NUMBER:</b> _____

## TABLE OF CONTENTS

1. PURPOSE: .....	1
2. DEFINITIONS: .....	1
3. SCOPE OF POLICY: .....	2
4. PROCEDURE: .....	2
5. APPEAL: .....	5
6. COMPLIANCE WITH PRIVACY AND LABOUR AND EMPLOYMENT LAWS: .....	5
7. RECORDS MANAGEMENT: .....	5
8. RESPONSIBILITY: .....	6
9. APPENDICES: .....	6

### 1. PURPOSE:

The [insert name of hamlet, village, town, city, etc] wishes to establish a consistent and uniform process for processing and responding to Complaints, made in good faith, received by the Municipality.

The purpose of this policy is to allow the public to make Complaints in order to advise the Municipality of gaps or deficiencies in its provision or operation of a municipal program, facility, service, or procedure or the service of a municipal employee in order for the Municipality to improve. As such, the public is encouraged to use the Informal Complaint process in order to facilitate efficient and effective responses. Formal Complaints are reserved for serious matters that cannot be addressed through the Informal Complaint process.

### 2. DEFINITIONS:

**Complainant:** A person who has submitted a Complaint to the Municipality.

**Complaint:** An expression of dissatisfaction related to the provision or operation of a municipal program, facility, service, or procedure or the service of a municipal employee. A Complaint does not include:

- an expression of dissatisfaction with an action or decision of council, a committee of council or an external board, agency or entity;

- a communication that commences a formal legal action against the Municipality, or that relates to an ongoing formal legal action involving the Municipality;
- a report of damage to infrastructure or facilities owned or controlled by the Municipality;
- a report of an alleged infraction of a bylaw of the Municipality by a member of the public; or
- a request for service from the Municipality, including, for example, and without limiting the generality of the foregoing, requests for repair or maintenance of infrastructure or facilities owned or controlled by the Municipality.

**Municipality:** [Insert name of hamlet, village, town, city, etc]

### **3. SCOPE OF POLICY:**

This policy applies to Complaints that the Municipality receives from members of the public.

### **4. PROCEDURE:**

#### **4.1. Informal Complaint**

Any member of the public may, in good faith, make an Informal Complaint in person, by telephone, or in writing. Individuals are encouraged to pursue an Informal Complaint process prior to engaging in a Formal Complaint process.

It is the responsibility of municipal employees to make every reasonable effort to resolve Informal Complaints before they become Formal Complaints and identify opportunities to improve municipal programs, facilities, services, and procedures and the service provided by municipal employees.

For cases where informal resolution is successful, it is not necessary to log the Complaint.

#### **4.2. Formal Complaint**

If an Informal Complaint is not successfully resolved, the Complainant may make a Formal Complaint.

A Formal Complaint must be made in writing and submitted to the [insert appropriate person/position] on the Municipal Complaint Form attached as

Appendix “A”. All Formal Complaints must be signed, dated and include the Complainant’s contact information.

If a Municipal Complaint Form is incomplete or illegible, the [insert appropriate person/position] may, in their sole discretion, dismiss the Complaint.

A Formal Complaint must provide a summary of the Complaint, including details of the Complaint, location, date, names of persons involved, resolution requested, and any other relevant information.

The [insert appropriate person/position] will:

#### 4.2.1 Acknowledgement

Contact the Complainant in writing to confirm receipt of the Formal Complaint and to clarify the Complaint, if required.

A Formal Complaint may be terminated at this point if a resolution is possible, if it is a duplicate Complaint or if it is not a Complaint.

#### 4.2.2 Transfer of Formal Complaint

Notify and transfer the Formal Complaint for investigation as follows:

- In the case of municipal program, facility, service, or procedure, transfer to the [insert title] of the appropriate department;
- In the case of a municipal employee, transfer to the employee’s immediate supervisor and the [insert Director of Human Resources or the appropriate equivalent];
- In the case of a director or executive director, transfer to the Senior Administrative Officer and the [insert Director of Human Resources or the appropriate equivalent]; and
- In the case of the Senior Administrative Officer, transfer to the Mayor and Council.

#### 4.2.3 Investigation

If in the opinion of the Senior Administrative Officer, the Formal Complaint warrants an external investigation, the Senior Administrative Officer may appoint an external investigator.

If the Formal Complaint is against the Senior Administrative Officer, the Mayor and Council may, by resolution, appoint an external investigator.

The investigator will review the Formal Complaint and if the investigator is of the opinion:

- the Complaint is frivolous, vexatious or is not made in good faith;
- that there are no grounds or insufficient grounds for conducting an investigation; or
- that the matter is already being addressed,

the investigator may choose not to investigate and terminate the Complaint in a summary manner. The investigator will notify the Senior Administrative Officer or Council, as the case may be, and the Complainant.

If the investigator decides to investigate the Complaint, the investigator shall:

- advise the person or department that is the subject of the Complaint about the Complaint and provide an opportunity for them to respond to the Complaint;
- review the issues identified by the Complainant and in doing so may:
  - review relevant municipal and provincial legislation;
  - review the Municipality's relevant policies and procedures;
  - interview employees or other relevant parties; and
- identify actions that may be taken to address the Complaint or improve municipal operations and make recommendations.

At the discretion of the Senior Administrative Officer, Council may be notified of an open Complaint for information purposes.

The investigator will provide a final report to the Senior Administrative Officer if the Formal Complaint is about a municipal program, facility, service, procedure or municipal employee.

The investigator will provide a final report to the Mayor and Council if the Formal Complaint is about the Senior Administrative Officer.

#### 4.2.4 Decision

If the Formal Complaint is about a municipal program, facility, service, procedure or municipal employee, the Senior Administrative Officer will review the investigator report and may accept, reject, amend, or modify the recommendations of the investigator.

If the Formal Complaint is about the Senior Administrative Officer, Mayor and Council will review the investigator report and may accept, reject, amend or modify the recommendations of the investigator.

The Senior Administrative Officer or Mayor and Council will make a decision, as the case may be, and provide a copy of the decision, in writing, to the Complainant and the person or department that is the subject of the Complaint within [insert appropriate number of days] of receiving the investigator's report.

The decision will consist of information such as:

- overview of complaint;
- details of how the investigation was conducted;
- summary of the facts;
- outline of the findings;
- identification of next steps; and
- recommendations for appropriate resolution, if applicable.

## **5. APPEAL:**

There is no appeal process at the municipal level.

## **6. COMPLIANCE WITH PRIVACY AND LABOUR AND EMPLOYMENT LAWS:**

All Complaints and investigations shall comply with all relevant privacy laws, including the *Access to Information and Protection of Privacy Act*.

The Complaints Policy shall not be used to replace processes and procedures under labour and employment practices.

## **7. RECORDS MANAGEMENT:**

Upon delivery of decision, a Formal Complaint shall be deemed resolved/closed and the investigator will transfer all physical and electronic documents pertaining to the Complaint to the [insert appropriate person/title].

**8. RESPONSIBILITY:**

All employees should have a clear understanding of how Complaints are handled by the Municipality.

All supervisors must comply with and explain this policy to their employees and conduct any training which may be necessary.

The Municipal Complaint Form may be amended or updated as required.

The Policy shall be reviewed by the Mayor and Council every [insert term] years.

**9. APPENDICES:**

Appendix “A” – Municipal Complaint Form

# APPENDIX “A”

## Municipal Complaint Form

---

### HOW TO MAKE A COMPLAINT

The [insert city, town, village, hamlet, etc] has procedures for receiving and handling complaints from citizens. Complaints are defined as:

An expression of dissatisfaction related to the provision or operation of a municipal program, facility, service, or procedure or the service of a municipal employee. A Complaint does not include:

- an expression of dissatisfaction with an action or decision of council, a committee of council or an external board, agency or entity;
- a communication that commences a formal legal action against the Municipality, or that relates to an ongoing formal legal action involving the Municipality;
- a report of damage to infrastructure or facilities owned or controlled by the Municipality;
- a report of an alleged infraction of a bylaw of the Municipality by a member of the public; or
- a request for service from the Municipality, including, for example, and without limiting the generality of the foregoing, requests for repair or maintenance of infrastructure or facilities owned or controlled by the Municipality.

It is recommended that you first speak directly with the service area where you have an issue, in person or by telephone. Most complaints are received verbally and can be resolved promptly by the department in charge of the service.

If you are not satisfied with how your complaint is handled you may submit a written formal complaint by completing this form. Forms that are incomplete or illegible may be dismissed.

### COMPLAINANT CONTACT DETAILS

First name *	Last name *
Email Address ( <i>considered the most prompt way we can communicate with you</i> )	
Mailing Address *	Phone Number *
<i>Note: If only a mailing address is provided our response timelines may be extended.</i>	<i>Note: We only call if we require clarification</i>

**COMPLAINT TYPE**

- Access of Services
- Facilities
- Processes or Procedures
- Programs
- Staff Conduct
- Timeliness of Services
- Other

**SUMMARY OF COMPLAINT**

Please record information on what happened, who was involved, dates, and times. Be as detailed as possible. If there is not enough space to describe the complaint, attach extra paper.

Details
Service area/location of problem
Staff persons involved (if known and applicable)
List of enclosures (include copies of any documentation in support of the complaint)

**RESOLVE**

How do you suggest the complaint be resolved?
---

**SIGN OFF**

Complainant's signature
Date complaint submitted (mm/dd/yyyy)

**ACKNOWLEDGEMENT**



[Insert appropriate person/title] will contact you to acknowledge receipt of this complaint. Complaints will be assessed and where it is deemed an investigation is required, the Complainant will be advised.

**NOTICE OF COLLECTION**

The personal information you choose to provide on this form is collected under the authority of the *Access to Information and Protection of Privacy Act*. The information you provide will be used to investigate the complaint and may be used for contact purposes but is otherwise considered confidential. Questions about this collection can be directed to [insert appropriate person and contact information].

**FOR INTERNAL USE ONLY**

Date Complaint Received: (mm/dd/yyyy)	Receiver Initials:	
---------------------------------------	--------------------	--