

# The Corporation of the Township of Elizabethtown-Kitley

## By-Law 16-25

### Being a By-Law to Adopt a Public Complaint Resolution Policy

**WHEREAS** Section 9 of the *Municipal Act, S.O. 2001*, as amended, states a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

**AND WHEREAS** the Council of the Corporation of the Township of Elizabethtown-Kitley deems it advisable to adopt a Public Complaint Resolution Policy.

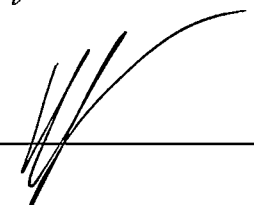
**NOW THEREFORE**, the Council of the Corporation of the Township of Elizabethtown-Kitley enacts as follows:

1. **THAT** the Public Complaint Resolution Policy, attached hereto as Schedule "A" and forming part of this By-law, be approved.
2. **THAT** the Administrator-Clerk or designate shall be responsible for the administration of this By-law.
3. **THAT** this By-law shall come into force and take effect on the date of its passing.

Read a first and second time this 15<sup>th</sup> day of August, 2016.

Read a third time and finally **Passed** this 15<sup>th</sup> day of August, 2016.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Clerk



The Corporation of the Township of Elizabethtown-Kitley

**Policy and Procedure Manual**

<b>Policy No.</b>	ADM 001-2016	<b>Policy Type:</b>	Administrative
<b>Authority</b>	Administrator-Clerk	<b>Approval Date:</b>	
		<b>Effective Date:</b>	
		<b>Last Revision Date:</b>	
<b>Subject</b>	Public Complaint Resolution Policy		

**Purpose:**

This policy is intended to enable the Township of Elizabethtown-Kitley to promptly and effectively address program and service delivery concerns raised by members of the public. The policy will assist the Township in providing excellent service to the public which promotes public confidence in the services provided, and contributes to continuous improvement of operations. The Township strives to reduce customer dissatisfaction by:

- Providing a timely and accurate response to complaints; and
- Using complaints as an opportunity to improve the Township's programs and service delivery.

**Definitions**

In this Policy:

- **Complainant** means the individual filing the complaint with the Township.
- **Complaint** means an issue or concern raised relating to a Township program, service, or operation that is not resolved at the time of the incident for which the complainant submits their concerns, in writing, to the Township in accordance with this policy.
- **Council** means the Council of the Township of Elizabethtown-Kitley.
- **Employee** means an employee of the Township of Elizabethtown-Kitley.
- **Director** means a Director of the Township of Elizabethtown-Kitley Department.
- **Administrator-Clerk** means the Administrator-Clerk or designate.
- **Township** means the Corporation of the Township of Elizabethtown-Kitley.
- **ARB** means Assessment Review Board.
- **OMB** means the Ontario Municipal Board.

**Legislative/Other Policies:**

Municipal Act

Municipal Freedom of Information and Privacy Act

Respect in the Workplace (Harassment and Violence) Policy

**Policy:**

**Scope**

This policy is not meant to address:

- a. Complaints about non-municipal services;
- b. Issues already addressed by legislation, or an existing Municipal by-law, policy or procedure. For example appeals to the ARB or OMB;
- c. A decision of Council; or,
- d. Internal employee complaints

**Administrator-Clerk**

- The Administrator-Clerk will receive all complaints and may delegate the authority to investigate a complaint to the Director responsible for the service.
- The Administrator-Clerk may not delegate the authority to investigate a complaint to a Director who is or may be named in the complaint.
- If a complaint is made against the Administrator-Clerk, the Township's legal representative shall investigate and respond accordingly.

**Frontline Resolution**

- It is the responsibility of the complainant to attempt to resolve concerns by dealing with employee(s) directly involved with the issue where appropriate.
- It is the responsibility of all employees to attempt to resolve issues or concerns before they become complaints, and identify opportunities to improve municipal services.

### **Filing a Complaint**

- Where frontline resolution cannot be achieved, complaints should be submitted on the prescribed form to the Administrator-Clerk and include:
  - a. The name, phone number, e-mail address, and mailing address of the individual submitting the complaint.
  - b. The nature of the complaint including the:
    - i. Background leading to the issue(s);
    - ii. Date(s), time(s), and location(s) of any incident(s); and,
    - iii. Name(s) of any employee(s) previously contacted regarding the issue(s); and,
  - c. Any action(s) being requested of the Township.
- Complaints shall be submitted on the prescribed form provided in Schedule A.

### **Receipt and Acknowledgement**

- The Administrator-Clerk shall acknowledge in writing that the complaint has been received within three (3) business days of receipt of the complaint.
- The Administrator-Clerk shall record the complaint, assign a complaint number, forward the complaint to the respective Director for investigation and a response.

### **Refusal or Cease Investigation**

- An investigation shall not commence if the complaint is lodged more than two years after the date of the incident.
- The Director may refuse to conduct an investigation into a complaint for the following reasons:
  - i) The matter is the subject of complaint filed under another Act. For example; an ARB, OMB.
  - ii) The matter could more appropriately be dealt with under another Act; such as ARB, OMB, etc.
  - iii) Is a civil matter between two outside agencies/individuals.
  - iv) The matter is minor or trivial.
  - v) Dealing with the matter would serve no useful purpose because the length of time that has elapsed since the matter first arose.
  - vi) If the Township becomes aware that the matter is under investigation to determine if an offence has been committed such as illegal use of equipment.

### **Investigation**

- The Director shall review the issues identified by the complainant and in doing so may:
  - a. Review relevant municipal and provincial legislation;
  - b. Review the Township's relevant policies and procedures;
  - c. Review Standard Operating Procedures, where appropriate;
  - d. Review any existing Township record/s;
  - d. Interview employees or members of the public involved in the issue;
  - e. Take other actions the Director deems expedient to resolving the matter;
  - f. Make recommendations to make, and/or implement, improvements upon a service or program delivery.
- All complaints and responses must be filed in the electronic log for future reference.
- The Administrator-Clerk shall maintain a file of the complaint in compliance with the Township's Records Retention Policy.

### **Decision**

- Within three (3) business days of receipt of a complaint the Administrator-Clerk shall respond with an acknowledgement of receipt of the complaint advising the complainant which Director has been designated to resolve the concern.
- Within twenty (20) business days of receipt of a complaint, the Director shall provide a response in writing to the complainant. The response shall include:
  - a. Whether the complaint was substantiated,
  - b. If the complaint is not substantiated, the Director shall provide reason(s) for their decision; and,
  - c. Any actions the Township has or will take as a result of the complaint.
- If the Director is unable to provide a response within twenty (20) business days, they shall notify the complainant of the delay and provide an estimate of when a response will be provided.
- Decisions made by the Director, to delay the response, may not be appealed to Municipal Council.

### **Complaints Regarding Staff/Services Contracted by Municipality**

- Complaints regarding staff members that are employed by a service provider contracted by the Municipality shall be subject to the policies of that service provider and not that of the Municipality.
- Complaints regarding services provided by a service provider contracted by the Municipality shall be handled in accordance with this policy, and may also be subject to any complaint policies and procedures employed by that service provider.

**General**

- Any complaint regarding an employee will be processed through the Administrator-Clerk and forwarded to the appropriate Director to resolve. Where the complainant names the Director the complaint will be forwarded to the Administrator-Clerk.
- Copies of all correspondence and notices shall be retained in the electronic complaint file.
- All notes and correspondence shall be dated and identified by author.
- The Administrator-Clerk or their delegate shall make dated records of any communications and attempted contacts with complainants.
- When the complaint has been resolved, the respective Director will notify the Administrator-Clerk who will archive the complaint records.

Township of Elizabethtown-Kitley  
**Complaint Form**  
 Schedule A – Policy ADMIN 001-2016

<b>Your Name:</b>		<b>Complaint #</b>	
			(YYYY-### Office)
<b>Phone Numbers:</b>		<b>Date:</b>	
			(YYYY/MM/DD)
<b>Home:</b>			
<b>Work:</b>			
<b>Cell:</b>			
<b>E-mail Address:</b>			
<b>Mailing Address:</b>	<hr/> <hr/> <hr/> <hr/>		
<p><b>What is your complaint?</b> Please include relevant date(s), time(s), location, and background information, including municipal employees you have contacted regarding this matter. Additional space is available on the back of this form. Additional information, such as relevant photographs, can be attached to this form.</p> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>			

**How could the situation be improved?**

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**Additional information:**

**Office Use Only:**

Received by: _____	Date: _____
Forwarded to: _____	Date: _____
Acknowledgement Letter <input type="checkbox"/>	Additional Correspondence <input type="checkbox"/>
Sent Date: _____	Sent _____ Date: _____
Staff Name: _____	Staff _____ Name: _____



### Complaint Policy Flow Chart

