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SUBJECT: COMPLAINT POLICY

1.0 PURPOSE

The Municipality recognizes the importance of public feedback and welcomes complaints as a valuable form of feedback regarding the Municipality's services, operations and facilities.

This policy provides a consistent and uniform process to respond to complaints. The information gained from complaints helps improve the quality of services provided by the Municipality.

2.0 LEGISLATIVE AUTHORITY

Section 11(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a lower-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public.

3.0 SCOPE

This policy applies to an expression of dissatisfaction related to municipal facilities, operational procedures, programs, services, or staff.

Anyone who uses or is affected by Municipal services can make a complaint, including residents, people who work in or visit the Municipality, local businesses or community groups.

This policy does not address or apply to:

- Compliments
- Feedback
- Inquiries
- Requests for service
- Requests for accommodation
- Criticisms or anonymous complaints

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- Issues addressed by legislation, or an existing municipal by-law, policy or procedure
- A decision by Council
- Complaints about Members of Council, Committees and Local Boards
- Internal employee complaints
- Contractors or volunteers working on behalf of the Municipality
- Matters that are handled by tribunals, courts of law, quasi-judicial boards, etc.
- Outside boards and agencies

These items are handled through other mechanisms and processes.

4.0 DEFINITIONS

“CAO” – shall mean the Chief Administrative Officer (CAO) or designate duly appointed by the Municipality as prescribed in Section 229 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended.

“Complainant” – the person who is dissatisfied and filing the complaint.

“Department Head” - shall include the Clerk, Planner, Public Works Manager and Treasurer.

“Head of Council” – shall mean the Reeve or Mayor of the Municipality.

“Municipality” – shall mean the Corporation of Tay Valley Township.

5.0 TYPES OF COMPLAINTS

5.1 Informal Complaints

It is encouraged that individuals and municipal staff work to resolve issues or concerns before they become formal complaints. Informal complaints may be made in person, by phone, letter, email or fax.

It is the responsibility of municipal staff to attempt to resolve issues or concerns before they become formal complaints and identify opportunities to improve municipal services.

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5.2 Formal Complaints

A formal complaint is generated when an informal resolution cannot be successfully achieved. This will result in a file generated, an investigation undertaken, and a decision made.

All complaints should be filed in a timely manner.

6.0 FORMAL COMPLAINT PROCEDURE

6.1 Filing a Complaint

The Complainant must fill out a complaint form which shall include the following information:

- Contact details of the Complainant
- Type of complaint
- Details of the complaint (location, employee involved, resolution requested, enclosures, date complaint submitted)
- Signature and date

Anonymous complaints will not be accepted.

6.2 Acknowledgement

Formal complaints shall be submitted to the Clerk’s Office. Upon receipt, the complaint will be given a tracking number and will be acknowledged in writing within 7 (seven) calendar days.

The Clerk’s Office will assess if the complaint falls within this policy as per the scope of this policy.

6.3 Investigation

All complaints are investigated by the appropriate Department Head. Complaints made against Department Heads shall be investigated by the CAO. If a complaint is made against the CAO, the Head of Council will investigate and may consult with Council or designate the Municipal solicitor to investigate.

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The designated investigator shall review the issues identified and any relevant legislation, policies or procedures. As part of the investigation, all involved parties (Complainant, employee, etc.) may be interviewed by the investigator.

A complaint may be considered vexatious or frivolous if it is pursued in a manner that is reasonably perceived by municipal staff to be malicious, intended to embarrass or harass the recipient, or intended to be a nuisance. Where the complaint is considered frivolous and/or vexatious, or there appears to be a pattern of frivolous and/or vexatious requests, the Department Head and CAO may deem the file closed or apply the Unreasonable Customer Behaviour Policy.

6.4 Decision

A decision will be made within 30 (thirty) calendar days upon acknowledgement of the complaint. The designated investigator shall provide a written response outlining the results of the investigation into the complaint.

The response shall note whether the complaint was substantiated and include any actions the Municipality may take as a result of the complaint.

If the designated investigator is unable to provide a response within 30 (thirty) calendar days, they shall notify the Complainant of the delay and provide an estimate of when a response will be provided.

6.5 Appeal

Once the Municipality has communicated the decision, there is no appeal process at the municipal level.

In the event complaints cannot be resolved through the Municipality's complaint process, they may be submitted to the Provincial Ombudsman's office in accordance with the provisions of *Bill 8, Public Sector and MPP Accountability and Transparency Act, 2014*.

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7.0 RECORDS MANAGEMENT AND PRIVACY

All records relating to the complaint shall be maintained in accordance with the Municipality's record retention schedule.

During the complaints process, all Municipal employees shall adhere to all applicable legislation regarding privacy in accordance with the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA). Complainants should be aware that certain circumstances may indirectly identify them during an investigation.

8.0 ACCOUNTABILITY FRAMEWORK

The Chief Administrative Officer is responsible for ensuring compliance with this policy.

9.0 POLICY REVIEW

This Policy shall be reviewed at least once per term of Council.

10.0 REFERENCES

Forms

Complaint Form

Policies and Procedures/Documents

Accessibility Policy
 Councillor Code of Conduct
 Employee Code of Conduct
 Respect in the Workplace Policy
 Unreasonable Customer Behaviour Policy

Other Resources

Bill 8, Public Sector and MPP Accountability and Transparency Act, 2014
 Ontario Ombudsman