

## THE CORPORATION OF THE TOWN OF KEARNEY

SECTION NAME Administration	SECTION NO.
POLICY Municipal Complaint Policy	REVIEW DATE:
EFFECTIVE DATE February 21, 2020	REVISIONS
IMPLEMENTATION February 21, 2020	ADMINISTERED BY CAO

### PURPOSE

This policy is intended to enable the Town of Kearney (hereinafter referred to as the "Town") to promptly and effectively address program and service delivery concerns raised by members of the public. The policy will assist the Town in providing excellent service to the public and will contribute to continuous improvement of the Town's operations and service standards. The Town will strive to reduce customer dissatisfaction by:

- Providing a timely and accurate response to complaints; and
- Using complaints as an opportunity to improve program and service delivery issues.

### DEFINITION

A complaint is an expression of dissatisfaction related to operations, a municipal service or program, facility, or Staff member, where a citizen believes that the Town has not provided a service experience to the person's satisfaction at the point of service delivery and a response or resolution is explicitly or implicitly expected.

#### A complaint is distinct from:

- A request for service made on behalf of a citizen for a specific service, or to notify the Town that a scheduled service was not provided on time;
- A general enquiry or specific request for information regarding municipal service;
- A suggestion or idea submitted by a member of the public with the aim of improving services, programs, products or processes; or
- An expression of approval or compliment for a municipal staff member, program, product or process.

#### This policy is not for complaints:

- Regarding staff that are employed by a service provider contracted by the Town as these employees shall be subject to the policies of that service provider (i.e. non-municipal services);
- Issues addressed by legislation, or an existing Municipal By-law, Policy or Procedure;
- A decision of Council or a decision of a Committee of Council;
- Internal employee complaints; or
- Matters that are handled by tribunals, courts of law, quasi-judicial boards, etc.

### FRONTLINE RESOLUTION

Departments are encouraged to resolve matters informally as verbal complaints are typically received prior to any written or formal process.

Department Head's shall ensure all Staff have clear direction and authority to resolve frontline matters. It is the responsibility of the complainant to attempt to resolve concerns by speaking with the appropriate Town Department directly involved with the issue where appropriate.

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

## **COMPLAINT PROCESS**

### **1. Filing the Complaint**

Where frontline resolution cannot be achieved, complaints should be submitted to the Clerk's Department or designate, on the form attached as Schedule 'A'. All information requested on the Form must be completed.

### **2. Receipt and Acknowledgement**

The Clerk's Department shall log the complaint and forward a copy to the Department Head or designate. Within ten (10) business days of receipt of the complaint, the Clerk shall acknowledge to the complainant in writing (i.e. letter; email) that the complaint has been received.

### **3. Investigation**

Department Head's shall conduct an investigation into the nature of the complaint.

A Department Head may not delegate the authority to investigate a complaint to an employee who is, or may be, named in the complaint.

If a complaint is made against the Department Head, the Chief Administrative Officer (CAO) or designate shall conduct the investigation.

If a complaint is made against the CAO, the Mayor shall consult with Council and may designate a solicitor, or other qualified individual at arm's length from the municipality, to investigate.

The designated Investigator shall 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;
- review any existing file documents;
- interview employees or member of the public involved in the issue;
- identify actions that may be taken to address the complaint or improve municipal operations; and
- provide a report to Council.

### **4. Decision**

Within thirty (30) calendar days of the date of the acknowledgement in writing, the Department Head shall provide a response to the complainant, with a copy to the Clerk's Department.

The response shall include:

- whether or not the complaint was substantiated
- if the complaint is not substantiated, provide the reason(s) for their decision; and
- any actions the Town has or will take as a result of the complaint.

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

5. **Record**

The Department Head shall file a copy of the complaint and response with the Clerk's department. Such record will be maintained in accordance with the Town's Records Retention By-law.

If a municipal employee was the subject of the complaint, a copy of the record shall be retained in their personnel file.

6. **Appeal Process**

There is no appeal process at the municipal level. Unresolved issues can be directed by way of a delegation to Council or addressed at the Provincial level through the Ontario Ombudsman.

**PROCESS SUMMARY**

**Clerks Department:**

- Receives written complaint
- Logs complaint
- Forwards to appropriate Department Head
- Acknowledges receipt to complainant within ten (10) business days

**Department Head/CAO/Mayor:**

- Investigate the complaint
- Make a decision
- Notify the complainant and Clerk's Department, in writing, of the outcome within thirty (30) days of the date of the acknowledgement
- File a copy of the decision with the Clerk's Department

**Clerks Department:**

- File a copy of the decision