

The Township of Cavan Monaghan

By-law No. 2016-23

Being a by-law to provide for the establishment of a Municipal Complaint Policy for the Township of Cavan Monaghan

Whereas pursuant to the Municipal Act, 2001 S.O. 2001, chapter 25 a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising tis authority under this or any other Act;

And Whereas pursuant to the Municipal Act, 2001 S.P. 2001, chapter 25 the powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate to enhance the municipality’s ability to respond to municipal issues;

And Whereas the Council of the Township of Cavan Monaghan is committed to a consistent and uniform process to respond to complaints received from members of the public regarding programs, facilities, Township services, staff or operations procedures;

Now Therefore the Council of the Township of Cavan Monaghan hereby enacts as follows:

1. That the Policy attached setting out the Municipal Complaint Policy and procedures, be hereby approved and shall be designated as Schedule ‘A’ to this By-law.
2. That any and all by-laws inconsistent with the provisions of this by-law be and are hereby repealed.
3. That this By-law shall come into force and take effect on the date of passing.

Read a first, second and third time and passed this 18th day of April, 2016.

Scott McFadden
Mayor

Elana Arthurs
Clerk

Municipal Complaint Policy

Purpose

This policy is intended to enable the Township of Cavan Monaghan to promptly and effectively address program and service delivery concerns raised by members of the public. The policy will assist the municipality in providing excellent service to the public, and contribute to continuous improvement of operations. The Municipality 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 municipality has not provided a service experience to the customer'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 municipality that a scheduled service was not provided on time;
- a general enquiry or specific request for information regarding municipal service;
- an expression of approval or compliment for a municipal staff member, program, product or process; or
- a suggestion or idea submitted by a customer with the aim of improving services, programs, products or processes.

This policy is not for complaints:

- regarding staff that are employed by a service provider contracted by the municipality, these employees shall be subject to the policies of that service provider;
- 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 complaints are received prior to any written or formal process. Department Head's shall ensure all staff has clear direction and authority to resolve frontline matters.

It is the responsibility of the complainant to attempt to resolve concerns by dealing with the appropriate Township Department directly involved with the issue where appropriate.

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

Complaint Process

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 must be completed.

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 that the complaint has been received in the form attached as Schedule 'B'.

Investigation

Department Head's will be responsible to investigating the matter, program and/or service pertaining to their department.

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 Chief Administrative Officer, 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.

Decision

Within thirty (30) calendar days of date of the acknowledgement letter, the Department Head shall provide a response in writing to the complainant.

The response shall include:

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

If the Department Head is unable to provide a 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.

Record

The Department Head shall file a copy of the complaint and resolution with the Clerk. The Clerk shall maintain a file of the complaint in accordance with the municipality'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.

Appeal Process

Once the municipality has communicated the decision to the complainant; 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.

Non-compliance

Non-compliance with this complaint policy may result in the complaint being filed with the Ontario Ombudsman for investigation.

Process

Clerks Department:

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



Department Head/CAO/Mayor:

- Investigate the complaint
- Make a decision
- Notify the complainant of the outcome within thirty (30) days of the date of the acknowledgement letter
- File a copy of the decision with the Clerk



Clerks Department:

- File a copy of the decision
- Report to Council annually