

**The Corporation of the
Township of Black River-Matheson**



Policies and Procedures

Operational

Complaint Handling Policy

POLICY STATEMENT

The Municipality of the Township of Black River-Matheson is committed to a consistent, uniform, prompt and courteous process to respond to formal complaints within a reasonable amount of time. This policy is intended for the municipality to promptly address concerns raised by the public regarding, which shall include but not be limited to, by-law infractions, road conditions, programs, facilities, municipal services, staff or operational procedures. This policy outlines the steps, procedures and process to be followed and service standards for the handling of formal complaints.

The Municipality of the Township of Black River-Matheson will only respond to formal complaints received from a complainant who shall provide their full name, telephone number and address.

All complaints will be dealt with in accordance with the Municipal Freedom of Information and Protection of Privacy Act and other applicable legislation. All participants in the complaint process shall keep the details of the complaint confidential except as may be required by law. All complainants will be treated with respect and will not receive adverse treatment or any form of reprisal.

PURPOSE

To provide a formal policy and procedure governing the handling of complaints received by the municipality and to ensure thorough, prompt and courteous receipt, processing, investigation and resolution are adhered to.

The Municipality also recognizes the importance of public feedback and welcomes complaints as a valuable form of feedback regarding our services, operations, town employees and facilities. The information gained from complaints helps improve the quality of the services provided by the Municipality and the client experience of residents.

SCOPE

This policy applies to all union and non-union employees of the Corporation.

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This policy applies to all formal complaints that are received.

This policy does not apply to:

- Anonymous complaints, hearsay or third party.

ROLES & RESPONSIBILITIES

Staff: Employees are to have knowledge and awareness of the municipality's requirement to receive complaints, the process through which a complaint can be made and the service standards that apply to complaints.

CAO or designate: The CAO or designate is responsible to monitor reports and receive input to ensure all staff and Department Heads are following the established Complaint Handling Policy and that service standards are being achieved. The CAO or designate is also responsible for ensuring the receipt, tracking and response of all complaints. They will monitor compliance with this policy and will follow up with the appropriate departments as required. They shall terminate an investigation if they are of the opinion that the matter is frivolous, vexatious or not made in good faith, or that there are no grounds or insufficient grounds for an investigation. They are responsible for implementation and ongoing compliance with the Complaint Handling Policy. It will be at the discretion of the CAO or Clerk's department, that if small modifications to this policy need to be implemented to ensure accuracy and efficiency, this shall be done without the consent of council.

Department heads: The department heads are responsible for facilitating prompt response to all complaints by their staff to ensure that service standards are achieved. They hold responsibility for departmental compliance to the Complaint Handling Policy.

DEFINITIONS

CAO means the Chief Administrative Officer of the Corporation of the Township of Black River-Matheson or its designate.

ANONYMOUS means a complaint submitted with no complainant details including name, phone number and address.

CLERK means the Clerk appointed by Council of the Corporation of the Township of Black River-Matheson.

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COMPLAINANT means the person filing the complaint.

COUNCIL means the Council of the Corporation of the Township of Black River-Matheson.

DEPARTMENT HEAD means statutory officer, officer or Director of the Township of Black River-Matheson.

FORMAL COMPLAINT means a complaint, wherein the complainant provides their full name, address and phone number that can be verified and nature of complaint in writing using the required form.

MUNICIPALITY means the Corporation of the Township of Black River-Matheson.

SPITE/VEXATIOUS COMPLAINT means a complaint filed in ill will or with the intent of malice towards another person and may include retaliatory complaints and neighbor disputes.

STAFF means any employee of the Municipality.

POLICY DETAILS

1. GENERAL COMPLAINTS

The Municipality will only respond to formal complaints received from complainants who provide their full name, address, telephone number as well as the address of the complaint and details regarding the nature of the complaint.

Anonymous calls will be entered into the Complaint Tracking Log, but no formal action will be taken unless the complaint concerns an immediate threat to health and safety.

An identified complainant's personal information shall be kept confidential in accordance with the Municipal Freedom of Information and Protection of Privacy Act, unless permission to release such information is provided by the complainant in writing or the complainant is required as a witness in a court or a hearing or tribunal.

Formal complaints, at the discretion of a Department Head, may require the complainant to fill out the prescribed complaint form.

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2. SPITE/VEXATIOUS COMPLAINTS

Spite/vexatious complaints will be entered into the Complaint Tracking Log but not investigated unless it is deemed to be an immediate threat to health and safety.

In situations, whereby multiple complaints are received from a single person at one time, or where a single person continuously submits a variety of complaints on an ongoing basis, the Department Head will decide on an appropriate level of response to such complaints. The level of response may include a decision to act on some or all the complaints, to not act on some or all the complaints, or to assign priority to some or all the complaints. If a decision not to act is reached, this will be conveyed to the complainant in writing.

In making their decision on the appropriate level of response to such complaints, staff will have regard to the following criteria:

- Safety factors;
- Available resources;
- Potential impact on the complainant;
- Potential impact of not responding;
- Impact on the immediate neighborhood;
- Complaints that appear to result from a form of vendetta or retribution, or are otherwise deemed to be frivolous and vexatious;
- Offer for formal remediation;
- Coordinating involvement with other relevant agencies.

In situations where staff are involved in a dispute between two or more people, where it has become obvious that staff's involvement will not be able to achieve a reasonable resolution to their dispute, staff are given the discretion to decide, upon consultation with the department heads, on an appropriate level of further involvement. The level of involvement may include a decision to suspend further involvement or take no further action in the dispute and will be conveyed to the complainant in writing.

In making their decision as to the level or further involvement with the dispute, staff will have regard to the following criteria:

- Safety factors;
- History of attempts to mediate by staff;
- Offer for formal mediation;
- Coordinating involvement with other relevant agencies;
- The number of unfounded complaints;
- Apparent attempts to purposely aggravate the situations;

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- The number of complaints or concerns registered that do not fall within the jurisdiction of the Municipality's by-laws.

3. PRIORITY

Staff will respond to Formal Complaints on a reactive basis. A Department Head may also respond to an informal complaint where the complainant has not provided the required name, address and telephone number if they believe the concern to be of immediate threat to health and safety.

Any criminal complaint that is received by the township will be addressed to the O.P.P. immediately.

A Department Head may also undertake a proactive investigation upon observation of a possible situation where the matter is of an immediate threat to health and safety.

Any decision made under this policy including a decision not to respond to complaints, maybe revisited at any time. A decision of the Department Head in this respect will not bind another. Additionally, the department heads may, at their discretion, require staff to respond to a complaint in spite of any previous decision to the contrary.

PROCEDURE

1. RECEIPT AND CONFIRMATION OF COMPLAINT

All complaints will be recorded and distributed through the Clerk's department. Upon receipt of a Formal Complaint, the Clerk's department shall record the complaint in the Complaint Tracking Log maintained in the municipality's GIS Mapping System. In all cases, the Clerk's department shall encourage the complainant to describe the matter in their own words, detailing the "who", "what", "why", "when", and "where" of the situation.

The Clerk's office shall on a daily basis check the Complaint Tracking Log on the Municipality's mapping system to ensure complaints are being responded to and shall assign the complaint to the appropriate staff member.

When a formal complaint is received, the Clerk's department will send an acknowledgment letter to the complainant indicating that the municipality received the complaint and a response will be provided within 30 calendar days. Once the complaint has been resolved, a letter will be mailed to the complainant to inform them that their concerns have been resolved by staff.

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The Clerk's office conducts a preliminary review of the complaint to verify information and research any supporting documentation which may be available in Municipal records.

The Clerk's office or other designated staff will call the complainant, when necessary, for further details or to confirm or clarify information provided within the Formal Complaint.

2. INVESTIGATION

The Department Head shall attend the site to witness and record the activity to determine if an issue exists. If the Department Head determines the matter is not an issue, the Department Head will advise the complainant, enter the resolution date and details onto the Complaint Tracking Log and close the file.

If it is found that there is an issue, the Department Head shall take the necessary steps to have the issue resolved as quickly as possible.

3. ENFORCEMENT – FIRST STAGE

If the Department Head determines that a violation exists, they may proceed as follows:

- i. In the case of situations wherein Council has established set fines for violations, a Department Head may, upon confirmation of the existence of a violation, at their discretion, immediately issue an offence notice/ticket; or
- ii. Shall provide an initial warning to the violator in person, by telephone or in writing which shall provide a time in which voluntary compliance is expected.

The Department Head shall notify any internal department and outside agencies that may have jurisdiction or may be required to assist with or rectify the situation including, but not limited to, the Fire Department, Planning Department, Public Works, Porcupine Health Unit, Ministry of Transportation, Ministry of the Environment or the Ministry of Natural Resources.

Where provided by by-law or other statute, a Department Head may issue an emergency order to remedy a violation in lieu of an initial warning if the situation poses an immediate threat to health and safety.



4. ENFORCEMENT – SECOND STAGE

If any warning or order has not been complied with, the Department Head may determine whether to attempt a second written warning or proceed with the actions necessary to address the situation in accordance with municipal bylaws or other statutes. Either:

- i. A second written warning or formal order is to be issued, in which case, the Department Head will proceed giving a final time period in which to comply; or
- ii. If legal action is decided, the Department Head will provide the Clerk with a recommendation to proceed with legal action when it appears obvious compliance is not forthcoming.

At any stage of the enforcement process, if, in the opinion of the Officer that the matter is of significant consequence, the matter may be brought before Council for direction.

DOCUMENTS

N/A

FORMS

Form 1 - Complaint Form
Form 2 - Acknowledgement of Complaint
Form 3 – Resolved Complaint Letter

SUMMARY INFORMATION

Policy Name: Complaint Handling Policy

Issue Date:

Approved by:

Approval Date: COUNCIL

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