

**THE CORPORATION OF THE
MUNICIPALITY OF HASTINGS HIGHLANDS
BYLAW 2016-033**


Being a Bylaw to adopt a policy regarding the Management of Municipal Complaints

WHEREAS the Council of the Municipality of Hastings Highlands is committed to the thorough, prompt and courteous receipt, processing, investigation and decision of formal complaints related to the enforcement of Municipal bylaws within a reasonable amount of time in accordance with the appropriate steps and procedures:

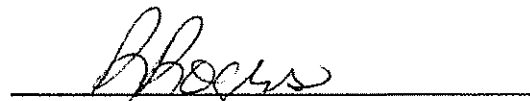
NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF HASTINGS HIGHLANDS ENACTS AS FOLLOWS:

1. THAT the Council of the Municipality of Hastings Highlands hereby formally adopts the Management of Municipal Complaints Policy attached hereto as Schedule A to this Bylaw.

READ a first, second, third time and finally passed this 18th day of May 2016.



Vivian Bloom, Mayor



Robyn Rogers, Clerk



Schedule A

Municipality of Hastings Highlands- Corporate Policies and Procedures			
DEPARTMENT: Customer Service/Administration Operations			POLICY #:
POLICY: Management of Municipal Complaints Policy- Bill 8 Public Sector and MPP Accountability and Transparency Act, 2014			
DATE: MAY/16	REV. DATE: Nov 19/18 to Closed Mtg Investigator's name Clerk's Contact Info	COVERAGE: Public	PAGE #: 1-7

POLICY STATEMENT:

This policy is intended to enable the Municipality of Hastings Highlands to promptly and effectively address program and service delivery complaints 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 strives 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.

This policy is to comply with Bill 8 Public Sector and MPP Accountability and Transparency Act, 2014 effective January 1, 2016 with complaint mechanisms enforced.

DEFINITIONS:

Complaint:

A complaint is an expression of dissatisfaction related to a municipal program, service, facility, and staff or council 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 - **Schedule A** made on behalf of a citizen or public at large 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 opinion or feedback, comment and expression of interest in a program or service.
- An expression of approval or compliment for municipal staff member, program, product or process.
- A suggestion or idea submitted by a citizen or public at large with the aim of improving services, programs, products or processes.

The policy is not for complaints pertaining to:

- Staff members that are employed by a service provider contracted by the municipality who shall be subject to the policies of that service provider.
- issues addressed by legislation, or an existing municipal bylaw, policy or procedure;
- a decision of Council or a decision of a committee of Council; or,
- internal employee complaints
- matters that are handled by tribunals, courts of law, quasi-judicial boards,

Role of Council:

The role of Council is to develop general policies and directives on how to enforce the issues. The Policy shall be set by Bylaw.

- All complaints shall be in writing and signed by the complainant. **Complaint Form-Schedule B**
- All complaints shall remain confidential, subject to Municipal Freedom of Information and Protection of Privacy Act (MFIPPA).
- Council shall not get involved in individual enforcement issues but can receive confidential status reports on an issue, for their information only, through a direction to staff.

It shall be understood that a complainant cannot seek a remedy by calling a Council member(s).

The Council member shall direct the complainant to provide a written, signed complaint letter addressed to the Clerk marked "Confidential" to the Municipal Office. By doing so, the Clerk will ensure compliance with Legislation and Policies. The Clerk will also advise the complainant, that complaints are an enforcement issue which Councillors as individuals cannot be involved with. The complaint shall be logged at the Municipal Office and the Complaint Procedure followed.

Frontline Staff Role:

It is the responsibility of the complainant to attempt to resolve concerns by dealing with Municipal employee(s) directly involved with the issue where appropriate through a **Request for Service - Schedule A**

A Request for Service is distinct from a complaint as the Request is made on behalf of a citizen or public at large for a specific service, or to notify the municipality that a scheduled service was not provided.

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

Municipal Clerk and Department Managers Role:

Complaints and enforcement shall be exercised at the Clerks discretion and in the best interest of the Municipality, when following Legislation and Policy. This shall include the granting of extensions, if deemed necessary.

All complaints received will be followed through by the Clerk to ensure compliance with the Complaint Policy.

If a complaint letter/email is addressed to Council, the Clerk will circulate a copy to the appropriate Manager, Chief Administrative Officer for first resolution. If resolution is not obtained, then a copy of the letter/email will be circulated by the Clerk to Council in a Closed Council Agenda for information purposes only. In addition to the receipt of a complaint letter/email, the complainant **will be asked to submit the Request for Service Form or a Complaint Form** that includes their name and details.

Staff cannot act on 'hearsay'; however, the complainant's name will be kept confidential.

Anyone – including but not limited to Municipality of Hastings Highlands citizens can lodge a complaint.

The Municipal Clerk and Staff will treat the complainant's personal information as confidential, including the complainant's name. All complainants and property owners shall be treated with respect and courtesy.

Resolution of complaints will consider whether the party forwarding the complaint requires feedback of the complaint resolution.

PROCEDURE:

1. Submit the Complaint

Where frontline resolution cannot be achieved, complaints shall be submitted to the Clerk's Department or designate, **Complaint Form -Schedule B**. All information must be completed in writing.

Complaints may be submitted by:

Mail – Municipality of Hastings Highlands

Attention: Clerk

33011 Highway 62, P.O Box 130

Maynooth, ON

K0L 2S0

Email – cao@hastingshighlands.ca

Subject Line: Complaint

In Person – See Clerk, Please call prior to arrival.

2. Receipt and Acknowledgement

The Clerk shall log the complaint, date-stamp and forward a copy to the Department Manager or designate. Within seven (7) business days of receipt of the complaint, the Manager shall acknowledge to the complainant providing copy to the Clerk in writing that the complaint has been received. **Acknowledgment of Complaint - Schedule C**

3. Investigation

a) Department Manager

A Department Manager 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 Manager, the Chief Administrative Officer 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 the municipal 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; or,
- The Department Manager may, at their discretion, notify Council of an open complaint investigation for information purposes.

b) Council Member

If a complaint is made against a Council Member, the Mayor shall consult with the municipal solicitor, or other qualified individual at arm's length from the municipality or the Ontario Ombudsman, to investigate.

The designated investigator shall review the issues identified by the complainant and in doing so may review the documents listed above under complaint made against the Chief Administrative Officer.

c) Mayor

If a complaint is made against the Mayor, the Chief Administrative Officer shall consult with the municipal solicitor, or other qualified individual at arm's length from the municipality or the Ontario Ombudsman, to investigate.

The designated investigator shall review the issues identified by the complainant and in doing so may review the documents listed above under complaint made against the Chief Administrative Officer.

d) Closed Meeting Investigation

If a complaint is made regarding a Closed Meeting of Council, the Clerk shall consult and forward the complaint to the Municipal Closed Meeting Investigator and shall be conducted within the guidelines of the Closed Meeting Investigator. Investigator has thirty (30) days to respond once complaint is received.

Closed Meeting Investigator: Amberley Gavel

Email: info@agavel.com Phone: 1-866-535-8079

e) Decision

Within thirty (30) calendar days of receipt of a complaint, the Department Manager shall provide a response in writing to the complainant, copy to the Clerk.

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 Manager 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.

f) Record

The Department Manager shall file a copy of the complaint, supporting documentation and decision with the Clerk. The Clerk shall maintain a file of the complaint in accordance with the municipality's records retention bylaw. If a municipal employee was the subject of the complaint, a copy of the record shall be retained in their personnel file.

PROCESS

CLERKS DEPARTMENT:

- RECEIVES WRITTEN COMPLAINT ON COMPLAINT FORM
- DATE STAMPED
- LOGS COMPLAINT
- FORWARDS TO APPROPRIATE DEPARTMENT MANAGER



DEPARTMENT MANAGER:

- ACKNOWLEDGES RECEIPT TO COMPLAINANT WITHIN 7 DAYS
- INVESTIGATE THE COMPLAINT
- MAKE A DECISION
- NOTIFY THE COMPLAINANT OF THE OUTCOME WITHIN 30 DAYS OF THE FILING OF THE COMPLAINT
- FILE A COPY OF THE DECISION WITH THE CLERK



CLERKS DEPARTMENT:

- FILES ACKNOWLEDGES LETTER TO COMPLAINANT WITHIN 7 DAYS
- FILE A COPY OF THE DECISION WITH SUPPORTING DOCUMENTATION
- REPORT TO COUNCIL ON A YEARLY BASIS

APPEAL PROCESS

Once the municipality has communicated the decision to the complainant, there is no appeal process at the municipal level.

NON-COMPLIANCE

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

REVIEW CYCLE

This policy shall be reviewed each term of Council.

APPENDIXES:

Request for Service – Schedule A

Complaint Form - Schedule B

Acknowledgment of Complaint - Schedule C

SCHEDULE A



Tel: 613-338-2811
Toll Free: 1-877-338-2818
Fax: 613-338-3292

www.hastingshighlands.ca

#33011 Hwy 62, P.O Box 130 Maynooth,
Ontario K0L 2S0

Request for Services RFS# _____

Once submitted, your request will be forwarded to the appropriate Department Manager for review.

Line with (*) must be filled in

Date * _____

Your Name * _____

Email Address _____

Contact Telephone * _____

Department * Operations: Roads Waste Facilities Park Maintenance

Fire Department

Finance

Council Services Other : _____

Location of Issue * _____

Description of Service Required * _____

Tracking Information – for office use only

Received by: _____ Date: _____

Assigned to: _____ Date: _____

Brief description of Action Taken _____

Closed by: _____ Date: _____

How do you suggest the situation be improved or complaint resolved?

OFFICE USE ONLY

COMPLAINT #			
RECEIVED BY		DATE	
FORWARDED TO		DATE	

<input type="checkbox"/> Acknowledgement Letter	<input type="checkbox"/> Additional correspondence
Date sent: _____	Date sent: _____
Staff name: _____	Staff name: _____

ACTION TAKEN

<input type="checkbox"/> Final Decision Letter	Copies filed with Clerk
Date sent: _____	<input type="checkbox"/> Initial complaint
Staff name: _____	<input type="checkbox"/> Acknowledgement letter
	<input type="checkbox"/> Additional correspondence
	<input type="checkbox"/> Final Decision letter

*Thank you for taking the time to express your concern(s).
We will provide a response within thirty (30) calendar days of receiving your complaint.
If you have any questions about this process, please contact the
Clerk 613-338-2811 ex 233 or clerk@hastingshighlands.ca*

SCHEDULE C



Tel: 613-338-2811
Toll Free: 1-877-338-2818
Fax: 613-338-3292

www.hastingshighlands.ca

#33011 Hwy 62, P.O Box 130 Maynooth,
Ontario K0L 2S0

**ACKNOWLEDGEMENT OF
COMPLAINT**

INSERT DATE

NAME
ADDRESS

Dear Mr./Ms./Mrs. _____

Thank you for taking the time to express your concerns regarding COMPLAINT EXPLANATION. Your written complaint was received by the municipality on INSERT DATE COMPLAINT RECEIVED

We will provide a response within thirty (30) calendar days of receiving your complaint.

If you have any questions regarding the process, please do not hesitate to contact myself at

PHONE: _____

EMAIL: _____

or Pat Pilgrim CAO/Clerk at 613-338-2811 ext 233 or cao@hastingshighlands.ca

Yours truly,

NAME
TITLE