

THE CORPORATION OF THE
TOWNSHIP OF CHAPLEAU

BY-LAW NO. 2020-09

Being a By-law to adopt a Formal Complaint Policy for the
Township of Chapleau

WHEREAS Section 9 of the Municipal Act, S.O. 2001, Chapter 25, as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purposes of exercising its authority under this or any other Act; And

Whereas pursuant to the Municipal Act, S.O. 2001, Chapter 25, as amended, 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 Corporation of the Township of Chapleau is committed to a consistent and uniform process to respond to complaints received from members of the public regarding programs, facilities, Township services, staff and operational procedures;

NOWTHEREFORE the Council of the Corporation of the Township of Chapleau hereby enacts as follows:

1. That the Formal Complaint Policy attached hereto as Schedule "A" to this By-Law and forming part of this By-Law, is hereby adopted.
2. That the Mayor and Acting CAO are hereby authorized to sign this By-Law and to affix the corporate seal thereto.
3. That any and all by-laws inconsistent with the provisions of this by-law be and are hereby repealed.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 11th day of February, 2020.

READ a FIRST, SECOND AND THIRD TIME and FINALLY PASSED this 11th day of February 2020.



Mayor



Deputy Clerk

Schedule "A"
To By-Law 2020-09

Purpose

This policy is intended to enable the Township of Chapleau 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 Township 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.

All complainants will be treated with respect and will not receive adverse treatment or any form of reprisal.

Complaint Process

Filing the Complaint

Where frontline resolution cannot be achieved, complaints should be submitted to the Office of the Chief Administrative Officer (CAO) or designate, on the form attached as Schedule 'A' and shall include the following information:

- Name and contact details of the complainant (mailing address, telephone number, and email address);
- Type of complaint being submitted;
- Summary of the complaint, including details, location, Township employee(s) involved, enclosures;
- Name and contact information of any witnesses;
- Any efforts undertaken (if any) to resolve the concern/issue;
- Type of resolution being sought, and/or suggestions for improvements; and
- Complainant's signature and date the complaint is being submitted.

Receipt and Acknowledgement

The CAO 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 CAO shall acknowledge to the complainant in writing that the complaint has been received.

Investigation

Department Heads will be responsible for 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 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 CAO. The CAO 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. In the event a complaint is not resolved to the satisfaction of the complainant, it may be submitted to the Office of the Ombudsman of Ontario:

Mail to: 483 Bay Street
10th Floor, South Tower
Toronto, ON M5G 2C9

Online: www.ombudsman.on.ca

Phone: 1-800-263-1830

Fax: 416-586-3485

Frivolous and/or Vexatious Complaints

A complaint may be considered vexatious or frivolous if it is pursued in a manner that is reasonably perceived by the Chief Administrative Officer to be a) malicious, b) intended to embarrass or harass, or c) intended solely to be a nuisance. Where the complaint is considered vexatious and/or frivolous, or there appears to be a pattern of vexatious and/or frivolous complaints, the Chief Administrative Officer may deem the file closed.

Process

Office of the CAO:

- 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 CAO



Office of the CAO:

- File a copy of the decision



Schedule "A"

Township of Chapleau
Municipal Complaint Form

COMPLAINANT CONTACT DETAILS

First Name	Last Name
Municipal Civic Address/Property Location	Phone Number
Mailing Address	
Email Address	

COMPLAINT TYPE

- | | |
|--|---|
| <input type="checkbox"/> Access to Services | <input type="checkbox"/> Programs |
| <input type="checkbox"/> Facilities | <input type="checkbox"/> Staff Conduct |
| <input type="checkbox"/> Processes or Procedures | <input type="checkbox"/> Timeliness of Services |
| <input type="checkbox"/> Other | |

SUMMARY OF COMPLAINT

Please outline details of your complaint below, including relevant dates, times, location and background information (which should include municipal employees you have contacted to resolve the complaint, witnesses to the incident, photographs etc.) Be as detailed as possible. Attach a separate page where necessary.

Details
Service area/location of problem
Staff persons involved (if known and applicable)
List of enclosures (include copies of any documentation in support of the complaint)

RESOLVE

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

SIGN OFF

Complainant's signature

Date complaint submitted (mm/dd/yyyy)

OFFICE USE ONLY

Date received:

File No:

Acknowledge receipt of the complaint:

Investigation Notes:

Final Response to Complaint:

Date sent: