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| Council Policy No.: | CP2021-028 (formerly CP2016-019) |
| Council Policy Name: | Corporate Complaints Handling Policy |
| Date Approved by Council: | November 22, 2016 |
| Date revision approved by Council: | April 20, 2021CW20021-095/CR2021-195 |
| Related SOP, Management Directive, Council Policy, Forms | Management Directive MD2016-017SOP SOP2016-Code of Conduct – CouncilCode of Conduct - Employees |

**Policy Statement and Rationale:**

The City of Kawartha Lakes is committed to a consistent and uniform process to respond to complaints received from members of the public regarding programs, facilities, City services, City staff and procedures. This policy and the accompanying Management Directive and Standard Operating Procedures outline the process to be followed and service standards for the handling of public complaints.

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

**Scope:**

This policy applies to:

a) Municipal Employees, excluding the Kawartha Lakes Police Service;

b) Municipal Elected Officials;

c) Council-appointed Boards and Advisory Committees.

This policy applies to complaints that are received online via the City’s website at info@city.kawarthalakes.on.ca, by phone, in person, at a Municipal Service Centre, by email, by mail or by fax.

This policy **does not** apply to:

a) Outside boards and agencies

b) Requests for service

c) Feedback

d) Compliments

e) Inquiries

f) Anonymous complaints

g) Request for accommodations

If a specific piece of legislation or policy adopted by Council sets out a complaint and appeal process, that legislation or policy takes precedent.

These communications and requests are all handled through other mechanisms and processes.

This policy sets out the general response and appeal process for complaints received by the City. Should another policy adopted by Council dealing with a specific issue contain an appeal process, that appeal process shall supercede this policy.

**Definitions:**

**Complaint** – any expression of dissatisfaction about the action or lack of action taken regarding operations, facilities or services provided by the Municipality or by a person or body acting on behalf of the City once the Request for Service process has been exhausted (where applicable). The term “dissatisfaction” is key to the definition of a complaint. Feedback of a positive or general nature, comments on a service or facility that do not require a response, or requests for service, are not complaints. Complaints imply that the complainant is unhappy with the service received and that they require a follow-up response in regards to the issue.

**Complainant** – the person who is dissatisfied and filing the complaint. Anyone who uses or is affected by municipal services can make a complaint including: residents, people who work in or visit the municipality, local business or community groups.

**Compliment** – an expression of appreciation for satisfactory or above-satisfactory service.

**Feedback** – input from client that is neither positive, nor negative, but provides input or ideas.

**Request for Service** – a request for a specific service provided by the municipality.

**Policy:**

## **Requirements**

**Complaints**

The City will deal with all complaints promptly, courteously, impartially and professionally. All complaints will be treated with respect and will not receive adverse treatment or any form of reprisal.

All complaints will be dealt with in accordance with the Municipal Freedom of Information and Protection of Privacy Act and other applicable legislation. The identity of the complainant will be made known only to those who need to know in order to consider the complaint. All participants in the complaints process shall keep the details of the complaint confidential except as may be required by law. It may be necessary to release the complainant’s name and contact information during the resolution process.

Complaints received by one department are to be limited to that specific department unless the complaint involves more than one department. Generally, Department A will not be able to view complaints received by Department B unless operationally required to address the complaint.

What is a complaint? It is any expression of dissatisfaction about the action or lack of action taken regarding operations, facilities or services provided by the City or by a person or body acting on behalf of the Municipality that follows after the Request for Service process has been exhausted.

All formal signed complaints filed necessitate a response. Email responses are considered signed where the complainant supplies their name, address and contact information.

Who can make a complaint? Anyone who uses or is affected by municipal services can make a complaint. This includes:

a) residents or property owners

b) people who work in or visit the City

c) local businesses

d) community groups

Some individuals may require assistance to make a complaint, and complaints can be made on their behalf, provided that the person affected has given their consent in writing.

Complaints can be submitted:

a) Online via the City’s website

b) by telephone

c) by email

d) by mail

e) by fax

f) in person.

Complaints will not be accepted via Social Media including, but not limited to, Facebook or Twitter.

**Responsibilities**

All municipal elected officials and municipal employees are to have knowledge and awareness of the City’s requirement to receive complaints, the process through which a complaint can be made and the service standards that apply to complaints.

Managers and Supervisors are responsible for the facilitation of a prompt response to all complaints by their staff to ensure that service standards are achieved.

Directors are responsible for the receipt and response of department complaints according to the service standards set out. Directors hold responsibility for departmental compliance to the Complaints Handling Policy.

Chief Administrative Officer (CAO) will monitor corporate compliance with this policy and will follow up with appropriate departments and/or Council as required.

**General Complaints**

The City may follow-up with the complainant to obtain any additional information. If the issue is resolved through discussion, written confirmation will be provided by the City and that record retained.

If the complaint is not resolved, Complainants must receive an acknowledgement of receipt of their complaint and an assigned tracking number within three business days. This acknowledgement must identify who will be following up on the complaint as well as their contact information.

A final response or update must be sent to the complainant within 20 business days, barring exceptional circumstances. If the Complainant is satisfied, the complaint is closed. If the Complainant is not satisfied, an appeal process may be initiated.

Complaints that are forwarded between departments more than two times, will at the third forwarding be automatically copied to the CAO, by the transferring department representative, who will intervene to ensure that the complaint receives action by the appropriate department.

**Council or Individual Members of Council or Chief Administrative Officer Complaints**

A complaint relating to Council, an Individual Member of Council or the Chief Administrative Officer is to be submitted to the Mayor. A complaint relating to the Mayor is to be submitted to the Chief Administrative Officer.

Complaints must be submitted in writing, on the prescribed form to initiate the formal review process. The complainant should attach any submissions relating to the complaint at this time. The City may follow-up with the complainant to obtain any additional information.

Complaints must receive an acknowledgement of receipt of their complaint and an assigned tracking number within three business days. This acknowledgement must identify who will be following up on the complaint as well as their contact information.

Where the complaint is about Council or an Individual Member of Council, the complaint shall be addressed by Council in closed session at a Regular Meeting.

Where the complaint is about the Chief Administrative Officer, the Mayor shall conduct an investigation and report the outcome to Council in closed session at a Regular Meeting.

A final response or update must be sent to the complainant within 20 business days, barring exceptional circumstances such as meeting schedules. If the Complainant is satisfied, the complaint is closed. If the Complainant is not satisfied, the appeal process shall be followed.

**Members of Staff Complaints**

A complaint relating to staff is to be submitted, in writing, to the Director or Chief Administrative Officer responsible for the employee.

The Director or Chief Administrative Officer may follow-up with the complainant to obtain any additional information. If the issue is resolved through discussion, written confirmation will be provided by the City and that records retained.

If the Complaint is not resolved, Complainants must receive an acknowledgement of receipt of their complaint and an assigned tracking number within three business days. This acknowledgement must identify who will be following up on the complaint as well as their contact information.

A final response or update must be sent to the complainant within 20 business days, barring exceptional circumstances. If the Complainant is satisfied, the complaint is closed.

If the Complainant is not satisfied with a decision made by a Director, it may be appealed to the CAO. No escalation to Council unless it is a service level complaint.

**External Third Party Investigator**

A Third Party Investigator may be retained by the Mayor or Chief Administrative Officer where it involves the Mayor, a member or members of Council, the Chief Administrative Officer or for other issues where it is determined that an internal investigation is not in the best interest of the City.

The Third Party Investigator will conduct a thorough investigation, interviewing all parties as necessary.

The Third Party Investigator will prepare a written report and submit it to the Chief Administrative Officer. For investigations related to members of Council or the Chief Administrative Officer, the written report will be submitted to the Mayor.

If the Complainant is satisfied, the complaint is closed. If the Complainant is not satisfied, the appeal process shall be followed.

**Compliance**

Council and Senior Management are responsible for implementation and ongoing compliance with the Corporate Complaints Handling Policy.

The CAO shall review corporate activity relating to this policy for compliance and report any non-compliance annually to Council.

**Appeal Process**

The department decision relating to service level complaints shall be communicated, in writing, to the Complainant and will include the next steps/appeal. If the complainant is not satisfied with the decision, they may appeal it, in writing, to the Chief Administrative Officer who will investigate and communicate a decision. If the complainant remains unsatisfied of a decision respecting level of service, they may appeal the Chief Administrative Officer’s decision to Council.

Council shall deliberate the issue in closed session of a Regular Meeting and make a decision. If the Complainant is satisfied, the complaint is closed. If the Complainant is not satisfied, they may appeal to the Provincial Ombudsman.

**Legislative and Administrative Authorities**

Bill 8, the Public Sector and MPP Accountability and Transparency Act

Municipal Freedom of Information and Protection of Privacy Act (MFIPPA).

Complaint Records shall be retained in accordance with the City Records Retention

By-law and records containing personal information shall be protected in accordance with the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA).

**Revision History:**

Proposed Date of Review:

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| **Revision** | **Date** | **Description of Changes** | **Requested By** |
| 0.0 | 01/20/2021 | Updated Policy Template |  |
| 1.0 | April 20, 2021 | Updated Policy Number | Council |