



**THE CORPORATION
OF THE
TOWNSHIP OF MCGARRY**

**2022
COMPLAINT POLICY**

Policy Statement:

This policy is intended to enable the Township of McGarry to promptly and effectively address 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 services.

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:

Complaints:

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 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 complaint 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 a Committee of Council; or,
- Internal employee complaints;
- Matters that are handled by tribunals, courts of law, quasi-judicial boards;
- Criticisms or anonymous complaints;
- A decision of Council or of a Committee;
- Closed Meeting Investigations, or complaints about members of Council.

Formal Complaint is generated when an informal resolution cannot be successfully achieved. This will result in a file being created, an investigation ensuing, and a decision being issued.

Staff is defined as an employee of the Township of McGarry or any of its agents, consultants and / or contractors.

Unreasonable and Vexatious Requests will be addressed in accordance with By-Law 2021-05 Expected Code of Conduct.

Complaints are taken very seriously. While it is recognized that not every complaint may be resolved, it is important that every complaint is addressed.

It shall be understood that a complaint 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-Treasurer marked "Confidential" to the Municipal Office. By doing so, the Clerk-Treasurer will ensure compliance with Legislation and Policies. The Clerk-Treasurer 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 Employees(s) directly involved with the issues where appropriate.

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.

Clerk-Treasurer Role:

Complaints and enforcement shall be exercised at the Clerk-Treasurer discretion and in the best interest of the Municipality, while following Legislation and Policy. This shall include the granting of extensions, if deemed necessary. All complaints received will be followed through by the Clerk-Treasurer to ensure compliance with the Complaint Policy.

If a complaint letter/email is addressed to Council, the Clerk-Treasurer will circulate a copy to the appropriate Department Head for resolution. At the discretion of the Clerk-Treasurer, if resolution is not obtained, then a copy of the letter/email may be circulated by the Clerk-Treasurer to Council in a closed session agenda for information purposes only.

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

Anyone including but not limited to the Township of McGarry citizens can lodge a complaint.

Anonymous complaints will not be accepted or investigated.

ROCEDURES:

1. SUBMIT THE COMPLAINT

Where frontline resolution cannot be achieved, complaints shall be submitted to the Clerk-Treasurer or designate, Complaint Form – Schedule A. All information must be completed in writing. The Complaint form must be signed and dated.

Complaints may be submitted by:

Mail – 27 Webster Street
P.O. Box 99
Virginiatown, Ontario
P0K 1X0

Email: kpelletier@mcgarry.ca

On the website: www.mcgarry.ca

Subject line: Complaint

In Person – See the Municipal Clerk-Treasurer, please call prior to arrival.

What should be included in the complaint:

- The specific details of what happened;
- Where did it occur (if applicable);
- Date of occurrence including the time, day, month and year;
- Who was involved;
- Pictures;
- What outcome is being sought; and
- Contact details of the complainant.

2. RECEIPT AND ACKNOWLEDGEMENT

The Clerk-Treasurer shall log the complaint, date-stamp and forward a copy to the appropriate Department Head by email. Within (10) days the Clerk-Treasurer shall acknowledge in writing to the complainant that the complaint has been received.

Acknowledgement of Complaint – Schedule B

3. INVESTIGATION

a) Employee or a Department Head

If a complaint is made against an Employee or a Department Head, the Clerk-Treasurer or designate shall conduct the investigation and may consult with the municipal solicitor, or other qualified individual to investigate.

If a complaint is made against the Clerk-Treasurer, the Council or the Communication Committee (By-Law 2021-06) may investigate and may consult with the municipal solicitor, or other qualified individual to investigate.

The Clerk-Treasurer, Council or 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;
- Identify actions that may be taken to address the complaint or improve municipal operations; or,

b) Council Member (Mayor or Council Member)

Complaints made against a Council Member(s) shall be made with the Integrity Commissioner or with the Ontario Ombudsman to investigate.

4. RECORD

The Clerk-Treasurer 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.

5. PROCESS

- a) Clerk's Office receives the written complaint on the complaint form (Schedule A);
- b) Clerk's Office date stamps the complaint;
- c) Clerk-Treasurer logs the complaint;
- d) Clerk-Treasurer forwards the complaint to the appropriate Department Head if necessary;
- e) Clerk-Treasurer acknowledges receipt of the complaint (Schedule "B") within 10 business days;
- f) If the complaint is warranted, the Clerk-Treasurer and/or the Department Head will investigate;
- g) When a complaint is forwarded to a Department Head, the Department Head will investigate and will provide a written response to the Clerk-Treasurer outlining the results of the investigation;

- h) Clerk-Treasurer and Department Head will make a decision;
- i) Clerk-Treasurer notifies the complainant of the outcome within 30 days of filing the complaint. If the Clerk-Treasurer or Department Head is unable to provide a response within 30 days, the complainant will be notified of the delay and will be provided an estimate of when a response will be provided.
- j) File a copy of the decision

6. PRIVACY

The Township of McGarry employees will adhere to all applicable legislation regarding privacy in accordance with the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA). All complaint records will be kept securely and in accordance with legislative responsibilities. Personal information on the complaint is treated as confidential to protect the privacy of the Complainant; however, the Complainant should be aware that certain circumstances may indirectly identify them during an investigation.

7. APPEAL PROCESS

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

NON-COMPLIANCE

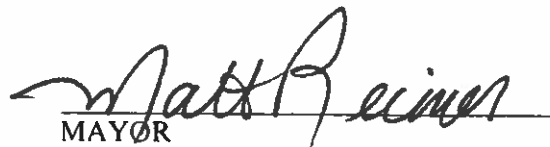
Non-compliance with this complaint policy may result in the complaint being filed with the Ontario Ombudsman.

APPENDIXES

Complaint Form – Schedule “A”

Acknowledgement of Complaint – Schedule “B”

Passed on July 28th, 2022, in open Council Meeting


MAYOR


CLERK-TREASURER

SCHEDULE "B"



ACKNOWLEDGEMENT OF COMPLAINT

Date:

Name:

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 OF 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: 705-634-2145, Ext 223 or by email at kpelletier@mcgarry.ca

Regards,

Clerk-Treasurer