

The Corporation of the City of Pembroke

By-law Number 2017-08

A by-law to adopt a Public Complaint Policy for the City of Pembroke

Whereas Council of the City of Pembroke deems it desirable to adopt a policy outlining the process for receipt, investigation and administration of complaints from members of the public regarding all municipal services and relevant municipal issues;

Now Therefore the Municipal Council of the Corporation of the City of Pembroke enacts as follows:

1. That the Complaint Policy attached hereto as Schedule "A" and forming part of this by-law is hereby adopted.
2. That this by-law shall come into force and take effect as of the final passing thereof.

**Passed and Enacted
This 7th Day of February 2017**

Michael LeMay
Mayor

Terry Lapierre
Chief Administrative Officer/Clerk



City of Pembroke – Public Complaint Policy

1. Title

This Policy may be cited as the “Municipal Complaint Policy” of the Municipality of the City of Pembroke.

2. Preamble

This policy is intended to enable the Municipality to promptly and effectively address program and service delivery concerns raised by members of the public in an approach where all complaints are dealt with fairly in a respectful, transparent manner, and as quickly as possible. 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 deliver issues where identified and warranted.

3. Statement of Organizational Commitment

In accordance with the City’s mission to provide an affordable, vibrant community which offers a level of services and amenities that supports a sustainable and healthy lifestyle, the Corporation of the City of Pembroke is committed to continuous organizational improvement in an environment where all complaints are dealt with in a fair, respectful and transparent manner.

4. Scope and Responsibility

This policy is **not** meant to address:

- Complaints about non-municipal services,
- Complaints regarding staff members that are employed by a service provider contracted by the municipality. Those employees are subject to the policies of that service provider.
- Issues addressed by legislation, or an existing Municipal by-law, policy or procedure. For example appeals to the ARB or OMB;
- A decision of Council or a decision of a Standing Committee of Council;
- Internal employee complaints; or
- Matters that are handled by tribunals, courts of law, quasi-judicial boards, etc.

Anonymous allegations or allegations made on behalf of an unidentified third party will not be entertained or investigated.

5. Definitions

“Complainant” means a member of the public, submitting a complaint regarding the Corporation of the City of Pembroke.

“Complaint” means an expression of dissatisfaction related to a municipal program, service, 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 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 customer with the aim of improving services, program, products or processes.

“Department Head” means a Manager/Department Head of a City of Pembroke Department

“Designated Officer” means the Municipal CAO/Clerk of the municipality

“Employee” means any paid employee, including, but not limited to, full-time, part-time, paid apprenticeships, and seasonal employees

“Municipality” means the Corporation of the City of Pembroke

6. Designated Officer

6.1 The CAO/Clerk is the Designated Officer for the overall implementation and enforcement of this policy

6.2 The CAO/Clerk may delegate the authority to investigate a complaint to a Department Head/Manager responsible for the service, where s/he deems appropriate

7. Frontline Resolution

7.1 It is the responsibility of the complainant to attempt to resolve concerns by dealing with the program, service, facility, or staff member(s) directly involved with the issue where appropriate.

7.2 It is the responsibility of all employees to attempt to resolve issues or concerns within their level of authority before they become complaints, and identify opportunities to improve municipal services where warranted.

8. Guiding Principles

8.1 The municipality will receive complaints with respect to a City program, service, facility, or staff member in a respectful and transparent way.

- 8.2 Any member of the public can submit a complaint, using the established procedure, and it will be reviewed in accordance with this policy.
- 8.3 The municipality will make every effort to resolve complaints received in a timely manner, using the established procedure.
- 8.4 The municipality will ensure that its complaint policy and procedure is accessible to the public by posting it on the City's website and having it available in the CAP/Clerk's Department
- 8.5 The municipality will ensure that all staff are aware of the complaints policy and procedure, provide staff training if required, and incorporate it as part of the new staff orientation process
- 8.6 All complaints will be treated in a confidential manner in order to protect the complainant's privacy in accordance with the Municipal Freedom of Information and Protection of Privacy Act, subject to the need to disclose information as may reasonably be necessary in order to properly investigate the matter. The municipality will also protect the privacy of any employee who is the subject of a complaint except when required in order to address the immediate complaint or address any labour relation issue(s) that may arise out of the aforementioned complaint.
- 8.7 The municipality will regularly monitor and review complaints to identify issues, trends, areas of concern and opportunities for improvement where warranted.

9. Procedure for Submitting a complaint

- 9.1 Where frontline resolution cannot be achieved, complaints should be submitted to the CAO/Clerk's Department, on the form attached as Appendix "A" and include:
 - a. The name, phone number, e-mail address, and mailing address of the individual submitting the complaint.
 - b. The nature of the complaint including the:
 - i. Specific details and background leading to the issue(s);
 - ii. Date(s), time(s), and locations(s) of any incident(s);
 - iii. Name and contact information of anyone involved;
 - iv. Name of any employee(s) previously contacted regarding the issue(s); and
 - c. Any action(s) being requested of the Municipality.
- 9.2 A complaint may be given verbally which are taken seriously, however they are not considered formal complaints. Written complaints shall be considered formal complaints.
- 9.3 Complaints must be filed within seven (7) days after the alleged event. These time limitations may be extended, when in the opinion of the CAO/Clerk, circumstances reasonably exist to justify the extension.

10. Procedure for receiving Verbal Complaints

- 10.1 Verbal complaints, in person or by telephone, will be forwarded to the department where the complainant has the issue.

- 10.2 Staff will record the details on the complaint using a tracking system to determine the appropriate action required.
- 10.3 Departments shall submit a list of the verbal complaints received each month to the CAO/Clerk
- 10.4 If the complainant is not satisfied with how their verbal complaint was resolved, staff will advise the complainant that they may submit a formal complaint in writing.

11. Procedure for receiving Written Complaints

- 11.1 Written complaints submitted to the municipality will be forwarded to the CAO/Clerk's Department
- 11.2 The CAO/Clerk's Department will log the complaint, assign a complaint number, and forward the complaint to the respective Manager/Department Head for investigation and a response
- 11.3 Within seven (7) business days of receipt of the complaint, the CAO/Clerk shall acknowledge to the complainant in writing that the complaint was received using the form attached as Appendix "B" and advise the complainant which Manager/Department Head has been designated to investigate and resolve the concern.

12. Investigation

- 12.1 A Department Head/Manager may not delegate the authority to investigate a complaint to an employee who is or may be named in the complaint.
- 12.2 If a complaint is made against a Department Head, the CAO/Clerk shall conduct the investigation.
 - a. If a complaint is made against the CAO/Clerk, 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.
- 12.3 The designated investigator shall review the issues identified by the complainant and in doing so may:
 - a. Review relevant municipal and provincial legislation;
 - b. Review the Municipality's relevant policies and procedures;
 - c. Review any existing file documents;
 - d. Interview employees or members of the public involved in the issue;
 - e. Identify actions that may be taken to address the complaint or improve municipal operations;
 - f. Take other actions the CAO/Clerk deems expedient to resolving the matter.
- 12.4 The CAO/Clerk may, at his/her discretion, notify Council of an open complaint investigation for information purposes.

13. Decision

- 13.1 Within twenty (20) business days of receipt of a complaint, the Department Head/Manager shall provide a response in writing to the complainant. The response shall include:

- a. Whether the complaint was substantiated,
 - b. If the complaint is not substantiated, provide reason(s) for their decision; and
 - c. Any actions the Municipality has or will take as a result of the complaint.
- 13.2 If the Department Head/Manager is unable to provide a response within twenty (20) business calendar days, they shall notify the complainant of the delay and provide an estimate of when a response will be provided.
- 13.3 The Department Head/Manager takes corrective action within his/her limit of authority and/or make recommendations for and advises CAO/Clerk when complaint is complete.

14. Appeal Process

- 14.1 Once the municipality has communicated its final decision to the complainant, there is no additional appeal process at the municipal level
- 14.2 Complainants shall be provided the contact information for the Ombudsman office and other options available to them in the event that they are dissatisfied with the process or outcome.

15. Monitoring, Tracking and Reporting

- 15.1 All complains will be recorded and tracked upon receipt.
- 15.2 All action, in writing or by telephone/voicemail, discussion and resolution of any matter will be included as part of this record.
- 15.3 If a municipal employee was the subject of the complaint, a copy of the record shall be retained in their personnel file. For confidentiality reasons any discipline of employees involved will not be divulged.
- 15.4 Complaint records will be needed for regular review and analysis to identify recurring issues and to improve customer service and satisfaction.
- 15.5 Semi-annually the CAO/Clerk shall provide a report to the Finance and Administration Committee outlining the complaints received and outcome.

16. General

- 16.1 Forms of correspondence and notices included herein may be amended and adapted as appropriate.
- 16.2 The CAO/Clerk shall maintain a file of the complaint in compliance with the Municipality's records management policy.
- 16.3 Communications with a complainant **shall not** provide details of disciplinary measures imposed on any employee.
- 16.4 All notes and correspondence shall be dated and identified by author.
- 16.5 When the complaint has been resolved, the respective Manager will notify the CAO/Clerk's Department who will archive the complaint records.

Process

CAO/Clerks Department

- Receive written complaint
- Log complaint & assign a Complaint Number
- Forward to appropriate Department Head/Manager for investigation resolution
- Acknowledge receipt to complainant within 7 days



Department Head/Manager

- Investigate the complaint
- Make a decision
- Notify the complainant of the outcome within 20 business days of the filing of the complaint
- Take corrective action and/or make recommendations for, or modify current policies and procedures
- Advise CAO/Clerk when complaint is complete
- File a copy of the decision with the CAO/Clerk



CAO/Clerks Department

- File a copy of the decision
- Report to Finance and Administration Committee semi-annually

Appendix "A"
City of Pembroke Complaint Form

The Corporation of the City of Pembroke is committed to continuous organizational improvement in an environment where all complaints are dealt with fairly in a respectful, transparent fashion. Complaints must be made in writing within seven (7) days after the alleged event.

Please provide us with your contact information.

First Name:

Last Name:

Address Number & Street Name:

City:

Postal Code:

Home Phone Number:

Cell Phone Number:

Email Address:

What is your complaint: Please include relevant date(s), location, and background information, including municipal employees you have contacted regarding this matter. Additional space is available on the back of this form. Additional information, such as relevant photographs, can be attached to this form.

How could the situation be improved?

Thank you for taking the time to explain your concern. We will provide a response to your concern within thirty (30) calendar days of receiving your complaint. If you have any questions about the process, please contact the CAO/Clerk at 613-735-6821.

Additional Information:

Please return your completed form to:

CAO/Clerk's Department, City of Pembroke
1 Pembroke Street East, Pembroke, ON K8A 3J5

Telephone: 613-735-6821

Fax: 613-735-3660

Email: pembroke@pembroke.ca

Or Online at the City's website – click the [Feedback button](#)

For Office Use Only

Complaint #

Received by:

Date:

Forwarded to:

Date:

Acknowledgement Letter Sent

Date:

Staff Name:

Complaint forwarded to (staff name):

Date Forwarded:

Decision on Complaint (Action Taken):

Final Response Letter Sent

Date:

Staff Name:

Copies Filed with CAO/Clerk

Initial Complaint

Acknowledgement Letter

Additional Correspondence

Final Decision Letter

Note: Personal Information on this form is being collected under the authority of the *Freedom of Information and Protection of Privacy Act* R.S.O. c.F. 31, s. 39(2) for the purposes of improving customer services. Questions about collection of personal information may be directed by mail to the address above.

Appendix “B”

Date

Name

Address

Dear Mr./Ms./Mrs. :

Thank you for taking the time to express your concerns regarding . Your written complaint was received by the City of Pembroke on .

As the complaint involves the , your complaint has been forwarded to who will provide a response to you within twenty (20) calendar days of receiving your complaint.

If you have any questions regarding the process, please do not hesitate to contact the Clerk’s Office at 613-735-6821 ext. 1330 or myself Terry Lapierre, CAO/Clerk at 613-735-6821 ext. 1390 or tlapierre@pembroke.ca.

Sincerely,

CAO/Clerk Name

Title