

The Chief Administrative Officer (CAO), Clerk and/or Council shall be consulted only as deemed appropriate by the Department Head or depending on the nature of the complaint. This policy does not include complaints by employees. Please refer to Appendix “I-Organizational Chart” (*attached*) of the Policy Manual to follow the appropriate course of action with respect to initiating a complaint.

3. DEFINITIONS

“Anonymous complaint” means an expression of dissatisfaction relating to the Municipality’s programs, services, facilities and employees and/or by-law complaints that does not contain the complainants name and contact information.

“Complaint” means an expression of dissatisfaction relating to the Municipality’s programs, services, facilities, employees and/or by-law complaints. A complaint is different from a request for service, enquiry, feedback, compliment, or suggestion.

“Complainant” means the person who is dissatisfied and filing a complaint. A third party, which could include a member of Council, could report a complaint on behalf of the complainant with their consent.

“Compliment” means an expression of appreciation relating to the Municipality’s programs, services, facilities and employees. This type of communication does not require a response.

“Inquiry” means a general or specific request for information relating to the Municipality’s programs, services, facilities and employees.

“Feedback” or **“Suggestion”** means an opinion, comment or expression of interest relating to the Municipality’s programs, services, facilities and employees or an idea submitted to the Municipality with the aim of improving programs, services or facilities. This type of communication does not require a response.

“Investigator” means the employee(s) assigned to investigate a specific complaint.

“Officer” means a Municipal By-law Enforcement Officer, a Building Inspector, a Property Standards Officer, a Chief Building Official or anyone appointed by the Municipality of Killarney to enforce the provisions of the applicable by-law.

“Request for Service” means a request made by a member of the public for a specific service provided by the Municipality. For example, a request for service may include but is not limited to a request to repair/maintain a street surface, report an issue relating to municipal services, or report damage to a facility or park. This type of communication does not require a response.

“Frivolous or Vexatious Complaint” means the complaint is initiated with malicious intent or is part of a pattern of conduct by the Complainant that amounts to an abuse of the complaint process. For greater clarity “frivolous” and “vexatious” means lacking basis or merit; a matter that has little prospect of success; no serious purpose or value; without reasonable or probable

cause or excuse; harassing; annoying; retaliatory or repetitive; instituted maliciously or on the basis of improper motives; intended to embarrass, harass or to be a nuisance.

4. RESPONSIBILITIES

Employees are responsible to ensure that they have knowledge of and understand the Municipality's requirement to receive and track complaints, the process through which a complaint can be made and the service standards that apply to complaints. They are also responsible for receiving, tracking and responding to complaints as deemed appropriate or required by their position.

Department Heads and Managers are responsible to ensure that all employees within their department are aware of and understand this Policy and for facilitating a prompt response to all complaints to ensure that service standards are achieved.

Department Heads, Managers, Chief Administrative Officer, Municipal Law Enforcement Officer and Clerk are responsible for investigating complaints in accordance with this Policy.

Any dispute from the public regarding any provision of this policy shall be referred to the Chief Administrative Officer/Clerk, who shall be responsible for clarifying and resolving any ambiguity which may exist within this policy.

As per By-Law No. 2019-12 – Being a By-Law to Authorize the Adoption of a Council Code of Conduct:

6.7.2 Operational inquiries and complaints received from the public shall be addressed by Council Members as follows:

- a) Council members who are approached by the public with inquiries/complaints regarding operational matters should encourage the party to contact the appropriate department for review/resolution;
- b) where the member of the public is reluctant to contact the department directly, the Council member should take the person's name, phone number and details of the inquiry/complaint and advise them that the matter will be referred to the CAO/Clerk for review/resolution;
- c) members of the public should be encouraged to provide their issues/matters of concern in writing to the appropriate department;
- d) where the inquiry/complaint is not resolved to the satisfaction of the member of the public, the Council member shall refer the member of the public to the Municipality's complaint policy for any further action, or place the matter on an agenda to be dealt with by Council or the appropriate Committee.

The municipality will make every effort to resolve complaints received in a timely, courteous, impartial and professional manner.

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

5. PROCEDURE

5.1 General

A complainant may file a complaint in the following ways:

- in person at the Municipal Office
- by Mail to:
Municipality of Killarney
32 Commissioner Street
Killarney, ON
P0M 2A0;
- by email at inquiries@municipalityofkillarney.ca;
- by fax at 705-287-2660; or
- by phone at 705-287-2424
 - Verbal complaints received by phone must be documented in writing by the staff member receiving the complaint, must include the same information that is required for complaints submitted in writing and the complaint must indicate that the complainant has given their consent for a third party to lodge their complaint.

Complaints regarding by-law violations will be investigated and processed in accordance with the provisions of the applicable legislation and by the applicable Officer.

All Complaints must be filed as soon as possible following the occurrence of the incident, or upon identification of the issue.

A Complaint shall include the following information:

- Contact information of the complainant;
- Date and time of occurrence;
- Specific details to be considered in the investigation;
- Details of, where it occurred, and who was involved (if applicable); and
- Signature and date.

Complaints lacking sufficient information may not be investigated. Frivolous or Vexatious complaints, as determined by the Clerk or designate in consultation with the appropriate Department Head, may not be investigated. Anonymous complaints are difficult, if not impossible, to assess or investigate and will not be dealt with through the complaint handling process.

All complaints are to be entered into the appropriate tracking system.

Once a complaint is received, staff will document the complaint and the complaint will be forwarded to the appropriate department for investigation and action. The complaint will be copied and kept in a confidential binder for tracking purposes and in a secure place in the

municipal office. Within 5 (five) business days of receipt of the complaint, an acknowledgement will be provided to the complainant either in person at the point of service by the staff member receiving it, by phone or in writing (via e-mail or mail). The acknowledgement will identify who will be assigned to investigate and follow up on the complaint and the investigator will provide the complainant with their contact information.

The Investigator assigned to the complaint shall review the issues identified by the Complainant and in doing so may review relevant municipal and provincial legislation, relevant municipal policies and procedures, interview employees or persons external to the municipality, review file documents, identify actions that may be taken to address the complaint or improve municipal operations.

Within thirty (30) business days of receipt of a complaint, the Investigator shall provide a response in writing to the Complainant and will include:

- whether the complaint was validated;
- if the complaint is not validated, provide reason(s) for their decision; and
- any actions the Municipality has or will take as a result of the complaint.

If a resolution is unable to be provided within thirty (30) business days, the complainant shall be notified of the delay and an estimate of when a response will be provided.

Complaints that can be resolved quickly or easily may combine the acknowledgement and final response within the five (5) business days' time period.

Once the Municipality has communicated the decision to the complainant, there is no appeal process at the municipal level. Complainants that are dissatisfied with the outcome or process may submit a complaint to the Office of the Ombudsman at www.ombudsman.on.ca. The Ontario Ombudsman has authority to look at how the issue was handled at the local level, the steps taken, and the outcome. The Ombudsman has authority to consider whether the process was fair, transparent, and in accordance with the applicable policies and by-laws of the municipality.

Confidentiality

All complaints will be dealt with in a confidential manner according to the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA) as amended. Information will be collected, used and disclosed in accordance with the MFIPPA rules. 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 details of the complaint confidential except as may be required by law.

Complaints received by one department are to be limited to that specific department unless the complaint involves more than one department.

Attachment

Complaint Form



The Corporation of the Municipality of Killarney
 32 Commissioner Street
 Killarney, Ontario POM 2A0
 Tel: 705-287-2424 Fax: 705-287-2660

COMMENT/COMPLAINT FORM

Complaint by:

Date:

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 Time:

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 Occur. No

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Year Month Day

Name:

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Address:

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City:

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Postal Code:

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Home Telephone No./Cell phone No.

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Email Address:

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Received by:

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Method Received:

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Concerning:

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Location of Concern:

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Results of Investigation:

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Department:		Forwarded to (if applicable):	
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Complaint entered into CGIS (if applicable): Yes No

Outcome/Action Completed By:		Title:		Initialed by Department Head	
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Notice of Collection: The information provided on this form will be used to investigate the complaint or injury and may be used for contact purposes. Questions about this collection can be directed to the CAO/Clerk, 32 Commissioner St, Killarney, Ontario, POM 2A0 or by telephone at 705-287-2424. While investigating your complaint, in accordance with the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), the Municipality of Killarney will only disclose your personal information to staff who require the information to perform the investigation and will not be shared with the person who is the subject of your complaint (if applicable). Your personal information will not be shared with anyone else unless you provide written consent for such sharing or where the Municipality is compelled to do so.