

CORPORATION OF THE TOWNSHIP OF HORTON

BY-LAW NO. 2017-17

**Being a By-Law to Adopt a Complaint Policy  
for the Corporation of the Township of Horton**

**WHEREAS** Section 8(1) of the Municipal Act, S.O. 2001, as amended, states that the powers of a Township under this or any other Act shall be interpreted broadly so as to confer broad authority on a Township to enable it to govern its affairs as it consider appropriate and to enhance the Township's ability to respond to municipal issues;

**AND WHEREAS** Section 11(2) 2 of the Municipal Act, S.O. 2001, as amended, states that a lower-tier Township may pass by-laws, respecting accountability and transparency of the Township and its operations and of its local boards and their operations;

**AND WHEREAS** on January 1, 2016 the Ombudsman Act, R.S.O. 1990, c. O.6 was amended to allow the Ontario Ombudsman to investigate general complaints about the province's 444 municipalities in addition to complaints about closed municipal meetings, which were added to the Ombudsman's jurisdiction in 2008;

**AND WHEREAS** the Council of the Corporation of the Township of Horton deems it expedient to establish a Complaint Process Policy to ensure accountability and transparency when addressing citizen complaints through the appropriate policies, procedures and local complaint mechanisms.

**NOW THEREFORE BE IT RESOLVED THAT** the Council of the Corporation of the Township of Horton hereby enacts as follows:

1. **THAT** the Complaint Process Policy, attached as Schedule A and Schedule B to this by-law is hereby adopted as an official policy document of the Corporation of the Township of Horton
2. **THAT** Schedule A and Schedule B attached hereto shall be read with and form part of this by-law.
3. **THAT** this by-law may be referred to as the "Complaint Process Policy"
4. **THAT** this By-Law will come into force and effect upon the date of passing.

Read a First and Second Time this 21st day of March, 2017

Read a Third Time and finally passed this 21<sup>st</sup> day of March, 2017

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MAYOR Robert Kingsbury

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CAO/Clerk Suzanne Klatt

## CORPORATION OF THE TOWNSHIP OF HORTON

### Schedule "A"

#### Complaint Process Policy

##### PURPOSE

This policy is intended to enable the Township of Horton to promptly and effectively address program and service delivery concerns raised by members of the public. The policy will assist the Township in providing excellent service to the public, and contribute to continuous improvement of operations. The Township strives to reduce customer dissatisfaction by:

1. Providing a timely and accurate response to complaints; and,
2. Using complaints as an opportunity to improve program and service delivery issues.

A complaint is distinct from:

- a request for service made on behalf of a citizen for a specific service, or to notify the Township that a scheduled service was not provided on time.
- a general inquiry 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, programs, products or processes.

The policy is not for complaints:

- regarding staff members that are employed by a service provider contracted by the Township 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; or,
- internal employee complaints
- matters that are handled by tribunals, courts of law, quasi-judicial boards, etc.

##### DEFINITIONS

- a. "Complainant" means the individual filing the complaint with the Township;
- b. "Complaint" means an issue or concern raised with a municipal program, service, or operation that is not resolved to the complainant's satisfaction at the point of service delivery and for which the complainant submits their concerns to the Township in accordance with this policy;

- c. "Council" means the Council of the Township of Horton;
- d. "Employee" means the employee of the Township;
- e. "Township" means the Township of the Township of Horton;
- f. "Ombudsman" means the Ontario Office of the Ombudsman;

#### FRONTLINE RESOLUTION

It is the responsibility of the complainant to attempt to resolve concerns by dealing with Township employee(s) 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.

#### PROCESS FOR FILING A COMPLAINT

Where frontline resolution cannot be achieved, complaints should be submitted to the CAO/Clerk or designate in writing and include:

- a. The name, phone number and mailing address of the individual submitting the complaint.
- b. The nature of the complaint including the:
  - i. Background leading to the issue(s);
  - ii. Date(s), time(s), and location(s) of any incident(s); and,
  - iii. Identify the type of incident
  - iv. Name(s) of any employee(s) previously contacted regarding the issue(s)
- c. Any action(s) being requested of the Township.

#### Receipt and Acknowledgement

The CAO/Clerk shall log the complaint and forward a copy to the Department Head or designate. Within seven (7) business days of receipt of the complaint, the CAO/Clerk shall acknowledge to the complainant in writing that the complaint has been received.

#### Investigation

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/Clerk or designate shall conduct the investigation.

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 arms-length from the Township, 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 Township'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; or,
- The Department Head may, at their discretion, notify Council of an open complaint investigation for information purposes.

#### Decision

Within thirty (30) calendar days of receipt of a complaint, 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 Township 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/Clerk. The CAO/Clerk shall maintain a file of the complaint in accordance with the Township'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.

#### Reporting

The CAO/Clerk shall provide a report to the General Government Committee on an annual basis outlining the complaints received and the outcome achieved.

#### APPEAL PROCESS

Once the Township 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 for investigation.

#### REVIEW CYCLE

This policy shall be reviewed every term of Council.

## PROCESS

### CAO/CLERK:

- receives written complaint
- logs complaint
- forwards to appropriate department head
- acknowledges receipt to complainant within 7 days

### DEPARTMENT HEAD/MAYOR:

- investigate the complaint
- make a decision
- notify the complainant of the outcome within 30 days of the filing of the complaint
- file a copy of the decision with the CAO/Clerk

### CAO/CLERK :

- file a copy of the decision
- report to budget finance and human resources committee annually

CORPORATION OF THE TOWNSHIP OF HORTON

Schedule "B"