

THE CORPORATION OF THE MUNICIPALITY OF CALVIN

BY-LAW NO. 2020-024

**BEING A BY-LAW TO ADOPT A POLICY FOR THE PROCESS OF RECEIVING AND RESPONDING TO FORMAL PUBLIC COMPLAINTS REGARDING ADMINISTRATIVE ACTIONS AND FUNCTIONS OF THE MUNICIPALITY.**

WHEREAS Sections 8, 9 and 10 of the Municipal Act, 2001 authorize the Municipality of Calvin to pass by-laws necessary or desirable for municipal purposes, and in particular, paragraphs 2, 6 and 7 of subsection 10(2) authorize by-laws respecting the accountability and transparency of the municipality and its operations and of its local boards and their operations; the health, safety and well-being of persons within the municipality; and services and things that the municipality is authorized to provide.

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF CALVIN HEREBY ENACTS AS FOLLOWS:**

1. That the Municipality of Calvin Municipal Formal Complaint Policy for the process of receiving and responding to formal complaints from members of the public regarding administrative actions and functions of the Municipality of Calvin, for example – programs, facilities, services, staff and operational procedures, be hereto attached as Schedule “A”.

And

2. That this by-law shall come into full force and effect immediately upon final passing of same.

Read a first time this 27th day of October 2020.

Read a second time this 27th day of October 2020.

Read a third time and finally passed in open council this 12th day of January 2021.



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**MAYOR**

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**CLERK-TREASURER**



## Municipal Formal Complaint Policy

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### 1. POLICY STATEMENT AND RATIONALE

The Municipality of Calvin is committed to a fair and uniform process for responding to complaints received from members of the public regarding programs, facilities, Municipal services, staff or operational procedures. This Policy outlines the process to be followed for the filing of, and handling of formal public complaints.

The Municipality of Calvin recognizes the importance of public input and recognizes formal complaints as a valuable form of feedback. This Policy will assist the Municipality in continuing to provide excellent service to the public and will contribute to the continuous improvement of operations.

### 2. SCOPE

This Policy applies to formal complaints received from members of the public regarding administrative actions and functions of the Municipality of Calvin (i.e. programs, facilities, services, staff, operational procedures etc.), if they cannot be effectively remedied through the respective department head by means of an informal complaint or request for service.

Members of the public are encouraged to seek informal resolution as the fastest way of dealing with issues, by contacting the appropriate Department Manager via the Municipal website at <http://calvintownship.ca/contact-us/>.

This policy has been put in place to assist members of the public with a transparent process for lodging a formal complaint regarding an unresolved municipal operational issue. As well, this Policy will provide staff with guidance on the appropriate process to recognize, investigate and respond to formal complaints from members of the public. The Municipality of Calvin will deal with all formal written complaints promptly, courteously, impartially and professionally. All such complaints will be treated with respect and will not receive adverse treatment or any form of reprisal.

As part of the complaint process, all written complaints filed with the Municipality of Calvin, via the form attached, will receive a response, usually within ten working days.

### 3. EXCLUSIONS

This complaint policy will not be used to address the following issues:

- Inquiries
- Requests for service
- Feedback
- Compliments
- Requests for accommodation
- Issues addressed by legislation, or an existing Municipal By-law, policy or procedure (i.e. By-law Enforcement Complaints)
- A decision of Council or of a Committee of Council
- Internal employee complaints
- Complaints about Members of Council (See Code of Conduct Policy for Members of Council and Local Boards)
- Matters that are handled by tribunal, courts of law, quasi-judicial boards etc.

### 4. DEFINITIONS

**Complaint** – an expression of dissatisfaction related to the Municipality of Calvin's programs, facilities, services, Municipal employee or operational procedures, where it is believed that the Municipality has not provided an experience to the customer's satisfaction at the point of service delivery, and a response or resolution is explicitly or implicitly expected.

**Complainant** – The person who is dissatisfied and is filing the complaint. Anyone who uses or is affected by Municipal services can make a complaint.

### 5. TYPES OF COMPLAINTS

#### **Informal Complaints**

It is encouraged that individuals and Municipal staff work to resolve issues or concerns in order that they do not become formal complaints. Informal complaints may be made in person, by phone, letter, email or fax and can be dealt with through direct management action.

It is the responsibility of Municipal staff to attempt to resolve issues or concerns before they become formal complaints and identify opportunities to improve Municipal services.

#### **Formal Complaints**

A formal complaint is generated when an informal resolution cannot be successfully achieved. This will result in a file being generated, an investigation, and a decision.

## **6. FORMAL COMPLAINT PROCEDURE**

### **1. Filing a complaint**

Where resolution cannot be achieved, complaints should be submitted to the Clerk-Treasurer. The complainant must fill out a complaint form, attached as Schedule "A" to this Policy, and shall include the following information:

- Name and contact details of the complainant (mailing address, telephone number, and email address);
- Type of complaint being submitted;
- Summary of the complaint, including details, location, Municipal employee(s) involved, enclosures;
- Name and contact information of any witnesses;
- Any efforts undertaken (if any) to resolve the concern/issue;
- Type of resolution being sought, and/or suggestions for improvements; and
- Complainant's signature and date the complaint is being submitted.

### **2. Upon Receipt of the Complaint**

The Clerk-Treasurer or designate shall acknowledge receipt of the complaint within 3 days of receipt of the complaint.

The Clerk-Treasurer 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 complaint;
- e) Identify actions that may be taken to address the complaint or improve Municipal operations; or
- f) Take other action he/she deems expedient to resolving the matter.

At the discretion of the Clerk-Treasurer, the complaint and the nature thereof may be referred to Council.

If a complaint is made against the Clerk-Treasurer, the complaint shall be submitted to the Mayor of the Municipality. As part of the investigation, the Mayor may consult with senior staff and legal counsel.

### **3. Decision**

A final response, where possible, from the Clerk-Treasurer (or Mayor as per above) shall be sent to the complainant within 15 business days, barring

exceptional circumstances. If it cannot be answered in this time frame, the complainant will be so notified with an explanation. The response shall include:

- a) Whether the complaint was substantiated; or
- b) If the complaint is not substantiated, the Clerk-Treasurer shall provide reason for the decision; and
- c) Any actions the Municipality has or will take as a result of the complaint.

Written records will be kept with respect to details and actions for each formal complaint.

## **7. APPEALS**

Once the Municipality has communicated the decision, there is no appeal process at the municipal level.

In the event a complaint is not resolved through the Municipality's complaint process to the satisfaction of the complainant, it may be submitted to the Office of the Ombudsman of Ontario:

Mail to: 483 Bay Street  
10th Floor, South Tower  
Toronto, ON M5G 2C9

Online: [www.ombudsman.on.ca](http://www.ombudsman.on.ca)  
Phone: 1-800-263-1830  
Fax: 416-586-3485

## **8. FRIVOLOUS AND/OR VEXATIOUS COMPLAINTS**

A complaint may be considered vexatious or frivolous if it is pursued in a manner that is reasonably perceived by the Clerk-Treasurer to be (a) malicious, (b) intended to embarrass or harass, or (c) intended solely to be a nuisance.

Where the complaint is considered vexatious and/or frivolous, or there appears to be a pattern of vexatious and/or frivolous complaints, the Clerk-Treasurer may deem the file closed but will still be included in the report to Council.

## **9. PRIVACY**

The Municipality of Calvin's employees will adhere to all applicable legislation regarding privacy in accordance with the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA).

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 directly or indirectly identify him/her during an investigation.

All records relating to the complaint shall be maintained in accordance with the

Municipality's record retention schedule.

## **10. REPORTING**

Reports will be provided to Members of Council on a quarterly basis (April, July, October & December) indicating the number of complaints received during the previous quarter, the number of complaints per department and brief description of the nature of the complaints, the number of complaints meeting service standards, the number of complaints not meeting service standards and the number of complaints outstanding.

Council can review this information and make appropriate adjustments or changes to the level of service or service itself.

Members of the Public can request information regarding the complaints at any time under the confines of MFIPPA and Section 253 of the Municipal Act.

## **11. ACCESSIBILITY REQUIREMENTS**

Assistance will be provided to anyone who requests it as per the Municipality of Calvin Accessibility Standards for Customer Service Policy. Different options can also be made available for those who are unable to fill out a formal complaint form. Please contact the Municipal Office for further details.

## Process

### **Clerks Department:**

- Receives written complaint
- Logs complaint
- Forwards to appropriate Department Head
- Acknowledges receipt to complainant within three (3) days



### **Department Head/Clerk-Treasurer/Mayor:**

- Investigate the complaint
- Make a decision
- Notify the complainant of the outcome within fifteen (15) days of the date of the acknowledgement letter
- File a copy of the decision with the Clerk



### **Clerks Department:**

- File a copy of the decision
- Report to Council quarterly



Schedule "A"  
Municipality of Calvin  
Municipal Complaint Form

**COMPLAINANT CONTACT DETAILS**

First Name	Last Name
Municipal Civic Address/Property Location	Phone Number
Mailing Address	
Email Address	

**COMPLAINT TYPE**

- |  |   |
|--|---|
| <input type="checkbox"/> Access to Services      | <input type="checkbox"/> Programs               |
| <input type="checkbox"/> Facilities              | <input type="checkbox"/> Staff Conduct          |
| <input type="checkbox"/> Processes or Procedures | <input type="checkbox"/> Timeliness of Services |
| <input type="checkbox"/> Other                   |   |

**SUMMARY OF COMPLAINT**

Please outline details of your complaint below, including relevant dates, times, location and background information (which should include municipal employees you have contacted to resolve the complaint, witnesses to the incident, photographs etc.) Be as detailed as possible. Attach a separate page where necessary.

Details
Service area/location of problem
Staff persons involved (if known and applicable)
List of enclosures (include copies of any documentation in support of the complaint)

**RESOLVE**

How do you suggest the situation be improved or the complaint be resolved?
Complainant's signature
Date complaint submitted (mm/dd/yyyy)

**SIGN OFF**

**OFFICE USE ONLY**

Date received:	File No:
Acknowledge receipt of the complaint:	
Investigation Notes:	
Final Response to Complaint:	
Date sent:	