

210 Complaint Handling Policy

POLICY

The City of North Vancouver expects all employees to adhere to our core corporate values of behavioural excellence, service excellence, leadership, accountability, communication, value, and teamwork. Where there is an honest belief based on reasonable grounds that a decision made or action taken by an employee(s) requires investigation, and where there are no other avenues of redress available, this *Complaint Handling Policy* and the related *Complaint Handling Policy Guidelines*, is a mechanism that has been established to provide for review of such decisions or actions.

This policy is an important part of the City's quality assurance to ensure the provision of excellent service to the public, and a fair process for the investigation of concerns regarding decisions made or actions taken.

A complaint may be pursued via this policy by any individual, whether an employee of the City of North Vancouver or otherwise, who has an honest belief based on reasonable grounds that there has been a decision made or action taken by a City of North Vancouver employee that requires investigation where the matter falls within the scope of this policy.

SCOPE

It is not intended that this policy and related guidelines be a further or alternative vehicle to address matters that already offer review processes. As examples, excluded from this policy are:

- Those functions for which there is either a statutorily prescribed process, or prohibition to local review of the decision, such as the Board of Variance and Subdivision Approving Officer authority;
- Those functions that are outside the jurisdiction of local government;
- RCMP policing matters;
- Criminal matters;
- Issues that can be or are raised through grievance procedures under collective agreements;
- Issues governed by legislation such as *Workers' Compensation Act*, *BC Human Rights Code*, *Labour Relations Code*, *Employment Standards Act*, *Freedom of Information and Protection of Privacy Act*, *Library Act*, etc.;
- Actions of Boards, Committees and Commissions; and
- Actions of employees and organizations that receive funds from but are not governed by the City of North Vancouver.

This policy shall not apply where legal action against the City or a City official has been threatened or commenced respecting the exercise of an authority.

GUIDELINES

The *Complaint Handling Policy Guidelines* provide direction regarding the handling of the complaint initiation, investigation and reporting process.

These Guidelines supplement the *Complaint Handling Policy*. Sections in these Guidelines include the following:

- A) Time Limit for Filing a Complaint
- B) Filing of a Complaint
 - 1. Informal Complaint
 - 2. Formal Complaint
 - i. Written submission
 - ii. Level One Review
 - iii. Level Two Review
- C) Appeals (Council Review)
 - 1. Preconditions
 - 2. Council Review Process
- D) Confidentiality
- E) Employee Responsibility
- F) Investigation Protocol – City Property
- G) Employee Protection
- H) Bad Faith, Frivolous, Reckless, Malicious or Vexatious Complaints
- I) Record Keeping
- J) Policy Review

A) Time Limit for Filing a Complaint

A complaint must be commenced (whether the formal or informal process is first initiated) within six (6) months of the day the decision was made or the action was taken.

If a request is received to file a complaint beyond the six (6) month time frame, the matter can be considered if in the public interest and if prejudice will not result (to any person or the City) because of the delay. The City Manager will make this decision (or City Council, if the complaint involves the City Manager).

B) Filing of a Complaint

Complainants are encouraged to seek review of their complaint first via the Informal Complaint process as outlined below. If the matter is not resolved through the Informal Complaint process, then the Formal Complaint process is also available to the complainant. A complainant may also choose to proceed directly to the Formal Complaint process.

Where the complaint involves a decision made or action taken by the City Manager, the complaint is to be filed with City Council and the process as outlined in Section C (2) will be followed by City Council.

Where in this policy an individual(s) is designated to fulfill specific responsibilities, that individual(s) may delegate those responsibilities.

1) Informal Complaint

Where a complainant wishes to make a complaint about a decision made or action taken by a City employee, the complainant is encouraged to attempt to resolve the matter with the employee who made the decision or was responsible for the action.

If the complainant is not comfortable with dealing directly with the employee or feels that it is not appropriate given the subject of the complaint, then the complainant is to address their complaint with the exempt manager of the employee(s) who made the decision or took the action. The exempt manager will conduct a review and will make a decision regarding the matter.

If the complainant is not satisfied with the outcome and wishes to pursue the complaint further, he/she is to request that the exempt manager's Department Director review the matter and make a determination

If the complainant is still not satisfied with the outcome, he/she has the option of filing a formal complaint by following the process outlined below.

2) Formal Complaint

i) Written Submission

A Formal Complaint is to be addressed to the City Manager. It must be made in writing and include details regarding:

- the nature of the complaint;
- the name of the employee(s) who made the decision or took the action;
- the complainant's name, address, and telephone number;
- any other relevant details such as names of witnesses;
- supporting documentation where relevant.

A Formal Complaint must be signed by the complainant.

In circumstances where the complainant has difficulty with written communication, at the discretion of the City Manager, the complainant will be given the option of submitting concerns in person, by telephone, or some combination of these as applicable. He/she will be required to sign the transcription of what has been shared, confirming that it is an accurate reflection of his/her complaint.

The City Manager will acknowledge receipt of the complaint in writing to the complainant and will provide a timeline regarding when the complainant may expect to receive a reply.

ii) Level One Review

If the complaint has not been the subject of an informal review process as described in Section B 1), the City Manager may refer the complaint back to the employee(s) whose decision precipitated the complaint and the exempt manager of that employee(s) and/or the Department Director for review. Through discussion with these individuals the City Manager will establish the process and timeline through which the complaint will be considered which may include an investigation into the circumstances being conducted by the Department Director. This may include an invitation to the complainant to discuss the concerns.

Upon completion of the review, the City Manager's decision will be conveyed in writing to the complainant with reasons.

iii) Level Two Review

If the complaint has already been the subject of an Informal Review process as described in Section B 1) or if a Level One Review is not deemed by the City Manager to be appropriate, the matter will be investigated by the City Manager who may contact the complainant and other individual(s) cited to discuss the concerns. The City Manager may utilize the services of such internal and external resources he/she deems necessary to expedite investigation of the complaint.

At the City Manager's discretion, the discussion and investigation may be carried out with all parties present, or through independent interviews.

Upon completion of this investigation, the City Manager will decide how the matter will be handled and will convey this in writing to the complainant with reasons for the decision.

The City Manager will notify City Council of the process to be undertaken and the final outcome of all Formal Complaint – Level Two Review complaints received.

C) APPEALS (Council Review)

1. Preconditions

For a complainant to seek a Council Review the request must be filed in writing within ten (10) calendar days of receiving the City Manager's Level Two Review decision and state the reason for the appeal. For the matter to be accepted for review by City Council the request must meet one of the following criteria:

1. There has been a flaw or failure in the review process undertaken;
2. There have been findings of fact that are manifestly incorrect;
3. There has been an incorrect interpretation of a law; or
4. There are additional substantive facts that were not available to the City Manager.

2. Council Review Process

All supporting data from previous investigative processes shall be provided to City Council.

When conducting a review, City Council will provide a minimum of seven (7) calendar days' notice to all persons who might be affected by the review process.

City Council may utilize the services of such internal and external resources it deems necessary to expedite investigation and resolution of the complaint.

Without limiting the authority of City Council:

- a) City Council may request that the complainant, the City Manager, and employees or other individual(s) deemed necessary by City Council, have the opportunity to appear before City Council;
- b) City Council alone shall determine the method of proceeding. For example, City Council may establish a Special Committee to consider the matter;
- c) If the appeal is based upon facts that were not available to the City Manager at the time of the initial review, City Council will refer the matter to the City Manager for re-consideration and report. City Council, in determining the merits of this review request will consider such report; and
- d) The decision shall be confirmed in writing to the complainant, outlining the reasons for the decision. A copy of the decision will be provided to the City Manager, who may at his/her sole discretion provide a copy to the other individual(s) involved.

D) CONFIDENTIALITY

Confidentiality is an important aspect of this policy. Information gathered during the course of an investigation and review of any issue will be held in confidence to the extent possible but not so as to hamper any investigation, or to infringe upon the legitimate interests of the city of any parties involved in the matter or where information must be provided as part of legal proceedings. As a result, reasonable levels of confidentiality may be maintained but anonymity may not.

The complaint as well as the complainant's identity shall, to the extent possible, be kept confidential. However, in certain circumstances the individual investigating the complaint may conclude that in order to investigate the complaint appropriately, details of the complaint and/or the identity of the complainant must be revealed. In such circumstances the investigating official shall inform the complainant of the need for disclosure and seek their concurrence. If concurrence cannot be obtained the issue of disclosure shall be referred to the City Manager for disposition. In such circumstances the City Manager will inform the complainant of the need to disclose, in advance of the disclosure.

The City of North Vancouver is governed by the provisions of the *Freedom of Information and Protection of Privacy Act* and must comply with the processes and protections stipulated in the *Act*.

Complaints submitted anonymously will not be accepted due to the fact that the City cannot fully investigate such complaints to determine the validity and nature of the complaint nor seek additional information when investigating the complaint.

E) EMPLOYEE RESPONSIBILITY

Employees are expected to report any reasonable suspicion of misappropriation, fraud, abuse, material mismanagement or misadministration of bylaws and policies at the City of North Vancouver and to cooperate in the investigation of same. Disclosure is to be made once a matter comes to the employee's attention as soon as possible or in any event not later than thirty (30) calendar days after becoming aware of the situation.

Disciplinary action may be taken against any employee who knowingly prevents or covers-up any acts of misappropriation, fraud, abuse, material mismanagement or misadministration of bylaws and policies at the City of North Vancouver.

F) INVESTIGATION PROTOCOL – CITY PROPERTY

All City furniture and contents, including desks, computers and other electronic devices, are open to inspection when there is reasonable suspicion of misappropriation, fraud, abuse, material mismanagement or misadministration of bylaws and policies activity which makes such inspection appropriate. There is to be no assumption of privacy.

Immediate action will be taken to prevent the theft, alteration, misappropriation, or destruction of relevant records. The records must be adequately secured.

G) EMPLOYEE PROTECTION

An employee who, in good faith, files a complaint under the *Complaint Handling Policy* or reports of wrongdoing pursuant to the policy will not be subject to adverse employment consequences or other form of retaliation by the City of North Vancouver.

For the purposes of this policy, retaliation includes but is not limited to:

- Being dismissed, suspended, demoted, disciplined, or otherwise disadvantaged in relation to employment with the City;
- Being denied an employment-related or other benefit; or
- Suffering some form of reprisal.

Any employee who retaliates against another employee who has made a complaint in good faith will be subject to disciplinary action up to and including termination. It is the City of

North Vancouver's policy that there shall be no retaliation of any kind against those who in good faith appropriately report such occurrences of retaliation or report wrongdoing pursuant to the *Complaint Handling Policy*.

A report of alleged retaliation is to be made to the City Manager. Should the allegation of retaliation be made against the City Manager, the report should be made to City Council.

H) BAD FAITH, FRIVOLOUS, RECKLESS, MALICIOUS OR VEXATIOUS COMPLAINTS

If an employee raises a concern knowing the same to be false and not in good faith, or if the concern is raised in a frivolous, reckless, malicious or vexatious manner, appropriate action will be taken to address the employee's conduct. Such action may include disciplinary action up to and including termination of employment.

The City Manager and/or City Council may refuse to review a matter if, in his/her/their opinion, the complaint is considered to be in bad faith, frivolous, reckless, malicious or vexatious.

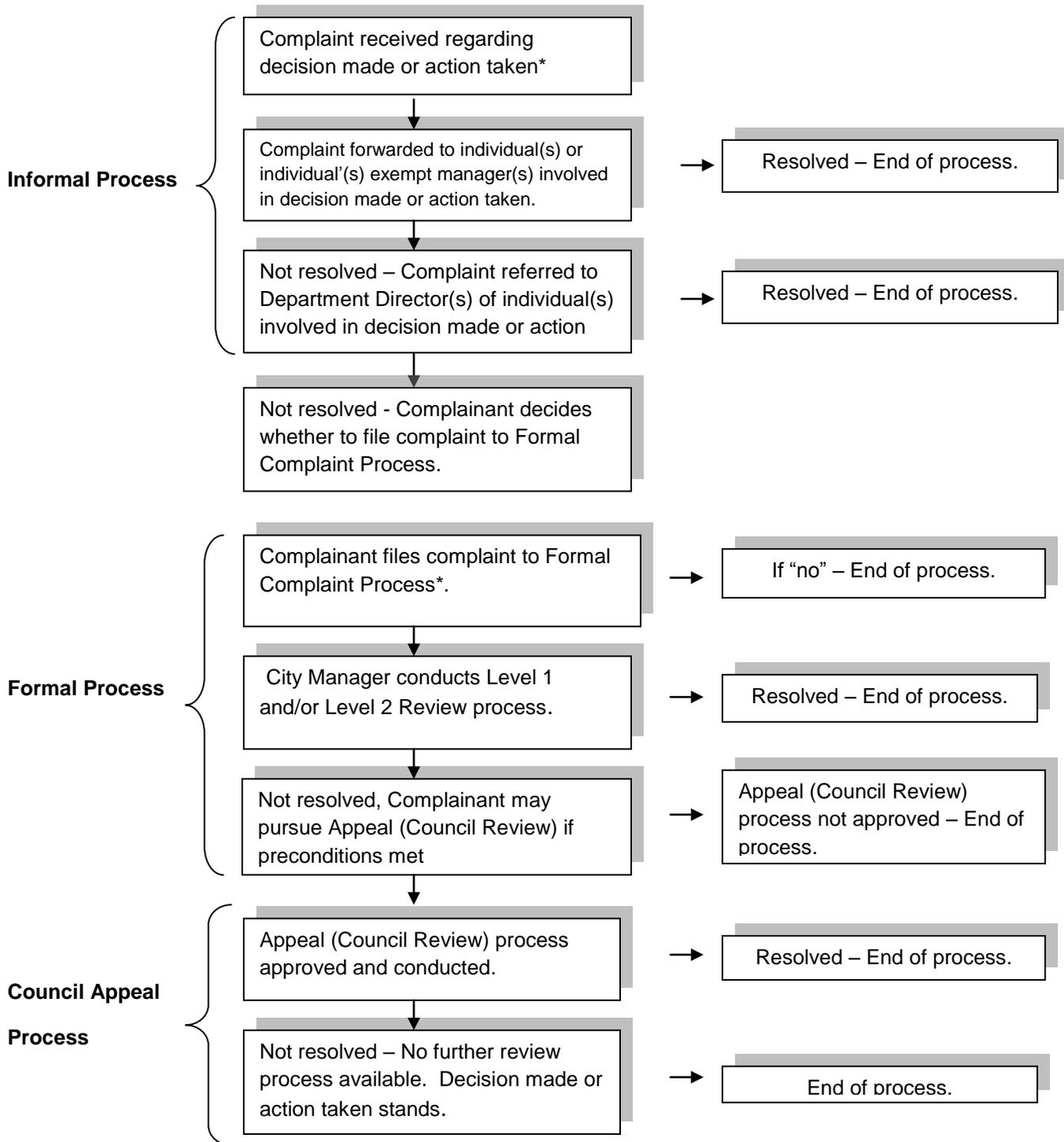
I) RECORD KEEPING

A Complaint Management Review File must be established and maintained for all formal complaints received under the *Complaint Handling Policy*. The file is to contain a copy of the formal complaint, notes summarizing any meetings held to attempt to informally resolve the complaint and documentation arising from each stage of the formal process of investigation. Contents of these files are confidential, will not be shared unless the City is legally required to do so. File retention will be in accordance with the *Bylaw to provide for the retention and destruction of Records of the City of North Vancouver (Bylaw #6015)* or as amended.

K) POLICY REVIEW

This policy and its effectiveness will be reviewed by the City at least once every three (3) years to ensure it continues to achieve its intended purpose.

City of North Vancouver Complaint Handling Policy Procedure



*A complaint must be filed at the Formal or Informal Process within six (6) months of the original action taken or decision made.