

# Municipality of the District of Lunenburg Policy

<b>Title: Customer Complaints Handling Policy</b>	
<b>Policy No. 092</b>	<b>Legislative Authority:</b>
<b>Effective Date: May 25, 2021</b>	<b>Amended Date:</b>

## 1. Purpose

1.1 The purpose of this policy is to enable the Municipality of the District of Lunenburg to promptly and effectively address program and service delivery concerns raised by members of the public. The policy will assist the Municipality of the District of Lunenburg in providing excellent service to the public and contribute to continuous improvement of operations. The Municipality of the District of Lunenburg strives to reduce customer dissatisfaction by:

- a) providing a timely and accurate response to complaints; and
- b) using complaints as an opportunity to improve program and service delivery issues.

1.2 This policy is not meant to address:

- a) complaints about non-municipal services;
- b) issues already addressed by legislation, or an existing bylaw, policy or procedure;
- c) a decision of Council or a decision of a committee of Council; or
- d) internal employee complaints.

## 2. Definitions

2.1 **Complainant** means the individual filing the complaint with the Municipality of the District of Lunenburg.

2.2 **Complaint** means an issue or concern raised with a municipal program, service, or operation which is not resolved at the time of the incident and for which the complainant submits their concerns to the Municipality of the District of Lunenburg in accordance with this Policy but does not include issues already addressed by legislation, an existing bylaw, policy or procedure, a decision of Council or a decision of a Committee of Council, or internal employee complaints.

2.3 **CAO** means the Chief Administrative Officer of the Municipality of the District of Lunenburg.

- 2.4 **Council** means the Council of the Municipality of the District of Lunenburg.
- 2.5 **Employee** means an employee of the Municipality of the District of Lunenburg.
- 2.6 **Frivolous Complaint** is a complaint that is lacking basis or merit.
- 2.7 **Mayor** means the Mayor of the Municipality of the District of Lunenburg.
- 2.8 **Ombudsman** means the Nova Scotia Office of the Ombudsman.
- 2.9 **Vexatious Complaint** is a complaint that is harassing, or instituted maliciously or on the basis of improper motives, or is part of a pattern of conduct by the Complainant that amounts to abuse of the complaints process.

### **3. Frontline Resolution**

- 3.1 It is the responsibility of the complainant to attempt to resolve concerns by dealing with the employee(s) directly involved with the issue where appropriate.
- 3.2 It is the responsibility of all employees to attempt to resolve issues or concerns before they become complaints, and to identify opportunities to improve municipal services.

### **4. Filing a Complaint**

- 4.1. Where frontline resolution is not achieved, complaints may be submitted to the CAO in writing and shall include:
- a) The name, phone number, email address, and mailing address of the individual submitting the complaint.
  - b) The nature of the complaint including the:
    - background leading to the issue(s);
    - date(s), time(s) and location(s) of the incident(s); and
    - name(s) of any employee(s) previously contacted regarding the issues(s); and
    - any action(s) being requested of the Municipality of the District of Lunenburg.
- 4.2. Complaints shall be submitted within six (6) months of the date of alleged incident.
- 4.3. Complaints may be submitted on the form provided in Schedule A.
- 4.4. Complaints which do not comply with Section 4 shall not be accepted by the CAO for further processing and investigation.

## **5. Receipt and Acknowledgement**

- 5.1. The CAO or designate shall acknowledge in writing that the Complaint has been received within 5 business days of receipt of the Complaint.

## **6. Preliminary Review**

- 6.1. Upon receipt of a Complaint, the CAO shall conduct a preliminary review to determine whether it is a complaint within the meaning of this Policy.
- 6.2. If the CAO determines that the complaint is not a complaint within the meaning of the Policy then the complaint shall be dismissed and the Complainant shall be advised, in writing of the CAO's decision.
- 6.3. The decision of the CAO as to whether the complaint is a complaint within the meaning of the Policy is final and is not subject to any right of appeal, review or reconsideration.
- 6.4. If the CAO receives a complaint that does not comply with Section 4 then the CAO shall provide the Complainant:
  - a) written notice of the deficiencies, and
  - b) an opportunity to re-submit their Complaint in a form or manner that complies with Section 4.
- 6.5. If the CAO receives a Complaint that does not comply with Section 4 then the CAO shall advise the Complainant that the Complaint has been filed outside of the prescribed six (6) month time frame and therefore cannot be accepted.

## **7. Preliminary Review**

- 7.1. Complainants shall not file and the CAO shall not investigate a Frivolous Complaint or a Vexatious Complaint.
- 7.2. Upon receipt of a Complaint that complies with Sections 4, the CAO shall make a determination on whether the Complaint is frivolous or vexatious.
- 7.3. If the CAO determines that the Complaint is neither frivolous nor vexatious then the CAO shall investigate the Complaint, in which case, the CAO shall advise the Complainant that the Complaint is proceeding to the investigation stage.
- 7.4. If the CAO determines that the Complaint is frivolous or vexatious then the CAO shall not investigate the Complaint, in which case, the CAO shall advise the Complainant, in writing, that the Complaint has been found to be frivolous or vexatious, as the case may be, and that it will not be investigated.

7.5. The decision of the CAO at the Preliminary Review stage as to whether the Complaint is frivolous or vexatious is final and is not subject to any right of appeal, review or reconsideration.

## **8. Investigation**

8.1 In the event that a Complaint proceeds to the investigation stage then the CAO or designate shall review the issues identified by the Complainant and in doing so may:

- a) review relevant municipal and provincial legislation;
- b) review the Municipality of the District of Lunenburg'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; or
- f) take other actions the CAO or designate deems expedient to resolving the matter.

8.2 If a complaint is made against the CAO, the Mayor shall review the matter and may:

- a) consult with Council;
- b) consult with legal counsel; or
- c) refer the matter to the Ombudsman.

8.3 If, during the investigation the CAO determines that the Complaint is frivolous or vexatious then the CAO shall terminate the investigation and advise the Complainant, in writing, that the Complaint has been found to be frivolous or vexatious, as the case may be, and that it will not be further investigated.

8.4 The decision of the CAO at the Investigation stage as to whether the Complaint is frivolous or vexatious is final and is not subject to any right of appeal, review or reconsideration.

8.5 The CAO shall maintain a file of the complaint in compliance with the Municipality of the District of Lunenburg's records management policy.

**9. Decision**

9.1. Within 30 calendar days of making the determination that the Complaint is neither frivolous nor vexatious, the CAO shall provide a response in writing to the Complainant which shall include:

- a) Whether the complaint was substantiated,
- b) If the complaint is not substantiated, the CAO or designate shall provide reason(s) for their decision.

9.2. Any actions the Municipality of the District of Lunenburg has or will take as a result of the Complaint.

9.3. The CAO may, at their own discretion, extend the 30 calendar day period.

9.4. If the CAO extends the 30 calendar day period then the CAO shall notify the Complainant of the extension and provide an estimate of when a response will be provided.

**Clerk's Annotation for Official Policy Book**

Date of Notice to Council Members: May 18, 2021  
Date of Passage of Current Policy: May 25, 2021

Date of Notice to Council Members  
of Intent to Consider Amendments:  
Date of Passage of Amendments:

I certify that this "MODL Policy 092 Customer Complaints Handling" was adopted by Council as indicated above.



May 25, 2021

\_\_\_\_\_  
Municipal Clerk

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Date