

CITY OF CASTLEGAR

Administrative Fairness Policy and Checklist		
Effective Date:	January 25, 1999	Amended by: 53-99
Policy Number:	1-3	File Name:
Resolution No:	52-99	

Customer Service Policy Procedure and Appeal

PURPOSE:

The City of Castlegar seeks to maximize service to our customers. Through this Administrative Fairness policy, a mechanism is established to provide for appropriate and timely review of decisions and recommendations. It is important to the City to have this policy as part of quality assurance and good service to the public. A copy of this policy will be provided to members of the public upon request. Any member of the public who questions the manner in which a decision may be reviewed should also be provided with a copy of this policy in addition to any other relevant information.

APPLICATION:

The Administrative Fairness policy applies to all staff and those non-Council committees and commissions which have decision making and/or recommendation responsibilities to Council. Excluded from this policy are those functions for which there is either a statutorily prescribed appeal process or prohibition to local review of the decision, such as the Board of Variance, and Subdivision Approving Officer authority. Also excluded from this policy are those functions which are outside the jurisdiction of local government. The Freedom of Information and Privacy Act may have a potential effect on this policy.

PROCEDURE:

Administrative procedure for handling complaints regarding administrative practices, processes and procedures.

1. Receipt of Complaint

a) Informal Complaint

Where a public complaint (either verbal or written) is made against a staff decision and cannot be resolved by the decision maker, the complainant should be directed to the supervisor of the person or department from which the complaint has been generated. The supervisor will attempt to resolve the matter in consultation with the decision maker and the complainant. If it cannot be resolved, the complaint should be formalized. The complaint shall remain confidential as well as the complainant's identity.

Where a complaint is made against a decision of a committee or commission, the complainant should be direct to the City Administrator who will attempt to resolve the matter in consultation with the chair of the appropriate body and the complainant.

b) **Formal Complaint**

The complaint should be writing to the City Administrator and be signed by the complainant. The complaint may be on a form provided by the City or in another written form and must state the nature of the complaint and the name, address and telephone number of the complainant. The complaint shall remain confidential as well as the complainant's identity.

Because some complainants may have difficult with written communication or may be unable to travel, the complainant will be given the option of submitting concerns in person, by telephone or in writing or some combination of these, however, any allegation of serious impropriety must be in writing.

2. **Record Keeping**

An Administrative Fairness review file should be established and maintained for all formal complaints received under this Administrative Fairness policy. The file should contain a copy of 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 appeal.

3. **Processing of Formal Complaints**

a) **Acknowledgment**

The complaint is first reviewed by City Clerk who will acknowledge in writing to the complainant receipt of the complaint and will describe to the complainant the various review stages and the appeal process, as well as the time when the complainant may expect to receive a reply.

A copy of the complaint and the Clerk's acknowledgment letter shall be provided to Council members for their information. (*res: 53-99*)

b) **Stage One - Referral/Review**

The complaint is then referred to the individual(s) or committee whose decision precipitated the complaint and the immediate supervisor of the person(s) for review. The immediate supervisor is required to invite the complainant to discuss the concerns. Upon completion of the review, the results will conveyed in writing to the complainant, including reasons for the decision, as well as any legal, legislative or policy restriction which may have affected the decision. The results should also be copied to the City Clerk and the City Administrator.

- c) **Stage two - Review by City Administrator**
Where the complaint has not been resolved by the previous steps, the complaint will be reviewed by the City Administrator who will invite the complainant and staff or committee to discuss the concerns. Upon completion of this review, the results will be conveyed in writing by the City Administrator to the complainant, including the reasons for the decision, as well as any legal, legislative or policy restrictions which may have affected the decision. The complainant should be advised at this time that if they are not satisfied with the results, an appeal can be made.

4. Appeals

In the event the complainant is not satisfied with the efforts of the City Administrator to address the complaint, the complainant may file a further complaint with the Council, which must be in writing, and the Council must conduct a review “in camera”.

Council Review

- a) When conducting a review, the Council must give reasonable and timely notice to all persons, including the City Administrator and the complainant, who might be affected by the review process. All supporting information shall be provided to the Council. There may be circumstances where a complainant would prefer to make only a written submission.
- b) The complainant and the City Administrator shall appear before the Council. However, if the complainant is not comfortable appearing in a formal setting, at the request of the complainant, discussions may be held informally, possible before a committee of Council.
- c) The decision of Council in respect of the review should be made reasonably promptly in all circumstances.
- d) The decision shall be confirmed in writing, outlining the reasons for the decision and noting any legislative, bylaw or policy restrictions affecting the decision. This decision will also be copied to the staff member and the supervisor.
- e) The complainant should be advised at this time that if they are not satisfied with the results, the matter can be referred to the Office of the Ombudsman.

ADMINISTRATIVE FAIRNESS CHECKLIST

Information and Communication

1. ***Public Information***

Is information for the public available in a format that is understandable, that uses plain language, is sufficiently detailed and that is accessible by request or available in different languages or alternate formats such audio-cassette, Braille, etc.

2. ***Initial contact information***

During the initial contact, do individuals receive an adequate explanation of the role of the City and the procedures to be followed as well as all relevant entitlements, benefits, eligibility criteria and other options?

3. ***Forms***

Is the purpose of the form clear? Are the questions asked appropriate under the Human Rights Act and Freedom of Information and Privacy Legislation? Is the form in plain language and easy to read? Are individuals provided immediately with copies of all forms and statements they've signed.

4. ***Letters***

Is all correspondence clear and written in plain language without unnecessary technical, legal or bureaucratic jargon? Is correspondence available in other formats for people who are illiterate or marginally literate or blind? Is the purpose of each letter, and its relationship to other letters and conversations clear? Where reference is made to a statute or bylaw, is it described in an understandable way? If further action is to occur, are the timing and the responsibility for taking the next step explained? Is the writer and the decision-maker identified?

5. ***Courtesy***

Are all people treated with courtesy and respect?

Facilities and Services

6. ***Telephone and Fax Access***

Is adequate access provided by the City to meet the public's need for information about programs and case processing? Are numbers of calls and message returns monitored? Is the public able to leave a message by voice mail? Are ringing telephones answered promptly? Is there a 1-800-number? Is there TTD/TTY access in place including a 1-800 number? Is there a publicized fax number? Is the City's telephone and fax number printed on its stationary and forms?

7. ***Personal access***
Is the public able to access the premises? Is the front door level entry and automatic opening, are there wheelchair washrooms, is Braille in the elevator? Is there designated wheelchair parking? Is the office child friendly? Are site inspections/visits conducted when appropriate and necessary for the proper completion of the administrative procedure involved?
8. ***Facilities***
Does the physical plant of the City provide a safe and healthy work place? Is it designed to respect the public's right to privacy?

Investigation/Decision Procedures

9. ***Opportunity to be heard and to respond***
Are the parties who may be affected by a decision (including an appeal or review of a decision) given an adequate opportunity to present information and evidence in support of their positions?
10. ***Investigative responsibilities***
Are the City's powers and responsibilities to conduct direct investigations exercised in a consistent, thorough and fair manner having regard to the dignity and privacy of individuals affected? Are these individuals properly informed of key procedures at the appropriate times?
11. ***Confidentiality***
Does the City confidentiality provisions afford sufficient protection for the individuals affected while supporting the efficient delivery of services? Are the intentions of these provisions reflected in the City's policies, procedures and practices? Are clients advised of these provisions and the reasons for them? Are the proper informed consents obtained when confidential information must be obtained from or shared with other agencies or individuals?
12. ***Relevant considerations***
Are decisions always based on all of the relevant information, excluding all irrelevant considerations? Are there adequate safeguards to avoid decision-makers becoming involved in perceived or real conflict of interest situations?
13. Are there adequate procedures to deal with situations where individual decision-makers are subject to conflicting interests which may affect, or appear to affect, the making of an impartial decision? Where certain decisions cannot be impartial in the judicial sense because of the City's mandate, positions or interests must be protected, are these factors explained to the parties at the outset?

14. ***Time line***
Are decisions made and actions taken within a reasonable period of time? If not, are the parties given timely and adequate explanations as to why delays may be expected?
15. ***Reasons for a decision***
Are affected parties provided with adequate reasons for decisions and actions? Are the reasons communicated in a way that is meaningful and available to affected parties?

Exercise of Power/Legal Framework

16. ***Legal authority***
Are all the decisions and actions of the City clearly authorized by, and consistent with, the governing statute and regulations? Are powers exercised for the intended purpose?
17. ***Legal responsibility***
Does the City meet all of its legal obligations to act, issue benefits, inform, collect, enforce, etc? Is it provided with adequate resources to do so efficiently?
18. ***Exercise of discretion***
Is the delegation of discretionary and non-discretionary authority in the empowering legislation and regulations appropriate to the types of cases to be decided? Is the exercise of discretion properly structured by administrative policy and objective standards to ensure consistency while avoiding inappropriate inflexibility?
19. ***Adequacy of powers***
Are the existing statutory and regulatory powers, including the formal policies and procedures developed from them, sufficient to achieve the City's mandate effectively and fairly?
20. ***Relationship to other laws***
Are the City's bylaws, regulations and policies consistent with the letter and intent of other legislation, federal and provincial, to which it is subject, including the Canadian Chart of Rights and Freedoms? Are they well integrated with complementary provisions of other statutes from the perspective of the individuals affected?

Appeal, Review and Complaint Procedures

21. ***Availability and adequacy of remedies***
Is there an appropriate and accessible (affordable, simple and prompt) appeal or review of procedures for each decision and action that will directly affect an individual's interest?

22. ***Appeal of Information***

At the time decisions are made or actions taken, are individuals informed of all available internal and external avenues of appeal, review and complaint? Is this information provided to the person affected in a non-confrontational, respectful way? Are these rights brought to the attention of the public through posters and brochures?

23. ***Appeal Time Limits***

Are the time limits for initiating an appeal or review reasonable? When individuals are advised of these time limits, is it clear which limits are imposed by law and which limits are imposed by administrative discretion or policy?

24. ***Complaint Procedures***

Are there clearly defined complaint procedures at all levels? Are there procedures for actively promoted public input for improvement in service?

Organizational/Management Issues

25. ***Labels for roles/procedures***

Do labels and classifications clearly and simply describe the function performed, and are they appropriate?

26. ***Delegation of authority***

Is the delegation of line authority appropriate, considering the level of employee expertise and the needs and expectations of the public?

27. ***Personnel selection/evaluation***

Do criteria for the selection, deployment and evaluation of personnel take into account the skills, knowledge and abilities necessary to deal sensitively, fairly and effectively with the public?

28. ***Training and supervision***

Are personnel training programs and supervision adequate to meet performance expectations of management and the public? Are all front-line staff properly instructed regarding the importance of treating all individuals with respect and courtesy?

29. ***Reorganization***

Is there any way to combine, separate or re-organize what the City does to achieve a higher quality of service delivery given the available resources?

30. ***Inter-agency/professional co-ordination***

Would policy or procedural adjustments in the City's relationship with other community or government agencies improve service quality and fairness to the public? What mechanisms are in place to encourage this kind of internal audit of practices? Is there an attitude that promotes continuous improvement?

Agency Review and Planning

31. ***Consultation with the Public***

Are affected individuals and groups invited to participate in the planning of program initiatives and modifications? Is this consultation done in a meaningful and timely way? Is the way in which the final decisions will be made, clear from the outset to the participants?

32. ***Use of Appeal/Complaint Data and Statistics in Planning***

Are appeal, review and complaint data incorporated in the planning and review of programs and policies? Are there systems in place that accurately record and collate statistical information designed to evaluate and improve performance?