

CITY OF PRINCE RUPERT

POLICY TITLE:	Administrative Fairness	POLICY NO:	
EFFECTIVE DATE:	October 14, 2003	SUPERSEDES:	
APPROVAL:	October 14, 2003	PAGE:	1 of 4

POLICY:

To provide for an appropriate and timely review of decisions and recommendations made by all City Employees and all non-Council Committees which have decision-making and/or recommendation responsibilities to Council.

PURPOSE:

To ensure that there exists a mechanism in our decision-making structure at the administrative, supervisory and management levels for a review process. It is important to the City to have this policy as part of quality assurance and good service to the public.

EXCLUSIONS FROM REVIEW:

Excluded from this policy are those functions and services for which there is either a statutorily prescribed appeal process or prohibition to local review of the decision, such as the Board of Variance, Subdivision Approving Officer Authority, Council decision/resolution, City Bylaws, CityTel Bylaw, City of Prince Rupert Water & Sewer Rates Bylaw, and Property Taxation Bylaw. Also excluded from this policy are those functions and services, which are outside the jurisdiction of the City of Prince Rupert and Prince Rupert CityTel.

The Freedom of Information and Protection of Privacy Act may have a potential effect on this policy and the Act may override the Policy.

PROCEDURES:

1. Receipt of Complaint

(a) Informal Complaint

Where a public complaint with the complainant's name and phone number (either verbal or written) is made against an employee 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 directed to the Chief Administrative Officer 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 in writing to the Chief Administrative Officer 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 difficulty 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**

All formal complaints received must be filed in a central Administrative Fairness Review file under this Administrative Fairness policy. The file must contain the 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) **Acknowledgement**

The complaint is first reviewed by either the Supervisor or the Department Head or the Corporate Administrator 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 acknowledgement letter shall be copied in the information file.

i) **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 be 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 Corporate Administrator or the Chief Administrative Officer.

ii) **Stage two - Review by Chief Administrative Officer**

Where the previous steps have not resolved the complaint, the Chief Administrative Officer who will invite the complainant and staff or committee to discuss the concerns will review the complaint. Upon completion of this review, the results will be conveyed in writing by the Chief Administrative Officer 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 could be made.

4. **Appeals**

In the event the complainant is not satisfied with the efforts of the Chief Administrative Officer 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" in accordance with the following:

- (a) When conducting a review, the Council must give reasonable and timely notice to all persons, including the Chief Administrative Officer 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 Chief Administrative Officer 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, before a committee of Council or the Mayor.
- (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 the complainant is not satisfied with the outcome, the Complainant may seek the assistance of the Office of the Ombudsman for resolution.

5. **Confidentiality:**

The complaint shall be treated confidentially unless the complainant authorizes in writing that such complaint can be made public.