

**7.1.ii. Procedure****HANDLING OF ADMINISTRATIVE FAIRNESS  
COMPLAINTS**

Trust Council: June 11, 1994

Amended: March 9, 2001

**A: PURPOSE:**

1. To ensure that best effort is used to handle formal complaints regarding Islands Trust administrative practices, processes and procedures (excluding land use bylaw infractions) in a fair, equitable and timely manner in accordance with the Administrative Fairness Principles policy.

**B: REFERENCES:**

1. *Ombudsman Act*
2. Policy Manual:
  - 2.1. Administrative Fairness Principles (7.1.i.)
  - 2.2. Bylaw Investigation (5.5.)
  - 2.3. Freedom of Information and Protection of Privacy (7.6.i.)

**C: DEFINITIONS:**

1. **Formal complaints** are limited to those submitted in writing and directed to the Executive Director.
2. **Verbal concerns** should be handled by trustees and staff within the spirit of this policy.
3. **Ombudsman Office** referrals of complaints should be directed to the Executive Director.
4. **Islands Trust** refers to the following decision-making bodies - Trust Council, a local trust committee and the Executive Committee, as well as trustees or staff.
5. **Review Bodies** include the Executive Director and the Executive Committee whose roles are explained in Section D.

**D: PRINCIPLES:**

1. **Confidentiality** - To protect the privacy of the complainant, formal complaints should be handled in a confidential manner by trustees and staff upon receipt from the complainant and upon referral by the Executive Director or the Executive Committee unless the complainant provides a written waiver of this provision to the Executive Director. The complainant and complaint will be made known to the affected staff, trustees or local trust committee.
2. **Availability** - The provisions of this policy should be available to every person or organization, including Islands Trust trustees and staff affected by a decision or action of the Islands Trust.
3. **Notification** - Trustees and staff should advise parties who might be adversely affected by a decision or action of the Islands Trust, or upon request, of the provisions of this policy should they wish to dispute a matter.
4. **Acknowledgement** - All formal complaints should be acknowledged, stating the expected process and time frame to be taken to respond to the complaint, as well as any limitations of the review process with respect to the complaint.
5. **Accountability** - All formal complaints should be responded to, with reasons, with a view to using best effort to resolve the complaint.
6. **Ombudsman Office** - Referrals from, requests for assistance to, or complaint file communications with the Ombudsman shall be directed through the Executive Director, or, alternatively, the Islands Trust Chairperson.
7. **Secretary's Role** - The Corporate Secretary's is to coordinate the handling of administrative fairness complaints in an objective manner.
8. **Executive Committee's Role** - The Executive Committee's role within the provisions of Section 4(3) of the *Islands Trust Act* is to review matters related to the day-to-day business of the Islands Trust and activities of a local trust committee, and, in that context, it may observe, advise and offer recommendations on such matters to a local trust committee or Trust Council, and seek remedies as required in matters for which it has jurisdiction.
9. **Access to Information** - Complainants should be given access to public information that would assist them in stating their complaint in a timely manner within the provisions of the Islands Trust's Freedom of Information and Protection of Privacy bylaw(s), policies and procedures, and the *Freedom of Information and Protection of Privacy Act*.
10. **Ombudsman Act** - Complainants, while being encouraged to utilize the provisions of this policy to have their complaints addressed by the Islands Trust, should also be advised of the services of the Ombudsman's Office and provisions of the *Ombudsman Act*.

11. **Scope of Authority** - The review bodies, being the Executive Director and Executive Committee, do not have the power to judicially review the conduct of Trust Council, a local trust committee, or a trustee or staff person and are limited to making recommendations to decision-making bodies of the Islands Trust, to modify their own decisions or actions, and to direct staff on remedial efforts appropriate to their respective personnel authority - Executive Committee to Executive Director and Executive Director to all other staff.
12. **Consultation** - It is expected that the primary purpose of this policy's processes is to maximize communication among all affected parties to a complaint.
13. **Accessibility** - The cost and complexity of the Islands Trust's administrative fairness complaint handling process should not constitute a deterrent or present unreasonable obstacles to a complainant submitting a formal complaint.
14. **Executive Director's Role** – The Executive Director's role is to request staff action as required and to conduct reviews involving staff matters.

## **E: PROCEDURE:**

### **1. RECEIPT OF FORMAL COMPLAINTS**

- 1.1. **Informal Complaints** - Every effort should be made to direct verbal complaints to the appropriate Islands Trust decision-making body, trustee or staff person, and to notify the complainant of the provisions of this policy for pursuing a formal complaint.
- 1.2. **Formal Complaint** - Complainants should be informed that in order to have complaints formally processed under the provisions of this policy, they must be in writing directed to the Executive Director for complaints regarding staff and the Chair for complaints regarding local trust committees or trustees.
  - i. *Complaint Content* - Complainants must state the specific nature of a formal complaint and provide their name, address and phone number before complaints will be processed under the provisions of this policy.
  - ii. *Confidentially* – Complainants must also acknowledge in writing that such complaints are not considered confidential with respect to affected staff or local trust committees.
  - iii. *Complaint File* - A copy of the formal complaint should be forwarded to the Secretary who is to open a file respecting the complaint.
  - iv. *Complaint Tracking* - The Secretary is responsible for logging the complaint in an Administrative Fairness Complaint Log and for tracking all steps of the complaint handling process to its conclusion.

- v. *Referral* - The Secretary will refer the formal complaint to the appropriate decision-making body and/or trustee or staff person for consultation in acknowledging the complaint.
- vi. *Acknowledgement* - The Secretary should acknowledge the formal complaint within 10 days, unless otherwise communicated to the complainant, in writing, advising the complainant as to whom the complaint has been referred to, the complaint handling process, expected timelines to deal with the complaint, and legal, legislative and/or policy limitations with respect to responding to the complaint.

## 2. **STAGE I INVESTIGATION**

2.1. **Staff Related Complaints** - Staff investigation of formal complaints, as requested by the Executive Director, are expected to adhere to the following process:

i. *Referral*

The Executive Director should refer appropriate complaints to the relevant staff person and his/her supervisor with a copy of the acknowledgement letter for the investigation within time lines provided by the Executive Director.

ii. *Complainant Contact*

The staff person and/or supervisor should promptly contact the complainant to arrange a meeting by telephone, or, if desired by the complainant, with a view to addressing the complaint.

iii. *Investigation*

The staff person should thoroughly ascertain the facts and issues and prepare a report containing the facts, issues, and results of efforts to address the complaint in consultation with his/her supervisor.

iv. *Response*

The staff person should communicate, in writing, his/her efforts to address the complaint, with reasons, to the complainant with a copy of the Executive Director, Secretary, his/her immediate supervisor, and the appropriate decision-making body as required.

2.2. **Decision-making Bodies** - Staff investigations at the request of the Executive Committee involving matters directly related to decisions of decision-making bodies are expected to adhere the following process.

*i. Notice to Complainant*

Reasonable and timely notice, in writing, should be given to the complainant of a complaint investigation by a decision-making body.

*ii. Complainant Contact*

If required or requested by the secretary or the complainant, the complainant should be given an opportunity to provide information to support his/her position, in person, or in writing, in addition to the original written complaint.

*iii. Investigation*

Staff reports as per clause 2.1.iii. should be directed to the appropriate decision-making body with a copy to the Executive Director and the Secretary.

*iv. Decision*

The decision-making body, in consideration of the relevant facts, issues and staff advice should determine, by resolution, its response to the complainant.

*v. Response*

The staff person should communicate, in writing, the decision-making body's decision with reasons in response to the complaint to the complainant with a copy to the Executive Director, Secretary, and Executive Committee.

2.3. **Trustee Related Complaints** - Must be directed to the Islands Trust Chairperson or Executive Committee. The Chairperson or Executive Committee will refer complaints to the relevant trustee with a copy of the acknowledgement letter for his/her investigation and response to the complainant using steps 2.1.i. to 2.1.iv.. Reviews will be handled by the Executive Committee.

### **3. APPEALS**

3.1. **To the Executive Director** - In the event the complainant is not satisfied with the efforts of the designated staff person and/or supervisor to address the complaint, the Executive Director is to address the complaint utilizing steps outlined in 2.1.i. to 2.1.iv. with a copy of the written documentation to the Executive Committee, Secretary and appropriate staff, trustee and/or decision-making body.

### 3.2. To the Executive Committee

#### i. Executive Director Efforts

In the event the complainant is not satisfied with the efforts of the Executive Director to address the complaint, the Executive Committee is to conduct a review of the matter in accordance with clause 3.2.iv.

#### ii. Decision-Making Body Efforts

In the event the complainant is not satisfied with the efforts of an Islands Trust decision-making body to address the complaint, or at the request of that decision-making body by way of resolution, the Executive Committee is to conduct a review of the matter in accordance with clause 3.2.iv.

#### iii. Trustee Efforts

In the event the complainant is not satisfied with the efforts of a trustee to address the complaint, or at the request of that trustee, the Executive Committee is to conduct a review of the matter in accordance with clause 3.2.iv.

#### iv. Executive Committee Review

Executive Committee review is to proceed in the following manner:

- 1) The Executive Committee should give reasonable and timely notice to persons, including the complainant, who might be affected by the review process.
- 2) The Executive Committee should advise the complainant of the Executive Committee's limited mandate as appropriate to deal with the complaint.
- 3) Persons who might be affected by the review should be given an opportunity to provide information to support their positions in addition to the original written complaint of the complainant.
- 4) A member of the Executive Committee who was involved in the local trust committee land use planning decision, resolution or bylaw complained of, or is the subject of the complaint, is not to take part in the review. The Conflict of Interest Guidelines apply to members of the Executive Committee conducting the review.
- 5) The Executive Committee, in consideration of the relevant facts, provides advice to staff and, in its scope of authority, should determine, by resolution, its response to the complainant.

- 6) The Islands Trust Chair should communicate, in writing, the Executive Committee's decision, with reasons, to the complainant, with a copy to the Executive Director, Secretary, and relevant staff and/or decision-making body.

#### **4. COORDINATION**

- 4.1. **Tracking** - The Secretary is to maintain a tracking system to ensure attention is being given to all complaints and to monitor communications with the complainant.
- 4.2. **Regular Reporting** - The Secretary is to keep statistical and qualitative descriptions of complaints and the results of internal complaint processes, and to report quarterly to the Executive Committee and Trust Council via the Executive Director.
- 4.3. **Annual Reporting** - The Secretary is to provide information on the statistical and qualitative descriptions of complaints, including reviews to be included in the Islands Trust's annual report.
- 4.4. **Complaint Files** - The Secretary is responsible for maintaining files containing documentation related to a formal complaint.
- 4.5. **Complaint Records** - All trustees and staff are to provide a record of discussions and meetings relevant to a formal complaint to the Secretary.