

**ADMINISTRATIVE FAIRNESS POLICY**  
**Council Policy No. 46/00**

**POLICY:**

The City of Fort St. John 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 of Fort St. John 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 responsibility 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 the 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 a 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.

**b) Formal Complaint**

The complaint should be in writing to the Chief Administrative Officer of the municipality and be signed by the complainant. The complaint may be on a form provided by the local government 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.

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PROCEDURE: (continued)

**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) Acknowledgement

The complaint is first reviewed by (Name of Position) 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.

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 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 (position names in Step 3 a) and the Chief Administrative Officer.

The complainant should be advised at this time that if they are not satisfied with the results the matter can be referred to the next review stage. (At this point, depending on the size of the organization, there may be other layers of decision-makers who may be able to resolve an issue. The complaint should be handled with the same procedure as this step.) (This step should be omitted if an informal complaint was made and not successfully resolved.)

c) Stage Two - Review by Chief Administrative Officer

Where the complaint has not been resolved by the previous steps, the complaint will be reviewed by the Chief Administrative Officer 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 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 can be made.

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PROCEDURE: (continued)

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 or Board, which must be in writing, and the local government authority must conduct a review "in camera".

LOCAL AUTHORITY REVIEW:

- a) When conducting a review, the Council or Board 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 local government authority. There may be circumstances where a complainant would prefer to make only a written submission.
- b) The complainant and Chief Administrative Officer shall appear before the Council or Board. However, if the complainant is not comfortable appearing in a formal setting, at the request of the complainant, discussions may be held informally, possibly before an Executive Committee of the Council or Board.
- c) The decision of Council or the Board 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:

The primary role of an Ombudsman's Office is to receive and investigate complaints of administrative unfairness about the practices and services provided by public bodies. Where unfairness is found, a recommendation is made to the appropriate public body to rectify the situation. The types of unfairness which the Office reviews, and the recommendations the Ombudsman can make are set out in Section 23 of the Ombudsman Act.

In addition to reacting to individual complaints, the Ombudsman's Office has the responsibility to advise public bodies on systemic causes of unfairness and to recommend changes to practices, policies and in a few instances, legislation which contribute to recurring unfairness. This systematic approach has been described in the Ombudsman's Annual Reports and has led to numerous public and special reports dealing with many aspects of the administration of government policy, applying to individual ministries, agencies and Crown corporations as well as to other public bodies.

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ADMINISTRATIVE FAIRNESS CHECKLIST: (continued)

In an attempt to assist public authorities to limit individual cases of unfairness and to enhance the notion of a quality public service, the Ombudsman's Office has developed an Administrative Fairness Checklist. This can serve as a framework for the systematic, comprehensive review of potential sources of complaint against a public agency, which can then be tailored to fit the specified responsibilities of the agency. The checklist can be used in various ways: to audit the administrative practices of a particular agency; to compare the approaches of different agencies, as an outline for a systemic report recommending changes to the administrative practices of a public agency; and to assist with the development of training programs for employees working in any public body or agency. A summarized version of the Administrative Fairness Checklist, which can be adapted to suit the responsibilities of any public body, is attached.

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**ADMINISTRATIVE FAIRNESS CHECKLIST**

<b>Information and Communication</b>
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**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 as audio-cassette, Braille, etc.

**2. Initial Contact Information:**

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

**3. Forms:**

Is the purpose of each form clear? Are the questions asked appropriate under the Human Rights Act? 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, 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?

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**Facilities and Services**

**6. Telephone and Fax Access:**

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

**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? Are community service facilities distributed throughout the province and within regions to ensure optimum accessibility by the population to be served?

**8. Facilities:**

Does the physical plan of the agency 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 agency'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?

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**Investigation/Decision Procedures (continued)**

**11. Confidentiality:**

Do the agency's 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 agency'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 the 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. Impartiality:**

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 agency's mandate, positions or interests to be protected, are these factors explained to the parties at the outset?

**14. Timeline:**

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?

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**Exercise of Power/Legal Framework**

**16. Legal Authority:**

Are all the decisions and actions of the agency clearly authorized by, and consistent with, the governing statute and regulation? Are powers exercised for the intended purpose?

**17. Legal Responsibilities:**

Does the agency 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 agency's mandate effectively and fairly?

**20. Relationship to Other Laws:**

Are the agency's legislation, regulation and policies consistent with the letter and intent of other legislation, federal and provincial, to which they are subject, including the Canadian Charter of Rights and Freedoms?

Are they well integrated with complementary provisions of other statutes from the perspective of the individuals affected?

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**Appeal, Review and Complaint Procedures**

**21. Availability and Adequacy of Remedies:**

Is there an appropriate and accessible (affordable, simple and prompt) appeal or review procedure for each decision and action that will directly affect an individual's interests?

**22. Appeal 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?

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**Organizational/Management Issues (continued)**

**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 agency 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 agency'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 decision 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?