



# Court Services Branch

## Public Complaint Management Policy

# COURT SERVICES BRANCH PUBLIC COMPLAINT MANAGEMENT POLICY

## 1. Guiding Philosophy

Service excellence is a fundamental guiding principle of Court Services Branch (CSB). A key component of this 'citizens first' approach is ensuring the availability of an accessible and transparent complaint process. The following policy will guide the management of complaints regarding services provided by CSB employees.

## 2. Principles

To encourage continuous improvement and service excellence within CSB, this complaints process is governed by the principles of:

- *Accountability*: The complaints process is an integral part of overall performance and quality improvement.
- *Consistency*: Our commitment is to treat you respectfully and fairly, regardless of which courthouse is providing the service.
- *Timeliness*: All complaints will be dealt with in an expedient manner, consistent with any timelines specified in policy.

## 3. Access

Information regarding the process to submit a complaint will be available at the sheriff office and registry counter in each courthouse. CSB's detailed complaint policies will also be posted online.

## 4. Audience

This policy applies to the management of complaints from the public regarding the services provided by CSB employees. Complaints made by employees are excluded from this policy.

## 5. Allegations of employee misconduct

Where the complaint concerns allegations of negligence or misconduct on the part of an employee, management of the complaint will be consistent with all relevant collective agreements, personnel policies and advice of the BC Public Service Agency (BCPSA).

## 6. Policy Limitations

CSB will not accept complaints related to:

- actions or decisions of the judiciary;
- actions of members of the Law Society;
- the outcome of a court hearing/process; or
- services delivered by another agency.

## 7. Informal Complaints

Informal complaints involve minor incidents where resolution can be easily achieved informally by a staff member or supervisor. Informal complaints will typically be made verbally to an on-site employee or supervisor. The goal of informal complaint resolution is to find a mutually agreeable outcome through dialogue, education and, where applicable, repairing harms. Informal resolution is not available for complaints that:

- allege serious physical, emotional or psychological harm or financial loss to the complainant;
- allege violation of the complainant's dignity or privacy, or rights recognized by law;
- allege a breach of the public service standards of conduct; or
- in any other way is deemed by an inspector or manager to require a formal investigation in order to maintain public confidence.

Where there is uncertainty about how a complaint should be managed (informally/formally), the courthouse manager/inspector must be consulted.

Informal resolution is a voluntary process and will only be considered valid if the affected person consents to the process.

Where a complainant is not satisfied with the outcome of the informal resolution process, the complainant has the right to request a formal review of their complaint. The complainant will also be advised of the options to pursue their complaint with an external review body (i.e., the ombudsperson).

Whenever possible, resolution of informal complaints should occur within 30 business days of the complaint coming to the attention of CSB.

When addressing complaints, the principles of confidentiality will be respected. Personal information relating to complaints should be kept confidential and should only be used for the purposes of addressing the complaint and any follow-up actions.

## 8. Formal Complaints

Complaints of a serious nature or complaints that cannot be resolved informally will ordinarily be reviewed pursuant to the formal resolution articles in this section.

### 8.1. Receiving Formal Complaints

Where the formal complaint is initiated, the complaint should be submitted in writing as follows:

**Sheriff Service:** Complaint submitted to the courthouse inspector (or supervisor in charge)

**Court Administration:** Complaint submitted to courthouse manager (or supervisor in charge)

**Interpreter complaints:** [CSBFeedback@gov.bc.ca](mailto:CSBFeedback@gov.bc.ca)

**Court Bailiff complaints:** [CSBFeedback@gov.bc.ca](mailto:CSBFeedback@gov.bc.ca)

Complainants are encouraged to use the CSB Complaint Form; however, a formal complaint may also be submitted by letter or email.

A person who is unable to put a complaint in writing will still be able to submit a formal complaint by speaking with the local courthouse inspector/manager. Where the complainant is uncomfortable or unwilling to speak with the inspector/manager, the complaint can be submitted to CSB headquarters: [CSBfeedback@gov.bc.ca](mailto:CSBfeedback@gov.bc.ca) or (250) 356-1550.

## 8.2. Accepting/Dismissing Complaints

The courthouse manager/inspector (or supervisor in charge) or CSB headquarters will make a preliminary determination to accept or dismiss a complaint.

A complaint may be dismissed for the following reasons:

- the allegations involved in the complaint is before the courts or the remedy sought would conflict with an order or decision of the court;
- the complaint involves a past employee;
- the complaint was submitted anonymously;
- the complaint is deemed to be vexatious; and/or
- the incident occurred more than 6 months before the initial complaint was received [exceptions to this timeline will be considered on case by case basis].

Complaints by employees are excluded from this policy and will be managed by supervisors in consultation with the BCPSA, as necessary.

## 9. Complaint Response

All complainants that submit a formal complaint will be advised of the following:

### Accepted Complaints:

- **Confirmation:** Written confirmation will be provided within 5 working days from the date the complaint is received informing the complainant that their complaint has been accepted and will be reviewed.
- **Outcome of Investigation:** At the conclusion of the investigation, the complainant will receive a clear and plain language explanation of:
  - how their complaint was responded to;
  - a response to each of the concerns/issues they raised in their complaint;
  - the reason the review/investigation of their complaint is concluding.

\*Where some or all of this information cannot be provided to the complainant, the complainant should receive an explanation of why this information cannot be provided.

A copy of all formal complaint responses will be provided to the ADM's manager of business operations.

### **Dismissed Complaints:**

If the complaint is not accepted, a written notification will be provided within 5 working days from the date the complaint is received and will include the reasons for non-acceptance.

## **10. Investigations**

The courthouse manager/inspector (or supervisor in charge) will ordinarily assess formal complaints that are accepted into the process. Where the substance of a complaint is of a less serious nature, the file may be assigned to a supervisor to investigate and draft a formal written response. All responses will be reviewed and approved by the courthouse manager/inspector.

Where the substance of the complaint is of a serious nature, the inspector/manager will report the complaint to the regional executive director/superintendent. The regional executive director/superintendent, in consultation with the BCPSA as required will determine the scope of investigation.

### **Where a complaint alleges use of force, the Office of Professional Standards will be notified of the complaint by CSB.**

All investigations will be guided by the principles of administrative fairness, and include consideration of the following:

- reasons for the decision, action or inaction on the part of a staff member;
- reasons why the complainant is dissatisfied with the decision, action or failure to act;
- views of the complainant;
- need for immediate action;
- available resources and budgetary limits;
- applicable legislation, regulations, standards and policy; and
- any alternative resolution to the complaint.

### **10.1. Appointing Investigators**

For all investigations involving allegations of a serious nature, the regional executive director/superintendent, in consultation with the BCPSA as required, will appoint, in writing, an investigator who:

- has an appropriate level of knowledge, skills and experience to plan and manage the investigation;
- does not work under the supervision of the person being investigated or actively supervise the person being investigated; and
- will not otherwise reasonably give rise to a concern of bias.

For large and complex investigations, more than one investigator will be assigned. Where appropriate, the BCPSA, Office of Professional Standards or another branch of government may also participate in the investigation.

If the complaint is potentially of an urgent criminal nature, in consultation with the BCPSA, the police will be notified. In any such circumstances, any investigation by CSB may have to be suspended or ended.

In consultation with the investigator(s), the regional executive director/superintendent in consultation with the BCPSA as required, will establish terms of reference for the investigation. While terms of reference will vary, depending on the nature of the complaint, the terms of reference will consider:

- purpose and scope;
- an investigative plan and timeline;
- confidentiality;
- the respondent employee's rights; and
- monitoring and reporting requirements.

## **10.2. Investigation Process**

The investigator will endeavor to review any relevant files, reports or other information, and, as necessary, gather information from any other involved individuals.

The complainant will be interviewed in all cases unless it is clearly impractical or unsafe. Where the complainant is not interviewed, the investigator will rely on the written complaint materials submitted by the complainant. The investigator will also document the reasons why the complainant could not be interviewed.

Where the complaint involves a CSB employee, the investigator will provide the employee with reasonable notice before conducting an interview of the employee, and ensure they understand:

- the totality of the allegations against them;
- the interview will be audio recorded; and
- their right to union representation, if an included employee, or their right to have a support person attend if an excluded employee.

## **11. Documentation and Monitoring:**

For all formal complaints, an investigation file will be maintained and will include:

- copy of the complaint;
- action taken/response within five working days;
- where applicable, terms of reference for the investigation;
- interview notes;
- evidence collected (e.g., digital video recordings, documentation reviewed etc.);
- investigation report; and

- copy of resolution of the complaint, including written rationale for any decisions.

All complaints must be recorded in the Incident Reporting and Information System.

## **12. Complaint Resolution Timelines**

Resolution of formal complaints will be completed within a maximum 45 working day period from the date the complaint was received. Exceptions to this may arise where the complaint results in a BCPSA led investigation.

Any investigations requiring an extension of the 45 day period will require written notification to the ADM's manager of business operations with rationale and anticipated time frame for completion.

The complainant will be advised in writing of the formal reviews exceeding the 45 days. Circumstances that could lead to an extension include:

- the complainant is unavailable due to travel, illness or other commitments;
- the complainant has been difficult to reach and this has caused delay in the formal review completion;
- additional time is needed to ensure the complainant's views are heard;
- the staff involved are unavailable (leave);
- witnesses are unavailable or,
- the matter is complex and requires participation of an external authority.

## **13. Criminal Offences**

Where the complaint concerns allegations of a criminal offence committed by a staff member, the matter will be immediately reported to the regional executive director/superintendent who will manage referral to the BCPSA.

## **14. Coordination and Cooperation**

Where the complaint involves more than one agency and investigative process, the lead investigator will ensure the necessary coordination and cooperation occurs to facilitate the effective conclusion of all investigations and to minimize duplication of efforts by the client.

## **15. Legislative Authority – Release of Information**

Legislation regarding the collection, use and disclosure of personal information can be found in [Freedom of Information and Privacy Protection Act](#).

Access to court files and documents by the public is determined by policies set by the [Court of Appeal, BC Supreme Court and the Provincial Court](#).

For release of information inquiries or clarification, please contact CSB's director of policy, legislation and planning at: [AskPolicy@gov.bc.ca](mailto:AskPolicy@gov.bc.ca).