
POLICY TYPE:	Communication/Customer Service
POLICY TITLE:	Public Complaints Handling
POLICY #:	F13
POLICY APPROVED BY:	Chief Administrative Officer
EFFECTIVE DATE:	January 16, 2017
REVISED:	January 16, 2017
APPLICABLE TO:	All Employees

1. Policy Statement:

- 1.1. The Municipality of Clarington recognizes the importance of public feedback and welcomes complaints as a valuable form of feedback regarding our services, operations and facilities. The information gained from complaints and feedback assists in improving the quality of the services provided by the Municipality and the client experience of residents.
- 1.2. The Municipality of Clarington is committed to a consistent and uniform process to respond to complaints received from members of the public regarding programs, facilities, Municipal services, staff or operational procedures. This policy, and the accompanying Departmental procedures, outline the process to be followed and service standards for the handling of public complaints from members of the public.

2. Purpose:

- 2.1. The purpose of this policy is to clearly outline how the Municipality of Clarington will accept and respond to complaints.

3. Applicability

- 3.1. This Policy applies to complaints regarding Municipal services, including programs and facilities, staff, an act, decision or recommendation made or omitted in the course of the administration of the Municipality.
- 3.2. This Policy does not apply to:
 - Issues addressed through federal or provincial legislation, including:
 - An existing legislative process established by a higher governing law,
 - The Planning Act, including the Official Plan,
 - A zoning By-law, or
 - Property Standards under the Ontario Building Code.
 - A decision of Council or a decision of a Committee of Council,
 - Complaints regarding whether Clarington Council complied with the open meeting provisions of the *Municipal Act* shall be directed to the

Municipality's Closed Meeting Investigator in accordance with Clerk's Procedure L02-001 Processing Closed Meeting Compliance Investigations.

- Services not provided by the Municipality of Clarington
- Complaints regarding whether Council members alleged contraventions regarding the Council Code of Conduct shall not be handled through this Policy.
- Internal employee complaints (follow internal policies)
- Bidder or potential Bidder complaints or inquiries (per the Purchasing By-law)
- Insurance claims
- On-going litigation
- Matters that are handled by tribunals, courts of law, quasi-judicial boards, etc.,
- Informal feedback, suggestions or enquiries

3.3. If, after exhausting all complaint review processes, as established by this Policy, the complainant believes that the review of their complaint undertaken was inadequate, he/she may refer the complaint to the Municipal Ombudsman for further investigation. (See Attachment 1 for contact information for the Municipal Ombudsman.)

4. Complaint Management Principles:

4.1. Generally, complaint resolution can be done informally at the time of initial contact between staff and the public.

4.2. The Municipality of Clarington will deal with all complaints with the following complaint management principles:

Accountability – This Policy and any procedures should be well understood by staff and include routine monitoring of complaints by senior management to ensure matters resulting from repeated complaints are addressed.

Confidence – The public should have confidence in the reliability of the process.

Confidentiality – Complaints will remain confidential in accordance with applicable policies and the *Municipal Freedom of Information and Protection of Privacy Act*.

Plain Language OR Simple and Accessible– This Policy and any procedures should be easy to understand and accessible to the public.

Effectiveness – Staff should address issues within their authority and capacity. The public should be advised of options to resolve the complaint.

Consistency, fairness and independence – The process should be consistent, fair and include a review process.

Flexibility – Staff should have the discretion to adjust and adapt their response based on the nature of the complaint.

Impartiality – The process should be impartial and filing complaints will not adversely affect the quality of future Municipal services delivered to complainants.

Response Time – Complaints shall be acknowledged within 2 business days and a formal response to the complaint shall be issued within 15 business days.

5. Definitions:

Complaint – any written expression of dissatisfaction, which has been escalated because it was not resolved informally by dealing with the employee directly involved with the issue or other frontline staff member, about the service, action or lack of action by the Municipality Clarington or by a person or body acting on behalf of the Municipality. Complaints may relate to the actions of an individual or to the policy/practice, process or procedure. Examples include, but are not limited to, perceptions of:

- A perceived failure to do something Municipal staff agreed to do;
- A failure to appropriately follow Municipal policies or procedures;
- An error made by Municipal staff or a person or body acting on behalf of the Municipality.
- Unfair or discourteous actions/statements made by Municipal staff or a person or body acting on behalf of the Municipality;
- Accessibility of goods, services and facilities;
- Access to Municipal services; and
- Quality of Services.

Complainant – the person who is dissatisfied and filing the complaint under this Policy.

Compliment – an expression of approval for a Clarington service, staff member, program, product or process.

Department – means the division of the Municipality that would be responsible for addressing the complaint.

Department Contact Person – means the Municipal staff person who is involved in initially responding to and attempting to resolve the complaint.

Enquiry – means a general or specific request for service or request for information regarding a Clarington product or service made by a customer that is resolved at the point of service delivery.

Feedback – means an idea submitted to Clarington by a customer with the aim of improving services, programs, products and processes.

Ombudsman – means the Ontario Ombudsman or the Ombudsman appointed by the Municipality of Clarington Council in accordance with Section 223.13(1) of the *Municipal Act*.

Senior Contact Person – means the Municipal staff person who is reviewing the decision of the Department Contact Person and may include, but is not limited to, a Supervisor, Manager or Director.

Unreasonable Request – means a request that is characterized by one or more of the following: Cyberbullying, discriminating, frivolous, harassing, intimidation techniques, pattern of inappropriate conduct, vexatious or violent.

6. Policy:

6.1. The Municipality of Clarington requires each Department to have their own procedure(s) for handling complaints. A copy of each department's procedure is held by the Municipal Clerk.

6.2. To the extent of any conflict between the provisions or requirements of this Policy and any provision or requirement included in any departmental complaint handling procedure, the provisions and requirements of this Policy shall prevail.

6.3. Each department's complaint handling procedure will include an opportunity for a complainant to escalate their issue should they feel it necessary.

6.4. Any person, or their representative, can submit a complaint and it will be reviewed in accordance with this Policy. If a person is acting on behalf of another individual, a consent form for this purpose is available at any front-line service counter and online.

6.5. Anonymous complaints will not be accepted.

6.6. Unless otherwise expressly stated in a Municipal By-law, complaints may be submitted:

- Online via the Municipality's website Clarington.net;
- By mail to Municipality of Clarington, 40 Temperance St., Bowmanville, ON L1C 3A6;
- By telephone at 905-623-3379; or
- In person at any Municipality of Clarington Service facility.

6.7. All complaints will be dealt with in accordance with the *Municipal Freedom of Information and Protection of Privacy Act* and other applicable legislation. The identity of the complainant will be made known only to those who need to know in order to consider the complaint. All Municipal participants, and their agents, in the complaints process shall keep the details of the complaint confidential except as may be required by law.

6.8. In implementing this Policy, the Municipality is subject to any other applicable law; including its obligations under workplace violence, harassment, and health and safety laws.

6.9. Department Review of Complaint

6.9.1. Complaints will be directed to and assessed by the appropriate Department to be processed in accordance with their respective Departmental complaint handling procedures.

6.9.2. The respective department shall document and record all complaints in accordance with the department's defined procedures.

6.9.3. Complaints resolved by the respective department shall be deemed to be closed.

6.9.4. Should the complainant believe that his/her complaint has not been adequately addressed in accordance with the Department Complaint Handling procedure, the complainant may request that their complaint be reviewed by the Chief Administrative Officer (CAO).

6.10. CAO Review of Complaint

6.10.1. Complaints subject to Section 6.9.4 of this Policy, shall be reviewed by the CAO.

6.10.2. With input from the respective Department Head, and any other relevant staff person, the CAO shall undertake a review of department's

actions taken and records pertaining to the complaint, for the following purposes:

- a) Accuracy and completeness;
- b) Clarity of response and information provided;
- c) Fairness, including opportunity for internal or external appeal;
- d) Opportunities for further refinement of customer complaints management; and
- e) Opportunities for improvements in service delivery including a review of existing practices and processes.

6.10.3. The CAO may request a meeting with the complainant to assess the review undertaken in Section 6.9 of this Policy.

6.10.4. A written response will be provided to the complainant outlining the CAO's assessment of the review undertaken in Sections 6.7 and 6.9 of this Policy and indicate that, should the complainant believe that the assessment of the review undertaken by the CAO was inadequate, he/she may refer the complaint to the Municipal Ombudsman.

6.10.5. Subject to Section 6.10.4 of this Policy, the complaint file is deemed to be closed.

6.11. Responsibilities

6.11.1. All employees are to have knowledge and awareness of the Municipality's requirement to receive complaints, the process through which a complaint can be made, and the service standards that apply to complaints. Municipal staff will maintain a record of his/her review of a complaint in accordance with the Municipality's records retention policies and procedures.

6.11.2. Supervisors are responsible for facilitating prompt response to all complaints regarding their staff to ensure that service standards are achieved.

6.11.3. Managers and Department Heads are responsible for the receipt and response of all complaints according to the service standards set out in this Policy and their respective Department Complaint Handling Procedure. Department Heads hold responsibility for departmental

awareness of this Policy by their staff and compliance to the Corporate Complaints Handling Policy and corresponding Department Procedure.

6.12. Compliance

- 6.12.1. The CAO and Department Heads are responsible for implementation and ongoing compliance with the Corporate Complaints Handling Policy.
- 6.12.2. Departmental annual reports will be provided to the CAO by January 31st indicating the number of complaints received during the previous year, the number of complaints to date, the number of complaints meeting service standards, the number of complaints outstanding, and the number of complaints not meeting service standards.

6.13. Unreasonable Requests

- 6.13.1. Where an employee encounters what they believe to be an unreasonable request (as defined in this Policy), the employee shall provide any supporting materials (eg. Emails, letters and staff notes documenting a conversation or incident) and advise their Manager of the steps that have been taken to resolve the issue, including:
 - Length of time that staff have been in contact with the requester
 - Amount of time spent in addressing the request
 - Number of requests that the requestor has made on the same matter or substantially similar facts and the status of each, and
 - A description of the nature of the requestor's behaviour and/or demeanour.
- 6.13.2. The Manager shall, taking into consideration the details provided by the employee regarding the requester, determine if the requests are unreasonable.
- 6.13.3. The Manager shall contact the requester to discuss the matter and if the matter cannot be resolved, the Manager shall issue a warning letter detailing any necessary restrictions being imposed on the requester concerning future interactions with staff. Examples could include: restricting the requestor's interaction with a single point of contact with the Municipality, instructing staff to not respond to further written correspondence, and ensuring any necessary face-to-face interaction

between the requestor and staff take place in the presence of an appropriate witness.

6.13.4. Should a requestor not take heed to the warning letter, the matter shall be escalated to the CAO for consideration and action.

6.14. Monitoring / Contraventions

6.14.1. The CAO will monitor corporate compliance with this Policy and will follow up with appropriate departments as required.

6.15. Communications

6.15.1. This Policy shall be readily accessible to the public and available on the Municipality's website. The diagram attached as Appendix 1 to this Policy shall serve as a general communication of the procedures of the Municipality and this Policy (F-13) should be consulted for any details on the principles, policy or processes of the Municipality.