

TOWN OF WHITCHURCH-STOUFFVILLE
ADMINISTRATIVE POLICY NO. 68

SUBJECT: Public Complaint Handling Policy
SECTION: Council
Effective: July 1, 2016
Applicable to: ALL STAFF
Not Applicable to: Council
Authority: Council

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1.0 Overview

This policy outlines the process to be followed and service standards for handling public complaints.

Service excellence and customer satisfaction are priorities for the Town. The Town 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.

The Town recognizes the importance of public feedback as a valuable means for continual improvement to the quality of services, operations and facilities.

This policy applies to complaints which are received online at www.townofws.ca, by phone, at the Customer Service Centre desk, by e-mail, by mail or by fax.

The policy **does not** apply to:

- Request for Service;
- Report of a Matter;
- Feedback;
- Suggestions;
- Inquiries;
- Compliments;
- Anonymous complaints;
- Elected Officials;
- Internal staffing complaints (Internal staffing complaints should be referred to the appropriate department manager or, in the alternative, to the Manager of Human Resources);
- Complaints regarding compliance with open meeting provisions of the *Municipal Act* (The application to request an investigation is located at: <http://www.townofws.ca/en/town-hall/closed-meetings.asp>. Completed applications are then forwarded to the Town's Closed Meeting Investigator;
- Complaints regarding the Whitchurch-Stouffville Public Library (These complaints should be directed to <http://www.wsplibrary.ca>.); or
- Appeals where the Town has established appeal mechanisms in place through the Town's *Appeals Committee*. More information is located at: <http://www.townofws.ca/en/town-hall/committee-appeals.asp>.

2.0 Policy

2.1 What is a complaint?

A complaint is an expression of dissatisfaction related to a Town program, service, facility, or staff member, where a resident believes that the Town has not provided a service experience to the resident's satisfaction and a response or resolution is explicitly or implicitly expected.

Examples include, but are not limited to:

- A failure to do something that staff agreed to do;
- A failure of staff or contractors to follow Town policies and/or procedures;
- An error made by staff or a person or body acting on behalf of the Town that was not rectified;
- Unfair or discourteous actions/statements made by staff or a person or body acting on behalf of the Town;
- Issues with access to Town services and Town facilities;
- Issues involving accessibility as it may relate to the Accessibility for Ontarians with Disabilities Act (AODA); and
- Service not provided in a manner that meets the quality standard expected.

All complaints filed with the Town necessitate a response.

Complaints shall be made in a timely fashion. Complaints shall be submitted generally within two (2) weeks of the alleged occurrence, but not later than thirty (30) days after the alleged occurrence. These timeframes may be extended when in the opinion of the Senior Management Team, circumstances reasonably exist to justify the extension.

A **Complaint** is distinct from the following:

- a) **Request for Service or Report of a Matter:** - a request made to the municipality for a specific service or to notify the Town that a scheduled service was not provided on time. Examples include:
 - Request the Town repair a street surface;

- Report a burnt out streetlight;
 - Notify the Town of a missed garbage collection;
 - Alert the Town of a water quality issue (request investigation) or to report water supply disruption (request investigation); and
 - Report a by-law or parking infraction.
- b) **Compliment:** - an expression of appreciation for a Town service, program, product, process or to recognize excellent service provided by a Town employee;
- c) **Inquiry:** - A general or specific request for information regarding a Town product or service that is resolved at the point of service delivery;
- d) **Claim:** - A request for compensation where the Town may be responsible for a bodily injury or property damage. Examples would include requests for compensation for:
- Damage to vehicle from a pothole;
 - Injury from a fall on a sidewalk; and
 - Property damage from a fallen municipal tree.

Members of the public wishing to submit a claim are asked to contact claim@townofws.ca directly;

- e) **Feedback:** - An opinion, comment or expression of interest in a Town program or service; and
- f) **Suggestion:** - An idea submitted to the municipality by a customer with the aim of improving services, programs, products or processes.

The feedback button on Town's website www.townofws.ca provides links to all of the above.

2.2 Policy Statement

All complaints will be handled promptly, courteously, impartially and professionally. All complainants will be treated with respect and will not receive adverse treatment or any form of reprisal.

2.3 What information should be contained in a complaint?

- a) The specific details of what occurred;
- b) The date of the occurrence including time, day, month and year;
- c) Any previous Service Request Management (SRM) ticket information pertaining to the above matter, if known or applicable;
- d) Names of who was involved, if known;
- e) What was said or done;
- f) What kind of resolution is being sought; and
- g) Contact information for the complainant.

2.4 Who can make a complaint?

Anyone who uses or is affected by Town services can make a complaint. This includes:

- Residents;
- Businesses;
- People who work in or visit the municipality; and
- Community groups.

Some individuals may require assistance to make a complaint, and complaints can be made on their behalf, provided that the person affected has given their written consent. A consent form for this purpose is available from each department (Appendix A).

2.5 Procedure to submit a complaint?

Complaints can be submitted:

- a) Online through the Town's website www.townofws.ca/complaint;
- b) By telephone at 905-640-1900 or 1-855-642-8696;
- c) By e-mail at complaint@townofws.ca;

- d) By mail at Customer Service, 111 Sandiford Drive, Stouffville, ON L4A 1J5 (Please note that envelope should be marked “**Confidential Complaint**”);
- e) In person at the Centralized Customer Service Centre at 111 Sandiford Drive, Stouffville.

2.6 What are the Town’s Service Standards for Complaint Handling?

The following service standards will be adhered to in the handling of all complaints received.

- a) Complainants must receive a written acknowledgement of receipt of their complaint and be assigned a Service Request Management (SRM) Complaint tracking number within three business days. This acknowledgement can be in the form of an e-mail, phone, fax or letter depending upon the complainants preferred contact method indicated when submitting a complaint. This acknowledgement must identify who will be following up on the complaint as well as their contact information. The acknowledgment must also let the complainant know that their complaint is being reviewed and will be responded to within the timelines noted below.
- b) A final written response or update must be sent to the complainant within 20 business days, barring exceptional circumstances.

2.7 Confidentiality

All Complaints will be dealt with in a confidential manner, 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 authorized individuals who require this information in order to consider the complaint. All participants in the complaints process shall keep the details of the complaint confidential except as may be required by law.

2.8 Responsibility

Employees: All employees are to have knowledge and awareness of the Town’s requirement to receive complaints, the process through which a complaint can be made and the service standards that apply to complaints.

Managers: Managers shall assign a complaint to the staff member with sufficient authority and capacity to address the scope of the complaint. Managers are responsible for ensuring their staff provide prompt response to all complaints in accordance with service standards, monitoring SRMs to ensure all matters are resolved and closed.

Manager of Customer Service: The Manager of Customer Service is responsible for:

- a) Directing complaints to the applicable department for resolution;
- b) Acting as liaison with the Information Technology department as required on all matters of a technical nature pertaining to the complaint system;
- c) Training staff on the complaint system and for ensuring that the contact information regarding trained staff is accurate and updated as required;
- d) Provide Managers with monthly reports;
- e) Providing the Senior Management Team (SMT) with quarterly reports;
- f) Following up with SMT whenever a complaint is forwarded between departments more than twice in order to determine the department directly responsible for resolving the complaint;
- g) Acting as liaison with a complainant, the applicable department and SMT when a complainant requests a review of a complaint resolution;
- h) Providing a complainant with the results of a complaint review by SMT.

Directors: Directors are responsible for ongoing department compliance to the Public Complaint Handling Policy. In addition, Directors are responsible for ensuring that the filing of a complaint does not adversely affect the quality of future services delivered to a complainant.

SMT: SMT is comprised of the department Directors and the Chief Administrative Officer. SMT is responsible for the implementation and ongoing compliance with the Public Complaint Handling Policy. When requested by a complainant to do so, SMT is responsible for conducting a review of the handling of a complaint in accordance with the Public Complaint Handling Policy.

2.9 Compliance

Quarterly reports will be provided to SMT indicating:

- a) The number of complaints received during the quarterly period categorized according to the nature of the complaint;
- b) The number received to-date during the calendar year;
- c) The number resolved;
- d) The number outstanding;

- e) The number meeting service standards for complaint handling;
- f) Not meeting service standards, if any.

SMT will share the quarterly reports with the Managers within their departments and ensure follow up on any outstanding complaints as well as the reason(s) any complaints failed to meet the Town's service standards.

2.10 Monitoring

SMT is responsible for monitoring corporate compliance with this policy and following up with the appropriate Department as required.

2.11 Unreasonable Complaints

Unreasonable complaints will be handled in accordance with Appendix B to this Policy.

3.0 Procedures

3.1 Informal vs Formal Complaint

Generally complaints can be resolved informally at the time of initial contact between staff and the public without the necessity of engaging in a formal complaint process. However, any person affected, or their representative, can submit a formal complaint and the complaint will be reviewed in accordance with this policy.

3.2 Complaints received through Town's website

When a complainant makes a complaint on www.townofws.ca/complaint, they are directed to a page which provides an explanation of the complaints process and contains a definition of what constitutes a complaint. It also includes a form to be completed by the complainant.

Complainants must include their contact information in order to submit a complaint. Complaint forms are received by the Manager of Customer Service and are then forwarded to the applicable department for resolution.

3.3 Complaints received by telephone

The Town's Customer Service Associates follow a scripted narrative path with the caller which includes a reminder of the difference between a request for

service and a complaint. The script will lead the Associate to a complaints form which is then completed by the Associate who received the call.

Complainants must include their contact information in order to submit a complaint. Complaint forms are received by the Manager of Customer Service and are then forwarded to the applicable department for resolution.

The Associate will advise the complainant of the SRM Complaint tracking number and provide the three-day timeline information.

3.4 Complaints by e-mail, mail, fax or at the service counter

Customer Service Associates receiving the complaint will input the information related to the complaint into the complaints page of the Town's website, www.townofws.ca/complaint and open a SRM Complaint tracking number in accordance with section 3.6.

Complainants must include their contact information in order to submit a complaint. Complaint forms are received by the Manager of Customer Service and are then forwarded to the applicable department for resolution.

The Associate will advise the complainant of the SRM Complaint tracking number and provide the three-day timeline information.

3.5 Complaint received directly by a particular department

Should a complaint be received directly by a particular department through an e-mail, mail, or fax, the staff within the department will follow the steps in section 3.4 and open an SRM Complaint tracking number in accordance with section 3.6. The Manager of Customer Service shall be copied on the SRM Complaint.

3.6 Service Request Management (SRM) system

Once a complaint has been received, staff shall open a SRM Complaint ticket and assign a tracking number to the complaint.

The SRM is then forwarded to the Manager of the applicable department for assignment to staff to resolve. The SRM is directed to and assessed by staff with sufficient authority and capacity to address the scope of the issue.

The staff member assigned to the SRM shall:

- Review the complaint;
- Advise the complainant if there is another appeal mechanism available, such as the Appeals Committee;

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- Advise the complainant of the assigned SRM Complaint tracking number;
- Advise the complainant of the staff contact including their name, telephone number and e-mail address;
- Request any further information that may be needed in order to resolve the complaint;
- Provide an outline of actions to be taken by the Town to resolve the complaint;
- Provide an estimated timeframe associated with actions required to resolve the complaint (20 working days, barring exceptional circumstances);
- Contact the complainant if the response takes longer than 20 days and assure that the complaint is being addressed and that a response will be provided as soon as possible and annotate on the SRM Complaint ticket that the complainant has been so advised;
- Draft the response to the complainant regarding the resolution of the complaint which is reviewed by the Manager before being sent; and
- Once the response is sent, the resolution date and a brief summary of actions taken must be entered into the SRM Complaint ticket in order to close out the complaint.

Managers are tasked with monitoring SRMs and ensuring that all matters are resolved and closed.

When the matter is resolved, the complainant is advised and informed that the SRM has been closed.

The response to the complainant shall include:

- A statement of the complaint;
- An outline of how the investigation was conducted;
- A summary of the facts;
- An outline of the findings;

- A suggestion as to an appropriate resolution along with the rationale supporting the proposed resolution; and
- A statement as to the next steps available for the complainant if they wish to seek a review of the complaint process pursuant to this policy.

All responses to complainants shall be reviewed by the applicable Manager prior to release to the complainant.

If the complainant is dissatisfied with the manner in which the complaint was resolved, the complainant may choose to request a review of the handling of their complaint in accordance with section 3.8.

3.7 Special cases

a) **A complaint is received by one department which is meant for a different department**

If a complaint is received in error by a department and needs to be handled by another department:

- The direction error should be noted on the SRM Complaint ticket;
- The complaint shall be immediately forwarded to the Manager of Customer Service who will redirect the SRM Complaint ticket to the appropriate department and ensure that a similar error does not occur in the future;
- If there is a delay of more than one day in the forwarding of the complaint from the initial department to the Manager of Customer Service, the initial department receiving the complaint shall contact the complainant to tell them that their complaint was received and has been re-directed to the Manager of Customer Service for delivery to the appropriate department for response and that they will hear from that department shortly. The details regarding this notification to the complainant are to be noted on the SRM Complaint ticket; and
- When the appropriate department receives the forwarded complaint, the three-day response service standard begins anew for the department receiving the complaint.

b) A complaint that is not actually a complaint, but rather a request for service

There is a difference between a complaint and a request for service or a report of a matter. A complaint is not a request made to the municipality for a specific service or to notify the Town that a scheduled service was not provided on time. (See Section 2.1 of this Policy).

If the complaint is actually a request for service, the staff member shall contact the complainant and assist them by creating a service request or advising the resident on how to submit a service request through the feedback button on Town's website at www.townofws.ca.

The staff member shall note on the SRM Complaint ticket that the complaint was redirected to a service request and close the complaint.

c) Hybrid complaint

A hybrid complaint is a communication which contains both a request for a service and a complaint. In these instances, the complaint component will be handled in accordance with the Public Complaint Handling Policy and Procedures and the request for services component will be handled in accordance with 3.6 (b) above. The distinction between a complaint and a request for service shall be reiterated in the response to the complainant.

3.8 Review of Complaint

If the complainant is dissatisfied with the manner in which the complaint was resolved, the complainant may submit a request to the Manager of Customer Service requesting a review of the handling of their complaint. The Manager of Customer Service will work with the department which handled the complaint to compile all documentation for review by SMT. A meeting of SMT will be scheduled so that all documentation can be reviewed for compliance with the Town's Public Complaint Handling Policy. As part of the review process, SMT has also the ability to reconsider how the complaint was resolved. The Manager of Customer Service shall advise the complainant in writing as to the outcome of the review.

3.9 Ontario Ombudsman

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 Ontario Ombudsman for further investigation. Complainants can reach the Ontario Ombudsman's office at <https://ombudsman.on.ca/Home.aspx>.

4.0 References

Administrative Procedure #42 – Harassment and Discrimination Free Workplace

Administrative Procedure #59 – Accountability and Transparency

Administrative Procedure #60 – Staff Code of Conduct

Municipal Freedom of Information and Privacy Act

Public Sector and MPP Accountability and Transparency Act

Appendix A

Complaint Representative Consent Form

I, _____,
Please print

Consent to have all communications and information relating to my complaint with the Town of Whitchurch-Stouffville disclosed to my representative.

Name of Complainant's Representative:
Signature of Complainant:
Date:

Personal information on this form is collected under the authority of Section 227 (c) of the *Municipal Act, 2001*, S.O. 2001, c. 25. This information will be used to confirm your consent under Section 32 (b) of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56 to disclose information relating to your complaint to the third party you identified. Questions about this collection can be directed to the FOI Coordinator, 111 Sandiford Drive, Stouffville, ON L4A 0Z8, 905 640-1910, extension 2222, or at clerks@townofws.ca.

Appendix B

Staff Guidelines for Addressing Unreasonable Requests/Complaints

In order for the Town to benefit from continuous improvement, feedback, including complaints, is vital. The Town is committed to service excellence and customer satisfaction. The Town recognizes that there may be times when the quality of the services provided does not meet the user's expectations. Receipt of a complaint provides staff with an opportunity to look at the specific service through the eyes of the user.

The Town acknowledges that as a level of government and arbiter of rules, it is held to a high standard by requestors and complainants.

Concurrently, the Town has a duty to provide a safe working environment for its employees which is free from the following:

Cyberbullying means the use of communication technologies to engage in deliberate, repeated or hostile behaviour intended to harm, embarrass, harass or slander someone deliberately, including, but not limited to: social media outlets (e.g. Facebook, Instagram, Twitter, YouTube), personal blogs, web pages, discussion groups or online media/newspaper articles.

Discrimination means an action or a decision that treats a person or a group negatively for reasons such as their race, age or disability. The Ontario Human Rights Code sets out a legal definition of discrimination and establishes the prohibited grounds.

Harassment means engaging in a course of vexatious comment or conduct that is known, or ought reasonably to be known, to be unwelcome.

Intimidation means unwarranted conduct, including, but not limited to: cyberbullying, discrimination, harassment, violence or threats of violence, profanity, personal insults or communication that is deemed threatening.

Vexation means a complaint that is without merit and pursued in a manner that is reasonably perceived by staff to be malicious, intended to embarrass or harass the recipient or intended to be a nuisance.

Violence means:

- (a) The exercise of physical force by a person against an employee, in a workplace, that causes or could cause physical injury to the employee;
- (b) An attempt to exercise physical force against an employee, in a workplace, that could cause physical injury to the employee; or

- (c) A statement or behaviour that it is reasonable for an employee to interpret as a threat to exercise physical force against the employee, in a workplace, that could cause physical injury to the employee.

As a result, guidelines for addressing unreasonable requests or complaints are necessary in order to balance the Town's desire to encourage public input while at the same time protecting employees in accordance with provincial laws.

What constitutes an Unreasonable Request or Complaint?

An unreasonable request/complaint is one where there is reasonable grounds to believe that the request or complaint:

- a) Is submitted for their nuisance value;
- b) Would interfere with the operations of the municipality;
- c) Is made in bad faith;
- d) Has been made more than once and is being used for the purpose of revisiting an issue that has been previously addressed; or
- e) Is articulated in such a way that it can be considered harassing or abusive;

Addressing an unreasonable request/complaint:

In determining whether a request/complaint is unreasonable, staff shall provide all supporting materials (i.e. e-mails, 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:

- a) The length of time that staff have been in contact with the requestor/complainant;
- b) The amount of correspondence that has been exchanged with the requestor/complainant;
- c) The number of requests/complaints that the requestor/complainant has made on the same matter or substantially similar facts and the status of each; and
- d) A description of the nature of the requestor/complainant's behaviour and/or demeanour.

A pattern of conduct must be established through documented evidence. In order to determine that a pattern of conduct exists, the request or complaint should meet one or more of the following requirements:

- a) Is the request/complaint excessively broad, varied in scope or unusually detailed and the requestor/complainant unwilling to clarify or simplify the request or complaint?
- b) Is the request/complaint identical or substantially similar to a previous one?
- c) Is there evidence of dishonesty, underhandedness or “bad faith” from the complainant?
- d) Is there documentation of an inordinate length of staff time spent addressing the request?

There is no fixed number of actions required to establish a pattern of conduct of unreasonable requests or complaints. Instead the Manager must review each case on its own merits to determine whether there is sufficient evidence of a continuity of purpose or intent to justify claiming there are reasonable grounds to believe that the request or complaint is unreasonable.

The Manager is responsible for reviewing the information provided by staff and determining if the matter should be escalated to the appropriate Director. Before escalating the matter to the Director, the Manager must be satisfied that the matter is an unreasonable request or complaint and ensure that there is adequate evidence to support this position.

The Manager should immediately bring the following to the attention of the appropriate Director and the Manager of Human Resources:

- Any implied or explicit threats made against the safety of a staff member or the safety of others;
- Any intimidating behaviour which may be established by the content, tone and language of the person’s correspondence, especially if the language used is insulting, offensive or abusive;
- Any unsubstantiated, derogatory or inflammatory allegations made against staff; or
- Any harassment or discrimination.

The Director is responsible for investigating any unreasonable request brought forward by the Manager. If the Director is satisfied that there is adequate evidence to support that the request or complaint being deemed unreasonable, the Director may:

- a) Request a face-to-face meeting with the requestor or complainant and relevant staff (if applicable) in order to identify any misunderstandings and attempt to resolve the issue;
- b) Require the requestor/complainant clarify and/or simplify any overly broad requests/complaints;
- c) Issue the requestor/complainant a warning letter advising the requestor/complainant that further correspondence with staff is to be in a particular format (i.e. e-mail only), or at a specific time (i.e. at specific times and days of the week), or for a specific duration (i.e. conversations may not be longer than 10 minutes);
- d) Restrict the requestor/complainant to a particular point of contact for the department and advise staff to refer the requestor/complainant to that point of contact;
- e) Advise the requestor/complainant that any face-to-face interactions between the requestor/complainant and staff are to take place in the presence of an appropriate witness; or
- f) Require the requestor/complainant produce full disclosure of documentation or information before staff will further investigate a request or complaint and advise the requestor/complainant to wait for that documentation or information to be reviewed and an investigation to be concluded before contacting staff.

In extreme circumstances, where the Director recommends that the requestor or complainant be advised that staff will not respond any further to the request or complaint, or a substantially similar request or complaint, the Director will first seek concurrence with SMT. If SMT is in agreement with the Director's recommendations, then the Director will advise requestor or complainant that their request or complaint has been closed and explain their right to appeal the Town's decision to the Ontario Ombudsman's office.