

## Complaint Handling Policy

Approved By: Council  
Approval Date: November 1, 2016  
Effective Date:  
Revision Date: October 4, 2022

### Policy Statement

The Corporation of the Township of Douro-Dummer is committed to a consistent and uniform process to respond to formal complaints received from members of the public and to ensure an approach where all complaints are dealt with fairly in a respectful and timely manner. This policy shall govern the process to be followed and the service standards for the handling of complaints

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**Purpose:** The purpose of this policy is to provide a consistent and uniform process to respond to public complaints regarding programs, facilities, services provided by the administration of the Township of Douro-Dummer, staff or operational procedures. This policy is also intended to satisfy Bill 8 - Public Sector and MPP Accountability and Transparency Act, 2014 which provides the Ontario Ombudsman the power to investigate and resolve complaints about municipalities. The information gained from complaints contributes to the -helps improvement of the quality of the services and operations of the Township provided by the Township.

**Application:** This policy extends to programs, services and facilities directly delivered by the Municipality. This policy applies to complaints that are received by e-mail, by mail, by social media, phone or by fax.

- This policy applies to all Township departments, services, operations and employees.
- This policy shall be made available and accessible to those accessing services provided by the administration of the Township of Douro-Dummer.
- Complaints subject to this Policy must be submitted and considered in accordance with this Policy prior to being filed with the Ombudsman.

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### Definitions:

—Complaint—means any expression of dissatisfaction about the action or lack of action taken regarding operations, facilities or services

provided by the Municipality or by a person or body acting on behalf of the Township. ~~The term dissatisfaction is key to the definition of a complaint. Feedback of a positive or general nature, comments on a service or facility that do not require a response, or requests for service are not complaints. Complaints imply that the complainant is unhappy with the service received and that they require a follow-up response in regards to the issue.~~

*Complainant means* –the person who is dissatisfied and filing the complaint. Anyone who uses or is affected by municipal services can make a complaint including residents, people who work in or visit the municipality, local businesses or community groups.

*Compliment means* –an expression of appreciation for satisfactory or above-satisfactory service.

*Feedback means* –input from client that is neither positive, nor negative, but provides input or ideas.

*Formal Complaint means a written Complaint submitted on a form prescribed by the Township Clerk.*

*Frivolous or Vexatious Complaint means the Complaint is initiated with malicious intent or is part of a pattern of conduct by the Complainant that amounts to an abuse of the Complaint process. For greater clarity "frivolous" means lacking basis or merit; a matter that has little prospect of success; not serious, not reasonably purposeful. For greater clarity "vexatious" means without reasonable or probable cause or excuse; harassing; annoying; instituted maliciously or on the basis of improper motives; intended to harass or annoy.*

*Ombudsman means the individual designated and appointed by the Council of the Township of Douro-Dummer as an Ombudsman in accordance with the Municipal Act, or an Ombudsman having jurisdiction in accordance with the Ombudsman Act.*

*Request for Service means* –a request for a specific service provided, or could be provided, by the ~~municipality~~Township.

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#### Exclusions:

\*This policy does not apply to:

- Outside boards and agencies
- Requests for service

- Feedback and inquiries
- Compliments
- Anonymous complaints
- Requests for accommodations
- Matters before the courts or administrative tribunals

\*these communications and requests are handled through other mechanisms.

**References & Related Policies:**

- Bill 8 - the Public Sector and MPP Accountability and Transparency Act.  
Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)}
- Township of Douro-Dummer Public Complaint Procedure

Complaint records shall be retained in accordance with the Township Records Retention By-Law and records containing personal information shall be protected in accordance with MFIPPA.

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**Consequences of Non-Compliance:**

Failure to follow this policy may result in disciplinary action against the person not following this policy. It may also result in an investigation by the Ontario Ombudsman.

**Review Cycle:** This policy will be reviewed on an annual basis.

## **Procedures Guidelines**

### **What is a Complaint?**

The following are examples of Complaints covered by this policy:

- Concern that a matter was not completed or carried out in accordance with Township policies or standards (i.e. requirement to provide proper public notice in accordance with Council's Policy and By-laws);
- Receiving poor customer service (i.e. poor interaction with a Township employee);
- The timeliness through which a service was provided (i.e. delay in issuance of a permit or licence beyond standard service timelines); or
- The quality of a service provided (i.e. service requested was not the service provided).

### **A Complaint is distinct from:**

- a request for service made on behalf of a citizen for a specific service;
- a general enquiry or specific request for information regarding a municipal service;
- a request to increase service levels or provide a new service;
- an opinion or feedback, comment and expression of interest in a program or service;
- an expression of approval or compliment for municipal staff member, program, product or process; and,
- a suggestion or idea submitted with the aim of improving services, programs, products or processes.

### **The following Complaints will not be accepted or investigated in accordance with this Policy:**

- A Frivolous or Vexatious Complaint;
- Anonymous Complaints;

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- Complaints regarding a decision or recommendation of Council or a Committee of Council;
- Complaints against a Member of Council, Advisory Committee or Board for matters subject to a Code of Conduct duly approved by Council (subject to review by the Township's appointed Integrity Commissioner;
- Complaints regarding whether a meeting of Council was properly held in accordance with the Municipal Act (subject to review by the Township's appointed Closed Meeting Investigator);
- Complaints which involve ongoing litigation;
- Any decision, recommendation, act or omission of any person acting as a legal adviser to the Township or acting as counsel to them in relation to any proceedings;
- The outcome of an insurance claim processed by the Township's insurer;
- Matters pertaining to a Board under the Public Libraries Act;
- Any decision, recommendation, act or omission by the Township, in respect of which there is, under any Act, a right of appeal or objection, or a right to apply for a hearing or review, on the merits of the case to any court, or to any tribunal constituted by or under any Act

### **Complaint Submission and Processing**

The Township Clerk shall intake and process complaints, and departments review and respond to complaints in accordance with this Public Complaint Procedure prescribed by the Township Clerk and approved by the CAO.

### **Complaint Resolution – Guiding Principles**

Any person impacted by any decision or recommendation made or act done or omitted in the course of the administration of the Township may submit a Formal Complaint. If a person requires assistance submitting a complaint, an individual acting on the Complainant's behalf may submit the Complaint and provide evidence that the Complainant has provided their consent for said person to act as their agent.

It is in the interest of all parties that complaints are dealt with promptly and resolved in an expeditious manner. Complaints submitted to the Township Clerk will be referred to the appropriate department for review.

All Complaints will be treated in a confidential manner in order to protect the Complainant's privacy in accordance with the Municipal Freedom of Information and Protection of Privacy Act, subject to the need to disclose such information as required by law or as may reasonably be necessary in order to properly investigate the matter. Where possible and deemed necessary, the Township shall protect the privacy of any employee who is the

subject of a Complaint.

Review of complaints shall be impartial and respectful to the parties involved.

Complainants are to be provided with clear and understandable reasons for how decisions on the Complaint were determined.

Complainants shall be provided with the contact information for the Ombudsman in the event that they are dissatisfied with the final Complaint resolution or response by the Township. The following steps shall be adhered to in order to implement this policy:

1. — The identity of the Complainant will be made known only to those who need to know in order to consider the Complaint. All participants in the complaint process shall keep the details of the Complainant confidential except as may be required by law. If the matter goes to arbitration or through the court process, the Complainant's information will be managed in accordance with the applicable legislated process.
2. — Some Complainants may require assistance to make a Complaint and Complaints can be made on their behalf, provided the person affected has given their consent in writing.
3. — Anonymous Complaints will not be acted upon.
4. — All complaints necessitate a review/investigation and a written response.
5. — The Clerk, or designate, of the Township shall have the responsibility for managing the Complaint process.
6. — All complaints shall note the date of Complaint and be entered, by the designated staff member, into the appropriate complaint tracking software or other process that may be adopted to track complaints, and be assigned a tracking number.
7. — Once a Complaint has been assigned a tracking number, the Complaint shall be forwarded directly to the appropriate department manager responsible and a copy to the CAO.
8. — Complainants must receive an acknowledgement of receipt of their Complaint, which includes the tracking number, within five (5) business days of receiving the complaint.
9. — This acknowledgement must identify who will be following up on the Complaint as well as their contact information.
10. — The Complainant may be contacted to clarify the Complaint. The Complaint may be closed at this point if a resolution is mutually determined. A written response to the complainant summarizing the resolution will be provided.
11. — Within 20 business days, a response is to be provided to Complainants, barring exceptional circumstances.

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12. — Should there be a need for additional response time the Complainant will be advised within the 20 day time frame that additional time is required including the anticipated time frame for a response.
13. — The response to the Complaint will include:
  - a. — Background related to the Complaint and an outline of the investigation/review process including reviewing service request documentation.
  - b. — Action being taken to address the Complaint
  - c. — A clear and understandable explanation for how a decision on the resolution to the Complaint was made.
14. — If the Complainant is satisfied, the Complaint is closed and documented in the appropriate manner with all the necessary detail required.
15. — If the Complainant is not satisfied, contact the CAO and/or Mayor depending on the nature of the complaint.
16. — If the Complainant is still not satisfied, contact the Ombudsman.
17. — The resolution of the Complaint may also include an apology, reconsideration, reimbursement, restitution and/or change in policy as possible remedies. The Apology Act provides that apologies are not admissible as evidence of fault or liability.
18. — The CAO will be informed of all Complaints and will be provided with a copy of the response to the Complaint. The CAO may assist with the investigation/review of the Complaint.
19. — The staff member responsible for entering and tracking the Complaints, shall be provided with copies of all communications between the Complainant and the responsible Department Manager so that a complete record can be achieved of how the Complaint was handled.
20. — Once a complaint is closed a complete copy of all communications and documents shall be placed in the appropriate property file.

#### **Complaint Process:**

1. — Complaints should be in writing, on the attached form, and include information such as:
  - a. — Details of what happened.
  - b. — Where did it happen? Is it within the municipality's area of responsibility?
  - c. — When it happened?
  - d. — Who was involved?
  - e. — What was said or done, or not done?
  - f. — What kind of resolution is being sought?
  - g. — Contact details of the Complainant
  - h. — Any other details that are relevant to the Complaint.

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