

Recommendation:

That the Clerk's Office-2023-19 report, dated June 6, 2023 regarding the Draft Public Conduct Policy and Procedure be received and that the Policy and Procedure be approved and numbered as Policy A32 and A32a in the Township Policy Manual.

Overview:

During this term of Council, staff have been focused on updated and creating policies and procedure to modernize our service delivery and risk management program. Through this process the following Policies and Procedures have either been updated or created in the Township Policy Manual:

A23, A23a, and A23b – Complaint Handling Policy, Procedure and Form
A30 and A30a – Customer Service Standards and Customer Conduct Policy and Procedure
A31 and A31a – Routine Disclosure Policy and Procedure
P9 and P9a – Building Department Customer Service Policy and Procedure

All of these policies and procedures focus on the customer service which is integral to the work of the Township and forms the foundations of the relationships between the Township, residents and community stakeholders. As our Township has grown and the services that the Township provides have become more complex, policies were needed to formalize the internal standards that were already in place and to provide clear guidance to staff and the public on the expectations for service delivery.

Through the research for the above policies and through discussions with staff from the Ombudsman's Office it was recommended that the Township introduce a Public Conduct Policy which would address highly unusual customer interactions that are not addressed via the Policies above and already in place.

“Having a well-publicized policy that establishes clear expectations for the conduct of members of the public and for responding to problematic behaviour, enhances the consistency and transparency of municipal administration. It is a best practice that should be adopted ... for the benefits of ... staff and citizens alike.”

- Ombudsman of Ontario – “Counter Encounter”: Investigation into a complaint about the Township of Red Rock” (May 2017) (Full document attached to report)

In January 2016, the Ontario Ombudsman received a mandate to investigate decisions made by municipalities and to make recommendations based on the findings¹. Since then, the Ombudsman has strongly recommended that municipalities should adopt

¹ Bill 8, the *Public Sector and MPP Accountability and Transparency Act, 2014*, received Royal Assent in December 2014 and gave the Ontario Ombudsman the discretion, as of January 1, 2016, to investigate any decision or recommendation made or any act done or omitted in the course of the administration of municipalities, their local boards and municipally-controlled corporations, regardless of whether or not the Ombudsman receives a formal complaint.

policies regarding how they address public complaints, as well as policies for responding to unreasonable conduct from members of the public. As stated above, the Township has implemented a new Complaint Process and Customer Service Standards. However, it currently does not have an overarching policy to guide the response to unreasonable conduct by members of the public.

The Ombudsman has stated in various reports that public conduct policies can guide the response from the municipality in addressing unreasonable conduct, including vexatious and/or frivolous requests, aggressive, disrespectful or intimidating behaviour, and bullying and harassment. Such conduct may occur over the telephone, online, or face-to-face at a Council meeting, program, service, event, property or facility.

While such behaviour from members of the public is very rare, it can have significant impacts on those staff, Council members, Committee members and volunteers, as well as on corporate resources and other residents. Some situations involving unreasonable behaviour may cause concern for the reasonable safety of individuals on municipal premises, which is something the Township has a statutory duty to ensure. Other situations may compromise the enjoyment of municipal facilities for all users.

Requests of a frivolous, vexatious and/or unreasonably nature as defined in the Policy and Procedure may use a large amount of staff time and impede staff from attending to other essential issues, and hinders the Township's ability to provide service in a fair, efficient and effective manner as laid out in the Customer Service Standards and Customer Conduct Policy and Procedure.

For the very small number of individuals who may subject to any restrictions, the Public Conduct Policy would provide for procedural fairness, and include an indication of conduct expectations, requirements such as notification, consideration of factors on a case-by-case basis, and an opportunity to review and/or appeal any restrictions.

Conclusion:

In reviewing the Service Delivery and Organizational Review, there was a lengthy discussion on the need for the Township to modernize its policies and to create a separation between Policies and Procedures. This Policy and its accompanying Procedure reflect the recommendation presented in the Review and follow the recommendations outlined in the Ombudsman's Report - Counter Encounter 2017 referenced above and attached to this report. The Procedure document speaks to who is responsible, who the procedure applies to and direction on how it will be carried out.

1.2.1 Develop a Policy Review Process.	Develop a practice of governance oversight through the routine review of "key" policies (at a minimum once per council term) in order to instill Council's oversight role. Remove procedures from corporate policies. Develop a Policy Review Process. Transition existing policies to set guiding principles, accountabilities and direction as opposed to procedures.
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Financial Impact:

There is no direct financial impact to this report but if the draft Policy and Procedure are implemented they will insure that service can be delivered in a fair, efficient and transparent manner which will optimize the Township's resources.

Strategic Plan Applicability: To ensure and enable an effective and efficient municipal administration.

Report Approval Details

Document Title:	Public Conduct Policy.docx
Attachments:	
Final Approval Date:	May 31, 2023

This report and all of its attachments were approved and signed as outlined below:

Elana Arthurs