



Township of East Zorra-Tavistock

General Policy Manual

Title: Formal Complaints Policy	
Section: Corporate Policies	Number: GP2.14
Version: 1.0	Review Frequency: Each term of Council, or as required
Approved by: Council	Approval Date: September 7, 2016
Application: All Staff	
Notes:	

1. PURPOSE

This policy is intended to enable the Township of East Zorra-Tavistock (hereinafter referred to as "the Township") to promptly and effectively address formal program, service delivery and facility complaints, as well as complaints about staff members, raised by members of the public. The policy will assist the Township in providing excellent service to the public, and contribute to continuous improvement of operations.

The Township strives to reduce customer dissatisfaction by:

- Providing a timely and accurate response to complaints; and,
- Using complaints as an opportunity to improve program and service delivery issues.

2. DELEGATION & DISPUTE

The Township Clerk is delegated the responsibilities related to the determination and processing of formal complaints. Township Department Managers and the Chief Administrative Officer (as applicable) are delegated the responsibilities related to the investigation and response to formal complaints received. Any dispute from the public regarding any provision contained within this policy shall be referred to the Chief Administrative Officer, who shall make a determination regarding the issue.

3. DEFINITION – COMPLAINT

A complaint is an expression of dissatisfaction related to a Township program, service, facility, or staff member, where a citizen believes that the Township has not provided a service experience to the customer's satisfaction at the point of service delivery, and a response or resolution is explicitly or implicitly expected. The following submissions are not considered to be "formal complaints" under this policy:

- 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, program or facility;
- A request for information under the Assessment Act, or Municipal Freedom of Information and Protection of Privacy Act (MFIPPA);
- An opinion or feedback, comment or expression of interest in a service, program facility or employee;
- An expression of approval or compliment for municipal staff member, program, product or process;
- A suggestion or idea submitted by a customer with the aim of improving services, programs, products or processes.

Additionally, the following complaints will not be investigated as "formal complaints" under this policy:

- Complaints that are anonymous, or where sufficient information is not present to investigate the matter further;
- Complaints that are frivolous, vexatious and/or initiated with the intent to embarrass or harass an employee, as determined by the Chief Administrative Officer, in consultation with the appropriate Department;
- Complaints regarding staff members that are employed by a service provider contracted by the Township, and who are subject to the policies of that particular service provider;
- Complaints regarding the actions of a member of Council, a decision of Council, or a decision of a Board or Committee of Council;
- Complaints received from Township employees;
- Complaints which have been brought forward previously by a Complainant and have already been addressed under this policy, or otherwise deemed resolved by the Township;
- Complaints that are otherwise addressed by legislation, or an existing Township by-law, policy or procedure;
- Complaints regarding matters that are handled by tribunals, courts of law, quasi-judicial boards, etc.; or

- Complaints received ninety (90) days after the date when the event, or series of events, occurred unless the Clerk, in consultation with the Chief Administrative Officer, is satisfied that:
 - the delay was incurred in good faith
 - it is in the public interest to proceed with an investigation
 - no substantial prejudice will result to any person because of the delay

4. SCOPE

Anyone who uses or is affected by or uses Township programs, services or facilities can make a complaint. This includes:

- Residents;
- People who work in or visit the Township;
- Local businesses;
- Community groups.

5. EARLY/ INFORMAL COMPLAINT RESOLUTION

Early and informal complaint resolution is encouraged, without the necessity of engaging the formal complaint process. Wherever appropriate, it is the responsibility of the complainant to attempt to resolve concerns by dealing with Township employee(s) directly involved with the issue. In doing so, it is recommended that complainants first speak directly with the Department where they have the issue, in person or by telephone. Most complaints can be resolved promptly in this manner.

At the same time, it is the responsibility of all Township employees to attempt to resolve issues or concerns before they become formal complaints, and each employee has been delegated the authority to do so. Township employees are also empowered to identify opportunities to improve the delivery of municipal programs and services.

6. PROCESS FOR FILING A FORMAL COMPLAINT

Filing the Complaint:

Where an informal resolution cannot be achieved, formal complaints may be submitted to the Clerk (or designate), on the required Form attached as Schedule "A". This Form can be completed and submitted as a hard copy, or online at <http://ezt.ca/complaints>. All information on the Form must be completed.

When a complainant makes a Formal Complaint online at <http://ezt.ca/complaints> they will input their complaint into the appropriate drop-down field on that page. This page provides an explanation of the various methods by which one can contact the Township, including through making a Formal Complaint, under the Formal Complaint Policy. Complainants are reminded on the page that this particular page is intended for formal complaint reporting only, in accordance with the Township's Formal Complaint Policy.

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 information as may reasonable be necessary in order to conduct a proper investigation regarding the matter. The Township will also protect the privacy of any employee who is the subject of a complaint except when required in order to address the immediate complaint or address any human resources issue(s) that may arise out of the aforementioned complaint.

Complaint Tracking System:

Complaints need to be tracked from initial receipt, to resolution. When a complaint is received, Staff shall log it in the "Complaint Tracking System".

Determination of Complaint Validity

Prior to investigating a complaint logged in the Complaint Tracking System, the Clerk shall review the submission in light of this policy in order to determine whether or not it is a valid formal complaint. Where a submission is determined to be invalid, complainants will be advised in writing as to why this is the case.

Hybrid Complaints

Some formal complaints received may additionally include a request for service, reporting a by-law infraction, be general feedback/ enquiries, be a suggestion, be a compliment etc. In these instances, the formal complaint portion will be handled as per this Policy. When responding to the complainant, the distinction between the formal complaint and the other item(s) identified, as well as how the person might best proceed with the other item(s) they have brought forward, will be addressed.

Receipts and Acknowledgement:

Within ten (10) business days of receiving the submission, the Clerk shall acknowledge to the complainant in writing that the complaint has been received, using the Form attached as Schedule "B".

Investigation:

The Clerk will ensure a copy of the complaint is forwarded to the appropriate Department Manager for investigation and response. A Department Manager may not delegate the authority to investigate a complaint to an employee who is, or may be, named in the complaint. If a complaint is made against the Department Manager, the Chief Administrative Officer shall conduct the investigation. If a complaint is made against the Chief Administrative Officer, the Mayor shall consult with Council and may designate the municipal solicitor, or other qualified individual at arms-length from the Township, to investigate.

The Department Manager shall review the issues identified by the complainant and in doing so may:

- Contact the complainant to clarify the complaint, or any items related to the complaint;
- Review relevant municipal and provincial legislation;
- Review the Township's relevant policies and procedures;
- Review any existing file documents;
- Interview employee(s) or member(s) of the public involved in the issue; or,
- Identify actions that may be taken to address the complaint or improve municipal operations.

At their discretion, the Department Manager may notify Council of an open formal complaint investigation, for information purposes.

Decision:

Within thirty (30) calendar days of receipt of a complaint, the Department Manager shall provide a response in writing to the complainant.

The response shall:

- Set out the complaint, as well as the key findings identified in the investigation;
- Whether the complaint was substantiated;
- If the complaint is not substantiated, provide reason(s) for their decision; and,
- Any actions the Township has or will take as a result of the complaint.

If the Department Manager is unable to provide a response within thirty (30) calendar days, they shall notify the complainant of the delay and provide an estimate of when a response will be provided. Department Managers shall provide a copy of the response to file with the Clerk.

Record:

In addition to its tracking in the Complaint Tracking System, the Clerk shall maintain a file of the complaint in accordance with the Township's Records Retention By-law. If a Township employee was the subject of the complaint, a copy of the record may also be retained in their personnel file. At no time shall communications with a Complainant provide details of disciplinary measures (if any) imposed on a Township employee as a result of the complaint investigation.

Complaint records are kept for future review and analysis, so as to capture recurring issues, and improve customer service and satisfaction.

Reporting:

The Clerk shall annually provide a report to Council outlining the number and type of complaints received, as well as the associated resolutions.

7. ESCALATION / APPEAL PROCESS

Generally, complaints will be reviewed and addressed by the affected department, as per the process noted above. When necessary and appropriate, the Chief Administrative Officer and/or Council could be called upon by the Complainant and/or Department Manager to further review the complaint and any decisions made. Once complaints have been escalated to Council, there is no further appeal process at the Township level.

In the event complaints cannot be resolved at the Township level, the Complainant may submit their complaint to the Provincial Ombudsman's office in accordance with the provisions of Bill 8. Please see <https://www.ombudsman.on.ca/Make-a-Complaint.aspx> The Ombudsman's office has advised that complaints must be processed through local complaint mechanism before being considered by their office.

8. NON-COMPLIANCE

Non-compliance with this policy may result in the complaint being filed with the Ontario Ombudsman for investigation.

9. REVIEW CYCLE

This policy shall be reviewed every term of Council, or as required based on revisions to corporate practices or Provincial legislation.

Schedule "A"

COMPLAINT FORM

Name: _____

Address: _____

Phone: _____ Email Address: _____

Please indicate the date/time of Complaint: _____ / _____ / _____
Year Month Day

Time: _____

Location: _____

Please outline your complaint, including location and background information, which might include Township employees you have contacted to try and resolve the complaint, witnesses to the incident, photographs, etc. Please include as much detail as possible, using additional space/pages if required.

How would you suggest the situation be improved or complaint resolved?

Please return your completed form:

Attention: Township Clerk
In Person/Mail: 90 Loveys Street, Box 100
Hickson, Ontario, N0J 1L0
Email: ezt@ezt.ca
Fax: (519) 462-2961
Online: <http://ezt.ca/complaints>

Please note that your complaint will be acknowledged within ten (10) business days of receipt.

Schedule "B"

ACKNOWLEDGEMENT OF COMPLAINT

INSERT DATE

NAME

ADDRESS

Dear Mr./Ms./Mrs. _____

Thank you for taking the time to express your concerns regarding XXXXXX. Your written complaint was received by the municipality on INSERT DATE COMPLAINT RECEIVED.

We will provide a response within thirty (30) calendar days of receiving your complaint.

If you have any questions at all regarding the process, please do not hesitate to contact the undersigned at the Township Office.

Yours truly

NAME

Township Clerk

<<Whenever possible, responses will generally be through email. If a complaint is of a serious nature or has been escalated, it may be necessary that correspondence be in writing>>