



## **REPORT ADM-2016-017**

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TO: Mayor and Members of Council

FROM: Nina Lecic, Deputy Clerk

Meeting Date: November 9, 2016

SUBJECT: Municipal Complaint Policy

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### **RECOMMENDATION**

**THAT Council approves the Township of Puslinch Municipal Complaint Policy.**

### **DISCUSSION**

#### Background

On December 15, 2015 Council passed report ADM-2015-024, including the recommendation that staff would be reporting back in 2016 with a Municipal Complaint Policy. The Township does not currently have a system for recording or tracking complaints with respect to municipal services, or a process for resolving them.

Please note that this report does not address the by-law complaint process, as that is handled separately. Staff will report back in 2017 with a review of the by-law complaint process.

#### Purpose

There are many reasons to track all municipal complaints, including: risk management, budgeting, continuous improvement and accountability. Furthermore, the *Public Sector and MPP Accountability and Transparency Act, 2014 (Bill 8)* was implemented on January 1, 2016 allowing municipalities to be investigated, on a complaint basis, for any decision, recommendation or act. Complaints can be made with respect to municipal programs, services, facilities, staff members, or in cases where citizens believe that a municipality has not provided a satisfactory customer service experience. Please note that complaints can be made by residents, corporations within the municipality, and Councillors.

Bill 8 amended the Ombudsman Act to expand the Ontario Ombudsman's jurisdiction to investigate complaints made against municipalities where a local Ombudsman has not been appointed, as is the case in Puslinch. Investigations by the Ontario Ombudsman in these instances will usually be complaint based and can relate to any decision or act or omission in the course of the municipality's administration.

It is important to note that the new provisions in Bill 8 give the Ombudsman authority to investigate complaints only after local processes have been completed. If the Ombudsman is satisfied the complaint was resolved adequately at the local level, they can opt for no further investigation. As such, Township staff feels it prudent to create and adhere to a clearly defined Complaint Policy.

**FINANCIAL IMPLICATIONS**

None at this time

**APPLICABLE LEGISLATION AND REQUIREMENTS**

Public Sector and MPP Accountability and Transparency Act, 2014

**ATTACHMENTS**

Schedule A- Complaint Policy

Schedule B- Complaint Form



**Department:** Administration  
**Date:** November 2016  
**Subject:** Municipal Complaint Policy

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**Policy Statement:**

The Municipal Complaint Policy is intended to provide a consistent and uniform process to respond to program and service delivery concerns raised by members of the public. The policy will assist the municipality in continuing to provide excellent service to the public, and will contribute to the continuous improvement of operations. The Municipality strives to maintain a high level of customer satisfaction by:

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

**Purpose:**

The purpose of this policy is to outline the principles and processes for the disposition of complaints related to services delivered by the Township, while ensuring transparency and accountability.

**Definition:**

A complaint is an expression of dissatisfaction related to a municipal program, service, facility or staff member. Complaints are distinct from: requests for service; general inquiries about municipal services; opinions or feedback with respect to a program or services; or suggestions with respect to services or programs.

This policy does not apply to complaints made by employees, contractors, or volunteers working on behalf of the Town, or complaints about Members of Council.

**Complaint Policy Overview:**

The following is the guideline for filing a complaint:

**1. Step One: Frontline Resolution**

- It is the responsibility of the complainant to attempt to resolve concerns by contacting the relevant Township department. Township staff will attempt to resolve all issues or concerns



before they become complaints, and identify opportunities to improve municipal services. Most customer concerns are resolved at this step. If the matter is not addressed here, complainants can continue to step two.

**2. Step Two: Filing the Complaint**

- Where frontline resolution cannot be achieved, complaints should be submitted to the designated Department Head on the form attached as Schedule “A”. Anyone personally affected or their representative can submit a complaint. Anonymous complaints will not be accepted.
- Receipt and Acknowledgment: The designated Department Head will send acknowledgement of complaint in writing within seven (7) calendar days of receipt of complaint. In addition, the designated Department head will be responsible for forwarding the complaint to the Clerk for record keeping purposes.

**3. Step 3: Investigation**

- All complaints are investigated by the appropriate Department Head. Complaints made against Department Heads shall be investigated by the Chief Administrative Officer (CAO), or designate. If a complaint is made against the CAO, the Mayor may consult with Council and may designate the municipal solicitor to investigate.
- The designated investigator shall review the issues identified, any relevant legislation, and any relevant policies and procedures. As part of the investigation, all involved parties (complainant, employee, etc) may be interviewed by the investigator.

**4. Decision**

- Within 30 calendar days of receipt of the complaint, the Department Head shall provide a written response outlining the results of the investigation to the complainant.
- The response shall note whether the complaint was substantiated (along with reasons), along with any actions the municipality will take as a result of the complaint.
- If the Designated investigator is unable to provide a response within 30 calendar days, they shall notify the complainant of the delay and provide an estimate of when a response will be provided.

The Clerk shall keep record of all complaints and resolutions.

An annual report will be provided to Council outlining the complaints received and the outcome.



**Appeals:** Once the municipality has communicated the decision, there is no appeal process at the municipal level. Non-compliance with this policy may result in the complaint being filed with the Ontario Ombudsman for investigation by the complainant.

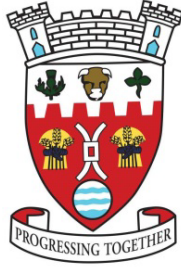
**Potentially Frivolous and/or Vexatious Complaints**

A complaint may be considered vexatious or frivolous if it is pursued in a matter that is reasonably perceived by Township staff to be (a) malicious, (b) intended to embarrass or harass the recipient, or (c) intended to be a nuisance.

- Where the Complaint may be considered frivolous and/or vexatious, or there appears to be a pattern of frivolous and/or vexatious complaints, the Department Head and CAO may deem the file closed and refer the complaint to the Ombudsman.

**Responsibilities of Employees**

Staff will treat all complaints as confidential and protect the Complainant's Privacy.



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## Municipal Complaint Form

<b>Name:</b>	
<b>Date of Complaint:</b>	
<b>Address:</b>	
<b>Phone #:</b>	
<b>E-mail:</b>	
Please outline details of your complaint below, including relevant dates, times, location and background information (which may include municipal employees you have contacted to resolve the complaint, witnesses to the incident, photographs, etc).	

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

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**Office Use Only**

Complaint #

Received By:	Date:
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Forwarded to:	Date:
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Acknowledgment Letter	Additional Correspondence
Date Sent:	Date Sent:

Action taken:

Final Decision Letter	Copies of all documents filed with Clerk:
Date sent:	Date filed: