



## Township of Brock

### Public Complaint Policy

#### 1. Statement of Organizational Commitment

In accordance with the Township's mission to provide municipal programs and services that continue to support a healthy and vibrant community through innovation and excellence in service delivery, the Corporation of the Township of Brock is committed to continuous organizational improvement in an environment where all complaints are dealt with in a fair, respectful, and transparent manner.

#### 2. Purpose

This purpose of this policy is to provide a procedure for the Corporation of the Township of Brock to follow in the event that a member of the public wishes to file a complaint with respect to a Township program, service, facility, or staff member.

#### 3. Scope and Responsibility

This policy is not meant to address:

- Issues already addressed by legislation, or an existing Municipal by-law, policy or procedure;
- A decision of Council or a decision of a Standing Committee of Council; or
- Employee complaints (full-time, part-time, casual labourer, firefighters).

This policy applies to all Township of Brock employees and members of the public.

The CAO & Municipal Clerk is responsible for the overall implementation and enforcement of this policy.

#### 4. Definitions

**"Compliment"** means an expression of approval for a Township of Brock service, staff member, program, product or process.

**"Complainant"** means a member of the public submitting a complaint regarding the Corporation of the Township of Brock.

**“Complaint”** means an expression of dissatisfaction related to the service, actions or lack of actions by a Township of Brock staff member in connection with the delivery of services to the public. Complaints may relate to the actions of an individual or a policy, process or procedure. Anonymous allegations or allegations made on behalf of an unidentified third party will not be entertained or investigated. A complaint is distinct from a request for service, enquiry, feedback, compliment, or suggestion.

**“Employee”** means any paid employee, including, but not limited to, full-time, part-time, paid apprenticeships, and seasonal employees.

**“Enquiry”** means a general or specific request for information regarding a Township of Brock product or service made by a member of the public that is resolved at the point of service delivery.

**“Feedback”** means an opinion, comment and expression of interest with respect to a Township of Brock program or service by a member of the public.

**“Municipality”** means the Corporation of the Township of Brock.

**“Request for service”** means a request made to the Township on behalf of a citizen for a specific service, or to notify the Township that a scheduled service was not provided on time.

**“Suggestion”** means an idea submitted to the Township of Brock by a customer with the aim of improving services, programs, products, or processes.

**“Unreasonable Request”** is defined in accordance with Appendix B.

## **5. Guiding Principles**

- 5.1 The municipality will receive complaints with respect to a Township program, service, facility, or staff member in a respectful and transparent way.
- 5.2 Any member of the public can submit a complaint, using the established procedure, and it will be reviewed in accordance with this policy.
- 5.3 The municipality will make every effort to resolve complaints received in a timely manner, using the established procedure.
- 5.4 The municipality will ensure that its complaint policy and procedure is accessible to the public by posting it on the Township’s website and having it available in the Clerk’s Department.
- 5.5 The municipality will ensure that all staff are aware of the complaints policy and procedure, provide staff training if required, and incorporate it as part of the new staff orientation process.
- 5.6 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 properly investigate the matter. The municipality 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 labour relation issue(s) that may arise out of the aforementioned complaint.

5.7 The municipality will regularly monitor and review complaints to identify issues, trends, areas of concern and opportunities for improvement.

5.8 Unreasonable Requests will be addressed in accordance with Appendix B of this Policy.

## **6. Procedure for Submitting a Complaint**

6.1 Prior to submitting a complaint, members of the public are encouraged first to determine whether their issue is a complaint, request for service, enquiry, feedback, compliment or suggestion.

6.2 A complaint may be given verbally (in person or telephone) or in writing using the prescribed "Complaint Form" available on the Township's website and in the Office of the Clerk. While verbal complaints are taken seriously, they are not considered formal complaints. Written complaints shall be considered formal complaints.

6.3 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.

6.4 If the complainant is not satisfied with how their verbal complaint was resolved, then they may submit a formal/written complaint. Written complaints may be submitted using the prescribed "Complaint Form," attached hereto as Appendix A, or in another written format i.e. email, handwritten. Complaints should include the following information:

- The specific details of what happened;
- Where did it occur (if applicable);
- Date of occurrence including the time, day, month and year;
- Who was involved;
- What outcome is being sought; and
- Contact details of the complainant.

6.5 Complaints must be filed within thirty (30) days after the alleged event. These time limitations may be extended, when in the opinion of the CAO & Municipal Clerk, circumstances reasonably exist to justify the extension.

6.6 Written complaints are to be submitted online using the prescribed "Complaint Form," or by email, fax or in person to the Clerk's Department.

## **7. Procedure for receiving Verbal Complaints**

7.1 Verbal complaints, in person or by telephone, will be forwarded to the department where the complainant has the issue.

7.2 Staff will record the details on the complaint using a tracking system to determine the appropriate action required.

7.3 Departments shall submit a list of the verbal complaints received each month to the CAO & Municipal Clerk.

7.4 If the complainant is not satisfied with how their verbal complaint was resolved, staff can advise the complainant that they may submit a written complaint.

## **8. Procedure for receiving Written Complaints**

- 8.1 Written complaints submitted to the municipality will be forwarded to the Clerk's Department. The Clerk's Department will contact the complainant within ten (10) business days to confirm receipt of the complaint.
- 8.2 The CAO & Municipal Clerk or designate will, if appropriate, refer the complaint to the appropriate department head for their review.
- 8.3 The review of the complaint shall be impartial and respectful to the parties involved.
- 8.3 Upon review of the complaint, the department head shall provide a report to the CAO & Municipal Clerk within thirty (30) days outlining the decision with respect to the complaint and reasons for how the decision was determined.
- 8.4 The CAO & Municipal Clerk shall, upon review of the department head's report, provide the complainant with a letter outlining the decision along with clear and understandable reasons for how the decision on the complaint was determined.
- 8.5 Complainants shall be provided the contact information for the Ombudsman office and other options available to them in the event that they are dissatisfied with the process or outcome.

*\*Adopted by Resolution No. 2-5 at the Monday, April 25, 2016 Administration & Personnel Committee.*



**Please attach any additional documents regarding your complaint (pictures, additional written content).**

**Please provide us with your contact information.**

First Name: \_\_\_\_\_ Last Name: \_\_\_\_\_

Address Number & Street Name: \_\_\_\_\_

P.O. Box Number: \_\_\_\_\_ Town: \_\_\_\_\_ Postal Code: \_\_\_\_\_

Home Phone Number: \_\_\_\_\_ Cell Phone Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

**Please note that you will be contacted within ten (10) business days to confirm receipt of your complaint.**

**Please return your completed form:**

Attention: Clerk's Department

In-Person/Mail: Township of Brock, 1 Cameron Street E., Box 10, Cannington, Ontario, L0E 1E0

Telephone: 705-432-2355

Fax: 705-432-3487

Email: [brock@townshipofbrock.ca](mailto:brock@townshipofbrock.ca)

Or Online at [www.townshipofbrock.ca/complaints](http://www.townshipofbrock.ca/complaints)

**For Office Use Only**

Date complaint form was received: \_\_\_\_\_ Received by: \_\_\_\_\_

Date complainant was contacted to confirm receipt of their complaint: \_\_\_\_\_

Complaint forwarded to (staff name): \_\_\_\_\_ Date forwarded: \_\_\_\_\_

Decision on complaint: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date letter to complainant regarding decision of complaint sent: \_\_\_\_\_

**NOTE:** Personal Information on this form is being collected under the authority of the Freedom of Information and Protection to Privacy Act R.S.O. c.F.31, s. 39 (2) for the purposes of improving customer service. Questions about collection of personal information may be directed by mail to the address above.

## Staff Guidelines for Addressing Unreasonable Requests

### 1.0 Purpose:

**Unreasonable Requests** consume a disproportionate amount of staff time and resources and they may also be **discriminating, harassing** or **violent** in nature. This policy establishes a framework for handling such **Unreasonable Requests** and is intended to protect staff and volunteers representing the Township from **Discrimination, Harassment** and **Violence**. Additionally, this policy helps ensure the efficient use of staff time and resources while maintaining a high level of customer service and responsiveness to taxpayers.

### 2.0 Definitions:

**“Cyberbullying”** means the use of communication technologies to engage in deliberate, repeated or hostile behaviour intended to harm, embarrass 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;

**“Elected Official”** means a Member of the Township of Brock Council;

**“Discrimination”** means an action or 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;

**“Frivolous”** means a Request that is without merit or substance or is trivial;

**“Harassment”** means engaging in a course of Vexatious/unwanted comment or conduct that is known, or ought reasonably to be known, to be unwelcome and includes a Pattern of Inappropriate Conduct;

**“Intimidation Techniques”** means unwarranted conduct, including, but not limited to: Cyberbullying, Discrimination, Harassment, Violence, profanity, personal insults or communication that is deemed threatening;

**“Pattern of Conduct”** means a regular form of behaviour from a Complainant or similar or related Complainants that appear to have been submitted for their nuisance value or as a method for harassing staff;

**“Request”** means a complaint, question, expression of concern or dissatisfaction with respect to the Township’s actions, by-laws, operations, policies, procedures, regulations or rules;

**“Unreasonable Request”** means a Request that is characterized by one or more of the following: Cyberbullying, Discriminating, Frivolous, Harassing, Intimidation Techniques, Pattern of Inappropriate Conduct, Vexatious or Violent;

**“Vexatious”** means a Request that is without merit and pursued in a manner that is malicious or intended to embarrass or harass the recipient and includes Intimidation Techniques;

**“Violence”** means:

- (a) The exercise of physical force by a person against an employee in a workplace, that causes 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.

### **3.0 Addressing an Unreasonable Request:**

#### **3.1 Staff Procedure**

Staff shall provide any supporting materials (e.g. emails, letters and notes documenting a conversation or incident) and advise the CAO & Municipal Clerk of the steps that have been taken to resolve the issue, including:

- The length of time that staff have been in contact with the requester;
- The amount of time spent in addressing the **Request**;
- The amount of correspondence that has been exchanged with the requestor;
- The number of **Requests** that the requester has made on the same matter or substantially similar facts and the status of each; and,
- A description of the nature of the requester’s behaviour and/or demeanour.

#### **3.2 CAO & Municipal Clerk Procedure**

The CAO & Municipal Clerk is responsible for investigating any Unreasonable Request brought forward. The CAO & Municipal Clerk will contact the Department Heads to determine if the requestor has contacted multiple departments with respect to the same or similar issue. If, after reviewing the circumstances, the CAO & Municipal Clerk determines that action should be initiated in accordance with these Procedures, the CAO & Municipal Clerk will advise the Mayor and all members of Council that a warning letter is to be issued to the requestor specifying the actions and behaviour that have led to issuance of the warning letter.

##### **3.2.1 Warning Letter**

The Warning Letter may include the following restrictions, but is not limited to:

- Requesting that the requestor’s correspondence with staff to be a particular format (e.g. email only), time (e.g. telephone calls only at specific times and days of the week) or duration (e.g. conversations may not be longer than 10 minutes);
- Restricting the requestor to a particular point of contact at the Township and other staff will be advised to refer the requester to that point of contact;

- Attempting to ensure that any face-to-face interaction between the requestor and staff take place in the presence of an appropriate witness;
- Requiring that the requestor produce full disclosure of documentation or information before staff will further investigate a **Request** and waiting for that documentation or information to be reviewed and an investigation to be concluded before contacting staff;
- Instructing staff not to respond to further written correspondence from the requester regarding the **Request** or a substantially similar issue;
- Instructing staff not to investigate or respond to (other than to notify the requestor) any **Requests** regarding an issue that has already been investigated, or which is substantially similar to an issue that has already been investigated; and/or,
- In extreme circumstances, instructing staff to severely reduce or completely cease responses to further **Requests** and correspondence from the requester, as directed.

### 3.2.2 Procedure if Unreasonable Request Continue

If a requestor disregards the warning letter and continues to submit **Unreasonable Requests**, the actions outlined in the warning letter will take effect immediately.

### 3.3 Procedure for New Requests

The CAO & Municipal Clerk will decide if any restrictions which are currently in effect, should be applied to the new **Request(s)**.

### 3.4 Procedure for Handling Requestor Information

Staff are required to comply with the provision as outlined in *the Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA). For the purposes of resolving the **Request** and initiating action as outlined in these procedures, requestor information may be shared between departments. The information shared between departments will remain confidential, in accordance with MFIPPA.

### 3.5 Records

Staff are responsible for documenting interactions and maintaining records with persons making **Unreasonable Requests**. Records must be retained in accordance with the Records Retention By-law.

#### **4.0 Addressing and Documenting a Pattern of Conduct of Unreasonable Requests:**

In order for the CAO & Municipal Clerk to determine that a **Pattern of Conduct** exists, the **Requests** should meet one or more of the following requirements. A **Pattern of Conduct** must be established through documented evidence.

1. Is the **Request** excessively broad, varied in scope or unusually detailed?
2. Is the **Request** identical or similar to previous ones?
3. Is there evidence that the **Request** is intended to generate a result other than resolution?
4. Is there evidence of dishonesty, underhandedness or “bad faith” from the **Complainant**?
5. Is there documentation of an inordinate length of staff time spent addressing the **Requests**?

There are no fixed number of actions required to establish a **Pattern of Conduct of Unreasonable Requests**. Whether such a **Pattern of Conduct** exists will depend in part on the nature of the Requests.

For example, if it is determined that a person is repeating a **Request** that has earlier been processed and decided upon, a small number of **Requests** may establish a **Pattern of Conduct**. On the other hand, if it is determined that a person has repeatedly made different **Requests** that in combination unreasonably interfere with the Township’s operations, a higher number of **Requests** may be required to establish a **Pattern of Conduct**.