

The Corporation of the Municipality of Brockton



By-Law 2019-073

Being a By-Law to Adopt a Complaints Handling Policy for the Municipality of Brockton.

Whereas The Council for The Corporation of the Municipality of Brockton deems it expedient to establish policies;

And Whereas the *Municipal Act 2001, S.O. 2001, c 25, Section 5(3)*, as amended provides that a municipal power, including a municipality's capacity rights, powers and privileges under section 9, shall be exercised by by-law;

Now Therefore the Council of The Corporation of the Municipality of Brockton enacts as follows:

- 1.0 That The Corporation of the Municipality of Brockton Council hereby adopts a Complaints Handling Policy as contained in the attached Schedule "A" to this By-Law.
- 2.0 This By-Law shall come into full force and effect upon final passage.
- 3.0 This By-Law may be cited as the "Adopt Complaints Handling Policy By-Law".

Read, Enacted, Signed and Sealed this 9th day of July, 2019.

Original Signed By
Mayor – Chris Peabody

Original Signed By
Clerk – Fiona Hamilton

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|--------------------|----------------------------|------------------------|--------------|
| Department: | All | Policy Number: | M04-0900-19 |
| Section: | Media and Public Relations | Effective Date: | July 9, 2019 |
| Subject: | Complaints Handling Policy | Revised Date: | |
| Authority: | By-Law 2019-073 | | |

1. Purpose

The Municipality of Brockton (“Brockton”) is committed to a consistent and uniform process to respond to complaints received from members of the public. This policy is intended to enable Brockton to promptly and effectively address program and service delivery concerns raised by members of the public pertaining to facilities, services, staff, programs or operational issues. This policy outlines the process to be followed and service standards expected for the handling of public complaints.

2. Scope

This policy does not apply to:

1. Requests for service
2. Feedback
3. Compliments
4. Inquiries
5. Anonymous Complaints
6. Request for Accommodations pertaining to Accessibility
7. Disputes relating to the content of any Parking Tickets or other Provincial Offences Act proceedings or fines;
8. Claims for damages or other remedies against Brockton;
9. Complaints about non-municipal services;
10. Issues already addressed by legislation or an existing by-law, policy or procedure;
11. A decision of Council;
12. Internal Employee Complaints; or
13. A decision of a Committee of Council or Local Board.

There are other applicable procedures specific to these types of concerns including, but not limited to, The Council Code of Conduct Policy, the Employee Code of Conduct Policy and the Respect in the Workplace Procedures.

Any monetary claims, or claims for other damages, against Brockton will be provided to the Chief Administrative Officer for consideration. The Chief Administrative Officer may consult external legal counsel, Brockton’s insurer, and/or the appropriate department head. The Chief Administrative Officer may also inform Council of the Municipality of Brockton about the monetary claim in a closed session.

Brockton recognizes the importance of public feedback and views formal complaints as an opportunity to improve services.

3. Legislative Authority

This policy is enacted in accordance with the following legislative authorities: *Bill 8, Public Sector and MPP Accountability and Transparency Act, 2014* and the *Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56*

4. Definitions

“Anonymous Complaint” - A phone call or letter received expressing “dissatisfaction” about a facility, service, staff, operational issue or program that has no return address or contact information provided for follow up. Anonymous Complaints will be documented but shall not be acted on.

“Complaint” – any expression of dissatisfaction regarding programs and service delivery concerns pertaining to facilities, services, staff, programs or operational issues provided by the Municipality of Brockton. The term “dissatisfaction” is key to the definition of a complaint. Complaints imply that the Complainant is unhappy and that they require a follow up response in regards to the issue. All filed complaints shall receive a response.

“Complainant” – the person who is dissatisfied and filing the complaint with the Municipality, anyone who uses or is affected by municipal services can make a complaint including: residents, people who work in or visit the Municipality, local business or community groups.

“Compliment” – an expression of appreciation for satisfactory or above-satisfactory service.

“Feedback” – input from a person that is neither positive, nor negative but provides input or ideas for consideration. Feedback of a positive or general nature, comments on a facility, service, staff, operation or program that do not require a response.

“Inquiry” - A request for information or knowledge about municipal facilities, services, staff, programs or operations.

“Service Request” – a request for a specific service provided by the Municipality of Brockton or an agent working on behalf of the Township are not complaints.

5. Policy Requirements

The Municipality of Brockton will deal with all complaints promptly, courteously, impartially and professionally. All complainants will be treated with respect and will not receive adverse treatment or any form of reprisal.

All complaints will be dealt with in accordance with the *Municipal Freedom of Information and Protection of Privacy Act R.S.O. 1990, c. M.56* and other applicable legislation. 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 complaints process shall keep the details of the complaint confidential except as may be required by law. If the matter goes to mediation or arbitration, it may be necessary to release the complainant’s name and contact information during the resolution process.

Complaints received by one department are to be limited to that specific department unless the complaint involves more than one department. Some individuals may require assistance to make a complaint, and complaints can be made on their behalf, provided that the person affected has given their consent.

Complaints can be submitted:

- By telephone at 519-881-2223;
- By email;
- By mail;
- By fax at 519-881-2991;
- In person at the Municipality of Brockton Municipal Office – 100 Scott Street, Walkerton

6. Procedure

All Complaints will first be directed to the Chief Administrative Officer in the form attached to this policy as Appendix “A”, who will arrange for an acknowledgment of receipt of the Complaint to be sent within five (5) business days of receipt of the Complaint in the form attached hereto as Appendix “B”.

The Chief Administrative Officer, or his or her delegate, shall review the issues identified by the Complainant and in doing so may:

- Review relevant municipal and provincial legislation;
- Review Brockton’s relevant policies and procedures;
- Review any existing file documents;
- Interview employees or members of the public involved in the Complaint;
- Identify actions that may be taken to address the Complaint or improve municipal operations; or
- Take other actions the Chief Administrative Officer deems expedient to resolving the matter.

Upon receipt of a Complaint, and where the Chief Administrative Officer deems appropriate, the Chief Administrative Officer may delegate the authority to investigate a Complaint to another Employee.

The Chief Administrative Officer may not delegate the authority to investigate a Complaint to an employee who is or may be named in the Complaint.

The Chief Administrative Officer may, at his or her discretion, notify Council of an open Complaint investigation for information purposes.

If a Complaint is made against the Chief Administrative Officer, the Complaint shall be submitted to the Clerk and the Mayor for investigation. As part of the investigation, the Mayor and Clerk may consult with other municipal senior staff, legal counsel, and/or the Office of the Ombudsman of Ontario.

7. Decision

Within thirty (30) calendar days of receipt of a Complaint, a response shall be provided in writing to the Complainant in the form attached hereto as Appendix “D”.

If a response cannot be sent within thirty days (30) days of receipt of the Complaint, the Complainant shall be notified of the delay and provided an estimate of when a response will be provided in the form attached hereto as Appendix “C”.

Any decision made with respect to the resolution of the Complaint may be appealed to Council of the Municipality of Brockton in writing within thirty (30) calendar days of the decision. An appeal of the decision may also be made to the Office of the Ombudsman of Ontario.

8. Records

A file of the Complaint shall be maintained, with a record of any communication or attempted communication with the Complainant. Where appropriate, copies of correspondence may be placed in the Employee’s file that is the subject of the Complaint. Communications with a Complainant shall not provide any details of any disciplinary measures imposed on any Employee. Brockton staff shall be

encouraged to use the Call Manager function of the Keystone function to record Complaints via the telephone and will also provide a written form to document the Complaint.

9. Responsibilities

Complainants: It is the responsibility of the Complainant to attempt to resolve their concerns by dealing directly with the employee(s) within the department providing the service, up to and including the member of the senior management team.

Employees: Employees shall attempt to resolve issues or concerns before they become Complaints, and identify opportunities to improve municipal services. All employees are to have knowledge and awareness of Brockton's requirement to receive and track complaints, the process through which a complaint can be made and the service standards that apply to complaints.

Chief Administrative Officer: Will monitor reports and receive Complaints to that the procedures in this policy are being achieved.

10. Appendices

Appendix "A" – Complaint Response Policy Form

Appendix "B" - Sample Acknowledgement and Receipt Form Letter

Appendix "C" - Sample Letter Advising of Delay Letter

Appendix "D" - Sample Complaint Resolution Letter

Appendix "A"
Municipality of Brockton Complaint Response Policy Form

Your Name (Print): _____

Your Signature: _____

Home Phone Number: _____

Work Phone Number: _____

Cell Phone Number: _____

Mailing Address: _____

Email Address: _____

What is your complaint? Please include the relevant date(s), location, and background information, including the Municipal employees you have contacted regarding this matter. (Please attach a separate page to this form if you require additional space to record your complaint). Please Note: You may be summoned to court to testify concerning this complaint.

How could this situation be improved?

Additional Information:

Office Use Only

File Number: _____

Received by: _____

CAO Signature: _____

Delegated to: _____

Acknowledgement of Receipt of Complaint:

Sent Date: _____

By Staff Name: _____

Action Taken:

Final Response to Complaint:

Sent Date: _____

By Staff Name: _____

CAO Initials: _____

Appendix “B”
Sample Acknowledgement and Receipt

[Insert date]

[Insert name and address]

Dear [insert Mr/Mrs/Ms Surname],

Thank you for your letter dated [insert date] concerning [insert summary of letter]. I am writing to acknowledge receipt of your concern.

I will review the matter(s) you have raised and the information you have provided. If further investigation is required, I will coordinate the investigation. This process should be completed within 20 working days. If there are any delays, you will be informed of the progress.

We are always striving to improve our services at the Municipality of Brockton, so thank you for bringing this matter to our attention. Please don't hesitate to contact me at 519-881-2223 Ext. [insert extension number] if you have any further questions.

Yours sincerely

[Insert name and contact details]

Appendix "C" Sample Letter Advising of Delay

[Insert date]

[Insert name and address]

Dear [insert Mr/Mrs/Ms Surname],

Thank you for your letter dated [insert date] concerning [insert summary of letter]. It is important that we get feedback about our service, so I appreciate that you took the time and effort to let me know about your experience.

Complaints should be resolved within 20 days following receipt. I am writing to you to inform you that due to [insert reasoning for delay] there has been a delay resolving this issue.

To date we have [insert progress summary].

I am hoping to get back to you as soon as possible with a complete response. Please do not hesitate to contact me at any time if you have further questions with regard to the complaint management process.

Thank you again for bringing your concerns to my attention as we rely on comments such as yours to improve on the service we provide in the Municipality of Brockton.

Yours sincerely

[Insert name and contact details]

Appendix “D” Sample Complaint Resolution

[Insert date]

[Insert name and address]

Dear [insert Mr/Mrs/Ms Surname],

Thank you for sharing your experience with the Municipality of Brockton’s [insert department]. It is important that we get feedback about our service, so I appreciate that you took the time and effort to let me know about your experience.

In relation to [set out complaint issue 1], [insert name of department head] investigated the incident based on the information you provided. [Detail how the investigation was conducted. Summarize the facts.] What we discovered throughout the investigation, [insert conclusions and actions taken].

On behalf of the Municipality of Brockton’s [insert department] I would like to express my regret [or insert other appropriate remedy] that the service that was provided to you [or insert appropriate person] did not meet your expectations. If you wish to have this matter reviewed further please provide a written outline of your remaining concerns to the Municipality of Brockton’s Administrator, Sonya Watson at 100 Scott Street, P.O. Box 68, Walkerton, ON N0G 2V0.

Please feel free to contact me if you wish to discuss this matter further.

Yours sincerely

[Insert name and contact details]