

Complaint Policy		
Authority	Clerk	
Establishing By-law No.	2018-050	Effective Date: June 6, 2018

1. PURPOSE

- 1.1. This Policy is intended to enable the Town of Gananoque to promptly and effectively address program and service delivery concerns raised by members of the public. The Policy will assist the Town in providing excellent service to the public, which promotes public confidence in the services provided, and contribute to continuous improvement of operations.

- 1.2. The Town strives to reduce customer dissatisfaction by:
 - a) Providing a timely and accurate response to complaints, and;
 - b) Using complaints as an opportunity to improve the Town’s programs and service delivery.

2. DEFINITIONS:

In this Policy:

- a) **“CAO”** means the Chief Administrative Officer, or designate, of the Town of Gananoque.
- b) **“Clerk”** means the Clerk, or designate. For the purposes of this Policy the designate will be the Chief Administrative Officer (CAO).
- c) **“Complainant”** means the individual filing the complaint with the Town of Gananoque.
- d) **“Complaint”** means an issue or concern raised relating to a Town program, service or operation that is not resolved at the time of the incident for which the complainant submits their concerns, in writing, to the Town, in accordance with this Policy.
- e) **“Council”** means the Council of the Town of Gananoque.
- f) **“Designated Investigator”** means the senior management member, head of council or CAO, that the Complaint has been assigned.
- g) **“Employee”** means an employee of the Town of Gananoque.
- h) **“Formal Complaint”** means a written complaint submitted on a form prescribed by the Town Clerk.
- i) **“Frivolous or Vexatious Complaint”** means the Complaint is initiated with malicious intent or is part of a pattern of conduct by the Complainant that amounts to an abuse of the Complaint process. For greater clarity “frivolous” means lacking basis or merit; a matter that has little prospect of success; not serious, not reasonably purposeful. For greater clarity, “vexatious” means without reasonable or probable cause or excuse; harassing; annoying; instituted maliciously or on the basis of improper motives; intended to harass or annoy.

- j) **“Manager”** means a Manager of the Town of Gananoque.
- k) **“OMB”** means the Ontario Municipal Board.
- l) **“Ombudsman”** means an independent official who investigates complaints from the public about problems in government administration, in accordance with the *Ombudsman Act*.
- m) **“Town”** means the Corporation of The Separated Town of Gananoque.

3. SCOPE

- 3.1. This Policy applies to an expression of dissatisfaction related to municipal facilities, operational procedures, programs, services or staff.
- 3.2. 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.
- 3.3. This Policy does not address or apply to:
 - a) Compliments;
 - b) Feedback;
 - c) Inquiries;
 - d) Requests for Service;
 - e) A frivolous or vexatious complaint;
 - f) Criticisms or anonymous complaints;
 - g) Issues addressed by legislation, or an existing municipal by-law, policy or procedure;
 - h) A decision of Council;
 - i) Complaints about Members of Council, Committees or Local Boards respecting matters subject to a Code of Conduct duly approved by Council (subject to review by the Town’s appointed Integrity Commissioner, or in lieu thereof, by Council);
 - j) Complaints regarding whether a meeting of Council was properly held in accordance with the *Municipal Act* (subject to review by the Town’s appointed Closed Meeting Investigator);
 - k) Internal employee complaints;
 - l) Contractors or volunteers working on behalf of the Municipality;
 - m) Matters that are handled by tribunals, courts of law, etc.;
 - n) Outside boards and agencies;
 - o) Matters pertaining to a Local Service Board;
 - p) Any decision, recommendation, act or omission by the Town, in respect of which there is, under any Act, a right of appeal or objection, or a right to apply for a hearing or review, on the merits of the case to any court, or to any tribunal constituted by or under any Act.

4. TYPES OF COMPLAINTS

4.1. Informal Complaints

It is encouraged that individuals and municipal staff work to resolve issues or concerns before they become formal complaints. Informal complaints may be made in person, by phone, letter, email or fax.

It is the responsibility of municipal staff to attempt to resolve issues or concerns before they become formal complaints and identify opportunities to improve municipal services.

4.2. **Formal Complaints**

A formal complaint is generated when a resolution cannot be achieved through the Informal Complaint process.

5. **FORMAL COMPLAINT PROCEDURE**

5.1. **Filing a Complaint**

The Complainant must fill out a Complaint Form, which shall include the following information:

- a) Contact details of the Complainant.
- b) Type of complaint.
- c) Details of the complaint (location, employee involved, resolution requested, enclosures, date complaint submitted).
- d) Signature and date.

Anonymous complaints will not be accepted.

5.2. **Acknowledgement**

Formal complaints shall be submitted to the Clerk. The Clerk will assess the complaint and determine if it falls within this Policy, as stated in the Section 3, Scope, designate an investigator and will acknowledge receipt, in writing, to the complainant within seven (7) business days.

5.3. **Investigation**

All complaints are investigated by the appropriate Designated Investigator.

Complaints made against:

- a) A Manager shall be investigated by the Chief Administrative Officer (CAO), and;
- b) The CAO shall be investigated by the Head of Council and may consult with Council or designate the municipal solicitor to investigate the situation.

The Designated Investigator shall review the issues identified and any relevant legislation, policies or procedures. As part of the investigation, all involved parties (complainant, employee etc.) may be interviewed by the investigator.

A complaint may be considered vexatious or frivolous if it is pursued in a manner that is reasonably perceived by municipal staff to be malicious, intended to embarrass or harass the recipient, or intended to be a nuisance. Where the complaint is considered frivolous and/or vexatious, or there appears to be a pattern of frivolous and/or vexatious requests, the Manager and CAO may deem the file closed or apply the Managing Unreasonable Customer Behaviour Policy.

5.4. Decision

A decision will be made within thirty (30) business days upon acknowledgement of the complaint. The designated investigator shall provide a written response outlining the results of the investigation into the complaint.

The response shall note whether the complaint was substantiated and may include any actions the municipality may take as a result of the complaint.

Should the designated investigator be unable to provide a response with the thirty (30) business days, they shall notify the complainant of the delay and provide an estimate of when a response will be provided.

5.5. Appeal

Once the municipality has communicated the decision, there is no appeal process at the municipal level.

In the event complaints cannot be resolved through the municipality's complaint process, they may be submitted to the Provincial Ombudsman's office in accordance with the provisions of *Bill 8, Public Sector and MPP Accountability and Transparency Act, 2014*.

6. RECORDS MANAGEMENT AND PRIVACY

All records relating to the complaint shall be maintained in accordance with the Municipality's Record Retention Schedule.

During the complaints process, all municipal employees shall adhere to all applicable legislation regarding privacy in accordance with the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*. Complainants should be aware that certain circumstances may indirectly identify them during an investigation.

7. ATTACHMENT

Complaint Form.

SUMMARY OF COMPLAINT

Please record information on what happened, who was involved, date(s) and time(s). Be as detailed as possible. If there is not enough space to describe the complaint, please include an attachment.

Details:
Service Area/Location of Problem:
Staff Person(s) Involved (if known):
List of Enclosures (include copies of any documentation in support of the complaint):

RESOLUTION

How do you suggest the complaint be resolved?
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SIGNATURE

Complainant's Signature:
Date Complaint Submitted:

INTERNAL USE ONLY		
Date Received:	File No.	Receiver Signature:

This Form and any attachments are to be submitted to the Clerk of the Town of Gananoque, 30 King Street East, Box 100, Gananoque, ON, K7G 2T6, or via email at clerk@gananoque.ca.