

THE CORPORATION OF THE TOWN OF COBOURG



Division: Corporate Services

Department: Legislative Services

Policy Title: **Municipal Complaint Policy**

Effective Date: Dec 2, 2019

Approval Level: Council

Section # 3-3

Policy # **LEG-ADM19**

Purpose

The Town of Cobourg is committed to a consistent and uniform process for responding to complaints received from members of the public regarding programs, facilities, municipal services, staff or operational procedures. This Policy outlines the process to be followed for the filing of, and handling of, public complaints.

The Town of Cobourg recognizes the importance of public input and welcomes complaints as a valuable form of feedback. The information gained from complaints helps to improve the client experience of residents, in addition to improving on the quality of services provided by the Corporation.

The following policy establishes guidelines and standards for the efficient handling and resolution of complaints made toward the municipality in order to address concerns raised and improve services.

Policy

1.0 COMPLAINT DEFINITION

1.1 A complaint is an expression of dissatisfaction related to operations, a municipal service or program, facility, or staff member, where a citizen believes that the municipality 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.

A complaint is distinct from:

- a request for service made on behalf of a citizen for a specific service, or to notify the municipality that a scheduled service was not provided on time;
- a general enquiry or specific request for information regarding municipal service;
- an expression of approval or compliment for a municipal staff member, program, product or process; or
- a suggestion or idea submitted by a customer with the aim of improving services, programs, products or processes.

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This policy is not for complaints related to:

- Enquiries;
- Requests for service;
- Feedback;
- Request for accommodations;
- Criticisms or anonymous complaints;
- regarding staff that are employed by a service provider contracted by the municipality, these employees shall be subject to the policies of that service provider;
- issues addressed by legislation, or an existing municipal by-law, policy or procedure;
- a decision of Council or a decision of a Committee of Council;
- internal employee complaints; or
- matters that are handled by tribunals, courts of law, quasi-judicial boards, etc.

2.0 COMPLAINT PROCESS PRINCIPLES

2.1 The Town of Cobourg will use the following principles to guide the complaint process:

1. **Resident-Focus** – The Town of Cobourg is committed to continuous improvement in service delivery;
2. **Accountability** – Complaints are handled in a fair, respectful and transparent manner as quickly as possible;
3. **Responsiveness** – Complaints are tracked and the Complainant is informed of each step;
4. **Accessibility** – Information on how to submit a complaint is easily found on the Town's website;
5. **Simplicity** – The process must be simple to understand and easy to use; and
6. **Confidentiality** – Complainants will be dealt with in a confidential manner according to the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA). Information will be collected, used and disclosed in accordance with the *Act*.

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3.0 COMPLAINT PROCEDURE

3.1 A complaint may be made in a number of ways:

- Verbal complaints are made in person or by telephone;
- Written complaints may be filed by hand delivery, mail, fax or email.

3.2 A formal complaint shall include the following components:

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

3.3 All complaints should be filed as soon as possible.

4.0 INFORMAL COMPLAINT PROCESS

4.1 Departments are encouraged to resolve matters informally as complaints are received prior to any written or formal process. Division Director's shall ensure all staff has clear direction and authority to resolve frontline matters.

It is the responsibility of the complainant to attempt to resolve concerns by dealing with the appropriate Municipal Department directly involved with the issue where appropriate. It is the responsibility of all Town of Cobourg employees to attempt to resolve issues or concerns before they become complaints, and identify opportunities to improve municipal services.

4.2 For cases where informal resolution is successful, complaint logging is not required.

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5.0 FORMAL COMPLAINT PROCESS

5.1 Filing the Complaint

Where frontline resolution cannot be achieved, complaints should be submitted to the Municipal Clerk's Department or designate, on the Municipal Complaint Form attached as Schedule 'A'. All information must be completed.

5.2 Receipt and Acknowledgement

The Clerk's Department shall log the complaint and forward a copy to the Division Director or designate. Within One (1) to Five (5) business days of receipt of the complaint, the Clerk shall acknowledge to the complainant in writing that the complaint has been received in the form attached as Schedule 'B'.

The Municipal Clerk's Office will:

- a) **Acknowledgement:** Contact the Complainant in writing within One (1) to Five (5) Business Days. The Complaint will be logged and a tracking number will be assigned and referenced within the notice, as well as detailed service standard timelines which will be met during the complaint process.
- b) **Assessment (If applicable):** Contact the Complainant in writing to clarify the complaint if needed. The complaint may be terminated at this point if a resolution is possible, if it is a duplicate or if it is not a complaint.

5.3 Investigation

Division Director's will be responsible to investigating the matter, program and/or service pertaining to their Division.

A Division Director 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 Division Director, the Chief Administrative Officer (CAO) or designate shall conduct the investigation.

If a complaint is made against the Chief Administrative Officer, the Mayor shall consult with Council and may designate a qualified individual at arm's length from the municipality, to investigate.

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The designated investigator shall review the issues identified by the complainant and in doing so may:

- Document all notes within the Municipal Complaint Tracking Form;
- Contact the Complainant where a quick resolve is possible;
- Notify the Complainant in writing of an approximate length of time if the investigator determines that the issue may result in a lengthy investigation process.
- review relevant municipal and provincial legislation;
- review the municipality's relevant policies and procedures;
- review any existing file documents;
- interview employees or member of the public involved in the issue; and
- identify actions that may be taken to address the complaint or improve municipal operations.

At the discretion of the Chief Administrative Officer, Council may be notified of an open complaint for information purposes.

5.4 Decision

Within thirty (30) calendar days of date of the acknowledgement letter, the Division Director shall provide a response in writing to the complainant.

The response shall include:

- whether the complaint was substantiated;
- if the complaint is not substantiated, provide reason(s) for their decision; and
- any actions the municipality has or will take as a result of the complaint

If the Division Director 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.

The decision correspondence shall include information such as:

- Overview of the Complaint;
- Details of how the investigation was conducted;
- Summary of the facts;
- Outline of the findings;
- Identification of next steps;

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- Suggestions of appropriate resolution along with rationale supporting the proposed resolution.

5.5 Record

The Division Director shall file a copy of the complaint and resolution with the Municipal Clerk. The Municipal Clerk shall maintain a file of the complaint in accordance with the municipality's records retention by-law.

5.6 Appeal Process

Once the municipality has communicated the decision to the complainant; there is no appeal process at the municipal level. Unresolved issues can be directed by way of a delegation to Council or addressed through the Ombudsman.

5.7 Non-Compliance

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

6.0 PRIVACY

6.0 The Town of Cobourg employees will adhere to all applicable legislation regarding privacy in accordance with the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA).

6.1 All complaint records will be kept securely and in accordance with Town of Cobourg policy requirements and legislative responsibilities.

6.2 Personal information on the complaint is treated as confidential to protect the privacy of the Complainant; however the Complainant should be aware that certain circumstances may indirectly identify them during an investigation.

7.0 RECORDS MANAGEMENT

7.1 Upon delivery of the decision, the complaint shall be deemed resolved/closed and the Investigator will transfer all physical and electronic documents pertaining to the complaint to the Municipal Clerk's Office who will maintain the records according

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to the Town's record and Retention Schedule. No records or copies thereof shall be kept by any investigator.

8.0 OMBUDSMAN

8.1 Where the Town of Cobourg and Complainant are unable to resolve a submission or complaint to their mutual satisfaction, the Complainant may forward their complaint to the Ombudsman for investigation.

9.0 QUARTERLY REPORT

On a quarterly basis, the Municipal Clerk will report to Council a summary of the Complaints received through the Municipal Complaint Policy for information with protecting personal information when necessary.

10.0 ADDITIONAL REFERENCES

10.1 Closed Meeting Investigations

Under Section 239 of the Municipal Act, 2001, as amended, any individual may request that an investigation be undertaken to determine whether a municipality or local board has complied with the Municipal Act or is Procedural By-law in respect of a meeting or part of a meeting that was closed to the public. All Complaints shall be filed in accordance with the provisions outlined in the Closed Meeting Investigation Policy through the Closed Meeting Investigator.

10.2 Complaints of Council (Code of Conduct, Municipal Conflict of Interest Act MCIA)

Effective March 1, 2019, Part VI of the Municipal Act, 2001, 'Accountability and Transparency' requires municipalities to appoint a Integrity Commissioner to perform functions as outlined in the Municipal Act, 2001, as amended. Complaint shall be filed as outlined within the Council Code of Conduct.

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Definitions

Complaint – an expression of dissatisfaction related to the Town of Cobourg’s programs, facilities, services, Town employee or operational procedures, where it is believed that the Town 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.

Complainant – The person who is dissatisfied and is filing the complaint. Anyone who uses or is affected by Town services can make a complaint.

Resolution of Complaint is the final stage of the complaint process, which may include an apology, explanation, reconsideration, reimbursement, compensation, and/ or change in policy. The complaint is considered resolved.

Scope

All employees should have a clear understanding of how complaints are handled within the Town of Cobourg.

All supervisors must comply with and explain this policy to their employees and conduct training which may be necessary.

Administration

Municipal Staff are authorized and directed to take the necessary action to give effect to this policy.

The Municipal Clerk or Chief Administrative Officer or designates are delegated the authority to make administrative changes to this policy that may be required from time to time due to legislative changes or if, in the opinion of them, the amendments do not change the intent of the policy and shall be brought to Council for approval.

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PROCESS

Municipal Clerks Department:

Receives written complaint
Logs complaint
Forwards to appropriate Division Director
Acknowledges receipt to complainant within ten (10) days



Division Director/CAO/Mayor:

Investigate the complaint
Make a decision
Notify the complainant of the outcome within thirty (30) days of the date of the acknowledgement letter
File a copy of the decision with the Clerk



Municipal Clerks Department:

File a copy of the decision
Report to Council annually

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Cross Reference

Policy #

Procedure #

Resolution #	Revision Description:	Signature/Municipal Clerk:	Council Approval Date:
468-19			December 2, 2019



Town of Cobourg Municipal Complaint Form (Public Use)

HOW TO MAKE A COMPLAINT

The Town of Cobourg Clerk's Department has procedures for receiving and handling complaints from citizens who are dissatisfied with service, actions or lack of action by a Town department or staff member. We recommend you first speak directly with the service area where you have an issue, in person or by telephone. Most complaints are received verbally and can be resolved promptly by the department in charge of the service.

If you are not satisfied with how your verbal complaint is handled you can submit a written complaint by completing this form which is available on any of our websites associated with www.cobourg.ca

COMPLAINANT CONTACT DETAILS

First Name *	Last Name *
Email Address <i>(considered the most prompt way we can communicate with you)</i>	
Mailing Address *	Phone Number *

COMPLAINT TYPE

- | | |
|--|---|
| <input type="checkbox"/> Access of Service | <input type="checkbox"/> Programs |
| <input type="checkbox"/> Facilities | <input type="checkbox"/> Staff Conduct |
| <input type="checkbox"/> Outcome of Existing Complaint | <input type="checkbox"/> Timeliness of Services |
| <input type="checkbox"/> Processes or Procedures | <input type="checkbox"/> Other |

SUMMARY OF COMPLAINT

Please record information on what happened, who was involved, dates, and times. Be as detailed as possible. If there is not enough space to describe the complaint, please attach extra paper.

Details

Department/Division/ location of problem
Staff persons involved (if known and applicable)
List of enclosures (include copies of any documentation in support of the complaint)

RESOLVE

How do you suggest the complaint be resolved?

SIGN OFF

Complainant’s signature
Date complaint submitted (mm/dd/yyyy)

TIMELINE

Clerk’s Department staff will contact you to acknowledge this complaint in the next 1 to 5 business days after receiving this completed form. The Clerk’s Department will forward the complaint on to the Investigating Staff Employee who will responds within 30 days of receipt of this complaint. If this is not possible, you will be contacted and given a reason why this timeline is being adjusted.

NOTICE OF COLLECTION

The personal information you choose to provide on this form is collected under the authority of the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA). The information you provide will be used to investigate the complaint and may be used for contact purposes but is otherwise considered confidential. Questions about this collection can be directed to the Clerk’s Department, Town Hall, 55 King Street West, Cobourg, ON K9A 2M2, 905-372-4301 ext. 4301, blarmer@cobourg.ca.

FOR CLERKS DEPARTMENT ONLY

Date Complaint Received: (mm/dd/yyyy)	Receiver Initials:	Tracking Number:
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Town of Cobourg
Municipal Complaint Tracking Form (Internal Use)

TRACKING NUMBER: _____ **Complainant's Name:** _____

COMPLAINT STAGE 1 – ACKNOWLEDGEMENT

Notification of Receipt of Complaint by Clerk's Department: _____

Complaint Transferred to: _____ Date Transferred: _____

COMPLAINT STAGE 2 – ASSESSMENT

The complaint may be terminated at this point if a resolution is mutually determined, if it is a duplicate or if it is not a complaint.

- Is the complaint misclassified? (Is it actually feedback / compliment or a service request, etc.?)
- Is the complaint a duplicate?
- Is more detailed information required from the complainant? If yes, check the box and notify complainant.
 - Date of notification for additional information: (dd/mm/yyyy): _____
 - Additional information received:

- Can the complaint be resolved informally?
 - Date of informal resolve: (dd/mm/yyyy): _____
 - How it was informally resolved: _____

COMPLAINT STAGE 3 – INVESTIGATION

Investigation Notes:

COMPLAINT STAGE 4 – RESOLUTION

A resolution has been pursued and communication of the decision is provided to the Complainant in writing.

DECISION TO INCLUDE:

- Overview of Complaint
- Summary of the Facts
- Identification of Next Steps
- Details of how Investigation was conducted
- Outline of the Findings
- Suggestions of Appropriate Resolution and Rational Supporting the proposed Resolution

Date of Decision to Complainant (dd/mm/yyyy): _____

COMPLAINT STAGE 5 – RECORDS MANAGEMENT

- Have all physical and electronic records been transferred to the Clerk’s Department?