
Title: Complaints Process

Department/Division: City Manager

Purpose:

1. To provide a policy and process for responding to complaints regarding a municipal program, facility, service, actions/non-action or other matter arising in the course of the administration of the City.

Scope:

2. This policy applies to:
 - a. anyone who uses or is affected by City services including residents, people who work in or visit the City, local businesses and community groups.
 - b. all municipal and local board staff when responding to complaints received from the public.
3. This policy does not apply to:
 - a. the police services board or the library board, as these boards are governed by specific legislation.
 - b. policy decisions made by City Council or to budget allocations.
 - c. complaints against:
 - i. a member of Council, local board, or committee for a Code of Conduct breach;
 - ii. an employee for a Code of Ethics breach; or
 - iii. either a member of Council or an employee regarding harassment or violence allegations.

Processes for these specific complaints are dealt with separately under the Code of Conduct for Council Members, Code of Ethics for Municipal Employees and the Workplace Harassment and Violence Policy.

- d. matters involving ongoing applications or appeals before a court or administrative tribunal.

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- e. frivolous or vexatious complaints, as determined by the City Manager or designate in consultation with the appropriate Director.
 - f. formal complaints which are submitted anonymously.
4. This Policy is not intended to circumvent any existing informal Division or Departmental complaint mechanisms in place, but will be the next step should a complaint not be resolved at the Divisional or Departmental level.

Steps for Handling Complaints:

Informal Resolution

- 5. Whenever possible, a complainant will be offered an opportunity for informal resolution of an issue brought to City staff's attention.
- 6. The complainant will be contacted by an appropriate staff member to address the complaint.
- 7. Key department contact information for City of Owen Sound staff will be updated at regular intervals on the City's website so that the public may contact the appropriate staff member.

Submitting a Formal Complaint

- 8. Formal complaints may be lodged by completing the General Complaint form in use by the City from time to time and delivering it to the City's Communications Advisor by
 - a. Mail – 808 2nd Avenue East Owen Sound ON N4K 2H3;
 - b. email – feedback@owensound.ca; or
 - c. hand delivery.
- 9. Within one working day of receipt a formal complaint will be acknowledged.
- 10. Each formal complaint will be assigned a tracking number which will be referenced in all follow-up communication.

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Formal Complaint Resolution

11. The Communications Advisor will immediately inform the City Manager and forward the complaint to the appropriate Director (which term includes the Fire Chief and staff leads of local boards).
12. The Director will assign a staff person to address the matter.
13. All communication will take place by the complainant's preferred method.
14. Within one week of the complaint being received, the complainant will be contacted to identify who will be following up on the complaint and the staff member's contact information.
15. Within one month of the complaint being received, the complainant will be contacted to be offered a resolution or advised that further time is needed and the reason for the extension.
16. When a resolution is offered, the complainant will be provided information on the following:
 - a. A summary of the facts;
 - b. How the investigation was conducted;
 - c. The suggested appropriate resolution along with the rationale supporting the proposed resolution.
17. Resolutions may include an explanation, apology, reconsideration, reimbursement and/or change in policy. The *Apology Act* provides that apologies are not admissible as evidence of fault or liability.
18. If the offered resolution is accepted, the complaint is considered closed.
19. If the offered resolution is not accepted and a request is made to escalate the complaint, a new timeframe is established and the assigned tracking number continues with the file until completion.

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Escalation

20. The process for escalation will be followed as appropriate taking into consideration the staff level at which the matter was originally addressed.
21. If the complainant wishes to escalate the complaint, the complainant will be contacted within one week to identify the next staff level to which the complaint has been escalated, i.e. Division Manager or Supervisor, Director or City Manager, and the corresponding contact information.
22. The staff member will follow the steps as above.
23. In the event a formal complaint cannot be resolved through the City's complaint process it may be submitted by the complainant to the provincial Ombudsman's office.

Monitoring and Tracking of Complaints

24. The Communications Advisor will monitor the progress and track the status of each complaint.
25. Each department/local board will ensure they have a method in place for tracking complaint files, using the assigned tracking number, and ensure that the same file is used if the matter is escalated.
26. Complaint files will be maintained and destroyed in accordance with the City's Record Retention By-law.
27. If action is taken on a complaint by telephone or voicemail, staff will ensure that a record of the communication is saved to the complaint file.

Responsibility

28. Communications Advisor: The Communication Advisor will keep a master list, using the assigned tracking numbers, of all complaints received and to which Director they have been forwarded. The Communications Advisor will keep the City Manager informed of the status of any/all outstanding complaints.

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- 29. Employees: All employees are to deal with complaints promptly, courteously, impartially and professionally.
- 30. Directors: Directors are responsible for facilitating prompt responses to all complaints by their staff and for ensuring compliance by staff to the Complaints Process policy.

Municipal Freedom of Information and Protection of Privacy Act

- 31. All complaints will be dealt with in accordance with the *Municipal Freedom of Information and Protection of Privacy Act* and other applicable legislation. The identity of the complainant will be made known only to those who need to know in order to administer the complaint process. All participants in the complaints process shall keep the details of the complaint confidential except as may be required by law.

Related Policies and Legislation:

- 32. *Municipal Act, 2001, Part V.1 Accountability and Transparency and Section 270.*
- 33. *Ombudsman Act, R.S.O. 1990, c.O.6, as amended.*
- 34. *Apology Act, 2009, S.O. 2009, c. 3*

Revision History:

Authorization	Date
Approved by By-law 2016-007	January 25, 2016
Approved by By-law 2016-165	November 28, 2016