



# Town of Whitby Policy

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<b>Policy Title:</b>	Public Complaint Policy
<b>Policy Number:</b>	CA 190
<b>Reference:</b>	Bill 8, the Public Sector and MPP Accountability and Transparency Act, 2014, and Council Resolution #573-16 and #80-18
<b>Date Originated:</b>	November 21, 2016
<b>Date Revised:</b>	March 19, 2018
<b>Review Date:</b>	As required
<b>Approval:</b>	Council
<b>Point of Contact:</b>	Town Clerk

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## Policy Statement

The Corporation of the Town of Whitby is committed to a consistent and uniform process to respond to formal complaints received from members of the public and ensure an approach where all complaints are dealt with fairly in a respectful and timely manner.

## Purpose

The purpose of this policy is intended to establish a framework for addressing and responding to public complaints regarding the services provided by the administration of the Town of Whitby. The policy will further assist in contributing to the continuous improvement of Town services and operations.

## Application

1. This policy applies to all Town of Whitby departments, services, operations and employees.
2. This policy shall be made available and accessible to those accessing services provided by the administration of the Town of Whitby.
3. Complaints subject to this Policy must be submitted and considered in accordance with this Policy prior to being filed with the Ombudsman.

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## 1 Definitions

- 1.1 Complainant** means any member of the public who makes a Formal Complaint.
- 1.2 Complaint** means an expression of dissatisfaction with any decision or recommendation made or act done or omitted in the course of the administration of the Town of Whitby. For further clarity, see Section 2 of this Policy, “What is a Complaint?”.
- 1.3 Department Head** means an officer or employee of the Town who will generally hold the title of ‘Commissioner’, appointed by the Chief Administrative Officer or Council, as required, to oversee a department, or a person appointed or designated to act in place of the Commissioner when the Commissioner is absent or refuses to act.
- 1.4 Formal Complaint** means a written Complaint submitted on a form prescribed by the Town Clerk.
- 1.5 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.
- 1.6 Ombudsman** means the individual designated and appointed by the Council of the Town of Whitby as an Ombudsman in accordance with the Municipal Act, or an Ombudsman having jurisdiction in accordance with the Ombudsman Act.

## 2 What is a Complaint?

- 2.1** The following are examples of Complaints covered by this policy:
- Concern that a matter was not completed or carried out in accordance with Town policies or standards (i.e. requirement to provide proper public notice in accordance with the Council approved Notice Policy);
  - Receiving poor customer service (i.e. poor interaction with a Town employee);
  - The timeliness through which a service was provided (i.e. delay in issuance of a permit or licence beyond standard service timelines); or
  - The quality of a service provided (i.e. service requested was not the service provided).

## 2.2 A Complaint is distinct from:

- a request for service made on behalf of a citizen for a specific service;
- a general enquiry or specific request for information regarding a municipal service;
- a request to increase service levels or provide a new service;
- an opinion or feedback, comment and expression of interest in a program or service;
- an expression of approval or compliment for municipal staff member, program, product or process; and,
- a suggestion or idea submitted with the aim of improving services, programs, products or processes.

## 2.3 The following Complaints will not be accepted or investigated in accordance with this Policy:

- A Frivolous or Vexatious Complaint;
- Anonymous Complaints;
- Complaints regarding a decision or recommendation of Council or a Committee of Council;
- Complaints against a Member of Council, Advisory Committee or Board for 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);
- 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);
- Complaints which involve ongoing litigation;
- Any decision, recommendation, act or omission of any person acting as a legal adviser to the Town or acting as counsel to them in relation to any proceedings;
- The outcome of an insurance claim processed by the Town's insurer;
- Matters pertaining to a Board under the Public Libraries Act;
- 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.

## 3 Complaint Submission and Processing

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- The Town Clerk shall intake and process complaints, and departments review and respond to complaints in accordance with the Public Complaint Procedure prescribed by the Town Clerk and approved by the CAO.

## **4 Complaint Resolution – Guiding Principles**

- 4.1** Any person impacted by any decision or recommendation made or act done or omitted in the course of the administration of the Town of Whitby may submit a Formal Complaint. If a person requires assistance submitting a complaint, an individual acting on the Complainant's behalf may submit the Complaint and provide evidence that the Complainant has provided their consent for said person to act as their agent.
- 4.2** It is in the interest of all parties that complaints are dealt with promptly and resolved in an expeditious manner. Complaints submitted to the Office of the Town Clerk will be referred to the appropriate department for review.
- 4.3** 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 such information as required by law or as may reasonably be necessary in order to properly investigate the matter. Where possible and deemed necessary, the Town shall protect the privacy of any employee who is the subject of a Complaint.
- 4.4** Review of complaints shall be impartial and respectful to the parties involved.
- 4.5** Complainants are to be provided with clear and understandable reasons for how decisions on the Complaint were determined.
- 4.6** Complainants shall be provided with the contact information for the Ombudsman in the event that they are dissatisfied with the final Complaint resolution or response by the Town.

**This Policy is hereby approved by Council Resolution # 80-18 on this 19<sup>th</sup> day of March, 2018.**