



## Executive Committee Agenda

Thursday, November 2, 2017  
Council Chambers  
County Administration Centre, Walkerton

### 1. Declaration of Pecuniary Interest

### 2. Action Items

A. Complaint Policy (attached)

### 3. Closed Meeting

A. That the Committee move into a closed meeting pursuant to:

Section 239 (2) (b) of the Municipal Act relating to personal matters about an identifiable individual, including municipal or local board employees relating to the Committee Chair Selection; and,

Section 239 (2) (3.1) 1. of the Municipal Act for the purpose of educating or training the members.

B. Minutes for Approval - September 21, 2017

### 4. Rise and Report

### 5. Next Meeting

December 7, 2017

### 6. Adjournment



## Committee Report

To: Warden Mitch Twolan  
Members of the Executive Committee

From: Kelley Coulter, CPA, CGA, MPA  
Chief Administrative Officer

Date: November 2, 2017

Re: Complaint Policy

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### Recommendation:

That the Complaint Policy for the County of Bruce be approved effective January 1, 2018.

### Background:

At the September 7, 2017 Executive Committee Meeting, Council received the Draft Complaint Policy for information and directed staff to have the Policy reviewed by Hicks Morley, LLP.

Hicks Morley reviewed the Complaint Policy and recommended some changes which have either been incorporated into or removed from the Policy.

The proposed Complaint Policy will establish a mechanism for recording or tracking complaints with respect to County programs, facilities, services, employees or operational procedures, along with a process for resolving them.

The Complaint Policy and Complaint Form will be posted on the website and members of the public will be encouraged to visit the website to complete and submit the form.

### Financial/Staffing/Legal/IT Considerations:

There is no financial, staffing, legal or IT considerations associated with this report.

### Interdepartmental Consultation:

The Senior Management Team and Hicks Morley, LLP have provided input on the Policy.



Corporation of the County of Bruce  
Executive

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Link to Strategic Goals and Elements:

None identified.

Written by Donna Van Wyck, Clerk

Approved by:

A handwritten signature in black ink, appearing to read 'Kelley Coulter', written in a cursive style.

Kelley Coulter  
Chief Administrative Officer



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**Policy:** Complaint Policy

**Department:** Office of the C.A.O.

**Effective Date:** January 1, 2018

**Revision Date:**

**Review Date:**

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## 1. Policy Statement

The County of Bruce (the "County") is committed to providing excellent service to all members of the public. The County has implemented a consistent, efficient, fair and uniform process to respond to complaints received regarding dissatisfaction with County programs, facilities, services, employees, or operational procedures.

The Complaint Policy (the "Policy") will assist the County in continuing to provide excellent service to the public and will contribute to the continuous improvement of County services and operations. The County strives to maintain a high level of customer satisfaction by:

- Providing a timely and comprehensive response to complaints
- Using complaints as an opportunity to improve County services and operations

## 2. Purpose

The purpose of this Policy is to establish guidelines and standards for the efficient handling and resolution of complaints made toward the County in order to address concerns raised and improve County services and operations.

## 3. Definitions

"Clerk" means the Clerk of the County of Bruce or designate in the Office of the Chief Administrative Office (CAO).

"Complaint" means an expression of dissatisfaction related to a County program, service facility, operational procedure or employee where members of the public believes that the County has not provided a service experience to the citizen's satisfaction at the point of service delivery and a response or resolution is explicitly or implicitly expected. Complaints are distinct from requests for service; general inquiries about County services; opinions or feedback with respect to a program or service; or suggestions with respect to services or programs.

"Complainant" means the person who is dissatisfied and filing the complaint with the County.

"Council" means Council of the County of Bruce

“Employee” means an employee of the County of Bruce

“Frivolous” complaint means one that has no serious purpose or value, is about a matter so trivial or one so meritless on its face that any investigation would be disproportionate in terms of the use of resources.

“Vexatious” complaint means that the complaint is initiated with the potential intent to embarrass or annoy the recipient, or is part of a pattern of conduct by the complainant that amounts to an abuse of the complaint process.

## 4. Types of Complaints

This Policy applies to complaints that are received from members of the public regarding all County programs, facilities, services, operational procedures or employees.

This policy does not apply to:

- Outside boards and agencies
- Closed meeting investigations

This policy does not address:

- Anonymous complaints
- A decision of Council, a decision of a Committee of Council or the Library Board;
- Matters addressed by legislation, regulation or an existing municipal by-law;
- Matters that are handled by tribunals, courts of law, quasi-judicial boards, etc.

## 5. Procedures

### 5.1 Informal Complaint

The County encourages informal and early resolution of Complaints in all circumstances.

It is recommended that a Complainant first directly contact [a representative from] the service area from which the Complaint arises. A Complainant may contact any such representative by meeting with them in person, through mail, email or by telephone.

It is expected that County staff will use their best efforts to resolve these Informal Complaints before they become Formal Complaints (as defined hereinafter), and after the resolution of such Informal Complaints, identify possible improvements in County services and operations. The majority of Complaints can be resolved promptly by the Department in charge of the service.

### 5.2 Formal Complaint

A Formal Complaint is generated when an informal resolution could not be successfully achieved. Formal Complaints will be submitted to the County Clerk (the “Clerk”) on the Municipal Complaint Form attached as Appendix “A”. All such Complaints must be dated and signed by an identifiable individual. Anonymous Complaints shall not be accepted as they are difficult, if not impossible, to assess or investigate.

The Clerk will log the Formal Complaint and forward it to the Department and copy the Chief Administrative Officer.

### 5.3 Investigation

- A) The Clerk or designate shall acknowledge receipt of the Complaint within five (5) business days.
- B) The Clerk shall review the issues identified by the Complainant and in so doing may:
- i. Review relevant municipal and provincial legislation;
  - ii. Review the County's relevant policies and procedures;
  - iii. Review any existing file documents;
  - iv. Request information from the Director of the Department, Staff, the Complainant or other members of the public involved in the Complaint;
  - v. Identify actions that may be taken to address the Complaint and/or improve County services and operations; or
  - vi. Take other actions the Clerk deems necessary to resolving the matter.
- C) Upon receipt of a Complaint, and where the Clerk deems appropriate, the Clerk may delegate the authority to investigate and respond to a Complaint to the appropriate Department Director or other designate or may choose to investigate and respond to the Complaint themselves (the "Designated Investigator").
- D) The Clerk may not delegate the authority to investigate a Complaint to any Staff who is or may be named in the Complaint.
- E) The Clerk shall maintain a file of the Complaint in compliance with the County's Records Retention Schedule.
- F) Any Complaint of Employee misconduct shall be forwarded in confidence to the Director of Human Resources and the Chief Administrative Officer and shall be addressed through Internal County policies. In the event Employee misconduct is found, the appropriate responsive action shall be taken, however any such responsive action shall remain confidential and shall not be disclosed to the Complainant or the public.

The Designated Investigator shall:

- Document all notes within the Municipal Complaint Tracking Form
- Contact the Complainant where a quick resolution is possible
- Notify the Complainant in writing on an approximate length of time if it is determined the issue may result in a lengthy investigation process
- Review the issues identified by the Complainant and in doing so may:
  - Review relevant municipal and provincial legislation;
  - Review the County's relevant policies and procedures;
  - Interview County employees;
  - Contact and interview members of the public;
  - Contact and interview the Complainant.
  - Identify actions that may be taken to address the Complaint or improve County service and operations

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

## 6. Frivolous or Vexatious Complaints

When determining whether a Complaint is Vexatious or Frivolous, the County will take into account all the circumstances of the Complaint. The key question is whether the request is likely to cause distress, disruption or irritation, without proper or justified cause.

A Complaint may be considered Frivolous or Vexatious if it meets the definitions of Frivolous and Vexatious as outlined in this Policy. For example, if a pattern of conduct occurs when, on more than one occasion, a Complainant engages in conduct such as the following:

- (a) brings Complaints concerning an issue, which Staff have already investigated and determined to be groundless
- (b) engages in unreasonable conduct, which is abusive of the Complaints process, i.e. harassing or verbal abuse
- (c) making excessive or multiple lines of enquiry regarding the same issue while their Complaint is in the process of being investigated
- (d) repeatedly challenging the findings of a Complaint investigation, complaining about the outcome or denying that an adequate response has been given
- (e) refusing to accept that an issue falls outside the scope of the County's jurisdiction
- (f) making unreasonable demands of Staff, i.e. insisting on responses within an unreasonable time-frame
- (g) using new Complaints to resurrect issues, which were investigated and completed in previous Complaints
- (h) changing the basis of the Complaint as the investigation progresses and/or denying statements he/she made at an earlier stage
- (i) refusing to co-operate with the investigation process while still wanting their Complaint to be resolved
- (j) failing to clearly identify the precise issues of the Complaint, despite reasonable efforts of Staff to help them clarify their concerns

It is important to note that the above is not an exhaustive list of conduct which may be considered Frivolous or Vexatious. In addition, a single incident may also constitute a Frivolous or Vexatious Complaint.

Where a Complaint is considered to be Frivolous or Vexatious, or where a pattern of conduct constitutes Frivolous or Vexatious Complaints, the Clerk, in consultation with the Chief Administrative Officer may cease any further investigation into the Complaint and close the Complainant's file.

## **7. Decision**

7.1 Within thirty (30) calendar days of receipt of a Complaint by the Clerk, a response shall be provided in writing to the Complainant (the "Decision").

The Decision shall include:

- i. Whether the Complaint was substantiated;
- ii. If the Complaint is not substantiated, the Clerk shall provide the reason(s) for their decision; and,
- iii. Any actions the County has or will take because of the Complaint. In the case of an employee related complaint, the County will not disclose the action taken.

7.2 From time to time, there may arise circumstances where the County may not be in a position to guarantee response times. If the Clerk is unable to provide a Decision within thirty (30) days of receipt, they shall notify the Complainant of the delay and provide an estimate of when a Decision will be provided.

7.3 Decisions made by the Clerk may be appealed, in writing, to the Chief Administrative Officer within thirty (30) days. The Chief Administrative Officer shall review the appeal and may confirm, rescind or amend a Decision. In the event the Complaint cannot be resolved through the County's Complaint process/this Policy, the Complaint may be submitted to the Ontario Ombudsman.

7.4 The Decision will consist of information such as:

- Overview of Complaint
- Details of how the investigation was conducted
- Summary of the facts
- Outline of the findings
- Identification of next steps
- Suggestions of appropriate resolution along with the rationale supporting the proposed resolution

## **8. Appeal**

There is no appeal process beyond what is defined in Section 7.

## **9. Monitoring**

### **9.1 Administration**

The Formal Complaint must be tracked from its initial receipt to its resolution. The Clerk or designate manages this process.

The Clerk will keep a centralized, up-to-date Municipal Complaint Tracking log of all Complaints by tracking number.

An annual report of Complaints will be presented to the Chief Administrative Officer for review and consideration in June of each year.



## 9.2 Existing Complaint

When action is taken on an existing Formal Complaint by telephone or voicemail, a record of this action will be saved on the Municipal Complaint Tracking Form. All correspondence between the Clerk or Designated Investigator and the Complainant must be documented.

## 10. Privacy

Complaints will be dealt with in a confidential manner in accordance with applicable privacy legislation including the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) and the Personal Health Information Protection Act (PHIPA) ("Privacy Legislation"). Any information collected for the purposes of this policy will be collected, used and disclosed only in accordance with Privacy Legislation or any other legislative requirements.

All documents relating to any Complaint shall be kept secure and in accordance with applicable legislation and the County's Records Retention Schedule.

The County of Bruce is committed to the professional development of all Staff and is committed to supporting Staff in the performance and execution of their duties with competence and professionalism. As a result, any responsive actions to a Complaint which involves taking any action to improve a Staff member's performance, will respect the employer/employee relationship and as such will not be identified to the public or to the Complainant.

## 11. Records Management

Upon delivery of a Decision, the Complaint will be deemed resolved/closed and all physical and electronic documents pertaining to the Complaint will be maintained by the Clerk according to the County's Records Retention Schedule. No copies of privileged information will be kept by any other County Departments.

## 12. Responsibility

All Staff should have a clear understanding of how Complaints are handled by the County.

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

The County promotes the principles of accessibility through the Accessibility for Ontarians with Disabilities Act. Please refer to the County's Accessibility Policy for more information.

The County may make amendments to update the Complaint Policy and Forms as required.

## 13. Appendices

Appendix A - Complaint Form (public use)

Appendix B - Complaint Tracking Form (internal use)

# Appendix "A"

## Complaint Form

### How to Make a Complaint

The County of Bruce has procedures for receiving and handling complaints from individuals who are dissatisfied with service, actions or lack of action by a County 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 our website [brucecounty.on.ca](http://brucecounty.on.ca).

\*Mandatory Field

### Complainant Contact Details

First name *	Last name *
Email Address (considered the most prompt way we can communicate with you)	
Mailing Address *	Phone Number *
Note: If only a mailing address is provided our response timelines may be extended.	Note: We only call if we require clarification.

### Complaint Type

- |  |   |
|--|---|
| <input type="checkbox"/> Access of Services            | <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, attach extra paper.

Details*
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Service area/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?
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**Sign Off**

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

**Timeline**

The Clerk or designate will contact you to acknowledge this complaint within 5 business days after receiving this completed form. Further inquiries, investigation and resolution is expected 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 County Clerk, 30 Park Street, Walkerton ON N0G 2V0, 519-881-1291, [dvanwyck@brucecounty.on.ca](mailto:dvanwyck@brucecounty.on.ca)

**For Internal Use Only**

Date Complaint Received: (mm/dd/yyyy)	Receiver Initials:	Tracking Number:
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## Appendix "B"

### Complaint Tracking Form

Tracking Number: \_\_\_\_\_

Complainant's Name: \_\_\_\_\_

Designated Investigator: \_\_\_\_\_

#### Complaint Stage 1 - Acknowledgement

Notification of Receipt of Complaint by Investigator: \_\_\_\_\_

#### 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:

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Can the complaint be resolved informally?

- Date of informal resolve: (dd/mm/yyyy): \_\_\_\_\_

- How it was informally resolved:

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### **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:**

- |   |  |
|---|--|
| <input type="checkbox"/> Overview of Complaint        | <input type="checkbox"/> Details of How Investigation was conducted  |
| <input type="checkbox"/> Summary of the Facts         | <input type="checkbox"/> Outline of the Findings   |
| <input type="checkbox"/> Identification of Next Steps | <input type="checkbox"/> 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?