



CORPORATE POLICY

Sub Topic: Customer Complaint Policy Policy No. CORP.1-10

Topic: Accountability and Transparency Employees Covered: All Employees

Section: Council Adoption Date: April 4, 2016

Effective Date: within 90 days of adoption Revision No: Date:

Policy Statement & Strategic Plan Linkages

Customer Satisfaction is a priority for the Town of Newmarket. The Town is committed to satisfying customer expectations in all areas of service. Receiving feedback on services helps improve processes and can identify areas for improvement. Offering customers opportunities to escalate concerns reinforces commitments to excellent service delivery.

This policy relates to the key area of focus “Well-Equipped and Managed” of the Strategic Plan.

Purpose

The purpose of this policy is to outline the underlying principles and processes for the disposition of complaints related to services delivered by the Town, ensuring and supporting transparency and accountability. This policy attempts to ensure that any response and review of complaints is fair, impartial and respectful to all parties involved.

Principles

This policy and its procedures is based on the following complaint management principles:

Ease of comprehension & access	The process should be easy to understand and accessible to customers;
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Accountability	The process should be well understood by staff and include routine monitoring of complaints by senior management to ensure matters resulting from repeated complaints are addressed;
Confidence	Customers should have confidence in the reliability of the process;
Confidentiality	Customer complaints will remain confidential in accordance with applicable policies;
Fairness & independence	The process should be fair and include an independent review process;
Impartiality	The process should be impartial and filing complaints will not adversely affect the quality of future Town services delivered to complainants;
Effectiveness	Staff should address issues within their authority and capacity. Customers should be advised of options to resolve the complaint;
Flexibility	Staff should have the discretion to adjust and adapt their response based on the nature of the complaint; and,
Timeliness	Timelines should be established by staff in responding to complaints filed.

Definitions

Complainant means a customer making a complaint under this policy.

Complaint means a written or oral expression of dissatisfaction about services, actions, or lack of actions by an employee, contractor or volunteer of the Town of Newmarket by a customer. Examples include but are not limited to perceptions of:

- A failure to do something agreed to do;
- A failure to observe policy or procedures;
- An error made by an employee, contractor, or volunteer of the Town;
- Unfair or discourteous actions/statements made by an employee, contractor, or volunteer of the Town;
- Access to services;
- Timeliness of service; and,
- Quality of service.

This policy does not apply to complaints made by employees, contractors, or volunteers working on behalf of the Town, or complaints about Members of Council.

Cyberbullying means the use of communication technologies to engage in deliberate, repeated or hostile behaviour intended to harm embarrass, Harass or slander someone deliberately, including, but not limited to: social media outlets (e.g. Facebook, Instagram, Twitter, YouTube), personal blogs, web pages, discussion groups or online media/newspaper articles;

Frivolous means a Complaint that is reasonably perceived by Town staff to be (a) without reasonable or probable cause, (b) without merit or substance, or (c) trivial;

Harassment or **Harass** involves engaging in a course of behaviour, comment or conduct, whether it occurs inside or outside the work environment, that is or ought reasonably to be known to be unwelcome. It includes but is not limited to any behaviour, conduct or comment that is directed at or is offensive to another person:

- (a) on the grounds of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, age, handicap, sexual orientation, marital status, or family status, as well as any other grounds under the provisions of the Human Rights Code; or
- (b) which is reasonably perceived by the recipient as an intention to bully, embarrass, intimidate or ridicule the recipient.

Intimidation means unwarranted conduct, including, but not limited to: Cyberbullying, discrimination, Harassment, violence or threats of violence, profanity, personal insults or communication that is deemed threatening;

Ombudsman means the Ombudsman of Ontario or the Ombudsman appointed by Council in accordance with Section 223.13 (1) of the Municipal Act, 1996, as amended where applicable.

Town means the Corporation of the Town of Newmarket;

Vexatious means a Complaint that is Frivolous and which is pursued in a manner that is reasonably perceived by Town staff to be (a) malicious, (b) intended to embarrass or Harass the recipient, or (c) intended to be a nuisance.

Procedures

General Complaint Procedures

1. Anyone personally affected or their representative can submit a complaint and it will be reviewed in accordance with this procedure. Anonymous Complaints will not be accepted.
2. Complaints should be made through the Customer Services department or directly to the responsible department in person, by phone, email or letter.

Step 1 – Department Contact Review

- 1.1 Complaints will be directed to and assessed by a designated departmental contact with sufficient authority and capacity to address the scope of the complaint. The Complainant will be advised of the name, telephone number and email address of the designated departmental contact through the Customer Services department or responsible department.
- 1.2 Relative to the Complaint, the designated departmental contact will advise the Complainant of the following, in his or her own opinion, as applicable:
 - If the Complaint has merit:
 - An outline of actions which will be taken by the Town with the intent of resolving the Complaint;
 - Any required actions to be taken on the part of the Complainant, including known fees or charges; and,
 - Estimated timeframes associated with the actions required to resolve the Complaint
 - Should the designated departmental contact determine that he/she does not have sufficient authority or capacity to respond to the Complaint he/she will refer the Complaint for further review under Step 2;
 - Any optional or mandatory appeal mechanisms available, both internally and externally;
 - Other information necessary to help inform the Complainant of the Town's actions; and,
 - Further review of the Complaint as outlined in 1.3 or Step 2, if requested or required.
- 1.3 Should the Complainant believe that his/her Complaint has not been adequately addressed in 1.2, he/she may refer the Complaint for further review under Step 2.
- 1.4 Subject to 1.3, the complaint filed is deemed to be closed.

Step 2 – Senior Department Contact Review

- 2.1 Complaints will be directed to and assessed by a designated senior departmental contact with sufficient authority and capacity to address the scope of the Complaint reviewed in Step 1. The Complainant will be advised of the name, telephone number and email address of the designated senior departmental contact by the designated departmental contact.
- 2.2 The senior departmental contact will review the assessment of the Complaint in Step 1 and advise the Complainant of the outcome of the review.

- 2.3 Should the Complainant believe that the review of the Complaint undertaken by the senior departmental contact was inadequate, he/she may refer the Complaint for further review under Step 3.
- 2.4 The senior departmental contact will maintain a separate record of his/her review in accordance with the Town's records retention policies and protocols.
- 2.5 Subject to 2.3, the Complaint filed is deemed to be closed.

Step 3 – Complaint Review Committee

- 3.1 With input from and records retained by the senior departmental contact, an internal staff committee referred to as the Complaint Review Committee comprised of the applicable Commissioner (or his/her designate) and Manager of Customer Services will assess the review undertaken in Step 2 for the following purposes:
 - a. Accuracy and completeness;
 - b. Clarity of response and information provided
 - c. Fairness, including opportunity for internal or external appeal; and,
 - d. Opportunities for further refinement of customer Complaints management;
 - e. Opportunities for improvements in service delivery including a review of existing practices and processes.
- 3.2 The Complainant may request a meeting with the committee, and the committee may request a meeting with the Complainant to assess the review undertaken in Step 2.
- 3.3 A written response will be provided to the Complainant outlining the committee's assessment of the review undertaken in Step 2 and indicate that should the Complainant believe that the assessment of the review undertaken by the committee was inadequate, he/she may refer the Complaint to the Ombudsman.
- 3.4 The committee will maintain a separate record of their assessment of the review in Step 2 in accordance with the Town's records retention policies and protocols.
- 3.5 The Complaint filed is deemed to be closed.
- 3.6 Should the Ombudsman, on his or her review determine any further actions or recommendations, the Town will take these recommendations into consideration and may re-consider its previous response.

Threats, Intimidation

1. Staff should report to their designated or senior department contact and the Human Resources department immediately:

- (a) Any implied or explicit threats made against the safety of the staff member or the safety of others in the course of handling the Complaint;
 - (b) Any Intimidation behaviour in the course of handling the Complaint, which may be established by a variety of circumstances that may include:
 - (i) the content, tone and language of a person's correspondence, especially if the language used is insulting, offensive or abusive; or,
 - (ii) unsubstantiated, derogatory or inflammatory allegations against Town staff.
2. Harassment, discrimination, threats or matters of a similar nature will be dealt with through the Harassment and Discrimination Free Workplace Policy HR. 13-04.

Potentially Frivolous or Vexatious Complaints

1. Where the Complaint may be considered Frivolous or Vexatious or there appears to be a pattern of Frivolous or Vexatious Complaints, a department may seek advice from the Complaint Review Committee to ensure valid Complaints are heard and addressed in a professional and mutually respectful manner, while ensuring efficient use of Town resources.
2. Despite any Step in this Policy, the Complaint Review Committee may recommend that a department refer a Frivolous or Vexatious Complaint to the Ombudsman and that it deem the Complaint file closed (subject to any further steps as determined by the Ombudsman under step 3.6 above).

Responsibilities of Employees

1. Staff will treat all Complaints as confidential and protect the Complainant's privacy according to Protection of Personal Information Policy CORP.1-08.
2. The Town will fully cooperate with the Ombudsman in executing his or her statutory duties.
3. Each department and the Committee, will routinely review their Complaint records for issues and trends to assess quality of service and improve processes.
4. The Operational Leadership Team and/or Senior Leadership Team will routinely review corporate Complaint trends for the purpose of continuous service and process improvements.

Review Period

Periodic reviews of this policy and process will be undertaken.

Cross-References

Council Code of Conduct 2016-10

Employee Code of Conduct CAO.3-01

Employee Complaint Policy 4-02

Protection of Personal Information policy CORP. 1-08