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**STAFF REPORT: Administration**



**REPORT TO:** Committee of the Whole  
**MEETING DATE:** May 16, 2016  
**REPORT NO.:** FAF.16.33  
**SUBJECT:** Town Complaint Resolution Policy  
**PREPARED BY:** Corrina Giles, Town Clerk

**A. Recommendations**

THAT Council receive Staff Report FAF.16.33 “Town Complaint Resolution Policy”;

AND THAT Council approve the Town Complaint Resolution Policy, POL.COR.16.XX as attached to this report, to come into effect July 1, 2016.

**B. Background**

**Bill 8, Public Sector and MPP Accountability and Transparency Act, 2014**

In 2014, the Ontario government passed the *Public Sector and MPP Accountability and Transparency Act* (Bill 8) to promote public sector and MPP accountability and transparency. The *Public Sector and MPP Accountability and Transparency Act* includes 11 Schedules that amend numerous Acts that govern the legislature and the public sector. Schedule 9 to amend the *Ombudsman Act* came into effect January 1, 2016, and has an effect on all municipalities. **Attachment #1** to this report is correspondence from *Ombudsman Ontario* providing information about the expansion of the Ombudsman’s jurisdiction to municipalities. **Attachment #2** is an Ombudsman pamphlet available to the public, entitled “Complaints about Municipalities”.

***Ombudsman Act***

The Ombudsman may now investigate complaints about municipal matters after local complaint processes have been exhausted. **Attachment #3** to this report, draft “Town Complaint Resolution Policy”, provides a mechanism for the municipality to respond to any complaints received. To a large extent, the attached policy follows a process that is already often practised in the municipality. Codifying the process into a policy will help improve customer service by ensuring that all staff are operating from the same understanding of how constituent concerns are to be addressed, as well as clarifying for members of the Public what steps they can take to have concerns addressed.

In addition, information gathered during the local complaint process can be provided to the Ombudsman to aid in any investigation they may conduct. In the event of the Ombudsman’s involvement, they would investigate and provide a report and recommendations to the municipality. It is up to the municipality to decide how to proceed after an Ombudsman report is received.

## **Town Complaint Resolution Policy**

Once adopted by Council, the Town Clerk and the Manager of Human Resources will schedule training sessions for all staff to provide information on the implementation of the new Town Complaint Resolution Policy. It is anticipated that training can be completed prior to July 1, 2016, hence the recommended date for the policy to come into effect.

### **C. The Blue Mountains' Strategic Plan**

Goal #4 - Promote a culture of organizational and operational excellence

- Improve internal communications across our organization
- To consistently deliver excellent customer service
- Constantly identify opportunities to improve efficiencies and effectiveness

### **D. Environmental Impacts**

None

### **E. Financial Impact**

None

### **F. In Consultation With**

1. Senior Management Team

### **G. Attached**

1. Ombudsman Ontario correspondence dated November 30, 2015
2. Ombudsman Pamphlet entitled "Complaints about Municipalities"
3. Draft "Town Complaint Resolution Policy"

Respectfully submitted,

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Corrina Giles, Town Clerk

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Troy Speck, CAO

For more information, please contact:

Corrina Giles, Town Clerk

[townclerk@thebluemountains.ca](mailto:townclerk@thebluemountains.ca)

519-599-3131 ext 232



November 30, 2015

Greetings,

With the New Year fast approaching, our Office would like to provide you with information about the expansion of the Ombudsman's jurisdiction to municipalities. As of January 1, 2016, the Ombudsman can begin accepting, resolving and investigating complaints about municipalities under the *Public Sector and MPP Accountability and Transparency Act, 2014*. The Ombudsman's jurisdiction will extend to municipalities, local boards and municipally-controlled corporations, with some exceptions as set out in regulation.

The Ontario Ombudsman is an independent officer appointed by the Legislative Assembly of Ontario to conduct impartial investigations into individual and systemic issues relating to the administrative conduct of public bodies. The Ombudsman's services are available to anyone free of charge.

As we do with the tens of thousands of provincial complaints we handle every year, we will work to resolve complaints about municipalities wherever possible. We resolve most complaints without the need for an investigation or report.

We are an office of last resort, meaning individuals should exhaust any available appeal mechanisms (such as the Ontario Municipal Board) before complaining to the Ombudsman. The Ombudsman also strongly encourages municipalities to resolve local issues at the local level, and to create their own complaint resolution mechanisms, which may include appointing accountability officers such as integrity commissioners, ombudsman and auditors general.

If internal complaint mechanisms are unable to resolve the problem and the Ombudsman determines that an investigation is warranted (either into an individual complaint issue or a broader systemic one), relevant municipal sector entities will be notified by our Office and required to co-operate with our investigation. The Ombudsman may report findings and recommendations publicly. However, the Ombudsman cannot overturn any decisions of a municipal sector entity, and recommendations are not binding.

The Ombudsman's Office has 40 years of experience in resolving and investigating administrative problems throughout the provincial government. We handle more than 23,000 complaints each year by applying alternate dispute resolution strategies – resolving over half of all cases in less than two weeks.

At the same time, almost all of the Ombudsman's recommendations for systemic change have been accepted by the government in the past 10 years, resulting in administrative improvements that have positively affected millions of Ontarians (e.g., expansion of newborn screening, a more secure lottery system, better monitoring of unlicensed daycares). We have always received excellent co-operation from the public bodies we oversee.

We have recently reached out to the Association of Municipalities of Ontario, the Association of Municipal Managers, Clerks and Treasurers of Ontario and other stakeholders to share information about our Office's role. Today, we are also inviting you to complete a brief online survey (information attached) that will help us in responding to any complaints we may receive about your municipality. Please note

that we are seeking contact information for officials who have direct responsibility for areas related to complaint resolution, as opposed to protocol officers or communications staff. Although we are happy to deal with these officials for communications-related matters, when we make inquiries about complaints, we communicate directly with staff who have the most relevant information about the matter at issue.

For more information about how we work and our new mandate with respect to municipalities, you might wish to review our Frequently Asked Questions at <https://ombudsman.on.ca/About-Us/MUS-FAQ.aspx> and our new brochure, *Complaints about Municipalities*, at <http://www.ombudsman.on.ca/Resources/Brochure.aspx>.

We also have an Open Meeting Law Enforcement Team which deals with complaints that municipal meetings have been improperly closed to the public under the *Municipal Act*. For more information on the activities of the Open Meeting Law Enforcement Team, please see our OMLET Annual Report here: <https://ombudsman.on.ca/Investigations/Municipal-Meetings/Municipal-Annual-Reports.aspx>.

Our latest Annual Report, published in July for the 2014-2015 fiscal year, also provides a good overview of our work. It can be found online here: <https://ombudsman.on.ca/Resources/Reports/2014-2015-Annual-Report.aspx?lang=en-CA>. You can also receive information about our office monthly by subscribing to our e-newsletter at <https://ombudsman.on.ca/Newsroom/E-Newsletter.aspx>.

My team and I would be happy to answer questions, provide copies of our publications, or connect you with our colleagues who will be working on municipal cases. Please contact us by emailing [thewatchdog@ombudsman.on.ca](mailto:thewatchdog@ombudsman.on.ca), or call our Communications Officers: Laura Nadeau (416-586-3402) or Cynthia McQueen (416-586-3525).

Sincerely,



Linda Williamson  
Director of Communications, Office of the Ombudsman of Ontario

Encl.



## MUNICIPALITY CONTACT SURVEY

As noted in our letter, in anticipation of the Ontario Ombudsman's new jurisdiction over municipalities as of January 1, 2016, our Office would appreciate receiving some information about your municipality to assist us in responding to any complaints we may receive.

We kindly ask that you complete the online, confidential survey here:  
<https://www.surveymonkey.com/r/XQCMLTS>

The information gathered will be used by our staff to inquire about relevant processes and, where necessary, to provide referrals to complainants.

After January 1, 2016, should any complaints remain unresolved after relevant processes have been exhausted within your municipality, you may refer individuals to the Ombudsman's office at <https://ombudsman.on.ca/Make-A-Complaint.aspx>.

Should you have any questions about the survey, our Office, or anything else relating to our work and new role relating to municipalities, please email our Communications team at [thewatchdog@ombudsman.on.ca](mailto:thewatchdog@ombudsman.on.ca) and we will be happy to assist you. Our Communications Officers would also be happy to answer your questions, or refer you to someone who can: Laura Nadeau (416-586-3402) or Cynthia McQueen (416-586-3525).



### The Ombudsman is:

- An independent **officer** of the Ontario legislature
- A **watchdog** who resolves and investigates complaints about provincial government bodies and municipalities, publicly funded universities and school boards
- An **impartial investigator** who makes **recommendations** to improve public services
- An office of last resort that steps in when other complaint avenues hit a dead end
- **Confidential:** All investigations are conducted in private; complainants are not identified without consent
- **Free of charge:** No fees are charged to complainants or to the organizations complained about

### The Ombudsman can:

- Resolve **individual complaints**
- Investigate **issues** that cannot be resolved locally
- Conduct large-scale investigations into broad, **systemic** issues affecting large numbers of people (past examples – lottery security, property tax assessment, newborn screening, Hydro One billing)
- Require officials to **co-operate** with investigations and provide relevant evidence
- **Recommend** changes to fix bureaucratic problems and improve governance, accountability and transparency

### The Ombudsman cannot:

- Overturn decisions of government bodies, including municipalities, universities or school boards
- Issue penalties; his recommendations are not binding
- Investigate private corporations, decisions of courts, the federal government or municipal police



## How to reach us

Office of the Ombudsman of Ontario  
Bell Trinity Square  
483 Bay Street, 10<sup>th</sup> Floor, South Tower  
Toronto, ON  
M5G 2C9

1-800-263-1830  
[www.ombudsman.on.ca](http://www.ombudsman.on.ca)

Twitter.com/Ont\_Ombudsman  
Facebook.com/OntarioOmbudsman  
Youtube.com/OntarioOmbudsman

  
Ombudsman  
ONTARIO

ONTARIO'S WATCHDOG  
CHIEN DE GARDE DE L'ONTARIO

## Complaints about MUNICIPALITIES



### Did you know?

"Ombudsman" is Swedish for "citizen's representative." The first ombudsman was created in Sweden in 1809 to help people bring their concerns to the government's attention.



### The Ontario Ombudsman has the power to investigate and resolve complaints about *municipalities, universities and school boards*, as of these dates:



**Municipalities**  
Jan. 1, 2016

**Universities**  
Jan. 1, 2016

**School boards**  
Sept. 1, 2015

This new mandate is thanks to Bill 8, the new *Public Sector and MPP Accountability and Transparency Act, 2014*.

It means we can help Ontarians who have problems with these bodies, just as we help them with the 500+ provincial government organizations we oversee.

Our services include referrals, complaint resolution, independent investigations of individual and systemic issues, and recommendations to improve government administration, service and accountability.

“We do not replace existing complaint mechanisms; we ensure they work as they should.”

– OMBUDSMAN ANDRÉ MARIN  
ANNUAL REPORT 2014-2015

### Who can complain about a municipality?

- Residents, ratepayers or family members
- Municipal staff, members of council or other officials
- Members of interest groups
- Anyone with a concern



### If you have a complaint...

- Have you already contacted the municipality about the problem? If not, we may refer you back to the appropriate local officials. We can help if your issue isn't resolved.
- Can you provide information about the issue and the steps you've taken (name of the municipality, officials you've dealt with, relevant documents, etc.)?
- You can review our complaint forms and information about the complaint process, our work and Bill 8 on our website, or call to speak to our staff for help.

### How we work

1. We assess all complaints and refer them to relevant local mechanisms for quick resolution wherever possible.
2. If local mechanisms are unsuccessful, we may attempt resolution and may contact the municipality for more information.
3. If an investigation is necessary, the municipality will receive written notice and will be required to provide relevant information and documents.
4. If the Ombudsman makes recommendations, the municipality will have a chance to respond before any report is made public.
5. The Ombudsman follows up on all recommendations to ensure they are implemented and have the desired effect.

### Common municipal issues

|  |
|--|
| Customer service                                 |
| Conduct of staff and/or council members          |
| Conflicts of interest                            |
| Services: Garbage collection, snow removal, etc. |
| Municipally-owned utilities                      |
| Accountability mechanisms (or lack thereof)      |

– Based on complaints received before Bill 8

“Everything has been settled to my satisfaction. Thanks a million for your help.”

– LETTER FROM COMPLAINANT

### Did you know?

- **FIVE** other ombudsmen in Canada already oversee municipalities.
- In 2014-2015, before Bill 8 was in effect, the Ombudsman received a record **1,656 complaints** about municipalities.
- Our office has **experience** with municipalities. Since 2008, the Ombudsman has been the closed meeting investigator for about 200 municipalities across Ontario. We have handled hundreds of closed meeting complaints and issued scores of reports and publications promoting best practices for transparency and accountability in municipal government.



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## TOWN OF THE BLUE MOUNTAINS

### POLICY & PROCEDURES

Subject Title: Town Complaint Resolution Policy

Corporate Policy (Approved by Council)

Policy Ref. No.:

Administrative Policy (Approved by CAO)

By-law No.:

Department Policy: (Approved by Mgr.)

Name of Dept.: Administration

Date Approved:

Staff Report: FAF.16.33

### Policy Statement

This policy is intended to enable the Town to promptly and effectively address program and service delivery complaints raised by members of the public. This policy provides the mechanism to respond to complaints and will assist the Town in providing excellent customer service to the public, and contribute to continuous improvement of operations.

### Purpose

The purpose of this policy is to satisfy the provisions of *Bill 8, Public Sector and MPP Accountability and Transparency Act, 2014* as it relates to response to complaints from the public. This policy will improve customer satisfaction by providing timely and accurate response to complaints and use complaints as an opportunity to improve program and service delivery options.

### Application

This policy applies to all staff when responding to complaints received from the Public.

### Exclusions

This policy is **not** meant to address:

- a) Complaints about non-municipal services;
- b) Issues already addressed by legislation, or an existing Town by-law, policy or procedure;
- c) Insurance claims, or potential insurance claims;
- d) A decision of Council or a decision of a Committee of Council; or
- e) Internal employee complaints



## Definitions

“CAO” means Chief Administrative Officer of the Town of The Blue Mountains

“Complainant” means the individual filing the Complaint with the Town

“Complaint” is an expression of dissatisfaction related to a Town of The Blue Mountains program, service, facility, or staff member, where a member of the public believes 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. **A Complaint is distinct from:**

- Request for Service: A request made to the Town on behalf of a member of the public for a specific service, or to notify the Town that a scheduled service was not provided on time. Examples include: requesting road repairs, missed garbage collection, burnt out street light, no water service, by-law infraction
- Enquiry: A general or specific request for information regarding a Town product or service made by a citizen that is resolved at the point of service delivery
- Feedback: an opinion, comment and expression of interest in a Town program or service by a member of the public

“Council” means the Council of the Town of The Blue Mountains

“Employee” means the employee of the Town

“Mayor” means the Mayor of the Town

“Ombudsman” means the Office of the Ombudsman of Ontario

“Policy” means the Town Complaint Resolution Policy

“Town” means the Town of The Blue Mountains

## Procedures

### 1 Responsibility of Complainant / Employees

- 1.1 It is the responsibility of the Complainant to attempt to resolve their concerns by dealing directly with the employee(s) within the Department providing the service, up to and including the Department Director. Department Director contact information is attached as Appendix “1” to the Complaint Form.
- 1.2 It is the responsibility of Employee(s) to attempt to resolve issues or concerns before they become Complaints, and identify opportunities to improve Town services.

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## **2 Filing a Complaint**

- 2.1 Where resolution cannot be achieved, Complaints should be submitted to the Office of the Chief Administrative Officer. Complaints shall be submitted on the form attached as Schedule "A" to this Policy, and will include:
- a) The name, phone number, email address, and mailing address of the Complainant;
  - b) The nature of the Complaint, including the:
    - i) Background leading to the Complaint;
    - ii) Date(s), time(s) and location(s) of any incident(s); and
    - iii) Name(s) of any Employee(s) previously contacted regarding the Complaint(s); and,
  - c) Actions the Complainant is requesting of the Town

## **3 Upon Receipt of a Complaint**

- 3.1 The CAO's Office shall acknowledge receipt of the Complaint, within five days of receipt of the Complaint.
- 3.2 The CAO shall review the issues identified by the Complainant and in doing so may:
- a) Review relevant municipal and provincial legislation;
  - b) Review the Town's relevant policies and procedures;
  - c) Review any existing file documents;
  - d) Interview employees or member of the public involved in the Complaint;
  - e) Identify actions that may be taken to address the Complaint or improve Town operations; or
  - f) Take other actions the CAO deems expedient to resolving the matter.
- 3.3 Upon receipt of a Complaint, and where the CAO deems appropriate, the CAO may delegate the authority to investigate and respond to a Complaint to another Employee.
- 3.4 The CAO may not delegate the authority to investigate a Complaint to an Employee who is or may be named in the Complaint.
- 3.5 The CAO shall maintain a file of the Complaint in compliance with the Town's records retention by-law.
- 3.6 The CAO may, at their discretion, notify Council of an open Complaint investigation for information purposes.

- 3.7 If a Complaint is made against the CAO, the Complaint shall be submitted to the Mayor for investigation. As part of the investigation, the Mayor may consult with the Manager of Human Resources and legal counsel and Council and may refer the matter to the Ombudsman.

#### **4 Decision**

- 4.1 Within thirty (30) calendar days of receipt of a Complaint by the CAO, a response shall be provided in writing to the Complainant. The response shall include:
- a) Whether the Complaint was substantiated;
  - b) If the Complaint is not substantiated, the CAO shall provide reason(s) for their decision; and,
  - c) Any actions the Town has or will take as a result of the Complaint.
- 4.2 If the CAO is unable to provide a response within thirty (30) days of receipt, they shall notify the Complainant of the delay and provide an estimate of when a response will be provided.

#### **5 General**

- 5.1 Copies of all correspondence and notices shall be retained in the Complaint file.
- 5.2 Where appropriate, copies of correspondence shall be placed in the Employee's file that is the subject of the Complaint.
- 5.3 Communications with a Complainant shall not provide details of disciplinary measures imposed on any Employee.
- 5.4 The CAO or their designate shall make dated records of any communication and attempted contacts with the Complainant(s).

#### **References and Related Policies**

- a) *Bill 8, Public Sector and MPP Accountability and Transparency Act, 2014*
- b) Policy POL.COR.07.01 Accountability and Transparency of Town Actions to the Public

#### **Consequences of Non-Compliance**

- a) Non-compliance with the Town Complaint Resolution Policy may result in the Complaint being filed with the Ontario Ombudsman for investigation;
- b) Consequence to commensurate with severity of non-compliance

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## **Review Cycle**

This policy will be reviewed by Council once per term of Council.





TOWN COMPLAINT RESOLUTION POLICY  
APPENDIX "1"  
DEPARTMENT DIRECTOR CONTACT INFORMATION

| Department                        | Department Director and Contact Information  | Responsible For:                                 |
|-----------------------------------|--|--|
| Chief Administrative Officer      | Troy Speck, CAO<br><a href="mailto:cao@thebluemountains.ca">cao@thebluemountains.ca</a><br>tel: 519-599-3131 ext 234                   | Administration, Human Resources, Clerks          |
| Infrastructure and Public Works   | Reg Russwurm, Director<br><a href="mailto:rruswurm@thebluemountains.ca">rruswurm@thebluemountains.ca</a><br>tel: 519-599-3131 ext 260  | Roads, Water, Wastewater                         |
| Planning and Development Services | Michael Benner, Director<br><a href="mailto:mbenner@thebluemountains.ca">mbenner@thebluemountains.ca</a><br>tel: 519-599-3131 ext 246  | Planning, Development, Building, By-law Services |
| Finance and IT Services           | Ruth Prince, Director<br><a href="mailto:rprince@thebluemountains.ca">rprince@thebluemountains.ca</a><br>tel: 519-599-3131 ext 228     | Finance, IT Services                             |
| Community Services                | Shawn Everitt, Director<br><a href="mailto:severitt@thebluemountains.ca">severitt@thebluemountains.ca</a><br>tel: 519-599-3131 ext 281 | Parks, Trails, Community Centre, Tomahawk        |
| Fire                              | Rob Collins, Fire Chief<br><a href="mailto:rcollins@thebluemountains.ca">rcollins@thebluemountains.ca</a><br>tel: 519-599-3131 ext 103 | Fire   |