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March 9, 2016

**JOINT COMMUNITY SERVICES – CUSTOMER SERVICES & CORPORATE SERVICES –
LEGISLATIVE SERVICES REPORT 2016-03**

TO: Mayor Van Bynen and Members of Council

SUBJECT: Customer Complaint Policy

ORIGIN: Legislative Services & Customer Services

RECOMMENDATIONS

THAT Joint Community Services – Customer Services & Corporate Services Legislative Services Report 2016-03 dated March 9, 2016 regarding “Customer Complaint Policy” be received; and,

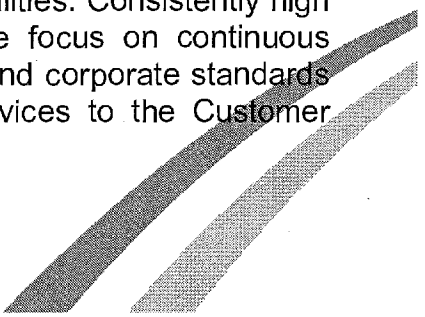
- 1. THAT Council adopt Policy No. CORP.1-10 “Customer Complaint Policy” (attached as Appendix A);**

COMMENTS

Background

The Town of Newmarket provides exceptional service delivery to its residents. Findings from the most recent Community Survey (2014) indicate that 95% of residents are satisfied with the Town of Newmarket as a place to live, 78% of residents are satisfied with their local government and almost 80% are satisfied with the services provided. Furthermore, the 2014 Community Satisfaction Survey revealed that residents found staff to be knowledgeable and competent; that they were treated fairly; and that residents were informed of everything they had to do in order to get the service or information requested. Customer satisfaction in government services is crucially important; research shows a very clear linkage between a resident’s level of satisfaction related to service delivery and their level of confidence in their elected officials.

The Town of Newmarket’s approach to service delivery is often considered as a centre for best practices and is a model often shared with and adopted by other municipalities. Consistently high levels of customer satisfaction can be attributed to our corporate-wide focus on continuous improvement, soliciting, evaluating and responding to resident feedback and corporate standards related to service delivery. The successful expansion of front-line services to the Customer



Service Kiosks at the Magna Centre, Ray Twinney Complex and the Old Town Hall also reinforces the commitment to even better customer service. The introduction of formal policies and protocols outlining how customers can escalate complaints helps ensure increased fairness and consistency, provide our residents with a reliable channel to pursue unresolved issues and help to minimize any involvement on the part of the Municipal Ombudsman.

Draft Policy Development

A staff working group with representatives from the Communications, Executive Services, Legislative Services, Legal Services, and Customer Services departments was formed to develop a customer complaint policy, a draft of which is attached in Appendix A for Council's consideration.

The draft Policy:

- Outlines how customer complaints will be reviewed and escalated within the department where the complaint originated, largely formalizing existing protocols;
- Includes standards to ensure customer complaints are handled fairly and consistently and that complainants and staff are informed of the process (including any policies or appeal procedures required to be followed in the course of their complaint);
- Provides for a customer complaint review committee comprised of senior staff to determine if the principles of the draft Policy were appropriately considered when a complaint is reviewed by a department;
- Ensures that processes are in place so that there are updates and/or a resolution at each point of escalation and that the customer is apprised of the status and the outcome;
- Requires that senior staff review customer complaints routinely for continuous improvement; and,
- Refers customers to the Municipal Ombudsman should they be dissatisfied with the Town's response in addressing their complaint or where staff have determined a complaint is frivolous and/or vexatious in nature based on guidelines included in the draft Policy.

Based on current experience, staff expect the majority of complaints will be addressed in the Step 1 (Department Contact Review) or Step 2 (Senior Department Contact Review).

Potentially Frivolous &/or Vexatious & Intimidating Complaints

Although complaints which are potentially frivolous and/or vexatious and intimidating in nature are rare, the draft Policy will assist in managing such complaints to ensure compliance with the Town's Harassment and Discrimination Free Workplace Policy (HR. 13-04) and efficient use of staff time and resources.

The draft Policy proposes that complaints which are determined to be intimidating in nature will be referred to the process under the Town's Harassment and Discrimination Free Workplace Policy (HR. 13-04) and complaints which are potentially frivolous and/or vexatious may be referred to the customer complaint review committee to help advise the applicable department on options for managing valid complaints in an efficient and effective manner, including referral to the Municipal Ombudsman. The customer complaint review committee will ensure careful consideration of potentially frivolous and/or vexatious complaints, taking into consideration legal precedents and

best practices in managing complaints in a respectful and professional manner with the best intention to ensure valid complaints are heard and addressed. A similar framework for the disposition of frivolous and/or vexatious complaints is set out in the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA). MFIPPA provides authority for the Clerk to refuse frivolous and/or vexatious requests for records and information. In addition, a Municipal Ombudsman or the Provincial Ombudsman may refuse trivial, frivolous and/or vexatious complaints.

Next Steps

Should Council adopt the draft Policy, staff training will occur as part of a larger corporate initiative to provide even better customer service to residents. Supervisors in the Customer Services Department are working very closely with the Human Resources Department to create a program that will help reinforce key customer service skills, serve as a reminder of our corporate service standards while introducing the expectations related to the draft Policy. Website content will be developed to provide information to the public about the making of a complaint, in addition to the role of the Municipal Ombudsman and link to their office's website and contact information.

An important aspect of the draft Policy is the requirement for senior management to regularly review complaint trends and take appropriate actions to address negative trends observed. In addition, the draft Policy will be reviewed on a regular basis by senior management and the Municipal Ombudsman.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

Well-equipped and Managed

- Implementing policies and processes that reflect sound and accountable governance.

Community Engagement

- Aligning ourselves with communication best practices

Efficiency/Financial Management

- Ensuring efficient and effective services

CONSULTATION

The Operational and Strategic Leadership Teams were consulted in the preparation of this policy. Staff also sought input from the City of Mississauga and City of Toronto, Office of the Municipal Ombudsman.

HUMAN RESOURCES IMPACT

Following a period of staff training, human resources impacts will be minimal given that the draft Policy is a formalization of existing practices, as well as the introduction of a documented, more formal escalation channel.

BUDGET IMPACT (CURRENT AND FUTURE)

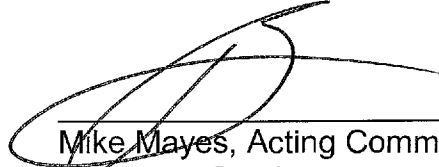
There are no anticipated budget impacts associated with approval of the draft Policy.

CONTACT

For more information on this report, please contact Andrew Brouwer, Director of Legislative Services/Town Clerk at abrouwer@newmarket.ca or at 905-953-5300, ext. 2211 or Bonnie Munslow, Manager, Customer Services at bmunslow@newmarket.ca or at 905-953-5300, ext. 2251.



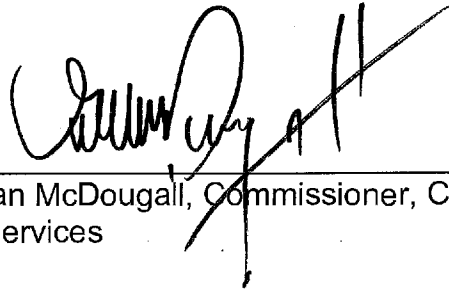
Andrew Brouwer, Director, Legislative Services/Town Clerk



Mike Mayes, Acting Commissioner, Corporate Services



Bonnie G. Munslow, Manager, Customer Services



Ian McDougall, Commissioner, Community Services



Newmarket

CORPORATE POLICY

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

Topic: Accountability and Transparency Employees Covered: All Employees

Section: Council Adoption Date:

Effective Date: 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;

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 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