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**Policy:** Complaint Handling Policy

**Department:** Administration

**Effective Date:** September 7, 2021

**Revision Date:**

**Review Date:** September 7, 2025

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## 1. Policy Statement

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

The Complaint Policy (the "Policy") will assist the Municipality in continuing to provide excellent service to the public and will contribute to the continuous improvement of Municipal services and operations. The Municipality 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 Municipal 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 Municipality in order to address concerns raised and improve Municipal services and operations.

## 3. Definitions

**"Chief Administrative Officer"** means the Chief Administrative Officer for the Corporation of the Township of Tyendinaga.

**"Clerk"** means the Clerk for the Corporation of the Township of Tyendinaga.

**"Complaint"** means an expression of dissatisfaction related to a Municipal program, service facility, operational procedure or employee where members of the public believes that the Municipality 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 Municipal 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 Municipality.

**“Council”** means Council of the Township of Tyendinaga.

**“Employee”** means an employee of the Corporation of the Township of Tyendinaga.

**“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.

**“Municipality”** means the Corporation of the Township of Tyendinaga.

**“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**

The following are examples of Complaints covered by this policy:

- Concern that a matter was not completed or carried out in accordance with Municipal 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 Municipal 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)

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

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.

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 Municipality'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 Municipality'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 Municipality or acting as counsel to them in relation to any proceedings;
- The outcome of an insurance claim processed by the Municipality's insurer;
- Matters pertaining to a Board under the Public Libraries Act;
- Matters addressed by legislation, regulation or an existing municipal by-law;
- Matters that are handled by tribunals, courts of law, quasi-judicial boards, etc.;
- Any decision, recommendation, act or omission by the Municipality, 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.

## **5. Procedures**

### **5.1. Informal Complaint**

The Municipality 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 Municipal 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 Municipal 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 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 Chief Administrative Officer or designate shall acknowledge receipt of the Complaint within five (5) business days.
- b) The Chief Administrative Officer shall review the issues identified by the Complainant and in so doing may:
  - i. Review relevant municipal and provincial legislation;
  - ii. Review the Municipality's relevant policies and procedures;
  - iii. Review any existing file documents;
  - iv. Request information from the Department Head, 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 Municipal services and operations; or
  - vi. Take other actions the Chief Administrative Officer deems necessary to resolving the matter.
- c) Upon receipt of a Complaint, and where the Chief Administrative Officer deems appropriate, the Chief Administrative Officer may delegate the authority to investigate and respond to a Complaint to the appropriate Department Head or other designate or may choose to investigate and respond to the Complaint themselves (the "Designated Investigator").
- d) The Chief Administrative Officer 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 Municipality's Records Retention Schedule.
- f) Any Complaint of Employee misconduct shall be forwarded in confidence to the Chief Administrative Officer and shall be addressed through Internal Municipal 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 Municipality's relevant policies and procedures;
  - Interview Municipal 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 Municipal 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 Municipality 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 Municipality'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 Chief Administrative Officer or

designate, 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 Chief Administrative Officer, 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 Municipality has or will take because of the Complaint. In the case of an employee related complaint, the Municipality will not disclose the action taken.

7.2. From time to time, there may arise circumstances where the Municipality may not be in a position to guarantee response times. If the Chief Administrative Officer 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 Chief Administrative Officer may be appealed, in writing, to the Reeve within thirty (30) days. The Reeve shall review the appeal and may confirm, rescind or amend a Decision. In the event the Complaint cannot be resolved through the Chief Administrative Officer'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 or designate 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 Chief Administrative Officer 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 Municipality's Records Retention Schedule.

The Township of Tyendinaga 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 Chief Administrative Officer according to the Municipality's Records Retention Schedule. No copies of privileged information will be kept by any other Township Departments.

## **12. Responsibility**

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

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

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

The Municipality 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 Township of Tyendinaga has procedures for receiving and handling complaints from individuals who are dissatisfied with service, actions or lack of action by a Municipal 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 [tyendinagatownship.com](http://tyendinagatownship.com)

### \*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*
----------

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?

### Sign Off

Complainant's signature\*

Date complaint submitted (mm/dd/yyyy)\*

### Timeline

The Chief Administrative Officer 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 Clerk, 859 Melrose Road, Shannonville, ON K0K 3A0, 613-396-1944, [clerk@tyendingatowship.com](mailto:clerk@tyendingatowship.com)

### For Internal Use Only

Date Complaint Received:  
(mm/dd/yyyy)

Receiver Initials:

Tracking Number:

## 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:

\_\_\_\_\_

\_\_\_\_\_

- Can the complaint be resolved informally?

- Date of informal resolve: (dd/mm/yyyy): \_\_\_\_\_
- How it was informally resolved:

\_\_\_\_\_

\_\_\_\_\_

### **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 Rationale 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?