

POLICY	
Policy Number: CORP2020-027	Date Approved: December 15, 2020
Department: Corporate	Date Reviewed:
Customer Service, Enquiries and Complaints Policy	

1. Policy Statement

The Town of Kirkland Lake strives to meet several standards when serving every customer, including:

- Treating customers with dignity and respect,
- Treating all customers fairly and complying with all Town policies, by-laws and regulations,
- Ensuring services are accessible for all customers,
- Introducing staff members to customers by first name and the Department in which they work, and
- Providing services in the most cost-effective and timely manner possible, recognizing service levels are established in the best interests of the majority of residents, users and taxpayers. Frivolous, vexatious and/or unreasonable service expectations and requests are not in the best interests of the majority of residents, users and taxpayers will not be satisfied to ensure the majority of effort and resources are dedicated to benefit the majority of the people of Kirkland Lake.

The Town of Kirkland Lake also strives towards a consistent and uniform process for responding to programs and service delivery concerns, and providing an open and transparent complaint process to resolve customer complaints.

2. Purpose

The purpose of this policy is threefold; to establish customer service standards, a procedure for municipal enquiries and a complaints process that is accessible to all.

Customer Service Standards: The Town of Kirkland Lake delivers services that are resident centred. Kirkland Lake Council and staff value customers and are committed to providing excellent municipal service in accordance with the approved programs and services that the Town provides.

Procedure for Municipal Enquiries: The purpose of this Policy is to assist the municipality in providing service to the public, and will enhance the continual

improvement of operations. This policy establishes guidelines for the efficient administration and resolution of complaints and enquiries in order to address concerns and improve services. In addition, this Policy also establishes criteria to determine when services and/or enquiries will not be provided or responded to due to the frivolous, vexatious and/or unreasonable nature of the request.

Complaints Process: This Policy provides an open and transparent complaint process to resolve customer complaints and identifies the Ontario Ombudsman as the final adjudicator for complaints if a customer is not satisfied with the resolution proposed by the Town. This Policy contains provisions to protect the Corporation and staff from frivolous, vexatious and/or unreasonable customer behaviour. This Policy does not apply to Council Code of Conduct complaints.

3. Scope

This Policy shall apply to all Town of Kirkland Lake employees and is administered by the Clerk. It shall be reviewed as required based upon revisions to corporate practices or Provincial Legislation.

This Policy is not intended to guide responses to the enquiries listed below. In addition, responses will not be provided to the following examples, other than to state that staff will not respond to these enquiries in accordance with Corporate Policy:

- Enquiries, criticisms or anonymous complaints relating to personnel matters,
- Enquiries relating to ongoing legal matters,
- Matters that are handled by tribunals, courts of law, quasi-judicial boards, etc.
- Enquiries relating to members of Council in accordance with the Council Code of Conduct or Closed meeting investigations protocol, other than from the Ontario Ombudsman or the Integrity Commissioner, and
- The business of external Boards and/or Agencies.

4. Definitions

For the purpose of this Policy:

Complaint is an expression of dissatisfaction related to a municipal program, service, facility and/or staff member.

Formal Complaint is generated when an informal resolution cannot be successfully achieved. This will result in a file being created, an investigation ensuing and a decision being issued.

Frivolous and/or Vexatious Requests are described below, as examples. This list is not exhaustive, nor does one single example on its own necessarily constitute a frivolous and/or vexatious request.

- a. Submission of requests with very high volume and frequency,
- b. Requests for information the requester has already seen,
- c. Requests to reopen issues that have already been considered and closed,
- d. Where complying with the request would impose significant burden on the resources of the municipality in terms of expense, and negatively impacting the ability of staff to provide service to the priorities of Council and other customers,
- e. Where it is known that the requester seeks to cause maximum inconvenience, disruption and/or annoyance through the request, and
- f. Harassing the municipality and/or staff. This could include very high volume and frequency of correspondence, or combining requests with accusations and complaints.

Municipal Enquiry may include:

- Request for service,
- Feedback including positive and negative comments,
- Requests for accommodation,
- Information related to issues addressed by legislation or an existing municipal by-law, policy or procedure, and
- Information related to decisions of Council or a Committee of Council.

Staff is defined as an employee of the Town of Kirkland Lake or any of its agents, consultants and/or contractors.

Unreasonable Behaviours are described below, as examples. This list is not exhaustive, nor does one single example on its own necessarily constitute unreasonable behaviour.

- a. Refusing to specify the grounds of a complaint/request,
- b. Changing the basis of the complaint/request as the matter proceeds,
- c. Denying or changing statements made at an earlier time,
- d. Misrepresenting facts or statements of others,
- e. Submitting falsified documents from themselves and/or others,
- f. Making excessive demands on the time and resources of staff with lengthy phone calls, number of emails to one or numerous staff members, or voluminous requests,
- g. Refusing to accept the decision and repeatedly arguing the matter with no new information,
- h. Persistently approaching the municipality through different avenues to contest the same issue,
- i. Causing distress to staff,
- j. Actions that are a violation of the Corporate Workplace Violence and Harassment Policy,
- k. Acting in an aggressive, harassing and/or violent fashion that is unwelcome,
- l. Making requests for information relating to documents that are not in the public domain and are properly the responsibility of the Ontario Ombudsman, the

- Municipal Auditor, a court of law and/or a third party agency or government organization to request in accordance with legislation, agreements, undertakings, etc. that does not pertain to the individual requesting the information, and/or
- m. Making unjustified complaints about staff who are attempting to perform their duties.

5. Policy & Procedures

Customer Service Standards: The following table establishes performance targets for staff to achieve when providing municipal services to the residents, users and taxpayers of the Town of Kirkland Lake.

METHOD OF CONTACT	SERVICE STANDARD	ACTION
Online Service Request	Within 1 business day	Provide a tracking number for online service requests and respond to the resident
Telephone Enquiry	Answer calls in 5 seconds or less	Incoming calls to Reception
Complaint Response	Within 5 business days	Initial response to complaint
Email Response	Within 48 hours	Respond to email
Mail Out	Within 5 business days	Provide material mail outs
Counter Visit	Within 10 seconds	Greet and assist customer
E-Updates	As necessary	Website and social media updates

Municipal Enquiries and Complaints: This policy establishes guidelines for the efficient administration and resolution of complaints and enquiries.

It is the responsibility of municipal staff to identify opportunities to improve municipal services and to resolve problems or concerns before they become complaints. Complaints or enquiries can be made in person, by phone, letter or e-mail. It is strongly encouraged that complainants and municipal staff work collaboratively to resolve problems or concerns before they become formal complaints.

Staff will confirm the Corporate website location of Council Minutes and the electronic location of any video archive relating to the decisions of Council made by resolution or by-law. Staff will not attempt to interpret, nor provide commentary on the decisions of Council.

Formal Complaint Process

The complainant must provide the following information in writing to the Municipal Clerk:

- Name, address and contact details for the complainant,
- Type of complaint,

- Details of the complaint including the occurrence date, location, employee(s) involved, resolution requested and any document enclosures, and
- The signature and date of the Complainant.

Anonymous complaints will not be accepted nor investigated.

Complaints are taken very seriously. While it is recognized that not every complaint may be resolved, it is important that every complaint is addressed in a manner that upholds the intent of the Bill 8 – *Public Sector and MPP Accountability and Transparency Act, 2014*.

Acknowledgement: The Clerk will assess the complaint and determine if the complaint falls within the Scope of this policy. Formal complaints shall be submitted to, and tracked, by the Clerk's Office. The complaint will be acknowledged in writing within 5 business days by the Clerk and shall be forwarded to the Chief Administrative Officer (CAO) and the appropriate Department Head(s) for investigation.

Investigation: All complaints shall be investigated by the appropriate Department Head. The designated investigator shall review the issues identified and any relevant legislation, policies or procedures. As part of the investigation, all involved parties may be interviewed by the investigator. Depending upon the circumstances, the CAO has the responsibility to engage the services of the Human Resources Department or an external third party investigator to independently and thoroughly investigate the complaint. If the complaint contains allegations of criminal activity, the CAO shall immediately refer the matter to the appropriate law enforcement agency for an independent and arms length investigation of the allegations.

Any complaint or enquiry that is determined to be frivolous and/or vexatious shall be determined to be unreasonable. A frivolous and/or vexatious complaint that is determined to be unreasonable will immediately result in that finding being issued to the parties involved.

Decision: A decision will be issued to involved Parties within 30 calendar days following acknowledgement of the complaint. The Department Head, or designated investigator, shall provide a written response to the involved Parties outlining the findings of the investigation into the complaint. A copy of the response and the findings shall be forwarded to the CAO.

The response shall note whether the complaint was substantiated and include any actions that the municipality may take, or has already taken as a result of the complaint.

If the designated investigator is unable to provide a response within 30 calendar days, the investigator shall notify the complainant and provide an estimated time when the response will be provided.

In the event that a complaint is not resolved through the municipality's complaint policy process, the Complainant may submit their complaint to the Ontario Ombudsman in

accordance with the provisions of Bill 8- *The Public Sector and MPP Accountability and Transparency Act, 2014*.

Records Management and Privacy: All records relating to a complaint shall be maintained in accordance with the municipality's record retention schedule and the *Municipal Freedom of Information and Protection of Privacy Act*.

During the complaints process, all municipal employees shall adhere to all applicable legislation regarding privacy in accordance with the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA). Complainants should be aware that circumstances may identify the Complainant during the course of an investigation.

Unreasonable Customer Behaviour: In the event that the investigation reveals that a Complaint has resulted from the unreasonable behaviour of a customer, the investigator shall determine the complaint to be unsubstantiated, issue such decision to all of the involved Parties and close the file. In order for an investigator to determine a finding of unreasonable behaviour, the investigator shall examine the circumstances in accordance with the following provisions.

Frivolous and/or Vexatious: In order to determine if a request is frivolous, and/or unreasonable, Department Heads shall follow the process identified below with the final approval of the Chief Administrative Officer:

a. Identify the problem

Before deciding to apply any restrictions, Department Heads must ensure that:

- i. The request has been dealt with properly and is consistent with the relevant procedures and statutory guidelines,
- ii. Staff has made reasonable efforts to satisfy and resolve the request,
- iii. The customer is not presenting new material or information about the situation, and
- iv. The request is not a new request.

Each case will be considered on an individual basis. The decision to classify a customer's behaviour as unreasonable or to classify the request as vexatious will be made by the Department Head of the relevant service area in consultation with the CAO.

b. Staff documents recommendations

If a staff member believes that a request is unreasonable, frivolous or vexatious, the employee should consult with their immediate Supervisor and Department Head, provide supporting materials and advise the Department Head of the steps that have been taken to resolve the issue. This should include the length of time that staff has been in contact with the customer, history of the interactions,

number of requests, nature of the customer's behaviors, the amount of staff time that has been consumed and the impact to the Corporation.

The Department Head is responsible for reviewing the information provided by staff in a timely manner and confirming if this policy should apply. The Department Head will review the information provided by staff, determine if the request is frivolous, vexatious and/or unreasonable, determine appropriate restrictions if required, meet with the CAO to review recommendations and background and determine the method of informing the customer.

The CAO will review all information provided by staff and Department Heads and make a determination to classify a customer's behaviour as unreasonable or to classify a request as frivolous and/or vexatious. Determining factors shall include:

- i. The request has been properly investigated,
- ii. Communication with the customer has been respectful and sufficient, and
- iii. The customer is not attempting to provide new information when contacting staff.

The Department Head will provide written notification to the customer of the decision including explaining the action staff has taken to resolve the issue if any and identifying the restrictions that will be applied to the current and/or any future requests.

Restrictions will be developed to address each circumstance and may include one or more of the following:

- i. Placing limits on the number and duration of contacts with staff,
- ii. Offering a restricting time slot for necessary calls,
- iii. Limiting the customer to one method of communication,
- iv. Requiring any personal contacts to take place in the presence of a witness and in a suitable location,
- v. Requiring the customer to make contact only through a third party such as a solicitor, counsellor and/or advocate acting on their behalf,
- vi. Limiting or regulating the customer's use of the municipality's services,
- vii. Refusing the customer access to any municipal building except by appointment,
- viii. Informing the customer that further contact on the matter of the complaint/request will not be acknowledged or responded to,
- ix. Pursuing legal actions such as a Notice of Trespass to Property,
- x. Where efforts to resolve matter(s) with the customer have not been successful, the case or request may be closed, and/or
- xi. Other actions as deemed appropriate.

6. Summary

This Policy will govern dignified and respectful customer service and complaint processes to all customers of the Town of Kirkland Lake, in a timely, efficient and fair manner.