



MUNICIPALITY OF TEMAGAMI POLICY MANUAL
SECTION: ADMINISTRATION
SUB-SECTION: COUNCIL
POLICY TITLE: **STAFF HANDLING FRIVOLOUS AND
VEXATIOUS COMPLAINTS**
SCHEDULE A TO BY-LAW: 20-XXXX
POLICY NO: TBD

PURPOSE

The Municipality continues to strive to promote the values of trust, quality and excellence and provide exemplary service to all members of the public and resolve complaints in a timely manner.

Complaints which are Frivolous and Vexatious consume a disproportionate amount of Municipal time and resources and impede Staff from attending to other essential issues.

This policy establishes the process to be used by all Municipal Staff when handling Frivolous and Vexatious complaints.

SCOPE

Except as noted in the exclusions below, this policy would apply to complaints and/or expressions of concern related to municipal by-laws, policies, procedures and rules or regulations that have been initiated through the avenues available to the public.

This policy may also be referred to when recommendations are made to Council as the Head of the Institution under the Municipal Freedom of Information and Protection of Privacy Act.

Exclusions

This policy does not apply to complaints involving Members of Council. These complaints are forwarded to the Integrity Commissioner appointed by the Municipality.

This policy does not apply to complaints about Municipal Staff. These complaints will be received and managed as outlined in the Human Resources Policies of the Municipality.

Related Policies

Municipal Policies surrounding harassment and a safe work environment remain and are further supported through this policy.

DEFINITION

For the purpose of this policy, Frivolous and Vexatious means a complaint that is initiated with the 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 complaints process.

Pattern of Conduct occurs when, on three or more occasions, a complainant engages in one or more of the following

- Brings complaints concerning an issue which Staff have already investigated and determined to be groundless;
- Brings a complaint that is substantially similar to an issue which has already been investigated and determined to be groundless;
- Engages in unreasonable conduct which is abusive in the complaints process, including

but not limited to:

- Harassing, verbally abusing or otherwise seeking to intimidate Staff dealing with their complaint, in violation with the applicable harassment policies of the Municipality;
- Making excessive or multiple enquiries regarding the same issue (as an example – pursuing a complaint with multiple Staff and/or Elected Officials simultaneously) while their complaint is in the process of being investigated;
- Repeatedly challenging the findings of complaint investigations, complaining about the outcome and/or denying that an adequate response has been given;
- Refusing to accept that an issue falls outside the scope of Municipal jurisdiction;
- Making unreasonable demands on Staff by, for example, insisting on responses to complaints and enquiries within an unreasonable time-frame;
- Making statements or providing representations that the complainant knows or ought to know are incorrect, or persuading others to do so;
- Demanding special treatment from Staff (as an example - not following the normal chain of command and immediately demanding to speak to a manager or supervisor);
- Using new complaints to resurrect issues which were investigated and completed in previous complaints;
- Changing the basis of the complaint as the investigation progresses and/or denying statements they had made at an earlier stage;
- Refusing to cooperate with the investigation process while still wanting their complaint to be resolved
- Failing to clearly identify the precise issue of the complaint, despite reasonable efforts and/or of Staff to help them clarify their concerns.

COMPLAINT PROCEDURE

Response Time

Recognizing that Staff typically are responsible for many different Municipal Services, each with their own reporting timelines, the following will be used to guide response times.

Issues of an urgent nature will be responded to within a reasonable time frame. The expected response time will be communicated when these items are first reviewed by Staff.

Non-urgent complaints should be responded to within 15 business days.

When the nature of the complaint requires a longer time for investigation and response, the anticipated response time will be communicated as soon as practical after it has been determined.

Employee Responsibility

Staff must establish through documentation that the complaint is Frivolous or Vexatious prior to applying the processes outlined in this policy.

If an employee believes a complaint is Frivolous or Vexatious, the employee should consult with their supervisor and provide any supporting documentation and outline what steps have been taken to resolve the issue. This information should include the length of time that Staff have been in contact with the complainant and the amount of correspondence that has been exchanged, the number of complaints that the complainant has brought and the status of each, and the nature of the complainants' behaviour.

Supervisor/Manager Responsibility

Supervisors and Managers are responsible for reviewing the information provided by Staff and determining if the complainant's behaviour should be escalated to the next level. The next level for the Municipality of Temagami is to report to the Treasurer/Administrator who would then, in concert with Council, determine measures appropriate in the circumstances.

Prior to escalating the Supervisor/Manager must be satisfied that

- The complaint has been properly investigated
- Communication with the complainant has been adequate
- The complainant is not attempting to provide any significant new information when contacting Staff

If the Treasurer/Administrator, working in concert with Council, determines that action should be taken under this policy, the appropriate action will be taken. A letter will be sent to the complainant indicating the actions that will be put into effect if complaints of a Frivolous and Vexatious nature continue.

Types of action to restrict the complainant's impact on Staff

- Limiting the complainant's correspondence with Staff to a particular format (email to the specified address)
- Limiting the complainant to a particular point of contact. Staff would be advised to refer all matters to that point of contact.
- Requiring that all face to face interactions between the complainant and Staff be held in the presence of an appropriate witness
- Requiring the complainants produce full disclosure of documentation or information before Staff will further investigate a complaint
- Instructing Staff not to respond to further correspondence from the complainant regarding the complaint or a substantially similar issue
- Instructing Staff not to investigate any complaints regarding an issue that has already been investigated or which is substantially similar to an issue in which already been investigated
- In extreme circumstances, instructing staff to severely reduce or completely cease responses to further complaints and correspondence from the complainant

If the actions continue after the letter has been sent, a further letter will be issued that will note that the actions are now in place.

Extreme Behaviour

If the actions of a complainant are such that the health, safety, or security of Staff is threatened, appropriate action will be taken in accordance with the Human Resources Policies of the Municipality of Temagami.

New Complaints

In the present age of communication, the Municipal Point of Contact is not always clear since different forms of communication are received through different means. When a complaint is received, the Staff member who received the complaint will refer it to the appropriate Staff Member. The Complainant will be informed who the complaint has been referred to. Should a complaint be received from someone who previously has been defined by this policy, then a point of contact may be assigned. In these cases the assigned point of contact will be the only member of Municipal Staff to communicate with the complainant.

Review

The list of complainants where special procedures have been put in place will be reviewed by Council, at minimum, once per term of Council.

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