

For Information Only

Complaint Resolution Process

Presented To: City Council

Presented: Tuesday, Jan 26, 2016

Report Date Wednesday, Jan 13, 2016

Type: Managers' Reports

Recommendation

Recommendation One:

THAT the City of Greater Sudbury receives the report from the Interim CAO regarding the implementation of a Complaint Resolution Management Process and Whistleblower process and protection.

Recommendation Two:

THAT the City of Greater Sudbury implements the Complaint Resolution Management process effective March 1, 2016.

Recommendation Three:

THAT the City of Greater Sudbury directs that Option _____ be selected as the model for receipt of complaints of wrongdoing.

Option One: Prepare a budget option which if approved would be followed by issuance of a request for proposal for the management of complaints of wrongdoing which may include a system for intake, tracking, recording and reporting functionality on a defined term, trial basis.

Option Two: Create an in-house intake capability for complaints of wrongdoing.

Finance Implications

Depending on the option chosen, a budget option for an external service provider for complaint of wrongdoing (possibly including intake, tracking, recording and reporting functionality) may be prepared and presented to the Finance and Administration Committee. It is anticipated that the value of this option will be \$20,000 for the management of a "hotline" and other associated intake measures only and would be included in the executive and legislative budget area.

There is a much larger unknown associated with the cost of actual investigations. Under either option, the cost of actual investigations (where they are determined to be performed by an outside service provider) will be borne by the responsive complaint owner.

Signed By

Recommended by the C.A.O.

Kevin Fowke
Acting Chief Administrative Officer
Digitally Signed Jan 13, 16

Executive Summary:

Open Doors, which include strategies related to accountable government, is one of the four principles of the City of Greater Sudbury's Open Government model. This report provides follow-up to the report entitled Bill 8 and Accountability Officers which was presented to Council on July 7, 2015. It establishes a number of definitions for a Complaint Resolution Process which may either be implemented internally using the existing ACR system in place in Citizen Services or using an external provider for the intake, tracking, recording and reporting of complaints.

Update on Bill 8 and Accountability Officers report from July 7, 2015 Report

The Ontario Ombudsman has been appointed as the Closed Meeting Investigator and Ombudsman for this term of Office. The new Auditor General began work on December 1, 2015 and is working on his 2016 Audit plan. Staff are working with the Mayor's Office in regards to the lobbyist registry. As was noted in the Council report presented in July, having a Complaints Resolution process would provide a strong foundation for complaints or requests for investigations and will reduce the number of matters escalated to accountability officers.

Background and Definitions

A complaint is an expression of dissatisfaction related to a City of Greater Sudbury program, service, facility, or staff member, where a citizen believes that the City 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.

There are several complaint categories. Complaints can be about the quality of service delivery, organizational policy, action and decisions and employee conduct and behaviour.

This definition is distinct from other citizen / employee resolution processes such as general or specific enquiries, feedback, compliments, suggestions, grievances or the non-union staff complaint resolution procedure outlined in the Employee Handbook. It is also broad enough to include a complaint of wrongdoing being raised by a citizen, employee or a contractor working for the City.

Wrongdoing in this sense is any kind of activity that could be deemed illegal, dishonest or a deliberate violation of the policy of the organization. Employees and contractors at the City are protected by Whistleblower protection enshrined in the Employee Handbook and policy.

A whistleblower is one who reveals wrongdoing within an organization to those in positions of authority.

Those in positions of authority who can initiate investigation and explore options for resolution of complaints are complaint owners under the Complaint Resolution process. They may be alternate complaint recipients but the best complaint resolution processes allow for a single venue for receipt of complaints. At CGS, complaint owners can be the CAO, members of the Senior Management Team or the Auditor General, depending on the nature of the complaint and the best possible owner to optimally investigate and resolve the concern. The CAO and the Auditor General will provide general oversight to the handling of complaints and will triage and assign complaints as required.

Complaint Resolution Process

Several municipalities that have accountability officers in place have indicated that prior to launching a formal investigation, as for example by either by an Ombudsman or Integrity Commissioner, there is always

a preliminary step of having had the matter go through a formal complaint process and an accountable complaint owner and that only matters which cannot be resolved through the organization's own complaint process are escalated to an accountability officer.

The City of Greater Sudbury currently has systems in place to receive requests for service using the ACR system.

This report recommends that this system can be further leveraged to have a new category (or categories) of cases that escalate to the appropriate Senior Management Team member as complaint owners for investigation and resolution when those complaints have not resolved through routine channels.

Staff have developed a complaint resolution process which among other details;

- outlines the duties and accountabilities of the complainant, the complaint owner, the executive assistants to complaint owners etc.
- establishes access protocols so that the complaint details will be restricted to authorized employees in the offices of the SMT members
- sets up new complaint categories for use by the complaint owners. Each complaint will generate a case number from the system which can be used for tracking purposes.
- allows for the aggregation of complaint types and reporting on the categories, owners and resolutions occurring throughout the year.

The Executive Assistants to Senior Management Team members have been trained on the ACR system and are starting to enter complaints (according to the definition above) into the ACR system.

Wrongdoing Resolution Options

There are two options for Council to consider in terms of how complaints of wrongdoing are received.

The complaints resolution process for complaints of wrongdoing operates ideally in an environment where whistleblower protection is guaranteed for employees and contractors who may feel awkward about raising concerns in light of their ongoing employment relationship with the Municipality. Best practice would also allow for anonymous complaints. What has to be clear in terms of allowing for anonymous complaints is the need for sufficient detail to commence investigative action. In triaging complaints of wrongdoing, the Auditor General (AG) and CAO have the authority to decide which complaints are stored and not acted upon and which complaints are allocated resources to proceed with investigations absent an identifiable complainant.

In the first and recommended option, staff would be directed to prepare a budget option, which if approved would be followed by issuance of an RFP for contracting out the intake, tracking (and potentially investigation) of complaints of wrongdoing.

If this option is selected, it is recommended that this be done on a pilot basis for a period of twelve (12) or twenty-four (24) months.

A second option would be to create an in-house intake capability wherein complaints of wrongdoing would be received by telephone or email and routed by the CAO and the AG to a complaint owner. Staff would establish both a hotline and an email inbox which would be checked regularly.

Further, as noted previously, the Employee Handbook has been amended by the insertion of the following text:

CGS commits that no person will make a reprisal against an Employee who:

- a) sought advice about making a disclosure of wrongdoing.*
- b) made a disclosure of wrongdoing;*
- c) co-operated in an investigation or other process related to a disclosure of wrongdoing.*

Reprisal is any measure taken against an employee that adversely affects his or her employment and includes but is not limited to:

- a) ending or threatening to end an Employee's employment;*
- b) disciplining or suspending, or threatening to discipline or suspend an Employee;*
- c) imposing or threatening to impose a penalty related to the employment of an Employee;*
- d) intimidating or coercing an Employee in relation to his/her employment.*

The Director of Human Resources and Organizational Development will recommend to the CAO appropriate actions to take to stop, reverse or remedy a reprisal against an employee of CGS.

Conclusion:

This report has outlined definitions and alternative mechanisms to implement a sound Complaint Resolution Management process for CGS for a variety of complaint categories and complaints of wrongdoing. Staff have developed internal and external communications when rolling out this process reflecting its place within the open government model and our values surrounding openness and honesty, a climate of trust and citizen focus.