

Frivolous and Vexatious Complaints Policy

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Recommended by:	Chief Administrative Officer

Report Summary

This report provides information regarding the adoption and implementation of a corporate Frivolous and Vexatious Complaints policy, as identified in the Customer Service Strategy under the Building a Service Culture priority.

Relationship to the Strategic Plan, Health Impact Assessment and Community Energy & Emissions Plan (CEEP)

This report refers to the Asset Management and Service Excellence priority, as identified in the Strategic Plan, under section 1.5: Identify Innovation and Cost-Effective Service Delivery; Implement the City's Customer Service Strategy.

There is no relationship to the Community Energy and Emissions Plan.

Financial Implications

Financial implications for the adoption and implementation of this strategy is \$4,400, including 35 hours of staff time for launch (\$2,600), translation services (\$1,300) and communications tactics (\$500), funded through existing Customer Service and Communications and Engagement budgets.

Background

The development and implementation of a Frivolous and Vexatious Complaints policy is an action in the City of Greater Sudbury's Customer Service Strategy, which recognizes that customer service is everyone's responsibility, and must be provided in an environment of mutual respect. This report provides information on the development, scope and implementation of this policy, which can be found in Appendix A.

Repeated, unreasonable complaints can have significant resource implications for the organization, which may compromise the City's ability to deliver excellent customer service. For this reason, many municipalities have adopted formal policies for dealing with unreasonable, frivolous or vexatious complaints.

The goal of the policy is to provide better customer service by reducing the resources spent dealing with unreasonable requests for which a state of customer satisfaction is unattainable or unrealistic. Other

municipalities who have adopted such a policy have indicated positive impacts to staff morale, which indirectly improves customer service.

It builds on the City's existing policies, such as the Workplace Violence, Harassment and Discrimination Prevention Policy. It is not intended to deal with general complaints and only applies to repeated unreasonable behaviours, as defined in the policy.

Current Practice

Currently, the City has no formal policy for unreasonable, frivolous or vexatious customer complaints. A small number of unreasonable complainants consume a disproportionate amount of resources. This is a barrier to delivering excellent customer service for other requests.

Unreasonable complaints are not handled in the same manner throughout the organization and restrictions are already being applied to residents who have a pattern of this type of behaviour.

This policy would formalize the processes and provide a guide to help staff identify when a behaviour or complaint would be considered unreasonable. It helps to set expectations and a more consistent, fair and transparent process for addressing these issues.

Application of Policy

Generally, the policy would only apply after a repeated pattern of unreasonable contact, where the complainant has engaged in one or more of the behaviours identified in this policy. This situation may require the City to put limits on the contact the complainant has with the organization to ensure resources can continue to be used appropriately. The policy is intended to be applied as a last resort, when all other attempts to resolve the issues or behaviour have been unsuccessful.

The final decision to classify the complaint as frivolous or vexatious, as well as what restrictions should apply and how the resident will be notified, will be made by the Director of the relevant service area, in consultation with involved staff. A more detailed process is provided in the Roles and Responsibilities section of the policy.

Some members of Council have expressed interest in being able to declare a resident frivolous and vexatious through this policy. After consultation with the City Clerk and a review of other municipal policies of this nature, Members of Council are not included. Should Members of Council wish to implement the ability to declare a resident frivolous and vexatious, direction to staff to bring amendments to the Code of Conduct is recommended.

Development of Policy

The Frivolous and Vexatious Complaints Policy was developed based on:

- other similar municipal policies, including Calgary, Oshawa, Ottawa, Wasaga Beach and Toronto
- consultation with employees, including those in By-law, 311 and Customer Service, Human Resources and Clerks
- discussions with Canadian municipal customer service leaders.

The definitions, structure and processes are similar for all municipalities researched and the majority are generally using the same content and language in their policies.

Communication of Policy

A communications strategy has been developed to ensure application of the policy is understood by staff and the public. Education on the policy will be added to the ongoing Customer Service Training program.

Next Steps

Implementation of the policy will begin through communications with staff and the public.

Resources Cited

City of Greater Sudbury Customer Service Strategy: <https://www.greatersudbury.ca/city-hall/contact-the-city/customer-service-strategy/>

Calgary Respectful Workplace Policy:
<https://publicaccess.calgary.ca/ldm01/livelink.exe?func=ccpa.general&msgID=VsrscyrAgl&msgAction=Download>

Ottawa Public Conduct Policy:
<https://ottawa.ca/en/city-hall/city-manager-administration-and-policies/policies-and-administrative-structure/administrative-policies/public-conduct-policy-and-corporate-trespass-property-procedures>

Oshawa Frivolous and Vexatious Complaints Policy:
https://www.oshawa.ca/en/city-hall/resources/Documents/Frivolous-and-Vexatious-Complaints-Policy_Approved.pdf

Wasaga Beach Handling Unreasonable Customer Behaviour Policy:
<https://www.wasagabeach.com/en/town-and-government/resources/By-laws-and-Policies/2-15-Handling-Unreasonable-Customer-Behaviour-Policy.pdf>