



POLICY

Complaints Policy and General Process Information *Organizational Wide*

POLICY STATEMENT

The 519 supports the right of participants, volunteers, community members and citizens to access a fair and transparent process to complain about our programs, services, report fraud, a conflict of interest or wrong-doing and/or to dispute decisions we make that they perceive are adverse to them or violate our organizational policies.

The 519 welcomes input. We believe complaints are a valuable source of information. We document, investigate, evaluate, and analyze complaints to help address, adjust and improve the way we do our work.

We believe that the most valuable input comes from people who use our services or who are a part of this community. To this end, we are committed to providing an accessible complaints process that respects the rights of participants / community and maintains a safe and welcoming environment, that is financially sound and complies with our legislative and funder obligations.

We seek constructive resolution to all complaints and in order to achieve this, The 519 strives to investigate, review and gather information in a non-biased manner so that we are able to fairly assess and resolve situations. Our complaints and appeals process involves people who are making complaints in helping to identify ways to resolve the issues/complaints.

The 519 is a Board of Management of the City of Toronto and its operations are delegated to the Executive Director/Agency Head. We are required to meet conditions as a City agency as well as to comply with funder obligations and various regulations and legislation. Strategic directions, organizational mission, values and mandate are approved by the Board.

DEFINITION OF COMPLAINTS

Complaints are often an expression of dissatisfaction sometimes specific to The 519 or larger systemic issues within the community.

The complaints process works toward resolution often by providing information and helping the complainant understand our mandate and legislative obligations.

Complaints may take place after informal resolution or regular problem solving has failed. Complaints may include and are not limited to:

- The quality and types of services or programs we provide
- The way we operate our services and programs
- Our policies and procedures
- Our expectations of behaviour and community rules
- How we as employees work with and treat the public
- How we operate within the neighbourhood
- The impact of programs and services in the neighbourhood
- Decisions about meeting space allocations and other policy based decisions
- Decisions regarding the allocation of other resources
- Activities related to how we conduct or provide services

The 519 will accept a complaint from anyone from the public, including community participants, participant advocates, volunteers, our neighbours, and all other members of our community.

APPLICATION

This policy applies whenever participants, neighbours, and/or community members want to complain about The 519, participants, employees and/or the services we provide, or appeal a decision made by The 519.

This policy does not apply for employee to employee complaints. Those are addressed either through informal resolution, investigations within the framework of the Collective Agreement and/or The 519's Anti-Harassment and Discrimination Policy, accompanying Complaint Procedures or other relevant organizational policies.

DEFINITION OF APPEAL

To make an appeal means to ask a higher level/authority to review a decision in order to have the decision changed, reversed, or reconsidered. Anyone may appeal a decision of The 519 if they perceive the decision as being adverse to them.

Decisions that can be appealed need to demonstrate that the initial review was unfair or did not fully consider the information provided.

In most cases, The 519 accepts appeals only from the individual or community group affected by the decision being appealed, though we support the right of participants to be supported in

the appeal process by workers and/or advocates provided there are appropriate authorities and permissions in place that protect those involved and meet our legal obligations.

APPEAL PROCESS

As a first step a person who wishes to complain about a decision for example a service restriction, denial of space based on a Space Use application, etc. can request to speak with a Manager/Director to review the situation and request a change in the decision.

The Manager/Director will review the information including incident reports, space use applications, and / or other relevant information to assess the situation and where possible in consultation with the complainant find an informal resolution. When this is not possible the Manager/Director will explain the formal complaint/appeal process as outlined below.

DEFINITION OF FRIVOLOUS AND VEXATIOUS COMPLAINTS

A frivolous complaint is one found upon investigation to have no reasonable grounds, does not make sense or is not serious in nature. A vexatious complaint is one made only to annoy others.

The 519 treats all complaints seriously. The 519 will not conduct additional follow-up or investigate complaints that are determined to be frivolous and, or vexatious that have incurred the inappropriate use of the escalation process and resources. In such cases, complainants will be directed to the Ombudsman of the City of Toronto for review should they feel there is a procedural breach and they wish to proceed further.

ROLE OF EMPLOYEES

The 519 creates space for change, contributing to the advancement of LGBTQ equality and inclusion in Toronto and beyond through service, space and leadership. As employees of The 519 we are expected to:

- Serve the public and community well
- Serve Council and our Board well
- Maintain political neutrality
- Uphold Toronto's motto - "*Diversity our Strength*"
- Use The 519 property, services and resources responsibly
- Apply judgement and discretion in our work
- Serve the public service well

The 519 is committed to creating and maintaining an environment that supports and fosters positive appropriate interpersonal interactions in our day-to-day work. The 519 values honesty, ethical conduct, positive solution based decision-making, integrity and the fair, equitable, respectful treatment of all people regardless of their circumstances.

The employees of The 519 are the most important and valuable assets in ensuring that we are able to meet our mission, vision and mandate. We are expected at all times to foster an atmosphere of respectful, professional, helpful community and public service.

Employees in the course of their duties are expected to comply with the policies and procedures of The 519 and all other applicable legislation and regulations including but not limited to the Occupational Health and Safety Act, Municipal Freedom of Information, Privacy and Protection Act (MFIPPA), the Ontario Human Rights Code, Association of Community Centres (AOCC) Anti-Harassment and Discrimination Policy, Wrongdoing and Reprisal Protection policy, Conflict of Interest and Complaints and Appeals Procedures and Workplace Violence policy.

CONFIDENTIALITY

Confidentiality refers to keeping the details of complaints and appeals private. The 519 is required to comply with the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) and other related legislation. The release of information recorded by The 519 is governed by the legislative requirements of the MFIPPA. All requests for information under the complaint process must be processed through the Corporate Access and Privacy office – contact The 519 Privacy Officer for more information.

The release of private and/or personal information to any third party, such as an employee of a Councillor's Office, or members of advocacy groups, requires consent. Consent is not required to disclose information when refusing or neglecting to provide information could endanger the safety of another individual or group of individuals or where disclosure of resident information by employees is required under the Child and Family Services Act.

The 519 respects and abides by confidentiality and privacy legislation. People who are directly involved in the complaint will have access to specific details on a "need to know basis". If a complaint is about the behaviour of an employee, the Supervisor/Manager will determine the investigation process, including what information is shared. The Supervisor/Manager must respect the participant's or volunteer's right to confidentiality and/or rights under the Wrongdoing and Reprisal Protection policy and the employee's right to understand the details of the identified concern.

For the purposes of confidentiality, complaint records (electronic and hard copy) are only accessible to the employees who deal with complaints.

ANONYMOUS COMPLAINTS

From time to time, complainants prefer to make a complaint without revealing their identity. The 519 may accept an anonymous complaint however the effectiveness of the investigation, follow-up and resolution is limited. The 519 is not able to commit to reporting on the conclusion of anonymous complaints as a result of the inability to exercise a complete investigation process.

ASSISTANCE TO RESOLVE OR MAKE A COMPLAINT

Once informal resolution or problem solving for any situation has failed, a written or formal complaint may be filed. When an employee receives a complaint, they are expected to try and resolve the issue/concern whenever possible within The 519's policies and procedures with support from management.

Employees are expected to explain the complaint's process, facilitate resolutions to conflict, include participants in developing solutions, and provide referrals if necessary.

Employees are also expected to provide assistance (as requested) to help the complainant complete the complaint. Assistance may include verifying what the participant wrote, completing the form accurately based on the participant's dictation, or arranging translation service for the participant.

PROGRESSIVE APPEALS PROCESS

Appeals to decisions must be made in writing. When participants indicate that they want to appeal a decision made by The 519, employees are expected to assist them to complete / document the complaint as required or requested (unless the complaint involves potential litigation).

Assistance may include verifying what the participant wrote, completing the form based on the participant's dictation using their exact words, or arranging translation service for the participant. Employees are also expected to assist participants with appeals by explaining the Appeals Process.

A complainant may take their complaint or appeal regarding operational decisions to successively higher levels within The 519 if they feel the issue has not been satisfactorily resolved. The successive levels are:

- Supervisor/Manager
- Department Director

Complaints are usually dealt with by front-line employees initially, though a complainant may go directly to the Manager or Director who can decide where to direct the complaint.

Appeals are dealt with initially by the Manager or Director. The 519 will not conduct additional follow-up on or investigate complaints deemed to have been effectively dealt with through The 519's complaint process or where The 519 demonstrates that the response to the complainant was appropriate.

APPEALS TO THE EXECUTIVE DIRECTOR OR BOARD OF MANAGEMENT

Appeals regarding policy decisions may be made to the Executive Director.

The role of the Executive Director is to ensure that the complaint was managed fairly and appropriately. The Executive Director will review the material provided including when appropriate, meeting directly with the complainant to review the matter.

The Executive Director will conclude the appeal review and may uphold, reverse, or amend decisions previously made. In any case the Executive Director will provide a formal written response to the complainant.

In exceptional circumstances, if the complainant is still dissatisfied with the decision they may write a formal letter to the Board Chair who will review the complaint and respond accordingly. The review will include an examination of the complaint and management's response. The review may result in upholding, reversing, or amending decisions previously made.

If a complaint or appeal is escalated to the Executive Director or the Board of Management, the Board Chair's decision on the matter is final. If the complainant is still dissatisfied with the decision/action of The 519 then they will be referred to the City of Toronto Ombudsman's Office.

COMPLAINTS ABOUT THE EXECUTIVE DIRECTOR

Complaints about the Executive Director must be put in writing and directed to the Board Chair of The 519. The Board Chair will review the complaint and determine follow-up including reviewing the complainant's written submission and the management response and in some cases depending on the nature of the complaint seek advice from the appropriate City of Toronto departments. At the end of that review the Board Chair will inform the complainant in writing of the decision.

COMPLAINTS ABOUT THE BOARD OF MANAGEMENT

Complainants must put their complaint in writing and address it to The 519 Church Street Board of Management. The Board will investigate the complaint and the complainant will receive a written response.

Complainants may also contact the Integrity Commissioner of the City of Toronto. Complaints about Boards of Management are dealt with through the Code of Conduct Complaint Protocol for

Members of Local Boards which can be found on the websites of The 519 and the City of Toronto.

PERSISTENT AND REPETITIVE COMPLAINANTS

When dealing with individuals who frequently contact The 519, it is important that their complaint is not dismissed and that the process is followed. If The 519 receives a complaint it has already dealt with, the complainant will be informed verbally and/or in writing that The 519 will not conduct further follow up on the issue unless the complainant provides new information.

Persistent complainants are those who tend to have an obsessive and excessive preoccupation with the complaint. Strategies when dealing with these types of complaints may include involving the Manager and/or Executive Director to assist throughout the resolution process.

TIME LIMITS

The time limit for the filing of complaints under this policy is six months from the time of the incident.

Consideration will be given on a case by case basis as to whether the time limit should be waived in extenuating circumstances. Specified time limits for complaints about allegations of sexual harassment/abuse, or physical violence are outlined in The 519's Anti-Harassment policy, the Ontario Human Rights Code and other applicable legislation.

The 519 will make all reasonable efforts to complete the complaints process in a timely manner while ensuring that we undertake an appropriate and thorough investigation.

ROLE OF THE OMBUDSMAN OF THE CITY OF TORONTO

The City of Toronto Office of the Ombudsman is an independent impartial investigator of the public's complaints about the administration of the City government, including City agencies such as The 519. The Ombudsman may be approached to look at problems when The 519's procedures and processes have not resolved a complaint to a complaints satisfaction.

The Ombudsman is a place of last resort and may make recommendations to agencies to change conduct, practices, or policies to create a system of administrative justice and fairness.

IMPLEMENTATION

The Complaints policy is provided to all employees during orientation and on-boarding. The policy will be reviewed on a bi-annual basis to ensure its' up-to-date and effectively communicated to employees and the community. The policy is also posted on the Centre's website and the full-detailed policy is available upon request.

Complaint Tracking – All formal complaints must be recorded and the information is subject to the Centre’s Records Retention Policy.

Complaint/Appeal Information – Formal complaints and appeals must include the complainant’s name and contact information, date and time of complaint, who else was involved, subject matter of the complaint, the attempts to resolve the issue and requested resolution / outcome.

Letter from the Executive Director/Board – Whenever a complaint or appeal is escalated to the Executive Director/Board, a letter will be sent informing the complainant/appellant of the decision in the matter.

COMPLIANCE	The 519 is committed to examining how we manage complaints and will undertake periodic reviews of the complaints and resolutions and may publish reports on The 519’s findings. For all periodic and reports and analysis, personal information will be removed and the substance of the complaints and resolutions will be analyzed.
APPROVED BY	Board of Management
DATE APPROVED	July 27, 2009
REVISED/UPDATED	July 2014 (new organizational structure) December 10, 2015 (new brand, TPS By-law)
RELATED INFORMATION	Anti-Harassment and Discrimination Policy Crisis Intervention Policy Procedures Workplace Violence Policies The City of Toronto AOCC Relationship Framework Wrongdoing and Reprisal Protection and Employment of Relatives policies The 519 Strategic Plan – Mandate Occupational Health and Safety Act City of Toronto Act, 2006