Whatcom Dispute Resolution Center
360.676.0122 | whatcomdrc.org | 206 Prospect Street | Bellingham, WA 98225

Creating a Safe Space for Complaints
Summary Status Report
July 15th, 2019

Table of Contents

Executive Summary

In early 2017, the Whatcom Dispute Resolution Center (WDRC) was approached by several City leaders (staff and elected) to begin talking about how to create a "safe space for community complaints", and what resources the WDRC may have to offer to that end. After several initial conversations, it became clear that 1) there were multiple perspectives and interests, and more organized information gathering could add value to the conversation, and 2) that this was an expansive and multilayered topic. In 2017/2018, the City contracted with the WDRC to gather and synthesize additional information. The WDRC provided a summary report with its findings, which included numerous avenues for consideration - indicating that no single action would fully address the myriad identified concerns and opportunities presented. The WDRC also provided a short list of possible next steps the WDRC felt equipped to offer to the City; one of which was to work with the City on a pilot project for service provision.

In April of 2019, the City of Bellingham contracted with the Whatcom Dispute Resolution Center (WDRC) to design and develop the structure for an external complaint handling service. In order to do so, the WDRC agreed to continue researching best practices, and gather additional information from both City leaders and community members in order to inform effective program policies and procedures. This summary status report is comprised of key findings thus far from the research, community, and City input. Policies and procedures are forthcoming, by September 30th.

Community Input

To assess community need, an online survey was distributed to nearly 40 unique organizations serving a wide range of community members. The survey participants were selected based on the communities they serve, access and knowledge of community resources, past engagement with other phases of the Safe Spaces Project, and suggestions from respondents about who would be impacted by this program. Ultimately 25 respondents, affiliated with about 20 unique community agencies and organizations responded. The survey posed questions to garner community input on a multitude of program aspects, ranging from current barriers to access, to characteristics of a successful program, to strategies for outreach and trust building.

The majority of survey participants stated that this program is highly needed and some expressed surprise that this does not already exist, with 80% of participants stating that they believe there are real and perceived barriers for individuals to engage with the City and file complaints. Community input on characteristics spoke to the value of a program simply offering an opportunity to be heard, and doing so effectively and responsively by being welcoming, accessible, independent of the City, clear in its articulation of steps throughout the process, transparent in outcomes, and accountable in that complaints are responded to in meaningful ways - and that if the system needs modification as informed by a complaint, the City will follow through with changes, as needed. The feedback received on outreach from the majority of survey participants stated the importance, and difficulty, of reaching out to individuals in their own language and in visual materials that align with their identity. To address this, outreach was identified as most effective when done in partnership with a trusted organization already providing services with the target population.   Other suggestions were captured in grassroots efforts via direct contact with individuals, and partnerships with community leaders. Overall, surveyed community members generally expressed enthusiasm for the concept, had robust input on barriers and desired program characteristics, provided helpful suggestions for outreach, and wanted to learn more in order to support the effort.

City Input

For this portion of the scoping, the WDRC sought to gather contextual information from City staff and leadership to accurately design a system for complaints that complements and supports the systems already in place or in the process of implementation by the City. The collected data will be used to design the projects' flow of services - from intake to referral and case closing. This was a crucial part of the design phase in order to provide an effective and useful system that builds upon, not supplants, the system currently utilized by the City. To that end project staff consulted with Mayor Linville, Deputy Administrator Brian Heinrich, Communications Director Vanessa Blackburn, Liz Coogan Executive Assistant, and Department Heads through a combination of individual meetings, an online survey, and a group discussion.   These various interactions yielded rich information that spoke to both the recognized value of such a service, and the inherent complexities of its design.

City staff and leadership have expressed a commitment to addressing and resolving complaints at the lowest-level possible via front-line staff, and current policy and practices support this intention. While City staff respond daily to a multitude of complaints, the vast majority of the respondents also recognized there are real and/or perceived barriers which prevent community members from comfortably filing complaints directly with the City. Staff identified a range of barriers - from lack of inclusive language services to procedural issues - and expressed enthusiasm for providing an alternative avenue for communicating. Discussion of when and how to access an alternative avenue raised numerous questions, concerns, and discussion points; ranging from how to promote the program in such a way that doesn't encourage a bypass of current processes to what new outreach efforts could entail in order to effectively reach the broader community, and from how the program would be scaled to preferred lines of communication with City departments.

Best Practices

This phase of research invited a deeper and more focused look at best practices that would serve to inform how best to design and structure a new, external to the City, complaint handling program. While numerous common aspects exist among most complaint handling programs, there is no one complaint handling template program to which we can point to as an off-the-shelf solution to the issues and needs as they have been presented to us. To that end, our research efforts have been broad, in order to gather helpful components from myriad programs, and in order to inform what will be most useful here in Bellingham. Best practices research shows that to have a well designed complaint program, the City needs to commit to establishing strong foundations for the program, it needs to identify the goals and values for the program that will help it address the community's needs; and it needs comprehensive policies and procedures that will enable the program to succeed. Specifically, we have been exploring practices relative to 1) Qualification of staff, 2) Publicity and outreach, 3) Access to service, 4) Neutrality, confidentiality, and transparency, 5) Process stages, 6) Services 7) Reporting, and 8) Evaluation.

Next Steps

The WDRC project team has been steeped in information gathering, and an exploration of a multitude of issues the development of this service has raised. The project team's next step will be to draw upon the large swaths of data to synthesize into specific policies and procedures in order to put structure to this service. The City needs to review this same data and engage in additional dialogue with the project team, as the City's continued input and direction is needed in order to successfully complete the next deliverable.

Section 1: Introduction

Background and Scope of Work

The Whatcom Dispute Resolution Center (WDRC) was approached by several City leaders (staff and elected) to begin talking about how to create a "safe space for community complaints", and what resources the WDRC may have to offer to that end. After several initial conversations, it became clear that 1) there were multiple perspectives and interests, and more organized information gathering could add value to the conversation, and 2) that this was an expansive and multilayered topic. There is a clear spectrum on types of complaints, from informal communication and process complaints to legal, rights-based complaints. Moreover, some complaints are captured and escalated within the City's current internal processes, and others are not brought directly to the City's attention. This variety suggested that complaints be thoughtfully and intentionally handled, directed to a spectrum of appropriate services, and overall, welcomed. Exploring the best practices of complaint services also inevitably led to questions of how those services are structured with respect to existing city departments, who does what work, and cultural issues that influence the interaction of communities and their city governments.

The WDRC provided a summary report with its findings, which included numerous avenues for consideration - indicating that no single action would fully address the myriad identified concerns and opportunities presented. The WDRC also provided a short list of possible next steps the WDRC felt equipped to offer to the City; one of which was to work with the City on a pilot project for service provision. Subsequently, the City requested the WDRC design and develop the structure for an external complaint handling service. It was understood and agreed upon that investigation and fault finding was outside the purview of the WDRC, as an impartial service provider, and that the program design would not include those services. To that end, the WDRC agreed to:

1. Gather additional information from City staff to:
   a. Refine criteria for the program, including but not limited to the differentiation between formal and informal complaints, and the intended audience
   b. Understand current practices of the City departments to determine how Safe Spaces will complement and be compatible with existing practices
   c. Agree upon data to be collected and the format in which it will be shared
   d. Identify outcome measures for evaluation
2. Gather additional input from community members to capture perspectives on necessary and preferred characteristics of a successful program
3. Continue to research best practices for complaint handling programs
4. Provide a summary status report by July 15th
5. Design and develop a program structure, including city-specific procedures, and evaluation tools by September 30, 2019.

Whatcom Dispute Resolution Center

The WDRC is a 501(c)3 nonprofit organization, founded in 1992. In 1993, the Whatcom County Council recognized the WDRC under RCW 7.75 as the designated Dispute Resolution Center for our County. The WDRC is a member in good standing of Resolution Washington (the statewide consortium of Dispute Resolution Centers), the Washington Mediation Association, the Association for Conflict Resolution, Washington Nonprofits, and the National Association for Community Mediation. The WDRC has 25 years of experience providing comprehensive conflict intervention and prevention services to youth, adults, families, businesses, organizations, and local and tribal governments. Our services are driven by evidenced based best practices, and substantiated by internal longevity of service delivery, statewide and national standards, and national and local research. The WDRC provides a wide range of impartial dispute resolution services to all of Whatcom County.

Project Team:

Moonwater, MPA, served as a project researcher and author. She holds a Masters of Public Administration from Seattle University, where she specialized in non-profit management, and a BA in Psychology from Whitman College. She is co-president of Resolution Washington, the statewide Association of Dispute Resolution Centers, and a past board member of the Washington Mediation Association. She currently serves on Whatcom County's Incarceration Prevention and Reduction Task Force, the Bellingham-Whatcom Commission Against Domestic Violence, and Washington State's Charities Advisory Council. She is an experienced mediator, facilitator, and trainer. Since 2005, she has served as Executive Director of the WDRC.

Brittany Sullateskee, MA, served as a project coordinator, researcher and author. She holds her Masters in Conflict Resolution, and is currently a trainer, mediator, and program coordinator for the WDRC. Prior to the WDRC, Brittany worked as a Project Manager for a social media company based in Portland, OR., where she helped to educate, engage and manage diverse online communities. One client was one of the largest financial institutions in the northwest (350,000+ members) and Brittany's daily tasks included promptly fielding, responding to, and escalating member needs and complaints submitted via social media. Quite often, she was the liaison between members and the appropriate employee or branch manager who could adequately address and resolve the complaint.

Ceci Lopez, JD, LLM, served as a project researcher and author.   Ceci is an Assistant Professor and Coordinator of the Center for Law, Diversity, and Justice at Fairhaven College of Interdisciplinary Studies, Western Washington University. Her research interests are on social conflicts of integration, social structures, and community action seeking to drive recognition and redistribution as part of her social justice work. Ceci graduated from Western Washington University -Fairhaven College with a concentration in Law, Diversity, and Public Policy. She holds a JD and LLM degrees from the University of Washington School of Law and actively participates in the boards of the Bellingham Community Food Coop and the American Civil Liberties Union (ACLU) Washington office.

Andrew Kidde, JD, served as a project researcher and author. Over the last 30 years of his career, Andrew has been interested in how to help communities to work together in resolving disputes and creating the places in which they want to live. He has worked as a community and family mediator, trainer of mediators and negotiators, facilitator of city and neighborhood disputes, Program Manager for Bellevue's Mediation Program, and consultant on planning issues and organizational development. Andrew currently works as a climate change activist, freelance consultant, and writer.

SECTION 2:

Summary of City Staff input

For this portion of the scoping, the WDRC sought to gather contextual information from City staff and leadership to accurately design a system for complaints that complements and supports the systems already in place or in the process of implementation by the City. The collected data will be used to design the projects' flow of services - from intake to referral and closing. This was a crucial part of the design phase in order to provide an effective and useful system that builds upon, not supplants, the system currently utilized by the City. To that end project staff consulted with Mayor Linville, Deputy Administrator Brian Heinrich, Communications Director Vanessa Blackburn, Liz Coogan Executive Assistant, and Department Heads through a combination of individual meetings, an online survey, and a group discussion. These various interactions yielded rich information that spoke to both the recognized value of such a service, and the inherent complexities of its design.

The online survey and individual consultations included questions such as:
- Staff's perception of the value of this proposed service
- Staff's perception of barriers community members may face
- Characteristics or considerations the program would need to have to inspire confidence in utilizing and engaging with the program
- Mechanisms departments currently have in place to inform residents about options for feedback
- How residents currently tend to lodge complaints or provide feedback to departments
- What kinds of complaints are the most challenging to receive and address
- What complaint handling training or support frontline staff currently receives
- Shortcomings and strengths of the current system
- Suggestions for how to design an effective feedback loop with City staff
- What data would be most helpful to collect
- Overarching questions, concerns, and considerations to be addressed.

The Current System:
The City has an established policy to receive public complaints (which is currently being updated) which affirms a commitment to resolving complaints at the lowest level possible, and delineates a pathway for formal complaints to be lodged if dissatisfaction is not resolved informally. The policy outlines the appropriate form to use for filing of formal complaints (the Customer Service Complaint Form)and further establishes the scope of the policy to apply to all departments except for instances in which individual departments have their own complaint handling policies, such as the Police Department.

Survey data provided an overview of the current system of complaints. The overarching structure, as it currently is and as the data suggests, is very flexible and each department has developed and follows their own system. While departments provide a diversity of access points to lodge a complaint (in-person, e-mail, phone, website), the actual managing of the information and communication flow are less streamlined and inconsistent. This could be perceived as both a strength and a challenge. Departments vary widely in how they engage with the public (some are internally focused with very little public interactions, while others' primary function is to interact with the public), and accordingly receive varying levels of complaints about vastly different types of services. With such diverse departments, the flexibility to process complaints in unique ways that align with the departments' function makes logical sense. At the same time the public can't point to one identical process no matter the department.

The diversity identified in the departmental level procedures surfaced again in other areas of our inquiry. When evaluating the current complaint handling system, the responses ranged from "everything seems to be working well" to "very little training is provided" and "I would like more consistent training…" including "we do not have an outlined system [for complaints]…" and "…departments don't always handle complaints in the same consistent manner." Survey participants agreed that there is no formal process for evaluating the current system and no overarching city-wide process to keep track of complaints. Departmental public records, though, are consistently maintained and archived - essentially serving as logs.

The data observations also pointed to a need for more front-line training and these sentiments were also shared in our in-person meeting, where the importance of training was again emphasized. During this meeting, at least one person verbalized that skill development of front-line staff was essential to be able to respond to residents' questions. This included training so they can give clear information as well as the need for a clear complaint process that is easy to follow. Other departments felt confident in the provision of robust training to frontline staff. All in all, training was highly valued, and there were varying degrees to which it is provided.

Participants also acknowledged that the current system lacks an established feedback mechanism to the complainant to close the communication loop; resulting at times in the City being responsive, but the complainant being unaware that their concerns had been addressed.

These answers highlight an opportunity for the City to further bolster its system of protocols to respond to complaints that incorporate on-going departmental training (professional development) for all front-line employees to know how to respond to complaints when they receive them. Concurrently, City leadership values the flexibility departments have to respond in ways that make the most sense given who they serve and how they serve them.

The main concerns about the newly proposed program:
When responding to the survey, answers included enthusiasm and overall support for the newly proposed Safe Spaces program. While all respondents saw potential value in the program, some expressed some hesitation and curiosity about the need for the program, with answers ranging from "The need for this program has never been satisfactorily explained to me" to "Interested to find out how many people utilize the program and for what reasons", to "Absolutely. Community feedback indicates that persons, for a variety of reasons, may feel uncomfortable coming to our Department".

During our in-person conversation some concerns that were raised were some of the same issues already under consideration by the WDRC; mainly: 1) Forum shopping and efficacy 2) Compatibility with union and labor contracts, and 3) Confidentiality and Public Records requirements.

A major concern shared in the survey and stated in person, was that residents could use this program to complain about issues the City has already tried to resolve. Also, residents may utilize this program as a first recourse, while it would be preferable by some that this service is only used as a last resort. At the same time, some expressed enthusiasm for the program to be seen as an initial access point, or " 2nd door" to the City for complaints or concerns that won't otherwise be brought to the City's attention. Further agreement and clarification about timing of the use of this service will be important in order to better inform outreach efforts.

Another concern was that this program could be abused as a second forum to accuse the city or department of improper behavior if they dislike the outcome of their request (permits/license denials etc). A corollary concern was that this program could give the public a false sense of hope. To this point, the participants stressed the importance of creating a clear narrative and effectively delivering that narrative about the issues and boundaries the program is designed to address. Along with efficiency issues, one question the participants expressed was about funding a 3rd party to respond to complaints that do not pertain to the City, but rather to the County, another government entity, or another agency all together. Some further discussion was had around setting clear boundaries and referral procedures.

The question was also raised as to whether this program may need review from the union and labor representatives; this point was not a settled discussion as there were differing ideas of what needs to be done, dependent upon ultimately how narrow or broad the scope of the program is and whether other like contracts have gone through such a process. It was expressed that the scope of this project was not intended to include employee/employee concerns. It was also suggested that this be examined more closely during phase II of the project. Another question raised addressed employment concerns, specifically, what the City's responsibility would be once an issue is raised and when the

City would be obligated to investigate. In other words, by naming a concern, would the complainant lose control over the process/outcome, and the issue then becomes an internal investigation? Some comments around this issue then addressed the fact that the City has internal processes in place to handle such matters and should know about, and will need to investigate employment issues as they arise.

An equally important concern was around the issue of confidentiality. More specifically, what are the legal rules around a third party handling complaints on behalf of the City, and where are records maintained? Who keeps the records? How protected are the community members if they wish to remain anonymous after filing a complaint? If the complaint raises to the level where legal action is required, would the complainant be called as a witness? This could create an issue for those persons who wish to maintain anonymity, and whose complaint triggers an investigation, internal or otherwise. Further conversation with the City is needed to define the parameters of confidentiality. Some of them are set in law, others will be impacted by the scope of program services, and others will be influenced or defined by whichever organization ultimately manages the program.

Suggestions of how the program can be most effective, and complementary to the City:
The vast majority of survey respondents agreed that there are real or perceived barriers to accessing the City's complaint process. Respondents identified two main barriers with language skills identified as the most recognized barrier followed by a perception barrier of lack of confidence that the complaint would be taken seriously. Additional barriers identified were procedural issues such as uncertainty of where to go, uncertainty of who to speak with, and not knowing that there is a way to file a complaint (as a matter of right or option).

During the in-person meeting, participants expressed their preference that program users exhaust the City's administrative complaint procedures before utilizing the service. This would serve to promote efficiency and avoid duplication of services and also emphasize the direct use of the City's complaint system. One suggestion was for the program to begin small and be limited to providing language assistance and technical help assisting residents with accessing, filling, and transmitting their complaints utilizing the City's complaint forms. Once the volume and need is ascertained, then the program could add dispute resolution options. Others saw value in having a spectrum of dispute resolution options available from the beginning.

The participants also recognized that the City has had difficulties reaching out to communities of diverse cultures and they understand the need to make sure that all communities are aware of the program. There was a recognition that this may require different approaches of engagement and strategies for outreach utilizing culturally appropriate communication tools.

Participants expressed enthusiasm to the idea of this program being a good tool for data gathering, especially if it serves as an entry way for community voices that have been missing in the City. The Department heads agreed that having more information about what is not working for residents will help them make necessary adjustments to programs and policies when able and when needed.

When asked about how they would like the flow of information to reach them, participants expressed their preference in having direct communication whenever a complaint was received and the department would funnel it to the appropriate person for resolution. The Mayor, on her part, expressed her preference for metadata to keep her informed of the kinds of issues, demographics, or patterns arising in the complaints.

City staff unanimously agreed that "absolute neutrality" and "no agenda" (other than the service provision) are top characteristics of the 3rd party managing the program. City staff also expressed a desire for case workers to be knowledgeable about the various City department complaint forms, systems, subject matter, while concurrently acknowledging that an external entity simply can not have all of the subject matter expertise that is held by employees. An acknowledgement was made that a 3rd party would need to be able to comfortably contact the City, be able to be effectively oriented to processes, and subsequently help orient the complainant.

Survey participants also acknowledged that they do not know what they do not know, and that this program concept is one small part of addressing stakeholder concerns, not a solution for everything.

In summary, some departments receive more complaints than others and City staff handle these daily. Given the increasingly diverse demographics in the City of Bellingham, alternative ways to access the City's complaint procedures may benefit the City to strengthen programs, public safety, and public relations with all residents of Bellingham. Creating a program that allows access for all voices to be heard and protocols that are systematic, trackable, and uniform, will benefit staff members and the public at large. There are still many considerations to sort through and additional conversations with City staff to be had, in order to customize an effective program.

SECTION 3:

Summary of Community Input

To assess community need and help effectively inform program design, an online survey was distributed to nearly 40 unique organizations serving a wide range of community members. The survey participants were selected based on the communities they serve, access and knowledge of community resources, past engagement with other phases of the Safe Spaces Project, and suggestions from respondents about who would be impacted by this program. Ultimately 25 respondents, affiliated with about 20 unique community agencies and organizations responded. Affiliations were wide ranging - from people who work with individuals who are homeless and low-income, to those who have hearing and visual impairments or other physical (dis)abilities, to those who work with migrant families and non-english speaking communities. Others responded who are affiliated with the legal community, education, commerce, and more. Respondents were assured of their personal anonymity, although we have included a summary of their responses, and in places direct quotes to bring light to robust and helpful feedback shared. The survey posed questions to garner community input on a multitude of program aspects. The main objective of the survey was to gather data points from the community's perspective of what, if any, should be the community impact of the proposed project, what kinds of entry points would increase access to participation, and what tools or strategies would be conducive to invite new community voices to be heard through the proposed complaint program.

The first question on the survey asked participants if the project as described would be helpful. The positive responses accounted for 78% of survey participants expressing agreement, 4% expressed disagreement and 17% expressed ambiguity and uncertainty. Those who expressed uncertainty stated confidence in the program if it contained specific aspects such as "the entity offering services is perceived of being impartial", "... if it is safe and trusted", "...would caution that if no action is taken to remedy issues reported, this service will not be viable", and "...as long as there is a need to investigate further, it can happen." Based on the data, it is reasonable to conclude that the majority of survey participants see the community benefits of the proposed project and as one survey participant stated "[t]his is an extremely important project. It has the potential to improve quality of life for people in our community."

The survey gathered information on three main areas of the program 1) measures of current barriers to access - procedural/structural and perceived to the City's current complaint process; 2) the primary characteristics of a successful program; and 3) key strategies for outreach and trust building of a sustainable program.

Current barriers to access

Survey participants were asked if they believed there were real or perceived barriers for their clients to access the City with a complaint. With this question, we measured the community's perception of barriers to access the City's current complaint process. The majority of survey participants, 80%, answered "yes" to the existence of barriers to accessing the City's complaint process. The rest, 20%, state that they were "unsure" barriers exist. This data suggests that the majority of survey takers do believe that barriers exist with 0% of participants suggesting that "no" barriers exist.

When asked to elaborate on the nature of the barriers, community surveys indicate that the main barriers are either procedural/structural or of perception. The two highest ranking responses (86.96% each) identified "uncertainty of where to go" and "uncertainty of who to talk to" as the top barriers to log a complaint directly with the City. These were followed by "lack of confidence that their complaint would be taken seriously", a perceptual barrier identified by 82.61% of responders. It is worth including that the third highest barrier was also a procedural/structural barrier, identified as "individuals not knowing that there is a way to file a complaint (as a matter of right or option)". These barriers where similarly identified by City staff in their survey results. See *Suggestions of how the program can be most efficient and complementary to the City.* Likewise, high in significance were "language barriers" and "anticipation of mistreatment based on their personal identity" identified by 69.57% of participants on each category. Based on this data, we can categorize the main barriers as procedural/structural and of perception.

The first barrier -procedural/structural, is based on lack of knowledge about the complaint process and language access - option to file a complaint, where to go, who to talk to, if a person is monolingual or needs alternative language access, how do they access services?

The second barrier is of perception. What the data suggests, is that individuals feel less confident in participating with the City's complaint process due to three main issues: 1) they believe their complaint would not be taken seriously, 2) they anticipate mistreatment based on their personal identity, and 3) perception of conflict of interest. Conflict of interest was defined as the perception that the complaints are routed through the entity that is subject to the complaint, suggesting doubt that there is a real interest in addressing the complaint.

In addition, survey participants identified distinct barriers for persons with disabilities due to the lack of training of front-line employees on how to greet and engage with those who have different needs; the lack of services/access for individuals experiencing homelessness or those who are not able to take off work during a 9-5 workday; those who fear entering government buildings; and young people. A survey participant illustrated barriers by sharing their personal experience while attempting to enter a City department. In this

instance, the person's identity as disabled was questioned in multiple ways "with no less than 12 questions" about their condition and need of a service dog.

Characteristics of a Successful Program

The surveyed agencies were asked to identify the characteristics of a successful program through three specific questions: 1) "What would help their clients feel comfortable using the program", 2) "What would assure [clients] that making a complaint to the Safe Spaces Program would help to meaningfully address the concerns they have?" and 3) "What aspects would encourage clients to use the program."

Characteristics that would help users feel comfortable:

This question sought to engage survey participants' knowledge of their clients and what components of the program would transmit a perception of accessibility. The answers to this question included clear procedural and structural approaches. For example suggestions included a system of complaints available in different languages, staff representing diverse cultures, and staff with bicultural experiences, inclusive of ASL. Participants also address the issue of perception of access. They defined this as individuals being able to trust that the program is independent from the City and assurances that the City would not retaliate against a person lodging a complaint, and the ability to file complaints anonymously. Another important characteristic was identified as being "assured the program could effectively engage the City officials who can address [complainant's] concerns".

Survey responses around the question of comfort was conceptualized in a wide range - from program structure and program delivery options to issues of perception and social organization.

Recommendations around structure and delivery include:
1. A program with a structure that is easy to follow -it is simple, clear, and a guided process where someone will listen and help articulating an issue;
2. A complete communication protocol where users know exactly what to expect and know what happens with their concern;
3. A multi-local program with access points at different physical locations where community members already feel safe, welcome, and respected. Preferably away from City Hall;
4. A program with multiple ways of access -in-person, walk-in, phone, website, ASL video and other available technologies;
5. Provision of language access and staff that is bilingual and bi-cultural, inclusive of ASL;
6. Promotion of the program in appropriate language and culture making people aware that they can access the program in their own language, reflects diversity in

all materials utilized. (Respondents identified Spanish, Vietnamese, Mixteco, Russian, Punjabi, American Sign Language, Braille, Mandarin, Farsi, South American Tribal Languages, Cantonese, Korean, Hindi and Arabic as primary languages);

7. Welcoming space that does not feel intimidating;
8. Ability to make a complaint and remain anonymous;
9. Confidentiality;
10. Those who serve individuals who have issues with the police department suggested a community relations board that is accountable to the public;
11. Develop strategic partnerships with entities already serving populations wanting to engage - grocery stores, faith communities, etc.

Recommendations around issues of perception include:
1. Not talking down to individuals but [rather] using plain language in the person's preferred primary language;
2. Accounting for water, snacks, bus passes, and other items that help people feel welcome;
3. Enough separation and independence between the agency handling the complaint and the City, denoting reliability, impartiality, thoroughness, follow-through, accountability;
4. Ability to trust;
5. Confident that there will not be retaliation for accessing the service;
6. Making sure individuals feel validated - "...that they feel like they matter and what they want to share will be taken seriously";
7. Warm welcome.

What would help assure individuals of the program's efficacy?

The next question asked was "What would assure [clients] that making a complaint to the Safe Spaces Program would help to meaningfully address the concerns they have?" With this question, we wanted to get more information about what structure within the program would inspire and help individuals feel confident that using the program is worth the effort and their time. Some of the responses echoed those expressed in the prior question. However, it is important to note that "clear communication throughout the process" was a recurring topic and it was expressed in different forms, highlighting its importance in building all aspects of the program.

Structurally, as mentioned in the section above, a successful program must include the following:

1. **Clear communication protocols.** A successful communication system must include a clear process that is explained upfront, individuals receive confirmation that the City received the complaint, states clear expectations around timing and outcomes,

maintains the individual informed on the progression of the complaint, and insures that any promised steps are acted upon.

2. **Feedback/Complaint resolution is incorporated into action**. Survey participants point out that action upon promised steps is an important feature of building trust and proving the program meaningful. This will provide the City with greater opportunities to enhance credibility, a suggested strategy is to have a "You said - We did" segment in the website or other media, as well as formal public acknowledgment (City Council, Mayoral remarks, Website, etc).

3. **Accountability**. A meaningful program was identified as one that has the power to hold the City accountable. This was articulated as the entity being able to hold the right people and entities accountable.

4. **Entity Independence**. This was a characteristic that appeared in several sections of the survey. In this section this was articulated by phrases like entity has "positive reputation", "...the program operates totally separate from City control," "autonomy"

5. **Community experience**. Hearing or witnessing the positive experience of other community members, "...proven track record", seeing examples of complaints being resolved and shared, seeing follow up and direct change, "sharing past successes," and "...concrete examples of marginalized groups being taken seriously."

6. **Knowledge of the community.** The program provider must have "knowledge and familiarity with the historical context of the relationship with local tribes," "familiarity with the community,"

One survey participant suggested "an equitable voice and input into the planning process", we interpreted this answer in a narrow manner and related to the design process of this project (not the City's planning process). Wide community input and opportunity to participate is an important and vital part of the project which should be a key strategy during Phase II of the program.

What aspects must be included in the program that would encourage individuals to use the program?

The third question we asked was about "What aspects would encourage clients to use the program." This question asked for specific and tangible aspects which the project may implement to engage participation of all persons in Bellingham. A large majority of participants (92%) chose this as the most important aspect that would inspire their clients to use the program "if they were assured the program could effectively engage the City officials that can address their complaint." This was followed by 83% of participants who believe that "if [clients] were assured of their confidentiality." The third highest ranking characteristics, with 79% responses each, were "If they were assured their legal rights would not be impacted or lessened by making a complaint", and "If they were aware program staff would take the time to listen to them." Being able to make complaints anonymously also ranked high on the list of program characteristics at 75% of responses.

The lower ranked characteristics were identified as access points (on-line, phone, in person).

The narrative answers to these questions also helped create a more robust understanding of specific barriers individuals face when interacting in spaces that have not been designed to facilitate the participation of those with different needs. Survey participants addressed several physical and mental difficulties that some residents have and the need to account for these in the program. For example, several responses stated in different ways that assistance in writing and verbalizing the complaint would be helpful and key. Some residents would need help articulating the complaint, especially those who are fluent in other languages, those who belong to oral traditions and have not adopted western linear story-telling skills, as well as those with different physical and mental health abilities. Some specific responses suggested trainings around prioritizing visual and auditory communication for those with visual, speech, and hearing disabilities to both understand the technology as well as the human aspect of effective communication and support.

Several responses remarked on the importance of this specific aspect of the service by relating the many difficulties their clients have with linear, written english language. These answers also highlighted the importance of a service that takes the time to listen and fosters a space where people are welcome and their different approach, culture, needs, or presentation is not interpreted as a burden or a determinant of their intelligence.

Community strategies for outreach and trust building

In this section, community agencies were asked for actual procedures and strategies the program must consider to effectively reach those who in the past have been difficult to reach and what kinds of messages would help foster the trust building work of the program. These answers should be taken into account during the development of a marketing and outreach plan. The feedback received can be organized in three main levels of outreach: 1) grassroots, inclusive of direct contact with individuals, 2) partnerships with community leaders, and 3) partnerships with community organizations, entities, and businesses.

Outreach strategies can be paired along with the levels and approaches for outreach. Most significantly, the majority of survey participants stated the importance, and difficulty, of reaching out to individuals in their own language and the importance of including materials [visual and otherwise] that represent their identity. This strategy was identified as most effective when done in partnership with a trusted organization already providing services with the target population. The next level of engagement is by partnering with local leaders active in those communities as well as partnerships with local agencies already providing services in the communities. Outreach, trust, and program efficacy go hand in hand and to that end, one respondent shared, "I would want to know that the program

consistently treats and responds to clients in a respectful way and they feel the services [are] useful to them... but the way people are treated, and the way situations resolve will determine my confidence in referring to the program."

Suggested outreach methods included in-person contact, street outreach, flyers strategically posted, social media (facebook, etc), the City, ASL and HSDC video productions, brochures for service providers to distribute, very visual posters in the City, a clearly designed campaign that explains and encourages community engagement, and finally, on-going communication and data gathering with community partners to create a system that suits the changing needs of the population.

The data collected points to the need and importance of a well designed marketing campaign with a wide reach and accounts for different needs for information outputs and inputs, fluency in cultural diversity, and purposeful use of different technologies that facilitate communication.

Specific approaches suggested by survey participants include:
1. Use visual advertising that reflects identity of desired clients. ie. local natives and other various communities of color;
2. Direct outreach to marginalized groups, in person and slowly to build trust. And/or partnering with ecosting trustee organizations for outreach;
3. Outreach in a location where people often visit;
4. Actively participate in community events and distribute information and have conversations about the project directly to our community .... have a booth at the Farmer's Market, or a booth at the fair;
5. Do presentations at places like the Senior Center, LHM, HOT team, Maple Alley Inn, Food Bank, community centers, youth center. The idea of this is to have familiar faces and build trust;
6. Advertise through social media - video and post on-line via FB, Instagram, Snapchat, etc.;
7. Flyers at the public library, police station, health department, courthouse;
8. Direct referrals from frontline staff - proper training to ensure they understand the program and feel comfortable referring clients to it;
9. Presentations to diverse communities, street outreach, community centers, religious centers;
10. Brochures for partners so they we can go over with clients and give residents the information;
11. City and departmental websites should have information about the program in a way that is visible, accessible, and understandable;
12. Information about the program should be displayed prominently in hard copy in all City offices visited by the public;
13. Mass mailing to community service groups via US mail;

14. Partner with local agencies, persons, institutions, organizations familiar with community;
15. News media - TV, Radio, and alternative media outlets;
16. Outreach through informal community networks, grassroots community organizations;
17. Staff with exceptionally strong listening and counseling skills;
18. Active interactions with community members. Continuation of input from the community to keep the program relevant and addressing issues for the community;
19. A campaign to explain the new way to encourage community engagement to create a more supportive environment for all people who live here;

Community members who participated in the survey expressed their interest in continuing to be informed about the development of the program, the design, funding, expected longevity, the geographical reach/limitations of the program, and timeline for the full implementation. Other questions addressed unknown project procedures such as what happens with cases that need to be investigated formally and what happens if a department does not follow the outcome of the intervention? Survey takers also stated their appreciation that "[t]his is a giant, valuable undertaking…" and offered their support and enthusiasm for the proposed program.

In summary, through this survey of community input, we gathered data points that will be used to inform the necessary characteristics the Bellingham community sees as core to building a successful program. Part of these core characteristics were facilitating community access in different physical locations, in different languages, using different methods of communication, and overall, communicating with respect and validating users' feedback/ complaints for the City. The data suggests that direct engagement through partnerships with local agencies will be a very important step for building program confidence during its start-up stages. The data also showed a strong preference for an entity running this program that has enough separation and independence from the City to ease concerns around issues of accountability and perception. Lastly, 78% of survey participants recognize the value of this program and are willing to continue participating and providing input in the design and development of the program.

SECTION 4:

Best Practices Research

The intent of this aspect of the project was to build upon the best practice research conducted in the first phase of this project. In the initial phase, the areas of focus were broad issues of accessibility, welcoming and inclusive environments, broad complaint handling procedures, delineation of complaint handling by department type (e.g. differentiation of law enforcement) and the opportunities and challenges of internal versus external complaint handling services.

Because the City opted to engage the WDRC to further develop a City-wide external complaint handling process, this second phase of research invited a deeper and more focused look at best practices that would serve to inform how best to design and structure a new program. In doing so, we organized our findings in a linear fashion - beginning with the broader concepts of conflict theory, essential elements, goals, values, and then shifting to a more narrow focus on content for specific policies and procedures.

While numerous common aspects exist among most complaint handling programs, there is no one complaint handling template program to which we can point as an off-the-shelf solution to the issues and needs as they have been presented to us. To that end, our research efforts have been broad, in order to gather helpful components from myriad programs, in order to inform what will be most useful here in Bellingham.

Transformational Conflict Theory

A look at social theories provides a useful framework for this project as a whole, and the WDRC's role within it thus far. Conflict (and the illustrative complaints that may represent it) is not inherently negative, and in fact, demonstrative of a natural outcome of diverse individuals co-locating to build community together. Those who assume that a lack of conflict in this endeavor indicates success would be mistaken. Alternatively, as we work to identify how to find avenues for voices of marginalized community members to be heard, embraced, and responded to, we can be assured that conflicts arise not because the integration of immigrants and minorities has failed, but because it is increasingly successful (Aladin El-Mafaalani).

As organizations, institutions, and the community at large seek to engage in policies and practices of equity and inclusion, we enter a new social era for which we do not have defined pathways. We recognize the need to design structures that are tailored to each situation as each community and circumstance face unique and uncharted strategies of engagement.

If conflict is inevitable and in fact a good measurement of success, we must prepare to respond and engage with conflict appropriately. Transformational conflict theory offers a framework to that end. First, it recognizes that embedded historical traumas exist. As we come to greater understanding of that history, "some pain is inherent in the process – both in telling hard realities and in hearing them…. Healing psychological wounds often begins with uncovering traumatizing experiences – facing them and then engaging in various forms of grieving for what has happened." (Denise Bretton). Second, it provides a structure to engage conflicting parties by a) engaging in-deep historical understanding of the sources of conflict and trauma experiences; b) examining community impact of the sources of conflict and trauma experiences; c) engaging community leaders and peacemakers to articulate desired outcomes and d) engaging community members in the process of problem-solving and design of goals that will achieve the desired outcomes.

The focus of the structure is to remain flexible and adjust to each community and circumstance by addressing the specific issues by region, culture, time, development, etc. That is, this structure hinges in the specific tailoring of a program rather than attempting to utilize a ready-made system that ignores the realities of the specific circumstances around the conflict. This transformation affects the micro level, as it addresses the immediate sources of conflict, and the macro level, as it addresses the organizational system in which the conflict occurs.

This theory both supports the City's interest in customizing a program to meet a specific current need, and also speaks to the challenge of this endeavor.

Best Practices Research Summary

Best practices research shows that a good complaint program can have many positive results -- it can provide "a suitable remedy to a complainant, maintain or improve good relations with the public, evaluate & improve services, and inform policies in regards to what is needed and how to make systems work more efficiently."[1] (Commonwealth Ombudsman of Australia) Best practices research also tells us that to accomplish these goals a complaint program must be well designed. The most effective programs rest on solid **foundations,** they are guided by clear **goals and values**, and they operate pursuant to **policies and procedures** that enable them to operate effectively.

I. Foundations

Solid foundations for a complaint program has best been identified by the Australian Ombudsman:

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[1] Better Practice Guide to Complaint Handling, by the Commonwealth Ombudsman of Australia
https://www.ombudsman.gov.au/__data/assets/pdf_file/0020/35615/Better-practice-guide-to-complaint-handling.pdf

- **Culture:** Agencies must value complaints as a means of strengthening their administration and improving their relations with the public.
- **Principles:** An effective complaint handling system must be modelled on the principles of fairness, accessibility, responsiveness, efficiency and integration.
- **People:** Complaint handling staff must be skilled and professional.
- **Process:** The stages of complaint handling - from acknowledgement to final review - should be clearly outlined.
- **Analysis:** Information about complaints should be examined as part of a continuous process of organization review and improvement.[1]

For a successful complaint program, the City needs to commit to strong foundations for the program.

II. Goals

Each city is unique, with its own challenges, and a unique set of complaints. Perhaps the only commonality is that there are complaints. Not surprisingly, best practices research reveals that there are also many kinds of city complaint programs reflecting the various cities' particular challenges. What makes them different is essentially their goals - some focus on improving customer experience, others on learning from complaints, others focus on police oversight, some on the protection of human rights. Each program has its own primary goal, or set of goals. A selection of commonly identified program goals includes:

- Improving residents' awareness of, and access to, the complaints program
- Improving complainers' experiences
- Improving government functioning / providing better service
- Providing oversight of government operations
- Holding public servants accountable to the community they serve
- Protecting human rights or civil rights
- Addressing a community crisis
- Helping the city manage risk
- Allowing for the expression of community grievance

The challenges that Bellingham currently faces, the kinds of complaints that it receives, should provide the basis for identifying the City's goals in developing a complaint program. Articulating these goals will also help shape how the program is designed and how the policies and procedures will be drafted. The WDRC needs to continue working with the City to further define desired goals for both the City and the community for the new complaint program.

III. Values

The best government public complaint programs we found were driven by strong positive values: these programs stood out because they made a significant effort to put into practice a particular value or set of values. The City of Bellingham would benefit from considering which values the City and the community would like to have emphasized in the design of the new complaint program. A selection of commonly found values includes:

- **Inclusive:** Some complaint programs that are pro-actively inclusive. For example, they make special effort to reach out to vulnerable and often ignored communities, they provide services in a variety of locally spoken languages, or they make it especially easy to access the service.

- **Responsive and transparent:** These programs respond to complaints in a timely fashion, and the staff is trained to listen respectfully and attentively, they send a letter after the first meeting with clear information about next steps and what the service can and cannot do. They stay involved until the case is done to make sure that the complaining party understands the processing and resolution of their complaint.[2]

- **Effective:** These programs are committed to actually making change happen when it is called for, rather than merely being window dressing. They are well connected within City Departments, able to access the mayor's office if necessary. They are a valued resource for in reviewing and updating policy.

- **Impartial / Fact finding:** These programs are committed to thorough and balanced investigation.

- **Protecting civil rights / human rights:** These programs recognize that resolving complaints is more than simply checking to see if the government has acted according to its own rules. By including a focus on human or civil rights, these programs address the specific human rights concerns of minority and underrepresented populations. They also work to insure that everyone's dignity and autonomy is protected during the complaint process.

- **Innovative:** Some programs try new strategies (such as mediation, or community dialogue) to meet new challenges they face.

- **Learning organization:** Some programs make a strong effort to learn from what complaints tell them about both specific problems and broader patterns where the City can improve service.

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[2] Private Interview conducted with Cheryl Hayward, Grace O'Neil and Frank Liberti from the Center for Dispute Settlement in Rochester, NY.

By identifying values to guide the program, the city can help shape the program in a way that is responsive to the current needs of the community. This is will help program designers in developing the right program for Bellingham. Choosing values that reflect community needs will also help build confidence in the new program.

IV. Policies and procedures

In addition to identifying goals and values, and committing to strong foundations, best practices suggests that a complaint program requires **policies and procedures** for the following topics:
1. Qualification of staff
2. Publicity and outreach
3. Access to service (how to lodge a complaint, issues around disabilities, or vulnerable populations)
4. Neutrality, confidentiality, and transparency
5. Process stages: intake, assessment, management, finalization, and record keeping
6. Services: coaching, navigation, conciliation, mediation, referral to investigators, outside referral
7. Reporting feedback to City
8. Evaluation

1) Qualification of staff

A complaint service needs to be staffed by good communicators. According to the Commonwealth Ombudsman of Australia, the best complaint staff are warm and empathetic, non-defensive, analytical, impartial, astute, creative, decisive, firm, and resilient.[3] Not everyone is suited to complaints work. Indeed, as the Hong Kong Complaints Handling Manual points out, "it is easy to handle a complaint badly…" They conclude that complaints handling is "a specialist task."[4] Case managers in complaints programs must be specially selected (for the traits identified above) and properly trained.

Training for case managers in a complaint program for the City of Bellingham should include:
- training in the City's operations and responsibilities
- training on risk assessment and response
- training on all the complaint resolution services available: navigation, conciliation, mediation, investigation, and outside referral
- Case assignment and management.

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[3] Better Practice Guide to Complaint Handling, by the Commonwealth Ombudsman of Australia. https://www.ombudsman.gov.au/__data/assets/pdf_file/0020/35615/Better-practice-guide-to-complaint-handling.pdf
[4] Complaints Handling (For the Hong Kong Government), by the Research Division, Institute of Public Administration, Ireland. https://www.effo.gov.hk/en/reference/publications/complaintshandling_final.pdf

To provide accessible, welcoming service to the whole community, it's helpful for case managers to either speak multiple languages or have easy access to language translation services, operate from a place of cultural humility, and reflect the community being served.

Best practices suggest that on-going training is needed. Regularly scheduled cross trainings between the case managers and City Departments provides multiple benefits. Case managers can deepen their understanding of city operations and learn about program changes that may affect the public. City staff can learn about options for addressing intractable or reoccuring complaint issues. For example, the Center for Dispute Settlement in Rochester, NY has an established Police/Community Relations Program that handles complaints between the community and the Police Department. The staff and volunteers in those programs go through a 30-hour Basic Mediation Training & Practicum and a 40-hr course conducted by the Rochester Police Department (RPD). Volunteers are trained regarding RPD's mission & goals and policies and procedures. They also participate in regular inservices that address changes in policies that RPD is implementing, conflict management, mental health issues, and working with vulnerable populations.[5]

Case managers will be able to handle initial intakes on all cases, and will be able to manage the less complex complaints for the duration of the process. More complex complaints include cases that present public risk, cases with complex factual background, and those that need to be referred to experts or investigators. The Australian Ombudsman notes that "complaints on specific topics—such as sexual harassment, scientific fraud or financial mismanagement—can require specialist skills that many case workers do not have."[6] Complaints with a high risk factor also will be quickly referred out. Finally, cases that raise legal and human rights issues may need to be referred to outside investigators.

Managing staff, with deep experience in communication skills, mediation, and city operations are essential for the hiring, training, and supervision of case managers, and for administration and quality control over the complaint program.

2) Publicity and Outreach

A complaint service can be a vital part of City operations, but is only effective if the community knows it exists. Therefore best practice requires that the City vigorously publicize the existence of the program through a variety of means, including website, posters, staff presentations, mailers, etc.. These publications should include the following information:

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[5] Private interview with Cheryl Hayward, Grace O'Neil & Frank Liberti from the Center for Dispute Settlement in Rochester, NY.
[6] Better Guide to Complaint Handling, by the Commonwealth Ombudsman of Australia
https://www.ombudsman.gov.au/__data/assets/pdf_file/0020/35615/Better-practice-guide-to-complaint-handling.pdf

- How to submit a complaint by phone, mail, internet, and in person
- The service is free, and the complaint program will respond quickly. "It is good practice to acknowledge complaints within 10 business days, unless the complaint is urgent and needs a faster response."[7]
- Complaints are valued because they can lead to improving service
- Complaints are treated confidentially and there will be no adverse repercussions for a complaint
- Accommodations are available for people with disabilities (TTY etc)

Complaint programs have various approaches to outreach: some make specific efforts to reach out to historically marginalized communities, some make sure that all written material is available in the commonly spoken languages, some emphasize in person contacts, and so on. No one size seems to fit all. So the best practice for Bellingham is to craft an outreach program that addresses the particular situation of Bellingham. Survey information on why residents don't make complaints would be a good resource to learn what concerns might be addressed in outreach materials. Especially effective outreach will engage community partners to promote the program, and integrate culturally appropriate ways to reach traditionally marginalized communities. Some specific suggestions for effective local outreach efforts were captured in the community survey.

Learning *why* people do not make complaints can inform how outreach is conducted. Consider a 2008 study in the UK that found that only 5 % of people who had been dissatisfied with the services of the National Health Service made a formal complaint. People who did not complain most often explained that they lacked confidence in the system (79%) or they thought nothing would be done as a result of their complaint (32%), or they thought the complaint would not be impartially considered (6%).[8] Thus, community input on barriers can be an incredibly helpful source for designing effective outreach.

While the UK data may not reflect the Bellingham situation precisely, it is not uncommon for complaints to be rare due to these lack of confidence reasons. To counter this trend, outreach material can stress the program's policy on neutrality and responsiveness. It should also stress the City's commitment to use complaint information to influence future policies and operations. Energetic and sincere outreach can build confidence in the complaint program and in city services in general.

3) Access to service and timely acknowledgement

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[7] Good Practice Guide to Handling Complaints, by the Victorian Ombudsman.
https://www.ombudsman.vic.gov.au/Complaints/Complaint-Handling-Guide

[8] Complaints Handling (for the Hong Kong Government), by the Research Division, Institute of Public Administration, Ireland.
https://www.effo.gov.hk/en/reference/publications/complaintshandling_final.pdf

Best practices require that residents should be able to access the system in a variety of simple ways: in person, by phone, by mail, over the internet. Accommodations should be made for people with disabilities and for at least the principle non-English speaking communities of the city. The offices of the complaint program should be accessible to the public, and convenient to transit and parking. There should be comfortable private spaces for confidential conversation. Some innovative programs have had success by offering to meet complainants at sites out in the community.[9] A written acknowledgment that the complaint was received should be provided to the complainant within a business day. The acknowledgement should also include detailed information on the complainant's options for next steps.

4) Neutrality, Confidentiality, and Transparency

A good complaint program treats complainants with dignity and respect. This means listening with an open mind, respecting their confidences, and communicating back to them in a timely and thorough manner.

Best practices speak to the need for 3rd party providers to operate with real and perceived neutrality. With no vested interest in the outcome of a complaint, the provider is able to respond to the individual needs of the complainant without being unduly influenced by a predetermined or underlying agenda. In turn, the complainant can trust that their complaint will be heard and received. As the case progresses, best practices requires that the case manager communicate clearly and thoroughly the process of addressing the conflict, and provide clear and objective information as needed. Neutrality of the program provides a basis for the complainant and the city to trust the program, it is also key to laying the basis for a mutually satisfying and positive resolution in some cases.

Clarifying the breadth of confidentiality will be a particularly important aspect of the program design. Confidentiality can be presented to the community and the City on a spectrum, from little assurance, to robust safeguards. Best practices speak to providing clear parameters to all parties, allowing the client to operate from a place of self-determination with how much or little information they choose to share. Some programs have no assurances around confidentiality and are subject to public records searches, etc.. Others, those provided by organizations that operate under RCW 7.75, such as the DRC, are bound by the Uniform Mediation Act. If any intake is conducted with the expectation that a mediation may result from the interaction, more protections abound. If that intent is not assured, a less robust guarantee of confidentiality exists.

A common frustration about making complaints is the uncertainty about when or if, progress is being made on addressing the complaint. Best practice suggests regular

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[9] Personal interview :Mike McCormick-Huentelman, director, Office of Neighborhoods, City of Bellevue.

written (and oral) communication back to the complainant about the status of the case and what to expect next. In addition to the acknowledgement letter (see above) there should also be a letter after the intake and assessment stage which briefly describes the complaint and gives details on the next steps to be taken, and the time line expected. And at the final resolution stage there should be a final disposition letter that explains the steps taken to address the complaint, what actions were taken, provides reasons for those actions, advises complainant of next steps (if any), and provides an opportunity for further clarification.

5) Process stages: intake, assessment, management, finalization, and record keeping

Complaints handling is a complex process, and it is crucial to clearly articulate the stages of the process so that complainants and city staff both know what to expect.

Intake is a critical component of an effective program - it is the gateway to a satisfying resolution, regardless of a complainant objective, being heard and respected is essential to good outcomes . Within intake, rapport and trust are established, as well as confidence.

A good complaint program assigns complainants to an appropriate service. Due to the breadth of cases, it's a complex task. Some complaints are best resolved with an apology others require complex analysis and decision making. To properly assign a case requires first assessing for referral to investigation. These cases will typically involve safety risk, legal rights, or some other significant policy question.

It is good practice to ask complainants how they would like their complaint resolved— what outcome they seek. Sometimes an agency can meet these expectations and sometimes not. Sometimes what the complainant is seeking will be straightforward—for example, an apology, a refund of money paid, or compensation. In other cases the complainant might have an altruistic purpose, such as a desire to raise awareness of the problem or to ensure that other people will not find themselves in the same situation. It is important for the case manager to take into account these expectations, and have a clear discussion with complainants about the challenges associated with their goals. In some cases, the case manager may need to let complainants know that their concern lies outside the city's jurisdiction or the scope or it's legal responsibility, and if so, where they might seek to have the issue addressed.

For on-going cases that are not referred to investigation, case managers will provide coaching, navigation or conciliation services, or will refer the case to mediation or facilitation. The consideration of which service will work best for this client is very similar to how a Dispute Resolution Center identifies the appropriate service for community conflicts, with the exception of the navigation function. The navigation service depends on good communication and cross training between the complaints program and City

Department staff. Further work regarding this function will need to be discussed by the City and the service provider.

As the case moves forward, the case manager will continue to have responsibilities, including cases referred out for mediation or investigation: they will schedule mediations, review progress, and assess the case for possible re-assignment to a different service (for example a conciliation may evolve into a mediation). The case manager will remain involved until the case is resolved, the investigation is completed, or the case is otherwise ended. Case managers will a final review of the case, and provide that to the complainant both verbally and in writing,

Regarding record keeping, there are multiple stakeholders involved in this piece. There is a need to balance confidentiality with data collection in order to effectively report on trends, while promoting the self determination of the complainant. If the service provider is entirely independent, record keeping can occur under the umbrella of a 3rd party provider, which may allow for further protections. Further discussion with the City's legal department about this particular aspect will help inform where and how records will be held, and who will have access.

6) Services: coaching, navigation, conciliation, mediation, referral to investigators, outside referral

These services are currently well understood by the WDRC for its community work, and policies and procedures have been developed in that context, many of which will be very useful in a complaint program. Yet, these policies and procedures were not designed for the specific purpose of a City of Bellingham complaints program.

Best practices tell us that effective complaints programs have a degree of independence from the City to preserve their neutrality and honor the confidentiality of protected information. But in other respects they should be well integrated into City operations. As noted in the Commonwealth Ombudsman, "Integration is important in two ways. First, complaint handling must be integrated within an agency's core business activities. Second, agencies that deliver services jointly with other government agencies or in partnership with private sector organisations might need to integrate their complaint handling arrangements." [10]

Integration doesn't negate independence, rather it speaks to the need for a coordinated effort. To integrate a new complaints program into the City's operations, the policies and procedures for specific services should be based on collaborative agreements between the complaints program and City Departments. The types of questions that need to be

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[10] https://www.ombudsman.gov.au/__data/assets/pdf_file/0020/35615/Better-practice-guide-to-complaint-handling.pdf

collaboratively addressed include: when and how city staff refer cases to the program, how to handle cases involving multiple departments, when should city staff participate in conciliation or mediation; what is the scope of confidentiality; how to train case managers on how to navigate city departments; how to use complaint data to improve city services.

7) Reporting

Programs vary the most on the extent they use the records they gather as feedback to improve their own services by making process, policy, or staffing changes based on information learned through a review of complaints. Best practices speak to the value and importance of providing feedback that can reflect trends, patterns, or problem areas that might not have been previously recognized. A commitment to not only receiving, but welcoming feedback helps to frame complaints as "free feedback" and an unexpected gift of sorts to inspire considerations around continuous improvement. The City will need to continue discussions with the WDRC on the specific data to be collected, frequency, and type of reporting.

8) Evaluation
Best practices speak to the identification of program measurements at the outset, in order to develop appropriate evaluation tools to gauge a program's efficacy. Some aspects of program evaluation can also be further refined as part of an iterative process once the program is launched. Further conversation with the City is needed to affirm agreement on measurable outcomes.

Conclusion from the literature review

Best Practices research shows that complaint programs can provide many benefits if it is well designed. To have a well designed complaint program, the City needs to commit to establishing strong foundations for the program, it needs to identify the goals and values for the program that will help it address the community's needs; and it needs comprehensive policies and procedures that will enable the program to succeed.

SECTION 5:

Next Steps

The WDRC project team has been steeped in information gathering, and an exploration of a multitude of issues the development of this service has raised. The project team's next step will be to draw upon the large swaths of data to synthesize into specific policies and procedures in order to put structure to this service. The City needs to review this same data and engage in additional dialogue with the project team, as the City's continued input and direction is needed in order to successfully complete the next deliverable.

REFERENCES

1) Complaints Handling, by the Research Division, Institute of Public Administration, Ireland
https://www.effo.gov.hk/en/reference/publications/complaintshandling_final.pdf

2) Better Guide to Complaint Handling, by the Commonwealth Ombudsman of Australia
http://www.ombudsman.gov.au/__data/assets/pdf_file/0020/35615/Better-practice-guide-to-complaint-handling.pdf

3) Private interview with Cheryl Hayward, Grace O'Neil, and Frank Liberti from the Center for Dispute Settlement in Rochester, NY

4) Citizen or customer? Complaints handling in the Public Sector by Brian Brewer
https://journals.sagepub.com/doi/pdf/10.1177/0020852307083457 (2007)

5) Seattle's Office of Police Accountability. https://www.seattle.gov/opa/community-outreach

6) Upstate Mediation Center's Police Mediation Program.
http://upstatemediation.com/community-police-mediation-program/

7) International Ombudsman Association Standards of Practice
https://www.ombudsassociation.org/assets/docs/IOA_Standards_of_Practice_Oct09.pdf

8) IOA Best Practices: A Supplement to IOA's Standards of Practice
https://www.ombudsassociation.org/assets/docs/IOA_Best_Practices_Version3_101309_0.pdf

9) Greenville Police Department's Police Mediation
https://www.greenvillesc.gov/1254/Police-Mediation

10) Guidelines for Good Record Keeping. Ombudsman of Western Australia.
http://www.ombudsman.wa.gov.au/Publications/Documents/guidelines/Good-record-keeping-Guidelines.pd

11) Good Practice Guide to Handling Complaints, by the Victorian Ombudsman
https://www.ombudsman.vic.gov.au/getattachment/8fd85b3b-1e73-406c-ae7b-162b3381e540

12) Model Standards of Conduct for Mediators
https://www.americanbar.org/content/dam/aba/migrated/2011_build/dispute_resolution/model_standards_conduct_april2007.pdf

13) Private interview with Tim Schermetzler regarding the Safe and Sound Program in Milwaukee, WI (www.safesound.org)

14) Whatcom Dispute Resolution Center (Board and staff input, program materials)
www.whatcomdrc.org