



# **SERVICE COMPLAINTS POLICY AND PROCEDURES MANUAL**

Effective April 1, 2022

Version 2.1



**Service Complaints  
Policy and Procedures  
Manual**

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## Record of Updates

Version	Effective Date	Update Summary
1.0	April 2004	Original document was web-based
1.1	2009	Change to organization logo
1.2	February 2016	Hard copy form
2.0	December 15, 2021	Amended staff titles, identified fairness and pre-judgement as a complaint topic, identified Registrar's review, included a third-party investigation option, and provided guidance on what can be reviewed as a complaint.
2.1	April 1, 2022	Appendix 1 - Flowchart Appendix 2 - Service Complaint Form Appendix 3 - Standard Operating Procedures for Reviewer Appendix 4 - Standard Operating Procedures for Complaints Officer

## 1. Purpose

The purpose of the Service Complaints Policy and Procedures Manual is to document policies and procedures for handling public and industry service complaints about the staff of the Vehicle Sales Authority of British Columbia (the "VSA"). This Manual is intended to assist the VSA in maintaining a fair and consistent process for addressing service complaints.

This Manual applies to complaints from the general public and VSA licensees about dissatisfaction with the manner in which the VSA staff provided services.

For information on other types of complaints please refer to Section 6 of this Manual.

### **Types of Service Complaints Reviewed under this Policy**

This policy applies to the following types of complaints involving VSA processes:

- (a) A VSA employee's conduct seems unprofessional,
- (b) A VSA employee is not responding to inquiries in a timely manner,
- (c) A VSA employee is not following VSA policies and procedures,
- (d) A VSA employee is not treating the Complainant fairly because they did not listen to their concerns, did not consider their point of view, or did not review documents and evidence they provided, or
- (e) A VSA employee seems to be pre-judging the outcome of the Complainant's situation.

This policy cannot be used to challenge a formal decision, such as:

- (a) Appeal or review a formal decision of the Registrar, including the issuance of administrative penalties
- (b) Appeal or review a formal decision of a delegate of the Registrar, including adding conditions on a licence or registration,
- (c) Appeal or review a formal decision to close a complaint or investigation file,
- (d) Appeal or review a formal decision to refuse to issue a licence or a registration of a motor dealer or to suspend or revoke a licence or motor dealer registration, or
- (e) Appeal or review a formal decision on compliance or discipline.

Formal decisions may only be challenged by the review process established by law. The VSA will have communicated options for reviewing a formal decision by way of a closing communication, such as an email or letter. If the Complainant did not receive a closing communication, they should contact the VSA employee directly or their manager and request one.

## 2. Definitions

In this policy:

'Board Chair' means the Chair of the Board of Directors of the VSA.

'President' means the President and CEO of the VSA.

'Complainant' means a member of the public or a licensee who has received a service from the VSA and has filed a complaint under this policy.

'Complaints Officer' means the VSA employee who receives a complaint and is responsible for the complaint's investigation and communicating the investigation findings to the complainant whether that is the EVP Corporate Services, the President, or the Board Chair.

'Delegate of the Registrar' includes a consumer services officer, a licensing officer, an industry standards officer, an investigations officer, and any of their managers, as well as the Director of Consumer Services and Industry Standards and the Director of Investigations, Licensing & Legal Services.

"EVP Corporate Services" means the VSA's Executive Vice President of Corporate Services and Risk.

'licensee' means a licensed salesperson, wholesaler, broker-agent, broker-agent representative, and a registered motor dealer.

'Registrar' means the Registrar or Motor Dealers appointed under the authority of the Motor Dealer Act.

'Reviewer' means the person assigned to investigate a complaint made under this policy.

'VSA' means the Motor Dealer Council of British Columbia, dba the Motor Vehicle Sales Authority of British Columbia.

## 3. Legislative Authority

3.1 The VSA is a regulatory agency exercising statutory authority delegated to it under the Motor Dealer Act.

3.2 The VSA acts within the scope the Motor Dealer Act and its regulations, and certain provisions of the Business Practices and Consumer Protection Act as it relates to the sale of personal-use motor vehicles, including:

- (a) Licensing and educating motor dealers, salespeople, broker agents, broker agent representatives, and wholesalers,
- (b) Enforcing industry standards through inspections and risk assessments,
- (c) Providing consumer dispute resolution processes for resolving disputes with licensees and within the VSA's authority to resolve, and
- (d) Investigating complaints involving licensees and undertaking compliance action

against licensees as needed.

- 3.3 The Administrative Agreement between the Government of British Columbia and the VSA requires establishing appropriate policies and procedures for reviewing and addressing complaints raised by members of the general public and licensees regarding the manner in which the VSA administers the Motor Dealer Act.

## 4. Policy

- 4.1 To ensure accountability and maintain public confidence in the VSA, the VSA will receive, investigate, respond, and act on complaints about the manner in which the VSA staff provided services to the general public and licensees.
- 4.2 Information provided to the VSA is subject to the Freedom of Information and Protection of Privacy Act.
- 4.3 The VSA takes a service complaint as a positive opportunity to ensure it is acting in a professional, courteous, and fair manner in delivering its services. A VSA employee may not retaliate, coerce, intimidate, or act negatively in any way against a person who has made a service complaint. Doing so will lead to disciplinary action up to and including termination of employment.

## 5. Procedures

The process for addressing a service complaint by a member of the general public or a licensee is as follows:

### 5.1 Amicable Party-to-Party Resolution

The Complainant is encouraged to try to resolve the complaint first with the employee involved.

### 5.2 Manager Review

If a complaint resolution has not been reached by the employee and the Complainant, the employee will direct the Complainant to the employee's manager, who will review the concern and try to resolve the complaint.

### 5.3 Formal Complaint

If the complaint remains unresolved after the involvement of the manager, the Complainant may make a formal written complaint using the Service Complaint Form. See **Appendix 2**.

### 5.4 The written complaint must include:

- (a) the name and address of the Complainant,
- (b) key elements of the complaint,

- (c) the names of the employees contacted,
  - (d) the dates of the contacts, and
  - (e) reasons why the complaint was not resolved directly with the employee and with their manager, if known.
- 5.5 Where the Service Complaint Form is incomplete, including lacking relevant documentary evidence, the Complainant will be given 30 days to complete the Service Complaint Form. If the Service Complaint Form is not completed in those 30 days, the Complaint will be considered abandoned, and the file will be closed with no notation on the employee's file.
- 5.6 The Service Complaint Form will be given to the Complaints Officer. The Complaints Officer will be the EVP Corporate Services of the VSA. If the complaint is about the EVP Corporate Services, it will be referred to the President who will then be the Complaints Officer. If the complaint pertains to the President, it will be referred to the Board Chair or their delegate, chosen from either the Vice-Chair or the Chair of the Governance and Human Resources Committee of the Board who will then be the Complaints Officer.
- 5.7 The Complaints Officer will maintain all records for the complaint.
- 5.8 Within 10 business days of the VSA receiving a complaint, the Complaints Officer will review the complaint and assign it for investigation. The Complaints Officer will assign it for investigation:
- (a) to the employee's manager,
  - (b) if the complaint is about the Complaints Officer's employee, to another manager,
  - (c) to another manager, if the employee's manager has been involved in the matter that is the subject of the complaint,
  - (d) to the Registrar if the complaint is about a Registrar's delegate failing to follow a fair process, Registrar's policies, and procedures, or prejudging the outcome of the situation. If the Registrar has conducted this review for these reasons, the Registrar follows their own procedures to assess procedural fairness, or
  - (e) to an outside third-party investigator, where considered necessary and appropriate.
- (Collectively, the "Reviewer")
- 5.9 The Reviewer will investigate the complaint and will provide findings and recommendations to the Complaints Officer for consideration. In conducting their review, the Reviewer will apply the Standard Operating Procedures for the Reviewer. See **Appendix 3**. The Reviewer will provide their written report to the Complaints Officer within 60 days of being assigned the investigation.
- 5.10 The Complaints Officer will consider the investigation findings of the Reviewer to ensure it was done in a fair manner in that the Reviewer considered all points of view, interviewed the Complainant and all employees involved and reviewed any relevant policies and documents. In conducting their review, the Complaints Officer will apply the Standard Operating Procedures for the Complaints Officer. See **Appendix 4**. The Complaints Officer will then decide whether to:
- (a) Dismiss the complaint as unsubstantiated; or

(b) Substantiate the complaint.

- 5.11 The Complaints Officer will provide the complainant a written Notice of Decision and Resolution describing the investigation findings, and what if any action the VSA will be taking. The Notice of Decision and Resolution is to be provided to the Complainant within 90 days of the complaint being made, unless extraordinary circumstances require additional time. Where additional time is needed, the Complaints Officer will advise the Complainant with an estimate of how much more time is necessary.
- 5.12 The Complaints Officer must balance the privacy rights of an employee with the duty of a public body to be as transparent as possible with a Complainant. In providing the Complainant with the Notice of Decision and Resolution, the Complaints Officer may advise the Complainant that:
- (a) The complaint has been substantiated or not substantiated with reasons why,
  - (b) Where substantiated, the Complainant can be advised in a general way of whether the VSA will be undertaking the following types of action:
    - (i) Training of VSA staff and or the specific employee,
    - (ii) Reviewing and amending any of its policies and procedures,
    - (iii) Taking specific action to rectify an unfairness to the Complainant, for example, that an investigation will be redone with a new investigator, and
    - (iv) Requesting a third-party review of the investigation or of any VSA processes.
- 5.13 Where the complaint was found to be substantiated in whole or in part, the Complaints Officer will advise the Human Resources Department.
- 5.14 There is no appeal of a determination made under this policy. See informational section 6 below for information about other types of complaints.
- 5.15 Each year in its Annual Report, the VSA will publish the number of service complaints it received and addressed as well as the nature of their outcome. The information published will not identify personal information of individuals in order to comply with privacy legislation.

## 6. Informational Section - Other types of complaints

- 6.1 If someone has a general complaint about the business operations of the VSA, such as its budget, the fees it collects, its strategic initiatives or how it reports results in its annual report, they may write to the Ministry of Public Safety and Solicitor General who has oversight over the VSA's mandate.
- 6.2 If someone believes the VSA's processes are unfair, they can request the Ombudsperson of British Columbia to review VSA processes. The Ombudsperson may make recommendations to the VSA on how it can make its processes fairer. The Ombudsperson cannot require the VSA to change a decision.
- 6.3 If someone disagrees with a formal decision of the Registrar, or a delegate of the Registrar, they may have a right to request a reconsideration under the legislation

depending on the type of formal decision. This right and how to exercise the right will have been communicated in the formal decision.

- 6.4 If someone disagrees with a formal decision of the Registrar, or a delegate of the Registrar, they may also request the B.C. Supreme Court to conduct a judicial review of that decision. A judicial review application must be commenced within 60 days of receiving a copy of the formal decision. The B.C. Supreme Court procedures and the procedures in the Judicial Review Procedure Act must be followed.

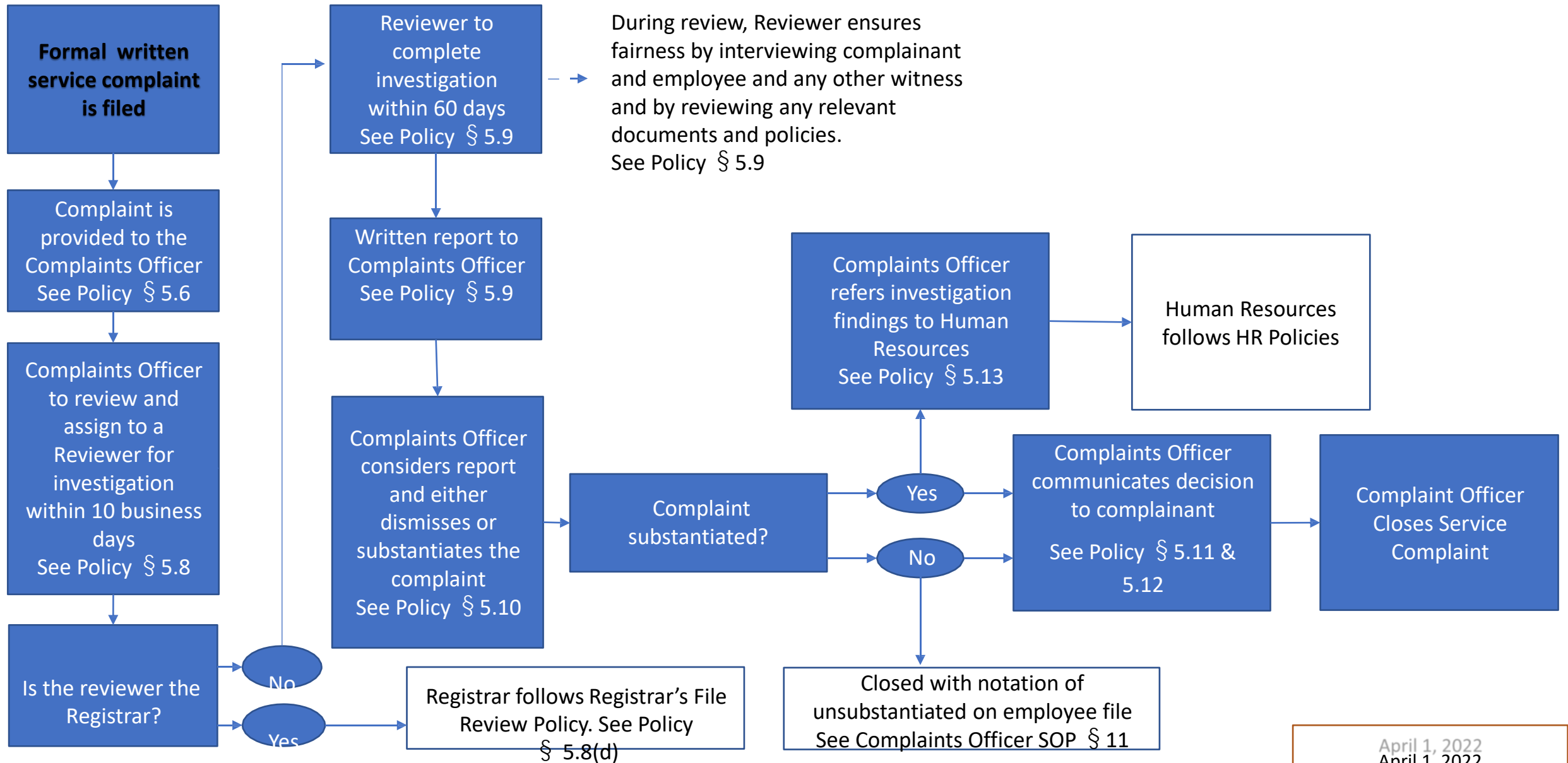
## 7. Timelines in this Policy

Step taken	Time to take the step	Owner
Complete complaint form	Within 30 days of the Complainant being advised of an incomplete service complaint form	Complaints Officer
Commence investigation	Within 10 business days of receiving a completed complaint form	Complaints Officer
Complete investigation and provide a report	Within 60 business days of being assigned the investigation	Reviewer
Communicate decision to the complainant	Within 90 business days of the completed complaint form being filed, with some exceptions	Complaints Officer



## Appendix 1 - Flowchart

## VSA Service Complaint Policy Operations Policy



## Appendix 2 - Service Complaint Form

## Service Complaint Form

A service complaint is about the conduct of a Vehicle Sales Authority's ("VSA") employee while providing services. This includes:

- ✓ a complaint of being unprofessional, such as being rude or condescending;
- ✓ not following VSA policies and procedures; or
- ✓ that the employee is pre-judging the outcome of a complaint or license application.

A service complaint cannot be used to appeal a formal final decision such as:

- ✓ to close a complaint file
- ✓ to refuse to issue a license
- ✓ to cancel a license, or
- ✓ to impose an administrative penalty.

You must follow the appeal process established in law to appeal a formal final decision. You should have received a letter from the VSA stating what the appeal process is for the formal final decision that was made.

You should speak to a lawyer if you want to appeal a formal decision.

Date:

Complainant's Name:

Name of Employee Being  
Complained About:

VSA Case File No:

Name of Manager(s) / Director(s)  
Complainant has spoken to  
*(if more than one, please list all  
of the names):*

Details of the Complaint  
*(if you need more space, you can  
attach a written statement to  
this complaint form):*

If you have any documents or records to support your complaint, you can attach them to this complaint form.

Complainant's Contact  
Information:

Telephone Number  
Cell Phone Number  
Email Address  
Mailing Address

Signature

## Appendix 3 - Standard Operating Procedures for the Reviewer

The following Standard Operating Procedures (SOP) helps ensure the Reviewer meets the legal requirements for conducting a fair, unbiased and independent review of a service complaint. These SOPs are minimum steps to be taken. The Reviewer is expected to take any additional steps they believe necessary to ensure a thorough, fair, and unbiased review.

1. The assigned Reviewer shall do a conflict check to see if they have interacted with the Complainant in the past. If they have, they should advise the Complaints Officer that they have a conflict and ask that another Reviewer be assigned. The Reviewer will also consider any relationship they have with employee complained of. At a minimum, if the Reviewer socializes with the employee complained of, outside of work functions, the Reviewer must declare a conflict and ask the Complaints Officer to assign another reviewer.
2. The Reviewer must review the Complainant's service complaint form and any documents the Complainant provides.
3. The Reviewer must allow the employee complained of to review the Complainant's service complaint form and evidence. Where it is necessary to preserve the integrity of the review, an accurate written summary of the complaint and written summary of the evidence can instead be provided.
4. The Reviewer must allow the employee complained of an opportunity to provide a written statement about the complaint and the evidence submitted by the Complainant. The Reviewer must allow the employee to provide their own evidence.
5. If the Complainant or the employee provide witnesses, the Reviewer must interview witness who are relevant to the issues being complained of. The Reviewer will obtain a written statement from any witnesses. The Reviewer is not required to interview witnesses that they determine are not relevant to the issues being complained of.
6. The Reviewer will consider any relevant policies and procedures of the VSA.
7. The Reviewer will consider any comments and any additional evidence provided by the Complainant or the employee complained of. The Reviewer will finalize their written report noting any additional information provided by the Complainant and the employee complained of.
8. The Reviewer's written report will lay out the following information:

- (a) The nature of the complaint and attach the Complainant's Service Complaint Form as an Appendix to their written report,
  - (b) A summary of the steps taken in conducting the review with dates,
  - (c) The evidence provided by both the Complainant and the employee complained of, including witness statements reviewed,
  - (d) The policies and procedures reviewed,
  - (e) If they rejected evidence, written reasons why they rejected the evidence,
  - (f) If they accepted evidence, written reasons why they accepted the evidence, and
  - (g) Concluding remarks of whether in their opinion, the complaint was substantiated on the evidence, whether in whole or in part.
9. The Reviewer will send their final written report to the Complaints Officer.

## Appendix 4 - Standard Operating Procedures for Complaints Officer

The following Standard Operating Procedures (SOP) helps ensure the Complaints Officer meets the legal requirements for making a fair, unbiased and independent decision regarding a service complaint. These SOPs are minimum steps to be taken. The Complaints Officer is expected to take any additional steps they believe necessary to ensure a thorough, fair, and unbiased decision.

1. The Complaints Officer shall do a conflict check to see if they have interacted with the Complainant in the past. If they have, they will advise the next person noted in paragraph 5.6 of the Policy of their conflict. That next person will assume the role of Complaints Officer and the initial Complaints Officer will have no further involvement in the matter.
2. The Complaints Officer will consider any relationship they have with the employee complained of. At a minimum, if the Complaints Officer socializes with the employee complained of, outside of work functions, the Complaints Officer must declare a conflict and ask the next person noted in paragraph 5.6 of the policy of their conflict. That next person will assume the role of Complaints Officer and the initial Complaints Officer will have no further involvement in the matter.
3. The Complaints Officer will review the Service Complaint Form to see if it is a complaint covered by the Service Complaint Policy. If the complaint is actually an appeal of a formal decision, the Complaints Officer will decline the complaint, write to the Complainant, and explain the appropriate way to appeal a formal decision. The Complaints Officer will copy that communication to the file and then close the complaint file without a note on the employee's file.
4. If the complaint is covered by the Service Complaint Policy, the Complaints Officer will assign a Reviewer to conduct a review of the complaint. When assigning a Reviewer, the Complaints Officer will consider the Service Complaint Policy and the need to ensure a fair, unbiased and independent review is conducted.
5. The Complaints Officer may ask the Reviewer for an update on the progress of the review at any time. The Complaints Officer is to refrain from directing the review or the Reviewer, in any way.
6. When the Reviewer submits their final written report, the Complaints Officer will forward the final report to the Complainant and the employee complained of and provide them an opportunity to comment on the final written report. The Complaints Officer will provide a deadline for the complainant and employee to provide those final comments.



7. The Complaints Officer will consider whether the final written report is complete. If the Complaints Officer requires additional inquiries to be made, they shall direct the Reviewer to make those inquiries and the Reviewer will follow their SOP.
8. If additional inquiries are made, the Complaints Officer will ensure the Complainant and employee complained of receive a copy of any revised written report from the Reviewer.
9. The Complaints Officer will consider the Reviewer's final written report and any final comments from the Complainant and the employee complained of in making a final decision.
10. When the Complaints Officer has made a final decision, they will advise the Complainant and the employee complained of in writing, of the final decision with reasons as to why they arrived at their decision.
11. If the Complaints Officer finds the complaint to be not substantiated, they will advise the Human Resources Department in writing that a service complaint against the employee was reviewed and was not substantiated. A notation to that effect will be noted on the employee's file.
12. If the Complaints Officer finds the complaint to be substantiated in whole or in part, they will advise the Human Resources Department in writing. The Human Resources Department will note the decision in the employee's file and action those findings in accordance with the VSA's Personnel Policies and Procedures.
13. The Complaints Officer will keep track of all complaints and their outcomes in the HR Confidential SharePoint site so they may be reported in summary form annually in the VSA's annual report.