

What to Expect When the Ombudsman Calls

Ombudsman Ontario

Our role, function, how to complain and what to expect when the Ombudsman calls

Barbara Finlay, Acting Ombudsman:

We've been around for over 40 years. We take over 23,000 complaints a year. We oversee the entire broader public sector. That includes the entire provincial government, all agencies, boards, commissions, tribunals, and provincial government ministries, plus municipalities, school boards, universities, and we've been investigating complaints about municipal closed meetings since 2008.

We also do a variety of systemic investigations every year, from complaints ranging from a provincial lottery corporation to newborn screening, Municipal Property Assessment Corporation, and oversight of unlicensed daycares, and we are currently working on an investigation into services for adults with special needs and developmental disabilities.

How do we work?

As an Ombudsman, our job is to smooth the rough edges between the citizen and the bureaucracy. We look at administrative fairness and try to search for constructive solutions to problems. We also look for systemic trends and complaints and try to make recommendations to improve the system for the benefit of everyone.

We look at issues of administrative fairness; our recommendations are not binding. Municipalities or government organizations do not have to follow them, but I am happy to say that in the vast majority of cases, our recommendations are accepted, because we do our homework and we put forward constructive and reasonable solutions to try and improve the system.

We are also not advocates for complainants or for government. We are an independent, objective, third party who is focused on resolving problems and making recommendations to improve the system.

Free.
Impartial"
Confidential.
Credible.

What do we do when we get a complaint?

Laura Pettigrew, Senior Counsel:

When we receive a complaint, it is handled by our Early Resolution team, and they are responsible for doing a detailed intake. They contact the complainant; they ask probing questions; they gather all the facts; they identify the issues. We assess the impacts on the individuals - is it a serious issue, is there a health and welfare, financial risk involved? We also have discretion not to investigate in certain circumstances.

Most complaints are closed informally and quickly. Often we make inquiries to obtain relevant facts to resolve the matter.

Sue Haslam, Director of Investigations:

We contact the organization to discuss the issue. We gather additional information such as policies, procedures, by-laws, information about the issue, as well as any steps that the organization has taken to try to resolve the complaint. Oftentimes, this results in a resolved complaint as well.

What happens if the issue isn't resolved?

If we're not able to resolve a complaint, then we will send a notice of intent to investigate to the organization. There will be much more information gathering, including documents and additional interviews.

An investigation requires extensive document review, interviews, and finally, a preliminary report with recommendations to improve administrative processes.

We share the preliminary findings with the organization, and invite them to provide their comments, which are taken into consideration by our office. Our final report and recommendations are released to the public.

Whether it's an informal resolution or a full investigation, there are a few things for municipalities to keep in mind when we call.

*Wendy Ray, Acting * Deputy Ombudsman and Senior Counsel:*

When we contact an organization, it's not to find fault or blame, but to assess whether the policies, procedures, practices were followed and to assess whether the complainant was treated fairly.

Integrity of the process

For the integrity of the process, Ombudsman staff must maintain control of the investigation. We are the ones who decide who we're going to speak with at your organization, and we expect that people in the organization know that when we contact them, that they have to provide us with information.

Target dates

We normally set target dates for information if it's not readily available, and we expect that information to be sent to us without delay by that target date. But sometimes, there are reasons why the information won't be available and our expectation is that the organizations contact us, let us know why it's not available by that target date, and then tell us when they think it might be available.

Provision of information

Generally, information can't be withheld from the Ombudsman; there are a few small exceptions, such as if something is privileged, such as [redacted] or client privilege. In those instances, we would expect the organization to [redacted] us know that we won't be receiving the information and why we will not be receiving it.

What types of issues will we be able to deal with?

Municipal services (snow removal, garbage collection)

Programs (like housing, recreation, Ontario Works)

Council conduct

Administration of taxes and fees

We encourage municipalities to create or strengthen local complaint offices

The Ombudsman really encourages local accountability officers, encourages that organizations should have codes of conduct. If there are local accountability officers, the Ombudsman will not get involved until after they have gone through their process or they have decided not to proceed on the matter.

We won't replace local officers. Local issues are best served locally, and we'll refer complainants back to those offices.

Laura Pettigrew, Senior Counsel:

We really rarely get to the investigation stage with our complaints. We resolve over 23,000 complaints every year, using informal processes for the most part. We work very well with government officials to achieve a positive outcome and we really rely on the collaboration and support of officials and managers to conduct timely, effective and thorough reviews of complaints, and we also spend time flagging issues, trends that we detect in the complaints coming forward so that we can act proactively with organizations so they can take steps to ensure that a complaint doesn't become a major systemic problem, and all before it's necessary to launch a formal investigation.

How can someone file a complaint?

Contact us:

Online: ombudsman.on.ca

By phone: 1-800-263-1830

By email: info@ombudsman.on.ca

Barbara Finlay, Acting Ombudsman:

As we roll out our new jurisdiction, I'm sure that a lot of people will have concerns about how we work or how we can help them. If you have a question, please reach out to us. We're happy to hear from you. You can find us on our website, we are on social media, Twitter, Facebook, drop us a line. We're also looking for opportunities to engage with our municipal stakeholders, so if you are aware of an opportunity where we can reach out to your community by all means, let us know; we're open to doing that.

To sum it up:

- **No charge**
- **Experienced**
- **Efficient**
- **Confidential**
- **Last resort, work with existing complaint mechanisms**
- **Address systemic issues**
- **Non-binding recommendations**

Questions? Concerns? Get in touch. thewatchdog@ombudsman.on.ca or 1-800-263-1830 or ombudsman.on.ca.