



ACCOUNTABLE AND RESPONSIVE

**The Ombudsman:
Who, What
When, Why
How?**

Office of the
Ombudsman

City of Toronto

Orientation
Program for
Staff

February 2009

What is an Ombudsman?

- An Ombudsman is an independent and impartial investigator of the public's complaints about the administration of City government, including its agencies, boards and commissions
- An Ombudsman looks at problems when the public service's procedures and processes have not resolved the complaint
- An Ombudsman's Office is a place of last resort, where a person brings a complaint *only after* they have tried the regular channels
- An Ombudsman can make recommendations to change conduct, practice or policy that uncovers improper administration
- An Ombudsman is neither an advocate for the complainant nor an apologist for government



What's in a Name?

- The word Ombudsman means “representative” in Swedish
- The modern concept was started in Sweden in 1809 to create a balance between the powers of government and its citizenry
- Canada's first Ombudsman was appointed in 1967 in Alberta. The concept however is very old. First Nations communities have for a long time had a variety of mechanisms to mediate between decision makers and the people

Who is the Ombudsman?



Fiona Crean

- The Ombudsman is impartial and independent of the City of Toronto government
- The Ombudsman's authority comes from the *City of Toronto Act* and the *City of Toronto Municipal Code*, Bylaw 353-2008
- The Ombudsman is appointed for a 5-year term, renewable once
- The appointment must be a 2/3 majority of City Council
- The Ombudsman is accountable, through the production of an annual report, to City Council

Who can complain?

- Residents of Toronto
- Anyone who is personally affected by an act, decision, recommendation or omission on the part of the Toronto public service, its agencies, boards or commissions

Why have an Ombudsman?

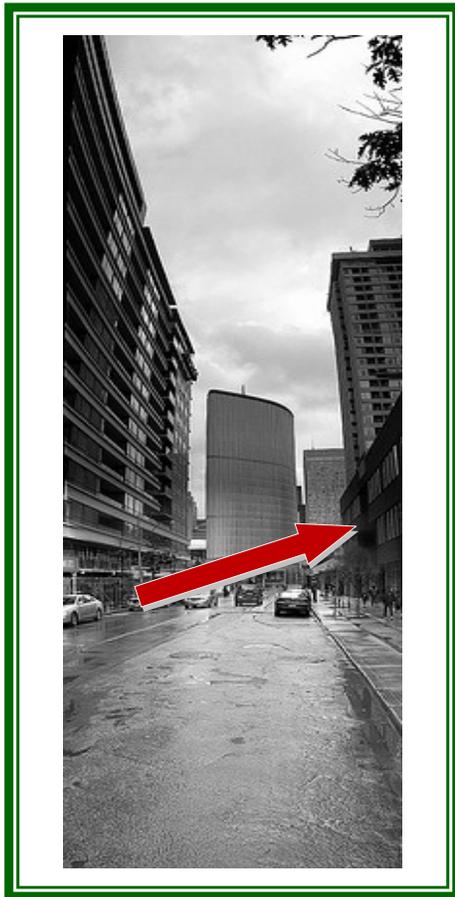
- The *City of Toronto Act* requires the creation of an Ombudsman as part of the City's independent accountability framework
- It is a strong signal of transparent and open government
- Mistakes happen in big organizations
- It is an opportunity to improve the administration of government by eliminating the causes which give rise to complaints
- The Ombudsman works with the people and the administration to find solutions, not just to individual complaints, but by pointing to changes which will prevent similar problems in the future
- Sometimes this means changing attitudes. Sometimes policies and procedures will be changed. Council may agree to change laws or policy
- It is important that the people who work for the City see the Ombudsman, not as an enemy, but as a resource to help them detect errors and to do the right thing in correcting them
- As an objective investigator, the Ombudsman is also a protection for City employees being subjected to unfounded complaints

When do you go to the Ombudsman?

When all other internal complaint systems or appeal processes have been exhausted

Where does the Ombudsman work?

- 112 Elizabeth Street, Main Floor, just behind City Hall
- All over the City as needed



Here

and

Here



How does an Ombudsman work?

- Engages in early resolution, problem solving and reaching consensus
- Works informally, flexibly, confidentially and free of charge to the public
- Promotes consultation and provision of advice, absent any complaint, known as “preventative Ombudsmanship”
- Engages in alternative dispute resolution (e.g./ mediation, facilitation, conciliation)
- Sometimes works formally and investigates
- Issues formal reports with recommendations
- Monitors
- Conducts education



How does an Ombudsman receive complaints?

By telephone, fax, e-mail, website, in person, letter, TTY

What does the office do with complaints?

- Enter all complaints into a case management system
- Triage: prioritize complaints which will be addressed according to a number of criteria but not limited to factors such as urgency, timelines, impact, degree of marginalization, systemic, etc.
- Identify how complaints will be addressed. For example, provide information, refer the complaint, make enquiries, engage in informal resolution, investigate etc.

Summing Up: The Essential Ombudsman Concepts

- **Independent**
- **Impartial**
- **Place of last resort**
- **Flexible process**
- **Confidential**

So What?

- We will be opening to the public in several weeks
- We will need to work together to educate the public about where your job ends and ours begins
- We want to ensure we have effective, positive relations with the city administration – we are impartial, not adversarial

Contacting the Office of the Ombudsman

112 Elizabeth Street, Toronto, M5G 1P5

Tel: 416 392 7062

Fax: 416 392 7067

TTY: 416 392 7100

E-mail: ombuds@toronto.ca

On Board Now:

Fiona Crean, Ombudsman

fcrean@toronto.ca

Deborah Wharton, Policy & Planning Advisor

dwharto@toronto.ca

Anne Matti, Administrative Assistant

amatti@toronto.ca

Joining Us in Mid-February:

Kwame Addo, Director, Investigations & Conflict Resolution

By March 2009:

- 2 Advisors who will handle complaints
- 1 Intake Assistant

Appendix I

Universally Recognized Features of Ombudsmanship

Independence

- Reporting relationships
- Conflict of interest
- Avoiding undue influence
- Budget
- Exempt from MFIPPA
- Physical location
- Impartiality
- Finality

Flexibility

- Ability to set own procedures and adapt as needed
- Formal procedures vs. informal
- Proactive approach (working with the public service)
- Individual complaints vs. systemic issues
- Ongoing monitoring role

Accessibility

- Sufficient resources to ensure adequate level of service/community outreach
- Communications strategies
- Physical and attitudinal access

Credibility

- Ability to achieve tangible lasting solutions
- Ability to persuade
- Fair and consistent procedures
- Realistic recommendations
- Works with organizations

Appendix II

Definitions

Maladministration

Maladministration can involve acts, omissions, decisions and recommendations that result in inefficiencies, improprieties, poor service and bad management.

Administrative Fairness

Administrative fairness means that decisions made are arrived at fairly. The concept is based on the recognition of “natural justice” and “procedural fairness” to ensure that decisions of administrative bodies are arrived at fairly. Ombudsman fairness is both procedural and substantive and is about achieving justice with respect to administrative complaints. Principles of administrative fairness include:

- The right to know the complaint against you
- Adequate notice
- Sufficient information
- Right to representation
- Reasons for decision