



OMBUDSMAN’S REPORT ACTION REQUIRED

Date:	February 11, 2010
To:	Budget Committee
From:	Fiona Crean, Toronto Ombudsman
Wards:	All
Reference Number:	

SUMMARY

This report details information related to the 2010 budget for the Office of the Ombudsman, including a recommended full-year 2010 budget of \$1,410.1 thousand for approval by Budget Committee.

RECOMMENDATIONS

The Ombudsman recommends that:

Budget Committee approve the attached 2010 full-year budget for the Office of the Ombudsman and forward it to the Executive Committee including the creation of four (4) FTEs, three of which require funding and one which does not, to deliver the Ombudsman’s mandate in its first full year of operation.

FINANCIAL IMPACT

Through a reduction in operating spending, the Ombudsman’s Office has absorbed \$0.027 thousand in base budget pressures for 2010, maintaining the base budget at \$1,218.3 thousand, the same as in the 2009 start up year.

The reduction of \$0.027 thousand will only be possible if the 2010 budget request is approved.

The 2010 budget request for the Toronto Ombudsman is \$1,410.1 thousand. This represents an increase of \$191.8 thousand over the 2009 start-up budget of \$1,218.3 thousand. The only increase is in salary and benefits for three (3) investigative positions that will allow the Ombudsman to deliver her mandate – conducting systemic investigations that will save money in the longer term for the City, while remaining responsive to individual complainants.

The **impact of not receiving requested funding for a mature organizational complement** would be as follows:

- Significantly impairs the Ombudsman’s ability to meet her legal mandate provided less than two years ago
- Severely limits the capacity to be responsive to individuals while undertaking systemic investigations that result in long-term savings, improved governance, and increased public confidence in the TPS administration
- Reducing responsiveness to individuals in 2010, the Office’s first full year of operation, would undermine the credibility it has established in its first nine months with Toronto residents and stakeholders
- Denies the public equitable access to services of the Ombudsman, as effective outreach to diverse publics would be impossible without the addition of an Outreach and Education Assistant

	2009 Projected Actual	2009 Approved Budget	2010			
			Base Budget Request	Reduction	New/Enh Request	Budget Request
Salaries and Benefits	784.2	879.3	906.3	0.0	191.8	1,098.1
Materials and Supplies	18.6	5.5	5.5	2.0	0.0	7.5
Equipment	34.9	5.0	5.0	5.0	0.0	10.0
Services & Rents	337.9	288.4	288.4	0.0	0.0	280.0
Contributions to Reserve/Res Funds	1.7	1.7	1.7	(8.4)	0.0	1.7
Interdivisional Charges	11.4	38.4	38.4	(25.6)	0.0	12.8
TOTAL GROSS EXPENDITURES	1,188.8	1,218.3	1,245.3	(27.0)	191.8	1,410.1

DECISION HISTORY

The Ombudsman took office in November 2008 (actual spending \$222.3 thousand) and opened her doors for business in April 2009. In 2009, the Office came in on budget.

The Ombudsman’s Office is now entering its first full year of operations.

This report is submitted to Budget Committee in accordance with Executive Committee Item 31.1 ‘A Policy Framework for Toronto’s Accountability Officers’ adopted as amended by City of Toronto Council at its April 2009 session; and Chapter 3, Accountability Officers, Toronto Municipal Code, enacted by City Council October 27, 2009.

ISSUE BACKGROUND

Under the *City of Toronto Act*, the Ombudsman has the responsibility to investigate individual and systemic issues of administrative unfairness within the City of Toronto administration.

The start-up budget allocation, combined with the high volume of individual complaints led the Ombudsman to defer labour-intensive systemic investigations until a mature organisation was in place.

In her 2009 Annual Report, the Ombudsman noted that systemic investigations will get underway in 2010. Additional funding of under \$200.0 thousand will allow the Office to conduct systemic investigations – that will lead to savings and improved governance – while continuing to manage individual complaints. See Appendix I for 2009 operational results.

The three new positions are: 2 Intake Assistants, and 1 Advisor, Conflict Resolution. It should be noted that adding two (2) intake assistants is most cost effective and will enable continued focus on individual complaints. It will in turn relieve the investigators of first-stage resolution work in order to focus on systemic investigations and system-wide resolutions.

COMMENTS

The major component of the budget is salary and benefits. Costs associated with start up (equipment and supply purchases, website) have been reduced in 2010 in order to maintain the base budget at the 2009 level.

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SIGNATURE



Fiona Crean, Ombudsman

Appendix I – Office of the Ombudsman – 2010 Operating Budget



APPENDIX 1

OFFICE OF THE OMBUDSMAN 2010 OPERATING BUDGET

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Office of the Ombudsman

Overview

The Office of the Ombudsman investigates public complaints about decisions, actions or recommendations made or omitted by the public service in the course of implementing City policies and administering City services. It is an office of last resort for the public to complain where they feel they have been treated unfairly by the City of Toronto, its agencies, boards and commissions or have an unresolved complaint about services and programs where there is an allegation of unfair administration.

The Ombudsman is impartial and independent of the City of Toronto government deriving both scope and authority from the *City of Toronto Act 2006* and Bylaw 1098 - 2009. Established by the Ontario Legislature through the *City of Toronto Act*, the Office of the Ombudsman is free and accessible to all residents and conducts its complaint handling in confidence. The Ombudsman is an Officer of City Council and has broad investigative powers and protections, including the power to enter premises, compel witnesses and review documents.

The Ombudsman may investigate any matter where the Ombudsman believes on reasonable grounds that a person or body of persons has been adversely affected in his/her personal capacity by a decision, recommendation, act or omission made in the course of implementing City policies and administering City services.

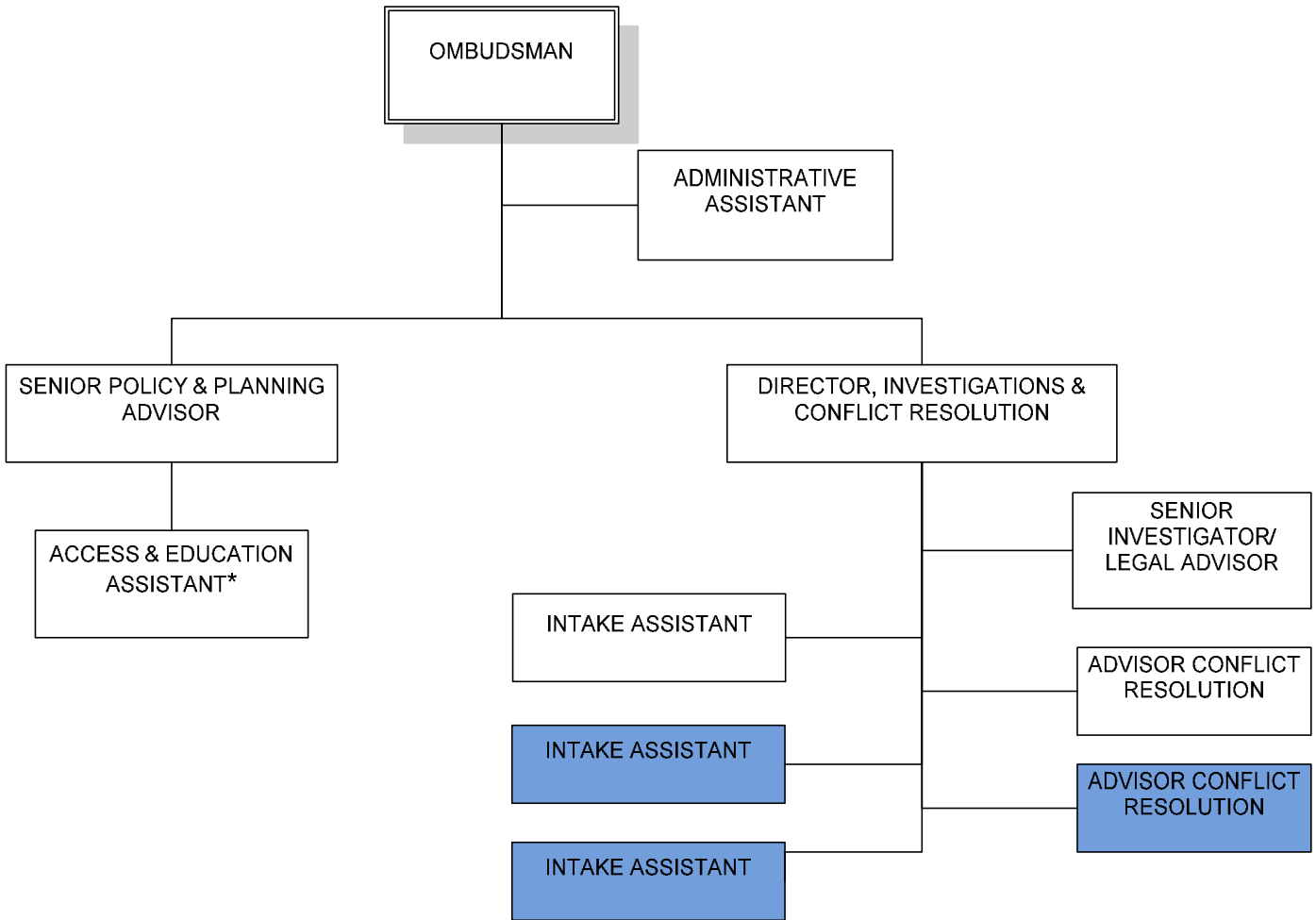
The Office has committed to making its standards public and has published them on its website at ombudstoronto.ca. Those standards include: customer service; equitable service; timelines; and decision-making.

2010 Budget Request

- A base request of \$1,245.3 thousand or a 2.2% increase from 2009 Approved Budget to reflect progression increases and cost of living adjustments
- Reductions of \$0.027 thousand to fund the base pressures through reallocation of base budget
- The base budget reallocation also includes funding for one Access & Education Assistant position. This position will allow the Office to meet its public obligations to inform residents of their rights and responsibilities and ensure equitable access
- A new/enhanced request of \$191.8 thousand to fund 3 new positions: one (1) Conflict Resolution Advisor position; and two (2) Intake Assistants. These positions are necessary in order to balance the demand from individual complaints with the need to focus on systemic remedies

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Organization Chart



* New base funded

New requests

How We Did in 2009

What We Said – May 2009	What We Did – December 2009
<ul style="list-style-type: none"> • Efficient credible office known to all elected officials, senior public servants and key community leaders • Office infrastructure in place (policies, standards, procedures etc) • Adequate budget and a staff that understands and reflects the city's diversity • An effective complaints process with individual complaints resolved that represent a cross-section of issues and communities • Systemic issues identified and at least one major investigation completed • First annual report • Multi-year strategic plan (2010–2012) 	<ul style="list-style-type: none"> ✓ 9 Community sessions 30 sessions for TPS staff More than 100 meetings with elected representatives ✓ The office has policies, standards and procedures which it published on its website. An interim computerized case management system is in use, with a long term solution in development ✓ With a start-up budget of \$1.2 million the Ombudsman recruited experienced staff who reflect the city's diversity ✓ An effective complaints process is in place. Staff managed 1,057 complaints and enquiries Complaints came from all 44 city wards ✓ The office initiated six investigations, two of which have been completed ✗ Investigations into systemic problems, which result in systemic solutions, require additional trained staff, as requested in 2010 Budget ✓ Released January 2010 ✓ Part of this year's annual report

Ombudsman Strategic Plan 2010-2012

The Ombudsman's role is twofold. First, it is to address administrative errors and conduct impartial investigations. Second, it is to support city government in holding the public service accountable in carrying out its directives, agenda and legal responsibilities.

Decisions made by an Ombudsman have a human impact. And in our global city, issues of diversity present themselves as a critical dimension. Evening the playing field for equitable outcomes is fundamental.

The short-term and immediate goal in 2009 was to get up and running, establishing an effective service that would be relevant, add value, achieve early results, and deliver leadership.

In planning the next three years, the Ombudsman has spoken with and listened to a wide variety of stakeholders, including elected representatives, public servants, members of the public and many community leaders, as well as expert resources such as community legal clinics. That feedback, along with Ombudsman experience and research, has informed our planning.

Challenges for the Ombudsman include:

- providing services to a very diverse 2.6 million people
- managing varied expectations
- managing demands with limited resources
- promoting a style of dialogue that builds relationships and engages in constructive problem solving
- being prepared to respond to systemic issues

Opportunities for the Ombudsman, on the other hand, include:

- create a shared understanding
- establish a sense of deliberate haste with the TPS
- limit the strategic agenda
- identify and work with champions of administrative fairness within the public service

The ensuing commitments are made on the belief that there will be enough funding to carry out the mandate successfully.

2010

The focus in 2010 will be about initiating system-wide investigations designed to yield improvements in policy or service delivery, while continuing to get substantive results and resolutions to *individual* complaints and making a difference in the lives of people who have problems with their local government.

The system-wide work will benefit everyone affected, demonstrating good governance on the part of legislators and a responsive public service.

For much of this year, the Ombudsman will continue to establish links and connections, building bridges with stakeholders across a broad spectrum of interests. A significant challenge will be balancing the immediate needs of individual complainants with the demands of systemic investigations.

Priorities will focus on:

- ensuring the Toronto Public Service “first resort” complaint systems are thorough and measurable
- ensuring that information about the complaints system is widely available to the public
- creating a high functioning, effective complaints resolution service that is relevant and responsive to stakeholders
- continuing to build relationships with the public, Toronto communities, business, public service and legislative partners to ensure relevance
- conducting systemic investigations

Expected outcomes are:

- relationships developed, complaints successfully handled and broad communications achieved
- track record established of demonstrated value to the resident, City Council and public service
- efficient, credible office known to increasing numbers of persons across the city
- Systemic issues identified and at least one successful investigation conducted

To view the years 2011-2012 please visit <http://www.ombudstoronto.ca>