

**Annual Report of the Ombudsman**

<b>Date:</b>	January 19, 2010
<b>To:</b>	City Council
<b>From:</b>	Ombudsman
<b>Wards:</b>	All
<b>Reference Number:</b>	

**SUMMARY**

Pursuant to By-law 1098-2009, section 3-7A, the Ombudsman is responsible for preparing an annual report on the activities of the office directly to City Council.

**RECOMMENDATION:**

The Ombudsman recommends that:

1. City Council receives and adopts her first annual report
2. City Council directs the City Manager to implement the Ombudsman's recommendations as outlined below:
  - a) ensure that every area of the Toronto Public Service that interfaces directly with the public, develop and publish internal complaint systems and procedure in 2010
  - b) that the Toronto Public Service publicize their customer service standards in 2010

**FINANCIAL IMPACT:**

This report has no financial impact.

## **DECISION HISTORY**

This is the Ombudsman's first Annual Report, reflecting work completed in the nine month start up year, commencing April 6, 2009 and ending December 31, 2009.

## **COMMENTS**

The position of Ombudsman was established by the Ontario Legislature through the *City of Toronto Act 2006*. The Ombudsman is an appointed officer of the Toronto City Council who is independent of the municipal service. The Ombudsman's job is to investigate complaints about the administration of city government, including the work of its agencies, boards and commissions.

### **Contents**

The annual report includes the following information:

- Message from the Ombudsman with recommendations
- A report card on how the office did in 2009
- Highlights of case stories
- Highlights of education and outreach activities
- The Ombudsman's strategic plan for 2010-2012
- Statistical highlights and financial information

Of note, the office received 1,057 complaints and enquiries in the 9-month start up year of operation. Of these, 958 have been processed and closed. Six of these complaints resulted in investigations, of which two have been completed. Three are slated for completion in Spring 2010 and another one is in its early stages.

### **Timing**

It is anticipated that the first annual report will be tabled with Council for the January 26-27, 2010 session.

## **CONTACT**

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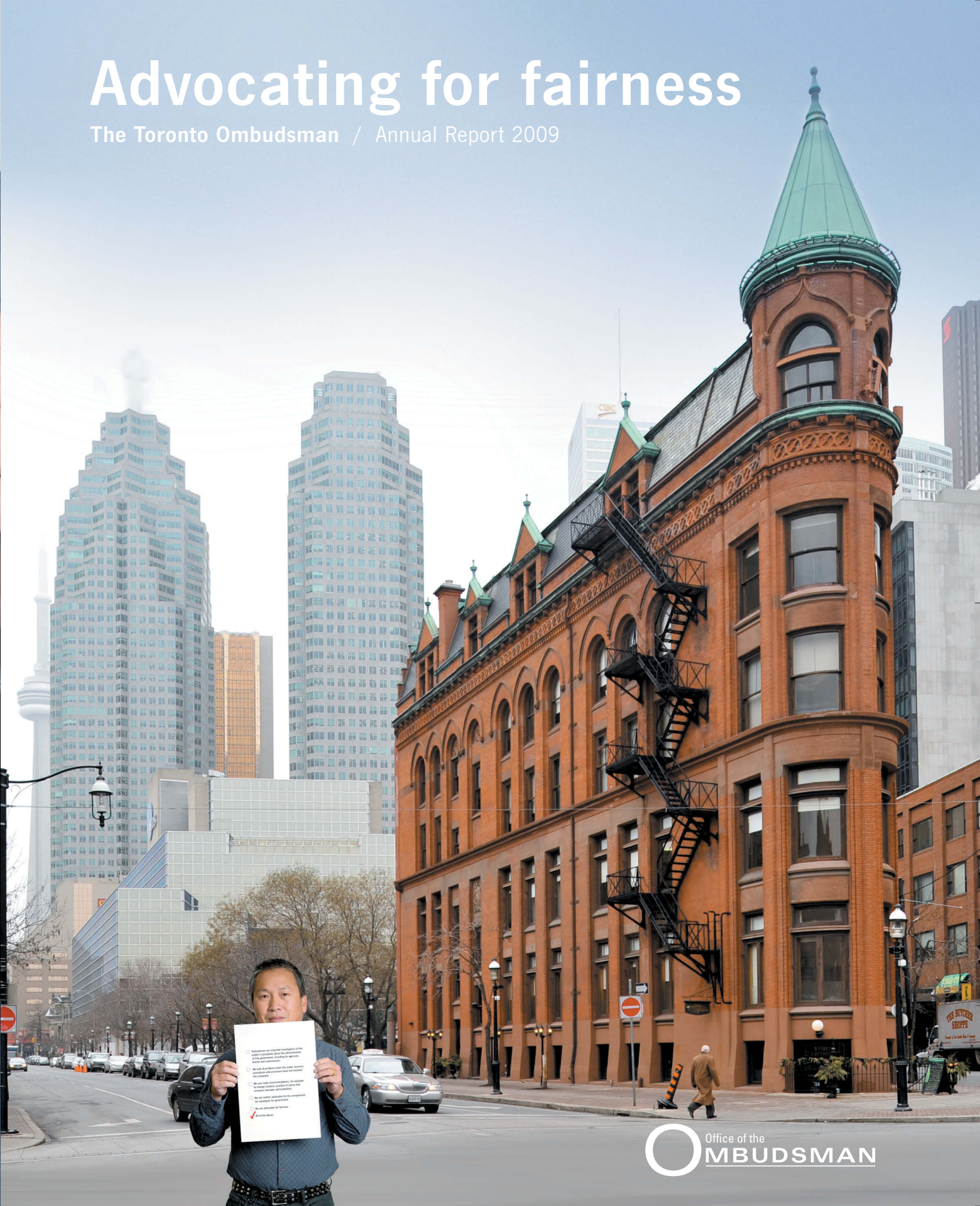
## **SIGNATURE**

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Fiona Crean, Ombudsman

# Advocating for fairness

The Toronto Ombudsman / Annual Report 2009



Individuals are entitled to a fair and equitable process when they are involved in the operations of the government, including the services, benefits and programs.

We take all complaints seriously. We will investigate all complaints and provide a fair and equitable process.

We will make recommendations, for example, to improve the quality of services and programs, to ensure that they are fair and equitable.

We will continue to work with you to improve the quality of services and programs.

We are pleased to hear from you.



Office of the  
**OMBUDSMAN**

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January 19, 2010

His Worship Mayor David Miller and Members of Toronto City Council

I am pleased to submit my first Annual Report to City Council for the period April 6, 2009 to December 31, 2009, pursuant to section 173 (2) of the *City of Toronto Act 2006* and the City of Toronto Municipal Code Chapter 3 of By-law 1098-2009, § 3-7.

Yours sincerely,

**Fiona Crean**

Ombudsman of Toronto

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## OMBUDSMAN'S MESSAGE

This is the City of Toronto Ombudsman's first Annual Report. It is a privilege to advocate for fairness in the administration of local government on behalf of all Toronto's residents.

In this report you will find a review of our first nine months of operation. Like the rest of the city, and many of its residents, 2009 – our start-up year – was one of fiscal prudence, a year in which we opened our doors carefully, so we could start managing the business of being responsive to public demands for fairness in administration.

We developed policies, procedures and standards even before we opened our doors. These rules under which we operate are posted on our website, so that the public knows what we do, what we don't do, and what to expect from us.

Once we opened in April 2009, our focus shifted to service delivery. In our first nine months, we received 1,057 complaints and enquiries, 958 of which have been processed and closed.

We got to know Toronto's public servants, the vast majority of whom have been willing, cooperative and helpful in their interactions with us.

We started looking for trends that could lead to systemic investigations in the coming year. While individual remedies are important, it is the systemic fix that helps everyone. It saves the public money, reduces frustration and enables public servants to get on with other work. It also demonstrates good governance on the part of legislators and a responsive public service.

I am committed to launching systemic investigations that will have results for a broad swath of residents.

Our strategic plan (see page 24) is built on the premise that my office will receive a reasonable full-year budget, in order to meet our mandate to conduct systemic investigations, while remaining responsive to individuals.

There was one overwhelming trend in our dealings with the public – lack of access to and clear communication from the public service.

# Toronto Ombudsman:

## Advocating for Fairness

Early in my appointment, I stressed the need for individual areas to share their complaints systems with us, so we could advise the public who may not have understood that my office is a “last resort.” Many areas have done so; some have not. Most importantly, only a few have effective, detailed systems that are shared with the public, and kept up to date.

The Toronto Public Service has a set of Customer Service Standards but they are not widely available to the public. Publishing these standards would help the public hold the public service to account.

This trend in public requests for greater transparency is an area I am looking for improvements over the coming year.

My experience has been that the public understands things go wrong. What they don't understand is why often there are barriers to getting these wrongs righted. The number of complaints about an area is not an indicator of the quality of service it provides. How mistakes are addressed is the litmus test of good public service. It is equally important that the public understands when the city administration has operated properly, within its mandate, as it does on millions of transactions every day.

I am grateful to the members of City Council, all of whom have shared their insights and expertise with me, as well as the senior ranks of the City's administration, and many representatives from community organizations. I am also grateful to the hundreds of public servants who have helped me and my staff understand their work.

Lastly, I want to pay tribute to the tenacity, commitment, professionalism and plain hard work which the staff of my office has demonstrated. The result is that the people of Toronto and City Council have an Ombudsman's operation which is already providing high-quality service and is well-positioned for the challenges that lie ahead.



**Fiona Crean**

Ombudsman of Toronto

“This coming year will be a watershed for this office. Balancing the need to meet our mandate with the ongoing constraints of city finances will be a major challenge.” **Fiona Crean** / Ombudsman of Toronto





# WHAT WE DO AND HOW WE DO IT

A black and white photograph of a woman with long, wavy hair, looking directly at the camera. She is holding a white rectangular sign in front of her chest with both hands. The sign has the word "section" written in a cursive font, followed by a large, bold number "1". The background is a blurred indoor setting, possibly a library or a community center, with other people visible in the distance.

*section*

**1**

**T**he function of the Ombudsman is to investigate any decision or recommendation made or any act done or omitted in the course of administration of the City, its local boards (restricted definition) and such city-controlled corporations as city council may specify and affect any person or body of person in his, her or its personal capacity. – *City of Toronto Act, 2006, Section 171 (1)*

## WHAT WE DO

### Complaints and Information

Responding to requests for information and referrals is a key function of all Ombudsman offices.

These transactions are quick and provide a valuable service for residents in finding their way through a complex public service.

At the first level of intake, the Ombudsman's office screens a complaint and assesses its priority and level of complexity. Staff clarify the relevant issues and engage in a series of interventions to reach an acceptable resolution.

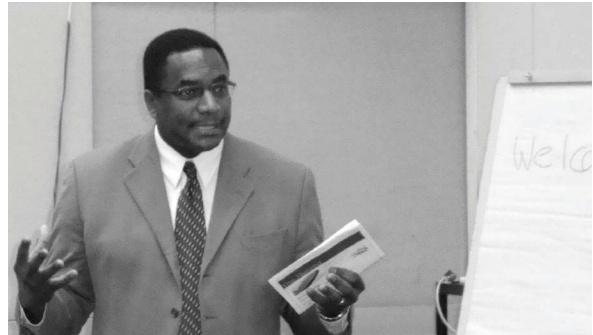
Many enquiries are resolved within a day or two. Others, which require various forms of dispute resolution may take several weeks.

When the facts of a case are complex, or contradictory, the Ombudsman may conduct an investigation to objectively establish what happened. The Ombudsman can initiate an investigation, for example, if there are repeat complaints, a systemic problem or an issue of public interest. Council can also refer complaints to the Ombudsman.

### Prevention Services

The office consults with the Toronto Public Service (TPS) and provides advice about fair administration. This includes input on policy, process and program delivery to ensure administrative fairness. Providing input to the city's internal complaints systems is a good example of such work.

In December 2008, one of the first actions the Ombudsman took was to request a detailed list of all complaint procedures from the TPS, its agencies, boards and commissions. Many service areas had good systems, well understood by the client group. Others had effective systems, however they were not publicized or updated, so often the client group was not aware of these systems. Some areas submitted no information in response to the Ombudsman's requests.

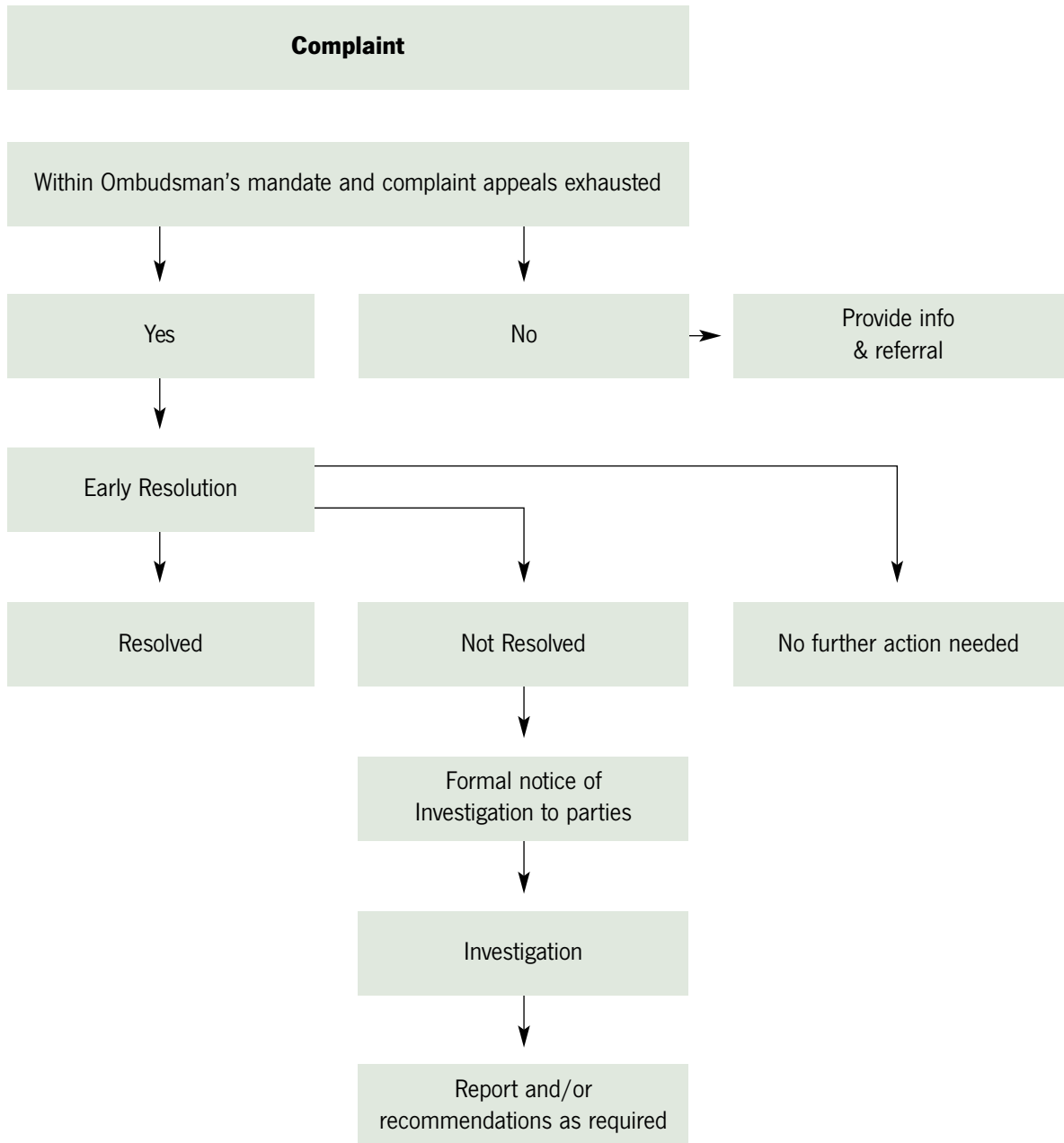


*Councillor Michael Thompson at a community event in Scarborough.*

### Education and Outreach

Informing the public about its rights and responsibilities is a key part of the Ombudsman's mandate. Section 3 discusses in detail the education and outreach activities the Ombudsman undertook in 2009.

## OUR PROCESS



## HOW WE DO IT

The Ombudsman's office follows a set of principles and values that in turn, informs its service standards and operating procedures. This information is posted on the website at [ombudstoronto.ca](http://ombudstoronto.ca).

There are many different types of standards – customer service, equitable service, timeliness, and standards that relate to administrative fairness. Here are some examples.



### Customer Service Standards

- We answer our phones in three rings
- We update our voicemail routinely, so you will know our availability
- We return phone calls within 24 hours of receipt (48 hours if on the weekends)
- We acknowledge emails within 24 hours of receipt (48 hours if on the weekends)

### Equitable Service Standards

- We are committed to giving residents equitable access to our services. Equitable access means that our services will take into account the needs, location and circumstance of each individual person
- We are alert to systemic barriers that work against a person's situation being taken into account

### Standards of Timeliness

- The office treats each individual case in a timely manner according to our resource capacity

### Standards for Decision-Making

- Anyone personally affected by a decision will have a chance to give information and evidence to support their position
- Each complaint is considered on its own merits
- You will be kept informed about what is happening and why it is happening



*Councillor Adam Vaughan at a community event in November 2009.*

## How We Did in 2009

In the interests of openness and accountability the Ombudsman shares her action plans with City Council at the beginning of each year.

### What We Said – May 2009

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)

### What We Did – December 2009

- ✓ 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 (see page 17 for map)
- ✓ 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



# IMPARTIAL AND INDEPENDENT



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**T**he hallmark of an effective public service Ombudsman is maintaining complete independence while remaining impartial and responsive to all audiences. In its first year, the Toronto Ombudsman managed 1,057 complaints and enquiries, of which six were formal investigations.

## INVESTIGATIONS

The Ombudsman receives individual complaints that she may investigate. She can also initiate her own investigation where the facts of the complaint are sufficiently complex or an issue is systemic. The Ombudsman also receives requests for investigation from City Council.

The Ombudsman always considers the public interest when deciding whether to conduct an investigation. She has the legal authority to enter premises, review documents and require people to give evidence under oath. She will issue a report and make recommendations, where appropriate.

During the first nine months of operation, the Ombudsman launched six investigations.

### STATUS OF INVESTIGATIONS

**2 completed**

**3 to be completed in  
spring 2010**

**1 is in the early stages**

## Housing Matters

In June 2009, Mr. B complained to Ombudsman staff about a notice the Toronto Community Housing Corporation (TCHC) sent him. It said he was going to be evicted because he had committed an illegal act. Mr. B said they had not investigated and had no proof to support their action.

Initial inquiries by Ombudsman staff suggested procedural fairness issues were involved. The Ombudsman decided to investigate, because if supported, it could lead to improvements in the system for all TCHC tenants.

Mr. B was a long-time, market-rent tenant. In March 2009, he received a notice from TCHC telling him he had to move out in 10 days because he had allegedly committed an illegal act. The TCHC cited three alleged incidents in support of the notices, with one incident dating back to 2003.

The investigation revealed that the process leading up to the issuance of the notices did not meet the requirements of administrative fairness. Eviction, and the threat of eviction, is a distressing experience and can have severe and negative impacts on individuals.

The Ombudsman's review found that the TCHC had failed to properly investigate the incident that preceded the issue of the eviction notices. Investigators found that TCHC staff gave conflicting information about their intention to evict.

The Ombudsman found that TCHC was precipitous in threatening eviction.

They accepted allegations about Mr. B without providing him with notice of the allegations and an opportunity to respond. They failed to warn him that his conduct could lead to eviction and did not tell him clearly the reason for the notice or answer his questions.

At the time of publication, the Ombudsman had presented her report with recommendations to the TCHC.

### **A Death in the Family**

The Ombudsman received a complaint from the partner of a man who died after waiting more than half an hour for paramedics to arrive.

Toronto Emergency Medical Services (EMS), which is responsible for paramedics, asked the Ministry of Health and Long-Term Care (MOHLTC) to investigate. The Ombudsman made a decision to monitor the MOHLTC investigation rather than duplicate efforts at public expense.

Prior to accepting the MOHLTC report, the City Manager received and accepted supplementary recommendations from the Ombudsman to spell out accountabilities and timelines for all changes. The Ombudsman will continue to monitor EMS' progress in 2010, to achieve the 13 recommendations specified.

## **CASE STORIES**

The Ombudsman and her staff help people from all neighbourhoods — anyone who has a problem with city government services.

Occasionally it takes only a few phone calls and an exchange of correspondence to straighten something out. More often, it takes many calls and various interventions over days and sometimes several weeks to resolve.

Below is a sampling of the individual cases that the office has resolved in its first nine months. Further case stories may be found at [www.ombudstoronto.ca](http://www.ombudstoronto.ca).

### **A Token Exchange**

In November 2006, the TTC replaced its tokens with a new design. The old tokens were supposed to be good until January 31, 2007. TTC advised people with more than 100 tokens to go to the TTC head office to exchange them.

Ms D had 1,145 tokens. She also had a TTC brochure that said she had until December 31, 2007, to exchange them. She took her tokens to the head office on December 6, 2007. Staff told her the deadline had passed.

Ms D wrote to her councillor, and also went to a legal clinic with her complaint. The clinic sent a letter to the Ombudsman on behalf of Ms D, along with a copy of the TTC brochure with the December 31, 2007, deadline.

Ombudsman staff contacted several people at the TTC. A manager there said his office was trying to resolve the complaint. He said the brochure was withdrawn soon after its release, because the deadline was subsequently changed to January 31, 2007. However, the TTC only published this change on its website.

**Result:** The TTC did agree to honour Ms D's claim because she had relied on *their* public information. They exchanged the 1,145 old tokens for new ones.

### Getting the Lead Out

The city has a program that replaces the service from the water main up to the homeowner's property line at no charge if the lead concentration is more than 10 parts per billion.

Ms B contacted Toronto Water in December 2007 to have her water tested. She did not qualify for the upgrade. However, city staff left her a voice message saying she would be placed on a list to have her water service upgraded in a year. In 2009, when Ms B called about her status, she was told there was no record of her call, and that in fact she would not get her water service upgraded.

Ms B, who had kept the message, contacted her councillor who referred her to the Ombudsman's office. When city staff heard Ms B's 2007 voicemail, they explained that due to the high volume of requests, the city had subsequently changed its policy and no longer did upgrades for homes below the threshold.

**Result:** Ombudsman staff persuaded the city to replace Ms B's water pipe in light of its original undertaking. As with Ms D and her TTC tokens, the city has a responsibility to ensure current information about programs and services is routinely communicated to the public.

### Systemic Fix to a Nagging Problem

Acting on behalf of a number of tenants the Toronto Legal Clinics' Housing committee complained that the rent calculations of the Toronto Community Housing Corporation (TCHC) have a high error rate, but it is difficult for tenants to figure out because of the lack of information.

The complainant advised that they have raised this issue over many years with the TCHC. According to clinic staff, the TCHC had acknowledged the problem, but said nothing could be done until a new computer system that would automatically generate the rent calculation, was in place.

The Ombudsman's office discussed the issue with TCHC, which agreed to implement an interim measure to address the complainant's concerns.

**Result:** This system fix will assist thousands of residents in TCHC buildings to better understand their obligations, lessen error rates and/or allow them to be more readily identified.

**“You are helping to bring some much needed transparency to what is for most tenants, a very mysterious and unfair process. After twenty years of us trying to no avail, this is, for us, no small feat.”**

*Linda Mitchell, Scarborough Community Legal Services*

### **Mistake in Ticket Almost Leads to Pulled License**

Mr. L received a parking ticket dated December 31, 2007, a day neither he nor his car was in Toronto. He called the city early in 2008 and was told the error would be corrected. In March 2008, he received a notice of conviction, and the parking fine increased from \$30 to \$46. He called again and was told the error would be corrected.

In 2009, Mr. L went to renew his driver’s license before his March 31 deadline. He was told he had an outstanding fine, now \$66, which he had to pay before March 31 or he could not renew his license. He called the city again. Staff agreed to fix the error, but couldn’t commit to doing so before he would lose his license.

In mid-March 2009, Mr. L phoned the Ombudsman. Her staff made several calls before finding a staff member who corrected the error by March 31.

**Result:** Mr. L was able to renew his driver’s license without having to pay the fine he didn’t owe. Finding the right city staff to fix problems can be tough, even for the Ombudsman.

### **Surprise Fire Hydrant Appears on Lawn**

In 2009, Ms P arrived home to see a fire hydrant in the middle of her lawn. She contacted the city, wanting to know why she had not been informed ahead of time, and whether the city could move the hydrant to a less prominent position.

City staff told her the new position was marked on a plan that was available to residents in the fall of 2008 at the Public Consultation Office and there had been a public meeting. City policy is to send a notice of such changes and meetings to local residents in an unaddressed letter.

They also advised her they couldn’t move the hydrant, unless she was willing to bear the cost – between \$5,000 and \$10,000.

Ms P had not seen any notices and did not know of the 2008 fall public meeting.

**Result:** After discussing with the Ombudsman and reviewing their own files, the city agreed that the company the city had contracted to do the work had not followed city policy for informing the public. The hydrant was moved.

### Small Mistake, Big Effect

Ms M is a single mother and full-time student who receives monthly support cheques from the city. The city mistakenly deducted too much money from her benefit cheques. The decline in income had a serious effect.

Ms M tried many times to get the city to make the correction. The city did send her a cheque, but Ms M thought she was owed more and asked for an explanation of the figure.

City employees did not explain the discrepancy in a way that made sense to Ms M and declined to give her other options to pursue her complaint. By the time Ms M contacted the Ombudsman's office she was borrowing money from family to pay her rent.

Ombudsman staff made repeated calls to the city over the ensuing 10 days, to establish if a discrepancy still existed.

Finally, staff agreed to check into the matter.

**Result:** After a more detailed review, the city found Ms M was entitled to additional funds, and they sent her a cheque.

### Taking Responsibility for a Shared Tree

Mr. E has a Norway maple in front of his home, more than half of which is on city property. In the past, the city has pruned the tree under the boundary line street tree policy.

In April 2009, a storm broke a limb, which was hanging dangerously. Mr. E phoned the city for assistance and was told the tree was privately owned and therefore his responsibility. Mr. E left a message to speak to a supervisor that Friday morning.

He did not hear from the supervisor that day and, not knowing when he would hear back, he hired a contractor to remove the branch. On Monday, the supervisor called to tell Mr. E that he could request an inspection from the city as the tree was on the property boundary line. When informed Mr. E had taken matters into his own hands, the supervisor refused to reimburse him retroactively for the private contractor.

Ombudsman staff contacted the supervisor who confirmed that the staff member who took Mr. E's first call gave him incorrect information. The supervisor said she did not have the authority to reimburse him. Mr. E said that if the city had given him the correct information when he first phoned, he would have asked the city to remove the broken branch.

**Result:** The office fixed the problem by writing to the General Manager who agreed to reimburse Mr. E because he had been given incorrect information.

### No ID, No Insulin, No Cheque

One Friday afternoon the Ombudsman's office received a call from Mr. N. He was in a City of Toronto social services office in a state of crisis.

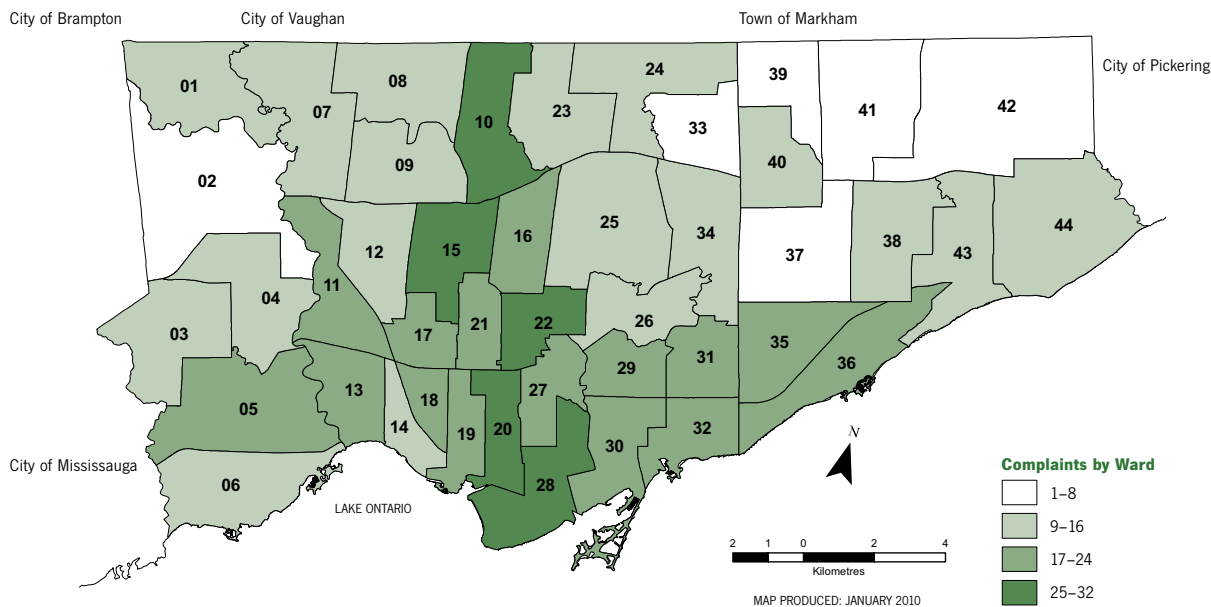
He had been staying with a friend but owed four weeks' rent. He had no money. He had no ID after losing his wallet. He was diabetic and had not had insulin in two days.

The employee had told him he could not get anything without identification. In this case the Ombudsman had to act fast. Staff told Mr. N to phone his doctor and ask him to fax a note to the city office, confirming

he had diabetes. This would let him get insulin. Putting Mr. N on hold, the staff then spoke to the city employee.

**Result:** In a call back the following Monday, the Ombudsman learned the city staff had given Mr. N money, helped him with an application for a birth certificate and gave him information on how to get his insulin. He would get a cheque for the next month.

### COMPLAINTS AND ENQUIRIES BY WARD



section

3

**RESPONSIVE AND ACCESSIBLE**



**O**utreach to both stakeholders and the public is central to the Ombudsman's mandate. Reaching Toronto's diverse communities requires innovation, effort and understanding of how government is perceived and experienced.

As the city's own Civics 101 exercise noted in Fall 2009, an informed public is vital to ensuring that public service remains relevant.

## **RESPONSIVE AND ACCESSIBLE**

Communicating the role and function of the Ombudsman is an essential component of addressing administrative issues in local government. Creating a common understanding is the building block for strong working relationships and effective resolutions to issues. Getting the word out and leveraging community resources is also a must in generating and managing expectations for a small office that serves 2.6 million people.

## **INFORMING LEGISLATORS**

At the outset, the Ombudsman informed City Council and individual councillors about her role and how the Ombudsman can be a resource to their constituents and the TPS. The Ombudsman has met with every councillor, attended council meetings, run information sessions for councillors' staff and presented information at community meetings.

## **TALKING TO THE TORONTO PUBLIC SERVICE**

Establishing sound relationships is key to finding solutions. Promoting 'preventative ombudsmanship' to the public service was one of the key messages the Ombudsman presented when meeting with various staff. The Ombudsman is here to provide information and advice.

The Ombudsman and her staff held 30 information sessions for TPS staff. These sessions, which will continue in 2010, are designed as a starting place for dialogue with the 52,000 employees of the city.

**“I have had little doubt that your office is nothing more than a facade designed to create the illusion of process while allowing you to protect your fellow City of Toronto employees from any consequences of their actions.”**

In response to the Ombudsman's office to provide feedback on effective complaints systems, four areas (Public Health, City Clerk's, Affordable Housing and the Office of Partnerships) consulted with the office about reviewing their processes.

## **INFORMING COMMUNITY GROUPS**

The public must have accurate information. Residents need to understand the role of the Ombudsman and how their complaints will be dealt with. They must understand their responsibilities to use existing appeal mechanisms first and to use the Ombudsman's office for the right reason at the right time.

**“The public is abused by government and you seem to understand this. What you are doing is stupendous.”**

Delivering public education tailored for the particular demographics and circumstances of each community is vital. It provides transparency and sound information about the Ombudsman's operations and processes. It is also cost effective.

The Ombudsman and her staff attended a variety of community meetings to get the word out, hosting community sessions in four quadrants of the city: Etobicoke, Scarborough, North York and downtown Toronto.

At the community meetings, the Ombudsman also offers confidential, on-site intake for potential complainants who find it difficult to access the Ombudsman's office in other ways.

## SPEAKING ENGAGEMENTS

Through 2009 the Ombudsman spoke to a broad range of the public, including: business, academia, grassroots and professional community organizations and associations. She gave 17 formal speeches and many other informal ones at a variety of events.



*Fiona Crean spoke to the Canadian Centre for Ethics and Corporate Policy at the Albany Club, in December 2009.*

## WEBSITE

The office launched a website on April 6, the day it opened its doors. The site, [ombudstoronto.ca](http://ombudstoronto.ca) is full of information about who the Ombudsman is and what she does, how to get in touch, and how to file a complaint. Ombudsman newsletters, speeches, media releases and publications are all posted on the site.

**“I loved your website. It’s clear, accessible and friendly. I especially liked its accessibility for people with disabilities.”**

The organization's three year strategic plan outlines the Ombudsman's intention to expand outreach so that residents from across the city know there is a resource advocating for fairness.

## MONTHLY NEWSLETTER

The Ombudsman office launched a newsletter in June as another method of direct communication. It contains articles and information for the public in general, elected representatives, media and public servants. As a result of the newsletter, the office received requests for more information sessions from a variety of stakeholders. Public servants have followed up with requests for advice and consultation as well.



**ACCOUNTABLE FOR RESULTS**

A black and white photograph of a woman with short, wavy hair and glasses. She is holding a white rectangular sign in front of her chest. The sign has the word "section" written in a cursive font, and the number "4" written below it in a large, bold, sans-serif font. The background is a blurred office environment with fluorescent lights on the ceiling and some office equipment.

section  
4

**T**he 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 for carrying out its directives, agenda and legal responsibilities.

**“It is not only what we do, but also what we do not do, for which we are accountable.”**

*Molière*

## **STRATEGIC PLAN**

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 for carrying out its directives, agenda and legal responsibilities.

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

The immediate goal for the Ombudsman 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 for a mature organization over the next three years, the Ombudsman has to manage multiple priorities. Conducting value-added systemic investigations is vital. At the same time, being responsive to individuals and reaching out to new communities will continue to be the backbone of the Ombudsman’s work.

It is the challenge of managing these priorities on a reasonable budget for an organization entering its first full-year that will determine the Ombudsman’s effectiveness in meeting her commitments.

## **Consultation**

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 community leaders, as well as expert resources such as community legal clinics. That feedback, along with Ombudsman experience and research, has informed the office’s planning.

Challenges for the Ombudsman’s office include:

- providing services to a very diverse 2.6 million people, while 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 include:

- creating a shared understanding
- identifying and working with champions of administrative fairness within the public service

The ensuing commitments are made on the premise that the Ombudsman will receive a reasonable full-year budget starting in 2010, in order to meet her mandate.

## 2010

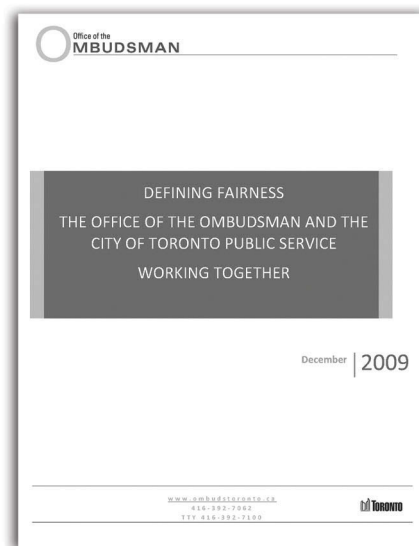
The key focus in 2010 will be on initiating systemic investigations, designed to yield improvements in administration, while continuing to get results for individual complainants.

The systemic 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, measurable and publicly available
- creating a high functioning, effective complaints resolution service
- continuing to build relationships with the public, Toronto communities, business, public service and legislators
- conducting systemic investigations



*The Ombudsman will be issuing this new publication to the TPS in February 2010 to improve collaboration and understanding.*

### Expected Outcomes Are

- relationships developed, complaints successfully handled and broad communications
- efficient, credible office known to increasing numbers of persons across the city
- systemic issues identified and at least one successful investigation conducted

## 2011

This year will focus on results that demonstrate a significant portion of the city's population knows about the Ombudsman and that members of the public, elected officials and public servants find the office accessible and know the Ombudsman's decisions are fair.

### Priorities Will Focus On

- increasing the awareness of the office and its results among the public and public service
- reporting on systemic investigations
- developing a strong stakeholder support network

### Expected Outcomes Are

- a responsive, accountable and relevant Ombudsman's office to the residents of Toronto
- demonstrated value in contributing to good governance
- a progressive authority among Ombudsman in Canada

## 2012

The return on the investment of the Ombudsman's role will be realised when the public, elected officials and public servants come to see the office as an expert resource on process and fair administration of policy and practice.

### Priorities Will Focus On

- a strong, stable and credible office
- further results of major investigations that improve the administration of government

### Expected Outcomes Are

- the City of Toronto has adopted a leadership role in its preparedness to be held to account
- systemic investigations have led to improved fairness in public administration
- the Toronto Ombudsman is a leader in municipal "ombudsmanship" internationally as a distinct, specialized category of Ombudsman
- there is a transparent willingness for the Ombudsman to be evaluated on all objectives, to make necessary improvements, and to set new objectives for the ensuing three years

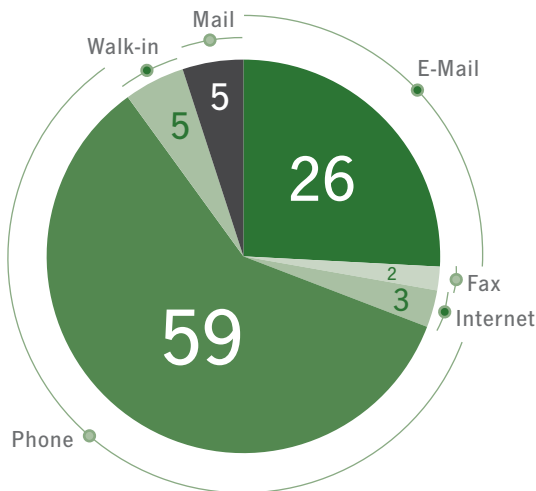


## THE STORY IN NUMBERS

In its first nine months of operation, the Ombudsman’s office handled 1,057 complaints and enquiries. Six of these were formal investigations and 956 were handled as early resolution cases. Of the total, 958 have been processed and closed while 95 early resolution cases remain in progress and 4 investigations are underway. In light of the Office’s short existence, statistical patterns in the complaints filed to date are not yet evident.

When the office opened in April 2009, it did so with over 100 complaints already filed. The volume continued through May and June and then dropped off substantially because of a six week civic strike during the summer. October brought in a record 215 complaints and enquiries, resulting from media coverage, education efforts and promotion by the City of Toronto in its Our Toronto publication.

### Method of Complaint (by percentage)



On average, a little over 100 complaints and enquiries were brought to the Ombudsman’s office each month. Almost 60 per cent were made by telephone and the remainder were made by e-mail, letter, fax, walk-in or via the internet.

### Summary of Complaints and Enquiries

	Early Resolution	Investigations	Total
Processed and closed	956	2	958
Work in progress	95	4	99
<b>TOTAL</b>	<b>1,051</b>	<b>6</b>	<b>1,057</b>

Ninety three percent of complainants found the office directly while the balance were referred by legal clinics and elected representatives from the municipal, provincial and federal governments.

The three areas of city government most complained about were Municipal Licensing and Standards (MLS), Toronto Community Housing Corporation (TCHC) and Revenue Services. The most frequently raised issues in MLS were about a perceived lack of enforcement or dissatisfaction with a decision. Customer service issues, such as lack of response or delayed responses were also raised.

In Revenue Services, the issues ranged from the personal vehicle tax to parking tags and utility bills. At TCHC the complaints revolved around allegations of improper rent calculations, rental arrears, waiting list delays and poor communications. Delays in responding and related customer service challenges were also frequently reported.

**Most Common Complaint Areas**

- Employment & Social Services
- Municipal Licensing & Standards
- Parks, Forestry & Recreation
- Revenue Services
- Solid Waste Management Services
- Toronto Building
- Toronto Community Housing Corporation
- Toronto Transit Commission
- Toronto Water
- Transportation Services

The three top issues complained about across the system were: customer service; adverse impact or consequence of a decision or policy; and failure to adequately or appropriately communicate with a member of the public.

The Ombudsman’s office has a published complaint system about its own services. Two complaints were filed with the Ombudsman, both about delay. In one instance, the matter was upheld by the Ombudsman and an apology issued. In the second instance, the Ombudsman found no delay on the part of her staff.

The Ombudsman has committed to developing standards of timeliness for complaint handling. The office has waited to do this until it garners sufficient experience with its own resource capacity and the city’s degree of responsiveness to Ombudsman enquiries.

With the exception of six formal investigations launched by the Ombudsman, all other complaints and enquiries have been processed as early resolution cases without the need for an investigation. Early indications demonstrate that the TPS is responsive and willing to address problems. It also supports the cost effective approach the Ombudsman uses to process complaints.

**“The number of complaints about an area is not an indicator of the quality of service it provides. How mistakes are addressed is the litmus test of good public service.”** – *Fiona Crean*

**Most Common Types of Complaint Areas**

- Customer Service
- Adverse impact or discriminatory consequence of a decision or policy on an individual or group
- Failure to adequately or appropriately communicate with a member of the public
- Unreasonable delay
- Failure to adhere to processes, guidelines or policies or to apply them in a consistent manner
- Denial of service
- Wrong or unreasonable interpretation of criteria, standards, guidelines, policies, information or evidence
- Insufficient reasons for a decision or no reason given
- Failure to provide sufficient or proper notice
- Failure to keep a proper record

## FINANCIALS

### 2008

Gore & Associates, an external audit firm, performed a compliance audit for the fiscal year ending December 31, 2008, a full copy of which is reproduced on the Ombudsman's website at [ombudstoronto.ca](http://ombudstoronto.ca).

"This letter has been prepared at the request of Toronto City Council to obtain assurance that expenditures as incurred by the Ombudsman's Office of the City of Toronto are in compliance with the applicable policies as set by the City of Toronto... We tested our sample against the underlying supporting documents for adherence to the policies noted above and as a result of those tests we found no exceptions to the adherence to the policies as they applied to our test sample. Based on the results of these tests we are satisfied that the Ombudsman's Office is in compliance with the applicable City of Toronto Policies as set out above.

This communication is provided solely for the purpose of determining compliance with the City of Toronto's Policies as required by the "Policy Framework for Toronto's Accountability Officers" as approved by City Council in April 2009, and should not be used for any other purposes."

### 2009

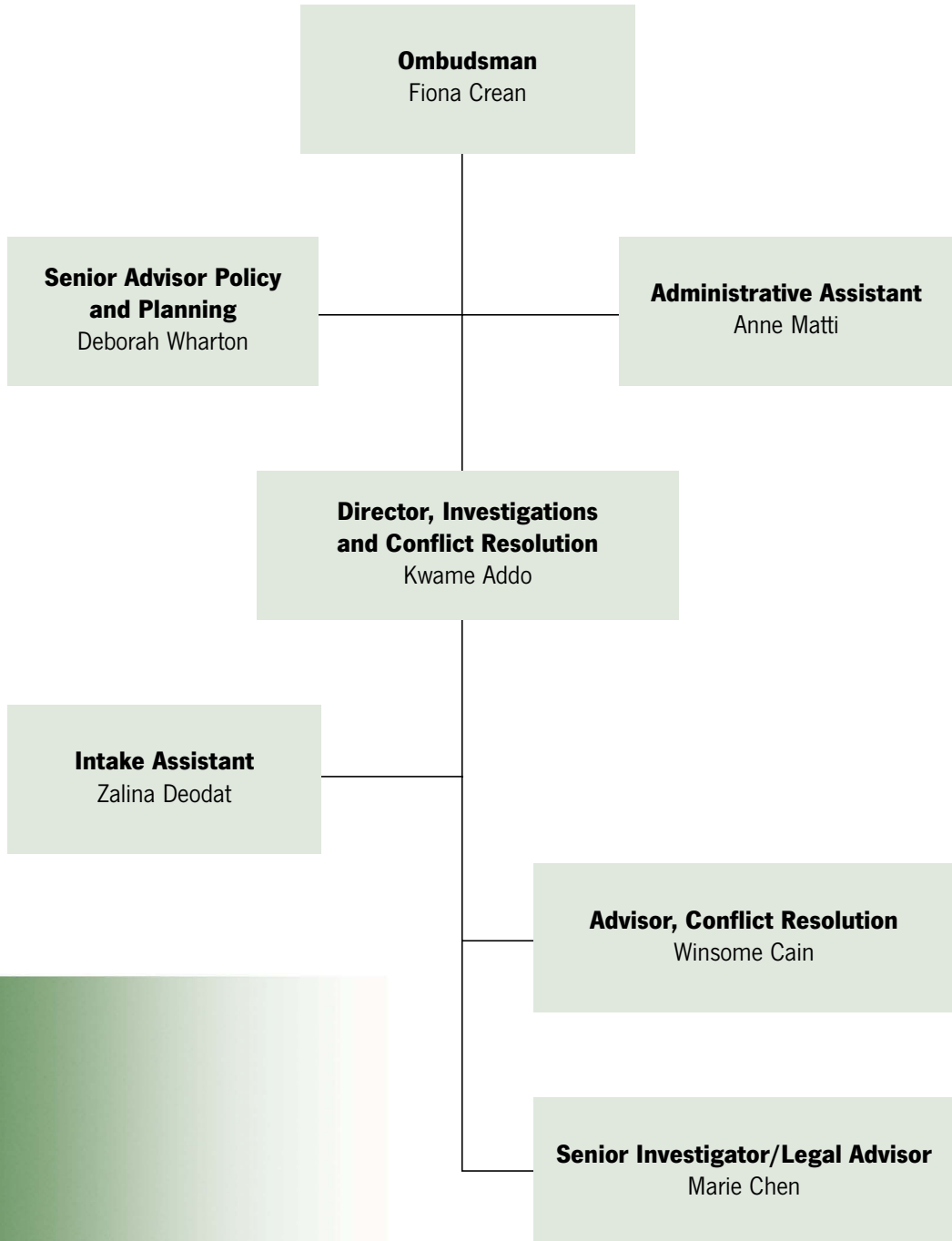
The Office of the Ombudsman had a budget of \$1.218 million for the fiscal year ending December 31, 2009. A compliance audit for 2009 will be conducted, then tabled with City Council in due course.



# The Ombudsman Team

**From left to right:** Kwame Addo, Deborah Wharton,  
Winsome Cain, Fiona Crean, Zalina Deodat

## Office of the Ombudsman Organization Chart



## NOTES



Address: 112 Elizabeth Street, Toronto, ON M5G 1P5

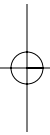
Hours: Monday–Friday 8:30am–5:00pm

Telephone: 416 392 7062

TTY: 416 392 7100

Email: [ombuds@toronto.ca](mailto:ombuds@toronto.ca)

Web site: [www.ombudstoronto.ca](http://www.ombudstoronto.ca)



- Ombudsmen are impartial investigators of the public's complaints about the administration of City government, including its agencies, boards and commissions.
- We look at problems when the public service's procedures and processes have not resolved the complaint.
- We can make recommendations, for example, to change conduct, practice or policy that uncovers improper administration.
- We are neither advocates for the complainant nor apologists for government.
- We are advocates for fairness.
- All of the above.