

**A Commitment to Oversight:  
The Origin, Mandate and Purpose of  
Toronto's Ombudsman**

Five-Year Review  
2009-2014

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Ombudsman

## Table of Contents

1.0	Introduction.....	3
2.0	Background .....	4
3.0	Ombudsman Resources and Complaints .....	5
3.1	Budget 2009 – 2014.....	5
4.0	Comparative Review of other Ombudsman Jurisdictions .....	7
5.0	Profile of Complainants 2009 - 2014 .....	8
6.0	Demonstrating Value.....	10
6.1	The Impact of Ombudsman Recommendations .....	10
6.2	The Role of Council in Furthering Ombudsman Recommendations .....	11
6.3	Measuring the Impact of Investigations on Public Administration.....	12
7.0	Today's Reality .....	13
7.1	Ombudsman Capacity and Resources.....	13
7.2	Expanded Jurisdiction .....	13
8.0	Required Resources.....	13
9.0	What's at Stake .....	14
10.0	Next Steps.....	15
	Appendix I: Role and Mandate of the Legislated Ombudsman .....	17
	Appendix II: Services to Constituencies .....	21
	Appendix III: Complaints by Quadrant.....	23
	Appendix IV: Proposed Organizational Structure .....	24

## 1.0 Introduction

The Office of the Ombudsman (Office) opened in April 2009. Now that it is five years old, I am providing Toronto City Council with a progress report on the Office's development, its contributions, as well as the opportunities and challenges it faces.

At its inception in 2009, the Office faced significant challenges:

- Establishing itself as a credible organization
- Providing services to a very diverse public
- Managing varied expectations from many stakeholders
- Addressing institutional resistance and public scepticism
- Working with limited resources that were insufficient to meet expectations

The Office is becoming better known, as evidenced by the rise in the number of complaints. The public is also using the Office's services for less formal dispute resolution, problem solving and education.

Today, the requests from residents seeking help from the Ombudsman continue unabated. In the first seven months of 2014, complaints increased by nearly 60% compared to the same period last year.

Both Council and the Toronto Public Service have become increasingly familiar with the role of an ombudsman over the past five years. In the case of Council, this is demonstrated by the number of constituents that Councillors and the Mayor have referred to the Office. In addition, since 2010, Council and its committees have adopted more than 60 motions related to the Ombudsman and Council has asked the Ombudsman to conduct one investigation.

As for the City's public servants, they increasingly use the services of the Office to consult on thorny issues, mediate conflicts, and seek policy input and other forms of advice. The Office also provides information sessions about customer service and good governance to City divisions and agencies.

The challenge in 2014 is the severe and chronic lack of resources that threatens to cripple the operations of the Office.

With insufficient resources:

- The needs of individual residents are not being met;
- The Office is less able to inform residents about its services, in particular those individuals who are vulnerable and/or marginalized;
- The number of systemic problems left unexamined is increasing;
- The toll of conducting large scale systemic investigations on the limited resources available is having a detrimental effect on staff morale and wellbeing;

- Any staff absence from such a small team exponentially impacts the capacity to handle complaints.

City Council approved a strategic plan (2013-2018) that included the two following priorities: the improvement of customer service and the strengthening of public service governance. Both of these are critical underpinnings of an efficient public administration.

The role of the City's Ombudsman is to ensure the public service properly carries out Council's directives. The Office does this by conducting investigations and providing governance-related advice and interventions that bring improvements to the administration of local government. This helps Council meet its strategic directions.

## **2.0 Background**

The Ombudsman is a creature of the *City of Toronto Act 2006* (COTA) and the Municipal Code.

Part V of COTA lists the broad powers and protections given to the Office, including:

- The power to gather evidence;
- The ability to compel disclosure of information;
- The ability to summon and examine witnesses under oath;
- The obligation to conduct the work in private as required.

COTA establishes a duty of confidentiality on the part of the Office that prevails over the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*.

The Ombudsman was established with a clear principle of independence that is balanced with a direct accountability to City Council. Council adopted a comprehensive policy framework for the City's Accountability Officers and codified it in Chapter 3 of the Municipal Code, reinforcing both the arms-length relationship to the public service and the independent status within the City's governance system.

The Ombudsman reports and is directly accountable to City Council for the management of the Office, the administration of services it provides, the use of public funds and the Office's performance in fulfilling the mandate.

Appendix I of this report outlines the role and mandate of the Ombudsman, its origins, reporting relationship and terms of appointment. The constituencies served by the Office (the public, Council and the public service) are set out in Appendix II.

### 3.0 Ombudsman Resources and Complaints

#### 3.1 Budget 2009 – 2014

When the Office opened, there was a commitment to fund it properly. That has not happened. In recognition of the City's fiscal challenges, the Ombudsman's budget request each year has been modest, incremental and cautious.

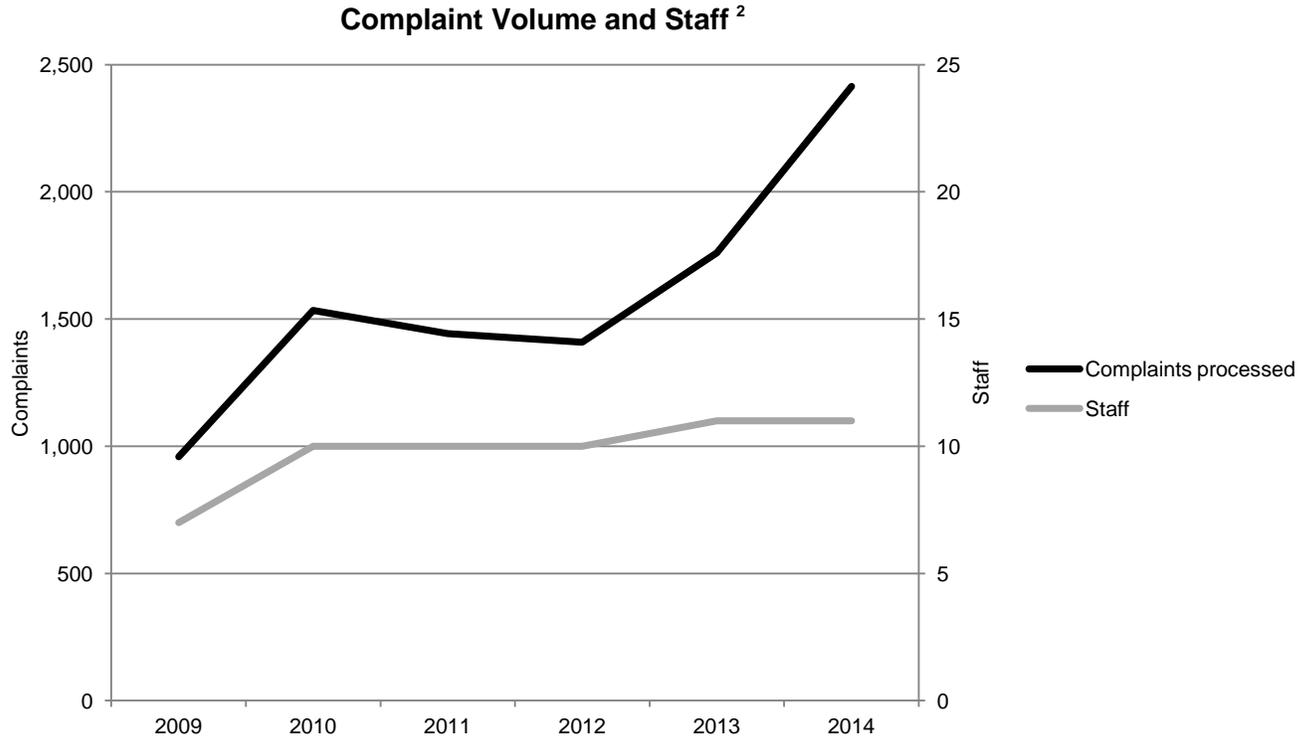
Year	Complaints Processed	Budget (000's)	Staff
2009	958	\$1,218	7
2010	1,534	\$1,354	10 <sup>1</sup>
2011	1,443	\$1,410	10
2012	1,409	\$1,445	10
2013	1,761	\$1,593	11
2014	1,409 (7 months)	\$1,636	11

These resources cannot handle the actual workload, particularly in the area of systemic investigations and public education. This is compounded by Council's recent decision to expand the jurisdiction of the Ombudsman, which is a welcome addition but requires additional funding to manage the increased complexity, volume and workload.

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<sup>1</sup> Council approved funding for two new staff. The third position was created through non-payroll funds.

As illustrated below, demand is far outstripping capacity.



The staffing budget is increasingly lagging behind the demand it is supposed to meet. In 2010, the staffing budget was increased to hire two additional staff. In 2013, Council approved funding to recruit one more employee. All other budgetary increases have been related to obligations relating to pay increases, cost of living and inflationary adjustments for supplies, equipment and services.

To put it plainly, the budget for new staff has increased by only \$306,000 over five years.

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<sup>2</sup> The number of complaints processed in 2014 is an estimate based on the first seven months of the year.

## 4.0 Comparative Review of other Ombudsman Jurisdictions

The Office of the City of Toronto Ombudsman is also under resourced, when compared to other jurisdictions:

<b>Ombudsman Jurisdiction</b>	<b>Population</b>	<b>Budget</b>
Newfoundland	0.5 M	\$0.8 M
New Brunswick	0.8 M	\$0.9 M
Nova Scotia	0.9 M	\$1.8 M
Saskatchewan	1.1 M	\$3.6 M
Manitoba	1.3 M	\$3.3 M
Montreal	1.6 M	\$1.1 M
Toronto	2.8 M	\$1.6 M
Alberta	4.0 M	\$3.0 M
British Columbia	4.6 M	\$5.6 M

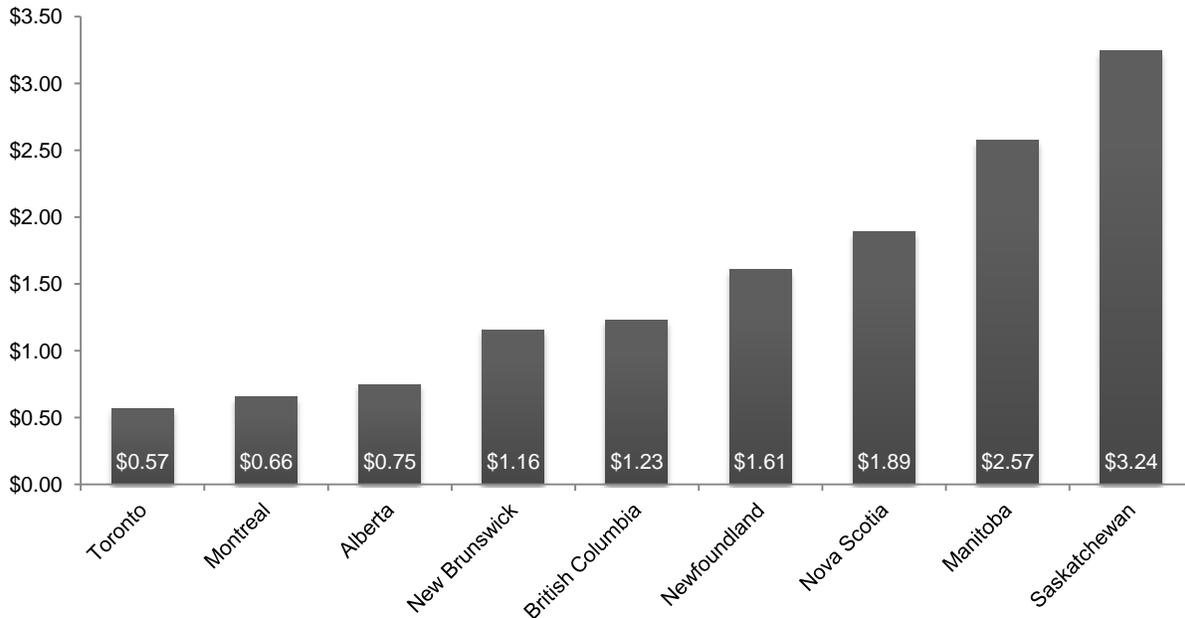
With few exceptions, these entities have a similar jurisdiction over:

- childcare
- environment
- housing
- licensing and standards
- permits
- public health
- social services
- taxation
- transportation

Some provincial Ombudsman have workers' compensation and information and privacy; all of them have correctional services. The City of Toronto Ombudsman has none of these but it has jurisdiction over long-term care; parks, forestry & recreation; and water.

While the areas of oversight may differ in their specifics, they are similar in their breadth. The comparisons are also instructive in terms of budget, staffing, population and complaints.

## Spending per Resident on Ombudsman Services



The bottom line: Ombudsman offices in comparable jurisdictions continue to be far better resourced and as a consequence are better equipped to serve their residents.

For instance, Montreal's Ombudsman has eight staff serving a population of 1.6 million; the Province of Nova Scotia, with a population of 941,000, has an Ombudsman Office with 17 staff. In terms of spending per resident, Toronto is falling behind at \$0.57 cents per capita compared to Montreal at \$0.66 cents and other similarly situated jurisdictions such as Saskatchewan with a spending per capita of \$3.24.

## 5.0 Profile of Complainants 2009 - 2014

Toronto's population is now close to three million people. It is a diverse community; half of the residents were born outside Canada; a third speak one or more of 162 languages in their homes. These statistics define the work of Toronto's Ombudsman, since it means that a person with a complaint is quite likely dealing with a public servant of a different cultural background, who has a different expectation of what should have happened, and what should happen to end the dispute.

Despite best efforts, the profile of complainants has not really changed over the past five years. The further away from public transit and the downtown core, the fewer number of people contact the Office (see Appendix III for complaints by city quadrant). This is borne out by ward maps<sup>3</sup> published annually to illustrate where complaints are coming from.

<sup>3</sup> See Ombudsman annual reports at [www.ombudstoronto.ca](http://www.ombudstoronto.ca)

This gap is of continuing concern, as residents in Scarborough, North York and Etobicoke have just as much need for the Office's services, as other parts of the city. This disparity is exacerbated by the fact that more people who are marginalized and have a lower income reside further away from the downtown core. When concerted outreach is conducted in specific communities, the number of complaints from that area rises.

We spent a year with a dedicated outreach staffer in several targeted Scarborough neighbourhoods,<sup>4</sup> to give residents information and easy access to ombudsman services. These neighbourhoods were selected on the basis of demographic analysis and consideration was given to groups who were more likely to use government services and less likely to know about the Office.

Those efforts are no longer sustainable with the current resources. This means that the Office is unable to provide equitable access for residents outside the downtown core, continuing the situation that is shown in the map at Appendix III.

The number of vulnerable and/or marginalized residents has also increased. At the same time, expectations have risen as more residents have come to understand the mandate of the Office. People are better informed and bring more complex complaints, often accompanied by copious documentation. This means that the staff time devoted to resolving them has increased.

The most common areas of complaint have not changed much since 2009. The Toronto Community Housing Corporation (TCHC), Municipal Licensing & Standards (MLS) and Revenue Services have consistently occupied the top spots on the list.

The main complaints at TCHC continue to be about:

- Maintenance delays
- Deteriorating living conditions
- Security complaints
- Wait times for access to accommodation and unit transfers.

Similarly, the top issues at MLS have not changed. Most complaints are about:

- Inconsistent by-law enforcement
- Notices of violation
- Conduct of some staff.

Complaints about Revenue Services revolve around:

- High water bills
- Errors in property tax bills
- Parking ticket disputes
- Difficulty in resolving appeals or addressing complaints with staff.

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<sup>4</sup> L'Amoreaux, Woburn, Malvern and Rouge.

The vast majority of complaints to the Office are resolved without the need of a formal investigation. The Office's involvement ranged from information exchange and clarification to shuttle diplomacy, mediation and other forms of complaint resolution.

Thirty two full investigations were conducted over the past five years; 24 of these were systemic investigations.<sup>5</sup> To date, over 300 recommendations have been implemented or are in progress. The public service's compliance with these recommendations has been strong. The key results can be summarized as:

- Improvements in existing or the creation of new legislation, policies and procedures;
- Improvements in the way the public service communicates, both internally between divisions and externally with the public;
- An increase in fairness, accountability and transparency.

## **6.0 Demonstrating Value**

An ombudsman investigation, which is concerned with fair play, is different from a financial audit, and the results are more difficult to measure. Unlike an auditor general's report, results do not translate easily into statements about cost savings and revenue increases. Even so, the results summarized below show demonstrable improvements in public administration through the strengthening of accountability and good governance, greater transparency and improvements in service delivery.

### **6.1 The Impact of Ombudsman Recommendations**

Ombudsman recommendations aim to generate achievable remedies to systemic barriers and flaws in city administration. A few examples of specific achievements include:

- A corporate-wide framework for serving residents with diminished capacity;
- System-wide improvements for the handling of parking ticket disputes;
- Legislative provision to forgive water bills on compassionate grounds;
- The establishment of a policy framework and procedural fairness criteria to address and prevent the eviction of seniors from public housing.

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<sup>5</sup> Four investigations are underway at the time this report was issued.

## 6.2 The Role of Council in Furthering Ombudsman Recommendations

Council motions go above and beyond ombudsman recommendations by holding City staff accountable for implementing improvements to city legislation, policies, programs and procedures.

Council directives may be categorized into the following six trends (with some examples).

1. *Making sure public servants and City Council know about issues raised in Ombudsman investigations.*
  - Council asked the City Manager to give the Ombudsman's report, *No Time to Waste*, to every division head and required them to read it.
  - Council requested that copies of the report on the *Parking Dispute System* be sent to the Disability Issues Committee and Toronto Seniors' Forum so they could give feedback to the City Manager.
2. *Requiring senior public servants to seek out the opinion of the Ombudsman.*
  - Motions have directed the Economic Development Committee to consult with the Ombudsman about business improvement areas.
  - The Shelter Support and Housing Division was asked to consult on customer service and equitable access to services.
3. *Improving existing law, policies, programs and procedures.*
  - A by-law was changed to authorize a one-time adjustment to residential water accounts in certain circumstances.
  - The public service was asked to stagger appointments so that board members are not replaced at the same time and continuity is maintained across Council terms.
4. *Recommending improvements to existing federal and provincial laws.*
  - Council asked for a report from the City Manager on the implications of asking the Province to enact a *Toronto Public Service Act*.
  - The Ministry of Health and Long-Term Care was asked to help fund TCHC to enable better assistance to residents with mental health challenges.
5. *Developing new policies, programs and procedures.*
  - A Council motion directed the City Manager to report on an interim by-law that sets out the obligations and accountabilities of public servants.
  - A policy ensuring whistleblower protection was included in the new shareholder direction for TCHC.

## 6. *Reviewing existing policies, programs and procedures.*

- When the Ombudsman issued *Potholes, Floods and Broken Branches*, Council directed that the contract with the "service provider" be reviewed.
- The emergency human services policy was reviewed and amended.

Council directives have strengthened the intent and spirit of the Ombudsman's recommendations. The motions promote good governance and fairness, and they increase accountability in the administration of the public service.

### **6.3 Measuring the Impact of Investigations on Public Administration**

Sponsored by the International Ombudsman Institute,<sup>6</sup> the Office commissioned Ryerson University to measure its impact<sup>7</sup> on public administration. The study canvassed a variety of senior public servants, and preliminary results indicate some key findings:

- Public servants "overwhelmingly expressed an understanding of the role of the Office...and recognized its value."
- Most participants identified long-term positive impacts from the systemic investigations. The most frequently cited impacts included:
  - Improved service
  - Heightened staff awareness about residents with diminished capacity
  - Improved communications and record-keeping
  - More equitable procedures and policies
  - Redress mechanisms for the public
  - Addressing silos and inconsistent service/procedures.

The majority of respondents cited the following in rank order as the greatest areas of change:

- The advancement of fairness in municipal services
- The advancement of equity across a diverse city
- Improvements to policy.

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<sup>6</sup> The IOI is the professional association of statutory ombudsman based in Vienna, Austria.

<sup>7</sup> The project will develop an evaluation guide to measure impact, a ground breaking initiative in the profession. The results will be published in the fall of 2014.

## **7.0 Today's Reality**

### **7.1 Ombudsman Capacity and Resources**

The capacity and resources of the Office are insufficient for the task given it by the *City of Toronto Act* and the Municipal Code. That is evident in the jurisdictional comparators cited earlier. In 2014, the Auditor General, a similarly situated office, had a staff complement of 29 and a budget of \$4.6 million compared to the Ombudsman's budget of \$1.6 million and a complement of 11.

The pace of work and productivity within the Office is not sustainable. Significant investigations have required external expertise, legal advice and additional contractors that have eaten into the budget allocation. As a consequence, individuals on contract have been laid off due to budgetary shortfalls.

A backlog of complaints is now emerging. The Office is prioritizing complaints by degrees of urgency. Residents now being referred to the Office by Councillors are being told they must wait, along with others, depending on the nature and urgency of the complaint.

The Office is in a precarious position, both financially and resource-wise, while at the same time it is being threatened by other forces such as provincial oversight.

### **7.2 Expanded Jurisdiction**

In May 2014, Council expanded the Ombudsman's jurisdiction to include Build Toronto, Casa Loma Corporation, Invest Toronto, Lakeshore Arena Corporation, Toronto Portlands and Toronto Hydro. Expanded jurisdiction requires that staff invest time learning about these entities.

No debate took place at Council about giving the Office additional resources to meet its expanded authority, nor did any additional funding accompany this expansion.

Residents are filing complaints about these entities but, given the current caseload, the Ombudsman has no capacity to pursue them.

## **8.0 Required Resources**

Inevitably, demands for services from the Ombudsman increase as residents recognize the value of the Office. To properly staff it and meet the mandate as well as the greater demand for service, additional staff positions are urgently required as described in Appendix IV.

The immediate need is to recruit six more staff with accompanying work stations and computer equipment. This will require a budget increase of \$800,000. The additional

staff complement would be made up of:

- 1 Legal Counsel/Senior Investigator
- 3 Investigators
- 1 Research Associate
- 1 Administrative Assistant

These positions will strengthen the Office's investigative capacity and add internal legal advice along with greater research support for investigations. A second administrative position will support the Director who is without one and relieve the administrative burden facing investigators so that they can devote greater time to their core responsibilities.

The immediate need for \$800,000 will relieve short term pressures and meet the sharp increase of individual complaints and complex systemic challenges. Over the longer term, with further maturation of the Office, its financial needs will be reviewed and reported to Council. Meeting the Office's critical fiscal needs in the meantime will be a valuable investment in the creation of greater fairness, better business processes, more efficiency and improved public administration and governance.

## **9.0 What's at Stake**

A modern government cannot expect to retain the confidence of the people unless it is willing to hold itself accountable by submitting itself to the kind of scrutiny that an independent ombudsman provides.

Independence is meaningless without sufficient finances; this money is an investment that produces savings and good governance derived from strong systems of accountability.

The assumption was – and is – that the people of Toronto and their government would ensure that the Office would be properly fed in order to effectively meet its mandate. The realization of that assumption remains unfulfilled.

I am now reporting to Council and the public that our ability to meet the statutory mandate is being compromised by a lack of funding. Council is accountable for the result of the failure to properly fund the Office. Toronto cannot have a statutory Ombudsman who is "independent", and then control the Office's work through the budget.

There is more at stake here than just the public's right to an independent investigation of their complaints. Filing complaints is much more than just a right. It is an opportunity for residents to shape the way government provides services. It is in fact an important part of good governance.

A reduction in the number of systemic investigations, such as the eviction of seniors from public housing, will result in more unfairness, inefficiencies and resident dissatisfaction. New complaints about systemic issues are emerging as the Office becomes better known and trusted. While these complaints cannot be publicly revealed because of confidentiality requirements under the *City of Toronto Act*, they include serious complaints about the access for marginalized and vulnerable residents to city services.

Having an ombudsman is simply a recognition that self-remedy is generally difficult for governments to achieve, particularly big governments.

Safeguarding the independence and health of the Office requires sustained leadership, support and respect from City Council.

## **10.0 Next Steps**

It is my hope that Council, through the budget approval process will, in its wisdom, approve the additional budget requirements. When an ombudsman faces a budgetary shortfall, there are several options that have been tried.

The first is to review service delivery processes for efficiency. We have done that. Other jurisdictions have turned their efforts to early resolution of complaints to ease budgetary pressures. We have been delivering those services since we opened.

The second is to stop accepting complaints from a specific agency or division. In Toronto's case, that would violate COTA and the statutory mandate of the Ombudsman.

The third is to address how any delay in the resolution of complaints should be treated.

Should Council decide not to approve the budget requirements, I will be putting the following plan into place.

A backlog register of complaints will be created, with dedicated staffing taken from the current Office complement to manage this function. It should be noted that this will further reduce the Office's current capacity for service delivery.

Complaints, including ones that have already been received, will be assessed against established criteria according to urgency, importance and impact.

With these criteria, priority will be given to complaints in areas such as housing, employment and access to essential services and programs. Application of the criteria will consider urgency, timeliness, public interest and degree of marginalization.

Complainants will be informed when they can expect their file to be opened, and depending on the complexity, how long their case is likely to take. Not only will

complainants be informed of the reason for the delay, the Office will also give them its criteria and the rationale for the assessment of when their complaint will be reviewed.

I recognize that some may think this a drastic response to the Office's lack of resources but there is no other way to deal with the problem, should the requested increase in budget not be approved by City Council.

(Original signed)

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Fiona Crean  
Ombudsman  
August 19, 2014

## **Appendix I: Role and Mandate of the Legislated Ombudsman**

The Ombudsman is a place of last resort for investigating any decision or recommendation, or any act done or omitted by the City's administration, and many of its agencies, boards, commissions and corporations.

The Office receives complaints from affected persons. The Ombudsman can initiate an investigation and conduct systemic investigations, particularly when they are in the public interest. The Office can also have issues referred to it for investigation by City Council.

The Ombudsman's function is to act as a champion for administrative fairness, ensuring that residents are treated fairly by their local government – procedurally, substantively and equitably.<sup>8</sup> The Office is an alternative to the courts and adjudicative bodies who render decisions and issue rulings.

The Office's core mandate is to shine a light on maladministration and recommend improvements to the administration of the City of Toronto and its public services. In protecting the public's right to receive fair, equitable and competent public service, the Ombudsman is also the protector of the public servant who may be unjustly criticized but unable to speak out.

There are four universally accepted criteria that are fundamentally necessary for a government to say it truly has an ombudsman. The Ombudsman must have:

- The power to investigate, enter facilities, review documents, compel witnesses, and decide whether and how to take on an investigation;
- The ability to offer services without charge, to be accessible to all parts of the public, to keep confidentiality by, for example, being exempt from access to information and privacy legislation;
- The transparency of ombudsman procedures and conduct that is fair, impartial and objective;
- Independence from both government and elected bodies, financially and politically. This is usually guaranteed by a statutory base to establish permanence and freedom from functional control.

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<sup>8</sup> Procedural fairness concerns how the decision is made – the process followed before, during and after a decision is made. Substantive fairness concerns the fairness of the decision itself. Equitable fairness has to do with how we treat parties to a complaint; it is about making sure that people are treated fairly, not necessarily identically.

<b>Why?</b>	To ensure that residents of Toronto are treated equitably and fairly by their City government
<b>Who do we serve?</b>	Residents and members of the public.
<b>What do we do?</b>	<ul style="list-style-type: none"> <li>a) Conduct investigations both individual and systemic</li> <li>b) Engage in variety of dispute resolution mechanisms appropriate to the circumstances</li> <li>c) Provide informal complaints resolution</li> <li>d) Provide expert knowledge and resources on issues of fairness</li> <li>e) Report to Council and through it to the public</li> <li>f) Conduct education and outreach</li> <li>g) Provide preventative services to improve fairness</li> <li>h) Provide information and referrals</li> </ul>

## Origin of the Ombudsman

### Ontario:

In 1978, the Ontario Legislature grappled with the question of the independence of its recently created Ombudsman.<sup>9</sup> After returning from an extensive international study tour, the legislative committee responsible for the Ombudsman said that any discussions about the exercise of the Ombudsman's duties should always be done in an open forum and involve consultation with the Ombudsman. In return, the Ombudsman respects the role of the governing body.

The Committee expressed its concern that the Legislature did not understand the role and function of the Ombudsman:

[The Ombudsman] must be placed in a position where he is not constantly looking over his shoulder, concerned with the Committee's, the Legislature's, and the government's reaction to a particular course of conduct. . .]

Because of this high degree of independence, the Ombudsman must be appointed through an open and rigorous process. The independence is demonstrated by giving the Ombudsman:

- A long term of office – one that outlives any particular elected government;
- Adequate resources to operate;

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<sup>9</sup> *The Ombudsman Act* received Royal Assent on July 3, 1975 and was proclaimed in force on July 10, 1975.

- Freedom to choose staff, set policies and procedures;
- Freedom from having to take instructions.

This independence requires reciprocal action. The Ombudsman must always ensure that investigations are thorough and fair; that conclusions are well-founded and objective; that the recommendations are appropriate.

As Justice Dickson said in the Supreme Court of Canada decision on *Friedman*:<sup>10</sup>

The vital necessity is the impartial investigation of complaints... What every form of government needs is some regular and smooth-running mechanism for feeding back the reactions of its disgruntled customers, after impartial assessment, and for correcting whatever may have gone wrong... [The Ombudsman] can bring the lamp of scrutiny to otherwise dark places, even over the resistance of those who would draw the blinds.

#### City of Toronto:

When the Joint Province-City Task Force reported in 2005, it said:

A modernized *City of Toronto Act* requires new – or strengthened – measures to promote transparency and accountability... To ensure high standards of professionalism and ethics, Toronto requires strong oversight functions. The Task Force therefore recommends that the new Act require (not simply allow) the City to have an empowered and independent integrity commissioner, ombudsman, auditor general, and a lobbyist registry.<sup>11</sup>

In creating COTA, the provincial government took explicit steps to ensure the people of Toronto had the tools they needed to keep the City government accountable. The City is required by law -- provincial law -- to have an ombudsman in place.

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<sup>10</sup> *British Columbia Development Corporation v. Friedmann (Ombudsman)*, [1984] 2 SCR 447.

<sup>11</sup> [http://www.toronto.ca/david\\_miller/pdf/toact\\_finalreport111405.pdf](http://www.toronto.ca/david_miller/pdf/toact_finalreport111405.pdf)

## **Ombudsman Reporting Relationship**

A June 8, 2007 staff report to Executive Committee - 'Establishing the Toronto Ombudsperson' stated in part:

The Ombudsperson will be an officer of Council, comparable to an officer of Parliament, a key feature of which is independence from the administration. This arrangement safeguards their ability to act in an independent manner.

## **Terms of Appointment**

The Ombudsman may be appointed for a term of five years renewable once for a second five year term. Appointment or removal can only be accomplished through a 2/3rds majority vote and removal can only be for cause.

## Appendix II: Services to Constituencies

### Services to the Public

While the Ombudsman's core work is the resolution of complaints through informal means or by formal investigation, the Office engages in problem solving in many other ways as well. The Ombudsman has a responsibility to inform the public at large and marginalized communities in particular, about the services of the Office, and the public's rights and responsibilities in relation to city government. To that end, extensive public speaking and information sessions are undertaken across the city with a cross-section of groups and organizations.

### Services to Toronto City Council

Ability to Deal with Systemic Problems: A complaint of a constituent may be the result of a systemic problem in the agency involved, or even in other parts of the city government. Councillors may be dealing with similar individual complaints, each not knowing that others have similar concerns. The Ombudsman is able to combine complaints and do systemic investigations that deliver greater economy and efficiency.

Anonymity: There may be times when a Councillor wants to investigate a complaint, but it would be inconvenient for the Councillor's name to be associated with the complaint. All complaints handled by the Ombudsman are confidential.

Investigative Resources: The Ombudsman can investigate and facilitate the discussions that are necessary to resolve the complaint. When a Councillor finds that dealing with a complaint may require a great deal of time and effort, it is useful to remember that the Ombudsman is available to deal with such complaints.

Statutory Powers to Make Recommendations: Even when a Councillor does obtain the information behind a complaint, there is still the question of getting the City administration to respond appropriately to the complainant and make necessary changes in the way business is done. The Ombudsman has the power to make recommendations and to pursue implementation of the recommendations. If they are not implemented, a report can be tabled at Council asking it to support the recommendations. In this way, the Ombudsman may assist Councillors by using powers that are not available to them.

Assisting a Complainant to Accept the Results of an Investigation: A Councillor may have to tell a constituent that a complaint cannot be supported, or find that the constituent is not satisfied with the way the complaint is resolved. Referring the matter to the Ombudsman can be a useful backup.

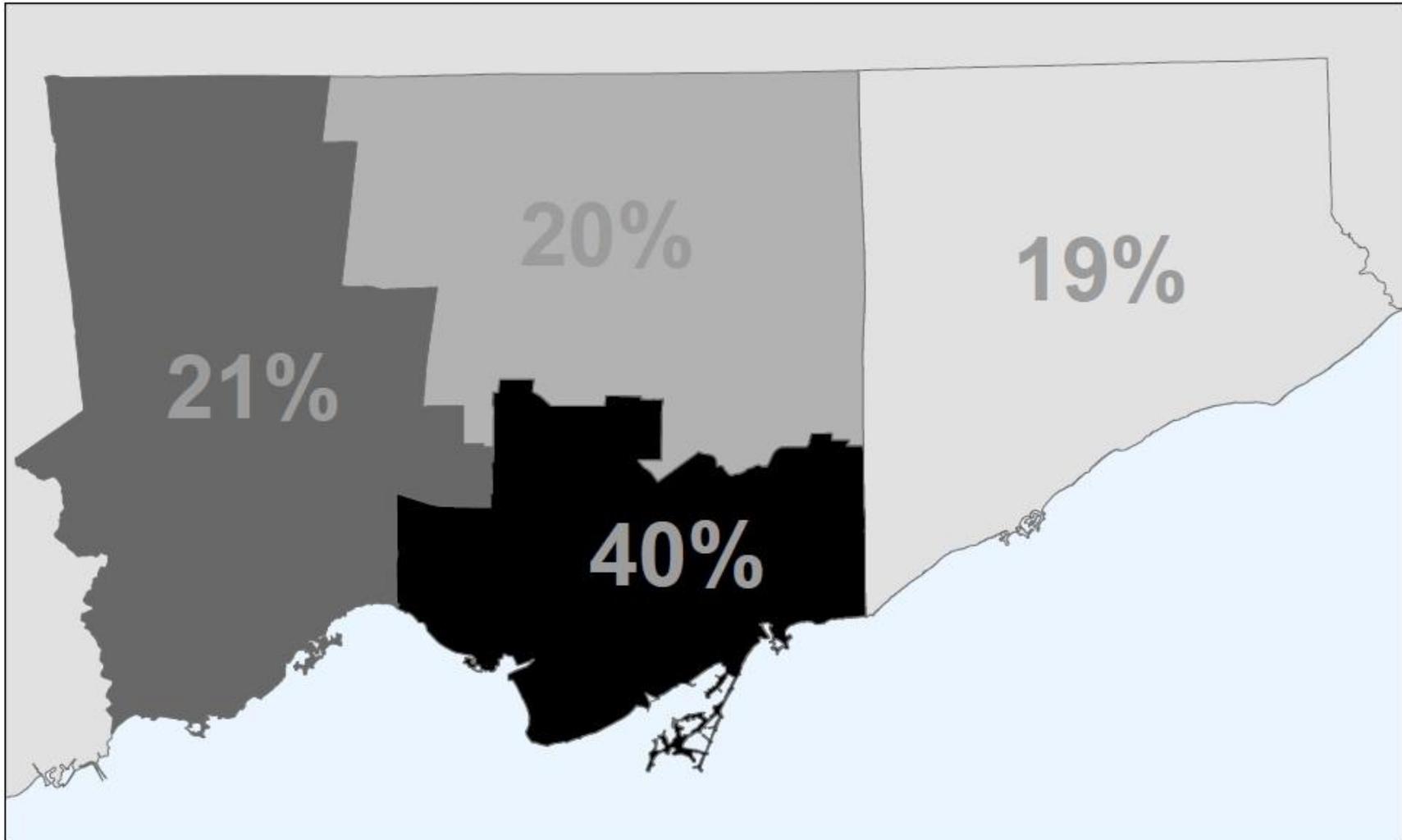
Referral of a Matter to the Ombudsman: The Ombudsman may also receive a complaint from one or more Councillors, as well as the Mayor.

## **Services to Staff at the City of Toronto**

Beyond complaint resolution and investigations, the Office offers a variety of resources and advice to the public service. They include:

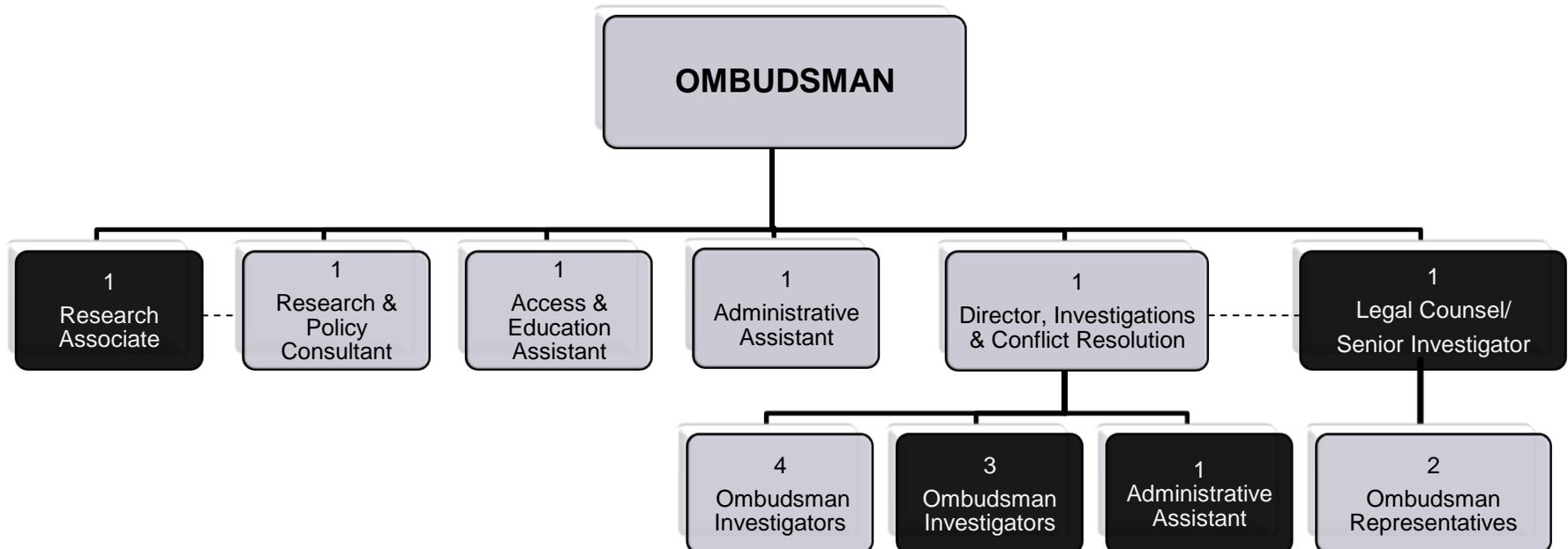
- Policy advice
- Prevention strategies through policy and program improvements
- Problem solving and mediation
- Information sessions
- A variety of informal interventions.

### Appendix III: Complaints by Quadrant



\*Complaints data for the period Jan 1 to July 31, 2014. Prepared by Social Policy Analysis & Research.  
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## Appendix IV: Proposed Organizational Structure



Requested positions in black.