

Ombudsman Toronto - 2018 Operating Budget

Date: November 28, 2017
To: Budget Committee
From: Susan E. Opler, Ombudsman
Wards: All

SUMMARY

This report provides detailed information about the 2018 operating budget for Ombudsman Toronto, including a recommended full-year 2018 operating budget of \$1,985.2 thousand net for approval by City Council.

RECOMMENDATIONS

The Ombudsman recommends that:

Budget Committee recommend to the Executive Committee that City Council approve the 2018 full-year operating budget for Ombudsman Toronto of \$1,985.2 thousand net.

FINANCIAL IMPACT

Approval of the Ombudsman's 2018 operating budget request will result in \$1,985.2 thousand being part of the City of Toronto's 2017 operating budget.

DECISION HISTORY

This report is submitted directly to Budget Committee for consideration and recommendation to Council. This is in accordance with the *City of Toronto Act, 2006* and Chapter 3 of the *Toronto Municipal Code*, and reflects the fact that the Accountability Officers are independent of the City administration and directly accountable to Council.

COMMENTS

Overview

The Ombudsman recommends a modest budget enhancement to provide urgently needed support to the case work of Ombudsman Toronto. Current resource limitations mean that Complaints Analysts, Investigators and the Director of Investigations and Conflict Resolution are all without administrative support. This impacts the number of cases that can be handled. It also increases case processing times. The ability of Ombudsman Toronto to fulfill its mandate in the public interest is thus directly compromised.

The total cost of the recommended enhancement for the 2018 budget is \$72.9 thousand.

Ombudsman Toronto's Mandate

Under the *City of Toronto Act, 2006*, the function of the Ombudsman is "to investigate any decision or recommendation made or any act done or omitted in the course of the administration of the City, and affecting any person or body of persons in his, her, or its personal capacity".

Ombudsman Toronto's Work

In fulfilling its legal mandate, Ombudsman Toronto receives complaints from members of the public who believe they have been unfairly treated by the City administration, and who have exhausted all available complaint avenues at the relevant City division, agency, corporation or local board. Ombudsman Toronto is on track to receive more than 1,600 complaints in 2017.

In addition to dealing with complaints from the public, Ombudsman Toronto investigates on its own initiative issues of broader concern, which may arise as a result of complaint trends, public attention or systemic implications.

Ombudsman Toronto also provides consultation to City divisions, agencies, corporations and local boards, to assist them in improving service to the public. This is known as "proactive Ombudsmanship".

Further, Ombudsman Toronto actively engages in outreach and provides education to the public on its role and services.

Ombudsman Toronto Builds Public Trust and Saves the City Money

Through the work of her office, the Ombudsman contributes to building public trust and confidence in the City of Toronto government. Specifically, the work of Ombudsman Toronto furthers the City's strategic goal of good governance.

The work of Ombudsman Toronto ensures that people are treated fairly in the administration of the City and in the delivery of City services. It provides access to justice for the public.

Money spent on the Ombudsman's office does not just improve City services and build public trust, it also saves the City money by:

- providing a way to resolve disputes before they become litigation;
- helping the City avoid complaints by recommending changes to City systems and processes even before complaints happen; and
- ensuring that the City employs best practices in following the requirements of the law as concerns administrative fairness.

The work of Ombudsman Toronto directly helps the City to avoid complaints and expensive litigation.

Ombudsman Toronto's Work Leads to Both Far Reaching System Improvements and Fairness in Individual Cases

Since it opened to the public in 2009, Ombudsman Toronto has completed hundreds of Enquiries and Investigations. Ombudsman Toronto has made and followed up on more than 400 formal recommendations, all of which have been accepted and implemented by the City administration.

Ombudsman Toronto's work has resulted in countless broad and significant systemic improvements to City services and administration. Recent examples include:

- The new administrative penalty system for parking ticket disputes;
- Improved oversight of the TTC's Transit Enforcement Unit; and
- Expanded, more transparent winter drop-in services for people experiencing homelessness.

The office also ensures that individual members of the public get fair treatment from the City when all other avenues have been exhausted. A recent example is the case of a vulnerable senior who failed to make a timely claim to over \$460,000.00 owing to him after the City sold his house in a tax sale. Only with the assistance of Ombudsman Toronto was he able to recover from the City those funds that were, as a matter of fairness, rightfully his.

New Approaches to Using Resources Wisely for Maximum Impact

In 2017, Ombudsman Toronto changed how it approaches its case work to enable it to use its limited resources more effectively.

One aspect of this is a more informal and nimble approach to handling complaints and reporting to the public, through Ombudsman Toronto Enquiries (which are quicker and less resource intensive than Investigations). This includes the introduction of Enquiry Reports, which may be posted directly to the Ombudsman Toronto website to promote transparency without imposing on Council's limited time at Council meetings.

Ombudsman Toronto has also increased its emphasis on proactive consultation with City divisions, corporations, agencies and local boards to help the City improve how it serves the public. This enhances fairness and prevents problems before they occur.

Budget Recommendation

Ombudsman Toronto is recommending that Budget Committee recommend to the Executive Committee that City Council approve the 2018 full-year operating budget for Ombudsman Toronto of \$1,985.2 thousand gross and net.

Rationale for the Current Budget Recommendation

Current Staffing

Ombudsman Toronto's current staff complement is 12 positions, including the Ombudsman. This level of staffing is extremely low, considering the population of Toronto (almost 3 million) and the size of its government (with a budget of more than \$12 billion and a public service of over 50,000).

On a *per capita* basis, Toronto's spending on its Ombudsman falls well behind that of many other provincial and municipal governments. Fewer staff means less ability to flexibly respond to the need for Enquiries and Investigations, and potentially compromises the office's ability to respond quickly to individual complaints. It also limits Ombudsman Toronto's ability to engage in public outreach and in proactive Ombudsmanship by consulting with City divisions, agencies, corporations and local boards on improving services.

During times of fiscal restraint, demands on the office of an Ombudsman can increase. Service cuts and reduced access to programs often lead to more complaints. The importance of ensuring that systems work for the people being served is heightened.

No Support for Case Work

Present resources are not sufficient to enable the Ombudsman and her team to perform their duties with maximum efficiency. Specifically, there is only one administrative assistant in the entire office, namely the Ombudsman's assistant. Besides supporting the Ombudsman with scheduling and providing her with other essential administrative support, that person effectively runs the office, overseeing all matters of human resources, budget, procurement, office administration, etc.

The current staff complement provides for no administrative support for the other 10 members of the Ombudsman Toronto team, including the Director of Investigations and Conflict Resolution. This means that the Director and the staff he oversees spend a

significant amount of time on administrative tasks that take them away from their substantive work on files in the public interest. This is not sustainable.

The Director oversees Complaints Analysis (intake), Enquiries, Investigations and Consultations. He directly supervises 7 employees (5 Investigators and 2 Complaints Analysts) and is responsible for the handling of approximately 1,600 complaints annually, in addition to own motion Enquiries, Investigations and Consultations. The Director's ability to fulfill his responsibilities effectively is directly and significantly compromised by the fact that he has no administrative support.

Effect of the Requested Enhancement

With administrative support, the Director will be able to focus his time and efforts on case work and supervision of his team. This will lead directly to faster, better service to complainants and more timely case work.

Besides supporting the Director, a new administrative assistant position will provide much-needed support to Complaints Analysts and Investigators, enabling them to respond to public complaints and to conduct Enquiries, Investigations and Consultations in a more timely and effective manner. This will increase access to justice for the public and save the City money.

For these reasons the Ombudsman is recommending that additional resources be provided in the budget to fund one permanent administrative assistant position, to support the Director and all of the office's case work. This is the minimum enhancement required to address the current serious administrative support deficit at Ombudsman Toronto.

Approval of this modest enhancement request will increase the total complement of the Office by 1 position from 12 positions to 13 positions.

Summary

The Ombudsman Toronto 2018 operating budget recommendation of \$1,985.2 thousand net includes:

- Base budget pressures of \$102.1 thousand net, which include reversal of a prior year one-time non-payroll reduction, budgetary provisions for progression pay increases, benefit adjustments, economic factor adjustments for non-payroll items and software maintenance costs, partially offset by salary budget to actual adjustments; and
- A new/enhancement request of \$72.9 thousand net for one administrative assistant position to support the casework of the office.

This will result in an increase of \$175.0 thousand or 9.7% from the 2017 Approved Operating Budget of \$1810.3 thousand net.

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SIGNATURE

(Original signed)

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ATTACHMENTS

Accountability Officers: 2018 Operating Budget Overview