

Accountability at the local level: The Ombudsman experience since 2016



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Office of the Ontario Ombudsman



"The Ombudsman's intervention serves not only the public interest, but can be in the **best interest of the organization** as well.

Either the organization's work will be validated by an independent third party, or constructive feedback will be provided that will enable it to address the root causes of complaints and prevent them from recurring."

- Paul Dubé, Ontario Ombudsman



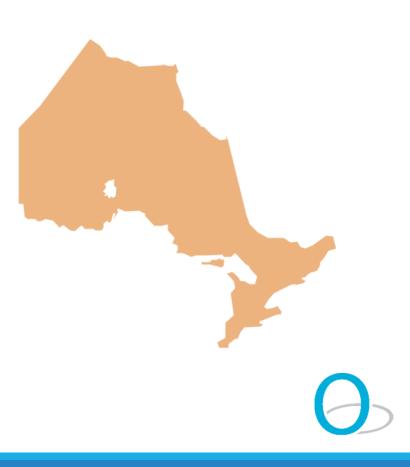
Who we oversee

500+ provincial government ministries, agencies, boards, commissions, corporations and tribunals

82 school boards

21 universities receiving regular direct operating funding from the government

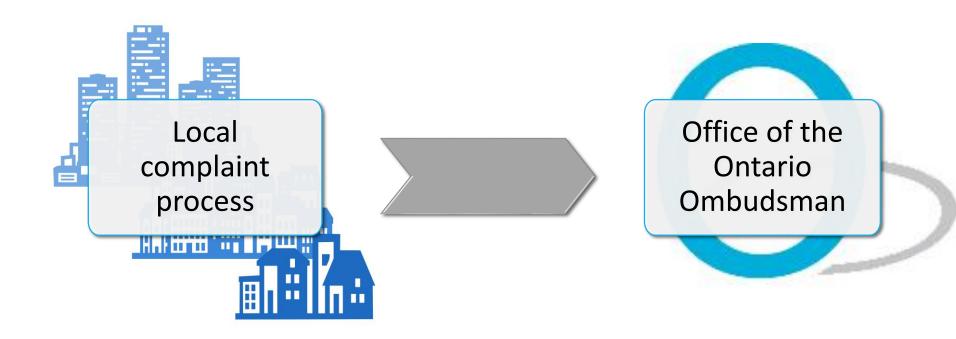
444 municipalities





21,328 complaints in 2016-2017

Process



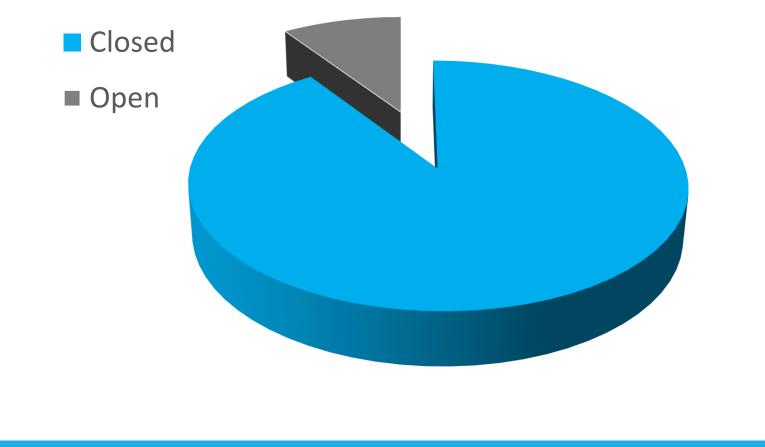
Formal investigations







Complaints about municipalities: January 1, 2016 to today





Top 5 cases 2016-2017



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Municipal Example









Integrity Commissioner's decision





We would consider if the Commissioner:



- Acted in accordance with relevant legislation
- Considered issues before them
- Followed a fair practice
- Obtained and considered relevant information
- Provided sufficient reasons to support their decision based on the available evidence

Review an Integrity Commissioner's process





Review an Integrity Commissioner's process



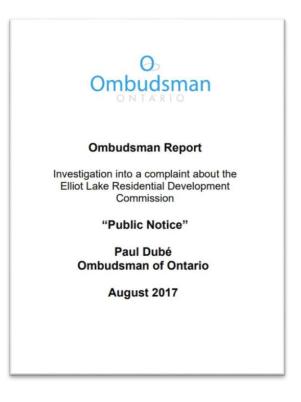


Public conduct





Red Rock Investigation



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We found that:

- Anti-Harassment Policy was unclear if it was intended for members of the general public
- No specific policy relating to issuing trespass notices
- Person conducting the investigation under the Anti-Harassment Policy wasn't independent
- Records were incomplete
- Trespass notice was a disproportionate and arbitrary remedy

What we recommended:

- Revise Anti-Harassment Policy
- Consider adopting a code of conduct and appointing an integrity commissioner
- Harassment investigations should be conducted by someone with specific training
- Investigator should not have any direct involvement in the events or incident leading to the complaint
- Complaints received and investigations conducted should be fully documented
- Develop and publicize a trespass policy, and trespass notice should be withdrawn



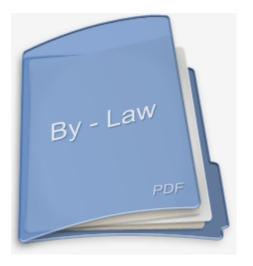
Conclusion





Other complaint topics

- By-law enforcement
- Ontario Works and Housing
- Hydro electricity
- Infrastructure, water and roads



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Closed meetings 2016-2017



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General complaint resolution trends



Best practices





Tips for municipal complaint resolution policies

- General complaint policy approved by council and publicly posted, and staff trained on policy
- Distinguish between requests for service, complaints, inquiries, suggestions, and compliments
- Distinguish from any code of conduct applying to council, committee and local board members
- Establish separate process for monetary claims
- Provide staff contact and referral information where appropriate e.g. for code of conduct complaints



Complaints policy

- Specify whether anonymous complaints will be accepted
- Encourage complaint resolution at lowest level
- Include timeline for responding to complaints
- Official with ultimate responsibility for responding to complaint
- Keep record of every complaint received, any interaction between complainant and staff, and the result
- Clear delegation to staff to confirm scope of authority to address complaints





Complaints policy

- Where the competence or conduct of staff is subject of a complaint – ensure someone impartial responds
- All relevant information should be considered, and individuals should have opportunity to comment before a final decision is made
- Provide a written explanation concerning any decisions made in response to a complaint
- Advise complainant of where they can go next if they remain dissatisfied
- Prohibit retaliation for anyone attempting to use or using the policy
- Complaints should be treated in confidence
- Address how frivolous and vexatious complaints will be dealt with



Complaints policy

- Useful to set out examples of remedies that may be available: changes in policy or practices, financial or remedial action as appropriate
- Complaint policy should cross reference the municipality's accessibility policy and accommodations
- Provide means for complainants to provide feedback about their experience with complaints process
- Complaint statistics (volume, issue, result, etc.) should be collected, analyzed, and reported on publicly
- Policy should indicate that complainant may contact the Ontario Ombudsman if they are dissatisfied with the municipality's final response to their complaint

Going forward





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