



ONTARIO'S WATCHDOG  
CHIEN DE GARDE DE L'ONTARIO

# The New Role of the Ombudsman

Ontario Public School Boards' Association  
Board of Directors



**Barbara Finlay, Acting Ombudsman**

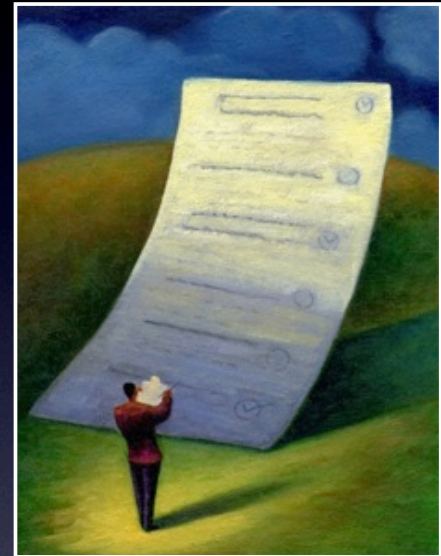
**September 25, 2015**

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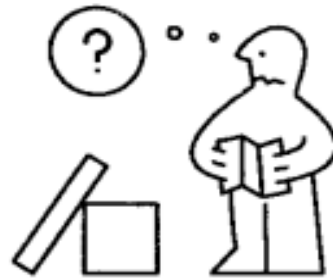


# Outline

- About the Ombudsman's Office
- How we work
- Oversight of school boards:
  - Complaint statistics
  - Types of complaints
  - What to expect
- Connecting with us



# OMBUDSMÄN ?



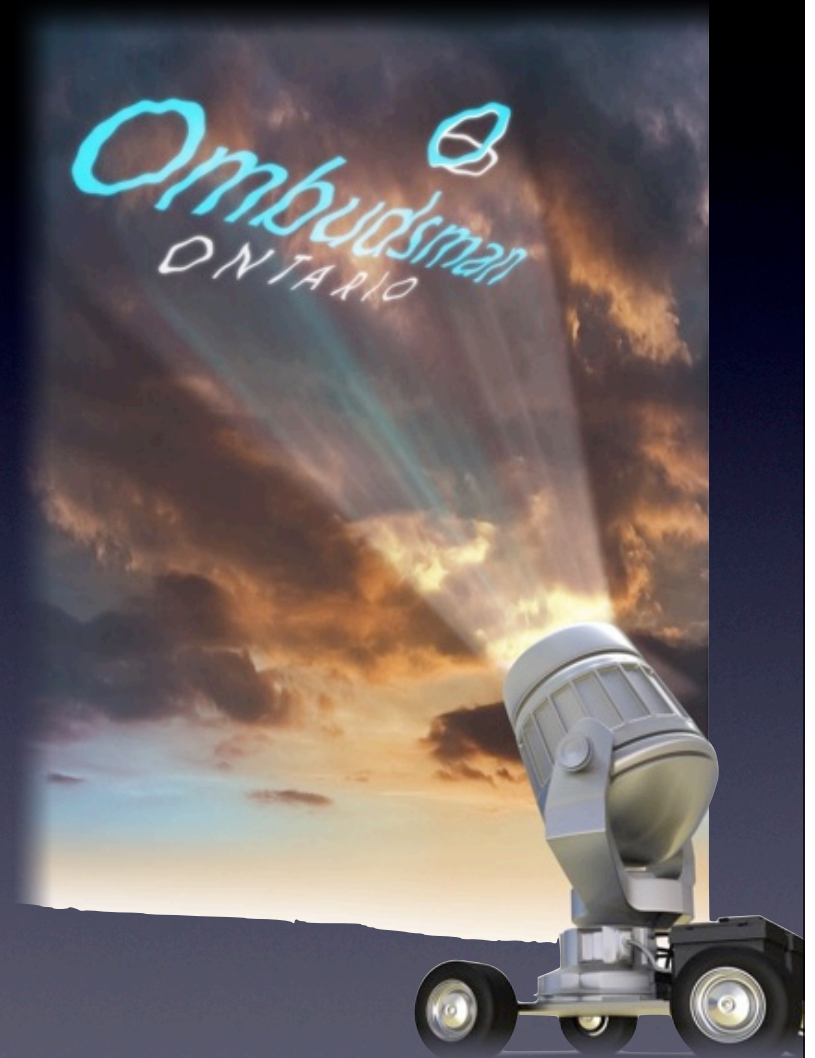
An official appointed to investigate individuals' complaints against a company or organization, especially a public authority. *-Oxford English Dictionary*





“The Ombudsman  
brings the lamp of  
scrutiny to otherwise  
dark places, over the  
resistance of those  
who would draw  
the blinds.”

- *Supreme Court of  
Canada Justice Dickson,  
1984*





# Classical ombudsman model: **Four pillars**



Independence

Impartiality

Confidentiality

Credible process



# The Ontario Ombudsman

- Officer of the Legislative Assembly
- Independent of government
- Established 1975
- Mandate outlined in *Ombudsman Act*





# We are:

**Impartial** investigators - not advocates - who make recommendations to resolve issues

Office of **last resort** - we step in when other mechanisms fail or don't exist

**Confidential** - complainants aren't named without consent, and investigations are conducted **in private**

**Free** - no charge to complainants or organizations complained about





# Who we oversee

## Pre-Bill 8

- **500+** provincial government ministries, agencies, boards, commissions, corporations and tribunals
- Closed meeting complaints in 200 municipalities





23,153 complaints in 2014-2015





## Bill 8

### *Public Sector and MPP Accountability and Transparency Act, 2014*



- Opens MUSH sector to scrutiny for first time
- Adds to Ombudsman's mandate:
  - 82 school boards
  - 444 municipalities
  - 21 universities





# Arthur Maloney

Ontario's first Ombudsman  
1975-1978



“[The Ombudsman’s mandate should be] **extended** to include such organizations as **hospitals, universities, boards of education ...** and other such bodies financed in whole or in substantial part with public funds.”  
-“Blueprint,” **1979**

# How we work

- Complaints are triaged, referred or resolved wherever possible
- Investigations when warranted
- In-depth investigations of high-profile, systemic problems
- Pro-active flagging of complaint trends to senior bureaucrats



# Case triage



## EARLY RESOLUTIONS

Individual complaints  
Quickly resolved

## INVESTIGATIONS

Individual complaints  
More contentious  
issues



## SPECIAL OMBUDSMAN RESPONSE TEAM

Systemic issues





# Early Resolutions



- First line of contact - complaint intake
- Assessment and referral:
  - Recent or ongoing issue?
  - Frivolous or vexatious?
  - Tried other avenues?
- Common issues are tracked
- Most cases resolved in 2 weeks or less
- More complex cases escalated to Investigations or SORT



# Investigations

- Cases are assessed and planned; most resolved without public report
- **Ombudsman staff determine whom to contact to obtain information** - may request relevant documents, conduct interviews
- We attempt resolution, including escalating case to senior officials
- Formal investigation may be launched





## CASE SUMMARIES

### *Overbill overkill*

A farmer was concerned about the high electricity bills he received for the first six months of 2014, even though his corn dryer – the machine on his farm using the highest amount of electricity – wasn't in use. His bills were close to \$9,000, including \$843 in delivery charges on \$112 worth of electricity. When he called Hydro One, he was offered a payment installment plan and was told that due to his previous high usage, he had to pay for a higher amount of hydro to be available on demand.

Ombudsman staff requested a review of the man's bills and discovered that although his 2012 usage justified the higher-demand rates, his 2013 usage was actually much lower, and the charge was no longer applicable. He had been overbilled close to \$6,000 in 2013. He was provided with the correct bills, as well as a service charge credit of \$280.

#### MINISTRY OF HEALTH AND LONG-TERM CARE

### *Good medicine*

A woman who was experiencing a third occurrence of HER2-positive breast cancer was denied funding by the Ministry for the chemotherapy drug Kadcyla, although it was prescribed by her oncologist. The Ministry would fund the drug for women experiencing a second occurrence of the disease, but not a third – despite scientific evidence that women with third and even fourth occurrences did benefit from the drug. The drug cost \$4,600 every three weeks.

Ombudsman staff arranged for the woman's oncologist to write to the Executive Officer of the Ontario Public Drug Programs, as well as meet with officials to discuss the Ministry's funding criteria for the drug. After the meeting, the Ministry agreed to temporarily revise its funding criteria between October 2014 and October 2017 to include funding for some women experiencing third or fourth occurrences.

The oncologist estimated that approximately 100 women in Ontario will benefit from the temporary revision to the criteria in the next three years.



Case example:  
“Good medicine”

Funding criteria  
for breast cancer  
drug revised after  
investigation,  
high-level meeting

Reported in  
Annual Report  
2014-2015



**S**pecial

**O**mbudsman

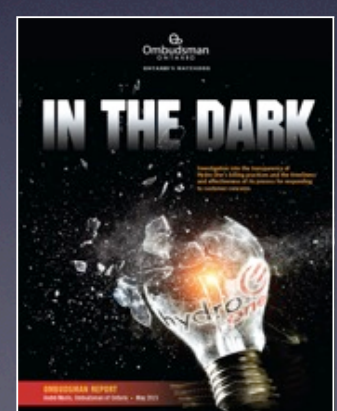
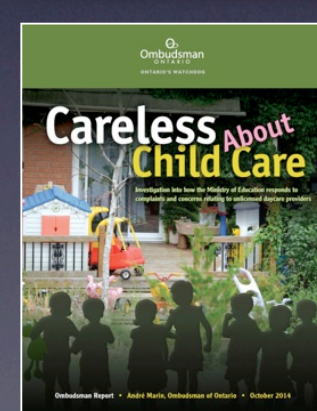
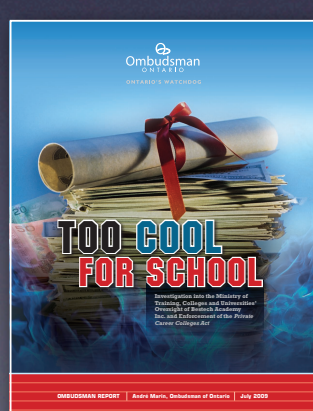
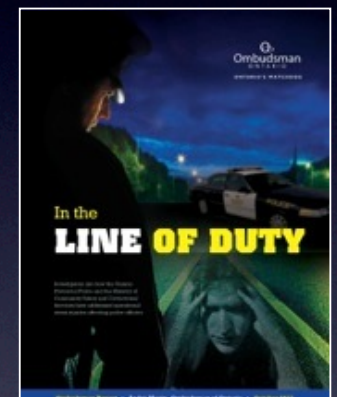
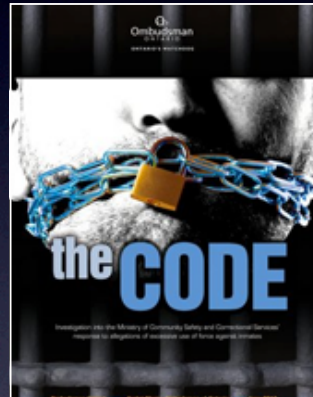
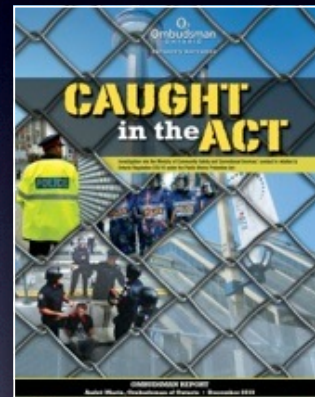
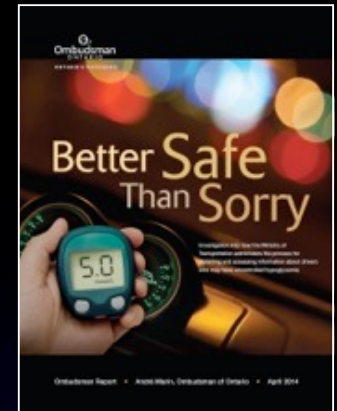
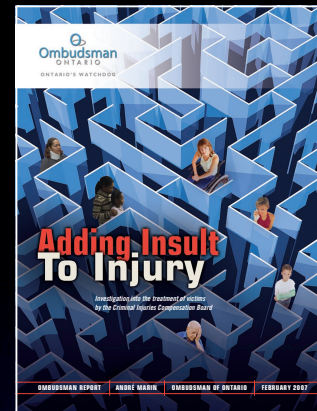
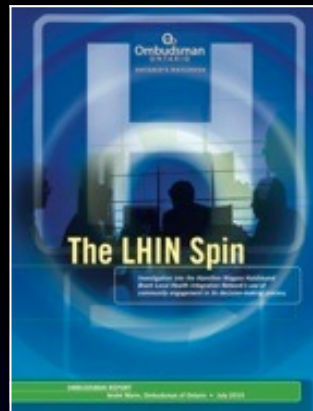
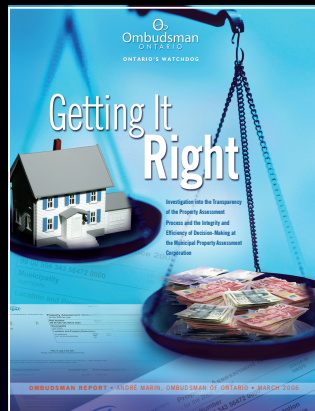
**R**esponse

**T**eam

- Serious, high-profile, systemic issues affecting large numbers of people









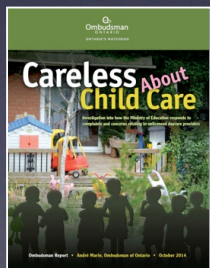
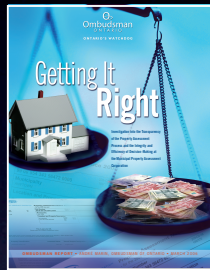
# We launch a systemic investigation when...

- ▶ Informal resolution of the issue has failed or is not an option
- ▶ Complaints appear symptomatic of a larger problem with the potential to affect large numbers of people
- ▶ It is in the public interest



# Results: Good governance

- Newborn screening improved
- Lotteries more secure
- Property assessment overhauled
- Unlicensed daycare monitoring strengthened
- Almost every recommendation since 2005 accepted and implemented



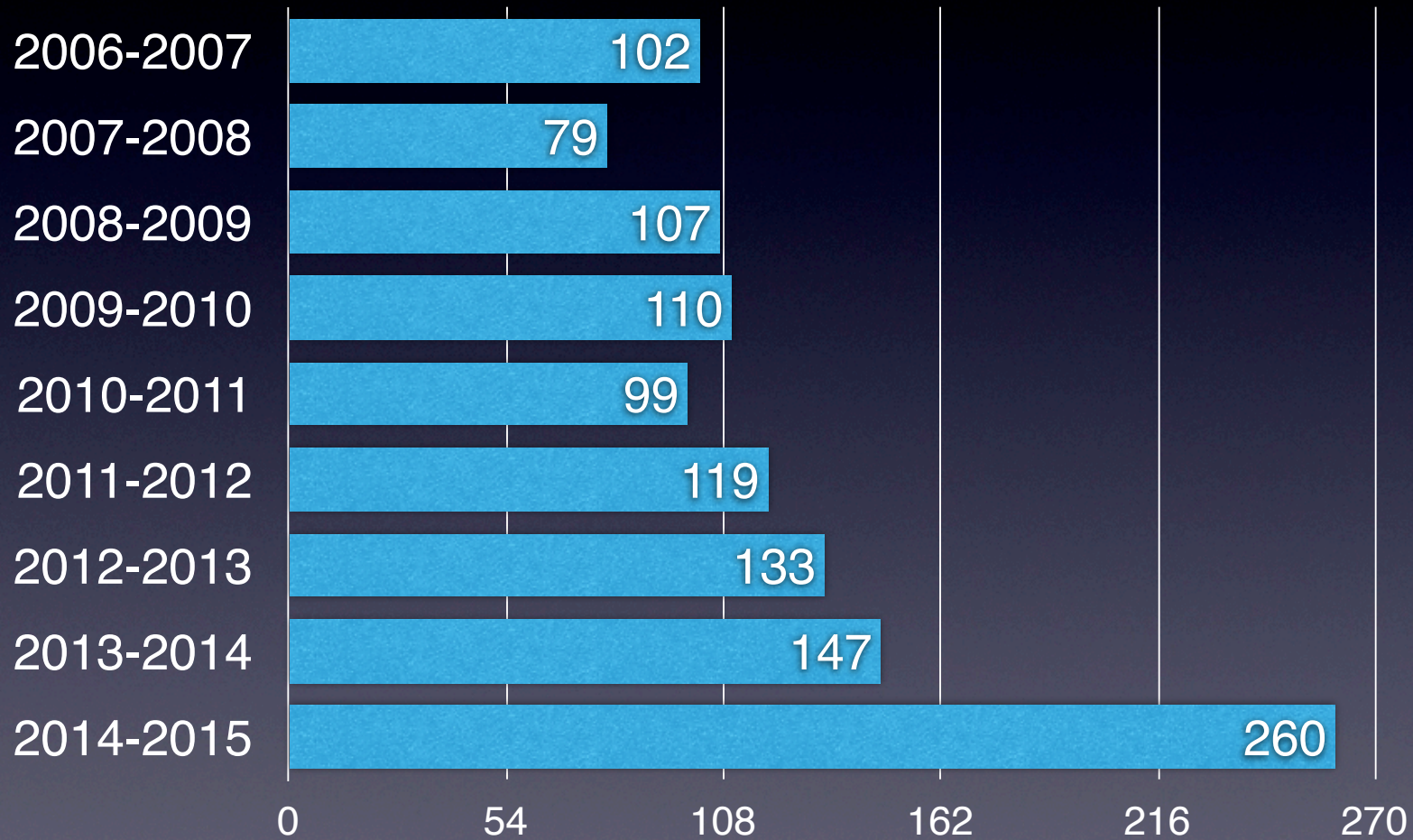


A collage of school-related images. On the left, a hallway with rows of colorful lockers. In the center, a classroom with several white desks and chairs arranged in rows. A large, white, 3D letter 'S' is superimposed over the classroom scene. The background of the collage is a dark blue gradient.

What does it all mean to

**School boards?**

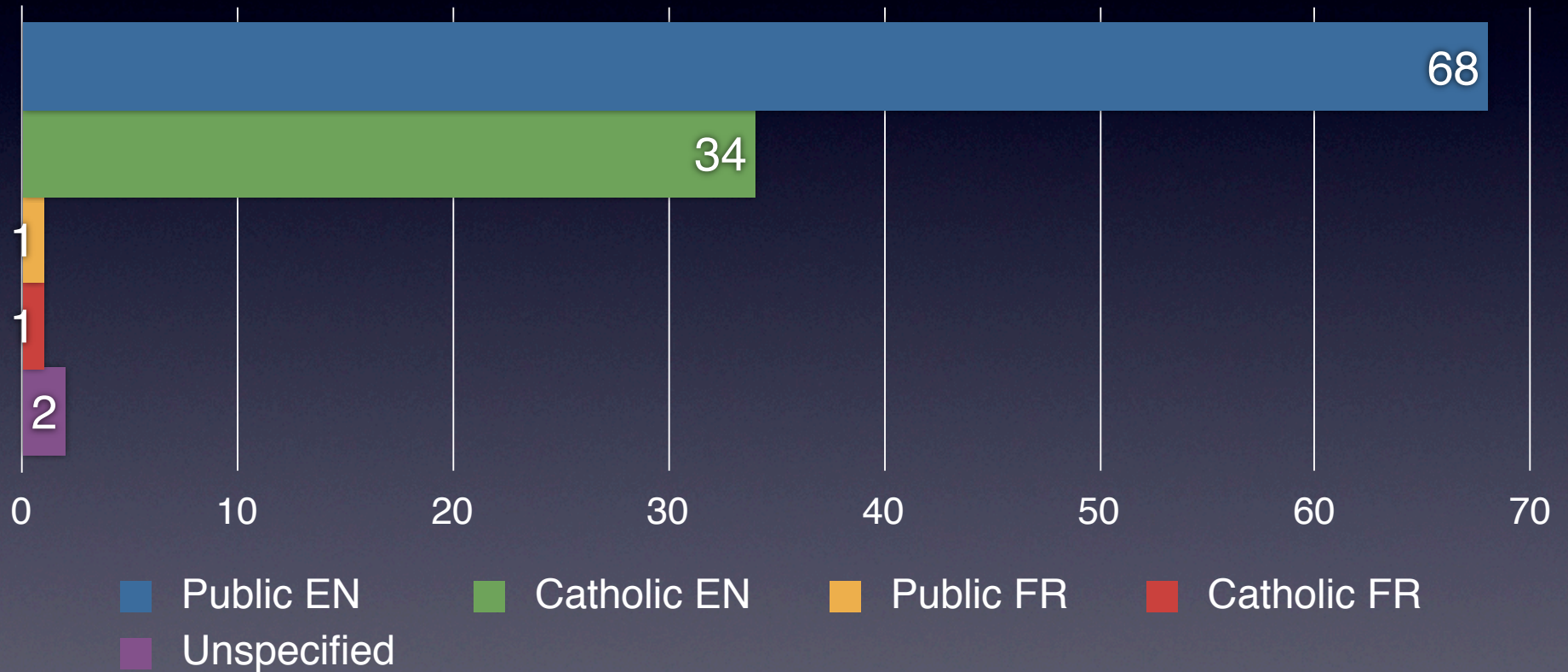
# Complaints about school boards, pre-Bill 8





# Complaints about school boards: September 1, 2015 to today

Total: **106**



# Complaint topics

- ➔ Transportation/busing
- ➔ Property issues
- ➔ Student discipline
- ➔ Special education supports
- ➔ Response to bullying
- ➔ Communication issues, lack of complaint processes







Toronto  
District  
School  
Board

# Getting to know **you**

- Preparation for school board oversight began over a year ago
- All operational staff trained on *Education Act*
- Survey of boards: **26** OPSBA members responded so far
- Creating database of policies, contacts
- Reaching out to stakeholders





# Getting to know **us**

- We have 40 years of experience, including handling complaints about school boards under supervision
- Find info on how we work in our Annual Reports and publications online
- Request a speaker
- Follow us on social media, subscribe to our e-newsletter



# Questions?

Should boards have a complaints policy?

Should boards have their own ombudsman?

Jurisdiction over Colleges of Teachers and ECEs?

Privacy requirements - MFIPPA and FIPPA?

Will OO share stats and trends with boards?

Will OO tell boards of closed complaints?



## To sum up...

- We refer complaints to boards wherever possible for local resolution
- We focus on individual and systemic issues
- Most complaints are resolved
- Board is given notice of investigations and chance to respond
- We want to hear from you

# QUESTIONS?

1-800-263-1830

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