



ONTARIO'S WATCHDOG
CHIEN DE GARDE DE L'ONTARIO

“A win-win-win: How the Ombudsman can help you”

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**Ontario Secondary Schools Teachers'
Federation – Summer Leadership Conference**

**Ottawa
August 18, 2016**



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1. Thank you so much for inviting me to speak to you today!
2. I am honoured to be kicking off the first day of your conference,
3. And I hope you leave this session with a good understanding of how the Ombudsman's Office operates, and what our new mandate overseeing school boards and universities means for you.
4. *Je suis ravi de donner le coup d'envoi au premier jour de votre conférence et j'espère que vous repartirez de cette séance avec une bonne compréhension du fonctionnement du bureau de l'Ombudsman et des conséquences de notre nouveau mandat pour vous.*
5. What I propose to do today is explain what an Ombudsman is and does, explain our approach in executing our mandate for oversight of school boards and universities, and illustrate how that plays out in real life.
6. This speech is actually quite timely, as we are quickly approaching our one-year anniversary of oversight over school boards on September 1, and have just passed the six-month mark in our oversight of universities, which began on January 1.
7. This change may have seemed sudden to some, but the fact is, successive ombudsmen have called for oversight of the broader public sector ever since our office was established in 1975.
8. In fact, we have always received complaints about municipalities, universities, and school boards, but we have not had the mandate to look into them until this year.
9. However, we have more than 40 years of experience in working with the provincial government to resolve complaints.
10. We are using that expertise in relationship building and collaboration in our new areas of jurisdiction, to be able to effectively address concerns with school boards and universities as they arise.
11. As you all know from your work in education, learning is not something that ends when we leave school – it's a lifelong process.



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12. As someone who is just a few months into a new job, I can attest to that.
13. I have made it a priority to get out to events like this, as often as possible, to meet and educate stakeholders and help them get to know what an Ombudsman does and how we work.
14. And also to learn from stakeholders about the issues you deal with, and the challenges you face in your day-to-day work.
15. I will share some examples with you today of school board and university complaints our office has handled so far, and give you an idea of the types of issues we are hearing about.
16. Spoiler alert – I am happy to report that the majority of complaints have been resolved to date, without any formal investigations.
17. But to begin, allow me to give you a quick primer on the role of an Ombudsman. Then I will speak about how that applies in our work with your organizations.
18. The role of Ombudsman goes back more than 200 years, to 1809, when Sweden created the first parliamentary Ombudsman. The word “Ombudsman” is Swedish, and it means “citizen’s representative;”
19. In other words, someone who hears public concerns and raises them independently with those in power.
20. We are a free, accessible and responsive alternative to the judicial systems. Like the courts, our office is independent of the government, and we are impartial – we do not advocate for complainants or for the bodies we oversee.
21. In simple terms - when we get a complaint, we remember that no matter how thin you make a pancake, there are always two sides!
22. In fact the defining characteristics of a true Ombudsman are independence, impartiality, and confidentiality.



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23. We are independent and free to look at anything within our mandate; we are impartial and don't take sides; and we deal with complaints confidentially.
24. We are not judges or enforcers – we review facts, and recommend solutions.
25. We have an oversight role that includes investigative powers, but the bulk of our work involves resolving issues at the lowest level possible, without need for formal investigation.
26. Our role is not to name, blame and shame, it's to identify administrative problems and, ultimately, to improve governance.
27. When governance problems arise, elected officials don't have the knowledge or resources to effect change and the judicial system is prohibitively expensive and slow.
28. So the Ombudsman is meant to fill that gap and provide redress for citizens being poorly served or unfairly treated by public sector bodies.
29. Our staff are experts in navigating bureaucracy and in promoting fairness.
30. They are also expert listeners, with years of experience in dealing with frustrated people who have been through the bureaucratic mill.
31. When a complicated problem arises, we look for simple, practical solutions. We are an office of around 100 people, and we handle more than 20,000 complaints every year. And we resolve hundreds every week by intervening and finding solutions.
32. The expansion of our mandate to municipalities, universities and school boards effectively doubled the number of organizations we oversee.
33. So, we have to be nimble and efficient. We do this through a system of teams, who triage complaints to ensure they are dealt with as quickly as possible.
34. Most complaints are resolved through a few phone calls or by connecting people with the right officials to handle their problems.
35. Only if the issue cannot be informally resolved will it be escalated to an investigation.

36. And occasionally, if we notice a trend in complaints or a significant administrative problem affecting large numbers of people, we launch a systemic investigation – that is, a large-scale field investigation involving extensive evidence gathering and a published report with recommendations for corrective action.
37. Those are the cases you may have heard about, because they generally result in media coverage and significant changes in government administration.
38. Investigations like this benefit millions of Ontarians by prompting real change in important areas of our lives.
39. For example, the ministry of education accepted all 113 recommendations in our office's 2014 report on the monitoring of unlicensed daycares.
40. The lives of thousands of newborn babies have been saved after an Ombudsman investigation in 2005 led to screening tests for potentially fatal disorders.
41. We have sparked policy reforms in drug funding, support for the disabled the property tax assessment system and lottery security, and compensation for victims of crime.
42. And just last month, the Ministry of Community Safety and Correctional Services accepted all 22 of our recommendations to improve how police are trained in de-escalation of conflict situations.
43. So we are an effective agent of significant positive change.
44. And yet we can't order anyone to do anything.
45. Our power is in our voice. We are uniquely positioned to gather information and identify systemic issues. And our robust legislative mandate and the power to report publicly enables us to shine a bright spotlight on instances of maladministration or unfairness.
46. We use moral suasion, publicity, and compelling evidence to convince public bodies to do the right thing.
47. We are always on the lookout for those broad, systemic issues.

48. But the bulk of an Ombudsman's work is always informal, proactive, behind the scenes – being there to make sure existing mechanisms work, and to step in if they fail.
49. In fact, we've only launched one systemic investigation in our new jurisdiction so far.
50. It focuses on procurement practices in the City of Brampton.
51. Since most people here have some involvement with school boards, let me explain a bit about our experience in that area.
52. Before our new mandate took effect last September, we occasionally had oversight of individual school boards – but only in cases where the province directly took over those boards by appointing a supervisor.
53. This happened three times in the past decade.
54. Each time, we were able to refer complaints to the supervisors, and work with them to make sure the issues were satisfactorily resolved.
55. Now, of course, we can take complaints for all boards across the province.
56. Since September first, we have received almost 700 complaints about school boards.
57. I'm happy to report that so far, we have received excellent co-operation from most boards, which has allowed us to resolve many difficult issues.
58. In most cases, we have been able to help people by referring them to the right officials at the local level, or by having our staff make informal inquiries with the boards in question.
59. About one-third of all complaints are resolved by our staff simply providing information and referrals.
60. So, what are the most common complaints about school boards?
61. Frankly, they are about what you'd expect: student safety and security, special education, school staff and busing are common themes.

62. We've also received complaints about unions, but we do not have jurisdiction over union issues.
63. In one example of a busing complaint, we looked into a case where a four-year-old boy was dropped off at the wrong bus stop and his family didn't know where he was for 45 minutes.
64. Fortunately, he was returned safely to school by a Good Samaritan.
65. One of our investigators made informal inquiries with the transportation consortium, and found out a bus driver made an error in dropping off the boy.
66. At our suggestion, the consortium committed to improving its incident reporting procedures and driver training.
67. Since then, there have been no similar incidents at that board.
68. As this case demonstrates, if the lines of communication are open between us and the relevant officials, we can achieve constructive solutions and avert future complaints.
69. In another case, a parent complained to us that the school board had moved his child's bus stop 300 metres, to a busier intersection.
70. We reviewed the board's transportation policy and steps it took to assess the safety of the new bus stop.
71. We confirmed the board had conducted a site visit at the stop, and had responded to all of the parent's concerns appropriately.
72. We were able to validate that the board had satisfactorily followed the correct procedures, and that's where our involvement ended.
73. The moral of the story, so to speak, is that Ombudsman intervention can reinforce the fact that the systems in place are working – or that a school or board has done everything it can or should to provide the best service possible.

74. One thing we noticed in the course of the school year was that the common complaint issues shifted.
75. For example, as the year went on, we had fewer complaints about transportation and more about staff.
76. The most common topic of complaint was staff, including everyone from school board officials to teachers. The second issue was special education.
77. About 25 of those staff complaints were specifically related to teachers. Of course, we do not regulate the teaching profession – that's the job of the Ontario College of Teachers.
78. If we receive a complaint about a teacher's conduct, we will refer the complainant accordingly, either to the appropriate officials at the school or board, or to the college directly.
79. However, in one case, a teacher's poor behaviour actually prompted a positive change to school board policies.
80. A mother complained to us after a teacher at her 13-year-old daughter's school interrogated the girl for more than two hours over a classroom incident.
81. We looked into it, and found the school board didn't have policies in place to deal with serious issues.
82. The superintendent reviewed the issue, and determined that the board needed to develop guidelines for investigating similar incidents.
83. The board also sent the mother a letter apologizing for the teacher's actions.
84. As for special education, those complaints cover everything from individual education plans, to issues at review committees, to general complaints about a lack of resources.
85. Again, wherever possible, we help direct people to the right places to be heard, and we are there to step in as a last resort if they still hit a brick wall.

86. That said, it's also important to understand that broad issues of government policy – whether it's how much is spent on special education, or what is taught in the sex-ed curriculum – are not within an Ombudsman's traditional role.
87. Governments are elected to set policy.
88. An Ombudsman's role is not to agree or disagree with policy, but to review the administration and execution of government actions, to ensure they are administered properly and carried out fairly.
89. Now, for those of you who work with universities, let me give you a brief glimpse of our role in that area.
90. Our office has always had oversight of colleges, which has given us a lot of experience in helping students and other stakeholders.
91. Our new mandate gives university students and staff the same access to independent oversight that those in colleges have always enjoyed.
92. But many universities in Ontario – just over half – already have their own Ombudsman.
93. This is helpful, because it means we can direct people to a complaint resolution system that already exists.
94. We always stress that we do not replace local accountability officers, whether they're in universities, municipalities, or school boards.
95. Local issues are best resolved locally. If a university has an Ombudsman who can deal with the issue that is the first place we will refer a complaint.
96. Of course, there are a few university issues we can't look into, including union or collective bargaining issues. We also consider academic freedom principles when looking at complaints.
97. We have received more than 160 complaints about universities so far, and again, the main topics are not surprising.

98. Complaints have ranged from academic appeals, to employee issues, to student safety, to the conduct of students, instructors and employees.
99. In one recent case, a university student complained that he had failed a course due to false information provided to his professor by a teaching assistant.
100. We directed him back to the university's grades appeal process, explaining that we are an office of last resort.
101. If he is unsatisfied with that process, he can return to us and we can assess what was done.
102. We often hear from people who are frustrated and angry about university or school board decisions.
103. We explain that our role is not to overturn or change those decisions, but to examine their processes and impact and, if warranted, recommend ways to improve fairness and accountability.
104. By the same token, because we hear from so many people on a daily basis, our office is uniquely positioned to spot trends in complaints and to alert authorities to simmering problems before they boil over.
105. If we spot problems that appear to be systemic, across several school boards or universities, we can tackle them.
106. If and when we do launch a formal investigation of a school board or university, whether it involves an individual problem or a systemic one, we will follow the same tried-and-true procedures we have always used at the provincial level.
107. The director of education – or the chair of the board, or even the president of the university, depending on the situation – will receive formal notice, just as provincial bodies do.
108. Our investigations are conducted in private, but for those involved, we will ensure there are no surprises.

109. The organization we are dealing with always has the chance to respond to our findings before they are published.
110. This is part of our commitment to procedural fairness, which I believe must apply to our own operation as much as it does to those we investigate.
111. We have to walk the talk in promoting fairness.
112. The parties to an investigation are entitled to know what we are looking into and have ample opportunity to have their input considered, and to know the reasoning behind our conclusions.
113. As I said at the outset, our emphasis on education includes educating ourselves.
114. Even though we have had oversight of the ministry of education and community colleges for 40 years, we appreciate that we still have more to learn about working with school boards and universities, and from stakeholders like you.
115. We have a dedicated team who handle school board complaints, and another team dedicated to university complaints. Both of these groups have had special training.
116. Last fall, our senior team met with school board stakeholders in every region to hear their concerns about how our jurisdiction would work.
117. We also met with the presidents and ombudsmen of universities across Ontario.
118. One of our aims is to have face-to-face meetings with the leadership of every school board in the province.
119. Obviously it will take more than a year to get to all of them, but we have already met with quite a few.
120. These include the big district boards in Toronto, Ottawa and York Region, and the Aurore Boréale Catholic board up north.



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121. My senior team and I have also spoken to the public, Catholic and French-language school board associations, and at gatherings of trustees, directors of education, business and human resources officials – not to mention teachers and parents.
122. In June, i spoke to the Ontario College of Teachers' annual general meeting, and two of my senior colleagues addressed the elementary teachers' federation in February.
123. We have been involved in extensive outreach with parents, too, from large conferences to small parent council meetings.
124. We also created a webinar for school board stakeholders that explains our processes, and I encourage any of you who have questions about how we work to check it out on our website.
125. As for universities, we have spoken to groups ranging from faculty and registrars' associations to even the university press.
126. Everyone who works at a school board or university is an important partner to us. We're here to help make sure your processes work as they should.
127. Our goal is to ensure all school board and university stakeholders – from students to support staff to administration – are treated fairly.
128. To that end, I want to encourage you to keep the lines of communication with our office open.
129. Because your input is always welcome – whether you have a complaint, an issue to flag on behalf of a student or a colleague, or simply a suggestion.
130. Your expertise and input are valuable to us, and your feedback helps make us better.
131. I hope my remarks have given you a good idea of the work we have done in your world so far, and the approach I plan to take in future.
132. If you'd like to know more, we share information about our latest cases every month in our newsletter, which is available on our website and by email. We'll also have more details and statistics in our annual report, later this fall.



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133. You know, I believe in finding win-win-win situations, and I am convinced that our new mandate is one of them.
134. We are seeing increased public demand for accountability – that’s a win.
135. We are seeing school boards and universities working to ensure they have clear complaint procedures and ombudsmen in place – that’s a win.
136. And the winners are the people we all serve.
137. *Je crois qu’il est bon de trouver des solutions gagnantes-gagnantes, et je suis convaincu que notre nouveau mandat est avantageux pour toutes et tous.*
138. *Nous assistons à une demande grandissante du public pour la responsabilisation – c’est un point gagnant.*
139. *Nous voyons que les conseils scolaires et les universités travaillent à garantir la mise en place de procédures de plaintes claires et de bureaux d’Ombudsmans – c’est un autre point gagnant.*
140. *Les gagnants, ce sont les gens que nous servons tous.*
141. Everyone here has a role to play in improving school boards and universities for Ontarians.
142. And I look forward to working with you.
143. Thank you again for your invitation, and thank you for your attention.
144. And now I’d be happy to answer any questions you might have.