

Annual Report 2012-2013 – Facts and Highlights

Total complaints and inquiries received: 19,726 – up 6% from 2011-2012

Top 5 most complained about organizations (excluding jails) – page 82:

1. Family Responsibility Office (794 complaints);
2. Developmental services programs (631);
3. Workplace Safety and Insurance Board (609);
4. Ontario Disability Support Program (565);
5. Ontario Lottery and Gaming Corporation (441 – mostly Slots at Racetracks program)

MUSH sector complaints (p. 17): 2,541 (up 2 from last year's record)

- Municipalities (excluding 305 complaints about closed meetings): 1,077
- Universities: 55
- School Boards: 133
- Hospitals and long-term care homes: 369 (hospitals); 70 (long-term care)
- Children's aid societies: 472 (3,550 total since 2005)
- Police: 365

Petitions to the Legislature to expand Ombudsman's mandate in 2012-2013: 41 (most ever)

Private member's bills to expand Ombudsman oversight since 2005: 14

Complaints about Ornge air ambulance service (page 13): 29 total since 2005; 12 in 2012-2013

Significant complaint trends and resolutions in 2012-2013:

Review of "ghost" licences (page 33): The Ministry of Transportation identified 13,866 potential duplicate licence records, 1,050 of which had been flagged for suspension – for driving offences or medical reasons. Of 100 "high-risk" duplicates identified, 35 were not suspended, meaning the drivers could still be on the roads. The review continues.

Long-term care ACTION line – lost calls (page 31): A whistleblower's complaint led to the discovery that more than 250 calls to this hotline were improperly entered and lost.

Inmate health and safety (page 24 and pages 57-58): Complaints from inmates about long waits for medication and treatment – including an inmate who was seven months pregnant and a man with epilepsy – were flagged to senior Ministry officials, and psychiatric treatment hours were extended at institutions in a region that had cut them for financial reasons.

Family Responsibility Office errors (page 27): A woman received \$34,000 in child support payments that the FRO had wrongly held back for 11 years.

Services for the developmentally disabled (pages 27-28 and 55): Ombudsman staff worked with government officials and service providers to find placements for adults and children with severe special needs on a case-by-case basis. Complaints about services for children nearly doubled over last year, and in two cases, parents were wrongly told they would have to surrender custody in order to obtain care for their children.

Health coverage improvements (page 70): Tracking of out-of-country treatments was improved after a 72-year-old man was wrongly told the treatment he sought had never been covered before.

Disability support system fixes (pages 62-65): The Ontario Disability Support Program (ODSP) updated its application tracking systems after a father's repeated messages went unanswered for three months and a mother's pre-application for her soon-to-be-adult son went missing. It also changed its process for providing special diet allowance forms and granted a woman \$1,298.

Systemic investigations and updates:

- *In the Line of Duty* (Ontario Provincial Police and Ministry of Community Safety and Correctional Services – report released October 2012) **page 46:** The Ombudsman found the OPP and Ministry were not providing adequate support for police officers dealing with operational stress injuries. **Update:** The OPP's two quarterly progress reports to the Ombudsman and reaction from officers and their families have been positive. The Ministry has also committed to develop provincial standards for dealing with this issue.
- *The Code* (Ministry of Community Safety and Correctional Services – report released June 2013) **page 44:** This investigation revealed a systemic “code of silence” among some correctional officers with regard to the use of excessive force against inmates. The Ministry agreed to all of the Ombudsman's recommendations to address this and improve investigation of such incidents. Its first quarterly report is due in September.
- *Dental implants* (Ministry of Health and Long-Term Care – issue first raised in 2009) **page 48:** The Ministry implemented a \$5-million annual program to fund implants (normally considered cosmetic and not funded) for cancer patients who have had radical jaw surgery. Ombudsman staff informally resolved 22 such cases.
- *Adults with developmental disabilities in crisis* (Ministry of Community and Social Services – investigation launched in November 2012) **page 49:** More than 850 complaints have been received in this investigation, many from parents who are unable to find appropriate care for their adult children with complex special needs. The field work (interviews and document review) is almost complete.
- *Non-emergency medical transportation services* (Ministry of Transportation and Ministry of Health and Long-Term Care – investigation resolved June 2011) **page 51:** In June 2011, the then ministers announced these services would be regulated, after the Ombudsman found significant problems with training, equipment and infection control. **Update:** Consultation was done but no legislation has been introduced.
- *Caught in the Act* (Ministry of Community Safety and Correctional Services – report released December 2010) **page 52:** The government pledged to replace the World War II-era *Public Works Protection Act*, under which police powers were expanded during the June 2010 G20 summit in Toronto. **Update:** The first replacement bill died with the October 2012 prorogation of the Legislature. A new version, Bill 51, has reached second reading.
- *Oversight Unseen* and *Oversight Undermined* (Ministry of the Attorney General) **page 53:** The Ombudsman called on the Ministry in both reports (2008 and 2011) for new legislation

to support the Special Investigations Unit (SIU) in its mandate to investigate police involved in cases of serious injury or death. **Update:** No legislation has been proposed, and the SIU continues to report problems with failure by police services to notify it and respond to letters, and the vetting of police notes by lawyers.

- *Monitoring of long-term care homes* (investigation concluded December 2010) **page 52:** The Ministry of Health and Long-Term Care reported in December 2012 that it had implemented the Ombudsman’s recommendations; it also made numerous other changes. However, the Ombudsman received 35 complaints about its Performance Improvement and Compliance branch and is considering whether or not a follow-up investigation is warranted.

Successes achieved by Ombudsman staff (see Case Summaries, pages 56-72):

- Recovered a mother’s \$5,000 child support payment – along with several others in the same package – that had been damaged and lost in transit between the Family Responsibility Office (FRO) and the Ontario Health Insurance Plan (page 60).
- Stopped the FRO’s garnishment of a father’s wages after revealing it misread a court order to say he owed \$12,692 in child support when he only owed \$3,871 (page 61).
- Found a computer glitch that shortchanged a man \$7,828 in disability support (page 61).
- Recovered a \$1,058 wrongful “overpayment” for a woman who fought the Ontario Disability Support Program (ODSP) for it for 14 years (page 64).
- Obtained a \$1,794 credit for a woman whose Hydro One “smart meter” malfunctioned, and who had tried calling the utility a dozen times to no avail (page 66)
- Convinced the Municipal Property Assessment Corporation to reduce a woman’s assessment by 30% under exemptions in the province’s wetland evaluation system (page 67).
- Helped a father get a birth certificate for his newborn daughter when the Office of the Registrar General arbitrarily insisted on a signature from the mother, who had died shortly after giving birth (page 68).
- Persuaded a Community Care Access Centre and a convalescent home to cover a \$1,564 bill issued to a woman whose stay was extended because she had no residence to go to (page 69).
- Had a man’s driver’s licence reinstated within one day after he waited 10 weeks in vain for the Ministry of Transportation to respond to his doctor’s request to lift a medical suspension (page 73).
- Confirmed a Métis woman’s eligibility to have \$10,000 in fishing royalties reimbursed (page 72).