

Notes for Remarks

by Fiona Crean
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The Ombudsman in Municipal Public Service: Realizing the Potential for Working Together

Thank you for the invitation today. What I want to talk to you about are the basics of ombudsmanship, and about how we can work together to make sure services are delivered fairly and equitably. I want you to feel you are in a position – by the end of this talk – to take my message to your staff and generally increase awareness and comfort within the Toronto Public Service about what the Ombudsman does.

This is a new office and we are breaking new ground. Every single thing we do is a first and sets precedent. For us to succeed we have to establish trust, a confidence that people will be heard, whether you are a resident, an elected representative or a public servant.

A quick recap for many of you: We are a creature of Ontario legislation, a part of the *City of Toronto Act*. I am independent of the public service reporting directly to City Council. The Ombudsman's function is to investigate any decision or recommendation made or any act done or omitted in the course of the administration of the City, its agencies, boards, and commissions.

We are here as a place of last resort for residents to turn to when all else has failed, when people have tried to resolve complaints with the City and have been left dissatisfied with the results. The only exception to this is the issue of delay. If there is no response from City government then we may take the complaint because that may constitute unfair administration. For example, we dealt with a resident who had not had a bill for a year and when we enquired into it, the error was corrected; the resident was billed for over a \$1,000 to be paid upon receipt. When we intervened a repayment plan was put in place.

The Ombudsman concept involves the public, on the one hand – and the civil service on the other hand. We are squarely in the middle – impartial – with no vested interest in the outcome of a complaint except that the public was treated fairly by the City's civil service. I have heard concerns from most constituent groups about my role at the City.

- Community concerns about partisanship – am I just going to support the existing powers?
- Concerns from elected officials about their role and relationship with constituents being usurped
- Concerns about resources
- Concerns from public servants – am I just going to shine a light on their failures? Is she just going to tell us what we already know, but don't have the means to fix? *Here* we go again – more oversight, more criticism, another outsider who doesn't understand our work.

Municipal government has a responsibility to provide services that are fair and equitable

to all of its communities. Mistakes happen in large organizations. Sometimes systems or policies can be wrong and need looking at. The litmus test for individuals about the value of a service is how well things work when a problem arises. That's why retail companies spend so much time telling us how great their "returns" policy is even before you buy the product. Because things do go wrong. Plain and simple. People understand that. What they don't understand is why it seems so difficult to fix them.

And so the role of an Ombudsman is to provide that 'check and balance' – to even the playing field between the citizen and their government. Our approach to this work is one of prevention, problem solving and conflict resolution. It is about being accessible, adaptable and informal. Most people who have a problem want it fixed and done quickly. Most frequently we do just that – work quietly to get the right fix.

There are always differing perspectives on a problem and it is often complex to reach agreement. Our approach is to work it through until we can agree on what is in the public's best interest. Getting the right fix often means working our way up through the system, at each level giving the appropriate official an opportunity to fix the problem, or to explain why the solution that we are going after doesn't fix the problem.

As the Ombudsman, my role is to maintain an arm's length relationship with the Public Service while working closely with you to take preventative steps wherever and whenever appropriate. When complaints are made, we will identify and solve the issues and problems with you.

Sometimes we conduct investigations. As Ombudsman, I have broad powers of investigation to uncover the facts. I can enter facilities, obtain documents, interview officials. We will use these powers carefully and judiciously. We have a responsibility, I believe, to present recommendations from the findings of our investigations in a constructive and helpful way. We also understand our responsibility to be practical, and to know the full implications of any particular recommended course of action. Our over-riding goal is to serve the public interest and to assist public servants in fulfilling their responsibilities.

We are not here to do your work or supplant your decision making authority. It is not about blame or going after public servants. It is about ensuring fair administration. Establishing sound relationships with you is central to solving problems effectively. I am not interested in playing "got ya".

We will be alert to detecting invisible deterrents to resolution - cultural attitudes, for example. Sometimes public administrations have policies and practices in place that are difficult to access or understand for parts of the public. Those policies can set up a barrier that excludes those of us unable to exercise our rights in ways that will be acted upon. Some of us may have difficulty in being heard by a large city bureaucracy. We will pay particular attention to those who are vulnerable or marginalized to ensure the playing field is evened and access to and results from City services are equitable.

I know from experience that the decisions an Ombudsman makes always have a human impact – on both the service deliverers and the complainants. Having decisions and actions reviewed by outsiders can be discomfoting in every kind of human relationship, especially when one has been accustomed to acting without external scrutiny. This situation places a profound responsibility on our shoulders and we understand that obligation.

Since amalgamation, Toronto's city government has become more complex, and the role of the public servant in offering good governance has increased exponentially. That still means the resident in Etobicoke needs to receive similar standards of public service, based on the same policies, as the resident in Scarborough East. It means that the newly arrived Tamil resident of Scarborough Centre is being treated equitably as compared to the resident of Rosedale. It means that the most vulnerable of homeless persons is entitled to enjoy the same quality of democracy as the very good friend of a member of City Council. That places enormous pressure on civil servants.

In that scenario, it is the public servant who gets the squeeze. Being called upon to fulfill a changing list of priorities – some based on longstanding plans, others based on recent pressures from politicians is challenging.

Furthermore, you have to explain these decisions to the public, and that can be a very tough job. It would be regrettable, however, if such situations were not challenged, strategically but firmly, by public servants like yourselves whose lives have been dedicated to professional public service. And that is where the Ombudsman can be your best friend.

Both public servant and councilor have to understand that when there is an Ombudsman in place, the rules of the game are different. Knowing this, you are better positioned to respond to political pressures by pointing out the certain path ahead, by pointing out the public accountability which could be demanded of you by the Ombudsman.

Most public servants, I have found, are dedicated to delivering the best possible quality of administration. There are many first class civil servants in the City's administration. Most of you will recognize the practical benefits of fixing a small problem before it becomes a big problem. Enlightened self interest is a wondrous tool in resolving conflict! I have always found that most people will do things if there is positive recognition for their efforts. Despite that, unacceptable problems exist – clearly satisfaction with the City's "customer service" is one of them.

The problem on this front for me is that, while I am not a "quality service" watchdog, many of the complaints we get are issues that arise when the complainant feels the 'service' issues are not being delivered fairly, which in turn becomes an ombudsman concern. We take all concerns seriously, including those of the public service. In fact our office is the best insurance policy a public servant has for unfounded complaints! I believe that the greater the degree of voluntary effort by the public service in developing

solutions to problems, the more likely it is that the solutions will be effective and long-lasting.

I want you to see us as offering a service rather than being a threat. Maybe this is asking too much too soon, but I hope today is the start of a dialogue.

If you take anything away from this session I want it to be this:

- Explain our role to your staff and point them to the online tools we have for them.
- Consider the complaints procedures you now have in place, whether they are as good as they should be, and whether the public you serve know enough about these procedures.
- Feel free to invite my staff to your meetings to answer questions.

My commitment to all of you is that we will be fair, impartial, transparent, tenacious and thorough in our fact finding, decision making and recommendations.

I want to thank all of you for the opportunity to address you today, and I look forward to working with you.