

Notes for Remarks

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Intake: Common Practices and Challenges Forum of Canadian Ombudsman

When I was asked to talk about the role of Intake, I accepted, thinking how difficult can this be? I've been at this work for decades, there will be lots I can draw on and I'm sure I have materials at hand.

Alas when I hit the books, I discovered that erudite academics and practitioners alike all focus on the almighty investigation and the tricks of that trade. This fascinates me as an obvious gap of research. And why I see this as such a gap is because of the role played by Intake.

Intake is the face of the organization. It is our daily bread. It is our success or our failure. It is where first impressions start, where trust and credibility begin. It is the clearing house for information and referrals; it is the place of impartial advice, the quick turnaround, the problem solving engine of the operation.

And it is by far the most cost effective part of any complaints office, large or small.

Today I'd like to speak about the key ingredients for successful Intake and some of the accompanying challenges.

In my experience within public/private/ not-for-profit, legislative, executive or university settings, broadly speaking, those best practices remain constant:

- systems in place
- triage capacity
- technical skills
- equitable service
- the right attitude – thinking outside the box and being resourceful
- common sense and intuition

The challenges are similar too across the board.

- dealing with daily anger, frustration or worse, yelling
- dealing with the sheer stupidity of what my Ontario colleague calls "rulitis"
- addressing complainants with mental health issues
- confronting bad behaviour and complainants who can be unreasonable
- staff burnout

I am not addressing lack of resources today. That's a topic for another day but I can tell you, we are far too small an office serving a population of 2.6 million – but you make it work. You triage, you bundle, you focus on getting departments to create their own complaints systems and you tell the truth.

Let's deal with the systems first. At the outset, you need to have good ones in place. You need to know the jurisdictional rules and provide staff with parameters of delegation and discretion to act.

You must have a case management and complaints tracking system. You must keep statistics. They both inform your complaint trends and your budget requirements. You must have documentation standards and record keeping standards. Decide what is sufficient. Get as many facts to avoid delays later. Take all suspicions seriously and follow them up.

You need assessment tools (Appendix A: Early Resolution Checklist) and clear guidelines on what is not within your jurisdiction and the extent to which you want to provide the public with information and referrals that do not fall within your mandate.

Last but not least you need good information on the organizations under your oversight. Having good designated contacts within the departments is also important and efficient.

Without all of this you are in trouble from the outset. Whether you are a tiny office or a large organization these things are critical to have in place.

Our own story is one of struggle in this regard. We opened before we had our infrastructure in place and it wastes time. Sometimes the imperative to be open for service overrides our infrastructure needs but you pay for it through inefficiency and duplication of effort in the long run.

Technical skills are about clarity of role, hiring the right people, appropriate training for consistent results, setting out your expectations (Appendix B: Skills, Knowledge and Abilities of Intake.) How far can or should Intake take something? What is Intake's authority? Answers to these questions will depend on the organization. In our case we are a small team and there is almost continual consultation and problem solving.

I have learned that Intake is the quick early resolution mechanism but it is also the critical foundation to a good investigation; you can't separate them.

What Intake always has to be cautious about is that they are not solving the same problem again and again or missing systemic patterns by addressing the immediate too quickly.

Equitable service is a central requirement for all of our work. Equity starts out with the principle that we are not all the same, that we are all different, that we are in different places to start with. The power imbalances for some people dealing with bureaucracies are greater than others.

Fairness means people need to be treated according to their particular circumstances for equitable results. It's the effects or impact of treatment that matters. Often it means being resourceful and using common sense. It's also about listening "differently", being open to hearing the complaint through the story that gets told.

Attitude, common sense and intuition are all attributes that are tied into our ideological beliefs and values so it is critically important to recognize that and to have a strong awareness of when those values are at play.

Our “expert mind” is often a block to success. It is the part that knows it all, that has decided what the rules are, how things are going to be done and what is going to happen.

That is also how a public service is defined – logic, order, and the legitimate use of formal authority. Bureaucracies are hierarchical, with rules and procedures.

Why am I talking about this? Because more often than not the public is expected to fit into our organizational norms and follow our rules.

When they can't or they don't, they become the "problem", someone who does not merit the organization's attention. And then things spiral.

The best Intake is done when you allow your intuition to come out – be in the present, open to options and possibilities. Listen to the story even if it appears to be off topic. This requires real practice. It's an attitude.

The more open we are to possibilities, the less restricted we become to the “normal” way of doing things, the less our “expert mind” is at work.

Of course Intake needs that technical knowledge base, but it's also about our hunches, trusting our feelings, following up on our suspicions.

This attitude is critical to our success in addressing people with mental health issues.

But it is also a boon when dealing with angry and upset complainants.

More often than not, people who are yelling at you are doing so because they have lost control and deep down, they may be afraid. Challenging them will only escalate the communication.

None of this translates into allowing or enabling abusive behaviour.

The parameters for Intake must be clearly spelled out by the leadership. And management must keep a vigilant eye out for burnout.

Intake is one of the toughest jobs around.

But even in a team as small as ours, there are things you can do.

Recently, we began rotating our two Intake staff so that one was off phones every other day. That has made a big difference. Some organizations rotate all their staff through Intake – and that always causes angst.

Often the refrain from the more senior people is that the job is junior, they have important investigations to conduct or so the sub text goes! My experience is that it enhances their skills and gives them a greater appreciation for their Intake colleagues.

In summary, Intake is the key to an organization's success. Nurture that function and support those employees. Give them the authority, the tools and the respect. And to Intake staff, I say, keep your wits sharpened, your minds curious, your hearts open and your spines of steel!

Appendix "A"

Early Resolution Checklist

This checklist is a guide and a set of reminders. It will not apply to all situations.

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|----|---|-----|----|
| 1. | Have you established that it is a jurisdictional complaint? | Yes | No |
| | <input type="checkbox"/> Subject matter within mandate | | |
| | <input type="checkbox"/> Last resort | | |
| | <input type="checkbox"/> Respondent within our mandate | | |
| | <input type="checkbox"/> Personally affected | | |
| 2. | Have all relevant information and facts have been collected? | Yes | No |
| | <input type="checkbox"/> Documents from complainant | | |
| | <input type="checkbox"/> File or documents from respondent | | |
| | <input type="checkbox"/> List of documents created | | |
| 3. | Summary of complaint | Yes | No |
| | What happened? | | |
| | Why? | | |
| | Who involved/affected? | | |
| | When and how? | | |
| 4. | Are all affected parties named? | Yes | No |
| 5. | Was a decision or lack of decision made? | Yes | No |
| | If yes, how and what information was used to make the decision? (legislation, policy, etc.) | | |
| 6. | Does the person know a decision was being made? | Yes | No |
| 7. | Did the complainant understand the decision? | Yes | No |

Appendix "B"

The Skills, Knowledge and Abilities for Intake

Responsibilities	Skills, Knowledge and Abilities
To be ethical	<ul style="list-style-type: none"> • Remaining impartial • Being objective • Avoiding conflicts of interest • Demonstrating personal and professional accountability and integrity
To provide equitable service	<ul style="list-style-type: none"> • Active listening • Plain language • Making rules simple • Accessible • Respectful • Recognizing power imbalances • Practising attitudinal openness • Valuing difference
To determine course of action	<ul style="list-style-type: none"> • Assessing complaints • Identifying when discretion should be exercised to close a complaint or go further with it • Identifying situations appropriate for early resolution • Explaining information clearly • Giving good referrals
To plan	<ul style="list-style-type: none"> • Identifying tasks • Determining relevance • Prioritizing • Organizing • Setting realistic time lines
To gather and review information	<ul style="list-style-type: none"> • Active listening • Note-taking • Obtaining relevant documents • Record-keeping • Summarizing • Identifying gaps
To analyze	<ul style="list-style-type: none"> • Assessing the information • Weighing the relevance of information • Linking information to issue • Assessing jurisdiction • Drawing inferences and conclusions
To record	<ul style="list-style-type: none"> • Summarizing • Explaining • Writing up in case management system

