

The Record

2013 Second Quarter

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I just want to say



It's an exciting time in the ombuds world for new milestones in our work. The first ever certification course in ombudsman work is being launched in the fall by Osgoode Hall Law School with the Forum of Canadian Ombudsman (see page 6). Kwame Addo, our Director of Investigations and I will be part of the teaching faculty.

The International Ombudsman Institute (IOI) is our professional association, housed in Vienna with a global membership. It is sponsoring our office by contributing funds to do some groundbreaking work.

We are using the Toronto Public Service as a case study to develop an evaluation guide for measuring the impact of ombudsman systemic investigations on the public service (see page 5). Having just completed a preliminary literature review, this seems to be a unique venture and therefore daunting! The USA has done some work in the area but there is little research with legislated ombudsman institutions. We are interested in finding out how ombudsman offices like ours can better measure how investigations affect improvements in service to citizens.

We are very much hoping that the results will be of immediate applicability and value minimally to legislated offices in North America and perhaps to others. It is our goal to translate the results into French and Spanish, the working languages of the IOI, along with English.

Dr. Siemiatycki and Dr. Noack of Ryerson University are leading the study in collaboration with our office. An external advisory group of ombudsman are providing support and guidance: Kim Carter, Ombudsperson from BC, Howard Sapers, Federal Corrections Investigator, Kevin Fenwick, Saskatchewan Ombudsman, Nora Farrell, Ombudsperson of Ryerson University and Dean Gottherer, international ombudsman consultant. More on this as we progress.

On other fronts, I have been elected to join the Canadian Forum of Ombudsman Board of Directors for a two year term. I am looking forward to serving the FCO membership.

The Ombudsman Awards, recognizing exemplary public servants, are underway. There are 15 nominees and the winners will be announced at a ceremony honouring them on September 30 at City Hall.

And perhaps most importantly we have completed two more systemic investigations, one on the eviction of seniors from public housing and the other about Wheel-Trans service for residents. They are important markers in that systems change and standards will be put in place to better serve citizens and residents.

Have a good summer everyone and be safe.

Our Latest Investigations

Wheel-Trans is Watching: An Investigation into TTC's Use of Video Surveillance on Wheel-Trans Vehicles

Following this investigation, the TTC's 'Questionable Rider' program, which reassesses riders' eligibility, has been suspended until it has put better processes in place and conducted public consultation.

The Ombudsman found that due process and fairness were lacking. Riders, whose eligibility was being questioned, were never told about the video surveillance that was being used to assess them.

The TTC installed video surveillance cameras in all its vehicles between 2006 and 2008. At the time, the TTC said the cameras were for crime deterrence, safety and security, and agreed to consult with the public before expanding their use. When Wheel-Trans started using video surveillance in 2010 to check on the eligibility of riders, they never consulted and amended their warning notice which is so small most people would not notice it.

The investigation found that:

- Riders being reassessed are never told the TTC has video of them boarding a Wheel-Trans vehicle, so they cannot prepare an adequate response.
- The independent panel that handles the reassessment does not use any scoring guidelines when viewing the video.
- Riders are given no information about the reassessment process or its criteria, beyond the time and place of the interview.
- People who lose their eligibility are usually sent vague letters that do not explain how the decision was reached, or the fact that video surveillance was employed.
- Neither the appeal process nor the application is posted on the TTC website.

The TTC agreed to implement all 11 of the Ombudsman's recommendations concerning public consultation, notification and its video recording policy within the suggested timeframes.





Housing at Risk - An Investigation into TCHC's Eviction of Seniors on the Basis of Rent Arrears

Following an investigation into seniors evicted in 2011 and 2012 for non-payment of rent arrears in Toronto Community Housing Corporation (TCHC), the Ombudsman found that staff were not following the Corporation's own guidelines or policy of only using eviction as a "last resort."

TCHC had promised to change its practices regarding the eviction of vulnerable tenants, following Justice Patrick LeSage's inquiry into the circumstances surrounding 82 year old Al Gosling's death in 2009. But the Ombudsman's investigation found TCHC staff had not changed their practices or implemented all of his recommendations.

The investigation found that staff often did too little too late. Early interventions and personal contact, especially with vulnerable people who have capacity, mental health or addiction issues weren't happening.

Eviction for arrears was being used improperly. For example, because it is more difficult to evict a tenant for bad behaviour, TCHC would begin the eviction process after a tenant missed just one month of rent payment.

Seniors often accumulated arrears when they failed to submit an annual income review package to verify their income. Income reporting is only required every two years. The Ombudsman has recommended that TCHC consider doing it every other year because seniors are most often on fixed incomes that change little.

Additionally, the Ombudsman noted that TCHC needs to work proactively with seniors who start collecting federal monies when they turn 65, to prevent this new income source being a trigger for accumulating arrears.

Some of the key findings were:

- TCHC policy requires "early intervention" and eviction as a "last resort" not a first resort. Neither was happening consistently.
- Contrary to the Eviction Prevention Policy, staff do not usually personally contact seniors who have fallen behind in their rent. The "personal contact" is often through excessively bureaucratic letters, poorly written and confusing.
- There are no standards for how long seniors have to repay their arrears and no limits on how much TCHC can require them to pay on top of their regular rent. This results in inconsistency and unfair treatment.
- By freezing evictions after the death of Al Gosling, TCHC let rent arrears for some seniors increase to insurmountable levels. The subsequent return to tough arrears enforcement was harsh and unfair.

The Ombudsman made 30 recommendations, all of which have been accepted by the TCHC.

Measuring the Impact of Investigations on Public Administration: Creating an Evaluation Guide

We have begun an important project to answer a question that is critical for Ombudsman around the world: What is their impact on the ongoing operations of their jurisdiction's public service?

We have been open for a little more than four years. We now have a critical mass of investigative results that will allow us to measure the impact of ombuds work on the administration of the municipal public service and consequently the citizens and residents of Toronto.

This project is sponsored and supported by a generous grant from the International Ombudsman Institute (IOI). Ryerson University has won the tender to lead the research. We will use the City of Toronto as a case study from which we will then develop an evaluation guide which will assist in measuring the impact of ombudsman investigative work on government administration.

In most ombudsman annual reports, the common metrics of evaluation focus on the number of complaints that were received and recommendations made. These assessments are limited however, because they reveal little about the systemic impacts of ombudsman investigations on government administration.

Ombudsman around the world have found it challenging to measure the ongoing impact that results from investigations into systemic cases of maladministration. Their work, which is concerned with fair play in government and aims to set right administrative wrongs, is not always easily measurable or quantifiable. Contrast this with accounting for example, which emphasizes the quantitative measures of financial inputs and outputs.

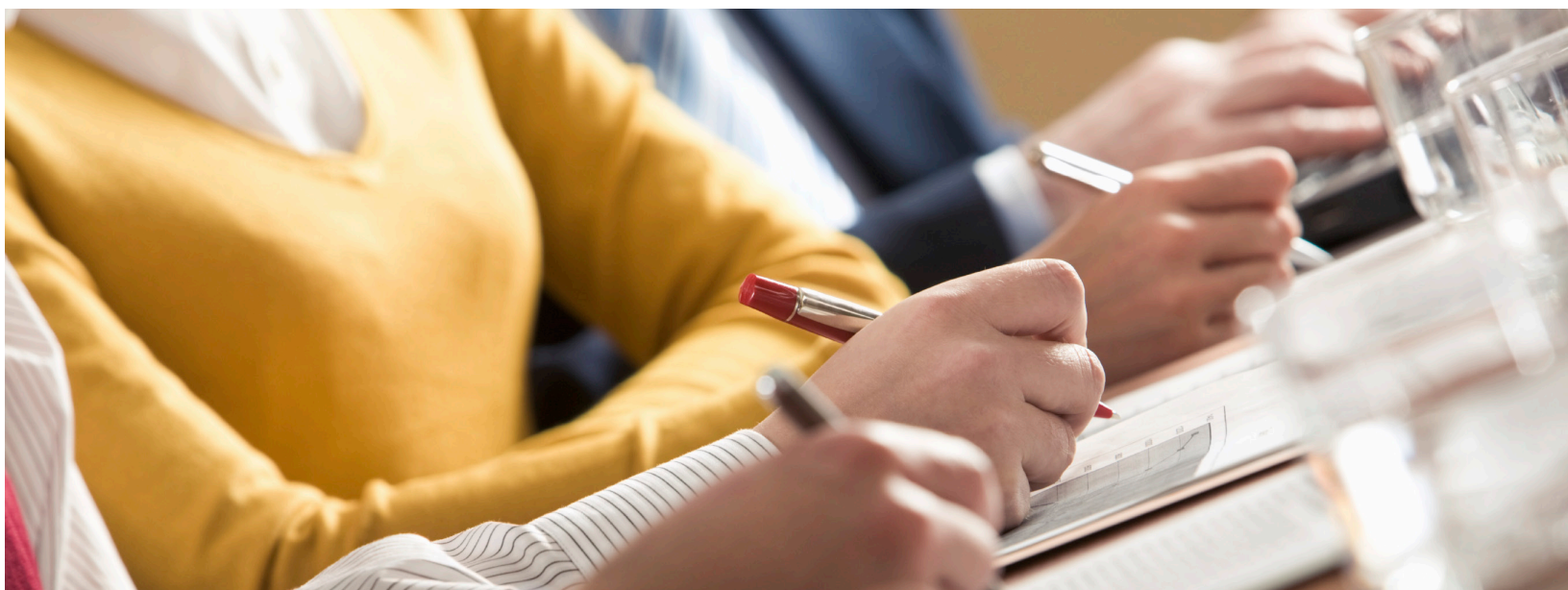
This project's findings and the resulting evaluation guide will help Ombudsman offices to measure the impact of their systemic investigations. This in turn can increase the effectiveness of Ombudsman offices, enhance the performance of public servants and improve the service they provide to citizens. The project will be useful for others working in the field of governance, such as integrity commissioners, who support legislators responsible for ensuring healthy democracy.

To ensure a broad application and utility of the project's results, an Advisory Group of five Ombudsman from jurisdictions across the North American region will provide valuable guidance.

Professional Development

Osgoode Hall Law School and the Forum of Canadian Ombudsman have developed the first joint Ombudsman program in Canada to take place in September. It is a week-long certificate course that examines the theory and practice of the ombuds role. Taught by a faculty of practising ombudsman, lawyers and academics from across Canada, the course will be a mix of theory, knowledge and practical skills. On completion of the program, participants will receive a certificate from Osgoode Professional Development, Osgoode Hall Law School. For more information visit <http://www.osgoodepd.ca>

The Forum of Canadian Ombudsman (FCO) held its biennial conference in Halifax in June 2013. The Ombudsman was a plenary speaker on the topic of “Creating Barrier-Free Services: Are You Accessible to All Your Constituents?” She also participated on a panel about emerging issues for municipal ombudsman.



Ombudsman Staff Training on Mental Health

The Toronto Ombudsman team completed an in-house training session about residents and citizens with mental health challenges, mental illness and addictions. We wanted to increase our awareness and gain more skills in serving those members of our community.

Our trainer was Diana Capponi, who is the Employment Works Coordinator at the Centre for Addiction and Mental Health and Linda Chamberlain, both psychiatric survivors and we learned much from their lived experience. The day was filled with skill building and development through a great mixture of statistics, reality checks and story-telling, along with hands-on learning through case studies. We were joined by some of our colleagues from the Ombudsman for Banking Services and Investments.

Out and About



Left: Fiona Crean at the City/CAMH Launch Event on May 14th Photo by: Protocol Services **Right:** Fiona Crean speaking to senior public servants from the Government of India.

Outreach activities have continued apace. While busy in Scarborough communities, there has been an increasing focus on reaching residents through umbrella organizations such as the YWCA, United Way, Social Planning Toronto and the Ontario Council for Agencies Serving Immigrants. These organizations are able to spread the word about ombudsman services through their own networks. The Ombudsman has also completed a speaking circuit of all Toronto Employment and Social Service offices in the city to ensure that public servants know about her office and pass that information on to clients as appropriate.

In Scarborough, the Ombudsman met with the Rosewood Taxpayers' Association, Residents Rising and Probus Scarborough Centre Club among other groups.

She has also met with a number of delegations from abroad including a keynote speech through the Institute of Public Administration Canada to senior public servants from the Government of India.

What's New



After almost two years of wonderful service, Geoffrey Wong has left our office to attend law school in Ottawa. Geoff joined us on a temporary contract and within weeks became indispensable. He primarily conducted investigative research but he also willingly volunteered on everything from transcribing investigation interviews to administrative functions. We already miss Geoff's cheeky humour and incisive thinking. Good luck to you Geoff!

In the spring we hosted a research intern, Tammy Fanning from Humber College and just recently, Jeff Wong (no relation) joined us as a volunteer.



Team Toronto Ombudsman participating in the Toronto 2013 MS Walk at Downsview Park on May 5.

talk to us

ombuds@toronto.ca

TEL 416-392-7062

TTY 416-392-7100

375 University Avenue,
Suite 203

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about Toronto's Ombudsman

1. We are impartial investigators.
2. We are independent from the Toronto Public Service.
3. We advocate for fairness.
4. We are an office of "last resort."
5. We offer information sessions.
6. Our services are confidential and at no cost.