

Annual Report 2008-2009 – Facts and Highlights

Total complaints and inquiries received: 16,742

Complaints involving MUSH sector (outside mandate): 2,366

- Municipalities (excluding closed meeting complaints): 858
- Universities: 49
- School Boards: 107
- Hospitals and long-term care facilities: 532 (almost double last year's total, 276)
- Children's aid societies: 429 (up from 283 in 2000; see **page 18**)
- Police: 361

Special Ombudsman Response Team (SORT) investigation updates:

- *Oversight Unseen* (Special Investigations Unit): **Page 34** – Report released in September 2008 called for more rigour in SIU investigations and legislative change to make police failure to co-operate an offence; SIU and Ministry of the Attorney General accepted the recommendations and reported on their progress.
- *Between a Rock and a Hard Place* (Special-needs children): **Page 41** – After receiving 24 complaints by families of severely disabled children that they would have to give up custody of their children in order to get residential care – an issue previously investigated by the Ombudsman in 2005 – the Ombudsman worked with the Ministry of Children and Youth Services to ensure this would not have to happen; cases are being resolved individually and being closely monitored.
- *A Game of Trust* (OLG): **Page 43** – In February, in light of an audit showing the OLG's "insider" win rate since 1993 was twice its original estimate, the Ombudsman said he may call for a ban on retailers playing lotteries if the corporation cannot demonstrate by August that the problem is under control. Investigations elsewhere in Canada and across the U.S., inspired by the Ontario probe, have shown similar problems.
- *A Test of Wills* (Legal Aid Ontario): **Page 45** – Following the Ombudsman's recommendations from February 2008, the Ministry of the Attorney General went to court to recover funds from the defence of Richard Wills; a review of lawyers' accounts in the case is underway, and LAO is reforming its Big Case Management program.
- *Getting it Right* (MPAC): **Page 46** – Province-wide property assessments resumed in fall 2008 for the first time since the freeze imposed after the Ombudsman's 2006 report. With all but one recommendation implemented, MPAC's system is fairer and more transparent – generating 349 complaints this year, compared to 3,720 in 2005-06.

- *Adding Insult to Injury* (Criminal Injuries Compensation Board): **Page 48** – New staff and adjudicators were hired and \$100 million in funding allocated to clear the backlog of crime victims’ claims. The Ombudsman’s recommendation of a victims’ advisory board is still under consideration, but the average processing time for claims has been reduced from three years to two – not ideal, but progress in the right direction.
- *Collateral Damage* (Mental health services for soldiers’ children): **Page 49** – Increased funding provided by both the federal and provincial governments has helped to hire additional staff, allowing the Phoenix Centre at CFB Petawawa to keep up with demand for services – this is being closely monitored now that the latest deployment has returned from Afghanistan.
- Coroner’s inquest delays: **Page 36** – The Ombudsman suspended his investigation, launched in March 2008, and will monitor progress made in the wake of new amendments to the *Coroner’s Act* that are expected to reduce the number of mandatory inquests and potentially alleviate delays.

Ongoing SORT investigations:

- PET scans: **Page 36** – The Ombudsman is in discussions with the Ministry of Health and Long-Term Care with regard to its response to his preliminary report.
- Cambrian College (Sudbury): **Page 37** – The Ombudsman’s report, sparked by student complaints that the college’s Health Information Management program failed to qualify them for work in the field, is being finalized.
- Bestech Academy (Stoney Creek): **Page 38** – The Ombudsman’s report on the shutdown of Bestech and the Ministry of Training, Colleges and Universities’ (MTCU) enforcement of the *Private Career Colleges Act* is being finalized.
- Long-term care: **Page 39** – SORT’s field investigation into the effectiveness of the Ministry of Health and Long-Term Care’s oversight of long-term care homes is complete; writing of the preliminary report and recommendations is underway.
- HNBN LHIN: **Page 40** – SORT’s investigation of the Hamilton Niagara Haldimand Brant Local Health Integration Network’s approach to its mandate of “community engagement” is complete; the report is expected this summer.
- Employment Practices Branch: **Page 40** – SORT’s assessment of complaints is underway; a decision on whether to launch an investigation is pending.
- Avastin (announced June 4, after Annual Report was completed): SORT is investigating the government’s funding limits on this drug for colon cancer patients.

Successes achieved by Ombudsman staff (see Case Summaries section, Page 50):

- Helped reverse a bill for \$119,239 sent by the Workplace Safety and Insurance Board to a man who was actually *owed* the money. **(Page 60)**
- Found the lost paperwork delaying one adoption and preventing the adoption of a second child. **(Page 50)**
- Convinced the Family Responsibility Office to:
 - stop closing cases deemed “impractical to enforce” **(page 50)**;
 - advise its staff to insist support payments are always due on the date specified in court orders, rather than giving 30 days leeway **(page 51)**; and
 - begin enforcement in at least two cases where moms had been forced to collect welfare – resulting in repayments to welfare as well **(pages 50 and 52)**.
- Helped a 55-year-old woman get a birth certificate and passport after she fought for eight years to prove she was born in Ontario. **(Page 56)**
- Sparked improvements to Ministry of Labour conflict-of-interest policy after a complainant revealed his investigator had worked for the company in question for 24 years and boasted that he “knew and trusted” its employees. **(Page 60)**
- Helped secure a \$580 repayment for a woman from Ontario Disability Support Program, which insisted for years that she owed them more than \$10,000. **(Page 53)**
- Helped restore OHIP coverage for former foreign students employed under the federal Post-Graduate Work Permit Program after they were initially refused due to miscommunication between government departments **(page 57)**.

OMLET – Open Meeting Law Enforcement Team Update: Page 21

- New complaints: 127
- Investigations and reports by Ombudsman: Lakeshore, Niagara, Emo, Nipissing, Baldwin, Oshawa* and Enniskillen.
- Municipalities where the Ombudsman can investigate closed meetings: 188
- Municipalities using other investigators: 257
- Investigations and reports by other investigators: Unknown (no central record exists)

*Oshawa also prompted a SORT investigation (*Pirating Our Property*) over its refusal to return the Ombudsman’s preliminary report. See **page 25** and the Ombudsman’s note: *Municipal Oversight 101: Not Opting Out Means Buying In – The Cautionary Tale of Oshawa’s Intransigence*, **page 27**.