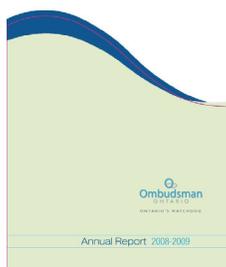


Special Edition: Ombudsman releases 2008-2009 Annual Report



Ontario Ombudsman provides value, good governance in hard times

In releasing his fourth annual report on June 23, 2009, Ontario Ombudsman André Marin demonstrated how his office “delivers big value on a small budget,” through efficient, hard-hitting investigations that help make government better.

“At times like these, the value of public services comes into sharp focus,” Mr. Marin says in the report, which reviews his office’s latest investigations and the 16,742 complaints and inquiries received in the past year. “That value must be ensured, not just in terms of how much taxpayers get for their money, but in the quality and effectiveness of the services they receive.”

Mr. Marin’s **Special Ombudsman Response Team (SORT)**, created when he began his five-year appointment in 2005, has had an enormous impact on government policy, he notes, citing such recent cases as



Ontario Ombudsman André Marin, Annual Report Press Conference, June 23, 2009

the probe of the Special Investigations Unit, as well as earlier investigations that improved newborn screening, the province’s lotteries and the property assessment system. By resolving systemic problems that potentially affect millions of people, SORT’s work helps

save money, litigation, trauma and even lives.

This year’s report updates all of these cases, tracking the government’s progress in implementing the Ombudsman’s recommendations. Recurring problems – such as lax enforcement by the Family Responsibility Office or cases where parents of special-needs children are forced to surrender custody to obtain care for them – are constantly monitored and dealt with quickly. “Without question, our systemic SORT investigations have inspired dramatic improvement in the quality of governance that Ontarians are receiving,” Mr. Marin says. “SORT is not a hit-and-run squad. We re-investigate to confirm the progress that is claimed, and we keep the pressure on.”

Other watchdog agencies across Canada and around the world are now using SORT’s techniques and expertise to train investigators and conduct systemic probes, he notes.

Some 2,366 complaints to the Ombudsman had to be turned away, however, because they involved the MUSH sector: municipalities, universities, school boards, hospitals and long-term care homes, children’s aid societies, and police. Ontario continues to lag far behind other provinces in allowing Ombudsman oversight of these areas, which consume the bulk of government spending, Mr. Marin says.

In the one new area of his mandate – investigating closed municipal meetings – the results since January 2008 have been mixed, Mr. Marin reports. While most municipalities have been eager to co-operate with investigations and embrace transparency, others have been openly defiant. They are free to choose a “lapdog” investigator if they wish, creating a “patchwork” system of enforcement. “There is no sense in this,” he points out.

Full report, backgrounders and more are available at www.ombudsman.on.ca

2008-2009

Total # of complaints:
16,742

Total # of MUSH sector complaints
(outside the
Ombudsman’s jurisdiction):
2,336



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Annual Report: SORT Investigation Updates

SORT working with Ministry to resolve PET scan issues

After providing its conclusions to the Ministry of Health and Long-Term Care in December 2008 on its investigation into the unfair evaluation process regarding access to Positron Emission Tomography (PET) scans, a diagnostic tool used for patients with cancer and other diseases, SORT is working with the Ministry to determine whether the issues identified in the investigation can be resolved.

While other provinces have listed PET scans as an insured service, Ontario has been studying the scans in clinical trials for the past seven years after it was initially expected to take two years – and SORT has discovered that only two of the current five clinical studies have been completed to date.

Cambrian College program probed

SORT recently completed its investigation, launched in the fall of 2008, into claims by students at Sudbury's Cambrian College that the Health Information Management (HIM) program failed to qualify them for jobs in the field for which they had spent two years studying. SORT is also investigating the Ministry of Education, Training and Colleges' oversight of the college. The Ombudsman's report is in the process of being finalized.

Students allege thousands in lost tuition money at Bestech Academy

The Ombudsman will soon publish a report on SORT's investigation, launched in January 2009, into the Ministry of Training, Colleges and Universities' oversight of Bestech Academy. Faculty and students complained that they lost thousands paid tuition after the sudden closure of the private career college located in Stoney Creek and St. Catharines. Bestech had been offering vocational courses even though it wasn't registered with the Ministry. In addition to claims of lost tuition and poor quality of instruction, the investigation also looked at allegations of conflict of interest with respect to Bestech's president who also served as a Ministry employee.

Long-term care report underway

With the investigation into the province's monitoring of long-term care homes now complete, the Ombudsman is compiling a preliminary report which will go to the Ministry of Health and Long-Term Care for a response later this summer. The investigation, announced in July 2008, took longer than expected due to the large volume of evidence and scope of the investigation. Since the investigation was announced, more than 400 complaints and submissions have been received from long-term



care residents and workers, family members of residents, advocates, health professionals, professional associations, unions and other stakeholders. Many expressed dissatisfaction with the way the Ministry responds to complaints about the treatment of long-term care residents.

LHIN investigation nearly complete

SORT is nearing the completion of its investigation into the decision-making process of the Hamilton Niagara Haldimand Brant – Local Health Integration Network (LHIN). Since the announcement of the investigation in March 2009, more than 60 further complaints and submissions have been received from residents, community groups, health care professionals, municipal councils and an MPP – all questioning the LHIN's process for considering input from stakeholders when looking at plans to restructure health services in two regions: the Hamilton Health Sciences Access to Best Care Plan, and the Niagara Health System Hospital Improvement Plan.

Possible new SORT investigation into Employment Practices Branch

SORT is currently assessing complaints about delays in reviewing and investigating claims at the Ministry of Labour's Employment Practices Branch (EPB), to determine whether a systemic investigation may be warranted. The Ombudsman's Office received 42 complaints and inquiries about the EPB in 2008-2009, many from people alleging that their cases had been in the EPB system for 6-12 months with no investigator assigned. Although the Ministry has reported to the Ombudsman that it received additional funds in 2007 and 2008 to deal with increased volume, concerns exist that the branch's overall backlog continues to grow. It is also anticipated that the branch, whose mandate includes investigating complaints about unpaid wages and severance pay, will see even more complaints in the present economic climate. Once the assessment is complete, the Ombudsman will decide whether or not to launch a full investigation.

For updates on completed SORT investigations including the Special Investigations Unit; Special-needs children; and the Ontario Lottery and Gaming Corporation, see pages 41-49 of the Annual Report.

Annual Report: Case Summaries

Signed, Sealed, Undelivered

A woman complained to the Ombudsman about delays in finalizing the adoption of her daughter. The girl, now 19 months old, had been with her since the age of 10 weeks, and she had been unable to obtain her birth certificate or start the process to adopt a second child because of the delay. Her local Children's Aid Society told her they were waiting for a provincial office to return the necessary paperwork. Ombudsman staff made inquiries and determined that the missing paperwork – a "Director's Consent to Adoption" – had been forwarded by the CAS to the regional office of the Ministry of Children and Youth Services nine months earlier. The forms had been signed and approved within a month, but were never returned. Once found, the papers were immediately sent on and the long-delayed adoption was made final.



How late is late?

An MPP contacted the Ombudsman's Office on behalf of a constituent who felt the Family Responsibility Office (FRO) was not taking adequate enforcement measures against her ex-husband, who was late in making his support payments and owed her nearly \$3,000. The FRO had told her that its policy directives allowed the man a full month after the due date to make each payment before it would be seen as "late." She believed that her ex was taking advantage of this practice. An Ombudsman staff member contacted the FRO and after a review of the file, its officials agreed that additional enforcement action was warranted. A writ of seizure and sale was registered against the man's property, a garnishment was put in place to collect any monies he received from federal sources and the process was initiated to suspend his driver's licence. FRO



staff also confirmed they could exercise discretion on a case-by-case basis, rather than sticking strictly to policy. At the Ombudsman's Office's request, the FRO advised all its staff they should consistently give the message that payments are due on the date specified in the payor's court order. **Read more case summaries in the Annual Report on pages 50-63.**

TOP 20 PROVINCIAL GOVERNMENT ORGANIZATIONS AND PROGRAMS COMPLAINED ABOUT IN 2008-2009

		Number of Complaints and Inquiries	Percentage Provincial Complaints and Inquiries
1	CENTRAL NORTH CORRECTIONAL CENTRE	831	7.94%
2	FAMILY RESPONSIBILITY OFFICE	771	7.37%
3	ONTARIO DISABILITY SUPPORT PROGRAM	492	4.70%
4	OTTAWA-CARLETON DETENTION CENTRE	478	4.57%
5	WORKPLACE SAFETY AND INSURANCE BOARD	460	4.40%
6	CENTRAL EAST CORRECTIONAL CENTRE	459	4.39%
7	MUNICIPAL PROPERTY ASSESSMENT CORPORATION	349	3.33%
8	MAPLEHURST CORRECTIONAL COMPLEX	346	3.31%
9	TORONTO WEST DETENTION CENTRE	317	3.03%
10	ELGIN-MIDDLESEX DETENTION CENTRE	220	2.10%
11	SPECIAL NEEDS PROGRAMS - CHILDREN	197	1.88%
12	TORONTO JAIL	185	1.77%
13	DRIVER LICENSING	176	1.68%
14	HYDRO ONE	175	1.67%
15	VANIER CENTRE FOR WOMEN	171	1.63%
16	NIAGARA DETENTION CENTRE	170	1.62%
17	TORONTO EAST DETENTION CENTRE	165	1.58%
18	REGISTRAR GENERAL	163	1.56%
19	MINISTRY OF HEALTH AND LONG-TERM CARE - LONG-TERM CARE BRANCH	161	1.54%
20	ONTARIO LOTTERY AND GAMING CORPORATION	144	1.38%

For more complaint statistics, see pages 69-77 of the Annual Report.

In Other News...

Ombudsman to investigate Ontario's limited funding of cancer drug

On June 4, 2009, Ontario Ombudsman André Marin launched an investigation into the provincial Ministry of Health and Long-Term Care's funding of Avastin, a drug for colon cancer patients. "To many of the people who are taking this medication, Avastin is the last lifeline," said Mr. Marin as quoted in a June 4th Canadian Press (CP) story.

The province's funding of Avastin is limited to 16 two-week cycles, regardless of patient response to the treatment. The Ombudsman is investigating whether the Ministry's decision to limit funding in this way was informed and reasonable.

"To us it's more the systemic nature," the Ombudsman told CP. "It's a complaint which is rich in its quality and raises an issue which deserves to be answered."

SORT will conduct interviews with affected parties and review Ministry documentation relevant to the decision. Anyone with information relevant to the investigation may call the Ombudsman's complaint line at 1-800-263-1830.



OMLET report encourages Town of Enniskillen to be more open about closed sessions

The Ombudsman's Open Meeting Law Enforcement Team (OMLET) determined that during the Township of Enniskillen's closed session of September 10, 2008, council had considered an issue relating to a proposed acquisition of land, which it is permitted to do in the absence of the public. Still, the investigation determined that the resolution authorizing the closed meeting was vague and incomplete, and that other topics were discussed at the meeting that could not be legally considered in closed session. In their report released in April 2009 entitled, *Being More Open About Closed Sessions*, OMLET staff made four recommendations to assist the council to meet its obligations under the open meetings law in the future.

Read the full report [HERE](#) or at www.ombudsman.on.ca (What We Do – Municipal Matters).

How is an Ombudsman like a platypus?



International Ombudsman Institute (IOI) members flocked to Stockholm, Sweden for the IOI's 9th world conference held June 9-12, 2009, an event which also marked the 200th anniversary of the Swedish Parliamentary Ombudsman.

In his speech to conference attendees, "Leveraging Moral Suasion through SORT Investigations", Ontario Ombudsman André Marin, recently re-elected as the IOI's North American Vice President, used an amusing comparison between the Australian platypus and ombudsmen – "a rather strange breed of public official".

"The body parts don't seem to belong together," said Mr. Marin. "The fur comes with a broad tail, a duck's bill and webbed feet. Similarly, classical ombudsmen normally have very robust – at times even intrusive – investigative powers, such as the ability to subpoena witnesses and examine them under oath, to access documents and to gain entry into government premises. Couple this with our lack of executive powers and apparent inability to dictate change, and we start looking quite a bit like a man-made platypus, with key parts that don't fit together. Or do they?"

Mr. Marin went on to explain that given an ombudsman's lack of any governing authority, the only real key to success is through the use of moral suasion and good, high-profile investigations.

"An invisible ombudsman is an ineffective ombudsman," he warned. "And an ineffective ombudsman may soon be an unemployed ombudsman."

Read the entire speech [HERE](#) or at www.ombudsman.on.ca (Media – Speeches).

In Other News...

Ombudsman takes Twitter to new heights - Facebook community growing strong



“Ont_Ombudsman”

Operated by André Marin unless otherwise indicated.

Live since February 19, 2009.
954 followers to date.

Topics of discussion include:
Fairness, transparency, social media, SORT investigations, Annual Report, favourite TV shows and one birth announcement.

Thanks to all our new Twitter followers and Facebook fans! In case you haven't noticed (or haven't signed up yet and become a follower), the Ombudsman has officially taken over the “Ont_Ombudsman” Twitter account and ‘tweets’ come directly from André Marin unless otherwise stated. Mr. Marin has been active on Twitter and you can catch him ‘tweeting’ and uploading photos live from meetings and other events. It's not all serious business – you may occasionally find the Ombudsman tweeting about colourful news items, pet peeves, tech gadgets or even his kids' soccer games. Sign on, become a follower, and tell Mr. Marin directly what's on your mind at www.twitter.com.



“Ontario Ombudsman”

Operated by Communications staff.

Live since February 13, 2009.
377 fans to date.

Topics of discussion include:
Children's Aid Societies, the “MUSH” sector, lottery ‘insiders’, and hospital oversight.

Of course, you can also join the ongoing discussions on the Ontario Ombudsman Facebook page on hot-button issues such as oversight of children's aid societies, hospitals, and the “MUSH” sector as a whole (Municipalities, Universities, Schools, Hospitals, etc.). The Ontario Ombudsman Facebook page is updated frequently, so be sure to become a fan and stay on top of the latest breaking news coming out of the office.

Check out the Ombudsman's new “Social Media Press Release” format, complete with Youtube video, audio, and Flickr photo galleries



The screenshot shows the Ontario Ombudsman website's Media section. It features a navigation menu with options like 'MAKE A COMPLAINT', 'ABOUT US', 'WHAT WE DO', 'HOT TOPICS', 'PUBLICATIONS & RESOURCES', 'MEDIA', and 'CAREERS'. The main content area is titled 'MEDIA' and includes a 'Top Story' section with a press release dated 04/06/2009 about limited funding for cancer drug Avastin. Below this is a 'Latest News' section with three items: a report on a city of Oshawa committee meeting, a report on Oshawa's 'pirating' of public sector law, and an award ceremony for André Marin. On the right side, there is a 'CONTACT INFO' section listing staff members like Patricia Tomasi, Elena Yunusov, and Sara McMillen. At the bottom right, there is a 'FOLLOW US' section with icons for Twitter, Facebook, YouTube, and Flickr.

Ever visited the “**Media**” section of the Ontario Ombudsman website? That's where you'll find all the latest press releases – **AND NOW MORE** – including video, audio, and photos to download and **SHARE**. The Ombudsman's new “Social Media Press Release” will incorporate all multi-media components, allow users to **COMMENT**, and will also show the “Ont_Ombudsman” Twitter feed - **LIVE**. Check it out and send us your feedback: www.ombudsman.on.ca.

HOW TO COMPLAIN

The Ombudsman's Office oversees and investigates about 500 different provincial ministries, agencies, tribunals, and Crown corporations. File a complaint online or download a form. Phone: 1-800-263-1830, Fax: 416-586-3485 / TTY (teletypewriter): 1-866-411-4211, mail: info@ombudsman.on.ca, Write: Ombudsman Ontario, Bell Trinity Square, 483 Bay St., 10th Floor, South Tower, Toronto, ON M5G 2C9. Please note that an appointment is recommended for in-person (walk-in) complaints. Office hours are from Monday to Friday, 9 a.m. to 4:30 p.m.