

Annual Report 2020-2021 – Facts and highlights

By the numbers – cases received

Total cases received, April 1, 2020-March 31, 2021: 20,015

Correctional facilities: **3,691** (p. 16)

Municipalities: General – **2,281** (p. 24); Closed meetings – **94** (p. 30)

School boards: **569** (p. 34)

Universities: **213** and colleges: **200** (p. 38)

Most complained-about organization: Tribunals Ontario (**935** cases – p. 22)

Cases received by Children and Youth Unit and about youth justice centres: **1,402** (p. 40)

Cases received by French Language Services Unit: **267** (p. 67)

Top 10 provincial organizations and correctional facilities by case volume: p. 77

34% of cases closed within one week, **50%** closed within two weeks

New in 2020-2021 – Complaint trends and proactive work

- Inmates who were locked down and deprived of services due to COVID-19 restrictions received health care and cultural/religious programming, and phones to communicate with loved ones and lawyers (pages 19-21).
- A correctional facility changed its practices after several inmates complained they were strip searched in full view of security cameras (p. 23).
- Several municipalities improved their public communications and provided answers to residents about local processes and procedures (p. 26).
- Ombudsman staff provided best practices to municipalities for local complaint protocols and the conduct of integrity commissioners (p. 27)
- The Ombudsman's review of 160 noise by-law complaints about mosques in four municipalities broadcasting the evening call to prayer during Ramadan in 2020 found that the municipalities followed reasonable processes (p. 28).
- Ombudsman staff provided guidance to municipalities to ensure transparency and rules for open meetings were respected during electronic meetings. The Ombudsman investigated 80 complaints about closed meetings – double that of the previous year (p. 31).
- The Ombudsman flagged a loophole in the *Municipal Act* that could allow members of council to skirt the open meeting rules through virtual discussions or emails (p. 31).
- The Municipal Property Assessment Corporation reviewed its outdated database and how it processes school support applications in light of complaints that support designations for French-language boards defaulted to English boards (p. 36).

- Several children's aid societies changed their practices after the Ombudsman's Children and Youth Unit raised complaints about them calling police to deal with youths in their care (p. 42).
- Ombudsman staff identified inconsistencies across youth justice facilities, including the use of pepper spray and standards for local investigations (p. 44).
- The Deputy Minister of Children, Community and Social Services acknowledged more could have been done to ensure social benefits recipients were aware of the province's pandemic Emergency Benefit (p. 50).
- The Ministry of Transportation agreed to update the Ombudsman on its strategies to address a massive backlog of driving tests due to pandemic shutdowns (p. 54).
- The French Language Services Commissioner raised concerns about information about new emergency orders not being made available in French (p. 69).

Reports released

Oversight 911 (May 2021): The Ministry of Health accepted all 53 of the Ombudsman's recommendations to improve its processes for investigating complaints about ambulance services (p. 57).

Annual Report of the French Language Services Commissioner (December 2020): The government welcomed Commissioner Kelly Burke's eight recommendations to improve planning for French language services, including that each ministry submit a plan and that the Minister of Francophone Affairs report annually on the implementation of these plans, starting in 2022. The Commissioner's next annual report and recommendations will be released in late 2021.

Municipal closed meeting investigations: The Ombudsman issued 26 reports and 11 letters regarding investigations of 47 meetings in 41 municipalities. He found 8 illegal meetings, 10 procedural violations, and made 30 best practice recommendations. These can be searched in the Open Meetings: Case Digest at www.ombudsman.on.ca.

Investigation updates

New and ongoing

- Closures of youth justice centres in Kenora and Thunder Bay (launched March 2021), p. 44.
- Cuts to French-language programs at Laurentian University (launched June 2021), p. 69.
- Oversight of long-term care during pandemic (launched June 2020), p. 58
- Delays at Landlord and Tenant Board (launched January 2020), p. 63.

Updates on selected completed investigations

A Matter of Life and Death (2016): Most of the Ombudsman's key recommendations – such as new use-of-force model that stresses de-escalation over the use of weapons, and more mandatory de-escalation training for police across the province – have not been implemented. The Ombudsman is considering whether a follow-up investigation is necessary (p. 17)

Out of Oversight, Out of Mind (2017): Most of the Ombudsman's recommendations to improve the tracking of inmates in solitary confinement (segregation) have been implemented, but the government has still not brought the *Correctional Services Transformation Act, 2018* into force.

This legislation would establish new limits on the use of segregation and regular independent reviews of placements. (p. 22).

Nowhere to Turn (2016): The Ministry of Children, Community and Social Services has implemented 48 of the Ombudsman's 60 recommendations to improve services for adults with developmental disabilities who are in crisis. Still, Ombudsman staff dealt with more than 40 new cases in 2020-2021 of adults with complex special needs unable to find placements – several of which were exacerbated by the pandemic (p. 51).

Between a Rock and a Hard Place (2005): Ombudsman staff continue to address individual cases where parents of children with complex special needs relinquish custody of their children in order to get care for them. The Ministry of Children, Community and Social Services committed to reviewing its processes to identify potential improvements and issued guidance to agencies and children's aid societies on how to refer such cases (p. 51).

Individual case highlights – how Ombudsman intervention helped

- An inmate was given access to a new phone account to reach his lawyer after his mother died (p. 19).
- An inmate who hadn't been seen by mental health staff at his correctional facility for months was connected with a psychiatrist (p. 21).
- A transgender woman in jail who complained about being placed in a protective custody unit for men was given access to a social worker to discuss her placement (p. 21).
- A group of residents received refunds for property inspection fees that were not authorized by their municipality's by-laws (p. 28).
- Housing was arranged for a single mother of five who was initially denied due to a debt she owed from 15 years earlier (p.29).
- A school board bypassed its waiting list for online learning to accommodate the child of an immunocompromised woman (p. 35).
- A student received \$11,600 in OSAP funding after a technical glitch causing his applications to be rejected was resolved (p. 38).
- A student who withdrew from classes due to mental illness had her failing grade replaced with a "withdrawn," and her university revised its grade appeals process (p. 39).
- A youth in care was provided with a service dog and his treatment home developed a new policy regarding service animals (p. 47).
- The Family Responsibility Office arranged a new family support payment plan for a man who lost his business due to the pandemic (p. 48).
- A woman's disability support payments were restored after they were accidentally cut off and she could not reach her caseworker (p. 50).
- A father and two children who were on the brink of homelessness had their Ontario Works benefits reinstated (p. 50).
- Residential placements were found for two adults with autism and challenging behaviours who had been housed in hospitals for more than two years (p. 51).

- A mother was refunded \$1,100 that the Family Responsibility Office had garnished from her unemployment benefits for child support, when it was revealed that the children's father had died and they lived with her (p. 52).
- The Ministry of Health amended its automated system after applicants were denied Northern Health Travel Grants but approved for overnight accommodation allowances with no explanation (p. 57).
- A woman received close to \$700 in missed payments from the province's Assistive Devices Program after her cheques were returned as undeliverable (p. 59).
- Ontario Health committed to ensuring agreements with third parties include provisions for services in French, after a traveller screened for COVID-19 at Toronto Pearson airport was not served in French (p. 70).
- After four years of complaining about excessive noise from a nearby factory, a man received word from provincial officials that it indeed exceeded provincial standards and an investigation was underway (p. 72).