

Ministry of Transportation

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July 20, 2018

Mr. Paul Dubé
Ombudsman
Office of the Ombudsman of Ontario
10th Floor, South Tower
483 Bay Street
Toronto, ON M5G 2C9

Dear Mr. Dubé,

Thank you for the opportunity to review the preliminary report on your investigation into the adequacy and effectiveness of the ministry's administrative processes for notifying and communicating with drivers about licence suspensions and reinstatements for unpaid fines and fees.

I want to thank you and your staff for your dedication to this file.

The ministry and its partner agencies are pleased to accept 38 of the 42 recommendations as written. Two recommendations require further study before we can commit to its implementation, and two recommendations (24 and 25) will not be implemented as we believe the current process allows for the same outcome to be reached.

We are fully committed to working with your office, the driving population, and our partner ministries, to improve how we communicate driver's licence suspensions and reinstatements. As such, I am pleased to provide you with a detailed response to your recommendations and to report on the progress we have already made to address a number of them.

Some of the improvements that have already been implemented include:

- The Provincial Offences Act (POA) Fine Collection Project:
 - Individuals with defaulted driver fines that result in a driver's licence suspension are now reminded about defaulted driver fines when they try to renew their licence plate sticker, driver's licence or order personalized licence plates (in their personal name).
 - Drivers are also now able to make payment for their defaulted driver fines (post May 1, 2017) and driver's licence reinstatement fee through both ServiceOntario's online and in-person channels.

- If the defaulted driver fine is paid, but the reinstatement fee is unpaid or if there are other outstanding conditions (e.g. medical), the driver will be advised that they are still not eligible to drive.

Since being implemented, over the course of the last year (June 2017 to June 2018) the number of drivers going into cancelled status has declined significantly once defaulted fines are paid (approximately 63%).

- Improved messaging regarding the payment of defaulted driver fines and driver's licence reinstatement have been made to the web content as well as CentreLine which is a communication tool that is inserted into every Vehicle Licence Renewal Application and reaches more than 12 million vehicle owners over a one-to-two-year period.
- A behavioural study was conducted in 2015, with the support of the Ontario government's Behavioural Insights Unit, to improve compliance through communication by piloting various versions of suspension notices for drivers who were suspended for defaulted fines. Post-pilot revealed there was no evidence that supported changes to the notices would have any significant impact.
- Multiple working groups have been established over the years with partner ministries, including the Ministry of the Attorney General and the Ministry of Government and Consumer Services, to review and improve suspension and reinstatement notices, forms and other communication tools.

We are proud of the work we do at this ministry on behalf of all Ontarians, and are dedicated to improving road user safety and mobility in Ontario by efficiently and effectively delivering driver improvement programs. We recognize that further improvements can be made and will build upon our accomplishments to date to develop an action plan moving forward.

This ministry has a strong working relationship with your office, and we look forward to reporting on the progress of our initiatives to address your recommendations.

Thank you again. We look forward to our continued partnership.

Sincerely,



Scott Thompson
Deputy Minister of Transportation

Attachment

Cc: Gareth Jones, Director, Special Ombudsman Response Team
Rosie Dear, Lead Investigator
Kevin Byrnes, A/ADM, Road User Safety Division, Ministry of Transportation

**Ontario Ombudsman's Recommendations Regarding Communications of
Licence Suspensions due to Unpaid Fines:
Ministry of Transportation Responses - July 2018**

Ref.	Recommendation	MTO Response
1	The Ministry of Transportation should investigate methods for improving and automating its system for tracking returned mail and then implement an effective method for tracking returned mail.	The ministry is currently looking at ways to improve the tracking of returned mail and will report back on a recommended approach.
2	The Ministry of Transportation should take all necessary steps to ensure that all Notices of Suspension and Notices of Outstanding Licensing Requirements are sent to drivers' address of preference - i.e. residential or mailing addresses - including seeking any required amendments to the <i>Highway Traffic Act</i> .	The ministry will investigate the technology and legislative changes necessary to allow for notice of unpaid fine suspension to be sent to a driver's preferred address and will report back on a recommended approach.
3	The Ministry of Transportation should take all necessary steps to provide drivers with the specific advance notice of their impending suspensions, as well as information about the steps drivers must take to avoid suspension. The Ministry should ensure that the pre-suspension grace period is sufficient to allow time for the notice to arrive in the mail and for the driver to take steps to avert the suspension, if desired. The Ministry should seek any required amendments to the <i>Highway Traffic Act</i> to allow for a pre-suspension grace period.	<p>MTO will continue to work with its partners to improve the content and clarity of existing pre-suspension notices. The ministry will look for other methods to educate and inform drivers with unpaid fines about the consequences of unpaid fines and the fact that it could lead to suspension.</p> <p>The Ministry of the Attorney General, the Region of York and the Behavioural Insights Unit are conducting a pilot study aimed at increasing the rate by which individuals pay their pre-defaulted Part I Provincial Offences Act (POA) fines, through the use of three new Notice of Fine and Due Date forms, modified based on behavioural science principles. This pilot project began on May 14, 2018 and is scheduled to run for six months. This study will examine which version of the Notice of Fine and Due Date will assist with obtaining higher compliance with court orders and improve pre-defaulted fine collection to avoid suspension.</p>

4	<p>The Ministry of Transportation should investigate and implement ways to remind drivers to update the address on their driver's licences and emphasize the importance of doing so.</p>	<p>The ministry will continue to look for ways to remind drivers to keep their address current. The ministry website has links to the ServiceOntario (SO) website where drivers can update their address online. The ministry and SO have also improved communication with customers about maintaining their address information through the SO website and displays in SO locations. ServiceOntario Centres (SOCs) and contact centres will continue to validate address information with customers during transactions as a way of ensuring address information is kept current.</p> <p>As part of service optimization, SO launched the joint online renewal of a health card and Driver Licence in January 2018; one component of authentication is that a customer must enter the same address for both their health card and their driver's licence. If the addresses do not match, the customer must attend a SOC to update their address.</p>
5	<p>The Ministry of Transportation should explore and, if feasible, implement additional or alternative methods of notifying drivers about important information regarding their licence status, such as email and text message.</p>	<p>Combined response to recommendations 5, 6 and 7:</p> <p>As part of its modernization efforts, the ministry will explore digital solutions such as a unified online portal and the collection of email addresses to expand the available methods of notifying drivers. The ministry will implement a free online Driver's Licence check will allow drivers to access real time information about their licence status.</p>
6	<p>In conducting this review, the Ministry should explore digital solutions, such as a unified online portal for personal driving information that would allow drivers access to real-time important information about their licence status.</p>	<p>The ministry will consult with the Ontario Digital Service and our key partners regarding the above recommendation.</p>
7	<p>The Ministry should consult with the Ontario Digital Service regarding digital solutions, such as electronic communication and online portals, inform drivers of important information about their licence status.</p>	
8	<p>The Ministry of Transportation should work with its partner agencies, including the police, Ministry of the Attorney General, Courts, Municipalities and ServiceOntario, to inform drivers proactively that their licences will be suspended if they fail to pay driving fines.</p>	<p>The ministry will work with its partners to explore ways to improve how drivers are informed that licences will be suspended if they fail to pay driving and other applicable fines. In addition, on April 2018 the ministry launched a CentreLine insert, an educational newsletter included in driver's licence renewal notices mailed to customers, that would remind drivers about their unpaid fines and notifications on where to pay their fines.</p>

9	<p>The Ministry of Transportation should review its website content to ensure that it provides clear information about the unpaid fine suspension process, including timelines for payment, consequences for failure to pay, consequences of driving while suspended, and requirements for reinstatement.</p>	<p>Joint response for Recommendations 9 and 10:</p> <p>The ministry and its key partners have information online about the consequences for failure to pay outstanding fines and fees, the consequences of driving while suspended, and requirements for reinstatement and continuously review it to ensure it is accurate and helpful.</p> <p>SO will continue to offer customers the option of paying their fines and/or fees online. In May 2017, a "Paying defaulted fines and driver's licence reinstatement" service was launched through ServiceOntario's online and in-person channel:</p> <ul style="list-style-type: none"> • Website provides information and links to types of suspensions and process to reinstate a licence • Customers are able to pay fines and reinstate driver's licence immediately (if eligible) as a stand-alone service • Details about defaulted driver fines are provided via a printout to customers in-person and information is made available online about the amounts owed • Customers are reminded through enhanced online services about unpaid fines and re-directed to the service while renewing their licence plate stickers, driver's licence, or ordering a personalized licence plate. <p>In addition, the Ministry of Transportation has a link from the MTO website homepage (Driver's Licensing) to our partners which directly informs and allows drivers to pay their fines and/or fees online.</p>
10	<p>The Ministry of Transportation should work with its partner agencies to ensure that each organization's website provides clear information about the unpaid fine suspensions process.</p>	<p>In addition, MTO and ServiceOntario will work with the Ontario Digital Service to conduct user testing on content to ensure it is meeting user needs.</p>
11	<p>The Ministry of Transportation should allow the public to check the status of driver's licence online without charge.</p>	<p>The ministry will implement a free online tool for the public to check the status of their driver's licence.</p>

12	The Ministry of Transportation should provide public education about the online status checker tool so that drivers are aware of the website's existence and their obligation to monitor their licence status.	The ministry and SO will explore the most effective methods to inform the public of the new online status tool, including social media, a link from SO website, use of display materials in SO Centres, etc.)
13	The Ministry of Transportation should conduct a review of the Notice of Suspension and revise it using plain language to convey information in a clear and understandable way.	Joint response to Recommendations 13, 14 and 15: In 2015, the ministry conducted a study to improve compliance through communication, with the support of the Ontario government's Behavioral Insights Unit, by piloting various versions of suspension notices for drivers who were suspended for defaulted fines. The study revealed that there was no evidence that supported changes to the notices had any significant impact.
14	The Ministry of Transportation should draw on internal and external experts in driver behavior and accessibility when redesigning the Notice of Suspension.	The ministry will further review the Notice of Suspension and revise it to emphasize to drivers that they must stop driving. The ministry will also look at opportunities to further incorporate the use of plain language in the notice while ensuring the notice continues to meet legal requirements.
15	To maintain road safety for all drivers, the Ministry of Transportation should ensure that the revised Notice of Suspension emphasizes that drivers must stop driving, as well as steps necessary to reinstate their driving privilege.	
16	The Ministry of Transportation should investigate the feasibility of tailoring the Notice of Suspension to the individual circumstances of the recipient, and only include information that is relevant.	The ministry will look at the feasibility of tailoring of the Notice of Suspension to the individual circumstances of the recipient, and the best way to include information that is relevant.
17	The Ministry of Transportation should ensure that the Notice of Suspension proactively informs drivers about electronic resources that are available to help them understand and remedy their licence status.	Our ministry is always striving to improve our communications to our drivers and currently the Notice of Suspension includes information about where to find further information about their licence and its status. Information is provided on where they can pay their outstanding fines and/or reinstatement fee in person or online.
18	The Ministry of Transportation should create a new or renamed notice (e.g. Notice of Reinstatement) to send to drivers who have been reinstated and do not have any outstanding licensing requirements. Like the existing notice, it should inform drivers that their privilege to drive has been reinstated and include a temporary driver's licence.	The ministry will look into creating a new or renamed Notice of Reinstatement to send to drivers who have been reinstated and do not have any outstanding licensing requirements.
19	The Ministry of Transportation should conduct a review of the Notice of Outstanding Licensing Requirements and revise it using plain language to convey information in a clear and understandable way.	As part of the ministry's regular review of all of its notices, the ministry will look into how this notice can be made easier to understand while ensuring all legal requirements are met.

20	In conducting its review and in any redesign of the Notice of Outstanding Licensing Requirements, the Ministry of Transportation should draw on internal and external experts in the driver behavior and accessibility.	As part of the ministry's regular review of all of its notices, the ministry will draw on the expertise of internal and external partners in the driver behaviour and accessibility areas before moving forward with any redesign.
21	The Ministry of Transportation should ensure that when temporary licences are sent to drivers who have not yet paid their reinstatement fees, there is a clear and prominent warning that their licences will no longer be valid if they do not take additional steps within 60 days.	The temporary licence currently has a prominent warning that clearly states that the reinstatement fee/penalty must be paid before the Temporary Driver's Licence (TDL) expires or their licence will be cancelled without further notice. The ministry will look at opportunities to reposition the warning to further highlight this message upfront.
22	The Ministry of Transportation should ensure that when it sends out Notices of Outstanding Licensing Requirements or similar notices, those drivers required to re-take driving tests are informed about whether there is a mandated waiting period between each test.	The ministry will look at how the Notice of Outstanding Licensing Requirements can more clearly explain the re-taking of driving tests and any mandated waiting period.
23	The Ministry of Transportation should ensure that the Notice of Outstanding Licensing Requirements informs drivers of the date when their licences were last valid, to allow them to calculate which retesting requirements, if any, apply to their circumstances.	The ministry will review the existing wording on the Notice of Outstanding Licensing Requirements and ensure that the notice clearly shows the last date the licence was valid. Currently, the Notice of Outstanding Licensing Requirements indicates if testing is required and that a separate package will be mailed to the driver indicating the retesting requirements.
24	The Ministry of Transportation should seek to amend Regulation 340/94 to provide staff with discretion to waive the graduated licensing requirements in extenuating circumstances.	Currently, staff are able to make recommendations to the Deputy Registrar when they believe an extenuating circumstance exists that would merit the waiving of GLS requirements. The ministry believes that this process meets the objectives of this recommendation while protecting road safety.

25	<p>The Ministry of Transportation should create a fair process regarding staff discretion to waive the graduated licensing requirements in extenuating circumstances. The process should take into account whether the licence in question was invalid for administrative reasons, such as an unpaid reinstatement fee, and whether the person has continued driving with no risk to public safety in the intervening period.</p>	<p>The ministry aims to ensure that drivers who have held invalid licences for extended periods of time, continue to meet the high standards for safe driving in this province. The ministry does this by mandating completion of vision, written and road tests for drivers who have been without a valid licence for three (3) years. In order to minimize the relicensing burden on these drivers, they are not required to serve standard waiting periods that apply to novice drivers under the ministry Graduated Licensing System (GLS).</p> <p>The ministry believes that its existing retesting policy affords individuals with invalid licences a reasonable amount of time to obtain a valid licence before a test is required. When exemption requests are made, the ministry reviews each case to determine whether ministry made an error or there was incorrect information on the driving record that would warrant waiving of GLS. Staff escalate to management for review and approval. Once the ministry is satisfied that the GLS requirements can be waived, the ministry applies its licensing rules in a fair and consistent manner and gives careful consideration to the issues raised and road safety.</p>
26	<p>The Ministry of Transportation should work with the Ministry of the Attorney General to explore the feasibility of drafting a specific Offence Notice and Notice of Fine and Due Date that inform drivers that defaulted fines for the specified offence will result in licence suspension.</p>	<p>The Ministry of the Attorney General, the Region of York and the Behavioural Insights Unit are conducting a pilot study aimed at increasing the rate by which individuals pay their pre-defaulted Part I Provincial Offences Act (POA) fines, through the use of three new Notice of Fine and Due Date forms, modified based on behavioural science principles. This pilot project began on May 14, 2018 and is scheduled to run for six months. This study will examine which version of the Notice of Fine and Due Date will assist with obtaining higher compliance with court orders and improve pre-defaulted fine collection to avoid suspension.</p>

27	<p>The Ministry of Transportation should work with its partner agencies to explore and implement ways to improve the customer service experience for drivers who have questions related to their suspensions for unpaid driving fees.</p>	<p>Joint response to Recommendations 27, 28 and 29:</p> <p>The ministry will work closely with partner agencies to improve the customer service experience for drivers who have common questions and escalated complaints related to their suspensions and unpaid driving fines/fees. SO contact centre staff are skilled at providing answers to common questions and have received extensive training on how to interpret the driver information. SO will assess with MTO if it is cost effective to expand and offer this same service at our in-person centres.</p>
28	<p>The Ministry of Transportation should consult with internal and external stakeholders, including frontline staff, managers who deal with escalated complaints, and drivers who have been suspended for unpaid fines, when investigating ways to improve the customer service experience for drivers with suspensions for unpaid fines.</p>	<p>MTO's Driver Control Section will continue to provide robust support and service to our partners in facilitating common questions and escalations from drivers suspended for unpaid fines.</p>
29	<p>The Ministry of Transportation should investigate whether it is possible to provide staff at its partner agencies with access to the information required to provide complete answers to common questions from drivers suspended for unpaid fines, as well as training on how to interpret this information.</p>	
30	<p>The Ministry of Transportation should work with its partner agencies to ensure that drivers are provided with complete and timely information about all steps necessary to reinstate their licences, including retesting.</p>	<p>The ministry regularly reviews its online content with its partner agencies to ensure it is up-to-date and clear to ensure that drivers are provided with complete and timely information about all steps necessary to reinstate their licences, including retesting. Complete information on how to reinstate licences is available on the ServiceOntario website and is used by the SO contact centre to respond to phone inquiries. https://www.ontario.ca/page/reinstate-suspended-drivers-licence#section-1.</p>

31	<p>The Ministry of Transportation should work with its partner agencies to ensure drivers are informed of any graduated licence requirements before paying their reinstatement fees.</p>	<p>The ministry regularly reviews its online content to ensure it is up-to-date and clear. Complete information on any graduated licensing requirements is available on the ServiceOntario website.</p> <p>Please refer to excerpt below for an example: If your full class licence has been suspended for more than one year, you need to take certain tests:</p> <ul style="list-style-type: none"> • 1 to 3 years suspended: you need to take a vision test; • 3 to 10 years suspended: you need to take: written knowledge test, vision test and two road tests (G1 and G2), you can book your first road test as soon as you pass your knowledge and vision tests, you can book your G2 road test, as soon as you pass your G1 road test • 10+ years suspended: you need to re-apply as a new driver and re-take all required tests. You cannot fast-track and need to serve all mandatory waiting periods. <p>SO contact centre staff provide drivers with this information who inquire prior to making their payment. SO will work with MTO to develop messaging for in-person staff to inform customers prior to accepting reinstatement fee payments.</p>
32	<p>The Ministry of Transportation should develop and begin implementing a plan within 12 months to record and save all calls for documentation and quality control purposes.</p>	<p>Joint response to Recommendations 32 and 33:</p> <p>In April 2018, the Driver Control Section implemented a new phone system and a process by which it captures business reason for every call it receives. The Driver Control Section also increased its capacity to randomly record calls and has enabled staff to initiate call recording when required. The Driver Control Section will also review its existing quality call assurance practices and continue random call recording and reviews for performance and coaching purposes. The Driver Control Section already retains all email enquiries and responses.</p>
33	<p>While the Ministry of Transportation is working to develop and implement a plan for recording and saving all calls, it should take steps to keep accurate written or electronic records of all calls.</p>	<p>Joint response to Recommendations 32 and 33:</p> <p>In April 2018, the Driver Control Section implemented a new phone system and a process by which it captures business reason for every call it receives. The Driver Control Section also increased its capacity to randomly record calls and has enabled staff to initiate call recording when required. The Driver Control Section will also review its existing quality call assurance practices and continue random call recording and reviews for performance and coaching purposes. The Driver Control Section already retains all email enquiries and responses.</p>

34	<p>The Ministry of Transportation should develop and commit to customer service principles that clarify the role of Ministry staff and set drivers' expectations. These principles may include concepts of courteousness, helpfulness and accuracy in all communications with drivers. These commitments should be made public and staff should receive regular training in their implementation.</p>	<p>The ministry is committed to customer service best practices and will implement a customer satisfaction survey for telephone enquiries by fall 2018. An email survey will be implemented at a later date. The survey will focus gathering customer insights on timeliness of responses, courteousness and accuracy of responses in telephone and email enquiries.</p>
35	<p>The Ministry of Transportation should improve its process for monitoring and evaluating the customer service provided by Driver Control staff. A specified number of calls each month per employee should be consistently evaluated against a standardized scorecard that includes metrics for courtesy, accuracy of information provided, and overall customer satisfaction.</p>	<p>The Driver Control Section will continue the practice of randomly reviewing calls handled by Driver Control staff. The ministry will also continue to work towards an improved quality assurance program to evaluate against a standardized scorecard and will implement a customer satisfaction survey for telephone enquiries by fall 2018.</p>
36	<p>The Ministry of Transportation, in consultation with ServiceOntario, should consider implementing a case management system that efficiently logs, tracks and monitors driver interactions with Ministry and ServiceOntario staff.</p>	<p>The Driver Control Section currently has a process to log call details in its existing legacy case management system. Future modernization activities will focus on the viability of new case management system which could be used by all ministry and partner agency staff.</p>
37	<p>The Ministry of Transportation should work with ServiceOntario to ensure that the recommendations I have made to improve the Ministry's customer service are adopted by ServiceOntario locations and ServiceOntario's Driver and Vehicle Contact Centre. If necessary, the Memorandum of Understanding between the organizations should be revised to reflect these requirements.</p>	<p>The ministry and ServiceOntario implemented a new Memorandum of Understanding in October 2017 and Service Level Agreements in April 2018 and will continue to monitor customer service issues through existing channels and processes.</p>
38	<p>The Ministry of Transportation should implement a system for monitoring customers' satisfaction regarding their interactions with the Driver Control Section.</p>	<p>The ministry is committed to customer service best practices and will implement a customer satisfaction survey for telephone enquiries by fall 2018.</p>

39	<p>The Ministry of Transportation should improve its method for identifying, documenting and tracking complaints related to the Driver Control Section and the process for licence suspensions for unpaid fines.</p>	<p>The ministry is always looking to improve how it tracks and handles complaints. The ministry's Driver Control Section implemented a new telephone system in April 2018 which tracks the volume of incoming enquiries through telephone regarding unpaid fine suspensions and fees.</p> <p>The ministry is able to track complaints through corporate correspondence tracking information system.</p>
40	<p>The Ministry of Transportation should develop a comprehensive complaint policy and procedure that addresses situations where a person remains dissatisfied after speaking with a Driver Control Analyst.</p>	<p>The ministry's Driver Control Section developed and implemented an escalation process in August 2017. The ministry will review this process and look at further refining it to make it more comprehensive.</p>
41	<p>The Ministry of Transportation should implement a mystery shopper program to audit information provided to drivers by Ministry or ServiceOntario staff regarding suspensions for unpaid fines.</p>	<p>The ministry and SO will work together to determine whether mystery shopping can be implemented within our current licensing systems and will provide an update within 12 months.</p>
42	<p>The Ministry of Transportation should report back to my Office in six months' time on the progress in implementing my recommendations, and at a six-month intervals thereafter until such time as I am satisfied that adequate steps have been taken to address them.</p>	<p>The ministry has a strong working relationship with the Ombudsman Office and will report back in six months' time on the progress and implementation of the recommendations and at six month intervals thereafter until the Ombudsman is satisfied that adequate steps have been taken to address them.</p>