



**Ombudsman
Saskatchewan**



**Public Interest
Disclosure
Commissioner**

What to Expect When the Ombudsman Calls

*Webinar for Saskatchewan
Municipal Entities*

April 21, 2016

Welcome!

The webinar will begin at 10:00.

1-800-667-9787

Welcome! The webinar will begin soon.

- Getting Started...

- **Find the webinar controls:** In the upper right corner of your screen there should be a control bar that looks like this. To see more options, click the white arrow.



- **Audio Note:** There is no fee for participating in our webinar, but if you are using your phone to listen, there will be long distance charges. To avoid these, you can simply listen on your computer. To do so, go into the **Audio** option and select the **Mic and Speakers** option.



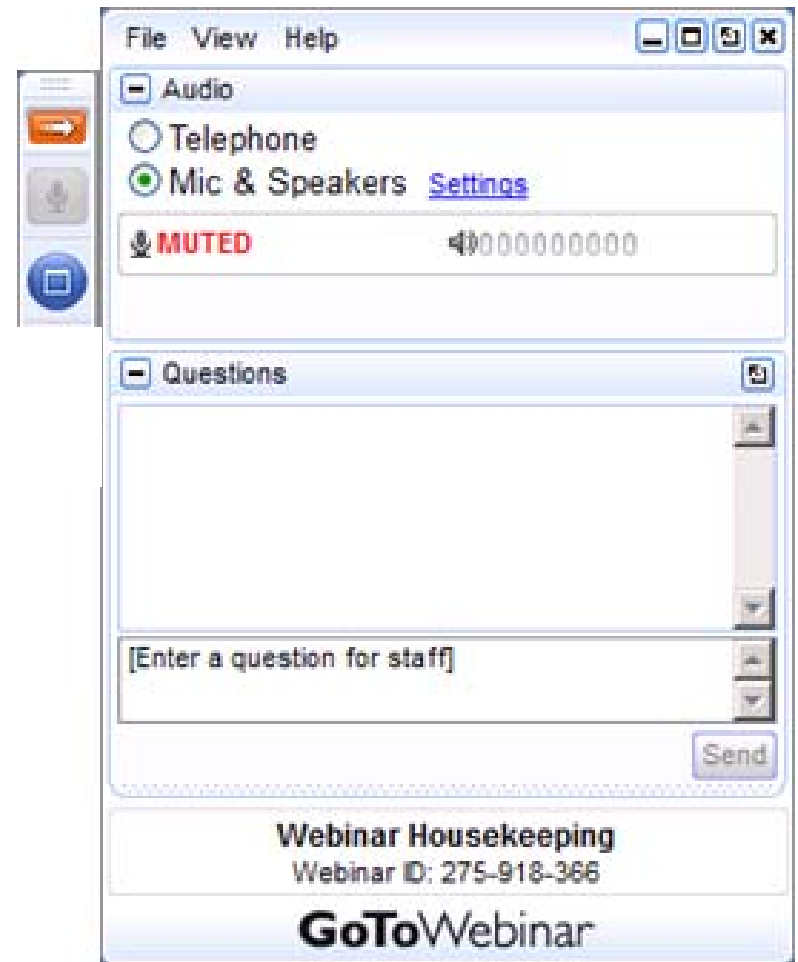
What to Expect When the Ombudsman Calls

- Moderator
 - Leila Dueck
- Presenters
 - Mary McFadyen, Ombudsman
 - Jeff Cain, Assistant Ombudsman



Webinar Housekeeping

- Webinar Controls
 - Audio settings
 - Questions



Now That the Ombudsman Can Call...

- Effective November 19, 2015:
 - The provincial Ombudsman's jurisdiction now includes investigating complaints about municipal entities and council members.
- Goal:
 - Increase understanding of the Ombudsman's role, our process and what happens when we receive a complaint about your services.



Agenda

- Definitions & Roles:
 - What is an ombudsman and what fits within the Saskatchewan Ombudsman's mandate?
- The Ombudsman's Process
 - What happens when someone calls the Ombudsman?
- Fairness
 - How does the Ombudsman decide what is fair?
- Resources
 - Where can I get more information?



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What is an Ombudsman?

An Ombudsman:

- is an independent, impartial public official
- has the authority to receive, investigate or informally resolve complaints about government decisions and actions
- has the power to make findings, recommendations and issue public reports



How Our Province is Governed

The Crown (Lieutenant Governor)

Legislative Branch

(makes the laws)

Speaker

Members of the
Legislative Assembly

Executive Branch

(administers the laws)

Premier

Cabinet

Ministries

Agencies

Boards

Commissions

Crown Corporations

Health Regions

Judiciary Branch

(interprets the laws)

Chief Justice

Judges

Courts



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As an Officer of the Legislative Assembly...

The Ombudsman:

- operates independently (is not part of a government ministry)
- is accountable to the Legislative Assembly



About Ombudsman Saskatchewan

- The Office first opened in 1973.

Mandate

Receive complaints about government services from the public.

Mission

Promote and protect fairness and integrity in the design and delivery of government services.



Ombudsman Saskatchewan

Has jurisdiction over:

- provincial ministries, agencies, boards, tribunals
- Crown corporations
- regional health authorities, publicly-funded health organizations
- municipal entities (and their council members)



What is a “municipal entity”?

A “municipal entity” includes:

- a city (*The Cities Act*)
- a municipality (*The Municipalities Act*)
- a northern municipality (*The Northern Municipalities Act, 2010*)
- a council, council committee, controlled corporation or other body established by a council



What is a “council member”?

“Council member” includes:

- any member of a council (including the mayor or reeve), a council committee, a controlled corporation or other body established by a council



Power to Investigate

- The Ombudsman's power to investigate municipal entities and council members includes:
 - decisions
 - actions done or omitted
 - allegations of conflict of interest
 - allegations of contravention of a code of ethics



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Our Process: Generally

We are:

- neutral and impartial
- confidential
- an office of last resort: complainants must use existing review and appeal processes first

We are not:

- advocates for complainants or government entities
- advisors to council members



Our Process: Intake

- We provide information & referral assistance.
- We refer complainants back to other review or appeal processes, if available and appropriate.



Our Process: Informal Resolution

- Once review/appeal processes are used, we try to informally resolve the complaint, if appropriate.
- Informal resolution is not always appropriate.
- Most complaints are resolved without the need for a formal investigation.



Our Process: Investigation

- Investigations are conducted in private.
- The Ombudsman has broad powers of investigation under *The Ombudsman Act, 2012*.
- Any information received relating to a complaint cannot be disclosed, except where permitted by *The Ombudsman Act, 2012*.



Our Process: Investigation

When we investigate, we:

- give written notice
- determine the facts: documents and witnesses
- review laws, policies, procedures and processes used by the government institution to see how it made the decision
- analyze and determine if the complainant was treated fairly



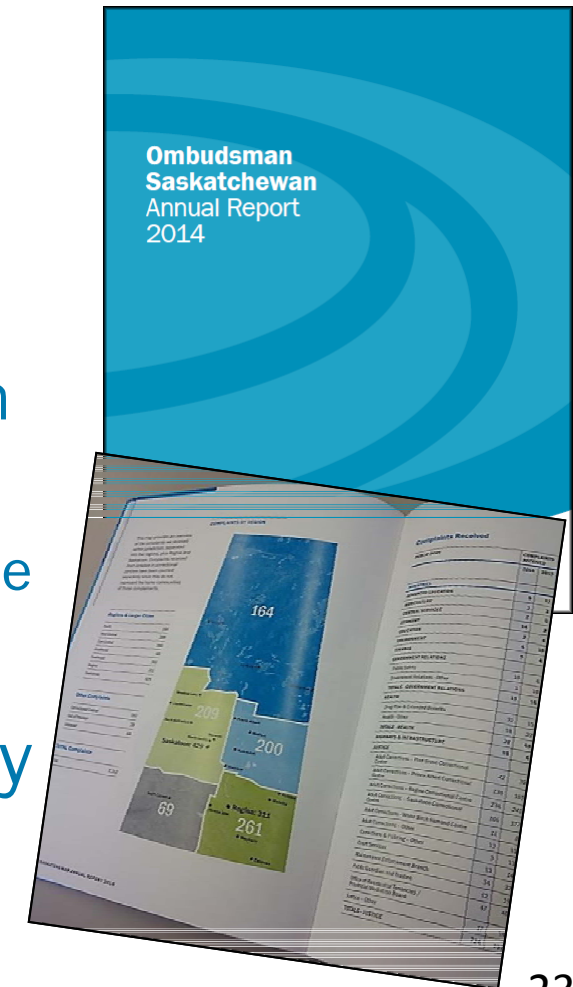
Our Process: Findings & Recommendations

- Our findings are set out in an investigation report.
- Reports may contain recommendations to address issues raised by the complaint.
- Government entities are always given an opportunity to comment on findings and recommendations before they are finalized.



Public Reporting

- We are required to report annually to the Legislative Assembly on our progress and activities.
 - We include several case examples, in which the complainant is not named:
 - files where recommendations were made
 - some other examples
- We may issue public reports on any matter we investigate, if it is in the public interest to do so.



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How do we decide what is fair?



The Fairness Triangle: Substantive



SUBSTANTIVE

What was decided?

- The decision-maker must have the legal authority to make the decision.
- The decision must be reasonable and based on reasoning that the people affected can understand.
- The decision cannot:
 - require anyone to do something illegal
 - discriminate
 - be oppressive

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The Fairness Triangle: Procedural

- The person who will be affected by a decision is given:
 - advance notice that a decision will be made.
 - access to the information that will be considered.
 - a meaningful opportunity to state or present their case.
 - an opportunity to challenge any information that might be used against them in a decision.



The Fairness Triangle: Procedural (Continued)

- The decision-maker must:
 - be thorough
 - be free of bias
 - be honest
 - consider relevant information
 - give reasons that are meaningful and understandable



The Fairness Triangle: Relational



- Be courteous, timely, clear and direct.
- Take the time to listen.
- Be approachable.
- Respect confidentiality.
- Be honest and forthright.
- Be clear about what you can and cannot do.
- Apologize if you make a mistake.

Points to Think About...

- Be transparent.
- Keep good records of decisions and how they were reached.
- Have good processes and be consistent in applying them.
- Give notice of meetings.



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Resources



Unfair government services

Having problems with a provincial or municipal government service? Maybe we can help.

REGINA OFFICE
150 - 2405 Saskatchewan Drive
Regina, SK S4P 0H8
Tel (306) 787-5221
Tel Fax 1-800-667-9787
Fax (306) 787-9890

SASKATOON OFFICE
500 - 203 3rd Avenue North
Saskatoon, SK S7N 0Z7
Tel (306) 933-0200
Tel Fax 1-800-667-9787
Fax (306) 933-8806

WE CAN TAKE COMPLAINTS ABOUT A WIDE RANGE OF PROVINCIAL AND MUNICIPAL ORGANIZATIONS, INCLUDING:

- provincial government ministries and agencies
- Crown corporations, including public utilities
- regional health authorities and many other publicly-funded health entities
- cities, towns, villages, rural municipalities and northern municipalities

www.ombudsman.sk.ca
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Ombudsman Saskatchewan
Promoting Fairness



Promoting & Protecting Fairness in Government Services.



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Our Team



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**Thank you !
Questions?**

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