



**Ombudsman
Saskatchewan**



**Public Interest
Disclosure
Commissioner**

The Ombudsman's Role in Reviewing Complaints About Municipalities

February 2017

Welcome!

The webinar will begin shortly.

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- Getting Started...
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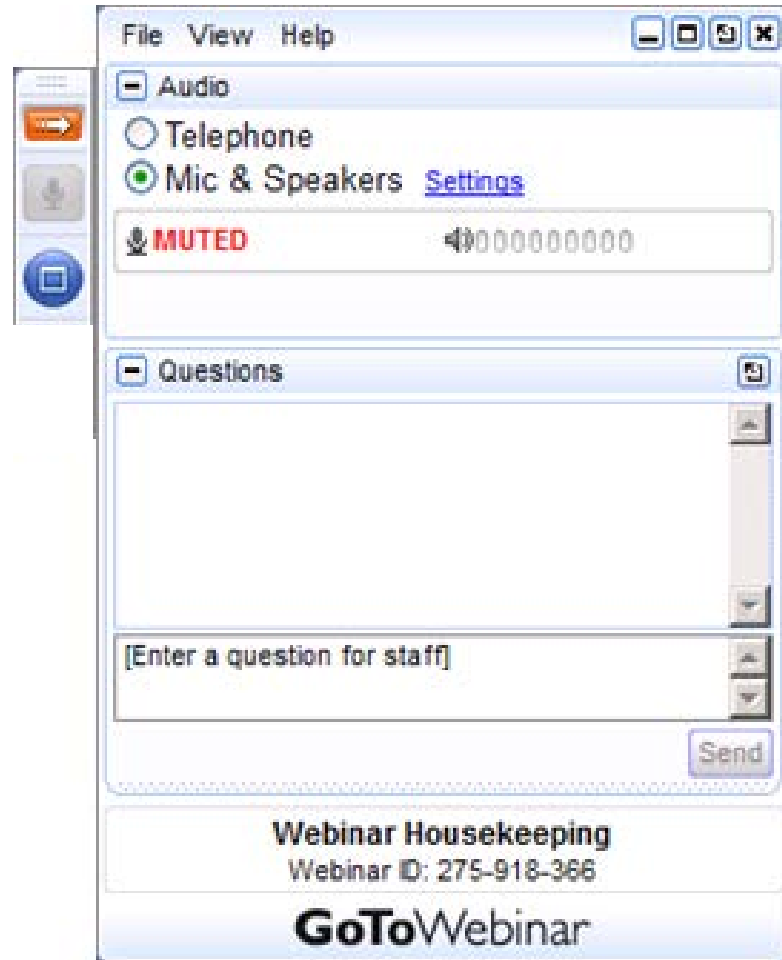
Ombudsman Role: Municipal Complaints

- Moderator
 - Leila Dueck, Director of Communications and Public Education
- Presenters
 - Mary McFadyen, Ombudsman
 - Jeff Cain, Assistant Ombudsman



Webinar Housekeeping

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Goals of Today's Webinar

- Describe the Ombudsman's role.
- Explain how we review municipal sector complaints.
- Help municipalities and council members to make decisions fairly.



Agenda

- The Ombudsman's Role:
 - What is an Ombudsman? What entities and issues are within our mandate?
- Our Complaint Process:
 - What do we do when a ratepayer contacts us to complain?
- Fairness
 - What do we look at to determine if a municipality has acted in a fair and reasonable manner?
- 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

The Ombudsman is an Officer of the Legislative Assembly of Saskatchewan.



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 – cities, towns, villages, resort villages, rural municipalities, northern municipalities; their committees and corporations
- municipal council members



Power to Investigate

- The Ombudsman's power to investigate municipalities 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 Complaint 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:

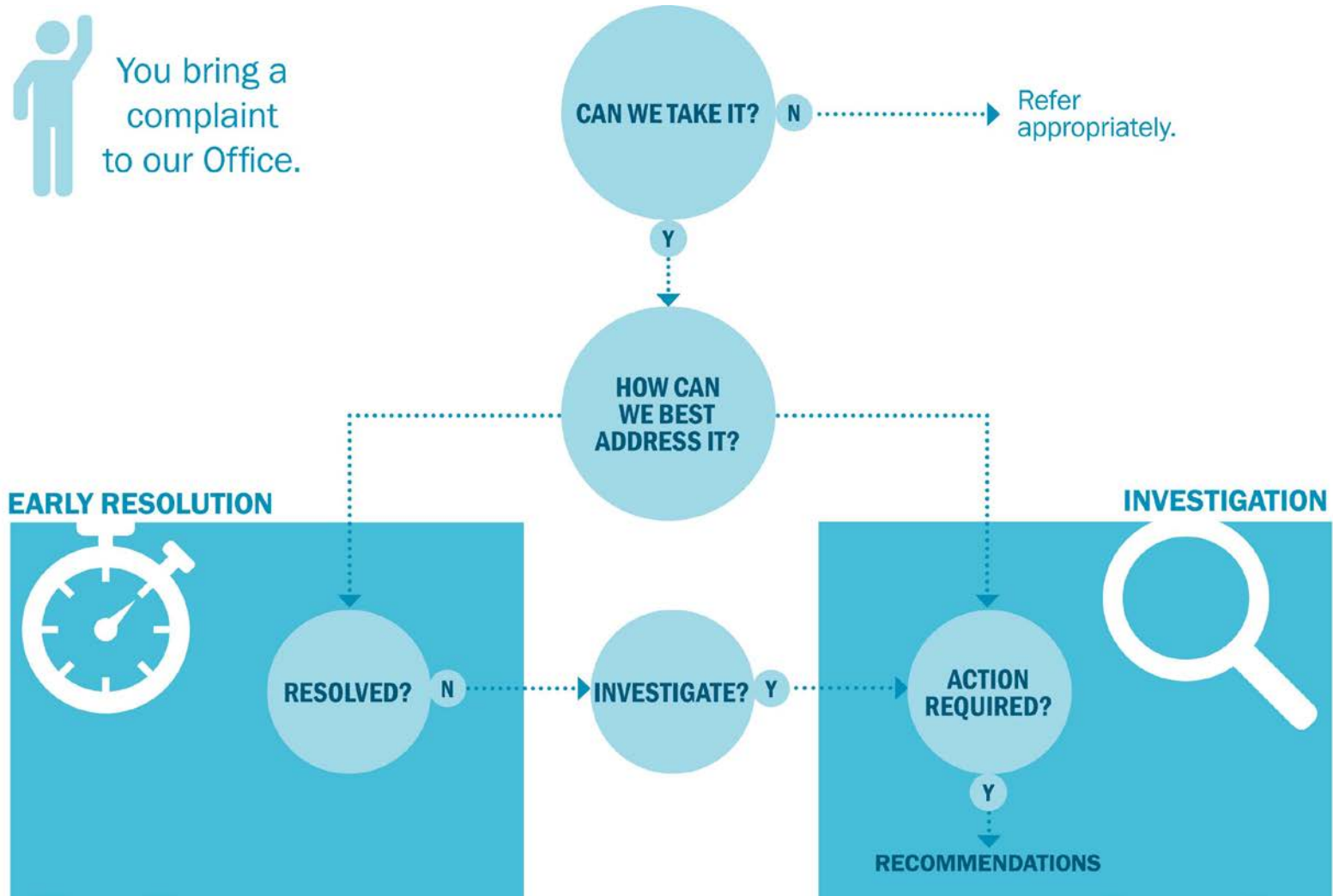
- advocates for complainants or government entities
- advisors to council members



Complaint Process



You bring a complaint to our Office.



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Intake



- Get information from the complainant.
- Is it within our jurisdiction?
- Does the complainant have a final decision?
- If not, we refer complainants back to available review or appeal processes, if appropriate.
- If they have a final decision, we assess how best we can address the complaint.



Early Resolution



- We can try to informally resolve the complaint, if appropriate.
- Most complaints are resolved without the need for a formal investigation.
- If a complaint is not resolved through informal resolution, we determine if a formal investigation is appropriate.



Investigation

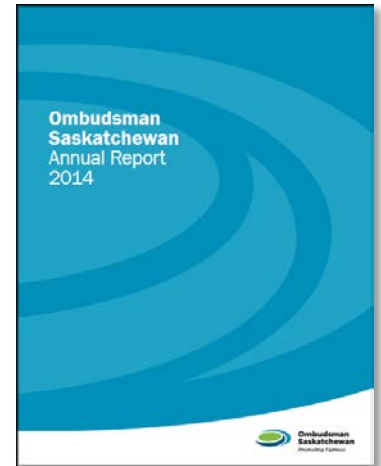


- We investigate thoroughly and impartially.
- We determine the facts, review laws, policies and processes used.
- We make findings to determine if complainant was treated fairly.
- Our findings are set out in a report.
- We may make recommendations to resolve issues raised by the complaint.



Public Reporting

- We report annually to the Legislative Assembly on our progress and activities.
 - We include several case examples (complainants are not named):
 - cases where we made recommendations
 - other examples (early resolution)
- We also issue public reports on specific cases, if it is in the public interest to do so.



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Basic duty of fairness: What do we look for?





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 understandable.
- The decision cannot:
 - require anyone to do something illegal
 - discriminate
 - be oppressive



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 his or her case
 - an opportunity to challenge any information that might be used against him or her



PROCEDURAL
How was it decided?



The Fairness Triangle: Procedural (Continued)

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



PROCEDURAL
How was it decided?



Council Members

- Must act in the best interests of the municipality, and not to further their private interests, or those of a closely connected person.
- If you think you might have a conflict of interest, take the steps required of you under the conflict of interest rules in *The Cities Act*, *The Municipalities Act*, and *The Northern Municipalities Act*.
- When in doubt, seek advice.



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.



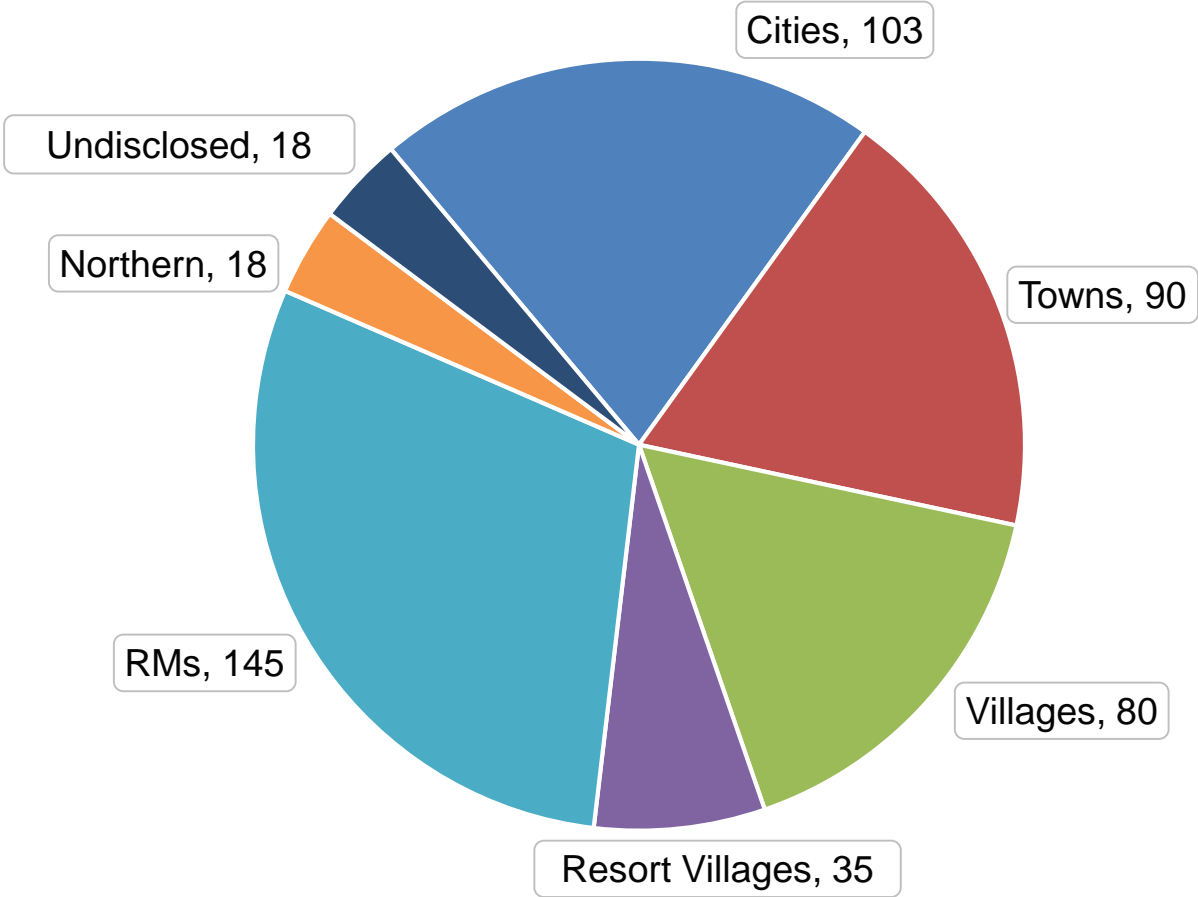
Points to Think About...

- Be polite and respectful.
- Be transparent and ethical.
- Keep good records of decisions and how they were reached.
- Have good processes and be consistent in applying them.
- Give notice of meetings.
- Conduct business in public. (There are exceptions).
- Know your bylaws and apply them consistently.



Statistics: First Year

Municipal Complaints Received Nov. 2015 - Nov. 2016



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More Information: Resources

- information packages & emails
- print materials (posters, brochures)
- presentations & information sessions
- articles

www.ombudsman.sk.ca





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**Thank you !
Questions?**

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