



**Ombudsman
Saskatchewan**



**Public Interest
Disclosure
Commissioner**

What to expect when the Ombudsman calls

*Saskatchewan Urban Municipalities
Association – Village Sector Meeting*

May 11, 2016

1-800-667-9787

What to Expect When the Ombudsman Calls

- Presenters
 - Janet Mirwaldt, Deputy Ombudsman
 - Greg Sykes, General Counsel



Now that the Ombudsman might call...

- Effective November 19, 2015:
 - The 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



As an Officer of the Legislative Assembly...

The Ombudsman:

- operates independently (is not part of any executive branch of the government - ministries, etc.)
- is accountable to the Legislative Assembly as whole
- Other Officers: Provincial Auditor, Information and Privacy Commissioner, Chief Electoral Officer, Conflicts of Interest Commissioner, Advocate for Children and Youth



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.



About Ombudsman Saskatchewan

Has jurisdiction over:

- provincial ministries, agencies, boards, tribunals
- Crown corporations
- regional health authorities, the Saskatchewan Cancer Agency and other publicly-funded health entities
- Municipal Entities (and 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



Who is a “council member”?

“Council member” includes:

- any member of a council (including the mayor or reeve), or any member of a council committee, the board of controlled corporation or any member of any 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 reasonable review or appeal processes if they 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

- Our 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

- We set out our findings in an investigation report.
- Our 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 we finalize them.



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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



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.



PROCEDURAL
How was it decided?



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



PROCEDURAL
How was it decided?



The Fairness Triangle: Procedural (Continued)

- Conflict of Interest
 - Making a decision or participating in making a decision and at the same time knowing (or ought reasonably to know) that in the making of decision there is the opportunity to further your private interests or the private interests of a closely connected person (ss. 141.1(1) of *The Municipalities Act*)



PROCEDURAL
How was it decided?



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.

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

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Promoting Fairness

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Promoting & Protecting
Fairness in
Government
Services.

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**Thank you !
Questions?**

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