



“Ombudsman 101: Oversight of School Boards”

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- 1** Thank you so much for inviting me to speak to you today. I truly appreciate the opportunity to tell you how my Office works and how our organizations can help and complement one another.
- 2** The Office of the Ombudsman and the College of Teachers have always shared common goals. We both have a duty to serve in the public interest. We both promote quality and accountability in public services. But now, for the first time, my Office's mandate for oversight and complaints resolution actually extends right into the bodies most of you work for – school boards.
- 3** So I understand if some of you might have some trepidation about inviting the Ombudsman to your meeting. I assure you, I am not here to investigate or judge. If anything, I'm the one who should be concerned – about the grade you'll give me after you hear me speak.
- 4** All kidding aside, let me first offer thanks and appreciation for what you do as teachers. As the parent of a teenager, I am grateful and indebted to the teachers who help guide my daughter every day in building the skills she needs to take on the world. And if it hadn't been for the devotion and commitment of Mrs. Hayes, my Grade 10 math teacher who gave me the extra attention and help I needed then, I might not be speaking to you today as Ontario Ombudsman!
- 5** Teachers know, better than anyone, that learning is not something that ends when we leave school – it's a lifelong process. As someone who is just two months into a new job, I can attest to that. Not only have I been learning the ropes at my new office, I have also made it a priority to get out to events like this, as often as possible, to meet and educate stakeholders in our new areas of jurisdiction.
- 6** Education, communication and relationships are at the heart of everything we do – indeed, that's another thing we have in common with teachers. Without getting too pedagogical, what I'd like to do today is give you a quick primer on what an Ombudsman is and does, and how that applies in our work so far with school boards. As well, I'd like to share some of the lessons we've learned along the way – and believe me, we are constantly learning.

- 7** So, Ombudsman 101: A bit of history first: The role of ombudsman goes back more than 200 years, to 1809, when Sweden created the first parliamentary ombudsman. The word “ombudsman” is Swedish, and it means “citizen’s representative” – in other words, someone who hears public concerns and raises them independently with those in power. Every province in Canada has an ombudsman, except P.E.I. Most, including us in Ontario, have been given oversight of boards of education, and Quebec and Manitoba are considering going the same route.
- 8** Our office is independent of the government, and we are impartial – we do not advocate for complainants or for the bodies we oversee. We are not judges or enforcers – we review facts, and recommend solutions.
- 9** We have an oversight role that includes investigative powers, but the bulk of our work involves resolving issues at the lowest level possible, without need for formal investigation. Our role is not to name, blame and shame, it’s to identify administrative problems and, ultimately, to improve governance.
- 10** We sometimes describe our work as being the operator in a game of broken telephone. I’m sure as teachers, many of you have had an experience like that. Our staff are experts in navigating bureaucracy and in finding fairness. They are also expert listeners, with years of experience in dealing with frustrated people who have been through the bureaucratic mill.
- 11** When a complicated problem arises, we operate using Occam’s razor and look for simple, practical solutions. We handle more than 23,000 complaints every year with less than 100 people – and our mandate recently doubled, with the addition of municipalities, universities and school boards. So, we have to be nimble and efficient. We do this through a system of teams, who triage complaints to ensure they are dealt with as quickly as possible.
- 12** Most complaints are resolved informally, through a few phone calls or by connecting people with the right officials to handle their problems. Only if the issue cannot be informally resolved will it be escalated to an investigation. And occasionally, if we notice a trend in complaints or a significant administrative problem affecting large numbers of people, we can launch a systemic investigation – that is, a large-scale field investigation involving extensive evidence gathering and a published report.

- 13** Those are the cases you may have heard about, because they generally result in significant changes in government administration. For example, the Ministry of Education accepted all 113 recommendations in our Office’s 2014 report on the monitoring of unlicensed daycares.
- 14** We are always on the lookout for those broad, systemic issues, and we continue to conduct those kinds of investigations – in fact, I just announced one last week into procurement practices at the City of Brampton; our first investigation of a municipality. But the bulk of an ombudsman’s work is always informal, proactive, behind the scenes – being there to make sure existing mechanisms work, and to step in if they fail.
- 15** Another example from the education sector is when the government appointed supervisors for certain school boards – which happened three or four times in the past eight years or so. This was before our mandate officially included school boards, but when the province took over those boards temporarily, it meant our office could take complaints about them. And we did – however, in every case, we were able to refer the complaints to the supervisors in question, and we followed up with them to make sure they were satisfactorily resolved.
- 16** Now, of course, we have had jurisdiction over school boards for nine months – almost a full school year. We have received just over 500 complaints since then – and I’m happy to say that so far, we have not yet needed to launch a formal investigation. We have received excellent co-operation from most of the boards we have dealt with so far, which has allowed us to resolve quite a few difficult issues.
- 17** In most cases, we were able to help people by referring them to the right people at the local level, or by having our staff make informal inquiries with board officials. A substantial proportion of cases are dealt with simply by our staff providing information and referrals – about 35% at last count.
- 18** The topics of complaints have been about what you’d expect. At the start of the year, we had quite a few complaints about busing. For example, we looked into a case where a four-year-old boy was dropped off at the wrong bus stop and his family didn’t know where he was for 45 minutes. Fortunately, he was returned safely to school by a Good Samaritan. Still, one of our investigators made informal inquiries with the transportation consortium, and found out that their system failed because of a driver’s error. As a result of our suggestions, the

- consortium committed to improving its incident reporting procedures and driver training. As far as we're aware, there have been no further incidents.
- 19** As this case demonstrates, not all cases that we resolve are simple, but if the lines of communication are open between us and the relevant officials, we can achieve constructive solutions that help avert future complaints.
 - 20** In many cases, our intervention can reinforce the fact that the systems in place are working – or that a school or board has done everything it can to provide the best service possible.
 - 21** In one recent example, parents complained to our office after the school board decided to move their child's bus stop 300 metres, to a busier intersection. Our staff reviewed the board's transportation policy and how the safety of the new bus stop was assessed. The complaint was closed once we confirmed that the board had conducted a site visit at the stop, and had responded to all of the parent's concerns.
 - 22** In another case, parents complained that not enough was being done to accommodate their child's severe allergies to nuts and dairy. Our staff reviewed the policies in place at the school, as well as the relevant legislation, and determined that the school had in fact done everything reasonably possible to restrict allergens at the school and minimize risks to the child.
 - 23** Not surprisingly, as the school year progressed, the two most common topics of complaints have been staff – including school board officials, directors of education, principals and teachers – and special education.
 - 24** Around 25 of the complaints about staff related to directly to teachers. Of course, we do not regulate the teaching profession – that's your job at the College of Teachers. If we receive a complaint about a teacher's conduct, we will refer the complainant accordingly, either to the appropriate officials at the school or board officials, or to the College directly.
 - 25** As for special education, those complaints cover everything from individual education plans, to issues at the various review committees, to general complaints about a lack of resources. Again, wherever possible, we help connect people with the right mechanisms to be heard, and we are there to step in as a last resort if they have tried everything and hit a brick wall.

- 26** However, some broad issues of government policy – whether it’s how much is spent on special education, or what is taught in the sex ed curriculum – are not within an ombudsman’s traditional role. Governments are elected to set policy. An ombudsman’s role is not to agree or disagree with it, but to review the administration and execution of government actions, to ensure they are carried out fairly.
- 27** In this area, as I’m sure you can appreciate, a little education goes a long way. We often hear from people who are frustrated and angry about government or school board decisions, and we explain that our role is not to overturn or change those decisions, but to examine their impact and, if warranted, recommend ways to improve fairness and accountability.
- 28** By the same token, because we hear from so many people on a daily basis, our office is uniquely positioned to spot trends in complaints and to alert the relevant authorities to simmering problems before they boil over. If we spot problems that appear to be systemic, across several school boards in a region or even around the province, we will be able to tackle them. And – here is something for all stakeholders in the broader public sector to bear in mind – if we find that the issue also relates to provincial government bodies, we have the ability to go there too.
- 29** If and when we do launch a formal investigation of a school board, whether it involves an individual problem or a systemic one, we will follow the same tried-and-true procedures we have always used at the provincial level. The director of education – or the chair of the board, depending on the situation – will receive formal notice, just as provincial bodies do.
- 30** Our investigations are conducted in private, but for those involved, we will ensure there are no surprises. The organization under investigation always has the chance to respond to our findings before they are published. This is part of our commitment to procedural fairness, which I believe must apply to our own operation as much as it does to those we investigate. The parties to an investigation are entitled to know what we are looking into and have ample opportunity to have their input considered, and to know the reasoning behind our conclusions.
- 31** As I said at the outset, our emphasis on education includes educating ourselves. Even though we have had oversight of the Ministry of Education for 40 years, we

appreciate that we have a lot to learn about working with school boards. I wanted to give you an idea of how we prepared for this responsibility, and how we are still working to learn from stakeholders like you.

- 32** We conducted a survey of all school boards over a year ago, to gather information about their policies, complaint procedures and things like codes of conduct – all of which we strongly encourage at the local level. We have a dedicated team of staff who handle school board complaints, and they have all had special training on the Education Act, among other things. Our senior team travelled the province last fall to attend roundtables with representatives from school boards and municipalities in every region and hear their concerns about how our jurisdiction would work.
- 33** One of our aims is to have face-to-face meetings with the leadership of every school board in the province – obviously it will take more than a year to hit them all, but we have already met with quite a few, including the big district boards in Toronto, Ottawa and York Region, the Durham Catholic board and even the Aurore Boréale Catholic board up north. We have also spoken at several events held by the associations of public, Catholic and French-language school boards, involving trustees, directors of education, business officials and human resources officials. We also created a webinar to explain our processes to school board officials, which had an excellent turnout and I encourage any of you who have questions about how we work to check it out on our website.
- 34** We also created a webinar to explain our processes to school board officials, which had an excellent turnout and can be viewed on our website. It is in English, but we are working on a French version that will be available soon.
- 35** We have been involved in extensive outreach with parents too, attending conferences of People for Education and its French counterpart, as well as numerous other engagements with parent councils and associations.
- 36** And of course we haven't forgotten teachers: Members of our executive team addressed the elementary teachers' federation in February, and I will be speaking at the secondary school teachers federation conference in August.

- 37** Teachers are important partners for us in working to ensure accountability and transparency in the school sector, and I want to encourage you to keep the lines of communication with our office open. Your input is welcome – whether you have a complaint, an issue to flag on behalf of a student or a colleague, or simply a suggestion.
- 38** I hope my remarks have given you a good idea of the work we have done in your world so far, and the approach I plan to take in future. We are keeping the public and stakeholders informed by sharing information about our school board cases every month in our newsletter, available on our website and by email. And we will have more details and statistics in our Annual Report, which will be published later this year.
- 39** I believe in finding win-win-win situations, and I am convinced that our new mandate is one of them. We are seeing increased public demand for accountability at the local and school board level – that’s a win. We are seeing school boards working to ensure they have clear complaint procedures and even discuss establishing their own ombudsmen – that’s a win. The winners are the people we all serve, particularly the students in our schools.
- 40** Everyone here has a role to play in improving school boards for Ontarians. I look forward to working with you. And now I’d be happy to answer any questions you might have.