



PO Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

**Item No. 4**

**Halifax Regional Council  
April 28, 2009**

**TO:** Mayor Kelly and Members of Halifax Regional Council

A handwritten signature in black ink, appearing to read "G. Kaiser".

**SUBMITTED BY:** \_\_\_\_\_  
Geri Kaiser, Deputy Chief Administrative Officer, Corporate Services  
& Strategy

**DATE:** April 16, 2009

**SUBJECT:** Ombudsman or Similar Office for HRM

## INFORMATION REPORT

### ORIGIN

Motion of Council of March 6, 2001, moved by Councillor Fougere, seconded by Councillor Sloane that a staff report be brought forward to investigate the possibility of the Municipality having a position, similar to an ombudsman or a mediator, to try to resolve disputes that are brought forward to Council.

Further, a motion of Council, March 21, 2009, moved by Councillor Younger, seconded by Councillor Lund, that staff provide an information report on the possibility of establishing a Municipal Ombudsperson.

The following report addresses the background information requested by Council.

## **BACKGROUND**

### Context

Ombudsman is originally a Swedish word meaning “a representative or agent of the people” (Rowat, 1985). The position was first established in Sweden as an officer appointed by the King to hear complaints and protect against injustices. Over time, the concept has grown and spread through the world. Ombuds offices are established to address complaints and issues between the administration of government services and the citizens who are served. The office has taken on a number of distinct characteristics:

- Is appointed by an executive body and is free to report back to them at any time.
- Is an impartial investigator and is politically independent.
- Has significant limitations in their power to quash or reverse decisions. Their power is in reporting, influencing and publicizing findings.
- Is free to investigate of their own initiative (does not have to be a specific complaint).
- Uses investigative and decision-making processes meant to be informal, speedy and inexpensive.

### Legislative Authority

In Canada, the Provincial Ombuds offices generally have been granted the authority to handle complaints regarding municipal government (BC, Manitoba, Ontario, New Brunswick, Nova Scotia, Yukon, Ontario- with some restrictions)

The Nova Scotia *Ombudsman Act*. 1970-71, c.3,s.1. allows the provincial Ombudsman to hear complaints in regard to municipal units, agencies, or officers (including elected officials). Inquiries from the Provincial Ombudsman’s office are addressed through the CAO’s office and responded to through the appropriate Business Unit.

For HRM to formally adopt an office of Ombudsman would require an amendment to the HRM Charter, specifically addressing the subject of an Ombudsman, and an amendment to the Provincial Ombudsman’s Act to allow HRM to take over the responsibilities from that office in regards to HRM.

### Models

#### *Canada*

In Canada, only Winnipeg and Montreal have had formal Ombudsman’s offices to handle disputes. In 2002, the City of Winnipeg turned the function over to the Province of Manitoba in a service exchange agreement. The City of Montreal established their office following the French model of *Mediator*. The *Mediator* was appointed by and reported to Council. In 2003 Montreal established an independent Ombudsman’s office, which is still in place at this date. The City of Toronto established an independent office of the Ombudsman, which opened on April 6, 2009.

*The United States*

In the U.S., over thirty municipal governments, that we are aware of, have independent ombuds services. The Ombudsman's office in Anchorage, Alaska has been very generous in sharing information regarding their service.

Appendix A outlines the details of the municipal Ombuds offices as operated in Winnipeg, Montreal, Toronto and Anchorage, Alaska.

*Complaints Offices*

A number of government funded agencies (Canada Post, etc), as well as private businesses (banks, insurance companies, etc.) have implemented *informal* complaint resolution offices as part of their dispute handling processes. These types of "complaint resolution" offices do not have the full independence of an Ombudsman's office set up under legislative authority. However, they can assist the organization in being more responsive to resolving issues in service delivery.

Regardless of the model, the office serves as the point of last resort after all other means to resolve the dispute have been attempted. All offices:

- Act as a check in the complaint resolution processes in place within the organization
- Act as an independent arbiter to citizen complaints
- Recognize the benefits of independent comment for the improvement of service delivery
- Where appropriate, suggest fixes for the root cause of problems as part of the resolution process

**DISCUSSION**

The motions by Council clearly reflect an ongoing desire to investigate models and opportunities to more effectively handle disputes that often take a great deal of time and attention from the Councillor or CAO's office.

The research conducted by staff determined that a municipal ombudsman's office is not a model that has generally been adopted in Canada. Under current legislation, complaints regarding elected officials, staff, or services of HRM can be brought forward and addressed through the Office of the Ombudsman of Nova Scotia.

HRM has adopted a number of initiatives that provide the accountability framework that would allow service complaints to be addressed and resolved effectively within Business Units and across the organization. Those initiatives include:

- Implementation of the Service Request System, which allows tracking and follow up on issues across the end-to-end service delivery chain
- HRM's Customer Service Strategy, which outlines the standards expected for HRM when dealing with the public

- Training in Conflict Resolution and Dispute Resolution has been added to the HRM Training Calendar and is available to staff and Council
- Consolidation of Public Engagement under the Community Development Business Unit, with a view to providing enhanced community leadership and engagement skills across HRM

The key to successfully utilizing these initiatives to resolve disputes or service complaints lies in the accountability structure within HRM - from staff, to managers, to directors, to EMT, to Council.

An informal complaints office is within the current jurisdiction of HRM while a more formal ombudsman's office would require amendments to the Provincial Ombudsman's Act and the HRM Charter.

Administration have been, and will continue to be, open to examining the organizational structures, services and resources that strengthen and reinforce accountability and quality of service in HRM as part of the commitment to continuous service improvement.

Should Council wish further investigation of the opportunity for a more formal complaints office within HRM, this could be brought forward for Council's future consideration.

### **BUDGET IMPLICATIONS**

The establishment and resourcing of an Ombuds or complaints office within HRM would be a new service and would require budget modifications either through realignment of existing resources or through new funding.

Based on information from other similar services, the minimum requirement to establish a viable ombuds or complaints office in HRM would include staff based on a senior management position (ombudsman or similar), two investigators and administrative support as well as training, equipment and office space. Ongoing budget requirements would be dependent on mandate, work load and performance/response time expectations. A preliminary estimate of the cost to establish and operate this size of office would be \$350,000 - \$400,000 annually.

### **FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN**

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

**ATTACHMENTS**

Appendix A- Overview of Ombudsman's Offices Winnipeg, Montreal, Toronto (new) & Anchorage

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared & Approved by :



Cathy Mellett A/ Manager Office of the Municipal Clerk, 490-6456

**Appendix A - Overview of Ombudsman's Offices Winnipeg, Montreal, Toronto (new) and Anchorage Alaska**

| Municipality | Model | Mandate/ Cases | Staff | Relationship to Province/State |
|--------------|-------|----------------|-------|--------------------------------|
|--------------|-------|----------------|-------|--------------------------------|

|   |  |   |   |   |
|---|--|---|---|---|
| <p><b>City of Winnipeg</b></p> <ul style="list-style-type: none"> <li>• Capital of Manitoba</li> <li>• Amalgamated municipality.</li> <li>• Pop. 628,100</li> <li>• Service base similar (except for social services).</li> </ul> | <p>Ombudsman's office establish in 1994. Amended the City of Winnipeg Act (ss.65-73) to allow for the office.</p> <p>Ombudsman appointed by Council.</p> <p>Acts independently . Six (6) year term (renewable).</p> <p>Approach has been somewhat adversarial based on legal framework.</p> <p><i>Service reverted to the Provincial Ombudsman's office in 2002.</i></p> | <p>Handles anything under municipal jurisdiction including social assistance &amp; utilities.</p> <p>Does not handle Access to information/privacy act complaints.</p> <p>Jan - Dec 2000 handled 1,100 cases.</p> | <p>Usually an Ombudsman, two (2) investigators and one (1) office administrator.</p> <p>In 2001 were discussing service exchange with the Province and down to an Acting Ombudsman and one (1) office administrator. Not able to handle a full case load.</p> | <p>In the 1980's City of Winnipeg negotiated with the Province of Manitoba to take over disputes related to municipal services.</p> <p>As of June 1997 Manitoba Ombudsman handles complaints re: other municipal jurisdictions and Freedom of Information.</p> <p><i>Service reverted to the Provincial Ombudsman's office in 2002.</i></p> |
|---|--|---|---|---|

**Appendix A - Overview of Ombudsman’s Offices Winnipeg, Montreal, Toronto (new) and Anchorage Alaska**

| Municipality | Model | Mandate/ Cases | Staff | Relationship to Province/State |
|--------------|-------|----------------|-------|--------------------------------|
|--------------|-------|----------------|-------|--------------------------------|

|   |  |  |  |  |
|---|--|--|--|--|
| <p><b>Anchorage Alaska</b></p> <ul style="list-style-type: none"> <li>• Capital of the State of Alaska</li> <li>• 1999 pop. 259,391 or 41% of State population.</li> <li>• Urban &amp; rural parts of municipality</li> <li>• Similar services</li> <li>• Economy resource, military, government &amp; business based.</li> </ul> | <p>Ombudsman’s office established in 1996.</p> <p>The authority to appoint an Ombudsman was included in the Municipal Charter (1975).</p> <p>Ombudsman appointed by the Council.</p> <p>Acts independently.</p> <p>Four (4) year term (renewable).</p> <p>Approach has been adjudicative based on “problem solving” and influencing the improvement of services.</p> | <p>Handles anything under municipal Jurisdiction including school boards.</p> <p>Handles over 1,000 contacts or complaints per year.</p> | <p>Office consist of the Ombudsman (1), two (2) assistant Ombudsman/ investigators and one (1) office administrator.</p> | <p>State Ombudsman handles issues related to State agencies and municipal Ombudsman handles all municipal jurisdictions.</p> <p>Feels there is no overlap and they work together well.</p> |
|---|--|--|--|--|

**Appendix A - Overview of Ombudsman's Offices Winnipeg, Montreal, Toronto (new) and Anchorage Alaska**

| Municipality  | Model  | Mandate/ Cases  | Staff  | Relationship to Province/State   |
|---|--|---|--|--|
| <p><b>Montreal PQ</b></p> <ul style="list-style-type: none"> <li>1996 Population 1,776,000</li> </ul> | <p><i>Mediator's</i> office established in 1994. <i>Mediator</i> appointed by Council. Changes following each election.</p> <p>In 1999 a report &amp; recommendation has been put forward by the <i>Mediator's</i> office to move to a model of an independent Ombudsman's office.</p> <p>In 2001 acknowledgement of some tension between office and administration.</p> <p>In 2003 the office reverted to an independent Ombudsman's office.</p> <p>Web site<br/> <a href="http://ville.montreal.qc.ca/port al/page?_pageid=321,644770 &amp;_dad=portal&amp;_schema=PO RTAL">http://ville.montreal.qc.ca/port al/page?_pageid=321,644770 &amp;_dad=portal&amp;_schema=PO RTAL</a></p> | <p>Handles anything within municipal jurisdiction. First point of contact for complaints are the <i>Access Montreal</i> offices.</p> <p>1998 Annual report cited over 1,200 contacts with 177 inquires conducted.</p> <p>2007 1,300 complaints resulting in over 200 independent investigations</p> <p>Office established under Bylaw in 2003 and has moved to charter in 2005.</p> <p>In 2007 entered into discussion with City of Toronto to share expertise re: establishing and Ombudsman's service</p> | <p>Office consist of the <i>Mediator</i> and two (2) senior staff people/ investigators, one (1) of whom is legal counsel, and one (1) office administrator.</p> <p>Since 2003 with the establishment of the independent Ombudsman's office size has increased to Ombudsman and 4-6 investigators in addition to administrative support.</p> | <p>The provincial office of <i>Le Protecteur Du Citioyen</i>, and Quebec Ombudsman only handles complaints regarding departments and agencies of the Quebec government.</p> <p>Clear distinction between Quebec Ombudsman's service and Ombudsman of Montreal.</p> |



**Appendix A - Overview of Ombudsman's Offices Winnipeg, Montreal, Toronto (new) and Anchorage Alaska**

| Municipality | Model | Mandate/ Cases | Staff | Relationship to Province/State |
|--------------|-------|----------------|-------|--------------------------------|
|--------------|-------|----------------|-------|--------------------------------|

|   |   |   |   |  |
|---|---|---|---|--|
| <p><b>Toronto, ON</b></p> <ul style="list-style-type: none"> <li><b>1996 census<br/>2,480,000<br/>population</b></li> </ul> | <p>Newly established independent office - April 2009 under Toronto Charter.</p> <p>Ombudsman appointed/hired by Council</p> <p>Acts Independently.</p> <p>Reports to Council.</p> | <p>Concerns regarding service.</p> <p>Mandate all city departments, agencies, boards &amp; commissions.</p> <p>Case management system installed before opening office.</p> <p>100 complaints on file before opening office.</p> <p>Can also deal with systemic service issues through independent review.</p> | <p>Ombudsman and six (6) staff</p> <p>Budget of \$1.2M annually</p> | <p>Mandate is related to municipal services only</p> <p>Early days</p> |
|---|---|---|---|--|