



**Ombudsman
Saskatchewan**



**Public Interest
Disclosure
Commissioner**

What to expect when the Ombudsman calls

Presentation to:

SARM Annual Convention 2016

Regina, March 9, 2016

The Municipal Conflict of Interest Amendment Act, 2015

- Amendments to *The Ombudsman Act, 2012*
- <http://www.qp.gov.sk.ca/documents/English/Statutes/Statutes/03-2.pdf>
- Expanded the provincial Ombudsman's jurisdiction to include investigating complaints about municipal entities and council members



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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



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As an Officer of the Legislative Assembly...

The Ombudsman:

- operates independently of the executive government and the entities it has a mandate to investigate
- is accountable to the Legislative Assembly
- helps the Legislative Assembly ensure that executive government delivers services fairly, properly and in a timely manner



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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)



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What is a “Municipal Entity”?

“Municipal Entity” includes

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



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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



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Ombudsman has the power to investigate:

- Any “decision...made by a municipal entity, [or] any council member”
- Any act done or omitted to be done “in the exercise of power, duty or function” by a municipal entity or “a council member, including any matter with respect to that member respecting a conflict of interest or alleged contravention of a code of ethics”



Our Process: Generally

- Neutral and impartial: Does not advocate for complainants or government entities
- Does not give advice to council members
- Complaints are handled privately and confidentially
- Office of last resort: complainants must use existing review and appeal processes first



Our Process: Intake

- Will provide information & referral assistance
- Refers complainants back to other review or appeal processes, if available and appropriate



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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

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 complaint is founded



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Our Process: Investigation

- Investigations are conducted in private.
- 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*



How do we decide what is fair?



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Our Process: After Investigation

- We consider whether the government action or decision was:

- unreasonable, unjust, or improperly discriminatory
- based on incorrect or irrelevant facts
- contrary to the law or based on an unfair law
- made for an improper purpose, on irrelevant grounds
- without reasons

OR

- fair



Our Process: Reporting

- 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 may issue public reports on any matter we investigate, if it is in the public interest to do so.



Municipal Entities: The way forward

- Information packages to all entities.
- Will provide information sessions for council members, municipal entities, officials, administrators, employees about administrative fairness and how to improve services for citizens.
- Goal is to ensure a better understanding of Ombudsman's role, process and what happens when we receive a complaint about your services.





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Thank you !

Questions?

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