

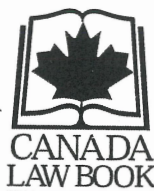
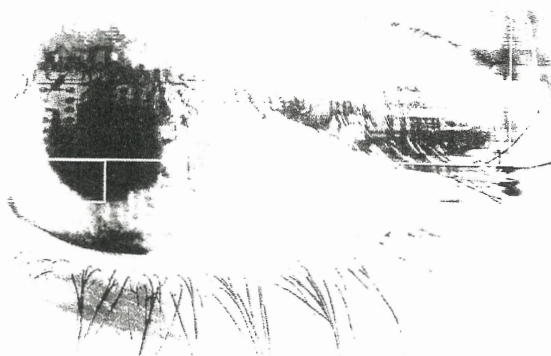
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Conducting Administrative, Oversight & Ombudsman Investigations

Gareth Jones



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attempt to informally resolve or simply close without any further action. The template also assists filtering out those cases that do not fall within one's jurisdiction or should more properly be dealt with by other agencies, or are frivolous, malicious or vexatious.

At Ombudsman Ontario the template is usually completed by the staff member who receives the complaint. It may be done by an investigator, particularly where a complaint or series of complaints raise complex issues or a substantial amount of evidence has to be gathered before the assessor has enough facts at their fingertips to make an informed decision.

The template is divided into nine segments:

1. Summary of the complaint.
2. What issue(s) does the complaint raise?
3. Is there jurisdiction?
4. Is the complaint suitable or ready for investigation?
5. Are there any compelling circumstances?
6. What actions have been taken so far by the office?
7. A recommendation as to what to do next.
8. The rationale for that recommendation.
9. Next steps.

There is some overlap between categories. This is unavoidable, as each case has its own unique fact situation. It is better to run the risk of a little duplication rather than miss something.

Summary of the Complaint

The summary should be brief. The object is to tell the reader what the complaint is about, what are the *facts* and what has already been done to try and resolve the complaint. In most circumstances, the summary will be no longer than one or two pages, save and except some particularly complex cases.

The summary should be in narrative form, set out chronologically as far as possible and should include, as applicable:

- description of facts in chronological order;
- names, locations, dates and relevant parties;
- other complaint mechanisms used, dates and outcome, including any rationale given by the complaint mechanism for any decision(s) reached;

- other investigations or attempts at resolution which were conducted or are being conducted, including any conclusions made in those investigations;
- any other complaints having been submitted on this or similar issues;
- whether the case has a public profile (for example, has it been raised in the legislature or media); and
- any other factually relevant information.

The facts should be set out without any commentary, colouring or statement of opinion. The case assessor should avoid adding his or her own descriptors or analysis at this point. *Just the facts, please.* The test applied is this: if any party to the complaint were to read the summary, could they reasonably argue that important factual evidence was missed or ignored or that the way the facts were presented demonstrated a bias? If not, it's a job well done.

In compiling the summary of the facts, the case assessor should complete sufficient background research or preliminary investigative work to obtain the information necessary to make an informed and intelligent recommendation as to whether or not to take further action. This background work could include:

- fleshing out details of the complaint with the complainant;
- obtaining documentation from the complainant;
- obtaining documentation from other sources, including the organization that is the subject of the complaint;
- conducting internet research;
- completing media searches;
- consulting with colleagues or case management systems to determine if there are similar complaints that may be grounds for considering a broader, systemic investigation; and
- if necessary, conducting informal interviews with parties to the complaint.

The extent and depth of the background work will depend on the seriousness and complexity of the issues raised by the complaint. In some cases, there will be sufficient information already on file to complete a summary of the facts adequate enough to make an informed decision as to what to do next. In other cases, it may be necessary to do a little more digging.

What Issue(s) Does the Complaint Raise?

What, exactly, is the complainant complaining about? What are the specific issues raised? Frame the issues in the way that fits within the mandate of the agency. If there is not enough information to identify what the issues are, then go and get more facts. The case assessor may choose to excise parts of the complaint and distil it, to ensure that the issues are manageable.