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**The Alberta Ombudsman
Presentation to Wood Buffalo
Development Advisory
Committee**

Supplementary Notes to PowerPoint Presentation

ABOUT THE OMBUDSMAN

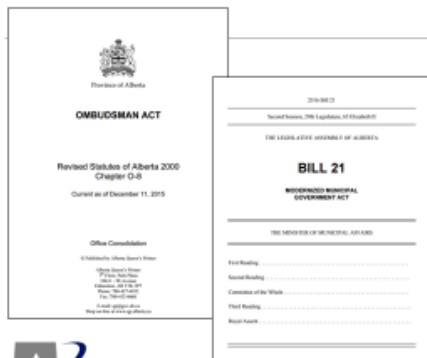
- Ms. Marianne Ryan is Alberta's ninth Ombudsman following a 35-year career with the RCMP.
- Marianne has extensive experience in Regional Change Management, Human Resources and Criminal Operations.

WHAT IS THE ROLE OF THE ALBERTA OMBUDSMAN?

- The Ombudsman is a neutral, impartial, and independent office.
- The Ombudsman does not report to any department, ministry or elected official.
- The Ombudsman is an officer of the legislature and the office's budget is set by an all-party committee.
- The Ombudsman does not represent departments nor does she represent or advocate for complainants.
- The Ombudsman investigates final administrative responses or decisions to determine if they are administratively fair.
- Following an investigation, the Ombudsman will either make formal recommendations to improve the decision-making process; or confirm the decision-making process has been found to be fair.

OMBUDSMAN'S JURISDICTION

Jurisdiction



Provincial Government	✓	
AHS Patient Concerns	✓	
Health Professions	✓	
Other Designated Professions	✓	
Municipalities	✓	
Federal Government		✗
MLAs		✗
Police		✗
Universities /School Boards		✗
Courts		✗
Private Matters		✗

This list includes all areas that fall inside and outside the Ombudsman's jurisdiction; the checked items amount to over 700 authorities.

The Ombudsman's jurisdiction has remained fairly consistent over the last 50 years. Some major changes have included:

- 2000: Addition of the health professions
- Mid-2000's: Addition of AHS' PCRPP process
- 2018: Addition of municipalities (April 1, 2018).

CAVEATS TO ACCEPTING A COMPLAINT

- All avenues of review and appeal must be exhausted and the decision must be final.
- Complainants must be personally affected by the decision or response they are complaining about.
- Complaints that are over 12 months old may be refused.
- Frivolous, vexatious, or trivial complaints may be refused (this is very rarely implemented).
- Materials produced as a result of a complaint or investigation by our office cannot be used in any other proceeding, including before a board or court.

THE OMBUDSMAN'S INVESTIGATIVE PROCESS

INTAKE

- Complaints can come to our office via email, letter, phone, walk-in or fax. Office staff speak to complainants about their concerns; however, to be considered a formal complaint, an individual must submit it in writing as per the *Ombudsman Act*.

ANALYSIS

- A determination is made on whether the complaint is jurisdictional and if it's ready for our office.
- If the complaint is non-jurisdictional, an appropriate referral is made. Also, if a final decision has not been received by the complainant, a referral back to the process is made.
- If the complaint is ready for our office, but appears to be a simple, straight-forward issue, we may try to resolve it through early resolution.

EARLY RESOLUTION

- An investigative method our office uses to attempt to resolve a complaint collaboratively and efficiently with the municipality and the complainant. A complaint is considered to be closed when our office is satisfied the decision/response is reasonable.

- Example: A complainant submits a decision from a CAO regarding commercial taxes they believe to be unfair. In reviewing the decision and the complainant's concerns, if we determine the issue could be resolved with further clarification from the CAO, we will discuss this with the CAO and ask if they would be willing to provide this information. If the CAO is in agreement, our office would consider the complaint resolved and close the case.
- Example: A complainant submits a decision from a CAO they believe to be unfair. An investigator completes an analysis and may contact the municipality and/or complainant during this process. Once the analysis is complete, if the investigator finds the municipality considered the complainant's concerns, provided adequate reasons for their decision, and the decision adheres to applicable legislation and policy; he/she would communicate this to the complainant and advise the decision was found to be reasonable.

FULL INVESTIGATION

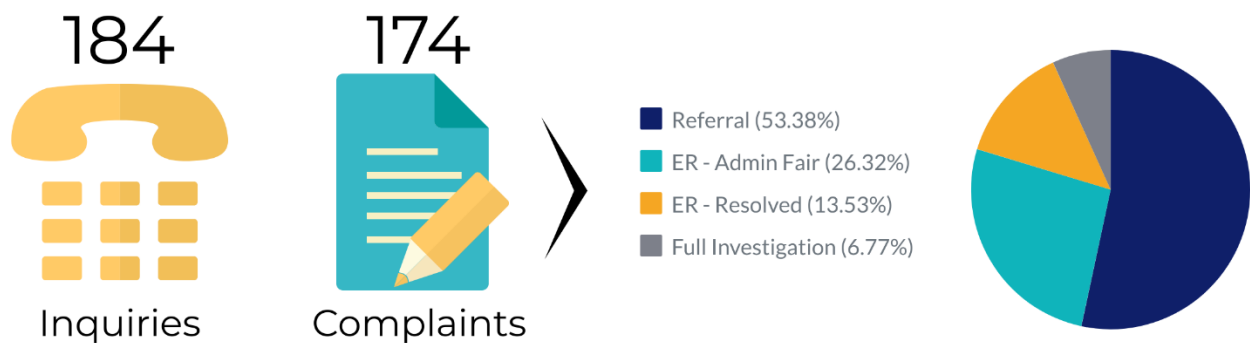
- If the complaint cannot be resolved through early resolution, or if the complaint is complex in nature, we may open a full investigation. In this case we will contact the municipality, provide a copy of the complaint and explain what issues we are looking at. We request the municipality provide our office with a written response to the issues along with a copy of the file. Other steps may include completing a file review, interviews with relevant individuals.

FINDINGS/RECOMMENDATIONS

- The investigator is responsible for all stages of the investigative process until the very end. The Ombudsman is the only person with the authority to make recommendations. The investigator will keep the municipality updated and provide their findings of fact and possible resolutions; however, the final recommendations come from the Ombudsman.
- While the Ombudsman does not have powers of enforcement, she can elevate her recommendations to the minister, the Legislative Assembly via the Lieutenant Governor, or make the findings public. The Ombudsman is not a substitute decision-maker, meaning, she will not 'rehear' the case and/or substitute a new decision.
- If a finding of administrative unfairness is made, the Ombudsman may make recommendations. Some examples include:
 - Recommending reasons be provided for a decision to explain how and/or why the decision was made.
 - A policy should be created, amended, or changed.
 - In the case of an appeal, the matter should be reheard.

- **Recommendations:**
 - Are oriented towards improving processes.
 - Can be broad or specific.
 - Are focused on the processes used to come to the decision.
 - Are collaborative whenever possible.

MUNICIPAL STATISTICS – March 2020-21



OTHER TYPES OF INVESTIGATIONS

- **MINISTERIAL ORDER**
 - As the Ombudsman has jurisdiction over Alberta government departments, agencies, boards and commissions; the Minister overseeing these departments can write to the Ombudsman and order an investigation. This a very rare occurrence, but is a possibility.
- **OWN MOTION**
 - Under section 12(2) of the *Ombudsman Act*, the Ombudsman can open an investigation on her 'own motion', meaning, the investigation is not driven by a single complaint. An Own Motion investigation is usually initiated due to issues that are systemic in nature and/or have the potential to affect many citizens.