

Annual Report

Township of Woolwich – June 1, 2019 – May 31, 2020
June 1, 2020 – May 31, 2021



Waterloo Area
Municipal Ombuds Office

TABLE OF CONTENTS

Ombudsman's Message.....	1
About Our Office.....	3
Scope of Services.....	4
Process.....	5
Process Flowchart	6
Privacy.....	7
Woolwich Summary – June 1, 2019 – May 31, 2020.....	9
Woolwich Detail of Inquiries.....	10
Woolwich Detail of Complaints.....	11
Woolwich Summary – June 1, 2020 – May 31, 2021.....	12
Woolwich Detail of Inquiries.....	13
Woolwich Detail of Complaints.....	14
Contact Information.....	15

THE OMBUDSMAN'S MESSAGE

This Report is the fourth and fifth to the Township of Woolwich. The Waterloo Area Municipal Ombuds Office began operation on September 1, 2016 and provides service to the Region, the City of Waterloo and the Townships of Wilmot and Woolwich. This reporting period runs from June 1, 2019 to May 31, 2021, a period of twenty-four (24) months.

The Ombuds Advisory Committee meets periodically when there are business issues to discuss or to receive the Annual Report.

The office received only one (1) inquiry between June 1, 2019 and May 31, 2020 that pertained to Woolwich Township. This is down from two complaints during the same period last year. An inquiry is where the office determines either that it lacks jurisdiction or refers a matter back to the Township because it is premature.

A complaint is where the initial view of the matter indicates it is within our office's jurisdiction and the Complainant has filed a Complaint, Consent and Confidentiality Form, allowing us to take the matter up with a municipal official. While the usage is down, we are confident that residents of the Township are aware of our presence and our work. More should be done to make people aware of the Waterloo Area Municipal Ombuds Office's services and its role within municipal government to ensure Woolwich is realizing value for money.

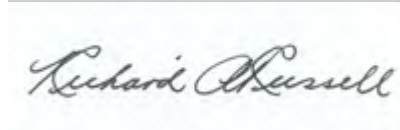
The Inquiry we did review involved a concern that a resident had about the manner in which a senior official was exercising his/her discretion. We are aware that the proper internal procedure required the resident to bring their concerns to the attention of the person whom that senior official reports to. After a conversation the Ombudsman directed the Complainant to the appropriate person, helped them understand how to prepare for the conversation and offered to follow up if the process was found to be unsatisfactory.

The office received two (2) inquiries between June 1, 2020 and May 31, 2021 that pertained to Woolwich Township. They are summarized within this report.

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We continue to be available to the township to assist in providing conflict management training to management and staff at the Township

We continue to look for ways to keep the Waterloo Area Municipal Ombuds Office known and relevant to residents of Woolwich.

A handwritten signature in cursive script, reading "Richard A. Russell", enclosed within a thin black rectangular border.

Richard A. Russell B.A., LL.B., C. Med. C. Arb.
Ombudsman, Waterloo Area Municipal Ombuds Office

ABOUT OUR OFFICE

Waterloo Area Municipal Ombuds Office

What is an Ombudsman?

An ombudsman is an Officer of Council responsible for looking into whether administrators are properly applying the by-laws and policies of the municipal corporation. While the ombudsman has no power to overturn decisions, they do make recommendations and can bring matters to the highest levels of the Region for consideration.

The ombudsman has the authority to consider complaints that administrators are misusing their power, failing to use their discretion or acting unfairly. They will conduct a thorough and fair investigation and make findings based on evidence.

An ombudsman will also provide information and guidance to citizens and work between Regional administration and individuals to solve problems informally when possible.

An ombudsman provides an Annual Report to Council with recommendations for any changes to policies or practices that he or she feels are needed.

Jurisdiction

The Waterloo Area Municipal Ombuds Office derives its legal authority from the Ombudsman Act of Ontario, which under section 14 (4.3) sets out the jurisdiction of the municipal Ombudsman. In effect the

Municipal Ombudsman has all of the same rights to investigate as would the Provincial Ombudsman.

Our Philosophy

“Partnering With”, rather than “Oversight Of” is the service orientation that we have sold. We view Complaints as a Resource that municipalities can learn and grow from. We are remedial and not punitive in our orientation toward the institutional clients.

Scope of Services

Matters that ARE within the Ombuds' Mandate to Investigate are:

1. Where the Region/City or Township has not followed appropriate procedures in arriving at a decision;
2. Where the Region/City or Township has acted in a way that is contrary to its own rules, procedures or By-laws;
3. Where the Region/City or Township has made a decision that is outside of its powers to make;
4. Where the Region/City or Township has failed to take a specific action that it is required to under its rules, procedures or By-laws;
5. Any decision or recommendation made, act done or omitted to be done in the course of the administration of the Region/City or Township, so long as it does not fall under the list of matters that are *not within our mandate to investigate (see below)*.

Matters that are NOT within the Ombuds' Mandate are:

1. Any Region/City or Township decision, recommendation, act or omission in respect of which there is a right of appeal, review or objection to any court or tribunal, until that right of appeal, review or objection has been exercised, or the time for the exercise of that right has expired;
2. Cases where the inquirer has not taken their complaint to the Region/City or Township first;
3. Decisions, recommendations, acts or omissions of a legal advisor or counsel to the Region/City or Township;
4. Complaints regarding closed meetings of Council;
5. Complaints that are within the mandate of the Integrity Commissioner;
6. Complaints where the subject matter is deemed to be trivial, frivolous, vexatious or an abuse of the Ombuds Office process or which are not made in good faith, in the opinion of the Ombuds Office;
7. Issues related to labour and employment matters.
8. Cases *where more than one (1) year has passed* since the inquirer learned of the facts on which the complaint or inquiry is based, unless special circumstances exist.

Process

Inquirers must provide (within one year as above) a completed and signed Complaint Form with consent to disclose such evidence and information as is necessary to conduct a full, fair and impartial inquiry or investigation. Complaints and Inquiries **must** originate with the affected party; the Ombuds does not accept complaints from interested, but unaffected third parties.

Initial Review

An Initial Review is conducted to decide whether a file may be investigated. During the Review, the following questions are considered:

- Did the inquirer already go through the Region/City or Township's internal complaint process? If not, the inquirer will be referred to the appropriate Region/City or Township office;
- Is the complaint or concern within the Ombuds Office's mandate?

Inquirers and the respondent, where appropriate, are advised of the outcome of the Initial Review.

An Initial Review may result in the inquirer and the Region/City or Township being advised that the issue may be investigated. It may also result in an Initial Review Letter advising the Inquirer (and respondent if appropriate) that the file is being closed because the inquiry is not within the Ombuds Office mandate, together with a referral to the appropriate body to lodge a complaint, wherever possible.

Early Resolution

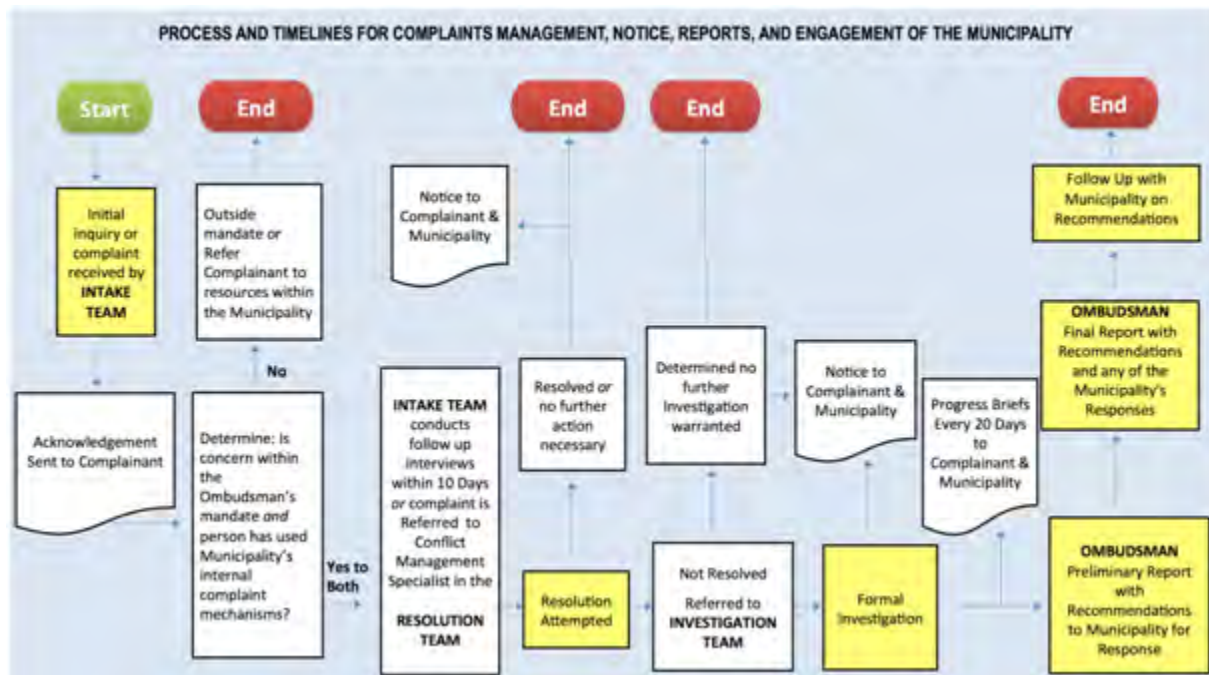
For inquiries that proceed, the Investigator will review all of the documentation that was provided by both the inquirer and the Region/City or Township. If the Investigator believes that the issue(s) may be able to be resolved consensually, the matter may be referred for early resolution through a Conflict Management Professional.

Investigation

If a resolution is not possible, the matter will be referred back to the Investigator who will continue investigating the complaint and who may contact the inquirer and the Region/City or Township to schedule interviews and gather information.

The Report will contain the Investigator's findings, either recommending a remedy for the concern to the Region/City or Township or rejecting the complaint. In either case, the Report will contain reasons for the decision. Ombuds Offices cannot order a municipality or an inquirer to take any steps, but may make recommendations with persuasive reasons. Such recommendations are often followed.

Process Flowchart



Privacy at Waterloo Area Municipal Ombuds Office

Waterloo Area Municipal Ombuds Office collects personal information from Inquirers and Member Regions, Cities or Towns for the purpose of resolving disputes. Waterloo Area Municipal Ombuds Office ensures that the personal information of our clients remains confidential and secure. This Privacy Policy (“Policy”) describes the ways Waterloo Area Municipal Ombuds Office is committed to ensuring that all private and confidential information is protected for both the Inquirer and the Member Region, City or Town. This Policy is intended to ensure that the privacy of individuals is protected in the use, collection, disclosure, and storage of personal and/or confidential information by Waterloo Area Municipal Ombuds Office. This Policy complies with and supplements the guidelines and mandates of Canada’s federal private sector privacy law, the Personal Information Protection and Electronic Documents Act.

Waterloo Area Municipal Ombuds Office will manage personal information in an open and transparent way. This Policy will be available to anyone free of charge.

Waterloo Area Municipal Ombuds Office Commitment

Waterloo Area Municipal Ombuds Office is committed to keeping all personal information private and confidential. With written consent, we will collect personal information from the Member Region, City or Town and the Inquirer in order to investigate the complaint. Any and all information collected from the Member Region, City or Town and the Inquirer will only be used for the purpose of determining the proper resolution and/or recommendations. Waterloo Area Municipal Ombuds Office is committed to protecting the security of the files it maintains and there are security measures implemented in order to maintain the security.

Information Collected

While the personal information that Waterloo Area Municipal Ombuds Office collects depends on the nature of the complaint, the personal information may include your home address and telephone number, and any and all personal and identifiable information that is obtained by the region, city or town about the Inquirer. We collect personal information from the Inquirer, the Member Region, City or Town, and others as necessary, to facilitate the investigation and resolution of a complaint. We will limit the amount and type of personal information we collect by ensuring we only collect such information that is reasonably necessary and directly related with the complaint in dispute. All personal information will be collected by lawful and fair means.

Accountability

Waterloo Area Municipal Ombuds Office is accountable for all personal information in its possession or control. Policies and procedures have been established to comply with this Policy.

Consent Required

We will not collect, use, or disclose any personal information without first obtaining consent, except where required or permitted by law. Consent may be withdrawn at any time. Further assistance in resolving the complaint may not be available if consent is withdrawn.

Use of Personal Information

Waterloo Area Municipal Ombuds Office will only use or disclose your personal information for the intended and identified purposes and reasons for which the information was collected, except where required and permitted by law. Waterloo Area Municipal Ombuds Office will take such reasonable steps as necessary to ensure that the personal information collected is accurate, complete, relevant, and up to date. We will inform individuals of the purpose for which personal information will be used before or when they consent to its collection.

Access to Personal Information

A person may access their personal information held by Waterloo Area Municipal Ombuds Office that has been provided to us and is in our possession. Parties should contact their region, city or town directly to access their personal information provided to us by that Member Region, City or Town in the course of our dispute resolution process.

Website

Our online website www.civicombugs.ca is hosted on servers that are owned and managed by a third party.

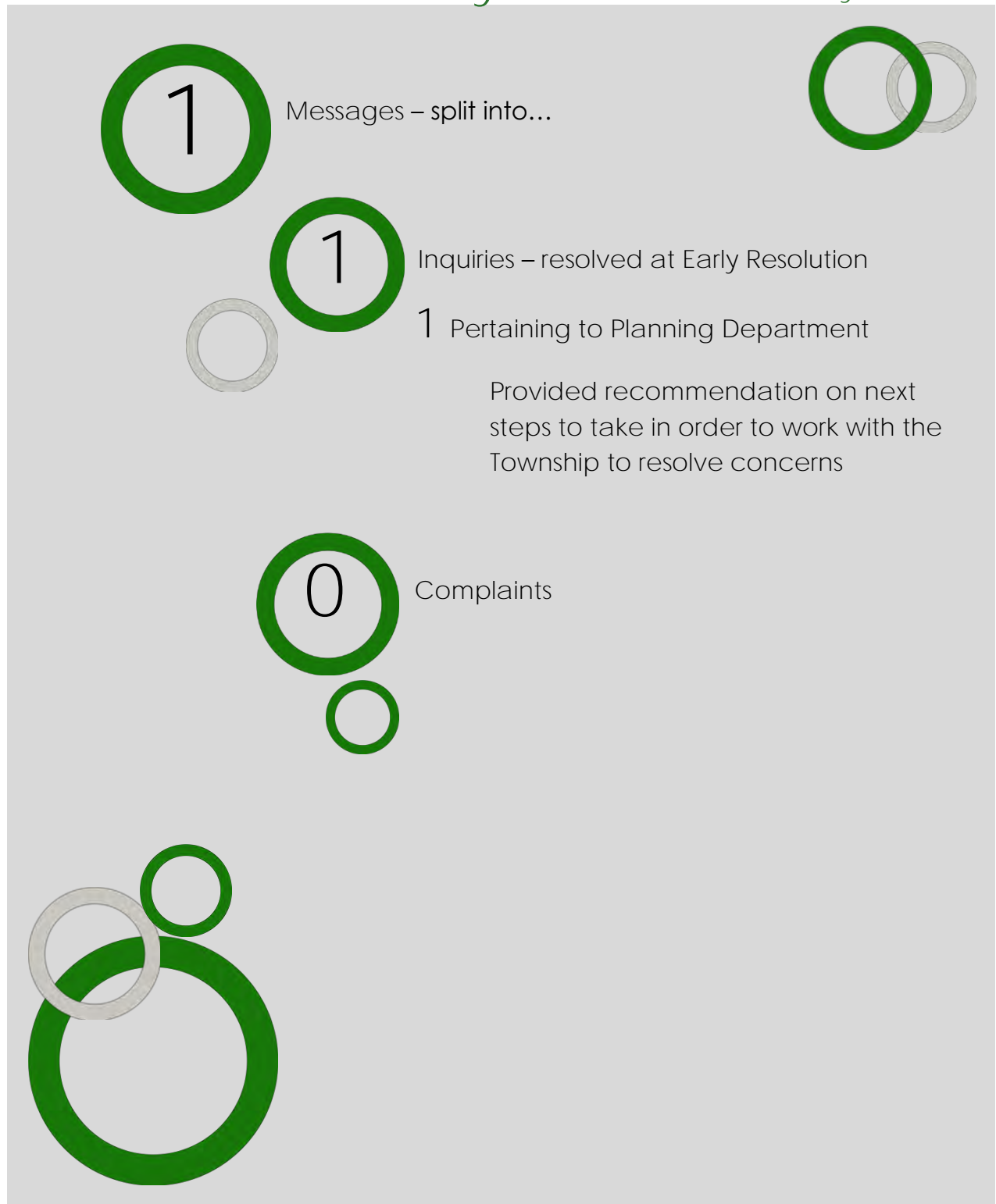
Security

Waterloo Area Municipal Ombuds Office has taken the proper and necessary steps to ensure all information pertaining to our clients' files is secured and protected against theft, unauthorized use, modification, and loss. Security-protected databases are used to store online files, and specific security measures are used to ensure the files are monitored through multiple security scans of the online content as well as numerous checks to prevent common website hacks like cross-site scripting, SQL injection, brute-force password attacks, etc.

Breach of Privacy

A complaint about a breach of privacy must be in writing, and directed to Waterloo Area Municipal Ombuds Office. The individual making the privacy complaint must give Waterloo Area Municipal Ombuds Office sixty (60) days to respond.

Woolwich Summary – June 1, 2019 – May 31, 2020



Township of Woolwich – June 1, 2019 – May 31, 2020:

Inquiries: One (1)

The Ombuds Office defines an inquiry as a contact with a person about an issue which may or may not fall within the Office's jurisdiction. These are often in the nature of "touches" where we act as a conduit from the Inquirer to the appropriate resource to resolve their issue(s). The threshold is that with inquiries the individual is not asked to provide a Complaint, Consent and Confidentiality Submission Form which permits us to talk with persons on the other side of a complaint. Typically, these are dealt with by our Intake & Early Resolution Consultant with little input from the Ombudsperson.

1. We received an emailed Complaint with respect to a senior official of the Township of Woolwich. The Ombudsman spoke to the Complaint to get details and provided them with a suggestion on how to bring their concerns and evidence to the CAO of the Township. No further steps were taken, and the Complainant did not follow up.

Complaints: Zero (0)

A Complaint is defined by the Ombuds Office as an allegation that may or may not be within the jurisdiction of the Waterloo Area Municipal Ombuds Office, but which requires further fact finding to determine in what way the Office may assist. It involves the completion of the Complaint, Consent and Confidentiality Submission Form outlining in writing the nature of the complaint, and giving the Office permission to begin to gather information, disclose information to civic officials, facilitate discussions, make suggestions and recommendations, as well as to investigate as required.

Woolwich Summary – June 1, 2020 – May 31, 2021



Township of Woolwich – June 1, 2020 – May 31, 2021:

Inquiries: Two (2)

The Ombuds Office defines an inquiry as a contact with a person about an issue which may or may not fall within the Office's jurisdiction. These are often in the nature of "touches" where we act as a conduit from the Inquirer to the appropriate resource to resolve their issue(s). The threshold is that with inquiries the individual is not asked to provide a Complaint, Consent and Confidentiality Submission Form which permits us to talk with persons on the other side of a complaint. Typically, these are dealt with by our Intake & Early Resolution Consultant with little input from the Ombudsperson.

1. A Complainant contacted our office with respect to the Municipal Drainage Act. The Woolwich Township had worked on a drain near their property and they received a bill stating that if it wasn't paid, the Township would add the bill to their taxes. Our office provided the Complainant with a Complaint, Consent and Confidentiality form to allow us to open a file and review. The completed form was never received. Without authority to proceed we closed the file.
2. A Complainant from the Township of Woolwich called into the office with concerns about work that was done for council. We advised that initially the matter would have to be taken up with the immediate superior of the person being complained of. If they were unable to gain satisfaction from that person, the matter could be taken up with the CAO. If the issue is with the CAO's decision, the matter would go to the CAO's Performance Evaluation Committee. A Complaint, Consent and Confidentiality form was provided. A completed form was never received.

Complaints: Zero (0)

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Contact Information

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