

Annual Report 2010-2011 – Facts and Highlights

Total complaints and inquiries received: **14,531**

MUSH sector complaints – outside Ombudsman's mandate (page 12): 1,963

- Municipalities (excluding closed meeting complaints): 758
- Universities: 39
- School Boards: 99
- Hospitals and long-term care facilities: 325
- Children's aid societies: 386
- Police: 356

New case resolutions and trends outlined in this report:

Use of excessive force by correctional officers against inmates (page 19): The Ombudsman alerted the Ministry of Community Safety and Correctional Services about a number of complaints of incidents of use of force against inmates, where Ministry policies and procedures had not been followed; the Ministry implemented a new provincewide monitoring system.

Poor service at the Office of the Public Guardian and Trustee (page 21): With more than 100 complaints about the agency that deals with the finances of incapacitated people, the Ombudsman flagged several complaints about inappropriate and in some cases abusive communications by OPGT staff directly to the Trustee, who is now working to improve customer service and reduce backlog.

Ontario Disability Support Program delays (page 23): The Ministry of Community and Social Services brought in more staff and increased overtime to reduce delays flagged by the Ombudsman in its Disability Adjudication Unit, where recipients complained claims were taking longer than the standard 90 days to process.

Supervision of students and volunteers in daycare centres (page 23): The Ministry of Education brought in policy directives to ensure students and volunteers in day nurseries and private daycares will be supervised, after a complaint to the Ombudsman about one student revealed a lack of supervision.

Hydro One customer service (page 24): Ombudsman managers and Hydro One officials met several times to discuss customer service complaints and Hydro One's response to them. The Special Ombudsman Response Team also conducted an assessment of complaints about "smart meters" but the Ombudsman determined an investigation was not warranted at present (page 40).

Special Ombudsman Response Team (SORT) investigations in 2010-2011:

- *The LHIN Spin* (Hamilton Niagara Haldimand Brant Local Health Integration Network – August 2010): **Page 33** – The Ombudsman found the HNHB LHIN inadequately engaged the public in its consideration of two hospital restructuring plans, and it held illegal closed meetings under a bylaw adopted by all LHINs. **Update:** In March 2011, the Ministry reported to the Ombudsman that all LHINs had rescinded their bylaws allowing closed meetings for “educational” purposes, conducted training on new community engagement guidelines and were to post annual community engagement plans online.
- *Caught in the Act* (G20 summit – December 2010): **Page 36** – The province announced it would scrap the *Public Works Protection Act* of 1939, under which it quietly passed a regulation enhancing police powers for last summer’s G20 summit in Toronto, resulting in what the Ombudsman called a massive violation of civil rights. **Update:** On June 7, 2011, the Ministry of Community Safety and Correctional Services reported to the Ombudsman that it had drafted a protocol to ensure the public is informed if police powers are modified.
- *Long-term care homes* (December 2010): **Page 39** – The Ministry of Health and Long-Term Care incorporated the Ombudsman’s suggestions and agreed to report back to him on its progress in fixing the serious systemic problems he identified in the monitoring of long-term care homes. In lieu of a report, the Ombudsman released a summary of his findings and the Ministry’s progress reports to date. **Update:** On June 10, 2011, the Ministry reported to the Ombudsman that training on new inspection standards is underway and it is in the process of designing a much more accessible website.
- *Non-emergency medical transportation services* (announced January 2011): **Page 43** – Serious concerns about the safety of patients being transferred between hospitals and to and from medical appointments prompted this investigation. The Ombudsman made preliminary recommendations to the Ministries of Transportation and Health and Long-Term Care in May 2011. **Update:** On June 10, 2011, the province announced that the non-emergency medical transfer industry would be regulated, as the Ombudsman recommended. The Ombudsman will monitor the issue closely as the government reports back to him on its progress.
- *Limited funding of Herceptin* (announced March 2011): **Page 43** – The Ombudsman investigated complaints by several patients and families that the Ministry of Health and Long-Term Care would not pay for Herceptin to treat breast cancer tumours less than 1 cm in diameter. **Update:** On May 18, 2011, the Ministry announced it would fund Herceptin for smaller tumours under its new Evidence Building Program. The Ombudsman suspended his investigation but will monitor the issue as the Ministry reports back to him.

Updates on previous Special Ombudsman Response Team (SORT) investigations:

- *Too Cool for School* (Private career colleges – July 2009): **Page 44** – The Ministry of Training, Colleges and Universities’ progress report to the Ombudsman indicated a dramatic improvement in its enforcement processes against unregistered colleges.
- *A Vast Injustice* (Funding of colorectal cancer drug Avastin – September 2009): **Page 45** – The Ministry of Health and Long-Term Care reported to the Ombudsman that as of October 31, 2010, some **400** colorectal cancer patients had received more than 16 cycles of treatment with Avastin since the province lifted its cap on the drug in the wake of his investigation.
- *Oversight Unseen* (Special Investigations Unit – September 2008): **Page 46** – The Ombudsman’s follow-up investigation into the Ministry of the Attorney General’s lack of response to his 2008 recommendations continues. The April 2011 report by Hon. Patrick LeSage reaffirmed several of the Ombudsman’s concerns. The Ombudsman’s follow-up report will be released later this year.
- *A Game of Trust* (Ontario Lottery and Gaming Corporation – March 2007): **Page 47** – In September 2010, the OPP laid charges against a former lottery ticket retailer and two family members in the \$12.5-million suspicious insider win revealed in the Ombudsman’s report. In January 2011, the OLG and OPP announced that the rightful winners of the prize had been found.
- *Adding Insult to Injury* (Criminal Injuries Compensation Board – February 2007): **Page 48** – In September 2010, the Board implemented a pilot project to further improve service and brought claims processing time to under 12 months – down from an average three years prior to the Ombudsman’s investigation.
- *Between a Rock and a Hard Place* (Children with special needs – May 2005): **Page 48** – Complaints from families needing residential care for severely disabled children increased from 39 last year to **43** in 2010-2011. Cases continue to surface where parents are told they must surrender custody to child welfare authorities to obtain a placement. The Ombudsman also found several cases where the Ministry of Children and Youth Services’ “early alert” system, launched in 2009 to ensure parents were not forced to face this choice, failed. He is also monitoring an apparent lack of special-needs services for young adults (12 complaints received).

OMLET – Open Meeting Law Enforcement Team update: Pages 51-56

- 71 complaints received about closed municipal meetings; most resolved
- 2 full investigations – in Mattawa and South Bruce Peninsula
- Other municipalities that were the subject of complaints (included in this report): Amherstburg, Clarence-Rockland, Coleman, Gravenhurst, Hamilton, Kearney,

Latchford, Nairn and Hyman, Oshawa, Powassan, Sault Ste. Marie, Seguin, Sudbury and Temiskaming Shores.

Successes achieved by Ombudsman staff (see Case Summaries, Pages 57-69):

- Helped a man obtain \$126,254.53 in retroactive **Workplace Safety and Insurance Board** benefits after it overlooked a medical evaluation (**page 67**).
- Helped hundreds navigate the **Family Responsibility Office (FRO)**, the **most complained about** organization in 2010-2011 (716 cases), including a man who was told he owed \$27,000, when he owed nothing (**page 62**), and a woman who complained that FRO mistakenly agreed to stop sending her payments pending a court motion from her ex even though he was \$30,000 in arrears (**page 21**).
- Prompted the **Ministry of Community Safety and Correctional Services** to find a new location for a probation and parole office, originally slated to open in the same building as a children's dance studio (**page 59**).
- Assisted in obtaining more than \$5,000 in delayed **Ontario Disability Support Program** payments for a woman undergoing cancer treatment (**page 63**).
- Helped families in obtaining the **Assistance for Children with Severe Disabilities** benefit after they were denied strictly based on income (**page 22**).
- Convinced **Hydro One** not to cut off power to the wife of a soldier serving in Afghanistan who couldn't pay a \$1,279.59 bill until her husband's paycheque came through (**page 64**), and helped several Hydro One customers make payment arrangements after they fell behind on increasing bills (**page 24**).
- Obtained approval for immediate out-of-country surgery for a woman with two potentially fatal aortic aneurysms two days after alerting **OHIP** (**page 66**).
- Helped reinstate an elderly non-English-speaking man's **OHIP** coverage after discovering it had lapsed because officials were unable to determine how long he had been out of the country (**page 66**).
- Saved a woman \$1,255 in wrongly calculated **hospital copayment fees** in the wake of her 94-year-old mother's death (**page 66**).
- Helped a single mother of four who was denied an educational grant because of an outstanding **\$7,400** student loan she had actually paid off years ago (**page 68**).

Since André Marin's appointment as ombudsman on April 1, 2005, his office completed nearly **30** major systemic investigations and handled more than **100,000** complaints.