

## Annual Report 2021-2022 – Facts and highlights

### By the numbers – cases (complaints and inquiries) received

Total cases received, April 1, 2021-March 31, 2022: **25,161** – up 25% from 2020-2021  
**40%** of all cases were closed within one week, **52%** closed within two weeks

Correctional facilities: **3,691** (p. 18, same as 2020-2021)

Municipalities: General issues – **2,877** (p. 24, up 26% from 2020-2021); Closed meetings – **191** (p. 28, up 103%)

School boards: **722** (p. 40, up 27%)

Universities: **361** and colleges: **344** (p. 44, up 70%)

Most complained-about organization: Tribunals Ontario (**1,110** cases – p. 22, up 18%)

Cases received by Children and Youth Unit and about youth justice centres: **1,792** (p. 34, up 18%)

Cases received by French Language Services Unit: **361** (p. 62, up 35%)

Top 10 case topics: p. 17

Top 10 provincial government organizations and correctional facilities by case volume: p. 77

### New in 2021-2022 – Complaint trends and proactive work

- Ombudsman staff worked with correctional officials to assist vulnerable inmates with issues related to COVID-19 outbreaks, lockdowns and access to health care (pp. 19-22).
- Regulatory changes were made to the definition of “segregation” (solitary confinement of inmates), as the Ombudsman has recommended for several years (p. 21).
- The City of Hamilton removed its \$100 fee for filing a complaint with its Integrity Commissioner, as the Ombudsman recommends all municipalities should do (p. 26).
- The Ombudsman’s Children and Youth Unit established specialized teams to focus on concerns of Indigenous, Black and 2SLGBTQ+ children and youth (p. 34).
- In all 59 cases where a Death and Serious Bodily Harm report indicated that a child or youth who had been in the care of a children’s aid society was injured as the result of a physical restraint, Ombudsman staff contacted the young person directly (p. 35).
- The Ministry of Children, Community and Social Services reviewed its youth justice centre training and policies after a teen complained to the Ombudsman that staff were told not to restrain him from self-harm (p. 36).
- Ombudsman staff alerted the Ministry of Education to more than 1,200 complaints about government policy decisions (outside the Ombudsman’s jurisdiction) limiting COVID-19 testing and reporting in schools, and relayed information from the Ministry to these complainants (p. 41).

- The Ministry of Colleges and Universities, the Council of Ontario Universities and several individual universities met with Ombudsman staff to discuss best practices to increase the administrative fairness of COVID-19 vaccination policies (p. 44).
- The Ministry of Children, Community and Social Services worked with Ombudsman staff to assist families who waited months for Ontario Autism Program funding, and increased staff and technical resources to address issues (p. 49).
- The Landlord and Tenant Board (LTB) created a dedicated team to process hearing requests from people with disabilities after Ombudsman staff flagged a case where a couple's home care was affected by unsafe conditions in their apartment (p. 54).
- LTB officials also fixed technical issues with the Tribunals Ontario online portal in light of two complaints flagged by Ombudsman staff, affecting a combined 1,400 hearing applications (pp. 53-54).
- The Ministry of Transportation made policy changes to speed up driver's licence accreditations for new arrivals from war-torn Ukraine (p. 55).
- Service Ontario's online health card renewal system was expanded to accept Ontario photo ID cards other than driver's licences, after dozens of people with disabilities who are unable to drive complained to the Ombudsman (p. 58).
- The Ministry of Health modified its vaccine booking system after two women complained to the Ombudsman that their bookings were rejected because they had identical names (p. 59).
- Complaints to the Ombudsman about public health units – which remain outside of his jurisdiction and that of the Patient Ombudsman – increased 57%, to 137 from 87 in 2020-2021 (p. 59).
- Two ministries apologized to Indigenous groups and other affected individuals for cancelling an environmental assessment related to a local dam and its effects on native fish populations (p.68).
- Cancer Care Ontario and Metrolinx increased their communications in French (p. 64).
- The Ministry of the Environment, Conservation and Parks posted a discussion paper to collect public input on the management of hauled sewage, an issue the Ombudsman has received complaints about for the past five years (p. 69).

## **Reports released**

*Lost Opportunities (April 2022)*: The Ministry of Children, Community and Social Services accepted all 16 of the Ombudsman's recommendations after his investigation found that its closure of two youth justice programs in Northern Ontario was overly secretive and failed to consider the Indigenous youth and communities who were affected (p. 37).

*Strengthening the Designation: A Collaborative Effort (March 2022)*: Laurentian University and the ministries of Colleges and Universities and Francophone Affairs accepted all 19 of the French Language Services Commissioner's recommendations after her investigation revealed that they failed to respect their obligations under the *French Language Services Act* during the university's financial restructuring (p. 63).

Municipal closed meeting investigations: The Ombudsman issued 36 reports and letters regarding investigations of 52 meetings in 29 municipalities. He found 20 illegal meetings and 14 procedural violations, and made 26 best practice recommendations (p. 29 – see also the database “Open Meetings: Case Digest” at [www.ombudsman.on.ca/digest](http://www.ombudsman.on.ca/digest)).

Annual Report of the French Language Services Commissioner (December 2021): The government welcomed Commissioner Kelly Burke’s recommendation that all ministries use a new tool, the “FLSC Compass,” to evaluate their plans for the delivery of services in French. The Commissioner’s next annual report and recommendations will be released in late 2022 (p. 63).

## Investigation updates

### Ongoing investigations

- Oversight of long-term care during pandemic: The Special Ombudsman Response Team (SORT) has reviewed more than 200 complaints and conducted almost 100 interviews with long-term care staff, administrators and stakeholders. The Ombudsman’s report and recommendations are now being drafted (p. 60).
- Delays at Landlord and Tenant Board: Ombudsman staff continued to resolve numerous individual cases and issues as this systemic investigation, which now involves more than 1,700 complaints, neared completion (p. 53).

### Updates on selected completed investigations

*A Matter of Life and Death* (2016): Although the province has revised some training for police and individual police services have developed their own programs, the Ombudsman’s key recommendations – a new use-of-force model and mandatory de-escalation training across the province – have not been implemented. He is considering a follow-up investigation (p. 19).

*The Code* (2013): As the Ministry of the Solicitor General continues to work on the three outstanding recommendations from the Ombudsman’s report on the use of excessive force by correctional officers, Ombudsman staff resolved 84 new complaints about excessive force and ensured the required local investigations were conducted (p. 21).

*Out of Oversight, Out of Mind* (2017): Most of the Ombudsman’s recommendations to improve the tracking of inmates in solitary confinement (segregation) have been implemented, but some remain stalled because legislation passed in 2018 has not been brought into force (p. 21).

*Nowhere to Turn* (2016): As the Ministry of Children, Community and Social Services continued to implement the last few of the Ombudsman’s 60 recommendations to improve services for adults with developmental disabilities who are in crisis, Ombudsman staff worked with the Ministry on 130 new cases that raised similar issues (p. 49).

*Between a Rock and a Hard Place* (2005): Ombudsman staff met regularly with officials at the Ministry of Children, Community and Social Services to discuss its efforts to ensure parents of children with complex special needs are not forced to relinquish custody in order to get care for them. They also monitored several new cases (p. 50).

*Suspended State* (2018): The Ministry of Transportation reported that it had implemented 27 of the Ombudsman’s 42 recommendations to improve notifications to drivers whose licences are suspended for unpaid fines. Ombudsman staff are also monitoring the impact, if any, of the recent elimination of licence plate renewal fees on the issues raised in this case (p. 56).

*Oversight 911 (2021)*: In the past year, the Ministry of Health has implemented 14 of the Ombudsman's 53 recommendations to improve how it reviews and investigates patient complaints about ambulance services (p. 60).

### **Submissions to government**

Ministry of the Solicitor General – Regulation changes regarding inmate segregation (May 2021): Several of the Ombudsman's recommendations to improve the monitoring of inmates in segregation were implemented, but he called for more independent oversight (p. 21).

Ministry of Education – Provincial and demonstration school residences (June 2021): The Ombudsman encouraged the Ministry to include protections for the rights of children and youth in its proposed new regulation for residences at provincial and demonstration schools (p. 43).

Ministry of Municipal Affairs and Housing – Accountability for municipal council members (August 2021): The Ombudsman called for provincewide standards for municipal integrity commissioners and codes of conduct (p. 26).

Ministry of Education – School board governance (October 2021): The Ombudsman made 14 proposals to improve school board governance and accountability, including that integrity commissioners and trustee codes of conduct be mandatory (p. 41).

Ministry of Children, Community and Social Services – Proposed regulatory changes to child welfare system (October 2021): The Ombudsman recommended specific improvements regarding plans of care, safety plans, physical restraints and complaint processes (p. 35).

Ministry of Children, Community and Social Services – Regulation regarding criminal record checks (May 2022): The Ombudsman urged the Ministry to prioritize criminal record checks for some child care providers to minimize delay and protect vulnerable children (p. 34).

### **Individual case highlights – how Ombudsman intervention helped**

- An inmate in crisis who expressed thoughts of self-harm was immediately moved to a unit with extra supports (p. 20).
- An inmate who was initially told she would have to wait a week for medication to help with opioid withdrawal received it the next day (p. 20).
- The Human Rights Tribunal of Ontario sped up a written decision for a man with a disability who had been waiting for the decision for three years (p. 23).
- An inmate who was initially denied a chance to vote in the 2021 federal election was able to cast his ballot (p. 23).
- A municipality found housing options for a woman who had been unhoused for a year after a fire in her last placement (p. 27).
- A municipality responded to a man's by-law complaint about a neighbour's property after he waited almost a year (p. 27).
- A municipality froze a woman's water bills pending an investigation into why they had mysteriously tripled (p. 32).

- A youth justice centre reviewed its handling of a youth's complaint about inappropriate staff conduct, and suspended a staff member for 15 days without pay (p. 36).
- A children's aid society reversed its refusal to let a youth leave the care of her aunt after it reviewed the teen's allegations of abuse (p. 39).
- A school board allowed a student to remain in virtual classes while she was temporarily living with family in another province (p. 42).
- A mother who was initially denied the COVID-19 Child Benefit due to an application error received \$400 (p. 42).
- A school board arranged a unique busing plan for a student with special needs who needed an adult to accompany him at all times (p. 43).
- A university student in India was refunded \$20,000 in tuition she had paid before the COVID-19 pandemic forced her to cancel her plan to study in Ontario (p. 45).
- A student's \$32,000 grant was reinstated by the Ontario Student Assistance Program in the wake of miscommunication in his case (p. 46).
- A college apologized to a student who was unfairly accused of cheating on a virtual exam (p. 46).
- The Family Responsibility Office expedited a refund to a father whose wages were garnished for child support that he was no longer required to pay (p. 47).
- A cancer patient's application for Ontario Disability Support Program benefits to pay for her medication was approved the next day (p. 48).
- A woman who was at risk of eviction after Ontario Works mistakenly cut off her benefits had them reinstated (p. 48).
- A nine-year-old boy with special needs received support funding that had been held up for months because of a database error (p. 51).
- A woman whose ex-husband owed her \$10,000 in support payments began receiving the money after Ombudsman staff prompted the Family Responsibility Office to access his tax-free savings account (p. 51).
- A cancer patient whose messages to Ontario Works went unanswered because her caseworker had quit received coverage for her medical treatments (p. 51).
- A man who continued making family support payments, not knowing the recipient had died, was refunded \$2,800 (p. 51).
- A woman received a refund from the Ontario Cannabis Store for an order that was destroyed when a Canada Post delivery truck caught fire (p. 54).
- A Francophone man was refunded the \$59 he was charged to replace his defective licence plates after he was wrongly told that only the English versions would be replaced for free (p. 56).
- A driver whose licence was wrongly suspended had it reinstated immediately after Ombudsman staff sent proof of the error to the Ministry of Transportation (p. 57).
- A woman received information about an inspection at her mother's long-term care home after she complained of no response from the Ministry of Long-Term Care (p. 60).

- An elderly cancer patient received funding for a drug after Ombudsman staff helped his family navigate the process (p. 61).
- A business owner received \$20,000 in grants through the Small Business Relief Grant program after Ombudsman staff helped her address an error in her application (p. 66).
- A homeowner whose gardens were damaged by a local hydro crew received an apology from the municipal hydro company (p. 67).
- A woman who mistakenly bought an Ontario Parks pass when she intended to buy one for national parks received a refund of \$112 (p. 69).
- Two would-be university students received their long-form birth certificates in time to apply for post-secondary funding (p. 71).