

WHAT TO EXPECT FROM AN OMBUDSPERSON INVESTIGATION

Role and Mandate of the Ombudsperson

The Office of the Ombudsperson is an independent office of the B.C. Legislature and acts under the authority of the *Ombudsperson Act*. Our role is to receive complaints from the public, conduct independent and impartial investigations of administrative actions by public agencies, seek resolution where we find a public body has acted unfairly, and issue reports and recommendations where necessary.

Investigative process



Responding to an investigation

We need any relevant information you can provide that will help us understand the complaint. We may ask you to provide a written response to our questions. When we contact you about a complaint, we are seeking to:

- Understand what happened in the situation complained about from your organization's perspective.
- Obtain any applicable policy and relevant records, and seek to understand how the policy or legislation was applied in this case.
- Learn what steps have been taken if any to respond to the person's concerns, including any response already provided to the person.

You may contact us at any time during an investigation with any questions or to consult on a possible resolution to a complaint.



Investigations are confidential

Section 9 of the *Ombudsperson Act* requires that our investigations be conducted in private. At the conclusion of an investigation, we will notify both the public body and the complainant of the outcome and reasons why we are ceasing our investigation.



Power to obtain information

Section 15 of the *Ombudsperson Act* provides us with authority to obtain information and records to assist in our investigation of a complaint. Under the Act, Ombudsperson staff have the authority to speak directly with any person who may have information pertaining to a complaint, including individual staff members of a public body under investigation. Full disclosure to the Ombudsperson of any information that is requested is authorized by the *Freedom of Information and Protection of Privacy Act* (FIPPA). Records obtained by the Ombudsperson in the course of an investigation are excluded from FIPPA and will not be disclosed by our office in response to a request for information.

Information we need from you

If we decide to investigate a complaint, we will notify you. Some steps you may wish to take to respond include:

- Gather information from staff directly involved to determine what has happened in the situation complained about.
- Share your expertise with us. We want to understand how your organization works and its typical processes.
- Consider whether this may be an opportunity to problem solve or improve a situation or process.

How you should refer people to us

In your correspondence to complainants, inform them of their right to raise their concerns with our office if they are not satisfied with the outcome or decision made by your organization. You may wish to include language that describes our role, such as:

If you believe the [public body's] response is unfair, unreasonable or inconsistent with relevant policy, procedures or legislation, you may wish to raise your concerns with the Office of the Ombudsperson. The Ombudsperson is an independent Officer of the B.C. Legislature who impartially investigates complaints from the public to ensure people are treated fairly in the delivery of government services. For more information, visit their website www.bcombudsperson.ca or call 1-800-567-3247.

Investigation outcomes

We investigate matters raised in a complaint to determine if there is an administrative fairness issue to be addressed. If we determine there is not an issue to be addressed, we end our investigation and close our file. If there is an issue to be addressed, we will raise it and consult with you on how it can be resolved. Common resolutions to our individual investigations include:



a refund or reimbursement of expenses



an apology



a better explanation or clearer reasons for a decision



changes to policy, procedures, and sometimes legislation



a new hearing or reconsideration of a previous decision

Common questions about our investigations

1

Why are you investigating?

We evaluate each complaint made to our office through existing legal and societal fairness principles and expectations. Based on the information provided in the complaint, we investigate to determine whether there is an administrative fairness concern to be resolved. When we decide to investigate, we have not drawn any conclusions or formed any opinions on the merits of the complaint; rather we are seeking to obtain information to help us assess the complaint.

2

Are you an advocate?

Our investigations are independent and impartial. We do not advocate for the complainant or the public body we are investigating. We advocate for fairness.

3

Will this be made public?

We conclude the vast majority of our complaints without a public report. Some of our resolved cases are featured in our Annual Report. When we do so, we take steps to protect the complainant's identity.

4

Why are you asking questions and requesting records?

We are seeking to find out what happened in the situation complained about and we need all relevant information and records to do so. Our questions and requests for records are not intended to be burdensome. If there are challenges in providing the requested information, please discuss it with us.

5

What is administrative fairness?

Administrative fairness is the standard of conduct people can expect from government organizations. It is a flexible concept that provides the fairness standards expected of public bodies in the design and delivery of public programs, services, and decision-making processes. It includes the expectation that public bodies will act reasonably when delivering their programs and services, and in a manner that is consistent with the relevant policy, procedures and legislation. It also means following fair and transparent decision making processes, and explaining reasons for decisions to those impacted by the decision.

6

What information will be provided to the person who complained?

As our investigations are confidential, we are only authorized to share information that is required to further our investigation. We do not share records obtained through our investigation. If the information provided to our office is particularly sensitive or private, you may wish to communicate this to the investigator to ensure it remains protected throughout the investigation.

As BC's independent voice for fairness and accountability, we work to make sure public sector organizations are treating people fairly and following the rules. We listen to and impartially investigate complaints about public bodies in BC. We also investigate reports of wrongdoing in the workplace from employees of specific public bodies. To access fairness resources, educational workshops or an individual consultation, contact us at consult@bcombudsperson.ca.