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# **The Impact of Ombudsman Investigations on Public Administration: A Case Study and an Evaluation Guide**

Office of the Toronto Ombudsman  
Toronto, Canada

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I want to thank all the residents of Toronto who bring their concerns to us. Their individual actions result in improvements that affect us all.

Fiona Crean  
Ombudsman, City of Toronto

## **Preface**

Our office is small and has only been on Toronto's local government landscape for five years. We were determined to understand the sort of impacts our investigations were having on public administration. We wanted to develop an evaluation tool that others in the field might use and, with the lessons learned from the project, to ensure maximum impact in our contributions to progressive public administration.

As in other ombudsman schemes, measuring impact is singularly challenging. I hope this initiative benefits ombudsman institutions and entities such as governance and research organizations, human rights institutions, public administration and evaluation bodies.

Every ombudsman in the world has something to teach each of us – but the way we function must be uniquely our own, appropriately shaped to fit political and economic circumstances, custom, culture and history. I hope the findings in this publication assist ombudsman offices by advancing knowledge about measuring impact within their jurisdictions. In doing so, the increased effectiveness of ombudsman offices may positively impact public servants and in turn, the public. I also hope it will be useful to those working in the field of governance, such as integrity commissioners, whose mandate includes supporting legislators who carry the responsibility of ensuring healthy democracy.

Measuring progress against the current democratic deficits globally is exceedingly challenging. This initiative is a modest contribution towards that endeavour.

Fiona Crean  
Ombudsman, City of Toronto

## Terminology

- Complaint:* The language of “complaints” varies by jurisdiction, and may also include the number of contacts with an ombudsman office. Clarity in this regard is particularly important when reporting on statistics such as the number of complaints received or handled.
- Ombudsman:* Ombudsman refers to both singular and plural and is intended to include all statutory ombudsman, whether referred to as ombudsperson, ombuds, advocate, special investigator, protecteur du citoyen, etc.
- Organization:* The term is used to refer to public service institutions. Depending on the jurisdiction, these institutions may have different names, including ministries, departments, divisions, branches, agencies, boards and commissions.
- Own motion:* An investigation that an ombudsman has initiated on her own initiative, generally of a system-wide or systemic nature.
- Resident:* “Resident” refers to people within the jurisdiction overseen by Toronto’s Ombudsman. The language is inclusive because many people living in Toronto are not citizens. The term includes citizens, clients, customers, complainants and stakeholders.

## Reading this Publication

This publication was written with many different audiences in mind and can be navigated differently depending on the reader’s interest. Part I is an in-depth case study of the Toronto Ombudsman office’s impact on public administration in Toronto, along with a response to this study by the Toronto Ombudsman. Part II is a guide designed to assist ombudsman wishing to undertake an evaluation of their own work and impact.

The entire publication will engage readers interested in both the Toronto experience and how further research on Ombudsman impact can be done.



## **Executive Summary**

It is not easy to evaluate the impact ombudsmen have on the operations of a government or organization. While there are clear benefits for residents who have their problems solved, what are the benefits for the day-to-day operations and processes of a public service?

It is difficult to point to the money saved and efficiencies found by ombudsman work. A comprehensive review of English-language literature on the subject of evaluating ombudsman impact turned up very little. That is because the ombudsman's work focuses on something that is inherently difficult to measure: fairness in the way that government treats its citizens. This study breaks new ground by establishing how the Toronto Ombudsman's office has, in the past five years, led to a more efficient and responsive city administration.

Part I of this innovative project is an independent, in-depth, interview-based case study of the observed impacts of ombudsman investigations in the Toronto Public Service. Investigations are at the centre of ombudsman work: they involve complex and conflicting information, in-depth analytical work, and issues that often generate public interest and media attention. The investigations are frequently systemic or system-wide, allowing ombudsmen to have a meaningful impact on many people at once.

This report provides ombudsmen with a set of tools that can be used to evaluate the impact of their work. Part research report and part evaluation guide, this publication leads practitioners through an evaluation process with a particular focus on the impact of ombudsman investigations on public administration.

This has been a collaborative effort between researchers from Ryerson University and the Toronto Ombudsman's office. It was funded with the help of a generous contribution from the International Ombudsman Institute. The work would not have been possible without the advice and guidance of an advisory group consisting of experts in the field from across North America.

### **Part I: Impact of Ombudsman Investigations on the Toronto Public Service**

For the case study, an independent research team from Ryerson University interviewed 33 senior Toronto public servants to get their observations on the impact of the work of the Toronto Ombudsman. The public servants came from three distinct levels: senior executive staff, division heads and directors/managers.

The findings were overwhelmingly positive – public servants said the Toronto Ombudsman has had a significant positive impact on public administration and the provision of services:

The Ombudsman's Office is basically to ensure fairness in any city interaction with its public...She's the champion of the average person on the street who has concerns. (Division Head)

We are a large bureaucracy and powerful and it is good for the public to understand where to go. It is good for the corporation to know to be accountable. The needs of the city and citizenry need to be taken into consideration. (Director/Manager )

The [Ombudsman is] there to champion the right of the public. [Her] staff are very, very good...They're coming with a purpose to try and make sure the taxpayer is treated fairly. It's trying to bring harmony, so that the city is responsive to these people. (Director/Manager)

They are here to help, they are not here to make you look bad. They are here to sift, point out weaknesses and you work together to mitigate those weaknesses...It's a huge benefit to have someone look at you critically and where you can improve. (Director/Manager)

If there wasn't an Ombudsman, you'd probably have to invent one. (Senior Executive)

According to the public servants, the Toronto Ombudsman has improved public administration by promoting a people-centred approach to government and advancing equity and fairness in the delivery of services to the public.

The interviewees think that the Ombudsman provides residents with a valued redress mechanism that allows for impartial and thorough review of public service processes and decisions. They also say the work of the Toronto Ombudsman has led to improved communication between the public service and the public.

The public servants interviewed believe that the Ombudsman's investigation reports are constructive and valuable and that the recommendations improve services for the public.

One of the most significant impacts they cited was the positive effect the Ombudsman has had on the treatment of residents who have diminished mental and physical capacity. A 2010 investigation<sup>1</sup> found that public servants needed to be better attuned to interacting with mentally and cognitively challenged residents. This led to the creation of a new framework for serving these residents.

Internally, public servants say the investigations by the Toronto Ombudsman have led to better coordination among divisions and brought about positive change to the organization's structure. Interviewees stated that the Ombudsman had brought a fresh, impartial perspective to bear on municipal procedures and practices. They emphasized the government-wide relevance and impact of ombudsman investigations and recommendations. They also thought that the presence of an ombudsman increased the commitment to public service excellence among staff.

There was some criticism about the work of the Toronto Ombudsman, but it was largely outweighed by the positive feedback. Some staff felt that cooperating with an ombudsman investigation, and implementing the recommendations, had the potential to increase pressure on resources and workloads. They thought the investigation reports had a harmful impact on the morale, reputation and career of public servants working in areas that have been criticized. A few of the public servants interviewed expressed concern about the language and tone of the reports, including the titles. Finally, they felt that at times the Ombudsman favoured the public over the public service in her investigations.

Overall, the research team found that the large majority of public servants cited positive and concrete impacts from the work of the Toronto Ombudsman and praised the operation of the office as professional and skilful. Only a small minority of interviewees described the office's overall impact as minimal or negative.

The research team concluded that the investigations of the Toronto Ombudsman have a valuable impact for both residents and government. As the researchers thought the actual words of the interviewees were most important, the bulk of the case study is made up of direct quotes, along with key learnings from and interpretation of their statements.

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<sup>1</sup> Ombudsman (2010). *A Duty to Care: An Investigation into Municipal Licensing and Standards' Treatment of a Resident with Dementia*. Toronto: Office of the Ombudsman.

## **Part II: Guide to Evaluating the Impact of Ombudsman Investigations on Public Administration**

Part II of the publication is a guide for ombudsman to conduct their own evaluations.

Based on the experience of the Toronto study, Part II contains a set of practical tools, indicators, checklists, sample interview questions, and an impact assessment grid to be used to evaluate the impact of ombudsman. Ombudsman are encouraged to adapt these tools to their own particular context.

Without traditional audits and statements of cost-savings, it has been difficult to evaluate the impact ombudsman have on public administration. This publication aims to make this task easier. Self-assessment reflects the fundamental principles of ombudsman work, namely, that impartial and independent review lends effectiveness and credibility to the ombudsman institution. Evaluations of impact can help ombudsman understand how their work contributes to the promotion of fairness, good governance and a healthy democracy.

In sum, these achievements signal to both legislators and citizens that ombudsman have a unique two-fold value, supporting legislators in their work and ensuring fairness for residents and citizens.

Ombudsman work takes place in many challenging contexts and has a clear influence on public administration. Ombudsman everywhere strive to improve public administration by advancing fairness, reducing maladministration and supporting good governance. There is no question that an effective and responsive public administration contributes to a healthier democracy.

## **Part I**

# **Impact of Ombudsman Investigations on the Toronto Public Service—the First 5 Years**

# Chapter 1: Why Evaluate Ombudsman?

*F. Crean*

The ombudsman institution has flourished as an important pillar of democracy around the world over the past 50 years. It is increasingly an effective instrument of choice for conflict resolution and is seen as an important contributor to good governance.

A variety of ombudsman roles exist—some established by legislation, some by executive order and some by policy, charter or terms of reference. They have various enabling characteristics. Globally, the classical and executive ombudsman are the most common institutions in the public sector.

The objectives of a legislated ombudsman in a general way are “the improvement of the performance of the public administration and the enhancement of government accountability to the public.”<sup>2</sup> The classical ombudsman model is a public sector office appointed by, but separate from, the legislature that is given the authority to supervise the administrative conduct of the executive branch. The executive ombudsman is appointed by executive power, but in countries such as the United Kingdom it is independent in law and practice.

The landscape of public sector ombudsman work is wide and differs by factors such as jurisdiction, social, economic and political contexts, and complaint handling. In Canada, ombudsmen deal primarily with issues of procedural and substantive fairness, while separate human rights commissions and tribunals at both the federal and provincial levels deal with human rights complaints in both the public and private sectors. Many ombudsman institutions also address human rights in the context of administrative fairness.

Most societies have developed some means through which people can remedy injustices by their governments. Adaptations from one country to another are not the only kind of differences that exist in the practice of ombudsmanship. Differences can also be found over time in the same jurisdiction as the result of new circumstances. For example, in Canada there is a growing recognition of the value of systemic investigations. Ombudsmen are called upon to look at root causes of a system-wide problem, which improves public administration overall.

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<sup>2</sup> Reif, L. C. (2004). *The Ombudsman, Good Governance and the International Human Rights System*. The Netherlands: Martinus Nijhoff Publishers.

All this makes it that much more challenging to identify, rank and weight key measures of impact that are relevant across the ombudsman profession. But the process of self-assessment reflects the fundamental principles of ombudsman work. Impact evaluations can help ombudsman understand how their work contributes to the promotion of fairness, good governance and a healthy democracy. It also points to those areas where more or less intervention is required to achieve good public administration.

## 1.1 Context

Legislated by the *City of Toronto Act 2006* and the Municipal Code, the Toronto Ombudsman's office opened in April 2009 to serve a population of 2.8 million people, a City Council of 45 elected representatives, including the Mayor, and a government administration of some 50,000 public servants (larger than eight other provincial public services in Canada).

The Ombudsman is the second statutory municipal ombudsman in Canada, the first being the Ombudsman for the City of Montreal. Now in its fifth year, the Toronto office deals with thousands of individual complaints and focuses on systemic remedies.<sup>3</sup> Systemic resolutions are a strategic use of limited resources and such fixes to poor administration improve structures, systems and services for many people at a time.

An ombudsman investigation, which is concerned with fair play, is different from an audit, and the results are more difficult to measure. Unlike an auditor general's report, results do not translate easily into statements about cost savings and revenue increases. The role of the ombudsman is critical in bringing improvements to public administration through the strengthening of fairness, accountability, good governance, greater transparency and better public service delivery.

Five years on, the Toronto Ombudsman's office reached a sufficient number of investigative results and decided to measure the impact of its work on the administration of the public service and consequently on residents.

The objectives of this publication are twofold. First, the publication seeks to answer the central research question: "What impact have ombudsman investigations had on public administration?" Second, the Toronto Ombudsman's office strives to promote good governance and contribute to elevating the practice of ombudsmanship around the world.

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<sup>3</sup> The governing statute permits the Ombudsman to investigate on her own motion and conduct systemic or system-wide investigations.

## 1.2 The Project

The Toronto Ombudsman received a financial contribution from the International Ombudsman Institute. The Ombudsman then commissioned researchers from Ryerson University to measure the impact of the office's investigative work on the civic administration by using the City of Toronto's public service as a case study.

While there have been key contributions to ombudsman evaluation research in general, there is a gap in research on measuring the impact of ombudsman investigations specifically. One notable exception is *The Impact of Ombudsmen* edited by Passemiers, Reynaert and Steyvers.<sup>4</sup>

The research that exists has focused largely on evaluating ombudsman offices and the ombudsman role, particularly in the areas of the legal status and powers of the office. In his chapter about legislative ombudsman in Canada, Levine discusses the absence of literature on the analytics of ombudsman systemic investigations.<sup>5</sup> Measuring the impact of investigations is an integral part of this under-researched topic, which the project addresses.

In most ombudsman annual reports, the common metrics of evaluation focus on productivity, that is, the number of complaints received and investigated. While useful in identifying volume and changes in areas of concern, these assessments are limited. They reveal little about the often difficult-to-measure impacts of ombudsman investigations on government administration.

A valid and reliable evaluation tool for measuring the impact of investigative work produces evidence-based findings about how investigative work affects target and stakeholder groups—ombudsman offices, citizens, public servants, politicians—and enables policy decisions to be well-informed with qualitative and quantitative findings.

The goal of this project is to demonstrate how ombudsman offices impact government administration. The Toronto Ombudsman's office first conducted a literature review of English speaking resources (see Appendix IV).

Then researchers from the Departments of Sociology and Politics and Public Administration of Ryerson University independently conducted their study on the

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<sup>4</sup> Passemiers, R., Reynaert, H., & Steyvers, K. (Eds.) (2009). *The Impact of Ombudsmen*. Brugge: Vanden Broele Publishers.

<sup>5</sup> Levine, G. J. (2009). Recapturing the Spirit, Enhancing the Project: The Ombudsman Plan in Twenty-First Century Canada. In S. Hyson (Ed.), *Provincial and Territorial Ombudsman Offices in Canada* (pp. 292-307). Toronto, Ontario, Canada: University of Toronto Press Inc.



Toronto Public Service. They used the data they collected and analyzed to write the report on the results of their research in chapter 2. The central activities for the research project included structured interviews with executives and senior managers of Toronto's public service. The interviews addressed managers' experiences of implementing ombudsman recommendations, perceptions about the investigative process and any resulting impacts they observed.

The Ombudsman's response and lessons learned from the case study are contained in chapter 3.

To contribute to the broader ombudsman community, the group designed an evaluation guide. Part II includes strategies and approaches to conducting an in-depth evaluation study as well as ongoing evaluation. The guide offers suggestions for indicators, a checklist, an impact assessment grid, a timeline, sample questions and a list of resources.

## Chapter 2: Assessing Ombudsman Impact in the Toronto Public Service

*M. Siemiatycki, A. Noack, J. Kane and M. Valade*

### 2.1 Research Context and Approach

#### Introduction

This research project has a two-fold objective: to assess the impact of the Ombudsman's investigations on public administration and, based on these findings, to develop an evaluation guide to aid in assessing the work of other ombudsman offices, irrespective of their jurisdiction. This chapter presents research findings related to the first project goal through a case study of the impact of Toronto Ombudsman office investigations on municipal service delivery and administration. This project was independently conducted by a team of researchers from Ryerson University and funded by the International Ombudsman Institute and the Toronto Ombudsman.

Toronto is a large city with a sizeable municipal administration staff. The establishment of a Toronto ombudsman was legislated by the 2006 *City of Toronto Act*, and the Office of the Ombudsman opened in April 2009. The Toronto Ombudsman is billed as 'the office of last resort' for those who encounter difficulties with the City's administration, its staff, or its processes. The Ombudsman has a mandate extending from the City's direct employees to a range of municipal agencies, boards, commissions and corporations.

The Ombudsman fields complaints from individual residents, responds to directives from City Council, and conducts investigations. The volume of complaints handled by the office in 2013 was 1,827. In 2014 it was 2,227. The overwhelming majority are resolved through various conflict resolution mechanisms. Periodically, the Ombudsman launches investigations that involve "complex or conflicting information, multiple issues or cases where there are systemic or public interest implications."<sup>6</sup> Such investigations take anywhere from a few months to more than a year to complete.

This project and report focus on examining the impact of the Ombudsman's investigations on public administration. These investigations represent the most intensive intervention of the Ombudsman's office, involving comprehensive analysis of a complaint. Typically, there is considerable fact finding and issue analysis, culminating in reports that include findings and recommendations.

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<sup>6</sup> Ombudsman (2013). *Annual Report*. Toronto: Office of the Ombudsman.

This project began in August 2013. Our study sample consisted of 18 ombudsman investigations completed and publicly released at that time. While these investigations represent a small proportion of the office's overall caseload, they represent its most extensive oversight of the City's public administration, and therefore provide the best basis of assessing the office's system-wide impact on public administration and service delivery.

We note that the Ombudsman is one of several accountability officers currently in place in Toronto's municipal governance system. There is also the Auditor General, the Integrity Commissioner, and the Lobbyist Registrar, along with a fraud and waste reporting hotline.

### **How We Collected Information**

This research was conducted independently by the Ryerson University research team at arm's length from the Toronto Ombudsman's office. The research team conducted in-depth interviews with 33 senior administrative staff from City organizations<sup>7</sup> whose work had been the subject of an investigation conducted by the Toronto Ombudsman.

We began by making a list of all the organizations investigated in publicly released reports between April 2009 and August 2013 (the sampling frame). When a particular investigation included more than one organization, all the organizations were included. Organizations included in more than one investigation were listed more than once, thus increasing their chance of being selected to participate. To avoid any potential conflict of interest or misunderstanding, any organization actively under investigation while this study was being conducted was not included on the list.

The list of organizations was then divided into four groups to capture the organizational structure and scope of the City's administration. The administration is divided into three clusters (each under the supervision of a deputy city manager who in turn reports to the City Manager)<sup>8</sup> and a fourth group of city-affiliated agencies, boards, commissions and corporations (ABCCs). A random number generator was used to select two organizations in each of the four groups to include in the research.

This study, then, is based on assessing the impact of ombudsman investigations on eight different organizational units reflecting a wide range of administrative responsibilities. Our interviewees were drawn from the most senior levels of the Toronto Public Service. All participated voluntarily and were assured confidentiality. Only

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<sup>7</sup> Under Toronto's administrative terminology, these organizations could include municipal divisions, agencies, boards, commissions and corporations.

<sup>8</sup> The City Manager is the most senior public servant in Toronto's government administration.

members of the Ryerson research team know who participated. There is no identification of who made the remarks we cite in the results. This assured maximum candour of commentary from our research participants.

We selected three distinct tiers of senior staff for interview. First was a group we identify as senior executive staff. This is a small cadre with administrative leadership responsibilities that span multiple administrative units. Due to their limited numbers, this was the only group where the individuals invited for interview were not selected randomly. Since we wanted input from all those with the broadest scope of administrative responsibility, we extended interview invitations to each so identified. Whether they participated was their decision.

Once we randomly selected our eight organizations to be studied, we then randomly selected individuals from the two top administrative levels within each unit. While job titles vary across these different organizational units, the titles we have given members of these next two groups of interviewees are division head and director/manager.

These three administrative categories have a hierarchy of responsibility in the order they are presented here. Senior executive staff generally have input into investigation report recommendations and determine the City's response to ombudsman reports. Division heads typically play important roles in promoting staff co-operation with investigations and overseeing the implementation of recommendations. Directors/managers operationalize the implementation of ombudsman recommendations. We identified the persons holding such positions in the eight administrative units of interest to us using the City employee telephone directory. A proportion of these people within each organization were invited to participate in this research. Again, whether they chose to do so was their decision. Finally, we note that since the focus of our study was the Ombudsman impact on the public service, no elected officials were invited to participate.

At the beginning of the project, the City Manager sent a letter to senior staff endorsing participation in this project. The Ryerson team then sent our selected participants an invitational email requesting that they contact the research team by telephone to arrange an interview time (see Appendix I for the letter). Non-respondents were sent a follow-up invitation about two weeks later.

In total, 33 out of 48 invitees (69%) completed an interview. Among the 15 non-participants, three informed us they did not wish to be interviewed, and 12 did not respond. Participation rates were highest among senior executives, lower among division heads, and lowest among directors/managers.

To minimize any risks to interviewees, the names of administrative units and invited participants were not shared with the Ombudsman or her staff. Only the Ryerson research team has had access to and is in possession of material and information generated by this research project. Interviewees provided informed consent to participate and were told they could decline to answer any questions or withdraw their data from the research entirely within 48 hours of being interviewed. No interviewees withdrew their participation after completing an interview. This research was approved by the Ryerson University Research Ethics Board. All interviewees were senior public officials, and thus we expected they would be skilled in managing their self-presentation.

Interviews took place between October 2013 and February 2014 and were conducted by one or two members of the research team. Each interview lasted 30 to 90 minutes and asked respondents about their general impressions of the Ombudsman's office, their experience of being involved in an investigation, and the effects of that investigation on their organization (see Appendix II for the questions). We specifically asked interviewees for their positive and negative assessments of the Ombudsman's office to allow us to identify interviewees' full range of perceptions. An impact assessment grid was used as a tool to prompt interviewees to talk about the Ombudsman's effects in different areas (see grid in Appendix III). Interviewees were also asked about how ombudsman work in general should be evaluated. The interview questions evolved throughout the process, as the research team identified those questions that were most effective.

The vast majority of interviews were audio-recorded and then transcribed, though a few participants requested that only hand-written notes be taken. The research team then analyzed the interview transcripts and notes to identify general trends and recurring themes. Each transcript was coded to identify these key themes to compare and contrast between participants. Each transcript was also considered individually to provide a comprehensive context for interviewees' remarks.

All the findings presented here are based on views expressed by the interviewed public servants, as they reported them. Notably, these results reflect interviewees' perceptions of ombudsman impact. At times, interviewees' perceptions are not substantiated by official processes and records of events, but important things can be learned from the fact that these unsubstantiated perceptions persist. Our goal is to convey public servants' understanding and experience of ombudsman work.

## 2.2 Overview

Generally, interviewees were keen to participate and gave thoughtful and rich answers to our questions. Typically, they placed considerably more emphasis on the positive rather than the negative impacts of ombudsman investigations. This is especially significant in light of our methodology, which relied entirely on the views expressed by those who were subject to investigations by the Ombudsman. The policies, practices and decisions of interviewed municipal staff had been scrutinized and typically found wanting in some respect by ombudsman reports. Yet our interviewees overwhelmingly praised the Ombudsman's work. This reflects well on the professionalism of both City staff and the Ombudsman's office.

**Key Finding:** The large majority of interview participants identified positive tangible impacts from the investigations conducted by the Office of the Ombudsman and praised the operation of the office. A small minority of interviewees described the office's impact overall as minimal or negative.

Next, we identified the main positive and negative assessments interviewees made regarding ombudsman investigations. Again, we note that, positive comments were expressed far more frequently than negative ones. Our purpose here is to summarize the fullest range of views expressed.

### Positive Assessments

The most frequently cited positive impacts of investigations were:

- Providing a fair, independent redress mechanism for the public.
- Impartial, thorough and objective review of government services and practice.
- Improved customer<sup>9</sup> service and public service delivery.
- Heightened staff awareness of residents with 'diminished capacity' – especially related to mental health and cognitive disabilities.
- Improved communication with the public.
- Improved administrative processes and procedures.
- Improved record-keeping.
- Increased emphasis on staff training.
- Advances in fairness and equity.
- Overcoming organizational silos and inconsistencies of service/procedures.
- Increased commitment to service excellence among City staff.

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<sup>9</sup> This is a term adopted by some to describe persons coming into contact with public institutions and services. Others use citizens, residents, clients or stakeholders.

The most frequently cited positive-practice attributes of the Ombudsman's office included:

- The professionalism and skill of the Ombudsman and her staff.
- The objectivity and impartiality of the Ombudsman's office.
- Constructive and helpful investigation recommendations.
- Access to pro-active, problem-solving consultation with the Ombudsman's office.
- Ombudsman outreach and openness to meet with City staff to explain the office's role.

### **Critical Assessments**

The following negative comments regarding the impact of ombudsman investigations were expressed:

- Amount of time and effort required to co-operate with the Ombudsman's investigation.
- Investigation report recommendations that can generate increased workload for staff without additional resources.
- A perceived detrimental impact on the morale, reputation and career of some staff working in areas critically evaluated in ombudsman reports.<sup>10</sup>

The most frequently cited negative-practice attributes of the Ombudsman's office were:

- Sensationalized, unduly critical language in the Ombudsman's reports.
- Insufficient praise of City staff and excessive credit taken by the Ombudsman for problem-solving.
- Lack of clarity over criteria used to determine which complaints become investigations.
- Undue favouring of complainants.

The balance of this report examines participating staff's assessment of four dimensions of investigation work Ombudsman's office:

- The role of the Ombudsman's office.
- The investigation process.
- Investigation reports.
- The impact of investigations.

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<sup>10</sup> The Ombudsman does not name staff in investigation reports.

Our presentation format gives priority to the voice and views of City officials. Key findings and themes emerge through their words, drawn from their interviews and presented in citations. All citations are attributed generically to one of the three categories of City staff interviewed: senior executives, division heads or directors/managers.

We strove to incorporate the views of as many interviewees as feasible in this report. (Only one of our 33 interviewees is not cited in this report—someone new to the position with no experience interacting with the Ombudsman.) In only two instances do citations under the same heading reflect statements made by the same interviewee. Overwhelmingly, then, the views expressed on any given subject come from different City staff. Throughout, we have taken care to avoid possible identification of any interviewee with opinions they expressed.

Each sub-section below opens with an identification of key findings, and closes with an identification of key take-aways. The key findings provide a summary of the views expressed by the study participants in each dimension of the Ombudsman's work. The key take-aways provide the researchers' analysis of the actionable implications of our findings.

## **2.3 The Role of the Office of the Ombudsman**

**Key Finding:** Interviewees overwhelmingly said they understood the role of the Ombudsman's office and recognized its value, alongside occasional expressions of concern.

Interviewees clearly identified the role of the Ombudsman as an independent, impartial body that functions as the office of last resort for public concerns or complaints related to civic administration. The need for the office was typically expressed in terms of the city's large size and complexity. The office was also identified as an important mechanism for promoting accountability, fairness, improved public service, and heightened public confidence in City government through a professional, objective review of government operations.

The following sample statements are from a wide cross-section of interviewees.



## **The Role of the Ombudsman's Office**

I would describe it as the office of last resort for members of the public to bring their issues related to fairness of the administrative processes.

Senior Executive

I see the Ombudsman as the last place you go if you have a problem.

Senior Executive

The Ombudsman office is the office of last resort where complaints come in through the City.

Director/Manager

The Ombudsman office from my understanding is a sort of last line of conflict resolution or a place where folks go, citizens who are not getting their needs met.

Director/Manager

What I see the Ombudsman office as is the office of last resort... So they're looking at ensuring that whatever services the Toronto Public Service provides we are providing that service in a fair and equitable manner and that we actually provide a good quality level of customer service. And if someone hasn't been able to reach a successful resolution, that that is the last phone call, kind of thing, before they get that successful resolution.

Director/Manager

## **The Need for and Value of the Ombudsman's Office**

I think there's a remarkable need for an ombudsman. I think you can't have 2.7 million people going up to these monstrous organizations, whether it's the City itself or the division, or the police, or the parking authority or the library. These are big monolithic organizations...

Division Head

It's [Toronto civic administration] a beast of an organization. And to have one window someone from the public can take issue with [government service], have a means of resolution, I think is necessary.

Division Head

The organization rightly or wrongly has this image of being this impenetrable bureaucracy and we are seen as resistant to change.

Senior Executive

It is very positive to have the Ombudsman office. It is a really good thing for the public to know they have a resource of this nature. We are a large bureaucracy and powerful and it is good for the public to understand where to go. It is good for the corporation to know to be accountable. The needs of the City and citizenry need to be taken into consideration.

Director/Manager

My perception is that they're another tool. One tool, not the only tool, to kind of push toward excellence.

Director/Manager

They are here to help, they are not here to make you look bad. They are here to sift, point out weaknesses and you work together to mitigate those weaknesses...It's a huge benefit to have someone look at you critically and where you can improve.

Director/Manager

It's often difficult for people to be critical of their own work.

Division Head

The value of the Ombudsman and the other accountability officers is that they're independent.

Division Head

The Ombudsman responds to and investigates areas where City services may not have been treating people fairly, particularly the vulnerable, those who are not equally treated.

Director/Manager

The Ombudsman's office is basically to ensure fairness in any City interaction with its public...She's the champion of the average person on the street who has concerns.

Division Head

The Ombudsman's office is one of the accountability offices and so I see it as an office which helps promote co-operation between the City of Toronto and the citizens or customers they serve. They are there to ensure that if anybody has maybe a complaint, say they're dissatisfied with any service they receive from any division in the City of Toronto – they would have a sense of having an impartial office to go to ask them to look into that. So I see the role as doing exactly that, ensuring that there is co-operation, there is peace among the City of Toronto and the customers and citizens we serve.

Director/Manager

They're sort of the voice of the resident at the City of Toronto, and in ensuring that that voice is heard.

Division Head

### **Proactive and Advisory Role of the Ombudsman's Office**

A number of interviewees identified an additional valuable role of the office beyond its statutory mandate. Since its creation, it has become increasingly common for public servants across the civic administration to reach out to the office for proactive advice on issues, challenges and problems.

So in many cases we've approached [the Ombudsman] for advice about stuff before it becomes a complaint.

Senior Executive

We used the Ombudsman office a lot as an advisor on customer service and principles of procedural fairness, equity, access those sorts of things. I would say more of our encounters with the Ombudsman office are in more of that kind of preventive, proactive context, seeking advice than on the complaints side...It's better to catch something before it becomes a problem. Once it becomes a problem it's too late...And [the Ombudsman] has been very receptive and co-operative.

Division Head

The Ombudsman, they bill themselves as a resource to divisions, and I've always embraced that.

Division Head

## Concerns about the Role of the Ombudsman's Office

A few interviewees raised concerns about whether the Ombudsman's office was being misused by the public as a last or too-quick first recourse. The office itself makes clear its final recourse role.<sup>11</sup>

It's [the Ombudsman office] pitched as being, how [the Ombudsman] has termed it, it's the office of last resort, if you will. And that's the way that it should be. What I have found and certainly my observation is that sometimes by default it's the point of entry.

Division Head

Consumers are now using it as an office of first resort...They don't like the answer [they get from staff] and they're immediately into the Ombudsman's office.

Director/Manager

Sometimes people go bitching to them, because they haven't got the answer they want.

Senior Executive

A small minority of participants expressed uncertainty about the role of the Ombudsman's office, or concerns regarding its purpose. A recurring theme in these comments was the multiplicity of accountability offices in the City of Toronto. For example, one interviewee expressed confusion regarding role definitions:

I have trouble understanding what the difference is between the Ombudsman and Auditor General, more or less. I'm not 100 per cent sure...I don't think it's clear in everybody's eye what they [the Ombudsman office] do.

Division Head

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<sup>11</sup> There are two exceptions to last resort: where delay has occurred and the Ombudsman decides to handle the complaint, having regard for all the circumstances, and where requiring someone to exhaust the internal complaint mechanism would cause undue hardship or be unreasonable in the circumstances. In both instances, the office makes inquiries in the pursuit of good governance.

Another interviewee expressed concern over the resources consumed by the various accountability offices:

Sometimes I get a little weary of all the accountability people overseeing us and if we had the same level of resources I could spend some of that money having people properly trained and all the rest of it, wouldn't that be better than six different people looking over your shoulder telling you you've done something wrong.

Senior Executive

One interviewee expressed concern that the City's accountability offices together have created an excessively risk-averse organizational culture:

The city has every accountability officer that you could ever imagine...I think collectively all of those has created a culture of fear and made this organization very, very risk-averse. Now that's not necessarily a bad thing but it's like anything, it's like to what degree? You want to promote some degree of risk taking, some degree of innovation but with everybody constantly looking over your shoulder, the media fishbowl we're in. If you're going to err, you're going to err on caution. And I think not so much maybe the Ombudsman, but that whole culture I think permeates the organization.

Senior Executive

Interestingly, two interviewees spoke about their perceptions of conflicting expectations and requirements emanating from the Ombudsman's office and the Auditor General's office.

Sometimes we get caught in the middle, between the Auditor General and the Ombudsman office. These are two different perspectives, the Auditor General is "the rules and these must apply to everybody." Fairness and equity, the Ombudsman office looks at each item and asks, "is this fair?"

Director/Manager

The Auditor General's office tells us that everybody must be treated consistently and there should be no straying from a consistent approach. The Ombudsman's office specifically following their recommendations has said that "you should be more flexible in your treating of customers and you should grant more latitude." And so I think the challenges that we experience is where are we taking direction from, the Auditor General or the Ombudsman? And finding that balance has been difficult for sure.

Director/Manager

## Key Take-Aways

- City staff whose areas of responsibility have been subject to an ombudsman investigation overwhelmingly recognize the need for an ombudsman office and value its constructive contribution to civic public administration to date. This signals that the Toronto Ombudsman office has had an overall positive effect since its inception and is an important value-added dimension to municipal administration in Toronto.
- While public servants generally demonstrate awareness of the Ombudsman's mandate, some uncertainty and confusion prevail regarding its role in two areas: an erroneous belief that the Ombudsman's office may operate as a first rather than last site of complaint and confusion over the respective roles of the Ombudsman and Auditor General. Additional and ongoing explanation to City staff of the Ombudsman's mandate and practice would be beneficial. This is especially timely in light of City Council's decision of May 2014 to expand the Ombudsman's jurisdiction to a variety of additional municipal agencies and corporations.

## 2.4 Investigation Process

**Key Finding:** Interviewees overwhelmingly reported positive, professional interaction with the Office of the Ombudsman.

Investigations conducted by the Ombudsman's office involve close interaction with City staff. Public servants are called upon to provide information, act as witnesses, be interviewed on the issues under investigation, and review the report's findings, recommendations and implementation timelines. Overall, interviewees praised the Ombudsman's handling of investigations and interaction with public servants while also expressing some reservations.

### City Staff Praise for Interaction with the Ombudsman's Office

Sample statements from across the City's administration:

I have had nothing but positive experience really. I find them very professional...  
I find that she [the Ombudsman] is fair and reasonable.

Division Head

I would say that the interactions are mutually respectful.

Division Head

I find they work co-operatively...and what comes out is improvement... Nobody likes to be investigated. But if you go at it from the point of view that the goal is to improve service, then so be it. I believe that's what I've seen, that is what their intent is. My experiences have been good.

Division Head

There is a lot of back and forth [between the Ombudsman office and City staff on the recommendations...I think there's adequate presentation of both sides and adequate time to even modify the report and change recommendations and correct facts and all that.

Senior Executive

Overall very positive [the experience working with the Ombudsman office].

Director/Manager

I find them very easy to deal with. They are open, transparent. They don't have an agenda.

Director/Manager

It's not scary. It's not daunting. And it's generally a constructive experience...The Ombudsman generally accepts the advice that we give as the people who know the business.

Division Head

We've had positive experiences. They're good people, and they understand my business.

Director/Manager

And the other thing she's [the Ombudsman] been very proactive about [is] getting out and meeting people, explaining what her office does, what it doesn't do.

Senior Executive

### **Time Demands of Investigations**

The most frequently expressed complaint from public servants regarding interaction during investigations related to the time, effort and work involved.

I'm also surprised at the amount of work we've had to collect for that [investigation].

Director/Manager

When you work with the Ombudsman office [on an investigation] it is a full-time job. You must drop all other priorities, it's not easy.

Director/Manager

Any process that will take us away from the day-to-day business, for which we are pressed by results and deadlines, is stressful. When an investigation starts, it can last two to three months, or a few weeks of intensive exchanges.

Director/Manager

So is it extra work? Yes it's extra work. At [the front-line] staff level, not so much. At the manager/director level? Yes.

Division Head

At the same time, an infrequently expressed view was the desire for more staff involvement in the investigation process.

What I would like is a little more consultation internally with us.

Director/Manager

### **Which Complaints get Investigated**

A few interviewees raised concerns or questions about the criteria the Ombudsman's office uses to determine which complaints become the subject of investigation. Only a small fraction of complaints prompt investigations—typically less than a handful out of every thousand complaints. (The decision of whether to conduct an investigation rests solely with the Ombudsman.) This can leave staff perplexed about what prompts investigations.

There shouldn't be an investigation because one staff screwed up in one situation.

Senior Executive

The fact that consumers don't like the decision does not require the Ombudsman's intervention.

Director/Manager



What criteria is used to establish which ones get investigated and which ones don't?...It's getting to the big ones [that is important], but you never know. A small one could turn into a, like the tree, [see explanation below] seems like a small issue, but it was huge. A very significant issue that led to a lot of significant change.

Director/Manager

Having raised the question of what factors prompt investigation of a given complaint, this interviewee perceptively recognizes the challenge and unpredictability involved by citing the Ombudsman's investigation, *A Duty to Care*. This investigation concluded that City staff's inability to deal appropriately with a resident's "diminished capacity"<sup>12</sup> resulted in the City arbitrarily cutting down a tree in her garden. The investigation surfaced the need for public servants to be better attuned to interacting with mentally and cognitively challenged residents. As well, a systemic result of the investigation was the City's development of a new framework and policy for serving these residents.

### **Suggestion for Regular Interaction with the Ombudsman's Office**

To further strengthen City staff interaction with the Ombudsman's office, one director/manager recommended quarterly meetings of all division heads with the Ombudsman to discuss issues, challenges and trends.

### **Key Take-Aways**

- Given that public servants widely praised the constructive, collaborative interaction they have with the office, Ombudsman investigators should strive to maintain this style of interaction.
- Some staff would like to better understand the criteria used by the Ombudsman to determine which complaints become investigations. This information is publicly available but needs to be better promoted.
- Some staff regard the investigation process, in which they overwhelmingly wish to be involved, as requiring an onerous commitment of time and effort. Ombudsman investigators should remain cognizant of this view and strive to reduce staff burden when possible without compromising the integrity of an investigation.

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<sup>12</sup> Diminished capacity in this case refers to cognitive disability but may include mental health challenges and a variety of other related illnesses.

## 2.5 Investigation Reports

**Key Finding:** Asked to identify both their positive and negative assessment of investigation reports, interviewees expressed a rich range of views. In large majority, interviewees emphasized the positive over the negative.

### General Impressions

Most participants praised ombudsman reports for their fair, thorough and helpful investigation and recommendations.

The ombudsman [report] recommendations are constructive. They help us deliver a better service.

Division Head

It [the ombudsman report] made us put policies and procedures in place that will be helpful going forward.

Director/Manager

Through the Ombudsman's reports and interactions, we've been, as a division, we've been able to more carefully focus on operating procedures.

Director/Manager

I think that people learn a lot from every report that has them stop and think about stuff.

Senior Executive

I think maybe one recommendation out of a hundred that we had to date, would we have disagreed on. That's how minor it is...I can think of one minor that we had once. It was not even significant.

Senior Executive

I think that in terms of the way they go about their business they are very professional. I think they're very thorough, those are two positives. They I think are tenacious in what they do and I think they do provide the service they were set up to do.

Senior Executive

Very rarely expressed was the view conveyed that the ombudsman report provided little additional value:

Very little, because we knew the problem. We were implementing the [solution to the] problem.

Division Head

## **Specific Impacts**

Interviewees identified a large number of specific impacts and characteristics of ombudsman reports—perceived as both positive and negative. Again we note that our interview format prompted all participants to identify what they regarded as favourable and unfavourable aspects of ombudsman reports. All interviewees therefore conveyed both aspects in their comments. The large majority of interviewees placed greater emphasis on the positive than the negative. Positive points we cite generally had more frequent voicings among interviewees than negative points, which were often raised by a single participant. However, we wish to reflect the fullest range of views expressed.

In assessing the impact of ombudsman reports, it can be helpful to distinguish between inward-facing and outward-facing impacts. Inward-facing impact captures how investigations affect the internal processes and practices of an organization, such as internal communications, administrative processes, staffing, management practices, policy development and organizational decision-making.

Outward-facing impact captures how ombudsman investigations affect public servants' interactions with residents, practices for communicating with the public, service delivery protocols, interactions with members of vulnerable populations, and the promotion of fairness and public confidence in government.

## **Positive Outward-Facing Impacts of Ombudsman Reports**

### *Enhancing quality customer service delivery*

She's [the Ombudsman] been effective, I truly believe, in increasing customer service levels.

Director/Manager

[Implementing report recommendations] is going to lead to better service delivery for the public.

Division Head

The biggest benefit of [ombudsman reports] is transforming yourself into a service oriented organization that sees itself in the business of providing good quality services and wanting to get better.

Senior Executive

I think customer service is the one [outcome] that is most impacted.

Director/Manager

The role that she has had in being able to bring to the Toronto Public Service's attention some of the areas where we could do better, like customer service, some of those we have developed whole customer service improvements.

Senior Executive

Interviewees cited examples, including development and public posting of divisional complaint handling processes and service standards prompted by ombudsman reports. In the words of one division head: "that's a benefit to the City."

#### *Promoting a culture of client-centred administration*

The other lesson [we have learned from the ombudsman report] is that even when we think something may be working well, it doesn't mean that from other people's perspective it is working well. We might think it is working well because administratively it is working for us. But it's not hitting the person who is being impacted by it in a way that meets their needs or expectations. So that's a learning for us. We've got to think: it's client-centred service; users are the centre; we're not the centre.

Division Head

I think seeing things through the lens of the public is very important.

Director/Manager

#### *Improving interaction with members of the public who have special needs*

Residents with diminished capacity were by far the most frequently cited specific example of a positive impact of ombudsman investigations, in reference to the Ombudsman's investigation, *A Duty to Care*.

At least ten interviewees cited this as a significant positive outcome of ombudsman investigations. Interestingly, many used the report's phrase "diminished capacity" to describe the issue. Clearly, the report has raised awareness, understanding and definition of the issue.

The one [report] I would say that has had an impact on everybody is the dealing with the high needs population and the fairness issues that came up around that. And the guide to working with people who have mental illnesses and that kind of thing, so that is going to impact everybody who has a role with the public.

Senior Executive

There's the unfortunate one [report] dealing with somebody of diminished capacity, the cutting of the tree. That continues to have an effect organizationally. That [report] has upped our game in terms of dealing with individuals that may not have all of their capacities with them.

Division Head

[Regarding major learning from ombudsman reports]: So if someone has diminished capacity, you've got to understand what that is all about and make sure you're communicating in a way that is appropriate to whoever you're working with.

Director/Manager

Whether it is people with dementia or with 200 Wellesley Street,<sup>13</sup> her [the Ombudsman's] biggest concern was all those vulnerable people. So for me she's brought a really strong focus to the city about the importance of dealing with people.

Senior Executive

### *Improving communication with the public*

One of the things she [the Ombudsman] focuses on is how do we communicate with the general public in plain language.

Director/Manager

One of the recommendations was around the lack of sufficient amount of awareness. We could be doing more to explain to the public...what options they have.

Division Head

You need to explain in plain language what people [residents] need to do...And we're not telling them. That's what the very basic service issues that those reports, those recommendations identify. We need to be better, and we're not there yet.

Division Head

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<sup>13</sup> See page 31 for an explanation of this investigation.

Well, in terms of communication with the public, there was a significant impact on the organization because we had to answer to the public for on the [report] findings... That had a big impact.

Director/Manager

Communication with the public – that has to be a paramount thing.

Director/Manager

The importance of communication. That's for sure the biggest area impact for me.

Division Head

Several interviewees reinforced the impact of ombudsman reports on improving communications by noting the creation of new staff positions to advance this goal.

#### *Promoting fairness*

The Ombudsman's recommendations are constructive. They help us deliver a better service. They help us address, you know, fairness issues.

Division Head

The greatest impact is really in the access, equity and fairness pieces [of reports].

Director/Manager

Well I mean the whole idea is that the individual was mistreated, was treated unfairly, so that's obviously what the whole report hangs its hat on... So you know we're going to have to change anything we might do to make sure that we do provide fairness and openness and transparency.

Director/Manager

#### *Fostering public confidence in responsive, accessible government*

I think it's providing residents and businesses that opportunity to actually feel that if they've not reached a resolution, they have another avenue to follow.

Director/Manager

## Positive Inward-Facing Impacts of Ombudsman Reports

### *Overcoming administrative fragmentation and silos*

A 2012 ombudsman report, *200 Wellesley Street Fire*<sup>14</sup>, identified fragmented and siloed administrative structures as contributing to inadequate service provided to residents of a city-owned apartment complex in the aftermath of a serious fire. The investigation prompted a restructuring of responsibilities bringing previously disparate responsibilities under unified jurisdiction. Several interviewees praised this outcome, and its resonance beyond the particular administrative units involved:

[The report] I think was very constructive...There were fiefdoms...Then [the report] gave us some solid footing to make those changes.

Senior Executive

[The report reflected] the lack of coordination that happens and the duplication [in administrative division responsibility].

Director/Manager

Well we have a lot of silos in the City and I think one of the things in terms of working with [the Ombudsman] and her coming out to speak to the different divisions is talking about how do we work together, how do we break those silos down? And I know we have broken the silos down...

Director/Manager

I think in any administration it's good [having ombudsman report identify restructuring need] because the problem is there's just so many silos.

Director/Manager

### *Creating momentum for needed administrative change*

Similar to the above instance, a number of interviewees spoke of ombudsman reports enabling important, overdue internal administrative changes.

It [referring to an ombudsman report] just gives us more, I wouldn't say ammunition, credibility in dealing with the issues.

Senior Executive

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<sup>14</sup> Ombudsman (2012). *An Investigation into the Provision of Emergency Human Services following the 200 Wellesley Street Fire*. Toronto: Office of the Ombudsman.

Because through the Ombudsman's reports and interactions, we've been, as a division, we've been able to more carefully focus on operating procedures...I think we've been able to have a better relinking of how it is that we more uniformly deliver a particular activity or service. And that I think is quite important.

Director/Manager

The Ombudsman office was the means to make that [needed change] happen. And [with] that investigative report and her recommendations, now we have a path to make the change.

Division Head

The Ombudsman findings led us to review [and modify] our policy and ditto our rules and procedures.

Senior Executive

The positive would be that the door is open for more co-operation with the City Manager's department.

Director/Manager [referring to greater support available to a City agency]

*Bringing fresh impartial perspective on issues*

And I think the creation of the Ombudsman office has forced the City as a whole to take a look at our various practices and procedures and policies to make sure that they're reasonable and transparent...[The Ombudsman office is] a cold pair of eyes on a process. Because sometimes I think we forget why it is what we're doing, in terms of a standard practice, "well we've always done it that way." You can get into a rut and sometimes you need to be challenged to look at things from a different perspective.

Director/Manager

I don't think any of us, [among different administrative divisions sharing responsibility over an issue investigated], could have taken a kind of fulsome objective view [as the ombudsman report did]. We would have had our own lens if you will.

Division Head



### *Recognizing system-wide relevance*

Participants commonly referred to the value of ombudsman reports to units of civic administration beyond the area that is the subject of investigation. Many participants noted they read all reports issued by the Ombudsman. This reflects the systemic impact of the Ombudsman's office on public administration in Toronto.

For me, a lot of the recommendations generalize quite nicely to other areas. And I think that's a positive.

Senior Executive

There are things when you're reading these detailed reports you can correlate back [to] situations where you know you have hot spots within your own organization. And you're saying "OK this is not isolated."

Director/Manager

[We] take a keen interest [in reports beyond our division], talk about as a group. What can we learn from this? Learn from others' mistakes. Especially in the client service area.

Director/Manager

### *Just being there*

A number of interviewees commended the salutary effect on civic administration of the Ombudsman office's sheer existence, its "just being there" as we call it. As we saw at the outset of this report, the office has high visibility and recognition across City staff. One result is that the cumulative impact of its past investigations has set a higher bar for public servants and organizational practice. In part, this results from City staff and organizations adopting the values and key take-aways from past ombudsman investigations. It also results from staff and organizations striving to avoid investigation and scrutiny from the Ombudsman.

The fact that there is an Ombudsman office I think is quite a powerful incentive to do the right thing...you can't just behave the way you want to behave, and you're not a law unto yourself and there are checks and balances and that Office is a classic example of that.

Senior Executive

I think [the Ombudsman office] is starting to impact people's behaviours without having investigations, [because staff start thinking from a] fairness perspective.

Senior Executive

There certainly is an awareness that at some point the Ombudsman can come in and do an investigation and you don't want to be on the receiving end of an investigation, so look at how you deliver services...When you're providing a service imagine what that's going to look like if the Ombudsman comes in to do an investigation...I think people are becoming more and more aware of that. I think it's a good thing.

Division Head

I think there is also a little bit of fear of criticism of Ombudsman office. You want to avoid getting into the annual report. The goal is to not be in the report.

Director/Manager

### *Other positive impacts*

Interviewees made reference to a number of other beneficial impacts of ombudsman reports. These included the impetus for improved record keeping, enhanced use of technology and social media to reach the public, and the value of establishing timelines for implementing report recommendations.

### **Negative Inward-Facing Impacts of Ombudsman Reports**

Our interviewees' negative comments regarding ombudsman reports were virtually all inward-facing. Public servants identified no negative impacts on the public. Rather, their concerns addressed perceived negative impacts on City staff and organizations. The most frequently cited criticism related to the reports' language, tone and effect on public servants.

### *Language and tone of ombudsman reports*

What I observed is pretty fair minded efforts [by the Ombudsman] until it gets to the titling of reports which drive me crazy! (original emphasis). So she sensationalizes these titles. You read the report it's fairly balanced and you get these titles and you go, now we're gonna wear this title...If there's one criticism I have of that office it's those titles.

Senior Executive

They seem to feel that their role is to catch out or embarrass divisions or events that have happened...I get the sense there's a certain glee in reporting on "you can't believe what happened here."

Division Head

The language in the report is very aggressive....Again, the language was very inflammatory language. It was a sound bite so the media can pick it up and all that stuff.

Division Head

Sometimes the tone of the ombudsman reports are quite harsh and quite negative.

Director/Manager

*Harm to public service morale*

Some interviewees observed that ombudsman reports had the potential to damage morale and reputations.

When a report is made public and somebody is perceived to be pilloried or whatever, yes there is collateral damage often.

Division Head

I have also seen some very traumatized staff, and some people who have left the organization, following some of these investigations, and that concerns me.

Senior Executive

Our integrity was impugned by this and it bothers me.

Director/Manager

*Insufficient credit to public servants*

Several interviewees said ombudsman reports do not sufficiently acknowledge the positive contribution of staff, while the office itself claims undue credit.

Staff in the division worked their butts off to respond to [a challenging situation] in the best way they could and some of the recommendations and the way the report was written didn't necessarily provide the credit due to staff.

Director/Manager

In our case, there was a lag between the event that caused the investigation and the investigation itself. During that time, we knew the problem and we implemented all of the Ombudsman's recommendations before the report came out. But the report did not really address that [we] found the problem, are addressing the problem...

Division Head

I thought it would have been fair game and kosher if you [the Ombudsman] had written in your report this issue was brought to management's attention in the meeting. They had already handled it. Here's how they dealt with it...But she [the Ombudsman] wrote it like she forced us to do the right thing.

Division Head

[While ombudsman investigations] have absolute benefit, that sort of tooting your own horn, I don't find it constructive.

Division Head

Another interviewee at the division head level complained about the Ombudsman's office "pat yourself on the back" annual reports, while acknowledging this resulted from continuous pressure on the office to "justify their means every year."

*Belief that the Ombudsman's office favours the public over public servants*

A few participants expressed the view that ombudsman reports unduly support the complainant over staff.

There's a perception that the Ombudsman tends to side with the public even when, I'll venture to say, that it's clear that they're [the complainant] not telling the truth.

Director/Manager

I think the way we've seen it, it might be true or not, they made up their mind before they started the investigation.

Division Head

I think any investigator brings an inherent bias to their questioning. There are problems laid out and they're going to bring a bias. And to me, their bias was clear from day one, where this report was going to go.

Director/Manager

A few participants expressed a flip-side view that staff decisions and actions invariably should be virtually beyond reproach by the Ombudsman.

If a call goes to the Ombudsman office, chances are I've done what is required, and to go over that again with the Ombudsman office when we know that there is no room for more fairness to be given [is time consuming]...Having the Ombudsman office there is like saying that we're not doing our jobs. But from our perspective the costs outweigh the benefits.

Director/Manager

*Insufficient staff to carry out recommendations*

If you're going to set very aggressive, strong performance measures, are you adequately staffed to do that?

Director/Manager

Another interviewee at the director/manager level referred to "internal frustration" that ombudsman reports do not give sufficient consideration to the impact of recommendations on staff time and resources.

*Let managers manage*

One interviewee said the Ombudsman's office should not micro-manage solutions but identify problems and outcome goals:

I don't see her job [the Ombudsman] as telling us how to do our business. I see her job as being one that says: "Here's the things that should be the outcomes." I don't want her telling me what I should do with my staff. That's my problem.

Senior Executive

*Adverse legal consequences*

One participant thought that in one instance an ombudsman report may have adversely affected a court case involving the City:

We have some situations where frankly the Ombudsman's reports have put the City at risk in later legal cases. Because in a couple of cases as a result of that report coming out before the lawsuits finished, the report itself becomes a grounds for saying "now I should get a whole lot more money from you because I was treated badly."

Senior Executive

### *Little scope for staff rejecting report recommendations*

A few participants expressed the view they had little latitude to reject report recommendations, perceiving organizational pressure to comply.

When recommendations are made it is very, very difficult to disagree with the recommendations politically. It is much easier to report that we agree with the recommendations and we will be implementing the recommendations and give a timeline for recommendation on the implementation...There is always an immense amount of pressure to go ahead and implement them all. And not to fight back and say “yes, 80 per cent of these I agree with but 20 per cent of these I don’t think you understand the business enough to say this really isn’t going to work.”

Director/Manager

It’s not that easy to disagree with an opinion of the Ombudsman, largely because they’re pretty thoughtful in what they do. But also, they’re so publicly visible about it. Which to me brings with it a sort of punishing connotation. God forbid you disagree with the Ombudsman, which I think is unfortunate.

Division Head

### **Key Take-Aways**

- Since its recent inception, the Ombudsman’s office has had major, tangible and constructive impacts on the city it serves. Ombudsman investigations bring wide-ranging value-added benefit to both Toronto’s civic administration and the public at large.
- Investigations are an efficient use of the Ombudsman’s resources to address significant or system-wide issues. The City of Toronto should continue to recognize investigations as an essential component of the Ombudsman’s mandate.
- Given public servants’ strong recognition of the value of the Ombudsman, City Council should make every effort to assure the Ombudsman office has the resources required for its investigative role. In addition, the public service should ensure that its administrative units have the resources needed to implement report recommendations.
- Critical comments regarding ombudsman reports were less prevalent and focused on a perception of their unduly harsh language and negative effect on staff morale. Although a negative effect on staff morale may be unavoidable (even though investigation reports do not name staff involved), the Ombudsman

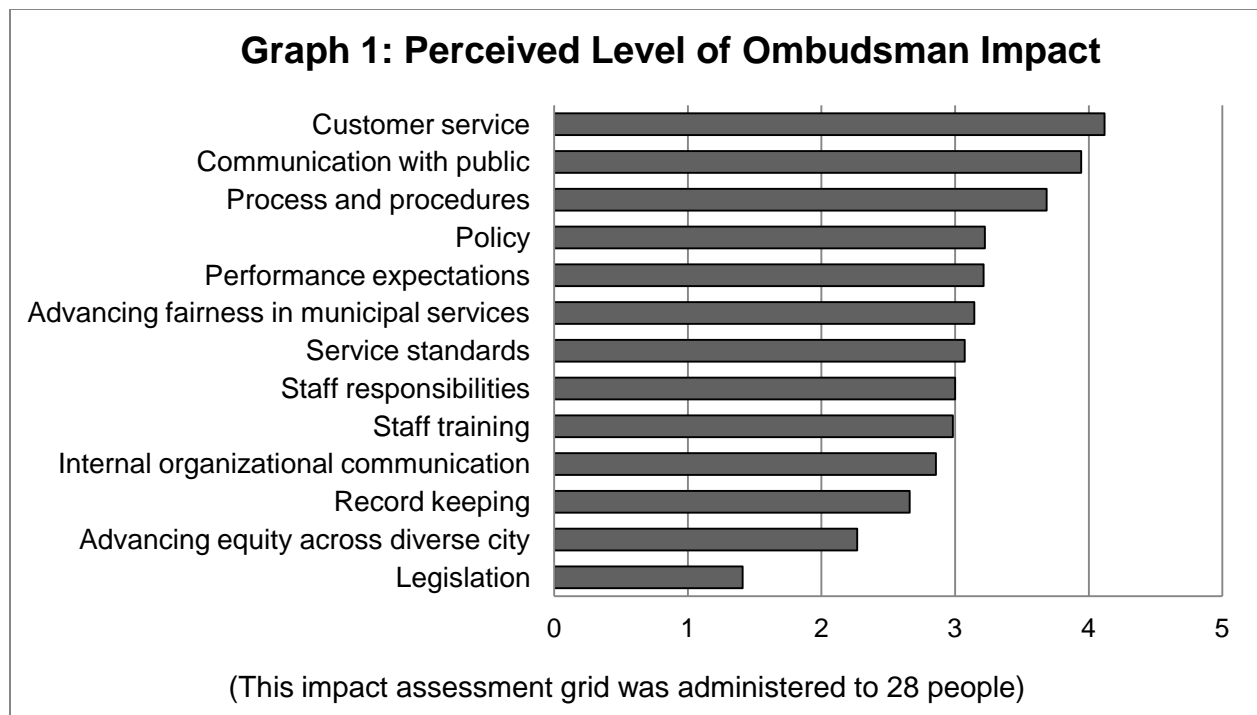
should be sensitive to the effect that the tone of reports can have on public servants and acknowledge staff contributions when she is made aware of them.

## **2.6 Impact Assessment Grid Results**

During each interview, an impact assessment grid tool was used to prompt interviewees to talk about different areas where the Ombudsman had a potential impact. Each interviewee was asked to rate the Ombudsman's level of impact from zero (no impact) to five (a great deal of impact) in 13 areas. The order of items on the list was randomly varied among interviewees to reduce bias. Interviewees were asked to consider the impact of the Ombudsman's office overall, and not just its investigations.

The design of the impact assessment grid is based on the assumption that more impact is a positive outcome, though we note that this might not always be the case. It is possible to have a large, negative impact. Following the completion of the impact grid, the interviewer followed up with the interviewee about the reasons for their ratings, particularly high or low ratings, to generate more contextual information. These follow-up probes revealed that the overwhelming majority of participants indicated that in those areas where the Ombudsman had a great deal of impact, that impact was primarily positive.

Although this exercise does not allow for the precise quantification of impact, the results show three areas where respondents perceive the Ombudsman to have a substantial impact: customer service, communication with the public, and processes and procedures (see Graph 1 on the next page). Customer service was not initially included as an option on the impact assessment grid. It was added only after several interviewees specified it as a write-in in the "other" area. There was only one area where the Ombudsman was perceived to have little impact—legislation. This may be because the study's participants had less awareness of ombudsman impact on the legislative process and changes.



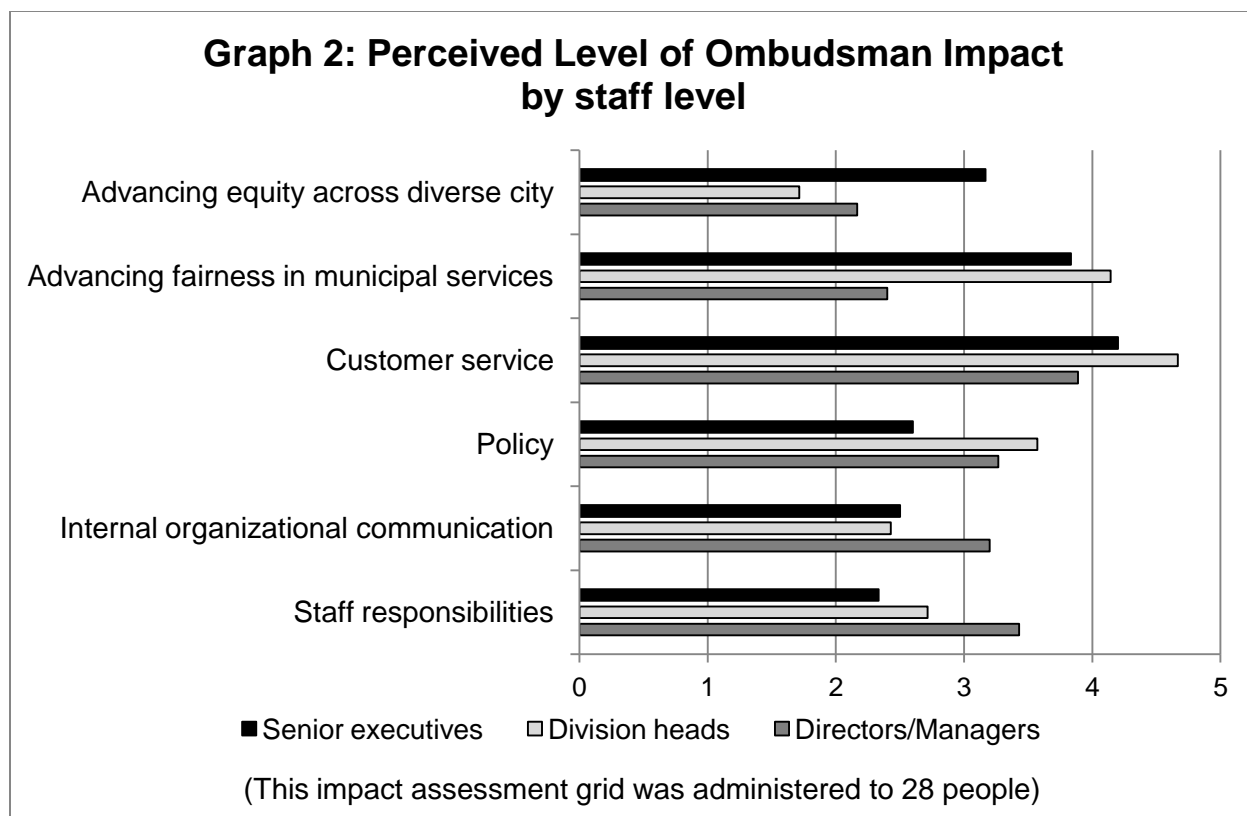
Interestingly, for some items there was a substantial difference in perceived impact between public servants at different levels of authority. Graph 2 on the next page shows those areas where this discrepancy was evident. For instance, senior executives were more likely to assert that the Ombudsman had an impact on advancing equity in the City. Division heads, along with senior executives, were more likely than directors/managers to report that the Ombudsman had an impact on advancing fairness and customer service.

Division heads were more likely than members of the other groups to report that the Ombudsman had a high impact on policy.

Finally, directors/managers were most likely to report that the Ombudsman had an impact on staff responsibilities and internal organizational communications.

These results likely reflect in part the main areas of responsibility for each level within the Toronto Public Service and thus the areas where those administrators are most aware of the Ombudsman's impact. That is, administrators might be likely to report that the work of the Ombudsman has the strongest impact in the areas for which they are responsible and a lesser impact in areas that are outside their direct purview.





## 2.7 Overall Assessment of the Office of the Ombudsman

**Key Finding:** Overall, senior public servants identified the office as an important, valued institution of civic governance in Toronto.

Participants in this study expressed a strong recognition of and appreciation for the work of the Ombudsman's office. The following 10 previously uncited statements by different interviewees reflect the predominant views expressed:

I think this whole business of having a place where people feel they can go if their issues have not been resolved is a really positive thing.

Senior Executive

I think the Ombudsman office serves an important role in the community in that it is somewhere the public or a public servant can go to seek clarity or to report a perceived injustice or somewhere there may be a systematic problem that needs to be addressed or improved upon.

Director/Manager

I think it is an essential office to the City.

Director/Manager

The advice they [the Ombudsman office] give, the analysis that they do, the conclusions they draw are unadulterated, if you like, by any interests that people have in the “small p, big p” politics of any organization. And that to me is absolutely essential.

Division Head

[The Ombudsman] will be fair, objective. This is what the office has achieved.

Director/Manager

We look forward to the Ombudsman’s input. We welcome it. We act on it.

Division Head

The [Ombudsman] staff are very good. They are there to champion the right of the public. [The Ombudsman] and her staff are very, very good...They’re coming with a purpose to try and make sure the taxpayer is treated fairly. It’s trying to bring harmony, so that the City is responsive to these people.

Director/Manager

There is a value and a need for the office.

Division Head

What I’ve learned through the years, is not to fear them. They’re not the bad guy. They’re here to help.

Director/Manager

If there wasn’t an Ombudsman, you’d probably have to invent one.

Senior Executive

## Key Take-Aways

- The Ombudsman’s office makes civic administration and public service delivery better.
- In the short time since its inception, the Ombudsman’s office has demonstrated the value of its investigative work.

## Chapter 3: Lessons Learned—Ombudsman’s Response

*F. Crean*

Measuring impact is a question of balance in a field where results are difficult to quantify. This is in part because ombudsmen have no power to sanction or impose decisions. Consequently, correlations and causality are not always obvious. However, the study provides valuable insights.

Among the most valuable is the insight that all institutions—large and small—require impartial and independent evaluation and review. Whether it is this office investigating maladministration in the Toronto Public Service, or researchers investigating the impact of this office on public administration, external assessment and evaluation are critical to an organization’s success. This project demonstrates that point.

The Toronto case study generated overwhelmingly positive feedback, and it is heartening that the work of this office is seen to be valuable and important. The case study also uncovered beneficial criticism and areas for improvement.

There exists a clear public demand and right for transparent and accountable service. Complaints from residents and citizens are an important mechanism for ensuring that service remains transparent and accountable. Yet, improvement to complaints management on the part of the public service is met with, in the words of Rita Passemiers, Ombudswoman of Ghent, “a quite stunning and rather incredible reticence.”<sup>15</sup> The Toronto Public Service has made great strides in enhancing its capacity to respond to complaints constructively, but this remains an area that requires constant improvement and attention—both from the public service and from this office.

### Improving Communication and Outreach

In light of the office’s short history, the most significant lesson learned is the ongoing need for public service education, that is, information about and understanding of the Ombudsman’s role in civic administration. There were a variety of examples where this became evident.

Although those public servants involved with the office described a sound knowledge, a few raised questions about the difference between the auditor general and ombudsman functions. Some also expressed concern over the conflicting expectations and requirements of the Auditor General and the Ombudsman. Where the Auditor General’s

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<sup>15</sup> Passemiers, R., Reynaert, H., & Steyvers, K. (Eds.) (2009). *The Impact of Ombudsmen*. Brugge: Vanden Broele Publishers.

focus is on compliance with the rules, the Ombudsman focus is on equity and fairness, which at times requires flexibility. The differences in roles, requirements and expectations needs further explanation and better information, which the two offices can accomplish jointly.

Some of the public servants interviewed expressed the belief that the Ombudsman sometimes acts as a “first resort” for residents rather than a “last resort.” This shows a need for more information as to why the Ombudsman’s office sometimes does not serve simply as a last resort. There are three distinct cases where this might occur: unreasonable delay, in which residents have not been responded to for a significant time; information sharing, in which the office provides information and referrals to residents to help them understand or access the public service’s processes; and marginalization, in which the office assists highly marginalized individuals who do not know how to or are unable to access the bureaucracy.

Some public servants said they were unsure of the criteria the Ombudsman uses to initiate an investigation. What triggers an investigation is articulated on the office’s website and outlined in the Ombudsman publication *Defining Fairness in Local Government*.<sup>16</sup> The office explains, both orally and in writing, to officials when a complaint cannot be resolved informally and a decision is made to conduct an investigation. Where the Ombudsman launches an investigation, the reasons are made plain.

An interviewee indicated that an investigation should not take place merely because of one public servant’s mistake. This observation is welcome because it indicates a need for further education on the role of the Ombudsman. One complaint may bring to light a systemic issue. For instance, in the *Duty to Care* investigation, a public servant made a mistake. However, the investigation’s focus and its recommendations were about the system and not the individual error. The Ombudsman’s job is to respond to and investigate complaints and work towards preventing issues that cause complaints. In some cases, the public service may take action with an employee. That is its managerial prerogative and responsibility.

Some staff believed the office should not intervene just because a resident did not like the administration’s decision. In fact, there must be an issue of administrative unfairness for the office to intervene. Such interventions can protect the public servant against an unfounded complaint and verify with the resident that the public servant has made a decision in accordance with the existing rules. Again, this points to a need for more education. In light of the small size of the office relative to the size of the public service,

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<sup>16</sup> Ombudsman (2013). *Defining Fairness in Local Government*. Toronto: Office of the Ombudsman.

it may be helpful for the Ombudsman's office to distribute fact sheets of frequently asked questions, in addition to increasing the number of information sessions.

There were some reports that public servants were already working on a fix for which the ombudsman investigation reports then assumed credit for. The Ombudsman would rarely conduct an investigation if the problem was already being addressed, provided that the proposed solution was clearly communicated to the office and was an appropriate fix. The office's resources are not used to address problems that the public service is already solving, so it is imperative to improve communications about this.

Of interest is some of the interviewees' apparent lack of awareness about the Ombudsman's role in changing legislation. More education is clearly needed, as the office has had an important role in developing and modifying City bylaws. These include the impetus for the public service bylaw, changing bylaws on residential water bills, and revising the Municipal Code for Business Improvement Areas.

There were a few critical comments about the Ombudsman's reports, namely, the language used, the report titles and the negative impact on staff morale. Some of the language in the Ombudsman's findings can be strong. However, ombudsmen have an obligation to use clear, accessible and forthright language. It reflects the gravity of the facts and the problem identified. Language is always considered carefully in balancing stakeholder interests and the mandate of the office.

Report titles are a common mechanism used in the ombudsman profession to capture public attention and spread awareness of the issues. This practice is also common among other organizations such as Royal Commissions. Importantly, these titles are fair in context and capture the essence of the problem. For example, *A Duty to Care: An Investigation into Municipal Licensing and Standards' Treatment of a Resident with Dementia* captures the principle at stake and describes the subject matter. The Toronto Ombudsman's office appreciates this feedback and will take it into consideration in future reports.

The Ombudsman must balance the morale of the public service against that of the resident who has suffered as a consequence of the administration's actions. The public servant in the wrong might be affected negatively but the resident may be the person who was mistreated in the first instance. The role of ombudsman involves an ongoing balance between the interests of the public and the work of the public service. The Ombudsman is squarely in the middle—impartial—with no vested interest in the outcome of a complaint except to ensure that the public service treats the public fairly. The Ombudsman and her staff champion fairness. They do not act as apologists for the

government. Nor do they act as advocates for residents, unless and until the evidence from an investigation clearly indicates unfairness.

Two key findings are instructive for senior public servants' and ombudsman action. First, a few director-level public servants noted they had little input into ombudsman recommendations and it is "very difficult to disagree with the recommendations politically." This finding runs contrary to the experience reported by senior executives. It points out the need for senior public servants to better involve directors/managers at the stage of the Ombudsman's draft report. Draft recommendations are presented to senior executives, who are free to bring whomever they wish to the meeting. There are significant discussions to ensure recommendations are achievable. It is important to resolve this perception as ultimately what matters is the impact on the resident. Some ombudsman recommendations are perceived to be overly prescriptive. That indicates the need for further understanding and information exchange with senior public servants.

Second, several public servants expressed concern about the amount of time involved in responding to an ombudsman investigation. While this may be unavoidable, the office will redouble its efforts to organize and coordinate in a manner best suited to the business of the given operation.

### **On the Whole, Feedback Tremendously Positive**

Taken as a whole, the feedback from the case study was tremendously positive. The Ombudsman's office is only five years old, yet it has achieved much in its short existence. The case study demonstrated the overwhelming recognition of the office's importance as a contributor to good governance. The study also noted public servants' repeated acknowledgements about the improvements to public administration as a consequence.

This is in large measure a tribute to the dedication, strength and professionalism of the Ombudsman's staff. It is also a tribute to the men and women of the Toronto Public Service.

Given the growing number of individuals with mental health challenges and people with diminished capacity, it is particularly heartening to see that the interventions of the Ombudsman's office have made a measurable difference in the public service's awareness of and attitude towards these communities of frequently marginalized individuals.

The study noted better communication and service delivery as a positive result of the Ombudsman's presence. While this is an important improvement, the Ombudsman intends to continue focused efforts with the public service.

It was particularly reassuring to learn that public servants believe the Ombudsman's investigation reports are constructive and valuable and the recommendations lead to tangible service improvements for the public. Likewise, the interviewees felt that the work of the Toronto Ombudsman has heightened awareness of equity and fairness in the delivery of services.

The Toronto Ombudsman's office will strive to respond diligently to the constructive and thoughtful feedback from the public servants who participated in the case study while redoubling its efforts to inform the public service as broadly as possible about its role and mandate in local government.

### **Contribution to Democracy**

Thematic results of the case study indicate that the ombudsman presence in local government has achieved a number of measurable impacts that have improved public administration. These contributions signal to both legislators and citizens that the office has a unique value. It supports legislators in their work and ensures fairness for residents and citizens.

Ombudsman work takes place in many challenging contexts and has a clear influence on public administration. There is no question that progressive public administration contributes to a healthier democracy, and it is that public administration that ombudsmen strive to improve for the greatest public good.

## Appendix I: Interview Request

DATE

NAME

POSITION/TITLE OF RECIPIENT

Dear \_\_\_\_\_,

I am writing to request an interview with you for a research project being conducted under the auspices of the City of Toronto Office of the Ombudsman. Ryerson University has been contracted to carry out an independent study into the impact of ombudsman investigations, and your input is extremely valuable to this project.

I am Senior Researcher on this study, and by way of brief self-introduction would note that I am a member and past Chair of Ryerson's Department of Politics and Public Administration. For a number of years I served on the Executive of the Toronto Region Group of IPAC.

This study is designed to learn more about the impact of ombudsman investigations on public administration, and to develop an evaluation tool for measuring these impacts. I would be most grateful if you could be available for an interview of up to an hour, at a location of your choice. You have been randomly selected for participation in this research, along with others in your Division.

Our conversation will be confidential, and you will not be identified by your position, or any information or views that you express. Before beginning our interview you will have the opportunity to review a Consent Form approved by Ryerson's Research Ethics Board (attached to this message), and to ask any questions you may have related to this project. No one from the Office of the Ombudsman or City of Toronto will know that you participated in this study, or be able to link your interview responses to you personally. Your choice of whether or not to participate will not influence your future relations with Ryerson University, or the City of Toronto Ombudsman Office.

Your participation is important to our study. Random selection of interviewees provides the best assurance of accurately reflecting views and experiences in a large organization. By participating, you strengthen our ability to promote good government practices through this study. Could you please let us know a few times in the weeks ahead that you might be available for a one hour interview, along with your preferred location?

We look forward to your email reply, and to meeting you for the interview.

NAME OF RESEARCHER

POSITION/TITLE OF RESEARCHER

EMAIL CONTACT

PHONE CONTACT



## Appendix II: Interview Questions

1. Can I begin in a very general way by asking you: What do you regard as the most important aspect of your job and position here at the City of Toronto?
2. How would you describe the role of the City of Toronto's Ombudsman Office?
3. In your work, have you come into contact with the Ombudsman Office?

*IF YES TO 3, GO To 4 - 12. IF NO TO 3, GO TO 13 - 16.*

4. Please describe your general experiences with the Ombudsman Office.
5. Please describe your experience attempting to implement recommendations made by the Ombudsman. What challenges would you say you faced? Explain.
6. Based on your contact with the Ombudsman Office, how would you assess the impact of its interventions? What are the positives? What are the negatives?
7. Beyond any ombudsman investigations in your area of responsibility, have there been any instances where ombudsman investigations of Divisions or services beyond your responsibility have impacted or influenced change in areas you oversee?

*Switch/Alternate Qs 8 & 9 in successive interviews.*

8. In what area of your responsibility would you say the Ombudsman's office has had the most impact on your organization? Why do you say this?
9. I'd next like to ask your assessment of the impact of the Ombudsman Office in 13 specific areas. They are identified on this sheet which I'd like to ask you to fill out for us. For each identified area, please rank on a scale of zero to five how much of an impact you believe the Ombudsman office has had within your sphere of organizational responsibility. Zero would signify no impact, and five would signify great impact.

After you've completed and returned the sheet, I'd also welcome any comments for why you have chosen each rating.

*Randomize order for each interview; provide list on a handout sheet*

Service standards  
Legislation  
Policy  
Process and procedures  
Record keeping  
Customer service  
Communication with the public

Communication within your organization  
Staff responsibilities  
Performance expectations  
Staff training  
Advancing equity across a diverse city  
Advancing fairness in municipal services

10. Generally speaking, how if at all has the Ombudsman office affected public service delivery in Toronto? Has it made a difference to the city? How could its impact be improved?

Is there a specific area of public service delivery or public administration in Toronto that needs to be addressed, or needs improvement?

11. The Ombudsman office is planning to develop an evaluation guide to measure the impact of its investigative work. This tool would be used by the Ombudsman office to assess the effectiveness of its work. What advice would you have for the evaluation guide? What criteria or elements would you say are most important for measuring the impact of the Ombudsman?

12. Finally, is there anything else about the Ombudsman office and its work you would like to speak about?

13. Even though you have not had direct contact with the Ombudsman office, has its work (investigations) had any impact on the organization, services and staff you oversee? If, so, what has that impact been?

*Depending on the answer, if it elicits significant impact references use your judgement in also asking any of Qs 6-9.*

14. Generally speaking, do you have any impression of how if at all the Ombudsman office has affected public service delivery in Toronto? Has it made a difference to the city? How could its impact be improved?

15. The Ombudsman office is planning to develop an evaluation guide to measure the impact of its investigative work. This tool would be used by the Ombudsman office to assess the effectiveness of its work. What advice would you have for the evaluation guide? What criteria or elements would you say are most important for measuring the impact of the Ombudsman?

16. Is there anything else about the Ombudsman office and its work you would like to speak about?

## Appendix III: Impact Assessment Grid

In your opinion, how much impact has the Ombudsman office had on each of these areas in your organization?

AREA	No impact					Great impact
Service standards	0	1	2	3	4	5
Legislation	0	1	2	3	4	5
Policy	0	1	2	3	4	5
Process and procedures	0	1	2	3	4	5
Record keeping	0	1	2	3	4	5
Customer service	0	1	2	3	4	5
Communication with the public	0	1	2	3	4	5
Communication within your organization	0	1	2	3	4	5
Staff responsibilities	0	1	2	3	4	5
Performance expectations	0	1	2	3	4	5
Staff training	0	1	2	3	4	5
Advancing equity across a diverse city	0	1	2	3	4	5
Advancing fairness in municipal services	0	1	2	3	4	5
Another area:	0	1	2	3	4	5

**Part II**

**Guide to Evaluating the Impact of Ombudsman  
Investigations on Public Administration**

*A. Noack, M. Siemiatycki, A. Lim, G. Cook and F. Crean*

## Chapter 4: Evaluating Impact

Ombudsmen have the unique potential to improve public administration by identifying systemic issues through investigation. They can respond to maladministration and contribute to good governance in ways that a court of law cannot. As Justice Dickson notes in the Supreme Court of Canada decision on Friedman:

The Ombudsman represents society's response to [problems] of potential abuse and of supervision. His unique characteristics render him capable of addressing many of the concerns left untouched by the traditional bureaucratic control devices. [...] Most importantly, his powers of investigation can bring to light cases of bureaucratic maladministration that would otherwise pass unnoticed. The Ombudsman "can bring the lamp of scrutiny to otherwise dark places, even over the resistance of those who would draw the blinds."<sup>17</sup>

*Re Ombudsman Act (1970)*, 72 W.W.R. 176 (Alta. S.C.),  
per Milvain C.J., at pp. 192-93.

It can be difficult, however, for ombudsmen to measure the effect of their work – and demonstrate their value—especially at a systemic level. This guide sets out general strategies ombudsman offices can use to develop an evaluation of their impact. By establishing ongoing evaluation procedures and conducting evaluations, ombudsmen can collect the information they need to better understand their impact on the advancement of public administration and good governance.

The guide describes two general research approaches for evaluating impact: qualitative and quantitative approaches. After a brief discussion of using quantitative measures to continually evaluate ombudsman work, the majority of the guide focuses on designing an evaluation study. We provide suggestions for what ombudsmen may want to collect information about, how to collect information, who to collect information from, how to encourage participation, and what to report. This is followed by some practical considerations for ombudsmen who want to develop their own evaluation study, including issues related to funding, timelines and managing strategic relationships.

### 4.1 How to Use this Guide

Since the situation of each ombudsman is unique, not all of the strategies described in this guide are useful for all ombudsmen. Instead of treating the material in this guide as a series of steps to follow sequentially, use this guide as a resource, extracting the most useful strategies and making adaptations as needed. You can also combine various

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<sup>17</sup> *British Columbia Development Corporation v. Friedmann (Ombudsman)*, [1984] 2 SCR 447.

strategies to get comprehensive and diverse results. Each ombudsman's approach will be slightly different, depending on their specific context and resources.

This guide is directed specifically to legislated ombudsman, that is, those who are responsible for overseeing the work of a public service and are established by statute. Material in this guide may apply to ombudsman established by policy, executive order or terms of reference, though more modification may be needed.

The strategies described here focus on assessing ombudsman impact on public administration, in particular the way the public service itself operates. (Ombudsman offices may also wish to assess their impact on the broader public; however, this lies beyond the scope of this guide.) We identify approaches to use in evaluating how an ombudsman office impacts the operation of government organizations and public servants as they serve the public.

The ideas in this guide come from two main sources: the practical lessons that our university-based research team learned while conducting an impact evaluation of the investigative work of the Toronto Ombudsman, and the general advice about evaluating ombudsman that research participants gave the research team.

## **4.2 The Challenge of Evaluating Impact**

Most legislated ombudsman oversee complex organizations that operate in a political context. As a result, it is extremely difficult, if not impossible, to establish the direct, causal effects of ombudsman investigations. There is rarely a single cause for government action. Inevitably, such organizations are influenced by a range of forces, including elected officials, senior administrative staff, appointed officials such as auditors general, the public, the media, stakeholders, advocacy, interest groups and major current events.

In such a dynamic environment, sometimes the work of ombudsman may be the sole driver of a particular organizational impact. Sometimes that influence may be happening together with other change agents. Both scenarios reflect important contributions by ombudsman to good governance and progressive public administration. Since most impact evaluations do not meet the strict methodological criteria needed to establish empirical causality, ombudsman must be cautious about making causal claims about their work.

In this guide, we focus on strategies for measuring how government officials perceive the impact of ombudsman on their work. Perceived impact captures how people view

and understand ombudsman investigations. Typically, public servants hold and report different perceptions of the ombudsman's impact depending on their experiences and their level of rank. Generally, a consensus of assessments emerges, as it did in the Toronto case study.

Ombudsman can be confident about those areas where there is a high level of agreement between public servants' reports of ombudsman impact, though differences between reports can also provide interesting insights. Members of the public service can also be asked to assess the ombudsman impact on the general public, but these reports represent public servants' perceptions and are not direct measures of public sentiment.

When analyzing the information collected in the Toronto case study, the research team found it useful to distinguish between internal or "inward-facing" impact and external or "outward-facing" impact. Inward-facing impact captures how investigations affect the internal processes and practices of an organization. Outward-facing impact captures how investigations affect public servants' interactions with residents. Although some ombudsman investigations simultaneously lead to both inward and outward-facing impact, this conceptual distinction remains analytically useful, and thus is relied on in several of the tools developed.

### **4.3 The Ombudsman's Value**

Ombudsman offices typically carry heavy workloads, and this guide proposes adding yet one more burden. However, our experience convinces us this extra commitment is well worth the effort.

In measuring ombudsman impact on a public service, you are identifying and improving the value-added benefit of ombudsman oversight. Documenting the effect of investigations on the public administration and good governance of an organization illustrates the importance of the work that ombudsman do and can also help identify areas where more work is needed.

## **Chapter 5: Approaches to Measuring Impact**

Two general approaches can be used to measure the perceived impact of ombudsman work. Quantitative approaches use numerical data to provide an assessment of the quantity or level of impact. Quantitative measures might come from counts (number of complaints, for example) or can be generated by asking people to subjectively rate the ombudsman's level of impact in various areas (using a scale of zero to five for example).

Qualitative approaches ask people to describe the quality of the impact. Qualitative measures might come from answers to interview questions or responses on a survey. The results of the Toronto case study show a tremendous value in using both qualitative and quantitative approaches simultaneously. Quantitative measures provide a snapshot summary of general trends, whereas qualitative measures can provide insight into how ombudsman influence the everyday work and attitudes of public servants.

Measuring impact can occur continually or periodically. Ongoing (continual) evaluation typically involves establishing systems for keeping records about key indicators and compiling and analyzing this information at regular intervals (such as quarterly or yearly). Evaluation studies generally involve a more comprehensive impact evaluation that is conducted once, or every few years. Such studies are valuable because they can provide more detailed insights into the impact of ombudsman investigations, but they require more resources to implement. Ideally, ongoing evaluation would be paired with more in-depth studies in a comprehensive evaluation program.

### **5.1 Strategies for Ongoing Evaluation**

The indicators used in ongoing evaluation typically rely on quantitative information because it is less resource-intensive to collect. Examples of key indicators are in section 8.1. The most appropriate indicators can be selected from the list provided and modified to reflect a specific context. The key to conducting ongoing evaluation is to establish easy-to-use reporting systems and to use them consistently. This record keeping might be as simple as weekly or monthly record sheets or might involve more complex tracking using computerized spreadsheet programs. Summarizing the information regularly allows for tracking and responding to key issues.

Ongoing evaluation allows ombudsman to assess their short, medium and long-term impact. In the Toronto study, many participants said that because of the complexity of ombudsman investigations, it was crucial to map out different levels of impact across time.



The public servants interviewed noted that some ombudsman investigations had an immediate effect, such as initiating a change to an operational process. For others, it took much longer for change to become evident. For instance, the Ombudsman initiated a process where each City division had to develop complaint handling procedures and service standards. These procedures and standards took longer to put in place in some divisions than others, but over several years, the accountability of public administration improved.

Policy and legislative changes recommended by ombudsman can take months or years to implement, and it takes even longer before the full impact of those changes can be assessed. One such example is the adoption of the Toronto public service bylaw in May 2014, which the Ombudsman first recommended in 2010.

Since change over time is central to ongoing evaluation, any record keeping system must capture information by date. The level of precision needed depends on how the results are analyzed. If the plan is to track only monthly or quarterly change, exact dates do not need to be recorded. If you are just beginning to collect information for ongoing evaluations, the best practice is to collect the most precise information possible, given available resources, and analyze it by time periods later.

To collect and analyze data, many rely on internal databases, such as a case management system, that can track complaints. In addition to recording information by date, it is often useful to capture geographic information to allow for the analysis of geographic trends over time. For example, the Toronto Ombudsman collects complaint origin by city ward to analyze trends in neighbourhoods. It is also often useful to collect demographic and socio-economic data about the complainants themselves, on a voluntary basis, to develop a better understanding of who does not use ombudsman services, who does, and for what types of issues. For example, the Toronto Ombudsman asks complainants about their gender, ethnicity, age, disability and economic status; complainants are not obligated to provide this information.

Wherever possible, supplement the analysis of quantitative results with contextual information collected from external databases or legislative records. Often this contextual information is qualitative in nature and drawn from transcripts, minutes, motions, voting records and other public records of the legislative body. For example, Toronto City Council often adopts motions related to ombudsman investigations that go beyond her recommendations. While it is useful to know how many of these motions are debated and adopted, it is also important to assess the content of each motion and follow up on the final outcome of any motion adopted. For example, some motions are

procedural while others are substantive in nature, leading to new legislation, policies, or processes.

Ongoing evaluation can allow ombudsman to draw connections between changing circumstances, such as increased or decreased funding, and changing impacts. Graphs and charts that illustrate changes over time can often be quite compelling. It can be difficult, however, to effectively interpret and understand the reason for changes in quantitative measures across time. For example, an increase in the number of complaints an ombudsman receives might reflect either a decline in the quality of citizens' interactions with the public service or the improved promotion and visibility of the ombudsman.

Qualitative measures, such as those typically collected in evaluation studies, can provide insight into why quantitative measures are changing. Qualitative measures can also provide information about the pathways through which change is enacted. For example, organizational practices may be changing because of ombudsman recommendations, top-down directives from senior public servants, changing attitudes, or some combination of factors.

## Chapter 6: Conducting Evaluation Studies

The purpose of an evaluation study is to give ombudsman a snapshot of the effect they are having on public administration. Through this document we use the term “evaluation study” to distinguish it from the ongoing evaluation ombudsman might do. Planning an evaluation study requires a series of decisions about what to collect information about, how to collect it, and who to collect it from. A process and decision-making checklist can be found in section 8.2.

The sections below outline some of the issues that may influence these key decisions. Take the approach to evaluation that is most relevant to your specific circumstances by selecting from the options outlined, successful past practices, or the current literature relevant to evaluating ombudsman.

### 6.1 What to Get Information About

The choice of what to collect information about is one of the most important decisions in an evaluation. This decision works as a guiding principle that influences all of the choices to follow.

First, identify the main purpose of the evaluation project, clearly stating what you want to know and why. The scope of the information that is collected ultimately affects the size and cost of the project. Ombudsman with limited resources should narrow their focus as much as possible. Once you have established the purpose of the evaluation, plan to collect information about specific topics that are relevant to that purpose.

Possible information to collect includes:

#### *Perceptions of the ombudsman role*

This assesses people’s understanding of ombudsman work. Knowing what people think the job of an ombudsman is can provide insight into how public servants see the office. Inquiries in this area might include probes about the need for ombudsman and the value that they add to an organization.

#### *Interactions with the ombudsman*

This evaluates the quality of interactions that individuals and administrative units have with ombudsman and their staff. It allows ombudsman to assess how interpersonal characteristics and relationships affect the work they do.

### *Whether the ombudsman is fulfilling the mandate*

A key recommendation participants in the Toronto case study made was that ombudsman need to evaluate themselves relative to their own mandate and terms of reference. Founding documents or legislation may set out ombudsman responsibilities. It is important to collect information that allows ombudsman to assess whether they are meeting, or perceived to be meeting, these responsibilities.

### *Areas of ombudsman impact*

Depending on the purpose of the evaluation, it may be valuable to assess the impact of ombudsman investigations on different areas of influence. As described in the Toronto case study, the research team found it conceptually useful to assess both inward and outward-facing impact. Inward-facing impact might include an assessment of how ombudsman investigations affect communication between administrative units, staff morale and expectations, and organizational processes. Outward-facing impact might include an assessment of public servants' perceptions of the quality of their interactions with the public or residents' confidence in the public service. Simply enumerating the areas where ombudsman investigations have an impact might be the purpose of an evaluation.

### *Ombudsman recommendations*

Ombudsman may wish to collect information about how the recommendations issued at the end of an investigation are perceived by public servants, particularly with regard to their utility and feasibility. This also allows ombudsman to assess how their recommendations affect people throughout the organization, with multiple perspectives on and experiences with ombudsman recommendations and their implementation.

### *Ombudsman impact on different groups*

Ombudsman may want to assess how their work affects people at different ranks or levels of seniority, or how it affects public servants in different administrative units. Investigations will also likely have different impacts on people according to their social location.<sup>18</sup> Ombudsman may want to assess their perceived impact on specific demographics, such as members of marginalized or vulnerable groups, complainants and non-complainants.

### *Characteristics of participants*

To facilitate an analysis of ombudsman impact on different constituencies, it may be useful to collect some basic classifying information from each participant, such as

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<sup>18</sup> Social location refers to how people are situated relative to others in their community. This can include a person's socio-economic status, geographic location, ethnicity, creed, gender, age, ability, sexual orientation or any other characteristic that reflects larger power relations.

administrative unit, rank or level, years of seniority, years in the current unit, and any other potentially useful markers within the ombudsman's jurisdiction, though it is also important to be mindful of maintaining participants' confidentiality or anonymity when deciding what information to collect.

When designing an evaluation study, the goal is to achieve a high level of validity and authenticity in the study results. Validity refers to how accurately ombudsman impact is being captured by each question or indicator (for quantitative measures). Authenticity refers to how well the information collected genuinely reflects public servants' actual perceptions and experiences (for qualitative measures).

To ensure a high level of validity, use questions or measures that clearly and directly solicit information about ombudsman impact, and use them consistently. To ensure a high level of authenticity, public servants must be well informed about the evaluation study, committed to the study goals, and comfortable with how information is being collected.

## **6.2 How to Collect Information**

The decision about how to collect information depends on several factors. What do you want to collect information about? How much time do public servants have to contribute? What kind of resources do you have to conduct the evaluation?

Ways of collecting information can be divided into qualitative and quantitative approaches.

### **Strategies for Collecting Qualitative Information**

*Individual, in-depth interviews* with members of the public service, conducted by an external third party who is not affiliated with the ombudsman, can provide rich information about the effect of ombudsman investigations in their areas. It is good practice to begin with a list of questions and then include follow-up questions as needed to get more detailed information from each interviewee. Sample questions are in section 8.3. Depending on the scope of the evaluation study, interviews might last from 15 to 90 minutes. Interviews should be audio-recorded, or interviewers should take detailed notes.

The quality of the information collected can vary depending on the skill of the interviewer and the comfort level of the interviewee, but it is generally high. To make

participants feel comfortable and reduce bias in responses, in-depth interviews with public servants should be conducted by someone not affiliated with the ombudsman.

The challenges associated with using individual interviews to collect information are mainly about scheduling time to meet with public servants and analysing the volume of information interviews can generate. The Toronto study relied primarily on individual, in-depth interviews with senior public servants. This was a highly effective method for collecting detailed information about a diverse range of topics.

*Focus groups or group interviews* are valuable for collecting information from many people at a time. They are also useful for collecting information about topics that people may not have thought much about because people can learn from and respond to the observations of others. This shared brainstorming feature might be particularly useful in organizations where the ombudsman is less prominent.

Like individual interviews, it is good practice to begin group interviews with a list of basic questions and have the facilitator include follow-up questions as needed. Focus groups can also include group activities, such as asking the participants to work together to rank which areas of the organization the ombudsman has the most impact on. The discussions that participants have while completing these activities often provide valuable insights.

Focus groups with public servants should be conducted by someone who is not affiliated with the ombudsman. Ideally, group interviews should be video-recorded, since it is difficult to take notes in this setting and hard to distinguish between participants in audio-recordings.

The main challenge with group interviews is that participants are aware that other participants can assess and interpret any comments they make and therefore tailor their remarks accordingly. As a result, group interviews are impractical for elected officials, senior executives or managers. It is more practical to use focus groups with front-line staff, especially if there are a large number of them. The use of focus groups also introduces logistical challenges in scheduling and room bookings. The interpersonal dynamics of each group affect the information collected. Some of the feedback that each person gives depends on the sentiments expressed by others in the group.

*Surveys with write-in or open-ended questions* allow ombudsman to collect information from many people, using relatively few resources. Surveys can be distributed on paper or electronically, and invitations can be distributed using the internal mailing system.

Surveys allow respondents to be anonymous and thus may provide more candid assessments. If the survey is truly anonymous, ombudsman can collect this information themselves using only their internal resources with fewer concerns about introducing bias into the results.

Information collected using surveys tends to be of lower quality, however, since busy public servants may not have a lot of time to devote to this activity or may provide answers that are hard to interpret. Careful attention to drafting each survey question helps bring higher quality responses. It is advisable to test the survey questions on people who are similar to those who will be surveyed, but who will not be invited to participate. In addition, once the survey is operational, multiple reminders might be needed to ensure enough surveys are returned to provide meaningful information.

Even in anonymous surveys, it is often useful to collect some information that might help to classify or group respondents (but not identify them individually). For example, respondents might be asked to identify their department or how long they have been with the organization. This makes it possible to understand people's answers in relation to their larger context.

The relatively low cost of surveys, combined with the potential for anonymous surveys that the ombudsman collects without the help of an external research team, makes this a good choice for ombudsman without the funding needed for a larger evaluation study. Information collected using a well-designed survey is useful for obtaining basic information about ombudsman impact and establishing a baseline for later comparison.

### **Strategies for Collecting Quantitative Information**

*An impact assessment grid* provides the most basic form of evaluation. For ombudsman with few resources, this may be the easiest approach to start with. An impact assessment grid asks people to subjectively rank the ombudsman's level of impact in key areas of interest. The level of impact can be described using numbers, words or both. A sample impact assessment grid is in section 8.4. Public servants can be asked to complete the grid on their own time, similar to a survey, or with a researcher present, like an interview. In the latter case, it is useful to have people explain the reasons for their choices as they make them.

As completing an impact assessment grid is relatively quick, it may be easier for public servants to participate in this kind of evaluation, though it provides less detailed information about how they made their assessments. Another advantage of an impact assessment grid is that it can be structured around the same themes as the indicators ombudsman use for ongoing evaluation, and thus provide complementary results.

*Surveys with check-box or closed-ended questions* have many of the same advantages and disadvantages as write-in surveys. The use of closed-ended questions, where people must choose from a list of pre-established responses, means these surveys are quicker for participants to complete, but they contain less nuanced information. Creating closed-ended survey questions also requires a great deal of effort and care, since most respondents simply choose from provided responses even if they are incorrect or do not match well with their situation.

Combining qualitative and quantitative strategies for data gathering provides a more comprehensive evaluation than using either approach alone. For instance, both closed and open-ended questions can be integrated into a single questionnaire. In the Toronto study, the research team primarily collected information using in-depth interviews, supplemented by completing a quantitative impact assessment grid.

Ultimately, you will do the most comprehensive evaluation study you can, given the available resources. With some effort, even small offices with limited funding can design and implement an evaluation study, using surveys or an impact assessment grid, or both, to achieve useful results.

## **6.3 Who to Get Information From**

The decision about what information to collect shapes the choices about who to get information from. The first step is to establish the scope of people who could potentially provide useful insights. This might be as simple as making a list of people or positions whose work the ombudsman has affected. The Toronto study focused on publicly reported investigations, and so information was collected from public servants in the administrative units that had been involved.

In many cases, the full scope of people from whom information could be collected is too large to feasibly canvass, though this depends on how information is being collected. If this is the case, the first step is to establish a list of potential participants. Typically, this is done using organizational charts or directories. Then, randomly select from these participants using a computerized randomization program, such as the one at [www.random.org](http://www.random.org) (this website randomizes a list of names or numbers). The number of people invited to participate should depend on how information is being collected, the available resources, and the proportion expected to respond to the invitation.

Look at the structure and hierarchy of the organization when selecting potential participants. The random selection process can be structured to select the same



number or same proportion of potential participants from each administrative unit or service area. Similarly, selections can be structured so that people from different levels of the organizational hierarchy are sure to be included, for instance X per cent of senior managers, X per cent of middle managers, and X per cent of front-line staff.

Both strategies can be combined by selecting a proportion of people at each level from one service unit, the same proportion at each level from a second service unit, and so on. Ultimately, decisions about how to structure the random selection should be shaped by what it is that you want to know and which members of the organization can provide the information.

Non-random selection involves intentionally selecting key informants to participate. There may be public servants who are particularly important to include, such as senior administrators, or particularly knowledgeable staff. They can be selected as potential participants as long they are not also included in the list of people from which random selections are made, and it is clearly indicated why these specific individuals were intentionally selected.

Ombudsman should avoid collecting information from people who were not selected, but who volunteer to give unsolicited feedback or to substitute for someone who was selected but does not want to participate. Typically, these volunteers have had very positive or very negative experiences and thus express strong opinions. In public institutions, volunteer participants may also be politically motivated. Decide at the beginning of the study what criteria to use to select public servants and how to select them randomly. Then, strive to collect information only from the public servants selected.

To reduce bias and the perception of bias in the evaluation results, it is best to use random selection whenever possible. Random and non-random selection practices can be combined, though they should be used for people who are in different places in the organizational structure (people of different ranks, or those involved in different types of ombudsman investigations). It is improper to randomly select from a group or unit, and then use non-random selection to include anyone who seemed important but was “missed” in the random selection. If there are individuals who are important to include because of their knowledge or experience, cluster them in a group of intentionally selected participants.

For instance, the Toronto study used random selection to choose potential participants from administrative units and non-random selection to choose which senior executives it was important to speak with. The research team chose this strategy because of the

large number of potential participants in administrative units and the relatively small number of senior executives. This group of senior executives constitute the corporate mind of the Toronto Public Service, and it was important to obtain feedback from as many of these individuals as possible. Regardless of what method of selection is used, it is important to describe clearly how people were chosen to participate in any report of the evaluation results.

## **6.4 How to Encourage Participation**

Public servants' willingness to participate in an evaluation depends on the organizational culture and political climate. If possible, seek buy-in for the evaluation project from senior officials, and then have them communicate their support to others to encourage widespread participation without fear of reprisal.

For instance, in the Toronto case study, the City Manager sent a letter of endorsement to senior staff. This endorsement introduced the purpose of the project, set the tone for the evaluation, and resulted in high levels of participation with relatively minimal recruitment efforts. Each ombudsman will need to assess what type of approach to soliciting support is appropriate in their jurisdiction.

Public servants should initially be invited to participate in the ombudsman evaluation through a recruitment appeal, which may be in the form of an email, letter or telephone call. The recruitment appeal should clearly set out what the person is being asked to do, how much time it will take, and the next steps for participating (scheduling an interview appointment, returning the survey, visiting a web link, etc.). Since the vast majority of public servants have an underlying sense of civic duty and a commitment to good public administration, highlight this in the recruitment appeal, emphasizing how an evaluation can contribute to improving public service more generally.

Timeliness in responding to participants is key to ensuring high levels of participation. When scheduling individual or group interviews, be prepared to reply quickly to each public servant who agrees. Where people are being asked to complete surveys or impact assessments on their own, you may have to send several reminders. Follow-up recruitment appeals may be made by telephone, email, or letter, depending on the number of potential participants.

A guarantee of anonymity or confidentiality encourages higher levels of participation and improves the quality of data collected. Guaranteeing anonymity means no one will know whether a person participated in the study. This is typically possible only if information is collected using paper or online surveys. Guaranteeing confidentiality

means only the people collecting the information will know who participated and the person's name will not be associated with any information they provide. This is usually the approach for individual interviews. It is not possible to guarantee complete confidentiality in group interviews.

In the Toronto study, only the university research team knows who was invited to participate and who actually did. This information was not shared with the Ombudsman or anyone affiliated with her office.

When participants are guaranteed confidentiality, any information they provide should be anonymized when it is reported. This means removing names and any details that might indirectly identify a person, such as their position or administrative unit, but retaining important characteristics like rank or level of seniority. For more details on ethical practices in ombudsman evaluations, see Appendix V.

Public servants must freely consent to participate in an ombudsman evaluation. Mandatory participation, dictated by the ombudsman or by public servants' superiors results in poor quality, biased information. Though it is not possible to eliminate all the pressures that might influence public servants to participate or not participate, the recruitment appeal should emphasize the ethical safeguards that are in place.

## **6.5 Who Should Conduct the Evaluation**

It is good practice for someone who is at arm's length from the ombudsman and their office to conduct the evaluation. These might be university or independent researchers or contracted consultants. This practice helps ensure participant confidentiality, which is crucial to promote honest assessments. Public servants must feel comfortable providing candid assessments or refusing to participate without concerns about jeopardizing relationships with their superiors or the ombudsman. The use of an external research team also helps reduce any real or perceived conflict of interest. Study results are regarded as more credible if the research is conducted and written independently. Finally, evaluation studies can be resource-intensive. The use of an external researcher prevents the ombudsman from taking time away from their primary work.

For ombudsman with limited resources, it may be possible to collect anonymous information from public servants without unduly influencing responses. This is best achieved using online or paper surveys that provide true anonymity. Ombudsman taking this approach must be careful to ensure that they do not collect any information that might identify a participant such as by asking people to use inter-office envelopes, which might identify a sender.

## 6.6 How to Summarize the Collected Information

Before summarizing the collected information, it may need to be transferred to an easier-to-use format. This depends on how much information there is and how it was collected. For instance, it is useful to transfer a large number of surveys or impact assessment grids into a spreadsheet. If there are interview or focus group data, it is useful to fully or partially transcribe any recordings and notes to make them easier to summarize.

Summarizing collected information makes it possible to identify the key themes and trends. For quantitative information, summaries typically take the form of counts, percentages or graphs. Depending on the amount of information collected, these summaries can be generated manually or by using a computerized spreadsheet or statistical software.

For qualitative information, summaries typically take the form of a report of recurring themes or trends in people's answers. Depending on the amount of information collected, you can generate these summaries by reading through the information and noting repeated ideas and key passages, by using a word processor to group together similar ideas and comments, or by using specialized text coding software. It is also useful to note any unexpected, unusual or particularly perceptive insights found in qualitative remarks, even if they are unique (just be sure to identify them as such).

Consider producing summaries divided by sub-group or sub-category. It is reasonable to expect that public servants' perceptions of ombudsman impact will vary depending on their service area, the culture of their administrative unit, and their relative level of authority. For instance, in the Toronto study, it was clear that public servants' perceptions of some aspects of ombudsman impact differed depending on their rank within the organizational hierarchy (Graph 2 in section 2.6). The specific groups that are compared will depend on the key divisions in the organization.

In general, summaries should focus on identifying areas where ombudsman investigations are perceived to have an impact on the public service. Quantitative measures can provide a good indication of where change is occurring, whereas qualitative measures provide information about how change is occurring. Quantitative and qualitative information can be combined to provide an overall picture of both the amount and value of ombudsman impact on an organization's administration.

## 6.7 What to Report

Each ombudsman will decide how widely to report the results of their evaluation. Consistent with ombudsman commitments to transparency and accountability, it is best practice to release the results of any formal evaluations. The results of ongoing evaluations may be included in annual reports. If the results of an evaluation study are public, every decision about methodology throughout the process should be documented clearly.

The report might include:

- Purpose of the evaluation.
- Key topics about which information was collected.
- How information was collected, including a copy of the survey, interview questions, impact assessment grid or similar tools.
- Who information was collected from and how they were selected, including a report of how many public servants were invited to participate and how many did.
- Changes made to the process as the evaluation progressed, such as adding, modifying or removing topics, changes in who information was collected from in response to emerging themes, and changes made to the data collection tools in response to participant feedback.
- How the information was captured, recorded and summarized.
- Key trends, themes or findings that emerged across the information that was collected, typically divided by topic, including both positive and negative perceptions of ombudsman impact.
- Unexpected, unusual or notable findings, including unique comments or feedback that is particularly illuminating.
- Recommendations for future evaluations.
- Feedback or commentary from the ombudsman in response to the results of the study, if available.
- An account of changes to ombudsman practice or procedures made in response to the results of the evaluation, if available.

The report should draw the reader's attention to the key findings of the evaluation as well as fairly report any criticisms. Full disclosure in reporting ensures that assessments of ombudsman impact provide results that are useful and treated seriously. It also contributes to the overall integrity of the evaluation study.

## **Chapter 7: Strategies for Planning an Evaluation**

Evaluation studies to measure ombudsman impact require resources. Drawing from experiences in the Toronto study, this section offers advice about funding, time requirements and managing strategic relationships.

### **7.1 External Funding and Resources**

For an evaluation using external resources, funding is needed to hire a researcher to collect data, do the analysis and write the report. Many ombudsman offices may not have funding for evaluation research within existing budgets and so may need external sources of funding. Securing this funding can be challenging.

Opportunities for one-time funding are useful. Funding opportunities and expertise may exist in civil society and non-governmental organizations. However, political context should be taken into account. Ombudsman should not accept funding from organizations that may compromise their reputation, impartiality or independence.

Funding and resource estimates for the evaluation study need to consider ombudsman staff time and resources. Estimates of the resources required may, for example, include external researchers, staff time, editing and distribution costs. In the Toronto study, the Ombudsman applied to and received funding from the International Ombudsman Institute.

### **7.2 Time Requirements**

Evaluation studies may take a year or more to complete depending on staff time and availability. A number of factors affect timelines, including unforeseen investigation responsibilities of ombudsman. Ombudsman should expect staff time requirements for managing and carrying out the work.

After securing funding, the hiring process for an external researcher may take two to three months, depending on the required administrative processes. This process may not be required in some situations.

Participant recruitment and data collection (interviews, surveys or focus groups) take the longest time due to reliance on participants and time constraints with scheduling interviews or focus groups. This phase can take up to six months. Data analysis and report writing then typically take another four to six months.

See section 8.5 for a sample project timeline and breakdown of each phase.

### **7.3 Strategic Relationships**

Managing relationships with members of the public service is extremely important to the success of the project. The evaluation study requires public servants at various levels to participate in the data collection process, and one of the greatest challenges is the availability of senior public servants.

In the Toronto study, the research team learned it was imperative for the Ombudsman to introduce the intentions of the evaluation research to the head of the public service followed by the senior executive team. In addition, the Ombudsman met with senior public servants to answer questions about what was being asked of participants before the study began.

By doing this, the senior executives of the organization learned about the purpose and importance of the evaluation prior to their staff being notified and recruited. Any requests for additional information about the evaluation research were met with immediately. Creating buy-in from the senior executives at the outset was imperative to the success of the evaluation.

## Chapter 8: Tools for Assessment

### 8.1 Quantitative Indicators for Ongoing Evaluation

The tool contains a list of indicators that ombudsman can potentially use to evaluate their impact. Each ombudsman should choose from among these indicators based on what is most relevant to their specific context and make modifications accordingly. Where possible, data should be collected for these indicators on an ongoing basis. This will allow ombudsman to analyze trends over time. It is also useful to analyze how the value of each indicator changes in relation to other indicators, for example, how the type of complaints is related to the administrative units involved. Taken together, data from these indicators can be used to answer, in part, questions about the workload, effectiveness, and exposure of the ombudsman on public administration.

1. Complaints	
Number of complaints	Received
	Processed and closed
	Handled <sup>19</sup>
Response to complaint <sup>20</sup>	Not in jurisdiction
	Referral
	Information sharing
	Resolved informally or through other problem solving techniques (e.g. mediation)
	Investigation
Area of complaints	Organization or administrative unit(s) involved
Complainants	Demographic data where appropriate and with complainants' consent
Number of referrals to the Ombudsman	From the public service
	From elected officials
	From civil society/non-governmental organizations
	Other
2. Investigations	
Number of investigations	Opened
	Closed
	System-wide

<sup>19</sup> Handled complaints refer to the number of complaints open or closed, and therefore worked on, during a certain time period.

<sup>20</sup> The language used to refer to a method of responding to a complaint will vary by jurisdiction.



Type of investigation	Individual
	Own motion
	Group
Recommendations	Number made
	Number adopted (fully or partially)
	Number implemented (complete or in-progress)
Theme of investigation	Organization or administrative unit(s) involved
	Issues being investigated

The indicators below are more useful if data are recorded with some context. For example, the number of policies and practices improved is an important statistic, but it is also essential to analyze the substantive and qualitative content of the changes.

3. Impact	
Consultations with Ombudsman by public servants	Number
	Time spent
	Issue
Number of motions/laws passed by governing body in addition to, or because of, ombudsman recommendations	
Number of regulations/policies/practices/guidelines improved and created	
Formal ombudsman speeches	Number
	Time spent
Community outreach/public education	Number
	Time spent
Public reports	Number
	Type
Media coverage	Number of news articles covering ombudsman
	Number of interviews
Online presence	Website visits
	Number of followers on social media
	Number of social media "shares" of reports
	Number of social media comments mentioning ombudsman
	Character (positive/negative/neutral) of social media comments mentioning ombudsman
Readership of reports	In print (number published, distributed)
	Online (internet traffic statistics)

## 8.2 Process and Decision-Making Checklist for Evaluation Studies

### Getting Started

- ☐ Determine the purpose of the evaluation project.
- ☐ Determine potential funding sources and amount of funds available; apply for funding if necessary.
- ☐ Establish a draft timeline for the project.
- ☐ Establish buy-in for the project with key stakeholders.

### Designing the Project

- ☐ Based on the purpose of the project, determine the specific topics that information will be collected about. Possible topics include:
  - Perceptions of the ombudsman role.
  - Interactions with the ombudsman.
  - Whether the ombudsman is fulfilling the mandate.
  - Areas of ombudsman impact.
  - Ombudsman recommendations.
  - Ombudsman impact on different groups.
  - Classifying characteristics of participants.
  - Other topics: \_\_\_\_\_.
- ☐ Determine who will conduct the research (academic researchers, research firms, independent consultants, ombudsman staff) and solicit proposals and contract bids.
- ☐ Decide how to collect information about each of the selected topics, and design data collection tools. Possible strategies include:
  - Individual in-depth interviews.
  - Focus groups or group interviews.
  - Surveys with write-in or open ended questions.
  - Surveys with check-box or closed ended questions.
  - Impact grid assessment tool.
  - Other: \_\_\_\_\_.
- ☐ Determine how to capture information (using audio/video recording, web surveys, paper tools) and make technical arrangements.
- ☐ Decide from whom to collect information, taking into account the administrative structure and hierarchy of the organization. Select potential participants randomly or non-randomly, depending on the groups to which they belong.
- ☐ Determine what safeguards to put in place to ensure the research is conducted ethically and there is minimal risk to participants. This should include procedures for maintaining participant confidentiality or anonymity and the anonymization of data.

## Collecting Information

- ☐ Contact potential participants and invite them to participate. Depending on how data is being collected, this could be through emails, letters, or telephone calls.
- ☐ Collect data. This might involve interviews or focus groups, administering surveys or impact grids, or other methods.
- ☐ Follow up with non-responders at least once. If participants are anonymous, such as in an online survey, send at least one follow-up reminder to all participants, thanking those who have already contributed and encouraging those who have not done so yet.
- ☐ Transfer information into a format that can be analyzed. This typically involves full or partial transcription for qualitative data and entry into a spreadsheet or statistical program for quantitative indicators.

## Analyzing and Reporting Information

- ☐ Summarize key themes and trends in the information. This typically involves a summary of recurring themes and ideas for qualitative indicators and counts or tallies, percentages or graphs for quantitative indicators.
- ☐ Develop an analysis of the results divided by relevant sub-groups. These sub-groups might be members of different administrative units or administrators of different ranks.
- ☐ Identify any unusual, unexpected or unique results that give particular insight into the impact of ombudsman work and consider them carefully.
- ☐ Write the report or summary of evaluation results. Depending on the intended audience, this might include descriptions of:
  - The purpose of the evaluation.
  - What information was collected and why.
  - How information was collected, including questions, surveys or other tools used.
  - Who information was collected from, including information about how many people were invited to participate and how many actually did.
  - Changes made to the project while it was in progress.
  - The results of the analysis, including both positive and negative assessments of ombudsman impact.
  - Reflections on the evaluation process and recommendations for future, similar initiatives.
  - Feedback or commentary from the ombudsman in response to the results of the study, if available.
  - An account of changes made to ombudsman practice or procedures in response to the results of the evaluation study, if available.

## **8.3 Sample Interview Questions**

### **Introduction**

1. Can you please describe what you see as the most important aspect of your position in the public service?

### **About the Ombudsman's Role**

2. How would you describe the role of the ombudsman?
3. In your work, have you come into contact with the ombudsman? If so, in what situations?
4. Please describe your general experiences with the ombudsman and their office.
5. Did the ombudsman handle the issue in fair way that demonstrates procedural fairness?

### **About Investigations and Recommendations**

6. Were the ombudsman recommendations helpful in your view?
7. Please describe your experience attempting to implement recommendations made by the ombudsman. What challenges would you say you faced? Explain.
8. Based on your contact with the ombudsman, how would you assess the impact of the interventions? What are the positives? What are the negatives?
9. Beyond any ombudsman investigations in your area of responsibility, have there been any instances where ombudsman investigations of other areas have impacted or influenced change in areas you oversee?

### **Overall Impact of Ombudsman**

10. In what area of your responsibility would you say the ombudsman has had the most impact on your organization? Why do you say this?
11. How, if at all, has the ombudsman affected public service delivery? Has it made a difference to the organization? How could its impact be improved? Is there a specific area of public service delivery or public administration that needs to be addressed, or needs improvement?
12. Finally, is there anything else about the ombudsman and their work you would like to speak about?

## 8.4 Impact Assessment Grid

This grid is designed to capture public servants' assessments of ombudsman impact on public administration. It can be completed independently by each participant or be administered by an external researcher. To avoid unduly influencing results, ombudsman or their staff should not administer this tool. This tool can be used in the context of surveys, focus groups or interviews. It requires "scoring" participants' understanding and perceptions of different aspects of ombudsman work. It is thematically organized to complement the quantitative, ongoing evaluation measures found in section 8.1. You can select and adapt items to fit your context and evaluation purpose.

Please rate the performance of the ombudsman in each of the following areas:

1. Complaint Handling		0	1	2	3	4	5
Efficient handling	Complaints resolved slowly						Complaints resolved quickly
Effective handling	Ineffective complaint resolution						Highly effective complaint resolution
2. Investigations		0	1	2	3	4	5
Criteria for investigation	Weak understanding of what triggers an investigation						Strong understanding of what triggers an investigation
Time requirements for participating	High time/resource requirements						Low time/resource requirements
Impartiality	Strong perception of bias for complainant						Strong perception of impartial, balanced approach
Investigation process	Process perceived as unfair/unreasonable						Process perceived as impartial, fair
Investigation recommendations	Recommendations not helpful						Recommendations very helpful
	Recommendations not accepted/adopted						Recommendations accepted/adopted

Impact of investigation	Investigations have weak impact on improving administration					Investigations have strong impact on improving public administration
3. Understanding the role of Ombudsman	0	1	2	3	4	5
Mandate	Weak understanding of mandate, purpose					Strong understanding of mandate, role
Jurisdiction	Little/no understanding of jurisdiction					Strong understanding of jurisdiction
Need for, value of ombudsman	No value, no need					Strong value, necessary for accountability and good governance
4. Impact	0	1	2	3	4	5
On reputational risk	Negative impact on reputation/ professionalism					Positive impact on reputation/ professionalism
On risk aversion	High risk aversion among public servants due to threat of investigation					No change in risk aversion among public servants due to threat of investigation
On organizational culture of the public service	No impact					Positive impact
On staff morale	Negative impact					Positive impact
On equitable treatment of the public	No impact					Positive impact
On fairness	No impact					Positive impact
On interaction with residents in general	No impact					Positive impact
On interaction with residents from vulnerable or marginalized groups	No impact					Positive impact
On public confidence	No impact					Positive impact

### Scoring the Impact Assessment Grid

This tool is designed to quantify public servants' impressions of ombudsman impact. Feedback is scored, with zero assigned to low-impact or negative effect and five assigned to high-impact or positive effect.

As a starting point, ombudsman may be interested in the average score for each particular item and how they compare to other items. This can be used to determine in which areas the ombudsman is perceived as having the most, and the least, impact.

In addition, you can calculate the average score assigned by each person to provide an overall rating of ombudsman impact. The average score for each person can then be averaged across all participants or across different groups of participants to understand how general assessments differ.

The interpretation of the average scores depends on the number of items in the impact grid.

Impact and effect:	Average Score:
Low impact, substantial negative effect	0-1
Low-medium impact, moderate negative effect	1-2
Some impact, neutral effect	2-3
Medium-high impact, moderate positive effect	3-4
High impact, substantial positive effect	4-5

For example, researchers wish to use the impact grid and determine that all 20 indicators apply to their situation. They receive the numeric scores for the first person and add them up for a total of 72. They take the average of this score by dividing the total by the number of indicators used (20) and find that 72 divided by 20 is 3.6. Referring to the table above, they conclude that this person generally thinks the ombudsman has had a medium-to-high impact, and a moderate positive effect, on the public service.

Another researcher uses the grid but thinks only 16 of the indicators apply to her situation. She receives the scores for the first respondent and adds them up for a total of 21. She takes the average score by dividing the sum by the number of indicators used (16) and finds that 21 divided by 16 is 1.3. Using the table, she concludes the ombudsman has had a low-to-medium impact, and moderate negative effect, on the public service.

## Interpreting Results

The results of an impact assessment should be interpreted with caution. This type of assessment attempts to quantify data that ideally should be captured qualitatively. Scoring the impact of something is an inherently subjective exercise. Therefore, although an impact assessment grid may provide ease of data collection and analysis, ideally it should be paired with qualitative approaches. They allow the researcher to understand the intentions behind a certain score and also allow for a level of detail and nuance that is lost in the assessment grid.

## 8.5 Sample Timeline

This timeline is based on the Toronto study. If you are using this guide to conduct an evaluation, you may not need to complete every step. For example, it may not be necessary to conduct a literature review.

Month	Activity	Responsibility
Project start	Submit funding proposals	Ombudsman
Month 2	Begin literature review and annotated bibliography	Ombudsman
	Establish advisory group	
	Initiate research design for project	
Month 3	Send out request for quotations for researchers	Ombudsman
	Complete literature review and annotated bibliography	
	Send notification letter to introduce project to senior public servants	
Month 4	Hire lead researchers	Ombudsman
	Meet with advisory group	
	Develop and finalize research design (participant selection, data collection, interview guide, impact grid)	Lead researchers
Month 5	Submit ethics protocol for review to the university research ethics board	Lead researchers
Month 6	Hire remainder of research team (research assistants)	Lead researchers
	Receive approval from research ethics board	Research team
Month 7	Meet with advisory group	Ombudsman
	Orientation session about ombudsman's office for research team	
	Finalize selection of potential participants	Research team
	Begin participant recruitment	
	Begin data collection (interviews and impact grid assessment)	
Months 8–12	Continue participant recruitment and data collection	Research team
	Begin transcribing interviews	
Months 13–14	Complete data collection	Research team
	Complete transcription of all interviews	
	Anonymize all interview transcripts	
	Code and analyze anonymized interview transcripts	
	Enter and summarize impact grid scores	
Months 15–16	Write case study report	Research team



Month	Activity	Responsibility
Months 17–18	Present key findings to advisory group	Ombudsman & lead researchers
	Revise report based on feedback from advisory group	
	Develop/adapt evaluation guide	
	Write balance of the report	
Month 19	Present report to advisory group for feedback	Ombudsman & lead researchers
Month 20	Finalize revisions to report	Ombudsman & lead researchers

## 8.6 Resources for Developing an Evaluation

Although there is an extensive literature on each of the topics below, we have sought to identify a few resources in each area that are particularly practical and accessible. We identify only English-language resources but there are also excellent comparable resources available in other languages.

### Evaluation Research

*Evaluation and Social Research: Introducing Small-Scale Practice* by Irene and David Hall (2004, Palgrave MacMillan).

This text outlines the basic principles of evaluation research, as well as several different approaches to evaluation. It then walks readers through each step involved in planning evaluation research and interpreting results. It is notable for its accessible writing and its emphasis on small-scale projects that may be conducted with limited resources.

*Small-Scale Evaluation: Principles and Practice* by Colin Robson (2000, Sage).

This volume describes several designs for small-scale evaluation research, illustrates when each should be used, and describes how to implement them. A particularly nice feature is the attention given to the roles of stakeholders and practitioners in evaluation research. Available online at: [www.books.mec.biz/downloads/Small-Scale\\_Evaluation\\_Principles\\_and\\_Practice/NzAyNzE5MTAy](http://www.books.mec.biz/downloads/Small-Scale_Evaluation_Principles_and_Practice/NzAyNzE5MTAy)

### Survey Research

*Internet, Phone, Mail and Mixed-Mode Surveys: The Tailored Design Method* by Don Dillman, Jolene Smyth, and Leah Christian (2014, Wiley).

This is the major reference text for survey design. It describes the current best practices for survey research and discusses sample selection, question wording, response options and question order for surveys collected in different ways (paper, telephone, and internet).

*Designing Surveys: A Guide to Decisions and Procedures*, 3rd edition, by Johnny Blair, Ronald Czaja and Edward Blair (2014, Sage).

This text provides a comprehensive how-to guide for conducting survey research. It includes an extensive discussion of sampling and several chapters on questionnaire development that are well-illustrated with examples.

*Survey Research* by William Trochim (2006, Research Methods Database, 2nd edition).

This accessible resource outlines the basic decisions that need to be made during the survey design process, including those about the types of questions, question content, response formats, question wording and question placement. Available online at [www.socialresearchmethods.net/kb/survey.php](http://www.socialresearchmethods.net/kb/survey.php)

## **Interviewing**

*Qualitative Interviewing: The Art of Hearing Data*, 2nd edition, by Herbert and Irene Rubin (2005, Sage).

This text provides readers with a 'how-to' guide for conducting in-depth research interviews. It is notable for its step-by-step discussion of how to develop interview questions and follow-up probes, and how to analyze interview data.

"Interviewing Elites" by Teresa Odendahl and Aileen Shaw (2001, Ch. 15 of the *Handbook of Interview Research* by Jaber Gubrium and James Holstein, Sage).

This chapter discusses the value and challenges of interviewing elite members of society. It addresses the issue of negotiating power relationships in interviews, as well as practical strategies for gaining access to and scheduling interviews with elites. It may be of particular use for ombudsman who intend to interview political elites in their evaluation.

"Writing Interview Protocols and Conducting Interviews: Tips for Students New to the Field of Qualitative Research" by Stacy Jacob and S. Paige Furgerson. (2012, *The Qualitative Report* 17: 1-10).

This short, well-written article contains practical suggestions for developing interview questions and conducting in-depth, qualitative interviews. It is an accessible resource for those who are new to research interviewing. Available online at [files.eric.ed.gov/fulltext/EJ990034.pdf](http://files.eric.ed.gov/fulltext/EJ990034.pdf).

## **Focus Groups**

*Focus Groups: A Practical Guide for Applied Research*, 5th edition, by Richard Krueger and Mary Anne Casey (2014, Sage).

This is the major reference text for how to plan, conduct and analyze the results of qualitative focus groups. It covers practical issues related to selecting participants, developing focus group questions, moderating a focus group, and analyzing the results.

*Designing and Conducting Focus Group Interviews* by Richard Krueger (2002).

This online resource provides a brief overview of how to plan and conduct a focus group, including some sample questions. It also discusses the practical aspects of recording and analyzing the results. Available online at [www.eiu.edu/~ihed/Krueger-FocusGroupInterviews.pdf](http://www.eiu.edu/~ihed/Krueger-FocusGroupInterviews.pdf).

*Toolkit for Conducting Focus Groups*, by OMNI Research and Training (no date).

This toolkit contains instructions and practical checklists useful for anyone organizing and conducting focus groups. It is notable for its detailed description of the strategies used by effective focus group facilitators and notetakers and the templates it includes. Available online at [www.rowan.edu/colleges/chss/facultystaff/focusgrouptoolkit.pdf](http://www.rowan.edu/colleges/chss/facultystaff/focusgrouptoolkit.pdf).

## **Appendix IV: Literature on Evaluating Ombudsman Impact**

*A. Lim*

The purpose of the literature review was to scan the landscape of English academic and professional literature about evaluating ombudsman impact published up to 2013. This literature review was the first phase of the Toronto study. The review focused exclusively on the study of legislated ombudsman globally.

Statutory ombudsman, often referred to as classical or parliamentary ombudsman, have their mandate, jurisdiction, powers, and authority outlined in legislation (Male, 1999). Reif notes “an effective ombudsman can promote good governance by increasing the accountability of public administration” (2004). Ombudsman are generally an office of last resort, offering an impartial and independent lens for handling complaints, as well as investigations that result in systems changes (Abedin, 2010; Gottehrer, 2009). Levine (2009) described the legislated ombudsman’s role as “helping ameliorate the powerlessness of the individual vis-à-vis the state.”

Legislated ombudsman are significantly different from other ombudsman roles given that their powers and responsibilities are established by statute. Other ombudsman roles, such as organizational or executive ombudsman, may or may not have investigative authority and are often found in academic institutions, banks, businesses, government departments and health care settings. As a result, the mandate and accountability structure of legislated versus non-legislated ombudsman differ widely. Rowat (1985) noted the word “ombudsman” became so popular that it was used to describe any complaint handling or appeal machinery. Some have cautioned that the indiscriminate meaning of the word “ombudsman” may rob it of its essential meaning (Robertson, 1993; Rowat, 1985).

Although they are relevant to studying ombudsman, information and privacy commissioners were not included in this literature review.

### **Evaluating Ombudsman Work**

There is a growing body of research on ombudsman effectiveness, and there are signs of momentum for developing more evaluation-related research about the ombudsman institution (Stuhmcke, 2012). The most common metrics for evaluating ombudsman rely on indicators such as complaint numbers and the implementation of investigation recommendations. However, in terms of demonstrating the full value of ombudsman work, these metrics fall short.

While traditional complaint handling and conflict resolution have commonly been part of the role, it has been acknowledged that ombudsmen are increasingly focusing on investigations that result in systems changes, as the way to remedy maladministration (Buck, Kirkham & Thompson, 2011; Stuhmcke, 2006). The trend towards the ombudsman role incorporating more “fire-watching” versus “fire-fighting” makes the case for greater attention to measuring the impact of investigations. Fire-fighting refers to individual complaint handling. Fire-watching refers to addressing systemic maladministration through conducting investigations (Harlow & Rawlings, 1984). To date, reviewing the implementation of recommendations is the most common way to measure the impact of investigations (Buck, Kirkham & Thompson, 2011). However, this falls short of capturing the full, multi-faceted impact of investigations on stakeholders.

Ombudsmen need to remain relevant by demonstrating the accountability and value of the office (Kirkham, 2011; Wakem, 2011). Public sector organizations such as ombudsman offices are under increased scrutiny and pressure to demonstrate their impact and value when justifying funding requests, which further illustrates the urgent need for ombudsman evaluation research (Aufrecht & Hertogh, 2000; Buck, Kirkham & Thompson, 2011; Fowlie, 2008; Gadlin, 2010; Gill, 2012; Kirkham, 2011; Stuhmcke, 2006).

### **Lack of Research on Ombudsman Impact**

There is little empirical research on evaluating the impact of ombudsmen (Aufrecht & Hertogh, 2000; Ayeni, 1999; Gill, 2011; Kirkham, 2011; Marin & Jones, 2011). More than 36 years ago, sociologist and communications scholar Brenda Danet urged ombudsmen to move beyond arguing about the merits of ombudsmen and start evaluating the role through empirical research (1978). Today, this objective remains a challenge. Existing research focuses mostly on evaluating the effectiveness of individual offices rather than the impact of ombudsmen in effecting change and improvement in the administrative processes of the organizations they investigate (Gill, 2012).

Described as the “holy grail of ombudsmanship” (Marin & Jones, 2011), finding ways to evaluate ombudsmen is something highly pursued yet not easy to achieve (Bizjak, 1999; Fowlie, 2008; Hyson, 2009). Several barriers make evaluation research on the impact of ombudsmen extremely challenging. The landscape of ombudsman work is wide and ombudsman offices differ from one another in many ways such as jurisdiction (local, state or province, national or federal); socio-economic and political context; and how complaint handling is balanced with conducting investigations. This makes it difficult to identify and set priorities for key variables to evaluate in such a way that would be most relevant across the ombudsman profession (Aufrecht & Hertogh, 2000; Marin & Jones, 2011).

Is a single model for ombudsman evaluation possible to attain? Aufrecht & Hertogh (2000) argue that a universal evaluation model is not appropriate because the profession is unique in its characteristics, diversity of settings and political contexts. Rather than aspire to develop a universal evaluation model for ombudsman, Aufrecht & Hertogh suggest individual ombudsman begin by identifying their stakeholders and using those stakeholders' interests to guide the evaluation. Examples of stakeholders include public administrators who do their jobs well, those who may not do as good a job and see the ombudsman as a threat, the general public, competitor agencies (other bodies that investigate complaints or do similar work), legislators, other ombudsman offices and the media.

### **Summary of Studies on Evaluating Ombudsman Impact**

When it comes to the best way to evaluate the impact of ombudsman, there is no consensus in the literature. The limited body of research is sporadic and loosely divided into two groups: studies that use indicators of effectiveness to measure ombudsman performance and separate studies that have measured various aspects of ombudsman impact.

#### *Studies using indicators of effectiveness*

A cluster of research identifies indicators of effectiveness to measure ombudsman work. Indicators include complaint numbers, time spent on complaint handling, type of complaints, networking with organizations, funding, independence, number of recommendations implemented, success of ombudsman proposals to change policies or procedures, and response to annual reports and special reports (Ayeni, 1999; Aufrecht & Hertogh, 2000; Bizjak, 1999; Blomme & Matthijssen, 2009; Estes, Zulman, Goldberg & Ogawa, 2004; Fowlie, 2008; Hourihan, 2012; Male, 1999; Moss, 2008; Passemiers, Reynaert & Steyvers, 2009; van de Pol, 2009).

Indicators of effectiveness are useful in describing the performance of ombudsman. However, what may be less clear is how to use these indicators to measure the impact of ombudsman investigations on all their stakeholders.

#### *Studies on various aspects of ombudsman impact*

A number of English-language studies have been conducted on ombudsman impact. They tend to focus on individual offices and each on a different aspect of impact, such as the impact of the ombudsman on whistleblowing (Hubeau, 2009) and on complaint handling (Gill, 2012) and the impact of the media on the ombudsman role (Pajuoja, 2009). Another study by Houle & Sossin (2010) examined the ombudsman model in regulating private-sector practices for the protection of personal information.

These contributions are valuable as individual examinations of ombudsman offices. However, as a body of literature, there is a lack of connection between studies, providing little opportunity for comparative analysis. Generalizations cannot be easily drawn for the benefit of the profession as a whole.

Researchers in the Netherlands and Australia have developed notable studies of ombudsman impact. Hertogh (2001) conducted two studies that discussed measuring systems and policy impact by comparing the policy impacts of administrative courts and the Netherlands Ombudsman. He found the courts typically did not change policy but rather only rules in individual cases, whereas the ombudsman effected policy change with greater frequency. He concludes the policy impact of the courts and the ombudsman are directly related to “styles of control,” what he refers to as coercive control by the courts and co-operative control by the ombudsman.

Stuhmcke’s study (2006) looked at the extent to which the Australian Ombudsman’s office was using its systemic investigation function over time. Stuhmcke identified nine functions that could be used for measuring impact. The functions were individual complaints, publicity, audit compliance, meetings with agencies, submissions, formal reports, members of administrative review council, major projects, and own motions. Of these functions, Stuhmcke classified three as direct systemic impacts (submissions, formal reports, own motions) and the others as indirect systemic impacts.

From Europe, at least two studies have examined ombudsman impact on public trust in government. First, Belgian researchers Van Roosbroek & Van de Walle (2008) examined impact in promoting public trust in government. They found the ombudsman’s capacity was limited in strengthening the relationship between government and citizens. Instead, public trust is contingent on numerous conditions and the ombudsman is only one of these. The researchers emphasized the ombudsman’s unique role as a potential “early warning system” for maladies in public administration.

More recently, Hertogh (2013) sought to test the ombudsman-trust hypothesis in the Netherlands, which rests on the assumption that ombudsman can contribute to the promotion of confidence in government. Hertogh concluded the ombudsman had limited impact on public trust in government in the Netherlands.

Hertogh suggested two key explanations for this finding. First, the ombudsman complaint procedure can be alienating for complainants, resulting in an unpleasant experience that leaves the citizen feeling disengaged from the public institution and consequently, limiting public trust in government. Second, Hertogh suggests the ombudsman may have limited impact on restoring public trust in government because,

to begin with, the institution does not reach those citizens whose levels of public trust in government are lowest.

## **Conclusion**

The world of ombudsman work is unique with little comparability to other institutions. Legislated ombudsmen have a unique responsibility for identifying systemic issues about fairness, equity and procedural justice in public administration at local, provincial, state and national levels.

The most common metrics for evaluation focus on identifying and analyzing indicators such as complaint numbers and investigation recommendations. In terms of demonstrating the full value of ombudsman work, these metrics fall short. There is a gap in research when it comes to robust, empirical evaluation tools that measure the full impact of ombudsman investigations. Though challenging, it is vital for the value of these investigations to be demonstrated and understood by all stakeholders.

Much of the existing literature focuses on individual ombudsmen using indicators of effectiveness. These studies make an important contribution to research on evaluating ombudsman work. However, when it comes to studies about analyzing impact beyond effectiveness, research is sporadic and disconnected, making it difficult to build expertise on the topic of evaluating the impact of ombudsman investigations on public administration.

Researchers have acknowledged the complexity of measuring the impact of investigations that result in systems changes, given the unique nature of each one (Dunser, 2009). Every systemic investigation has a different degree of “reach” in terms of the citizen group that is affected, the investigation methodology that is applied (e.g. in-depth document review, expert consultations, individual interviews). Depending on the investigation, different types of recommendations are made. Aside from the implementation of recommendations that accompany each ombudsman investigation, tangible impacts of ombudsman investigations on public administrations are challenging to identify and compare across investigations.

More research is needed to find ways to measure the impact of investigations so that ombudsman offices can use evidence-based findings about impact in reports and presentations such as annual reports and budget presentations. Research should include critical analysis on whether a universal model for ombudsman evaluation is desirable and attainable. With its commitment to fairness, equity and procedural justice in public administration at many different government levels, ombudsman complaint



handling and investigation work is unique. It presents academic and professional researchers with a significant opportunity to produce valuable evaluation research findings to be used by ombudsman globally.

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## **Appendix V: Ethical Considerations in Ombudsman Evaluation Research**

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In Canada, a national governing body sets out core ethical principles for all research that involves human participants. In general, these principles are commensurate with those established in other areas of the world. Below, we discuss good practice for meeting standards in the two areas that are most relevant to ombudsman evaluation: obtaining consent from participants and minimizing the risk of participation. Notably, ongoing program evaluation (such as the collection of the quantitative information listed in the guide) is formally exempt from these principles, though care should still be taken when collecting this information. The ethical practices implemented in the Toronto case study were formally approved by the Ryerson University Research Ethics Board, and participants were informed of this approval. Ombudsman in other jurisdictions may not have access to an ethical oversight body.

### **Obtaining Participant Consent**

Consent to participate in an ombudsman evaluation should be obtained before any information is collected from participants. Ethically, people's consent must be informed and given voluntarily without coercion. Informed consent means that participants must be given information about what they are being asked to do, told why they were selected, and asked whether they agree to participate. Typically this information is included with the recruitment information at the outset. Consent can be documented through a signed agreement, or participants can be told that engaging in the requested activity indicates their consent to participate (e.g. "by completing this survey, you agree to have this information used in an evaluation of the ombudsman").

Voluntary consent means that people must be genuinely free to decline to participate, without any fear of retribution. In the context of ombudsman evaluation, this means being particularly aware of internal organizational power dynamics. The use of researchers who are not directly affiliated with the ombudsman will help to allay participants' fears of political or administrative retribution for participating (or not participating). In the Toronto case study, the Ombudsman and her staff do not know who was invited to participate, nor who actually did so. The research team provided participants with the option of conducting their interview off-site and outside work hours, so that public servants could participate without their co-workers or managers knowing.

Finally, ongoing consent means that participants must be free to stop participating or withdraw the information they provide. In practice, this means that participants should be told that they can skip any questions in a survey, interview, focus group or impact assessment grid and must be able to do so without penalty. Participants must also be able to withdraw their data after participation, as far as this is feasible. In the Toronto case study, the research team gave participants 48 hours after their interview to request the withdrawal of their information.

### **Minimizing Risks to Participants**

A key principle of ethical research is to minimize the risks to participants. For public servants who are invited to participate in an ombudsman evaluation, the potential risks are social and political. These risks can be minimized by ensuring that public servants have the opportunity to participate in the research outside their work environment and ensuring that the ombudsman (and staff) do not know who participated in the research.

Minimizing the risk to participants also includes safeguarding both digital and print information collected. It is good practice for all information to be stored securely, in locked cabinets or password-protected computers. As a general rule, research teams should minimize the amount of identifying information that they store. In the Toronto case study, only one research team member had full access to the names and contact details of all potential participants, and specific details were distributed to each interviewer immediately prior to the interview, as they were being scheduled. After each interview was completed and transcribed, the audio files were transferred via USB to one secure computer.

All transcripts that contain identifying information have one paper copy and one electronic copy securely stored. After each transcript was completed, it was stripped of identifying details, such as unit, position title and other identifying references, and assigned a code number before beginning the data analysis. The list that links each coded transcript to specific participants is securely stored. In the reported data, only the rank or level of each participant is reported. Five years after the completion of data collection, all of the digital and paper files that contain identifying information will be destroyed. These practices ensure that public servants can be confident they will not be inadvertently identified to the Ombudsman or more generally.