

The authoritative course for today's  
Ombuds and similar investigating  
and dispute resolution roles



# The *Osgoode/FCO* Certificate Essentials for Ombuds

A joint program of *The Forum of Canadian Ombudsman*  
and *Osgoode Professional Development*

September 26 - 30, 2016 | 5 Days | Toronto, Canada

# Why You Should Attend

The Essentials for Ombuds is a five-day intensive training collaboration between The Forum of Canadian Ombudsmen and Osgoode Professional Development of Osgoode Hall Law School, York University.

## Program Details

### Dates

#### Day 1

Establishing the Framework for Effective Ombuds Practice  
September 26, 2016

#### Day 2

Scope of the Ombuds Role  
September 27, 2016

#### Day 3

Inquiries and Investigations (Individual and Systemic);  
Scope of the Ombuds Role (continued)  
September 28, 2016

#### Day 4

Trend Analysis/Challenges & Opportunities for Ombuds  
September 29, 2016

#### Day 5

Report Writing  
September 30, 2016

The program will be held at *Osgoode Professional Development's* Downtown Toronto Conference Centre.

### For Further Program-Related Information

Please contact:  
Stéphane McRoberts  
Program Lawyer  
at 416.619.4351 or email  
smcroberts@osgoode.yorku.ca

Now in its fourth year, this unique program, both comprehensive and in-depth, is intended to meet the needs of recent appointees to the Ombuds role or Office, as well as providing those with more experience an opportunity to become conversant with both the theory and practice of the Ombuds role, wherever it is located. You will develop a deeper understanding of the requirements and expectations for Ombuds by exploring and examining the myriad of evolving issues and challenges facing those who practise in the Ombuds field today, and by reviewing best practices of Ombuds across the country.

Taught by a highly distinguished faculty of practising Ombuds, lawyers and academics from across Canada, all of whom are leaders in their field, the certificate program will give you the theory, knowledge and practical skills to competently and confidently handle day-to-day challenges as well as more complex issues. The teaching style is a mixture of lectures, group discussion and hands-on practical exercises, providing a rich, interactive learning format.

### Topics include:

- Scope of today's Ombudsman role: inquisitorial versus adversarial process
- Initial handling of concerns and complaints
- Choice of path – assessing the issues and possible paths
- Early resolution techniques
- Inquiries and investigations, including: information gathering and assessment of evidence; cooperative resolution techniques; and preparation of case summaries
- Developing recommendations and appropriate remedies
- Trend analysis and own motion investigations
- Report writing: rationale for different types of reports, including annual reports and special reports; tools for writing an effective annual or special report
- "Speaking Truth to Power": a roundtable panel discussion
- What's next for Ombuds? Exploring future challenges and opportunities
- Dealing with human rights complaints against the Ombudsman and/or Ombudsman staff
- Coping with difficult people: handling disrespect, anger or rage

### Who Should Attend

- Ombuds (working in legislated roles or in public and private sector organizations or associations established by policy, Charter, Order-in-Council, etc.)
- Assistant / Deputy Ombuds, and Directors in Ombuds offices
- Early Resolution Staff
- Conflict Resolution Staff working in an Ombuds context
- Dispute Resolution Officers
- Fairness Commissioners / Fairness Practitioners
- Integrity Commissioners
- Citizens' Representatives
- Investigators / Senior Investigators in an Ombuds context
- Complaint-handling staff in both private and public sector organizations
- Public Editors (at newspapers and other media outlets)
- Legal or other specialized counsel to Ombuds Offices



## THE OSGOODE/FCO CERTIFICATE – ESSENTIALS FOR OMBUDS

Over five intensive consecutive days, learn from leading experts in the field, who teach using a blended-delivery method that includes lectures, group discussion, practical exercises and demonstrations. On completion of the program you will receive a Certificate from *Osgoode Professional Development*, Osgoode Hall Law School.

### THE CURRICULUM

#### DAY 1

September 26, 2016, 9:00 a.m. – 4:30 p.m.

##### Establishing the Framework for Effective Ombuds Practice

- The importance of the Ombudsman role
- History of the Ombuds role and diversity of roles
- Guiding principles and mandatory attributes
  - independence
  - impartiality
  - accountability
  - confidentiality
- Administrative law framework: the foundation of Ombuds work
- Practical application of Ombuds theory
  - this session will include case studies and small group work

##### Faculty

Professor Lorne Sossin, Dean, Osgoode Hall Law School, York University

Nora Farrell, Ombudsperson, Ryerson University

Gregory J. Levine, Barrister & Solicitor

Shirley R. Nakata, Ombudsperson for Students, University of British Columbia

#### Day 2 Continued...

- dealing with difficult complainants – e.g. unreasonable demands on time and resources; high level of entitlement, individuals with frightening behaviour
- Early and ongoing resolution techniques
  - provision and/or clarification of information or explanation
  - negotiation
  - mediation
  - shuttle diplomacy
  - conflict coaching
  - preliminary fact finding
  - dealing with difficult complainants
- \* Reception to follow at Gallery Grill (University of Toronto, St George Campus) – ALL WELCOME!

##### Faculty

Fiona Crean, Ombudsman, Hydro One

Renée Gavigan, Acting Deputy Ombudsman, Ombudsman Saskatchewan

Kwame Addo, Office of Toronto Ombudsman

Alison Stewart, Senior Strategic Communications Consultant

#### DAY 2

September 27, 2016, 9:00 a.m. – 4:30 p.m.

##### Scope of the Ombuds Role

- Fundamental values: respect and fairness
  - what is fairness?
  - the Fairness Triangle: substantive; procedural; interpersonal
  - preventative Ombudsing: training, commenting on policy and bills (as appropriate)
- Collaborative Ombudsing and relationship building strategies
- Preparation of the case summary
  - importance of rigorous and scrupulous review and presentation of the facts determined and conclusions reached
  - framework of the summary (relevant issues; explanation of the investigation process; relevant evidence and credibility, standard to apply and assess fairness)
  - length of summary and level of detail required
- Intake
  - written and oral concerns
  - capturing the narrative and the essence of the issue(s)
  - determining the basic information needed
  - resolving concerns at intake
  - confidentiality

#### DAY 3

September 28, 2016, 9:00 a.m. – 4:15 p.m.

##### Inquiries and Investigations (Individual and Systemic); Scope of the Ombuds Role (continued)

- Information gathering and assessment
- Analysing the concerns submitted
  - identifying the real issue(s)
  - identifying those with an interest, and those who may be affected by the issue
- Preparing the information gathering process:
  - refining the issues
  - preparing an investigation plan
  - identifying the questions that must be addressed
  - identifying those who may have relevant information
  - identifying other sources of information, e.g. documents, statistics, policies and procedures, the media
  - preparing a potential interviewee list and determining the order of interviews
  - deciding if and how to visit locations, premises, taking photographs etc.
- Conducting an Informational Interview
  - prior review of all available information

## Day 3 Continued...

- preparing questions
- explaining the role and encouraging cooperation
- asking appropriate questions
- note taking and/or recording interviews; pros and cons; addressing confidentiality issues
- testing the veracity of the information
- dealing with inconsistent and incoherent information
- dealing with unwillingness to be interviewed, e.g. strategies for those without subpoena power; cost benefit analysis on the use of subpoena for those who have that authority
- Assessment of evidence
  - direct and circumstantial information
  - dealing with conflicting information
  - determining the appropriate standard and burden of proof
  - relevance, credibility and weight of evidence
  - determining if additional evidence is needed for assessing fairness or to confirm possible solutions
  - cooperative resolution techniques
  - open discussion and diplomacy
  - mediation
  - negotiation
- Recommendations
  - shaping credible and convincing recommendations
- Determining appropriate remedies
- The purpose of the remedy - specific solution to individual contentions and/or viable long term solution to a systemic problem(s)
- Exercise: drafting and critiquing case summaries for use as reporting letters, and for inclusion in reports

### Faculty

**Gareth Jones**, Director, Special Ombudsman Response Team, Office of the Ombudsman of Ontario

**Howard Sapers**, Correctional Investigator of Canada

**Becky McFarlane**, The 519 Church Street Community Centre

*"I have never taken away so much from a week of training! I am grateful for the time, planning, speakers and interaction with my colleagues on the course! Thank you!"*

**MARY KIRBY**, Director, Strategic Planning and Research, Office of the Ombudsman for the Department of National Defence and Canadian Forces

*"Great balance of information for different types of Ombuds."*

**LAKAI FILL**, Investigations Officer  
Office of the Ombudsman for Bermuda

## DAY 4

September 29, 2016, 9:00 a.m. - 4:00 p.m.

### Trend Analysis/Challenges & Opportunities for Ombuds

- Statistical analysis to identify potential and evolving trends
  - Strategic analysis as to importance, manageability and resource implications
  - Managing scope
  - Determination of recommendations
  - Media interest and managing communication
  - Presentation to appropriate stakeholders within the organizational Ombudsman context
  - Monitoring implementation
  - Exercise: doing a trend analysis
  - Roundtable panel discussion: "Speaking Truth to Power"  
The day concludes with a roundtable discussion with Ombuds who have had extensive experience with issuing reports in controversial and/or difficult circumstances. There will be ample opportunity for questions and discussion.
- \* An informal group dinner at a local restaurant will be held on the evening of day 4 - ALL WELCOME!

### Faculty

**Sandra Morrison**, Organizational Ombudsman, Scotiabank, Toronto

**Guy Parent**, Veterans Ombudsman

**Johanne Savard**, Ombudsman, City of Montréal

**Barry Fleming**, Citizens' Representative for Newfoundland and Labrador

**Ian Darling**, Ombudsperson, Tarion Warranty Corporation

**Barbara Finlay**, Acting Ombudsman, Province of Ontario

**Mary McFadyen**, Ombudsman and Public Interest Disclosure Commissioner, Province of Saskatchewan

**Kevin Page**, Chairholder of the Jean-Luc Pepin Research Chair on Canadian Government, University of Ottawa

## DAY 5

September 30, 2016, 9:00 a.m. - 12:30 p.m.

### Report Writing

- Rationale for the use of annual or special reports for demonstrating Ombuds relevance, accountability, authority and influence
- Construction of effective Special or Occasional reports (for internal or public consumption)
- Construction of high impact Annual Report (for internal or public consumption) with respect to scope and content
- Exercise: Review and Critique of Excerpts of Selected Annual and Special Reports

A take home assignment will be distributed at the end of Day 5. Students must attend all modules and successfully complete the assignment to receive an *Osgoode* certificate.

### Faculty

**David B. Butt**, Barrister



The *Osgoode/FCO Certificate Essentials for Ombuds* draws on the expertise and experience of leading ombuds and legal experts, including:

**Kwame Addo**, Office of Toronto Ombudsman

**David B. Butt**, Barrister

**Fiona Crean**, Ombudsman, Hydro One

**Ian Darling**, Ombudsperson, Tarion Warranty Corporation

**Nora Farrell**, Ombudsperson Ryerson University

**Barbara Finlay**, Acting Ombudsman, Province of Ontario

**Barry Fleming**, Citizens' Representative for Newfoundland and Labrador

**Renée Gavigan**, Acting Deputy Ombudsman, Ombudsman Saskatchewan

**Gareth Jones**, Director, Special Ombudsman Response Team, Office of the Ombudsman of Ontario

**Gregory J. Levine**, Barrister & Solicitor

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**Guy Parent**, Veterans Ombudsman

**Howard Sapers**, Correctional Investigator of Canada

**Johanne Savard**, Ombudsman City of Montréal

**Professor Lorne Sossin**, Dean Osgoode Hall Law School, York University

**Alison Stewart**, Senior Strategic Communications Consultant

## ADVISORY BOARD

**Nora Farrell**  
Ombudsperson, Ryerson University

**Johanne Savard**  
Ombudsman, City of Montréal

**Laura Bradbury**  
former Fair Practices  
Commissioner, WSIB

**John McCamus**  
Chairman, Legal Aid Ontario  
Professor, Osgoode Hall  
Law School

**Martha Simmons**  
Director, Mediation Clinic and  
Mediation Intensive Program  
Osgoode Hall Law School

**Sandra Morrison**  
Organizational Ombudsman  
Scotiabank, Toronto

*"I was very pleased and grateful for the materials that have been handed out. They will be a great resource that I can use going forward. I thoroughly enjoyed the entire program. The speakers and topics covered were excellent and made for a well rounded program.*

*The ability to network with so many phenomenal professionals was amazing. Thank you for this wonderful opportunity."*

**SHELLEY MCKEEN-WEAVER**  
Client Liaison Consultant  
Children's Services, City of Toronto

Osgoode Hall Law School's *Osgoode Professional Development* offers both credit and non-credit programming to meet the life-long learning needs of lawyers and other professionals who need legal information. Osgoode Hall Law School is one of the world's pre-eminent law schools. *OsgoodePD* embodies the law school's commitment to meeting the educational needs of the broader community and has offered many continuing legal education programs for human resources, health care, public procurement and other professionals.

The Forum of Canadian Ombudsman (FCO) is an umbrella organization which welcomes and provides service to all Ombuds so that they have access to the best resources, enabling them to better serve their communities. The FCO's Mission Statement is:

*Promoting the Ombudsman's role in various sectors of Canadian society and in the global community, maximizing its usefulness and credibility by encouraging and sharing ideas, learning, finding innovative orientations and best practices and developing professional standards.*

Register online today at [www.osgoodepd.ca/ombuds16](http://www.osgoodepd.ca/ombuds16)

**THE OSGOODE/FCO CERTIFICATE  
ESSENTIALS FOR OMBUDS  
FALL 2016 REGISTRATION**



Name: \_\_\_\_\_ Title: \_\_\_\_\_  
Firm/Company: \_\_\_\_\_ Practice Area: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ Province: \_\_\_\_\_ Postal Code: \_\_\_\_\_  
Email: \_\_\_\_\_  
Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_ Priority Service Code: 

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- Please add me to your mailing list.
- Please delete me from your mailing list.
- If you do not wish to be contacted by e-mail, indicate here.

**Fee Per Delegate**

\$3,150 plus HST

Fees include attendance, program materials, continental breakfast, lunch and refreshments for each of the 5 days of the program. The price does not include accommodations. Please inquire about group discounts and financial assistance. Fees paid by individuals are eligible for a tuition tax credit. Dress is business casual.

**Need accommodations?**

Check our website at [www.osgoodepd.ca/hotels-and-parking](http://www.osgoodepd.ca/hotels-and-parking)

Payment Options – Payment must be made prior to the program

- Cheque enclosed (payable to York University – GST# R119306736)
- Bill my credit card:  VISA  Mastercard

Card# \_\_\_\_\_

Expiry: \_\_\_\_\_

Signature: \_\_\_\_\_

Payment Amount: \_\_\_\_\_

**Location**

Osgoode Professional Development  
Downtown Toronto Conference Centre  
1 Dundas St. W., 26th Floor  
Toronto, ON M5G 1Z3



*OsgoodePD* has been approved as an Accredited Provider of Professionalism Content by the LSUC.

**CPD Credits**



**Eligible CPD/MCLE hours: LSUC (ON):**  
30.0 CPD Hours (25.75 Substantive, 4.25 Professionalism)

*OsgoodePD* programs may be eligible for CPD/MCLE credits in other Canadian jurisdictions. To inquire about credit eligibility, please contact [cpd@osgoode.yorku.ca](mailto:cpd@osgoode.yorku.ca).

**Program Changes**

We will make every effort to present the certificate program as advertised, but it may be necessary to change the dates, location, speakers or content with little or no notice. In the event of program cancellation, York University and Osgoode Hall Law School's liability is limited to reimbursement of paid fees.

**Cancellations/Rainchecks/Substitutions**

If you are unable to attend the program your organization may name a replacement. A full refund will be issued for cancellations received a minimum of 21 days before the program start date. Written cancellations received after September 5, 2016 will include an administration charge of \$150. No refunds will be issued after the program commences. Non-attendance or withdrawal after the program start date will incur a full program fee. Payment must be received by September 12, 2016.

**For Further Program-Related Information**

Please contact: Stéphane McRoberts, Program Lawyer at 416.619.4351 or email [smcroberts@osgoode.yorku.ca](mailto:smcroberts@osgoode.yorku.ca)

**Certificate of Program Completion**

You will receive a certificate upon completion of The *Osgoode/FCO* Essentials for Ombuds program. Participants must attend all modules and pass the take-home assessment to receive a certificate.

Public CLE Seminars

Customized CLE Programs

Skills Training & Certification

ITAW

Professional LLM

**4 Convenient Ways to Register**

1. **MAIL** your registration form to:  
Osgoode Professional Development  
Downtown Toronto Conference Centre  
1 Dundas St. W., 26th Floor  
Toronto, ON M5G 1Z3
2. **ONLINE** at [www.osgoodepd.ca/ombuds16](http://www.osgoodepd.ca/ombuds16)
3. **FAX** your registration to 416.597.9736
4. **CALL US** at 416.597.9724