



THE OSGOODE/FCO CERTIFICATE ESSENTIALS FOR OMBUDS

February 25 - March 1, 2019
5 Days
In Person

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

You will get practical tips and strategies on some of the key areas including:

- The initial handling of concerns and complaints
- Effective early resolution techniques
- Inquiries and investigations (gathering and assessing evidence, developing cooperative resolution techniques and preparing case summaries)
- Developing recommendations and appropriate remedies

Register today at:

osgoodepd.ca/ombuds

Program Directors:

Renée Gavigan
Deputy Ombudsman,
Ombudsman Saskatchewan

Shirley R. Nakata
Ombudsperson for Students
University of British Columbia

Location

Osgoode Professional
Development
1 Dundas St. W., 26th Floor
Toronto, ON

The Osgoode/FCO Certificate Essentials for Ombuds

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.

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

Now in its seventh 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.



Topics include:

- Scope of today's Ombudsman role: inquisitorial versus adversarial process
- Choice of path – assessing the issues and possible paths
- 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

Drawing on the expertise of practising Ombuds, lawyers and academics from across Canada including:

Program Directors

Renée Gavigan

Deputy Ombudsman,
Ombudsman Saskatchewan

Shirley R. Nakata

Ombudsperson for Students
University of British Columbia

Program Faculty

Kwame Addo, Director,
Investigations & Conflict Resolution,
Ombudsman Toronto

Marv Bernstein, Barrister & Solicitor
(Child Rights/Child Advocacy/Child
Welfare Consultant)

David B. Butt, Barrister

Jay Chalke, Ombudsperson of
British Columbia

Ian Darling, Chair, Condominium
Tribunal for Ontario; former
Ombudsperson for Tarion
Warranty Corporation and former
Ombudsperson for Fanshawe College

Paul Dubé, Ombudsman, Province
of Ontario

Nora Farrell, Ombudsperson,
Ryerson University

Barbara Finlay, Deputy
Ombudsman, Province of Ontario

Renée Gavigan, Deputy
Ombudsman, Ombudsman
Saskatchewan

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

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

Becky McFarlane, Program Director,
The 519 Church Street Community
Centre

Sandra Morrison, Organizational
Ombudsman, Scotiabank, Toronto

Bradley Moss, Assistant Citizens'
Representative, Office of the Citizens'
Representative for Newfoundland
and Labrador

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

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

Mark Wright, Director,
Communications and Stakeholder
Relations, Ombudsman for Banking
Services and Investments (OBSI)

Agenda

DAY 1

Monday, February 25, 2019 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

Nora Farrell, Ombudsperson,
Ryerson University

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

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

DAY 2

Tuesday, February 26, 2019 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
 - 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
- Trauma-informed communication and complaint-handling
 - Putting mental health matters in perspective

Faculty

Paul Dubé, Ombudsman, Province of Ontario

Renée Gavigan, Deputy Ombudsman,
Ombudsman Saskatchewan

Becky McFarlane, Program Director,
The 519 Church Street Community Centre

Sandra Morrison, Organizational
Ombudsman, Scotiabank, Toronto

DAY 3

Wednesday, February 27, 2019 9:00 a.m. – 4:30 p.m. Inquiries and Investigations (Individual and Systemic)

- 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
 - 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
- Effective Messaging and Communications

Faculty

Jay Chalke, Ombudsperson of British Columbia

Barbara Finlay, Deputy Ombudsman, Province of Ontario

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

Mark Wright, Director, Communications and Stakeholder Relations, Ombudsman for Banking Services and Investments (OBSI)

DAY 4

Thursday, February 28, 2019
9:00 a.m. – 4:30 p.m.
Trend Analysis/Challenges & Opportunities for Ombuds

- Trends Analysis
 - Discussion of the importance of having systems in place as it relates to the following:
 - i) collecting statistics for the purpose of trends analysis
 - ii) using statistics correctly
 - iii) identifying potential systemic and system-wide issues
 - iv) process used by each Office for making decisions about how best to address
- Exercise: doing a trend analysis
- The “Capture” concept and how it applies to the Ombuds role

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.

Faculty

Kwame Addo, Director, Investigations & Conflict Resolution, Ombudsman Toronto

Marv Bernstein, Barrister & Solicitor (Child Rights/Child Advocacy/Child Welfare Consultant)

Ian Darling, Chair, Condominium Tribunal for Ontario; former Ombudsperson for Taron Warranty Corporation and former Ombudsperson for Fanshawe College

Nora Farrell, Ombudsperson, Ryerson University

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

Bradley Moss, Assistant Citizens’ Representative, Office of the Citizens’ Representative for Newfoundland and Labrador

DAY 5

Friday, March 1, 2019
8:45 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

Faculty

David B. Butt, Barrister

A take home assignment will be distributed at the end of Day 5. Participants must attend all 5 days and successfully complete the assignment to receive the Osgoode/FCO Certificate.

Registration Details

Fee per Delegate

\$3,245 plus HST

Fees include attendance, program materials, lunch and break refreshments. Visit www.osgoodepd.ca/financial-assistance for details about financial assistance.

Program Changes

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

Cancellations and Substitutions

Substitution of registrants is permitted at any time. If you are unable to find a substitute, a full refund is available if a cancellation request is received in writing 21 days prior to the program date. If a cancellation request is made with less than 21 days notice, a \$150 administration fee will apply. No other refund is available.

For Further Program-Related Information please contact:

Stéphane McRoberts, Program Lawyer at (416) 619-4351
or email smcroberts@osgoode.yorku.ca.

Certificate of Program Completion

You will receive a certificate upon completion of **The Osgoode/FCO Certificate – Essentials for Ombuds**. Participants must attend all program days and successfully complete the post-program assessment to receive the Osgoode/FCO Certificate.

4 Convenient Ways to Register



Mail



Online



Fax



Call

Register today at:

osgoodepd.ca/ombuds



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

Eligible CPD Hours: LSO (ON): 29h 45m CPD (25h 45m Substantive; 4h Professionalism)

OsgoodePD programs may be eligible for CPD/MCLE credits in other Canadian and US jurisdictions. To inquire about credit eligibility, please contact cpd@osgoode.yorku.ca.



“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!”

Mary Kirby, Director, Strategic Planning and Research, Office of the Ombudsman for the Department of National Defence and Canadian Forces

“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

“Great balance of information for different types of Ombuds.”

Lakai Fill, Investigations Officer, Office of the Ombudsman for Bermuda

“I learned a lot both personally and professionally. I am grateful that I was able to attend such an incredible course. Thank you!”

Kari H., Mediator, Civil Mediation Resolution Services