

Conducting Administrative, Oversight & Ombudsman Investigations

Book review by Mike Reddy, Former Deputy Banking Ombudsman and former Deputy Independent Adjudicator for Higher Education

The author, Gareth Jones, is the director of the Special Ombudsman Response Team (SORT) at the Ontario Ombudsman's office. He also runs the well known Sharpening your Teeth training programme for investigators. Using his substantial experience of managing investigations (including a number of years at the London Metropolitan police) he takes us through the practical steps of planning, examining evidence, interviewing, report writing and making recommendations. There is also a useful chapter about investigators and the media.

The book is laced with interesting case studies and amusing anecdotes and comments. Nothing is more persuasive than a good story, and many of the cases he refers to illustrate well his 'eight principles of excellent investigation' (essentially these relate to: independence, training, neutrality, resourcing, interviewing and the handling of evidence).

The Wheeler case is particularly tragic and memorable - an investigation carried out by the Canadian Military Ombudsman into the handling of the death of a master corporal during a military exercise. The Ombudsman made 34 recommendations which resulted in a radical overhaul of how the Canadian Forces investigate unexpected death and treat bereaved families. The case demonstrates the importance of applying the ombudsman's stock-in-trade - the test of 'fairness'.

Most ombudsmen will find something to identify with. The book's emphasis is on investigations into government agencies but those schemes that grapple with hundreds of consumer complaints a week about private service providers will find plenty of food for thought.

To my mind the most thought-provoking chapter is on the subject of systemic investigations which Gareth Jones defines as 'one which goes beyond the immediate issue raised by a given complaint and looks at the underlying causes'. The advantages, he says, are that they tackle root causes - improving public policy, galvanising a bureaucracy and resolving thousands of complaints in one fell swoop. He explains that SORT was established to undertake a limited number of systemic issue investigations each year. An investigation into the way Ontario's Disability Adjudication Unit handled certain benefit payments is given as an example. He describes in some depth how to undertake systemic investigations, noting

that there may be resistance!

I dare say that there are a number of ombudsmen schemes in the UK and Ireland that would love to have the remit to undertake systemic investigations as an alternative to processing thousands of complaints on the same issue!

I would have preferred the book to say a little more about the beginning and end stages of investigations; that is, early resolution techniques and implementing lessons learnt from complaints. However, it is already more than 400 pages long so perhaps this should wait for another day! Some content could also have benefited from legal observations, although the author explains at the outset that he is neither a lawyer nor an academic. All in all, this book is an excellent practical guide to investigatory processes and makes a first-rate training tool.

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