



MacDonald: Why Ontario's ombudsman needs to go to school

By [Maira MacDonald](#), *Toronto Sun*
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There is something wrong when the most vulnerable are left off the map of official oversight into the delivery of government services meant to support them.

But there's the status quo for you in Ontario, something the McGuinty government (so far) thinks is just fine, thank you very much.

School boards, hospitals and nursing homes are beyond the reach of our ombudsman's office and there's no sign the governing party wants to change that.

But who knows what that "orange surge" in this week's federal election might do? Rosario Marchese, the Ontario NDP's critic on education at Queen's Park, is poised for second reading of his Bill 183 that would see ombudsman Andre Marin able to investigate most organizations in the "MUSH" sector, except the "M" — universities (and colleges), school boards, hospitals, as well as long-term care homes and children's aid societies. "M" stands for municipalities.

Marchese has also added the office of the Independent Police Review Director, which handles complaints into police misconduct.

"There is no downside to open this," says Marchese. "It's time to let the ombudsman in, because the vulnerable need a voice."

That the bill has even made it to second reading has defied expectations.

That reading is to happen this Thursday, but the likelihood of it going further seems slim. Anti-bullying activist and parent Karen Sebben, from York Region, plans to be in the public

gallery. Sebben's activist conversion began six years ago after her teenaged son Daniel became a target for bullying that went on for years and drove him to the brink of suicide.

Her son was told to avoid the perpetrators. The ringleader received a short suspension and remained at Daniel's school. Sebben was aghast at how little support there was for her son while the school's focus was more on helping the perpetrator stay in school.

The family took the case to the Ontario Human Rights Commission, resulting in a confidential settlement.

'Law unto themselves'

"Families need somewhere to turn that is not a four-year process," Sebben says. "I'm starting to get tired — physically and mentally exhausted — assisting (other) families who have nowhere to go."

Marin has repeatedly asked for his reach to include MUSH. In 2008 he was quoted as saying agencies in that sector had "become almost a law unto themselves" and had created "a zone of immunity against oversight." The Ontario ombudsman's powers regarding MUSH are the most limited among Canadian provinces, according to the office's website.

While the ombudsman cannot enforce laws, never underestimate the power and motivating fear of a good, well-documented shaming.

The ombudsman has hundreds of ministries, Crown corporations, boards, commissions and the like under its purview. But many of the everyday services people have the most interaction with are off-limits. Often their only recourse, when they can't get those in charge to uphold their responsibilities, is to get a lawyer.

But even more important is several of the agencies included in Marchese's bill provide service to some of society's weakest members — the young and the very old — who are least able to advocate for themselves.

At school boards I've seen repeatedly how those on the payroll have plenty of protections to defend themselves in disputes or over concerns for their well-being, including unions and paid lawyers.

But kids? Who speaks for them? What body is there to advocate for their interests alone?

We're told laws requiring school boards to do the right thing are enough.

Basic familiarity with human nature should tell us that's just not so.

It's time for Ontario to join the rest of Canada and, as Marchese points out, give a voice to the voiceless. Let the ombudsman in.