

Social Justice Tribunals Ontario

2012/13 – 2014/15

Business Plan

MINISTRY OF THE ATTORNEY GENERAL

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Executive Summary

The Social Justice Tribunals Ontario (SJTO) cluster was announced in August 2010 and formally designated in early 2011. SJTO brought together seven adjudicative tribunals: the Child and Family Services Review Board, the Custody Review Board, the Human Rights Tribunal of Ontario, the Landlord and Tenant Board, the Ontario Special Education Tribunals (English and French), and the Social Benefits Tribunal.

SJTO's constituent tribunals have offices in Toronto and regional operations in Hamilton, London, Mississauga, Ottawa and Sudbury. It also holds hearings in other locations throughout the province. It receives approximately 95,000 cases per year. It has 317 staff, 91 full time adjudicators, plus an additional 79 part time adjudicators.

A transition senior management structure was announced in June 2011, and communications, corporate and legal services were consolidated in October 2011. The summer and fall of 2011 were spent developing the core documents required by the *Adjudicative Tribunals Accountability, Governance and Appointments Act* including the SJTO's Mission, Mandate and Values statements, Ethics Plan and Stakeholder Consultation Policy. In addition, a considerable amount of work has been done in terms of exploring opportunities for leveraging the existing structure to enhance regional service delivery, beginning the realignment of case management units, developing a cluster-wide professional development strategy for members, and establishing the SJTO's identity as a unique administrative justice organization. In November, the leadership team met for two days developing the core of a strategic transformation plan to move SJTO forward over the next three years, optimize its adjudicative capacity and operations, and achieve the goals of clustering: efficiency, access to justice and subject matter effectiveness.

In light of our vision of transformation, the principles of clustering and our mandate, mission and values statements, we will focus our energies over the next three years on the following strategic areas of emphasis:

- Dispute Resolution
- External Service Delivery
- Internal Transformation

Mandate, Mission and Vision

Our Mandate

Social Justice Tribunals Ontario is a cluster of seven adjudicative tribunals with a mandate to resolve applications and appeals brought under eight statutes relating to child and family services oversight, youth justice, human rights, residential tenancies, disability support and other social assistance and special education.

Our Mission

Social Justice Tribunals Ontario (SJTO) and its constituent tribunals will:

- Provide fair, effective, timely and accessible dispute resolution
- Promote consistency in the application of the legislation and its processes while remaining responsive to differing cases, party needs and to an evolving understanding of the law
- Maintain the highest standards of professionalism, integrity and quality of work
- Be leaders in the administrative justice community

Our Values

The Core Values inform how the SJTO and its constituent tribunals approach their mandate. They set the foundation for rules and policies, how those rules and policies will be applied, and how we deliver service to the public. The Core Values are:

- **Accessibility**
 - We will strive to enhance full and informed participation of parties in the process, whether or not they have legal representation.
 - We are committed to diversity and inclusiveness.
 - We will provide dispute resolution processes that are proportionate and appropriate to the issues in dispute.
- **Fairness and Independence**
 - SJTO and its constituent tribunals must be, and be seen to be, impartial and independent in their decision making functions.
 - Our decisions will be based on the evidence and the applicable law, and will be supported by clear, concise and coherent reasons.
- **Timeliness**
 - We are committed to providing timely dispute resolution services and issuing decisions within a reasonable timeframe after a hearing.
- **Transparency**
 - Our processes, procedures and policies will be clear, understandable and consistently applied.
- **Professionalism and Public Service**
 - Members and staff will exhibit the highest standards of public service, integrity and professionalism.
 - We will be responsive to stakeholder needs by engaging in meaningful outreach and consultation.

Overview of Tribunals

Social Justice Tribunals Ontario is the second cluster of adjudicative tribunals (Environment and Land Tribunals Ontario was first) created under the *Adjudicative Tribunals Accountability, Governance and Appointments Act* (ATAGAA). ATAGAA permits the government to create a cluster through regulation when it believes the tribunals can “operate more effectively and efficiently as part of a cluster than alone.” The regulation establishing the social justice tribunals cluster came into effect on January 25, 2011; the tribunals brought together in this cluster are listed below.

Child and Family Services Review Board

The Child and Family Services Review Board (CFSRB) is a tribunal with authority under the *Child and Family Services Act* and the *Education Act*. The CFSRB conducts reviews, hearings and appeals for a number of matters affecting children, youth and families in Ontario, such as appeals of emergency secure treatment admissions, appeals of school expulsion and reviews of decisions that refuse applications for adoption. In 2010-11, the CFSRB received 304 applications.

Custody Review Board

The Custody Review Board (CRB) is a tribunal with authority under the *Child and Family Services Act* to review the placement of young persons who are being held in detention or custody upon receipt of an application, and make recommendations to the Provincial Director regarding the placement of the youth. In 2010-11 the CRB received 192 applications.

Human Rights Tribunal of Ontario

The Human Rights Tribunal of Ontario (HRTO) deals with claims of discrimination filed under the *Human Rights Code*. The HRTO’s primary role is to provide an expeditious and accessible process to assist parties to resolve applications through mediation, and to decide those applications where the parties are unable to reach a resolution through settlement. In fiscal 2010-2011, the HRTO received 3,167 applications.

Landlord and Tenant Board

The Landlord and Tenant Board (LTB) decide applications related to residential tenancy disputes filed under the *Residential Tenancies Act* (RTA). In fiscal 2010-11, the LTB received 77,394 applications. The LTB is also mandated to provide information to landlords and tenants about their rights and obligations under the RTA. In fiscal 2010-11, the LTB responded to approximately 500,000 telephone inquiries.

Ontario Special Education Tribunals (English and French)

The Ontario Special Education Tribunals (OSETs) were established to resolve disputes between parents of exceptional pupils and school boards. The OSETs receives applications for appeal hearings from parents who have been unable to resolve disputes with school boards respecting the identification and placement of exceptional pupils, as recommended by the Identification, Placement and Review Committee. In 2010-2011, the OSETs received 7 applications.

Social Benefits Tribunal

The Social Benefits Tribunal (SBT) decides appeals under the *Ontario Works Act, 1997* and the *Ontario Disability Support Program Act, 1997*. The SBT considers appeals by applicants for and recipients of social assistance who disagree with a decision that affects the amount of or their eligibility for social assistance. In fiscal 2010-11, the SBT received 12,159 appeals.

Environmental Scan

As the population of Ontario grows there will continue to be ongoing pressures in society which may result in a growth in the workload of SJTO tribunals.

The public's demands with respect to the provision of government services are also expected to intensify. The government continues to strengthen its focus on ensuring effective and accessible services, transparency and accountability, and prudent and responsible use of public resources. SJTO needs to ensure that it is in a position to support these priorities in an environment of potentially rising demand for services. Several initiatives have already been introduced that are intended to enhance the functioning of agencies, boards and commissions, to modernize the OPS, and to allow the government to meet its objectives. SJTO must work to ensure it is in compliance with the resulting legislation and directives such as *the Public Service of Ontario Act, the Accessibility for Ontarians with Disabilities Act, ATAGAA and the Agency Establishment and Accountability Directive*. As well, SJTO must respond to requests under the *Freedom of Information and Protection of Privacy Act* as well as be responsive to inquiries stemming from the Ombudsman's Office – both of which represent a significant workload.

There are also increasing expectations with respect to electronic service delivery. New technologies have had significant impacts on society and are changing the way people interact and communicate. Managing these expectations and taking advantage of the efficiencies technology offers is crucial to ensuring responsive public service. SJTO needs to continually apply new approaches and solutions to its work.

In addition, program and agency reviews and new policy initiatives have the potential to result in legislative changes that may impact on the volume and complexity of SJTO's workload, as does evolving court jurisprudence. The three-year review of the Ontario human rights system is currently underway, as is a review of social assistance in Ontario – these reviews may result in recommendations that affect the work of HRTO and SBT.

Strategic Directions

Dispute Resolution. SJTO will focus on its core business of providing quality dispute resolution. We will do this by developing and implementing cluster-wide strategies to:

- Leverage and build on existing adjudicative capacity to improve subject matter effectiveness and access to justice through initiatives such as professional development, cross appointments and enhanced decision quality.
- Leverage and build on existing mediation frameworks within the cluster to improve access to alternate dispute resolution options for users.
- Review adjudicative rules and practices to identify areas where standardization and streamlining will improve access to justice and fairness, and develop a plan for making and implementing the necessary changes.

External Service Delivery. SJTO will focus on enhancing its service delivery framework to ensure consistent, proportionate and fair access to SJTO services. To do this, we will:

- Develop consistent and coherent cluster-wide administrative policies with respect to service delivery including policies related to accessibility, French language services, ASL/QSL, and interpretive services for other languages.
- Leverage the existing front office operations and hearing room networks province-wide to ensure broad consistent access to SJTO services.
- Explore opportunities to enhance electronic delivery of SJTO services including online information, e-filing and access to decisions.
- Build SJTO's identity and user confidence through strategic communication initiatives.

Internal Transformation. SJTO will undertake a number of strategic internal reforms to ensure its organization and business processes are aligned to support the vision of transformation. SJTO will:

- Design and implement an organizational structure to support the SJTO in delivering on its core mandate.
- Invest in its people to leverage and enhance the SJTO culture of professionalism, integrity and public service.
- Develop and implement strategies with respect to finance and administration, facilities and information technology to ensure a solid infrastructure for delivering on SJTO's core mandate.

SJTO will consult with internal and external stakeholders, develop detailed work plans for each initiative and will implement them over the next three years subject to the availability of resources.

Resources Needed to Meet Goals and Objectives

SJTO will aim to work within its approved budget allocation for the next three years; however as SJTO moves through transition, there may be some short term financial pressures. SJTO will work with the Ministry of the Attorney General to manage any pressures. Allocation information can be found in the Financial Budget section of this Business Plan.

Risk Identification, Assessment and Mitigation Strategies

Risk Description	Likelihood of Occurrence	Potential Impact	Mitigation Strategies
• Risk Category: Governance/Accountability/Organizational			
1. Potential for conflict of interest within and across the constituent tribunals in the cluster.	Low	Significant	SJTO will develop an Ethics Plan including a Code of Conduct and Conflict of Interest Rules for all Members and staff, and will conduct training sessions, as part of professional development.
• Risk Category: Information and Information Technology			
2. Potential risk of SJTO not keeping pace with electronic service delivery	Medium	Significant	Find synergies within the cluster and plan for IT changes.
• Risk Category: Political Commitment/Stakeholder and Public Perception			
3. Risk of not achieving clustering goals set out in the Tribunals Act	Low	Significant	SJTO to develop a strategic and operational plan.

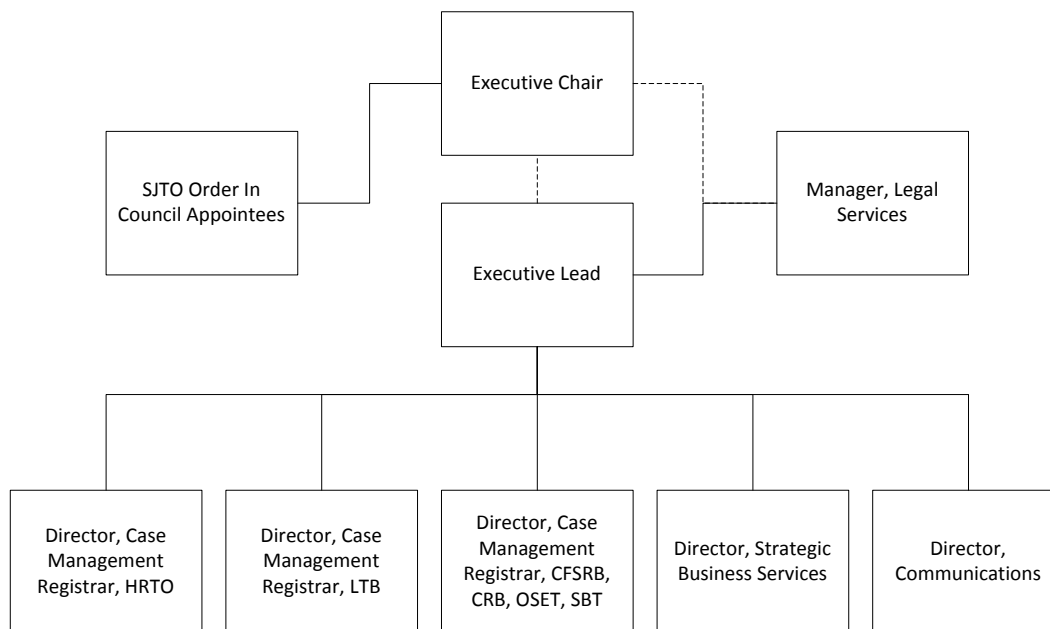
Human Resources

Work is proceeding to redefine the previously distinct individual tribunals into a single, integrated administrative justice organization. This will include designing an organizational structure and appropriate staffing model to support this strategy of integration. The SJTO is currently working on these initiatives with the Human Resources Strategic Business Unit. It is anticipated that it will take several months before the design work is completed and approved, at which point implementation of the staffing model can begin.

Staff Numbers (Staff Strength)

SJTO is led by an Executive Chair. SJTO has a complement of 317 staff, 91 full time adjudicators and 79 part time adjudicators.

Organizational Chart



Information Technology/Electronic Service Delivery Plan

SJTO is taking a strategic approach to Information, Communications and Technology (ICT) to provide a framework around ICT investments and management decisions in:

- Aligning ICT and strategic directions while anticipating future business needs
- Ensuring a solid return on ICT investments

We have an unprecedented opportunity to transform and unite the services we provide. SJTO is working closely with its tribunals, IT partners and stakeholders to develop IT plans and implement IT solutions that fulfill business requirements and are aligned with the strategic directions of SJTO. By working with our partners, we will be able to develop synergies and expand services to areas that are currently underserved. Looking forward into 2012 and beyond, SJTO will focus on shared technology services and collaboration to improve service and satisfaction while streamlining and standardizing processes and methods.

Among many other IT initiatives and activities since the inception of the cluster, the creation of the SJTO internet site strengthens our identity and opens up a communication channel with the public. In addition to ongoing review of systems and processes, other initiatives are underway to explore opportunities to:

- Enhance electronic delivery of SJTO services including on-line information, e-filing and access to decisions, and
- Develop web-based tools to increase collaboration, communication and training for staff and members.

Communication Plan

The mandate of SJTO is to provide Ontarians with timely access to specialized, expert and effective dispute resolution in a wide range of matters that profoundly affect their everyday lives. Clustering is intended to enhance their ability to achieve these goals, with an overall goal of increasing access to justice.

A critical component in achieving these goals is a strong communications plan. It is important to communicate to stakeholders and the broader public audience the existence of the cluster, and to establish SJTO as a single, unified organization that is working to enhance services, increase access to justice and fulfill the constituent tribunals' mandates. This requires rapid, coordinated and continuing communication with internal and external stakeholders.

A Communications Strategy for SJTO is currently being developed. It will focus on several key areas, such as developing an SJTO brand and visual identity and making information about the cluster widely available to internal and external audiences. Target audiences include stakeholder advisory groups and associations, community legal clinics, municipalities, the general public and news media and OPS audiences outside of SJTO.

SJTO has identified key stakeholders and has contacted various stakeholder groups, communicating the importance of maintaining the relationships and keeping the lines of communication open. SJTO will also seek to identify other stakeholders and ways of reaching those identified as not part of the established stakeholder groups.

Financial Budget over 3-yr Planning Period

SJTO has the following budget allocations:

FISCAL YEAR	BUDGET ALLOCATION
2012-13	\$48,824,100
2013-14	\$48,638,400
2014-15	\$48,657,800

Fees Collected

The LTB receives approximately \$11.6 million per year in revenue, primarily from application filing fees. A small amount of revenue is generated through sales of photocopies, copies of hearing recordings, etc. There are no filing fees for the other tribunals in SJTO.

Revenue received by SJTO is transferred to the Consolidated Revenue Fund.

Expenditures

SJTO forecasts the following expenditures for 2011-12:

STANDARD ACCOUNT	2011-12 FORECAST TOTAL (in thousands)
Salary	31,390.9
Benefits	3,748.3
Transportation and Communication	2,553.9
Services	10,058.6
Supplies and Equipment	690.8
TOTAL	48,442.5

Performance Measures

From the public's point of view, one of the most important documents required by ATAGAA is the service standard policy. Most of the constituent tribunals have had formal or informal methods for measuring performance, but ATAGAA makes such standards mandatory. Section 5 of ATAGAA states that the service standard policy must contain:

- "A statement of the standards of service that the tribunal intends to provide;
- A process for making, reviewing and responding to complaints about the service provided by the tribunal; and
- Any other matter specified in the regulations or in a directive of the Management Board of Cabinet."

SJTO has submitted its service standards, including a complaints process, for approval as required under ATAGAA.