

# The Ombudsman and the Law

## *A Lesson Plan for Law 12*

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### Overview

Students conduct online research to learn about complaints made against public agencies under the jurisdiction of the Office of the Ombudsman. They choose a public report outlining the investigation and recommendations made by the Ombudsman relating to a complaint and prepare a written report analysing the case from a legal perspective.

### Curriculum Match

Law, British Columbia, Grade 12

*It is expected students will:*

- ◆ demonstrate an understanding of legal principles such as the rule of law and natural justice (Foundations of Law—Principles, Concepts, and Sources of Law)
- ◆ distinguish between moral and legal issues (Foundations of Law—Principles, Concepts, and Sources of Law)
- ◆ analyse the concept and implications of *jurisdiction* (Foundations of Law—Principles, Concepts, and Sources of Law)
- ◆ contrast the legal rights and responsibilities of individuals, groups, and organizations in Canadian society (Foundations of Law—Structures and Processes of the Legal System)
- ◆ use information technology tools to gather, process, and present legal information (Foundations of Law—Structures and Processes of the Legal System)
- ◆ use appropriate vocabulary to communicate legal information (Foundations of Law—Structures and Processes of the Legal System)

### Suggested Time

1-2 hours

### Materials

- ◆ video: [Fairness for BC](#) a 15-minute video describing the role and responsibilities of the Ombudsman and two specific cases recently resolved by the Ombudsman's Office. In this lesson, only vignette #1 is suggested for optional use.
- ◆ student resources:
  - [Ombudsman Online Research Assignment](#)
  - [Cases of Interest](#)
  - websites for student research purposes:
    - [The Office of the Ombudsman](#) Code of Administrative Justice
    - [Courts of BC](#) BC Ministry of the Attorney General Court Services
- ◆ teacher resources:
  - [The Ombudsman and the Law: An Assessment Tool](#)

## Preparation

- ◆ Preview the first vignette on the video in order to familiarize yourself with the information and decide whether you wish to include it in the lesson.
- ◆ You may wish to visit the websites listed under Materials and Resources to familiarize yourself with them and prepare for any questions students might have during the course of the lesson.
- ◆ Print a single copy of the teacher resource, [The Ombudsman and the Law: An Assessment Tool](#) to be used in the course of the lesson.
- ◆ Print copies of the student resources: [Ombudsman Online Research Assignment](#) and [Cases of Interest](#) to distribute to students.

## Procedure

1. Begin by asking students what it means to be in a society governed by the “rule of law.” Ask students to comment on the guarantees that are in place that ensure that governing institutions and public agencies are also held to the rule of law. Discuss their responses.
2. If students are not familiar with the role of the provincial Office of the Ombudsman, explain that the Ombudsman’s Office investigates complaints made against public bodies and offers recommendations on how to resolve such complaints. Then have them watch the first vignette of the video: [Fairness for BC](#).
3. Have students generate a list of public agencies in BC. Record their responses on the board. Add to the list any agencies they’ve overlooked.
4. Ask students to compare their list with the information on the [Office of the Ombudsman](#) web site to identify all public agencies that fall under the Ombudsman’s jurisdiction.
5. Distribute the student resources: [Ombudsman Online Research Assignment](#) and [Cases of Interest](#). Go over the assignment with students; then ask them to visit the [Ombudsman web site](#) to conduct their research and complete the assignment.
6. Conduct a debrief discussion once students have finished their assignments. Ask students to comment on the cases they chose to focus on in their assignments. Discuss the diversity of cases selected by the students. Why did they choose those cases? What did they find interesting about those cases? What did they learn? Were there controversial aspects to the case? Did they agree with the decisions of the Ombudsman? If not, why not?

## Assessment

Collect student assignments. Use [The Ombudsman and the Law: An Assessment Tool](#) to assess student work for this lesson.

## Adaptations

- ◆ If teaching this lesson to ESL students: create a list of vocabulary words that would be helpful for students to know for this lesson. Introduce these words to the students at the beginning of the lesson. You may want to have them write the words in a sentence to demonstrate they understand the meaning of the words. If showing the first vignette of the video to students, you may want to show it twice, once to ensure understanding of the terms being used and again to consider the information presented.
- ◆ Instead of having students choose their own case for the assignment, you may want to assign them different cases to ensure that a diverse selection of cases is represented.
- ◆ Instead of having students prepare a written report, you may want them to present the results of their research as an oral report.
- ◆ Organize students into small groups to discuss the cases they researched before handing their assignments in for assessment.
- ◆ If you are aware of a case in which a local citizen of your community has registered a complaint with the Ombudsman's Office, you may want to have students focus on that case for their comparative summaries instead of one of the vignettes in the video. In this case, show the second and third vignettes in their entirety without pausing.

## Extensions

- ◆ Choose one of the cases as the basis for a mock trial. Have students work together to act out the case as it might have unfolded had it gone to court.
- ◆ Have students learn more about the types of complaints investigated by the Ombudsman's Office by completing the game: "Be the Ombudsman!" A Role-Play Activity, located in the resources section of the Social Studies 11 lesson, [People vs. Public Agencies](#), which encourages students to discuss cases that have gone before the Ombudsman and determine how to resolve the cases fairly and equitably.
- ◆ For further exploration of the legal aspects of cases brought before the Ombudsman, have students complete [Dispute Resolution Methods: A Lesson Plan for Law 12](#)
- ◆ Have students nominate one of their classmates to be the official class Ombudsman. Encourage students to present the Ombudsman with any complaints they may have about a school policy.
- ◆ If your school has a student Ombudsman, invite him or her to speak to your class about the role and responsibilities of his or her office.

# **Student and Teacher Resources**

**student resource**

## **Ombudsman Online Research Assignment**

1. Go to the [Ombudsman's Office website](http://www.ombudsman.bc.ca) (<http://www.ombudsman.bc.ca>). Explore the reports listed on the Publications and Reports Page. Choose a case presented in one of the annual or public reports to use as a case study for further exploration. You may want to refer to the cases outlined on the handout, "Cases of Interest" to guide you in making your choice.
  
2. Prepare a 1000-1200 word report examining the case from a legal standpoint. In your report, be sure to:
  - identify the complainant(s) and the public agency against which the complaint was made
  - identify the moral and legal issues associated with this case and distinguish between the two
  - provide a detailed summary of the findings and recommendations made by the Ombudsman's Office
  - describe how the terms, "rule of law" and/or "natural justice" apply to this case, if appropriate
  - describe what you think would have happened had this case been sent to court
  - note any changes in law that might have happened since the case occurred
  - use legal vocabulary terms appropriately.

During the course of preparing your report, you may want to refer to the following sites:

- [The Office of the Ombudsman](http://www.ombudsman.bc.ca/publications/reports/index.htm) Code of Administrative Justice (<http://www.ombudsman.bc.ca/publications/reports/index.htm>)
- [Courts of BC](http://www.ag.gov.bc.ca/courts/index.htm) (<http://www.ag.gov.bc.ca/courts/index.htm>)

## student resource

# Cases of Interest

When deciding on which case to choose for your report, you may want to consider the following:

- ◆ Public Report 34: *Building Respect, A Review of Youth Custody Centres in British Columbia* (June 1994).
- ◆ Public Report 38: *Righting the Wrong: The Confinement of the Sons of Freedom Doukhobor Children* (April 1999).
- ◆ 1999 Annual Report: "Switching Residency between Parents in Different Regions Causes Turmoil" p.41
- ◆ 1999 Annual Report "Spiral of Decisions and Appeal Ends" p.8
- ◆ 1999 Annual Report "College Bends Rules for Student" p.24
- ◆ 2000 Annual Report: "School's Out" p.10
- ◆ 2002 Annual Report: "Old Documents Not Available" p.13
- ◆ 2000 Annual Report: "Hide and Seek" p.20.
- ◆ 2000 Annual Report: "A Motherhood Issue" p.24
- ◆ 2000 Annual Report: "Fair Representation" p.26
- ◆ 2000 Annual Report: "Are You Old Enough" p.31
- ◆ 2000 Annual Report: "In the Nick of Time" p.31
- ◆ 2001 Annual Report: "Superintendent Impounds Cars" p.12
- ◆ 2001 Annual Report: "Just Say No" p. 27
- ◆ 2002 Annual Report: " Ombudsman Assists People in Finding Solutions in Bureaucracies That Can be Confusing" p.14
- ◆ 2002 Annual Report: "Ombudsman Includes Dignity and Respect Criteria in its Investigations of Public Agency's Decisions and Actions" p.19
- ◆ 2002 Annual Report: "Ombudsman Advises Agency Officials of Errors and Omissions That May Result in an Unfairness" p.22

teacher resource

## The Ombudsman and the Law: An Assessment Tool

Goals	1 does not meet expectations	2 meets expectations	3 fully meets expectations	4 exceeds expectations
<b>The student is able to:</b>				
◆ accurately identify the complainant(s) and the public agency against which the complaint was made				
◆ accurately identify the moral and legal issues associated with this case and distinguish between the two				
◆ provide an accurate and detailed summary of the findings and recommendations made by the Ombudsman's Office				
◆ accurately describe what would have happened had this case been sent to court				
◆ use legal vocabulary terms appropriately				
◆ demonstrate critical-thinking and problem-solving skills				
Teacher comments:				

Does not meet expectations = 1

Meets expectations = 2

Fully meets expectations = 3

Exceeds expectations = 4

TOTAL SCORE = \_\_\_\_\_ / 32