



Nova Scotia

**Nova Scotia Office of the Ombudsman
Annual Accountability Report for the Fiscal Year 2001/02**

July 22, 2002

Final Report

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Accountability Statement

The accountability report of the Nova Scotia Office of the Ombudsman for the year ended March 31, 2002, is prepared pursuant to the *Provincial Finance Act* and government policy and guidelines. These authorities require the reporting of outcomes against the Office of the Ombudsman's business plan information for the fiscal year 2001/02. The reporting of outcomes necessarily includes estimates, judgments and opinions by management of the Office of the Ombudsman.

We acknowledge that this accountability report is the responsibility of the Office of the Ombudsman's management. The report is, to the extent possible, a complete and accurate representation of outcomes relative to the goals and priorities set out in the Office of the Ombudsman's business plan for the fiscal year 2001/02.

Mayann Francis
Ombudsman

Janet McKinnon
A/Assistant Ombudsman

Message from the Ombudsman

This document highlights the progress made towards achieving the mission of:

To ensure the concerns of all citizens - including youth in the care and custody of the municipal and provincial governments - regarding principles of administrative fairness and natural justice in the delivery of municipal and provincial public services are addressed through an independent, objective, review mechanism.

The Nova Scotia Office of the Ombudsman is an independent government agency charged with administering the Ombudsman Act, a provincial statute created in 1971. My appointment as Ombudsman in December 2000, although seen as a temporary move, presented many challenges. Some members of the public clearly expressed the view that my dual appointment as Ombudsman and Executive Director of the Nova Scotia Human Rights Commission presented a conflict of interest. Immediately after I was appointed, I sought legal advice about conflict issues. The result was a policy which took affect in March 2001 to minimize conflict of interest.

The next big challenge was to illustrate to the public that both organizations remained independent of one another. The government's intent with my appointment was to expand the organizational review of the Nova Scotia Human Rights Commission to look for possible synergies with the work of the Ombudsman's office. In February 2002, the government announced that the Ombudsman would remain independent and a permanent Ombudsman would be appointed in the summer of 2002.

I. Introduction

This document is based on the goals and priorities identified in the Office of the Ombudsman's 2001/02 business plan. With that in mind, this report should be read in concert with the business plan.

The report will outline the progress made towards achieving the goals and priorities with a particular focus on the core business areas of Intake and Investigation and the Children's Ombudsman. The Office of the Ombudsman was able to meet its budget targets. These challenges included a continued effort to process intake and assessments in a timely manner. We were able to maintain our target of completing formal investigations within a 9-12 month period. By the end of the fiscal year the average length of time to complete a formal investigation was 11 months. Our goal is to complete formal investigations in a 9 month period.

In December 2000, the Executive Director of the Nova Scotia Human Rights Commission was appointed Ombudsman. This dual appointment continued throughout the 2001/02 fiscal year.

The organizational review of the Human Rights Commission was expanded to look at synergies between the Commission, the Office of the Ombudsman and other agencies, boards and commissions exercising similar mandates. In April 2001, the consulting firm Grant Thornton was contracted to conduct Phase Two of the review which examined roles, responsibilities and structures of the Office of the Ombudsman and the Human Rights Commission. Their draft final report was provided to the provincial government in August 2001.

In February 2002, the provincial government announced it was accepting the findings of the draft final report to maintain the independence of the Ombudsman in anticipation of having a permanent Ombudsman in place by summer 2002.

During 2001/02, the Office of the Ombudsman continued to effectively process complaints regarding provincial and municipal government departments, agencies, boards and commissions and to take proactive steps to educate youth in provincial custody of their rights. The Office of the Ombudsman developed and initiated an education program with the focus of increasing the awareness of provincial and municipal government employees and youth in provincial custody of the roles and responsibilities of the Office of the Ombudsman.

The Office of the Ombudsman was able to provide an ongoing program of workshops and training for its staff. The training included enhancing negotiation and mediation skills and courses in computer and administrative areas.

In the following pages, information is provided to report against the specific goals and priorities identified in the 2001/02 business plan.

II Progress and Accomplishments

In its 2001/02 business plan, the Office of the Ombudsman established the following priorities:

1. To provide all citizens with access to an independent, objective review/complaint resolution mechanism.
2. To increase the awareness of citizens of their right to access the Ombudsman's independent, objective review/complaint resolution mechanism.
3. To ensure all complaints are investigated objectively and thoroughly, in a confidential and timely manner.

What follows is a brief report on major initiatives undertaken to achieve the priorities.

Priority One: To provide all citizens with access to an independent, objective review/complaint resolution mechanism.

- Provide a model(s) for the consideration of the Provincial Government from Phase Two of an organizational review of the roles, responsibilities and structure of the Office of the Ombudsman and the Human Rights Commission.
 - A draft final report from Phase Two was provided to the provincial government in late August 2001. In February 2002, the provincial government announced it was accepting the findings of the draft final report to maintain the independence of the Ombudsman and hoped to have a permanent Ombudsman in place by summer 2002.
- Review the expanding role of the Children's Ombudsman in cooperation with the Provincial Government's Children's and Youth Action Committee (CAYAC).
 - Representatives from the Children's Section attended a number of meetings with CAYAC members to determine a way to establish a complaints resolution mechanism regarding concerns arising in sport activities. CAYAC represents an inter-departmental coalition designed to examine ways in which provincial resources may be pooled to address initiatives for children and youth. There is concern that children involved in sports have no mechanism for addressing any complaints ranging from minor programming concerns to allegations of abuse by someone in a position of authority. The Children's Section had

been requested to provide this service in Nova Scotia; however, it was determined that such a role would not be possible. The Children's Section has participated in meetings to advise on the establishment of an appropriate response framework.

- Hire additional staff for the Intake and Investigation section on a temporary basis to ensure intake and referral continues to be performed in a timely manner.
 - Two additional Investigators were hired (one contract, one casual). This allowed the office to provide a better quality service and to not have to rely heavily on students to conduct referrals and assessments. It also allowed the number of investigations conducted by the Director of Investigations to decrease and allow her to perform a supervisory role.
- Explore and recommend options for developing a computerized database to track information for the Children's Ombudsman.
 - A comprehensive database, Young Offender Directory of Allegations (YODA), has been developed to track all contacts between youth and the Children's Section. When a complaint is received by the Children's Section, YODA maintains a record of the complaint and also collects any relevant details pertaining to the provincial department or service against which the complaint is made. This wide qualitative analysis enables field officers to assess and address any breakdown in provincial services for youth.
- Hire one additional field officer for the Children's Ombudsman on a temporary basis to assist with the expanded caseload for children in the care and custody of the municipal and provincial governments.
 - An additional field officer has been hired on a contract basis. This allows the Children's Section to maintain its level of functioning while a field officer is on maternity leave.

Priority Two: Increase the awareness of citizens of their right to access the Ombudsman's independent, objective review/complaint resolution mechanism

The Children's Section, Office of the Ombudsman, is dedicated to providing service to children and youth in care and custody of the provincial government.

- Conduct focus groups, speaking engagements, information sessions and regular site visits through the Children's Ombudsman to educate youth of their rights while in care and custody.

- A focus group was held in February 2002 by the Children's Section under the Right Way program, Save the Children Canada, eight Right Way workshops were held in February 2002.
- The Children's Ombudsman was the keynote speaker at the Family & Children's Services of Queens County Annual General Meeting on June 21, 2001.
- Information sessions took place within the youth facility settings by the Children's Section.
- The following organizations each received information about the Children's initiatives: National Youth in Care, Save the Children Canada, Child Victims & Criminal Justice System Roundtable Organizers, Youth Alternative Society, Delegates of Canadian Criminal Justice Association, Youth Employability Program, Police & Public Safety Training Presentation, Southwest Community Justice Society General Meeting.
- There were monthly site visits to both the Nova Scotia Youth Centre and Shelburne Youth Centre.
- Increase the awareness of citizens and public officials of their rights and responsibilities through speaking engagements and information sessions.
 - Developed presentations targeted to citizens and public officials.
 - Initial presentation provided to Senior Operations Committee, Department of Community Services on January 22, 2002, number of participants - 12
 - Initial presentation provided to Business Law and the Paralegal course at Akerley Campus on February 11, 2002, number of participants - 38
 - The Director of Investigations presented at the Canadian Ombudsman Conference on September 11, 2001, number of participants - 200.
 - Information brochure developed and distributed to government departments and complainants. Brochures were completed on March 12, 2002. Twenty five brochures were sent to each of the 51 Members of the Legislative Assembly with the request that these be displayed in their constituency offices (total 1275). Brochures also included in

correspondence from this office to respondents and complainants from March 12, 2002 onwards. The distribution to organizations and complainants will continue throughout the upcoming fiscal year.

- Update the website for the Office of the Ombudsman to include more accurate information about services available to the public.
 - The Office of the Ombudsman's website continued to be developed as a tool for communicating with the public
- Complete an audit by the Children's Ombudsman of municipal police forces and the Nova Scotia detachments of the RCMP which will examine their policies and procedures for children and youth in custody.
 - Audits and information sessions were conducted with both municipal police and RCMP detachments from March 2001 through the fall of 2001.

Priority three: To ensure all complaints are investigated objectively and thoroughly, in a confidential and timely manner.

- Implement written guidelines to avoid a conflict of interest while investigating complaints involving the Nova Scotia Human Rights Commission.
 - Guidelines to Minimize Conflict were developed in March 2001.
 - Assessment and Investigations continued to be processed in a timely and objective manner.
 - The Investigation Section, Office of the Ombudsman provided 424 referrals, 739 assessments of complaints regarding provincial and municipal government departments, boards, agencies or commissions, and conducted 66 formal investigations in the fiscal year 2001/02. Referrals are usually completed on the day of the initial contact. Assessments can vary from a few weeks to a number of months, depending upon the complexity of the matter.
- Educate staff on the Provincial Government's Code of Conduct for employees, with continued emphasis on the importance of practicing confidentiality at all times.

- Staff received orientation to the provincial government's Code of Conduct for Civil Servants (all staff of the Office of the Ombudsman attended) .

III. Financial Results

The Office of the Ombudsman budget for 2001/02 was \$835,000.00. \$435,000.00 was dedicated to the Investigation Section. This section was under budget by \$39,885.61. The Children's Ombudsman budget was \$400,000.00. The Children's Section was under budget by \$161,362.44. The Office was under spent by \$201,248.05 due to the delay in the implementation of the Children's Ombudsman service to children in care of the government (Community Services, Residential Child-Caring Facilities). In addition, funds were set aside from the budgets in both sections in anticipation of the appointment of a full time Ombudsman.

IV. Outcome Measures

These were not required for this fiscal year. Outcome measures will be reported for the 2002/03 accountability report.