

NOVA SCOTIA OFFICE OF THE OMBUDSMAN
ANNUAL ACCOUNTABILITY REPORT FOR THE FISCAL YEAR
2010-2011

July 2011



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ACCOUNTABILITY STATEMENT

The accountability report of the Office of the Ombudsman for the year ending March 31, 2011, is prepared pursuant to the Finance Act and government policies and guidelines. These authorities require the reporting of outcomes against the Office of the Ombudsman Statement of Mandate for the fiscal year 2010-2011. The reporting of the Office of the Ombudsman outcomes necessarily includes estimates, judgments, and opinions by Office of the Ombudsman management.

I acknowledge that this accountability report is the responsibility of the Office of the Ombudsman 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 2010-2011 Statement of Mandate.



Dwight Bishop
Ombudsman

MESSAGE FROM THE OMBUDSMAN

We continue to see an increase in the number of complaints being brought to this Office. This differs from the trend of declining complaints being reported by Ombudsman Offices in other provinces. The complexity of our investigations continues to grow, resulting in recommendations with significant impacts across government. Our outreach activities leveled off to previous years' numbers and we believe are at a more sustainable level.

The response by government departments and agencies to our interventions has been positive. All recommendations made in this fiscal year have been accepted and many have been implemented. One department expanded the recommendations to other programs within its mandate. Another department requested we review their internal investigation to ensure completeness. This is encouraging as it demonstrates a growing acceptance of the principles of transparency and accountability.

Dwight Bishop
Ombudsman

INTRODUCTION

This report is based on the goals, priorities, and performance measures set out in the Office of the Ombudsman 2010-2011 Statement of Mandate and should be read in concert with that report.

The Office of the Ombudsman is comprised of four sections: Investigation & Complaint Services, Youth & Seniors Services, Disclosure of Wrongdoing, and Administration. Permanent staff are appointed by the Ombudsman and approved by the Governor in Council (Section 7(1) of the Ombudsman Act).

FINANCIAL RESULTS

Office of the Ombudsman Estimated Expenditures 2010-2011		
Core Business	Budget	Actual
	(\$ thousands)	(\$ thousands)
Gross Expenses	1649	1553
Net Program Expenses	1649	1553
Salaries & Benefits	1425	1449
Staff (FTE's)	17	17

The Office of the Ombudsman spent 94% of the allotted budget. The variance is due to savings in operational expenses.

PERFORMANCE MEASURES

We continue to realize benefits from our reorganized structure, permanent placements, and casual roster. Our outreach initiatives returned to their previous level and are more in line with historical trends. We met or exceeded the majority of the identified performance targets.

Core Business Area 1: Complaint Resolution

Ensure citizen complaints are addressed in a timely, comprehensive, objective, and independent manner through:

- investigations, reviews, assessments, and referrals
- utilization of alternate dispute resolution (ADR) processes
- formal investigations
- recommendations to improve the delivery of government services

Outcome 1: An efficient and effective (quality) complaint resolution process.

Measure: Timely completion of administrative review investigations and formal investigations.

What Does this Measure Tell Us?

The time frame required to complete administrative review investigations and formal investigations is one of the components which determines our effectiveness.

Where Are We Now?

The number of administrative reviews we addressed increased from the previous year while our time frames for completing these investigations continue to improve. We exceeded our goal of maintaining the 2008-2009 time frames for completing administrative review investigations.

Administrative Review Investigation Time Frames

	2008-2009		2009-2010		2010-2011	
1-7 days	1139	69%	1235	73%	1400	79%
8 days - 4 weeks	257	16%	220	13%	162	9%
4 weeks plus	241	15%	237	14%	215	12%
Total	1637	100%	1692	100%	1777	100%

These time frames include youth meetings but not youth surveys.

Office of the Ombudsman

Our goal is to complete all formal investigations within a one year period. Last year, 10 formal investigations were carried into this fiscal year. Seven have been closed, with an average age of 8 months, 3 are being monitored with an average age of 10.5 months. Two investigations exceeded our goal, taking 13.5, and 16 months to complete.

Formal & Disclosure Investigations, System/Policy Reviews Time Frames
2010-2011

Investigations opened in 2010-2011 with recommendations being monitored	4 - average age of investigations - 4.5 months
Investigations opened and closed in 2010-2011	8 - Ombudsman Act - average age when completed - 4 months 1 - Disclosure - 11 months
Investigations opened in 2010-2011 and carried into 2011-2012	9 - Ombudsman Act - average age on March 31, 2011 - 5.4 months 1 - Disclosure - 3 months as of March 31, 2011

Where Do We Want to Be?

We continue to work towards completing all formal investigations, disclosure investigations, and system/policy reviews within one year. Our enhanced quality assurance process and management reviews are working to ensure we meet this goal. However, we are also addressing more in-depth, complex matters. We will also continue our initiatives to ensure all government officials are aware of the role and mandate of this Office as well as their reporting obligations during investigations.

Outcome 2: Increased awareness of the role and mandate of the Office and an increased awareness of the Civil Service Disclosure of Wrongdoing Regulations and Policy.

Measures: Reduction in the number of formal investigations and increased usage of ADR (i.e., administrative review investigations).

Increase in disclosure inquiries and investigations.

What Do These Measure Tell Us?

Our focus over the last number of years has been to encourage the resolution of complaints informally. We continue to strive to ensure these resolutions are meaningful and address potentially long term or systemic issues. This approach provides staff with an opportunity to identify and address systemic issues through policy and program reviews. The ratio of administrative review investigations as compared to formal investigations and policy reviews

indicates that staff of the Office of the Ombudsman are successfully addressing issues and that government officials are working cooperatively to improve service delivery.

An increase in the number of disclosure inquiries and investigations indicates a greater awareness of, and comfort with, the disclosure of wrongdoing processes.

Where Are We Now?

This year, administrative review investigations comprised 98.5% of investigations undertaken. Formal investigations, policy/system reviews comprised 1.5% of investigations conducted. We surpassed our goal of keeping formal investigations, policy/system reviews to less than 8% of investigations.

The number of jurisdictional matters addressed increased by 4.7%, from 1,744 to 1826. This includes 1,338 administrative review investigations, 439 meetings with youth in care or custody and 49 youth evaluation surveys. The Office also addressed 609 non-jurisdictional inquiries and 26 disclosure of wrongdoing inquiries and investigations.

A significant number of administrative reviews resulted in changes in government policies, procedures, and actions which contribute to improvements in the delivery of government services. We made a positive impact in the vast majority of cases.

We have seen an increase in the disclosure inquiries since the implementation of the regulations and policy in September 2004. This year we addressed 26 inquiries and conducted 2 formal investigations, resulting in 17 recommendations.

Where Do We Want to Be?

We want to maintain the ratio of less than 8% formal investigations as compared to administrative review investigations. We also want to continue to increase the number, scope, and complexity of system and policy reviews.

We exceeded our goal of receiving 25 disclosure inquiries and met our goal of conducting 1-3 disclosure investigations. The role and the responsibility of this Office will increase with the implementation of the Public Interest Disclosure of Wrongdoing Act and regulations. We will monitor this area over the next few years.

Core Business Area 2: Education

Promote citizen and government awareness and understanding of the Office of the Ombudsman. Our communications strategy clarifies our role and mandate, and increases citizens' accessibility through:

- presentations/meetings
- pamphlets/brochures
- group targeting (i.e., youth and seniors)
- increased media contact and coverage

Outcome: An increase in the number of Nova Scotians who are aware of the principles of administrative fairness and, the role and mandate of the Office the Ombudsman and the Disclosure of Wrongdoing process.

Measure: An increase in the number of individuals receiving information on the role of the Office of the Ombudsman.

What Does this Measure Tell Us?

Increasing the number of individuals receiving information on the role of the Office of the Ombudsman ensures more Nova Scotians are aware of, and have a more accurate understanding of, the Office of the Ombudsman.

Where Are We Now?

This year, the Office reached 4,000 people through its outreach efforts, a decrease of 33% from last year, however we still exceeded our target of reaching 3,000 people. This is more in line with historical trends.

Community and site visits, information sessions and booths, presentations to the public and government officials continue to be the most frequent forms of outreach. Community visits were held in Ingonish, Baddeck, Pictou, Bridgetown, Hantsport and Bridgewater. Visiting communities throughout the province gives us an opportunity to provide people with a better understanding of our role and to explain our process. We also participated in community events in Dartmouth, Halifax, Lawrencetown, Windsor, Digby, Yarmouth, and Truro.

This year we also participated in media interviews resulting in coverage in both the mainstream and social media. Our website received nearly 62,000 views. The use of social media for the purpose of expanding public awareness of the office increased this year. Our fan page on Facebook has contact information for the office and the phone number for our youth line. We post information of interest to children, youth and young adults, such as information regarding

the Atlantic Youth Entrepreneurship Conference and Fraud Prevention tips.

We focused on youth and seniors in many of the education initiatives listed above. We conducted 146 site visits to youth in residential, secure care, and custody and issued 25 reports regarding youth issues. Eighty-nine site visits were made to seniors' residential care facilities reaching 101 people, and 10 presentations on seniors issues reached an additional 343 individuals. Approximately 941 people visited our information booths (Seniors expos in Digby, Halifax, Kentville, Lawrencetown and Windsor). Ombudsman Representatives also participate on a variety of committees focusing on youth and seniors in order to increase our awareness of youth and seniors' issues; to provide input on program and policy development; and to increase awareness of the overall mandate of the Office.

Over 12,000 pieces of communication material were distributed in this fiscal year. These were a combination of brochures and posters in English, French and Mi'kmaq, lapel pins, the Ombudsman Act, annual reports, magnets, as well as Disclosure of Wrongdoing information packages.

Where Do We Want to Be?

In addition to the increased activity in the youth, seniors, and adult offender areas, we want to increase our capacity to conduct more outreach initiatives in all areas covered under the Ombudsman Act and the Disclosure of Wrongdoing process. This will allow Ombudsman Representatives to meet with individuals in their communities thus increasing the accessibility of the Office to Nova Scotians.

Core Business Area 3: Public Service Administration and Good Governance

Promote fairness and accountability in public sector administration through:

- identification of specific and systemic issues
- research and investigation of systemic issues
- issuance of recommendations and monitoring compliance
- education/training

Outcome: Accountability in the delivery of government programs and services.

Measures: The number of administrative review investigations with positive outcomes
The number of recommendations accepted and implemented
The number of recommendations resulting in changes to policies and procedures.

What Do These Measures Tell Us?

Positive outcomes and acceptance of recommendations indicates that the Office of the Ombudsman is conducting effective investigations and reviews, properly identifying the issues, and offering meaningful recommendations and resolutions.

Where Are We Now?

Eighty-nine percent of administrative reviews resulted in positive outcomes, exceeding our goal of 80%.

Administrative Investigation Reviews

TOTAL with Positive Outcomes		1200
Assistance Rendered to Complainant	1039	
Resolved for the Complainant	33	
Resolved for the Public Body/Properly Implemented	119	
Settled between the Parties	9	
Discontinued/Withdrawn		101
Administrative Review investigations carried into 2011-2012		37
TOTAL Administrative Reviews*		1338

*This total does not include 439 meetings with youth in care and custody

We met our goal of obtaining 100% acceptance of our recommendations. The Ombudsman issued 50 formal recommendations in 2010-2011. Thirty-three were under the Ombudsman Act in 2010-2011. Fifteen have been implemented; the remainder have been accepted with implementation being monitored. Sixteen involved changes to policies, procedures, or legislation. Many of these recommendations address systemic issues and have far reaching impacts. These have been accepted and are being monitored for implementation. We continue to monitor the implementation of recommendations of two investigations made in previous fiscal years. Both require amendments to regulations. The Ombudsman also issued 17 recommendations stemming from Disclosure of Wrongdoing. Nine resulted in changes to policies and procedures. Numerous changes also occurred as a result of our less formal administrative review investigations.

Where Do We Want to Be?

Our goal is to maintain the 80 percentage of positive outcomes for administrative review investigations and continue to strive to obtain 100% acceptance of recommendations. In order to achieve this, we will continue to enhance our working relationship with government and to increase awareness of our role. We will also continue to conduct thorough investigations and develop meaningful recommendations to resolve outstanding issues.

Core Business Area 4: Complaint Prevention/Reduction

Promote a problem-solving model that embraces prevention, early identification, consultation, and resolution of issues through:

- increasing Office of the Ombudsman presence, particularly with respect to target groups
- building relationships within government and segments of the community
- participating in policy development and review committees/processes
- utilizing ADR processes

Outcome 1: Increase the number of reviews of legislation, regulations, and policies.

Measure: The number of requests received by this Office from provincial and municipal government entities to review proposed amendments to legislation, regulations, and policies. The number of own motion and system/policy reviews initiated.

What Does This Measure Tell Us?

Requests initiated by government bodies outside the complaint resolution process indicates that these entities consider our input to be meaningful. It also demonstrates that our efforts to increase collaborative working relationships are obtaining positive results.

Where Are We Now?

In 2010-2011, we met our goal of conducting 3-6 policy reviews outside of the investigation process, by conducting 3 system/policy reviews at the request of government departments. We also initiated 4 administrative policy reviews on issues that we believe warranted our intervention. We also met our goal of completing 5-7 own motion investigations and formal system/policy reviews (4 own motion investigations and 3 formal system/policy reviews).

We continue to work with the Public Service Commission (PSC) to develop regulations for the Public Interest Disclosure of Wrongdoing Act. This new legislation will increase the role and responsibility of the Ombudsman in disclosure of wrongdoing.

Where Do We Want to Be?

We would like to continue to increase the number of requests from government officials for our advice and to maintain the number of own motion investigations and formal system/policy reviews. We would also like to increase our capacity to expand proactive initiatives through increased resourcing.

Outcome 2: Increased presence in the areas relating to youth, seniors, and cultural diversity.

Measure: The number of site visits conducted.

What Does This Measure Tell Us?

Site visits to youth and seniors' facilities allow us to provide our services directly to many youth and seniors in care and custody of the province.

Where Are We Now?

In 2010-2011, 146 visits were made to youth in care and custody facilities, a decrease of 14% from 170 in 2009-2010. The number of youth reached during these visits decreased by 11% (439 from 493).

Youth Site Visits 2010-2011

Location	Site Visits	Youth Present	Reports Issued
Residential Child-Care Facilities	78	236	-
Wood Street Centre (Secure Residential Facility)	25	74	12
Nova Scotia Youth Facility	25	112	12
Police Services	2	2	-
Cape Breton Youth Detention Facility	12	3	1
Halifax Youth Attendance Centre	4	12	-
Total	146	439	25

Seniors Site Visits 2010-2011

Location	Site Visits	Seniors present	Reports Issued
Senior Residential Facilities	89	101	-

Where Do We Want to Be?

Although a decrease from last fiscal year, we exceeded our goal of conducting 130 site visits. Our goal for next fiscal year is to maintain this number.

We increased the number of seniors site visits however the number of people reached decreased from 121 to 101. Revisions to our strategy for seniors are on going to ensure we maximize the impact of our efforts in this area.

We continue to increase awareness of our role and mandate among various cultural communities, and in particular the African Nova Scotian and Aboriginal communities.

In addition to our bilingual Annual Report, a Bilingual Ombudsman Final Report was released to the public under the authority of section 24 (2) of the Ombudsman Act. This is the second such Bilingual report published by this Office.