



**Nova Scotia**

**NOVA SCOTIA OFFICE OF THE OMBUDSMAN**

**ANNUAL ACCOUNTABILITY REPORT FOR THE FISCAL YEAR**

**2005-2006**

**Final Report**  
**November 27, 2006**



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### ACCOUNTABILITY STATEMENT

The Accountability Report of the Office of the Ombudsman for the year ended March 31, 2006, is prepared pursuant to the Provincial Finance Act and government policies and guidelines. These authorities require the reporting of outcomes against the Office of the Ombudsman Business Plan information for the fiscal year 2005-2006. 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 Business Plan for the year.



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Dwight Bishop  
Ombudsman

**MESSAGE FROM THE OMBUDSMAN**

Changes implemented within the Office have resulted in a more constructive presence. We are reaching out more to citizens and public bodies, focusing on systemic issues and bringing greater knowledge and skill to problem resolution. We have met the majority of goals set for this fiscal year. We will continue to work to improve our services.

Dwight Bishop  
Ombudsman

## INTRODUCTION

This report is based on the goals, priorities, and performance measures set out in the Office of the Ombudsman (the Office) 2005-2006 Business Plan and should be read in concert with the 2005-2006 Business Plan. This report is organized around our strategic goals and will outline the progress made towards achieving these goals and priorities. The final sections set out financial information and performance measures. The Office spent 95% of the allotted budget for 2005-2006.

Approval for the reorganized structure of the Office was received on April 1, 2005. The Office is now comprised of four sections: Investigation & Complaint Services, Youth & Seniors' Services, Disclosure of Wrongdoing, and Administration. Section 7(1) of the Ombudsman Act was used resulting in all permanent staff being appointed by the Ombudsman and approved by the Governor in Council. The reorganization enhanced our ability to improve the complaint resolution process and to interact with stakeholders. This will enable us to establish realistic time frames for complaint processing and set goals regarding our education and outreach initiatives based on the performance of this and subsequent years.

In January 2006, the Ombudsman accepted the role of Freedom of information and Protection of Privacy Review Officer on an interim basis. At the end of fiscal 2005- 2006, the Ombudsman was performing both roles.

The Office continued its proactive presence with the youth in residential child-caring facilities and made progress with the Seniors' outreach program. We also set the foundation for a pilot project aimed at improving our complaint resolution process for adult female offenders.

The initiatives regarding our responsibilities as set out in the *Regulations Respecting Civil Service Disclosure of Wrongdoing* focused on determining the nature and extend of education initiatives required to create awareness of these regulations throughout the Public Service; to create an environment in which civil servants are comfortable in making disclosures; and assessing the training requirements needed to ensure government bodies are prepared to effectively investigate disclosure complaints.

This year, the Office processed 944 administrative reviews, provided 470 referrals to non-jurisdictional inquiries, met with 284 youth in care or custody of the provincial government, and addressed six disclosure of wrongdoing inquiries. Thirty-six investigations were opened in 2005-2006, six of which were systemic reviews or own motion investigations. We have a guideline of notifying provincial Deputy Ministers and municipal Chief Administrative Officers when an administrative review in their area has remained active for more than four weeks and is moving into the more in-depth investigation stage.

**PROGRESS & ACCOMPLISHMENTS**  
Strategic Goals, Priorities, and Accomplishments

The following is a brief report on major initiatives undertaken to achieve the priorities established in the 2005-2006 Business Plan:

**1. *Complaint Processing***

Receive and investigate complaints filed by citizens against provincial and municipal government departments, agencies, boards, and commissions and work with departments and agencies to improve administrative services.

Our priorities for 2005-2006 were to review and revise the complaint resolution processes to identify methods to provide more timely assessments and investigations, increase the use of alternative dispute resolution (ADR) as well as conduct systemic reviews.

Our complaint process is continually monitored through individual file reviews, team meetings, and management updates and reviews. We improved our quality assurance program by increasing the number of files forwarded for management review. These measures allow us to determine priorities, define issues, and monitor time frames to ensure all complaints and inquiries are processed as efficiently as possible with the existing resources.

As permanent staff gain more experience, we find more issues are being identified and staff are digging deeper into these issues and analyzing more complex concerns. We met our goal of maintaining a high ratio of administrative reviews compared to investigations and maintained the number of own-motion or systemic reviews initiated in 2005-2006.

**2. *Education***

Advise citizens of their right to access internal departmental and external complaint mechanisms, and of their right to access the Office of the Ombudsman.

A priority in 2005-2006 was to increase the level of awareness among citizens, officials, and employees of the Public Service of the role of the Ombudsman. A second priority focused on increasing awareness of the availability of our independent, objective review/complaint resolution mechanism which is based on the principles of administrative fairness and good governance.

We increased the number of contacts made by staff in-house via phone, correspondence, and walk-ins. We made a total of 301 presentations, visits, tours, meetings, and staffed an information booth (Seniors' Expo). Our efforts succeeded in reaching 1975 people, compared to 1710 in the previous fiscal year. New initiatives included: reaching out to people across the province with four road clinics held in Millbrook, Yarmouth, Sydney, and Amherst. We also increased our presence throughout the province by traveling to meet with complainants and respondents in their communities. We continued to expand our presence for youth and seniors as well as with the adult

female offender population.

We participated in process and policy reviews at the request of departments, namely the departments of Community Services, Justice, and Environment and Labour. We are continuing to improve our reporting process to departments - this has resulted in our office working with the Department of Community Service to develop and improve their internal complaint processing mechanisms.

### ***3. Public Service Administration and Good Governance***

Recommend and monitor amendments to policies, procedures, and legislation arising from investigations and reviews. Through the recommending and monitoring component, the Office of the Ombudsman advises and educates citizens, elected officials and government employees of the principles of administrative fairness and good governance.

A priority in 2005 -2006 was to continue to develop a mutual relationship of trust and respect with government authorities to ensure implementation of recommendations. Relationship building is an area that will require our continued attention. (Details regarding this year's recommendations can be found on page 13 of this report). We increased research initiatives allowing us to identify and investigate systemic issues impacting on the delivery of government services.

Our role with the Civil Service Disclosure of Wrongdoing Regulations further enhances our ability to promote fairness, accountability and good governance. We are working to ensure every government employee is aware of and understands the regulations and the complaint process. Initiatives included circulating an e-mail to all employees explaining our role in the disclosure process, developing an information package for those who are considering making a disclosure, and establishing a confidential wrongdoing toll-free inquiry line.

### ***4. Complaint Prevention/Reduction***

Provide a service that promotes early intervention while maintaining independence from government.

Our priority in 2005-2006 was to increase requests from government officials to review proposed and existing legislation, regulations, policies, and procedures.

A primary focus of Youth Services is to identify issues and solutions prior to the receipt of a complaint. Ombudsman Representatives work closely with youth, residents, and staff of provincial care and custody facilities to establish and maintain a positive rapport that provides individuals with an opportunity to come forward with their concerns. This allows us to seek solutions to potential problem areas before they become the focus of a complaint.

**FINANCIAL RESULTS**

<b>Office of the Ombudsman Budget Expenditures 2005-2006</b>		
Core Business	Budget	Actual
	(\$ thousands)	(\$ thousands)
Gross Expenses	1,152.0	1,090.0
Net Program Expenses	1,152.0	1,090.0
Salaries & Benefits	929.2	863.5
Funded Staff ( FTE's)	14	13.6

The Office of the Ombudsman spent ninety-five percent of the allotted budget.

## PERFORMANCE MEASURES

This fiscal year was our first complete year operating under the reorganized structure. We permanently relocated to our present location and expanded our outreach initiatives. The Office made or exceeded the majority of the identified performance targets.

A Core Business area identified in the 2005-2006 Business Plan was:

### 1. *Complaint Processing*

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

- investigation, assessment, and referrals
- utilization of alternate dispute resolution (ADR) processes
- formal investigation
- recommendations to improve the delivery of government services.

The outcome is an efficient and effective (quality) complaint resolution process.

Measure - the timely completion of administrative reviews and investigations.

The time frame required to complete administrative reviews and investigations is just one of the components which assists to determine our effectiveness.

As 2005-2006 was the first year we operated under the revised office structure, we are using this year's results as an initial marker to establish the time frames for the completion of administrative reviews and investigations. (These time frames include youth contacts).

Administrative Reviews Time Frames:

2005- 2006

1-7 days	687	55.9%
8 days - 4 weeks	182	14.8%
4 weeks plus	359	29.2%

Time frames indicated we were taking slightly longer to complete administrative reviews than in the two previous fiscal years.

2004-2005

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1-7 days -	779	70 %
8 days - 4 weeks	148	13%
4 weeks plus	188	17 %

2003- 2004

1-7 days -	670	67%
8 days - 4 weeks	170	17%
4 weeks plus	161	16%

While we are still establishing realistic time frames under our revised structure, some factors contributing to our time frames are:

1. An increase in jurisdictional issues being referred to Ombudsman Representatives.
2. Experienced permanent staff are identifying more issues and are digging deeper and into more complex issues.
3. Our proactive approach means staff are spending more time traveling the province, and reaching out to meet with the public and government officials.
4. Time was lost during office relocation and renovations as staff shared office space and equipment.

We opened 36 investigations, six of which were systemic reviews. Twenty-two of these investigations and one review were closed with an average time frame for completion of six months. The average time frame of investigations and systemic reviews opened in 2005-2006 and active is 12 months. In order to ensure we accomplish our goal of completing these in a year period, we reviewed our quality assurance process and implemented standards to more closely monitor our progress in this area.

A second outcome of a quality complaint process is:

Increased awareness of the role and mandate of the Office and an increase in public confidence and accountability of government.

The measures of this outcome are:

Reduction in the number of formal investigations and an increased usage of ADR.

Our focus over the last number of years has been to encourage parties to a complaint to resolve issues in an informal manner. We continue to strive to ensure these resolutions are meaningful and address potential long term or systemic issues. This approach provides staff with an opportunity to

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identify and address systemic issues through policy and program reviews.

This year, the Office of the Ombudsman addressed 944 administrative reviews, provided 470 referrals to non-jurisdictional inquiries, met with 284 youth in care or custody of the provincial government, and addressed six disclosure of wrongdoing inquiries. A significant number of administrative reviews resulted in changes in government policies, procedures and actions which contributed to improvements in the delivery of government services. We made a positive impact in a vast majority of cases:

ADMINISTRATIVE REVIEWS

Assistance rendered to the complainant	460
Resolved in favour of the complainant	135
Resolved in favour of the public body	90
Resolved between the parties	18
Total with positive outcomes	703

Total with positive outcomes	703
Discontinued/withdrawn	180
Open - carried over to 2006-2007	61
Total Administrative reviews	944

OTHER

Investigations	36
Meetings - Youth in Care and Custody	284
Disclosures of Wrongdoing inquiries	6

TOTAL

Total jurisdictional issues	1270
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Of the 36 investigations initiated in 2005-2006, 6 were systemic reviews or own motion

investigations. Due to the complexity and work involved with investigations, it is difficult to compare these to jurisdictional inquiries, contacts, and administrative reviews. However, based on quantity alone, investigations comprised approximately three percent of our complaint resolution process.

Our goal is to continue resolving concerns quickly and effectively, to identify and resolve issues through policy and systems reviews, and to maintain the number of investigations to less than five percent in 2006-2007.

A second Core Business Area is:

## ***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 citizen's accessibility through:

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

The outcome is increased awareness of the principles of administrative justice.

The measure is an increase in the number of individuals receiving information on the role of the Office of the Ombudsman.

In addition to approximately 1790 people who learned about our role through their involvement in our complaint resolution process, we made a total of 301 presentations, visits, tours, meetings, and staffed an information booth reaching a total of 1975 people. This is a fifteen percent increase from last year's total of 1710.

We successfully targeted youth and seniors in many of our education initiatives. Eight presentations to seniors' groups reached 60 people. Approximately 700 people visited our booth at the Seniors' Expo. We also participate on a variety of committees focusing on youth and senior' issues.

Along with our regular site visits to youth in secure care and in custody, 135 presentations and information sessions were provided to youth and to staff employed in youth caring systems, reaching a combined total (youth and seniors) of 1472 people .

Five thousand eight hundred pieces of communication material were distributed. These comprised of a combination of brochures and posters in English, French and Mi'kmaq, our label pins, the

Ombudsman Act and annual reports.

Six media releases were issued in this fiscal year, covering changes to the Ombudsman Act, releases of annual reports, the Canadian Council of Provincial Child and Youth Advocates annual meeting hosted by this Office, and advertising road clinics. The Office was also featured in three newspaper articles.

The third Core Business area identified:

### ***3. Public Service Administration and Good Governance***

Promote fairness and accountability in public sector administration through:

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

The outcome is accountability in the delivery of government programs and services.

The measure is the number of recommendations accepted.

In our 2004- 2005 Accountability Report, we reported that we were monitoring the acceptance and/or implementation of recommendations associated with eight investigations. At the end of 2005-2006, four of these investigation files were closed with 23 of the 29 recommendations implemented. We will continue to monitor the outstanding recommendations.

In 2005-2006, four formal recommendations were made, two have been accepted and two are being monitored to ensure that compliance is achieved. We also closed 22 investigations and one systemic review. In addition to addressing some of the specific concerns of the complainants, five of these investigations were resolved resulting in changes to policies and procedures; five were closed as assistance rendered, with three of the five resulting in amendments to policies and procedures; and ten were resolved in favour of the respondent (properly implemented). In two of these cases, although no mal-administration was evident, the government bodies took the opportunity to make improvements to their policies. One investigation was referred, one was discontinued, and one moved to a systems review.

We continued to develop ADR mechanisms. This has resulted in the majority of issues being addressed through administrative reviews. Although these do not result in formal recommendations from the Ombudsman, many result in changes in the development and implementation of government policies and procedures. (Please refer to table on page 11 for administrative review outcomes).

Our goal is to continue to obtain 100% acceptance of recommendations, as well as to increase the number of positive outcomes of the administrative reviews. 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 recommendations to resolve outstanding issues.

The final Core Business area identified is:

#### **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

The first outcome is to increase reviews of legislation, regulations, and policies. The measure is the number of requests received by this Office. In 2004- 2005, we conducted four such reviews, in addition to the review of policies, procedures and legislation associated with administrative reviews and investigations. In 2005-2006, we conducted policy and procedural reviews for the following departments:

- Quality Assurance review - Environment and Labour
- Adult Offender procedures - Justice
- Internal complaints mechanism - Community Services

In addition, we reviewed the nature and types of complaints received by this Office with the Department of Community Services, and with the Maintenance Enforcement Program of the Department of Justice. Both departments are analyzing this information as they continue to work towards improved service delivery. We also received an overview of the revised Corrections Act and presented to the Senate Standing Committee on Social Justice .

We are working with the Public Service Commission (PSC) to identify what resources and supports are needed to ensure that employees are aware of the Civil Service Disclosure of Wrongdoing Regulations process. As a result, the PSC now includes the process in their “Corporate Orientation Program” for new employees. We are also working with the PSC to develop a new brochure and presentation to increase awareness, as well as training initiatives for managers and supervisors who may be responsible for conducting disclosure of wrongdoing investigations.

We also recommended that the PSC develop a policy that requires all departments to report each year on what they are doing to maintain consistent awareness of the process among their employees, and to ensure that the disclosure processes within their own departments are adequate and appropriate.

In that regard, we set an example this year by reviewing our own internal disclosure processes. We also established a procedure to ensure the security of all information and files in our office that pertain to the disclosure of wrongdoing.

The second outcome is an increased presence in the areas relating to youth, seniors, and cultural diversity. The measure is the number of site visits conducted.

As part of our outreach initiatives, two Ombudsman Representatives conducted a slide presentation and commentary to staff and clients of the Metropolitan Immigrant Settlement Association (MISA) as well as to staff and language students from the Halifax Immigrant Learning Centre.

Four site visits were made to residential facilities for seniors.

In 2004-2005, 39 site visits were made to youth in care and custody facilities. This number increased to 89 in 2005-2006:

Nova Scotia Youth Detention Facility - 12 site visits  
Cape Breton Youth Detention Facility - 3 site visits  
Wood Street Centre, Secure Care - 24 site visits  
The Residential Child Caring Facilities - 50 site visits

We distributed 28 reports regarding these visits:

Department of Community Services - 13 reports  
Department of Justice - 15 reports.