



Finding ways
to help government
work better

Office of the Ombudsman Annual Report

April 1, 2005 - March 31, 2006



MISSION



Fostering confidence in the public service by promoting the principles of fairness, integrity, and good governance.

*Our logo represents the arms of the public,
the government, and the Office of the Ombudsman
raised for fairness, integrity, and good governance.*





OFFICE OF THE OMBUDSMAN

March 2007

The Honourable Cecil Clarke
Speaker of the House of Assembly
The Legislative Assembly
Province of Nova Scotia

Sir:

In accordance with Section 24 (1) of the Ombudsman Act, being Chapter 327 of the Revised Statutes, 1989, as amended, I have the pleasure of presenting to you, and through you to the Members of the Legislative Assembly, the Office of the Ombudsman's Annual Report April 1, 2005 to March 31, 2006.

Respectfully,

Dwight Bishop
Ombudsman

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MESSAGE FROM THE OMBUDSMAN



This Office continues to mature in its purpose. While our role remains unchanged, the way we influence change is evolving.

Our presence in the youth and seniors areas has increased and we are developing a greater focus on adult corrections.

We are working more collaboratively with government departments on process reviews, and policy and program development.

The breadth of reviews has increased, both in terms of issues identified and investigation depth.

Community outreach efforts are growing and gaining in momentum. We want Nova Scotians to understand what we do and to find it easy to talk to us about their issues or complaints.

While I am encouraged by most government organizations' willingness to address complainants' concerns, some do not fully appreciate the challenges complainants face, or the role of this Office. When issues transcend more than one department or agency, complainants' difficulties multiply.

The progress and successes detailed in this year's report are a result of having a larger complement of permanent experienced people who are committed to the principles of this Office and have a comprehensive understanding of the Ombudsman Act and government. This is an asset that will allow us to build on our successes as we look ahead to 2006–07.

Respectfully,

Dwight Bishop

THE YEAR IN REVIEW



The 2005-2006 Business Plan of the Office of the Ombudsman set out four goals.

Goal 1.

Quality complaint resolution process

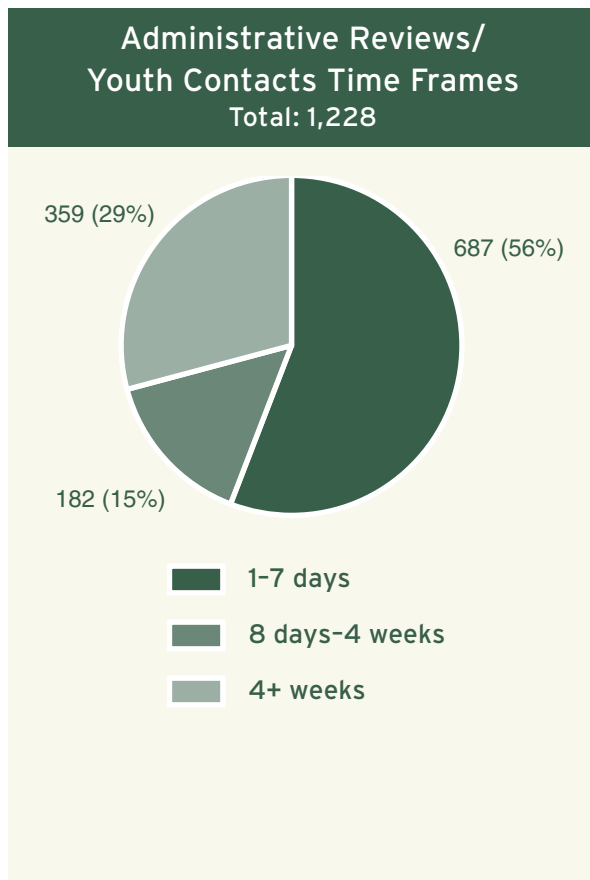
The Office of the Ombudsman addressed 944 administrative reviews; met with 284 youth in care or custody; provided 470 referrals to non-jurisdictional inquiries; addressed six disclosure-of-wrongdoing inquiries; and opened 36 investigations, six of which were systemic reviews.

Time frames show we are taking slightly longer to complete administrative reviews. There are several reasons for this. Due to our more proactive approach, staff are spending time travelling the province, reaching out to meet with complainants and the public. The higher percentage of jurisdictional issues being brought to our attention indicates more cases are being referred to Ombudsman Representatives, rather than being dealt with by our Intake Officer. Also, we are investing time by helping government departments and agencies in their policy development.

In contrast, our time frame to complete investigations has decreased. We credit this to our restructuring, which has more clearly defined the roles of our staff. We also have a guideline for 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 a more in-depth investigation stage.

Of the 36 investigations we opened this year, 23 were closed in an average time span of six months. The average age of the open investigations carried into the next fiscal year was 12 months. In order to ensure we accomplish our goal of completing investigations in a one-year period, we reviewed our quality assurance process and implemented standards to monitor our progress in this area.

Total Complaints and Inquiries Received		
	Jurisdictional	Non-jurisdictional
2005-2006	1,228 (72.4%)	470 (27.6%)
2004-2005	1,115 (62.37%)	673 (37.63%)
2003-2004	1,031 (54.3%)	870 (45.7%)



THE YEAR IN REVIEW



Goal 2.

Awareness, access, and understanding of the Office of the Ombudsman

We again saw an increase in the percentage of issues being brought to our attention that were within our jurisdiction. This is a sign that community outreach and education efforts are working. Nova Scotians have greater access to us through our site visits, road clinics, and website.

In 2005-06, we conducted 301 presentations, site visits, tours, and meetings, including an information booth, and reached a total of 1,975 people. That is 265 more than we reached the previous year.

While our office is located in Halifax, we are here to serve all of Nova Scotia. This year, we held road clinics in Millbrook, Yarmouth, Sydney, and Amherst. We provided our brochures to 162 locations, which included regional libraries, towns, and municipalities. We also made it easier for seniors in the Antigonish rural areas to learn about us through a partnership with the Seniors' Safety Coordinator, RCMP.

Our website was updated to reflect our reorganization and new responsibilities. The site received nearly 40,000 visits this year.

Senate Standing Committees

Members of our Office made two separate presentations before Senate Standing Committees.

In our presentation to the Standing Senate Committee on Social Affairs, Science and Technology: Transforming Mental Health, Mental Illness and Addiction Services in Canada, we explained how a substantial number of persons with mental health and addiction issues move back and forth among the Departments of Health, Justice, and Community Services. We noted the opportunity to improve communication among government departments and agencies, as the potential lack of communication may cause frustration and significantly impact many mental health and addiction services consumers, especially youth.

Some of the recommendations we made to the committee were

- Federal and provincial governments should maintain a coordinated approach to mental health and addiction services and improve their communications with each other.
- Services should be provided in several geographic locations so they would be “closer to home” for consumers.
- Training for service providers needs to be increased.
- A peer review strategy for programs needs to be created.

We also presented to the Senate Standing Committee on Human Rights for the Effective Implementation of Canada's International Obligations with Respect to the Rights of Children.

Our recommendations included

- Enhanced government discussions on children and youth issues with a centralized liaison to coordinate and facilitate the discussions
- The establishment of a national independent body reporting to Parliament that would be responsible for promoting and protecting the rights of Canadian children

Canadian Parliamentary Ombudsman Annual Meeting

In May 2005, our Office hosted the annual meeting of the Canadian Council of Parliamentary Ombudsman, marking the first time the council met in Nova Scotia. Discussions included the importance of making sure the public is aware of our roles as legislative Ombudsman; the need for a Federal Ombudsman; trust and ethics; and the benefits of working proactively to improve public service administration. We also presented our Office's role regarding the Civil Service Disclosure of Wrongdoing Regulations. This legislation and our role in it are unique among our provincial counterparts.

THE YEAR IN REVIEW



Goal 3.

Fairness and accountability in public sector administration

Of the 944 administrative reviews processed this year, 703 resulted in positive outcomes. These included assisting complainants, referring complainants to an appropriate authority, resolving the matter in favour of the complainant, or finding that processes/programs and/or policies had been properly implemented, thus finding resolution in favour of the respondent. In some cases, through discussion and co-operation, the matter was settled between the parties. The remaining reviews were either discontinued or remained open.

Frequently, our investigations and reviews result in delivering recommendations to the department or agency involved. These recommendations are designed to help improve services to the public.

At the end of fiscal 2004–2005, 29 recommendations from eight investigations were being monitored. Twenty-three of these recommendations were implemented by the end of fiscal 2005–2006. We continue to monitor the balance.

Administrative Reviews 2005-2006	
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
<hr/>	
Total with Positive Outcomes	703
Discontinued/Withdrawn	180
Open - Carried Over to 2006-2007	61
Total Administrative Reviews	944

Investigations and Systems Reviews Outcomes 2005-2006	
Resolved in Favour of the Complainant	5 (all resulted in amendments to policies and procedures)
Assistance Rendered to the Complainant	5 (3 resulted in amendments to policies and procedures)
Resolved in Favour of the Public Body	10 (2 resulted in amendments to policies and procedures)
Referred/Discontinued	2
Ongoing	14
Total	36

Other 2005-2006	
Meetings - Youth in Care and Custody	284
Disclosure of Wrongdoing inquiries	6
Total	290

THE YEAR IN REVIEW



Goal 4.

Promote initiatives such as government policy development and review, as well as initiatives focusing on youth, seniors, and cultural diversity

We are working to develop open communications with government departments and agencies so they will involve us in their policy and program development. We provided input to the Department of Environment and Labour's proposed quality assurance process for the public drinking water program. We also participated in the Department of Community Service's review of their client service delivery.

Our youth-focused initiatives this year included our Office hosting the Canadian Council of Provincial Child and Youth Advocates (CCPCYA) conference in September 2005. We also invited youth members from "The Voice," produced by the Youth In Care Newsletter Project, to review an evaluation survey we are designing for youth in care and custody facilities.

"Through participation in policy discussions with committees and public officials, the Ombudsman Office can use its experiences and expertise to influence policy formation."

*Lori Turnbull, PhD,
Department of Political Science, Dalhousie University*

Diversity

The Ombudsman participates on the Diversity Round Table and we continue to build on our commitment to cultural diversity. Racially visible persons, persons with disabilities, and aboriginal persons are all represented on our staff.

We began publishing our annual report in French in 2004–2005. We also distributed our communication materials in English, French, and Mi'kmaq to youth and their care providers.

Our Office hosted a Sweetgrass Ceremony in September 2005 as part of the opening ceremony for the Canadian Council of Provincial Child and Youth Advocates. Additionally, we conducted a presentation at the Metropolitan Immigrant Settlement Association/Halifax Immigrant Learning Centre to introduce staff, volunteers, and new immigrants to our work and services.

Staffing and Office Space

As of March 1, 2006, in addition to the Ombudsman, our Office had 11 permanent full-time employees, three casual employees, and two student placements. Our office lease tender was completed and we temporarily relocated while renovations were done. In January 2006, we returned to Suite 700, 5670 Spring Garden Road, in Halifax.



Our job is to ensure the people of Nova Scotia are treated fairly and respectfully by their provincial and municipal governments. We are impartial when addressing an issue because we are not advocates for the public, nor are we influenced by government.

Our Office is comprised of four areas that work together to reach resolutions:

- *Investigation and Complaint Services*
Ombudsman Representatives in this area review and investigate public concerns about government services.
- *Youth and Seniors' Services*
This area addresses concerns of children, youth, parents, guardians, and youth workers in youth-serving systems (such as residential child-caring and youth correctional facilities), as well as those of seniors in licensed residential care facilities, nursing homes, and homes for the aged.
- *Civil Service Disclosure of Wrongdoing*
Provincial Civil Servants who wish to report a wrongdoing can raise their concerns with our Office, with no fear of reprisal.
- *Administration*
Staff in this section provide administrative and office management support.

We often become involved in a situation because a complaint is brought to us. We also work to identify problem areas before a complaint occurs. For example, we regularly visit youth in care and custody across the province. We are also expanding our outreach to seniors, in particular those residing in long-term care facilities.

If we notice a pattern of complaints coming from one area, we assess the situation to identify and address systemic issues.

We strive to work co-operatively with the government organization to address and solve the problem.

Getting the Right Number

A couple had a very annoying problem: their home phone number had been incorrectly listed as a provincial campground since 2004 in a widely used travel guide, the CAA/AAA Travel Guides. As this is an international publication, the couple was receiving numerous calls from across Canada, the United States, and Germany from tourists wishing to book a camping space. The couple had contacted the provincial campground, who replied that they should look into clearing it up themselves. The couple called Tourism Nova Scotia and were told Tourism was not in charge of provincial parks. They called the government department they believed was responsible for provincial parks and were told they should phone CAA. They had thought that in a year of declining tourism numbers, agencies involved in tourism would want to correct this error. They were also worried the 2006 guide would soon come out, making it three years of wrong numbers.

After discussing the problem with the couple, we contacted CAA/AAA and the number was corrected in time for the next publication. Now, tourists are getting the right park, and this couple is getting some peace and quiet.

There Are Some Things We Cannot Do

There are some areas outside our jurisdiction.

These include

- Federal government departments or agencies
- Private individuals and corporations
- Decisions of the Executive Council of Nova Scotia (Cabinet)
- Decisions of courts and judges
- A solicitor or prosecuting officer acting for the Crown
- Decisions of elected provincial or municipal officials
- Matters covered by a legislated avenue of appeal to any Court or Tribunal

PROFESSIONAL DEVELOPMENT

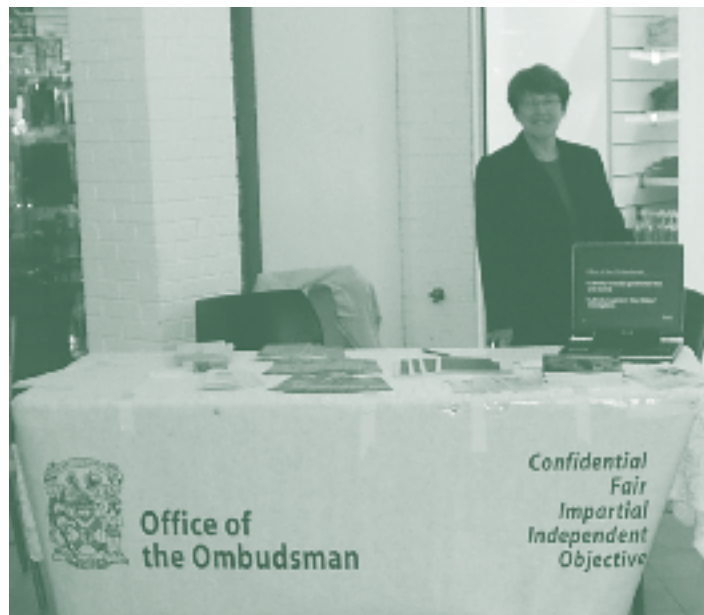


We encourage our staff to attend courses, workshops, and conferences as our annual budget allows. Each staff member has an individual training plan. By following their training plan, staff will be able to reach their professional goals and fulfill our Office's requirements. Training plans are not, however, narrowly based on a person's job description. We want all staff to be familiar with all areas of our Office's work; our training plans reflect this flexibility.

This year, depending upon their individual plans, staff received training in

- Diversity and Employment Equity
- Aboriginal Perceptions
- Investigation Techniques
- Negotiation and Mediation
- Foundations of Administrative Justice
- Leadership Development
- Advanced Decision Writing

This professional development allows us to continually improve our service to the public and, just as importantly, prepares our staff to advance within this Office, or move to other opportunities as part of their career development. We are pleased when staff members find career advancement because we know they bring the principles they learned at the Office of the Ombudsman with them and will apply them in their new positions.



*Ombudsman Representative,
Kay Rogers Lidstone, attending
an outreach clinic.*

INVESTIGATION AND COMPLAINT SERVICES



Every complaint or issue brought to our attention is unique, but the process we follow to resolve each is the same. First, we determine whether the complaint is within our jurisdiction and, if it is, we advise the complainant of any appeal avenues that exist. If that does not resolve the matter, we conduct an administrative review. We gather all the facts relevant to the situation and we work to find a solution at this stage. Experience has shown that this is often achieved through the use of alternative dispute resolution (ADR) processes. If no solution is found we move on to the third stage: the investigation process. This requires comprehensive research of the situation and, if necessary, results in our Office making recommendations for improved service delivery. These recommendations are non-binding, but are usually followed.

Our process emphasizes communication and co-operation. Sometimes a government department may have followed a policy to the letter, but our review will reveal that the policy could be improved. We then work with the department to help them develop or refine their policies and programs. In this way, the department is less likely to experience a similar complaint.

Departments have been increasingly seeking our input at their policy and program development stages. For example, our Manager of Investigation and Complaint Services and our Supervisor of Youth and Seniors' Services meet regularly with the Department of Community Service's Coordinator of Client Services. Together, they are gathering data, identifying areas of client concerns and possible trends, seeking potential improvements to client services activities, and finding ways to enhance the department's internal complaint-resolution process.

We are streamlining our complaints resolutions process for adult male offenders. As a pilot project, an Ombudsman Representative was designated the key contact for offenders.

This has resulted in a more informed working relationship with Correctional Services and interface with offenders. Examples of improvements that have been implemented are: accommodation of religious beliefs, confidentiality of legal correspondence, and improvements in the transfer process. The project will be assessed at the end of next fiscal year.

Investigation and Complaint Services Case Studies

Avoiding a Disconnection

A person was two payments overdue on the power bill and was about to be cut off. This person was not healthy enough to go without power and did not have the money to pay.

As a client of the Department of Community Services, the person had turned to the department in similar emergency situations and received help. This time Community Services declined to provide assistance.

We contacted the Department of Community Services and Nova Scotia Power. As a result, the complainant was able to delay the disconnection. Furthermore, an employee of Community Services agreed to negotiate a payment schedule with Nova Scotia Power and to work with the client on budgeting issues so this problem would not re-occur.

Getting a Birth Certificate

A citizen contacted our Office after being denied a replacement birth certificate due to discrepancies in the information this person had provided to the department. The person was having great difficulty trying to resolve the matter. Our staff explained the circumstances to officials and arranged for a department representative to contact the citizen. The discrepancies were sorted out and a birth certificate was issued.

INVESTIGATION AND COMPLAINT SERVICES



Investigation and Complaint Services Case Studies (continued)

Keeping Personal Items Safe

Upon being arrested, a person was told to surrender all personal belongings, which would be returned once transfer to a provincial correctional facility was complete.

The first facility was not equipped to handle this person's special health considerations so a second transfer was necessary. When the bag containing the person's belongings was opened at the final facility, a ring was missing.

We met with representatives from the municipality responsible for the holding cell, both correctional facilities, and the Department of Justice. We discovered that the method of retaining personal items needed to be improved and recommended a solution that was implemented.

We also believed that if the ring could not be located, the value of it should be reimbursed to the owner. We then suggested it would be fair to split that cost three equal ways among the municipality and the two correctional facilities. Two of the three parties agreed, and the owner received a cheque for two-thirds the value of the ring.

Safe To Go To Work

This investigation demonstrates the level of success that can be achieved when all parties willingly co-operate to meet common goals and shows how the investigation of a complaint can benefit the larger community, not just the person who has filed the complaint.

A school board employee reported being assaulted by another employee off school grounds. After obtaining an undertaking through the police, the person was advised by the school board to maintain physical distance from this individual while at work. Unaware of the provisions of the Occupational Health and Safety Act, this person did not know how to address this matter.

The school board agreed to meet with Occupational Health and Safety staff from the Department of Environment and Labour to ensure the board was complying with the required standards. The department has since reported that the school board is improving its promotion of awareness and provision of training for employees.

The Right to Appeal

A person called us to complain about having library privileges suspended with no avenue of appeal. The library staff said this person had been behaving abnormally. The complainant informed us that the behaviour may have been caused by a medical condition, but that the library would not consider this information.

As a result of our review, we recommended a two-step process be implemented that would allow individuals to appeal to the board's executive committee and, further, to the board of directors. The library implemented this procedure and is sharing it with other libraries.



Youth Services

Youth Services reviews and investigates concerns raised by children, youth, parents, guardians, and youth workers about the services delivered by provincial and municipal youth-serving systems. Our goal is to collaborate with municipal and provincial government departments, as well as Non-Governmental Organizations, to identify problems at the initial stage before they escalate.

In December 2004, the Governor in Council approved regulations that clarified our jurisdiction in several areas, including child welfare agencies and licensed residential child-caring facilities. During the year we met and presented to child welfare managers, youth, and staff in the child welfare arena. We also began implementing our Residential Child-Caring Facilities Complaint Resolution Process, which ensures that residents have the opportunity to meet with an Ombudsman Youth Services Representative.

We meet with new admissions to the youth correctional/detention facilities and regularly visit those facilities, along with the secure care facility and police and sheriff services holding cells. During these visits we educate residents, staff, and management about the mandate of our Office. Youth and staff can talk to us about their experiences and issues. It is also an opportunity for our Representatives to become more familiar with the facilities.

We began to present to students enrolled in Success College's Child and Youth Care Worker Program, as well as the Correctional Workers and Policing Foundations Program. Due to the positive response received, we plan to regularly present to students enrolled in similar programs.

Our work is guided by the principles of the United Nations Convention on the Rights of the Child. Our Office informs all provincial and municipal departments and agencies involved in youth-serving systems of these principles and promotes having the Convention referenced in youth-related policies and procedures.

Building on Our Success

At the request of the Department of Justice, we began work on a pilot project for female adult offenders modeled on our approach with youth. This will include regularly scheduled visits and will enable us to provide input on ways to improve the complaint resolution process for female adult offenders in Nova Scotia.

Getting Youth's Input

Now that we have confirmed our jurisdiction over residential child-caring facilities, we wanted to survey youth in these facilities to find out what really matters to them. We also wanted to make sure the survey was as youth friendly as possible—and who better to give us that input than youth themselves? So, in December of 2005, we invited nine youth from the Youth in Care Newsletter Project to come to our office and enhance our Youth Evaluation Interview. We provided the pizza and pop; they provided much-needed insight, and even wrote about us in their newsletter, "The Voice," in an article entitled "The Ombudsman's Office is Listening!"

YOUTH AND SENIORS' SERVICES



CCPCYA Conference: Youth Engagement

In September 2005, our Office hosted the Canadian Council of Provincial Child and Youth Advocates (CCPCYA) conference. The theme of this three-day event was Youth Engagement so, with that in mind, we invited six youth from the Youth in Care Newsletter Project to attend. The youth shared their opinions with youth advocates and representatives from different youth agencies from across Canada on how young people can be more involved on issues that affect them. They made a difference almost immediately by pointing out that there were only six youth at a conference about youth, and the adults were doing most of the talking. Things changed right away, thanks to that insight, and, in the end, the conference was deemed to be a great success by all attendees. Two of the youth wrote about it in their newsletter, "The Voice," under the heading "Adults Really Do Want to Help!"

"I got a lot out of this and I think so did the others. Because the Ombudsman's Office asked us to be there, it shows they value our opinions and that is a step forward."

*Tina Doucette, Contributor,
The Voice of Youth in Care,
the Youth in Care Newsletter Project*

Youth Committees

We share our input with many committees that review and develop programs for youth. These include

- IWK Mental Health Advisory Committee
- Nova Scotia Council of the Family Youth in Care Committee
- Canadian Council of Provincial Child and Youth Advocates (CCPCYA)
- Child Welfare League of Canada (CWLC)
- Youth in Care Newsletter Group
- University College of Cape Breton, Children's Rights Centre
- Senator Landon Pearson—National Plan of Action
- National Youth in Care Network

Yes! We Make a Difference

Do all these site visits, meetings, and presentations to staff and youth make a difference? According to research conducted by Ombudsman Representative Sonya Ferrara, the answer is "Yes!" Sonya researched how personnel in police lock-ups carried out their work - particularly with youth. Her findings showed that the needs of detained youth were met more often in sites where training was conducted by this Office compared to those areas where training did not occur. Her research shows there are fewer complaints when both youth and police personnel are better informed about their rights.

Sonya presented her finding at the national conference of the Canadian Association for Civilian Oversight of Law Enforcement (CACOLE) in Montreal in October 2005.



Youth Services Case Studies

The Solution: Communication

A youth complained to the supervisor of a centre that a Program Worker had threatened the youth during class. After speaking with the Program Worker, the Supervisor suspected the youth had not been threatened; the whole class had been corrected and the youth was taking it personally. Furthermore, the Program Worker had told the Supervisor it was the youth who had become verbally abusive and aggressive.

The Supervisor suggested that the youth and the Program Worker have a mediation session with the Supervisor, but the youth refused believing the session would not be fair.

The Supervisor suggested the youth call our Office to have us attend a mediation session and help establish ground rules. The youth was comfortable with that.

Communication was restored between the youth and the Program Worker and all were satisfied.

Helping Youth Speak For Themselves

A young person being held in an emergency placement contacted our Office indicating frustration with the situation. The youth was not able to attend school, contact friends, or visit the foster mother. A social worker informed the youth that a placement was being sought in a youth-serving facility in the United States. The youth was upset about not having any choices in these decisions.

Community Services was having its own challenges regarding this youth. While at several group homes, the youth had broken the rules and become involved in dangerous behaviour. Although the youth was close to the foster mother, issues had arisen when the youth lived at that foster home, causing the placement to break down. Community Services had limited options to keep the youth safe and secure.

After an emergency-case conference, the youth was briefly returned to the foster family until an alternate placement was arranged. A future goal was set of returning the youth to the foster family once treatment was complete.

The youth and the foster parents were pleased with the results.

A New Way To Participate

A youth did not want to participate in classes at a youth centre but was concerned about incurring consequences. The youth had been sexually assaulted just prior to arriving at the youth centre. During classes at the centre, as part of the regular health program curriculum, the youth, along with the rest of the class, was expected to read and discuss sexual issues out loud. This made the youth uncomfortable.

We met with the youth and confirmed that both the youth centre and the police were aware of the disclosed assault. We then spoke to the Unit Supervisor at the youth centre, who assured us they understood the youth's situation, and would offer alternative education programs just for this youth.

In a follow-up call, the youth advised a more co-operative approach had emerged.

YOUTH AND SENIORS' SERVICES



Formally Scheduled Site Visits and Reports, 2005-2006		
	Site Visits	Reports Issued
Residential Child Care Facility	50	1
Wood Street Centre (Secure Residential Facility)	24	12
Nova Scotia Youth Facility	12	12
Cape Breton Youth Detention Facility	3	3
Total	89	28

Youth and Seniors' Outreach, 2005-2006		
	Number of Information Sessions & Presentations	Total Present
Residential Child Care Facility	50	270
Wood Street Centre (Secure Residential Facility)	41	44
Nova Scotia Youth Facility	20	116
Meetings	12	160
Seniors	8	60
Cape Breton Youth Detention Facility	2	2
Seniors' 50+ Expo Booth	1	700
Canadian Association for Civilian Oversight of Law Enforcement	1	120
Total	135	1472



Ombudsman Representatives receiving survey input from the Youth in Care Newsletter



Seniors' Services

Canada's population of seniors is poised for explosive growth. In Nova Scotia, this is of particular concern because our province already has one of the oldest populations in the country.

At the Office of the Ombudsman, we have been preparing for this demographic shift by developing and implementing a Seniors' Services Initiative. Based on our Youth Services Initiative, it is designed to provide seniors (particularly those in care) and the staff who care for them with greater awareness of our Office and how we can assist them. Through this initiative, we hope to increase the comfort and confidence of seniors in care and to help them, and their families, navigate government processes.

In 2005, we implemented the second phase of this initiative and are working to establish a regular visitation schedule so we can meet with seniors and staff at residential long-term care facilities, nursing homes, and homes for the aged. Every effort will be made to visit seniors in their own environment to gather information on a complaint or concern. We also meet regularly with the Nova Scotia Seniors' Secretariat to discuss seniors' issues.

In order to give this area the attention it deserves, we added to our Seniors' Services team and hired an Ombudsman Representative primarily dedicated to seniors' issues.

As always, our main goal is to identify issues before they become problems and to make appropriate recommendations for improvement to government. One example of this is our emerging relationship with the Department of Health. Both the department and our Office want to streamline the process for inquiries/complaints. Together we are establishing a procedure for officials at the department to follow when Representatives from our Office contact them.

Strategy to Prevent Elder Abuse

Nova Scotia's first Elder Abuse Awareness Day was held in November 2005. The day was marked by the release of the Nova Scotia Elder Abuse Strategy: Towards Awareness and Prevention. An Ombudsman Representative participated in the development of this strategy, which identifies priority actions to create awareness, prevent abuse, and reduce the incidence of abuse in Nova Scotia.

Seniors' Committees and Events

We participate in a number of seniors' committees and events so we can increase our own awareness of issues relating to seniors; ensure we have input on the development of policies, programs, and services that affect this group; and, at the same time, increase awareness of our Office and what we do. These committees and events include

- The Nova Scotia Elder Abuse Strategy Committee
- Atlantic Seniors Housing Research Alliance
- The 50+ Expo



Seniors' Services Case Studies

Moving to a Better Place

A senior moved to a senior's complex in Nova Scotia because it was near a clinic specializing in environmental illness. Shortly after moving, the complex started doing renovations. The fumes and dust were exacerbating the senior's condition. Furthermore, the building was close to a railway yard. The diesel engines went by every day, churning up more dust. Even though the senior's windows were specially sealed, the airborne debris was still getting in.

For health reasons, the senior wanted to move again to another senior's complex but was denied a transfer. According to the housing authority rules, a person had to live in an apartment for at least two years before being transferred to another complex.

Our review revealed the senior could move to a residential apartment with the rent supplemented by the housing authority. The senior found an apartment in a more environmentally friendly neighbourhood and moved soon afterwards.

Co-operating For An Urgent Situation

A senior in an apartment next to the furnace room in a senior's complex found the heat was aggravating a heart condition, but was denied transfer to a vacant apartment in the same building. According to the policy, the senior had to have lived in the apartment for a minimum period before being eligible for transfer.

We suggested the senior get medical documentation of the heart condition to support the request and then ask the board to reconsider in light of the new information. By the time documentation was received, however, the board was on summer break and would not reconvene again until fall. By then, the apartment would be gone.

We contacted the board members to explain the senior's urgent situation. They agreed to co-operate and held a special meeting just for this case. As a result, they agreed to let the senior move.

Keeping the Cost Fair

The adult child of a senior was concerned about the way the Department of Health calculated the annual accommodation charge at the senior's long-term care facility. The child thought the fee was based on the parent's assets, not the real income. The child was further concerned that the fee was fixed and would not be affordable if the parent's income decreased.

We reviewed the Department of Health's policies and procedures for determining accommodation charges and asked the Auditor General to double-check the accounting. The department bases its accommodation charges on the resident's income tax return, not assets, and this charge is re-assessed annually. There had been no maladministration.

CIVIL SERVICE DISCLOSURE OF WRONGDOING REGULATIONS



The Civil Service Disclosure of Wrongdoing Regulations and Policy came into effect in September, 2004. These regulations and policy give all civil servants and specific non-civil service categories of Nova Scotia government employees a way to report any wrongdoing they may encounter. They also protect civil servants from having any action taken against them for reporting the wrongdoing.

In the regulations, wrongdoing is defined as

- A violation of any government legislation or regulations for the province of Nova Scotia
- Gross mismanagement of government resources
- An act or omission by government that creates a danger to the life, health, or safety of a person
- A reprisal against an employee who makes a disclosure of wrongdoing

Civil servants who wish to report a wrongdoing can raise their concerns with their immediate supervisor, their Deputy Minister, and/or the Office of the Ombudsman. We will provide a fair and independent mechanism for review and investigation of the disclosure.

We want to make sure every government employee is aware of and understands the regulations and the process. In October 2005, we circulated an email to all employees explaining our role in the disclosure process. We developed an information package for those who are considering making a disclosure, revised the webpage dedicated to Disclosure of Wrongdoing, and set up a confidential wrongdoing inquiry line they can call anytime, toll free, for more information.

We have worked with the Public Service Commission (PSC) to identify what resources and supports are needed to ensure that employees are aware of the process. 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.

Since managers and supervisors may be responsible for conducting disclosure investigations, we are working with the PSC to identify training requirements, such as a course on interview techniques. 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.

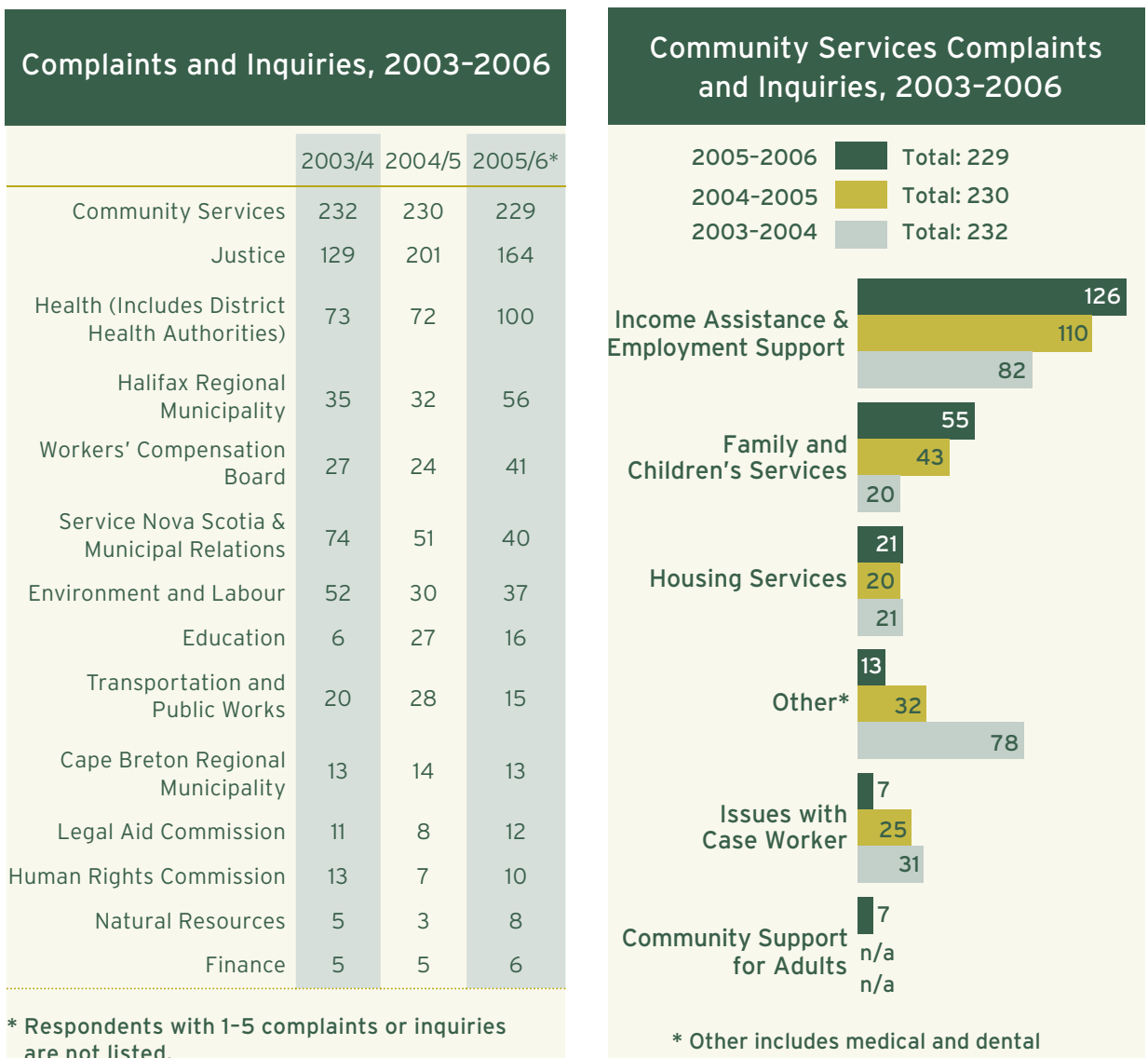
STATISTICS



Why Do Some Departments Have High Numbers?

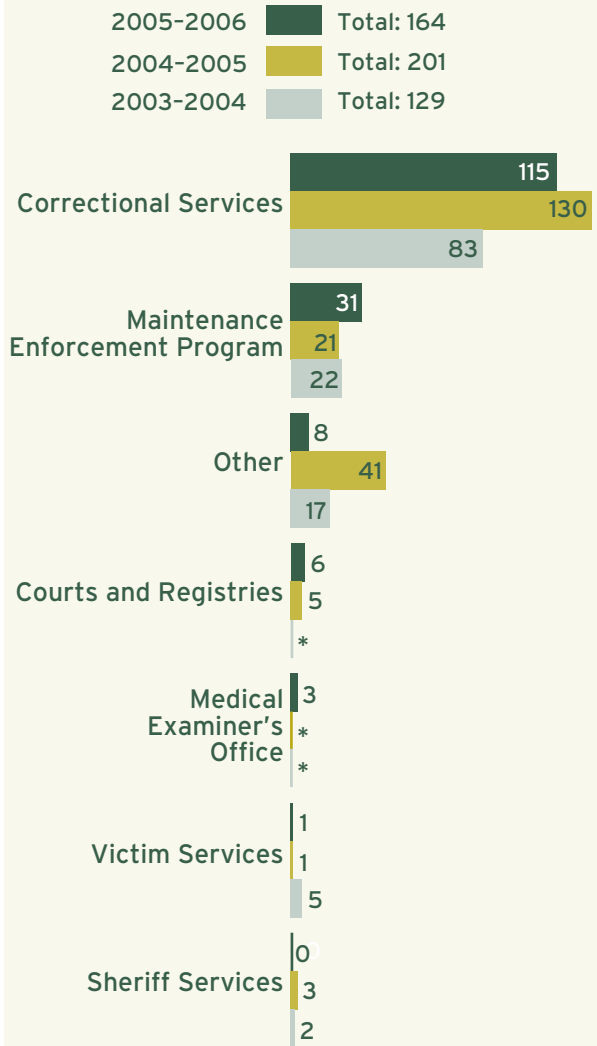
The highest level of activity is from the Departments of Community Services and Justice. This is more a reflection of the nature of their work than the quality of their services. Both of these departments deliver services in very sensitive areas: income assistance, child-care issues, and offender concerns, to name a few. This year also shows a significant increase in the activities associated with the Department of Health. Our expanded outreach activities have contributed to these increases. The statistics for Community Services and Justice include complaints and inquiries regarding youth issues made on behalf of youth, i.e. parent or guardian. Complaints and inquiries made by youth in care and custody are reported separately. Please refer to page 21.

We are working closely with all three departments to improve and/or develop internal complaint processes. Once these are in place we expect the number of inquiries and complaints brought to our attention will decrease. That will allow us to devote resources to other proactive initiatives.



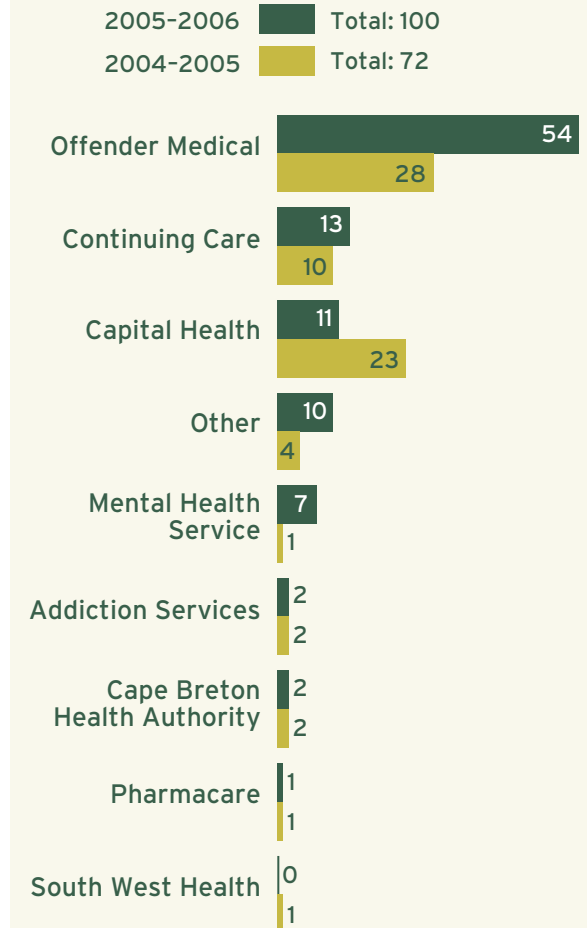


Department of Justice Complaints and Inquiries, 2003-2006

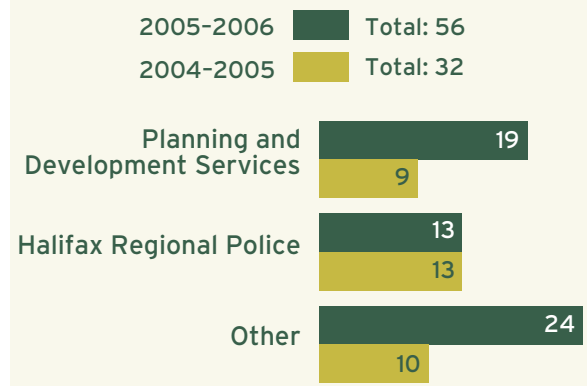


* Included in "Other"

Department of Health Complaints and Inquiries, 2004-2006



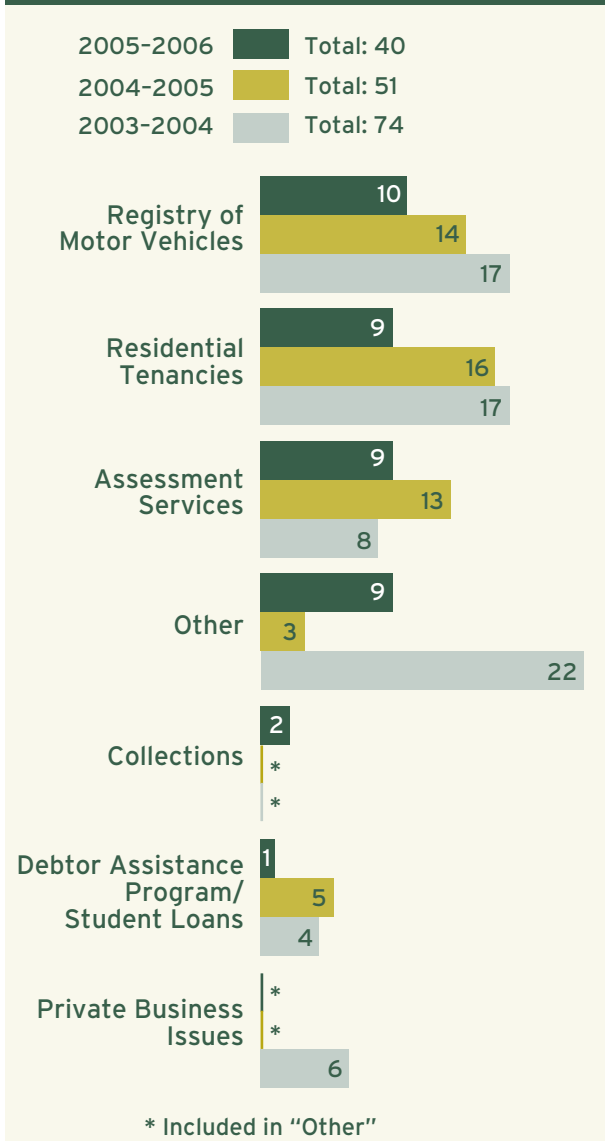
Halifax Regional Municipality Complaints and Inquiries, 2004-2006



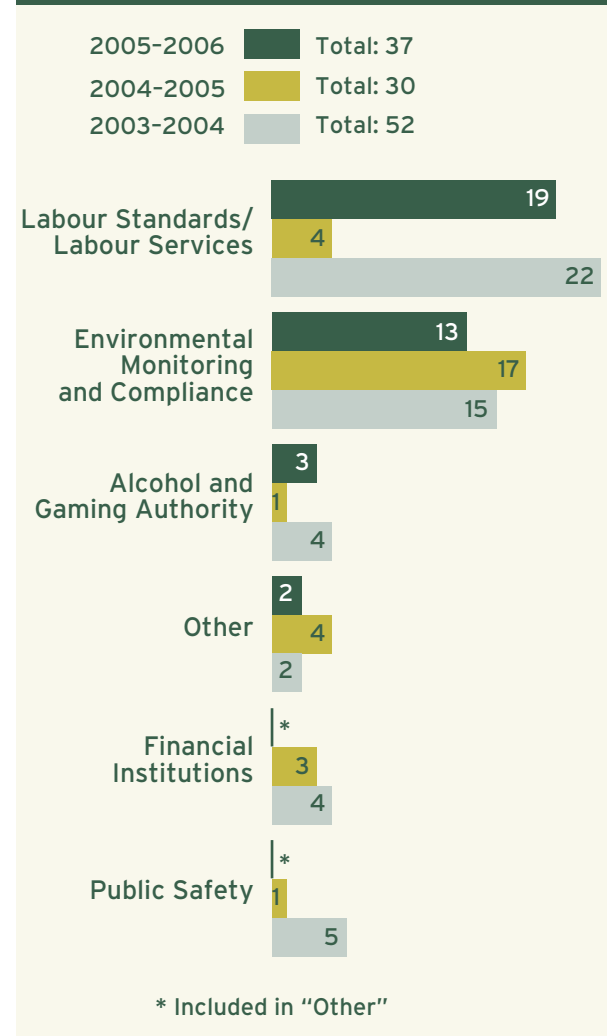
STATISTICS



Service Nova Scotia and Municipal Relations Complaints and Inquiries, 2003-2006

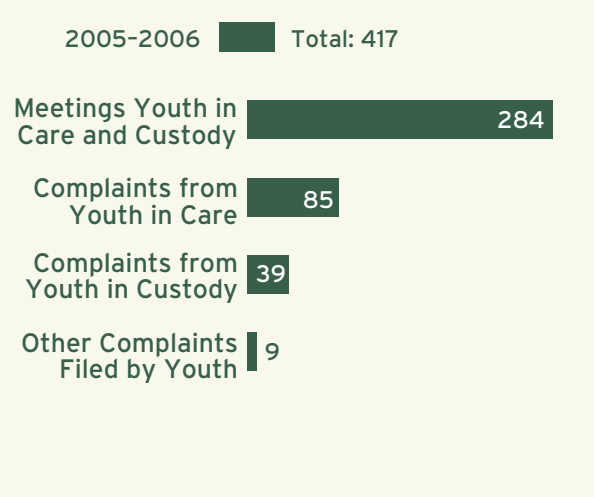


Department of Environment and Labour Complaints and Inquiries, 2003-2006

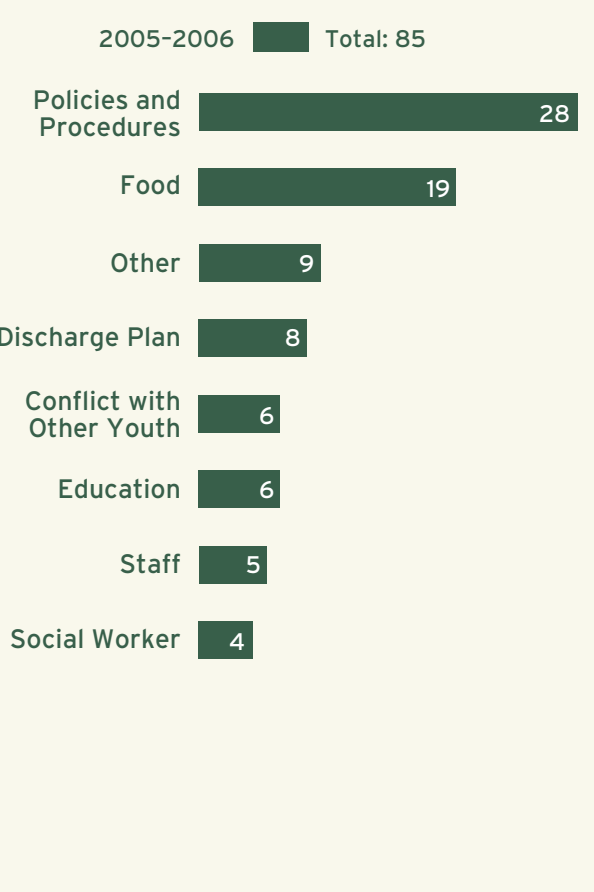




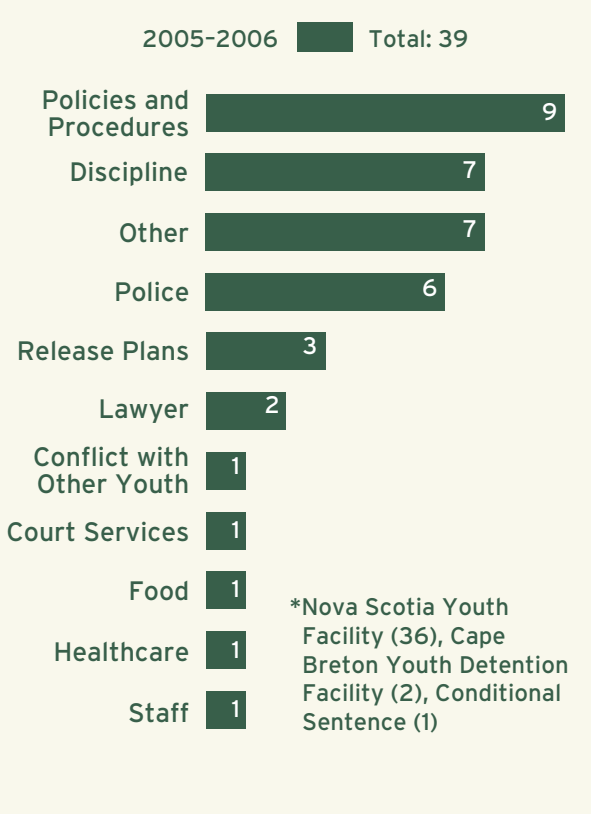
Youth Services: Complaints and Inquiries, 2005-2006



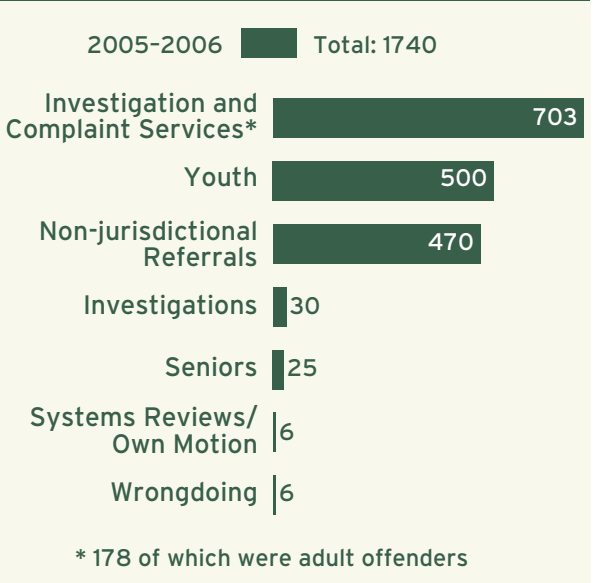
Youth Services: Secure Care Concerns Raised by Category, 2005-2006



Youth Services: Custody Concerns Raised by Category,* 2005-2006



All Administrative Reviews, Investigations, Youth Contacts, and Referrals, 2005-2006



LOOKING AHEAD



In this upcoming year, we plan to continue to improve our complaint resolution process. We will increase the number of settlements obtained using alternative dispute resolution processes. We will also identify ways to provide more timely and effective administrative reviews and investigations.

As part of our Youth Services, we will develop a schedule of planned and unplanned visits to group homes. We will also pilot our youth evaluation survey for youth in residential child caring facilities. We will begin by interviewing youth in one specific youth facility. All information collected will be kept confidential and participation will be voluntary. Once the information is collected and analyzed, a report with feedback will be given to the specific department.

We will implement our pilot program for adult female offenders and continue to improve our service for adult male offenders.

We plan to increase our outreach clinics to educate citizens, officials, and employees of the Public Service about the role of the Office of the Ombudsman. We will also increase efforts to make people more aware of our independent, objective

review/complaint resolution mechanisms, including the Civil Service Disclosure of Wrongdoing Regulations.

We will continue to develop relationships of mutual trust and respect with government departments while maintaining our independence from government. This encourages departments to involve us in matters such as policy and program development. It also ensures that our recommendations will be implemented.

We will increase the number of systemic reviews conducted. This intervention allows us to make recommendations that could proactively resolve issues before they become complaints.

With this work underway, we will continue working toward our four goals

1. Quality complaint resolution process.
2. Promote awareness, access, and understanding of the Office of the Ombudsman.
3. Promote fairness and accountability in public sector administration.
4. Promote initiatives such as government policy development and review, as well as initiatives focusing on youth, seniors, and cultural diversity.

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Civil Service Disclosure of Wrongdoing
Inquiry Line, toll free within Nova Scotia:
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