



Nova Scotia

NOVA SCOTIA OFFICE OF THE OMBUDSMAN

ANNUAL ACCOUNTABILITY REPORT FOR THE FISCAL YEAR

2012-2013

July 2013



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ACCOUNTABILITY STATEMENT

The accountability report of the Office of the Ombudsman for the year ending March 31, 2013, 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 2012-2013. 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 2012-2013 Statement of Mandate.



Dwight Bishop
Ombudsman

MESSAGE FROM THE OMBUDSMAN

There continues to be a positive response from government to our efforts supporting the use and implementation of internal complaint and alternative dispute resolution processes. For instance, Ombudsman Representatives worked with various municipalities on the consultation and development of a complaint resolution process for municipalities across the province; and I was invited to present to Ombudsman from around the world at the International Ombudsman Institute conference on our Office's oversight process and best practices. Planning and co-ordination commenced for the Forum of Canadian Ombudsman and the Association of Canadian College and University Ombudsman conference in Halifax, which we are co-hosting in the spring of 2013.

This year saw a decrease in the overall number of inquiries to our Office which is attributed in part to our on-site presence in provincial correctional facilities. As a result, this has enabled a shift in resources to accommodate the increase in more complex files and own motion/systemic investigations.

Early in the year we released an in-depth investigative report of a Regional Development Authority. The issues identified in the investigation were deemed to be of interest to the public, with a focus on improved accountability of public expenditures. The Office also commenced its first administrative review of the death of a child in receipt of government services, and initiated a province wide review of Residential Child-Caring facilities.

The Office remained successful in having its recommendations accepted and implemented by the respective government bodies. Many recommendations involved the development of, or changes to, policy, procedure or legislation.

As anticipated, our expanded role under the new Public Interest Disclosure of Wrongdoing Act brought increased activity in relation to implementation of the new Act and Regulations. Education materials and orientation sessions were developed and held with all the designated officers, and a working group established.

We continue to maintain a proactive presence in many areas of government service delivery, such as those relating to children, youth, seniors and correctional services.

Dwight Bishop
Ombudsman

INTRODUCTION

This report is based on the goals, priorities, and performance measures set out in the Office of the Ombudsman 2012-2013 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 2012-2013		
Core Business	Budget	Actual
	(\$ thousands)	(\$ thousands)
Gross Expenses	1776	1729
Net Program Expenses	1776	1729
Salaries & Benefits	1509	1610
Staff (FTE's)	17	16.5

PERFORMANCE MEASURES

We continue to realize benefits from our reorganized structure, permanent placements, and a roster of supplementary employees. Our outreach initiatives have increased considerably due in part to our increased role within correctional facilities, licensed residential care facilities for children and youth, and enhanced community outreach. We met or exceeded the majority of the identified performance targets under the Ombudsman Act.

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?

We exceeded our goal of maintaining the 2008-2009 time frames for completing administrative review investigations. We reconfigured an aspect of our intake process, specifically the distribution of assessments and inquiries received within the Office. We also maintained our outreach to include regular site visits to all provincial adult correctional facilities.

Figure 1: Administrative Review Investigation Time Frames*

	2008-2009 (base measure)		2010-2011		2011-2012		2012-2013	
1-7 days	1139	69%	1235	73%	1400	79%	1340	78%
8 days - 4 weeks	257	16%	220	13%	162	9%	211	12%
4 weeks plus	241	15%	237	14%	215	12%	165	10%
Total	1637	100%	1692	100%	1777	100%	1716	100%

*These time frames include youth meetings but not youth surveys.

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 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 continue our initiatives to ensure government officials are aware of the role and mandate of this Office as well as their reporting obligations during investigations. We will also continue to work with Designated Officers to expand our initiatives to ensure government officials are aware of their responsibilities under the Public Interest Disclosure of Wrongdoing Act.

Outcome 2: Increased awareness of the role and mandate of the Office and an increased awareness of the Public Interest Disclosure of Wrongdoing Act and Regulations.

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

Increase in disclosure inquiries and investigations.

What Do These Measures 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.

Where Are We Now?

This year, under the Ombudsman Act, administrative review investigations comprised 98%, and formal and own motion investigations comprised 2%. We surpassed our goal of keeping formal investigations, policy/system reviews to less than 8% of investigations.

This year the number of jurisdictional matters addressed decreased slightly to 1769 from 1872 the previous year. This includes 1306 administrative review investigations, 410 meetings with youth in care and custody, and 53 youth evaluation surveys. The Office also addressed 596 non-jurisdictional inquiries.

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 conducted 8 formal investigations, 10 own motion investigations and 5 administrative policy reviews. The Office received 20 allegations under the new Public Interest Disclosure of Wrongdoing Act. Of these allegations, 2 became formal investigations. The remaining allegations were assessed as outside the scope of the Act or more appropriately addressed via another avenue.

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.

The 20 inquiries received regarding disclosure of wrongdoing are below our target of 25. We anticipate this number will increase over the next few years with our outreach initiatives under the new Act and as government and the public become more aware of the Act.

Core Business Area 2: Awareness, access and understanding of the Office of the Ombudsman

Promote citizen and government awareness and understanding of the Office of the Ombudsman. Our communications strategy aims to clarify our role and mandate, and increase citizens' accessibility through:

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

Outcome: Increased awareness among Nova Scotians of the principles of administrative fairness, the role and mandate of the Office the Ombudsman, and the Disclosure of Wrongdoing process.

Measure: An increase in the number of contacts with individuals from the previous year who receive 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 and have a better understanding of the Office of the Ombudsman.

Where Are We Now?

This year, the Office reached more than 5,000 people through its outreach efforts, an increase of 20% from last year, well exceeding our target of reaching 3,000 people. The increase is attributed in part to our expanded site visits within correctional facilities, residential care facilities for children and youth and enhanced community outreach.

We conducted 141 site visits to youth in residential, secure care and custody reaching 410 youth, and issued 25 reports regarding youth issues.

Approximately 2,542 people visited our information booths, an increase of 60% from last year. These include seniors expos, community events and presentations in Sydney, Halifax, Dartmouth, Truro, Amherst, New Minas, Kentville, Windsor, Antigonish, Pictou, Yarmouth, and Margaree Forks.

Over 9,370 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. Our new senior's postcard was distributed explaining how the Office may assist seniors and their families, and also provides a list of contact numbers for relevant government services and community groups. Our Office also held a province-wide children's rights poster contest which drew 822 entries from children across the province.

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.

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. We use Twitter to announce activities and promote the mandate of the Office. Our number of followers has again doubled from last year. This year we also participated in media interviews resulting in coverage by both mainstream and social media.

Where Do We Want to Be?

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

Core Business Area 3: Fairness and accountability in public sector administration

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 procedure

What Do These Measures Tell Us?

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

Where Are We Now?

Eighty-seven percent of administrative reviews resulted in positive outcomes, exceeding our goal of 80%, and all but one of our recommendations were accepted by government which indicates a meaningful and effective investigation and oversight process.

Administrative Review Investigation

Assistance Rendered to Complainant	1006
Resolved for the Complainant	33
Resolved for the Public Body/Properly Implemented	100
Settled Between the Parties	1
TOTAL with Positive Outcomes	1140
Discontinued/Withdrawn	107
Administrative Review Investigations Carried Into 2012-2013	59
TOTAL Administrative Reviews*	1306
<i>*This total does not include 410 meetings with youth in care and custody</i>	

The Ombudsman issued 23 formal recommendations, and 10 informal during 2012-2013. Of the 33 in total, 22 have been implemented; the remainder have been accepted with implementation being monitored. One recommendation was rejected.

Many of these recommendations address systemic issues and have far reaching impacts. We continue to monitor the implementation of recommendations of two investigations made in previous fiscal years; both require amendments to regulations.

Where Do We Want to Be?

Our goal is to maintain a positive outcome for 80% of our 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 focusing on youth, seniors, and cultural diversity: Promote initiatives such as government policy development and reviews.

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 alternate dispute resolution (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 indicate that these entities consider our input to be meaningful. It also demonstrates that our efforts to further develop collaborative working relationships are obtaining positive results.

Where Are We Now?

In 2012-2013, we exceeded our goal of completing 5-7 own motion investigations and administrative policy reviews (10 own motion investigations and 5 administrative policy reviews).

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.

Outcome 2: Increased presence in 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 residing in provincially licensed facilities.

Where Are We Now?

In 2012-2013, the number of site visits to youth in care and custody is consistent with last year at 141. The number of youth reached during these visits decreased slightly (410 from 423).

Where Do We Want to Be?

Although a slight 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 maintained the number of seniors site visits to long term care facilities at 93, and the number of people reached dipped slightly to 203 from 251. It is anticipated ongoing revisions to our strategy for seniors will assist us in increasing the impact of our efforts in this area.