



# Office of the Ombudsman

Annual Report  
2014 – 2015

“...fairness, integrity, good governance.”





The Honourable Kevin Murphy  
Speaker of the House of Assembly  
Legislative Assembly of Nova Scotia  
Province House  
Halifax, Nova Scotia

Dear Speaker Murphy,

In accordance with subsection 24(1) of the Ombudsman Act, chapter 327 of the Revised Statutes of Nova Scotia, 1989, and section 28, subsections (1) and (2) of the Public Interest Disclosure of Wrongdoing Act, Chapter 42 of the Acts of 2010, I have the pleasure of presenting to you, and through you to the House of Assembly, the annual report on the exercise of my functions under those acts for the fiscal year ending March 31, 2015

Respectfully,



Christine Delisle-Brennan  
A/Ombudsman

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# I - Message from the Acting Ombudsman

The year under review saw a continuation of last year's transitional period. Considering the definitive leadership former Ombudsman Mr. Dwight Bishop brought during his 10 year tenure with the Office of the Ombudsman, as Acting Ombudsman it has been my role, along with a dedicated staff, to maintain the integrity and level of service provision.

The Office of the Ombudsman effectuates three oversight mandates. Through the Ombudsman Act, the Office serves as an avenue of complaint resolution for Nova Scotians regarding the administration of laws of the province by provincial and municipal government departments, agencies, boards, or commissions. The Office provides specialized services for children, youth, and seniors; and has responsibility under the Public Interest Disclosure of Wrongdoing Act (PIDWA). The Ombudsman also has the ability to investigate matters on her own initiative, through what is known as an own-motion investigation.

This past year I have been pleased with the level of cooperation received by the various government agencies and representatives as we address and investigate complaints brought forward. I believe part of the reason for this overall general cooperation is our consultative approach. We offer respondents an opportunity to comment on our investigative findings, conclusions, and recommendations before reports are finalized. We also approach inquiries in a non-confrontational, non-accusatory manner. Looking forward, I am optimistic how our work can continue to be of benefit to Nova Scotians and government.

Christine Delisle-Brennan  
A/Ombudsman

## II - About the Office

### **Mission**

Promote the principles of fairness, integrity, and good governance.

### **Role and Mandate**

Ensure government decisions and processes are fair, consistent, and transparent. Our mandate extends to all individuals who receive services from, or are impacted by, provincial and municipal governments.

Provincial government employees and members of the public have an avenue to make allegations of government wrongdoing to the Ombudsman under the Public Interest Disclosure of Wrongdoing Act (PIDWA).

### **Organization**

#### ***Administration***

- The Office Manager fulfills most administrative and business functions.

#### ***General Operations***

- Assessment Officers provide initial assessments and referrals and create records of all inquiries.
- Ombudsman Representatives handle casework and investigations. An Executive Director supervises staff and oversees investigations.
- The core business of the Office under the Ombudsman Act is the investigation and resolution of public complaints involving provincial and municipal government.

#### ***Investigation and Complaint Services (I&CS)***

- Ombudsman Representatives review and investigate concerns about services provided by provincial and municipal government organizations.
- The unit addresses departmental services, adult corrections, property, municipal services, and many other areas of inquiries and complaints.
- Undertakes own-motion investigations that can include policy and systemic reviews.

#### ***Youth and Seniors Services (Y&SS)***

- Ombudsman Representatives review, investigate, and report on the concerns of children, youth, parents, guardians, and those working in government child and youth caring/custody facilities and services.
- Examines issues affecting senior citizens, particularly those who reside in provincially licensed long-term care (LTC) facilities.
- Promote dispute resolution processes and operate proactively to inform of our services and identify and address concerns and/or problems before they escalate.

### ***Disclosure of Wrongdoing***

- The Public Interest Disclosure of Wrongdoing Act provides an independent reporting and investigation mechanism for employees of provincial government bodies, and members of the public regarding allegations of wrongdoing within government.

### ***Human Resources***

- The Office has 17 full-time positions, including that of Ombudsman. It continues to benefit from a small roster of supplemental trained employees. This roster enables the Office to accommodate staff vacancies while continuing to carry out in-depth investigations.

### ***Training and Professional Development***

In-house training continues with the integration of different service units as an ongoing priority. Both Investigations and Complaint Services (I&CS), and Youth and Seniors Services (Y&SS), are reporting to the Executive Director, rather than separate managers, as was done previously. This helps facilitate mentoring, cross-training, case management, and overall quality assurance.

Beyond general staff training, individual Ombudsman Representatives have had other training opportunities such as French language and leadership development, as well as advanced investigative training for administrative oversight bodies.

The Office also makes its expertise available to government and the community upon request, and offers input on governance and oversight issues, or policies in development or under review.

### ***Diversity***

The Office reflects the diversity of our community. As of March 31, 2014 one staff person self-identified as Aboriginal, and one person self-identified as a person with a disability. Two permanent employees are council members of the LGBTI Network. Gender and age representations are proportional.

One Ombudsman Representative continues intensive formal French Language training, currently at the Intermediate 4 level. That Representative also is a member of the Provincial French Language Services Coordinating Committee.

A number of supplementary employees are also employed each fiscal year on a term or casual basis, as well as student placements.

### ***Financial Resources***

The Office of the Ombudsman's 2014-2015 budget is shown in (Figure 1). For fiscal 2014-2015 this Office spent 82.3% of its budget. The variance in budgeted and actual expenses reflects savings in operational costs. The increase in spending on salaries from previous years is due to government's implementation of revised pay levels for employees excluded from bargaining units.



Figure 1

<b>Expenses</b>	<b>2014-2015</b>	<b>2014-2015</b>
<b>Core Business</b>	<b>Budget (\$ thousands)</b>	<b>Actual (\$ thousands)*</b>
<b>Gross Expenses</b>	1682	1385
<b>Net Program Expenses</b>	1503	1278
<b>Salaries and Benefits</b>	1503	1278
<b>Staff (FTEs)</b>	17	16.9
*Rounded up to the nearest 1000		

# III - The Year in Review

## Complaint Resolution Process

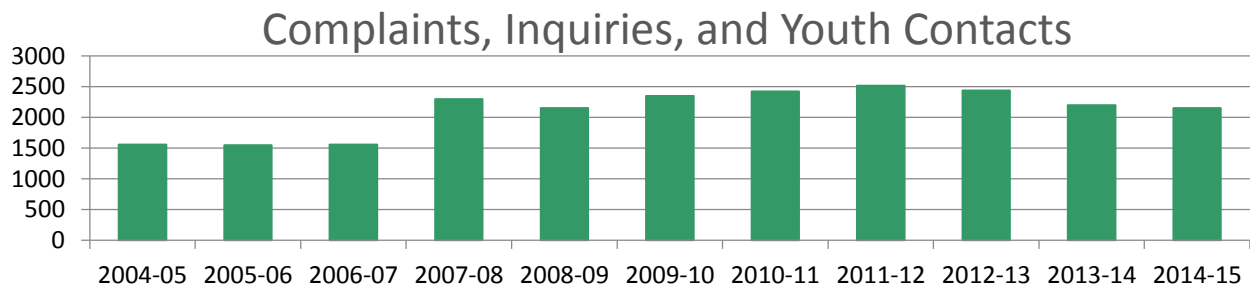
The Office of the Ombudsman employs a variety of methods in approaching its oversight responsibilities. Through the use of a triage mechanism where all complainants are able to communicate one on one with an assessment officer, the Office is able to determine how to best approach a complaint. Whether through further investigation or by making a referral. Complaints determined to warrant further investigation are assessed as administrative reviews. These reviews are often resolved quickly. More complex complaints are assessed as more in-depth forms of investigation, or Formal investigations.

The Office also utilizes a number of tools to try and pre-empt complaints, whether through public education and outreach, or through methods such as site visits. A large volume of Youth Services complaints are handled by Ombudsman Representatives visiting youth in care and providing one-on-one assistance.

Ombudsman Representatives attend expositions, meetings, and other public events in order to educate the public on our mandate as well as provide information on existing complaint resolution. These methods help generate awareness as well as provide the public with all the methods by which they can pursue their complaint. Site visits, as well as public outreach activities are not limited to youth. Ombudsman Representatives also visit seniors and staff in long-term care as well as inmates in the correctional system.

All complaints and inquiries are addressed that come directly from telephone calls, mail, fax, email, and in person. Regardless of whether or not a complaint falls within the jurisdiction of the Ombudsman Act, representatives provide information and assistance to all complainants. Sometimes this involves informing the complainant about an avenue of appeal and providing the appropriate referral information. On other occasions, service to the complainant could entail having an Ombudsman Representative review the issue from a more in-depth perspective.

Figure 2



In 2014-2015 the number of new matters addressed within the scope of the Office of the Ombudsman was 2152 showing a small decrease from last year, but consistent with the long-term pattern. This total includes 840 administrative review cases and 511 meetings with youth in care and custody. There were no investigations under the Public Interest Disclosure of Wrongdoing Act. It also includes 490 inquires that were outside of the Ombudsman’s jurisdiction, for which various levels of assistance and information was provided.

The triaging of complaints by Assessment Officers and the early resolutions made by Ombudsman Representatives through administrative reviews are at the core of the Office’s complaint resolution process. Of the 1641 general complaints this year, 840 were handled as administrative reviews.

In years past the work of the Assessment Officers quickly resolving complaints, as well as the more in-depth, but short-term investigative work of Ombudsman Representatives, was reported into the single category of administrative reviews. This is the last year these numbers will be reported using this methodology. This past year, the Office worked with Information Technology (IT) services to develop a new complaint management system to be implemented in the next fiscal year. Along with the new system will come new ways of defining daily operations, and categories under which complaints will fall. In part, this system is designed to enable staff to better define each type of complaint, and highlight the level of work that is being completed by Assessment Officers.

Figure 3 outlines the results of each administrative review completed by the Office in 2014-2015. This year 92% of administrative reviews resulted in positive outcomes, exceeding the goal of 80%.

Figure 3

<b>Administrative Reviews* - Results</b>	
<b>Outcome</b>	<b>Number</b>
Assistance Rendered	663
Resolved	18
Properly Implemented	94
<b>Total with positive outcome</b>	<b>775</b>
Discontinued / Withdrawn	65
<b>Total Administrative Reviews**</b>	<b>840</b>
*Youth and in-depth investigation matters are reported separately **This total does not include the meetings with youth in care/custody	

## Correctional Services

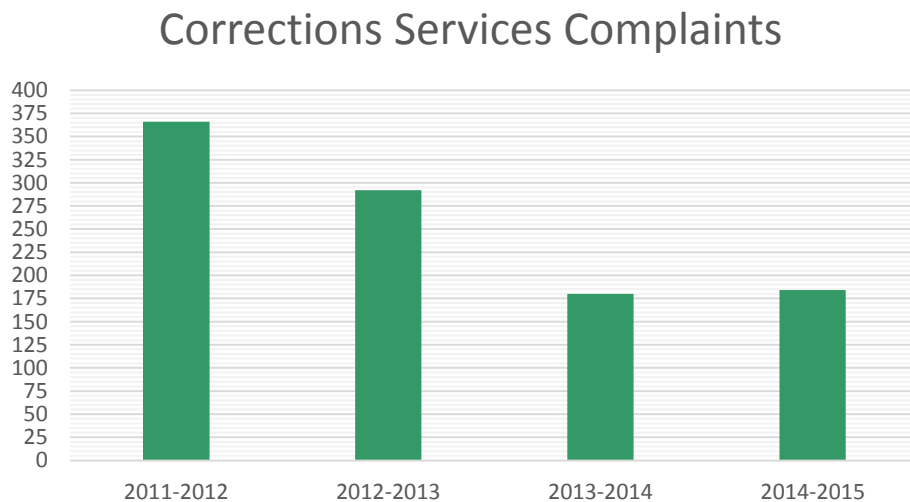
For the past four years, Ombudsman Representatives have worked to reduce the number of complaints to this Office by inmates. Representatives have worked closely with Correctional Services and have successfully developed a more effective and efficient complaint handling process. This process has developed a positive rapport with correctional services staff, making complaint resolution times shorter for inmates, and less burdensome for front line staff in correctional facilities.

Ombudsman Representatives continue to visit correctional facilities across the province to meet with both inmates and staff on a quarterly basis. Representatives receive complaints, provide information, and promote on-site resolution of complaints. Due to a more effective internal complaint resolution process, not only are inmate complaints fewer, but the required number of on-site visits has been reduced.

Educating inmates on correctional services internal complaint resolution processes, and encouraging them to exhaust avenues of appeal available to them has been effective. The reduced number of complaints from inmates enables Assessment Officers and Ombudsman Representatives more time to address complex in-depth or systemic issues. The decline in total correctional services complaints supports the belief that many issues raised by inmates can be appropriately addressed at the facility level with improved communications. Emphasis has been placed on resolving problems informally through dialogue.

The total number of complaints from inmates across facilities has leveled out around 180 for the last two years. Figure 4 illustrates the significant reduction in correctional services related complaints. This reduction of complaints should not be mentioned without recognizing the work undertaken by Correctional Services. Through methods such as increased staff training, implementing more direct supervision by staff, and maintaining an open dialogue with this Office, Correctional Services have contributed to the reduction of complaints to this Office.

Figure 4



## **Case Example**

An elderly inmate met with Ombudsman Representatives during a regularly scheduled site visit. He explained that he had a number of health care related concerns. The complainant believed he was suffering from a number of ailments and was unaware of how to get help within the facility. The individual also had visual and hearing impairments which he felt were preventing him from communicating adequately with facility and medical staff.

A number of steps were taken to assist the inmate. First, all undiagnosed medical concerns were communicated to the facility medical staff so that they could follow-up with the inmate directly. He also received instruction on how to submit a medical request, as well as file a complaint through the internal complaint resolution process. Many of his complaints had not been addressed previously as correctional services and healthcare staff had no record of them.

Finally, the complainant had difficulty obtaining eyeglasses and hearing aids. The devices he was using were in ill-repair. Through discussion with correctional services staff, the Ombudsman Representative was able to assist the complainant in sending his hearing aids for repair, as well as obtaining new prescription eyeglasses.

## **Intake Analysis and Process**

The majority of inquiries to the Office are handled by Assessment Officers who are experienced in determining jurisdiction, triaging complaints, and if necessary providing complainants with information and referrals. This method means that most of the time a complainant will be able to call the Office and speak with an Assessment Officer and immediately receive attention. Overall, this has increased our capacity to handle a higher volume of complaints.

The work that has been done this year on the new complaint management system will also increase the capacity of Assessment Officers to quickly assess and resolve issues by enabling improved access to the case management database and information pertaining to on-going complaints and investigations, complainants and respondents, and repeat or historical complaints.

## **Volume and Resolution of Complaints**

As an overall trend, this Office has seen a slight decrease in the number of complaints. In part this can be attributed to the efforts previously mentioned in the section on Correctional Services whereby new processes have decreased the number of complaints coming from inmates.

This year began a new approach to Long Term Care (LTC) facility outreach and site visits. The Office's internal outreach committee determined that in addition to visiting the staff and touring LTC facilities, Ombudsman Representatives would approach those best suited to represent the interests of residents of LTC facilities. In its first year, this method has enabled Ombudsman Representatives to facilitate informal outreach meetings with LTC facility staff, family councils, and resident councils. The result has been a reduction in formal site visits, but an increase in overall outreach efforts and informal meetings.

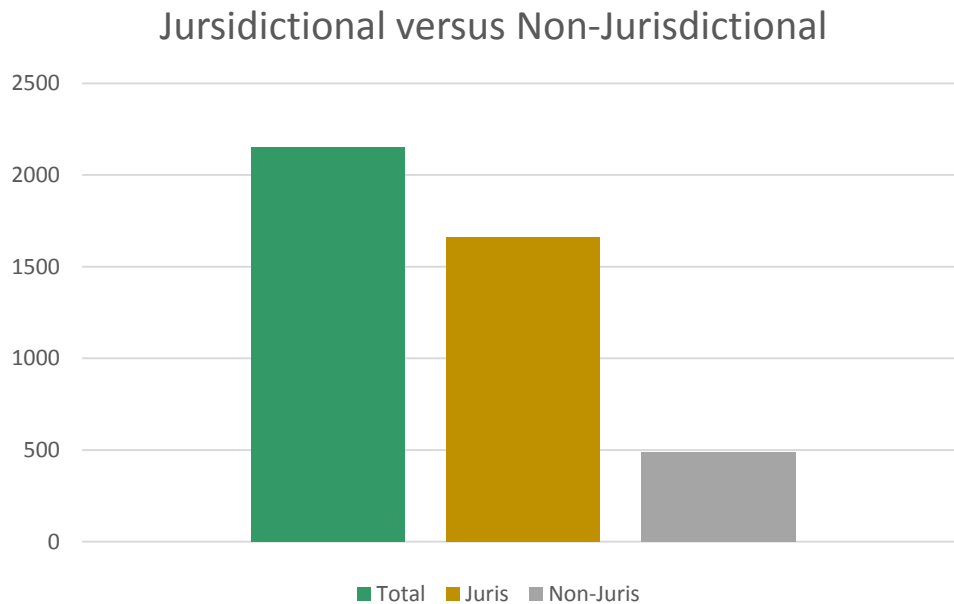
This Office also promotes increased public awareness of avenues of appeal available, to help direct complaints to the appropriate responding party. Various promotional efforts are employed by the Assessment Officers as well as staff undertaking outreach.

### Jurisdictional and Non-Jurisdictional Complaints

Complaints must fall under one of two Acts, the Ombudsman Act or the Public Interest Disclosure of Wrongdoing Act, in order for this Office to have jurisdiction. Twenty-three percent of inquiries/complaints received this year were considered non-jurisdictional. In most cases there is another avenue of appeal available to the complainant whether it be through the judicial system, a federal department, a private industry ombudsman, a collective agreement, a self-regulating professional association, or other body.

Assessment Officers provide complainants who have non-jurisdictional complaints with information regarding the appropriate avenue of appeal. While it is not a technical component of our mandate, the de-facto function of the Assessment Officers assisting individuals with non-jurisdictional complaints is an added demand on resources, but one that has value and we consider important for citizens. Surveys conducted by this Office have indicated this aspect of our service is appreciated by individuals contacting the Office and is helpful.

Figure 5



### Resolution Timelines

The majority of cases handled by the Office of the Ombudsman are resolved in one to seven days, due in part to our informal complaint resolution process. Figure 6 illustrates the timeframes administrative reviews and investigations are completed.

Figure 6

Administrative Review & Investigation Time Frames								
	2008-2009 (Base measure)		2012-2013		2013-2014		2014-2015	
1-7 days	1139	70%	1340	78%	1872	86%	1902	88%
8 days - 4 weeks	257	16%	211	12%	185	9%	126	6%
4 weeks plus	241	15%	165	10%	117	5%	124	6%
Total	1637	100%	1716	100%	2174	100%	2152	100%

### In-Depth Investigations

The Office undertakes four types of in-depth or formal investigations. Most of these complaints are brought forward by a member of the public who has a complaint that cannot be resolved in a timely way through informal means. These cases can involve extensive research and are often more complex than at first glance. Some cases have broader systemic implications separate from the initial complaint.

This Office also has the authority to initiate investigations that do not necessarily stem from a particular complaint. Sometimes a series of related complaints about a specific government entity can highlight a broader issue in policy or process. Investigations on the initiative of the Ombudsman are called own motion investigations.

Ombudsman Representatives also handle ‘whistleblower’ or disclosure of wrongdoing cases. These cases arise when a member of the public or the public service approaches the Office with information regarding government activities. While the Office receives far less of these cases than in comparison to Ombudsman Act complaints, they tend to be more complex and labour intensive, and tend to identify activities that may be a breach of public policy or the law. Disclosure of wrongdoing cases must meet a certain threshold to be considered as such. Alternatively, sometimes a disclosure allegation is better suited to be investigated under the Ombudsman Act as an administrative review or other complaint type.

The Office also provides a policy review service within government. Various departments, agencies, boards, or commissions may request a review of a policy prior to implementation. This is initiated by the government entity and accepted at the discretion of the Ombudsman.

The types of in-depth investigations and reviews undertaken by the Office include Own-Motion Investigations, Formal (complainant based) Investigations, System/Policy Reviews, and PIDWA reviews

and investigations. This year 12 in-depth investigations were conducted. Six investigations were based on general complaints, two were conducted on the Ombudsman's Own Motion, and four were system/policy reviews. Three of those system/policy reviews were initiated by the Ombudsman, and one was the result of a departmental request. The Office also received 10 disclosure of wrongdoing inquiries/allegations under the PIDWA. There were no formal investigations generated however three were referred to other more appropriate authorities. In this regard, there were no findings of wrongdoing this fiscal year and no recommendations under the PIDWA.

### **Investigation Outcomes**

Section 20 of the Ombudsman Act provides the authority to make recommendations to provincial government departments and municipal units. Recommendations are primarily, but not necessarily, issued upon the completion of a formal investigation. Government agencies are required to report back to this Office on plans regarding the implementation of recommendations. Through these recommendations this Office derives the ability to enhance policy and process. Government officials are not bound to implement the recommendations of the Ombudsman, however in the majority of cases they are accepted and implemented.

All of the recommendations issued by this Office are supported by in-depth investigations or administrative reviews. Figure 8 describes some of the recommendations issued during the year under review. The table also describes the public body involved as the respondent as well as the nature of the complaint.



Figure 8

Complaint	Respondent	Recommendations
<b>Community engagement for Wind Farm development</b>	Department of Energy	<ul style="list-style-type: none"> <li>• Define “community” in the Renewable Electricity Regulations.</li> <li>• Develop Standards relating to public notification of approvals.</li> <li>• Review current public information sources to determine an appropriate reference to appeal information.</li> </ul>
<b>Prepayment to a Municipal Councilor</b>	Town of Springhill  Municipal Affairs (Service NS and Municipal Relations)	<ul style="list-style-type: none"> <li>• Town of Springhill was advised by this Office that while the Municipal Government Act (MGA) provides authority to a municipality to expend money for salaries, remuneration and expenses of elected officials; the practice of advancing honouraria is concerning when there is a deviation from standard practice, no policy guiding such transactions, no formal agreement, and no public record of the payment.</li> <li>• SNSMR provide written correspondence to all municipal units advising advancements or prepayment of remuneration to Councilors is not an appropriate or acceptable practice.</li> <li>• Declined Implementation: The Department of Municipal Affairs indicated that municipalities have broad powers to govern their own affairs. The Department suggested that municipalities seek independent legal advice on this matter.</li> </ul>
<b>Land expropriation process</b>	Department of Justice	<ul style="list-style-type: none"> <li>• Amend the Expropriation Act to allow for a hearing process for complaints from affected landowners.</li> </ul>

**Outreach**

In the year under review, the Office’s internal outreach committee has been revitalized. A new outreach strategy was produced with greater focus placed on reaching youth outside of care, as well as the general public, while maintaining regular outreach efforts for vulnerable groups such as seniors in Long-Term Care (LTC) Facilities and Youth in Residential Child-Caring Facilities (RCCF’s). Some of these efforts involved seeking out new avenues for bringing our message to the public. While still in the planning stages, some of these efforts will be notable components of the next fiscal year. The Office continues to conduct a number of outreach activities. Ombudsman Representatives provide presentations, attend expos, and visit government agencies with the intention of educating individuals on the role and mandate of the Office.

Ombudsman Representatives regularly visit youth detention facilities as well as RCCF's. During these visits, Representatives collect information, dispense educational materials, listen to complaints, or simply provide a person for the youth to talk to. They also provide the opportunity for Representatives to meet with facility staff. Representatives prepare written reports on these visits, whether or not a complaint is filed by a youth and/or staff.

Representatives conduct site visits to LTC facilities to provide presentations and information to residents and staff. As previously mentioned a new approach was developed whereby contact was made not only with staff of these facilities, but directly with resident and family councils. Presentations were offered to anyone who wished to attend.

Ombudsman Representatives are members of seniors' support and services committees such as Chebucto Links. Representatives staffed a booth at the annual 50+ Expo in Halifax, providing seniors with information on the mandate and role of the Office. The Office is also represented on the board of the Nova Scotia Council for the Family, the Council's Youth in Care Committee, the Child Welfare League of Canada, and the Canadian Council of Child and Youth Advocates.

Each year, the Office of the Ombudsman holds a creative youth contest. Children are invited to design posters, while older youth are offered a number of creative mediums they can submit as their entry. The themes of the contest reflect a specific Article from the United Nations Convention on the Rights of the Child. Typically there are hundreds of submissions and participants receive certificates, with the winners of the contest receiving special prizes.

The Office also participates in the annual United Way fundraising campaign coordinated by the Nova Scotia Public Service United Way Steering Committee, and the Office's committee representative.

### **Records Management**

The Office records management program follows provincial government requirements for maintaining records, and protects the privacy of complainants and respondents. The Records Manager adheres to the provincial Standard for Administrative Records and the Standard for Operational Records or STAR/STOR. In addition, records are not Subject to Freedom of Information requests. In accordance with the Ombudsman Act, all staff swear to, or affirm, an oath of confidentiality, and provide background checks. The Records Manager maintains a central registry for records, updates the database on a daily basis, as well as collects and compiles statistics.

During the year under review Office staff have worked closely with provincial IT services and private industry experts in order to establish a new case-file management system. This system will be operational in the next fiscal year and provide added tools for statistical analysis, and will facilitate improved use of digital records.

## IV - Services and Cases

### **Investigation and Complaint Services (I&CS)**

General complaints are addressed by the Investigation and Complaints Services (I&CS) section. Most complaints received by the Ombudsman do not develop into formal investigations. Many provincial departments, municipalities and agencies have either an internal complaint process or some other mechanism of appeal. As such, a portion of the work done within the Office is helping complainants navigate these mechanisms and directing complaints to the appropriate authority.

When a complaint is within the jurisdiction of this Office, and avenues of appeal have been exhausted, an administrative review will be conducted. First, Ombudsman Representatives will work with the complainant and respondent government officials to resolve the issue. If a resolution cannot be achieved informally, a more formal investigation focusing on research and recommendations will be initiated. However, there are a number of complaints relating to subject matter outside of the jurisdiction granted to the Office by the Ombudsman Act. Examples include complaints involving the federal government, decisions of the courts, private entities and citizens.

### **Case Study - Investigation and Complaint Services**

In many cases this Office investigates complaints and discovers that the government entity in question properly implemented the policies and processes connected to the complaint. That is to say the role of this Office is sometimes one of confirming the effectiveness of a government policy, while providing a concerned citizen with an opportunity to understand how the policy works.

The following are examples of cases addressed by Investigation and Complaint Services.

#### ***Municipal Process***

This Office received a complaint regarding the sale of land by a town to a private interest. The land had a history of mixed use and some of the town's residents believed the sale was contrary to the legal use of the land. There was speculation that the municipality was mishandling the sale or that some dubious business interactions were taking place.

An Ombudsman Representative reviewed the appropriate legislation, policy, and guidelines and contacted the municipality. The Representative discerned the process by which the land was sold was in accordance with policy. The complainant indicated a satisfaction of knowing that an independent review was conducted and although their concerns were unfounded, they acknowledged it was primarily based on a misunderstanding of the municipal process.

#### ***Flood Barriers***

This Office was contacted by a complainant struggling to find answers in the face of property damage and ongoing threat of future flooding. The complainant believed the public water drainage systems around their property, including damaged culverts, were directing storm water onto the property and flooding their home. In this case, the public water authority held the opinion that it was not responsible.

An Ombudsman Representative contacted the public water authority and discovered that its culverts were operating properly in the complainant's area. What the complainant did not know was that storm water drainage from around the property was being diverted to crown land where it was then intended to empty into a nearby lake. A representative for the water authority stated they were unaware of the culverts "owners."

The Ombudsman Representative undertook efforts to determine who, if not the public water authority, would be responsible for the specific culverts in disrepair. Significant research was required as multiple property owners, land-use agreements, and government entities were affected/involved in the matter.

The provincial government body responsible for crown land became involved as further inquiry took place. Similar to the public water authority, the provincial department denied responsibility for the flooding on the complainant's property.

Due to the efforts of the Ombudsman Representative, a dialogue was initiated between all parties involved. While maintaining a lack of direct responsibility for the flooding, the provincial department initiated the required efforts to resolve the physical issues on crown land which were contributing to the flooding, and the complainant was satisfied.

### ***Wind Farm***

This Office was contacted by a complainant who believed there was no opportunity to participate in the public consultative processes, and notice of the development was inadequate. The complainant was concerned that the construction and operation of wind turbines near their home could have a negative health and environmental impact, and was unaware of who determines if the turbines would be operated safely.

An Ombudsman Representative met with the complainant and explained the processes around the approval of these types of developments. The complainant was informed on the role of Nova Scotia Environment (NSE) and how the consultative process unfolds. The Representative discussed the role of the Community Liaison Committee for the project and advised that this committee may be able to help address some of the concerns. The complainant was also provided with documentation on wind farms and referred to a contact person with NSE who could elaborate on the technicalities of wind turbines and what risk mitigation factors are in place.

### **Implications of the Cases**

Actions by public bodies can sometimes cause concern for citizens if they believe or feel that proper considerations, or consultation, were not being made. While it is not the primary role of this Office to function as an official mediator, Ombudsman Representatives often provide clarity to individuals on either side of a potential conflict. Approaching complaints from a neutral point enables Representatives to have the ability to employ research, conduct impartial investigations, and decipher core issues.

In the flooding complaint described above, the complainant was involved in a complex mix of affected parties all of whom had an interest in the outcome. This was a unique circumstance, with potentially costly implications for all parties. Ombudsman Representatives fostered reasoned deliberation which facilitated

a resolution. Ultimately in this case the resolution was made successful by the provincial department responsible for crown land who demonstrated initiative and creativity by committing to actions that would decrease the chances of flooding for the complainant.

### **Youth and Seniors Services**

Youth and seniors are two of the most vulnerable populations which interact with this Office. Often vulnerable due to their increased interaction with government services, the particularities of their age, and the number who reside in the care of others. As such, Youth and Seniors Services (Y&SS) provides a dedicated service to children, youth, and seniors; with a recognition of the unique issues affecting them. Ombudsman Representatives independently review and investigate the concerns of children, youth and seniors who are receiving provincial and municipal government services. Representatives also monitor emerging issues and keep up-to-date on the challenges faced by youth and seniors, and those who provide services.

The general oversight function and mandate for children and youth is rooted from a provincial audit, 'In Our Care' (Samuels-Stewart, 1995), and the subsequent report by retired Judge Stuart G. Stratton, Q.C., regarding allegations of abuse at provincial youth facilities. As a result, Ombudsman Representatives connect with youth and staff directly through regular site visits, and maintain a presence in all residential, secure care, and detention facilities. Site visits help to ensure Ombudsman Representatives are aware and knowledgeable of protocols and procedures of each site, while also providing the opportunity for residents, Young Persons, and staff to bring forward any concerns they may have. Representatives support open communication between residents and staff, and encourages the informal, as well as internal, resolution of complaints.

### **Case Study - Youth and Seniors Service**

The following are example of cases addressed by Youth and Seniors Services

#### ***Youth in Care***

A Youth Care Worker contacted this Office expressing concern that a youth in care was not receiving the most appropriate placement available. The Youth Care Worker believed the needs of the youth were greater than those able to be provided by the residential facility.

While actions were already being taken by the respective department to create a better care environment for the youth, staff working with the resident at the facility were unaware of the work being done in this regard. The Ombudsman Representative bridged the communication gap between the facility and departmental staff, which in turn led to the staff of the facility being informed of the plans being made to enhance the resident's care and placement, and alleviated their initial concerns.

#### ***Senior in need of help***

A senior residing in a Long Term Care (LTC) facility alleged that family members had destroyed the senior's last will and testament, and manipulated other legal documents. Initial review by the Ombudsman Representative determined that the complainant had been deemed to have low mental capacity and was allegedly misled to signing a power of attorney to an individual described as an abusive family member,

and was also being denied access to their personal financial accounts. The senior had been placed in the LTC facility by Adult Protection Services due to concerns of abuse by family members.

While the matters confronting the complainant were of a legal nature and non-jurisdictional, a representative from this Office contacted the LTC facility staff to ensure the facility was aware of the concern, and confirmed the resident had access to legal counsel. Facility staff declined to become directly involved in the matter. The representative from this Office then contacted the complainant's lawyer directly. The lawyer, who was also a long term friend of the complainant chose to advocate on their behalf and help the resident navigate the forthcoming legal proceedings, change the power of attorney, and have a new will created. While this was a unique situation where the Office was not directly involved, the representative from this Office was able to facilitate communication for the complainant.

### **Implications of the Cases**

Nova Scotians in care, particularly children, youth, and seniors, experience a number of hurdles. Whether through a potentially marginalized status or a lack of capacity, affected individuals rely on the care and protection of government services, which can be many and layered. While services are not inherently misguided, gaps can occur. Whether directly becoming involved or not, Ombudsman Representatives strive to seek out a path to resolution of the complaints brought forward by those in care and custody of provincial authorities, and the staff working to deliver such services.

### **Disclosure of Wrongdoing (PIDWA)**

The Public Interest of Disclosure of Wrongdoing Act (PIDWA) provides members of the public and provincial government employees a clear and accessible method to disclose allegations of wrongdoing in provincial government. Any individual may contact this Office directly to disclose their concerns, while provincial government employees in addition to contacting this Office, may also disclose allegations to their supervisor, or the designated officer at the public body where they work. The PIDWA is not intended to primarily investigate concerns that may be more appropriately addressed through an alternate established grievance mechanism, or other provincial investigative and complaint resolution process; such as matters governed by the Nova Scotia Human Rights Act and the Occupational Health and Safety Act.

This past year, The Office of the Ombudsman assessed 10 disclosures of wrongdoing, however no formal investigations were generated. Further, no inquiries or allegations submitted under the PIDWA were assessed under the Ombudsman Act.

### **Own Motion Investigations and Policy Reviews**

The Office of the Ombudsman may on its own initiative investigate government activities, practices and policies. Policy reviews can be initiated as own motion reviews/investigations, or at the request of a government department, agency or commission. These reviews and investigations frequently address concerns which may be systemic in nature.

### **Case Study - Policy Review**

This Office was contacted by the parent of a child with special needs. The parent was concerned about the administration of the Services for Persons with Disabilities and Child Protection service programs operated by the Department of Community Services.

Based on the merits of the complaint, this Office initiated a policy review. The review process entailed an examination of existing policy and legislation, including the Children and Family Services Act and its associated regulations, the Children Protection Services policy manual, and relevant Services for Persons with Disabilities policies. Ombudsman Representatives also consulted staff from the Child Protection Services and the Services for Persons with Disabilities programs to gain further insight into both the implementation of the programs and the specific situation of the complainant.

No administrative issues were identified as a result of the review. However, in an effort to fully discuss and address the complaints of the parent, the Ombudsman Representative facilitated ongoing communication between the complainant and the department.

### **Case Study - Own Motion**

Throughout the years, this Office has received a number of complaints by individuals who have had cases handled by a government Commission. Upon review of these complaints, Ombudsman Representatives observed several consistencies in the complaints being made; notably, complainants often disparaged the Commission's intake and investigative processes, the quality of commission communication with complainants, and overall quality control procedures. This Office had identified similar concerns in 2011, and at that time following an investigation, issued a report with recommendations which the Commission accepted and agreed to implement. Due to the number of complaints brought forward to this Office and the consistent issues raised in these complaints, as well as the previous investigation conducted, an Own Motion investigation was initiated.

To date, Ombudsman Representatives have reviewed relevant legislation, policy and procedure; manually copied and reviewed approximately two hundred and fifty Commission files, and interviewed current and former Commission staff, commissioners, as well as subject matter experts. The investigation has represented a significant undertaking for the Office. The investigation is ongoing and will carry over into the next fiscal year.

### **Implication of the Cases**

Own motion and policy reviews enable the Office to positively impact future policy development. For instance, a government body receiving numerous complaints regarding a specific policy area may initiate contact with this Office, as an independent organization, to review areas where concerns may exist or complaints arise, to help address the matter and mitigate further concerns.

Similarly, when this Office encounters potentially systemic issues with respect to a particular policy or area, an own motion review and/or investigation can be initiated, absent a specific complaint; however concerns which may be systemic in nature are generally detected through an accumulation of numerous similar public complaints.

## V - Where Complaints Originate

There is a broad range of provincial and municipal services, and complaints can originate from any of them. Citizens can also bring forward complaints about other agencies that are outside the jurisdiction of this Office, however still require some degree of assistance. Non-jurisdictional complaints such as those relating to a private entity, court, or federal government, are referred to appropriate avenue or appeal mechanism.

Not surprising, those departments who most affect citizens directly, tend to generate the most complaints. Historically these are the departments of Community Services, Justice, and Health and Wellness. This Office recognizes it is not necessarily a reflection of the delivery of services provided, rather it can also be attributed to the nature and type of the service and sheer volume of citizens accessing them. Often citizens in a position of direct regulation or service delivery may have more concerns or issues with how those regulations impact their daily lives. Such as an inmate in a correctional facility, individuals in hospital or awaiting treatment, and persons seeking employment support and income assistance.

The following tables demonstrate from which departments the most complaints originate, as well as the type of complaints. The statistics are demonstrated over a three year period.

### Sources of Complaints

Figure 9

Community Services							
Year	Total	Employment Support and Income Assistance	Children, Youth, and Families	Affordable Housing and Repairs	Service Issue	Services for Person with Disabilities	Other
2014-15	278	105	43	50	54	12	14
2013-14	266	90	56	34	50	18	18
2012-13	241	118	45	28	37	9	4

Justice					
Year	Total	Correctional Services	Maintenance Enforcement Program	Court Services	Other
2014-15	221	172	27	14	8
2013-14	242	181	25	24	12
2012-13	346	292	31	17	6



<b>Health and Wellness</b>							
Year	Total	Inmate Medical	Continuing Care	Capital District Health Authority	Other DHAs and Hospitals	Pharmacare	other
2014-15	<b>123</b>	74	23	9	3	1	13
2013-14	<b>161</b>	87	23	10	13	3	25
2012-13	<b>215</b>	128	19	20	27	6	15

<b>Service Nova Scotia</b>						
Year	Total	Registry of Motor Vehicles	Residential Tenancies	Debtor Assistance and Student Loans	Land Title Registry	Other
2014-15	<b>30</b>	10	3	2	2	13
2013-14	<b>64</b>	22	13	2	2	25
2012-13	<b>49</b>	22	7	3	2	15

<b>Halifax Regional Municipality</b>					
Year	Total	Planning and Development Services	Regional Police	Transportation and Public Works	Other
2014-15	<b>32</b>	2	12	8	10
2013-14	<b>52</b>	5	17	11	19
2012-13	<b>38</b>	4	19	5	10

<b>Workers Compensation Board</b>					
Year	Total	Administrative Service	Benefits	Claims Process	Other
2014-15	<b>29</b>	6	4	14	5
2013-14	<b>31</b>	7	10	7	7
2012-13	<b>53</b>	16	16	17	4

## Respondents to Complaints

The table below (figure 10) provides a complete list of public bodies that were subjects of complaints within the jurisdiction of Ombudsman Act in the year under review. The table also contains categories of non-jurisdictional complaints in order to demonstrate their general volume among the overall complaint total.

The existence of a complaint in this table does not necessarily indicate fault. The respondent is captured when the complaint is received and is not indicative of whether the complaint was founded, founded in part, or unfounded. Further inquiry may lead to informal resolution, a meritorious complaint, or a non-jurisdictional issue.

Figure 10

Department / Agency / Commission / Non-Jurisdictional Entity	Number of Complaints
Agriculture (Department)	4
Amherst (Town)	2
Annapolis County (Municipality)	3
Annapolis Valley Health Authority	2
Annapolis Valley Regional School Board	2
Antigonish County (Municipality)	2
Bridgewater (Town)	2
Cape Breton District Health Authority	5
Cape Breton Regional Municipality	22
Cape Breton/Victoria Regional School Board	3
Capital District Health Authority (CDHA)	9
CDHA Inmate Health	74
Chester District (Municipality)	1
Chignecto-Central Regional School Board	2
Colchester-East Hants Regional School Board	2
Community Services (Department)	278
Courts/Judges*	20
Cumberland County (Municipality)	2
Cumberland Health Authority	3
East Hants District (Municipality)	1
Economic and Rural Development and Tourism (Department)	3
Education and Early Childhood Development (Department)	2
Efficiency Nova Scotia	1
Energy (Department)	3
Environment (Department)	13
Federal Government*	116
Finance (Department)	3
Fisheries and Aquaculture (Department)	3
Information and Privacy Commissioner (Office) (Freedom of Information and Protection of Privacy Review Office)	5
Guysborough District (Municipality)	1
Halifax Regional Municipality	32
Halifax Regional School Board	4
Halifax Water	1
Health and Wellness (Department)	40
Human Rights Commission	10
Immigration (Office)	2
Inverness County (Municipality)	2

IWK Health Centre	1
Justice (Department)	49
Justice (Correctional Services)	172
Kentville (Town)	4
King's County (Municipality)	2
Labour and Advanced Education (Department)	10
Labour Relations Board	1
Labour Standards Tribunal*	1
Legal Aid Commission	22
Lunenburg District (Municipality)	2
Medical Services Insurance	4
Mulgrave (Town)	1
Natural Resources (Department)	7
Non-Jurisdictional Assistance*	7
Nova Scotia Community College	3
Nova Scotia Utility and Review Board	1
Nova Scotia Pension Services	1
Ombudsman (Office)	6
Other*	139
Oxford (Town)	1
Parrsboro (Town)	1
Pictou County Health Authority	1
Police Commission	5
Private*	230

Premiers Office	1
Public Prosecution Service	1
Public Service Commission	8
Public Trustee	3
Queen's County (Municipality)	2
Seniors (Department)	1
Service Nova Scotia	30
Shelburne (Town)	1
South Shore Health Authority	2
South Shore Regional School Board	2
Springhill (Town)	4
Straight Regional School Board	1
Transportation and Infrastructure Renewal (Department)	13
Trenton (Town)	2
Truro (Town)	1
West Hants District (Municipality)	5
Wolfville (Town)	2
Workers' Compensation Appeals Tribunal	7
Workers' Compensation Board	29
Yarmouth District (Municipality)	1
Yarmouth (Town)	4
<b>Total</b>	<b>1471</b>
<b>Note:</b> Asterisks (*) denote non-jurisdictional inquires and complaints that are referred to the appropriate oversight entities.	

## Month at a Glance

In any given month the Office can receive as many as 200 complaints, and their subject matter may vary significantly. Approximately one third of all complaints are non-jurisdictional. In other words they do not fall within the mandate as set out in the Ombudsman Act and the Public Interest Disclosure of Wrongdoing Act.

The following table (figure 11) breaks down the month of October 2014 by the respondents for complaints as well as the specific nature of the issue, highlighting the variation in complaints received. As mentioned for the previous table, the existence of a complaint in this table does not necessarily indicate fault. The respondent is captured when the complaint is received.

Figure 11

<b>October 2014 – All Complaints</b>
<p><b>Correctional Services / Courts / Inmate Health (26 total)</b></p> <ul style="list-style-type: none"> <li>• Appeal Process (1)</li> <li>• Communication (1)</li> <li>• Court Matter (1)</li> <li>• Discipline (5)</li> <li>• Facility / supplies / food (2)</li> <li>• Lockdown (2)</li> <li>• Inmate Health (6)</li> <li>• Officer Conduct (7)</li> <li>• Other (1)</li> </ul>
<p><b>Community Services – Family (5 total)</b></p> <ul style="list-style-type: none"> <li>• Caseworker Issues (1)</li> <li>• Children placed in care (1)</li> <li>• Child Welfare issue (2)</li> <li>• Limits on family contact with child (1)</li> </ul>
<p><b>Community Services – Housing (3 total)</b></p> <ul style="list-style-type: none"> <li>• Eviction (1)</li> <li>• Repair Funding (2)</li> </ul>
<p><b>Community Services – Income Assistance (24)</b></p> <ul style="list-style-type: none"> <li>• Appeals process (1)</li> <li>• Caseworker Issue (3)</li> <li>• College funding denied (1)</li> <li>• Communication / process concern (4)</li> <li>• Denied funding / increase / reduction (8)</li> <li>• Emergency funding (1)</li> <li>• Income delayed / not received (2)</li> <li>• Special diet request (3)</li> <li>• Utility bill funding (1)</li> </ul>
<p><b>Health and Wellness / Health Authorities / Hospitals / Health Workers (10)</b></p> <ul style="list-style-type: none"> <li>• Capital District Health Authority – Transfer issues (1)</li> <li>• Cape Breton Health Authority – Staff dismissal (1)</li> </ul>

<ul style="list-style-type: none"> <li>• Cumberland Health Authority – Complaint process (1)</li> <li>• Seeking care / doctor attention (3)</li> <li>• Misdiagnosis claim (1)</li> <li>• Pictou County Health Authority – Methadone (1)</li> <li>• Respite Care (1)</li> <li>• Youth Mental Health Services (1)</li> </ul>
<p><b>Municipal Governments (6)</b></p> <ul style="list-style-type: none"> <li>• Halifax Regional Municipality – Billing (1)</li> <li>• Halifax Regional Municipality – Police (1)</li> <li>• Municipality of the County of Annapolis – Tax Sale (1)</li> <li>• Municipality of the County of Cumberland – Property Assessment (1)</li> <li>• Town of Wolfville – By-law Enforcement (1)</li> <li>• Town of Yarmouth – Land Development (1)</li> </ul>
<p><b>Miscellaneous (14)</b></p> <ul style="list-style-type: none"> <li>• Agriculture – Turkey Board (1)</li> <li>• Accusation of Bullying (1)</li> <li>• Chignecto-Central Regional School Board – School Access (1)</li> <li>• Constituency Office – Information Request (1)</li> <li>• Financial Issues (1)</li> <li>• Freedom of Information and Protection of Privacy – Information Request (1)</li> <li>• General Inquiry (1)</li> <li>• Justice – Maintenance Enforcement Program (1)</li> <li>• Natural Resources – Crown Land Documents (1)</li> <li>• Nova Scotia Community College – Student Dismissal (1)</li> <li>• Nova Scotia Legal Aid – Lawyer Issue (1)</li> <li>• Ontario – Information Request (1)</li> <li>• Transportation and Infrastructure Renewal – Winter Road Visibility (1)</li> <li>• Veterinary Care (1)</li> </ul>
<p><b>Non-Jurisdictional (25)</b></p> <ul style="list-style-type: none"> <li>• Federal (10)</li> <li>• Private – Mainly Business (11)</li> <li>• RCMP (2)</li> <li>• Union (2)</li> </ul>
<p><b>Public Service Commission (2)</b></p> <ul style="list-style-type: none"> <li>• Appeals Process (1)</li> <li>• Respectful Workplace (1)</li> </ul>
<p><b>Workers Compensation Board (6)</b></p> <ul style="list-style-type: none"> <li>• Appeals Process (2)</li> <li>• Benefits (3)</li> <li>• Communication (1)</li> </ul>

## VI - Looking Ahead

Each year new issues emerge which help to define the direction and focus of this Office. As in previous years economic and demographic shifts, and the associated organizational stresses they impose on public service systems may demonstrate emerging procedural challenges. Nova Scotians consistently demonstrate an interest in health and social welfare matters, and in the integrity of their government. This Office will continue to provide an independent oversight service whereby Nova Scotians may bring forward concerns they may have in this regard, and maintain confidence they will be addressed in keeping with the Ombudsman Act.

This Office will continue to manage current and developing operational requirements that any demographic shifts may impose, while balancing resources to efficiently meet our mandate. Increased focus on systemic research and in-depth investigations, as well as opportunities to seek out potential structural gaps or shortcomings, will further enable this Office to work with both complainants and respondents in providing an accessible, transparent, and effective public service delivery for Nova Scotians.

## VII - Contact us

Ombudsman Representatives are available to meet with groups or organizations to talk about the services the Office provides.

The Office also has communication materials to distribute such as brochures and posters. Additional reference documents supplementing the Annual Report, including the Statement of Mandate and Accountability Report, may be found on our website or by contacting the Office.

There are a number of ways to contact the Office of the Ombudsman:

### **Telephone:**

Public Inquiries / Complaints: 1-902-424-6780 or Toll Free: 1-800-670-1111

Youth Inquires / Complaints: Toll Free: 1-888-839-6884

Disclosure of Wrongdoing Inquiries / Complaints: Toll Free: 1-877-670-1100

Fax: 1-902- 424-6675

### **Mail or in person:**

5670 Spring Garden Road, Suite 700

PO Box 2152

Halifax, Nova Scotia B3J 3B7

### **Online:**

Website: <http://novascotia.ca.ombu>

E-mail: [ombudsman@novascotia.ca](mailto:ombudsman@novascotia.ca)



**Facebook: Nova Scotia Ombudsman**



**Twitter: @NS\_Ombudsman**

