



NOVA SCOTIA
OFFICE OF THE OMBUDSMAN
ANNUAL REPORT 2019-2020

Crown copyright, Province of Nova Scotia, 2020

Ombudsman Annual Report 2019-2020

Office of the Ombudsman

September 2020

September 2020

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 section 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, 2020.

Respectfully,



William A. Smith
Ombudsman



William A. Smith, Ombudsman

The issuance of an annual report marks the end of one fiscal year and the beginning of another. This report provides an opportunity to illustrate our role and mandate, while also offering a mechanism to deliver a plan for how we will continue our work in the future.

While this report focuses on the efforts of this Office for the 2019-2020 fiscal year, we cannot ignore the hurdles facing everyone moving forward into 2020-2021. Everyone has been, and continues to be, affected by the Novel Coronavirus (COVID-19) pandemic. At the time of preparing this report, restrictions are in place around the world and at home. Some of these restrictions will deeply impact Nova Scotians mentally, physically, and financially. While it would be imprudent not to acknowledge the impact of COVID-19, this report is primarily a reflection on the time before this pandemic was a part of our daily lives. The "looking forward" section at the end of this report will address how this Office has been affected by COVID-19 and how we continue to operate while restrictions are in place. It is important to acknowledge the efforts of government employees working to serve the public at this time, and it is also necessary to continue to provide an oversight function on behalf of the people of Nova Scotia.

The Office of the Ombudsman provides three oversight functions. First, pursuant to the Ombudsman Act, Ombudsman Representatives address complaints regarding the administration of provincial and municipal governments. This includes municipal units, provincial departments, agencies, boards, and commissions. Second, we work with departments and agencies who provide services directly to children, youth, and seniors in the care of the province, to help improve those services. Notably, that includes functioning as an independent review mechanism when complaints arise involving the delivery of those services. Thirdly, this Office reviews and investigates allegations or disclosures of wrongdoing from provincial government employees and members of the public. While the roles of various Ombudsman Offices from around the country and beyond are often evolving and growing, our three-part function still represents one of the broadest mandates for an Ombudsman office in Canada. The breadth of this mandate offers the opportunity to address more of the complaints we receive than was possible when this Office was first established almost 50 years ago.

Please, consider this report and take some time to learn about what the Office of the Ombudsman can do and what types of services we provide, you may be surprised to find that we can help you or someone you know. We are an impartial organization that seeks a fair resolution to complaints, that promotes equality in government, and that fosters good governance for Nova Scotia. This is achieved by identifying areas for improvement and promoting positive changes in public policy and service delivery. For examples of how this is achieved, consult the case studies shared throughout this report or if you prefer the numbers, take a look at the statistics of how many complaints we handle, where they come from, and how many result in positive outcomes.

Finally, I'd like to thank the dedicated staff of our Office who have prepared this report entirely in-house.

TABLE OF CONTENTS

1 Message from the Ombudman	Year in review	15 Where complaints originate
About the office	9 Key facts and figures	16 Department of Community Services
4 Mission Role and Mandate	10 Reviews Complaints Meetings	17 Department of Justice
5 Organization	11 Results of complaints and inquiries	18 Service Nova Scotia
6 Human resources Training and professional development	12 Jurisdictional and non-jurisdictional complaints	19 Department of Health and Wellness
7 Finances	13 Resolution timelines	20 Halifax Regional Municipality
8 Case study #1	14 Case study #2	21 Workers' Compensation Board

22-23

Respondents to
complaints

30-34

Investigation outcomes
(recommendations)

40

Seniors case study

24-25

Month at a glance

35

Case study #3

41

Youth case study

**Complaint
Resolution****Outreach****Updates****26**

Complaint resolution
process

36

Outreach

42

Ombudsman Youth Council
Child death review

27

Complaint resolution

37

Correctional services

43

Looking ahead

28

Ombudsman Act investigations
Own Motion investigations
Youth investigations

38

Youth and seniors services

44

Contact us

29

Public Interest Disclosure of
Wrongdoing Act (PIDWA)
investigations

39

Types of youth complaints
Senior-specific issues



Mission

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

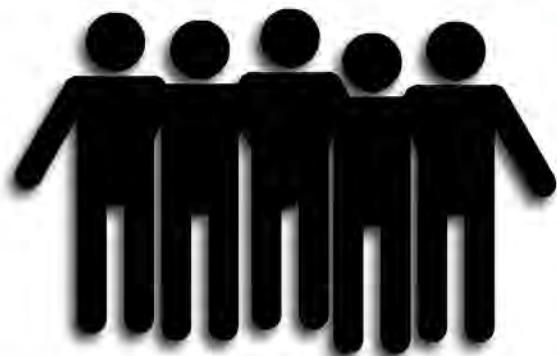


Role and Mandate

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

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

Organization



Administration

The **Office Manager** fulfills administrative and business functions and is a committee member for the Occupational Health and Safety Legislative Committee.

The **Complaint and Assessment Analyst** provides initial intake, assessment, and referrals, and creates records of all inquiries.

The **Records Analyst** manages the Office's program of records control and retention, adhering to provincial standards.

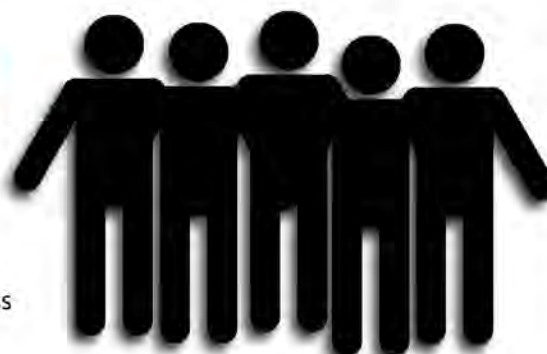
Managers and the **Deputy Ombudsman** supervise staff, oversee investigations and business operations, and provide advice to the Ombudsman.

Investigation and Complaint Services (I&CS)

Ombudsman Representatives conduct investigations, including Own Motion and systemic reviews.

The unit addresses departmental services, adult corrections, municipal services, and many other inquiries and complaints.

Staff also provide regular outreach visits to inmates and staff in provincial correctional facilities to advise of our services and discuss complaints in person.



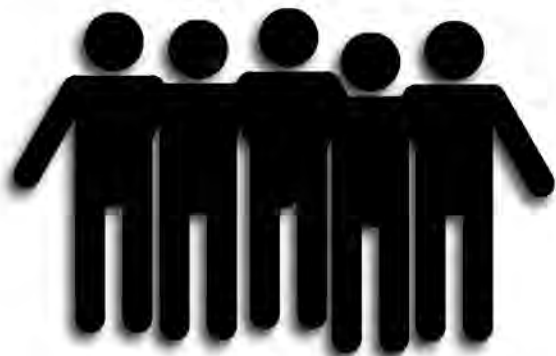
Youth and Seniors Services (Y&SS)

Ombudsman Representatives review, investigate, and report on the concerns of children, youth, parents, guardians, and staff in relation to all provincial and municipal government child and youth serving programs and systems services; with an enhanced outreach to those living and working in provincial child and youth residential care and custodial facilities.

Ombudsman Representatives examine issues and complaints affecting senior citizens, particularly those who reside in provincially licensed long-term care (LTC) facilities.

Staff also provide regular outreach visits to Residential Child-Caring Facilities, Wood Street Centre Campus, the Nova Scotia Youth Centre (Waterville), and the Cape Breton Detention Facility (Glace Bay).

The Ombudsman is an executive member of the Canadian Council of Child and Youth Advocates (CCCYA), and Ombudsman Representatives participate on various CCCYA working groups.



Human Resources

The Office of the Ombudsman is committed to providing a workplace that is free of discrimination and promotes equality of opportunity for all persons seeking employment with the Office.

The Office has 17 full-time positions, including that of Ombudsman. It continues to benefit from a roster of supplemental trained employees, and co-op/student work placements. The casual roster enables the Office to accommodate staff vacancies while continuing to carry out in-depth investigations.

This year, we hosted one student each from the following programs:

- Bachelor of Social Work, Dalhousie University
- Student Co-op, Charles P. Allen High School
- Office Administration Program, NSCC
- Child & Youth Worker Program, NSCC
- Juris Doctor, Schulich School of Law, Dalhousie University



Strive for Excellence
C. P. ALLEN HIGH SCHOOL



**DALHOUSIE
UNIVERSITY**

SCHULICH SCHOOL OF LAW

A member of staff holding the title of Registered Social Worker is currently mentoring another staff person in obtaining that designation, following their successful completion of the Bachelor of Social Work Program.

Training and Professional Development

This year our staff participated in the following training and development opportunities:

Internal and Public Service Commission Training

- Diversity, Inclusion, and Employment Equity
- First Aid / CPR
- Privacy and Access Awareness
- Professional Development for Administrative Professionals
- Respectful Workplace
- Understanding Fraud in the Public Sector

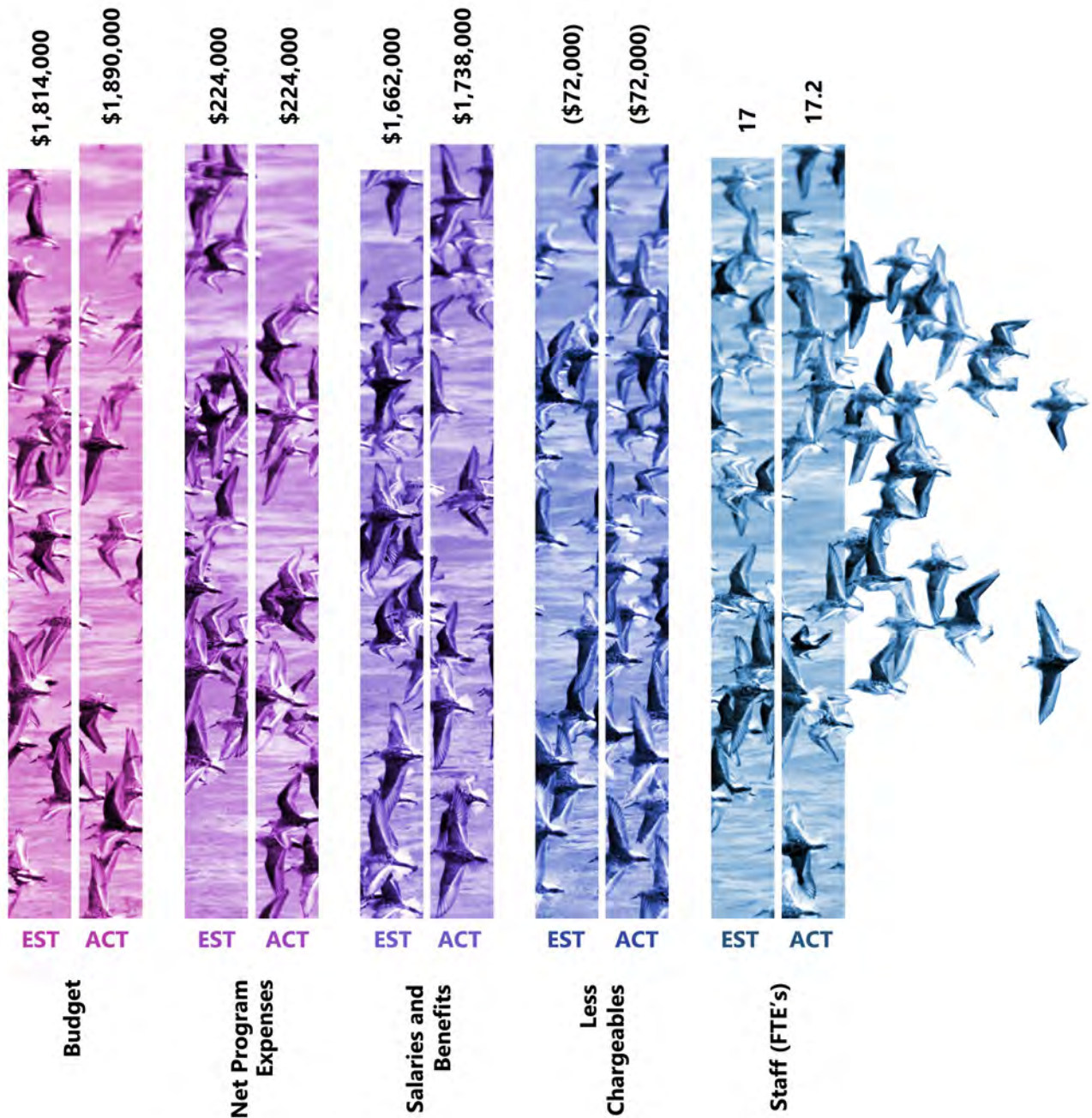
External Training

- Advanced Issues in Ombuds Practice – Osgoode Hall Law School, York University
- Developing Policies that Perform – Sobey School of Business, Saint Mary's University
- Forensic Social Work – School of Social Work, Dalhousie University
- Intermediate French 1 – Université Sainte-Anne

Finances

The Office of the Ombudsman's **2019-2020 Budget** is shown in Figure 1 (estimates/actuals). This year the Office spent 104% of its budget. The variance in budgeted and actual expenses reflects a modest increase in FTEs due to operational needs. 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



Individuals sometimes find out about the services of the Office of the Ombudsman through the departments that they are dealing with. This is what occurred when an individual with complaints involving the Office of the Police Complaints Commission (OPCC) was referred to us by the Department of Justice.

The complainant in this case had concerns involving a municipal police department's handling of an investigation involving the death of a family member. The individual submitted a complaint to the municipal police department expecting to have the opportunity to meet with the Deputy Chief to discuss their concerns; however, they received a letter from the OPCC Commissioner dismissing the complaint. The complainant followed up on their concerns with the OPCC and the Department of Justice. At that time, the Department of Justice advised the complainant that they could contact this Office to discuss their concerns.

After the complainant contacted this Office, an Ombudsman Representative made contact with the OPCC. This led to a review of the information the OPCC had on file regarding the matter and a meeting with an OPCC manager and the Commissioner regarding the investigative process utilised by the OPCC when receiving complaints. Relevant sections of the Police Act and Regulations were also reviewed, as well as the information supplied by the complainant and respondent.

In our review of the matter, this Office found that the OPCC's involvement in the initial stages of the police complaint were not consistent with their online materials that provide an overview of the handling of these complaints. Further, the OPCC's involvement in the early stages circumvented the process outlined in the Police Act and did not enable the complainant to engage in any appeal process. It was also identified in this review that the OPCC did not have any policies or procedures in place to process complaints, although this Office was advised that policies were under development.

Based on the information gathered in our review of the matter, the following recommendations were issued:

1. Develop policies and procedures that are consistent with the requirements of the legislation for the processing of complaints, specifically clarifying the role of the OPCC at the initial assessment stages of the complaint.
2. Ensure materials available to the public accurately reflect the process of handling Form 5 complaints and Notice of Reviews.
3. Develop and implement documentation standards to ensure records accurately reflect any and all activity on the file.

These recommendations are intended to improve the process for making complaints to the OPCC and will hopefully create a more effective, efficient, and transparent process for individuals in the future. The OPCC has accepted these recommendations and they will be monitored until this Office is satisfied of their implementation.

Key Facts and Figures

In 2019-20, the Office handled 2,217 complaints, inquiries, and youth contacts, which is consistent with the 10-year trend of surpassing 2,000 new matters in the year under review (Figure 2). Of the 2,217 total complaints, inquiries and youth contacts handled, 1,286 matters were resolved at the intake and assessment stage, and 599 at the administrative review investigation stage. Eight were formal investigations, 3 were own motion investigations and policy reviews, two were disclosure of wrongdoing administrative assessments, four were requests to participate in ombuds related projects and research, and 315 were youth meetings/contacts (Figure 3). Various complaint outcomes can be seen in Figure 4, including 581 non-jurisdictional complaints.

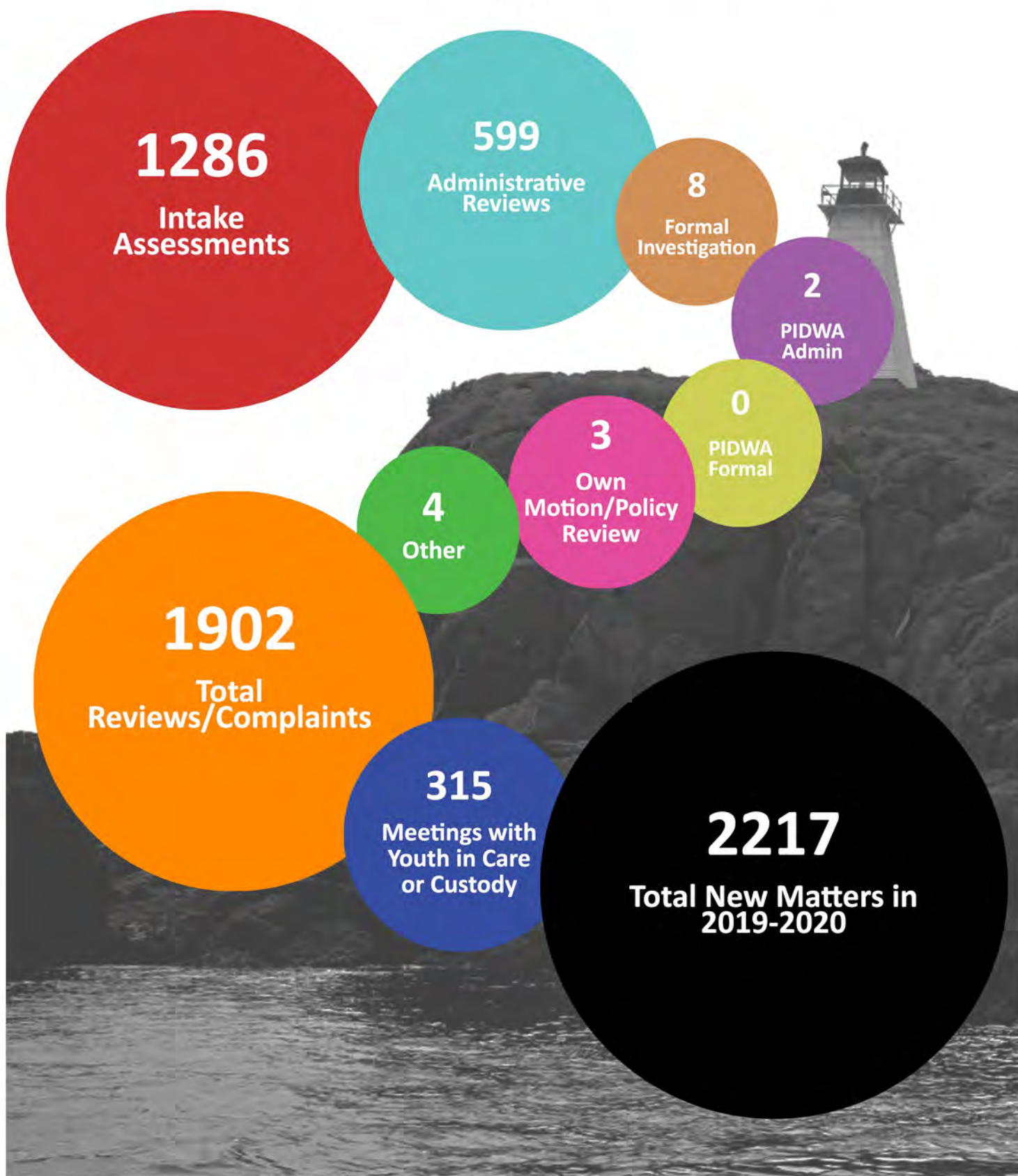
Figure 2



The decrease in total matters handled between 2017 and 2020 can be attributed in part to a reduced number of meetings with youth in care as well as complaints from youth in care. The number of meetings with youth in care dropped from 472 in fiscal 2017-18 to 231 in fiscal 2018-19, with marginal increase back up to 315 in 2019-20. The average number of youth in custody at the Nova Scotia Youth Centre (NSYC) has seen steady decreases in the last few years as more youth are receiving community sentences. The remaining differences may be attributed to population fluctuations at individual youth residential facilities as well as participation at one-off events.

Reviews/Complaints/Meetings

Figure 3



Results of Complaints and Inquiries

Figure 4

1138

Assistance Rendered: When this Office makes efforts to assist the complainant, but the matter has not progressed to the formal stages of investigation.

3

Resolved: Through significant effort by this Office the complainant's concerns are addressed, and reasonable resolution has been reached (e.g. Formal Recommendations are issued to address the concern)

23

Properly Implemented: Review / investigation of the complaint is undertaken, and it is determined that the respondent has followed policy and procedures

6

Discontinued by Ombudsman: When the Ombudsman, or his designate, determines a complaint will not be investigated (e.g. when a complaint is malicious or vexatious in nature or a complainant is seeking reinvestigation of a matter that was already addressed by this Office)

86

Discontinued by Complainant (Withdrawn): When a complainant decides to disengage from the review / investigation process

581

Non-Jurisdictional:

- Court or Tribunal (66)
- Elected Official (7)
- Federal (128)
- Private (325)
- Self-regulating body (55)

65

Outcome to be determine when stats were collected at year end.

1902 Total*

* Total excludes meetings with youth in care and custody.

Jurisdictional and Non-Jurisdictional Complaints

All inquiries and complaints are assessed to determine whether they fall under one of two acts, the **Ombudsman Act** or the **Public Interest Disclosure of Wrongdoing Act (PIDWA)**. In addition to those which fall under the jurisdiction of both acts, matters that do not fall under either act are considered for avenues of appeal or referral information that can be provided to the individual contacting the Office. Thirty percent of matters addressed by the Office in the year under review were non-jurisdictional. This calculation excludes visits with youth in care and custody.

Whenever possible, there are many organizations such as federal and private industry ombudsman, legal assistance organizations, and other oversight bodies to whom we may refer complainants. This service is not a technical component of our mandate however, over several years it was determined that assisting the public in this way was found to be helpful to those contacting the Office, as well as it enables Ombudsman Representatives to identify areas that may require additional education on our role and mandate.

Non-jurisdictional complaints are broken into the following categories:

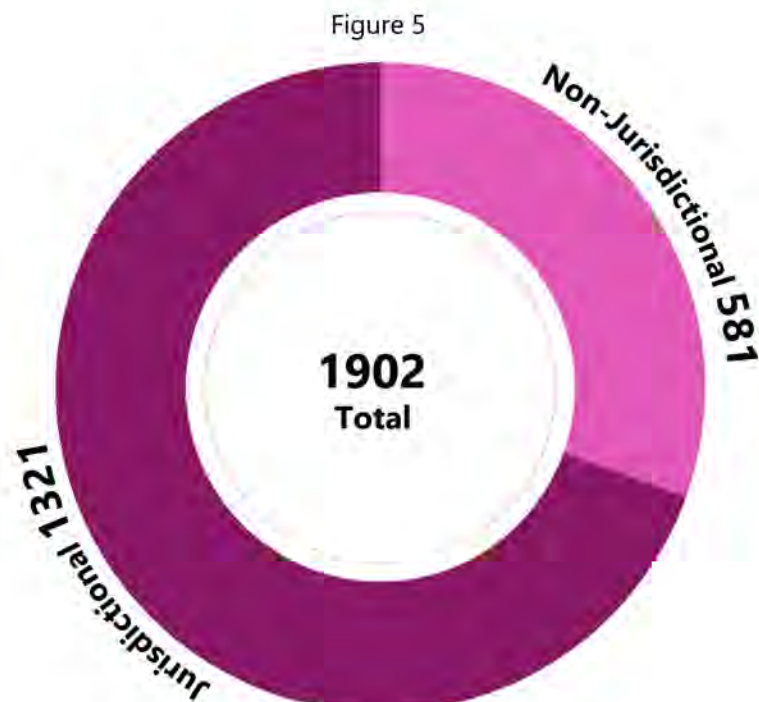
Self-regulating body – When the Office receives a complaint regarding a professional governed by a self-regulating body or about the services of a self-regulating body (e.g. complaints about lawyers)

Private – When the Office receives a complaint regarding a dispute between private individuals or a complaint about a private corporation (e.g. a complaint about a cellphone bill)

Federal – When the Office receives a complaint regarding the Government of Canada (e.g. a complaint about the Canada Revenue Agency)

Elected Official – When the Office receives a complaint regarding the decisions of an elected official(s) (e.g. a complainant disagrees with the decision made by a municipal council)

Court or Tribunal – When the Office receives a complaint regarding the decisions of a judge(s) or a tribunal (e.g. a complainant disagrees with the result of a custody hearing)



Resolution Timelines

Most files are resolved by Ombudsman Representatives in one to seven days. Figure 6 demonstrates the timeframes in which the various categories of complaints/investigations are concluded by this Office. These are general timeframes. Some matters may take more or less time depending on the complexity of the issue. Many Intake Assessments are resolved on first contact with the Complaint and Assessment Analyst.



Intake Assessments	1-7 Days	
Administrative Reviews	1-4 Weeks	
Formal Investigations	4 Weeks +	+
Own Motion Investigations	4 Weeks +	+

Figure 6

This Office was contacted by homeowners with concerns related to a program administered by the Municipality of the District of Lunenburg (MODL). The program was designed to help homeowners replace straight sewer pipes which currently release raw sewage into the LaHave River. The program was advanced by funding commitments from the federal and provincial governments, with costs shared in thirds between the federal government, the provincial government, and the homeowner. Several of the affected homeowners committed to the project with various types of septic system or Alternative Treatment Units (ATUs) selected, depending on the specifics of each property.

In the complainants' case a more complex ATU system was recommended for the property. The homeowners received a quote by email of \$17,000 to \$23,000 with a final cost to the homeowners in the range of \$7,500 to \$9,500. After consultation with the construction firm tendered to do the job, the homeowners were provided a cost of \$18,112. The homeowners believed this was the total project cost, to which they were required to cover one third. In reality, the complainants were told that amount was their portion of the one third split. In other words, the administrators were seeking to recover \$18,112 from the complainants.

The MODL advised that the homeowners were verbally informed that the total cost would be \$18,112, while the homeowners contended their understanding, given the range quoted, was that the \$18,112 was total project cost.

The Ombudsman Representative assigned this case reviewed the documentation available, including the email correspondence containing the original quote. From the information available, the Ombudsman Representative determined that it was reasonable to accept that the homeowners in this instance understood the overall project cost to be \$18,112.

The MODL has since conducted a project review after its first year of implementation and amended its policy so that when a tender is received for a project, the homeowners are required to sign off on the project to ensure they are aware of their obligations to the program. Additionally, a three-step appeal process has been established to enable homeowners to appeal decisions regarding the administration of the project.

The homeowners accepted a Recovery Charge in the range of \$7,500-\$9,500.

Where Complaints Originate

Government services are broad and can be multilayered and complex. For each one of those services there is legislation, policy, and procedures that must be understood, adhered to, and implemented. If one thinks about how much government impacts your day to day life, from healthcare and education to roads and infrastructure, you will begin to see the broad mandate of the Office of the Ombudsman. Complaints can originate from any program or service, or multiple agencies, and can be related to several diverse and sometimes overlapping pieces of policy. Matters may also be referred to the Ombudsman for investigation by a committee of the House of Assembly, including complaints stemming from the House of Assembly Policy on the Prevention and Resolution of Harassment in the Workplace.

In addition to complaints under the Ombudsman Act, the Public Interest Disclosure of Wrongdoing Act (PIDWA), and matters referred by the House, the Office receives complaints that do not fall within our jurisdiction. In all cases, the variety of matters brought to this Office each year require staff at the Office of the Ombudsman to quickly adapt by researching and reviewing legislation, policy, and procedure from the spectrum of provincial and municipal government services.

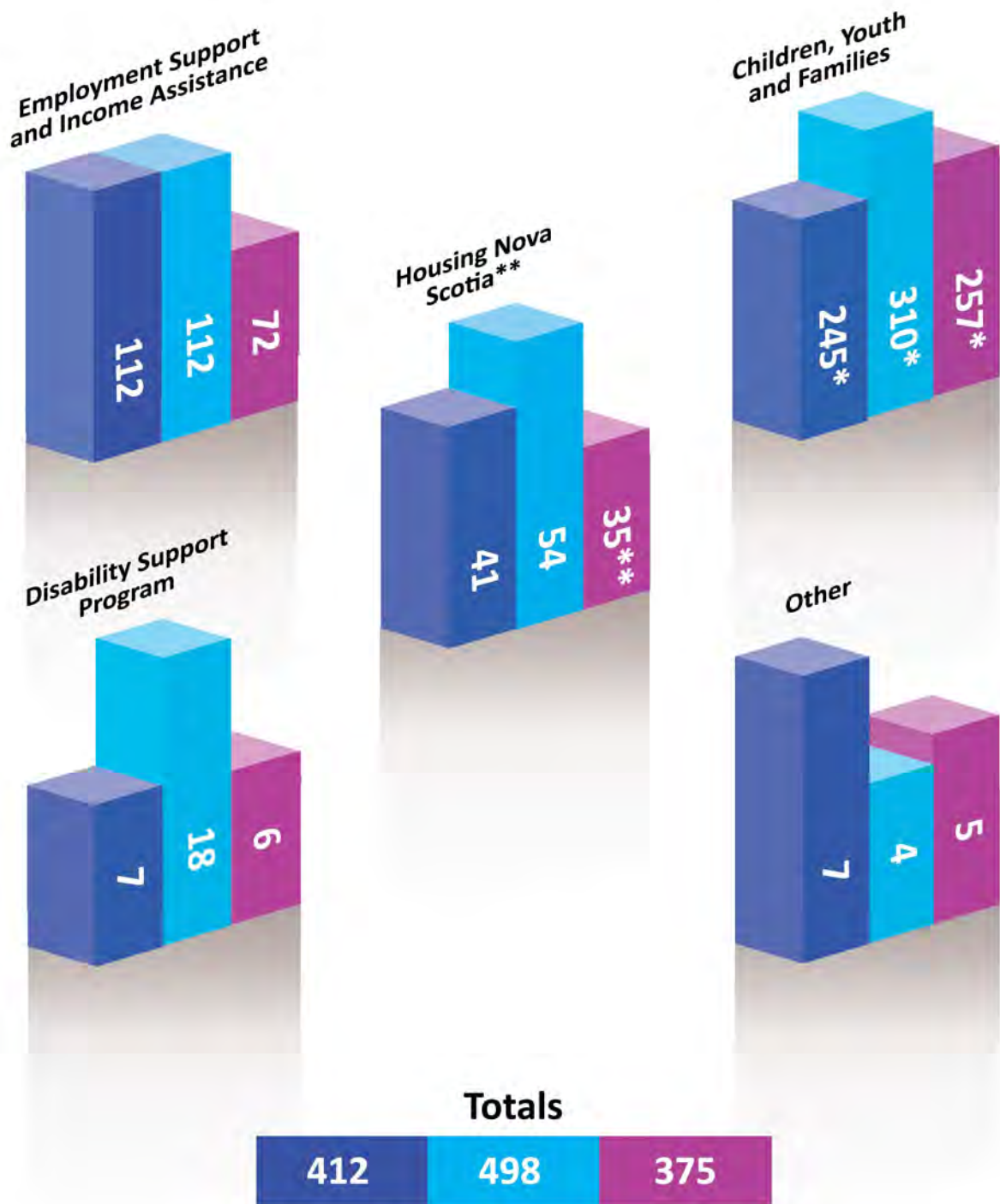
This Office recognizes that receiving a complaint does not necessarily mean it is with merit in every instance. Nor does the number of complaints regarding a public body speak to the quality of programs and services it delivers. By their nature, the public bodies accessed more frequently by citizens, or who interact with a significant portion of the population, tend to generate the greatest number of complaints. Typically, these are the larger departments that come to mind when thinking about government, including departments and agencies serving vulnerable people or those in distress. Thus, it is not unreasonable that a higher number of complaints can arise. However, if a smaller agency were to receive a high number of complaints, it could be perceived as a reason for further inquiry by this Office and may point to a potential systemic issue. It is important to focus on the substance and issue of each complaint, rather than solely the number of complaints received.

Figures 7-12 demonstrate from which government entities the most complaints originate, as well as the type of complaint. The statistics are demonstrated over a period of three years. Appearing on these tables does not necessarily suggest fault or maladministration by the respondent or public body.

Department of Community Services

2017-2018 - 2018-2019 - 2019-2020

Figure 7



* includes complaints by youth in care
** Housing Nova Scotia was moved under Municipal Affairs in 2019; as a result some Housing Nova Scotia Complaints will be captured with the Municipal Affairs statistics

Department of Justice

2017-2018 - 2018-2019 - 2019-2020

Figure 8

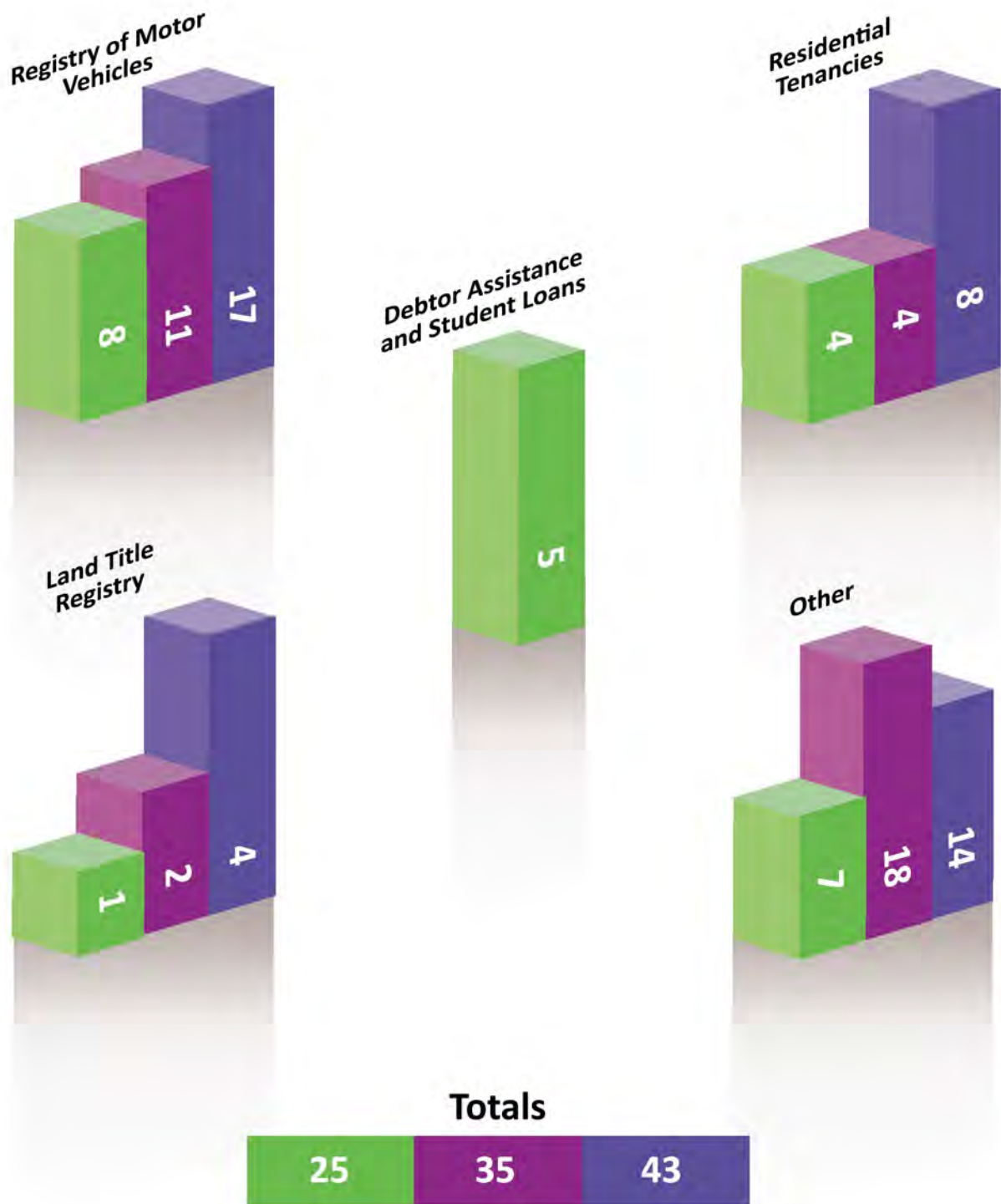


* includes complaints from adults and youth in custody

Service Nova Scotia

2017-2018 - 2018-2019 - 2019-2020

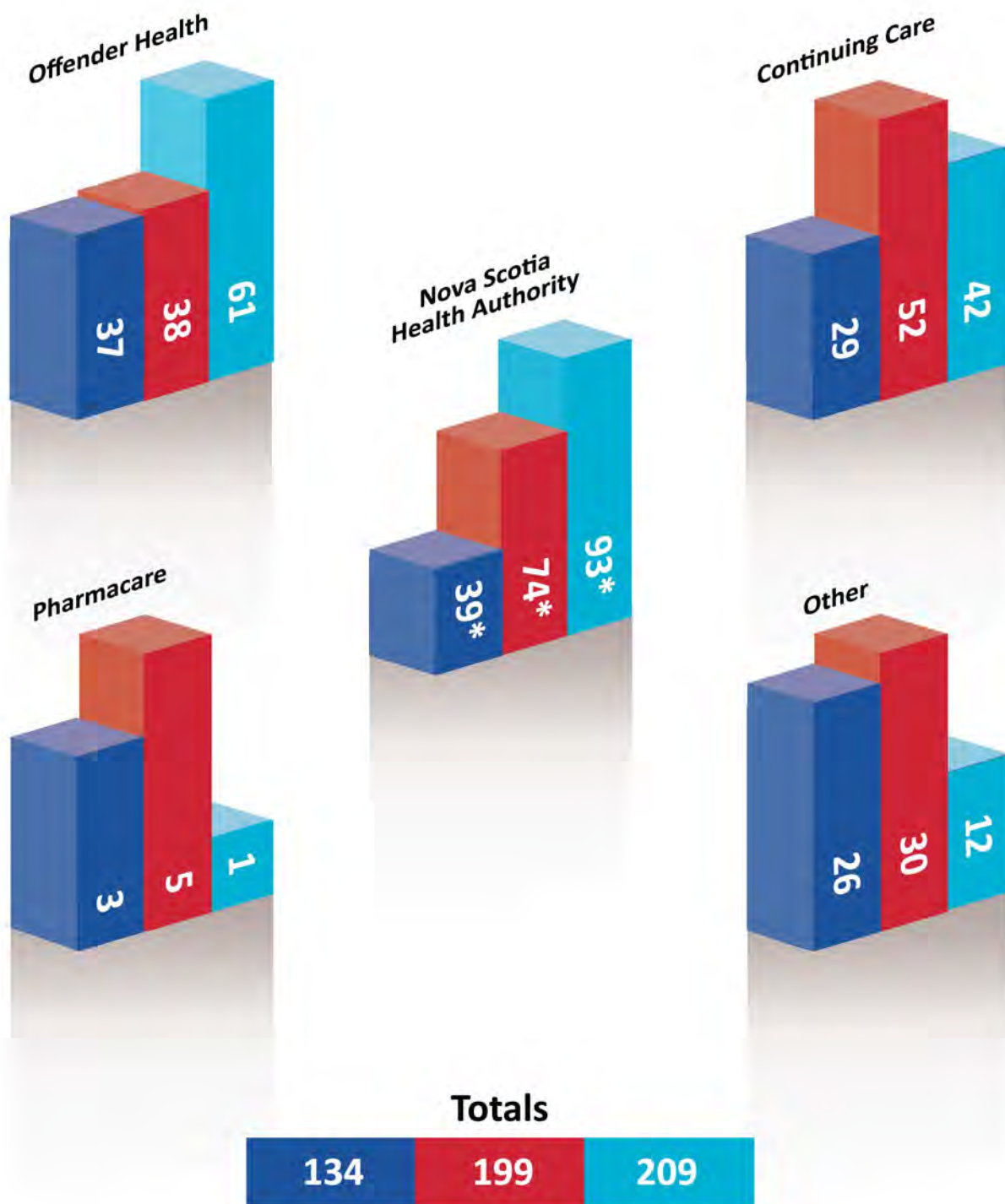
Figure 9



Department of Health and Wellness

2017-2018 - 2018-2019 - 2019-2020

Figure 10

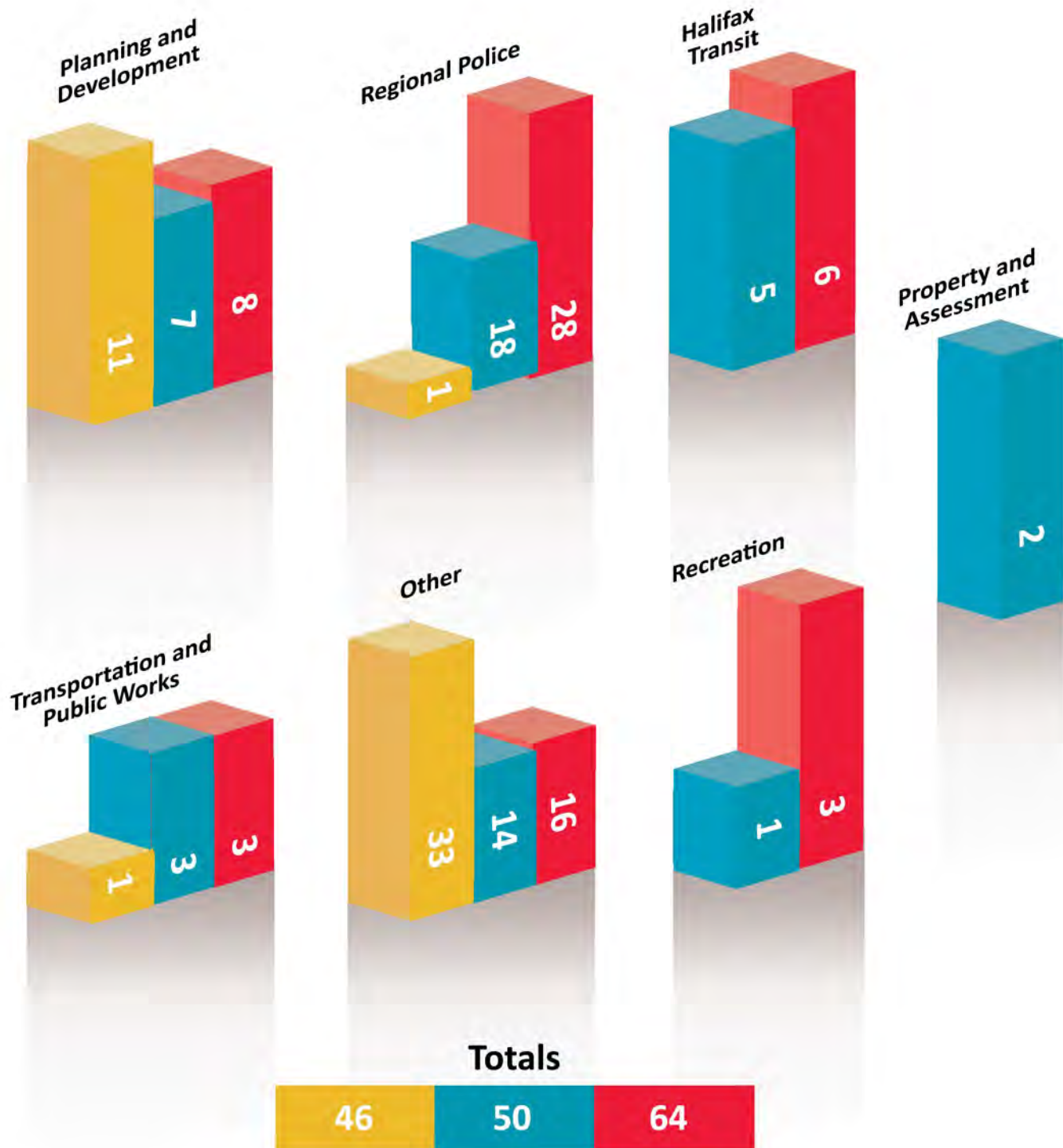


* Excluding Offender Health

Halifax Regional Municipality

2017-2018 - 2018-2019 - 2019-2020

Figure 11



Workers' Compensation Board

2017-2018 - 2018-2019 - 2019-2020

Figure 12



Respondents to Complaints

The table below (Figure 13) lists all public bodies that were the subjects of complaints under the Ombudsman Act and the PIDWA for 2019-2020. The respondent to a complaint is captured when the complaint is made, prior to any review or investigation taking place. Appearing on this list does not imply fault or maladministration by the respondent.

(Departments in bold)

Figure 13

	3 Agriculture
1	Amherst (Town)
11	Annapolis (Municipality)
1	Antigonish (Municipality)
3	Bridgewater (Town)
20	Cape Breton Regional Municipality
2	Chester (Municipality)
1	Chester (Village)
	1 Communities Culture and Heritage
375	Community Services
2	Cumberland (Municipality)
2	Digby (Municipality)
1	Divert Nova Scotia
13	Education and Early Childhood Development
1	Elections Nova Scotia
	1 Energy and Mines
	6 Environment
	2 Finance and Treasury Board
	3 Fisheries and Aquaculture
2	Guysborough (Municipality)
64	Halifax (Municipality)
55/154 (209)	Health and Wellness/Nova Scotia Health Authority*
29	Human Rights Commission
2	Information and Privacy Commissioner
2	Inverness (Municipality)
3	Internal Services
5	IWK Health Centre
246	Justice
3	Kentville (Town)
20	Labour and Advanced Education
3	Labour Board
	12 Lands and Forestry
2	Lunenburg (Municipality)
28	Municipal Affairs and Housing
1	New Glasgow (Town)
2	Nova Scotia Immigration
42	Nova Scotia Legal Aid Commission
2	Nova Scotia Liquor Corporation
1	Nova Scotia Pension Services Corporation
1	Nova Scotia Securities Commission
6	Nova Scotia Police Complaints Commission
22	Office of the Ombudsman**
1	Pictou (Municipality)
2	Pictou (Town)
1	Property Valuation Services Corporation

- 2 Public Prosecution Service
- 6 Public Service Commission
- 1 Queens (Municipality)
- 16 Regional Centres for Education (Former School Boards)
- 1 Richmond (Municipality)

1 Seniors

43 Service Nova Scotia

- 1 Shelburne (Town)
- 1 Stellarton (Town)
- 3 St. Mary's (Municipality)

20 Transportation and Infrastructure Renewal

- 1 Trenton (Town)
- 6 Truro (Town)
- 1 West Hants (Municipality)
- 1 Windsor (Town)
- 2 Wolfville (Town)
- 49 Workers' Compensation Board
- 2 Yarmouth (Municipality)

585 No Respondent - includes non-jurisdictional complaints, info requests, and inquiries

1902 TOTAL

* Includes Offender Health

** the Office of the Ombudsman was the respondent for 22 matters which include concerns regarding the progress, process, or outcome of files handled by Ombudsman Representatives. In all cases these matters have been reviewed and responded to by Managers.

Month at a Glance

The following table (Figure 14) breaks down the month of October 2019. This table demonstrates the variety of complaints received in any given month. The information below includes the respondent to the complaint as well as the general nature of the issue. Ombudsman Representatives must maintain a broad knowledge of legislation, policy, and procedures and consider all types of administrative complaints, ranging from those regarding provincial acts to specific municipal policies. The presence of a complaint in this table does not necessarily indicate fault or maladministration. The respondent is captured when the complaint is received.

Figure 14

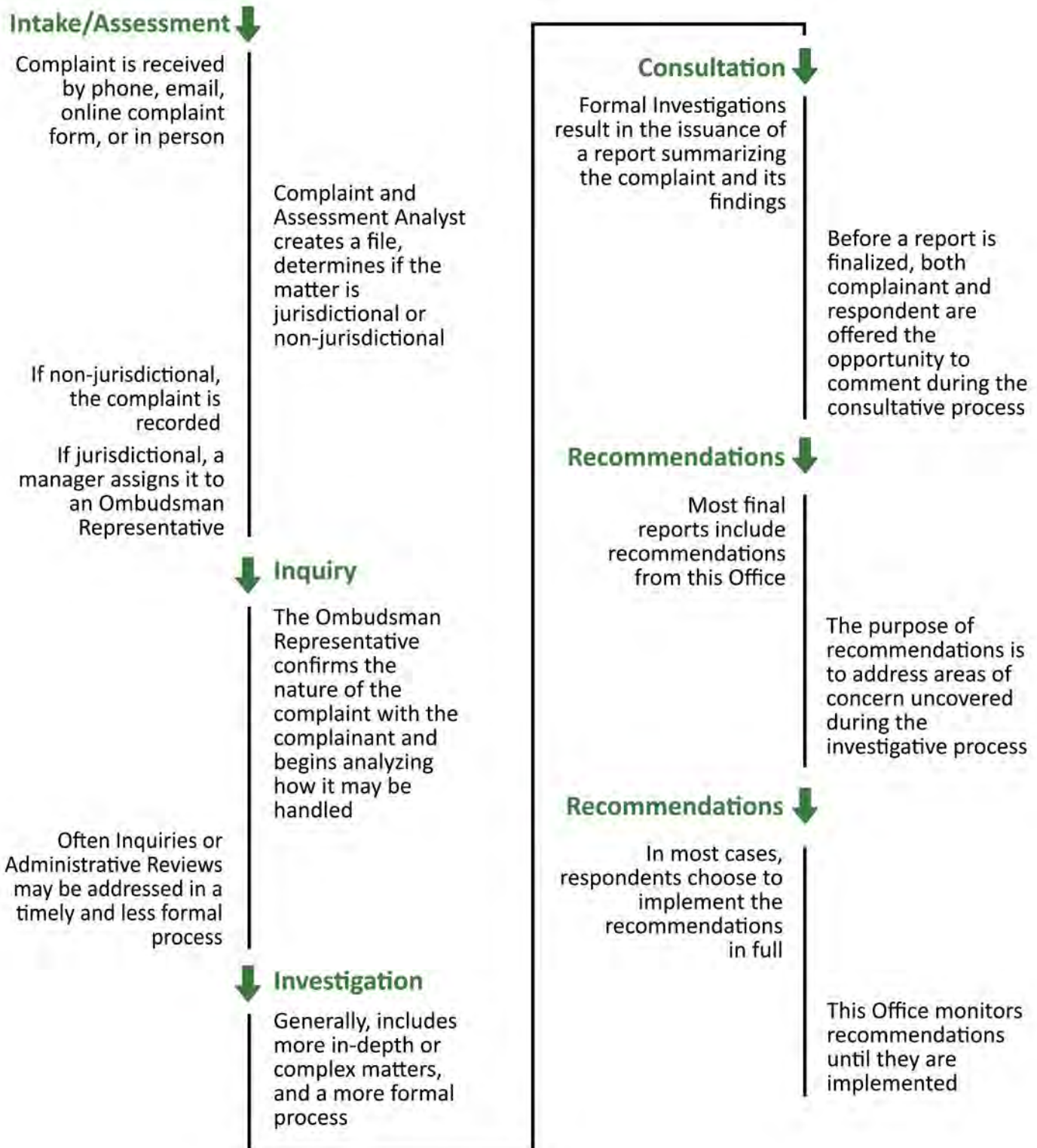
October 2019 - 168 Complaints and Inquiries

- 31 Community Services**
 - Children, Youth, and Families (15)
 - Employment Support and Income Assistance (10)
 - Housing (6)
- 4 Municipality of the County of Annapolis**
 - Council Meeting Policy (2)
 - Records Policy (1)
 - Tender Policy (1)
- 2 Municipality of the District of Chester**
 - Committee Appointment Terms (2)
- 1 Municipality of the District of Digby**
 - Animal Control (1)
- 2 Education and Early Childhood Development**
 - Cape Breton Victoria Centre for Education (1)
 - Early Childhood Education (1)
- 8 Halifax Regional Municipality**
 - Halifax Transit (1)
 - Planning and Development (1)
 - Regional Police (5)
 - Taxi Policy (1)
- 3 Health and Wellness**
 - Continuing Care (3)
- 4 Human Rights Commission**
 - Assessment (1)
 - Communication (3)
- 3 Internal Services**
 - Document Request (1)
- 12 Justice**
 - Adult Corrections (8)
 - Court Services (1)
 - Justice Centres (1)
 - Public Trustee (1)
 - Youth Corrections (1)

- 1 Labour and Advanced Education**
Higher Education (1)
- 1 Lands and Forestry**
Hunting Permits (1)
- 20 Nova Scotia Health Authority**
Central Zone (2)
Northern Zone (1)
Offender Health (9)
Western Zone (3)
Other (5)
- 1 Nova Scotia Immigration**
Pilot Program (1)
- 5 Nova Scotia Legal Aid Commission**
Application for service (2)
Communication (2)
Service Delivery (1)
- 1 Nova Scotia Liquor Corporation**
Respectful Workplace process (1)
- 3 Office of the Ombudsman**
Information request (1)
Inquiry from Alberta Ombudsman (1)
Respondent info request (1)
- 5 Service Nova Scotia**
Heating Rebate (1)
Property (1)
Registry of Motor Vehicles (2)
Tenancy (1)
- 4 Transportation and Infrastructure Renewal**
Highways (3)
Real Property Services (1)
- 1 Town of Trenton**
Sewer (1)
- 4 Workers' Compensation Board**
Benefits (1)
Claims (2)
Communication (1)
- 54 Non-Jurisdictional**
Court or Tribunal e.g. seeking legal advice (5)
Elected Official (1)
Federal e.g. federal tax credits and benefits (7)
Private Matters e.g. insurance, utilities, private business (36)
Self-Regulating Body e.g. medical malpractice (5)

COMPLAINT RESOLUTION PROCESS

Ways in which complaints are handled by Office of the Ombudsman



Most of the in-depth investigations undertaken by this Office begin as complaints or concerns brought to our attention by a member of the public. While our initial approach is to resolve these matters informally, sometimes the nature or complexity of an issue requires a more formal approach. These types of more formal investigations can involve extensive research, review of documentation, and interviews with relevant parties, among other methods of accurately determining what took place. In some cases, the need for a formal investigation is derived from recurring issues and others may have broader systemic implications beyond the initial concern or complaint. When an investigation moves to the next stage of investigation, managers will further assess and decide on the direction. If a more formal investigation is decided, management will meet and provide direction.

Through monitoring trends in complaints, Ombudsman Representatives may identify potential systemic issues in policy or process. Pursuant to the Ombudsman Act, the Ombudsman has the authority to initiate an investigation of their own volition. These "Own Motion" investigations usually, but not always, pertain to a potential systemic issue observed within a government agency or department. This type of investigation enables the Ombudsman to pursue issues and matters that may not necessarily be complaint driven, that require an in-depth review.

This year, thirteen in-depth investigations were conducted. The Office investigated two matters as disclosures of wrongdoing under the PIDWA. Many more issues are received as disclosures of wrongdoing, some of those are assessed and investigated under the Ombudsman Act while others warrant referral. Disclosures of wrongdoing must meet specific criteria pursuant to the PIDWA.

Did you know?

The Office of the Ombudsman strives to make our services as accessible as possible. While we continue to accept complaints by phone, letter, fax, or in person, complaints can also be made through our online complaint form. The online complaint form is designed to collect only the information necessary to process complaints with improved efficiency, helping decrease processing times. The online complaint form can be found at: ombudsman.novascotia.ca/complaints

Ombudsman Act Investigations

A large portion of the complaints submitted to the Office are received primarily over the telephone and are addressed by Investigation and Complaint Services. These complaints are either handled by the Complaint and Assessment Analyst during intake and assessment or are referred to Ombudsman Representatives as Administrative Review Investigations. Of these complaints, a small number become Formal Investigations. Many of the complaints involve departments and municipalities that have their own internal complaint resolution process or avenue of appeal available. In those instances, we often ensure the complainant has exhausted those processes before this Office becomes involved. If an Ombudsman Representative determines a complainant may require additional assistance, they may help them to navigate the complaint resolution process or provide general procedure related direction. If a complaint received is a part of an ongoing or active process, that appears to have come off track, informal intervention by Ombudsman Representatives may help to get it back on track. Having said that, Ombudsman staff are impartial and do not provide legal advice or serve as advocates to a complainant or respondent – rather they advocate for fair process.

When a complaint is within the jurisdiction of the Office, and avenues of appeal have been exhausted, typically the first step after the initial Intake Assessment is an Administrative Review Investigation. An Ombudsman Representative is assigned to review the complaint and will work with the complainant and responding government officials to address the issue. General assistance may be provided by opening lines of communication, offering suggestions based on best practices, or by guiding either party to an unaddressed or overlooked step in policy or procedures. If a resolution cannot be achieved informally, a more formal investigation may be initiated. As mentioned earlier, formal investigations rely on more in-depth research, interviews, and other reference materials; and may lead to the issuance of recommendations.

Own Motion Investigations and Policy Reviews

The Office of the Ombudsman may investigate government activities, practices, and policies under its own initiative, categorized as Own Motion investigations. Policy reviews may be undertaken at the request of a government department, agency, board, or commission, or the Ombudsman may determine that a specific policy warrants review. These reviews and investigations frequently address concerns which may be systemic in nature. In the year under review, this Office conducted three Own Motion Investigations and Policy Reviews.

Youth Investigations

Complaints that are submitted to the Office by children and youth or their families, guardians, or staff providing services are categorized under Youth & Seniors Services. These complaints are handled similarly to others, but special attention is given to the needs of children and youth, both in terms of conveying information in an age-appropriate way, and in terms of ensuring their safety and security at all points of the complaint and investigation process. Many complaints are first heard by Ombudsman Representatives during site visits to Residential Child-Caring Facilities, Wood Street Centre Campus, the Nova Scotia Youth Centre, and the Cape Breton Youth Detention Facility. These visits help ensure that both youth and staff are aware of the Office's role and can present complaints in as easy a manner as possible.

Public Interest Disclosure of Wrongdoing Act (PIDWA) Investigations

The Public Interest Disclosure of Wrongdoing Act (PIDWA) provides public servants and members of the public with a clear and accessible method to disclose allegations of wrongdoing regarding provincial government. While the PIDWA covers provincial government employees only, disclosures regarding municipal government may be reviewed and addressed under the Ombudsman Act. Public employees making disclosures may contact the Designated Officer in their department or their supervisor/manager, or they may contact the Office of the Ombudsman directly. Concerns that are more appropriately addressed through an established grievance mechanism, such as an employment matter, are generally not investigated through the PIDWA and are referred to an organization such as a union.

All matters received are subject to an assessment, and where appropriate, a referral. For instance, if a public employee were to bring an allegation of discrimination to this Office, Ombudsman Representatives might refer that person to the Nova Scotia Human Rights Commission. This past year, two complaints were investigated under the PIDWA.

When the Public Interest Disclosure of Wrongdoing Act was amended in 2016, the definition of government bodies which fell under the jurisdiction of this legislation expanded to include public sector agencies, board, commissions, and educational entities. A communication was sent by the Public Service Commission to these government entities to remind them of their responsibilities under the legislation, including the development of procedures related to disclosures of wrongdoing and the identification of a Designated Officer to handle the disclosures. As a result of this communication, this Office was contacted by some of these government entities for assistance in understanding their new responsibilities and in the development of procedures.

The Office welcomes this proactive approach and is reviewing ways to provide further resources and support in relation to disclosure of wrongdoing in the future.

There were no disclosure of wrongdoing inquiries, allegations, or investigations specific to the Office of the Ombudsman received/submitted in 2019-2020. Figure 15 contains information required to be reported under section 18 of the PIDWA.

Figure 15

Information Required under Section 18 of the Act	2019-2020
The number of disclosures received	0
The number of findings of wrongdoing	0
Details of each wrongdoing	n/a
Recommendations and actions taken on each wrongdoing	n/a

In September 2019 the Office hosted the **Canadian Conference on Public Interest Disclosure**. In addition to providing jurisdictional updates, representatives from provincial, territorial, and federal governments with statutory public interest disclosure mandates discussed practices and procedures for handling disclosures of wrongdoing, as well as their various responsibilities under their respective Acts. The meeting provided an engaging learning opportunity for those working in the field of public interest disclosure, particularly for colleagues who have more recently received disclosure mandates.

Investigation Outcomes (Recommendations)

The Ombudsman Act provides the authority to make recommendations to provincial government departments, agencies, boards, commissions, and municipalities. Recommendations are generally the result of in-depth, usually formal, investigations conducted by the Office.

For every recommendation issued, the public body involved is required to report back to this Office on their plans to give effect to and implement the recommendation, often within a prescribed time frame. The authority to issue recommendations is how this Office informs and enhances government public policy, procedures, and service delivery. The public body may choose to accept and implement the recommendations, implement them in part, or refuse to accept them. That said, most government departments choose to accept and implement the recommendations in full. There are several reasons why a party responding to a recommendation may choose to implement in full, including a genuine desire by public officials to improve policy and procedures, and concerns about how failure to do so may be perceived by the public.

Figures 16-19 describe the recommendations issued in 2019-2020. The table also describes the public body involved as the respondent, as well as the nature of the complaint. There were 19 formal recommendations issued. Not all recommendations stem from new matters addressed in the year under review, some examples are derived from investigations initiated in an earlier fiscal year that were concluded in 2019-2020. Of the 19 recommendations issued, all have been accepted and are being monitored for implementation

Figure 16

Complaint

The complainant in this case had concerns involving a municipal police department's handling of an investigation involving the death of a family member, and the subsequent handling of their complaint to the OPCC involving the municipal police department.

For the full case study on this matter see page 8

Respondent

Office of the Police Complaints Commissioner (OPCC)

Recommendations

1. Develop policies and procedures that are consistent with the requirements of the legislation for the processing of complaints, specifically clarifying the role of the OPCC at the initial assessment stages of the complaint.
2. Ensure materials available to the public accurately reflect the process of handling Form 5 complaints and Notice of Reviews.
3. Develop and implement documentation standards to ensure records accurately reflect any and all activity on the file.

The recommendations have been accepted and are being monitored for implementation.

Figure 17

Complaint

An Own Motion investigation was commenced after receiving several complaints from the community regarding the services provided to a client. A review of the services provided to the client over a 5- year period and comparing it to the existing Adult Protection Services (APS) policy as well as interviews of those responsible for the services was conducted. Consultative and Final reports were prepared, and four recommendations were issued to, and accepted by, the Department of Health and Wellness (DHW).

Respondent

Department of Health and Wellness (DHW)
– Continuing Care, Adult Protection Services (APS)

Recommendations

1. Review and where appropriate amend the Adult Protection Risk Continuum to reduce areas of ambiguity in relation to the four categories of risk from low to extreme high risk and adopt an approach whereby Adult Protection Services Client history is also factored in when assessing risk.
2. Develop and implement a process to assess caregiver and/or Substitute (Statutory) Decision Maker capacity to provide the appropriate level of care, support and decision-making authority for an Adult Protection Services Client, as well as to assess whether additional supports and or resources may be required for the caregiver and/or Substitute (Statutory) Decision Maker.
3. Develop and implement a quality assurance and/or internal review process for Adult Protection Services files closed at the Intake and Inquiry stage, including a review of Adult Protection Services Client files where an Adult Protection Services Client may be the subject of multiple referrals, or moderate risk has been determined. This quality assurance and/or internal review ought to be independent of those files deemed to meet the High and Extreme High-Risk criteria.
4. Undertake a training needs assessment for Adult Protection Services, and where appropriate implement a standardized training plan based on identified needs.

The recommendations have been accepted and are being monitored for implementation.

Figure 18

Complaint

An individual contacted this Office with concerns regarding their dog being impounded by the Municipality. The complainant questioned the length of time the Municipality had the dog in their possession and the resulting impound fees which were continuing to accumulate.

Respondent

Municipality of the County of Cumberland

Recommendations

1. Review the Dog By-Law and where appropriate, revise or update relevant sections to:

- a. Ensure there is an accurate reflection of the service arrangement and respective roles of the animal shelter and Municipality in the By-Law. Specifically, clarifying that the "Pound Keeper" is not a person employed directly by the Municipality.
- b. In consultation with the animal shelter providing impound services, review the section of the Dog By-Law related to making arrangements for payment to ensure it accurately reflects the options available for payment of fees to redeem a dog.
- c. Clarify the clause referencing "extraordinary expenses" to ensure members of the public are not being billed for payment of municipal staff salaries, regardless of the time taken by municipal staff, in the normal course of their duties to address a specific matter (other By-Laws which contain this clause should also be reviewed to address this issue).
- d. Assess the animal control complaint intake process to ensure it is efficient and manageable for municipal staff.

Recommendations (continued):

2. The Dog By-Law should be reviewed with staff to ensure they are aware of the limits of its jurisdiction, including their authority to issue verbal directives to dog owners and include requirements identified by outside agencies, such as the SPCA, in formal communication from the Municipality. The Municipality is encouraged to consult with the SPCA to promote a coordinated approach which is in keeping with the respective jurisdictions of the Municipality and SPCA.

3. As noted in the recommendations issued by this Office in June 2018, develop and implement documentation and record keeping standards and provide training to staff regarding same to ensure accurate and detailed records are maintained.

4. Develop communication standards to ensure timely and adequate follow-up with external agencies, such as the SPCA and the RCMP, be incorporated into these standards.

5. Develop and implement a quality assurance program to ensure compliance with municipal documentation and record keeping standards.

6. Review the practice of limiting communication with members of the public after legal action is being considered or discussed to ensure open and accessible communication is maintained that does not create a barrier or disadvantage for individuals.

7. Develop and implement a Public Complaints Policy to provide an avenue for the public to bring forward concerns regarding the delivery of municipal services. The Model Complaint Policy (2013) developed by Service Nova Scotia and Municipal Relations was provided to the Municipality as a resource.

8. Review the impound fees charged to the owner and reimburse the amount of days for impound fees where no evidence was provided to support a delay in the dog returning home. Specifically, those days the dog was impounded between [date redacted] where there is limited activity documented on the file that provides a reasonable explanation as to why the dog continued to be held at the shelter.

Municipal staff have expressed an openness to accepting feedback from this Office and a willingness to improve processes. Since the Final Report was issued, the Canine Control By-Law was amended and adopted by municipal council.

This Office continues to work with the Municipality with respect to the implementation of the remaining recommendations and will continue to monitor this progress.

Figure 19

Complaint

This Office was contacted by an individual who advised that they had applied for a lease for a particular parcel of Crown Land which was denied because there was an application pending from another applicant on this parcel of land.

The complainant did not agree with the decision citing a verbal agreement they had with the previous lessee to take over the lease. Further, the previous leaseholder had recently passed away and the complainant believed that the previous leaseholder had submitted the complainant's application to lease the land before the other applicant.

The other applicant was eventually granted the lease.

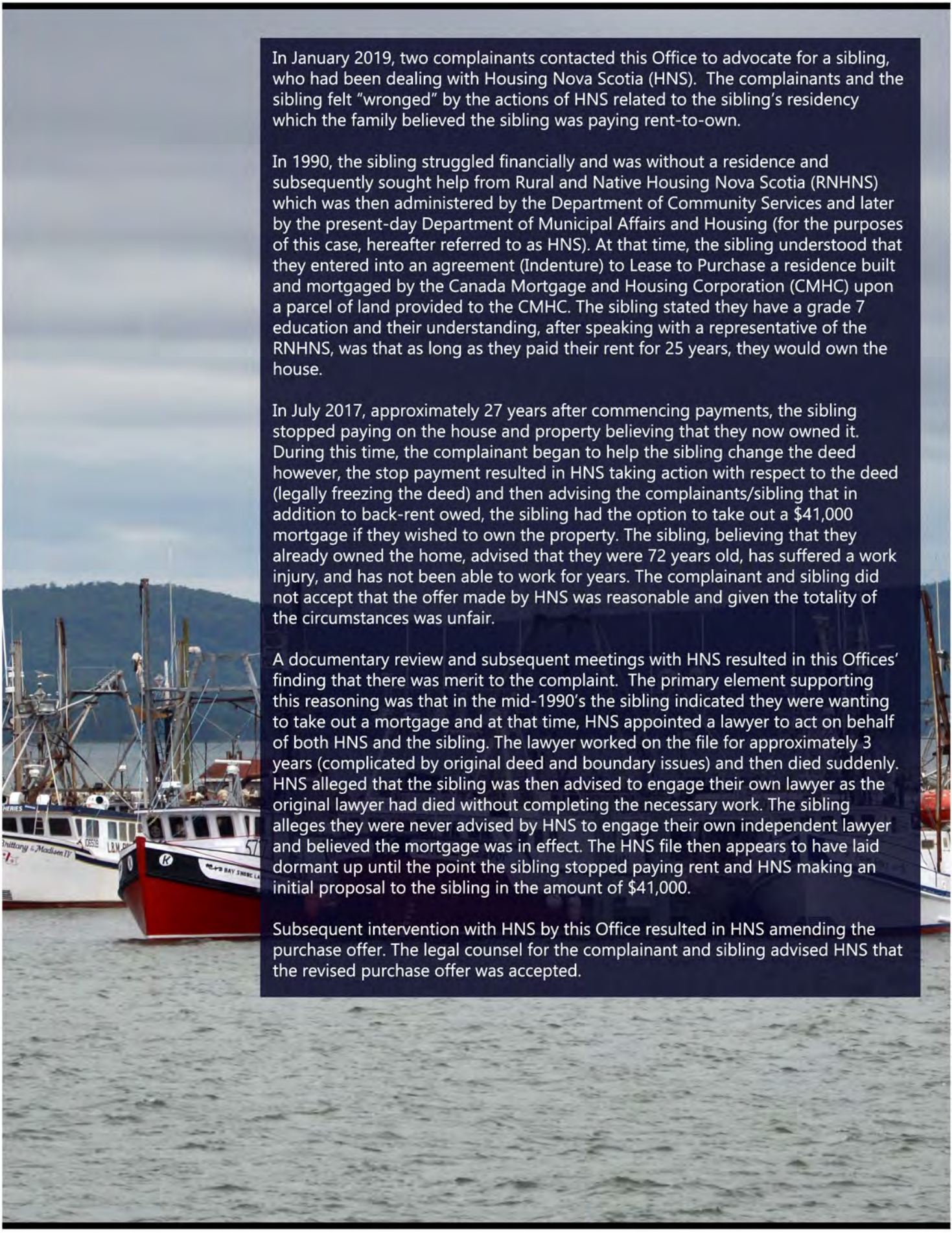
Respondent

Department of Lands and Forestry

Recommendations

1. Develop and implement a policy and/or procedure regarding the issuing of licenses under the Crown Land Act to promote consistency and transparency in the process.
2. Incorporate timelines with respect to the processing of applications involving licenses and/or leases to ensure applications are processed in a timely manner.
3. Initiate a request to the Department of Finance and Treasury Board to review and amend the Fees for Activities on Crown Land schedule to ensure that the fees are current and are applicable to the associated activities the Department is receiving applications for, including Crown Land licenses. Further, the request should recommend omitting fees from the fee schedule which are no longer charged by, or relevant to, the Department.
4. Review the complainant's file, and in consultation with the complainant, determine whether any remedies are available that will be acceptable to the complainant and in keeping with the requirements of the legislation.

The recommendations have been accepted and are being monitored for implementation.

A background image showing several fishing boats on a body of water. The boats are white with red and blue accents. One boat in the foreground has the name 'MADISON' and the number '57' visible. The water is greyish-blue, and the sky is overcast.

In January 2019, two complainants contacted this Office to advocate for a sibling, who had been dealing with Housing Nova Scotia (HNS). The complainants and the sibling felt “wronged” by the actions of HNS related to the sibling’s residency which the family believed the sibling was paying rent-to-own.

In 1990, the sibling struggled financially and was without a residence and subsequently sought help from Rural and Native Housing Nova Scotia (RNHNS) which was then administered by the Department of Community Services and later by the present-day Department of Municipal Affairs and Housing (for the purposes of this case, hereafter referred to as HNS). At that time, the sibling understood that they entered into an agreement (Indenture) to Lease to Purchase a residence built and mortgaged by the Canada Mortgage and Housing Corporation (CMHC) upon a parcel of land provided to the CMHC. The sibling stated they have a grade 7 education and their understanding, after speaking with a representative of the RNHNS, was that as long as they paid their rent for 25 years, they would own the house.

In July 2017, approximately 27 years after commencing payments, the sibling stopped paying on the house and property believing that they now owned it. During this time, the complainant began to help the sibling change the deed however, the stop payment resulted in HNS taking action with respect to the deed (legally freezing the deed) and then advising the complainants/sibling that in addition to back-rent owed, the sibling had the option to take out a \$41,000 mortgage if they wished to own the property. The sibling, believing that they already owned the home, advised that they were 72 years old, has suffered a work injury, and has not been able to work for years. The complainant and sibling did not accept that the offer made by HNS was reasonable and given the totality of the circumstances was unfair.

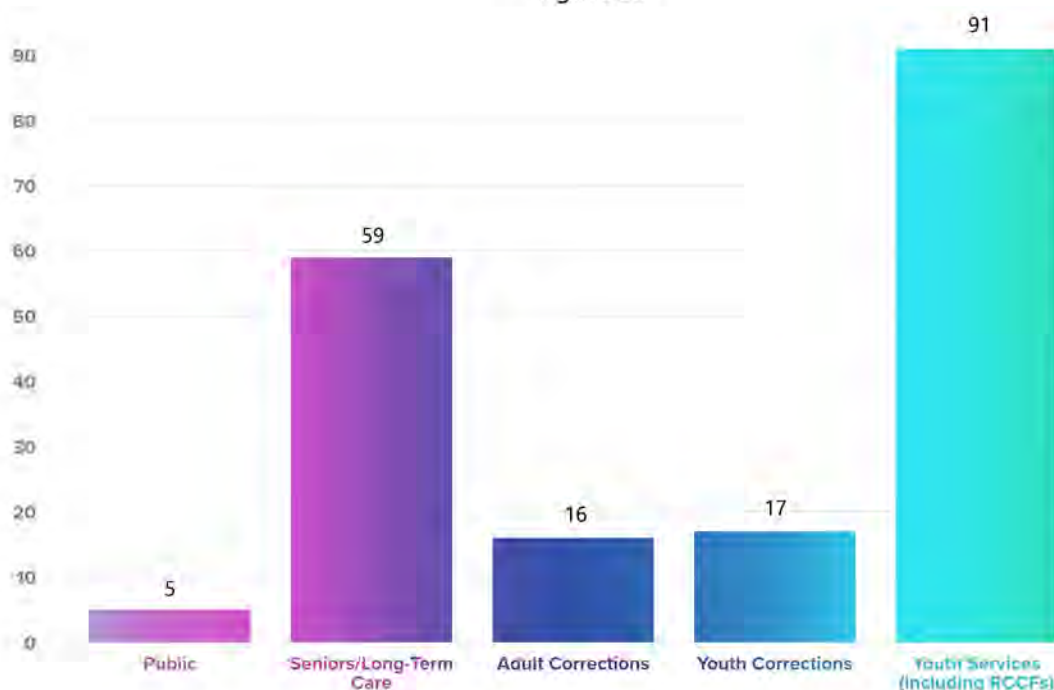
A documentary review and subsequent meetings with HNS resulted in this Office’s finding that there was merit to the complaint. The primary element supporting this reasoning was that in the mid-1990’s the sibling indicated they were wanting to take out a mortgage and at that time, HNS appointed a lawyer to act on behalf of both HNS and the sibling. The lawyer worked on the file for approximately 3 years (complicated by original deed and boundary issues) and then died suddenly. HNS alleged that the sibling was then advised to engage their own lawyer as the original lawyer had died without completing the necessary work. The sibling alleges they were never advised by HNS to engage their own independent lawyer and believed the mortgage was in effect. The HNS file then appears to have laid dormant up until the point the sibling stopped paying rent and HNS making an initial proposal to the sibling in the amount of \$41,000.

Subsequent intervention with HNS by this Office resulted in HNS amending the purchase offer. The legal counsel for the complainant and sibling advised HNS that the revised purchase offer was accepted.

A significant portion of the work completed by this Office is through outreach. Outreach can take many forms, from an information booth at a Seniors' Expo, to visiting youth in care or custody, or providing formal presentations to government employees and community groups. There are three areas that receive regular outreach attention: adults in Long-Term Care (LTC) facilities, youth in Residential Child-Caring Facilities (RCCFs), as well as Young Persons and inmates in correctional facilities. Ombudsman Representatives engage children, youth, seniors, inmates, and staff by offering to speak with them in private or with their peers.

Representatives also collect data, dispense educational materials, listen to concerns or complaints, familiarize themselves with a facility through site-visits, and build a rapport with residents/inmates, and staff. Site-visits are scheduled on a regular and as needed basis. For example, adult correctional facilities and RCCFs are visited quarterly, Wood Street Centre Campus, the Nova Scotia Youth Centre, and the IWK Secure Care Unit are visited monthly. Ombudsman Representatives also prepare written reports detailing their visits, regardless of whether a complaint is filed by someone in attendance.

Figure 20



In addition to our regular site-visits, Ombudsman Representatives attend special events that allow them to engage with new groups and individuals.

For example, this year Ombudsman Representatives participated in the Atlantic Vitality Seniors' Expo, the Hants County Seniors' Expo, and the Yarmouth 50+ Expo. Representatives spoke at a fundraiser event for youth in care, presented to students at the NSCC Children and Youth Care Programs at two campuses, and provided information sessions to youth justice workers and adult correctional workers in training. Representatives attended the launch party for "The Voice" youth in care newsletter and a representative spoke at the Federation of Foster Families Annual General Meeting.

Ombudsman Representatives also sit on the Nova Scotia Council for the Family Youth in Care Committee, the Canadian Council of Child and Youth Advocates, the Forum of Canadian Ombudsman, and the Canadian Council of Parliamentary Ombudsman.

The Office continued to participate in the annual Public Service Commission United Way fundraising campaign and coordinated our efforts through the Public Service United Way Steering Committee.

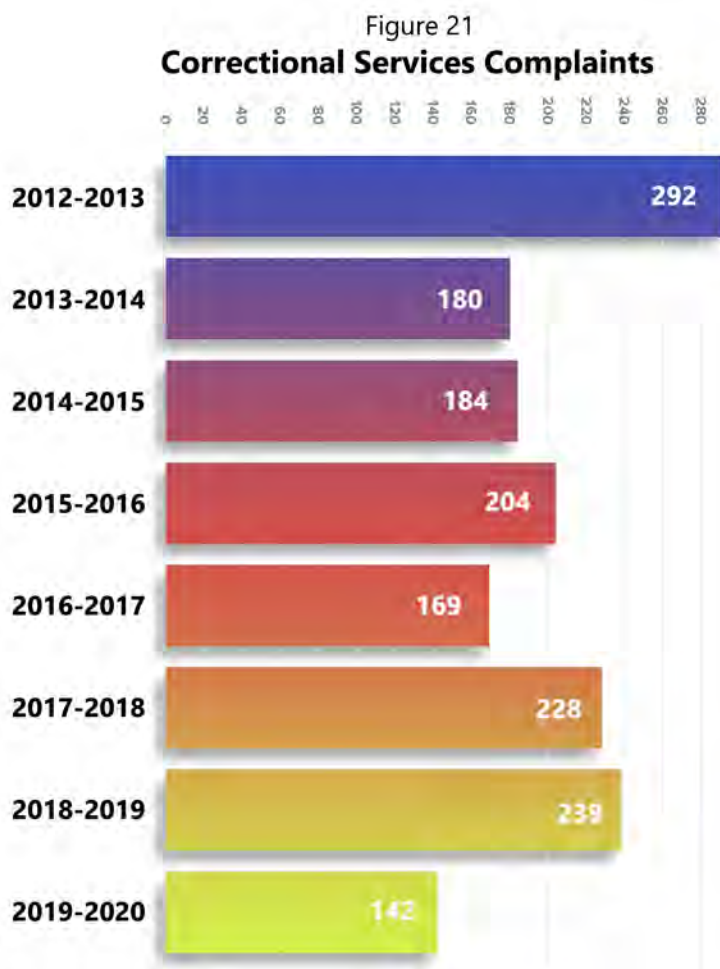
Correctional Services

In Nova Scotia, there are four adult correctional facilities holding both sentenced inmates as well as those remanded to custody pending trial. These facilities are the Central Nova Scotia Correctional Facility (CNSCF), the Southwest Nova Scotia Correctional Facility (SNSCF), the Northeast Nova Scotia Correctional Facility (NNSCF), and the Cape Breton Correctional Facility (CBCF). These correctional facilities are visited by Ombudsman Representatives on a quarterly basis or as needed. During site visits, Representatives may receive complaints, provide information or referrals, and promote the resolution of complaints through correctional services' internal complaint resolution processes.

Ombudsman Representatives and the Complaint and Assessment Analyst educate inmates on correctional services internal complaint process and encourage them to exhaust all avenues of appeal before filing a complaint with the Office. This approach has reduced the total number of complaints involving correctional services. Fewer complaints of this nature enable the Complaint and Assessment Analyst and Ombudsman Representatives more time to address complex or systematic issues.

Figure 21 illustrates the number of correctional services complaints by inmates over the last eight fiscal years. The graph does not include complaints by inmates outside of correctional services, such as complaints about the Offender Health services provided by the Nova Scotia Health Authority. For a total of all inmate and public complaints about correctional services see Figure 8. In 2019-20 there were 142 new complaints by inmates about correctional services, several of those complaints were referred to the internal complaint process.

In addition to receiving complaints from inmates at correctional facilities, representatives from the Department of Justice approached our office about potentiality auditing the use of close confinement in its correctional facilities. Those discussions resulted in Ombudsman Representatives developing and conducting an independent quarterly review process on the use of close confinement and providing our findings to the Department of Justice.



Case Study

This Office Received a complaint from an inmate who alleged their property was lost during transfers between various agencies and locations. The inmate was transferred from police, to the custody of various Sheriffs' Services Officers, through two correctional facilities, and two hospitals. During the various transfers several personal property items identified as jewelry went missing. No single agency or facility accepted responsibility for the lost items.

Policy instructs that personal property is to be logged and maintained through a chain of custody to mitigate claims of lost and stolen items and protect personal property.

Through the efforts of the Ombudsman Representative assigned to this matter, the inmate was offered and accepted reimbursement for their missing personal items from the Department of Justice.

Youth and Seniors Services

While youth and seniors may be at the opposite ends of the age spectrum, they share some things in common. For instance, youth and seniors, including those in care and custody, are some of the most vulnerable people in our society. Because both groups rely more often on government services, they tend to have more opportunities for adverse interactions. Perhaps they are even dependent on one or more government service in their daily lives. This can create conflicts that complicate the level of service received. For instance, youth who reside in Residential Child-Caring Facilities (RCCFs), or who are in custody at the Nova Scotia Youth Centre, interact with government employees daily and are dependent on the services and care provided by government, especially when compared with the average young person in Nova Scotia.

Ombudsman Representatives confidentially review and investigate the concerns of children, youth, and seniors that relate to government services. These vulnerable groups receive focused attention when it comes to our referral service. While acknowledging potential vulnerabilities, sometimes it is appropriate for Ombudsman Representatives to help guide a person through a process rather than simply directing them elsewhere, and Ombudsman Representatives are continually educating themselves on ways to better address issues relating to youth and seniors.

The general oversight function and mandate for children and youth is not rooted in a specific piece of legislation, but in the findings of a provincial government audit which took place in 1995, and the Stratton Report which addressed allegations of abuse at provincial youth facilities. At that time government recognized independent oversight was a necessary component in helping to keep youth in care and custody safe from harm. This recognition has since led to regularly scheduled site visits to youth residential care and custodial facilities by Ombudsman Representatives. For more information on site-visits, you may wish to review the outreach section of this report.

Keeping informed on the policy, procedures, and operational protocols for these sites helps to resolve issues quickly. Ombudsman Representatives strive to make both residents and staff at provincial facilities comfortable with coming forward with complaints and concerns, including allegations of abuse and wrongdoing. While Ombudsman Representatives encourage those in care and custody to address basic concerns with staff first and to take advantage of internal complaint resolution processes, Representatives do not hesitate to investigate allegations of mistreatment.

Type of Youth Complaints

Most youth complaints come from youth in care and custody. This reality is reflected in the categories in figure 23. For instance, the category "food" is referring to the food provided in government facilities that house youth or for another example, "staff" is referring to facility staff.

Figure 22

13	Staff
3	Programming
6	Education
12	Placement
10	Discipline
8	Personal Safety / Abuse Allegation
3	Legal / Lawyer
2	Facilities / Building
5	Food
1	Recreation
1	Rights
17	Social Worker
2	Hygiene
4	Communication
10	Healthcare
3	Personal Property
5	Privileges
10	Policy and Procedures
10	Other
125	Total

Senior-Specific Issues

Complaints that are captured as senior specific issues must be cases where the persons' status as a senior citizen is directly relevant to the complaint. Therefore, not all complaints made by senior citizens will be captured here.

Figure 23

13	Continuing Care / Nursing Homes
10	Housing
7	Other Health Care
3	Other
10	Non-Jurisdictional (referrals)
43	Total

It often falls to the Office of the Ombudsman to try to explain what may seem like a confusing government regulation or funding formula to a complainant. Or, more usefully, to persuade an administrator of a particular program to explain it to a complainant in a non-judgmental way.

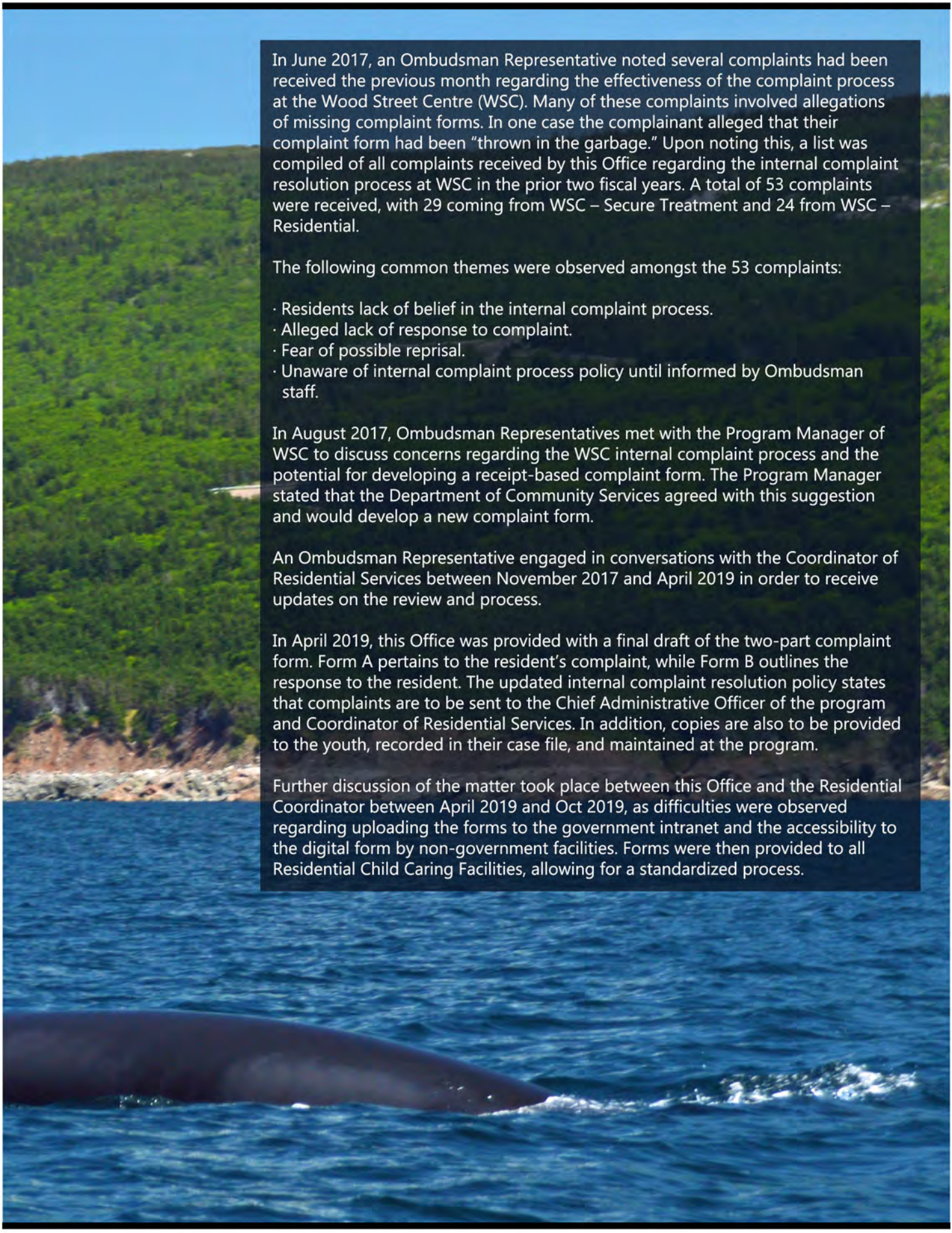
A retiree complained to the Ombudsman that a rental subsidy they received from a provincial housing agency was being reduced annually by a matching "claw-back" as their Canada Pension, Old Age Security, and Guaranteed Income Supplement incomes crept up, driven by cost of living escalators. The Complainant did their own calculations and concluded that the alleged claw-back exceeded the income increase and that they were "growing poorer" each year as a result. In fact, the complainant's fears were unfounded.

The problem in the case was that the complainant's initial contact with the housing agency had resulted in reciprocal accusations of rude behavior, with the complainant claiming the explanation offered made no sense and the respondent suggesting the complainant could not understand the formula. The complainant had reported that an official at the housing authority had stated that the formula meant that as the income goes up the supplement comes down by the same amount.

The formula does not work that way. The same housing official explained that in the complainant's particular income category, they are expected to pay 30 per cent of their gross income for housing. The individual is responsible for having their income from federal sources confirmed annually by a letter from Service Canada. The authority then requires that 30 per cent of it go to rent. If the monthly rent exceeds that amount, the difference between the 30 per cent the rental rate becomes the supplement.

An Ombudsman Representative explained the application of the formula to the complainant, noting their increase in income over three years and comparing it to the decrease in their rental supplement. The complainant had made a slight gain in gross monthly income each year, around \$25.00 a month for the most recent year under review. The complainant appeared to understand the process and was satisfied to hear the result.

To address the apparent communications issue, the respondent official agreed to contact the complainant directly and to provide their income/rental supplement record in writing.



In June 2017, an Ombudsman Representative noted several complaints had been received the previous month regarding the effectiveness of the complaint process at the Wood Street Centre (WSC). Many of these complaints involved allegations of missing complaint forms. In one case the complainant alleged that their complaint form had been “thrown in the garbage.” Upon noting this, a list was compiled of all complaints received by this Office regarding the internal complaint resolution process at WSC in the prior two fiscal years. A total of 53 complaints were received, with 29 coming from WSC – Secure Treatment and 24 from WSC – Residential.

The following common themes were observed amongst the 53 complaints:

- Residents lack of belief in the internal complaint process.
- Alleged lack of response to complaint.
- Fear of possible reprisal.
- Unaware of internal complaint process policy until informed by Ombudsman staff.

In August 2017, Ombudsman Representatives met with the Program Manager of WSC to discuss concerns regarding the WSC internal complaint process and the potential for developing a receipt-based complaint form. The Program Manager stated that the Department of Community Services agreed with this suggestion and would develop a new complaint form.

An Ombudsman Representative engaged in conversations with the Coordinator of Residential Services between November 2017 and April 2019 in order to receive updates on the review and process.

In April 2019, this Office was provided with a final draft of the two-part complaint form. Form A pertains to the resident’s complaint, while Form B outlines the response to the resident. The updated internal complaint resolution policy states that complaints are to be sent to the Chief Administrative Officer of the program and Coordinator of Residential Services. In addition, copies are also to be provided to the youth, recorded in their case file, and maintained at the program.

Further discussion of the matter took place between this Office and the Residential Coordinator between April 2019 and Oct 2019, as difficulties were observed regarding uploading the forms to the government intranet and the accessibility to the digital form by non-government facilities. Forms were then provided to all Residential Child Caring Facilities, allowing for a standardized process.

After formal recommendations are issued, this Office continues to monitor for implementation. In some cases, the monitoring may take years. Here we offer an example of a formal investigation that continues to be monitored by this Office. In addition, this section provides an update on our Ombudsman Youth Council.

Child Death Review

The Final Report for the Child Death Review undertaken by this Office was issued in 2014 and the implementation of the recommendations have been monitored since that time. While many of the recommendations relate to policy development within the responding departments, there was one recommendation that was issued to all three responding departments. This recommendation related to the establishment of an Interjurisdictional Child Death Review Committee and is viewed by the Ombudsman as essential in creating a process where the circumstances surrounding the death of a child (who was, or had been, receiving care or was in the custody of the province) are reviewed with the intent to address gaps and prevent future similar incidents.

Recently, there has been significant movement in the implementation of this recommendation with the introduction of Bill 180, an amendment of the Fatality Investigations Act to establish a Child Death Review committee. This amendment received Royal Assent on October 30, 2019.

We are pleased to see the establishment of a Child Death Review Committee move forward and provide input in the development of the associated regulations and policies to ensure that the issues identified in this investigation are addressed through the legislation and associated policy.

Ombudsman Youth Council

The Ombudsman Youth Council (OYC) continued into its second year, allowing for its members to continue to voice their concerns regarding municipal and provincial government. The OYC is comprised of youth between 13 and 18 years of age from all regions of the province. Based on the members' input, future recruitment will be opened to youth from ages 12 to 19 years of age.

An annual in-person meeting of all members was being scheduled for early June 2020, however, with the ongoing impact on educational and business operations due to COVID-19, this event will be rescheduled in the fall of 2020.

Generally, at the outset of a new fiscal year, this Office looks forward to a new year of initiatives to support our outreach programs, designed at expanding public awareness about the role and mandate of the Ombudsman, as well as reaching out to vulnerable Nova Scotians who may require our assistance.

At the time of preparing this report, most plans have been put on hold. Everyone around the world has been impacted in varying degrees by the COVID-19 pandemic, and this Office is certainly no exception. Our Representatives adjusted their interactions with Long Term Care (LTC) facilities, correctional facilities, and Residential Child-Caring Facilities (RCCF) to ensure those who reside and work there were not placed at risk by Ombudsman Representatives. In-person events such as seniors' expos and student information sessions are in abeyance as we await further direction by the Office of the Chief Medical Officer of Health. This includes meetings of our Youth Council or planning for a senior's summit. Now is a time to pause and enable those dealing with the immediate affects of COVID-19 to do their jobs effectively.

That said, we will continue to seek innovative ways to reach out and be accessible to Nova Scotians, and educate citizens on how the Office of the Ombudsman can provide assistance. In the meantime, The Office of the Ombudsman remains open for business. Our toll-free telephone numbers, email, letter mail, and online complaint form options are available. Our Complaint and Assessment Analyst continues to receive complaints and inquiries, and our Ombudsman Representatives continue to conduct reviews and investigations. We are taking calls, emails, and written correspondence from individuals from across the province such as youth in care, inmates, and those living in LTC facilities, as well as individuals accessing newly created government assistance programs.

This Office also has a mandate through the Public Interest Disclosure of Wrongdoing Act (PIDWA). That Act establishes Designated Officers within government departments who may receive disclosures of wrongdoing from government employees. This Office will continue to expand its efforts to educate those Designated Officers on how to process disclosures and what their responsibilities are according to the Act, even if those efforts take place through digital means.

In 2021 the Office of the Ombudsman will mark 50 years of serving Nova Scotia and we look forward to recognizing this milestone in a way that promotes the principles of ombudsmanship and the services provided by Ombudsman Representatives in delivering our mandate. It is important to note that Nova Scotia's Ombudsman will also serve as the President of the Canadian Council of Parliamentary Ombudsman for 2020-2021.



Ombudsman Representatives are available to meet with groups or organizations to discuss 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 may be found on our website or by contacting the Office.

There are several ways to contact the Office of the Ombudsman:

Telephone:

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

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

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

Fax: 1-902-424-6675

In person:

5670 Spring Garden Road, Suite 700

Halifax, Nova Scotia B3J 1H6

Mail:

PO Box 2152

Halifax, Nova Scotia B3J 3B7

Online:

Website: www.ombudsman.novascotia.ca

E-mail: ombudsman@novascotia.ca



Facebook: Nova Scotia Ombudsman



Twitter: @NS_Ombudsman