



OFFICE OF THE OMBUDSMAN  
2008 - 2009 ANNUAL REPORT



FINDING WAYS TO HELP  
GOVERNMENT WORK BETTER



NOVA SCOTIA





## MISSION

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



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



October 2009  
The Honourable Charlie Parker, MLA  
Speaker of the House of Assembly  
Legislative Assembly of Nova Scotia

Dear Mr. Speaker:

In accordance with subsection 24(i) of the Ombudsman Act, chapter 327 of the Revised Statutes of Nova Scotia, 1989, 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 the act for the fiscal year ending March 31, 2009.

Respectfully,

Dwight L. Bishop  
Ombudsman



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## MESSAGE FROM THE OMBUDSMAN

This has been an encouraging year, one in which we have seen greater willingness on behalf of departments and agencies to work with us and be more active in conflict resolution. The number of citizens' concerns investigated by this Office has increased, as have our outreach initiatives. A better understanding of the non-adversarial nature of an Ombudsman's role exists.

During the past year, we undertook several significant investigations and I am pleased to report that all but one of the recommendations flowing from these investigations were accepted by the departments and agencies involved. Three of these investigations are the subject of comment in this report.

Many of the concerns brought forward by the public continue to be resolved reasonably quickly through the less formal administrative process. This approach is consistent with the evolving role of the legislative Ombudsman and enables us to address more citizens' concerns.

Experience continues to support our belief that the majority of complainants are reasonable people who feel their situation has not been fully understood by government. Problems are generally rooted in communication, unquestioning adherence to policy and deficient policy and procedures. The need for a greater contextual approach to issues, the use of quality assurance processes and management guidance throughout government would help and improve service levels. Although government services are generally delivered in a professional manner, the number of complaints and issues reaching this Office indicates there is still room for improvement. Hopefully, the number of concerns brought to this Office will decrease as systemic issues are addressed by departments and agencies.

The coming year marks the 200th anniversary of the legislative Ombudsman and during the later part of the year we will join with our counterparts in other provinces in celebrating this milestone, and the evolving role of Ombudsmen as impartial arbiters in administrative processes.

Dwight L. Bishop  
Ombudsman



## ABOUT THE OFFICE

### *Role and Mandate*

The Office of the Ombudsman promotes fairness, integrity and good governance within the provincial and municipal spheres of government. To achieve these core values, the Office works on behalf of the legislative authority, the public service and the public.

Over the past five years, the scope and responsibilities of the Office have broadened considerably. Highlights include amendments to the Ombudsman Act, regulations to clarify jurisdiction in several areas, including youth and seniors, and an investigative role in disclosure of wrongdoing. A Seniors Services initiative was implemented to help address issues relevant to the growing senior population, their families and caregivers. The Office also expanded its role with respect to youth, to include visits to residential child-care facilities, and increased its focus on adult corrections. Capacity to conduct policy and systems reviews/investigations increased, along with the number of requests to provide input on legislation, regulations, policies and procedures outside the traditional investigative process. A review of the Office structure resulted in staff appointments under the Ombudsman Act, which provides for Governor-in-Council approval. This has brought stability to the Office and helped to maintain a skilled workforce.

While the traditional mandate of the Office is to investigate public concerns about government services, the Office also strives, through administrative, policy and systems reviews, to effect timely resolution and change. When issuing findings and recommendations to government bodies, the Office draws on the principles of good governance, recognizing that the majority of public servants want to provide quality service. In almost all cases, the recommendations made are accepted and implemented. Depending on the nature of the recommendation, the Office may monitor its implementation. While the Ombudsman Act contemplates confidentiality, in instances where the Ombudsman believes it is necessary, the Act allows for a more public reporting approach, including issuing reports to the Legislative Assembly.

### *Organizational Structure*

The Office of the Ombudsman is located in Halifax. Citizens can make complaints in person, by mail, by calling the toll-free telephone numbers from anywhere in Nova Scotia or by contacting the Office through its website. Ombudsman representatives regularly travel throughout the province to meet with members of the public and government officials, carry out regularly scheduled site visits and conduct community outreach sessions.

#### THE OFFICE OF THE OMBUDSMAN IS STRUCTURED INTO FOUR SERVICE AREAS.

##### OFFICE ADMINISTRATION

Provides initial assessment and referrals for members of the public who contact the Office, as well as administrative and office management functions.

##### INVESTIGATION AND COMPLAINT SERVICES

Reviews and investigates public concerns about services provided by provincial and municipal government organizations. This represents the direct continuation of the original Ombudsman service. This area also undertakes own motion, policy and systems reviews.

##### YOUTH AND SENIORS SERVICES

Reviews and investigates the concerns of children, youth, parents, guardians and those working in child and youth serving government facilities and service systems. This area also examines and investigates issues affecting senior citizens; particularly those who reside in provincially licensed residential care facilities.

##### CIVIL SERVICE DISCLOSURE OF WRONGDOING

Provides an independent reporting and investigation mechanism for provincial civil service employees regarding allegations of wrongdoing in the workplace.



## *Human Resources and Professional Development*      *Financial Resources*

The Office of the Ombudsman has 17 full-time positions. This includes the Ombudsman. The Office also maintains a roster of casual, trained employees. The implementation of this roster has helped to meet caseload demand and lessen the impact of vacancies.

The Office regularly hires students through the Career Starts Program (diversity, mentorship and co-op). In the past year, seven students gained experience through placements with the Office. Three were from CompuCollege, two from the Nova Scotia Community College, one from Acadia University and one from Pro-Bono Students Canada, Dalhousie Law School.

Staff commitment and competency are an integral component of the Office. Employees are encouraged to participate in training and professional development opportunities. As part of the ongoing performance management and career development process, training and education plans are incorporated in yearly evaluations. Ombudsman staff also participate in the Diversity Roundtable, Partners for Human Rights, French Language Services Committee and GoverNEXT, and provide input on a variety of committees and initiatives designed to address diversity in the public service, including the recruiting and interviewing process. These training and participation opportunities contribute to improved service delivery to the public and government.

The Office of the Ombudsman is funded through the province's consolidated revenue fund in accordance with section 3(7) of the Ombudsman Act.

OFFICE OF THE OMBUDSMAN 2008-09 BUDGET EXPENDITURES		
CORE BUSINESS	BUDGET	ACTUAL
	(\$ THOUSANDS)	(\$ THOUSANDS)
GROSS EXPENSES	1,567	1,492
PROGRAM EXPENSES	1,567	1,492
SALARIES AND BENEFITS	1,361	1,353
STAFF (FTEs)	17	16

The Office of the Ombudsman spent 95 per cent of the allotted budget. The variance is due to savings in operational expenses.



*After 25 years of employment with the province, one of the Office's employees, Alan Wilson, was recognized through the Long Service Award program. The Office is pleased to acknowledge his dedication and commitment.*





## THE YEAR IN REVIEW

### *Complaint Resolution Process*

The Office routinely evaluates and modifies the manner in which inquiries and complaints are addressed. Internal quality assurance programs implemented over the past few years help to ensure an efficient and effective complaint resolution process. The majority of issues brought forward to the Office are addressed through administrative review investigations. This is a less formal approach, allowing us to address complaints that lend themselves to front-line resolution. Issues that are more complex or systemic in nature require a more structured approach and often result in in-depth formal investigations with specific recommendations.

Similar to last year, administrative review investigations comprised 98 per cent of investigative reviews undertaken. The number of jurisdictional matters addressed increased by 4 per cent, from 1,623 to 1,698. This includes 1,164 administrative review investigations, 473 meetings with youth in care or custody and 61 youth evaluation surveys. The Office also addressed 472 non-jurisdictional inquiries, opened 15 formal investigations and four own-motion investigations (investigations initiated by the Ombudsman), carried out five policy/systems reviews, and received 20 inquiries relating to the Civil Service Disclosure of Wrongdoing Regulations.

A number of administrative review investigations resulted in core changes to government policies, procedures and actions in service delivery and fairness. This year, the Office also issued 27 formal recommendations. Eighteen involved direct changes to policy and procedures. Of these 27 formal recommendations, 12 have been implemented; 10 have been accepted with implementation being monitored; two have been accepted in principle pending the development of regulations; and two are still being considered. The Department of Community Services rejected one recommendation regarding alterations to a secure isolation room. The Office continues to monitor the implementation of recommendations made in previous fiscal years: nine from Ombudsman investigations and three from disclosure of wrongdoing investigations. While the Office recognizes that time is required to implement recommendations, the length of time taken by some public bodies continues to raise concerns.

#### TOTAL COMPLAINTS AND INQUIRIES RECEIVED (OMBUDSMAN ACT)

	2008-09	2007-08	2006-07	2005-06	2004-05
JURISDICTIONAL	1,698	1,623	1,487	1,228	1,115
NON-JURISDICTIONAL	472	628	314	470	673
<b>TOTAL</b>	<b>2,170</b>	<b>2,251</b>	<b>1,801</b>	<b>1,698</b>	<b>1,788</b>

#### ADMINISTRATIVE REVIEW INVESTIGATIONS

<b>TOTAL WITH POSITIVE OUTCOMES</b>		<b>1,035</b>
ASSISTANCE RENDERED TO COMPLAINANT	729	
RESOLVED FOR THE COMPLAINANT	231	
RESOLVED FOR THE PUBLIC BODY/PROPERLY IMPLEMENTED	61	
SETTLED BETWEEN THE PARTIES	14	
DISCONTINUED/WITHDRAWN		98
CARRIED OVER TO 2009-2010		31
<b>TOTAL ADMINISTRATIVE REVIEW INVESTIGATIONS*</b>		<b>1,164</b>

\* Disclosure of wrongdoing statistics are reported separately.



FORMAL INVESTIGATIONS AND REVIEWS	
FORMAL INVESTIGATIONS	15
OWN-MOTION INVESTIGATIONS	4
POLICY/SYSTEMS REVIEWS	5
TOTAL FORMAL INVESTIGATIONS AND POLICY/SYSTEMS REVIEWS	24

The Office continues to monitor time lines to complete reviews and investigations. While there has been an increase in the number of administrative review investigations conducted, the time lines for completing these investigations have remained relatively consistent over the past several years. The Office strives to complete formal investigations within 12 months and has achieved this target in the majority of cases.

Twenty-four formal investigations, own motion and policy or systems reviews were opened this year. Of these, 11 were closed within an average length of three months. An additional four had recommendations being monitored after an average length of four months. Nine investigations were carried forward into 2008–2009 after being open for an average of two months.

Two investigations remain open from the 2007–2008 fiscal year. In one, the Office’s authority to access information under the respondent legislation was challenged. Ministerial authorization was subsequently issued that allowed the Ombudsman or delegates to review confidential information. The other investigation was delayed due to legal considerations. It is anticipated that both investigations will be completed in the 2009–2010 fiscal year.

ADMINISTRATIVE REVIEW INVESTIGATIONS/ YOUTH MEETINGS TIMEFRAMES				
PERIOD	2008–2009	2007–2008	2006–2007	2005–2006
1–7 DAYS	1139 (57%)	921 (59%)	901 (61%)	687 (56%)
8 DAYS–4 WEEKS	257 (22%)	318 (20%)	252 (17%)	182 (15%)
4+ WEEKS	241(21%)	334(21%)	334(22%)	359(29%)
TOTAL	1,637 (100%)	1,573 (100%)	1,487 (100%)	1,228 (100%)

The Office completed the development of its standard for operational records (STOR) that was commenced last year. In March 2009, the Government Records Committee approved STOR. With the standards for administrative (STAR) and operational (STOR) records in place, the Office is now in position to utilize the Provincial Records Centre for secure offsite storage of semi-active records. It is expected that a backlog of records currently being stored in the Office will be classified, inventoried and transferred to offsite storage, starting next year.



## *Awareness, Access and Understanding of the Office of the Ombudsman*

This year, the Office reached approximately 3,700 people through its outreach efforts, an increase of 37 per cent from last year. This exceeded our target of 2,500 by 2010–2011. Outreach efforts included 650 presentations, information sessions, meetings, community and site visits and four information booths, including one at the 50+ Expo. Community outreach sessions were hosted in Amherst, Digby, Cole Harbour, Sydney and Yarmouth. Groups identified for outreach included seniors in long-term care facilities and youth in residential, secure care and custodial facilities.

The number of jurisdictional complaints received this year increased by four per cent, while the number of non-jurisdictional complaints/inquiries decreased by six per cent. The reduction in non-jurisdictional issues reflects positively on our outreach awareness initiatives. The 20 disclosure of wrongdoing inquiries/disclosures received was comparable to the previous two years.



*The Office hosted an information session for representatives from the Cuban government and Dalhousie University on the role of an Ombudsman generally, and on the mandate of the Office. Reference materials were provided in both English and Spanish.*



### *Fairness and Accountability in Public Sector Administration*

Often people contact the Office because they are concerned about their right to a fair process or about the fairness of a decision. The courts have determined that a duty of fairness is triggered when an administrative decision is made affecting the rights, privileges or interests of an individual. When assessing whether a decision or process was administered fairly, the Office examines if the legislation is being administered consistently, and that reasons for decisions were provided.

Administrative processes may be deemed fair when the person affected is aware that a decision will be made, knows what information is being considered and is provided with an opportunity to present his or her own information and challenge information in the decision maker's hands. The person affected must also be notified of the outcome and how it will affect them, and be provided with the reasons for the decision. A process may be deemed unfair when it cannot be rationally explained and fails to follow the original intent of the law, policy or program.

OUTREACH	
EVENT	NUMBER OF VISITS
MEETINGS	277
YOUTH INFORMATION SESSIONS	170
RESIDENTIAL CHILD-CARE FACILITIES	69
WOOD STREET CENTRE (SECURE CARE RESIDENTIAL FACILITY)	40
NOVA SCOTIA YOUTH FACILITY	30
PRESENTATIONS	21
CAPE BRETON YOUTH DETENTION FACILITY	10
HALIFAX YOUTH ATTENDANCE CENTRE	6
COMMUNITY OUTREACH SESSIONS	5
INFORMATION BOOTHS	4
<b>TOTAL</b>	<b>632</b>

	NUMBER OF SITE VISITS	TOTAL PRESENT
RESIDENTIAL CHILD-CARE FACILITIES	69	199
YOUTH CUSTODIAL FACILITIES	46	228
WOOD STREET CENTRE (SECURE RESIDENTIAL FACILITY)	40	103
SENIOR RESIDENTIAL FACILITIES	18	42
ADULT CORRECTIONAL FACILITY - FEMALE UNIT	13	47
<b>TOTAL</b>	<b>186</b>	<b>619</b>



## Investigation Protocol

Many government bodies realize the importance of establishing internal processes to address concerns about service delivery. The following are key components embedded in a thorough and fair investigation.

- Ensure staff assigned to conduct investigations are appropriately trained and experienced in conducting investigations.
- Identify the issues and scope of the investigation to help ensure that investigations are facts and issues driven, objective and independent. A common error during investigations is underestimating the complexities of the case.
- Develop an investigation plan that includes authorities, timelines, interviewing methodology and information resources. Ensure thorough documentation.
- Commit adequate resources up-front. It is more efficient and cost effective to downsize an investigation rather than adding additional resources partway through.
- Ensure ongoing communication with the affected parties during all stages of the investigation. If the scope of the investigation expands, this needs to be communicated.
- Report the findings and monitor the implementation and effectiveness of the recommendations. Identify who will be responsible for follow-up and define what it will look like.
- Debrief with investigators. Assess the investigators objectivity, well-being and further training opportunities.

## *Policy Development, Reviews and Initiatives*

Government departments continue to request this Office's input on policy development outside the investigation process. Often these requests result in recommendations aimed at clarifying and improving existing legislation, regulations, policies and procedures. We were pleased to provide assistance in the following areas:

- IWK Health Centre complaint resolution policy and practices for staff and the public
- Halifax Regional Municipality Youth Navigator and Advocate Programs
- Human Rights Commission fact sheet
- Spanish to English translation of a rights book for children on the United Nations Convention on the Rights of the Child (UNCRC )
- Canada's and Nova Scotia's implementation of the UNCRC
- Transitional Care Advisory Council
- Town of Mulgrave hiring practices
- Personal health information legislation
- Youth Court Stakeholders Group
- Fire Marshal guidelines relating to security watches.



## *A month at a glance*

The following is a representative sample illustrating the number and scope of concerns brought to the attention of the Office during a one-month period (October 2008):

- access to records
- adult diversion program—process
- breach of confidentiality
- child protection/custody (3)
- child welfare—foster care rate
- communication—lack of clarity and response
- complaint against RCMP and municipal policing agencies (5)
- contact information (2)
- Crown land—dispute over ownership
- damage to vehicle by an inspector
- disability benefits
- dispute about assessed income
- driver's license—test process
- driver's license—medical form
- employment issues (6)
- enforcement of payday loans
- expression of interest—recreation facility
- federal government services complaints (10)
- food—special needs approval
- health care—involuntary admittance
- legal issues (3)
- liability for damage to vehicle
- long-term disability benefits
- maintenance enforcement payments (2)
- municipal—parking enforcement
- municipal—sewage blockage
- offender—inappropriate clothing (3)
- offender—calculation of release date (4)
- offender—complaint process (5)
- offender—visitation
- offender—double bunking (2)
- offender—abuse of authority (2)
- offender—medical services (11)
- offender—lack of programs
- offender—strip searches
- offender—disciplinary levels (5)
- offender—temporary absences
- offender—voting process
- offender—unable to contact lawyer
- offender—loss of personal property
- offender—access to telephone (2)
- offender—facility temperature
- offender—meals
- Pharmacare (2)
- private business complaints (19)
- property—lien/judgment
- quality of repairs to ditch
- restitution—recovery of overpayment
- senior—long-term care process
- senior—transfer of file
- senior—denied home care
- senior—medication in care facilities
- small option home—program access
- staff conduct (6)
- union status
- vehicle appraisal dispute
- worker's compensation claims (6)
- youth—Canada Pension Plan benefits
- youth—contact with probation officer
- youth—contact with social worker
- youth—educational program access
- youth—escort to a funeral
- youth—facility policy (5)
- youth—food portions/availability (3)
- youth—issue with staff (2)
- youth—obtaining a Social Insurance Number
- youth—placement in secure isolation
- youth—placement upon discharge
- youth—removal of personal item
- youth—telephone privacy
- youth—visit with family



## INVESTIGATION AND COMPLAINT SERVICES

While the primary focus of the Office is dedicated to addressing individual and systemic complaints, attention is also given to helping people navigate through government processes. Concerns with communication remain a common element among complaints brought forward. The majority of complaints are resolved by gathering facts, conducting research and engaging in and encouraging dialogue with the parties. Where appropriate, recommendations are issued with success being measured by the level of acceptance and implementation of the recommendations.

A number of issues brought forward this year were complex and sensitive, requiring formal investigations with dedicated resources. Policy and own-motion reviews addressed issues that were systemic in nature, while administrative review investigations focused on individual complaint resolution and improvement to policies and procedures. Many changes in policy and procedures occur as a result of this less formal approach.

### *Correctional Services*

For a number of years, considerable resources have been dedicated to addressing Correctional Services issues. This year, the Office received 286 complaints and inquiries relating to Correctional Services from adult offenders and 134 from young persons. The Office also received 95 complaints relating to adult offender health services. Several reports and recommendations were issued to Department of Justice, Correctional Services. Recommendations included amending internal complaint forms and processes, and developing a quality assurance process to monitor complaint resolution procedures. The number and nature of complaints remain a concern.

### *Correctional Services issues include allegations regarding:*

- abuse of authority/staff conduct
- access to electronic documents to prepare for court
- access to a telephone to call lawyers
- behaviour relating to placement
- canteen funds
- clothing
- a lack of response to written complaints
- meals
- missing property
- overcrowding/double bunking
- racial discrimination/racist comments
- refusal to transport for medical appointments
- safety
- searches
- segregation
- sentence calculation
- staff comments
- threats/assault by other offenders
- transfer requests
- use of force
- water quality

### **Payday Loans**

A senior contacted our Office about the practices of payday loan companies. The individual had taken out short-term loans and was upset that the total cost of the loans exceeded the usury rate set in the Criminal Code of Canada. The senior had also been repeatedly charged default fees, as the payment date for the loans fell a few days before pension cheques were issued. When contacted by this Office, the department responsible for regulating payday loan companies confirmed that the company was acting within the regulatory framework and new regulations were in the process of being implemented to address these issues. Given the vulnerable financial situation of some payday loan consumers, we recommended that the department continue to revisit this area.

### **En Français**

A French-speaking worker received the decision of a board verbally in English. A written decision was not provided in either French or English. When contacted by this Office, the board acknowledged the error, agreed to issue a written decision in both languages and had a French-speaking employee explain the status of the file to the complainant.





## Delayed Decision

An individual had been waiting several months for the outcome of a department's investigation. The decision was critical to a pending appeal. Our investigation determined that the complainant was not alone; several other individuals were waiting for decisions. As a result of our recommendations, the department agreed to prioritize outstanding decisions and review its processes to ensure a more timely response.

## Improving Communication

A student with learning disabilities was having difficulty communicating with a student assistance office. Our review determined that staff in that office did provide direction in completing an application process, but communication problems persisted. As a result of our investigation, the student assistance office agreed to provide staff with training to improve their ability to communicate effectively with persons with learning disabilities, and to develop a brochure outlining available grants, services and options specific to students with disabilities.

## Policy Application

A property owner approached this Office with concerns relating to the maintenance of a private road. As a result of our investigation, the municipality implemented a by-law, drafted a formal agreement setting out roles and responsibilities and developed a checklist to assist both municipal staff and five property owner associations within the municipality. The steps taken were positive for both the municipality and the citizens.

## Own Motion Investigations

### Medical Examiner Service—Final Report to Next-of-Kin

Based on a trend in complaints received from distraught families and next-of-kin over the past few years, the Office initiated an own-motion investigation regarding the timeliness of issuing final reports in death investigations. These reports provide answers for estate settlements and insurance purposes and help families bring emotional closure.

A review of over 200 files and interviews with key stakeholders determined that on average, it was taking eight and a half months for the final report to be issued.

The service provider had to rely on a number of health-care professionals to support its mandate, which compounded its inability to give priority or compel the filing of reports in a timely manner. The Office issued six recommendations regarding the delivery of this service to the public.

While the need for continued and further improvements remains, the Office acknowledges the progress made in implementing our recommendations to improve the timeliness of reports. A commitment by the Department of Justice to build a new morgue and the active recruitment of additional staff will improve the overall process. We were very pleased with the co-operation our Office received from both the Department of Justice and the Medical Examiner Service.

### Department of Health - Placement and Capacity of Vulnerable Persons

The Office initiated an own-motion investigation to examine the placement of vulnerable persons into care facilities. An audit of department records was conducted, including a review of over 500 placement files and numerous interviews with staff, management and key stakeholders. Legal, statutory and procedural issues were identified dealing with decisional capacity and continuing care authority in relation to placement, highlighting a need by the department to re-evaluate the placement process to ensure that appropriate safeguards are in place, both for individuals entering care facilities and for staff working at these facilities. We issued eight recommendations.

### Residential Property Assessments

The Office initiated an own-motion investigation regarding the property assessment process and service delivery, particularly as it relates to communication material and residential appeals. Our investigation found that the accessibility and clarity of information available regarding the process for filing appeals required attention. Specifically, the appeal process was difficult for many people to understand and could be improved by using clear and concise language. Five recommendations were issued, as well as general observations for improvements to the property assessment appeal process. We were pleased with the co-operation, time and effort extended to our staff in concluding these matters and believe the implementation of these recommendations is a positive step to improving client services.





## JUSTICE

YEARS	TOTAL	CORRECTIONAL SERVICES	MAINTENANCE ENFORCEMENT PROGRAM	COURTS AND REGISTRIES	VICTIM SERVICES	MEDICAL EXAMINER SERVICE	OTHER
2008-2009	333	286	29	8	1	4	5
2007-2008	354	283	42	13	2	7	7
2006-2007	219	160	32	4	0	1	22
2005-2006	164	115	31	6	1	2	9

## COMMUNITY SERVICES

YEARS	TOTAL	INCOME ASSISTANCE AND EMPLOYMENT SUPPORT	FAMILY AND CHILDREN'S SERVICES	HOUSING SERVICES	SERVICE ISSUES	SERVICES FOR PERSONS WITH DISABILITIES	MEDICAL AND DENTAL	OTHER
2008-2009	187	70	53	26	15	11	1	11
2007-2008	229	96	60	43	13	3	3	11
2006-2007	207	96	61	24	3	0	12	11
2005-2006	229	126	55	21	7	7	*	13

\*INCLUDED IN OTHER

## HEALTH

YEARS	TOTAL	OFFENDER MEDICAL	CONTINUING CARE	CAPITAL DISTRICT HEALTH AUTHORITY	MENTAL HEALTH	ADDICTION SERVICES	CAPE BRETON DISTRICT HEALTH AUTHORITY	OTHER DISTRICT HEALTH AUTHORITIES & HOSPITALS	PHARMACARE	SOUTHWEST DISTRICT HEALTH AUTHORITY	SOUTH SHORE DISTRICT HEALTH AUTHORITY	OTHER
2008-2009	149	95	16	12	2	-	6	4	5	1	1	7
2007-2008	204	131	21	15	4	-	10	7	2	-	3	11
2006-2007	198	130	27	18	2	3	4	*	0	1	2	11
2005-2006	100	54	13	11	7	2	2	*	1	0	0	10

\*OTHER DISTRICT HEALTH AUTHORITIES/HOSPITALS WERE INCLUDED IN OTHER DURING PREVIOUS YEARS.



### HALIFAX REGIONAL MUNICIPALITY

YEARS	TOTAL	PLANNING AND DEVELOPMENT SERVICES	HALIFAX REGIONAL POLICE	TRANSPORTATION AND PUBLIC WORKS	METRO TRANSIT	OTHER
2008-2009	34	2	13	9	2	8**
2007-2008	53	16	12	6	4	15
2006-2007	34	8	9	*	*	17
2005-2006	56	19	13	*	*	24

\*INCLUDED IN OTHER.

\*\*INCLUDED IN OTHER 2008-09 (REAL PROPERTY PLANNING, ANIMAL SERVICES, LEGAL SERVICES, RECREATION TOURISM & CULTURE AND FIRE & EMERGENCY SERVICES).

### SERVICE NOVA SCOTIA AND MUNICIPAL RELATIONS

YEARS	TOTAL	REGISTRY OF MOTOR VEHICLES	RESIDENTIAL TENANCIES	ASSESSMENT SERVICES	DEBTOR ASSISTANCE AND STUDENT LOANS	LAND TITLE REGISTRY	TAX COMMISSION	OTHER
2008-2009	60	32	8	-	8	3	-	9
2007-2008	74	30	14	6	5	4	4	11
2006-2007	65	17	17	7	1	*	*	23
2005-2006	40	10	9	9	1	*	*	11

\*INCLUDED IN OTHER.

### Recommendations

Examples of the nature and scope of recommendations arising from Investigation and Complaint Services include:

- developing a formal appeal process, including a review of records, to identify inactive and otherwise unremediated (contaminated) sites
- reviewing the process for preparing files for collections
- developing policy and increasing education regarding the violation of departmental legislation by employees
- addressing, by way of an agreement, private road maintenance and compliance (municipality)
- implementing a fair hiring policy (municipality)
- developing guidelines on posting security watches
- establishing a formal appeal process within a regulatory framework
- developing a citizens' guide to ensure that information is available to the general public in a clear and accessible format
- implementing policy and procedures to require complete documentation
- conducting independent reviews or audits on a routine basis
- provide offenders with access to electronic documents to prepare for court appearances
- revise policies and procedures regarding close confinement



## YOUTH AND SENIORS SERVICES

### *Youth Services*

Since its inception, the Youth Services component of the Office has served as an integral part of the overall quality assurance for children and youth receiving provincial and municipal government services. It provides an independent process for investigating and resolving complaints from children, youth, parents, guardians and youth care workers. The Office, in addition to responding to specific complaints, conducts regularly scheduled site visits to youth in care and custody and prepares individual, monthly and quarterly reports to the respective departments. Ombudsman representatives work closely with youth, residents and the staff of provincial care and custody facilities to establish and maintain a positive rapport. This provides individuals with an opportunity to come forward with concerns and to seek resolutions to potential problems before they become complaints. This year, the Office conducted 155 site visits to youth in care and custody, an increase of 47 from 2007–2008. Young people, their families and staff, in discussions about issues affecting children and youth, continue to emphasize the need for increased community supports, programs and education. Service co-ordination between departments and outside organizations continues to be an area requiring attention.

A review of the Office's Youth Evaluation Interview survey began this year. The intent of the Youth Evaluation Interview tool is to gain a first-hand understanding from youth in care and custody about their experience in receiving government services and, where appropriate, to assist with providing input on youth programs. This is in keeping with Article 12 of the United Nation's Convention on the Rights of the Child (UNCRC), which directs governments to seek opinions of young people on matters that concern them. It is anticipated that improvements made to the survey as a result of the review, will enable the Office to expand its subject base in the coming year.



*Pictured above is Ombudsman Representative Kay Rogers-Lidstone (left) and Jacinda Rudolph. Ms. Rudolph completed the Spanish to English translation of a rights book for children on the United Nations Convention on the Rights of the Child.*

Ombudsman representatives also participate on and provide input to, committees and groups that conduct research and develop programs for youth provincially and nationally. These include:

- Canadian Association for Civilian Oversight of Law Enforcement (CACOLE)
- Canadian Council of Provincial Child and Youth Advocates (CCPCYA)
- Cape Breton University, Children's Rights Centre
- Child Find Canada
- Child Welfare League of Canada (CWLC)
- National Youth in Care Network
- The Landon Pearson Resource Centre for the Study of Childhood and Children's Rights
- The Youth in Care Committee of the Nova Scotia Council for the Family
- Youth in Care Newsletter Project.



### YOUTH SERVICES—CUSTODY ISSUES RAISED BY CATEGORY\*

POLICIES AND PROCEDURES	21
DISCIPLINE	14
HEALTH CARE/CONCERNS	8
STAFF	7
OTHER**	6
FOOD SERVICES	5
PROBATION SERVICES	3
POLICE	2
PROGRAMMING	2
FACILITY	2
CONDITIONS OF PROBATION	1
CONFLICT WITH OTHER YOUTH	1
RELEASE PLANS	1
<b>TOTAL</b>	<b>73</b>

(66 COMPLAINTS/CONTACTS, RESULTING IN 73 ISSUES)

\* NOVA SCOTIA YOUTH FACILITY, 59; CAPE BRETON YOUTH DETENTION FACILITY, 2; HALIFAX REGIONAL POLICE SERVICE, 2; PROBATION SERVICES: HALIFAX OFFICE, 2, DARTMOUTH OFFICE, 1

\*\* OTHER (2) UPDATE, (2) FINANCIAL PROCESS (CPP), RESTORATIVE JUSTICE, SIN APPLICATION PROCESS

### YOUTH SERVICES—SECURE CARE ISSUES RAISED BY CATEGORY

POLICIES AND PROCEDURES	20
STAFF	13
DISCHARGE PLANS / PLACEMENT	7
FACILITY	3
CONFLICT WITH OTHER YOUTH	2
RECREATION	2
HEALTH CARE / CONCERNS	1
<b>TOTAL ISSUES</b>	<b>48</b>

(44 COMPLAINTS/CONTACTS, RESULTING IN 48 ISSUES)

### Youth Services—Residential Child-Caring Facilities Issues Raised by Category

POLICIES AND PROCEDURES	12
STAFF	2
PLACEMENT	2
SOCIAL WORKER	1
EDUCATION	1
EMPLOYMENT PROCESS	1
FOOD	1
<b>TOTAL</b>	<b>20</b>

(20 COMPLAINTS/CONTACTS, RESULTING IN 20 ISSUES)



## *Seniors Services*

### **Sentence Review Eligibility**

A young person met with an Ombudsman representative to request clarification of the sentence review process. The young person questioned the eligibility date provided by a custodial facility, believing an application for sentence review could be made earlier. We determined that the young person would be eligible to apply for a review when one third of the entire sentence was complete, not one third of the custodial portion of the sentence, as the young person believed.

### **Suspension of Telephone Privileges**

A young person was concerned that telephone privileges had been unfairly suspended. An Ombudsman representative met with staff and determined that the suspension of telephone privileges in this instance should not have occurred. The privileges were reinstated.

### **Secure Isolation Room**

A youth contacted our Office with concerns about various placements in a residential facility secure isolation room (SIR). Managing staff at the facility confirmed that the youth had been placed in the SIR on different occasions due to behavioural issues, including assaulting staff. The Ombudsman representative met with the youth and staff and reviewed the incident reports and prescribed therapeutic rationale developed specifically for the youth. We determined that the actions were well documented and complied with policy and health-care directives. The youth was satisfied with the review.

### **Residential Options**

A youth expressed concern that if she is still living in a residential facility when her child is born, child welfare authorities may apprehend the newborn. The youth had not advised staff of her pregnancy, explaining that she did not feel comfortable doing so, as both of her key youth workers were male. Once advised of the situation by an Ombudsman representative, managing staff ensured that the youth had the opportunity to address her concerns with a female supervisor.

The philosophy behind the seniors' services initiative is to provide independent oversight and facilitate timely resolution of complaints about provincially licensed residential care facilities. Ombudsman representatives dedicated to seniors' issues visit residential care facilities and nursing homes to explain the role and function of the Office and discuss any concerns seniors, their families, caregivers and staff may have.

This year, a strategic review of the seniors' outreach initiative was conducted. The review identified the need for increased collaboration with seniors' organizations and agencies, and increased outreach to, and education for, families and senior resident councils on the role and mandate of the Office, while continuing to maintain a presence in residential care facilities. The number of young seniors and family members contacting the Office reinforces this shift in direction.

This year, repeated efforts to assist a senior experiencing difficulty communicating with both public- and private-sector services resulted in the Office initiating a working group to identify potential service gaps and effective practices to optimize public service delivery. Anticipated areas of focus include literacy, the production of clear communication materials and available resources to provide client assistance.

The Office provides input on policy and program development to various seniors-related advisory councils, committees and initiatives. These include:

- 50+ Expo
- Gerontology Association of Nova Scotia (GANS)
- Senior Abuse and Prevention Awareness Committee
- Protection for Persons in Care Act
- Transitional Care Unit Planning Committee



*Ombudsman staff Annmarie Brown and Tom West participating in the 50+ Expo in Halifax.*

## Overpayment Demand

An individual contacted our Office about an Income Assistance overpayment demand. The individual was receiving Canada Pension Plan disability benefits and had received Income Assistance several years ago. The individual expressed feelings of depression and anxiety about the overpayment and did not believe that it would be possible to meet the payment demand while living on a limited fixed income. The complainant's appeals to the department for special consideration were denied. As a result of our involvement, the department agreed to place the overpayment in an inactive category, pending improvement in the individual's circumstances.

## Long-Term Care Placement

The adult children of a senior veteran contacted our Office seeking assistance regarding long-term care placement. Their parent was eligible for care funding from the federal government through Veterans Affairs, but was not being accepted into a care facility pending a determination of who would be paying for the resident charge, Veterans Affairs or the province. As a result of our involvement, staff of the provincial department agreed to review the matter with the family. Together, they developed an alternative payment option until the payer issue was resolved and the senior moved into residential care.

## Home Health-Care

A senior's attempts to receive home health-care services were unsuccessful. The individual was using a wheelchair as a result of a recent accident and lived alone. Home health-care services had been provided while the senior was in hospital; however, the service was discontinued upon discharge. As a result of our involvement, the department agreed to review the matter. Department staff explained to the senior why services were discontinued and provided the reasons in writing, thus providing the basis for the senior to appeal the decision.

## Family Visit

A distraught grandmother contacted our Office requesting assistance to facilitate a visit between her terminally ill daughter and her grandchildren, who were in foster care. The daughter's health had rapidly deteriorated and the grandmother was concerned that the grandchildren would not be able to visit with their mother in time for Christmas. Our review resulted in a supervised visitation in the grandmother's home over the holidays. In-home support services were also offered and accepted by the family.

## Recommendations

Examples of the nature and scope of recommendations arising from Youth and Seniors Services include:

- making alternative arrangements to detain adult offenders, rather than placing them in a youth facility
- reviewing the designation of a youth detention facility
- reviewing supervision of young persons at a youth detention facility to ensure that policy respecting the use, access, storage and retention of any video monitoring/recordings is appropriate and consistently applied
- documenting acknowledgement by staff regarding facility policy and procedures
- conducting a review and evaluation of existing policy, procedures and staff training for a youth detention facility regarding the dispensing of medication, the use of physical restraint, searches and youth care.





## CIVIL SERVICE DISCLOSURE OF WRONGDOING

The Civil Service Disclosure of Wrongdoing Regulations created a legislated process to report, assess, investigate and respond to concerns about wrongdoing within the provincial government. Several other provinces have subsequently proclaimed statutes to address public interest disclosure. In Manitoba and Newfoundland, the responsibility for these statutes rests with the Ombudsman. In New Brunswick and Ontario, the Conflict of Interest Commissioner and Integrity Commissioner are tasked with this responsibility. The Nova Scotia regulations include an independent investigative role for the Ombudsman.

This year, 20 inquiries were received and subjected to file reviews. A number of these were referred to the department in accordance with Section 11 of the regulations. Two resulted in investigations under the Ombudsman Act. No investigations were commenced under the Civil Service Disclosure of Wrongdoing Regulations. One investigation from the previous fiscal year was concluded. The Office continued to monitor recommendations issued last year stemming from an investigation that made a finding of wrongdoing within a program for vulnerable adults. An encouraging sign of the Office's work in Disclosure of Wrongdoing is reflected in a request the Office received from a department on how to respond to and report on a potential wrongdoing.

Inquiries and disclosures brought forward include:

- abuse of authority
- child abuse
- an employee directed to act contrary to a statute
- falsifying documents
- inadequate management
- investigations conducted without authority
- misappropriation of funds
- misrepresentation of documents
- unfair hiring practices

The Office continued to foster relationships with its counterparts across the country by hosting a workshop examining the area of public interest disclosure. Delegates included representatives from the Manitoba Ombudsman Office, the Office of the Citizens' Representative of Newfoundland and Labrador, the Office of the Conflict of Interest Commissioner of New Brunswick and the Office of the Integrity Commissioner of Ontario. Discussions centred on challenges faced, case management, process and networking. A workshop was also provided on complex investigations.

This year, the Office offered presentations to various departments and agencies and provided a consultative role to the Public Service Commission (PSC). The Office also helped to develop a framework for an investigative course available through the PSC Corporate Training Calendar. A number of recommendations related to potential amendments to the regulations were incorporated in the PSC's review of the regulations. The number of excluded civil servants attempting to utilize the disclosure process to address human resource matters due to a lack of alternative resolution processes signals there are gaps in this area. As we move forward, one area of focus is increasing the level of understanding among senior government officials of the disclosure process.



## LOOKING FORWARD

Next year will mark the 200th anniversary of the institution of a legislative ombudsman. In recognition, the Office will be organizing and participating in events to celebrate and distinguish this milestone. We are also looking ahead to:

- updating our website and communication strategy
- enhancing Office outreach and accessibility, particularly with respect to diversity
- broadening access to our services through Web-based technology; e.g., Facebook and Twitter
- completing a review of the Youth Services Youth Evaluation Interview survey and expanding its subject base
- developing a model for pediatric death and critical injury reviews, in consultation with key stakeholders
- expanding our role in foster care and our education outreach to schools regarding child and youth rights
- enhancing our electronic file and database systems
- promoting the principles of conflict resolution.





## STATISTICS

### *Complaints and Inquiries Received (by Organization), 2008–2009*

Justice (47)		Justice Corrections (286)	Total: 333	Annapolis (County Municipality)	2
Community Services	187	Health (30)		Conserve Nova Scotia	2
Offender Health (95)		Offender Health (95)		Economic and Rural Development	2
Capital District Health Authority (12)		Capital District Health Authority (12)		Financial Institutions (Superintendent of Insurance)	2
Cape Breton District Health Authority (6)		Cape Breton District Health Authority (6)		FOIPOP Review Office	2
IWK Health Centre (2)		IWK Health Centre (2)		Office of Immigration	2
Annapolis Valley District Health Authority (1)		Annapolis Valley District Health Authority (1)		Westville (Town)	2
Pictou County Health Authority (1)		Pictou County Health Authority (1)		Yarmouth (District Municipality)	2
South Shore Health Authority (1)		South Shore Health Authority (1)		Antigonish (County Municipality)	1
Southwest Nova Health Authority (1)	Total: 149	Southwest Nova Health Authority (1)	Total: 149	Barrington (District Municipality)	1
Service NS and Municipal Relations	60	Workers' Compensation Board	53	Bridgewater (Town)	1
Halifax Regional Municipality	34	Halifax Regional Municipality	34	Chester (District Municipality)	1
Cape Breton Regional Municipality	20	Cape Breton Regional Municipality	20	Child Welfare Agencies	1
Environment	18	Environment	18	Emergency Management Office	1
Education (11)		Education (11)		Energy	1
Halifax Regional School Board (6)		Halifax Regional School Board (6)		Film Nova Scotia	1
Cape Breton Victoria School Board (4)		Cape Breton Victoria School Board (4)		Fisheries and Aquaculture	1
Annapolis Valley Regional School Board (3)		Annapolis Valley Regional School Board (3)		Halifax Water Commission	1
South Shore Regional School Board (1)		South Shore Regional School Board (1)		Health Promotion and Protection	1
Strait Regional School Board (1)	Total: 26	Strait Regional School Board (1)	Total: 26	Kings (County Municipality)	1
Human Rights Commission	14	Human Rights Commission	14	Lawrencetown (Village Commission)	1
Labour and Workforce Development	14	Labour and Workforce Development	14	Mulgrave (Town)	1
Transportation and Infrastructure Renewal	13	Transportation and Infrastructure Renewal	13	New Glasgow (Town)	1
Legal Aid Commission	12	Legal Aid Commission	12	Nova Scotia Agricultural College	1
Natural Resources	9	Natural Resources	9	Nova Scotia Community College	1
Police Commission	5	Police Commission	5	Nova Scotia Gaming Corporation	1
Truro (Town)	5	Truro (Town)	5	Nova Scotia Liquor Corporation	1
Agriculture	4	Agriculture	4	Nova Scotia Pension Agency	1
Finance	4	Finance	4	Nova Scotia Utility and Review Board	1
Kentville (Town)	4	Kentville (Town)	4	Parrsboro (Town)	1
Lunenburg (District Municipality)	4	Lunenburg (District Municipality)	4	Premier's Office	1
County of Cumberland (Municipality)	3	County of Cumberland (Municipality)	3	Public Trustee	1
East Hants (District Municipality)	3	East Hants (District Municipality)	3	Securities Commission	1
Inverness (County Municipality)	3	Inverness (County Municipality)	3	Seniors	1
Public Service Commission	3	Public Service Commission	3	Tourism, Culture and Heritage	1
Richmond (County Municipality)	3	Richmond (County Municipality)	3	Workers' Compensation Appeals Tribunal	1
Amherst (Town)	2	Amherst (Town)	2	Wolfville (Town)	1
				<b>TOTAL</b>	<b>1,030</b>

Note: No complaints or inquiries were recorded for the remaining departments, agencies, boards and commissions. Complaints/inquiries from youth in the care or custody of the province are reported separately.



## CONTACT US

### *Can We Talk*

Ombudsman representatives are available to visit your group or organization to talk about the services the Office provides. The Office also has communication materials to distribute; e.g., brochures and posters.

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

Fax: (902) 424-6675

Public Inquiries/Complaints: (902) 424-6780  
1-800-670-1111 (toll-free in Nova Scotia)

Youth Inquiries: 1-888-839-6884 (toll-free in Nova Scotia)

Disclosure of Wrongdoing Inquiries: 1-877-670-1100  
(toll-free in Nova Scotia)



