



*Finding ways to  
help government  
work better.*



NOVA SCOTIA



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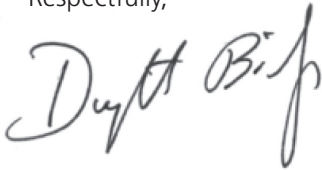
October 2011

The Honourable Gordie Gosse, MLA  
Speaker of the House of Assembly  
Legislative Assembly of Nova Scotia  
Province House  
Halifax, Nova Scotia

Dear Mr. Speaker:

In accordance with subsection 24(1) 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, 2011.

Respectfully,

A handwritten signature in black ink, reading "Dwight Bishop". The signature is written in a cursive style with a large, prominent "D" and "B".

Dwight L. Bishop,  
Ombudsman

## Message from the Ombudsman

This year the number of complaints brought forward for consideration by our Office has increased, as has the number and complexity of investigations. Our findings and recommendations were broad based, touching such issues as policy, procedures, service quality, management and leadership. While I am pleased that the recommendations made this year have been accepted, there continues to be a need within government to demonstrate a greater sensitivity towards complainants and the use of alternative dispute resolution methods.

We have improved our operational capacity through professional development activities relating to investigations, working with diverse communities, outreach, and utilization of informal dispute resolution processes. Our service model is complemented by the various jurisdictional responsibilities of our Office and staff who bring a wide range of experience, education, and depth to their duties under the Ombudsman Act.

We maintain a core presence in such areas as youth, seniors, and disclosure, and we are working to expand our role in corrections, diversity, and health. The temporary redeployment of resources from our administrative budget to operations has helped maintain our investigative focus so that citizens' concerns can be brought forward and addressed in a timely manner. Going forward, resourcing issues will have an impact on our services.

Our experience under the Civil Service Disclosure of Wrongdoing Regulations will assist us with our expanded role under the new Public Interest Disclosure of Wrongdoing Act. The act provides a comprehensive legislative base for disclosure and provides for complaints to be brought forward by employees and the general public.

# About the Office

## Mission

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

## Role and Mandate

The mission of the Office is achieved by working to ensure that government decisions and processes are open, transparent, and consistent with the principles of fairness. The principles of Fairness and Accountability in Public Sector Administration are discussed in some detail later in this document.

The mandate of the Office extends to all persons who receive services from, or are affected by, provincial and municipal governments. Civil servants also have an avenue to address concerns regarding allegations of wrongdoing in the provincial government through the Office's role in the provincial Disclosure of Wrongdoing process. The responsibilities of this Office will expand considerably with the implementation of the Public Interest Disclosure of Wrongdoing Act.

## *The Office of the Ombudsman includes four service areas:*

### *Office Administration*

Provides initial assessment and referrals for members of the public. Fulfills administrative and office management functions.

### *Investigation and Complaint Services*

Reviews and investigates public concerns about services provided by provincial and municipal government organizations. Undertakes 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. 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

The Office has 17 full-time positions, including the Ombudsman, and continues to benefit from a casual roster of trained employees. This roster helps meet caseload demands and lessens the impact of staff vacancies.

The Office employs students through the Career Starts diversity, mentorship and co-op programs. This year, the Office employed nine students: four from Dalhousie University, one from Mount Saint Vincent University, two from the Nova Scotia Community College, and two from CompuCollege.

## Training and Professional Development

Staff participated in training and workshops in a variety of areas, including child death and serious injury, interviewing techniques, restorative justice, public interest disclosure, and mediation. The Office's goal of recognizing diversity is reflected in staff training and committee representation in the areas of youth advocacy, the provincial Diversity Roundtable, French language and mental health services, and activities supported by the Lesbian, Gay, Bisexual, Transgender, Intersex Network. These opportunities contribute to the improvement of the services we provide.

## Financial Resources

The Office of the Ombudsman spent 94 per cent of the allotted budget. The variance comes from savings in operational expenses.

<b>Core Business</b>	<b>Budget</b> (\$ thousands)	<b>Actual</b> (\$ thousands)
Gross expenses	1,649	1,553
Net program expenses	1,649	1,553
Salaries and benefits	1,425	1,449
Staff (full-time equivalent)	17	17

# The Year in Review

## Complaint Resolution Process

The Office focuses on addressing the majority of complaints through administrative review investigations. This informal approach allows Ombudsman representatives and staff of government departments and agencies to resolve issues in a timely manner. The majority of government officials are receptive to this informal approach, although some resistance remains. To allay these concerns, proposed amendments to the Ombudsman Act have been developed to recognize the informal process. The proposed amendments will also address current information access limitations.

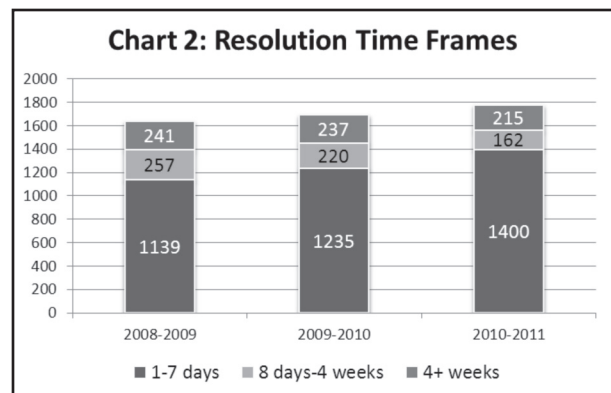
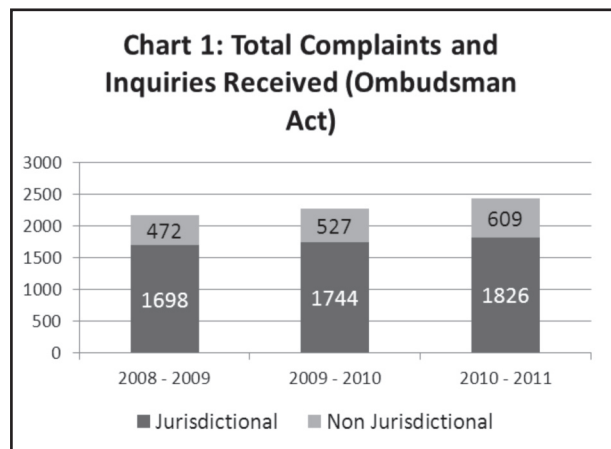
This year the number of jurisdictional matters addressed increased by 4.7 per cent, from 1744 to 1826. These include 1338 administrative review investigations, 439 meetings with youth in care and custody, and 49 youth evaluation surveys. The Office also addressed 26 Disclosure of Wrongdoing inquiries, 609 non-jurisdictional inquiries, and undertook 23 formal investigations and reviews.

The number of administrative review investigations increased this year (Chart 1). Meanwhile, our time frames for completing these reviews have decreased. Chart 2 demonstrates how the Office has met its goal of increasing the proportion of complaints settled within seven days. Though the goal of resolving the majority of complaints through informal processes has been met, the Office continues to undertake more complex investigations.

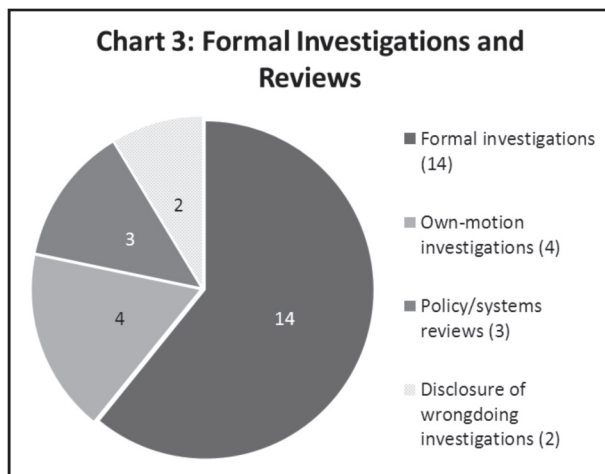
**Table 2: Administrative Review Investigations**

Assistance rendered to complainant	1039
Resolved for the complainant	33
Resolved for the public body (properly implemented)	119
Settled between the parties	9
<b>Total with positive outcomes</b>	<b>1200</b>
Discontinued + withdrawn	101
Carried over to 2011–2012	37
<b>Total *</b>	<b>1338</b>

\*Disclosure-of-Wrongdoing statistics are reported separately.







As illustrated in Chart 3, this year the Office initiated 23 formal investigations, own-motion policy/systems reviews, and Disclosure of Wrongdoing investigations. Eight Ombudsman Act investigations were closed with an average age of four months, and one Disclosure of Wrongdoing investigation was concluded after eleven months. Four investigations are being monitored for implementation of recommendations. The average age of these investigations was four and a half months. Ten investigations, including one from Disclosure, were carried into 2011–2012.

The Office continues to make recommendations that generate core changes to government policies and procedures, resulting in improved service delivery and fairness. The recommendations flowing from these investigations are broad in scope. In some cases, departments have implemented our recommendations for specific policy and procedural improvements and have expanded these improvements to other programs within their mandates. Enhanced use of the Office’s early-resolution processes, as well as more in-depth systemic examination of policies and procedures, brings greater balance to the oversight process.

This year, the Ombudsman issued a total of 50 formal recommendations. Of the total recommendations, 33 were issued under the Ombudsman Act. The remaining 17 recommendations stemmed from Disclosure of Wrongdoing investigations. Sixteen recommendations issued under the Ombudsman Act, and nine resulting from Disclosure of Wrongdoing investigations involved changes to policy, procedure, or legislation. Of the total recommendations issued under the Ombudsman Act, 15 have been implemented, while the remaining 18 have been accepted, and the Office is monitoring their implementation. The Office continues to monitor the implementation of recommendations from two investigations made in previous fiscal years. Both require amendments to regulations. The implementation of 17 recommendations stemming from Disclosure of Wrongdoing investigations is being monitored.

Government standards for records management (Standard for Administrative Records and Standard for Operational Records, or STAR/STOR) have been in use by the Office for two years, and the records control database is being populated. The Office continues to conduct an inventory of older records and will begin movement to off-site storage soon. To address expanding case-management needs, a representative from the Office has been meeting regularly with the Nova Scotia Chief Information Office (CIO). New case-management software has been identified as an operational need for the next fiscal year.

## Outreach

The Office considers awareness, access, and understanding of the Office of the Ombudsman as cornerstones of its service delivery. The Office reached more than 4000 people through our outreach initiatives. Although lower than last year's total, this is a realistic number to sustain. Community and site visits, information sessions and booths, and presentations to the public and government officials continue to be the most frequent forms of outreach. Community visits were held in Ingonish, Baddeck, Pictou, Bridgetown, Hantsport, and Bridgewater. Visiting communities throughout the province presents an opportunity to provide people with a better understanding of our role and to explain our process. As well, the Office participated in community events in Dartmouth, Halifax, Lawrencetown, Windsor, Digby, Yarmouth, and Truro.

This year the Office participated in media interviews resulting in coverage in both the mainstream and social media. The Office's website received nearly 62,000 views. The use of social media for the purpose of expanding public awareness of the Office increased. The fan page on Facebook has contact information for the Office and the phone number for our youth line. Examples of information posted for children and youth on the fan page include details of events that support youth groups, the Atlantic Youth Entrepreneurship Conference, and fraud prevention tips.

Site visits, community presentations, outreach initiatives, career opportunities, and media releases are examples of tweets (announcements) posted via the Ombudsman Twitter account.

<b>Table 3: Site Visits</b>	Visits	Participants
Senior residential facilities	89	101
Residential child-care facilities	78	236
Wood Street Centre (secure residential facility)	25	74
Nova Scotia Youth Facility (custodial facility)	25	112
Police services	2	2
Cape Breton Youth Detention Facility	12	3
Adult Correctional Facility— female unit	12	26
Halifax Youth Attendance Centre	4	12
<b>Total</b>	<b>247</b>	<b>566</b>



## Policy Development, Reviews, and Initiatives

Last year, the Office reported on its review of the geographic locations of Labour Standards Tribunal hearings. The report included recommendations to improve access for rural Nova Scotians to the Labour Standards Tribunal. This year, the Office was advised that the Department of Labour and Advanced Education would be consulting with stakeholders and incorporating our recommendations on making the adjudicative process more accessible to all Nova Scotians.

Reviews initiated this year include

- adequacy of access to offender health services
- offender contact visits
- application of the Protection of Property Act
- hiring procedures and records checks
- search and rescue protocols in relation to vulnerable persons and implementation of proposed standards (e.g., special-needs youth)
- locked doors at senior residential care facilities and their effect on emergency evacuation procedures
- regulation of water temperature at senior residential care facilities
- feasibility of implementing a seniors abuse registry similar to existing child abuse registry.

The Office of the Ombudsman also acts as consultant to government by providing expertise in policy development. Areas where our input was requested include

- offender communication procedures
- offender disciplinary system and reports
- service of probation orders and obtaining youth consent
- review of literacy and communication practices to optimize public service delivery

## Navigating Government Services

Over the years, the Office has identified many areas where communication from government departments needs improvement. The Office established a working group of stakeholders to identify effective practices for optimizing public service delivery and to raise awareness of communication challenges.

Areas of focus included existing literacy initiatives, communication materials (use of plain language, for example), and resources available to help people access government services.

This facilitative approach resulted in several recommendations being issued:

- The development of a provincial literacy framework
- Departments, agencies, boards, and commissions to conduct a literacy and accessibility audit of programs and services, and to create a plan of action where appropriate
- Interface with the Disabled Persons Commission (DPC) regarding outstanding recommendations stemming from the DPC's survey of provincial accessibility and literacy
- Development and implementation of a provincial telephone information system
- Use of the Better Forms Initiative across government

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

## A Month at a Glance

The following list illustrates the number and scope of concerns brought to the attention of the Office during a one-month period (September 2010):

- access to public pension funds
- adoption / child custody (2)
- assistance with appeal process
- breach of privacy
- cancellation of bus service
- child and spousal support (3)
- child-care subsidy (2)
- conflict of interest
- corrections, federal (4)
- discrimination (3)
- dissatisfaction with caseworker (7)
- dissatisfaction with investigation (2)
- education policy
- employment dispute/concern (8)
- enforcement of court order
- environmental concern: on-site sewage
- expropriation of property
- federal government services (12)
- financial assistance for health expenses
- financial benefits/assistance (16)
- financial institution (3)
- harassment and retaliation by municipal officials
- housing assistance (4)
- housing grants
- insurance company (3)
- lawyer, complaint against
- legal issues/funding (11)
- length of process / inadequate communication (3)
- medical expenses coverage (2)
- medical treatment concerns
- motor vehicle related (4)
- offender: access to documents (2)
  - access to legal counsel (4)
  - access to medication (6)
  - access to telephone
  - canteen management (5)
  - complaint process
  - conditions (3)
  - conflict with staff (2)
  - discipline/segregation (3)
  - health (7)
  - missing property (2)
  - release date (2)
  - religious practice (2)
  - transfer (2)
- personal information held on file
- physicians, complaints against (3)
- private business complaints (8)
- private health issue
- property dispute (3)
- public service hiring process
- RCMP, complaints against (8)
- recovery of overpayment
- self-regulating body not disclosing documents
- seniors housing / long-term care
- taxation of used vehicle
- unsightly properties (2)
- workplace injury (4)
- youth: access to medical appointment
  - conflict with other youth (4)
  - conditions in facility (2)
  - contact with family
  - employment discrimination
  - facility policy (2)
  - fire safety
  - issue with staff
  - out-of-province placement
  - property held by police
  - transfer request

## Investigation and Complaint Services (I&CS)

Investigation and Complaint Services provides an independent process for investigating and resolving public concerns. I&CS addresses concerns about the fairness of services delivered by provincial and municipal government departments, agencies, boards, and commissions.

As a first step in many cases, citizens are encouraged to try to resolve the matter internally with the government organization. Effective internal complaint resolution processes are essential for all government organizations and are contemplated in the Ombudsman Act. These processes provide an opportunity to resolve matters in-house effectively and efficiently.

Whenever possible, the Office works co-operatively with government to resolve problems. This often results in informal resolutions with improvements affecting a number of people.

When the informal method of complaint resolution is not appropriate or effective, a more formal approach is adopted. The focus is on fact finding and issuing recommendations to resolve complainants' concerns and improve service delivery. The Office monitors the implementation of recommendations and provides advice to government when requested or necessary.

As an update to last year's reporting, the Office continues to monitor the implementation of recommendations resulting from the investigation of the South West Shore Development Authority. Two investigations stemming from this matter also addressed governance and accountability issues. Implementation of these recommendations will have an impact on service delivery of the province's regional development authorities.

The Office worked with program officials from the Maintenance Enforcement Program to address issues about the provision of information and complaint-response timelines. Areas examined included enforcement practices, such as the use of discretion when revoking driver's licences, and administrative practices, such as the calculation of arrears and administrative fees. Two consultative reports were issued this year with recommendations that will affect both recipients and payors. Final reports will be issued in 2011–2012.

This year, the Office provided input to the Ireland Office of the Ombudsman on measuring the effectiveness of investigation processes, met with staff of the Office of Veterans Affairs Ombudsman regarding Nova Scotia's procedures, and had discussions with staff of Ombudsman Saskatchewan about communication materials for offenders. The Director of Special Projects, Office of the Citizens' Representative of Newfoundland and Labrador visited our Office to learn about our complaint process for adult offenders.



## Case Examples

The following are examples of the nature and scope of I&CS investigations and reviews.

### *Property Taxes*

A combination of human error and technical problems in a municipality's computer system led to a person missing the opportunity to appeal a property assessment. As a result of our involvement, the municipality subsequently allowed the appeal to proceed. The interest on the tax bills was waived, and the municipality repaired the computer problem.

### *Confidential Mail*

An offender contacted the Office when Corrections staff opened a letter from the Police Complaints Commissioner. According to policy, such mail is not considered privileged and can be inspected by Corrections staff. Since this correspondence could include sensitive and confidential information, we recommended that the Police Complaints Commission be added to the privileged mail list. Corrections agreed to implement this recommendation.

### *Contact Visits with Children*

An offender requesting a contact visit with a spouse and infant was denied because the offender was not the primary caregiver. The Office's review highlighted the difficulty of being a primary caregiver while incarcerated and recommended that the policy on such visitations be reviewed. Corrections agreed and have advised that they will develop Standard Operational Procedures for special visits.

### *Human Rights Commission*

An individual had concerns about an investigation conducted by the Human Rights Commission. The investigation took over two years to complete and was dismissed by the Board of Commissioners as having no merit. The issues identified for examination included timelines for investigations, file documentation, and communication between complainant and Commission. This investigation is continuing, and findings will be provided in next year's annual report.

### *Fire Investigation*

A homeowner contacted the Office with concerns relating to a fire. The complainant believed the fire may have been the result of arson and felt that the Office of the Fire Marshal was negligent in its investigation. The Office of the Ombudsman determined that the volunteer municipal fire department had not secured the scene; nor had the local policing authority been contacted. This affected the ability to prove that the fire could have been arson. Five interim recommendations have been forwarded to the Fire Marshal for consideration. They involve processes to ensure accountability in securing fire scenes and increasing public confidence in the role of the Office of the Fire Marshal and municipal fire departments. The final report and recommendations will be issued early next year.

## Recommendations

The following are examples of the nature and scope of recommendations arising from Investigation and Complaint Services.

Department/Agency	Recommendations
Provincial tribunal	<p>Hold hearings in locations other than Halifax or Sydney.</p> <p>Establish a standard for consideration of the hearing's location, relative to the appellant's home community.</p> <p>Consider other cost effective means of making the Tribunal more accessible (e.g., teleconferencing and video-conferencing).</p> <p>Consider using one-person panels to hear less complex matters.</p> <p>Consider offering compensation to the appellant to cover travel, meals, and accommodations where circumstances warrant.</p>
Provincial department	Forward a matter to the Nova Scotia Building Advisory Committee to review and render a decision relating to a dispute between a resident and a municipality.
Committee	Include information regarding available legislated appeal processes in decisions.
Provincial program	Reconcile the financial records to ensure they accurately reflect the court's direction.
School board	<p>Amend fencing policy to reflect current practice.</p> <p>Obtain permission to allow the fence to remain, or remove the portion affecting other property owners.</p> <p>Address the use of school board property by adjacent property owner.</p> <p>Address an outstanding board motion.</p>
Municipality	Review the municipality's intake system for processing information and citizen inquiries, and develop policy to reflect the procedures.
Provincial department	<p>Maintain a Corrections liaison position, and re-evaluate in six months.</p> <p>Develop a plan to redirect offender complaints through the department's internal complaint process.</p> <p>Implement a protocol to effectively address critical and sensitive issues.</p> <p>Provide monthly audit reports to the Office of the Ombudsman.</p>
Municipality	Develop a policy related to grants to ensure transparency and accountability to taxpayers.



## Selected Departmental Statistics

The following charts detail the nature of complaints received for the six public bodies for which the Office most commonly receives complaints. The Office recognizes that the volume of complaints concerning a public body do not necessarily reflect the quality of service but may be a function of the nature of the service provided.

Justice								
Year	Total	Correctional Services	Maintenance Enforcement Program	Court Services*	Victim Services	Medical Examiner Service	Legal Services	Other
2010–11	<b>353</b>	278	47	19	2	0	2	5
2009–10	<b>273</b>	211	39	16	0	2	(**)	5
2008–09	<b>333</b>	286	29	8	1	4	(**)	5

\* Previously reported as Courts and Public Prosecution

\*\* Not previously reported separately

Community Services								
Year	Total	Income Assistance & Employment Support	Family and Children's Services	Housing Services	Service Issues	Services for Persons with Disabilities	Medical and Dental	Other
2010–11	<b>253</b>	111	45	41	22	19	6	9
2009–10	<b>226</b>	107	53	44	12	6	0	4
2008–09	<b>187</b>	70	53	26	15	11	1	11

Health								
Year	Total	Offender Medical	Continuing Care	Capital DHA	Cape Breton DHA	Other DHAs and Hospitals	Pharmacare	Other
2010–11	<b>199</b>	104	44	24	2	11	4	10
2009–10	<b>166</b>	94	32	13	1	8	8	10
2008–09	<b>149</b>	95	16	12	6	6	5	9



### Service Nova Scotia and Municipal Relations

Year	Total	Registry of Motor Vehicles	Residential Tenancies	Debtor Assistance & Student Loans	Land Title Registry	Tax Commission	Other
2010–11	<b>53</b>	30	7	0	2	3	11
2009–10	<b>45</b>	20	8	2	1	1	13
2008–09	<b>60</b>	32	8	8	3	0	9

### Workers' Compensation Board

Year	Total	Administrative Service	Benefits <sup>1</sup>	Claims Process	Conditions <sup>2</sup>	Employer Issues <sup>3</sup>	Chronic Pain Payments	Benefits Denied	Other <sup>4</sup>
2010–11	<b>52</b>	14	6	11	1	1	4	8	7
2009–10	<b>59</b>	21	7	6	4	3	3	2	13

(1) Benefits: Revoked / reduced / inadequate

(2) Conditions: Return to work, retraining, treatment, medical tests, and appointments

(3) Employer Issues: Assessment rate, coverage

(4) Other: Information about process, third-party complaint, access to records, communication restrictions

### Halifax Regional Municipality

Year	Total	Planning and Development Services	Halifax Regional Police	Transportation and Public Works	Metro Transit	Other*
2010–11	<b>39</b>	7	15	4	5	8
2009–10	<b>54</b>	10	18	7	2	17
2008–09	<b>34</b>	2	13	9	2	8

\* Other: Fire and emergency services, licensing, water commission, procurement, and by-law enforcement

# Own-Motion and Systemic Investigations

The Office may on its own initiative investigate government activities and practices. Such investigations usually address systemic concerns. The following are examples of the nature and scope of own-motion and systemic investigations.

## Correctional Services

The number of complaints and inquiries the Office receives from offenders has consistently been high. Many of the issues are better addressed by Correctional officials. With the goal of improving the management of these issues by Correctional officials, the Office initiated an investigation to review the effectiveness of Correctional Services' internal complaint process and our role in addressing offenders' complaints.

The review included an analysis of the complaint-handling process at provincial correctional facilities as well as the Office's own complaint process. The complaints and inquiries received from offenders during a selected five-year period were examined along with relevant recommendations made by our Office during that time. In addition, Office staff met with officials at the Department of Justice and undertook a review of the Deloitte Report on Nova Scotia's Adult Correctional Facilities.

This investigation resulted in the establishment of a dedicated contact at Corrections responsible for inquiring and reporting on issues brought forward by our Office. The Office also made recommendations to Correctional Services that require greater accountability from their internal complaint process:

- Maintain the liaison position and re-evaluate its effectiveness in six months.
- Develop a plan to redirect complaints through the internal complaint process, including monthly audit reports.
- Implement a protocol to effectively address critical and sensitive issues, including improved information procedures.

These recommendations have been implemented. Although the number of calls from offenders remains high, there has been a decrease in the number of complaints requiring review by Ombudsman representatives. The Office will continue to monitor the audit reports for an additional six months and work closely with Corrections to improve their complaint processes.

## Access—Emergency Rooms

A concern arose at a small community hospital about hospital staff helping individuals move from private vehicles to emergency rooms. The investigation focused on whether appropriate policies were in place within district health authorities. The Office determined that only one health authority had a policy addressing this issue. The deputy minister and health authorities agreed to the recommendations. The Office will continue to monitor the implementation of such policies at health authorities where none currently exist.

## Municipal Loan Guarantees

This investigation examined whether a number of loan guarantees and loans provided to the former South West Shore Development Authority were granted contrary to the Municipal Government Act. It also examined provincial oversight of, and advice to, the municipal units in this matter. The findings and recommendations are pending.

## Placement of Youth with Complex Needs

This investigation was initiated after various family members of a youth in care and a youth court judge expressed concern with the lack of placement options for youth with complex needs. The issues that surfaced include

- early identification of, and intervention with, children and youth with complex needs
- accessible and secure long-term residential treatment and placement options
- use of out-of-province placements
- appropriate supports for youth and families within the community and the child welfare, health, education, and justice systems
- access to appropriate assessment and treatment options, including treatment for fetal alcohol spectrum disorder
- enhancing the collaboration and communication between departments and agencies working with children and youth with complex needs

It was recommended that a department coordinate and lead a multi-disciplinary committee—with representation from the IWK Health Centre and the Departments of Health, Community Services, Justice, and Education—to address the continuum of services for youth with complex needs. It was also recommended that outstanding recommendations contained in the Nunn Report be revisited.

While we are encouraged by the general acceptance of our recommendations, and with the plans for a new non-secure youth residential treatment centre, a sense of priority to address these issues remains. Ombudsman representatives continue to meet with staff from the various departments and agencies and monitor the implementation of recommendations.

## Employee Background Checks

Youth Services was notified that an employee of a youth residential facility had been charged with an indecent act. The alleged incident occurred outside of work. The department's investigation of the interactions of the employee with youth while employed at the facility found no evidence that inappropriate activity occurred with youth at the facility. Although background checks are done before hiring staff to work with children and youth, the department committed to review whether these checks should also be conducted regularly during the course of employment. This Office will continue to monitor the outcome.

# Youth and Seniors Services

## Youth Services

Youth Services is an integral part of quality assurance for children and youth receiving provincial and municipal government services. Youth Services independently investigates and resolves issues relating to children and youth.

As part of the Canadian Council of Child and Youth Advocates, Youth Services collaborated in several multilateral initiatives, such as

- drafting a federal position paper regarding the state of aboriginal children and youth in Canada
- supporting a recommendation for a national children's commissioner or ombudsman
- encouraging a stronger commitment by federal and provincial governments to the United Nations Convention on the Rights of the Child
- participating in a joint submission and presentation to the House of Commons Standing Committee on Justice and Human Rights regarding an act to amend the Youth Criminal Justice Act.

The Ombudsman attended the Forum on Youth Corrections and Mental Health, hosted by the federal Department of Justice. This event highlighted several key issues identified by Youth Services during an own-motion investigation of the placement of youth with complex needs.

This year, staff conducted 146 site visits to youth in care and custody and met with 439 youth. Presentations were also made to the Minister's Advisory Committee on Children and Family Services Act, district child welfare offices, the Federation of Foster Families of Nova Scotia, and community child welfare board chairs.

Youth Services hosted staff from the PEI, Manitoba, and Newfoundland and Labrador youth advocate offices. Other jurisdictions, including Ontario, Quebec, Nunavut, and Yukon, contacted the Office seeking information on the proactive role of the Office, to obtain input on best practices, the development of youth-based programs, and proposed amendments to legislation. Ombudsman

representatives participated on a plenary panel at the Atlantic Coordinating Committee on Crime Prevention and attended the Atlantic Workshop on Child Death and Serious Injury Reviews.

This year, the Office began collaborating with RCMP Community, Aboriginal, and Diversity Policing Services. In recognition of the United Nations International Year of the Youth, and with the assistance of the Adopt-a-Library Literacy Program, we participated in a youth literacy program by distributing books and reading materials to youth in care and custody, and in family resource centres.

## Case Examples

The following are examples of the nature and scope of Youth Services investigations and reviews.

### *Student Loan Repayment*

While enrolled in post-secondary education, a student received a notice from student loans demanding repayment. Ombudsman representatives met with staff of the Student Assistance Program, who intervened on behalf of the student and interfaced with the federal service provider. With a payment made by the student, the loans were back in good standing and were returned to study status.

### *Access to Culturally Appropriate Placement*

An aboriginal youth at a secure residential facility spoke to an Ombudsman representative about placement options. The resident did not want to be placed out of province again and far from home but would consider such a placement if it was at a facility for First Nations youth. The youth believed that agency staff were being unfair and would not consider suggestions put forward. Based on the assessed needs of the youth, and the lack of appropriate placement options within the province, agency staff determined that an out-of-province placement was necessary and confirmed they would work with a First Nations residential facility to develop a placement for the youth.

### Staff Ratio

A resident of a youth facility felt the behavior of a very young resident was having a significant impact in the facility because staff were directing most of their attention to this person. Staff from both the facility and the child-care agency acknowledged the concerns expressed by the resident. Additional staff were brought into the facility during evenings and weekends to assist with the younger resident. The agency also stated that it would continue to work with facility staff and residents to monitor the situation.

**Table 5: Youth Services  
Custody Issues Raised, by Category**

Category	Issues
Discipline	13
Policies and procedures	8
Police	8
Staff	4
Healthcare concerns	4
Other*	3
Transfer	2
Conflict with staff	2
Food	1
Programming	1
Discharge plans/placement	1
Lawyer	1
Education	1
Conditions	1

(46 complaints/contacts, resulting in 50 issues:  
Nova Scotia Youth Facility (37); Halifax Regional Police Service (3); Amherst Police (1); Truro Police (1); Lower Sackville RCMP (3); Halifax RCMP (1))

\*Other: Personal property (1); return call (2)

**Table 4: Youth Services  
Secure Care Issues Raised, by Category**

Category	Issues
Discharge plans/placement	7
Policies and procedures	5
Staff	5
Healthcare concerns	4
Conflict with staff	3
Conflict with other youth	2
Social worker	2
Access to parent	2
Conditions	2
Recreation area	1

(33 complaints/contacts, resulting in 33 issues)

**Table 6: Youth Services—Residential Child-Caring Facilities Issues Raised, by Category**

Category	Issues
Policies and procedures	12
Conflict with other youth	12
Access to parent	3
Discipline	2
Conditions	2
Other*	2
Food	1
Staff	1
Healthcare concerns	1
Police	1
Discharge plans/placement	1
Lawyer	1

(33 complaints/contacts, resulting in 39 issues)

\*Other: Information request (1); return call (1)

## Seniors Services

Seniors Services investigates and facilitates the resolution of complaints concerning issues that affect seniors. Ombudsman representatives visit residential care facilities, nursing homes, and homes for the aged to explain the role of the Office and discuss concerns that seniors, their families, caregivers, and staff may have with provincial and municipal government services. The Office received 87 seniors-related inquiries and complaints this year and made 89 visits to long-term care facilities. Many issues involved long-term care, such as placement, wait times, transfer policies, staffing-ratio standards, and standards of care. Other issues brought forward included the Caregiver Allowance Program, Pharmacare annual premiums, the availability of seniors housing, transfer policies, housing grants, driver's license suspensions, and the cost of ambulance fees.

Matters relating to Adult Protection and Protection for Persons in Care referrals were also brought forward this year. Ombudsman representatives are monitoring statistics, individual referrals, and reporting outcomes under the Protection for Persons in Care Act with the Departments of Health and Community Services. It is anticipated that reports on these matters will be provided quarterly.

Ombudsman representatives conducted information sessions across the province. They include presentations to students enrolled in the practical nursing and continuing care assistant programs and to community and professional groups such as the Victorian Order of Nurses, the Nova Scotia Centre on Aging, and area seniors' groups and advisory councils. Staff also collaborated with RCMP seniors' safety coordinators and participated in community events such as the 50+ Expo, the Better Business Bureau's Scam Jam, and senior outreach days in Hants, Annapolis, and Kings Counties. Office information packages and communication materials, including a frequently asked questions (FAQ) sheet for seniors developed by Ombudsman representatives, were widely distributed. The FAQ sheet was part of an initiative to increase awareness among residents and their families of our presence in long-term care facilities. MacGillivray House staff were the first to include our FAQ sheet in resident handbooks.

Ombudsman representatives provide input on policy and program development to seniors-related advisory councils, committees, and initiatives, including

- 50+ Expo
- Gerontology Association of Nova Scotia
- Nova Scotia Centre on Aging
- Senior Abuse Awareness and Prevention
- Chebucto Links

Ombudsman representatives also observed a movement within long-term care facilities toward the integration of residents with full mental capacity with those who have a diminished mental capacity. This represents a significant change for those who work and live within long-term care facilities. Seniors Services staff will be participating in a dementia training focus group designed for front-line staff.

## Case Examples

The following are examples of the nature and scope of Seniors Services investigations and reviews.

### *Long-Term Care—Cold Food and Reprisal*

At the request of the federal Office of the Veterans Ombudsman, an Ombudsman representative investigated the concerns of a resident at a long-term care facility regarding the food served, resident compatibility, and fear of reprisal from the staff resulting from these complaints being voiced. Among the resident's concerns were that the food was prepared elsewhere, lacked nutrition and flavor, and was served cold. The resident's compatibility concerns related to residents with dementia entering other resident's rooms. These concerns led the resident to request a transfer from the facility.

As a result of our intervention, the resident no longer fears reprisal from staff. Office staff were advised that the food service in the facility has improved, and a plan was developed to deal with compatibility issues.

### *Discharge from Long-Term Care*

A senior contacted our Office claiming to be held at a long-term care facility against the senior's will. The individual had agreed to a placement in the facility while recouping from medical issues. When the senior asked to return home, facility staff advised that this was not possible because the hospital and facility doctor had declared the senior legally incompetent. The Ombudsman representative explained to both the senior and facility staff that only a specific court process can declare a person legally incompetent. Prior to discharge, an assessment conducted by Adult Protection determined that with some in-home support services the senior could live at home relatively risk free.

## Civil Service Disclosure of Wrongdoing

The Civil Service Disclosure of Wrongdoing Regulations have been in effect since September 2004. The regulations and policy provide Nova Scotia's civil service with a process to disclose allegations and concerns of wrongdoing within government. The majority of the recommendations from this Office to the Public Service Commission since the inception of the regulations have been incorporated in some manner.

This year, dedicated legislation for public interest disclosure was developed with input from the Office. The Public Interest Disclosure of Wrongdoing Act will be proclaimed once the regulations are developed. The Office will continue to work with government officials during the development of the regulations. The act will increase the role and responsibility of the Office by extending its mandate through allowing the public, as well as employees, to disclose government wrongdoings.

The inquiries and allegations of wrongdoing we reviewed this year encompass

- abuse of authority
- care and control of secured documents
- conduct of management
- potential kickbacks
- protection of property
- questionable hiring practices
- respectful workplaces
- risk assessment
- unsafe working conditions
- wrongful dismissal
- reprisal

The Office of the Ombudsman received 26 allegations of government wrongdoing in 2010–2011.

Eight were from individuals who did not meet the definition of an employee under the Disclosure of Wrongdoing regulations or policy. Two of these disclosures were referred for assessment under the Ombudsman Act. The remaining individuals were provided with information on other avenues by which to address their concerns.


- Four were discontinued by the initiators.
- Six were non-jurisdictional.
- Four were being addressed under another, more-appropriate avenue of redress.
- Two are being assessed.
- Two formal investigations were initiated under the regulations.

Three investigations brought forward from last fiscal year have been concluded. We made findings of wrongdoing in two of them. One matter involved issues related to respectful workplace, the other compliance and enforcement. The implementation of the recommendations in both cases is being monitored.

One investigation reported last fiscal year was discontinued as further review revealed it was not within our jurisdiction. We finished monitoring recommendations made three years ago on the investigation that found wrongdoing involving a protection program for vulnerable adults, all recommendations having been implemented. The responding department also extended recommendations for risk management and quality assurance to other areas within the department.

Since 2004, the Office has assessed 107 allegations of government wrongdoing and initiated nine investigations under the Civil Service Disclosure of Wrongdoing Regulations. Two of these disclosure investigations are ongoing. We made findings of wrongdoing in three instances and made 40 recommendations to resolve matters of government wrongdoing.





Seven matters that did not meet the definition of wrongdoing were investigated under the Ombudsman Act. Two of these investigations are ongoing. We made findings of maladministration in four instances and made 25 recommendations.

Our outreach efforts in 2010–2011 included presentations to senior staff with the Department of Health and human resources staff for Service Nova Scotia and Municipal Relations. Our Office also had a significant municipal presence this year, and we were able to provide that level of government with a greater awareness of our role and mandate.

The Office of the Ombudsman continues to build relationships with counterparts across the country, both provincially and federally. We have participated in conferences to discuss best practices and challenges, and to share experiences. Staff also had the opportunity to audit a pilot investigative course from the Public Service Commission and to provide input to other entities developing disclosure policies.

## Ombudsman Act, Complaints and Inquiries Received

### Ombudsman Act, Complaints and Inquiries Received, by Organization, 2010–11

Organization	Total		
Justice	353	NS Community College	6
Department of Justice (75)		Property Valuation Services	6
Justice—Corrections (278)		Public Service Commission	6
Community Services	253	Workers' Compensation Appeals Tribunal	5
Health	201	Agriculture	4
CDHA Offender Health (104)		Amherst (Town)	4
Department of Health (58)		Kings (County Municipality)	4
Capital District Health Authority (24)		Tourism, Culture, and Heritage	4
Annapolis Valley Health Authority (3)		Truro (Town)	4
Pictou County Health Authority (3)		Annapolis (County Municipality)	3
Cape Breton Health Authority (2)		East Hants (District Municipality)	3
Guysborough-Antigonish-Strait Health Authority (2)		Shelburne (Town)	3
IWK Health Centre (2)		Yarmouth (Town)	3
Colchester-East Hants Health Authority (1)		Argyle (District Municipality)	2
Cumberland Health Authority (1)		Barrington (District Municipality)	2
South West Nova Health Authority (1)		Bridgewater (Town)	2
Service Nova Scotia	53	Colchester (County)	2
Workers' Compensation Board	52	Cumberland (County Municipality)	2
Halifax Regional Municipality	39	Digby (Municipality)	2
Human Rights Commission	23	Economic and Rural Development	2
Education	22	Economic Development	2
Department of Education (16)		Farm Loan Board	2
Strait Regional School Board (3)		Labour Standards Tribunal	2
Tri-County Regional School Board (2)		Middleton (Town)	2
Chignecto-Central Regional School Board (1)		NS Agricultural College	2
Labour and Advanced Education	17	New Glasgow (Town)	2
Legal Aid Commission	17	NS Pension Agency	2
Transportation and Infrastructure Renewal	16	Parrsboro	2
Child Welfare agencies	12	Pictou (Town)	2
Natural Resources	11	Public Prosecution Service	2
Cape Breton Regional Municipality	10	Richmond (County Municipality)	2
Police Complaints Commissioner's Office	8	African Nova Scotian Affairs	1
Environment	6	Annapolis Royal (Town)	1

Art Gallery of NS	1
Bridgetown (Village Commission)	1
Clark's Harbour (Town)	1
Conserve Nova Scotia	1
Finance	1
Immigration Office	1
Labour Relations Board	1
Lawrencetown (Village Commission)	1
Lockeport (Town)	1
Lunenburg (Town)	1
Medical Examiner Service	1
Medical Services Insurance	1
NS Business Inc.	1
NS Utility and Review Board	1
Pictou (County Municipality)	1
Queens Municipality (Region of)	1
Securities Commission	1
Shelburne (District Municipality)	1
Springhill (Town)	1
Stellarton (Town)	1
Trade Centre Limited	1
Treasury and Policy Board	1
West Hants (District Municipality)	1
Westville (Town)	1
Yarmouth (District Municipality)	1

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**Total** **1211**

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

# Fairness and Accountability in Public Sector Administration

The Office of the Ombudsman promotes fairness and accountability in government by ensuring that government decisions and processes are fair, open, and transparent.

## Fair Process

A fair decision-making process requires that

- the person affected is advised that a decision will be made, and when it will be made
- the information being considered, when not confidential, is made available to the affected person
- the burden placed on participants is reasonable and attainable
- those affected by the decision have an opportunity to participate in the process
- those affected by the decision are informed that a decision has been made and the reasons on which it is based

## Fair Decision

A fair decision is

- reasonable and understandable
- consistent with other decisions made in similar circumstances
- consistent with the weight of the evidence available
- consistent with the law and its intentions
- proportionate to the circumstances and does not impose unreasonable expectations

A decision maker must

- act within the limits of, and fulfill the duties of, their authority
- be objective and free from bias

## Accountability

The Office of the Ombudsman promotes accountability in government by \*

- undertaking reviews and investigations of government decisions
- making recommendations to improve the decision making and internal review processes of government
- improving access to reviews of government decisions through its outreach and accessible intake process
- ensuring transparency through access to government records
- acting proactively to identify and investigate systemic problems
- publishing annual reports to the legislature and the public

*\* Drawn from The Institution of Ombudsman—An Effective Accountability Mechanism by Justice G.A. Edoo, Ombudsman of Trinidad and Tobago. 2002.*

## Looking Forward

The coming year will bring the implementation of the Public Interest Disclosure of Wrongdoing Act. The Office will continue to work closely with government officials during the development of the regulations. The act will increase the role and responsibility of this Office and allow the public to disclose wrongdoing along with public employees.

The Office will work toward amending the Ombudsman Act to recognize alternative forms of dispute resolution processes, to remove barriers the Office experiences in accessing information, and to formally recognize the role of the Youth and Seniors Services section of the Office.

A new Elections Act will be introduced in the coming year, and the Office anticipates an expanded role with respect to the new legislation.

The Office will continue to monitor emerging trends in government service delivery and assess complaints for possible own-motion investigations and systemic reviews.

The Office will co-host an upcoming Forum of Canadian Ombudsman conference and will also endeavour to host a future annual meeting of the Canadian Council of Parliamentary Ombudsman. These meetings provide an opportunity to showcase the work done in Nova Scotia and allow a large local delegation to attend and contribute to discussions.

# 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 such as brochures and posters. Additional reference documents supplementing our Annual Report, including our Statement of Mandate and Accountability Report, may be found on our website, or by contacting our office.



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