



Nova Scotia

# **Office of the Ombudsman**

**Business Plan  
2009-2010**

July 2009

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## Message from the Ombudsman

This document has been prepared in keeping with our legislative mandates and government priorities. This planning cycle will focus on increasing our capacity to conduct systemic reviews and formal investigations in a more timely and effective manner. We will work to develop the expanding needs of Disclosure of Wrongdoing responsibilities, youth, seniors, adult offenders, and vulnerable groups. We remain committed to making our services known and available to all Nova Scotians, inclusive of seniors and youth, and will continue to increase our community awareness and outreach efforts.

A handwritten signature in cursive script, appearing to read "Dwight Bishop".

Dwight Bishop  
Ombudsman

## **Mission**

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

## **Mandate**

The primary mandate of the Office of the Ombudsman is to review and respond to citizens' concerns arising from the administration of provincial and municipal laws in Nova Scotia. In recent years, the mandate has expanded to include a proactive role in relation to the province's programs and services for youth, senior citizens, and adult correctional facilities. In 2004, under the province's Civil Service Disclosure of Wrongdoing Regulations, the Ombudsman was given the authority to investigate claims brought forward by provincial civil servants about wrongdoing in the workplace.

## **Planning Context**

The Ombudsman is established as an Officer of the House of Assembly, a commissioner for investigations. The Office of the Ombudsman investigates complaints arising from the administration of provincial or municipal laws within Nova Scotia. The Office of the Ombudsman may also initiate investigations of administrative activities and practices, (own motion investigations) or matters referred to it by a committee of the House. The Ombudsman has focused responsibility with respect to youth, seniors, adult offenders, and Disclosure of Wrongdoing.

Inquiries and subsequent investigations under the Disclosure of Wrongdoing regulations are comparable to the number realized last fiscal year. We are continuing to work with the Public Service Commission regarding amendments to the Civil Service Disclosure of Wrongdoing regulations, and education initiatives. Investigative training is in place in the corporate calendar to help assist with training needs of individuals who may be required to conduct investigations internally. Relationships are being developed with our counterparts in other provinces and at the federal level from a best practices perspective. In the fall of 2008, we hosted a conference to discuss interests and concerns regarding disclosure. Requests from departments for information sessions have increased this year. We are currently developing a five year work plan for Disclosure of Wrongdoing with emphasis on education and investigations.

Our work with the Department of Community Services identifying trends, and improving client service delivery, continued this year and will be assessed next fiscal year (2010-2011).

Site visits to youth in care and custody facilities are ongoing. In 2008-2009 we significantly increased the number and frequency of these regularly scheduled visits. Our Youth Evaluation Surveys are expanding to include residential child caring facilities in the province. Both the Departments of Justice and Community Services receive reports outlining the results relevant to their specific areas.

We conducted research regarding our role in the establishment of a pediatric death review committee, and are currently assessing models for best practices.

We completed the assessment of our pilot outreach and visitation process to senior residential care facilities in Cape Breton. This initiative has revealed that a greater emphasis needs to be placed on educating families, care-givers, and seniors resident councils on the role and mandate of the Office of the Ombudsman, while continuing to maintain a presence in these facilities.

We completed our pilot outreach complaint resolution process at the Central Nova Scotia Correctional Facility, female unit. Reports were prepared for the Department of Justice outlining the nature of the issues brought to our attention. We also met with Correctional Services staff to discuss and assess the service model and the need to improve policy and dispute resolution mechanisms.

Our capacity to have Ombudsman Representatives primarily dedicated to the increasing demand of adult offender inquiries and complaints remains a challenge. We continue to provide reports to the Department of Justice outlining issues brought to our attention from youth and adult offenders.

Complaints and inquiries from the general public continue to grow. Investigations are more complex, often involving far reaching, systemic concerns.

During 2008-2009, this Office addressed 1164 jurisdictional Ombudsman Act complaints, met with 473 youth in care and custody, undertook 61 youth evaluation surveys and provided 472 referrals to non-jurisdictional inquiries. Of these complaints and inquiries, 57% were completed within one week, 22% were open for less than four weeks, and 21% were open in excess of four weeks. Jurisdictional issues comprised 78% of our focus whereas non-jurisdictional totaled 22%. We will endeavour to maintain a high ratio of jurisdictional versus non jurisdictional complaints and inquiries received, and to resolve complaints in an efficient and timely manner. Disclosure of Wrongdoing staff assessed twenty inquiries/complaints, with no formal investigations initiated.

In 2008-2009, 3700 individuals received information about the Office through over 600 presentations, site visits, meetings and information booths, which included attendance at the Seniors' 50+ Expo. We will continue to make presentations to the public, government officials, and a variety of students attending private career and community colleges providing programs such as policing and corrections foundations, youth care workers, and seniors continuing care programs.

## **Strategic Goals**

The Office of the Ombudsman's mission of promoting fairness, integrity and good governance is achieved through our investigation of complaints relating to the administration of the laws of the provincial and municipal governments. The complaints resolution process provides an opportunity for consultation, to make recommendations and provide feedback on how to improve the delivery of services, and to work collaboratively. Our responsibilities under the Civil Service Disclosure of Wrongdoing regulations also provides us with a mechanism to improve the delivery of services.

In order to accomplish its mission, the goals of the Office of the Ombudsman in 2009-2010 are:

### 1. Quality complaint resolution process

To ensure all complaints are investigated objectively and thoroughly, in a confidential and timely manner while ensuring administrative fairness and good governance by a responsible and accountable government.

### 2. Awareness, access, and understanding of the Office of Ombudsman

To increase citizens' access to, and awareness of, the Office of the Ombudsman through communication and improved accessibility.

### 3. Fairness and accountability in public sector administration

To improve the administration of Public Services by identifying specific and systemic issues, making appropriate recommendations, and monitoring compliance.

### 4. Promote initiatives such as government policy development and review, as well as initiatives focusing on youth, seniors, and cultural diversity

To reduce the number of complaints through proactive involvement in policy review outside of the investigation process and by actively targeting initiative to address issues relevant to specific groups.

## **Core Business Areas**

### **1. *Complaint Processing***

Ensure citizen complaints are addressed in a timely, comprehensive, objective, and independent manner through:

- investigation, assessment, and referrals
- utilization of alternate dispute resolution (ADR) processes
- formal investigations
- recommendations to improve the delivery of government services
- provide feedback and consultation on proposed strategies and initiatives

### **2. *Education***

Promote citizen and government awareness and understanding of the Office of the Ombudsman. Our communications strategy clarifies our role and mandate, and increases citizens' accessibility through:

- presentations/information sessions
- meetings
- pamphlets/brochures/posters
- community outreach visits
- group targeting (i.e. youth and seniors)
- increased media contact and coverage
- committee participation/consultation

### **3. *Public Service Administration and Good Governance***

Promote fairness and accountability in public sector administration through:

- identification of specific and systemic issues
- research and investigate systemic issues
- issuance of recommendations and monitoring compliance
- education/training
- providing a mechanism to address allegations of wrongdoing

### **4. *Complaint Prevention/Reduction***

Promote a problem-solving model that embraces prevention, early identification, consultation, collaboration, and effective resolution of issues through:

- increasing Office of the Ombudsman presence, particularly with respect to target groups
- building relationships within government and segments of the community
- participating in policy development, consultation, and research

- utilizing ADR processes

## Priorities and Performance Measures

### 1. *Complaint Processing*

Receive and investigate complaints filed by citizens against provincial and municipal government departments, agencies, boards, and commissions; and work with them to improve the delivery of services to citizens.

Our priorities for 2009-2010 are to continue to improve complaint resolution processes to identify methods to provide more timely and effective administrative review investigations and formal investigations, to increase the number of resolutions obtained using alternative dispute resolution processes, and to maintain the number of policy and systemic reviews conducted annually.

<b>Strategic Goal Orientation: quality complaint resolution process</b>					
<b>OUTCOME (immediate or intermediate)</b>	<b>MEASURE</b>	<b>DATA</b>	<b>TARGET</b>	<b>TARGET YEAR 2010-2011</b>	<b>Strategic Actions to achieve target</b>
An efficient and effective complaint resolution process.	Timely completion of administrative review investigations.	2005-2006 (Base Year) 1-7 days 55.9% 8 days - 4 wks 14.8% 4 weeks + 29.2%  2007-2008 1-7 days 51% 8 days-4 wks 20% 4 weeks + 21%	2009-2010 1-7 days 55% 8 days - 4 wks 22% 4 weeks + 23%	2010-2011 Maintain 2009-2010 ratio	Conduct annual performance appraisals, revise work plans, education, and training initiatives. Monitor percentage of jurisdictional and non-jurisdictional matters being brought to our attention.



<b>Strategic Goal Orientation: quality complaint resolution process</b>					
<b>OUTCOME (immediate or intermediate)</b>	<b>MEASURE</b>	<b>DATA</b>	<b>TARGET</b>	<b>TARGET YEAR 2010-2011</b>	<b>Strategic Actions to achieve target</b>
	Timely completion of formal investigations & system reviews.	<p>2005-2006 (Base Year) Complete 60% of formal investigations and system reviews within 12 months (from date moved from administrative review investigation).</p> <p>2007-2008 * 13 formal investigations or policy/systems reviews were closed during the year. The Ombudsman investigations averaged 2.6 months, disclosure investigations averaged 9 months. Investigations with recommendations being monitored averaged 6.4 months. Overall Office average was 4.3 months. 15 formal investigations or system reviews carried over into 2008-2009.</p>	<p>2009-2010 - Maintain time frame of completing 70% of formal investigations and system reviews within 12 months.*</p> <p>15 investigations were carried over from 2007-2008 - none were in excess of 12 months.</p>	2010-2011 Maintain 2009-2010 time frame.	<p>Review quality assurance process and monitor progress. Conduct regular management meetings focusing on files in excess of 3 months and the use of mandatory notification letters.</p> <p>Continue attempts to obtain computer tracking database that incorporates entire Office functions.</p>

\* includes Disclosure of Wrongdoing investigations

<b>Strategic Goal Orientation: quality complaint resolution process</b>					
<b>OUTCOME (immediate or intermediate)</b>	<b>MEASURE</b>	<b>DATA</b>	<b>TARGET</b>	<b>TARGET YEAR 2010-2011</b>	<b>Strategic Actions to achieve target</b>
Increased awareness of the role and mandate of the Office, including the Civil Service Disclosure of Wrongdoing process, to achieve a higher percentage of resolutions via the administrative review investigation process, contributing towards less formal investigations; increased public confidence and accountability of government.	Maintain a lower percentage of formal investigations compared to administrative review investigations .	2004-2005 Formal investigations 14 (1%) 2005-2006 Formal investigations 36 (3.6%) 2006-2007 Formal investigations 16 (1.4%) 2007-2008 Formal investigations 33 (2%)	2009-2010 The percentage of formal investigations conducted at 8% or less.	2010-2011 Maintain the percentage of formal investigations conducted at 8% or less.	Educate government officials and public servants on the role and mandate of the Office of the Ombudsman.  Educate government about the Civil Service Disclosure of Wrongdoing process.  Increase use of alternative dispute resolution processes.

## **2. *Education***

Advise citizens of their right and opportunity to access internal departmental, and external complaint mechanisms, and of their right to access the Office of the Ombudsman and the Civil Service Disclosure of Wrongdoing complaint mechanism.

One of our priorities in 2009-2010 is to maintain awareness of citizens, officials, and employees of the public service of the role of the Ombudsman. A second priority is to increase awareness of the availability of our independent, transparent, objective review/complaint resolution mechanisms which are based on the principles of administrative fairness and good governance.

**Strategic Goal Orientation: Awareness, access and understanding of the Office of Ombudsman**

OUTCOME (immediate or intermediate)	MEASURE	DATA	TARGET	TARGET YEAR 2010-2011	Strategic Actions to achieve target
Increased awareness of the principles of administrative fairness and the Disclosure of Wrongdoing process.	The number of individuals receiving information on the role of the Office	Individuals reached 2004-2005 - 1710 2005-2006 - 1975 2006-2007 - 2711 2007-2008- 2700	2009-2010  3000 individuals reached.	2010-2011  Maintain 2009-2010 target.	<p>Enhance our communication strategy by targeting general public, government officials, civil servants, seniors, youth, and other designated groups.</p> <p>Establish Outreach Planning Committee (2009-2010) Distribute education packages containing information regarding the Civil Service Disclosure of Wrongdoing process.</p> <p>Increase distribution of communication materials in French, including translation of web site. Encourage the display of the</p>

### ***3. Public Service Administration and Good Governance***

Make recommendations and monitor amendments to policies, procedures, and legislation arising from investigations and reviews based on research and consultation. Through the recommending and monitoring component, the Office of the Ombudsman advises and educates citizens, elected officials, and government employees about the principles of administrative fairness and good governance.

A priority in 2009-2010 is to build on the successes of previous years regarding the development of mutual relationships, by building bridges of understanding and respect with government authorities and among individuals within our communities through meaningful and inclusive consultations. These improved collaborative relationships are resulting in more timely and effective administrative review investigations with the resolution of concerns being obtained by Ombudsman Representatives and the staff of municipal and provincial governments; and increased transparency, accountability and public confidence in government processes.

<b>Strategic Goal Orientation: Fairness and accountability in public sector administration</b>					
<b>OUTCOME (immediate or intermediate)</b>	<b>MEASURE</b>	<b>DATA</b>	<b>TARGET</b>	<b>TARGET YEAR 2010-2011</b>	<b>Strategic Actions to achieve target</b>
Accountability in the delivery of government programs and services.	Number of administrative review investigations, formal investigations and system reviews with positive outcomes.	<p>2007-2008 Administrative Review investigations: percentage with positive outcomes 80%. Assistance rendered to the complainant 730, resolved for the complainant 160, resolved for the public body 98, settled between the parties 24. Total with positive outcomes - 1012.</p> <p>Discontinued /withdrawn - 160</p> <p>Formal Investigations -33, reviews carried into next fiscal year -64.</p> <hr/> <p>2007-2008 Formal investigations and system reviews: 37 formal recommendations were made. 13 were accepted and implemented, 5 involved changes to policy or procedures. 23 have been accepted and were being monitored at the end of the 2007-2008 fiscal year, 9 included changes to policy and procedures. One was rejected.</p> <p>23 recommendations arose from Disclosure of Wrongdoing investigations (Office total 60).</p>	<p>2009-2010 Maintain the percentage of administrative review investigations with positive outcomes.</p> <hr/> <p>2008-2009 Maintain the number of changes to policies and procedures.</p>	<p>2010-2011 Maintain the percentage of administrative review investigations with positive outcomes at 80%</p> <hr/> <p>2010-2011 Maintain the number of changes to policies and procedures.</p>	<p>Enhance relationship with government.</p> <p>Increase public awareness of the role of the Office.</p> <p>Participate in consultation with government relating to the delivery of programs and services provided.</p>

#### 4. *Complaint Prevention/Reduction*

Provide a service that promotes early intervention while maintaining independence from government.

Our priority in 2009-2010 is to continue to receive and address requests from government officials to review and comment on proposed and existing legislation, regulations, policies, and procedures. We will continue to make recommendations which improve and clarify existing legislation, regulations, policies, procedures and co-ordinate the delivery of programs and services, and to promote accessibility, equity, and inclusion.

<b>Strategic Goal Orientation: Promote initiatives such as government policy development and review, as well as initiatives focusing on youth, seniors, and cultural diversity</b>					
<b>OUTCOME (immediate or intermediate)</b>	<b>MEASURE</b>	<b>DATA</b>	<b>TARGET</b>	<b>TARGET YEAR 2010-2011</b>	<b>Strategic Actions to achieve target</b>
Increase the number of requests from government for reviews of legislation, regulations and policies.	Number of requests for reviews by government.	2004-2005 - 6 2005-2006 - 2 2006-2007 - 2  2006-2007 - 5 2007-2008 - 10	2009-2010 Conduct 2-4 reviews.	2010-2011 Conduct 3-6 reviews.	Communicate to government officials our willingness to participate in requests for reviews.
Conduct reviews of legislation, regulations and policies associated with investigations.	System reviews & own motion investigations.	2006-2007- 110 Youth 4 Seniors 7 Adult	2009-2010 Conduct 4-6 system reviews & own motion investigations.	2010-2011 Conduct 5-7 system reviews & own motion investigations.	Establish a mechanism to identify opportunities for such reviews.
Increase presence within communities, areas relating to youth, seniors and cultural diversity and government.	Number of site visits conducted.	Offenders Total - 121  2007-2008- 105 Youth 71 Seniors 16 Adult Offenders 5 Public Total - 197	2009-2010- Increase total number of site visits to 125.	2010-2011 Increase total number of site visits to 130.	Increase presence and provide accessibility to seniors, youth, and other designated groups through site visits and education initiatives.

## Human Resource Strategy

### Office Demographics

As of March 31, 2008, the Office of the Ombudsman had 16 full time employees, one casual placement from the Career Starts Internship Program (diversity employee) and one casual employee from the Diversity Talent Pool. The Office also continues to rely on a casual roster of qualified candidates to supplement our investigative and administrative services.

We hired one contract employee from the Capital District Health Authority to fill in for our Assessment Officer while on maternity and parental leave. Another employee (Ombudsman Representative) was also on maternity and parental leave; the position was backfilled through contract employment.

The average age of permanent staff is 44, with casual staff and students included, the average age is 45 years. Of the permanent employees, 76% are female and 24% are male. The total office is comprised of 55% females and 45% males. The percentage of self-identified Affirmative Action (permanent) employees is 29% (4 individuals).

Our staff numbers allow us to become participants in the public service employee survey. We anticipate participating in this survey in March 2009.

Annual performance appraisals were completed for all permanent OIC (MCP) staff. We are working to augment the appraisals, with office and individual work plans, for all staff in the upcoming years.

The Office of the Ombudsman has a staff training/orientation program for all permanent and casual staff. Each new placement receives an orientation program which includes an introduction to the Office of the Ombudsman outlining our services, role, and mandate as well as presentations and job shadowing with Ombudsman staff. A staff training/orientation binder is also provided to all staff. The binder is updated on a regular basis. In February 2008, we provided a half day orientation session for our new casual roster of investigators, records analyst, and assessment officer.

When funding is available from the Public Service Commission, the Office hires students through the Career Starts Program (diversity, mentorship and co-op), and provides students with experience through work placements. In 2007-2008, we had four student placements, two from the co-op program, one from the diversity program, and one from the Nova Scotia Community College. We also provide placements to Dalhousie Law School pro bono students.

The Office's OH&S representative is a member of the Legislative OH&S committee. She is a certified Prepare Training instructor and has provided training to Ombudsman staff as well as training to various government officials.

The Office has no reports of occupational health and safety incidents in the past fiscal year.

We have developed safe work practices for the office, in response to the areas identified in the risk assessment checklist and workplace violence risk assessment tool. These safe work practices extend beyond awareness and procedures for potentially violent situations, and include issues related to ergonomics, wellness, and office



equipment safety. Staff continue to have input in the safe work practices from their experience in the field. The Office continues to monitor and review the tools in place that assess risk.

The Office developed a draft Business Continuity Plan. Representatives from the Office regularly attend Business Continuity Management (BCM) Co-ordinators meetings and training opportunities. In the first eight months of this fiscal year the Office submitted a Program Status Report to the BCM Project Office.

As part of our employee recognition program, we recognized one staff member for 25 years of service. Other employees have been recognized both formally and informally, for their professional and personal accomplishments.

In 2007-2008, four full time employees (25%) as well as four casual student placements self-identified as employees from diverse groups. Our continued objective is to increase this percentage to a minimum of 30%. In the first eight months of this fiscal year staff participated in Diversity and Employment Equity, Aboriginal Perceptions and French Language Training. We remain committed to being an organization that is representative of the people we serve.

All job postings include the following statement:

Note: The Office of the Ombudsman values diversity in the workplace and encourages applications from African Nova Scotians and other members of the visible minority community, Aboriginal peoples, persons with disabilities and women. Applicants from these designated groups wishing to self-identify may do so in their cover letter.

We also send notification of any positions posted on the Nova Scotia Employment Opportunities website to diversity organizations. A permanent Ombudsman Representative position will be designated an Affirmative Action/Employment Equity position when a vacancy allows.

The Office of the Ombudsman encourages expressing oneself creatively and culturally. Last year we reported that the majority of staff have taken the Diversity and Employment Equity training and 50% have taken the Aboriginal Perceptions course. In 2006-2007 three additional staff members attended Aboriginal Perceptions, five attended Diversity and Employment Equity training and seven attended Respectful Workplace. One staff member attended training through the Metropolitan Immigrant Settlement Association (MISA).

The Office of the Ombudsman's annual report and information brochures are available in both official languages. The Youth Services poster *We Have to Talk* is available in English, French and Mi'kmaq. Our business cards have information in braille. This Office has arranged interpretive services through the Metropolitan Immigration Settlement Association and the Office of Acadian Affairs. In addition, staff from this Office began participating on the French-Language Services Coordinating Committee and in 2008-2009 we developed a French-Language Services Plan.

We currently have four staff members with the capacity to provide verbal French-language service (one is currently maternity and parental leave) as well one part time casual employee. Two staff members have indicated they have some capacity to provide written French-language service. The *Bonjour* sign is displayed in the offices of these individuals.

The Office of the Ombudsman believes strongly in lifelong learning and in creating opportunities for learning, skills upgrading, and personal development. All staff have prepared individual plans in order to address specific training requirements. The areas identified as important for the Office Training and Development Plan include investigation techniques, interviewing skills, administrative justice and ethics, report writing and analysis, presentation skills and leadership development. A number of staff have taken, or continue to take, leadership development training. An ongoing objective is to increase the number of employees participating in this type of training. The Executive Director is currently participating in the leadership training for executive directors, provided by the PSC.

The Office of the Ombudsman encourages and accommodates staff who enroll in university programs. We are also represented on the GoverNEXT steering and task committees, and encourage staff participation in GoverNEXT sponsored events.

The Office of the Ombudsman is a unique working environment which allows staff to become knowledgeable of legislation and regulations, government policies and procedures. The nature of the work requires staff to continually be aware of and assist with the implementation of best practices. The Office has attracted high quality employees from within and outside of government. An objective is to increase the number of high caliber individuals employed with this Office, and in turn to prepare these individuals to pursue various employment opportunities within government as part of their career development. This exchange of employees will also increase the awareness and implementation of the principles of Ombudsmanship throughout the provincial and municipal government entities within Nova Scotia.

**Budget Context\***

<b>Office of the Ombudsman</b>			
	<b>2008-2009 Estimate</b>	<b>2008-2009 Actual</b>	<b>2009-2010 Estimate</b>
Program & Service Area	(\$thousands)	(\$thousands)	(\$thousands)
Gross Expenses	1,567	1,492	1,658
Salaries and Benefits	1,361	1,353	1,428
<b>Staff (FTEs)</b>	17	17	17