



Office of the
Ombudsman

2007 - 2008
Annual Report

Finding ways to
help government work better





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.



February 2009
The Honourable Alfie W. MacLeod, M.L.A.
Speaker of the House of Assembly
Legislative Assembly of 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, 2008.

Respectfully,

Dwight L. Bishop
Ombudsman



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Message from the Ombudsman

There has been a greater awareness and utilization of the Office of the Ombudsman during the past year. This is due in part to our outreach and communication efforts, as well as the increased profile of ombudsman throughout the country. Our capacity, in terms of both human resources and ability, has improved, and we continue to make strides, particularly in the areas of youth, seniors, and adult corrections.

While a significant amount of our work consists of complex and sensitive reviews and investigations, helping people navigate through processes is integral to our work and the evolution of the Ombudsman's mandate. The utilization of less formal approaches to effect problem resolution continues to shape service. Collectively, these have helped to make more of a difference.

Although many support our role, we experienced challenges obtaining information to complete our investigations. Some are inclined to interpret our mandate in a restrictive, somewhat legalistic way, rather than one rooted in the broader concept of administrative accountability.

Communication is a common element among complaints brought to our office. This raises concerns, particularly for vulnerable citizens, and requires greater attention. Effective public service begins with the conviction that its primary role is to be of service to the public. Government should be as accessible and transparent as possible. It is my belief that the vast majority of public servants strive to meet these objectives.

Dwight L. Bishop
Ombudsman



About the Office

Role and Mandate

Citizens increasingly look to their government to provide and administer quality programs and services. As policies develop, independent review bodies become an integral component of the oversight process. The role of an ombudsman is to work co-operatively, competently, and impartially on behalf of the legislative authority, the public service, and the public to ensure that fairness and consistency are exercised by government officials and to bridge any real or perceived gaps. While the traditional mandate is to investigate public concerns about government services, the office also strives, through administrative, policy, and system reviews, to bring about timely resolution and change. Experience over the past 36 years has shown that one of the most effective ways to address grievances is through collaboration and conciliation between both the public and government officials. By stepping into a breach that has developed, the Office of the Ombudsman can often revive a conversation that will lead to a resolution or better understanding.

When the office issues findings and recommendations to government bodies, it utilizes the principles of good governance, recognizing that the vast majority of public servants want to provide the best possible service. Similarly, we believe the public also recognizes and supports the principles of good governance. An important objective for the Ombudsman is to explain why and how a complaint can be seen as an opportunity to improve services provided by government. Even when a complaint is not supported, it presents an opportunity to review policies, procedures, and service delivery.

Depending on the recommendation, the office may request a response from the government organization and monitor implementation. In almost all cases, the recommendations made by the Office of the Ombudsman are accepted and implemented. The Ombudsman Act contemplates confidentiality and outlines annual reporting requirements. In specific cases where the Ombudsman feels it is necessary, reports of

recommendations may be issued to the Legislative Assembly, as well as to municipal councils and the public.

While the vast majority of the work focuses on matters within the office's jurisdiction, the office also handles non-jurisdictional complaints or those outside the legal authority of the Office of the Ombudsman. It is here that the office provides a service that may not be a specific legislated function but is an important and often necessary by-product of the office's mission. This is in keeping with the type of public service we want to promote in Nova Scotia.

>> Enforcement of a By-Law

A homeowner contacted our office regarding the treatment received from a municipal official. The complainant believed that the municipality was not consistent in its application of a maintenance by-law, resulting in the complainant's perception that only homeowners who voiced opposition to the by-law were fined. Review of relevant file information and consultation with both the parties involved resulted in our office facilitating a settlement agreement.



Organizational Structure

The Office of the Ombudsman is located in Halifax. Citizens can make complaints in person, by mail, or 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 individuals, carry out regularly scheduled site visits, and to conduct community outreach sessions.

>> Internally, the Office of the Ombudsman is structured into four service areas:

- **Investigation and Complaint Services**
reviews public complaints and conducts investigations into the services provided by provincial and municipal government organizations
- **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; also examines issues and concerns affecting senior citizens, particularly those who reside in provincially licensed residential care facilities
- **Civil Service Disclosure of Wrongdoing**
provides an independent mechanism for provincial civil service employees to report allegations of wrongdoing in the workplace
- **Office Administration**
provides initial assessment and referrals to members of the public who contact the office, as well as administrative and office management functions

Human Resources and Professional Development

Employees are appointed under the Ombudsman Act, which provides for Governor-in-Council approval. Including the Ombudsman, the office has 16 full-time positions. Two full-time employees were on secondment this year: one with the Nova Scotia Youth Secretariat to assist with research and policy analysis and another with the Department of Health to assist with investigations and training.

The Office of the Ombudsman maintains a roster of trained casual employees. During 2007–2008, these individuals were called upon to supplement two vacancies in the administrative and investigative sections and to assist with new duties. The office also employed students through the Career Starts Program (diversity, mentorship, and co-op) and provided them with experience through work and program placements. Four students had placements with the office, as well as a volunteer law student from Pro Bono Students Canada and a student from the child and youth care program of a private career college.

Every year employees participate in training. The courses identified below address a variety of standards, such as operational complexity, diversity, and workplace respect, which are an ongoing requirement of the office's work.

- Advanced Decision Writing
- Advanced Investigative Techniques
- French Language
- Immigrant Contributions/Challenges to Workplaces
- Leadership Growth and Development
- Negotiating and Influencing Skills
- Prepare Training
- Presentation Skills
- Protection for Persons in Care
- Respectful Workplace—Mediation
- Team Leadership

Ombudsman staff also participate in the Diversity Roundtable, Partners for Human Rights, and French-Language Services Committee and provide input on a variety of initiatives designed to address diversity in the public service, including the recruiting and interviewing process.

Throughout the year, the Ombudsman and staff attended ceremonies celebrating Nova Scotia's rich diversity. Staff observed International Human Rights Day and attended presentations hosted by the Metropolitan Immigrant Settlement Association, the Office of Acadian Affairs, and the Office of African Nova Scotian Affairs. Staff participate on or provide input to committees and groups that conduct research and develop programs focusing on youth and seniors. The office posts employment advertisements that encourage applications from members of diverse groups and participates in the Public Service Commission's diversity initiatives and programs.

After 25 years of employment with the province, one of the office's employees, Janet McKinnon, was recognized through the Long Service Award program. The office is pleased to acknowledge her dedication and commitment to the public service of Nova Scotia.



Janet McKinnon, Executive Director, receiving her Long Service Award from the former Speaker of the House of Assembly, the Honourable Cecil Clark.



Ombudsman representative Alex Dumaresq (right) attending a GoverNEXT-sponsored event.

Financial Resources

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 2007–2008 Budget Expenditures		
Core Business	Budget	Actual
	(\$ thousands)	(\$ thousands)
Gross Expenses	1,445	1,392
Net Program Expenses	1,445	1,392
Salaries and Benefits	1,190	1,190
Staff (FTEs)	16	16

In 2007–2008 the Office of the Ombudsman spent 96.34 per cent of its allotted budget. The variance is due to savings in operational expenses.



The Year in Review

Each year, the Office of the Ombudsman establishes and reports on service standards in conjunction with the business planning process. This process provides a useful guide and an effective means of summarizing the office's core activities.

Quality Complaint Resolution Process

The Office of the Ombudsman is committed to providing an efficient and effective complaint resolution process for Nova Scotians. The office routinely evaluates and updates the manner in which inquiries and complaints are addressed to ensure that service is timely, respectful, and thorough. In the previous fiscal year the office implemented a quality assurance program in which section managers and the Executive Director randomly review case files to help ensure that complainants and respondents are being served in a comprehensive and consistent manner.

The office's complaint resolution efforts are also reflected in the ratio of administrative review investigations conducted compared to formal investigations. Administrative review investigations made up 98 per cent of investigative reviews undertaken, and formal investigations/reviews made up 2 per cent. The number of jurisdictional matters addressed this year has increased by 9.5 per cent to 1,623. The office carried out 1,267 administrative review investigations, met with 306 youth in care or custody of the provincial government, and conducted 50 youth evaluation surveys. The office also addressed 628 non-jurisdictional inquiries and opened 21 formal investigations, five policy/system reviews, and five own-motion reviews. Twenty-one inquiries/complaints were received in conjunction with the Civil Service Disclosure of Wrongdoing Regulations, resulting in two disclosure of wrongdoing investigations and three reviews under the Ombudsman Act.

All recommendations in 2007–2008 were accepted, with the exception of one recommendation that was rejected by the Department of Education and the Chignecto-Central Regional School Board. It is encouraging to see that the Office of the Ombudsman has met with significant success in this aspect of its investigative process. The length of time required by public bodies to implement recommendations

has, however, increased. The office will continue to monitor and work with departments respecting this trend.

Total Complaints and Inquiries Received (Ombudsman Act)

	2007–08	2006–07	2005–06	2004–05
Jurisdictional	1,623	1,487	1,228	1,115
Non-jurisdictional	628	314	470	673
TOTAL	2,251	1,801	1,698	1,788

Administrative Review Investigations

TOTAL with positive outcomes*		
Assistance rendered to complainant	730	1,012
Resolved for the complainant	160	
Resolved for the public body/properly implemented	98	
Settled between the parties	24	
Discontinued/withdrawn		160
Moved to formal investigation/review		31
Carried over to 2008–2009		64
Total administrative review investigations**		1,267

*In the case of youth residing in provincial facilities, administrative review investigations are resolved for the complainant in situations where Ombudsman representatives have resolved the issue(s) brought forward. This does not include 306 youth meetings and 50 youth evaluation interviews.

** Disclosure of wrongdoing statistics are reported separately.



Formal Investigations and Reviews

Formal investigations	21
System/policy reviews	5
Own-motion reviews	5
Disclosure of wrongdoing investigations	2
TOTAL formal investigations/system/policy reviews	33

Timeliness is an important component of service, and the office monitors the length of time for administrative review investigations, formal investigations, and system or policy reviews. While the office has seen an increase in the number of administrative review investigations conducted, the timeframes for completing investigations have remained relatively consistent over the past three years.

The office's goal is to resolve formal investigations within 12 months. Of the 31 formal investigations and system or policy reviews opened this year, 11 averaged 2.6 months. Five were closed with recommendations being monitored after an average length of 6.4 months. Two disclosure-of-wrongdoing investigations averaged 9 months. Fifteen investigations were carried forward into 2007–2008 after being open for an average of 2.5 months. Both of the formal investigations carried over from last fiscal year were closed during the year.

Administrative Review Investigations/Youth Meetings - Timeframes

Period	2007–2008	2006–2007	2005–2006
1–7 days	921 (59%)	901 (61%)	687 (56%)
8 days–4 weeks	318 (20%)	252 (17%)	182 (15%)
4+ weeks	334 (21%)	334 (22%)	359 (29%)
TOTAL	1,573 (100%)	1,487 (100%)	1,228 (100%)

This year, the office began developing and implementing standards for administrative (STAR) and operational (STOR) records. As a result, policy was upgraded for the Records Management Program, and a records tracking database was constructed. It is expected that both the policy and STOR system will be fully approved during the course of the next fiscal year. The office is also exploring options to enhance electronic file management and database systems, as both continue to be a challenge.

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

This year the office reached approximately 2,700 people through its outreach efforts, exceeding the goal of 1,800. Community outreach sessions were held in Annapolis Royal, New Glasgow, Parrsboro, Petit-de-Grat, Port Hawkesbury, Shelburne, and Tatamagouche. Staff conducted 176 site visits to residential care facilities for children, youth, and seniors; 114 information sessions at youth detention and residential facilities across the province; and 16 site visits to adult correctional facilities. Staff made 21 formal presentations to government bodies, attended 277 meetings, and hosted two separate information booths at community events. The office also participated in two radio interviews, one focusing on youth issues and one on seniors.

The office noticed an increase in the number of non-jurisdictional calls. This reverses the trend of the past few years. Of this year's 2,251 complaints, 628 or 28 per cent were non-jurisdictional, compared to 17 per cent last year. It would seem that as the office reaches out to more communities, awareness of the office increases; however, not everyone is clear on the specifics of the Ombudsman's jurisdiction.



Outreach	
Event	Number of Visits and Information Sessions
Meetings	277
Youth Information Sessions	114
Residential Child-Care Facilities	45
Wood Street Centre (Secure Care Residential Facility)	26
Nova Scotia Youth Facility	24
Presentations	21
Adult Correctional Facilities	16
Community Outreach Sessions	7
Halifax Youth Attendance Centre	7
Public	5
Cape Breton Youth Detention Facility	3
Information Booths	2
TOTAL	547

	Number of Site Visits	Total Present
Residential Child-Care Facility	45	151
Wood Street Centre (Secure Residential Facility)	26	52
Youth Custodial Facilities	34	177
Senior Residential Facilities*	71	198
Adult correctional facility – Female Unit	12	55
Adult correctional facility – Male Unit	4	67
Total	192	700

*Last year the number of site visits to seniors' facilities was 18, compared to 71 this year.

Community Outreach Session



Kim Langlois (third from left), Manager, Investigation and Complaint Services, attending a community outreach session held at the Tatamagouche public library.

Fairness and Accountability in Public Sector Administration

Through its complaint resolution process, the Office of the Ombudsman advises and educates citizens, elected officials, and government employees about the principles of administrative fairness and good governance. In assessing complaints, the office reviews the issues identified to ensure that the laws of the province are administered reasonably, justly, and in a non-oppressive or discriminatory manner. While the office's mandate does not permit direct challenges to legislation, it advocates that decisions demonstrate consistent and appropriate application of law, policy, procedures, and practices.

Communication challenges are a primary factor in complaints brought to this office. Recognition of this is essential for government to understand what may be driving complaints. Research has shown that the public ranks government service and service providers in the following order: timeliness, knowledge, competence, courtesy, fair treatment, and outcome. Although knowledge, competence, and courtesy can be difficult to measure, they rank



above outcomes, and even above fair treatment. This speaks to one of government's primary objectives—to provide a helpful, attentive service to the public.

Seven Steps to Maximize Complaint Resolution

1. Treat everyone with respect and courtesy; be persistent and patient.
2. Choose an appropriate communication mode. Possible options include contacting the organization in writing, by telephone, via e-mail, or in person.
3. Strategize. Consider who you believe may be the appropriate individual to contact. Is this person able to address your concerns?
4. Be prepared. Be sure to have any relevant information available before contacting the organization.
5. Before you contact the organization, organize your questions. You may want to write them down.
6. Keep copies of any correspondence and take notes of all conversations.
7. Exercise your right of appeal. If you are not sure one exists, ask.

>> Use of Personal Information

An individual contacted our office with a concern that personal information was being provided unnecessarily to agencies that require their volunteers to submit to a Child Abuse Registry check. The concern was that after the check occurs, the registry provides the results of the check and the completed form on which the volunteer provided extensive personal information. This has personal privacy and identity theft implications. As a result of our involvement, registry officials agreed to change the process to ensure that confidential personal information collected will not be released to the organization requesting the check. Only the results of the check will be provided.

>> Collection of Student Loan

A full-time university student was receiving federal and provincial student loans. The federal portion of the loans was in good standing. The student could not understand why the provincial loan had gone to debt collection while the student was attending university full time. The student's attempts to resolve the matter were unsuccessful. After our review, the status was clarified: the student was returned to the appropriate study status and the loan was recalled from collections.



Policy Development, Reviews, and Initiatives

Requests from government bodies for input on policy development reflect the movement to proactively address matters independent of specific complaints. Over the past few years the office's role in this area has increased. This year input was provided on the following:

- the UN Convention on the Rights of the Child Implementation Case Study by Senator Landon Pearson (retired), Landon Pearson Resource Centre for the Study of Childhood and Children's Rights
- policy discussion regarding youth in care with communicable diseases engaging in potentially at-risk behaviour
- a complaint resolution process developed to provide the public with an avenue to address complaints relating to the actions of special constables, by-law enforcement officers, and auxiliary constables
- the Correctional Services adult offender handbook and youth detention standard operating procedures

The office continues to work with the province's Chief Medical Examiner, in conjunction with the Chief Medical Officer of Health, to establish a pediatric death review committee. The office's work with the Department of Community Services identifying trends and improving client service delivery continued this year and will be assessed next fiscal year.

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 (July 2007):

- application/enforcement of by-laws (2)
- apprehension of a child (4)
- approval process for a septic system
- approval of a strip mine
- cancellation of parental visitation of a child in care
- compensation for abuse at a provincial facility
- complaint regarding financial benefits
- complaint regarding medical care
- complaint regarding RCMP and municipal policing agencies (5)
- concerns for granddaughter's care
- conflict of interest—municipal employee
- conduct of government staff (2)
- consumer complaint
- custody issue—youth
- debt collection
- denied housing application
- difficulties obtaining home care
- difficulties obtaining legal representation (2)
- disability insurance
- discrimination
- dispute over a loan
- driver's licence suspensions/requirements to take course (3)
- emergency services—medications
- enforcement of court order
- federal services complaints (27)
- financial assistance (2)
- gasoline prices
- general information (2)
- human resource issue
- hunting licences
- Income Assistance—co-habitation
- Income Assistance—inconsistent amount (2)
- inaccurate bill
- insurance (5)
- legal advice relating to a will
- legal issues and role of our office (4)



- liability for damage
- maintenance enforcement payments (4)
- malfunctioning water and sewage lines
- neighbourhood beautification program
- obtaining public records
- occupancy permit improperly issued
- occupational health and safety appeal
- offender—calculation of release date
- offender—calculation of time for parole
- offender—clothing (2)
- offender—confidentiality of mail (3)
- offender—counselling
- offender—harassment
- offender—internal complaint process
- offender—loss of personal items
- offender—loss of privileges
- offender—medical services (17)
- offender—psychiatric assessment
- offender—recreation time
- offender—safety of showers and non-response to complaint
- offender—security/safety (4)
- offender—segregation and complaint process
- offender—transfers (4)
- offender—transportation to court delayed
- offender—telephone calls and meals
- ownership of a road
- parent seeking support services for an adult child
- Pharmacare
- pre-purchased burial services refund
- private business complaints (19)
- process relating to dangerous and unsightly premises
- process to obtain housing
- professional qualifications
- property damage
- provincial trails
- questions relating to a municipality
- renaming streets
- request for confirmation of a complaint
- request for legal information (2)
- request for a public inquiry
- residential tenancy issue (2)
- restrictions on a rally
- revoking parental rights
- senior—adult protection
- senior—condition of a transitional/long term care facility
- senior—housing concerns (2)
- seniors—inquiry on dates of community outreach (2)
- senior—long-term care process
- senior—patient care while in hospital
- senior—process of competency testing
- senior—use of personal funds in long-term care facilities
- services for victims of crime
- sponsoring an immigrant
- student loan (2)
- suspended licence
- transfer of lease
- travel issues
- treatment by provincial government staff
- unprofessional conduct
- workers' compensation claims (4)
- workers' compensation for surviving spouse
- yearly medical tests for driving
- youth—allegation of excessive force
- youth—bullying at school
- youth—bullying by another resident
- youth—complaint against municipal police
- youth—complaint regarding social worker
- youth—privacy concerns
- youth—question regarding facility policy



Investigation and Complaint Services

The primary focus of Investigation and Complaint Services is to resolve complaints against provincial and municipal governments. It successfully does this by gathering facts and information, conducting research and consultation, maintaining dialogue with both the complainant and respondent, reporting findings, and, where appropriate, issuing recommendations.

The depth and complexity of investigations have increased. Gaming, environment, and corrections issues occupied a significant amount of this office's time. The issues addressed in the area of gaming include problem gambling and self-exclusion policies and procedures. Environmental monitoring and compliance complaints rose to 20 from 6 last year. As oil spills were a recurring theme this year, the office undertook its own motion investigation. Correctional Services complaints also showed an increase, attributed in part to the office's increased focus in this area. This year the office received 283 corrections complaints and 131 offender health complaints. Several reports were prepared for the Department of Justice about the office's adult offender initiative, highlighting the nature of issues brought to the office's attention. The office also met with Correctional Services staff to discuss and assess formalizing the service model and the need for improving policy and dispute resolution mechanisms.

Correctional Services issues included allegations regarding

- time in segregation
- abuse of authority
- assault by another offender
- asbestos
- lost property
- access to electronic documents to prepare for court
- access to a telephone to call lawyer
- clothing
- canteen funds
- infestation of ants
- meals
- excessive use of force
- comments by staff
- confidential mail
- requests for transfers
- recreation time
- offender handbook not provided
- used razors
- telephone messages from Ombudsman's Office not being forwarded to offenders
- temporary absence to attend a funeral
- response to appeals
- fear for personal safety
- double bunking
- provision of health forms
- telephone privileges
- transfers
- denied visits



Justice

Years	TOTAL	Correctional Services	Maintenance Enforcement Program	Courts and Registries	Victim Services	Medical Examiner Service	Other
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

*Not reported separately in previous years

Community Services

Years	TOTAL	Income Assistance and Employment Support	Family and Children's Services	Housing Services	Issues with Case Worker	Community Support for Adults	Medical and Dental	Other
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
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	2	1	0	1	10

Halifax Regional Municipality

Years	TOTAL	Planning and Development Services	Halifax Regional Police	Transportation & Public Works	Metro Transit	Other
2007-2008	53	16	12	6	4	15
2006-2007	34	8	9	*	*	17
2005-2006	56	19	13	*	*	24

*Included in Other



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
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

Environment and Labour

Years	TOTAL	Labour Standards and Labour Services	Environmental Monitoring and Compliance	Alcohol and Gaming	Occupational Health & Safety	Public Safety	Other
2007-2008	38	3	20	5	3	3	4
2006-2007	26	7	6	4	*	*	9
2005-2006	37	19	13	3	*	*	2

* Included in Other

>> Quality Assurance—Best Practice

Ombudsman representatives met with the director of Engineering and Public Works for the Cape Breton Regional Municipality to discuss a complaint that had been brought to our attention by a resident. The resident's home had flooded as a result of an unusually severe rainstorm and thawing snow that significantly taxed existing infrastructure capabilities. Staff recommended that the municipality develop a quality assurance program, or checklist, to minimize events similar to those experienced by the complainant. The municipality accepted our recommendation and used the experience to further examine and audit how they traditionally approach preventative maintenance practices. Engineering and Public Works staff drafted an extensive proposal to be submitted to council for approval. They went that extra mile.

>> Program Oversight

Individuals brought forward concerns regarding the financial management and oversight of a provincially administered program. Upon reviewing various aspects of the program and individual circumstances, our office recommended the matter be referred to the Auditor General for further review and audit.

>> Repayment of Loan

A farmer contacted our office regarding steps taken by a department to collect a portion of funds provided under a provincially administered development program over 17 years ago. Two years after receiving assistance under the program, department staff allegedly advised that a portion of the funds would need to be repaid. The complainant understood that the funds constituted a grant. We requested that the department clarify the issue. The department advised that there was no mention in the program description that the funding would have to be reimbursed. As a result, the department agreed to stop collection proceedings.



>> Leave to Attend a Funeral

An offender's request for a temporary absence (TA) to attend a family member's funeral was denied. The offender attempted to appeal the decision; however, the process was not expected to be completed until after the date of the funeral. When our office contacted the correctional facility, staff agreed that the appeal would be fast-tracked. Facility staff also agreed to implement a new policy to address timeliness of the appeal process when offenders seek TAs for funerals. The Director reviewed the decision before the funeral occurred.

>> Administrative Error

An individual had mistakenly been listed in a department's database as deceased. Assuming their files to be correct, department staff did not send out a notification letter when the complainant's licence expired. When the complainant approached the department to remedy the situation, staff advised that the department is not required to send written notification of licence renewals; the letter is simply a courtesy and licence renewal is the responsibility of the licensee. The complainant was required to pay both a renewal fee and retesting fee to have the licence reinstated. As a result of our review the deputy registrar reversed the administrative error classifying the complainant as deceased and agreed to reimburse the renewal and retesting fees.

Recommendations

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

- provide reasons for rejecting an application to use alternate dispute resolution
- amend policy to ensure that contractors itemize materials removed from dangerous and unsightly premises
- upgrade a system to cross-reference registration with outstanding reinstatement fees when sending automated renewal notices
- develop policy to address monitoring of school board compliance with provincial policies
- work towards greater interprovincial co-operation and harmonization of regulatory and enforcement frameworks and a more comprehensive approach to governance and regulatory schemes among the Atlantic provinces
- develop a municipal policy regarding Professional Standards for Service Providers—Complaint Resolution Process
- revise local improvement charges to comply with the Municipal Government Act
- develop guidelines to ensure consistency in determining natural watercourses
- conduct a review of an EAP program as it relates to firefighters in a municipality
- develop a policy to ensure that persons writing a learner's test are aware of the need to provide proof of their completed test to a Service Nova Scotia Office within six months
- work with the other Atlantic provinces to establish a chair for gaming research



Youth and Seniors Services

Youth Services

The Youth Services component of the office serves as an integral part of the overall quality assurance to children and youth receiving provincial and municipal government services and provides an independent process for investigating and resolving complaints from children, youth, parents, guardians, and youth care workers in relation to provincial and municipal youth-serving systems. In addition to responding to specific complaints, the office conducts regularly scheduled site visits to youth in care and custody and prepares individual, monthly, and quarterly reports to the respective departments. Through this process and in consultation with our office's counterparts in other provinces, the need for a nationally coordinated approach on youth issues and advocacy was identified. Discussions with young people, their families, and staff regarding issues affecting children and youth emphasized the need for increased community supports, programs, and education. In addition, the office observed youth migrating between government services and departments, potentially indicating that the systems have not been effectively able to help these youth. Embedded aspects of this occurrence include social, mental health, and addictions issues and the need for prevention and early intervention through a coordinated service delivery approach.

The office completed its Youth Evaluation Interview pilot project during the year. The intent of the Youth Evaluation Interview tool is to gain a first-hand understanding from youth 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, which directs governments to seek opinions of young people on matters that concern them. Youth from a closed custody facility volunteered to complete the evaluation interviews. Upon completion of the project, the office provided the department with a report outlining the survey results. Specifically, these areas include the youths' response to basic care, safety (including peer-on-peer violence), interaction with staff, and overall experience while in care and custody. Based on

the feedback and interest received from youth and staff, this program has been expanded and integrated into the office's service plan.

Youth Services continues to participate on and provide input to committees and groups that conduct research and develop programs for youth, provincially and nationally. Some of these include:

- Boys and Girls Club
- 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
- Child Welfare League of Canada (CWLC)
- National Youth in Care Network
- Landon Pearson Resource Centre for the Study of Childhood and Children's Rights
- 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	4
Discipline	2
Food	2
Staff	2
Health care/concerns	2
Conflict with other youth	1
Police	1
Programming	1
Other	1
Total	16

- * Nova Scotia Youth Facility (14),
Cape Breton Youth Detention Facility (1),
Cape Breton Regional Police Services (1)



Youth Services—Secure Care Issues Raised by Category

Staff	16
Policies and procedures	12
Discharge plans/placement	5
Social worker	4
Conflict with other youth	3
Recreation area	2
Care plan	2
Lawyer	2
Health care	2
Food	1
Pregnancy counselling	1
Education	1
Programming	1
Total	52

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

Staff	3
Policies and procedures	1
Social worker	1
Education	1
Conflict with other youth	1
Total	7

>> Discipline Policy

A young person had concerns over discipline sanctions received after being involved in a fight with another youth, because the sanctions issued to both youth were not the same. The youth understood that institutional policy directs that participants involved in a fight receive equal sanctions. Staff at the facility explained to the Ombudsman representative that the additional sanctions were given because the young person had initiated the fight and was non-compliant with staff before and during the incident. Our office advised the youth of the reasons for the discipline.

>> Treatment by Staff

A youth in a residential facility contacted our office with a concern that staff members were issuing different sets of rules to different youth. Residential staff explained to the Ombudsman representative that the residential program has different expectations for each respective resident based on their identified needs and target issues, and as a result, some rules may vary. We clarified the program differences with the resident who acknowledged gaining a better perspective of the process.

>> Pregnancy Counselling

A youth residing in a residential facility was concerned about an unplanned pregnancy. The resident believed she had one week to decide if she would terminate her pregnancy. The resident had also been advised that there was a strong possibility her newborn would be apprehended by child welfare officials due to her history of at-risk behaviour. The resident wanted to discuss her options but was not sure who to speak with. She was not comfortable talking with the residential social worker, as she was not acquainted with the person and did not want to be judged. Ombudsman staff confirmed that the youth's agency social worker was discussing options with her and that counselling services were available. A coordinator from the facility advised us that facility staff would ensure that they were also available to the youth. When we followed up with the youth, she confirmed that she had met with her agency social worker, had also talked with staff at the residential facility, and had reached a decision.

Seniors Services

In addition to providing timely resolution of complaints and concerns affecting seniors and their families, a key component in the office's initiative was to provide independent oversight regarding provincially licensed residential care facilities. Due to the number of residential care facilities throughout the province, a pilot outreach program was developed, and initiated within the Cape Breton region, to assess the best approach for the office's role with seniors in care. The outcome of this initiative indicated a greater need to educate families, caregivers, and seniors' resident councils on the role and mandate of the Office of



the Ombudsman, while continuing to maintain a presence in these facilities.

The number of seniors related complaints received have increased steadily over the past three years. This year noted an increase to 43 from 32 last year and 25 the previous year. Issues affecting seniors that were addressed this fiscal year include recruitment, retention, and training of staff for care facilities, particularly in rural areas; evolving client care needs; wait times for admission to residential and care facilities; and in-home care and support services. Considering the information gathered from the pilot initiative and the steady increase in complaints, the next steps will encompass a strategic review of the seniors' initiative.

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

- 50+ Expo
- Atlantic Seniors Housing Research Alliance
- Elder Abuse Working Forum
- Gerontology Association of Nova Scotia (GANS)
- Nova Scotia Elder Abuse Strategy Committee
- Protection for Persons in Care Act
- Transitional Care Unit Planning Committee

This year a representative from the office accepted an invitation to participate in a federal, provincial, and territorial Elder Abuse Working Forum hosted by the Safety and Security for Seniors Working Group. Based on the Ombudsman's services to seniors mandate, the office was selected to provide input. For the first time seniors, law enforcement professionals, legal, academic, advocacy, and community-based organizations from across Canada were brought together to discuss their interest in seniors' issues.

>> Policy Application

An individual receiving home care requested that the services be placed on hold for a month while the individual went to visit family out of province. Home care staff advised that policy dictates that the care arrangement would be cancelled and the individual would have to reapply for services and be placed on a waiting list. The individual requested a copy of the policy, but was advised it was in draft form and could not be released. Our office contacted departmental staff who advised that the previous policy would be applied, enabling the individual to renew home care services. Staff also confirmed that the department would not apply draft policies until they were approved, and a copy of the new policy was provided to the individual.

>> Undue Hardship

A senior contacted our office with a concern about the per diem rate for a spouse residing in a long-term care facility. Department of Health practice was to conduct a review once a year of residents who had turned 65 years of age and make any necessary adjustments and reimbursements regarding per diem rates. The senior had concerns that this practice caused undue financial hardship, as there would be a seven-month period between the date their spouse turned 65 and the date the annual review would occur, decreasing the per diem rate. When contacted by our office, the department's Eligibility Review Office agreed to adjust the per diem rate and committed to doing the same for others in a similar situation.

Recommendations

The following are examples of the nature and scope of recommendations arising from Youth and Seniors Services:

- develop senior-friendly communication materials and processes
- retest a residence for mould
- create a policy governing the implementation of board-wide examinations
- ensure that specific school board activities be part of a communication strategy
- clarify the definition of commercial activity pursuant to the Education Act in a regulation



Civil Service Disclosure of Wrongdoing

In September 2004, the Civil Service Disclosure of Wrongdoing Regulations came into effect. Under the regulations, a process was set out for Nova Scotia civil servants to disclose wrongdoing in the workplace, which includes an independent investigative role for the Ombudsman.

The area of disclosure of wrongdoing has grown this past year. The focus has been on investigations, assessing inquiries, as well as enhancing internal office policies and practices when conducting investigations. Investigations examining allegations of wrongdoing are complex, sensitive, and arduous for the individuals involved. These investigations have been lengthy. As a result, the office has dedicated additional resources to assist when caseload demands and has acquired additional workspace on a temporary basis.

To date, the office has concluded three investigations under the authority of the Civil Service Disclosure of Wrongdoing Regulations. While a finding of wrongdoing was not made in two of the investigations, both revealed gaps within corporate policies and led to recommendations for further policy development and enhancement. The third investigation involved serious acts or omissions affecting the well-being of an individual and led to a finding of wrongdoing.

In addition to the recommendations stemming from disclosure investigations, during the last two fiscal years several recommendations were made to the Public Service Commission, highlighting challenges within the regulations.

This year, the office also noted an increase in the number of departments requesting information and presentations on disclosure of wrongdoing. As well, a department requested guidance in addressing a disclosure that was brought to the deputy head's attention. The office continues to provide information packages to employees who are considering making a disclosure. The toll-free inquiry line and e-mail address provide a confidential avenue for civil servants to contact us and obtain information. Due to the increase in requests for information and advice, the office has begun to adopt a greater role in this area. The office continues to work with the Public Service Commission in assessing and enhancing the disclosure processes and communication strategy to ensure an active, less-passive approach and in assisting with the establishment of a training course for managers and supervisors in the areas of interviewing and investigative skills and techniques.



Looking Forward

In the upcoming years, we look forward to the following activities:

- increasing our capacity to receive requests from government officials to review and comment on proposed and existing legislation, regulations, policies, and procedures
- conducting a strategic review of our seniors outreach initiative and increasing collaboration with seniors' organizations and agencies
- increasing our regularly scheduled site visits to youth residential and custodial facilities and expanding the use of our Youth Evaluation Interviews
- establishing a Pediatric Death Review Committee
- having meaningful and inclusive consultations with the government and public
- meeting the expanding needs of disclosure of wrongdoing responsibilities
- convening a meeting with our provincial and federal counterparts to provide a forum for investigators to discuss experiences, challenges, and best practices
- enhancing the office's communication strategy by targeting government officials, civil servants, seniors, youth, and other designated groups
- examining program awareness and accessibility in terms of vulnerable segments of our population
- enhancing existing electronic file management and database systems



Complaints and Inquiries Received (by Organization), 2007–2008

Justice (71)		Amherst (Town)	2
Justice Corrections (283)	Total: 354	Bridgewater (Town)	2
Community Services	229	County of Cumberland (Municipality)	2
Health (38)		Superintendent of Insurance	2
Offender Health (131)		Inverness (County Municipality)	2
Capital District Health Authority (15)		Nova Scotia Liquor Corporation	2
Cape Breton District Health Authority (10)		Office of Immigration	2
South Shore Health Authority (3)		Shelburne (District Municipality)	2
Annapolis Valley District Health Authority (2)		Shelburne (Town)	2
Guysborough Antigonish–Strait Health Authority (2)		Annapolis (County Municipality)	1
Colchester East Hants Health Authority (1)		Digby (Town)	1
IWK Health Centre (1)		Finance	1
QEII (1)	Total: 204	Kentville (Town)	1
Service Nova Scotia and Municipal Relations	74	Kingston (Village Commission)	1
Halifax Regional Municipality	53	Labour Standards Tribunal	1
Workers' Compensation Board	51	Labour and Workforce Development	1
Environment and Labour	38	Nova Scotia Pension Agency	1
Education (11)		Nova Scotia Utility and Review Board	1
Halifax Regional School Board (8)		Parrsboro (Town)	1
Annapolis Valley Regional School Board (3)		Port Hawkesbury (Town)	1
South Shore Regional School Board (3)		Public Trustee	1
Chignecto–Central Regional School Board (2)		Queens Municipality	1
Strait Regional School Board (1)	Total: 28	Richmond (County Municipality)	1
Transportation and Infrastructure Renewal	22	Securities Commission	1
Legal Aid Commission	13	Springhill (Town)	1
Cape Breton Regional Municipality	12	St. Mary's (District Municipality)	1
Human Rights Commission	12	Tourism, Culture and Heritage	1
Police Commission	10	Waterfront Development Corporation	1
Natural Resources	9	West Hants (District Municipality)	1
Agriculture	7	Westville (Town)	1
Public Prosecution Service	5	Windsor (Town)	1
Workers' Compensation Appeals Tribunal	5	Wolfville (Town)	1
Nova Scotia Gaming Corporation	4		
Economic Development	3		
Health Promotion and Protection	3		
Kings (County Municipality)	3		
Nova Scotia Community College	3		
Public Service Commission	3		
Truro (Town)	3		
Yarmouth (Town)	3		

*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, and disclosure of wrongdoing are reported separately and are not included in this total.



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 such as brochures and posters.

Website: www.gov.ns.ca/ombu
E-mail: 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)



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