



Office of the Ombudsman

Annual Report 2011–2012



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September 2012

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, 2012.

Respectfully,

A handwritten signature in black ink, appearing to read "Dwight Bishop". The signature is written in a cursive, flowing style.

Dwight L. Bishop
Ombudsman

Message from the Ombudsman

The use of our Office by the public continues to increase. We address a diverse range of issues, such as fair and transparent processes, implementation of safety standards, the consistent application of regulations and policies, and improvements to the sensitivity of government systems to complainants. The Office was successful in 2012 in having its recommendations accepted and implemented by government bodies.

Our mandate is broad, with oversight responsibilities in both provincial and municipal matters. We maintain a proactive presence in many areas of government service delivery, such as those relating to children, youth, seniors, and correctional services. The maintenance and further development of this presence is a direct application of the Ombudsman function. These efforts increase the use of our Office by the public and enhance our effectiveness.

Our responsibilities have expanded with proclamation of the Public Interest Disclosure of Wrongdoing Act. We expect the 2012–13 fiscal year to bring increased activity in relation to implementation of the new act and regulations.

Budget uncertainties related to the transition of employees to the Excluded Classification pay scale negatively affected outreach activities during the first two-thirds of the year. These activities have now returned to expected levels, and we have also increased our on-site presence at correctional facilities.

The Office was pleased to host the Forum of Canadian Ombudsman's national conference, *Working Behind Prison Walls*. The conference included educational sessions and tours of correctional facilities in the region, and was attended by corrections officials, as well as staff from various ombudsman offices across Canada. We look forward to hosting a biennial meeting of the Forum of Canadian Ombudsman in 2013. This event was last held in Halifax in the 1990's.

We completed an internal review of how our Office handles complaints and inquiries. We continue to work to enhance the quality of our investigations through internal accountability processes, the implementation of a major case management approach, and the advancement of our employees' investigative skills. The Office uses mentoring, in-house training, and collaborative teams to make effective use of front-line staff. The attraction, development, and retention of quality employees underpins our ability to carry out our mission.

We take a forward-looking and collaborative approach to working with government. As we travel around the province, we regularly encounter government employees who are committed to the public interests they serve. We believe that a constructive relationship with various levels of government allows us to further leverage our position to support effective change. This approach encourages government to implement recommendations, improve service delivery, and deepen its accountability and sensitivity to complainants. In some cases, departments have gone beyond what was initially suggested and have applied recommendations to other areas within the department. As well, the Office continues to serve a consultative role to some departments in their policy development.

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 government decisions and processes are open, transparent, and consistent with the principles of fairness in administration.

The mandate of the Office extends to all individuals who receive services from, or who are affected by, provincial and municipal governments. Provincial government employees and members of the public also have an avenue to address concerns regarding allegations of wrongdoing in the provincial government through the Office's role in the Public Interest Disclosure of Wrongdoing process.

The Office of the Ombudsman includes four service areas:

Administration

Provides initial assessment and referrals, and fulfills administrative and office management functions.

Investigation and Complaint Services

Reviews and investigates concerns about services provided by provincial and municipal government organizations, and makes recommendations where appropriate. Has a focus on adult inmates in provincial correctional facilities. Undertakes own-motion investigations that include policy and systems reviews.

Youth and Seniors Services

Reviews, investigates, and reports on the concerns of children, youth, parents, guardians, and those working in government facilities and programs that provide services to children and youth. Examines and investigates issues affecting senior citizens, particularly those who reside in provincially licensed residential care facilities. Facilitates resolutions and makes recommendations where appropriate.

Disclosure of Wrongdoing

Provides an independent reporting and investigation mechanism for employees of provincial government bodies and members of the public regarding allegations of wrongdoing by government. The Public Interest Disclosure of Wrongdoing Act and Regulations are the legislative basis for these matters.



Human Resources

The Office has 17 full-time positions, including the Ombudsman, and continues to benefit from a roster of supplementary employees. This roster enabled the Office to accommodate staff vacancies in 2011–12. At the request of the Department of Health and Wellness and the Police Complaints Commission, the Office supported the temporary secondment of two permanent staff to those organizations. The Office also provided a seconded staff person to the Department of Labour and Advanced Education. Longtime public servant and Ombudsman representative Allan Wilson retired this year. Another Ombudsman representative, Elaine Venturini, received a 30-year public service award.

The transition of Office staff to the Excluded Classification (EC) pay scale was completed in August 2011.

The Office employed a student through the Career Starts diversity program, and hosted students from the Schulich School of Law at Dalhousie, Eastern College, and Nova Scotia Community College.

Training and Professional Development

Staff participated in external training opportunities, workshops, and conferences in a variety of areas, including the following: post-secondary education for youth in care; effects of trauma and coping tools; and collaborative mental health care. Office staff were also trained in Mental Health First Aid, an initiative of the Mental Health Commission of Canada. As well, the Office hosted in-house training sessions on a variety of topics, including: structured mentoring; brain injury; development of the provincial 211 system; land surveying; the land registration system; and customized leadership training. First aid training was provided at a reduced cost as a result of the recent certification of a staff member as an instructor.

The Office developed and implemented an Internal Environmental Policy (IEP) that considers environmental protection and sustainability as key components in the development of office practices that reduce the overall impact on the environment. The IEP commits staff to create and maintain innovative strategies that encourage sustainability and conservation. Staff cooperation with the IEP reduced paper consumption by 18.2 per cent. Looking forward, the Office plans to create an internal Environmental Steering Committee to help implement and monitor initiatives of the IEP.

The Office's ongoing goal of recognizing diversity is reflected in staff training and committee representation in the areas of French-language services, Acadian culture, mental health awareness, gender-based analysis, and the Lesbian, Gay, Bisexual, Transgendered and Intersex Network (LGBTI). These opportunities help to improve the services we provide.

Financial Resources

The Office of the Ombudsman spent 96.3 per cent of the allotted budget (see Figure 1). The variance is due to savings in operational expenses. The increase in actual expenditures on salaries is due to the transition to the excluded classification scale and retroactive performance adjustments of Office employees.

Figure 1

Budget and Actual Expenditures		
	Budget	Actual
Gross Expenses	\$1,598,000	\$1,539,000
Net Program Expenses	\$1,598,000	\$1,539,000
Salaries and Benefits	\$1,412,000	\$1,633,000
Staff (full-time and equivalents)	17	17



Jonathan Arnold, pictured above, led the development of the Internal Environmental Policy

The Year in Review

Complaint Resolution Process

Embedded within the assessment, investigation, and resolution of complaints are the principles of accountability, transparency, and administrative fairness.

The Office combines an effective early resolution process, formal investigations, and systemic examinations of policies and procedures to bring a range of tools and balance to the oversight process. The Office addresses the majority of complaints through administrative review investigations (see Figure 2). This informal approach enables Ombudsman representatives and staff of government departments and agencies to resolve issues in a timely manner.

In 2011–12, the Office extended its on-site work within correctional facilities. Ombudsman representatives now visit the Central Nova Scotia Correctional Facility (CNSCF) on a weekly basis to meet with inmates and staff, and discuss any issues and concerns they may have. This is an expansion of a pilot program at the East Unit of CNSCF. This has resulted in improved working relationships with correctional officials and more efficient resolution of inquiries and complaints to the Office by inmates. On-site visits will expand to the remaining provincial correctional facilities early in the 2012–13 fiscal year.

The Office piloted a number of internal initiatives in 2011–12 to improve the processing of complaints and inquiries. This included a focus on the initial response to and assessment of contacts from the public. Staff are also being trained across different service areas of the Office in order to increase operational flexibility. As a way to improve our service delivery, a public satisfaction survey has been developed and an initial delivery is planned for the 2012–13 fiscal year.

In 2011–12, the number of matters addressed within the scope of the Ombudsman Act increased by 2.5 per cent, from 1,826 to 1,872 (see Figure 3). This included 1,399 administrative review investigations, 423 meetings with youth in care and custody, and 50 youth evaluation surveys.

Figure 2

Administrative Review Investigations, by Result	
Assistance rendered to complainant	1,075
Resolved for the complainant	45
Resolved for the public body/properly implemented	108
Settled between the parties	7
Total with positive outcomes	1,235
Discontinued + withdrawn	96
Carried over to 2012–2013	68
Total administrative review investigations*	1,399
<i>*Disclosure of Wrongdoing statistics are reported separately</i>	

Figure 3

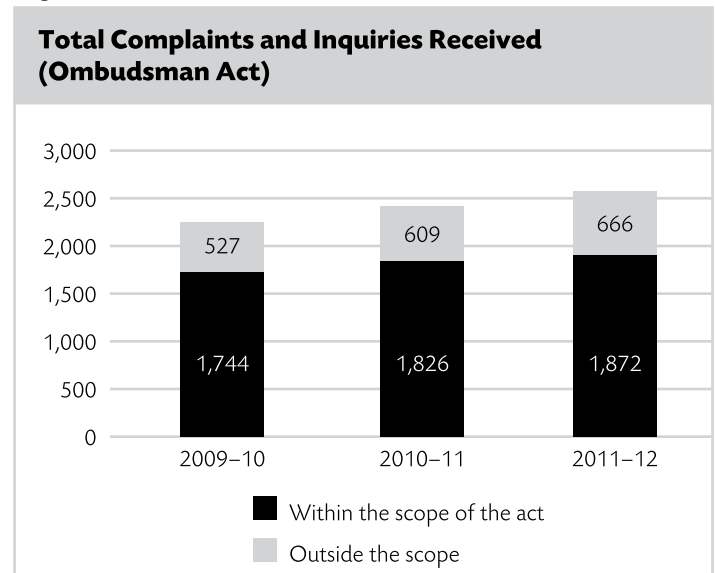


Figure 4 illustrates the time frames within which investigations and reviews were completed. This figure demonstrates the strength of the informal process for efficiently resolving complaints and concerns.

Figure 4

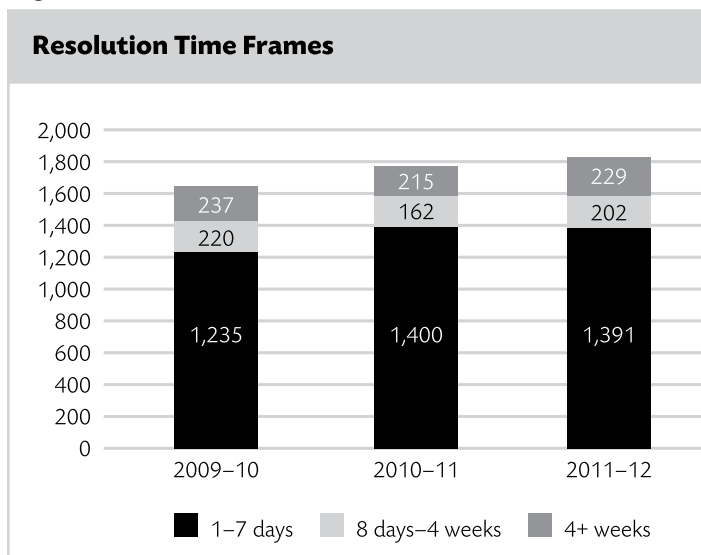
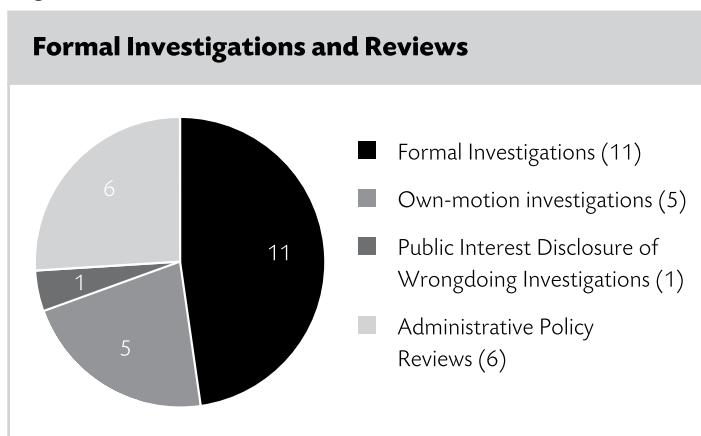


Figure 5



As illustrated in Figure 5, the Office initiated 17 formal, own-motion, and Disclosure of Wrongdoing investigations in 2011-12. In addition to these formal investigations, we have undertaken six administrative policy reviews outside the formal process.

The Civil Service Disclosure of Wrongdoing Regulations were replaced by the Public Interest Disclosure of Wrongdoing Act in December 2011. The Office received 14 allegations under the previous regulations and four under the new act. Of these allegations, four were referred for assessment and possible investigation under the Ombudsman Act. One allegation received under the new Disclosure Act is currently being investigated. More information on processes and outcomes related to the Office's activities in this area can be found in the Disclosure of Wrongdoing section.

A total of 60 formal recommendations were issued in 2011-12. Of those, 21 have been implemented, 38 are being monitored, and one was rejected. Twenty-six recommendations resulting from investigations completed this year involved review, development, or changes to policy, procedure, or legislation, and 10 recommendations addressed training issues.

Policy Development and Reviews

Reviews initiated in 2011-12 included the following:

- charting practices at a hospital
- process for determining school bus stops
- eligibility for income assistance for people staying at emergency shelters
- administration of the Liquor Control Act
- policies relating to refugee claimants held at provincial correctional facilities
- registration of continuing care assistants
- oversight of self-regulating bodies
- suspension of drivers' licenses
- access to health services by inmates in provincial correctional facilities

The Office also acts as a consultant to government by providing expertise in policy development. Areas where our input was requested included the following:

- follow-up on issues identified in a national report card related to youth in care
- review of policy related to Services for Persons with Disabilities

Outreach

Outreach to the public and government employees is an essential activity of the Office. Staff visited communities and government-licensed facilities throughout the province. To promote awareness and understanding of the Office's role and provide access to its services and processes, Ombudsman representatives made presentations to community groups, employees of government departments and agencies, as well as members of the public. Through these efforts, the Office reached more than 4,000 people in 2011–12, and saw a modest overall increase in outreach contacts (3 per cent), due in part to an increase in the Office's on-site presence within correctional facilities.

The Office supported two academic prizes in the Business Administration program at the Nova Scotia Community College. Office staff attended the ceremony where these prizes were awarded to students. Office staff also helped with the coordination of activities for the Council of State Governments' Eastern Regional Conference.

Through a media release, the Office expressed its support for a national plan to improve the lives of Aboriginal children and youth. The need for such a plan was stated in a report, *Canada Must Do Better: Today and Tomorrow*, by the Canadian Council of Child and Youth Advocates.

The Facebook page for the Office has contact information and the toll-free phone number for Youth Services. We post information of interest to children, youth, and young adults, such as the release of the report of the provincial Cyberbullying Task Force. Twitter, the social media tool, is also used to announce activities and promote the mandate of the Office. Updates made to the website in 2011–12 include an expanded list of links for children and youth, as well as the addition of information pertaining to the new Public Interest Disclosure of Wrongdoing Act.

Records Management

The Office follows the government standard for records management (Standard for Administrative Records and Standard for Operational Records, or STAR/STOR). The records control database is updated regularly. An ongoing inventory of older records is nearing completion and it is expected that some of these records will be sent to disposal in the near future. The remainder will be processed for long-term storage.

Further work has been completed on the new case management software project. In collaboration with the Department of Finance, a module of software, Client Relations Management (CRM), is being modified to replace the present systems. Testing and initial launch are expected early in the 2012–13 fiscal year.



Tom West, records analyst, sorting files.

A Month at a Glance

The following list illustrates the number and scope of concerns brought to the attention of the Office in June 2011:

- access to information (1)
- breach of privacy (1)
- bylaw enforcement (2)
- child welfare (6)
- complaint/appeal process (4)
- conflict of interest (2)
- damage claim (1)
- dissatisfaction with caseworker (5)
- education funding issues (1)
- employment dispute—public service award (1)
- federal government service (10)
- financial benefits—delayed/denied/reduced (11)
- financial benefits entitlement (8)
- financial mismanagement (1)
- government identification (2)
- housing assistance (5)
- information request (4)
- inmates
 - access to lawyer (1)
 - access to telephone (2)
 - canteen (2)
 - clothing (3)
 - complaint process (5)
 - conditions (3)
 - diet (4)
 - discipline (5)
 - medical (11)
 - missing property (1)
 - programming (1)
- legal issue/funding (12)
- license renewal/suspension (3)
- maintenance enforcement (3)
- medical care and administration (7)
- municipal funding (1)
- out-of-province matter (1)
- private
 - insurance (3)
 - business (11)
 - landlord/tenant (6)
 - medical (3)
- public-sector hiring (1)
- RCMP complaints (4)
- road maintenance (3)
- seniors
 - eligibility for grant (1)
 - home care (1)
 - housing (1)
- service quality—general (3)
- student loans (1)
- taxation of used vehicle (1)
- trusteeship (1)
- youth
 - care plan (5)
 - care status (1)
 - contact with family (1)
 - court/legal (2)
 - denied financial benefits (1)
 - discipline/policy (4)
 - issue with staff (6)
 - medical care (1)
 - privacy of phone call (5)
 - safety (4)

Investigation and Complaint Services (I&CS)

Investigation and Complaint Services provides an independent process for investigating and resolving concerns regarding the services delivered by provincial and municipal government departments, agencies, boards, and commissions.

When a person initially contacts the Office with a concern, they are encouraged to first seek a resolution using the government body's internal complaint process. When an internal complaint process does not exist or has been exhausted, Ombudsman representatives will attempt to work cooperatively with government and the concerned person to resolve the issue. These initial efforts to resolve the dispute are consistent with alternative dispute resolution and are reflected in the high proportion of complaints and concerns resolved by the Office through administrative reviews and the informal process.

A more formal approach is adopted by the Office when other methods of complaint resolution are exhausted or inappropriate. It focuses 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 when necessary.

An effective internal complaint resolution process is integral to all government organizations because it provides an opportunity to efficiently resolve matters and promotes accountability and quality assurance within government. While there have been improvements in many areas, the Office continues to see a need for further development and enhancement of internal complaint processes within government. Support, promotion, and monitoring of such improvements are important functions of the Office of the Ombudsman.

Ombudsman representatives have been working with Sheriff and Court Services to improve the transparency and accessibility of their complaint processes. The Office has also been working with Correctional Services on the implementation of a direct supervision model within correctional facilities.

The 2011–12 fiscal year saw the closure of a number of matters reported last year. A final report and recommendations were issued to the Maintenance Enforcement Program. These recommendations have been implemented and have the potential for positive

impact for future service delivery. Monitoring on an own motion regarding the internal complaint process within Correctional Services has also been completed. Recommendations from the investigation of the South West Shore Development Authority continue to be monitored.

In May 2011, the Office released a report regarding its investigation of loans and loan guarantees provided by nine municipalities to the former South West Shore Development Authority. A number of issues were identified regarding municipal officials' obligations under the Municipal Government Act. The investigation concluded that nine municipalities authorized guarantees and expenditures of public funds outside the authority of the Municipal Government Act. The investigation also examined the oversight role of Service Nova Scotia and Municipal Relations. Of the six recommendations made in the report, all but one were accepted. The Office had recommended that public funds not be used to pay loan guarantees; however, this recommendation was not accepted. The remaining recommendations were accepted and the Office continues to monitor their implementation.

The Office also issued recommendations to the Human Rights Commission stemming from an investigation noted in last year's report. Recommendations addressed processes and standards for quality assurance and investigative timelines. Implementation is being monitored as part of the redesign of related processes at the commission.

A final report and recommendations were issued relating to the Office of the Fire Marshall. Recommendations addressed the establishment of policies and procedures that would ensure specific fire officials are aware of their duties and receive relevant training. Further recommendations addressed the need for quality assurance relating to documentation and investigation.

Case Examples

The following cases demonstrate the nature and scope of investigations and reviews undertaken by Investigation and Complaint Services.

Denied Extension for Filing a Complaint

An individual contacted the Office indicating that a commission did not provide the appropriate form to request an extension to file a complaint; as a result the deadline was missed. Discussions with commission officials determined that there was no record of the necessary form being mailed to the complainant. The commission agreed to reopen the process for requesting an extension for the complaint.

Denied Re-entry to a Provincial Park

After a temporary absence, a group of campers was denied re-entry to a provincial park because park officials found that the campers had not followed park rules. The group complained to the department about the experience; however, the department's review found no fault in the decision of park staff.

Our inquiries resulted in the department agreeing to have a third party conduct another review of the matter. The department agreed to make it standard practice to provide an opportunity for further input and clarification from complainants when conducting investigations. The department also committed to review communication materials provided to campers upon arrival. A review of compliance and enforcement processes was also undertaken.

Property Taxes

A property owner advised us that they had not received a notice that their properties could be sold for overdue taxes. The property owner was also not aware that they could be required to pay additional fees, such as legal costs.

An Ombudsman representative contacted the municipality, which agreed to review the format of such notices and determine if more information should be included about possible additional costs. The municipality reissued the notice to the property owner, and provided another opportunity to pay outstanding taxes and avoid tax sale proceedings.

Student Loans

A post-secondary student came to the Office with concerns related to the possible miscalculation of an over-award by provincial student loan officials and its subsequent effect on new student loans. There was also confusion about the student's status, causing uncertainty about a return to university. Ombudsman representatives facilitated a meeting with the student and the government department to clarify and review the student's circumstances. The student subsequently received funds and was able to continue with the university program.

Inspection of On-site Sewage Disposal

A member of the public was concerned with the waste disposal arrangements of a nearby property. The government department requested that this Office review its investigation of the complaint. Ombudsman representatives reviewed the concerns and the department's investigation, and found a number of areas for improvement. Recommendations were made relating to reporting procedures and inspection guidelines. These recommendations were accepted and are being monitored.

Unexplained Pension Deduction

A person on income assistance contacted the Office concerned about an overpayment that resulted in a deduction from their pension benefits. An Ombudsman representative reviewed the matter and determined that a waiver had been signed allowing the department to deduct the amount from the pension; however, a letter regarding the overpayment and appeal process had not been sent to the complainant. The department subsequently sent a letter to the complainant and extended the time and date for making an appeal.

Placement of Names on Identification

A parent contacted the Office stating they had difficulty obtaining government identification for their children due to a long surname. Upon review, an Ombudsman representative determined that surnames which do not fit on government identification are truncated differently depending on the issuing department, and these differences can lead to confusion and difficulty in obtaining other forms of identification, such as passports. The departments agreed to examine the feasibility of expanding the number of characters on identification cards and implementing consistent standards among departments for the shortening of names.

Avenues of Internal Complaint Resolution

The Office was contacted regarding avenues for health care professionals to internally raise concerns relating to patient safety and care without fear of reprisal. A number of other concerns were also brought to our attention, including the length of time to receive autopsy reports, and the practice of surgeons attending autopsies. This latter concern raised a question of perceived bias or conflict.

The hospital acknowledged delays regarding autopsy reports, and developed a plan to address this issue and to meet the established standard of a 90-day turnaround time. The hospital clarified that surgeons who attend autopsies do so only to observe, and as a learning opportunity. However, to ensure clarity, the hospital developed a policy and procedure regarding attendance at autopsies by clinicians as observers. The hospital also accepted that there was an opportunity to increase awareness and education relating to its existing policies for addressing internal concerns.

Reinstatement of Operator's Licence

An individual submitted payment for the renewal of licensed operator permits. Through error, the amount submitted was slightly less than the total amount due. The department noted the shortfall on the receipt provided, but the complainant did not see it and did not make the required payment. The operator's licences were suspended and a reinstatement fee was applied. The Ombudsman representative learned that licence reinstatement fees had been temporarily removed due to an internal policy review the department was conducting at the time. As a result, the complainant became eligible for a refund of the reinstatement fee.

Selected Departmental Statistics

The following tables detail the nature of complaints received for the six public bodies for which the Office most commonly receives complaints. The complaints are categorized according to services, programs, or issues identified by the complainant. The Office recognizes that the number of complaints concerning a public body does not necessarily reflect the quality of service, but may relate to the nature of the service provided.

Justice					
Years	Total	Correctional Services	Maintenance Enforcement Program	Courts Services	Other
2011–12	427	360	44	14	9
2010–11	352	277	47	19	9
2009–10	273	211	39	16	7

Community Services							
Years	Total	Employment Support and Income Assistance	Family and Children's Services	Housing Services	Service Issues	Services for Persons with Disabilities	Other
2011–12	260	123	49	39	28	10	11
2010–11	253	111	45	41	22	19	15
2009–10	226	107	53	44	12	6	4

Health and Wellness							
Years	Total	Offender Medical	Continuing Care	Capital District Health Authority	Other District Health Authorities and Hospitals	Pharmacare	Other
2011–12	215	129	30	15	15	8	18
2010–11	199	104	44	24	13	4	10
2009–10	166	94	32	13	9	8	10

Workers' Compensation Board					
Years	Total	Administrative Service	Benefits	Claims Process	Other
2011-12	53	16	16	17	4
2010-11	52	14	18	11	9
2009-10	59	21	12	6	20

Service Nova Scotia and Municipal Relations							
Years	Total	Registry of Motor Vehicles	Residential Tenancies	Debtor Assistance and Student Loans	Land Title Registry	Tax Commission	Other
2011-12	58	30	10	3	3	3	9
2010-11	53	30	7	0	2	3	11
2009-10	45	20	8	2	1	1	13

Halifax Regional Municipality					
Years	Total	Halifax Regional Police	Planning and Development Services	Transportation and Public Works	Other
2011-12	34	13	5	7	9
2010-11	39	15	7	4	13
2009-10	54	18	10	7	19

Youth and Seniors Services

Youth Services

Youth Services independently investigates and resolves concerns relating to children and youth, and is an integral part of quality assurance for children and youth receiving provincial and municipal government services. Youth Services also monitors emerging issues and research related to youth in order to be prepared to respond to changing needs.

In addition to addressing specific complaints, Ombudsman representatives conduct regular site visits to youth in care and custody, and provide individual, monthly, and quarterly reports to respective departments. Representatives work closely with youth, residents, and staff of provincial care and custody facilities to establish and maintain a positive rapport. This gives individuals an opportunity to come forward with concerns and to seek resolutions to potential problems before they become complaints. The number and type of issues addressed are reflected in Figures 6, 7, and 8. In 2011–12, the Office conducted 146 site visits to youth in care and custody, and met with 423 youth.

Office staff hosted a workshop as part of the Nova Scotia Federation of Foster Families' annual general meeting, and will be attending future events to further raise awareness among foster families of the role of the Office.

As part of its outreach and quality assurance activities relating to youth in care and custody, Youth Services conducts a number of Youth Evaluation Interviews each year where youth are asked specific questions about their experiences in care and/or custody. The interview tool has been revised for 2012–13. Additional questions designed to gather information on bullying have been incorporated in the survey. Youth Services also consulted with social work graduate students in the course of reviewing the interview tool, and conducted a focus group to gather feedback from youth in care.

Ombudsman representatives participate in a number of community-based organizations and initiatives. An Ombudsman representative joined the Board of Directors of the Nova Scotia Council of the Family and assisted with In the Loop, a conference promoting post-secondary educational opportunities for youth in care. Staff also sit on an ad hoc committee with representatives from community organizations and the Department of Community Services that is following up on the issues identified in the National Youth in Care Network's Report Card.

Youth Services is continuing an initiative within the public school system to raise awareness about the role of the Office and about the rights of children and young people under the United Nations Convention on the Rights of the Child. Educational material has been provided to all public schools and Ombudsman representatives plan to meet with guidance counselors in the coming year to discuss further outreach and educational opportunities.

Youth Services presented to the Nova Scotia Task Force on Cyberbullying, and Ombudsman representatives attended a public consultation. The role and contribution of the Office was recognized in a report released by the Task Force in March 2012. The Office of the Ombudsman is named in two of the recommendations contained in the report.

The development of a child death and critical injury review process for Nova Scotia is an ongoing interest of the Office. Youth Services continues to network with stakeholders in this area, and monitors trends in child death and critical injury review processes.

Input from the Office was also requested by the Department of Community Services in relation to their Services for Persons with Disabilities program. Ombudsman representatives reviewed the policy and provided feedback that is now being incorporated into the program.

Figure 6

Youth Services—Secure Care Issues Raised, by Category	
Discharge plans/placement	5
Policies and procedures	4
Conflict with other youth	4
Staff	3
Social Worker	2
Health care/concerns	1
Conditions	1
Other	1

Figure 7

Youth Services—Custody* Issues Raised, by Category	
Discipline	11
Staff	9
Policies and procedures	7
Conditions	7
Police/courts	6
Health care/concerns	1
Discharge plans/placement	1
Access to family	1
Other	3

***Number of custody issues, by facility:** Nova Scotia Youth Facility (39); Cape Breton Youth Detention Facility (1); Stellarton Police (3); Halifax Regional Police (2); RCMP (1)

Figure 8

Youth Services—Residential Child-Caring Facilities Issues Raised, by Category	
Policies and procedures	16
Staff	9
Health care/concerns	7
Conflict with other youth	6
Access to phone	6
Conditions	4
Care plan	4
Social Worker	2
Discharge plans/placement	1
Food	1
Programming	1
Access to family	1
Other	1

Case Examples

The following cases demonstrate the nature and scope of investigations and reviews undertaken by Youth Services.

Barriers to Transportation

A student receiving income assistance was unable to obtain a bus pass from the college due to an outstanding school fee that the student was having difficulty paying. The bus pass was required for the student to attend school. The student requested a government department's assistance in paying the fee, but was experiencing difficulties communicating with officials. An Ombudsman representative was able to facilitate communication between the student and the government department; the fees were paid; and the student obtained the bus pass and resumed studies.

Inappropriate Release of Information

A youth contacted the Office with a concern that a government official had disclosed personal information without the appropriate authorization. An Ombudsman representative discussed the allegation with the government department. The department's investigation was unable to determine who had disclosed the information. The department agreed that the action was unacceptable, and reinforced the appropriate procedures with staff in order to avoid a reoccurrence.

Access to Sports Equipment

A youth in care, residing in a provincially regulated facility, informed an Ombudsman representative that there was inadequate sports equipment accessible to the residents. The Ombudsman representative discussed this concern with facility management, and the desired sports equipment was purchased.

Special Needs Transportation

A parent contacted the Office with concerns about transportation arrangements for sending a child to school. The child had physical and mental disabilities and was unable to use the school bus. The school board had paid for alternate transportation the previous year, but was no longer going to cover this cost. An Ombudsman representative spoke with school board officials, reviewed the relevant policy, and found that the funding had been

temporary and the practice was consistent with policy. The policy was provided to the parent who met with school officials to discuss other transportation options. This resulted in the child being transferred to a school closer to home.

Funding of Dental and Medical Costs

An individual on income assistance with a grandchild placed in their care contacted the Office with concerns relating to the funding of health and dental services for the child. The grandparent said that they had not received a copy of the court order required to receive funding for care of the child. An Ombudsman representative facilitated the provision of the required documentation so that records could be updated and funding adjusted.

Eligibility for Legal Aid

An individual contacted the Office for help in navigating the legal aid system. The individual was a family member of a youth who had left the parent's home. The family member and the youth were seeking legal assistance to change custody arrangements, but were having difficulties applying for legal aid. An Ombudsman representative clarified the legal aid application process and assisted the family member and the young person to access the legal aid intake process.

Out-of-Province Funding

An individual contacted the Office with concerns relating to the funding of out-of-province mental health treatment. The complainant raised concerns regarding the response of a District Health Authority (DHA) to a funding request, and the criteria and process followed in forwarding the request to the appropriate provincial department. The investigation is ongoing. It will focus on issues related to the criteria used by the DHA when forwarding funding requests to the department, and on how the appeal and complaint processes are communicated to patients and/or substitute decision makers. Findings will be provided in the next annual report.

Seniors Services

Seniors Services investigates and facilitates the resolution of complaints regarding issues impacting seniors. Ombudsman representatives visit residential care facilities, nursing homes, and homes for the aged to explain the role of the Office and to discuss concerns that seniors, their families, caregivers, and staff may have about provincial and municipal government services.

The Office received 61 seniors-related inquiries and complaints in 2011–12, and made 93 visits to long-term care facilities. Many of the issues brought to our Office were related to long-term care, and included complaints or inquiries about quality of care, wait lists, and cost of services. Other concerns related to housing, power of attorney, home care, and investigations regarding protection of persons in care.

Outreach and collaboration are important aspects of the work undertaken by Seniors Services. In addition to regular visits to licensed care facilities throughout the province, Ombudsman representatives continually seek opportunities to educate community groups and other service providers on the role of the Office of the Ombudsman and Seniors Services.

Staff made presentations to students in Continuing Care Assistant (CCA) programs and provided information that could be of use to CCAs and the seniors with whom they work. These presentations and referrals resulted in later inquiries from students and seniors. Other examples of outreach efforts include the following:

- a mail-out to seniors' councils and community groups throughout the province
- attendance at Seniors Safety Days, 50+ Expos, Wellness Expos, and Scamjam
- presentations to the Victorian Order of Nurses (VON)
- a postcard for seniors that explains how the Office can help seniors and their families to navigate government services and that provides a list of contact numbers for relevant government services and community groups (see Figure 9).

Figure 9: Front of Seniors' Postcard



The image shows the front of a postcard for the Nova Scotia Office of the Ombudsman. It features a stylized logo of three figures in a circle on the left and the Nova Scotia coat of arms on the right. The text is centered and reads: 'Nova Scotia Office of the OMBUDSMAN'. Below this, it asks 'ARE YOU A SENIOR?' and 'HAVING DIFFICULTY WITH A GOVERNMENT PROCESS?'. It then states 'WE HAVE TIME TO TALK.' and provides information about the Office's services, including a list of examples of issues reviewed (Senior's Housing & Home Repair Programs, Home Care & Senior's Pharmacare, Long Term Care, Driver's Permits). It also offers contact information: 'Call 1-800-670-1111' and 'www.gov.ns.ca/ombu/'.

Timely and effective resolution of the matters brought to Seniors Services requires that Ombudsman representatives be in regular contact with officials from the Department of Health and Wellness and the Department of Community Services. To develop and maintain a working relationship with these departments and service providers, specific Ombudsman representatives are designated to work primarily within this area.

The Office received a number of inquiries from individuals who had concerns about the care received by family members who live in long-term care facilities. These concerned family members filed complaints with the Department of Health and Wellness under the Protection of Persons in Care Act, but were not satisfied with the reviews undertaken by the department, and subsequently contacted our Office.

In these cases, Ombudsman representatives completed administrative reviews of the relevant matters to ensure that the Protection of Persons in Care (PPC) process had been appropriately followed. Through communication with the department, the Office has learned that a formal review option has been integrated into the PPC process and that the department will work to ensure sufficient information is provided to families in relation to the PPC process and possible outcomes.

Case Examples

The following cases demonstrate the nature and scope of investigations and reviews undertaken by Seniors Services.

Housing Transfer

A resident in seniors' housing was having difficulties with a neighbour and with a housing employee. The resident felt that complaints to housing management were being ignored. An Ombudsman representative mediated a meeting between housing officials and the resident. Steps were taken to address the concerns about the employee, including a letter of apology to the senior. In addition, an Ombudsman representative facilitated the resident's transfer to another unit away from the neighbour.

Prescription Drug Coverage

An adult child of a senior contacted the Office with concerns about coverage of his mother's prescription medication. The senior was eligible for provincial pharmacare coverage, but information required to begin coverage was not received by the department. As a result of the intervention of the Office, the department agreed to review the senior's medication receipts for a period of time and reimburse the costs of those medications.

Caregiver Allowance

A family caregiver contacted our Office with concerns regarding the narrow criteria for the Caregiver Benefit Program (formerly known as the Caregiver Allowance). The caregiver's application for the program had been declined because, although the need for daily care was high, the difficulty in providing the care was assessed as lower because the caregiver's parents did not present with behavioral challenges.

Ombudsman staff explained the assessment tool that would have been used when the first application was made, and recent revisions to the criteria that may make approval of the caregiver's application more likely. Staff provided the caregiver with contact information and explained the appeal process in case their application was declined again. The caregiver reapplied and was approved for the program.

Own-Motion Investigations

The Office may, on its own initiative, investigate government activities, practices, and policies. These reviews and investigations are usually initiated to address possible systemic concerns. In addition to own-motion investigations, the Office may conduct administrative reviews of government policies and practices. The following cases demonstrate the nature and scope of own-motion investigations.

Motor Vehicle Licence Suspensions

Responding to a number of complaints, the Office undertook an investigation of the Registry of Motor Vehicles and the processes it followed in suspending and reinstating drivers' licences. Issues examined by the Office included the following: the information provided to suspended drivers prior to their hearings; the potential for bias (actual or perceived) where the hearing is held by the original decision maker; and the parameters and guidelines for establishing conditions on drivers before they may regain their licences.

The recommendations made by the Office addressed the above areas and were incorporated into the changes made to the Motor Vehicle Act in the autumn of 2011.

Safety of Hot Water Temperatures

This investigation was initiated in response to concerns that high water temperatures had caused serious burns to seniors living in care facilities in other provinces. The review of practices in Nova Scotia found that there was no provincial standard for maximum water temperature in care facilities. The Office recommended that the department develop and implement standards for domestic hot water temperatures in provincially licensed nursing homes and residential care facilities that are in keeping with best practices at the national level. The recommendation has been accepted and the standard is under development.

Inmate Health Services

The Office received many complaints from inmates related to health services. Ombudsman representatives reviewed inmates' access to health services, and the request and complaint process for health services. Recommendations included modifying a complaint form to create a receipt to facilitate tracking and maintenance of timelines; developing a process for submitting complaints confidentially; and clarifying the roles and responsibilities of staff involved in the health care request and complaint process. The recommendations have been implemented.

Standard Procedures Not Followed

While investigating a complaint related to an assault within a provincial correctional facility, the Office became aware that prescribed safety procedures were not being followed. Ombudsman representatives interviewed staff and reviewed the department's internal investigation. The investigation found that the length of time it took to report the assault to police was inadequate and inconsistent with existing policy. Administrative and human errors were also identified where standard operating procedures were neither available nor followed by staff, and supervision was found to be inadequate.

The Office recommended that the supervisor's role be reviewed to ensure adequate supervision of operational staff, and that corrective actions identified by the department's investigation be continued with an evaluation and audit component. The implementation of these recommendations is being monitored.

Protection of Property Act

A person received notification that they were permanently barred from a provincial college under the Protection of Property Act. There was no provision for a scheduled review of the circumstances relating to the barring. The Office recommended implementing a timeline for review on future notices. The department agreed with the recommendation and committed to implementing a six-month period on any future notice issued under the Protection of Property Act, whereupon the notice will be reviewed to determine if it is still appropriate.

Complex Needs

The Office of the Ombudsman initiated an own-motion investigation respecting placement and service delivery issues within the Department of Community Services, in the Services for Persons with Disabilities program. The investigation also included the Department of Health and Wellness and the Department of Justice.

The investigation focused on clients identified as having complex needs who often require a comprehensive service response that cannot be met or sustained within the existing continuum of services offered by the Services for Persons With Disabilities program. The investigation is at the consultative stage and has identified gaps and barriers within current service delivery that suggest a need for further collaboration among departments. A final report and recommendations will be issued in the next fiscal year.

Administrative Policy Reviews

In addition to formal own-motion investigations, the Office also conducts administrative reviews of government policies and practices. The following cases demonstrate the nature and scope of administrative policy reviews.

Income Assistance and Emergency Shelters

Responding to concerns raised about the consistent application of a government policy across emergency shelters, an Ombudsman representative undertook a review of the department's policy as it related to emergency shelters. Consultation with a senior policy advisor indicated that the policy did not unduly discriminate among emergency shelters.

Hospital Charting Practices

As a result of issues identified in another file, a review of practices relating to the medical charting of patients in a hospital was undertaken. The review found that the problems were not systemic and no significant changes were required to the hospital's charting systems.

Formal and Informal Recommendations

The following examples show the nature and scope of formal and informal recommendations arising from formal investigations, own-motion investigations, and administrative reviews.

Issue	Formal Recommendations
Suspension of Driving Privileges	<ul style="list-style-type: none"> • Reimburse a fee and acknowledge to the complainant that the file was not managed appropriately. • Establish criteria and guidelines relating to suspension of driving privileges. • Ensure staff are aware of the requirements and revisions of the policy. • Ensure comprehensive reviews are conducted when complaints are filed.
Financial Oversight	<ul style="list-style-type: none"> • Examine the intent of annual financial audited statements. • Examine the intent of registered municipal auditors. • Provide annual training regarding legislation—to administrators, elected officials, and auditors. • Examine an identified gap in the oversight role provided within the legislation.
Duties of Fire Officials	<ul style="list-style-type: none"> • Establish policy and procedures that more effectively detail the duties of fire officials. • Establish policy and procedures that detail the duties of fire officials with respect to notification of the police. • Ensure all newly appointed fire officials receive timely training in their roles and responsibilities. • Develop a system to track the appointment of fire officials and their attendance at training. • Develop a system to ensure the department receives and reviews all reports required from fire officials in relation to events and investigations.
Licensing Criteria	<ul style="list-style-type: none"> • Develop criteria to address licensing of instructors in relation to the qualifications of applicants from foreign countries. • Provide a letter of apology to the complainant.
Requirements for Disposal System	<ul style="list-style-type: none"> • Review the existing reporting process of qualified persons relating to malfunctions of disposal systems. • Review technical guidelines to ensure the requirements are clear. • Establish criteria to guide staff on the acceptable levels of bacteria. • Clarify the interpretation of regulations relating to minor alterations and approval of disposal systems, to ensure consistent application.
Investigations by a Provincial Commission	<ul style="list-style-type: none"> • Develop and implement a quality assurance process to monitor ongoing investigations. • Review quality standards for investigations, training, and documentation. • Develop policy or guidelines to help staff in granting or denying extensions to submit rebuttals. • Ensure that staff are aware of policy requirements and revisions.
Improvement to Complaint Process	<ul style="list-style-type: none"> • Revise forms to include a detachable receipt. • Develop a process for submitting requests and complaints. • Clarify the role and authority of health officials, and create an adequate time frame for responding to complaints.
Improvement to Appeal Process	<ul style="list-style-type: none"> • Implement standards for the release of information to people before their hearings. • Implement changes so that hearings are heard by someone other than the person who issued the initial decision. • Develop parameters and guidelines for the use of discretion in prescribing conditions for reinstatement of licenses.

Issue	Informal Recommendations
Improvement to Complaint Process	<ul style="list-style-type: none"> • Revise the department’s policy to make it standard practice when investigating public complaints to contact the complainant and provide an opportunity for further input and clarification. • Review communication materials to ensure the public is made aware of the role and enforcement authority of officials.
Policy and Process for Public Hearings	<ul style="list-style-type: none"> • Amend the department’s policy to encourage consideration of financial hardship when deciding whether to reschedule a hearing. • Include a documented complaint process with other policies available on the department’s website
Enforcement of Municipal Building Code	<ul style="list-style-type: none"> • Review the municipality’s process for responding to Building Code violations to ensure fair and consistent enforcement and adequate documentation. • Outline the appeal process with respect to Building Code violations when sending municipal correspondence relating to the Building Code. • Develop and implement quality assurance mechanisms to provide oversight and monitoring within Building Services. • Develop a communications policy outlining expected timelines for responding to correspondence.
Format of Municipal Notices	<ul style="list-style-type: none"> • Review the format of municipal notices sent to property owners when their property may be sold for tax arrears.
Complaint Process at a Provincial College	<ul style="list-style-type: none"> • During the next revision of documentation, consider a section on how to file a complaint concerning a staff member. • Revise the incident report form to be more accessible.

Disclosure of Wrongdoing

This has been a year of significant transition for disclosure-related activities, as the Public Interest Disclosure of Wrongdoing Act was proclaimed on December 20, 2011. The new legislation replaces and expands the Civil Service Disclosure of Wrongdoing Regulations. The period of transition will continue as the Office receives inquiries and educates government and the public about the new legislation.

Civil Service Disclosure of Wrongdoing

The regulations respecting Civil Service Disclosure of Wrongdoing were in effect from September 2004 until December 2011. The regulations and policy provided Nova Scotia's civil service with a process to disclose allegations and concerns of wrongdoing within government. Figure 10 provides a summary of all 121 allegations received since the inception of the regulations in 2004. As shown in Figure 10, allegations received under the disclosure regulations were investigated under the Ombudsman Act when an initial review and assessment found the allegation to be outside the scope of the disclosure regulations.

Figure 10



The Office of the Ombudsman received 14 allegations of government wrongdoing between April 1, 2011, and December 20, 2011. Figure 11 provides a summary of how these allegations were assessed and dealt with through various avenues of redress.

Figure 11

Allegations of Wrongdoing under the Disclosure Regulations, April 1 to December 20, 2011	
Outside the scope of the regulations*	8
Discontinued by initiators	2
Received administrative review under the Ombudsman Act	2
Investigated under the Ombudsman Act	2
Investigated under the Disclosure Regulations	0
Total allegations	14
* An allegation was considered outside the scope of the regulations if an individual did not meet the definition of employee under the regulations, or if the matter could be dealt with through a more appropriate mechanism and a referral was made.	

Allegations of wrongdoing received in 2011–12 under the Civil Service Disclosure of Wrongdoing Regulations encompassed the following:

- reprisal
- maladministration
- abuse of public funds
- wrongful dismissal
- abuse of authority
- procurement issues
- respectful workplace concerns
- health and safety issues

We continue to monitor the implementation of recommendations on two files brought forward in previous years where findings of wrongdoing were made. One matter involved issues related to a respectful workplace; the other involved compliance and enforcement of government regulations. The Office is also monitoring the implementation of recommendations on two other files where no wrongdoing was found but where areas for improvement were identified. The monitoring of recommendations made two years ago in relation to vehicle compliance at Transportation and Infrastructure Renewal's Amherst scale house has been completed, as all recommendations have been implemented.

Public Interest Disclosure of Wrongdoing

The Public Interest Disclosure of Wrongdoing Act and Regulations give employees of specified government bodies and members of the public a clear process for disclosing concerns about wrongdoing in government. They also provide protection from reprisal for government employees who bring forth a disclosure in good faith. The Office has begun conducting education sessions with government and is preparing to expand these activities in the next fiscal year.

The act is not intended to deal with all matters and concerns that employees may have. Other avenues—such as the Occupational Health and Safety Act, the Human Rights Act, corporate human resources policies, and the grievance process for unionized employees—may provide more appropriate redress in some circumstances.

The procedure for receiving and assessing allegations under the new legislation is similar to that followed under the previous disclosure regulations. Government employees and members of the public may make disclosures of wrongdoing by contacting the Office of the Ombudsman directly. Government employees may also make disclosures to their supervisor or to the designated officer for the government body where they work. Allegations received by the Office will be assessed to determine whether they are best addressed under the Public Interest Disclosure of Wrongdoing Act or the Ombudsman Act. Inquiries and allegations may be referred to other agencies or avenues of resolution where appropriate.

As the Office works with the new act and regulations, questions and concerns related to the implementation will be identified for future clarification and amendment.

The Public Interest Disclosure of Wrongdoing Act came into effect in the final quarter of the 2011–12 fiscal year. During this time, the Office received four allegations and began one investigation (see Figure 12).

Figure 12

Allegations of Wrongdoing under the Public Interest Disclosure of Wrongdoing Act, December 20, 2011 to March 31, 2012	
Allegations reviewed and assessed—no formal investigation warranted	3
Formal investigations (Public Interest Disclosure of Wrongdoing Act)	1
Total allegations	4

Complaints and Inquiries Received in 2011–12

Organizations	Total		
Justice	427	Economic and Rural Development.....	5
Corrections (360)		Public Service Commission.....	4
Department of Justice (67)		Chester (District Municipality).....	3
Community Services (258).....	260	Freedom of Information and Protection of Privacy Office	3
Child Welfare Agencies (2)		Nova Scotia Community College	3
Health and Wellness	215	Nova Scotia Utility and Review Board	3
Offender Health Services –Capital Health (129)		Amherst (Town).....	2
Department of Health and Wellness (56)		Annapolis (County Municipality).....	2
Capital Health (15)		Annapolis Royal (Town).....	2
IWK Health Centre(7)		Finance	2
Cumberland Health Authority (1)		Guysborough (District Municipality).....	2
Annapolis Valley Health Authority (2)		Halifax Water Commission.....	2
Colchester East Hants Health Authority (2)		Inverness (District Municipality)	2
Cape Breton District Health Authority (1)		Kings (District Municipality)	2
South Shore Health (1)		Lunenburg (District Municipality).....	2
South West Health (1)		Police Commission	2
Service Nova Scotia and Municipal Relations.....	58	Richmond (County Municipality).....	2
Workers' Compensation Board.....	53	Yarmouth (Town).....	2
Halifax Regional Municipality.....	34	Antigonish (County Municipality).....	1
Transportation and Infrastructure Renewal	23	Bridgewater (Town).....	1
Human Rights Commission.....	21	Clare (District Municipality).....	1
Legal Aid Commission.....	21	Colchester (District Municipality).....	1
Education	17	Cumberland (County Municipality)	1
Department of Education (11)		Digby (Town).....	1
Halifax Regional School Board (3)		East Hants (District Municipality).....	1
Annapolis Valley Regional School Board (1)		Economic Development.....	1
Chignecto Central Regional School Board (1)		Executive Council Office	1
Tri-County Regional School Board (1)		Fisheries and Aquaculture	1
Cape Breton Regional Municipality.....	16	Kentville	1
Labour and Workforce Development/	16	Nova Scotia Liquor Corporation (NSLC)	1
Advanced Education		Oxford (Town).....	1
Environment.....	9	Parrsboro.....	1
Agriculture.....	7	Pictou (Town).....	1
Natural Resources.....	6	Public Prosecution Service.....	1
Nova Scotia Pension Agency.....	6	Public Trustee	1
Property Valuation Services.....	6	Queens Municipality (Region).....	1
Workers' Compensation Appeals Tribunal.....	6	Shelburne (Town).....	1
		Tourism, Culture and Heritage.....	1
		Truro (Town).....	1
		Total Complaints and Inquires	1,267

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

Looking Forward

The implementation and promotion of the Public Interest Disclosure of Wrongdoing Act will continue in 2012-13. The Office will educate the public and government about changes brought about by the new act and will monitor the implementation of the requirement that each government body designate an officer to receive disclosures from its employees.

With the proclamation of the Disclosure Act, the Office expects to pursue overdue changes to the Ombudsman Act. These changes are designed to modernize the act and facilitate access to information and to the alternative dispute resolution activities undertaken by this Office.

The Office also plans to increase outreach and education within public schools regarding the mandate of the Office and the United Nations Convention on the Rights of the Child. As a part of these activities, children and youth will be invited to participate in an artwork competition hosted by the Office.

The feasibility of opening satellite offices will be examined. Also planned is a review of our oversight role within the health services sector and a review of our outreach activities with African Nova Scotian and First Nations communities.

New database software for managing investigations and reviews will be introduced next year. Adaptation to the new database will happen at the same time as other significant software changes are implemented across government. A review of the website of the Office is also planned.

Increased cross-training among staff is expected as integration between the different service areas of the Office continues. The piloted expansion of the Office's on-site presence within correctional facilities will be extended in 2012-13 to include all provincial correctional facilities.

Contact Us

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. Additional documents supplementing our Annual Report, including our Statement of Mandate and Accountability Report, may be found on our website, or by contacting the Office.

Website: www.gov.ns.ca/ombu
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Facebook: Nova Scotia Ombudsman
- Youth Services



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

