



Office of the Ombudsman

Annual Report
2012 - 2013

"...fairness, integrity, good governance"



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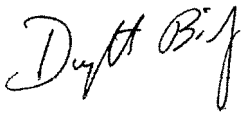
November, 2013

The Honourable Kevin Murphy
Speaker of the House of Assembly
Legislative Assembly of Nova Scotia
Province House
Halifax, Nova Scotia

Dear Speaker Murphy:

In accordance with section 24, subsection (1) of the Ombudsman Act, chapter 327 of the Revised Statutes of Nova Scotia, 1989, and of section 28, subsections (1) and (2) of the Public Interest Disclosure of Wrongdoing Act, chapter 42 of the Acts of 2010, 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 those acts for the fiscal year ending March 31, 2013.

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

I - Message from the Ombudsman

The role of the parliamentary ombudsman has many traditional components. It also is dynamic and evolving.

Traditionally that role has been reactive. The trend today, and our own practice in Nova Scotia, emphasizes a more proactive approach to service delivery.

There is increased awareness of the ombudsman's role as a bridge between the legislative body and the public, and in assuring accountability, transparency and fairness in public administration.

Our mandate is for oversight of provincial and municipal governance matters, and under recent legislation it includes disclosure of wrongdoing (whistle-blowing). Our office also provides proactive oversight of government services to children, youth, and seniors. Our youth services program model is guided by the principles in the United Nations Convention on the Rights of the Child.

In effect, the Nova Scotia Office of the Ombudsman constitutes three oversight bodies in one: a general avenue of complaints for all Nova Scotians, specialized services for youth and seniors, and a recently expanded mandate for complaints under the new Public Interest Disclosure of Wrongdoing Act. As a result, the experience and expertise of the office is broad, and resource efficiency is maximized.

In effect, the Nova Scotia Office of the Ombudsman constitutes three oversight bodies in one ...

The year was an active and meaningful one for our office.

An initiative aimed at focusing more resources on systemic issues affecting larger numbers of people

resulted in an increase in the scope of in-depth investigations and policy reviews.

We have done significant work to inform both government and the public about our role under the new Public Interest Disclosure of Wrongdoing legislation.

There have been continuing improvements in our services to adult corrections. We have worked closely with Correctional Services to reduce inmate complaints to this office while ensuring inmates' concerns are fully met at the facilities themselves. We have been encouraged by the openness and commitment to change demonstrated by Correctional Services.

Outreach remains a core activity. Our representatives attend local events, visit care and corrections facilities, and distribute information materials to increase public awareness of and access to our services. We provide a low-barrier complaint process that includes in-person, on-site reception of inquiries at government facilities. People answer our telephones; there are no recorded messages during work hours. We are active on Twitter and Facebook.

All Ombudsman matters are dealt with in confidence. In all our work the principle of fairness is paramount.

While most matters are resolved through less formal administrative reviews, we have both a mandate and the ability to dig deeper when necessary.

For example this year our office investigated and reported on the Cumberland Regional Development Authority (CREDA). This was an issue of accountability for public spending, and as such was of interest to all citizens.

In all our work, the principle of fairness is paramount.

We also conducted a review of the existing available means to determine the suitability of those seeking to work with, or already working with, vulnerable persons such as children. Our research disclosed that Canadian registry services range from non-existent to inconsistent at best.

We initiated a province-wide review of residential child-caring facilities. We also investigated services for people who have complex needs under the Services for Persons with Disabilities Program. Following our review we recommended significant changes affecting three government departments.

We launched investigations into two fatalities, one involving a child of a family receiving government services, and the other involving an individual in custody. Reports will be completed in the coming fiscal year.

As I reflect on our work this past year and look ahead, I am confident that we will continue to serve Nova Scotians professionally and well. But I am aware that the expectations of Nova Scotians have grown and our services are in increasing demand.

There are particular needs to expand services to vulnerable citizens such as youth, new Nova Scotians and diverse communities, and to seniors and others navigating an intricate health care system.

There are particular needs to increase services to vulnerable citizens such as youth ...

Propriety in government is another evolving public concern, fuelled by frequent headlines of misconduct. Citizens want oversight bodies to be increasingly vigilant.

In my judgment, the Nova Scotia community would benefit if the range of services by the Office of the Ombudsman was broadened.

In the end my concerns are about adequate resources to meet increasing needs. That said I believe we work effectively with financial resources that are modest by both Canadian Ombudsman and child advocacy standards.

One of our internal initiatives this year was a client satisfaction survey of members of the public who have contacted our office. The results of the survey were positive. Respondents generally were happy with the assistance they received, and many of them reported finding our referral service particularly helpful.

It is a matter of pride that we receive such positive feedback. It also is a tribute to our proactive approach, and to our staff of dedicated and skilled individuals.



*Dwight Bishop
Ombudsman*

II - About the Office

Our Mission

Our mission is to promote the principles of fairness, integrity, and good governance.

Role and Mandate

Our mission is achieved by working to ensure government decisions and processes are open, transparent, and consistent with the principle of fairness. Our mandate extends to all individuals who receive services from, or are impacted by, provincial and municipal governments.

Provincial government employees and members of the public also have an avenue to make allegations of government wrongdoing through the office's role in the disclosure of wrongdoing process.

Our mandate extends to all individuals who receive services from, or are impacted by, provincial and municipal governments.

Organization

Administration

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

Investigation and Complaint Services

Reviews and investigates general concerns about services provided by provincial and municipal government organizations, and, where appropriate, makes recommendations. Environmental and justice issues, property, and municipal services are among the areas of frequent inquiries and complaints. Has a focus on adult corrections.

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 child and youth facilities and services. Examines and investigates issues affecting senior citizens, particularly those who reside in provincially licensed residential care facilities. Promotes dispute resolution and makes recommendations where appropriate. Operates proactively to inform potential complainants of our services, and to identify and address problems before they escalate.

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 within government. The Public Interest Disclosure of Wrongdoing Act is the legislative basis for the responsibility of the office in 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 past year the roster has enabled the office to accommodate staff vacancies and to initiate in-depth investigations.

Janet McKinnon, a long-time public servant and former Executive Director, retired this year after 30 years with the province, 15 of them at the Ombudsman's Office. Janet's contributions to our service were substantial and very much appreciated by her colleagues.

Our Manager of Youth and Seniors Services, Kay Rogers-Lidstone, was honoured to receive the Queen Elizabeth II Diamond Jubilee Medal in recognition of her commitment to the protection of all Canadian children through child advocacy.

The office hosted three students: from the Eastern College Criminology Program, from the Nova Scotia Community College Office Administration Program, and from the Public Law Course at Dalhousie University's Schulich School of Law.

Training and Professional Development

Staff participated in external training opportunities, workshops and conferences on a range of topics including mental health and drug policies.

The office also hosted a number of in-house training sessions. Topics included the Workers' Compensation Board, the Commission for Public Complaints against the RCMP, the Property Valuation Services Corporation, Employment Support and Income Assistance, and the patient representative program of a district health authority.

In-house training has increased with the integration of different service units as our current priority. Mentoring and coaching is ongoing. To this end, specialists within the office frequently share their areas of expertise with the broader staff. The office also hosted a training workshop, *Children's Rights: A Paradigm Shift*, with facilitators representing the United Nations Children's Fund (UNICEF).

Members of our staff were extensively involved in preparations this year for the Forum of Canadian

Ombudsman Conference, which we hosted in Halifax in June of 2013.

The office makes its expertise available to government and the community on issues or policies in development or under review. An examples this year was an invitation by Service Nova Scotia and Municipal Relations to present to a delegation from Indonesia visiting the province as part of the Democratic Governance Program. The office also was invited to provide input on a complaint management process for a planning commission and a district health authority.

Diversity

Our commitment to recognizing diversity was reflected this year in staff training and committee representation in French language services, at the province's Diversity Round Table, and with the Lesbian, Gay, Bisexual, Transgendered and Intersex Network (LGBTI).

Our office reflects the diversity of our community.

Our 17 permanent employees as of March 31, 2013, included one person self-identified as aboriginal, and two self-identified as persons with disabilities.

The office also employs a number of supplementary employees each fiscal year on a term and casual basis, as well as student placements. Two of those employees are African Nova Scotians.

Two permanent employees are council members of the LGBTI Network.

Financial Resources

The Office of the Ombudsman spent approximately 97 percent of its allotted budget (Figure 1). The variance reflects savings in operational expenses. The increase in spending on salaries is due to government's implementation of revised pay levels for employees excluded from bargaining units.

The office received a budget supplement of \$102,000 to offset unfunded staffing costs related to illness. The office also absorbed its assigned share of government budget cuts. The office faces the new fiscal year with less funding than during the year under review.

Figure 1

Expenses	2012 - 2013	2012 - 2013
Core Business	Budget (\$000s)	Actual (\$000s)
Gross expenses	1776	1729
Net Program expenses	1776	1729
Salaries and Benefits	1509	1610
Staff (Full-time Equivalents)	17	16.5

III - The Year in Review

Complaint Resolution Process

The Office of the Ombudsman brings a variety of tools and approaches to its oversight responsibilities.

It combines an effective early resolution process, called administrative reviews, with formal or in-depth investigations and detailed examinations of systemic policy issues.

Another key strategy is proactive or pre-emptive problem solving, which is used extensively by the Youth Services unit of our office. The approach involves on-site identification and informal resolution of potential problems before they become more complex and difficult.

To measure the total services of our office, we identify categories of work, all somewhat different but all are important.

We deal with complaints and inquiries that come from the public through calls, correspondence, on-site interviews, and visits to our office. We separate inquiries and complaints on the basis of whether they are within

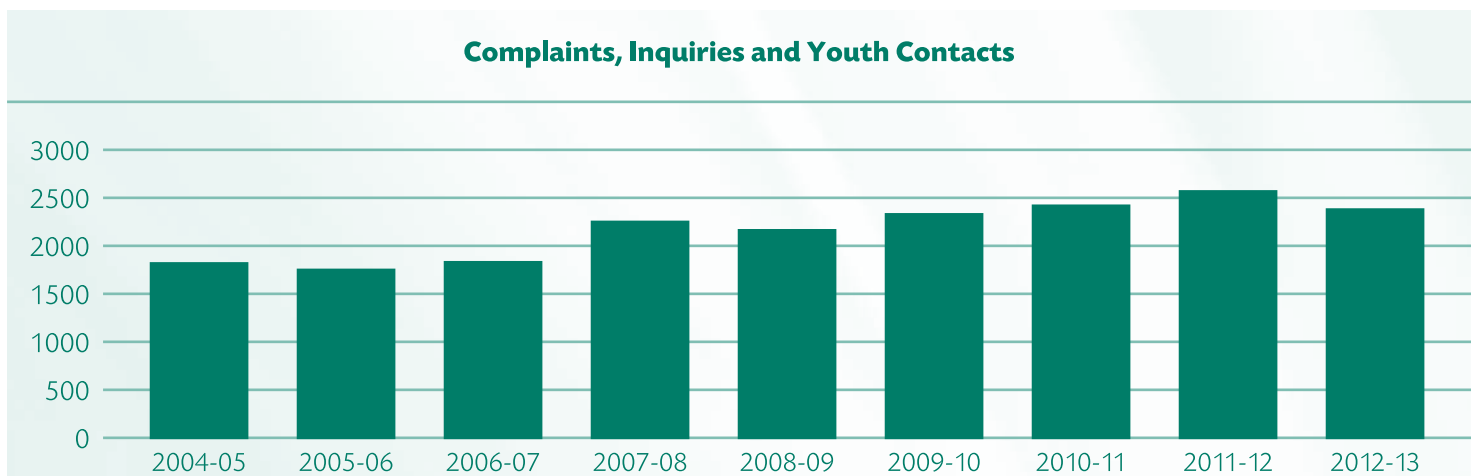
our jurisdiction or not, but all require our attention and response. We also do extensive site visits to youth and seniors' facilities as well as correctional institutions. We track them all and all represent ombudsman services. While meetings with youth can deal with specific complaints, they more often entail information exchanges designed to identify issues in a preventive way.

Figure 2 summarizes all of these activities and does a year-over-year comparison. In 2012-2013 the number of matters addressed by the Office of the Ombudsman was 2435, representing a small decrease from 2538 last year, but consistent with the long term pattern. This total included 1226 administrative review cases, 558 meetings with youth in care and custody, 598 inquiries referred to other jurisdictions, and 53 youth evaluation surveys.

Administrative reviews are at the heart of our resolution process.

These complaints typically do not require major investigations, and the activities complained of are less complex. An informal response to such complaints enables ombudsman representatives and staff of

Figure 2



government departments and agencies to resolve most issues quickly and amicably. The vast majority are resolved in a timely way through discussion with the complainant and the respondent. Typically the presence of an independent person willing to listen to all sides of an issue provides a climate and a process for settlement.

Figure 3

Administrative Reviews* - Results	
Resolved through discussion with complainant and respondent ("Assistance Rendered")	957
Resolved for the complainant after an investigation or ADR** ("Resolved")	37
Resolved for the public body after an investigation or ADR ("Properly Implemented")	103
Settled between the parties without office involvement	1
Total with positive outcomes	1098
Discontinued + withdrawn	108
Carried over to 2013 - 2014	20
Total	1226

* Youth and In-Depth Investigation matters are reported separately.

** Alternative Dispute Resolution

This year, 89 per cent of administrative reviews resulted in positive outcomes, exceeding our goal of 80 per cent.

Typically the presence of an independent person willing to listen to all sides of an issue provides a climate and a process for settlement.

Correctional Services

For the past two years, the office has participated in a pilot project to reduce the number of complaints to this office by inmates.

A key objective has been to work closely with Correctional Services staff to develop a more effective internal complaints system.

Ombudsman representatives visit the Central Nova Scotia Correctional Facility (CNSCF) weekly to meet with inmates and staff, to hear complaints and to promote on-site resolutions to those complaints.

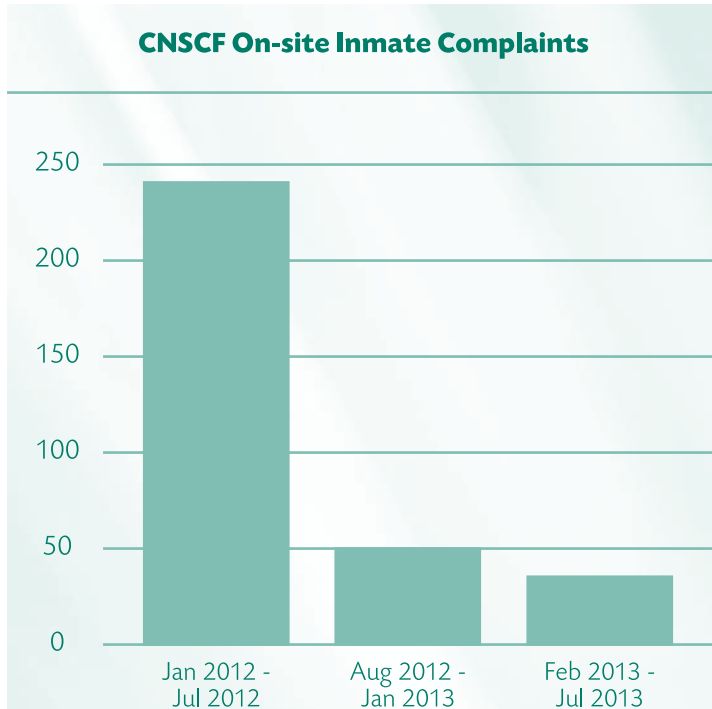
In June of 2012 we began monthly visits to all correctional facilities in Nova Scotia. The more frequent visits to CNSCF reflect the higher population and consequent service demands there.

Part of the strategy has been to ensure that inmates understand and exhaust their internal complaints process before contacting this office.

Most complaints now are dealt with by Correctional Services staff at the facility level, shifting both the service and the accountability closer to the inmates and staff, and allowing this office to focus on more pervasive, system-wide issues.

As illustrated in Figure 4, the decline in the number of on-site complaints has been tracked at six-month intervals from January 2012 to July 2013. During that period complaints dropped to 31 from just under 250.

Figure 4



Our first review covered services at CNSCF. A key conclusion was that issues raised by inmates could be addressed at the facility level with improved communications. Emphasis was placed on resolving problems informally through dialogue.

Our second review addressed issues identified during visits to all adult correctional facilities.

Again we concluded that many issues could be better resolved within the institutions themselves. The most recent statistics have confirmed the trend towards fewer inmate complaints to the Ombudsman’s Office.

Health concerns are raised frequently by inmates who contact our office. The nature of these complaints also suggested that improved internal communication

would help inmates understand and accept decisions of healthcare professionals.

Following our first review, staff met with senior officials responsible for the delivery of health services to inmates to share perspectives on the complaints. Our second review reflected a decline in the number of healthcare complaints from CNSCF, as internal communications improved and the internal complaints system became more widely used.

By tracking ongoing complaints we have identified other Correctional Services areas requiring attention. Examples include canteen service, property losses, lost mail, and resources and support for diverse religious practices.

We recognize that Correctional Services has launched its own initiatives to help address these matters. These initiatives have contributed to the reduction of inmate complaints to this office.

In-House Initiatives

This year we continued our own initiatives to improve the processing of complaints and inquiries made by the public.

These included reconfiguring the assessment and distribution process for inquiries received by the office. Experienced intake analysts now provide faster upfront assessment and disposition of inquiries and complaints. This has decreased delays for complainants and increased the time available to ombudsman representatives for more complex issues and investigations.

Internal initiatives also included training across service areas and a client satisfaction survey, the results of which were positive and gratifying.

Volume and Resolution of Complaints

Between 2004-2005 and 2011-2012 the number of complaints, inquiries and youth contacts by the Ombudsman's Office increased steadily from 1788 to 2538, an increase of more than 42 per cent.

After eight years of constant increases in the number of complaints there was a modest decline this year.

The decrease reflects the initiatives by this office and Correctional Services to help make Correctional Services' internal complaints system more effective.

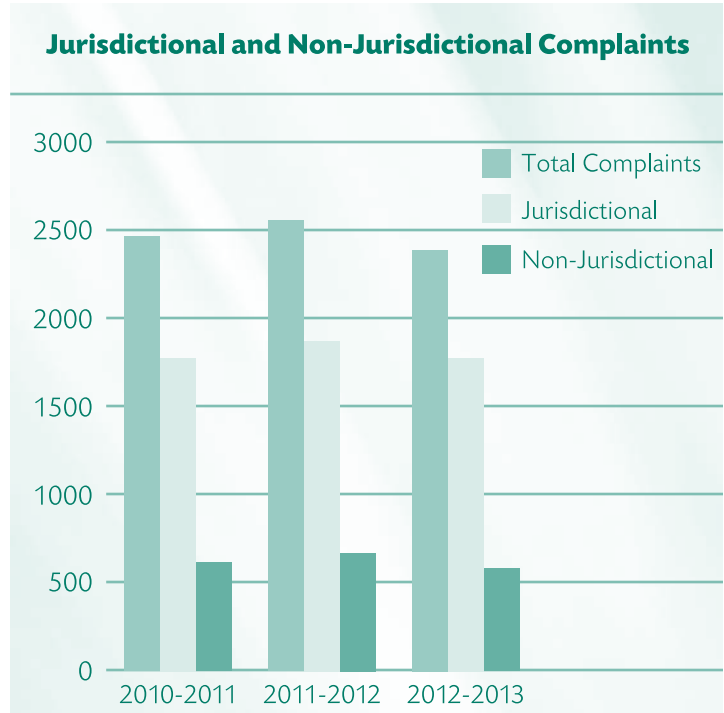
While the office workload is influenced by the number of complaints, it is also very much a function of their complexity. During each of the past two years the office has carried out major investigations on matters including municipal loans and regional development authorities in the province. Each entailed months of research and analysis by teams of two ombudsman representatives.

This work is challenging and resource intensive. But it is, we believe, an appropriate use of ombudsman resources because of the potential of such projects to address systemic or pervasive defects – in effect to deal with many issues simultaneously.

Figure 5 illustrates another key point regarding our services.

About a third of the complaints we receive are beyond the scope of the Ombudsman Act. Usually these complaints have prescribed avenues of appeal, under public service collective agreements, through tribunals and the courts, or to self-regulating professional associations.

Figure 5

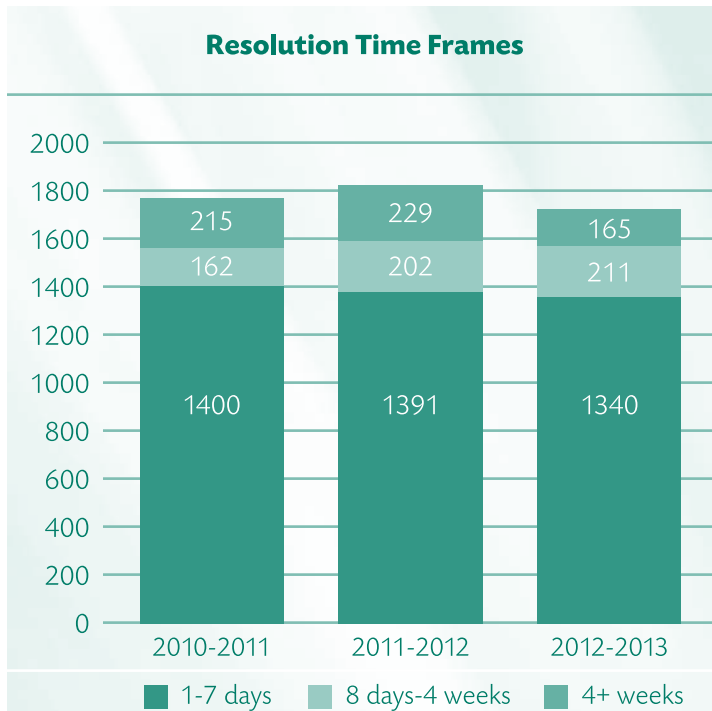


Office staff redirects non-jurisdictional inquiries to the appropriate avenues of redress and provides information and follow-up checks. This is a significant and legitimate demand on our resources that helps citizens navigate government services. This aspect of our operation was widely appreciated by complainants who responded to our survey.

Resolution Timelines

Figure 6 illustrates the time frames within which our investigations and reviews were completed. The vast majority of cases are resolved within a week. This also demonstrates the effectiveness of an informal resolution process.

Figure 6



In-Depth Investigations

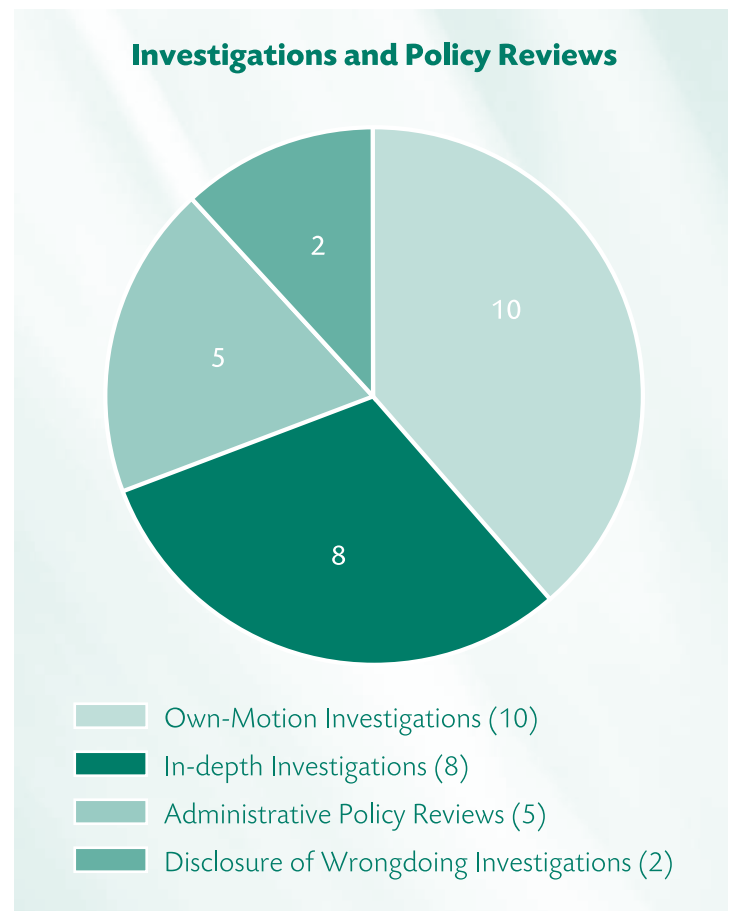
The Office of the Ombudsman undertakes four different types of in-depth or formal investigations. The most common types are those triggered by public complaints that cannot be resolved in a timely way by less formal means. Some cases present unusual complexity and require extensive research. Others have implications broader than the individual complaints themselves.

As noted earlier, the Ombudsman has the authority to initiate investigations that do not always arise from specific complaints. These can reflect a pattern of complaints, or our own ongoing sense that a particular matter requires attention. These initiatives are called “own motion” investigations and the office typically initiates several of them every year.

A third and relatively new genre of investigations are disclosure of wrongdoing issues. These usually arise from confidential information provided by whistle-blowers who are now protected from reprisals by the province’s Public Interest Disclosure of Wrongdoing Act. These cases also tend to be few in number but can be detailed and labour intensive. They often reflect activities that are in breach of public policy or the law.

Finally, the office conducts reviews of existing or proposed government policies, at the request of government departments and agencies, or sometimes at its own initiative. The breakdown of in-depth investigations is illustrated in Figure 7.

Figure 7



This year our office initiated 25 in-depth investigations. Ten were own motion investigations and an additional eight were investigations based on general complaints. There were two disclosure-of-wrongdoing investigations and five administrative policy reviews.

The policy matters reviewed involved a registry for continuing care, a substitute decision-maker policy, a patient-experience policy, a policy regarding intermittent sentences at correctional facilities, and emergency funding criteria for recipients of housing support who move from unsafe accommodations.

As well this year, we worked with municipalities and Service Nova Scotia and Municipal Relations to develop a process to resolve complaints at the municipal government level.

Investigation Outcomes

The Ombudsman Act (Section 20) sets out the authority of the Ombudsman to make recommendations to ministers and chief officers of provincial government departments and municipal units. This is done when investigations are completed.

The Ombudsman may require senior officials to report back to the office on implementation of recommendations. By this authority our recommendations become mechanisms by which changes and adjustments are achieved.

Most administrative and in-depth investigations by the Office of the Ombudsman result in recommendations for change, often for some type of administrative or policy adjustments.

Recommendations can be formal or informal. Of 23 formal recommendations issued last year, 22 have been accepted or have been implemented.

There were 11 informal recommendations. These must be accepted up front to facilitate timely resolutions to inquiries and complaints.

Most administrative and in-depth investigations by the Office of the Ombudsman result in recommendations for change ...

All recommendations are supported by the findings of in-depth investigations or administrative reviews. The following are examples of formal and informal complaints and inquiries during the year under review:

Figure 8

Formal Recommendations	
Nature of Complaint	Recommendations
Communication and oversight - Correctional Services context	<ul style="list-style-type: none"> • Improve communication between staff and service users. • Extend oversight presence for another year. • Convene a meeting of senior-level stakeholders to address identified issues.
Communication of decisions in an inmate health context	<ul style="list-style-type: none"> • Review communication practices with goal of improving service-user acceptance and understanding of decisions.
Out-of-province health funding	<ul style="list-style-type: none"> • Develop and implement a formal appeal process, pending the establishment of a permanent appeal board. • Develop written criteria for submitting funding requests for out-of-province services.
Sheltered workshop in the context of adult day programs	<ul style="list-style-type: none"> • Implement recommendations contained in an earlier departmental report regarding the development of standards for adult day programs. • Consider having a standard requiring adult day programs to develop and implement policies and procedures related to the investigation of allegations of abuse, including client-to-client allegations. • The review currently being undertaken within the department should include procedures related to the investigation of allegations of client-to-client abuse in adult day programs.
Accountability for expenditures in the context of a regional development authority. (The CREDA case)	<ul style="list-style-type: none"> • Develop an accountability and audit process to ensure all regional development authorities are in compliance with the terms and conditions of approvals on projects. • In consultation with regional development authorities, develop policy and guidelines to govern expenditure of public money in the general administration of discretionary expenditures. • Provide copies of investigative report to other concerned bodies and oversight body. • Engage an independent forensic examination of regional development agency projects for previous fiscal years. • The agency (should) acknowledge to the complainants that they did not adequately address concerns they identified.
Detention of refugee claimants	<ul style="list-style-type: none"> • Develop a policy that reflects the current general practice of detaining persons held under the Immigration and Refugee Protection Act (IRPA) separately from others in custody. • Develop material to clarify the availability of interpreters to persons detained under the IRPA. • Clarify with staff the terms under which persons detained under the IRPA have access to long distance telephone calls.
Development approvals for a rifle range	<ul style="list-style-type: none"> • Develop a process to ensure information submitted in an application is complete, as per Section 3 of the Shooting Range Regulations. • Develop policies and procedures to provide guidance to officials regarding standards and requirements that are not applicable to private shooting ranges. Such procedures should include information on how exemptions to the standards, guidelines, and/or regulations are documented in the file. • Develop provincial standards regarding hours of operation to prevent and/or address community concerns related to noise. It would be advisable to include hours of operation in the shooting range approval.

Figure 9

Informal Recommendations	
Nature of Complaint	Recommendations
NS Environment (closure of a landfill site)	<ul style="list-style-type: none"> • That the department ensure that the closure of landfill sites has a quality assurance process in place so that a similar instance does not occur in the future.
Property Valuation Services Corporation/Land Registry (errors related to property accounts)	<ul style="list-style-type: none"> • That Property Valuation Services Corporation work with Land Registry to explore the feasibility of developing a notification process to follow when errors are discovered and property accounts are removed. • Reminders be sent out to staff to ensure they are following the notification policy.
Nova Scotia Pension Services Corporation (inaccurate information regarding an appeal period)	<ul style="list-style-type: none"> • A request was made to the director to have the time constraint modified in this instance given the misinformation the complainant received.
Complaint process regarding Requests for Proposals (RFPs)	<ul style="list-style-type: none"> • That a review of future RFPs be done to ensure the language accurately reflects the requirements and incorporates the flexibility that may be provided to applicants. • Develop a policy including a strategy for responding to unreasonable complainant behaviour.
Municipal complaints policy	<ul style="list-style-type: none"> • A recommendation had been made to a municipality to develop a complaint policy. Through monitoring this recommendation the ombudsman representative concluded that the municipality was struggling with this development and also became aware of other municipalities that do not have complaint policies. The representative approached officials at Service Nova Scotia and Municipal Relations who agreed to work with municipalities to develop a model complaint policy.
Municipal meetings	<ul style="list-style-type: none"> • That Service Nova Scotia and Municipal Relations consider examining the issue of open meetings by municipal councils, to help ensure consistency among municipalities.
Land-Use By-law	<ul style="list-style-type: none"> • The municipality should consider clarifying and/or explaining the term “structure” within its Secondary Planning Strategy and Land-Use By-law as well as developing definitions for the terms “wharf” and “deck.”
Juvenile diabetes	<ul style="list-style-type: none"> • The Department of Health and Wellness should provide information to school boards to share with parents and guardians who want to access health services.
Emergency shelter criteria	<ul style="list-style-type: none"> • Policy regarding moving expenses available for clients who must move to avoid unsafe accommodations should be reviewed at a staff meeting to increase staff awareness of the availability of this funding under policy.

Outreach

Outreach to the public and government employees is an essential activity of this office.

During the year, ombudsman representatives made presentations to community groups, employees of government departments and agencies, and to members of the public. Through those efforts the office reached more than 5,000 people, a 20 per cent increase over the previous year, well exceeding our target of 3,000 people. Increased on-site visits to correctional facilities contributed to this increase, but the major change was a 60 per cent increase in the number of people, approximately 2,540, who visited our information booths.

More than 9,370 communications documents or items were distributed – a combination of brochures and posters in English, French and Mi'kmaq, lapel pins, the Ombudsman Act, annual reports, magnets and disclosure of wrongdoing information packages. Increasingly, our outreach initiatives have emphasized vulnerable persons such as seniors, children, and members of diverse communities. A new postcard was distributed explaining how the office can assist seniors and their families.

Social media have enhanced our outreach capacity. The office Facebook page provides contact information and the toll-free phone number for Youth Services. We post information of interest to children, youth, and young adults, including notices and updates on events and training opportunities. We use Twitter to announce activities and promote the mandate of the office. This year our number of Twitter followers doubled from last year.

Also this year the Ombudsman was invited to attend the 10th World Conference of the International



Patricia Mosher (left) and Jean Donovan of the Ombudsman's Office during an outreach visit to the Mayflower Mall in Sydney.

Ombudsman Institute where he presented a paper on ombudsman service delivery. The presentation was based on the investigative case management system and the successful administrative practices used at the Nova Scotia office.

Records Management

The office follows the government standard for records management—(Standard for Administrative Records and Standard for Operational Records, or STAR/STOR). Our records analyst manages the project and updates the database daily.

During the past fiscal year an inventory of older records stored on site was completed and approximately 2,100 records were added to the database. Another 5,140 records were identified as having finished their life cycle and were disposed of in accordance with the Nova Scotia Government Records Act.

Following renovations in January 2013, approximately 13,500 files were successfully transferred and the new Central Registry was operational by the end of February.

IV - Services and Cases

Investigation and Complaint Services

General complaints are addressed by the Investigation and Complaint Services unit of the Ombudsman's Office (I&CS).

This unit provides an independent process for resolving public concerns about services delivered by provincial and municipal government departments, agencies, boards and commissions. These complaints are considered general because they do not affect a particular group such as children or seniors, and they are not allegations of serious wrongdoing of the type contemplated by the Public Interest Disclosure of Wrongdoing Act.

When individuals contact our office, they are encouraged to first seek resolution using the entity's internal complaint process. Most provincial departments, municipalities, and agencies have such services, which provide opportunities to resolve problems early and efficiently. These internal processes promote accountability within an organization by offering avenues of redress at the "shop floor" level. As one of our responsibilities, this office supports internal government complaint processes and offers advice to help make them effective.

When there is no internal complaint resolution process, when one has been exhausted, or when a matter requires an independent review, ombudsman representatives work with government respondents and complainants to resolve the issue through an administrative review.

If this less formal method of resolution proves inappropriate or ineffective, a more formal approach is adopted which focuses on fact finding and recommendations.

The following cases illustrate the range of issues addressed by Investigation and Complaint Services.

The CREDA Case

The Cumberland Regional Economic Development Authority (CREDA) was the subject of an extensive investigation this year.

A team of ombudsman representatives investigated the association's financial and management activities. The team also examined the oversight provided by Nova Scotia Economic and Rural Development and Tourism (NSERDT). In August of 2012 the office publicly released a report of its investigation.

The report concluded that invoices were created without direct expenditures and recommended a forensic audit of CREDA projects. It also recommended NSERDT develop accountability and audit processes on projects involving regional development authorities.

NSERDT accepted all six of our recommendations. However the CREDA Board itself did not accept our recommendation that it should acknowledge to the complainants that the Board had not adequately addressed their concerns.

Our investigation and report prompted the province to engage a private firm to conduct a forensic audit of CREDA projects. Subsequent to our findings, the previous model of regional development authorities in Nova Scotia, of which the CREDA was an example, is being replaced by regional enterprise networks.

Public Safety at a Shooting Range

In Nova Scotia, anyone who wishes to construct a shooting range for firearms requires the approval of the Provincial Firearms Office of the Department of Justice.

During the approval process for a private shooting range, an individual contacted the office with concerns about public safety. Discussions were held with department staff which included a review of relevant legislation, standards, and the file.

It was determined that there had been inspections of the range in question and there was documentation on file indicating department staff had reviewed the shooting range application in accordance with the legislation and standards.

However there were other issues related to consistency and completeness of the file and recommendations were made for improvements. An additional recommendation was for development of policy to outline the requirements of private shooting ranges. The recommendations were accepted and implemented by the department.

What's Covered by MSI?

An individual contacted this office regarding billing for uninsured services by a physician in a private clinic. The clinic is located within a hospital.

The complainant had been asked to pay directly to have a registered nurse administer intravenous medication. The fees were regarded by the complainant as a financial hardship.

While the clinic is private, it shares services with a hospital, and in this case the registered nurse was an employee of the hospital as part of the shared services between the clinic and the hospital.

Research revealed that physicians cannot bill Medical Services Insurance (MSI) for services provided by other health care professionals such as nurses.

However, if the service is provided directly by a physician, or if the physician supervises a privately-employed nurse during the procedure, it is a billable MSI service.

In this case, because the registered nurse was an employee of the hospital, the District Health Authority intervened and the patient was not charged.

In addition, the DHA accepted our informal recommendation to send out information in a physician information bulletin to clarify MSI's policy regarding uninsured services.

Adult Day Program - An Informal Approach

An individual contacted the office with concerns regarding the management of an adult day program for persons with intellectual disabilities. An ombudsman representative contacted staff of the program at the Department of Community Services to discuss the concerns.

A lack of provincial standards and legislation limited the role this office could play. However the program managers were open to working with the ombudsman representative who suggested areas of improvement.

Specific recommendations were issued to the department for development and implementation of program standards and a revision of their complaints policy. The recommendations were accepted and this office is monitoring implementation.

Youth and Seniors Services

Youth and Seniors Services is an integral part of quality assurance for children and youth and their families. It also constitutes a specialized service for the growing numbers of senior citizens.

The unit independently investigates and resolves concerns related to children, youth and seniors who are receiving provincial and municipal government services. Youth and Seniors Services representatives also monitor emerging issues and research issues affecting children, youth and seniors.

The role of this office with children and youth is a general oversight function and mandate. This responsibility was created in response to a 1995 provincial audit, *IN OUR CARE* (Samuels-Stewart), and the subsequent investigative report by retired Judge Stuart G. Stratton, Q.C., regarding allegations of abuse at provincial youth facilities.

Youth and Seniors Services is an integral part of quality assurance for children and youth and their families. It also constitutes a specialized service for the growing numbers of senior citizens.

In the years since then, our role in this area has evolved and broadened. Ombudsman representatives connect directly and daily with children, youth and staff or service providers to address individual and systemic issues and to build confidence and trust. They provide an on-site presence in residential and secure care and custody facilities. This provides opportunities for individuals to come forward early and informally to seek resolutions to problems.

The service is available to all youth receiving government services. However there is a focus on youth who are in the care of the Minister of Community Services and who are experiencing emotional or behavioural problems, as well as youth in the custody of the Minister of Justice.

This year there were 558 contacts with youth in care or custody, of which 411 were face to face meetings. There were 141 complaints requiring follow-up action and the office issued 25 reports regarding those complaints. The vast majority of issues raised were resolved on the spot through dialogue with the individual youths, care givers, and facility managers.

Figures 10, 11, and 12 illustrate the types of complaints received in the three major categories of Youth Services: Secure Care, Custody, and Residential Child Caring Facilities.

Figure 10

Youth Services - Secure Care Issues	
Discharge plans/placement	8
Policies and procedures	31
Conflict among residents	6
Staff	2
Food	2
Health care	17
Police/legal	1
Other	6
Recreation	2
Care plan	3
Transfer	1
Phone access	3
Total	82

Figure 11

Youth Services - Custody Issues	
Discipline	9
Staff	2
Policies and procedures	13
Health care	8
Phone	1
Food	2
Police/legal	2
Programming	3
Transfer	1
Other	1
Total	42

Figure 12

Youth Services - Residential Child-Caring Facilities Issues	
Policies and procedures	6
Staff	4
Health care	1
Conflict among residents	4
Access to phone	1
Care plan	1
Police/legal	1
Discharge plans/placement	4
Programming	1
Access to family	1
Safety	2
Total	26

Ombudsman representatives participate in a number of community-based organizations and initiatives related to youth.

These include board membership for *The Voice*, a newsletter produced by and for youth in care; Nova Scotia Council for the Family, Youth in Care Committee, Canadian Council of Child Youth Advocates, and the Child Welfare League of Canada.

Office staff helped plan a conference called *In the Loop*, promoting post-secondary educational opportunities for youth in care. We attended the Youth Achievement Awards. We addressed the Minister’s Advisory Committee on the Children and Family Services Act, to explain the role and mandate of the office and our services to youth.

The office also participated in a public event entitled *From Jamaica to Canada: A Panel on Children’s Rights Advocacy*. This panel included the Senior Legal Policy Officer from the Office of the Children’s Advocate in Jamaica.

Recognizing the importance of the United Nations Convention on the Rights of the Child to policy development and analysis, the office hosted a two-day workshop entitled *Children’s Rights Training - A Paradigm Shift*. During this workshop, trainers from UNICEF offered insight on how assessments of the potential impact on children’s rights can be used to inform the development of policy. Participants included front line and senior managers from six government departments and community agencies.

Following this workshop, a Youth Services representative in our office developed an initial screening form as a

tool for assessing the potential impact of emerging government policies on the rights of children.

Youth Services continues to raise awareness of the UN Convention in the public school system. Educational material has been provided to all public schools and ombudsman representatives have met with school guidance counselors to discuss outreach and educational opportunities.

This year the office ran a province-wide children's rights poster contest. The contest drew entries from 822 children, all of whom received certificates of accomplishment for their entries. In the course of the campaign, ombudsman representatives visited schools, delivered presentations to staff and administration, and appeared on Global TV to raise awareness of children's rights and our role in their promotion.

Conducting structured surveys of youth in care and custody is another regular office activity. These surveys are designed to reflect three principles of the UN Convention: protection, provision and participation.

Following an update of the survey document this year, the office conducted 53 surveys. Those revealed emerging themes related to programming, including access to social workers, the frequency of family visits, allowances, placement and safety. This information enables us to adjust our focus as needs change, and to ensure that our research and training initiatives keep pace with evolving demands.

Youth and Seniors Services are increasingly involved in the concerns and complaints of seniors.

Ombudsman representatives regularly visit residential care facilities, nursing homes and homes for the

aged. They explain the role of the office and discuss government services issues with seniors, their families, caregivers, and staff.

The office received 53 seniors-related inquiries and complaints this year and made 92 visits to long-term-care facilities. Specific complaints included long-term care, transitional care, per diems, seniors housing and housing grants. Among other concerns were wait lists for long-term care, and third-party service provider contracts.

In addition to regular visits to licensed care facilities, ombudsman representatives seek opportunities to educate community groups and service providers about the office and its role. Other outreach efforts included presentations to the following:

- community college students who plan to work in human services such as long term care facilities, group homes, and corrections
- family resource centres
- family/resident councils
- seniors groups
- lunch and learn gatherings and church groups

The office was consulted last year by the New Brunswick Office of the Ombudsman on its work with seniors in long term care facilities.

Case Studies – Youth and Seniors Services

The following are examples of the nature and scope of investigations and reviews undertaken by Youth and Seniors Services:

Residential Child-Caring Facilities

A large project undertaken by Youth and Seniors Services this year was a province-wide review of the Residential Child-Caring Facilities Program (RCCF).

Youth Services began its involvement with RCCFs in 2003 and since then there have been significant changes in how the RCCF program operates.

As part of the review, office staff interviewed frontline and management staff at every group home across the province. We also interviewed senior officials with the Department of Community Services, and other stakeholders including police forces, community justice officials, social workers, and youth who have lived in residential care.

The review is ongoing and we expect to report in the next fiscal year. We see the review as an opportunity to examine how the program works, and to reassess the role of this office within the RCCFs.

Provincial Tax Relief

A senior informed this office that because she had been hospitalized she was not able to apply for her Nova Scotia tax rebate by the deadline. The senior had been advised by the Department of Community Services that she would not be receiving her rebate.

Inquiries by an ombudsman representative, and assistance from both the Department of Community Services and Service Nova Scotia and Municipal Relations, resulted in the reversal of the decision to deny the senior's property tax rebate.

A Duty and a Right

A senior had been named as the personal delegate for his brother who resided in a care facility under the jurisdiction of the Department of Community Services (DCS).

The senior contacted our office to complain that the management of the facility had refused to give him a copy of a capacity assessment completed on his brother. He claimed he was entitled to this information as his brother's personal delegate under the Personal Directives Act.

There were ancillary issues in the case related to strained communications between the senior and facility staff. The difficult communications had resulted in staff refusing to speak directly with the senior, doing so only through a social worker.

After investigation, the office made a series of recommendations to the Department of Community Services, all of which were accepted.

A key recommendation was that the corporation operating the home seek a legal opinion regarding application of the Personal Directives Act. The resulting opinion supported the right of the complainant to the capacity assessment report about his brother.

The office also recommended that the corporation develop policies regarding family access and communications protocols, as well as policies for staff disciplinary measures at the facility.

The office continues to monitor the implementation of all recommendations related to the case.

The Policy and the Person

A senior, challenged by illiteracy, contacted the office several times with complaints that he was being denied financial support from the Department of Community Services (DCS) to carry out repairs to his home. An investigation established that the complainant had a long history with the department, with multiple issues related to home repairs.

By 2010 nearly \$21,000 in maintenance and repair money had been spent by the department on his mobile home, which was assessed at \$32,500. The complainant had been advised by the department that he had exhausted his home repair entitlement which the department said was capped at 75 per cent of the home's assessed value.

Communications were complicated by the fact that officials had on a number of occasions communicated with him only in writing.

The involvement of this office resulted in a new inspection of the complainant's residence, which in turn resulted in an additional maintenance grant of \$5,000, described by the department as an exception to policy.

Minor repairs were completed with this additional grant. But not all of the funding was used, and several

of the needed repairs were left undone. In the fall of 2012, the department closed the grant because of inactivity.

The complainant did not fully understand that the department expected him to make all arrangements with contractors for the repairs; in effect to manage the maintenance projects himself.

He continued to express confusion and dissatisfaction to this office, to the department, and to various other agencies and individuals, including elected officials.

By the spring of 2013, after meetings between this office and DCS officials, the remainder of the \$5,000 grant had been released and the complainant had resources to continue the work on his home.

The case has raised questions regarding possible systemic issues, including the question of how funds for such repairs are tracked and the role of the department once funding is released. There also is concern about the practice of communicating in writing with clients who are illiterate. These questions remain of interest to this office and developments related to the case are being monitored closely.

Disclosure of Wrongdoing

The Public Interest Disclosure of Wrongdoing Act (PIDWA) gives employees of government bodies and members of the public a clear process for disclosing concerns about wrongdoing in the provincial government. It also provides protection from reprisals for government employees who provide information in good faith.

The act is not intended to deal with all concerns that public 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 Disclosure Act has expanded the role and jurisdiction of this office in disclosure matters. Government employees and members of the public may make disclosures of wrongdoing by contacting the Office of the Ombudsman directly. Government employees may also disclose to their supervisor or to the designated officer for the government body where they work. Allegations received by the Ombudsman's Office are assessed to determine whether they are best addressed under the Disclosure of Wrongdoing Act, the Ombudsman Act, or some other agency of oversight, review or appeal.

The act is relatively new, and inquiry and complaint numbers tend to be directly related to educational initiatives on the topic. Efforts to inform government workers and the public continue with this office playing a lead role. We have dedicated time and resources to a communication strategy for the senior public servants who are the designated officers under Section 15.

A meeting with designated officers was facilitated by this office in September of 2012. Discussion focused on the process for disclosing an alleged wrongdoing and considerations for the designated officers in assessing and investigating allegations.

A subcommittee which included a representative of this office developed best practices guidelines that were presented to the designated officers in the spring of 2013.

Our office also has given presentations to senior managers in some departments and will continue to do so during the current fiscal year.

The Office of the Ombudsman assessed 18 allegations of wrongdoing during 2012-2013, and concluded one additional PIDWA case from the previous year. Two allegations required formal investigations under the act and those investigations continue. The allegations relate to the quality of potable water in provincial schools, and the interviewing process used in relation to the Children and Family Services Act.

Seven inquiries made under the PIDWA were referred to more appropriate authorities. Seven others were resolved under the Ombudsman Act, six by administrative reviews and one through a formal investigation. Two complaints were discontinued by the initiators.

A PIDWA case involving municipal water quality was launched in 2011-2012 and concluded this year. The four recommendations made in that case continue to be monitored.

Figure 13

PIDWA Inquires and Cases 2012 - 2013	
Formal Investigations under PIDWA	2
PIDWA complaints handled under Ombudsman Act	7
PIDWA complaints referred to other authorities	7
Discontinued by complainants	2
2011-2012 cases concluded	1
Total PIDWA 2012-2013	19

We also made a recommendation this year that the PIDWA be broadened to include district health authorities and school boards.

Allegations of wrongdoing received in 2012-2013 included the following:

- abuse of authority
- health and safety issues
- conflicts of interest
- abuse of public funds and equipment
- conduct of managers
- wrongful dismissal
- human rights issues
- protection of property
- procurement issues

Case Study - Disclosure

The following is an example of a Public Interest Disclosure of Wrongdoing case:

Municipal Water Supplies

An individual brought forward an allegation of wrongdoing regarding two water supplies in the Municipality of the County of Antigonish that allegedly were not meeting provincial drinking water treatment standards.

Our investigation concluded that one of the systems was meeting the standard, but that a small system at Gaspereaux Lake was not. Specifically, the system was not adhering to the Nova Scotia Treatment Standards for Municipal Drinking Water Systems (2012) because it did not have a continuous chlorine residual monitoring system.

Nova Scotia Environment (NSE) staff indicated they were aware that the facility did not have the required monitoring system in place, and that a decision had been made in 2003 not to install it. They indicated that such a system was not required at the time, and indicated as well that the decision was based on the size of the population affected (some 40 homes) and the \$30,000 cost of such a system.

The actual application to operate a water treatment facility for Gaspereaux Lake was dated June 14, 2006, and when the system was approved in 2006, a continuous chlorine residual monitoring system was required. Municipal and provincial officials were aware

of the ongoing situation. No action was taken. An application for a variance - in effect an exception to the requirement - was not made by the Municipality of the County of Antigonish until June of 2011. A decision was still pending at the time of our report.

This office found wrongdoing in the case, as a legislated safety requirement had not been met. Four recommendations were submitted to Nova Scotia Environment:

1. Nova Scotia Environment implement the necessary action to address the non-compliance of Gaspereaux Lake water supply facility with the Nova Scotia Treatment Standards for Municipal Drinking Water Systems (2012).
2. Nova Scotia Environment review municipal water supplies in the province and implement the necessary action to address non-compliance with Nova Scotia Treatment Standards for Municipal Drinking Water Systems (2012).
3. The communication and consultation processes between the Halifax Water and Wastewater Branch and regional and district offices of Nova Scotia Environment should be reviewed from the perspective of improving clarity and operational effectiveness.
4. Nova Scotia Environment review approval and inspection processes to ensure the terms and condition of approvals and subsequent compliance monitoring activities incorporate provincial standards.

Nova Scotia Environment has responded positively to all of the recommendations. Implementation is being monitored by this office.

Implications of this Case

As an early case under the Public Interest Disclosure of Wrongdoing Act (PIDWA), the Gaspereaux water issue makes an important contribution to government and public understanding of the new PIDWA provisions. It demonstrates that the concept of “wrongdoing” can cover ongoing acts of omission and does not require overt actions on behalf of a department or agency or by an individual.

The case makes clear that wrongdoing does not always entail misuse of public funds or conflicts of interest. It can also be found in circumstances where laws or regulations are breached without negative intentions.

Own Motion Investigations and Policy Reviews

The Office of the Ombudsman may on its own initiative investigate government activities, practices and policies. Policy reviews can be initiated as own motion reviews, or at the request of a government department, agency or commission. These investigations and reviews frequently address systemic concerns.

Case Studies - Own Motion Investigations and Policy Reviews

The following are examples of the type and scope of own motion investigations and administrative policy reviews:

Protecting the Vulnerable

This year the office conducted a review of the currently available means to determine the suitability of individuals seeking to work with, or already working with, vulnerable persons.

The review examined the provincial Child Abuse Registry (CAR), the National Sex Offender Registry (NSOR), and the Canadian Police Information Centre (CPIC) database. Interviews were conducted with representatives from each of the systems and research was done on the mechanisms in other provinces, territories and international jurisdictions.

Our review concluded that there is no comprehensive approach anywhere in Canada for background checks of individuals seeking to work with or already working with vulnerable persons. Our report noted that “legislation requiring appropriate background checks for individuals working and/or volunteering in Nova Scotia with vulnerable persons, including children, does not exist.”

This office encouraged the Department of Justice to bring the issue forward for discussion with its federal and provincial/territorial counterparts, and to explore the feasibility of establishing a national database.

A response from the Justice Department indicated that there would be research and consultation on the issue, with a goal of “working towards more effective and standardized processes to ensure the safety of Nova Scotians.”

This is an area of ongoing concern. Our office will remain active and supportive of government efforts to address the issue.

Detention of Refugee Claimants

The office reviewed Correctional Services policies, procedures, and general practices regarding refugee claimants detained at provincial correctional facilities under the authority of the federal Immigration and Refugee Protection Act (IRPA).

The investigation identified the need for clarification of entitlements and formalization of procedures regarding these detained persons.

Recommendations addressed issues such as the separation of refugee claimants from other detained persons, the provision of interpreters, and access to long distance telephone calls.

A Matter of Safety

This review was triggered by a case involving a Department of Community Services (DCS) client who was denied additional rent support in circumstances where she and her family had moved out of an apartment early due to concerns about personal safety. Gun shots had been fired in the building where the family resided.

The department has a policy that provides assistance where persons may have to move quickly due to unsafe surroundings. In this case funding was initially denied because DCS personnel were unfamiliar with the provision. Circumstances that trigger this funding do not often arise.

The funding was later approved and an informal recommendation was issued to a district manager to review this policy. The district manager agreed and reviewed the policy at a staff meeting.

A Greater Need

- A psychiatrist recommends that a young patient needs interpersonal and cognitive therapy. The Department of Community Services says it cannot fund these services provided by a private therapist, and a provincially licensed residential facility where the patient lives is not equipped to provide them. It turns out that the form of care recommended for the patient is unavailable in Nova Scotia and there is no funding to send the patient out of the province ...
- A mother complains that her teenage daughter has been waiting for a placement at a rehabilitation centre for more than a year. The daughter had been living at the IWK's 4 South Mental Health Unit where her needs continued to go unmet. She has assaulted staff and harmed herself. She is autistic and has other special needs. She is a flight risk. She eventually is declared an adult in need of protection, but the facility to which she is scheduled to move questions the need for a security order and her need for protection. DCS negotiates with two other rehabilitation facilities but nothing concrete is in place ...

- Another parent contacts this office with a similar story. His step-daughter is diagnosed with Attention Deficit Hyperactivity Disorder and severe aggression. There are behavioral concerns as well as a speech impediment. She has been placed in a "small option home" - defined as "a residential support option for up to three individuals with disabilities" - by Services for Persons with Disabilities (SPD), a division of the Department of Community Services. The parent complains that the facility is inappropriate and cannot provide the services needed. DCS responds that there are no options available. The department explains that the young woman does not fit their continuum of services and does not meet the criteria for an institution. An eventual solution is found that requires adding staff to an existing facility ...

Those are three of several complaints that have come to our attention in recent years, all with common themes. Those themes include lack of clarity, inconsistent approaches, and a need for services that go beyond the current continuum of services for persons with complex physical and psychological challenges.

During 2011-2012 this office initiated an own motion investigation of the Services for Persons with Disabilities Program under the Department of Community Services. The investigation was completed this year.

The investigation focused on clients identified as having complex needs who often require a comprehensive service response that cannot be provided or sustained within the existing range of services.

Preliminary research identified gaps and barriers in current service delivery that suggested the need for greater collaboration among departments.

The final report recommended the following:

- Departments of Community Services and Health and Wellness map the existing supply of services for complex needs, identify and examine the gaps and barriers to service, and develop a specific strategy to address these gaps and barriers.
- Departments of Community Services and Health and Wellness conduct a collaborative review of the complex case planning process and formalize a plan to include time frames, service standards, and an accountability framework.
- Department of Community Services restructure the current residential placement design to improve mobility in the system and to include an alternative option to secure accommodation for clients with complex needs.
- Departments of Community Services, Health and Wellness and Justice collaboratively develop protocols to allow for information sharing, control of data sharing and protection of privacy for clients with complex needs.

- Departments of Community Services, Health and Wellness and Justice develop and conduct training in facilitating a person-centered approach to support clients with complex needs.
- Departments of Community Services and Health and Wellness develop an integrated, one-stop service delivery system for persons with complex needs, and give consideration to service navigators to ensure seamless access.
- Department of Community Services formalize and implement a comprehensive strategic plan addressing clients with complex needs.

The departments involved have accepted the recommendations. Discussions continue regarding specific programs and changes. We will continue to meet with the responsible officials to discuss the action plan and target dates for completion of the implementation.

Open Municipal Meetings

“The democratic legitimacy of municipal decisions does not spring solely from periodic elections, but also from a decision-making process that is transparent, accessible to the people and mandated by law.”

- The Supreme Court of Canada in *London (City) v. RSJ Holdings Inc.*

This quote from a Supreme Court decision was used recently by Kim Carter, the Ombudsperson for British Columbia, to emphasize the importance of open government at the municipal level.

The theme resonated with our office. This year we completed a preliminary review regarding the transparency and administrative practices of municipal council meetings. Our review found that variations exist in the interpretation and application of the Municipal Government Act.

The B.C. Ombudsperson last year issued a comprehensive Best Practices Guide for Municipalities in that province. This office forwarded that guide to Service Nova Scotia and Municipal Relations.

The report included a checklist that municipal governments can follow to ensure best practices regarding open meetings. This checklist could serve as a template for a similar Nova Scotia initiative. The checklist is as follows:

Before Closing Meetings

1. Has notice of this meeting been posted in advance on your website and other public locations?
2. Was the meeting agenda posted in advance with sufficient detail to enable members of the public to determine the matters to be discussed?
3. If this is a special meeting, did the notice include general information about matters to be discussed?
4. Is closure of this meeting necessary?
5. Is closure of this meeting authorized under the Municipal Government Act?
6. Does the resolution to close the meeting include:
 - A statement to the effect that the meeting will be closed?
 - A description of the basis for closing the meeting including a description of each distinct matter to be discussed?
 - The specific legislative provision authorizing closure of this meeting?
7. Was the resolution to close the meeting read aloud?

During Closed Meetings

8. Was discussion in closed meetings limited to the topics stated in the authorized resolution?
9. Were no votes held on the reading or adoption of by-laws during a closed meeting?
10. Were minutes of the closed meeting recorded and retained?

After Closed Meetings

11. Will minutes and other records be reviewed and released once confidentiality is no longer required?

This office supports the B.C. approach to this matter.

V - Where Complaints Originate

Complaints can come to the Ombudsman’s Office from anywhere that provincial and municipal services impact citizens. They also can be about other agencies and entities that are beyond our jurisdiction, such as federal government departments and the courts.

Many complaints are about services that affect people most, such as those provided by the departments of Health and Wellness, Justice and Community Services, or from circumstances such as corrections facilities where individuals are extensively regulated and their freedoms reduced.

This office recognizes that the volume of complaints concerning a public body does not necessarily reflect the quality of services provided by that body. In fact it more often reflects the volume of traffic and the nature of the services provided.

The following tables provide statistical snapshots of both the main sources and the types of complaints.

Tables 14 to 19 enumerate the kinds of complaints received for the six provincial bodies about which the majority of issues are raised. To the extent possible, the complaints are broken down by the departmental divisions to which they apply.

Table 20 provides a complete list of entities that were the subjects of jurisdictional complaints in the year under review, as well as the general categories of non-jurisdictional complaints.

Non-jurisdictional inquiries are referred by our office to their appropriate oversight bodies, usually with helpful information such as telephone numbers and names of officials.

Finally, Figure 21 displays the complete list of complaints for one typical month, August, 2012.

Major Sources of Complaints:

Figure 14

Justice					
Years	Total	Correctional Services	Maintenance Enforcement Program	Courts Services	Other
2012-13	346	292	31	17	6
2011-12	427	360	44	14	9
2010-11	352	277	47	19	9

Figure 15

Community Services							
Years	Total	Employment Support and Income Assistance	Children, Youth and Families	Affordable Housing and Repairs	Service Issues	Services for Persons with Disabilities	Other
2012-13	241	118	45	28	37	9	4
2011-12	260	123	49	39	28	10	11
2010-11	253	111	45	41	22	19	15

Figure 16

Health and Wellness							
Years	Total	Inmate Medical	Continuing Care	Capital District Health Authority	Other DHAs and Hospitals	Pharmacare	Other
2012-13	215	128	19	20	27	6	15
2011-12	219	129	34	15	15	8	18
2010-11	199	104	44	24	13	4	10

Figure 17

Workers' Compensation Board					
Years	Total	Administrative Service	Benefits	Claims Process	Other
2012-13	53	16	16	17	4
2011-12	52	14	18	11	9
2010-11	59	21	12	6	20

Figure 18

Service Nova Scotia and Municipal Relations						
Years	Total	Registry of Motor Vehicles	Residential Tenancies	Debtor Assistance and Student Loans	Land Title Registry	Other
2012-13	49	22	7	3	2	15
2011-12	58	30	10	3	3	12
2010-11	53	30	7	0	2	14

Figure 19

Halifax Regional Municipality					
Years	Total	Planning and Development Services	Halifax Regional Police	Transportation and Public Works	Other
2012-13	38	4	19	5	10
2011-12	34	5	13	7	9
2010-11	39	7	15	4	13

Figure 20

Respondents to Complaints

Jurisdictional and
non-Jurisdictional

Department/Agency/ Commission/Non- Jurisdictional Entity	Number of Complaints
---	---------------------------------

Aboriginal Affairs Office	1
Agriculture	2
Amherst (Town)	1
Annapolis County Municipality	2
Annapolis Valley Health Authority	7
Annapolis Valley Regional School Board	1
Argyle District Municipality	1
Bridgewater (Town)	3
Cape Breton District Health Authority	12
Cape Breton Regional Municipality	16
Cape Breton/Victoria Regional School Board	3
Capital District Health Authority (CDHA)	20
CDHA Offender Health	128
Chester District Municipality	1
Chignecto Central Regional School Board	2
Colchester-East Hants Health Authority	1
Community Services	248
Courts/Judges*	14
Cumberland County Municipality	2
Cumberland Health Authority	1
Digby District Municipality	1
East Hants District Municipality	6
Economic and Rural Development	1

Education Department	6
Elections Nova Scotia	1
Energy Department	1
Environment Department	6
Executive Council Office	1
Farm Loan Board	2
Federal Government*	184
Finance Department	7
Fisheries and Aquaculture Department	5
Freedom of Information/Protection of Privacy (FOIPOP)	1
Guysborough-Antigonish-Strait Health Authority	1
Halifax Regional Municipality	38
Halifax Regional School Board	3
Halifax Water Commission	6
Health and Wellness Department	41
Human Rights Commission	15
IWK Health Centre	1
Justice Department	54
Justice (Corrections)	292
Kentville (Town)	3
King's County Municipality	3
Labour and Advanced Education Department	17
Labour Relations Board	1
Labour Standards Tribunal	1
Legal Aid Commission	14
Liquor Commission (NSLC)	1
Lockeport (Town)	1
Lunenburg District Municipality	1
Medical Examiner Service	1
Medical Services Insurance (MSI)	5
Middleton (Town)	1
Natural Resources Department	4
New Glasgow (Town)	1

Non-Jurisdictional Assistance*	17
Nova Scotia Community College	2
Nova Scotia Insurance Review Board	1
Nova Scotia Utility and Review Board	2
Other*	157
Pictou County Health Authority	1
Police Commission	1
Port Hawkesbury (Town)	1
Port Williams (Village Commission)	1
Private*	226
Property Valuation Services Corporation	6
Public Prosecution Service	7
Public Service Commission	6
Public Trustee	1
Queen's Municipality (Region of Queen's Municipality)	1
Richmond County Municipality	1
Service Nova Scotia and Municipal Relations Department	49
South Shore Health Authority	2
Southwest Nova Health Authority	1
St. Mary's District Municipality	1
Transportation and Infrastructure Renewal Department	26
Truro (Town)	5
West Hants District Municipality	1
Westville (Town)	2
Workers' Compensation Appeals Tribunal	7
Workers' Compensation Board	46

Total **1764**

Note: Asterisks (*) denote non-jurisdictional inquiries and complaints which are referred by this office to their appropriate oversight entities.

Month at a Glance

In a given month the Office of the Ombudsman can receive as many as 200 complaints, on a great variety of topics.

About a third of all complaints are outside the jurisdiction of the Ombudsman Act. As well, the majority of complaints received this year under the Public Interest Disclosure of Wrongdoing Act had other and more appropriate avenues of review or appeal.

The following list of subjects from August 2012 is indicative of the scope and diversity of complaints and inquiries received:

Figure 21

August 2012 – All Complaints

- complaint/appeal process (4)
- dissatisfaction with caseworker (8)
- federal government service (12)
- financial benefits:
 - denied (9)
 - appeals (2)
 - overpayment
 - policy/entitlement (5)
 - process/delay (2)
 - communication
- financial support arrears
- housing
 - funding (2)
 - denied
 - assistance (2)
 - complaint
- information request (12)
- inmates
 - access to information
 - access to telephone
 - canteen
 - religious practices
 - complaint process (2)
 - conditions (3)
 - diet
 - discipline (3)
 - legal issue
 - health/medical (21)
 - missing property (5)
 - mistreatment (2)
 - policy
 - programming (3)
 - sentence calculation (2)
 - transfer
- legal issue/funding (4)
- legislation consultation process
- municipal planning
- by-law enforcement (2)
- property damage (3)
- ambulance cost
- health care/administration (5)
- seniors - access to services
- property dispute
- occupancy permit
- regulatory enforcement
- child custody (2)
- access to information
- project approval process
- license renewal
- police complaint (2)
- private
 - financial (2)
 - interpersonal (2)
 - business (8)
 - property (4)
 - employment (2)
 - education (1)
 - legal (2)
 - landlord/tenant(1)
- public-sector employment (5)
- RCMP complaints (3)
- service quality (3)
- student loans eligibility
- youth
 - care status
 - court/legal
 - discipline (3)
 - policy (2)
 - issue with staff (2)
 - health care (4)
 - privacy of phone call
 - safety (9)
 - placement

VI - Looking Ahead

Projects

In the next fiscal year the Office of the Ombudsman expects to complete a number of projects launched in 2012-2013.

Residential Child-Caring Facilities Review

A review of provincial Residential Child-Caring Facilities Program is well underway and will be completed in the coming fiscal year.

Reviews of Fatalities

This year the office undertook its first child death review, and we expect to complete it in 2013-2014. We also launched a review of the death of an individual in custody. This review too will be completed in the next fiscal year.

Correctional Services

We will remain focused on our collaborative project with Correctional Services to reduce the number of inmate complaints to this office and to ensure that internal complaint mechanisms at the facilities continue to work well.

This initiative is important both as a service enhancement for the inmates and as a means of ensuring sufficient ombudsman resources for major corrections issues such as our death in custody investigation.

Disclosure of Wrongdoing

This year the office took on two new disclosure of wrongdoing cases. Both investigations continue.

We also made a recommendation that the Public Interest Disclosure of Wrongdoing Act be broadened to include district health authorities and school boards.

Our office will continue to lead in promoting and explaining the disclosure legislation and process within the public service and for the public.

Trends and Challenges

We look forward to continuing and expanding our role in areas that present new service demands and increased public expectations. The overarching challenge is to meet these new needs with available resources.

Health

Canada's population is aging and the pressures on the health care system are intensifying.

There is steady traffic in this area. Our expectation is that it will increase as it has elsewhere.

In Saskatchewan, for example, the Ombudsman's Office, supported by the Saskatchewan Government, created a successful new health complaints service to meet the growing demand.

Accountability

Canadians have become increasingly focused on accountability of public officials and elected representatives as examples of impropriety are widely publicized.

Public impatience with this conduct will translate into increased demands on all oversight agencies, including the Office of the Ombudsman.

Vulnerable Persons

As noted earlier, a review was initiated by our office of the currently available means to determine the suitability of individuals seeking to work with, or already working with, vulnerable persons.

Our review concluded that there is no comprehensive approach anywhere in Canada for background checks.

A response from the Justice Department indicated that there would be research and consultation of the issue, with a goal of "working towards more effective and standardized processes to ensure the safety of Nova Scotians."

This is an area of ongoing concern. This office will remain active and supportive of government efforts to address the issue.

Youth Services

Our inquiry into the death of a child receiving government services, our finding of inadequate background checks on child-care workers, our ongoing review of Residential Child-Caring Facilities, and our review of complex health needs - all are critical matters that underscore the importance of independent child services oversight.

The Office of the Ombudsman has a mandate to protect children and youth. The need to expand those services has become more apparent. While this can be achieved in various ways, the expertise and experience of this office has provided a well-established foundation on which to expand services to meet the growing needs.

Ombudsman Act

“An Act to Establish the Office of the Ombudsman” was passed in 1989. It needs revision and modernization.

Greater clarity is required regarding access to government information and jurisdictional issues. The spirit of the act can be compromised when departmental officials invoke those issues to limit our effectiveness. The act should provide the Ombudsman with certainty in those areas.

Our commitment to informal resolution of complaints needs to be specifically mandated in the act rather than implicitly permitted.

Other administrative issues related to independence of budgets and personnel also need to be clarified through revisions to the act and regulations.

Diversity

In the coming fiscal year we would like to revisit the recommendations of a proposal this office made three years ago for expanding services to aboriginal and African Nova Scotian communities.

In Summary

The above projects and challenges, while substantial, are welcome and exciting opportunities for the Nova Scotia Office of the Ombudsman.

All speak to the need both to maintain and expand service levels, and to our resolve to find creative ways to ensure that emerging needs are recognized and properly met.

VII - Let's 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. Additional reference documents supplementing our Annual Report, including our Statement of Mandate and our Accountability Report, may be found on our website, or by contacting the office.

There are a number of easy ways to contact the Office of the Ombudsman:

Public Inquiries/Complaints: (902) 424-6780

Toll free: 1-800-670-1111

Youth Inquiries: 1-888-839-6884

Disclosure of Wrongdoing Inquiries: 1-877-670-1100

Fax: (902) 424-6675

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- Youth Services



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Nova Scotia Office of the Ombudsman – Permanent and Casual Staff, 2012 - 2013



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