



Office of the Ombudsman

Statement of Mandate 2013-2014

March 25, 2013



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Message from the Ombudsman

This document has been prepared in keeping with our legislative mandates. The planning cycle focuses on improving our capacity to conduct timely and effective formal and own motion investigations, including systemic and policy reviews, resulting in meaningful recommendations to improve systems delivery and accountability, as well as facilitating early resolution of issues brought forward through alternative dispute resolution. With a forward looking and collaborative approach, we will continue to work towards addressing the increased activity in relation to the Public Interest Disclosure of Wrongdoing Act and our responsibilities regarding youth, seniors, adult corrections, and other vulnerable groups. In order to ensure our services are known and available to all Nova Scotians, we continue to pursue community awareness and outreach efforts. We remain committed to balancing these initiatives, while responding to fiscal realities.

A handwritten signature in cursive script that reads "Dwight Bishop".

Dwight Bishop
Ombudsman

Mandate

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

The primary mandate of the Office of the Ombudsman is to review and respond to citizens' concerns arising from the administration of provincial and municipal laws. In recent years, the mandate has expanded to include a proactive role in relation to the province's programs and services for youth, seniors, adult correctional facilities, as well as systemic and policy reviews. In December 2011, the role and scope of the Ombudsman's responsibilities expanded with the proclamation of the Public Interest Disclosure of Wrongdoing Act and Regulations. The Act allows members of the public and employees of specified government bodies, to file allegations of disclosure of wrongdoing.

Mission

Promote the principles of fairness, integrity and good governance.

Government Priorities

The core priorities of government are:

1. Get back to balance and ensure government lives within its means
2. Make health care better for you and your family
3. Make life more affordable and break the cycle of poverty
4. Create good jobs and grow the economy

The Office of the Ombudsman priorities are:

1. Quality complaint resolution process (*Complaint Processing - integrity, efficiency and effectiveness*)
2. Access and Awareness of the Office of the Ombudsman (*Education – of the public and government officials*)
3. Fairness and accountability in public sector administration (*Public Service Administration and Good Governance – own motion investigations - systemic and policy reviews*)
4. Promote initiatives such as government policy development, as well as initiatives focusing on youth, seniors, adult corrections, and cultural diversity (*Complaint Prevention/Reduction - emphasis on quality and fairness of services*)

The first priority of Government ‘Get back to balance and ensure government lives within its means’ is supported by the Office of the Ombudsman priorities of ‘Quality complaint resolution process’ and ‘Fairness and accountability in public sector administration.’ Our oversight role, through the Ombudsman Act and Public Interest Disclosure of Wrongdoing Act and Regulations, results in more effective delivery of government services, enhanced fairness, and accountability. Examples are accountability and transparency improvements of Regional Development Authorities, placement of individuals with complex needs, and service delivery for youth and seniors residential care facilities.

The Office of the Ombudsman has taken a number of measures to ensure fiscal responsibility. These include diverting administrative resources to operations, decreasing investigation time frames by increasing the emphasis on a facilitative approach to complaint resolution. Working with departments, municipalities, agencies, boards, and commissions to facilitate acceptance and implementation of recommendations without requiring a lengthy formal investigation. The Office also maintains a roster of trained employees. The roster creates operational efficiencies in relation to investigations, preventing lapses during job absences of permanent staff, both in terms of quality and time frames.

The Office of the Ombudsman priority of a ‘Quality complaint resolution process’ supports government in achieving the second priority of ‘Make health care better for you and your family’ through our investigative and oversight authority of provincial and municipal government departments, agencies, boards, and commissions. This focus has resulted in improvement in the areas of youth in care and custody of the province, inmate health, education initiatives, matters impacting the environment such as on-site sewage disposal systems, quarry expansion/development, and water treatment facilities.

Government’s third priority ‘Make life more affordable and break the cycle of poverty’ is supported by the Office of the Ombudsman priorities to ‘Promote initiatives such as government policy development, as well as initiatives focusing on youth, seniors, adult corrections, and cultural diversity’ and ‘Fairness and accountability in public sector administration.’ Through our investigative and research activities, we have been able to identify problems and monitor emerging issues impacting individuals accessing provincial and municipal government services, in particular youth, seniors, and families. When warranted, recommendations to the public body for improved service delivery are made, or where appropriate referral information is provided to a complainant. This has resulted in a broad examination of the residential child-caring facility program, clarification of access to programs such as income assistance, student loans, and housing. Ombudsman Representatives also participate on various committees such as the implementation of Direct Supervision with adult inmates, various national/inter-provincial/territorial committees for Disclosure of Wrongdoing, youth (Canadian Council of Child and Youth Advocates, Child Welfare league of Canada, NS Council for the Family) and seniors.

The priority of ‘Create good jobs and grow the economy’ is supported by all of the Office of the Ombudsman’s priorities. Effective government programs, fairness, and accountability of government, enhance prosperity and promote a positive working environment within the Province. Recommendations stemming from the Ombudsman Act and the Public Interest Disclosure of Wrongdoing Act and Regulations focus on government accountability and policy development.

Please also refer to Ombudsman Annual Reports located at <http://gov.ns.ca/ombu/publications.htm>

Performance Measures

Complaint Resolution

OUTCOME	MEASURE/ RATIONALE	DATA Base Year 2005-2006	TARGET YEAR 2013-2014	TRENDS	STRATEGIC ACTIONS TO ACHIEVE TARGET
An efficient and effective complaint resolution process.	Timely completion of Administrative Review investigations.	2005-06 (Base Year) 1-7 days 56% 8 days-4 wks 15% 4 weeks + 29%	2013-14 Maintain 2008-2009 ratio	2008-09 1-7 days 69% 8 days-4 wks 16% 4 weeks + 15% 2009-10 1-7 days 73% 8 days-4 wks 13% 4 weeks + 14% 2010-11 1-7 days 79% 8days-4wks 9% 4 weeks+ 12% 2011-12 1-7 days 76% 8 days-4 wks 11% 4 weeks + 13%	Conduct annual performance appraisals. Revise work plans, education, and training initiatives, including mentoring. Monitor percentage of jurisdictional and non-jurisdictional matters being brought to our attention. Amend Ombudsman Act to recognize facilitative process and to clarify access to information.

Performance Measures

Complaint Resolution

OUTCOME	MEASURE/ RATIONALE	DATA Base Year 2005-2006	TARGET YEAR 2013-2014	TRENDS	STRATEGIC ACTIONS TO ACHIEVE TARGET
	Timely completion of Formal & Own Motion investigations.	2005-06 (Base Year) Complete 60% of Formal investigations and system reviews within 12 months.	2013-14 Maintain 2009-2010 time frame of completing 70% of formal investigations and system reviews within 12 months.	2011-12 Opened 11 formal investigations, 5 own motion investigations, 1 disclosure investigation. We completed 4 Ombudsman Act investigations with an average length of 3 months; 7 investigations were moved to monitoring recommendations with an average age 5.5 months. Carried over into 2012-13 were 5 formal investigations and system reviews with an average age of 4 months; and 1 Disclosure investigation with an age of 2 months.	Review and revise quality assurance process and monitor progress. Conduct regular management meetings focusing on files in excess of 8 weeks, 3 and 6 months to ensure optimal operational efficiency Amend Ombudsman Act to recognize facilitative process. Continue to work to have new computer system developed and implemented.

Complaint Resolution					
OUTCOME	MEASURE	DATA Base Year 2004-2005	TARGET YEAR 2013-2014	TRENDS	STRATEGIC ACTIONS TO ACHIEVE TARGET
A high percentage of resolutions addressed through Administrative Review investigations, resulting in less Formal investigations; increased public confidence and accountability of government.	Maintain a low percentage of Formal investigations compared to Administrative Review investigations.	2004-05 Ombudsman Act Formal investigations 14 (1%)	2013-14 Maintain percentage of Formal investigations at 5% or less.	Ombudsman Act Formal investigations: 2007-2008: 33 (2%) 2008-2009: 24 (2%) 2009-2010: 27 (2%) 2010-2011: 21 (1.5%) 2011-2012: 17 (0.9%)	Educate government officials and public servants on the role and mandate of the Office of the Ombudsman. Increase use of alternative dispute resolution processes. Amend Ombudsman Act to recognize facilitative process and to clarify access to information.
Increased awareness of the expanded role and mandate of the Office of the Ombudsman in relation to the Public Interest of Disclosure of Wrongdoing Act.	Increase in the number of disclosure of wrongdoing Assessments and Investigations.	New legislation and regulations enacted December 20, 2011. 2004-2005 Assessments 5 Investigations 0	Maintain file assessments to 20-25; investigations to 2-4	Disclosure Assessments 2007-08: 21 2008-09: 20 2009-10: 23 2010-11: 26 2011-12: 18 Disclosure investigations 2007-08: 1 2008-09: 0 2009-10: 5 2010-11: 2 2011-12: 1 Ombudsman Act investigations (transferred from Disclosure assessment) 2007-08: 1 2008-09: 2 2009-10: 2 2010-11: 2 2011-12: 4	Educate government officials, Designated Officers and the public about the Public Interest Disclosure of Wrongdoing Act. Refine internal investigation process to allow for expanded role and scope of disclosure of wrongdoing, including providing ongoing feedback on the Disclosure of Wrongdoing Act and Regulations. Establish and develop a toolbox for Departments and Designated Officers on conducting investigations.

Awareness, access and understanding of the Office of the Ombudsman

OUTCOME	MEASURE/ RATIONALE	DATA BASE YEAR 2004-2005	TARGET YEAR 2013-2014	TRENDS	STRATEGIES to achieve target
Increased awareness of the principles of administrative fairness, the role and mandate of the Office the Ombudsman and the Disclosure of Wrongdoing process.	The number of individuals receiving information on the roles and mandates of the Office	Individuals reached 2004-05: 1710	2013-14 Maintain 2009-10 target of approximately 3000	Individuals reached 2005-06: 1975 2006-07: 2711 2007-08: 2700 2008-09: 3700 (exceeded target) 2009-10: 5600 (exceeded target) 2010-11: 4000 (decrease from previous year, but exceeded target) 2011-12: 4192	Enhance our communication strategy by targeting public, government officials, civil servants, seniors, youth, and other designated groups. Increase the number and frequency of site visits/information sessions in relation to youth and seniors. Develop and provide Child Rights Awareness Training on the UN Convention on the Rights of the Child in consultation with Unicef. Revise and distribute a brochure regarding disclosure of wrongdoing. Increase distribution of materials in French. Maintain bilingual website and use of social media. Encourage the display of the <i>Bonjour</i> sign and encourage staff to enhance ability to provide services in French. Distribute pins depicting our logo.

Fairness and accountability in public sector administration

OUTCOME	MEASURE/ RATIONALE	DATA Base Year 2007-2008	TARGET YEAR 2013-2014	TRENDS	STRATEGIES to achieve target
Accountability in the delivery of government programs and services.	Number of Administrative Review investigations, Formal and Own Motion investigations with positive outcomes.	<p>2007-08 Percentage of Administrative Review investigations with positive outcomes 80%.</p> <p>Assistance rendered to the complainant: 730 Resolved for the complainant: 160 Resolved for the public body: 98 Settled between the parties: 24 Total with positive outcomes: 1012</p> <p>Discontinued /withdrawn: 160 Reviews carried into next fiscal year: 64</p> <p>Formal investigations: 33</p>	<p>2013-14 Maintain the percentage of Administrative Review investigations with positive outcomes at 80%</p>	<p>2011-12 Percentage of Administrative Review investigations with positive outcomes: 88% Assistance rendered to the complainant: 1075 Resolved for the complainant: 45. Resolved for the public body: 108. Settled between the parties: 7. Total with positive outcomes: 1235</p> <p>Discontinued /withdrawn: 96 Administrative Reviews carried into next fiscal year: 68</p> <p>Formal investigations Ombudsman Act: 16, Disclosure: 1 Total: 17</p>	<p>Increase public and government's awareness of the role of the Office.</p> <p>Participate in consultation with government relating to the delivery of programs and services provided.</p> <p>Conduct ongoing and site specific visits to provincial and municipal government facilities.</p>

Fairness and accountability in public sector administration

OUTCOME	MEASURE/ RATIONALE	DATA Base Year 2007-2008	TARGET YEAR 2013-2014	TRENDS	STRATEGIES to achieve target
	<p>Number of formal recommendations implemented.</p> <p>Number of recommendations resulting in policy/procedure changes.</p>	<p>2007-08 Formal recommendations made under the Ombudsman Act: 37</p> <p>Involved changes to policy or procedures: 14</p> <p>Recommendations arising from Disclosure of Wrongdoing investigations: 23</p> <p>Accepted and implemented: 13. Rejected: 1. Being monitored at the end of 2007-08 fiscal year: 23</p>	<p>Maintain the 2008-09 number of changes to policies and procedures.</p> <p>2008-09 Formal recommendations made under the Ombudsman Act: 27. Involved changes to policy or procedures: 18. Accepted and implemented: 12. Accepted in principle: 2 Under consideration: 2. Rejected: 1.</p> <p>Recommendations to PSC regarding Disclosure of Wrongdoing regulations : 1</p>	<p>2011-2012 Formal recommendations made under Ombudsman Act: 60.</p> <p>Involved changes to policy or procedures: 26.</p> <p>Accepted and implemented: 21. Rejected: 1 Being monitored at the end of 2011-12 fiscal year: 38.</p> <p>Recommendations from 2 Ombudsman Act investigations made in previous years continued to be monitored.</p>	<p>Provide monthly, quarterly and biannual reports to departments on issues relating to youth and adult offenders.</p> <p>Continue to monitor implementation of recommendations</p>

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

OUTCOME	MEASURE/ RATIONALE	DATA Base Years	TARGET YEAR 2013-2014	TRENDS	STRATEGIES to achieve target
Conduct reviews of legislation, regulations and policies associated with investigations.	Number of requests for reviews by government.	2005-06: 2	2013-2014 Conduct 3-6 reviews.	2007-08: 3 2008-09: 4 2009-10: 6 2010-11: 3 2011-12: 3	Communicate to government officials our willingness to participate in requests for reviews.
	System reviews & own motion investigations.	2006-07: 5 2007-08: 10	Conduct 5 to7 system reviews & own motion investigations	2007-08: 10 2008-09: 9 2009-10: 1 2010-11: 7 2011-12: 11	Identify opportunities for such reviews through management reviews and file monitoring (trends).
Increase presence within communities, areas relating to youth, seniors, and cultural diversity and government.	Number of site visits conducted.	2006-07: 110 Youth 4 Seniors 7 Adult Offenders 121 Total	Number of site visits 130	2008-09 155 Youth 18 Seniors 13 Adult Facilities 2009-10 170 Youth 59 Seniors 12 Adult Facilities 2010-11 146 Youth 89 Seniors 12 Adult Facilities 2011-12 146 Youth 93 Seniors 21 Adult Facilities	Ensure robust service delivery by increasing presence and provide accessibility to seniors, youth, and other designated groups through site visits and education initiatives. Expand the use and subject base of Youth Evaluation Interviews for youth in care and custody of the Province.

BUDGET CONTEXT

Office of the Ombudsman			
	2012-2013 Estimate	2012-2013 Forecast	2013-2014 Estimate
Program & Service Area	(\$thousands)	(\$thousands)	(\$thousands)
Gross Expenses	1776	1776	1681
Salaries and Benefits	1509	1540	1488
Staff (FTEs)	17	17	17