



Nova Scotia

Office of the Ombudsman

Statement of Mandate 2015-2016

February 27, 2015



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Message from the Ombudsman

This document has been prepared in keeping with our legislative mandates. The office remains committed to providing effective provincial and municipal government oversight by conducting timely and relevant investigations, resulting in meaningful recommendations to improve systems delivery and accountability, as well as facilitating a less formal early resolution of issues brought forward. This planning cycle we will continue to balance our oversight responsibilities involving programs for youth, seniors, new Nova Scotians, adult corrections, and diverse communities, with a measured fiscal approach. Including our role in relation to the Public Interest Disclosure of Wrongdoing Act, and fatality reviews.



Christine Delisle-Brennan
Acting 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.

Strategic Outcomes

1. High quality effective, efficient, virtuous complaint resolution particularly for youth, seniors, adult corrections, and the culturally diverse.
2. Broad public and official access and awareness of the Office of the Ombudsman.
3. Fair and accountable public sector administration.
4. Effective sound government policy development.

Government Priorities

The core priorities of government are:

1. Fiscal: Balanced budget during mandate and achieve sustainable government (2017-2018).
2. Economy: Create climate for private sector and social enterprise economic growth to support OneNS economic goals.
3. Education: Increase workforce participation and entrepreneurship by improving early childhood and P-12 education systems and continually improving opportunities for skills development and knowledge through post-secondary education, training and apprenticeship.
4. Demographics: Increase net interprovincial in-migration and international immigration levels; enhance wellness and health initiatives; enhance workforce participation of youth, older workers and marginalized communities; and enhance communities and social well-being.

The Government's third and fourth priorities of 'Responsible fiscal management' and 'Investing in student success with a renewed and strengthened education system' is supported by the Office of the Ombudsman priorities of 'high quality effective, efficient, virtuous complaint resolution particularly for youth, seniors, adult corrections, and the culturally diverse,' 'fair and accountable public sector administration' and 'effective sound government policy development.' 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.

Each of the Office of the Ombudsman's four priorities supports government in achieving the fifth and sixth priorities of 'Accessible, responsive healthcare' and 'Helping all Nova Scotians meet their fullest potential by supporting vulnerable communities – seniors, disabled' through our oversight authority of provincial and municipal government departments, agencies, boards, and commissions. This investigative and outreach focus has resulted in improvement in the areas of youth in care and custody of the province, seniors, inmate health and public education initiatives.

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, seniors long term care, 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 Government priorities of 'Consumer-focused energy solutions including a regulated, competitive energy market' and 'Prosperous businesses of all sizes – creating jobs across the province' is supported by all of the Office of the Ombudsman's priorities. Effective oversight and fairness and accountability of government programs and regulations 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>

BUDGET CONTEXT

| Office of the Ombudsman | | | |
|--------------------------------|-------------------------------|-------------------------------|-------------------------------|
| | 2014-2015 Estimate | 2014-2015 Forecast | 2015-2016 Estimate |
| Program & Service Area | (\$thousands) | (\$thousands) | (\$thousands) |
| Gross Expenses | 1682 | 1682 | 1724 |
| Salaries and Benefits | 1503 | 1278 | 1534 |
| Staff (FTEs) | 17 | 16.9 | 17 |

Outcome: High quality effective, efficient, virtuous complaint resolution particularly for youth, seniors, adult corrections, and the culturally diverse.

Sub-outcome: An efficient and effective complaint resolution process.

| MEASURE/ RATIONALE | DATA BASE YEAR 2004-2005 | TARGET YEAR 2014-2015 | TRENDS | STRATEGIES to achieve target |
|---|---|---|---|--|
| <p>Timely completion of reviews and investigations. Utilize the most rapid and effective means to achieve resolution.</p> <p>A high percentage of resolutions addressed by Ombudsman Representatives through Administrative Review investigations, resulting in less Formal investigations. Low percentage of Formal investigations</p> | <p>2005-06 (Base Year)</p> <p>1-7 days 56% 8 days-4 wks 15% 4 weeks + 29%</p> <p>2004-05 Ombudsman Act Formal investigations 14 (1%)</p> <p>2004-2005 Disclosure Inquiries Assessments 5 Investigations 0</p> | <p>2014-15 Maintain 2009-2010 ratio</p> <p>2014-15 Maintain percentage of Formal investigations at 5% or less.</p> <p>Maintain inquiries to 20- 25; investigations to 2-4</p> | <p><u>2009-10</u> 1-7 days 73% 8 days-4 wks 13% 4 weeks+ 14%</p> <p><u>2010-11</u> 1-7 days 79% 8days-4wks 9% 4 weeks+ 12%</p> <p><u>2011-12</u> 1-7 days 76% 8 days-4 wks 11% 4 weeks+ 13%</p> <p><u>2012-13</u> 1-7 days 78% 8 days-4 wks 12% 4 weeks+ 10%</p> <p>Ombudsman Act Formal investigations: <u>2009-10:</u> 27 (2%) <u>2010-11:</u> 21 (1.5%) <u>2011-12:</u> 17 (0.9%) <u>2012-13:</u> 2 (1.3%)</p> <p>Disclosure Inquiries 2009-10: 23 2010-11: 26 2011-12: 18 2012-13: 19</p> <p>Disclosure investigations 2009-10: 5 2010-11: 2 2011-12: 1</p> | <p>Monitor percentage of jurisdictional and non-jurisdictional matters being brought to our attention.</p> <p>Amend Ombudsman Act to recognize early resolution and facilitative processes, and to clarify access to information.</p> <p>Review and revise quality assurance process and monitor progress.</p> <p>Conduct regular management meetings focusing on files in excess of 8 weeks, 3 and 6 months to ensure optimal operational efficiency</p> <p>Implement new database/computer system.</p> |

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| | | | 2012-13: 2 Ombudsman Act investigations (transferred from Disclosure assessment) 2009-10: 2 2010-11: 2 2011-12: 4 2012-13: 7 | |
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| MEASURE/ RATIONALE | DATA Base Year 2005-2006 | TARGET YEAR 2014-2015 | TRENDS | STRATEGIC ACTIONS TO ACHIEVE TARGET |
|--|---|---|---|---|
| Timely completion of reviews and investigations. | 2005-06 (Base Year) 1-7 days 56% 8 days-4 wks 15% 4 weeks + 29% | 2014-15 Maintain 2009-2010 ratio | 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% 2012-13 1-7 days 78% 8 days-4 wks 12% 4 weeks+ 10% | Monitor percentage of jurisdictional and non-jurisdictional matters being brought to our attention. Amend Ombudsman Act to recognize early resolution and facilitative processes, and to clarify access to information. 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 Implement new database/computer system. Conduct client satisfaction surveys. |

| MEASURE | DATA Base Year 2004-2005 | TARGET YEAR 2014-2015 | TRENDS | STRATEGIC ACTIONS TO ACHIEVE TARGET |
|--|---|--|--|--|
| <p>Maintain a low percentage of Formal investigations compared to Administrative Review investigations.</p> <p>Utilize the most rapid and effective means to achieve resolution.</p> | <p>2004-05 Ombudsman Act Formal investigations 14 (1%)</p> <p>2004-2005 Disclosure Inquiries Assessments 5 Investigations 0</p> | <p>2014-15 Maintain percentage of Formal investigations at 5% or less.</p> <p>Maintain inquiries to 20-25; investigations to 2-4</p> | <p>Ombudsman Act Formal investigations:</p> <p>2009-10: 27 (2%)</p> <p>2010-11: 21 (1.5%)</p> <p>2011-12: 17 (0.9%)</p> <p>2012-13: 2 (1.3%)</p> <p>Disclosure Inquiries 2009-10: 23 2010-11: 26 2011-12: 18 2012-13: 19</p> <p>Disclosure investigations 2009-10: 5 2010-11: 2 2011-12: 1 2012-13: 2</p> <p>Ombudsman Act investigations (transferred from Disclosure assessment) 2009-10: 2 2010-11: 2 2011-12: 4 2012-13: 7</p> | <p>Educate government officials and public servants on the role and mandate of the Office of the Ombudsman.</p> <p>Increase use of alternative dispute resolution processes.</p> <p>Amend Ombudsman Act to recognize early facilitative process and to clarify access to information.</p> <p>Educate government officials, Designated Officers and the public about the Public Interest Disclosure of Wrongdoing Act.</p> <p>Refine internal investigation process to allow for expanded role and scope of disclosure of wrongdoing, including providing ongoing feedback on the Public Interest Disclosure of Wrongdoing Act and Regulations.</p> |

Outcome: Broad public and official access and awareness of the Office of the Ombudsman

Sub-outcome: Increased awareness of the principles of administrative fairness, the role and mandate of the Office of the Ombudsman and the Disclosure of Wrongdoing process.

| MEASURE/ RATIONALE | DATA BASE YEAR 2004-2005 | TARGET YEAR 2014-2015 | TRENDS | STRATEGIES to achieve target |
|---|---|---|---|---|
| <p>The number of individuals receiving information on the roles and mandates of the Office</p> <p>Number of site visits conducted</p> | <p>Individuals reached</p> <p>2004-05: 1710</p> <p>2006-07: 110 Youth 4 Seniors 7 Adult Offenders 121 Total</p> | <p>2014-15 Maintain 2009-10 target of approximately 3000</p> <p>Number of site visits 130</p> | <p>Individuals reached</p> <p>2008-09: 3700 2009-10: 5600 2010-11: 4000 2011-12: 4192 2012-13: 5030</p> <p>2009-10 170 Youth 59 Seniors 12 Adult Facilities</p> <p>2010-11 146 Youth 89 Seniors 12 Adult Facilities</p> <p>2011-12 146 Youth 93 Seniors 21 Adult Facilities</p> <p>2012-13 157 Youth 92 Seniors 72 Adult Facilities</p> | <p>-Enhance our communication strategy by targeting public, government officials, civil servants, seniors, youth, and other designated groups.</p> <p>-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.</p> <p>-Revise and distribute a brochure regarding disclosure of wrongdoing.</p> <p>-Increase distribution of materials in French.</p> <p>-Maintain bilingual website and use of social media.</p> <p>-Encourage the display of the <i>Bonjour</i> sign and encourage staff to enhance ability to</p> |

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| | | | | <p>provide services in French. -Distribute pins depicting our logo.</p> <p>Ensure robust service delivery by increasing presence and provide accessibility to seniors, youth, and other designated groups through site visits and education initiatives.</p> <p>Expand the use and subject base of Youth Evaluation Interviews for youth in care and custody of the Province.</p> <p>Conduct client satisfaction surveys to assess service and understanding of role and mandate.</p> |
|--|--|--|--|---|

Outcome: Fair and accountable public sector administration

| MEASURE/ RATIONALE | DATA Base Year 2007-2008 | TARGET YEAR 2014-2015 | TRENDS | STRATEGIES to achieve target |
|--|---|--|--|---|
| <p>Number of Administrative Review investigations, Formal and Own Motion investigations resulting in an amicable resolution.</p> | <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>2014-15 Maintain the percentage of Administrative Review investigations with positive outcomes at 80%</p> | <p>Percentage of Administrative Review investigations with positive outcomes: 2011-12: 88% 2012-13: 89%</p> <p>Assistance rendered to the complainant: 2011-12: 1075 2012-13: 957</p> <p>Resolved for the complainant: 2011-12: 45 2012-13: 37</p> <p>Resolved for the public body: 2011-12: 108 2012-13: 103</p> <p>Settled between the parties: 2011-12: 7 2012-13: 1</p> <p>Total with positive outcomes: 2011-12: 1235 2012-13: 1098</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> <p>Provide monthly, quarterly and biannual reports to departments on issues relating to youth and adult offenders.</p> |

Outcome: Fair and accountable public sector administration

| MEASURE/ RATIONALE | DATA Base Year 2007-2008 | TARGET YEAR 2014-2015 | TRENDS | STRATEGIES to achieve target |
|--|--|---|---|--|
| <p>Number of formal recommendations implemented.</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</p> <p>Accepted and implemented: 14</p> <p>Under consideration: 2</p> <p>Rejected: 1</p> | <p>Formal recommendations made under Ombudsman Act: 2011-12: 60 2012-13: 23</p> <p>Accepted and implemented: 2011-12: 21 2012-13: 22</p> <p>Rejected: 2011-12: 1 2012-13: 1</p> | <p>Where appropriate upon completion of an administrative review or formal investigation, issue recommendations with a focus on government accountability and policy development.</p> <p>Continue to monitor implementation of recommendations</p> |

Outcome: Effective sound government policy development

| MEASURE/ RATIONALE | DATA Base Years | TARGET YEAR 2014-2015 | TRENDS | STRATEGIES to achieve target |
|---|----------------------------|--|--|--|
| Number of requests for reviews by government of legislation, regulations and policies associated with investigations. | 2005-06: 2 | 2014-2015 Conduct 2-3 reviews. | 2009-10: 6 2010-11: 3 2011-12: 3 2012-13: 1 | Communicate to government officials our willingness to participate in requests for reviews. |
| Systemic reviews & own motion investigations. | 2006-07: 5 2007-08: 10 | Conduct 5 to7 system reviews & own motion investigations | 2009-10: 1 2010-11: 7 2011-12: 11 2012-13: 15 | Identify opportunities for such reviews through management reviews and file monitoring (trends). |