

Provincial Update on Auditor General Recommendations
 Department of Justice
 AS AT OCTOBER 31, 2012

Since 2009, the Office of the Auditor General (OAG) has made 20 recommendations to the Department of Justice, in efforts to improve government for the people of Nova Scotia. The Department has made every effort to address these recommendations. Of the 20 recommendations, 12 are complete and 7 are in progress.

Recommendations assigned to Department of Justice:

	Complete	Work In Progress	Action no Longer Required	Do not intend to Implement	Total Recommendations
Recommendations by Chapter					
July 2009					
Chapter 1: Pandemic Preparedness	1	1	-	-	2
November 2011					
Chapter 6: Implementation of Nunn Commission of Inquiry	-	1	-	1	2
May 2012					
Chapter 6: Office of Public Trustee	11	5	-	-	16
Subtotal	12	7	-	1	20
Percentages	60%	35%	0%	5%	100%

Recommendations in Detail:

Month & Year	Chapter	Recommendation	Status	Brief summary of actions taken
Jul 2009	1	1.5	Work in Progress	The Emergency Management Act was amended to allow the Emergency Management Office (EMO) to make regulations dealing with emergency plans for non-government entities; EMO meets regularly with non-government entities on emergency planning; a Business Continuity Management quick reference tool, guide and tool-kit have been developed; and EMO has become involved in a federal initiative on major emergency preparedness.
Jul 2009	1	1.6	Complete	Twenty-six government departments have submitted emergency plans. EMO has reviewed and provided feedback on all of them. Discussions regarding revisions and updating are ongoing.
Nov 2011	6	6.1	Work in	In response to the Nunn Commission, Justice revised the Provincial Court Manual and JP Centre

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			Progress	procedural manual and delivered training to JP Centre staff and users (police) following revisions. Court Services Division conducts self-audits which monitor staff compliance with Provincial Court manual sections related to docket management and recording of court appearances and results. Justice's self-audits confirm staff have been and were complying with these procedures. Staff Development Training Plans were prepared and reported on annually by the Court Administrators up to 10/11. In addition to this ongoing monitoring of training, Court Services has also contracted with the Nova Scotia Community College to develop and deliver an updated comprehensive online staff training program for all direct service and administrative support staff. Online delivery will include a compliance monitoring component to monitor staff uptake of training. The updated curriculum has been drafted and the project lead assigned. The rollout of the new curriculum is anticipated in Jan 2013 and will include course delivery and evaluation.
Nov 2011	6	6.2	Do Not Intend to Implement	The Department evaluated the youth bail supervision program in 2010; the evaluation concluded the program was not effective and that there was limited use of the service by the courts. The report recommended the program be canceled, and it was canceled effective April 1, 2011. All persons, including youth, who are released on bail continue to be subject to conditions imposed by the court; often these conditions include reporting to police on a regular basis.
May 2012	6	6.1	Planning	The Public Trustee has ordered a risk assessment report of its procedures in collecting and selling

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			Stage	clients' assets. The report was expected May 2012, but has not yet been received from Internal Audit. The Public Trustee is currently reviewing a draft report from Internal Audit Centre.
May 2012	6	6.2	Complete	A policy and procedure has been prepared and instituted, effective Aug 14, 2012. The policy requires that each time auctioneering services are retained, the auctioneer, having viewed the articles to be sold, must sign a letter confirming they have sufficient liability insurance to cover the value of the assets. A draft letter was also prepared for staff use.
May 2012	6	6.3	Planning Stage	The Public Trustee ordered a risk assessment report of its procedures in collecting and selling clients' assets. The report was expected May 2012, but has not yet been received from the internal auditors. The Public Trustee continues to follow up with the internal auditors.
May 2012	6	6.4	Complete	The Public Trustee has developed a policy called "File Reviews for Estates and Trusts," which includes a new file review form for Deceased files, Living files, Infant files, and Specific Trust files - all the types of files managed by Public Trustee's Office's lawyers and trust officers. The policy was developed Sept 11, 2012.
May 2012	6	6.5	Complete	In the new policy, "File Reviews for Estates and Trusts" developed Sept 11, 2012, a system has been established for the files managed by the Public Trustee to be reviewed annually. This will be effective as of Apr 1, 2014. The files of the Senior Trust Officer will be reviewed in spring 2013 as part of this position's annual performance review. Performance goals have already been set

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				for the Senior Trust Officer.
May 2012	6	6.6	Complete	A formal performance management review cycle has just been initiated for all employees of the Public Trustee starting Apr 1, 2012. Performance goals have been established with staff members for the fiscal year ending Mar 31, 2013. Performance goals have been set for the Senior Trust Officer for 2012/13 and a procedure entitled "File Reviews for Estates and Trusts " has been created. How and when the files the Public Trustee manages are to be reviewed has been established within this same procedure dated Sept 11, 2012.
May 2012	6	6.7	Planning Stage	Information about performance standards has been requested from other jurisdictions.
May 2012	6	6.8	Complete	A Policy "Access to the Cabinet in the Vault" has been drafted and will become effective Oct 31, 2012. It provides a detailed procedure on how assets are entered into the vault, the types of items that are to be stored in the locked cabinet in the vault, who is to hold the keys for the cabinet, and a form that tracks all entries to the locked cabinet. Two authorized staff members will need to be present when the locked cabinet is opened.
May 2012	6	6.9	Complete	The Public Trustee has already developed a formalized procedure to ensure that audits are performed annually and that documentation of the count is maintained.
May 2012	6	6.10	Complete	The Public Trustee has already developed a formalized procedure that will require audits of the other assets in the vault to be performed annually by two staff.

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May 2012	6	6.11	Complete	A policy detailing how staff is to periodically verify the existence and condition of the client's assets stored and held in trust off-site in long term storage was developed and put into effect Sept 17, 2012. The policy is called, "Making a plan regarding person and real property of a client" and deals with determining what items should be retained for our clients, a trust agreement the person holding the item must sign in order to hold the item in trust and the establishment of an annual review of items held in trust. A formatted letter which will be sent to all trustees has been drafted for use by staff. Another policy, "Recording in PAM-Chattels & Other Assets held in the Client's Possession" was finalized and signed Nov 1, 2012.
May 2012	6	6.12	Complete	The Public Trustee has developed a tracking log to be completed on a monthly basis which will provide evidence that the client summary reports are being reviewed monthly.
May 2012	6	6.13	Complete	The Public Trustee agrees that the complaints policy should be strengthened and has already revised the policy, as recommended. Guidance is now provided in the policy on when to request a complaint be submitted in writing. The complaints policy now also requires that a divisional complaint log be maintained.
May 2012	6	6.14	Complete	The revised complaint policy (see response to Recommendation 6.13) now requires that a divisional complaint log be maintained. The log has been developed and staff has been made aware of the new requirement to log and track complaints and are using the log.

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May 2012	6	6.15	Work in Progress	The Public Trustee has contacted Justice IT to review the observations and recommendations.
May 2012	6	6.16	Planning Stage	In conjunction with Justice Finance, IT and Internal Audit, the Public Trustee is working on an analysis for establishing a recognized and comprehensive financial accounting and reporting system by Mar 31, 2014. Training on some elements of the financial statements has already been provided. The Public Trustee signed Terms of Engagement with the Internal Audit Centre (IAC) of the Dept of Finance. The IAC will assist the Public Trustee as it reviews the recommendations from the outside consultant the Public Trustee will retain to prepare and create a comprehensive financial accounting and reporting system.