



Nova Scotia

NOVA SCOTIA OFFICE OF THE OMBUDSMAN  
ANNUAL ACCOUNTABILITY REPORT FOR THE FISCAL YEAR  
2015-16

July 2016



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## ACCOUNTABILITY STATEMENT

The accountability report of the Office of the Ombudsman for the year ending March 31, 2016, is prepared pursuant to the Finance Act and government policies and guidelines. These authorities require the reporting of outcomes against the Office of the Ombudsman Statement of Mandate for the fiscal year 2015-2016. The reporting of the Office of the Ombudsman outcomes necessarily includes estimates, judgments, and opinions by Office of the Ombudsman management.

I acknowledge that this accountability report is the responsibility of the Office of the Ombudsman management. The report is, to the extent possible, a complete and accurate representation of outcomes relative to the goals and priorities set out in the Office of the Ombudsman 2015-2016 Statement of Mandate.

William A. Smith  
Ombudsman

## MESSAGE FROM THE OMBUDSMAN

The Nova Scotia Office of the Ombudsman is a comparatively small office with a broad mandate and an ambitious mission, to “promote the principles of fairness, integrity, and good governance.”

The Office has a staff of 17, including the Ombudsman. Our mandate is guided by the Ombudsman Act and Public Interest Disclosure of Wrongdoing Act, in effect to investigate complaints about the administration of provincial and municipal laws, regulations, policies, and procedures. The adequacy and proper administration of government programs ultimately constitute the heart of Ombudsman business. Most inquiries reflect Nova Scotians’ interest in social welfare, health, public policy, and the integrity of elected officials. The Office responds to and manages operational requirements that any demographic shift may impose, while balancing resources to efficiently meet our mandate. One such shift is the increased awareness and expansion of services to vulnerable citizens such as new Nova Scotians and diverse communities, youth, seniors and those navigating provincial and municipal government systems.

The Office provides independent oversight services and receives more than 2,000 inquiries or complaints a year. It is neither a representative of government nor an advocate for individual or group complainants. The majority of complaints received by the Office are settled quietly and unobtrusively, in a matter of days or weeks; or by directing complainants to resolution services at the departmental or agency level. An important role of this Office in addressing complaints is to explain why and how a complaint can be seen as an opportunity to improve public sector processes. Even when a complaint is not supported, it presents an opportunity to reflect and explain citizen complaints to government, and, when appropriate, to explain legitimate and appropriate government actions to citizens.

This report is based on the goals, priorities, and performance measures set out in the Office of the Ombudsman 2015-2016 Statement of Mandate and should be read in concert with that report. The Office of the Ombudsman is comprised of four sections: Investigation & Complaint Services, Youth & Seniors Services, Disclosure of Wrongdoing, and Administration. Staff are appointed by the Ombudsman and approved by the Governor in Council (Section 7(1) of the Ombudsman Act).

William A. Smith  
Ombudsman

**FINANCIAL RESULTS**

| Office of the Ombudsman<br>Estimated Expenditures<br>2015-2016 |                |                |
|--|----------------|----------------|
| Core Business  | Estimate       | Actual         |
|  | (\$ thousands) | (\$ thousands) |
| Total Program Expenses   | 1,724          | 1,477          |
| Staff (FTE's)  | 17             | 15.2           |

**MEASURING OUR PERFORMANCE**

**Core Business Area 1: Complaint Resolution**

Ensure citizen complaints are addressed in a timely, comprehensive, objective, and independent manner through:

- Investigations, reviews, assessments, and referrals
- Utilization of alternate dispute resolution (ADR) processes
- Formal investigations
- Recommendations to improve the delivery of government services

**Outcome 1:** An efficient and effective complaint resolution process.

**Measure:** Timely completion of reviews and investigations.

**What does this measure tell us?**

The time frame required to complete administrative review investigations and formal investigations is one of the components which determines our effectiveness.

**Where are we now?**

Based on our new electronic case management system this measure has been updated to reflect the revised reporting structure of timeframes of intake assessment, administrative review, and formal investigations. Generally intake assessment are completed within 1-7 days, administrative reviews are completed within 1 – 4 weeks, and formal investigations, disclosures of wrongdoing, and own motion investigations can last 4 or more weeks.

Figure 1: Investigation Timeframes

| Timeframe   | Type                      | Number |
|-------------|---------------------------|--------|
| 1 – 7 days  | Intake Assessments        | 1282   |
| 1 – 4 weeks | Administrative Reviews    | 367    |
| 4 + weeks   | Formal Investigations     | 5      |
| 4 + weeks   | Own Motion Investigations | 5      |
| 4 + weeks   | Disclosures of Wrongdoing | 14     |

\*These numbers do not include youth investigations and contacts as in previous years

### Where do we want to be?

Completing formal investigations, disclosure of wrongdoing investigations, and system/policy reviews within one year. Ensure internal quality assurance processes facilitate achieving this goal. Maintain ongoing outreach with public bodies to ensure government officials are aware of their reporting obligations during reviews and investigations, as well as Designated Officers to ensure awareness of roles and responsibilities under the Public Interest Disclosure of Wrongdoing Act.

This year marked the first year utilizing a new database and electronic case management system that has assisted with meeting target time-frames.

**Outcome 2:** A high percentage of resolutions addressed through intake assessments and administrative review investigations, resulting in less formal investigations; increased public confidence and accountability of government.

**Measure:** Maintain a low percentage of formal investigations compared to administrative review investigations.

### What do these measures tell us?

Efficient resolution of complaints through the less formal, administrative review investigation process. By ensuring meaningful resolution of complaints on an informal basis, there is increased opportunity to address potentially broader, long term, or systemic issues.

### Where are we now?

This year, our Office completed 5 formal investigations, compared to 1282 intake assessments and 367 administrative reviews. In total, formal investigations represented less than 1% of investigations within these main categories.

### **Where do we want to be?**

Our goal is to maintain a lower number of formal investigations, compared to informal or administrative review investigations; specifically targeting 1% or less of the total number of investigations. To achieve this goal, Ombudsman Representatives support alternate dispute resolution processes, while also continuing to educate both the public and government vis-a-vis the role of the Office.

**Outcome 3:** 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.

**Measure:** Increase in the number of disclosure of wrongdoing Inquiries and Investigations.

### **What do these measures tell us?**

This measure tells us how well we've educated the public, government officials, and Designated Officers about the Public Interest Disclosure of Wrongdoing Act.

This measure also indicates how efficient our internal investigative process is, to effectively absorb the expanded role and scope of disclosure of wrongdoing and its impact on operations.

### **Where are we now?**

This year further implementation of a new outreach strategy developed two years ago helped us educate the public on our mandate. No disclosures of wrongdoing produced any formal recommendations by this Office in 2015-2016.

### **Where do we want to be?**

Increase disclosure of wrongdoing inquiries and investigations, similar to those observed in 2013-2014. Revisit training and outreach support and initiatives for public bodies, specifically Designated Officers to increase awareness of the Act and ability to conduct investigations.

### **Core Business Area 2: Awareness, access and understanding of the Office of the Ombudsman**

Promote citizen and government awareness and understanding of the Office of the Ombudsman. Our communications strategy aims to clarify our role and mandate, and increase citizens' accessibility through:

- presentations/meetings
- pamphlets/brochures/social media
- group targeting (i.e., youth and seniors)
- increased media contact and coverage

**Outcome 1:** Increased awareness among Nova Scotians of the principles of administrative fairness, the role and mandate of the Office the Ombudsman, and the disclosure of wrongdoing process.

**Measure:** An increase in the number of contacts with individuals from the previous year who receive information on the role of the Office of the Ombudsman.

**What does this measure tell us?**

Indicates an increased number of Nova Scotians are aware, and have a better understanding, of the role and mandate of Office of the Ombudsman.

**Where are we now?**

A new outreach strategy was implemented that focused specifically on potentially vulnerable persons such as children, youth, and seniors; while also implementing cost savings by reducing the requirement for travel. The new outreach strategy employs the increased use of technologies such as social media, digital conferencing, and clustering site visits by regions or specific areas where we will be most effective to maximize delivery of outreach resources.

**Where do we want to be?**

Observe an increase in the overall number of Nova Scotians who are aware of, and understand the role and mandate of the Office. Have Ombudsman Representatives continue to increase site visits for youth and seniors, interaction with the public, and generally increase awareness; and in time this increased awareness correlates with a decrease in the number of non-jurisdictional matters brought forward, and an increase in jurisdictional issues.

**Core Business Area 3: Fairness and accountability in public sector administration**

**Outcome:** Accountability in the delivery of government programs and services.

**Measure:** Number of administrative review investigations, formal and own motion investigations with positive outcomes. Number of formal recommendations implemented.

**What does this measure tell us?**

Positive outcomes and acceptance of recommendations by government indicates that the Office of the Ombudsman is conducting effective investigations and reviews, properly identifying the issues within complaints, and offering meaningful recommendations and resolutions. Based on our new electronic case management system this measure has been updated to reflect the revised reporting structure and classification of outcomes.



**Where are we now?**

|  |            |
|--|------------|
| Assistance Rendered  | 786        |
| Resolved   | 43         |
| Properly Implemented   | 68         |
| <b>Total with positive outcome</b>                               | <b>897</b> |
| *This total does not include meetings with youth in care/custody |            |

The Ombudsman issued 9 recommendations during 2015-2016. Of the 9 recommendations, 4 has been accepted by government and implementation is being monitored. The 5 remaining recommendations are in the interim stage.

**Where do we want to be?**

Maintain a positive outcome for 80% of administrative review investigations and continue to strive to obtain 100% acceptance of recommendations. In order to achieve this, we will continue to enhance our working relationship with government, and to increase awareness of our role. We will also continue to conduct thorough investigations and develop meaningful recommendations to resolve outstanding issues.

**Core Business Area 4: Promote initiatives such as government policy development and review, as well as initiatives focusing on youth, seniors, and cultural diversity**

Policy review and development is integral to mitigating complaints and promoting a positive relationship with government and the public. Often times the cause of a well-founded complaint stems from outdated or under-examined policy. As the public's interaction with government adjusts over time the result can be ineffective policies that do not achieve their intended goal. We encourage departments, agencies, boards, and commissions to review and update their policy on a regular basis. If an outside perspective on a policy is required, Ombudsman Representatives can undertake an independent policy review at the Ombudsman's initiative, or at the request of a public body.

Ombudsman Representatives also focus on interacting with vulnerable or historically marginalized groups through targeted outreach activities such as formal presentations and site visits, and the use of Youth Evaluation Interviews for youth in the care and custody of the Province.

**Outcome 1:** Conduct reviews of legislation, regulations, and policies associated with investigations.

**Measure:** Number of requests for reviews by government. Number of system reviews and own motion investigations.

**What does this measure tell us?**

While requests for review have been trending down, the overall numbers of system reviews and own motion investigations has gone up. This measure indicates public bodies' willingness to participate in Own Motion and Systemic Reviews.

**Where are we now?**

In 2015-2016, the total number of overall reviews was 5. This number is down from the previous year where we had 6 total. The total for this year of 5 is in the target range of 5-7 set for the year.

**Where do we want to be?**

Increased effort may need to be made to communicate more broadly within provincial and municipal government officials with respect to the availability of independent policy reviews. This Office remains committed to determining areas where potential systemic issues may indicate a need for policy review, but the determination to carry out these types of investigations are always dependent on the types of complaints received, the evidence of issues, and where we believe a policy review may be warranted. Own motion investigations are another way we can increase reviews of this nature to address systemic policy issues.

Ombudsman Representatives will continue to monitor trends in order to manage reviews, identify opportunities for reviews, and to determine factors indicative of future policy driven complaints.

**Outcome 2:** Increase presence within communities, areas relating to youth, seniors, and cultural diversity and government.

**Measure:** Number of site visits conducted

**What does this measure tell us?**

Site visits and other tools such as educational initiatives ensure robust service delivery by providing increased accessibility for seniors, youth, and other designated groups. Many complainants in these groups may feel isolated by their circumstances, are averse to making complaints over the phone, or are otherwise limited in their capacity to make complaints other than in person. The overall number of site visits indicate the number of individuals directly reached, and had first person access to the Office of the Ombudsman complaint resolution process, as well as educational tools like presentations or evaluation interviews.

**Where are we now?**

The target for 2015-2016 was to conduct 130 outreach sessions, we were able to conduct 182. The Office created a program of outreach presentations to educate long term care facility staff, resident councils, and family councils on the role of our office and how we can be helpful to them.

**Where do we want to be?**

Continue to visit as many youth in care and custody of the Province as possible. Continue growing our approach to senior outreach by targeting resident and family councils to ensure their awareness Ombudsman Representatives are available to conduct site visits, provide information sessions, and process complaints. Also increase our outreach efforts to diverse groups and/or areas.

**PUBLIC INTEREST DISCLOSURE OF WRONGDOING ACT**

There were no disclosure of wrongdoing inquiries, allegations, or investigations specific to the Office of the Ombudsman received/submitted in 2015-2016.

| Information Required under Section 18 of the Act | Fiscal Year 2015-2016 |
|--|-----------------------|
| The number of disclosures received               | N/A                   |
| The number of findings of wrongdoing             | N/A                   |
| Details of wrongdoing                            | N/A                   |
| Recommendations and actions on each wrongdoing   | N/A                   |

Other Departments:

The Office of the Ombudsman received 14 disclosure of wrongdoing inquiries/allegations involving other Departments under the Public Interest Disclosure of Wrongdoing Act (PIDWA). Thirteen administrative reviews, and one formal investigation were generated from these inquiries/allegations. There were no findings of wrongdoing and no recommendations were made.