



Untangling

the Issues

2014-15 Annual Report

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Vision

Equitable treatment for all.

Mission

The Alberta Ombudsman provides oversight of the Provincial Government to ensure fair treatment through independent investigations, recommendations and education.

Values

Integrity, Respect, Accountability and Independence

We also value a working environment that fosters personal and professional growth and development, collaboration and teamwork, and innovation and creativity.

Message from the Ombudsman

Helping
Albertans

Untangle

the issues

It's challenging for anyone when things don't appear to go right. And it can be frustrating when a decision doesn't feel fair, particularly when a person is trying to access a government program or service.

For the average person, trying to figure out why they were treated unfairly by a provincial government department or authority amounts to a sometimes lengthy and confusing journey through reviews or appeals, phone calls and letters to sometimes multiple authorities, and a long trek through convoluted rules and procedures that determine why (or why not) a decision was made. If people make it through that process and they're still not satisfied with the response, they often don't know where to turn.

It's a lot like trying to untangle a knot.

Luckily, the office of the Alberta Ombudsman enjoys untangling the issues. It's really at the core of what we do. Not surprisingly, it's why we chose "Untangling the issues" as a theme for our 2014-15 annual report.

The past year has seen encouraging progress in several areas, such as implementation of a new case management system, the leveraging of shared IT services with other offices of the Legislative Assembly and increased outreach with Albertans in rural and remote communities.

Of course, we have encountered challenges along the way.

Fiscal restraint

Like other independent offices of the Legislative Assembly, the Alberta Ombudsman received a two per cent budget reduction in late 2014 for the coming fiscal year. As a publicly-funded office, we understand public finances have been under pressure.

As we move forward into the next fiscal year, we have committed to taking necessary steps to operate effectively and efficiently within our budget, as we always have. This means we have scaled down some elements of our strategic plan. For example, we have reduced travel to conferences and reviewed

our professional development budget. We have reduced the number of outreach and awareness visits we plan to make to Alberta communities outside Calgary and Edmonton. This will be re-evaluated as we progress through the fiscal year to ensure we maximize our efforts. We have also suspended a province-wide survey of Albertans we had planned to conduct this year.

Going forward, we may have to make other adjustments, but our priority will continue to be ensuring we deliver on the mandate of our office.

I should also stress our independence is not challenged by this small budget reduction. Our efforts to scrutinize and keep a measured eye on the environment around us will remain focused. This is because we know, from prior experience, how important government oversight is when downsizing occurs.

When cuts to government employee levels or resources are made, we're often left with situations in which fewer of those employees are asked to do more with less. And while there are fewer resources available, the need for these resources doesn't go away. This creates the very real potential of seeing an increase in complaints. Albertans should be assured we are aware of this potential, and stand ready, as always, to work to ensure complaints of unfair treatment are handled properly.



> Peter Hourihan

Education and training a new focus

It is in this environment that one of our new initiatives is poised to help mitigate these potential issues. Over the coming months, we will embark on education and training sessions aimed specifically at decision-makers in government departments and other provincial authorities.

While we have enjoyed some success with the production of our administrative fairness guidebooks (produced in 2013), nothing beats personalized instruction and interaction.

This effort is entirely employee focused. We have already received interest from some authorities. Our aim is to develop tailor-made instructional sessions that are relevant to particular sectors.

For example, while the key components of what constitutes well-written decisions are fairly universal, there are differences in appeal and review processes in various entities. Our approach will be not to develop a one-size-fits-all educational curriculum, but rather to tailor our message for each individual entity.

It takes everyone to untangle the issues

One feature you'll read in this report concerns the longstanding and frustrating situation experienced by a complainant I met with in 2014. You can read about his situation on page 14, but in short, a 10 second interaction with a health professional turned into 10 years of unhappiness and confusion for this person. It led to an investigation, a review, an appeal and decision by a professional health college – and then an investigation by our office.

A brief encounter, made all the more uncomfortable thanks to a dismissive attitude by a front-line worker, turned into a long-lasting situation that could have been avoided.

All too often, we tend to focus on execution of policy and procedures, when sometimes we miss the smaller (but all too critical) pieces. We need to remember that all the facets of an organization play a role in service delivery and, as an extension, help deliver fair treatment in the provision of those services. Interpersonal skills, proper resources and training, empathy and compassion...these are all factors that can be overlooked. Moreover, a lack of resources can cause employees to be curt or abrupt, leading to higher stress levels – which is why it is important for government to ensure it is providing sufficient resources for staff.

When these situations occur, Albertans like the complainant I spoke with can be left in a situation that is not only unfair, but ends up being costly for everyone involved.

This is why we're also particularly happy to showcase the positive relationship between our investigators and Laura Ritzen, a Team Lead with the Appeals Secretariat. Her story is on page 24, and it's representative of the strides some departments have made in recent years by taking the time to understand the role of the Ombudsman's office, including our investigations and recommendations. Of course, it takes people with open minds and the ability to build bridges – and that's where civil servants like Laura come in.

Your voice of fairness

Our office understands the challenges involved in delivering administrative fairness. Make no mistake: as an independent and neutral office, we advocate for neither complainants nor government. Instead, we advocate fair treatment. Nothing more and nothing less.

This means we pursue fairness to its ultimate conclusion, meaning we often don't find a complainant was treated unfairly when they are quite convinced they were. It also means we have our fair share of difficult conversations with parties on both sides of the fence, no matter what our investigations yield. (You can read more about this dynamic on page 16.)

But at the end of the day, our mission of being a voice of fairness, of helping all Albertans untangle the issues (whether they are complainants or front-line workers and decision-makers in government) remains our guiding principle.

The steps we have taken in recent years, and the plans we have underway, will help ensure we remain on this path.



Peter Hourihan
Alberta Ombudsman



Our Role

The Alberta Ombudsman has the authority to investigate decisions, actions and recommendations made by a jurisdictional authority. Individuals who have concerns or complaints about the fairness of administrative actions by Alberta government departments, agencies, boards, commissions, designated professional organizations and the patient concerns resolution process of Alberta Health Services may bring these matters to the Ombudsman. Contact may be made by a phone call to the office, through a letter, through the online complaint form located on our website or in person.

If the initial contact is made by phone, the call will be directed to an intake officer who determines the caller's issues and whether the concern is with an agency jurisdictional to the Ombudsman. If the concern is not jurisdictional, the caller is referred to the appropriate source for information or assistance.

Appeal Mechanisms

The caller may have a concern regarding the actions of a jurisdictional body but may not have used all available appeal processes. The *Ombudsman Act* requires complainants to pursue resolution through these processes before seeking help from the Ombudsman. If all appeal processes are not exhausted, the intake officer will provide information on options and processes available to the caller.

Callers with a jurisdictional complaint who have completed the appeal processes may be able to resolve their complaint through informal resolution. For example, the caller may be an inmate who brought a concern to the correctional centre director but has not received a response. Rather than ask the inmate to make a formal written complaint to the Ombudsman, the intake officer may contact the director, provide information and inquire about the status of the inmate's concern. The intake officer may determine the director's response was sent but not received or the call may prompt a more timely response to the inmate. Whatever the outcome, such informal action by our office is an attempt to successfully resolve the issue in a timely fashion.

For all other oral complaints, the intake officer explains the process of making a written complaint by online complaint form or by letter. The caller is advised of the process that occurs once the Ombudsman receives a written complaint.

Complaint Analysis

The *Ombudsman Act* states all complaints to the Ombudsman shall be in writing. A complaints analyst reviews written complaints. The analyst will consider whether:

- The complaint is about a department or agency under the authority of the *Ombudsman Act*
- The complainant has exhausted all avenues of appeal
- The complaint is a matter before the courts
- The complainant has been directly affected by the action or decision being complained about
- The complainant has third party representation
- The complainant has come forward in a timely manner

The analyst will also identify the issues within the complaint. Anonymous complaints are not acted upon.

If the Ombudsman accepts the complaint, there are two options for resolution: an Alternative Complaint Resolution (ACR) may be attempted or the matter may proceed to a formal investigation. In both cases, the file is assigned to an investigator.

Alternative complaint resolution

The ACR process is a less formal process for handling complaints. It may be pursued for the following complaints:

- Those which may have a reasonable chance of resolution within 21 days
- Those which involve fewer or less complex issues and are specific to the complainant
- Where a less formal complaint resolution would be appropriate

In order to proceed with an ACR, the process must be agreed to by both the complainant and the complained-about department. After the issues are clarified with the complainant, a department representative is contacted and possible avenues of resolution are discussed. Examples of potential resolutions include the provision of additional information exchanged between parties or negotiation of further actions by either party. The Ombudsman's investigator facilitates the complaint resolution but does not advocate for the interests of either party. If the matter is successfully resolved, the file is closed. If ACR is unsuccessful, the matter is considered for formal investigation.

Formal investigation

A formal investigation begins with correspondence to the complainant and the Deputy Minister responsible for the department or the head of the agency. If the complaint involves actions of more than one department, files are opened with each department. The correspondence outlines the parameters of the issues for investigation and the letter to the department usually includes a copy of the complaint letter or the details from the online complaint form. The department is asked to provide a written response, which should include all relevant documentation, policy and legislation. The investigator reviews this response and file materials relevant to the complaint and interviews appropriate department staff members to determine if there is additional information related to the identified issues. The investigator usually also interviews the complainant to obtain any additional information or clarification of the issues. The investigator may interview anyone believed to have information relevant to the investigation and request copies of all pertinent documents that the complainant or others may have in their possession.

Once all information is gathered, the investigator analyzes the information based on the principles of administrative fairness and prepares an investigation report. This report identifies the issues investigated and provides background for the complaint. Information relevant to each issue is described and analyzed and conclusions are explained. Based on the analysis and conclusions, the investigator recommends a resolution for each issue to the Ombudsman if administrative unfairness is identified.



Administrative unfairness

If administrative unfairness is identified, the issue is supported. The issue is not supported if the actions or decisions do not demonstrate administrative unfairness and are consistent with legislation, policy and the principles of administrative fairness. For administratively unfair issues, the Ombudsman recommends a remedy that must be consistent with the nature of the unfairness. For example, if a decision was written in an administratively unfair manner, the Ombudsman may recommend the decision be rewritten or amended to rectify the deficiencies. If a hearing was conducted in an administratively unfair manner, the Ombudsman may recommend the decision be set aside and a new hearing held.

Investigation conclusion

At the conclusion of the investigation, the Ombudsman reports his findings on unsupported complaints to the complainant and the department or agency investigated. The decision identifies each issue investigated and the findings or conclusions.

On supported complaints, the Ombudsman shares his findings and recommendations with the Deputy Minister of the department or agency head and gives that person the opportunity to respond. When the Ombudsman makes a recommendation, he relies on the power of persuasion as he does not have the authority to require an action. There are occasions when the Deputy Minister or agency head agrees with the findings of administrative unfairness but will offer a different option for resolution. The recommendation for final resolution will be one that is acceptable to both the Ombudsman and the Deputy Minister or agency head. Once agreement is reached on a resolution, the conclusion is shared with the complainant. On the very rare occasion when no agreement is reached between the Ombudsman and the Deputy Minister or agency head, the Ombudsman has the power to report to the Minister, the Lieutenant Governor in Council and ultimately to the legislature.

Most recommendations for resolution result in an action that directly impacts the complainant. Other recommendations correct a systemic issue that affects more than one person and improves the process or system within a department or agency.

Own motion investigations

The Ombudsman has an additional investigative power to conduct an own motion investigation, initiated at his own discretion. For example, an own motion investigation may result from a number of questions about the administrative fairness of a program that have come to the Ombudsman's attention through various investigations. When commencing an own motion investigation, the Ombudsman advises the Minister and the public and reports publicly on his findings upon conclusion.

Committee-referred or ministerial-ordered investigations

The *Ombudsman Act* contains two other ways in which the Ombudsman may commence an investigation: a committee of the Legislative Assembly may refer a matter to the Ombudsman for investigation or a Minister of the Crown may order the Ombudsman to conduct an investigation.



Administrative Fairness

Introduction

Natural justice and administrative fairness are at the core of Ombudsman investigations. Natural justice is to administrative fairness what due process is to criminal law. For example, if an accused is not informed of his or her rights, there is an error in process. Similarly, if an individual is denied a service but is not informed of their right to appeal, the process is flawed.

The application of administrative fairness in decision-making affects people in a variety of ways. They range from administrative tribunal decisions (including workers' compensation benefits, income support benefits or disciplinary sanctions for inmates in provincial correctional centres), to situations where there is a less formal (or no formal) process.

The Alberta Ombudsman uses the following guidelines to assess whether a situation has been dealt with in an administratively fair manner.

Chain of legislative authority

What legislation created the authority or power to make a decision? And who can make that decision?

The powers of government departments, agencies, boards, commissions, designated professional organizations and the patient concerns resolution process of Alberta Health Services are derived from statute. Legislation may grant the organization the ability to make decisions, or it may grant the decision-maker the authority to exercise discretion based on parameters set out in legislation or in policy.

Another element of chain of legislative authority is the understanding of the decision-maker. The decision-maker must be able to understand he or she has authority to make a decision and that the decision is consistent with legislation, regulation or policy.

Duty of fairness

Duty of fairness means there must be procedural fairness in decision-making. Greater procedural protection is required if there is:

- No right of appeal established within a statute
- No further appeal mechanism within a department, agency, board or professional body
- A substantial effect on an individual's rights (such as loss of financial benefits)

Decisions made by administrative bodies often have a more immediate and profound impact on people's lives than a court decision. Flowing from these decisions is a duty to act fairly and to make procedurally fair decisions.

The duty of fairness is flexible, depending on the statute involved and the nature of the decision. The degree of fairness depends on the effect of the decision on the rights of the individual, and whether legislation established an avenue of appeal.

Participation rights

Was the individual given a full and fair opportunity to present his or her case to the decision-maker? Was there full disclosure of the case against the person, to the person?

A decision-maker should ensure a person has sufficient time to respond when requesting information. A tribunal should also invite all parties to provide written submissions or present orally at a hearing. These actions provide a meaningful opportunity to be heard.

Adequate reasons

Canadian courts impose a common law obligation on administrative decision-makers to provide adequate reasons.

There must be a rational connection between the evidence presented and the conclusions reached by the decision-maker. The decision-maker should be able to answer the question, “Why did you make that decision?”

It is not enough to outline the evidence and arguments made by the parties. There must be a rational connection drawn between evidence and conclusions, including a clear explanation of how relevant legislation, regulation or policy was applied. Decision-makers should also be able to explain what evidence was rejected, and why it was rejected. A well-written decision must address the major arguments raised by all parties. While decision-makers are not required to address every point or piece of evidence, they must address the major evidence they relied on (or rejected) to make the decision.

Apprehension of bias

Decision-makers must demonstrate impartiality and independence when making decisions. “Impartial” applies to the state of mind or attitude of the decision-maker so there is no bias, either real or perceived. Impartial decisions are based on objective criteria. To be “independent,” the decision-maker must be free from interference by the executive and legislative branches of government and from other external forces such as business interests, corporate interests or other pressure groups.

Decision-makers should declare real or perceived conflicts of interest. The appearance of impartiality is necessary to maintain confidence in the decision-making process. In cases where it appears decision-makers are not objective, even when they feel they could make an unbiased and fair decision, they must disclose the potential conflict or excuse themselves from the case.

Decision-makers should guard against forming opinions about the person or the case before reviewing the documentation and hearing from all parties. An appearance of bias might result from the behaviour of a decision-maker at a hearing, such as repeatedly silencing a party, or behaving in an aggressive or sarcastic manner. If the decision-maker was involved in the case prior to the hearing, it may appear they have prejudged the matter.



Legitimate expectation

The principle that regular practices or promises of an administrative decision-maker should be considered forms the basis of legitimate expectation. For example, a person has a legitimate expectation that a submitted application form will be processed.

When a person challenges a decision, it is administratively fair for the decision-maker to honour promises made about following procedure, unless the decision-maker is unable to do so. In that case, the decision-maker must ensure the decision is made as fairly as possible. Failing to meet legitimate expectations may be as simple as an official failing to follow through after agreeing to take action or write a decision letter; it becomes more complex if the authority fails to follow what may be considered a regular process without explanation, therefore treating an individual in an unfair manner.

Exercising discretionary power

Discretionary decision-making can be established in policies, legislation and guidelines. Discretionary decisions cannot be made in bad faith, for an improper purpose, or based on irrelevant considerations. Although decision-makers enjoy considerable deference which allows them to make their own decisions and determine the scope of their jurisdiction, discretion must still be exercised within a reasonable interpretation of legislation.

When exercising discretionary decision-making powers, the decision-maker must do only what he or she is authorized to carry out.

Was the decision reasonable?

This final fairness guideline is one that flows through all our investigations. A reasonable decision does not equate to whether the decision is wrong, or whether a different conclusion could have been reached. Rather, a reasonable decision shows how the decision-maker considered and assessed the arguments and evidence. If this does not appear in the decision, the complainant is left wondering how their circumstance was considered.



From 10 seconds to 10 years

How does a 10 second encounter turn into 10 years of frustration? In the case of one Albertan who complained to our office, a thoughtless comment by a health care worker led to a breakdown in trust of the entire system – distrust that lasted a decade.

In 2004, James had grown extremely tired. He was feeling weak, and experienced an irregular heartbeat. He visited a clinic, and was told to drink fluids and rest. A week later, he returned to the clinic, still feeling some of his initial discomfort. Ultimately, James was diagnosed with atrial fibrillation. This was devastating for him. The doctor went over some aspects of the condition, and prescribed blood thinners, explaining the dosage and frequency, and advised James to have his blood checked in two weeks.

A few months later, James was unceremoniously discharged from the clinic. According to James, the receptionist advised him he was “fired” from the clinic.

In James’ words, the receptionist was unprofessional and unaccountable. The conversation was short, conclusive and came without any notice. This too was devastating for James; he was single and lived alone without support. He had no family doctor, and now, for the time being, was forced to find a new clinic. Worse, he was not comfortable with how to manage his heart condition.

Over the next several years, James continued to think about this incident and how unprofessional (and hurtful) it felt. He believed he didn’t receive adequate attention and was dismissed inappropriately and rudely. Furthermore, he was concerned his medical records were not forwarded to another clinic in a timely manner. All told, the situation fell far below his expectations, especially given James was struggling to come to terms with his condition. Still frustrated and angry in 2011, he complained to the College of Physicians and Surgeons of Alberta.

The College launched an investigation. It reviewed James’ complaint and he later appealed it. In the end, there was no adverse finding against the doctor involved in 2004. There were also insufficient records to determine the extent of the interactions between James and the now former employees of the clinic. Throughout the investigation and appeal process, James raised administrative and procedural matters. He had questions and did not feel he was receiving all the information he was entitled to. His doubt in the system had grown over the years and he was skeptical of what was taking place. James was not satisfied with the decision of the College.



So, he complained to the Alberta Ombudsman's office, who investigated the matter. We ultimately found the College acted correctly and treated James fairly. The investigation confirmed there was insufficient information to determine the level of professional service provided to James in the clinic. There were no records of such interactions, time had passed and people were not available. Further, employment records concerning potential discipline were not made available, which is common and fair. Regardless, James remained dissatisfied with the treatment he received.

In short, a 10 second interaction with a receptionist turned into 10 years of frustration, concern and anger for James. Ten seconds turned into a full investigation, review, appeal and decision by the College, followed by a lengthy and drawn out investigation by the Ombudsman. Ten seconds turned into lost confidence, lost time and lost resources.

Ten seconds could eliminate 10 years of frustration on the part of a patient or client, in addition to the heavy costs to a system already stretched. At the same time, we appreciate front-line workers are stretched and stressed on a regular basis. Employee support can, and should, come from employers and the system. This support should recognize the pressure employees face, help ease pressure and provide opportunities to lessen strain.

We can all do our part to help Albertans like James. Take the time to help, so 10 seconds doesn't turn into 10 years.

To be clear, the receptionist (and other staff at the clinic) may not have felt she was unprofessional. After all, it was a very short interaction. And, from their perspective, a patient at a clinic does not experience medical trauma. As a patient, though, James was devastated and concerned about his condition and the prospect of not having a clinic or doctor to consult with after his dismissal.

So, what's the answer? Front-line workers and others in professions of service must remember the importance of clients and patients. Empathy also helps. Take the time to have compassion and patience, even when busy and stressed.

Managing expectations:

What's fair, what isn't, and explaining our role

As an office of last resort, the Alberta Ombudsman investigates complaints of unfair treatment after individuals exhaust appeal and review processes. Whether we find an individual has been treated unfairly or not by a provincial authority, the outcome of an investigation can lead to difficult conversations. If a complainant *has* been treated fairly, they can naturally feel disappointed in that outcome.

On the other hand, sometimes we find a complainant has *not* been treated fairly. However, this doesn't mean the Ombudsman can necessarily reverse a decision and award, for example, a certain amount of a provincial benefit program. The Ombudsman is not an alternate decision-maker. Often, what will happen is a procedure or policy is changed to correct an unfair practice. While the complainant may not see a direct benefit, the changes can, and do, improve interactions with future clients.

A lot of this interaction hinges on managing expectations. Our complaint analysts and investigators aim to educate complainants as best as possible from our first moment of contact with them.

"It really starts when the investigation is opened," says Chad Bouman, an investigator in Edmonton. "It's about managing expectations. It can be difficult to explain to someone what we do in terms of procedural and administrative fairness without having them think we're going to go right in and overturn a decision."

Those tenets of procedural and administrative fairness are at the core of the Ombudsman's mandate. We investigate how an appeal or review panel (or complaints office or procedure) handled someone's complaint. So, for example, if an individual feels they were treated unfairly during a family member's stay in an AHS facility, they would lodge their concern with AHS's patient concerns office. If they are unsatisfied with the decision, they can complain to the Ombudsman. If there is merit to the individual's complaint, we'll determine whether the patient concerns office treated their complaint fairly by relying on the concepts of administrative fairness.

Marie Paturel, an investigator in our Calgary office, points out Ombudsman staff strive to avoid building up expectations – but neither do they want to dash the hopes of a complainant.

Because the Ombudsman is not an advocate of either complainants or provincial authorities, it can be a fine line to walk.

"We are not an appeal panel, we cannot overturn a decision or order someone be given a particular benefit they applied for, or feel entitled to," says Marie. "When it comes to a program like AISH, for example, often a person needs this money to survive, and they can't understand why, if they're sick and their doctor supports it, they can't get it. That line you walk of not being an advocate makes it challenging to manage expectations. It's hard to say what the end result might be

of any given investigation. It might be we recommend a re-hearing. But you can't say that's a possibility without raising expectations. Possible outcomes can be so diverse."

As Chad points out some complainants want an investigator to drop their neutrality, and sympathize with their cases. Ironically, it's the very notion of neutrality that helps the office determine what's fair and what isn't.

"We know people are rightfully unhappy if there is bias directed against them, or if another party was treated in a preferential manner," says Joe Loran, the Deputy Ombudsman. "So sometimes we have to remind complainants although they might feel better if they were given preferential treatment, we have to treat everyone the same. Individually, no one likes it when they hear of someone else getting an unfair advantage."

In one case, for example, a complainant with concerns about an Appeals Commission for Alberta Workers' Compensation decision wanted to discuss their complete history with the Workers' Compensation Board.

"In this case, our investigation focus was very narrow," explains Chad. "Sometimes, people hear what they want to hear. It's human nature. So one of the things we do is ask people to point out things about the process they disagree with, and not necessarily the decision."

Daniel Johns, an investigations manager, notes most investigators are best served by sticking to the facts.

"At the outset of an investigation, you can never tell a complainant they will not receive AISH, because you never know how an investigation is going to play out," he points out. "Lots of people have received big changes in benefits and treatments because they've come to the Ombudsman, whereas others are happy to be able to say, 'I really appreciate that my complaint led to a change in policy.'"

Of course, an Ombudsman investigation often does result in seeing a complainant's benefit increased, or request honoured. That hinges on our office persuading the entity through a balanced process.

The Ombudsman is always happy to provide feedback or guidance when it comes to ensuring an organization's complaint mechanism is sound.



➤ As part of our outreach and awareness efforts, Peter Hourihan presented to the Southern Alberta Council on Public Affairs in September 2014. The group, based in Lethbridge, invited Peter to discuss his joint roles as Alberta Ombudsman and Public Interest Commissioner.



Seniors share concerns with Ombudsman

The Alberta Ombudsman met with more than 60 members of the Elder Advocates of Alberta Society on January 27 in Edmonton.

“We heard a lot of comments and questions about seniors care, and it echoes what we hear on a regular basis when we meet with complainants or deliver presentations across Alberta,” said Peter Hourihan, the Ombudsman. “By far, the two most significant areas of concern for Albertans are the state of the provision of health care and the treatment of patients.”

The Ombudsman has no direct jurisdiction over the delivery of health care services and treatment, including care facilities or contracted and delegated authorities. However, the Ombudsman can investigate complaints concerning decisions of the Patient Concerns Officer (PCO) at Alberta Health Services (AHS).

The process works like this: complainants are required to work through AHS’s patient concerns resolution process and up to the PCO. If the complainant is not satisfied with the decision of the PCO, they can then complain to the Ombudsman’s office. However, the Ombudsman can only examine the fairness of the decision and process used by the PCO, and cannot look into the issue.

“We understand it can be challenging for people who contact our office and are looking for a solution related to, for example, their initial complaint about treatment in a health facility,” said Hourihan. “Sometimes, we’re able to address that complaint, but not always. However, meeting with groups like the Elder Advocates of Alberta Society can help people better understand the process.

“As always, our office is committed to helping folks find answers to their questions, even if we do not have jurisdiction over their concerns or complaints. If you’re wondering whether you should call us, but are unsure, don’t hesitate. Give us a call. If we can help you directly, great. If your concern isn’t something we have jurisdiction over, our intake officers can still help point you in the right direction.”



Of course, the Ombudsman is still able to investigate complaints related to other areas that impact seniors, including appeals and reviews regarding benefit-driven programs, such as the Alberta Seniors Benefit program, Income Supports benefits and the Assured Income for the Severely Handicapped program.

If you have a question or concern about a seniors issue and want to know if the Ombudsman's office can assist, call us toll free at 1.888.455.2756.



Strategic

Plan 2014–15

Introduction

Our strategic planning process continues to grow and adapt in response to changes to both the work our office does, and the environment we work and interact with. This planning process guides us in effectively carrying out our work promoting fair treatment for all Albertans when interacting with provincial government departments and authorities.

We ensure our strategic planning process remains dynamic and involves our employees. It includes an ongoing review focused on results and the ongoing applicability of the strategies to confirm we're meeting not only our goals, but also the expectations of Albertans. This approach gives us the flexibility to incorporate new priorities as required and move other priorities into the more regular realm of day-to-day management.

Two years ago, for example, we decided to focus on exploring specific technological advancements to help deliver our work more efficiently. The research led to several new initiatives, such as implementing a new case management system and a more cost-effective shared IT services agreement with some of our fellow Legislative Offices. We subsequently decided to shift technology back to our day-to-day operations.

On other fronts, we continue to make progress on our strategic priorities. We reach out to communities across the province, ensuring we give those rural or remote Albertans an opportunity to connect face-to-face with an investigator, provide information sessions to interested groups and meet with MLAs and their constituency office staff.

Our strategic plan provides a roadmap for the Alberta Ombudsman. Our priorities allow each Ombudsman employee to understand what we are trying to achieve as an organization and how their work contributes to those goals. Through this approach we will deliver on our vision of "Equitable treatment for all."

Strategic Priority One:

Enhanced outreach and awareness of the Alberta Ombudsman

Goal: Increased awareness of the Alberta Ombudsman's office with government authorities.

2014–15 Targets:

- Meet with Deputy Ministers, authority heads and MLA constituency offices as needs arise
- Develop quarterly activity reports for government authorities
- Assess effectiveness of quarterly newsletter
- Prepare for 50th anniversary of the Alberta Ombudsman's office

Results:

- Ombudsman and Deputy Ombudsman held 20 meetings with Deputy Ministers, authority heads and MLA constituency offices
- Quarterly report templates, statistics and distribution list prepared; reports on hold pending 2015 provincial election due to possible changes in some senior government positions and/or departments
- Four issues of quarterly e-newsletter distributed to target audience across provincial government, MLAs, AHS and other authorities; subscription levels rose slightly with no drop-off; several requests to reprint and distribute articles to other ministry/professional college employees
- Work with the national Forum of Canadian Ombudsman and the Association of Canadian College and University Ombudspersons (ACCUO) in May 2015 celebrating 50 years of ombudsman presence in Canada will be leveraged in preparation for our own office's anniversary

Goal: Increased awareness and outreach with Albertans.

2014–15 Targets:

- Presentations and community mobile intake visits
- Explore social media
- Survey Albertans on awareness

Results:

- We held 55 presentations, visited nine communities and hosted nine mobile intake days (within seven mobile intake tours) across the province in communities ranging from Fort McMurray and Slave Lake to Brooks and Lethbridge
- In June 2014, the Alberta Ombudsman approved and released our Social Media Policy, and shortly after launched a new Twitter account, @AB_Ombudsman. Assessment of its effectiveness as a communications and information tool is ongoing, while new tools will be explored and implemented as required
- Our 2014–15 survey plans were suspended following a budget reduction and subsequent cost-cutting measures in November 2014

Strategic Priority Two: Provide an excellent service

Goal: Conduct thorough and accurate investigations.

2014–15 Targets:

- Conduct evaluation of performance
- Create own motion identification protocols
- Implement a new online case management system (CMS)
- Conduct a jurisdictional scan of own motion and systemic investigation processes in other jurisdictions

Results:

- Have not yet met goal of performance evaluation. Our work to develop key performance indicators and benchmarks remains under development
- The own motion identification protocols remains a work in progress as we continue to implement a new CMS and configure its data reporting tools
- CMS implementation and training has been completed. Assessment on its effectiveness is ongoing as we reach various reporting and analytical milestones throughout the fiscal year
- Jurisdictional scan completed and elements of processes from other jurisdictions are being trialled by the Own Motion Team

Goal: Provide effective communication of investigative findings.

2014–15 Targets:

- Analyze intake process and investigation process to identify appropriate strategies
- Conduct evaluation of performance in communicating investigation findings

Results:

- Implementation of CMS is impacting analysis of intake processes as we become familiar with its capabilities
- Monitoring feedback from quarterly activity reports to jurisdictional authorities and analyzing numbers of recommendations made on cases vs. numbers rejected remains under development



Strategic Priority Three: Explore Technology

Goal: Continuously explore the technological environment.

2014–15 Targets:

- Implement technology identified in needs assessment
- Effective training for technology

Results:

- Our 2014–15 targets, including implementation of a shared-office CMS, implementation of social media, online web form and secure/encrypted database for complaint forms, and desktop and shared IT support with other Legislative Offices, has been implemented. Ongoing adjustments are made where necessary
- Training has been and will continue to be offered when necessary and available

Strategic Priority Four: Legislative Review

Goal: *Ombudsman Act* review.

2014–15 Targets:

- Review of the *Ombudsman Act* in concert with two-year review of the *Public Interest Disclosure (Whistleblower Protection) Act* review by the Standing Committee on Legislative Offices

Results:

- The Ombudsman's legal counsel led a comprehensive review of the Act and examined gaps in current legislation
- This review is complete and proposed changes/recommendations will be presented to appropriate Justice and Standing Committee representatives

Solution-oriented approach helps both sides get results

Laura Ritzen works for the Appeals Secretariat as a Team Lead, focused on AISH and Income Supports.

As someone who understands our perspective and mission, she's a valuable ally within the department of Human Services; a civil servant who can effectively bridge the gap between an Ombudsman investigator and an authority whose decisions are often investigated by our office.

According to Ombudsman investigators, Laura is someone who truly helps the system work well.

"Laura has a firm understanding of the role the Ombudsman and the importance of administratively fair decisions," said Chad Bouman, an investigator in the Ombudsman's Edmonton office. "She is cooperative and quite receptive to hearing feedback from our office. When a problem exists within a decision, she acknowledges it and works with us to implement the recommendations we put forward."

If the Ombudsman finds a complainant was treated unfairly by a decision of the Appeal Panel, and makes a recommendation to the Panel following an investigation, Laura's an important conduit who takes the recommendations seriously – and helps turn them into learning opportunities.

"We take whatever recommendations the Ombudsman has and funnel that into training for the Panel members," she said. "So that might be decision-writing training, which provides an opportunity for them to look at how they can get what happened in the hearing across in their decision. They have to put their reasons for why they made the decision."

"It's about showing them the linkages through it and then implementing different processes through the Appeals Secretariat or within the Panels to ensure the process is fair."

Ombudsman recommendations are not usually a surprise, since there's often regular communication and contact, added Laura.



"In most of the cases, the recommendations make sense or when we had meetings with investigators, we were able to try and get a better understanding. In some cases, we won't hear from the Ombudsman's office during the investigation because it is pretty straightforward. They have all the information they need."

"Even still, they will contact me to say 'OK, I've looked through everything and I'm going to be recommending this, that or the other thing.' If the recommendation seems more ground-breaking and might be something that would change the Panel's processes, we'll have a discussion first about that."

Kamini Bernard, a Calgary-based Ombudsman investigator, pointed to Laura's assistance in helping clear a backlog of cases in recent years. The backlog started in May 2013, when the Alberta government consolidated the 29 Citizens' Appeal Panels into two provincial panels – such as AISH and one under Income Supports.

Because these were new Panels, members had to reapply to serve. This meant there were 53 new Panel appointees, and more than 30 existing Panel members who were un-appointed. To make the process fair, members were only serving until their then-current term on the Citizens' Appeal Panels expired. This meant that on several Ombudsman complaints it was difficult to, for example, get an addendum to a decision because some Panel members were either not yet reappointed, or were left un-appointed.

This left both offices in the uncomfortable position of being unable to determine why a decision was made.

"I was able to go through the files and see what we could do. A couple of times we went back to the Ombudsman and told them we agree with the recommendation, but we can't do the addendum because the Panel members aren't here. So, let's just do a re-hearing. At least that could get it flowing so things weren't backlogged anymore.

➤ Laura Ritzen, Team Lead for the Appeals Secretariat, is an Alberta government employee who has taken the time to understand the role of our office – and takes recommendations seriously.



"I'm finding now with the processes we have and our administrative support, there's a system in place that when a complaint comes from the Ombudsman's office, unless something stalls on the Ombudsman's side where they can't get hold of the appellant or the complainant or whatever happens, the process works well.

"The process is able to flow more smoothly and we're able to keep track of where things are at. So if an addendum recommendation comes in, we can get the Panel to do the addendum relatively quickly."

Laura's ability to turn what could be seen as a negative into a positive solution helps smooth over some potential rough patches.

Of course, taking a solution-oriented approach to this and other issues has helped build confidence between the two offices.

"I think for some Panel members in some incidents, especially when you get new members on the Panel, they take a recommendation initially as 'Am I being criticized? Did we do something wrong?' With me having the opportunity to discuss with the Ombudsman's office where they are coming from and where they saw that perhaps something was missing – and getting an understanding of the Panel's processes – I'm able to take that back to the Panel as a learning opportunity.

"This is definitely a great opportunity for training and enhancement for the newly created AISH and Income Supports Panels, which used to be the former Citizens' Appeal Panel. They have gotten much better. I've noticed the increase in documenting everything that happened in the hearings and in their decisions."

Laura's own experience with our office has helped give her a sound understanding of our role – and how it can help appellants through the process.

"I've found the Ombudsman's office is not out to get the Panel members," she said. "They really are trying to figure out what happened at hearings. Was the appellant and the department representative provided with a fair opportunity to present their case, and was it administratively fair?"

These are questions the Ombudsman often asks of the authorities investigated by the office, Kamini points out.

"It's a tremendously important step forward when employees are also asking those questions of themselves," she said.

Tweets of fairness

Social media tools are becoming more and more common as a growing number of Albertans are taking their conversations, thoughts and observations online.

So, in early July 2014, the Alberta Ombudsman launched a Twitter account.

“We recognize there are limitations in what you can say in 140 characters, but tools like Twitter certainly open the door a little bit wider, and help us expand our information and outreach efforts to a wider group of Albertans,” said Peter Hourihan, the Ombudsman.

“Certainly, we’ve been able to engage and highlight issues through social media where we may not have been able to do through more traditional mediums. Because we are focused on reaching out to communities across the province, we see Twitter playing an important role in promoting community visits and other events and information.”

Information related to the Public Interest Commissioner’s office is also tweeted when possible.

Follow @AB_Ombudsman for the latest news and observations from both offices.



The more things change

On September 1, 2017, the Alberta Ombudsman's office will celebrate 50 years of service.

A lot has changed over five decades. Our jurisdiction has been expanded into some areas (most notably the professional colleges), and technology has given all of us new tools to seek out and manage information.

However, the old adage holds true: the more things change, the more they stay the same.

Complaints can still prove as challenging to solve today as they did half a century ago. Despite access to the internet, public sector websites can be just as confusing and hard to navigate as the various departments and authorities are.

Jurisdiction can overlap, decision-makers can still render imperfect decisions, and frustration with government services still exists today just as it did on our first day of business.

Nonetheless, we continue to make strides to improve service on all fronts.

As we approach our 50th anniversary, we've decided to review our past and share some information about our office's history helping Albertans find fairer treatment with government services. As these brief snippets illustrate, the way we conduct our work and the societal norms of the day may evolve, but we see some issues and problems tend to reappear over time.

Busy before Day One

We didn't have an office, or an Ombudsman formally in place, but that didn't stop Albertans from lodging 30 complaints before we could open our doors on September 1, 1967.

That year our first Ombudsman, George McClellan, was appointed on April 7, 1967. McClellan, a 59-year-old former RCMP Commissioner, was one of 232 applicants and nine people interviewed during the search, recommended a year earlier by a provincial government committee on boards and tribunals. In 1967, the Ombudsman received 216 complaints, opened 136 investigations and concluded 29.

Not a bad first office

Our first office was actually housed in the Legislature Building. Today, because we are independent of government, such a location is seen as being too close to government. We've been in our current location in Edmonton, at Canadian Western Bank Place, since 2001.

Investigation #1 leads to change

Our first investigation, also in 1967, involved a complaint from a patient in an Alberta mental hospital. The person complained a review panel denied his right to review his certification because he was admitted from a federal penitentiary. Because of our investigation, the government amended legislation to ensure all patients coming from correctional facilities are admitted to a hospital under the Mental Health Act, which would allow a person a right of review.

Our first own motion investigation

In 1968, we launched our first own motion investigation into allegations of mistreatment of mental health patients at Alberta Hospital in Edmonton. Although our investigation was unable to substantiate allegations of mistreatment, it received wide provincial news coverage.

Canada's first Ombudsman retires

In 1974, Canada's first Ombudsman – who also happened to be Alberta's first, George McClellan – retired on April 30. He was succeeded by Randall Ivany.

"I have never had a political affiliation, and during my entire service, I have, of course, expressed no political views," McClellan wrote in his application for the job in 1967. "Neither could I ever be accused of having indicated any political leanings or having received any appointment as a result of my political activities."

"I have acquired a most extensive and unique knowledge of the laws of evidence and investigative procedures...through 35 years of personal experience."

McClellan died in 1982 at the age of 73.

Prison investigations lead to first-time findings

Alberta's correctional centres have long been a focus of the Ombudsman. Whether inmates are concerned about access to health services or excessive force by staff, we have interacted with the provincial corrections system for years.

A 1976 riot at the Fort Saskatchewan Correctional Institute led to an Ombudsman Special Report. Our office detailed the concerns of inmates leading up to the riots, which led to injuries to both inmates and correctional staff. The Ombudsman made a number of recommendations to address the concerns, but also suggested a new correctional facility would be the real solution to the problems. By the late 1980s, the Alberta government opened a new correctional centre.

Another Ombudsman investigation in 1976 examined allegations of the use of excessive force by correctional staff at the Calgary Remand and Detention Centre. This marked the first investigation where individuals were interviewed under oath in the course of an investigation as well as the first documented case in Alberta of attempts by provincial government employees to impede an Ombudsman investigation.

This investigation found there were incidents of unnecessary force and we made a number of recommendations regarding conditions at the Calgary Remand and Detention Centre.



Ministerial-ordered investigation into patient abuse

It's been some time since a cabinet minister has requested an investigation by our office.

In 1982, however, we conducted such an investigation into patient abuse at Alberta Hospital in Edmonton.

A departmental investigation confirmed abuse occurred, but our own investigation found shortcomings into the department process, and our office made a number of recommendations specific to staff who were found to have been involved in the abuse of patients.

Flexing our innovative muscles

There must have been something innovative in the air in 1986. (Perhaps it was the high-tech influence of Expo '86 in Vancouver that summer!)

Either way, the Ombudsman's office established our informal resolution complaint process. Later that year, we also implemented our first computerized record-keeping system.

Both these innovations sparked more efficient ways of handling incoming calls and complaints, as well as analyzing and managing information.

Own motion investigation into day care centres

A 1994 own motion investigation into a provincial investigation of licensed day care centres resulted in 56 recommendations for improvements to processes. The department accepted 52 of those.

Also that year, the Ombudsman commented on the lack of recourse for voluntary patients and some involuntary patients at mental health facilities. Because of this, the Ombudsman recommended the province review the mandate of the Mental Health Patient Advocate.

As we move closer to our 50th anniversary, the Ombudsman will release more interesting facts and figures about our work across the province.



Engaging government – and communities

One of our goals is to ensure government employees (often the target of complaints of unfair treatment) understand our role, and are aware of behaviour and practices that trigger public complaints to our office.

Joe Loran, the Deputy Ombudsman, met with 20 Alberta government employees in Fort McMurray on June 18. It was just one of our six outreach visits across the province in which we also engaged Alberta government workers.

“While we want Albertans to understand how they can complain to our office if they have a concern, it also makes sense to reach out to the employees who are delivering services to those with complaints,” says Loran.

Of course, we’re also continuing our community outreach visits across the province.

These visits are designed to provide Albertans outside Calgary and Edmonton access to an investigator. It’s important to bring our services to those people with questions and concerns – and who don’t live within an easy drive of the two largest urban centres.

Over the past year, the Ombudsman and various teams of investigators and analysts have visited Fort McMurray, Lethbridge, Pincher Creek, Brooks, Hinton, Olds, St. Paul, Bonnyville and Slave Lake. Our staff also provided information and answered questions at the Seniors Housing Forum in Edmonton, and Law Day events in both Calgary and Edmonton.

From seniors’ centres to legion halls, public libraries to community service organizations, we’ve worked with several groups to hold public meetings, conduct information sessions and provide opportunities for local residents to meet one-on-one with our investigators.

So far, the trips appear to be answering a real need Albertans have to ask questions and have a direct conversation with someone who can review their information onsite and help steer complainants in the right direction.



- Ombudsman investigators (l-r) Bryan Michta, Joanne Roper, Kirsty Larsen and Marie Paturel were just a few of the employees who fanned out across Alberta last year to meet directly with complainants.

“It’s great to reach out to Albertans outside of Edmonton and Calgary to help them understand what exactly our office does, what we can investigate regarding complaints of unfair treatment, and the different ways we help people find the answers they’re looking for,” said Peter Hourihan, the Alberta Ombudsman.

For example, on May 14, 2014, a team of investigators visited Slave Lake, meeting 11 residents at the Rotary Club of Slave Lake Public Library.

The following month, on June 12, 2014, investigators were in Brooks, meeting with 22 residents at the Brooks Public Library.

For Ombudsman investigators, community visits help assist their understanding of the specific needs and issues at play in different regions of the province.

If your community would like a presentation or visit from Ombudsman staff, contact us toll-free at 1.888.455.2756.

Daniel Johns, an investigations manager in Edmonton, points out while each community tends to have its own issues, it’s not always clear there is a major trend or issue. Of course, it’s difficult to make generalizations following a one-day visit.

For example, our investigators heard complaints in Slave Lake regarding the 2011 fire, housing and health care. In other communities, complaints tend to follow the broader provincial themes (complaints involving, for example, Child and Family Services, the Workers’ Compensation Board, the Appeals Commission for Alberta Workers’ Compensation, and AHS’s patient concerns resolution process).



Year in Review

April 1, 2014 through
March 31, 2015

3,252

Oral complaints received
(down 15% from 2013-14)

52	Informal Resolution
747	Referred to other remedy or appeal
1,534	Non-jurisdictional
150	Written correspondence requested
733	Information provided
36	Other

1,125

Written complaints received
(up 12% from 2013-14)

133	New formal investigations
25	New Alternative Complaint Resolution (ACR) cases
967	No investigation initiated (includes Referred to other remedy or appeal; Non-jurisdictional; Information provided)

19

Total ACR issues all
successfully resolved
through ACR

246

Cases carried forward
from previous years



1,182

Written cases closed
as of March 31, 2015

- 189 Formal investigations completed
containing 262 issues
100 Supported issues
142 Unsupported issues
20 Discontinued issues
- 965 No investigation initiated (includes
Referred to other remedy or appeal;
Non-jurisdictional; Information
provided)
- 28 ACR cases closed

189

Cases carried
forward to 2015-16

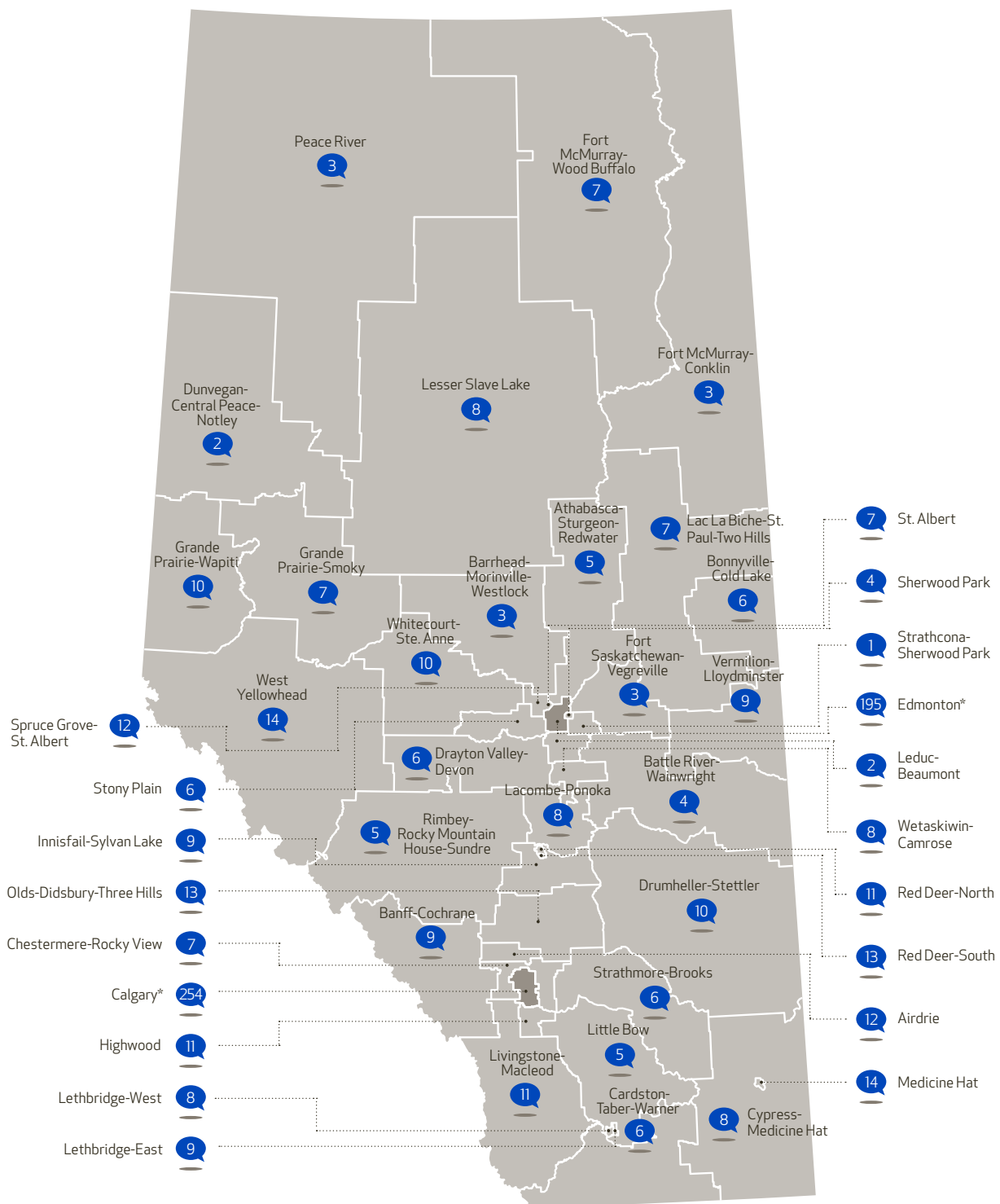
Of the 1,125 written
complaints received, the
most common authorities by
volume of complaints are:

- 139 Justice and Solicitor General
(includes Correctional Services
@ 86; MEP @ 41)
- 126 Human Services
(includes Child and Family Services
Authorities @ 39; AISH @ 28;
Appeals Secretariat @ 21)
- 61 Workers' Compensation Board
- 49 Health Professions
(includes College of Physicians
and Surgeons of Alberta @ 24)
- 39 Appeals Commission for Alberta
Workers' Compensation

Complaints by Electoral Division

2014-15

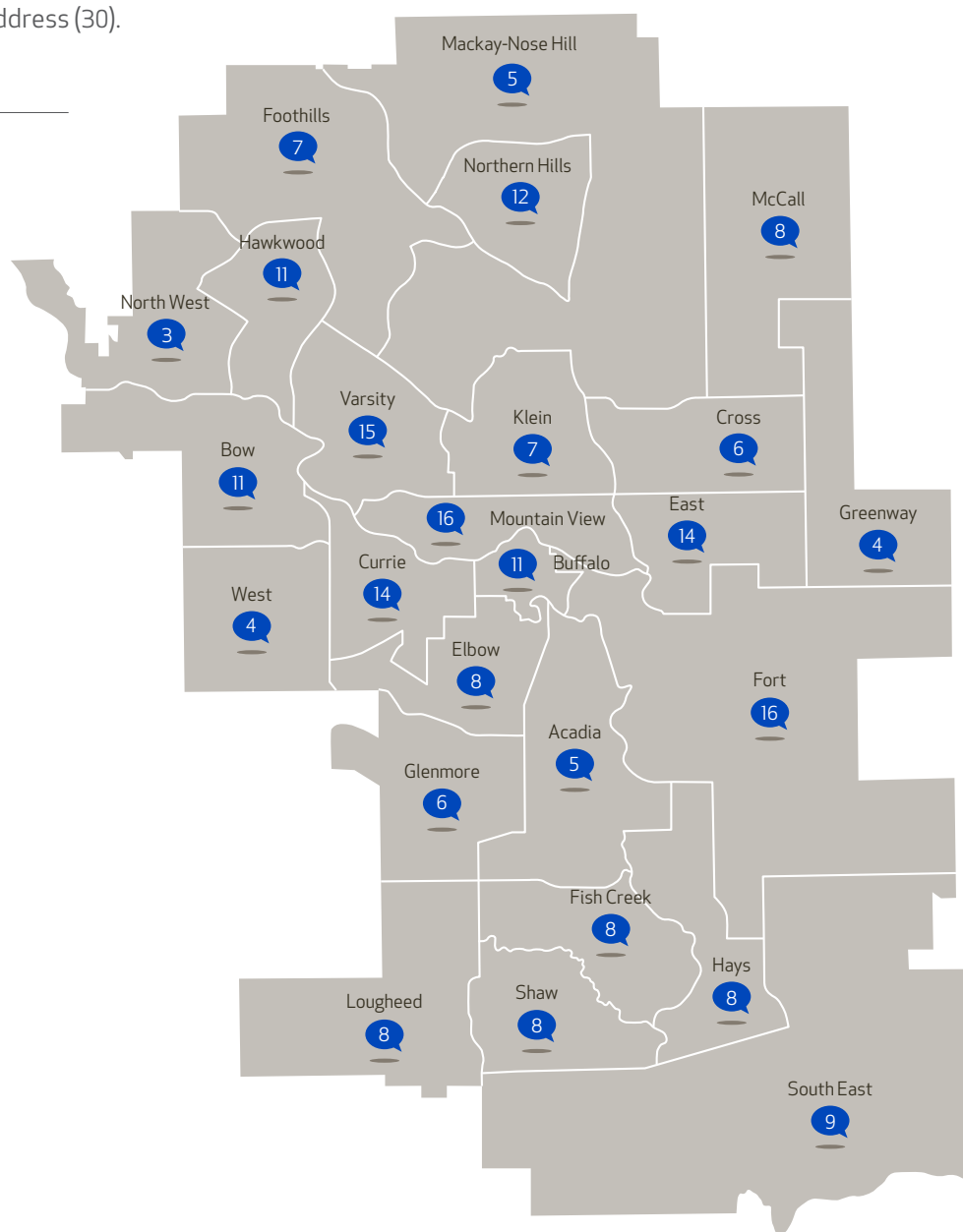
The figures on the map refer to written complaints received between April 1, 2014 and March 31, 2015 and do not include complaints that originated in provincial correctional centres (86) and out-of-province/no city, address specified/unknown/sent via email (268).



*Denotes multiple electoral divisions in region.

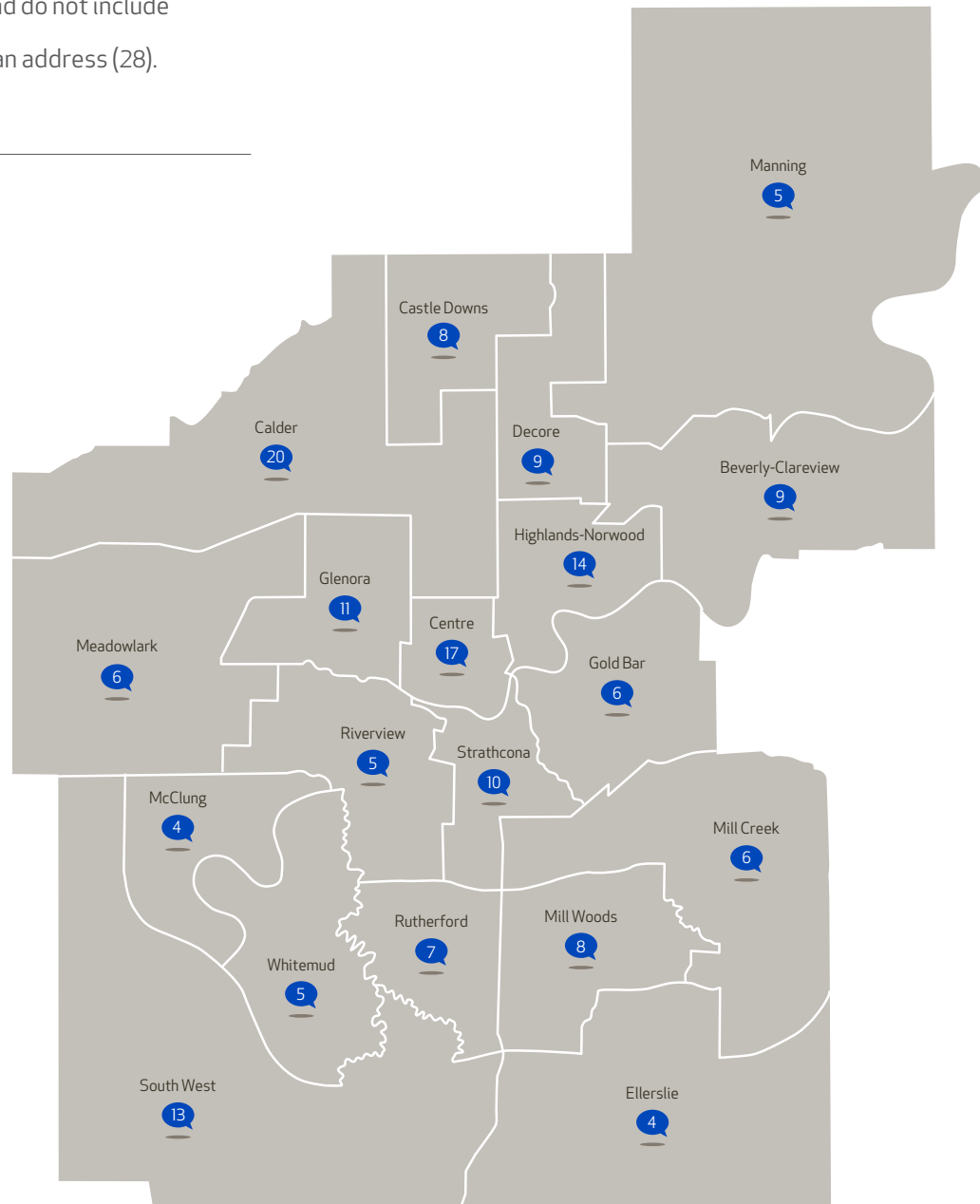
Calgary Electoral Division

The figures on the map refer to written complaints received between April 1, 2014 and March 31, 2015 and do not include complaints without an address (30).



Edmonton Electoral Division

The figures on the map refer to written complaints received between April 1, 2014 and March 31, 2015 and do not include complaints without an address (28).





Ombudsman Recommendations

Departments	Recommendations	Departments	Recommendations
Patient Concerns Resolution Process	1	Service Alberta	
		Human Resources	1
Environment and Sustainable Resource Development		Transportation	1
Public Lands	1		
Health		Treasury Board and Finance	
Alberta Health Care Insurance Plan	2	Corporate Human Resources	1
Human Services	9	Boards, Agencies, Commissions	
AISH	13	Alberta Energy Regulator	2
Appeals Secretariat	21	Appeals Commission for Alberta	2
Child and Family Services Authority	4	Workers' Compensation	
Persons with Developmental Disabilities	2	Mental Health Review Panel	12
Public Guardian	1	Professional Associations and Colleges	
Infrastructure	1	Alberta College and Association of Chiropractors	2
		Alberta College of Social Workers	5
Justice and Solicitor General		Alberta Dental Association and College	1
Court Services	1	Alberta Veterinary Medical Association	5
Fatality Review Board	6	College of Alberta Dental Assistants	5
Provincial Medical Examiners	6	College of Alberta Denturists	2
Maintenance Enforcement Program	5	College of Naturopathic Doctors of Alberta	1
Edmonton Remand Centre	4	College of Physicians and Surgeons of Alberta	9
Calgary Remand Centre	5		
Peace River Correctional Centre	2		
Red Deer Remand Centre	1		
Total			134

Note: total does not include recommendations related to own motion investigations.



Case Summaries

Improving service, one person at a time

Our intake officers, the first contact for most people who reach out to our office, often resolve complaints in a few hours to a few days through phone calls, emails and inquiries. Our analysts and investigators handle the more complex complaints that involve research into policy and practice. These cases typically take longer.

Cooperation helps fix a long-term mistake

We're often asked how our office makes a difference in the life of the average Albertan who complains about unfair treatment. Often, it's a small change to a department's process, or a recommendation to clarify a decision.

However, our investigations can also lead to real, tangible change for a complainant.

For example, an employee with the provincial department of Human Services complained he was unfairly denied a salary increment dating to 1991. As a result of our investigation, we determined the delay was the result of a departmental administrative error which kept him from receiving a long service increment from 1992 to 2006.

After reviewing the complaint, we recommended the department address the error by initiating an *ex gratia* payment review, and provide the individual with a written apology.

In September, Human Services agreed to pay the complainant more than \$11,000 representing the non-payment of interest on the long service increment. The department also issued a letter of apology for the delay.

Of course, it's important to note the Ombudsman found the department in question treated the complainant fairly in a number of other aspects of his employment. For example, the

employee was frequently provided with opportunities to meet with senior officials in government to review his employee status; he was given detailed explanations in writing concerning his inquiries; and, on more than one occasion, he was provided with options regarding positions best suited to his skills, abilities and requests.

"This was a difficult and challenging investigation, both for our office and for the department, as it dated back so many years," said Joanne Roper, an Ombudsman investigations manager. "The department was able to provide the records requested, and worked diligently with our office, and Treasury Board, to bring the case to a positive conclusion. Of particular note is the work done by Lillian Helton for the cooperation and assistance provided."



Inmate complaint leads to fairer lawyer trust payment process

An inmate complained a correctional centre delayed cashing his lawyer's trust cheque for 18 days, which delayed his ability to post bail.

The Ombudsman found existing policy allowed for lawyer trust cheques to be cashed without waiting for them to clear, but the centre director provided a rationale why that facility, and many others, waited for the cheques to clear. The Ombudsman determined it was unfair for practice not to match policy.

Without saying the cheques should or should not be cashed, the Ombudsman recommended Alberta Corrections develop a consistent approach to handle lawyer trust cheques. The Ombudsman pointed out the Law Society of Alberta takes measures to ensure lawyer trust fund cheques are safe. A review by Alberta Corrections determined holding a lawyer trust cheque was neither efficient nor in the best interests of the centre or the offender, particularly if it delayed posting bail.

As of March 30, 2014, all correctional centres will now contact the office of the issuing lawyer to verify it issued the cheque. Cheques returned as NSF will be reported to the Law Society.

Misinterpretation nightmare

We received a complaint from a single mother unhappy with the response she received from staff with the department of Human Services' Child Intervention Services, Edmonton and Area Family Services, concerning visits with her children.

Our investigation found there was a lack of documentation on the file in relation to the concerns raised, so we could not determine whether the complainant's concerns had been adequately handled. A recommendation was made for the department to reinforce with its staff the importance of detailed documentation when dealing with complaints.

During the course of the investigation we determined Human Services advised the complainant she was to have supervised visits with her children as the result of a court order produced in a private custody dispute. The department declined to assist her with the supervised visits by stating it was an order of the court and not the department.

Our investigation found Human Services misinterpreted the court order as it in fact gave day-to-day custody to the complainant and did not require her visits to be supervised. The Ombudsman recommended the department provide the complainant with an apology letter acknowledging its misinterpretation and oversight as well as recognizing the impact it had on the complainant. The Ombudsman also recommended Human Services provide the steps taken to address the serious issue with members of its staff. The department complied with all recommendations.



Appeals Commission has authority to get it right

Our office received a complaint from a worker dissatisfied with a decision of the Appeals Commission for Alberta Workers' Compensation.

The decision upheld the termination of her benefits under the *Workers' Compensation Act*. The complainant identified several areas of the decision as unfair, although the primary issue was she was not permitted to choose the issues at appeal, or the wording of the issues. Our investigation found the decision was administratively fair, and her complaint was not supported.

The *Workers' Compensation Act* provides the Appeals Commission the authority to identify and articulate issues for appeal, and courts have recognized the Commission as experts in this area. In this case, the Appeals Commission made multiple attempts to actively engage the worker to ensure she was receiving a fair hearing. The Commission provided written explanations to the worker about its jurisdiction related to the issues. Finally, the worker was also given the opportunity to make written submissions at more than one point in time, and was invited to present oral submissions to the Appeals Commission in person if she disagreed with issues moving forward.

Onus on benefit recipients to comply with program

Our office received a complaint from an individual who complained Alberta Works unfairly delayed the reinstatement of his benefits after a decision by the Citizens' Appeal Panel.

Our investigation determined the benefits were reinstated within 48 hours of the Panel's decision, and maintained for several more months. The complaint was unsupported, as the implementation of the decision was not unfairly delayed.

In this case, the individual had his benefits terminated again, as he was not meeting program requirements. Documentation demonstrated the department attempted to proactively engage with the individual in an attempt to provide services and benefits. The department attempted to be flexible in rescheduling appointments to accommodate the individual's needs, continued to express willingness to work with him, and continued to provide emergency supports even though he was not receiving regular benefits. However, we found the department was limited in its ability to provide services where participants fail to comply with program requirements.

Upholding public trust: denturist investigation uncovers serious issues

Upon learning a denturist provided his elderly mother with used dentures after passing them off as new, an individual made a number of complaints of unprofessional conduct leveled to the College of Alberta Denturists. The individual eventually contacted our office with a complaint about the how the College responded to his complaints against the denturist.

Our investigation found the issue had been outstanding for almost five years. There were several complaints raised about the College, and the allegations made against the denturist were serious.

The Alberta Ombudsman's investigation found the College had not acted in an administratively fair manner in dealing with many aspects of the complaints. This included failing to notify the complainant of the investigator assigned to file, a requirement outlined in the *Health Professions Act*. The College also did not provide the complainant with enough information about the status of the complaint to allow them fair participation in the process. Although the College found issues regarding the professional conduct of the registered denturist at the centre of the issue, and rightfully pursued those issues, it failed to look at the main issue brought forward by the complainants (the allegation of providing used dentures to a patient).

Ultimately, all professional colleges have a responsibility to protect the interests of the public. Given the serious nature of the allegations, recommendations were made for the College to acknowledge the oversight of failing to investigate the aspect of providing used dentures to a patient, reopen the issue and investigate the allegation in full. The Ombudsman also made recommendations to issue an apology letter to the complainant and provide proper information to complainants during future investigations.

The College accepted and implemented the Ombudsman's recommendations.

MEP oversight leads to apology

A single mother complained about the response received from the Complaint Review Process of the Maintenance Enforcement Program (MEP). The complainant believed MEP was not actively pursuing the debtor to obtain the arrears owed to her.

The investigation found the response was administratively fair as MEP provided a thorough and detailed response including all enforcement actions in place as well as acknowledging and responding directly to the concerns raised in the complaint letter.

Upon receiving notification of the Ombudsman's investigation, MEP recognized they previously advised the complainant the file would be forwarded for a financial examination, a tool used by MEP; however, this had not been completed. MEP proactively addressed the issue immediately by sending an apology letter to the complainant acknowledging its oversight and providing an update upon completion of the financial examination.





Clarity follows medical examiner complaints

Two separate complaints were received about the action of medical examiners. Prior to the involvement of the Ombudsman, one of the complaints was dismissed by the Chief Medical Examiner, and the other by the Fatality Review Board.

The Ombudsman's investigation found the roles and responsibilities of the Chief Medical Examiner and the Fatality Review Board were not clearly defined. This resulted in a complaint being responded to by the Chief Medical Examiner which should have been forwarded to the Board.

The department of Justice and Solicitor General agreed to post, online, a description of the process that should be followed when complaints are received about medical examiners. (The website postings were completed in April 2015.)

Finally, the Ombudsman found the Chief Medical Examiner and the Board decisions were not administratively fair as they did not address the points and arguments made by the complainants. Because of this, the complainants received addendums from the Board expanding on the original decision letters.

Lack of communication can be costly

The Ombudsman received a complaint the arrears on a Maintenance Enforcement Program account were unfairly assessed. The complainant's main concern was regarding charges received for his daughter's orthodontic work. The complainant told us insurance money had been received and covered a large portion of the cost of the work – and MEP failed to consider this in its calculation.

Our investigation found MEP did, in fact, remove the insurance amount from the complainant's arrears and the calculations were correct. However, we found MEP failed to communicate with the complainant to explain the insurance amount had been deducted. Furthermore, MEP did not provide information on how it reached the amount owed. The complainant paid the child support owed in full, and followed-up with MEP regarding the orthodontic work repeatedly by telephone and in-person visits, but was not provided with adequate information.

Due to the lack of communication, the complainant was paying arrears, and because of this he incurred significant interest and penalties between 2008 and 2012. Before the orthodontic dispute, the complainant made payments towards his account, and we found it reasonable he likely would have paid off the remaining debt for the orthodontic work if a proper explanation had been provided by MEP. As a result, the Ombudsman recommended MEP reverse all interest and penalties from May 2008 to the current date. MEP agreed some errors were made but did not accept full responsibility for the lack of communication. However, it agreed to reverse all the interest and penalties as a gesture of goodwill.

As a result of the investigation, it was determined MEP had been inappropriately adding penalties and interest from January 2013 to February 2014 as the complainant had a payment plan in place during this timeframe. In addition to the accumulation of interest and penalties, MEP also had several restrictions on the complainant's provincial and federal licenses including a motor vehicle restriction. Once MEP realized its error, the interest and penalties were reversed, and the majority of the restrictions were lifted.

While it informed the complainant of these changes, MEP failed to provide an explanation for the changes and also failed to acknowledge its errors. As a result, the Ombudsman recommended an apology letter be provided to the complainant acknowledging the error and subsequent hardship the errors caused for the complainant.

Mortgage complaint leads to changes at ATB Financial

A dispute between ATB Financial and homeowners over an unpaid mortgage has led to changes in policy and procedure at the bank – and the waiving of legal fees – thanks to an Alberta Ombudsman investigation.

The homeowners complained to ATB's customer relations manager they did not receive reasonable notice of mortgage arrears prior to ATB proceeding with legal action. Our investigation looked into the administrative fairness of the customer relations manager's response.

ATB's position was the homeowners were responsible for paying more than \$2,000 in legal fees associated with the foreclosure process.

We found the couple was not treated fairly by ATB for the following reasons:

- Foreclosing on a property is a substantial move, and ATB employees had only attempted to contact the couple by telephone over the 20 months the mortgage was in arrears to discuss their account. ATB employees were unable to speak with the homeowners during this time. No messages were left indicating the mortgage was in arrears due to privacy reasons
- The homeowners were told ATB was under no legal obligation to provide written notice before starting litigation, but also advised ATB's practice is to personally contact customers to remedy the account. While previous correspondence had been provided to the homeowners in April 2012, the arrears referenced in that letter were paid after they received the notice. Given the time between the last written correspondence and documentation showing no contact had been made with the couple, ATB should have provided written notice of its intent to foreclose. This would have been consistent with ATB's practice to personally contact customers to remedy accounts in arrears
- Documentation on ATB's file did not contain sufficient details of the attempts to communicate with the homeowners

- ATB did not have an appropriate policy in place for escalation of action when dealing with loans in arrears, and specifically regarding communication of ATB's intent to the homeowners

Our recommendations included the following:

- ATB should remind staff to keep detailed notes, including the type and specific details of communication with clients
- ATB should issue an apology letter to the couple, acknowledging communication could have been improved and written notice should have been provided prior to initiating foreclosure proceedings
- ATB should improve policy and process for how communication is handled when loans fall under impairment status, including what types of communication is appropriate when a loan becomes more delinquent

The Ombudsman received a response from ATB on March 20, 2015 accepting all recommendations. The apology letter to the couple also stated ATB would waive the legal fees.

"This is a positive outcome for all parties involved," said Joe Loran, the Deputy Ombudsman. "While we found the homeowners were not treated fairly and have been compensated, it's also encouraging ATB will institute changes we hope will improve its operations and prevent similar issues from happening again."

"ATB has confirmed they are updating their training, policy and process related to loans in arrears," added Kirsty Larsen, who investigated the case.

Privacy breach leads to loss of staff – followed by settlement

The owners of a business complained to our office that Alberta Innovates Technology Futures (AITF) had not been fair in responding to their complaint AITF breached information and privacy laws by disclosing an application package to their employees – a move that led one employee to view confidential financial information and then demand a higher salary.

An Ombudsman investigation determined AITF's application forms (like the one used by the complainants) stated information would be used for internal use only, and would not be communicated in any way to anyone outside of AITF.

The business owners advised they lost two employees because of the disclosure, and incurred hiring and training costs as well as delayed production.

While the Ombudsman could not investigate the breach of information as it does not fall under our jurisdiction, our office did launch an investigation to determine if AITF treated the complainants fairly regarding their complaint of the disclosure of company information.

Our investigation found AITF did not have a set policy for dealing with requests for information and its staff were also unclear on the process.

AITF had not acknowledged the oversight with the complainants, so we recommended they provide an apology to the complainants and advise them of the steps the organization would take to prevent the situation from occurring in the future. Prior to the Ombudsman investigation, AITF recognized a policy needed to be developed to address such oversights and was actively working on development; the Ombudsman requested a completed copy.

AITF accepted all recommendations. On March 25, 2015, AITF advised they reached a settlement related to the privacy breach.

Helping Consumer Services improve *their* service

The Consumer Services division of the department of Service Alberta is designed to help claimants seeking remedy from contractors and other businesses.

But what happens when that organization misinterprets its own processes and procedures, or misapplies legislation when conducting its own investigations?

A family contacted our office after experiencing difficulties with Consumer Services in helping them recover deposits paid to a contractor for home renovations. Our office investigated the administrative fairness of Service Alberta's response to their complaint, and determined whether it followed its internal guidelines, policies and legislation.

Our investigation found the department reasonably applied legislation in determining there was evidence to support the finding a contractor entered into a prepaid contract without the required license, used a contract that did not meet the requirements of the Regulation, and failed to provide a refund to a consumer who cancelled a prepaid contract based on the lack of a license.

However, our investigation found fault with several aspects of Service Alberta's investigation and responses to the complainant. For example, we found the department's initial investigation report did not document investigation steps, contacts, analysis of evidence, applicable legislation and the conclusion in the Consumer Affairs Tracing System, per its own guidelines.

We recommended Service Alberta explain why a second investigation was initiated, outline why the department believes the contractor is entitled to fair compensation for the work done (and why there is no clear determination the complainants were financially disadvantaged) and explain how the contract between the complainant and another consumer was considered during the investigation.

Service Alberta agreed with the recommendation and has provided the family with the explanation.



Clearing the air: Improving the fairness of Alberta Veterinary Medical Association decisions

An individual complained about the fairness of the Alberta Veterinary Medical Association's handling of their unprofessional conduct complaints against four veterinarians.

The Association's Complaint Review Committee (CRC) dismissed the complaints of unprofessional conduct against the four veterinarians. The written decision by the CRC, which was shared with the complainant, did not identify the elements of unprofessional conduct considered, and did not provide adequate reasons, including findings of fact and rationale, for dismissing the complaints.

The complainant requested a review of the CRC decision by the Committee of Council (COC). We found the COC's decision addressed the substantive information and arguments the individual submitted in their review request. The COC also made a suitable connection between findings of fact and their conclusion.

However, because the complainant was not provided sufficient information by the CRC decision upon which to base their request for review, we found the process overall was unfair. The complainant had to speculate what issues were considered in the original decision by the CRC and how to frame the appeal. The disclosure of facts and rationale only occurred at the end of the complaint process with the

COC's decision, and should have occurred prior to enable the individual to make a full and cogent argument on appeal to the COC. This left the complainant with no avenue of redress to their concern the CRC and the COC did not address specific issues of their original complaint.

We met with the Association during our investigation, and examined the reasons behind its decisions and how to address the administrative unfairness identified in this particular file. The Association agreed to issue an addendum to the decision to include the specific elements of unprofessional conduct considered, and to address the complainant's specific issues of concern left unanswered in the original decision.

Although the addendum did not fully identify all the elements of unprofessional conduct, we were advised the CRC members received some further training in decision-writing.



Learning about *Akyikatchy*

Investigating cases of torture, media harassment, and corruption isn't something most ombudsman offices in the western world deal with, but Keremet Kelsinbek, an investigator with the Ombudsman of the Kyrgyz Republic, said her office has dealt with these challenges in its already short existence.

Kelsinbek visited Alberta for three months to learn how the Alberta Ombudsman's office works. She arrived at the end of August 2014.

Because the Kyrgyz Republic's ombudsman office is relatively new (it was created in 2002), there is much to be learned from the Alberta Ombudsman's office, which has been operating since 1967 and was North America's first parliamentary ombudsman.

"This was an opportunity for Keremet to see first-hand how we do things in Alberta, and for us to gain some insight into the issues and challenges her office experiences," said Peter Hourihan, the Alberta Ombudsman. "We do recognize the importance, as members of the global ombudsman community, of learning and supporting each other when possible."

As part of the Ombudsman's membership in organizations like the Canadian Council of Parliamentary Ombudsman, the Forum of Canadian Ombudsman, the International Ombudsman Institute, and the United States Ombudsman Association (USOA), our office continually looks for ways of supporting our ombudsman colleagues. The Kyrgyz Republic's ombudsman office offered to send Kelsinbek at their expense, and came about following a meeting at the USOA.

The Kyrgyz Republic's ombudsman office employs 79 people, working in seven areas of the country, said Kelsinbek. The Ombudsman there is elected, and the mandate of the office is to monitor human rights and freedoms.

Among its specific duties, the office investigates the rights of patients in psychiatric hospitals, works to protect people from domestic violence and gender discrimination, and includes a Child and Youth department.



➤ Keremet Kelsinbek, an investigator with the Ombudsman of the Kyrgyz Republic, visited the Alberta Ombudsman's office for three months to learn how our office works. Here, she hosts a presentation for staff outlining jurisdictional differences between both offices.

Last year, the Kyrgyz Republic's ombudsman received 2,466 written complaints, and made recommendations after closing 384 investigations into various government departments, agencies, boards, commissions and private companies.

Kelsinbek learned how the Alberta Ombudsman conducts investigations, analyzes complaints, and employs various technological tools to advance its work across the province.

While there are key differences between the two offices, their core principles are the same.

"In our language, the word Ombudsman is *Akyikatchy*, which in English means 'truth-teller,'" said Kelsinbek.

It's different terminology than the Alberta Ombudsman's goal of being "Your voice of fairness," but the aim is the same, said Hourihan.

"Our office is an advocate not of government or necessarily a complainant, but of fairness and fair treatment," he said. "At the end of the day, both offices work to ensure the fair treatment of citizens by government."

Kelsinbek stated she not only enjoyed the opportunity to see and learn about Alberta, but she was thrilled to be able to take back several new ideas to the Kyrgyz Republic's Ombudsman.

Lending a helping hand

Every year, employees at the offices Alberta Ombudsman and Public Interest Commissioner try to pick organizations to volunteer and donate to.

Staff and family from both offices volunteered on their own time to lend a helping hand last spring to do some clean up and renovation work to prepare for the opening of the Be Brave Ranch outside Edmonton on May 10, 2014.

Armed with rakes, garbage bags and assorted tools, employees worked alongside other volunteers to lay down floor tile, paint rooms, haul away trash, remove old siding and help prepare various facilities for opening day.

"It's rewarding to get out into the community and lend even a little bit of support to an organization like this," said Jolene Morin, the Ombudsman's executive assistant (and who organized the office volunteering). "They have the power to offer such a positive environment to people who really need it."

The Be Brave Ranch provides a safe and secure place of treatment and healing for children and families who have experienced sexual abuse.

According to the organization, it offers an evidence-based treatment program combining multiple proven therapies for children ages 8-12. They start with an initial 20-day period at the Be Brave Ranch, during which they form close relationships with the seven other members of their peer-group. This is followed by long-term therapy and support for

the child and their family for a full year. During this extended period, children come back to the Be Brave Ranch for three other seven-day periods for further therapy and to reconnect in person with their peer group.

Programs include art therapy, play therapy, music therapy, recreational activities and peer group support.

We were also pleased to hear on September 4, 2014, the Be Brave Ranch opened its doors to the first group of children.

Mustard Seed volunteers bake up a storm

Ombudsman employees also volunteered in February 2015 at a cookie bake at the Mustard Seed, a not-for-profit organization that seeks to address the root causes of poverty by delivering basic services, housing and employment for those in need.

About a dozen employees spent a couple hours at the Mustard Seed's kitchen, and helped bake more than 600 cookies. They also helped prepare and serve lunch at the Hope Mission, a not-for-profit social care agency providing services to impoverished and homeless men, women and children in Alberta.



- Employees and family with the Alberta Ombudsman and Public Interest Commissioner's offices volunteer their time to charitable organizations in their community. Here, staff take a break from helping clean and prepare the Be Brave Ranch outside Edmonton in spring 2014.



- Employees purchased Christmas gifts for those needing a helping hand last winter.

Seasonal Donations

Every year, staff in the Ombudsman and Public Interest Commissioner's office take time to donate gifts and items to charitable organizations in Calgary and Edmonton over the Christmas season.

Like they did in 2013, Calgary employees donated some much-needed items to vulnerable and isolated seniors through Seniors Secret Service. Seniors supported by the organization received gifts including items like blankets, toiletries, large print books, treats, heating pads, transit tickets, socks and gift cards.

"We do hear from seniors fairly often who contact our office, and we feel this is one way to help those who need a little support during the holiday season," said Joanne Roper, an investigations manager in Calgary.

Since 2007, Seniors Secret Service has delivered more than 17,000 Christmas gifts.

Staff in Edmonton again donated toys to children through Santas Anonymous via a Secret Santa gift exchange in the office. More than 40 individual toys were donated. This is the third year staff donated to Santas Anonymous.



Financial Statements

March 31, 2015

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Independent Auditor's Report

To the Members of the Legislative Assembly

Report on the Financial Statements

I have audited the accompanying financial statements of the Office of the Ombudsman, which comprise the statement of financial position as at March 31, 2015, and the statements of operations and cash flows for the year then ended, and a summary of significant accounting policies and other explanatory information.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with Canadian public sector accounting standards, and for such internal control as management determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

My responsibility is to express an opinion on these financial statements based on my audit. I conducted my audit in accordance with Canadian generally accepted auditing standards. Those standards require that I comply with ethical requirements and plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion.

Opinion

In my opinion, the financial statements present fairly, in all material respects, the financial position of the Office of the Ombudsman as at March 31, 2015, and the results of its operations, its remeasurement gains and losses, and its cash flows for the year then ended in accordance with Canadian public sector accounting standards.

[Original signed by Merwan N. Saher FCPA, FCA]

Auditor General
July 7, 2015
Edmonton, Alberta

STATEMENT OF OPERATIONS

Year ended March 31, 2015

	2015		2014
	Budget	Actual	Actual
Revenues			
Other Revenue	\$ –	\$ 1,245	\$ 1,194
Total Revenues	–	1,245	1,194
Expenses - Directly Incurred			
(Note 2(b) and Schedule 2)			
Salaries, Wages, and Employee Benefits	2,975,000	2,846,595	2,531,393
Supplies and Services	374,000	415,881	567,932
Amortization of Tangible Capital Assets	–	38,769	27,225
Total Expenses	3,349,000	3,301,245	3,126,550
Net Operating Results	\$ (3,349,000)	\$ (3,300,000)	\$ (3,125,356)

The accompanying notes and schedules are part of these financial statements.

STATEMENT OF FINANCIAL POSITION

As at March 31, 2015

Assets

Receivables
Prepaid Expenses
Advances
Tangible Capital Assets (Note 3)

	2015		2014
\$	–	\$	16,021
	8,734		6,290
	2,000		2,300
	55,626		85,389
\$	66,360	\$	110,000

Liabilities

Accounts Payable and Accrued Liabilities
Accrued Vacation Pay

\$	41,983	\$	105,003
	279,740		224,579
	321,723		329,582

Net Liabilities

Net Liabilities at Beginning of Year
Net Operating Results
Net Financing Provided from General Revenues

	(219,582)		(164,855)
	(3,300,000)		(3,125,356)
	3,264,219		3,070,629
	(255,363)		(219,582)
\$	66,360	\$	110,000

The accompanying notes and schedules are part of these financial statements.

STATEMENT OF CASH FLOWS

Year ended March 31, 2015

Operating Transactions

Net Operating Results

Non-Cash Items included in Net Operating Results:

Amortization of Tangible Capital Assets

Provision for Vacation Pay

(Increase) Decrease in Accounts Receivable

Increase in Prepaid Expenses

Decrease in Advances

Increase (Decrease) in Accounts Payable and Accrued Liabilities

Cash Applied to Operating Transactions

Capital Transactions

Acquisition of Tangible Capital Assets

Cash Applied to Capital Transactions

Financing Transactions

Net Financing Provided from General Revenues

Decrease in Cash

Cash, Beginning of Year

Cash, End of Year

	2015	2014
Net Operating Results	\$ (3,300,000)	\$ (3,125,356)
Non-Cash Items included in Net Operating Results:		
Amortization of Tangible Capital Assets	38,769	27,225
Provision for Vacation Pay	55,161	30,941
	(3,206,070)	(3,067,190)
(Increase) Decrease in Accounts Receivable	16,021	(16,021)
Increase in Prepaid Expenses	(2,444)	(1,510)
Decrease in Advances	300	–
Increase (Decrease) in Accounts Payable and Accrued Liabilities	(63,020)	35,222
Cash Applied to Operating Transactions	(3,255,213)	(3,049,499)
Acquisition of Tangible Capital Assets	(9,006)	(21,530)
Cash Applied to Capital Transactions	(9,006)	(21,530)
Net Financing Provided from General Revenues	3,264,219	3,070,629
Decrease in Cash	–	(400)
Cash, Beginning of Year	–	400
Cash, End of Year	\$ –	\$ –

The accompanying notes and schedules are part of these financial statements.

NOTES TO THE FINANCIAL STATEMENTS

Year ended March 31, 2015

Note 1 – Authority and Purpose

The Office of the Ombudsman (the Office) operates under the authority of the *Ombudsman Act*.

The Office promotes fairness in public administration within the Government of Alberta, designated professional organizations and the patient concerns resolution process of Alberta Health Services.

Note 2 – Summary of Significant Accounting Policies and Reporting Practices

These financial statements are prepared in accordance with Canadian public sector accounting standards.

(a) Reporting Entity

The reporting entity is the Office of the Ombudsman, which is a legislative office for which the Alberta Ombudsman is responsible.

The Office operates within the General Revenue Fund (the Fund). The Fund is administered by the Minister of Treasury Board and Finance. All cash receipts of the Office are deposited into the Fund and all cash disbursements made by the Office are paid from the Fund. Net Financing Provided from General Revenues is the difference between all cash receipts and all cash disbursements made.

(b) Basis of Financial Reporting

Revenues

All revenues are reported on the accrual basis of accounting.

Expenses

Directly Incurred

Directly incurred expenses are those costs the Office has primary responsibility and accountability for, as reflected in the Office's budget documents.

In addition to program operating expenses such as salaries, supplies, etc., directly incurred expenses also include:

- amortization of tangible capital assets,
- pension costs, which are the cost of employer contributions for current service of employees during the year, and
- valuation adjustments which represent the change in management's estimate of future payments arising from obligations relating to vacation pay.

Incurred by Others

Services contributed by other entities in support of the Office's operations are not recognized and are disclosed in Schedule 2.

Note 2 – Summary of Significant Accounting Policies and Reporting Practices (Cont'd)

(b) Basis of Financial Reporting (Cont'd)

Assets

Financial assets are assets that could be used to discharge existing liabilities or finance future operations and are not for consumption in the normal course of operations. Financial assets of the Office are limited to financial claims, including receivables from other organizations, prepaid expenses, and employee travel advances.

Tangible capital assets of the Office are recorded at historical cost and are amortized on a straight-line basis over the estimated useful lives of the assets as follows:

- Computer hardware and software 3 years
- Office equipment and furnishings 10 years

The threshold for capitalizing new systems development is \$250,000 and the threshold for major system enhancements is \$100,000. The threshold for all other tangible capital assets is \$5,000.

Amortization is only charged if the tangible capital asset is in use.

Liabilities

Liabilities are recorded to the extent that they represent present obligations as a result of events and transactions occurring prior to the end of fiscal year. The settlement of liabilities will result in sacrifice of economic benefits in the future.

Net Assets/Net Liabilities

Net Assets/Net Liabilities represent the difference between the carrying value of assets held by the Office and its liabilities.

Canadian public sector accounting standards require a net debt presentation for the statement of financial position in the summary financial statements of governments. Net debt presentation reports the difference between financial assets and liabilities as net debt or net financial assets as an indicator of the future revenues required to pay for past transactions and events. The Office operates within the government reporting entity, and does not finance its expenditures by independently raising revenue. Accordingly, these financial statements do not report a net debt indicator.

Valuation of Financial Assets and Liabilities

Fair value is the amount of consideration agreed upon in an arm's length transaction between knowledgeable, willing parties who are under no compulsion to act.

The fair values of Cash, Accounts Receivable, Advances, Prepaid Expenses, and Accounts Payable and Accrued Liabilities are estimated to approximate their carrying values because of the short term nature of these instruments.

Note 3 – Tangible Capital Assets

2015				
	Cost	Accumulated Amortization		Net Book Value
Computer hardware and software	\$ 122,276	\$ 66,650	\$	55,626
Office equipment and furnishings	33,387	33,387		–
	\$ 155,663	\$ 100,037	\$	55,626

2014				
	Cost	Accumulated Amortization		Net Book Value
Computer hardware and software	\$ 155,215	\$ 70,838	\$	84,377
Office equipment and furnishings	33,387	32,375		1,012
	\$ 188,602	\$ 103,213	\$	85,389

The total cost of tangible capital asset additions in 2014-15 was \$9,006 (2013-14 \$21,530) and disposals was \$41,945 with a net book value of \$0 (2013-14 no disposals).

Note 4 – Contractual Obligations

Contractual obligations are obligations of the Office to others that will become liabilities in the future when the terms of those contracts or agreements are met.

Estimated payment requirements for the unexpired terms of these contractual obligations are as follows:

2015-16	\$	16,877
2016-17		13,206
	\$	<u>30,083</u>

Note 5 – Defined Benefit Plans (In Thousands)

The Office participates in the multi-employer Management Employees Pension Plan and Public Service Pension Plan. The Office also participates in the multi-employer Supplementary Retirement Plan for Public Service Managers. The expense for these pension plans is equivalent to the annual contributions of \$322 for the year ended March 31, 2015 (2014 – \$268).

At December 31, 2014, the Management Employees Pension Plan reported a surplus of \$75,805 (2013 surplus \$50,547), the Public Service Pension Plan reported a deficiency of \$803,299 (2013 deficiency \$1,254,678) and the Supplementary Retirement Plan for Public Service Managers reported a deficiency of \$17,203 (2013 deficiency \$12,384).

The Office also participates in the multi-employer Long Term Disability Income Continuance Plan. At March 31, 2015, the Management, Opted Out and Excluded Plan had an actuarial surplus of \$32,343 (2014 surplus \$24,055). The expense for this plan is limited to the employer's annual contributions for the year.

Note 6 – Statement of Remeasurement Gains and Losses

As the Office does not have any transactions involving financial instruments that are classified in the fair value category and has no foreign currency transactions, there are no remeasurement gains and losses and therefore a statement of remeasurement gains and losses has not been presented.

Note 7 – Approval of Financial Statements

These financial statements were approved by the Ombudsman.

Salary and Benefits Disclosure

Year Ended March 31, 2015

	2015				2014
	Base Salary ⁽¹⁾	Other Cash Benefits ⁽²⁾	Other Non-Cash Benefits ⁽³⁾	Total	Total
Senior Official					
Ombudsman ⁽⁴⁾⁽⁵⁾	\$ 259,908	\$ 36,621	\$ 9,777	\$ 306,306	\$ 286,960
Executive					
Deputy Ombudsman	\$ 161,068	\$ –	\$ 41,003	\$ 202,071	\$ 201,594

(1) Base salary includes regular salary.

(2) Other cash benefits include pension-in-lieu payments.

(3) Other non-cash benefits include the employer's share of all employee benefits and contributions or payments made on behalf of employees including pension, supplementary retirement plans, CPP/EI, health care, dental coverage, group life insurance, and long-term disability plans.

(4) Automobile provided, no dollar amount included in other non-cash benefits.

(5) The Alberta Ombudsman was appointed as the Public Interest Commissioner effective April 24, 2013; however, there is no additional remuneration for this role. The salary and benefits reflected on this statement is the incumbent's full remuneration. The Alberta Ombudsman's financial statements (direct expenses) reflect 75% of the full remuneration and the Public Interest Commissioner's financial statements (direct expenses) reflect the remaining 25%. This allocation represents the incumbent's actual time engagement for each Office.

Allocated Costs

Year Ended March 31, 2015

Program	2015				2014
	Expenses – Incurred by Others				Total Expenses
	Expenses ⁽¹⁾	Accommodation Costs ⁽²⁾	Business Costs ⁽³⁾	Total Expenses	
Operations	\$ 3,301,245	\$ 272,704	\$ 11,075	\$ 3,585,024	\$ 3,406,966

(1) Expenses - Directly Incurred as per Statement of Operations.

(2) Costs shown for accommodation are allocated by the total square meters occupied by the Office.

(3) Costs shown for Business include Service Alberta's cost for the Office's telephone lines.



**ALBERTA
OMBUDSMAN**

Edmonton Office

10303 Jasper Avenue NW, Suite 2800
Edmonton, Alberta T5J 5C3
P. 780.427.2756
F. 780.427.2759

Calgary Office

801 - 6 Avenue SW, Suite 2560
Calgary, Alberta T2P 3W2
P. 403.297.6185
F. 403.297.5121

Throughout North America
call toll-free 1.888.455.2756

Online complaint form available at
ombudsman.ab.ca

Visit us on Twitter: [@Ombudsman_AB](https://twitter.com/Ombudsman_AB)