

# Annual Report

## 2007-2008



**Child & Youth  
Advocate**  
**Défenseur**  
des enfants et de la jeunesse



**Ombudsman**



NEW BRUNSWICK  
NOUVEAU-BRUNSWICK

## **2007/2008 Annual Report**

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January 27, 2009

Ms. Loredana Catalli Sonier  
Clerk  
Legislative Assembly  
Province of New Brunswick  
Fredericton, N.B.

Madam:

Pursuant to Subsection 25(1) of the **Ombudsman Act**, Subsection 25(1) of the **Child and Youth Advocate Act** and Section 36 of the **Civil Service Act**, I have the honour to present the Forty-first Annual Report of the Ombudsman for the period of April 1, 2007 to March 31, 2008.

Respectfully submitted,

Bernard Richard  
Ombudsman/Child and Youth Advocate



## TO REACH YOUR OMBUDSMAN AND CHILD & YOUTH ADVOCATE



**Write :**           **Office of the Ombudsman and  
Child & Youth Advocate  
P.O. Box 6000  
548 York Street  
Fredericton, N.B.  
E3B 5H1**

**Telephone:**   **(506) 453-2789  
1 (888) 465-1100 (Toll free)**

**Fax:**           **(506) 453-5599**

**E-mail:**       **[nbombud@gnb.ca](mailto:nbombud@gnb.ca)**

**In Person:**   **For appointment  
Telephone (506) 453-2789  
(Toll free) 1 (888) 465-1100**

**Website:**     **[www.gnb.ca](http://www.gnb.ca) Keyword: Ombudsman**



## MISSION STATEMENT

Under the ***Ombudsman Act***, the Office of the Ombudsman strives to ensure that individuals are served in a consistent, fair and reasonable manner by New Brunswick government organizations.



Under the ***Child and Youth Advocate Act***, the Office of the Child and Youth Advocate promotes the rights and interests of children and youth, strives to ensure that those rights and interests are protected and that their views are heard and considered in appropriate forums where those views might not otherwise be advanced.



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## FROM THE OMBUDSMAN



Our 2007/2008 year can best be described as the year of the “systemic report”. Although our complaint numbers, at over 3400, soared once again during this period, much of our efforts were invested in completing “systemic” work in an attempt to address the underpinning causes for some of the issues we are confronted with on a daily basis. ‘Connecting the Dots” (youth with complex needs), “Broken Promises: Juli-Anna’s Story” (child protection) and “Leveling the Playing Field” (property tax assessment appeals) were all completed in 2007/2008. As well, a report and recommendations following the loss of personal health information by the Department of Health was also published. We were also active in submitting briefs to two Commissions dealing with Right to Information and/or Privacy concerns. We also began our investigation of Ashley Smith’s experience with our youth criminal justice system shortly after her death in October 2007.

This was also my first full year as Child and Youth Advocate and it served to confirm the need for such a position. While dealing with a wide array of individual cases requiring our advocacy services, we also began building the tools we would require to become as effective as possible (hiring specialized staff, developing promotional materials, devising accountability mechanisms, examining systemic concerns and organizing training opportunities).

Following up on our recommendations and measuring progress, whether on the availability of mental health services for youth or appropriate responses to child protection referrals relating to chronic neglect, will become a primary focus in future years.

Government began to address our underfunding concerns near the end of the 2007/2008 year. That will become more apparent in our next annual report. Officials asked us to be patient in this regard since it was government’s plan to remove from our mandate the responsibilities for Right to Information and Privacy. As it stands, on the writing of this report, It is not likely that a stand-alone Information and Privacy Commissioner be in place by April 2009. That would be welcomed and preferable to expecting us to carry too many loads without the required resources.

During the course of the year, I continued to chair the Canadian Council of Parliamentary Ombudsman and became the president of the AOMF (the international association of French-speaking Ombudsmen). I also accepted several requests to speak at conferences and workshops in New Brunswick and beyond our borders, on topics relating to our work.

Finally, I am very mindful that again in 2007/2008 my staff contributed beyond the call of duty. This allowed me to respond to a record number of individual complaints while carrying out broad systemic investigations which resulted in several dozen



recommendations to government. Words could not adequately express the quality and quantity of their contributions nor the depths of my gratitude for their loyalty and support.

While the Ombudsman in me will remain impartial and measured, my role as Child and Youth Advocate demands another approach. As such, the needs and interests of children and youth will continue to generate aggressive and proactive a committed response as a righteous advocate for the rights and interests of Children and Youth.

Bernard Richard  
Ombudsman/Child and Youth Advocate





## CASE SUMMARIES

### **Department: Public Safety (Corrections)**

#### **Resolved – Assistance Provided: Complainant provided with new clothing.**

Our office received a telephone call from an inmate who wished to place a complaint regarding the issue of new clothing. She had been admitted to a correctional facility and had yet to receive a new issue of clothing. The institution told her they were waiting for an order of new clothing and that was the contributing factor for the delay. An investigator was assigned to her case and informed her that our office would address her complaint immediately.

That same day our office contacted the correctional facility and notified them of the complaint lodged at our office by the inmate. We were informed that the inmate would receive an issue of new clothing by noon time the following day. The next day we followed up with the complainant and were informed that she had not received a new change of clothing. Once again our office contacted officials at the correctional facility and made it known that we request an issue of new clothes be made to the inmate as soon as possible, as one week in the same clothing is seen as being completely unacceptable.

The following day our office was contacted by the correctional facility and was informed that they now have clothes available for the inmate and will be issuing them as soon as possible. Later that day our office received a phone call from the complainant informing us that she had received new clothing and is satisfied with the outcome of her complaint. She appreciated our assistance.

### **Department: School Districts**

#### **Partially Resolved- Assistance Provided: Tutoring hours increased.**

Early into the school year our office received a complaint from the parents of a child who was no longer able to attend school due to mental illness. Following a series of failed past attempts of placement in a regular classroom, the parents had decided to advocate for an alternative source of schooling. They felt that even though participation in a regular classroom with other children may not be feasible, there is no reason why their child should not receive an education. Their goal was to see their child keep up to pace with other students of the same age.

Initially they contacted the school district whose duty was to provide their child with a special education plan. The plan the school district developed offered only a few hours of one-on-one tutoring per week. They were not satisfied with this offer and wanted the number of tutoring hours increased or an alternative plan developed. As the weeks passed by in the school year it became increasingly difficult for them to arrange meetings with the school district and their son's special education plan was showing very little progress.



Before anymore time was wasted, they decided to contact our office to request our assistance.

We informed the complainants that a representative from our office would be assigned to address their concerns and advocate for their child. Subsequently we contacted the school district and were told that tutoring would begin at 4 hours per week and be reevaluated every six weeks. Therefore we recommended that an increase in the amount of tutoring or an alternative means of education be provided. We informed the school district that the goal of the parents was to see their child receive a certificate of education.

The school district responded by setting up a meeting with the complainants and implementing a new special education plan. The new plan provided a combination of both tutoring and a school co-op program. Also, every six weeks there will be a review of progress and the student will be eligible for an increase in the amount of tutoring hours.

If the program is carried out successfully, the student will receive a certificate of education. This was the ultimate goal of the complainants and therefore our office was satisfied with the response of the school district. We assisted the parents in arranging a meeting with school district officials which proved to be successful in increasing in the amount of tutoring hours and the development of a new education plan.

**Department: Health**

**Recommendation Made: To amend the patient co-habitation policy.**

A complaint was lodged at our office regarding the policy of cohabitation at one of New Brunswick's regional hospitals. The complainant had been a patient at the hospital previously and has ever since been against the cohabitation policy. That is, when men and women are placed in the same hospital room. The hospital claimed it was forced to place men and women together in the same room due to a shortage of hospital beds.

Although this was not done frequently, it did occur when it was necessary. If a patient refused cohabitation, their alternatives would be to wait on a stretcher in the emergency department, or to leave the hospital if he or she had already been admitted. Our office informed the complainant that we would investigate the complaint and review the policy at hand. After extensive communication with hospital officials we made the decision to make a recommendation pertaining to the policy.

While against the cohabitation of hospital patients, our office took into consideration that there is a limited number of hospital beds and to completely eliminate cohabitation may not be a feasible goal. Therefore we recommended that the sharing of hospital rooms by male and female patients should be decreased to a point of only exceptional situations of emergency or crisis needs. It is our view that this recommendation, if implemented, would serve as a reasonable compromise to the policy that was currently in place. The complainant was satisfied with the actions taken by our office to address her concerns.



**Department: Post-Secondary Education and Training (Student Loans)**  
**Resolved – Assistance Provided: Student Loan and Bursary awarded.**

Our office received a complaint from a college student who for the past three years had been receiving student loans and New Brunswick student bursaries. Each year she has received both her loan and bursary without any incident. This year she discovered that there were changes made to her semester schedule and needed to have her student loan re-evaluated before it was processed.

To complete the reassessment of her loan she was required to fax all of the required information to NB Student Financial Services. After faxing the information she assumed everything was fine and waited for her school to receive the student loan. A few months later she had inquired at school if the loan had been received and was informed it had not. She then contacted Student Financial Services and was informed that they never received her fax.

Therefore, she had to re-fax in all of the required information to have her loan processed. It took 4-6 weeks to finally have the loan processed and due to the delay, she was charged interest on her overdue tuition balance. In addition, she also missed the eligibility date to be considered for a student bursary, which she was relying on for a source of financial assistance. Feeling that an administrative error occurred in the processing of her loan by Student Financial Services she decided to contact our office.

Upon contacting our office an investigator was assigned to address her complaint. After reviewing all of the relevant information and speaking with officials from Student Financial Services, the investigator determined that the delayed student loan was due to an administrative error on their behalf. This error caused the complainant a missed opportunity for a student bursary and subjected her to interest charges on the unpaid balance of her college tuition.

After the results of our investigation were presented to Student Financial Services, they agreed to issue the reassessed loan and NB student bursary to the complainant and admitted an administrative error. The complainant was satisfied with the outcome of her complaint and received her loan and bursary shortly after.

**Department: NB Power Corporation (Security Deposit)**  
**Resolved – Assistance Provided: Power connected and connection fee waived.**

Our office received a complaint from a New Brunswick resident concerning his power connection. The complainant informed us that he was initially told by NB Power that his power will be connected the day after his security deposit is paid. He paid the deposit and the following day nothing happened. After waiting a few days without any power he decided to contact NB Power.



He was told by a representative at NB Power that in order to have power connected he would have to call and confirm his security deposit was paid. Since he didn't remember being told this originally he questioned the process and was informed by NB Power that they have him on record being informed of this policy. Therefore, it was his responsibility to make the confirmation call before power could be connected. Unsatisfied with the information provided to him by NB Power, he decided to contact our office for assistance.

Thereafter an investigator from our office made contact with officials at NB Power to make them aware of the complaint lodged at our office and requested information on the administrative steps taken by NB Power. Officials from NB Power agreed to review the recorded tape to confirm that the complainant was made aware of the proper administrative processes.

After reviewing the recorded conversation between the complainant and an NB Power representative, it was evident that the complainant was right and was never informed that he had to make a confirmation call to have his power connected. NB Power took immediate steps to rectify this error. They connected the complainant's power and waived the connection fee. Both our office and the complainant were satisfied with the outcome of this complaint.

**Department: Public Safety (Corrections)**

**Resolved – Assistance Provided: Food accommodations made for allergy.**

Our office received a complaint against a provincial correctional facility from an inmate who was not satisfied with the meals he was being served. The inmate required special food accommodations that would adhere to his various allergies. He put in a request for the special accommodations and was informed that they would not accommodate his special dietary needs.

He was informed by the nurse at the correctional facility that they would only accommodate for his diet if they received a diagnosis of the allergies by a doctor. This information would have to come from another province and may take several days. Until then, no special accommodations would be made. Unsatisfied with the response his request received, he decided to contact our office and place a complaint.

Our office contacted officials from the correctional facility and made them aware of the complaint. We were informed that there was nothing on record about allergies and they would act as quickly as possible to contact the institution the inmate was previously housed in to get any information relating to possible allergies.

We were later informed that the inmate did in fact have allergies that required special food accommodations and the correctional facility would begin accommodating for his special dietary needs beginning immediately. Our office was satisfied that the correctional institution was now providing the inmate with proper meals and the inmate was satisfied with the assistance provided by our office.



**Department: Health**

**Resolved – Assistance Provided: Mental health services provided.**

The office of the Child and Youth Advocate was contacted by the parents of a youth with very complex mental health issues. They disagreed with the direction given to their child's psychiatrist by the Department of Health, to stop seeing their child as he was living outside of the jurisdiction covered by the psychiatrist. This was problematic since the youth also had a case opened at his local mental health center to receive services from other professionals.

The psychiatrist was told that the case could not administratively be open in two different jurisdictions as the system that controlled patient files was not capable of managing multiple files for one person. In addition, the psychiatrist was seeing the patient at a hospital emergency room which was not designated for long-term care.

For over a year, their child had been seeing this psychiatrist. There had been substantial continuity of care and relationship building between the child and the psychiatrist. The parents feared this would all be lost if their child was forced to seek the services of a different psychiatrist. If they decided they wanted to continue with the psychiatrist, then the file at the local mental health center would have to be closed, discontinuing services from other professionals. The parents were faced with the decision of losing services in either their own region, or losing the services of the doctor located outside their region.

This was an issue for the parents because they had already switched psychiatrists before and the transition period for their child to adjust to the new psychiatrist was long and enduring. Therefore, they did feel it was not in the best interest of their child to be reassigned a new psychiatrist once again. The Department of Health recommended a new psychiatrist in the same region the child was residing in. However, complications arose due to language barriers and the new psychiatrist declined the patient's care.

Upon receipt of the complaint to our office, we became involved with the Department of Health. An agreement was eventually struck that would allow the patient to continue seeing his previous psychiatrist as long as the psychiatrist transferred case information to the regional mental health office where it could be included in their file and case management system. As well, the psychiatrist would be allowed to see the child at a mental health center which would serve to be more appropriate than the emergency room they were previously meeting in.

**Department: Family and Community Services**

**Resolved- Assistance Provided: Youth remained in current foster home.**

The Office of the Child and Youth Advocate (CYA) received a complaint from a foster parent who was concerned that an adolescent under the permanent care of the



Department of Family and Community Services had been removed from their home and placed in another foster home because the foster family had expressed interest in adoption and the department did not support that idea. The foster parent was convinced that the youth wanted to remain in the current foster home and be adopted by the current foster family and was concerned that no one was listening to the youth's voice or wishes.

Staff at the Office of the Child and Youth Advocate subsequently gathered information on the youth's care plan from the social workers, supervisors and program delivery managers involved in the case and learned that the youth was being considered for adoption by an out of province family, not the foster family that originally brought the youth's situation to our attention.

Staff then interviewed the youth and the current foster parent and learned that the youth neither wished to be adopted nor desired a return to the original foster home. Rather there was an expression of interest in remaining in long-term foster care, staying in the current foster home and community, and keeping contact with one's own siblings who also had been removed from the youth's birth family's care.

The Office of the Child and Youth Advocate worked at ensuring that the youth's voice be heard in this process. Eventually, Family and Community Services abandoned their plan for this youth to be adopted and the youth remained in the current foster home and community. The Office monitored her progress and she continued to do well in the foster home, at school, and in the community.



## STATUTORY RESPONSIBILITIES

The Office of the Ombudsman in New Brunswick has a broad legislated jurisdiction under the Ombudsman Act, as well as significant compliance and administrative responsibility and fairness in the public sector.

The Office of the Ombudsman currently has responsibilities under six Statutes.

1. ***Ombudsman Act***
2. ***Civil Service Act***
3. ***Right to Information Act***
4. ***Archives Act***
5. ***Protection of Personal Information Act***
6. ***Child and Youth Advocate Act***







## GOALS: Office of the Ombudsman



The Office of the Ombudsman is committed to the following goals:

1. To conduct independent, confidential investigations to resolve complaints.
2. To provide efficient, effective and accessible services to every client within the framework of the human and fiscal resources provided.
3. To review policies, procedures, legislation and regulation to resolve existing complaints and, where applicable, to recommend reviews or changes to improve administrative practices.

## GOALS: Child & Youth Advocate



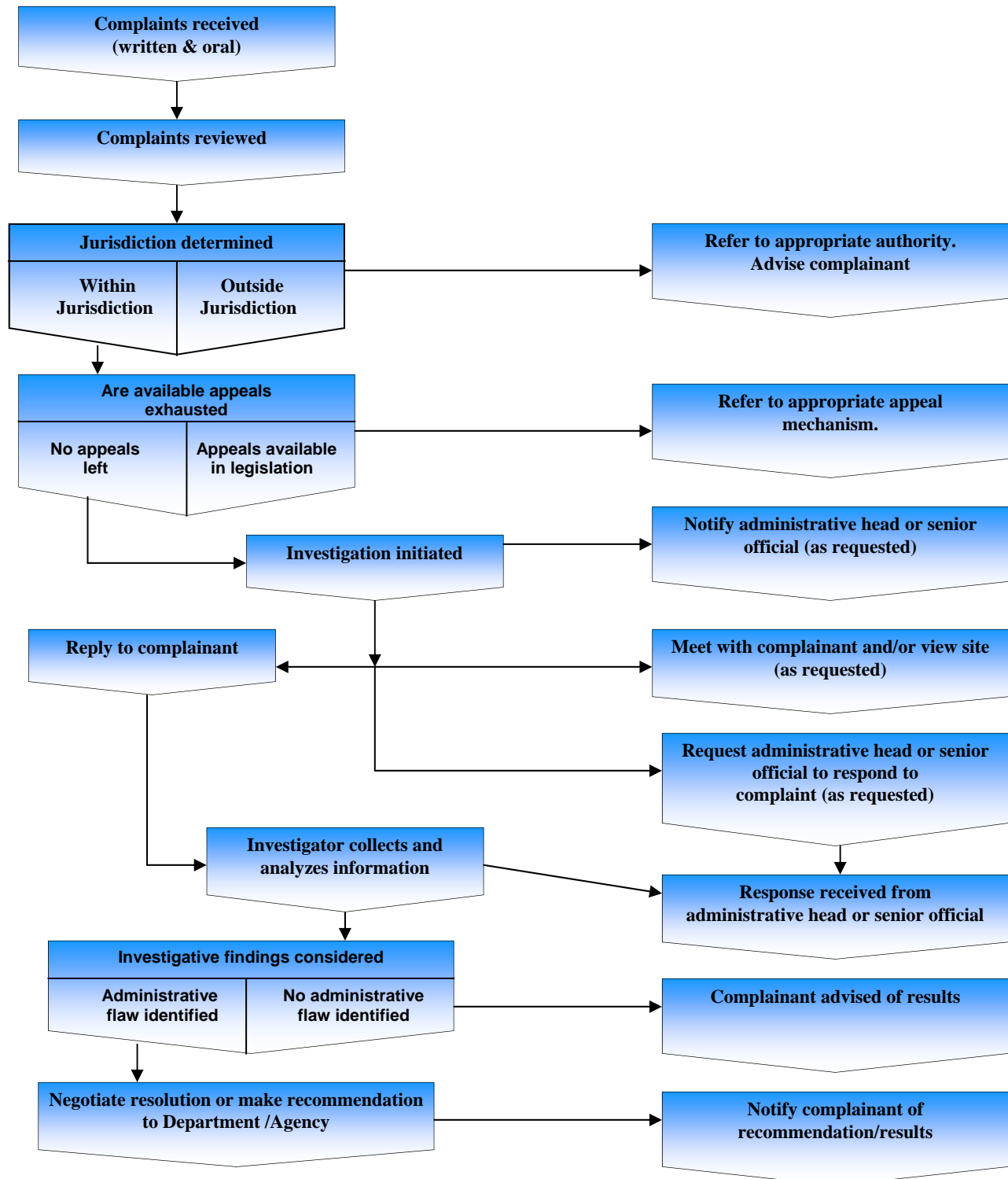
The Office of the Child and Youth Advocate is committed to the following goals:

1. To conduct independent, confidential investigations with the goal of promoting and protecting the rights and interests of children and youth.
2. To provide efficient, effective and accessible services to every child and youth within the framework of the human and fiscal resources provided so that their voices may be heard and considered in forums where their views might not otherwise be advanced.
3. To review policies, procedures, legislation, and regulations to advance the rights and interests of children and youth and, where appropriate, to provide information and advice to government agencies and officials about the availability, effectiveness, responsiveness, and relevance of services to children and youth.





## METHOD OF HANDLING OMBUDSMAN COMPLAINTS





## THE OMBUDSMAN



The Ombudsman is an Officer of the Legislative Assembly and is independent of government. The Ombudsman is appointed and can only be removed upon the recommendation of the Legislative Assembly.

The ***Ombudsman Act*** provides the authority to investigate complaints into any matter of administration. In accordance with the ***Act***, all investigations are carried out in a confidential manner and information is only divulged where necessary in furtherance of the investigation. Accordingly, all files of the Office of the Ombudsman are confidential.

### What we can do

The Ombudsman and his staff investigate complaints against provincial government departments, school districts, regional health authorities, municipalities, Crown agencies, and other agencies responsible to the Province including commissions, boards and corporations or any other public authority as defined under the ***Ombudsman Act***.

### What we can't do

The Ombudsman and his staff do **not** have authority to investigate complaints concerning:

- Federal Government
- Private companies and individuals
- Judges and functions of any court
- Deliberations and proceedings of the Executive Council or any committee thereof.



## THE CHILD AND YOUTH ADVOCATE



The Child and Youth Advocate is an Officer of the Legislative Assembly and is independent of government. The Child and Youth Advocate is appointed and can only be removed upon the recommendation of the Legislative Assembly. In these ways the Child and Youth Advocate is similar to the Ombudsman.

There are marked differences, however, between the Ombudsman and the Child and Youth Advocate. The Child and Youth Advocate acts as an advocate for the rights and interests of children and youth. Under the ***Child and Youth Advocate Act***, the advocate is responsible for ensuring that the rights and interests of children and youth are protected and that their views are heard and considered in appropriate forums where those views might not otherwise be advanced. Pursuant to the advocate's mandate under the ***Act***, the advocate also provides information and advice to government agencies and officials about the availability, effectiveness, responsiveness, and relevance of services to children and youths.

### What the Advocate Can Do

The Child and Youth Advocate and his staff, pursuant to the ***Child and Youth Advocate Act***, have the ability to assist children and youth by:

- Listening to the needs and concerns of area children and youth
- Ensuring that their rights and interests are protected
- Making sure their views are heard in the appropriate forums
- Investigating complaints they may have about how previous situations were handled by government agencies
- Ensuring they have proper access to the appropriate services



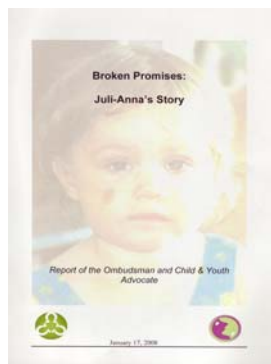
- Continually monitoring laws and policies to make sure they are not only fair to children and youth, but that they are followed properly as well
- Reporting on the availability, effectiveness, responsiveness and relevance of child and youth services in the community
- Acting as an advocate for the rights and interests of children and youth in general

### **What the Advocate Can't Do**

The Child and Youth Advocate and his staff do not act as advocates for the rights and interests of parents or adults nor do they act as legal counsel in any fashion.

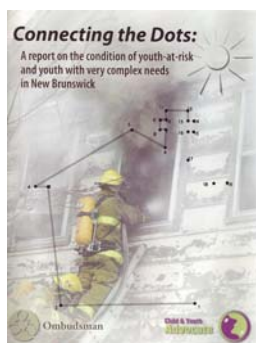


## SPECIAL PUBLICATIONS AND AWARDS:



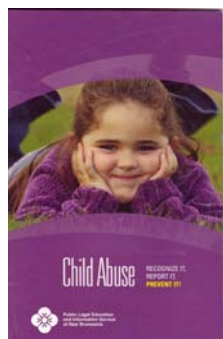
### Broken Promises: Juli-Anna's Story

*"No child in a province like New Brunswick, in a country like Canada, should have to endure what Juli-Anna was forced to live through. I believe that child protection officials must recognize that 'chronic neglect' is as detrimental to a child's best interest as 'abuse'. I was deeply troubled to see that workers struggled with the idea of taking action as a result of chronic neglect. It is not an acceptable excuse for officials to say that it is easier to pursue cases of sexual or physical abuse because those cases are easier to prove. Neglect happens over a long period, and it's just as nefarious, just as damaging to a child."* **Bernard Richard, Broken Promises**



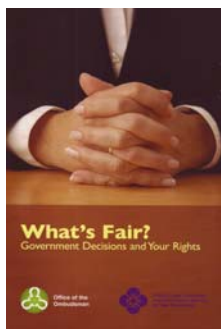
### Connecting the Dots:

*"The problem is that, when we make the youth criminal justice system our default solution for children with complex needs, we are deliberately placing young, vulnerable children directly in harm's way. The approach is so fundamentally contrary to Canadian values that the average New Brunswicker would be amazed to learn that it happens as routinely as it does."* **Bernard Richard, Connecting the Dots**



### Child Abuse:

*"All children have a right to live free from abuse. Unfortunately, every year in New Brunswick child protection officials must help hundreds of ill-treated or neglected children. Some of these children will carry the scars for the rest of their lives. The abuser could be anyone including a parent, family member, babysitter, teacher, clergy, coach, or even a stranger."*



### What's Fair:

*"Our mission is to ensure that all New Brunswick residents are treated with administrative fairness by government and its agencies," said New Brunswick Ombudsman Bernard Richard, Child and Youth Advocate. "This new booklet will act as a valuable educational resource for the public by describing the options available if someone wishes to contest or challenge a government decision. It also explains the role of the Office of the Ombudsman, and indicates when it may be appropriate to file a complaint with our office."*

Residential Property Assessment Appeal Process  
in New Brunswick: Leveling the Playing Field

February 28, 2008



### Residential Property Assessment

*"Our office has received numerous complaints from residential property owners about the appeal process. They believe that the process is burdensome and unfair," Richard said. "Our investigation has confirmed that residential property owners are at a disadvantage in the appeal process, especially in regards to disclosure of information."*



### Ombudsman Excellence Award

*"This is an opportunity for our office to publicly recognize three civil servants who go above and beyond the call of duty in their day-to-day tasks," Richard said. "Each has demonstrated that they consistently strive to find ways to solve problems and provide better service to the public in response to complaints and concerns."*

The recipients of the 2007 awards are: Lori McKinney of the River Valley Health Authority (Region 3) Carmélia Savoie, recently retired from Workplace Health, Safety Compensation Commission;; and Brian Mackin of the Department of Public Safety.



## PERFORMANCE INDICATORS

The Office of the Ombudsman measures its performance in delivering the various legislated services through indicators which are identified below.

### Supporting our central mission

*Indicator – The Office of the Ombudsman has one central mission: to ensure that all New Brunswick citizens are treated with administrative fairness by government and its agencies. Under the **Ombudsman Act**, the Office of the Ombudsman strives to guarantee that individuals are served in a consistent, fair and reasonable manner by New Brunswick Government organizations.*

*Result – Our central mission is communicated through various public and government employee education activities and speaking opportunities by the Ombudsman and staff, and are reinforced via the office's Web pages, printed material and our Annual Report.*

### Providing service in an effective and efficient manner

*Indicator – The Office of the Ombudsman has instituted a number of efficiencies since January 2004 in an effort to better serve our legislated mandate. These include: a toll free 1-888 telephone number which makes it easier for clients outside of the greater Fredericton area to reach the office; an enhanced Web page; a number of administrative and technical improvements; annually meeting with government departments and a variety of agencies in an effort to develop improvements in the way we conduct our respective legislated duties; and the introduction of an information poster for provincial correction centres.*

*Result - The percentage of complaint files closed within 30 calendar days of the date on which the complaint was received has risen from 67% in 2002/2003 to 90% for 2007/2008.*



## FINANCIAL INFORMATION



The budgeted and actual expenditure for 2007/2008 are set out in the table below.

The figures below indicate that the actual expenditures for the Office of the Ombudsman/Child & Youth Advocate were below the amount budgeted for the year. The variance was largely the result of savings in the wage bill component as a staff member was on leave during the year.

2007/2008		
	Budget	Actual
Wages and Benefits	1,080 400	1,014 186
Other Services	201 000	200 619
Materials and Supplies	17 500	18 872
Property and Equipment	16 100	33 783
Contributions & Grants	0	0
Total	1, 315 000	1, 267 460





## OFFICE OF THE OMBUDSMAN/ CHILD AND YOUTH ADVOCATE

Employees	Work Title
Albert, Jessica	Investigator
Allain, Mélanie	Child & Youth Advocacy Services
Cantin, Francine	Social Worker / Investigator
Dickison, Julie	Executive Secretary
Doyle, Anne	Social Worker/Investigator
Fraser, Amy	Administrative Assistant
Gilliland, Steve	Executive Director
Levert, François	Investigator/Legal Officer
Lévesque, Marie-Josée *	Investigator
Murray, Jennifer *	Investigator/Legal Officer
Pitre, Claire **	Legal Counsel
Richard, Bernard	Ombudsman/Child & Youth Advocate
Savoie, Robert	Investigator
Whalen, Christian	Legal Counsel

\* Part time

\*\* Long term leave



# ***OMBUDSMAN ACT***



## OMBUDSMAN ACT

Under the **Ombudsman Act**, the Office of the Ombudsman/Child & Youth Advocate, conducts independent and confidential investigations into complaints from individuals regarding administrative matters involving provincial government departments and other related organizations such as school districts, regional health authorities and municipalities.

A review of the 2007-2008 activities of the Office of the Ombudsman/Child & Youth Advocate indicate a very busy **Ombudsman Act** year for the office and could be easily categorized as a record setting year. A total of 3406 files were opened by staff from April 1st 2007 to March 31<sup>st</sup> 2008. This number included 3003 files opened under the **Ombudsman Act** alone.

The office also released **Leveling the Playing Field**, a review of the residential property assessment appeal process. This produced recommendations to government, including: legislative amendments to allow for the disclosure of relevant information to the residential property owner prior to an appeal hearing; and that the burden of proving the accuracy of the assessment be placed on Assessment Services rather than the property owner.

Public education booklets - **What's Fair**, about government decisions and the public's rights

Copies of these reports and publications are available online at <http://www.gnb.ca> keyword: **Ombudsman**.



*From Left, current Ombudsman Bernard Richard, Ellen King (Ombudsman 1993-2004), Joseph Bérubé (Ombudsman 1976-1993)*



## **OMBUDSMAN ACT**

In 1967, the Government of New Brunswick introduced legislation creating the Office of the Ombudsman. The Ombudsman is an independent officer of the Legislative Assembly with a mandate under the New Brunswick ***Ombudsman Act*** to conduct independent investigations.

Depending upon the nature of a complaint, it is sometimes possible to resolve the complaint informally. If an investigation identifies that an administrative flaw has occurred, and the matter cannot be resolved informally, the ***Act*** provides for the Ombudsman to make a recommendation to the administrative head of the authority concerned.

### **COMPLAINTS UNDER THE *OMBUDSMAN ACT***

#### **Access**

The Office of the Ombudsman is accessible to every person in the Province of New Brunswick. People who feel they have a problem with a provincial government agency can contact the Office in either Official Language.

The Office of the Ombudsman receives complaints in a variety of ways: by letter, by telephone, by fax, by E-mail and by personal interview at our Office or in the client's community. The Office accepts oral and written complaints.

#### **Complaints**

The Office of the Ombudsman investigates an extremely diverse cross-section of complaints related to government departments, municipalities, school districts, regional health authorities, crown agencies and other authorities responsible to the Province as defined under the ***Ombudsman Act***.

#### **Investigation**

In accordance with the ***Ombudsman Act***, the Office conducts independent and confidential investigations into complaints from individuals regarding administrative matters.

In conducting an investigation, staff of the Office of the Ombudsman may be required to critically analyze and review policies, procedures, legislation, case law, and examine government records. Also, information is obtained from officials either through meetings or correspondence. In addition to receiving information from clients through interviews or



correspondence, investigators may obtain additional information through site visits conducted throughout the province.

As a result of the information gathered through the investigation, the Office of the Ombudsman makes a finding. If, on the conclusion of the investigation, the finding supports the client's complaint, the Ombudsman will facilitate a resolution or, in the alternative, make a recommendation for corrective action. The Ombudsman does not have the authority to require the government to act, however, negotiation has proven to be very effective. Where there is insufficient evidence to establish that the complaint is justified, the investigation is discontinued and the client is advised of the results in writing.

### **Providing Information and Referrals**

When a complaint is outside the Ombudsman's jurisdiction to investigate, the Office provides information and, where appropriate, refers individuals to other complaint mechanisms or possible sources of assistance.

The flow chart on page 15 illustrates the typical manner in which written and oral complaints are handled by the Office of the Ombudsman. Exceptions may occur at the discretion and direction of the Ombudsman.

## **2007/2008 STATISTICS**

The Office of the Ombudsman received a total of 3406 complaints, inquiries and requests for information during the year 2007/2008. Of this number, 1964 were complaints within jurisdiction and investigations were required, 666 were inquiries and requests for information, and 777 were complaints which were not within the jurisdiction of this Office. In addition, 153 complaints carried over from the previous year were investigated. A detailed summary of complaints received appears starting at page 45 of this report.



## CORRECTIONAL INSTITUTIONS



Section 13(4) of the ***Ombudsman Act*** provides that any person in custody has a right to have a letter forwarded to the Office of the Ombudsman unopened, thereby ensuring them the opportunity of bringing their complaints to this Office for investigation.

Inmates are provided with an orientation manual by the Department of Public Safety on admittance to each of the Correctional Institutions. The manual advises the inmate that the Office of the Ombudsman investigates complaints from individuals who feel they have been treated unjustly.

While the Office received inquiries and complaints regarding a wide range of issues, Section 12 of the ***Ombudsman Act*** empowers the Office to investigate complaints “***with respect to a matter of administration***” and not matters which are of a criminal nature.

As the statistics relating to the complaints and inquiries received in 2007/2008 will show, the majority relate to matters of administration and are open to investigation by this Office. However, it should also be noted that some complaints were received which were of a **criminal nature** i.e. assault. Such a complaint is a matter for investigation by a police authority. In those instances, this Office brought the matter to the attention of the Department of Public Safety immediately. This Office subsequently confirmed with the Department of Public Safety that the police had been notified regarding the complaint.

In other instances where an inquiry or a complaint does not fall within the jurisdiction of the ***Ombudsman Act***, individuals are referred to the appropriate body i.e. Parole Board.

As inmates are within the care of the Province of New Brunswick, each complaint that was within the jurisdiction of this Office to investigate was acted upon as expeditiously as possible. This usually required that the matter be brought to the attention of the Department of Public Safety so that the Department in addition to the correctional facility concerned is also given the opportunity to be heard.

On receiving information from both parties and in carrying out any further reviews that may be necessary, this Office concludes the investigation and the inmate is advised accordingly.

Staff from the Office of the Ombudsman traveled to the Province’s Correctional facilities on several occasions during this period in the course of investigating complaints. Specific cases and general policies and procedures were discussed with institutional officials.



## **2007/2008 STATISTICS**

In the Correctional Services area, the Office of the Ombudsman processed 828 verbal and written complaints from or relating to individuals incarcerated in provincial correctional institutions. In addition, the Office also received numerous information requests as well as complaints from inmates that were not within the jurisdiction of the Office to investigate.

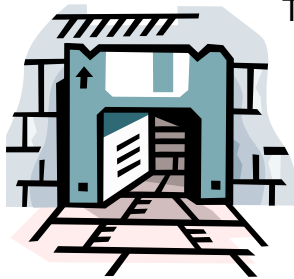


# ***Right to Information Act***





## ***RIGHT TO INFORMATION ACT***



The ***Right to Information Act***, was adopted in 1978 to guarantee the right of all New Brunswickers to access public information. The ***Act*** was the second instrument of its kind in Canada, making New Brunswick one of the first jurisdictions in the world to proclaim this right. The Act has been amended on several occasions since it came into force. However, the amendments have generally had the effect of expanding the exemptions applicable to certain types of records and therefore limiting the right to information.

Under the ***Right to Information Act***, the Ombudsman is to conduct, within 30 days, independent reviews of refusals to release information to citizens by all Departments and Agencies as outlined in the regulations under the ***Act***.

### **REFERRALS UNDER THE *RIGHT TO INFORMATION ACT***

Under the ***Right to Information Act***, an individual may request information as contained in a document(s) by applying to the appropriate Minister as defined by the ***Act***. Where the Minister does not, or is unable to, provide the document(s) requested, the individual may refer the matter to either the Ombudsman or to a judge of the Court of Queen's Bench.

When a request for information is referred to the Office of the Ombudsman, the ***Right to Information Act*** requires the Ombudsman to review the matter referred within 30 days of having received the referral and to render his recommendation as soon as possible thereafter.

The ***Act*** allows the Ombudsman to inspect the information that the Minister has refused to release, if such information exists, and this review is conducted in private.

Usually, the Ombudsman inspects the information on-site, but the records or copies of them may also be provided to the Ombudsman, under seal, for ease of reference in

preparing a recommendation. Depending on the nature of the information requested, this inspection may involve a review of a single document or file, or a folio of documents or boxes of files.

The Ombudsman's inspection may extend beyond paper documents as the ***Right to Information Act*** defines a document as including "any record of information, however recorded or stored, whether in printed form, on film, by electronic means or otherwise".



At the conclusion of the review, if the Ombudsman finds that the information requested is not exempted for release under the ***Right to Information Act***, a recommendation is made to the Minister to release the information in accordance with the ***Act***.

There is no right under the ***Act*** to access information which falls within the categories which are listed as exceptions in section 6 of the ***Act***.

The 2007-2008 fiscal year was a very active year in terms of law reform. In the Spring of 2007 our office made submissions to the *Task Force on reform of the Right to Information Act and the Protection of Personal Information Act* and also to a second Task Force on the need for legislation in the area of Personal Health Information. Both Task Forces reported to government in the fall of 2007 and legislative responses from government have been forthcoming.

In September of 2007 our Office participated along with other Canadian Information and Privacy commissioners' offices in Canada's second National Right to Know Week Activities. Public forums were held in conjunction with St-Thoas University's school of journalism, the UNB faculty of Law and the U de M law faculty and information sessions were also organized for Right to Information Coordinators in government departments. All event were well attended and well received. The Office continued its participation in the organization of the Atlantic Privacy and Access Workshop and will be pleased to host the Atlantic Forum in Moncton in June 2008.

## 2007/2008 STATISTICS

During the year 2007/2008, the Office of the Ombudsman received 57 complaints or inquiries regarding the refusal or non-response to a request to disclose information to an individual under the ***Right to Information Act***. The Office of the Ombudsman conducted 13 reviews leading to recommendations and also provided general information to a number of individuals who were seeking advice regarding the procedure to follow when requesting information contained in government documents.

The thirteen recommendations dealt with a variety of issues ranging from the duty of timely disclosure when requests are made in anticipation of pending litigation; the duty to respond in detail to all aspects of a right to information Act request and to refer petitioners to the appropriate Minister; the duty to make a diligent search for responsive records and to seek clarification of the request if necessary. In *McLaughlin v. the Minister of Health* a request for information between the department and a private ambulance service provider prompted a review of several of the exemptions available under the act, including the first interpretation of provisions dealing with exemptions applicable to police investigations. Other requests dealt with the exemption for hospital board minutes and its limits and with a petitioner's right to bring an access request on behalf of a deceased sibling and the application in that instance of personal information exemptions.



In *Q.R. v. the Minister of Justice*, I had to deal with a request for records explaining the government's purpose in adding political belief as a ground of prohibited discrimination under the Human rights code, the request to the Attorney General's office was refused and redirected to the Minister responsible for the Act. However in reviewing the petition the Attorney-General refused to disclose any of the records to my office for the purpose of verification. The issue was determined on the basis of a referral to an appropriate Minister, but the recommendation also noted that the new legislation should make it clear that solicitor client privilege claims by public authorities should be subject to independent verification. In *Berry v. Minister of Justice* the recommendation dealt with a request from the media for information relating to criminal charges against an accused person. The request had been refused on the basis that it was a request for court records which are not subject to the Act. Our recommendation looks at the definition of records and Canadian case-law and concludes that an information laid which leads to a criminal charge is a responsive record that should be available to the media from the Attorney-General.





## **CIVIL SERVICE ACT**



In 1994, the Civil Service Commission was amalgamated with the Office of the Ombudsman. Through a change to the **Civil Service Act**, the Ombudsman is responsible to hear appeals and investigate complaints regarding the selections for appointment to the Civil Service.

The **Civil Service Act** gives the Ombudsman certain powers and duties for the purpose of protecting the merit principle as the basis for effecting appointments to or from within the Civil Service. Specifically, the **Act** provides for the Ombudsman to:

- hear appeals from employees relating to appointment decisions;
- investigate complaints from non-employees who have been unsuccessful candidates in open competitions.

Appeals and complaints may be filed in respect to appointment decisions made by all departments and agencies which comprise the Civil Service of the Province of New Brunswick. The **Act** requires the Office to hear and decide on appeals within very tight time periods.

### **APPEALS AND COMPLAINTS UNDER THE CIVIL SERVICE ACT**

#### **Appeals**

The primary objective of the appeal process under section 32 of the **Civil Service Act** is to ensure that the principle of selection by merit is respected in effecting appointments to and from within the Civil Service.

The appeal process is an integral component of the staffing process and provides employees the opportunity for an independent and impartial review of appointment decisions.

Employees may submit their notices of appeal against appointments directly to the Ombudsman. They may also choose to first apply to the Deputy Minister of the Office of Human Resources or her delegate for a “statement of reasons” why they were not appointed, or for such other information that would assist in determining whether or not to appeal.



The **Act** prescribes specific time limits for filing an appeal, holding a hearing, and issuing a decision. There can only be two outcomes to an appeal; it can be allowed or dismissed. Where an appeal is allowed, the Ombudsman shall deny or revoke the appointment that gave rise to the appeal.

### **Complaints**

The objective of the complaint process under section 33 of the **Civil Service Act** is to protect the merit principle as the basis for effecting appointments by competition. This process provides non-employees, who have been unsuccessful in an open competition, with a redress mechanism by which the selection for appointment can be impartially examined. The inquiry and complaint provisions under the **Act** also serve to increase the openness of the hiring process.

Before complaints can be filed with the Ombudsman, unsuccessful candidates are obliged by the **Act** to formally apply to the Deputy Minister of the Office of Human Resources or her delegate for a “statement of reasons” why they were not appointed. If unsuccessful candidates are not satisfied with the reasons provided, they may make a complaint in writing to the Ombudsman within the time limits set out in the **Act**.

The Ombudsman does not have the authority to revoke an appointment as a result of this process even if it has been determined that merit was not respected. The Ombudsman can, however, submit recommendations to the Deputy Minister of the Office of Human Resources as a result of the findings from an investigation.

## **2007/2008 STATISTICS**

A total of 72 files were opened under the *Civil Service Act* in 2007/2008.

This included 10 appeals under Section 32 of the *Act*. The results of the appeals were as follows: one was upheld; two were dismissed; and seven were withdrawn. There were also 13 inquiries under Section 32 of the *Act*, in which information and/or clarification was provided.

There were seven investigations under Section 33 of the *Act*; six of these investigations were not substantiated; and one concluded with clarification being provided. There were also 10 inquiries under Section 33 of the *Act*.

In addition, there were 21 investigations related to casual employment in the civil service.

There were also five investigations into complaints about the Probationary Period of employment under the **Civil Service Act**.

The other files opened by the Office of the Ombudsman under the **Civil Service Act** were classified as general inquiries.



# ***Protection of Personal Information Act***



## ***PROTECTION OF PERSONAL INFORMATION ACT***



The Government of New Brunswick introduced a ***Protection of Personal Information Act*** (POPIA) in 1998. The ***Act*** received Royal Assent on February 26, 1998 and came into effect on April 1, 2001.

Like the ***Right to Information Act***, POPIA entrusts the Office of the Ombudsman with the compliance function regarding complaints under the Act. POPIA guarantees the citizen's right to know what information government holds about them and their right to have that personal information treated confidentially. In New Brunswick, unlike some other provinces, there is no provincial law that regulates the confidentiality of personal information in the private sector, and so the federal ***Personal Information Protection and Electronic Disclosure Act*** (PIPEDA) applies to all commercial and private sector organizations in the province. It does not however regulate privacy issues as between a private sector employer and their employees. The result is that each year several people complain to our office of privacy violations for which there is no administrative remedy in New Brunswick, and no independent oversight body to deal with such complaints.

Like PIPEDA, the provincial ***Protection of Personal Information Act*** is a law which gives statutory authority to the 10 privacy principles set out in the Model Privacy Code of the Canadian Standards Association. The enforcement mechanism is by way of complaint to the Ombudsman who has a power of recommendation, rather than an authority to issue legally binding orders to a public body.

### **COMPLAINTS UNDER THE *PROTECTION OF PERSONAL INFORMATION ACT***

The Office of the Ombudsman is an independent body which is responsible for investigating complaints with respect to the privacy of personal information held by the departments and agencies of the government.

While the Office of the Ombudsman is responsible to investigate complaints under the ***Protection of Personal Information Act***, it is the responsibility of departments and agencies of the government to manage personal information in accordance with the ***Act***.

The past year has been an important transitional year in the area of privacy protection. In September 2007 the government received two task force reports recommending sweeping changes to our Right to Information and protection of Privacy laws, including calls for new legislation regulating personal health information. Legislative proposals are now being prepared and revised in response to these recommendations.





Also in December of 2007 the office investigated an incident involving the loss of computer tapes in transit from New Brunswick to British Columbia containing Medicare billing information of some 485 New Brunswick residents. This breach led to troubling findings regarding lack of adequate policy and practical privacy safeguards within the provincial department of health and has helped spur significant change in that area, and also prompted a broader external review of health information management practices. In response to this incident the Ombudsman's Office developed and circulated its own Privacy Breach notification guidelines which have now been used subsequently by other departments regarding ensuing breaches.

The Province continues to invest significantly in the development of the electronic health record and the Ombudsman has been involved in that planning effort at the provincial level and through the Privacy Forum of the Canada Health Infoway. Finally the Office continues to actively support stronger ties and consultative work between privacy commissioner's offices in the Atlantic region, nationally across Canada and internationally within the Francophonie and the Forum of DPAs from federal states.

As the possible transfer of this mandate to a new independent Information and Privacy Commissioner's Office is under review, we have had to continue to with the enforcement activities under this mandate within the confines of very meager resource commitments. The significant rise in enforcement activity, particularly in the area of privacy breach investigations, has required us to limit our involvement, for instance in the broader review of department of health information management practices, which has yet to be undertaken. Whatever decision is made regarding the oversight body responsible for this mandate new public spending in this area is urgently required in order to safeguard and protect the privacy of New Brunswickers and their right to information.

## 2007/2008 STATISTICS

During the year 2007/2008, the Office of the Ombudsman received 43 complaints and enquiries in regards to the ***Protection of Personal Information Act***.





## **CHILD & YOUTH ADVOCATE ACT**



The **Child and Youth Advocate Act** received Royal Assent on June 30, 2004; however no one was appointed to the position until October 26, 2006 when the Ombudsman agreed to assume responsibility for this legislation to ensure that children and youths' rights and interests are protected in government policy, programs and services.

Section 2 of the Act outlines the Advocate's responsibilities as:

- (a) ensuring that the rights and interests of children and youths are protected;
- (b) ensuring that the views of children and youths are heard and considered in appropriate forums, where those views might not otherwise be advanced;
- (c) ensuring that children and youths have access to services, and that complaints children and youths might have about those services receive appropriate attention;
- (d) providing information and advice to the government, government agencies, and communities, about the availability, effectiveness, responsiveness, and relevance of services to children and youths; and
- (e) acting as an advocate for the rights and interests of children and youths generally.

The Advocate is not to act as legal counsel. In carrying out the functions and duties of the Office, the Advocate may pursuant to subsection 13(1):

- (a) receive and review a matter relating to a child, a youth, or a group of children or youths;
- (b) advocate or mediate or use another dispute resolution process on behalf of a child, youth, or a group of children or youths;
- (c) if advocacy, mediation or another dispute resolution process has not resulted in an outcome the Advocate deems satisfactory, conduct an investigation on behalf of the child, youth, or group of children or youths;
- (d) initiate and participate in, or assist children and youths to initiate and participate in case conferences, administrative review, mediation, or other process in which decisions are made about the provision of services;



- (e) inform the public about the needs and rights of children and youths, including information about the Office of the Child and Youth Advocate;
- (f) make recommendations to the government or an authority about legislation, policies, and practices, respecting services to or the rights of children and youths.

(Amendments to the ***Child and Youth Advocate Act***, proclaimed on June 30, 2007 have greatly improved the independence, authority and effectiveness of the Office. The Advocate retains his specialized function in relation to advocacy and early resolution of complaints brought to his attention but is granted all the powers, privileges and authority of a parliamentary Ombudsman. Additionally the Advocate and members of his staff are subject to strict confidentiality provisions. The Advocate's terms of appointment and provisions for removal were also modified to strengthen the independence of the Office and the Advocate's powers of compulsion of records and other powers with respect to investigations were greatly improved).

### **Complaints under the *Child and Youth Advocate Act***

Child and Youth Advocate (CYA) complaints may be distinguished from those of the Ombudsman primarily by any involvement of children or youths and also the need to have the best interest of the child at the forefront of the investigation.

Some complaints come directly from the child or youth in question, but the vast majority have come from someone else concerning a child or youth. Regardless of who is originating the complaint, the focus of the CYA is the best interest of the child at all times. It is a child centered approach. This is consistent with a recent Supreme Court of Canada judgment in *Syl Apps Secure Treatment Centre v. B. D.*, July 27, 2007.

Generally, Ombudsman investigations take between one to three months, however, CYA complaints tend to take longer. It is important to keep a relationship with the complainant active and to make contact on a regular basis to provide and receive information on the case.

Case sensitivity is extremely important in CYA cases; much of the information is confidential.

In the period covered by this annual report, the Office has done much to heighten awareness and inform the public that the Province now has an active and interested advocate for children and youth. We also strive to develop relationships with interested stakeholders who share the same interest in children's and youth's issues.



## ***CHILD & YOUTH ADVOCATE***

The year 2007-2008 represents the first full year of operation under the Child and Youth Advocate mandate. With the publication of two reports, namely **Broken Promises: Juli-Anna's Story** and **Connecting the Dots: A Report on the Condition of Youth-at-risk and Youth with very complex needs in New Brunswick**, combined with awareness raising initiatives from our Office like public speaking engagements, our office's mandate has become increasingly known to New Brunswickers. As a result, the number of referrals has been steadily increasing. It is clear that the biggest challenge remains referrals of youth with complex needs and youth at risk. Most of these cases are dealing with complex mental health issues, which also impact on educational services they receive. In many cases, child protection services and public safety are also involved. In dealing with these cases, our Office has regular contact with these four departments.

Our office has also received numerous referrals concerning the lack of services available to youth between the ages of 16 and 18. A large number of these youth fall between the cracks as no one department is clearly mandated to service them. While we have made recommendations to government about modifications to be made to avoid this gap, we continue to deal with cases that necessitate individualized solutions. Many hours are spent on each case and many of these youths end up receiving some level of service.

We have also increased our presence in Youth Court and at case conferences concerning cases referred to our office for assistance.

Although one of the most glaring service needs we have observed is the lack of availability of specialized residential therapeutic treatment resources for youth with very complex needs, referrals have continued to be very diversified.



## 2007/2008 STATISTICS

In the period covered by this annual report a total of 229 files were opened under the ***Child and Youth Advocate Act***. Most of the complaints have come from family members, not from children or youths. A few have come from concerned citizens or government officials. In 2007-2008, the Office received complaints on a variety of issues, including allegations of child abuse or neglect, access to mental health services, child custody and access, child support payments, children with special needs at school, adoption, lack of social services for youths 16-19, etc. Many fall under the Department of Family and Community Services, although other departments such as the Department of Education, the Department of Health and the Department of Justice have also been involved.

### **Challenges**

The Office was faced with more daunting challenges than anticipated. Early on in the mandate, in the period covered by this annual report, access to documents was a constant struggle. However, it has improved since, partly as a result of the amendments to the *Child and Youth Advocate Act*, proclaimed on June 30, 2007.



# Summary of 2007/2008 Statistics





## 2007/2008 STATISTICS

- The Office of the Ombudsman received a total of 3406 complaints, inquiries and requests for information during the year 2007/2008. Of this number, 1964 were complaints within jurisdiction and investigations were required, 666 were inquiries and requests for information, and 777 were complaints which were not within the jurisdiction of this Office. In addition, 153 complaints carried over from the previous year were investigated.
- During the year 2007/2008, the Office of the Ombudsman received 57 complaints or inquiries regarding the refusal or non-response to a request to disclose information to an individual under the **Right to Information Act**. The Office of the Ombudsman conducted 13 reviews leading to recommendations and also provided general information to a number of individuals who were seeking advice regarding the procedure to follow when requesting information contained in government documents.
- A total of 72 files were opened under the *Civil Service Act* in 2007/2008.

This included 10 appeals under Section 32 of the *Act*. The results of the appeals were as follows: one was upheld; two were dismissed; and seven were withdrawn. There were also 13 inquiries under Section 32 of the *Act*, in which information and/or clarification was provided.

There were seven investigations under Section 33 of the *Act*; six of these investigations were not substantiated; and one concluded with clarification being provided. There were also 10 inquiries under Section 33 of the *Act*.

In addition, there were 21 investigations related to casual employment in the civil service.

There were also five investigations into complaints about the Probationary Period of employment under the **Civil Service Act**.

The other files opened by the Office of the Ombudsman under the **Civil Service Act** were classified as general inquiries.

- During the year 2007/2008, the Office of the Ombudsman received 43 complaints and enquiries in regards to the **Protection of Personal Information Act**.
- In the Correctional Services area, the Office of the Ombudsman processed 828 verbal and written complaints from or relating to individuals incarcerated in provincial correctional institutions. In addition, the Office also received numerous information





requests as well as complaints from inmates that were not within the jurisdiction of the Office to investigate.

- In the period covered by this annual report a total of 229 files were opened under the ***Child and Youth Advocate Act***. Most of the complaints have come from family members, not from children or youths. A few have come from concerned citizens or government officials. In 2007-2008, the Office received complaints on a variety of issues, including allegations of child abuse or neglect, access to mental health services, child custody and access, child support payments, children with special needs at school, adoption, lack of social services for youths 16-19, etc. Many fall under the Department of Family and Community Services, although other departments such as the Department of Education, the Department of Health and the Department of Justice have also been involved.



## TYPES OF COMPLAINTS BY DEPARTMENT

The following tables provide the number of complaints by type and by Department investigated in the year 2007/2008. In consideration of the confidentiality provisions of the **Ombudsman Act**, only those Departments with more than 10 complaints are set out in the tables below.

### CORRECTIONAL INSTITUTIONS

#### *Verbal and Written Complaints and Requests for Information*

	2007-2008	2006/2007
<b>Health Issues</b>		
Prescriptions Requested or Denied	69	55
Request to see Nurse / Doctor Dental	52	37
Dental	17	9
Request to go to Hospital	10	22
Glasses, Eye Care	3	2
Special Diet	7	5
Threat of Suicide	2	3
Mental Health	11	2
Medical Appliance	6	2
Medical Treatment	-	7
Assault/Abuse – Physical, Sexual, etc	15	8
<b>Subtotal</b>	192	152
<b>Living Conditions</b>		
Clothing and Bedding	30	10
Cleanliness	16	17
Food	21	16
Heat and Ventilation	7	1
Overcrowding	11	7
Smoking	-	3
Maintenance and Repairs	3	3
<b>Subtotal</b>	88	57
Administration	5	5
Admission – Discharge	-	2
Temporary Absence Program	6	4
Courts	6	10
Legal Aid	5	4
Parole	6	3



Official Languages	4	1
Discipline	21	28
Personal / Inmate Property	37	15
Classification / Transfer	60	57
Request for House Arrest	2	6
Visiting Privileges	19	19
Recreation	24	6
Placement within Institution	23	25
Program Privileges	24	12
Telephone Use	39	10
Correspondence	12	5
Sentence / Remission Calculation	19	9
Contraband	4	5
Segregation	35	16
Staff Conduct and Department	30	26
Threatened by Presence of Other Inmates	9	2
Request Form	3	3
Requests for Items Denied	12	8
Abandoned By Inmate	8	5
Use of Restraints	3	-
Complaint regarding staff	2	-
Other (includes Non Jurisdiction & Inquiry)	<u>130</u>	<u>139</u>
<b>Subtotal</b>	<b>548</b>	<b>425</b>
<b>Total</b>	<b>828</b>	<b>634</b>

### *Public Safety*

	<b>2007/2008</b>	<b>2006/2007</b>
Permits / Licenses	12	16
Administration	2	1
Classification – Transfer	-	1
Complaints Regarding Staff	3	3
Coroner Services	2	1
Emergency Measures	-	1
Employment	12	-
Others (includes Non Jurisdiction & Inquiry)	<u>20</u>	<u>14</u>
<b>Total</b>	<b>51</b>	<b>37</b>

***Family and Community Services***

	<b>2007/2008</b>	<b>2006/2007</b>
<b>Income Assistance Benefits</b>		
Discontinued/Reduced	23	16
Denied	16	20
Amount/Calculation	20	12
Eligibility Criteria	27	31
Long Term Needs	2	4
Repayment	1	6
Delay	<u>5</u>	<u>5</u>
<b>Subtotal</b>	<b>94</b>	<b>94</b>
<b>Housing Unit</b>		
Repairs	20	13
Availability	17	23
Evictions	7	8
Inspections	1	3
Tenant Rights	5	7
Transfers	<u>7</u>	<u>4</u>
<b>Subtotal</b>	<b>57</b>	<b>58</b>
Complaints Regarding Staff	20	14
Administration	9	10
Health Card	17	17
Protection Services	103	31
Heat Supplement	1	2
Adoption	3	7
Medical Issues	9	11
Loans/Grants-Housing	12	18
Nursing Homes/Residential Services	29	13
Employment	23	9
Appeal Board	1	7
Appliances/Furniture	2	2
Training – Work Programs	2	-
Other (include Non jurisdiction & Inquiry)	<u>57</u>	<u>83</u>
<b>Total</b>	<b>439</b>	<b>376</b>

***Health and Wellness***

	<b>2007/2008</b>	<b>2006/2007</b>
Mental Health	10	10
Hospital Employment	-	2
Administration	1	1
Complaints regarding Staff	-	-
Medicare	16	5
Permits/Licenses	-	1
Homemaker Services	-	-
Public Health	4	5
Addiction Services	2	2
Vital Statistics	-	2
Admission	1	-
Special Needs programs	1	1
Ambulance Services	6	1
Others (includes Non Jurisdiction & Inquiry)	<u>24</u>	<u>10</u>
<b>Total</b>	<b>65</b>	<b>40</b>

***Regional Health Authorities***

	<b>2007/2008</b>	<b>2006/2007</b>
Administration	3	2
Admission	2	-
Complaint Regarding Staff	9	4
Employment	13	4
Harassment (Employment)	1	1
Labour Relations Issues	-	5
Mental Health Services	6	2
Protection Services	-	1
Treatment	8	4
Extra Mural Services	-	2
Other (includes Non Jurisdiction & Inquiry)	<u>15</u>	<u>17</u>
<b>Total</b>	<b>57</b>	<b>42</b>

**Workplace Health, Safety and Compensation Commission**

	2007/2008	2006/2007
<b>Compensation</b>		
Discontinued/Reduced Amount/Calculation	18	17
Long-term Disability Benefits	9	8
<b>Subtotal</b>	<u>2</u>	<u>1</u>
	29	26
Appeals Tribunal	6	10
Employment	4	-
Benefits – Delay	-	1
Claim Denied	9	15
Administration	2	7
Medical Payments	2	2
Deeming	9	2
Employability Assessments	2	2
Health and Safety	2	-
Complaints Regarding Staff	6	4
Retraining	3	1
Medical Rehabilitation	2	4
Permanent Partial Impairment	-	2
Others (includes Non jurisdiction & Inquiry)	<u>25</u>	<u>34</u>
<b>Total</b>	<b>101</b>	<b>110</b>

**Justice and Attorney General**

	2007/2008	2006/2007
Administration	5	4
Complaint Regarding Staff	1	4
Employment	2	-
Support Payment and Orders	28	5
Insurance Branch	2	2
Others (includes Non Jurisdiction & Inquiry)	<u>54</u>	<u>29</u>
<b>Total</b>	<b>92</b>	<b>44</b>

**Education**

	2007/2008	2006/2007
Administration	1	1
Transportation	1	1
Children with Special Needs	9	4
Student Loans	-	2
Employment	3	3
Appeal Process	-	1
Access to School Records	1	1
French Immersion Program	165	-
Suspensions	4	3
Student Placement	1	-
Student Transfer	1	-
Curriculum-Testing	1	-
Complaints Regarding Staff	1	2
Others (includes Non Jurisdiction & Inquiry)	<u>10</u>	<u>14</u>
<b>Total</b>	<b>198</b>	<b>32</b>

**NB Power Corporation**

	2007/2008	2006/2007
Employment	1	1
Service Issues	6	1
Disconnection	23	11
Payment Schedules	1	3
Billing-Amount / Calculation	7	18
Security Deposit	7	6
Administration	4	1
Damage Claims	-	4
Other (includes Non Jurisdiction & Inquiry)	<u>20</u>	<u>16</u>
<b>Total</b>	<b>69</b>	<b>61</b>

**Transportation**

	2007/2008	2006/2007
Road/Bridge Maintenance	6	2
Employment	33	14
Damage Claims	7	6
Access/Right of Way	2	1
Property Issues	4	7
Administration	1	1
Expropriation Procedures	2	1
Complaints Regarding Staff	1	3
Highway Signage	1	-
Others (includes Non Jurisdiction & Inquiry)	<u>5</u>	<u>12</u>
<b>Total</b>	<b>62</b>	<b>47</b>

**Municipalities**

	2007/2008	2006/2007
Administration	6	5
Employment	6	6
Expropriation	2	1
Local Service Districts	-	1
Municipal By Laws	3	12
Property Issues	8	7
Privacy	2	-
Permits-Licenses	1	-
Right to Information	3	1
Roads/Streets	2	2
Services	5	11
Water Sewage	5	10
Zoning	1	-
Others (includes Non Jurisdiction & Inquiry)	<u>14</u>	<u>16</u>
<b>Total</b>	<b>58</b>	<b>72</b>



***Environment and Local Government***

	<b>2007/2008</b>	<b>2006/2007</b>
Inspections	-	1
Local Service Districts	7	4
Permits/Licenses	3	-
Complaint Regarding Staff	-	1
Pollution	1	8
Property Issues	1	3
Unsightly premises	-	1
Pollution – Air quality	1	-
Petition	1	-
Water Sewage	-	2
Other (includes Non Jurisdiction & Inquiry)	<u>10</u>	<u>12</u>
<b>Total</b>	<b>24</b>	<b>32</b>

***Service New Brunswick***

	<b>2007/2008</b>	<b>2006/2007</b>
Administration	-	1
Complaint Regarding Staff	-	2
Employment	1	1
Permits/Licenses	4	10
Property Assessment	14	13
Property Assessment – Appeal Procedures	4	2
Registry Office – Procedures	4	2
Other (includes Non Jurisdiction & Inquiry)	<u>11</u>	<u>9</u>
<b>Total</b>	<b>38</b>	<b>40</b>

***NB Human Rights Commission***

	<b>2007/2008</b>	<b>2006/2007</b>
Administration	1	1
Complaints Regarding Staff	5	1
Investigation Procedures	2	3
Delay	1	3
Others (includes Non Jurisdiction & Inquiry)	<u>1</u>	<u>4</u>
<b>Total</b>	<b>10</b>	<b>12</b>

***Finance***

	<b>2007/2008</b>	<b>2006/2007</b>
Administration	1	-
Employment	1	2
Property Tax Sale	4	2
Sales Tax	-	1
Tax Rebate Programs	1	3
Others (includes Non Jurisdiction & Inquiry)	<u>7</u>	<u>3</u>
<b>Total</b>	<b>14</b>	<b>11</b>

***Energy***

	<b>2007/2008</b>	<b>2006/2007</b>
Employment	2	-
Payment Schedule	-	1
Others (includes Non Jurisdiction & Inquiry)	<u>10</u>	<u>12</u>
<b>Total</b>	<b>12</b>	<b>13</b>

***Restigouche Hospital Centre***

	<b>2007/2008</b>	<b>2006/2007</b>
Mental Health Services	5	
Admission – Discharge	5	
Complaint regarding Staff	7	
Medical Treatment	3	
Others (includes Non Jurisdiction & Inquiry)	<u>12</u>	<u>-</u>
<b>Total</b>	<b>32</b>	

***Office of Human Resources***

	<b>2007/2008</b>	<b>2006/2007</b>
Benefits-Long Term Disability	-	1
Benefits-Group Insurance	-	1
Employment	1	2
Job Classification	1	-
Labour Relations	1	2
Pensions	13	4
Staff Policy	-	1
Complaints Regarding Staff	-	2
Others (includes Non Jurisdiction & Inquiry)	<u>-</u>	<u>2</u>
<b>Total</b>	<b>16</b>	<b>15</b>

***Tourism and Parks***

	<b>2007/2008</b>	<b>2006/2007</b>
Employment	8	-
Parks	1	-
Others (includes Non Jurisdiction & Inquiry)	<u>2</u>	<u>-</u>
<b>Total</b>	<b>11</b>	<b>-</b>

***Post-Secondary Education and Training***

	<b>2007/2008</b>	<b>2006/2007</b>
Community College – Programs	1	-
Community College – Others	3	4
Community College – Testing	2	3
Employment	9	14
Grants-Loans	1	6
Complaint Regarding Staff	-	3
Student Loans	18	5
Others (includes Non Jurisdiction & Inquiry)	<u>15</u>	<u>7</u>
<b>Total</b>	<b>49</b>	<b>42</b>

***Natural Resources***

	<b>2007/2008</b>	<b>2006/2007</b>
Access to Property	1	1
Complaints Regarding Staff	-	1
Crown Land-Leases	5	3
Employment	1	2
Enforcement	1	-
Forest Protection	1	-
Permits – Licenses	1	2
NB Trails	1	-
Property Ownership	-	4
Others (includes Non Jurisdiction & Inquiry)	<u>8</u>	<u>3</u>
<b>Total</b>	<b>19</b>	<b>16</b>

***School Districts***

	<b>2007/2008</b>	<b>2006/2007</b>
Access to School Property	2	1
Access to school records	2	-
Administration	3	5
Appeal Process	1	2
Children with Special Needs	13	7
Closing of Schools	1	1
Complaints Regarding Staff	5	4
Employment	10	5
French Immersion Program	1	1
Suspensions	4	4
Transportation	9	3
Others (includes Non Jurisdiction & Inquiry)	<u>9</u>	<u>14</u>
<b>Total</b>	<b>60</b>	<b>47</b>



## STATISTICAL TABLE 2007/2008

### OUTCOME OF COMPLAINTS WITHIN JURISDICTION IN 2007/2008

(Does not include Inquiries or Non-jurisdiction complaints or complaints still under investigation at year end)

Departments/ Agencies	Total	Assistance Rendered	Referral Given/ Clarification Provided	Not Substantiated	Discontinued by Client/ Ombudsman
Education	32	4	18	7	3
Environment and Local Government	17	4	7	3	3
Family and Community Services	346	43	153	81	69
Finance	14	3	7	1	3
Health and Wellness	43	9	22	8	4
Justice	55	10	28	4	13
Natural Resources	14	1	7	2	4
NB Power Corporation	55	16	21	12	6
Municipalities	33	1	22	6	4
Office of Human Resources	12	1	8	2	1
Post-Secondary Education, Training and Labour	48	3	21	10	14
Public Safety	767	118	386	111	152
Regional Health Authorities	44	8	26	1	9
Restigouche Hospital Centre	26	1	13	8	4
Service New Brunswick	30	7	18	2	3
School Districts	50	5	25	11	9
Transportation	51	5	21	8	17
Workplace Health, Safety and Compensation Commission	78	4	59	5	10
**Other	42	3	19	19	1
<b>Total</b>	<b>*1757</b>	<b>246</b>	<b>881</b>	<b>301</b>	<b>329</b>

\*This number includes investigations which were continued from the previous years.

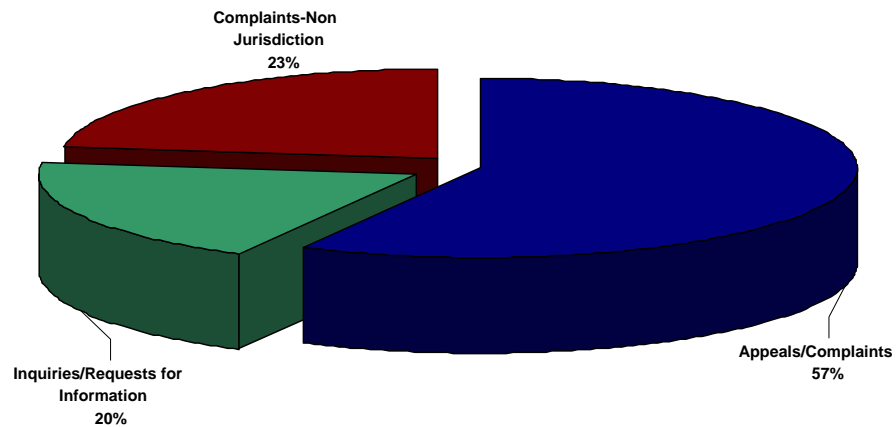
\*\* Departments/agencies with 10 or less complaints during 2007/2008.

\*\*\* 375 complaints were still under investigation at year end.

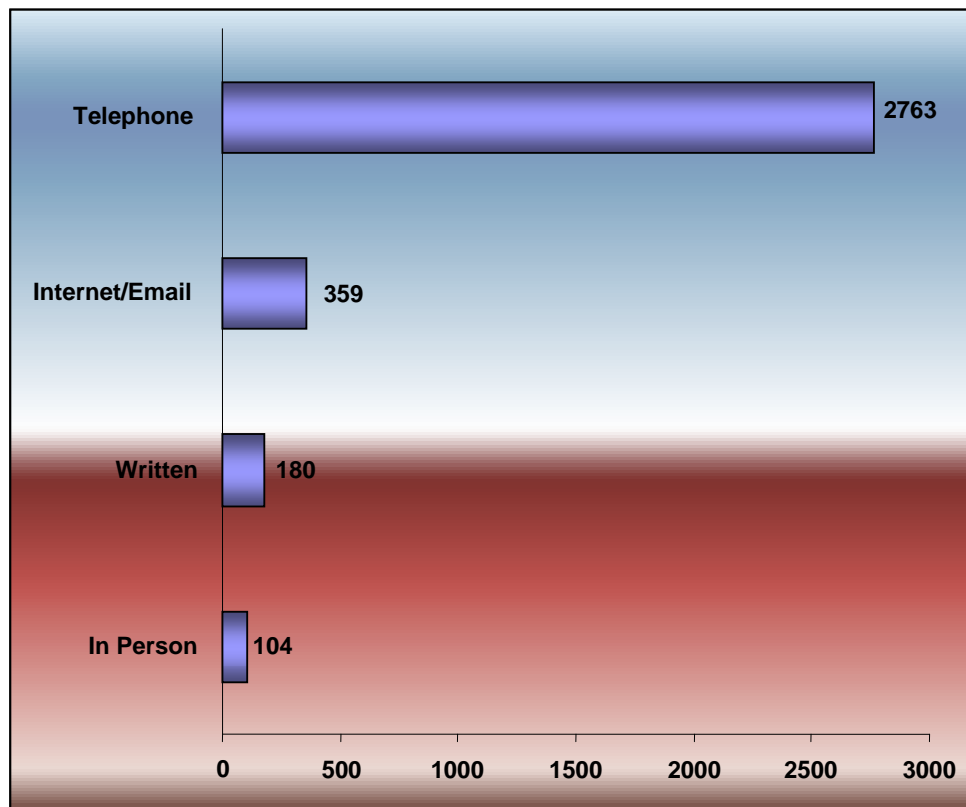


## CHARTS

### Complaints, Inquiries and Request for Information received in 2007/2008

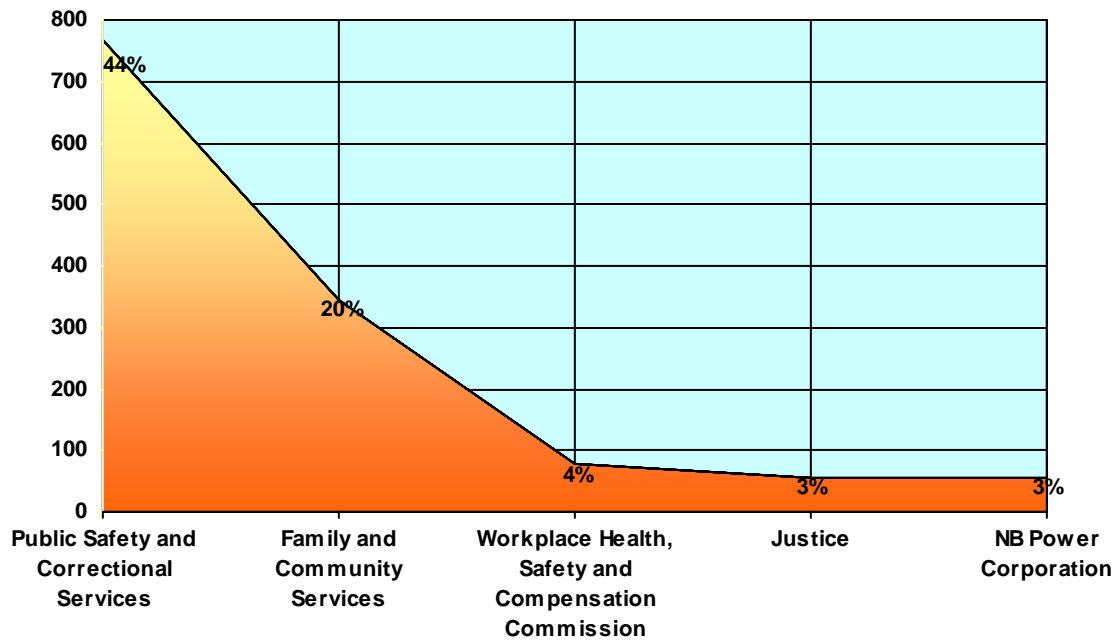


### Complaints Received by Reception Method





## Five Major Sources of Complaints



## OUTCOME OF COMPLAINTS

