

Finding ways to
help government
work better

35
years



Office of the
Ombudsman

2006 - 2007
Annual Report



Mission

Fostering confidence in the public service by promoting the principles of fairness, integrity, and good governance.



Our logo represents the arms of the public, the government, and the Office of the Ombudsman raised for fairness, integrity, and good governance.



Office of the Ombudsman

January 2008
The Honourable Alfie W. MacLeod, M.L.A.
Speaker of the House of Assembly
Legislative Assembly of Nova Scotia
Province House
Halifax, Nova Scotia

Dear Mr. Speaker:

In accordance with subsection 24(1) of the Ombudsman Act, chapter 327 of the Revised Statutes of 1989, I have the pleasure of presenting to you, and through you to the House of Assembly, the annual report on the exercise of my functions under the Act for the fiscal year ending March 31, 2007.

Respectfully,



Dwight L. Bishop
Ombudsman

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Message from the Ombudsman

This past year marked the 35th year of operation for the Nova Scotia Office of the Ombudsman. In many respects, the intervening decades have seen this Office carry on with its initial mandate. We continue to receive specific inquiries and complaints from Nova Scotians with concerns about the administration of provincial and municipal laws. We remain committed to reviewing citizens' complaints, undertaking investigations, and, where warranted, offering relevant recommendations to government.

In other respects, the mandate of this Office has changed. In recent years, we have increased responsibility for addressing the needs of children and youth, with a formalized role in the province's residential and secure care facilities. The Office has expanded its seniors focus, has a greater presence in adult corrections, and has disclosure of wrongdoing responsibilities. The number of complaints we receive continues to increase, and many have the potential to become deeper examinations of policy and administrative fairness. The utilization of various dispute resolution mechanisms has grown, as has our ability to work proactively.

The evolving aim of this Office is best understood as the promotion of fairness and accountability on a broader scale. As a body with a longstanding history, the status of an independent officer of the House of Assembly, the Nova Scotia Office of the Ombudsman plays a unique role in the relationship between government and the public. Government organizations have increasingly recognized the value of our services, but I am concerned that some still have difficulty working with us in an open and collaborative fashion.

While change will undoubtedly continue to shape the future direction of Ombudsman work, one factor has remained constant. Without an efficient, knowledgeable, and flexible staff, and the cooperation of the public and government, it would not be possible to effectively perform the duties of this Office. We will continue to work to foster a climate of respect for, and confidence in, the public service of this province.

Dwight L. Bishop
Ombudsman



About the Office

Nature of Ombudsman Work

The primary role of a legislative Ombudsman is to receive and investigate public inquiries and complaints about government services. When an investigation reveals that programs were implemented improperly or unfairly, it is the responsibility of the Ombudsman to recommend that changes be made. In Nova Scotia, the Ombudsman also has the ability to self-initiate investigations, and the authority to examine issues that are referred to the Office by a committee of the House of Assembly. In all situations where a review or investigation is conducted, the Ombudsman is an independent and impartial advocate for the fair resolution of the dispute.

Representatives of our Office are frequently able to assist complainants by making inquiries, providing referrals, and clarifying government policies and procedures. In most situations, the complaints and inquiries we receive fall within our legislated authority, and a review of the concern is conducted. In some cases, the matters brought to our Office fall outside of our jurisdiction. Although we may be able to direct individuals to the proper authorities, we cannot intervene when complaints pertain to judicial proceedings, matters that are not the responsibility of municipalities or the province, or situations where there are legislated appeal processes to courts or tribunals. When a review or investigation is concluded, it may be determined that:

- Policies or procedures were not properly implemented, and changes should be made.
- Policies or procedures were properly implemented and no changes are needed.
- Policies and procedures were properly implemented, but improvements could still be made.

Recommendations may then be made with the aim of resolving the dispute, improving a department or agency's services, or better explaining their existing practices. Depending on the nature of the recommendation, the Office may request a response from the government organization, and monitor their progress in implementing the proposed change. In the majority of cases, the recommendations made by the Office of the Ombudsman are implemented within a short period of time. In situations where the Ombudsman feels it is necessary, reports of recommendations may be issued publicly, as well as to municipal councils and the Legislative Assembly.

How does Nova Scotia Measure Up?

A recent comparison by Ontario's Ombudsman shows that the Nova Scotia Office of the Ombudsman has the broadest jurisdiction of any provincial or territorial Ombudsman. With the exception of universities, the Ombudsman for Nova Scotia has jurisdiction over all of the areas of activity examined in the review. See Ontario Ombudsman, Annual Report 2006-2007 at p. 11, available at www.ombudsman.on.ca. In addition, Nova Scotia is the only province or territory with a legislated role for its Ombudsman in the civil service disclosure of wrongdoing process.



About the Office

Mandates of Provincial and Territorial Ombudsman Services

	Provincial or Territorial Government Services	School Boards	Child Protection Services	Public Hospitals	Nursing Homes and Long-term care facilities	Municipal Units	Police Complaint Review Process	Universities	Civil Service Disclosure of Wrongdoing
Nova Scotia	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes
Alberta	Yes	No	Yes	Yes	Yes	No	Yes	No	No
British Columbia	Yes	Yes	Yes	Yes	No	Yes	No	Yes	No
Manitoba	Yes	No	Yes	Yes	No	Yes	Yes	No	No
New Brunswick	Yes	Yes	Yes	Yes	No	No	Yes	No	No
Newfoundland/Labrador	Yes	Yes	No	Yes	Yes	No	Yes	Yes	No
Ontario	Yes	No	No	No	No	No	No	No	No
Quebec	Yes	No	Yes	Yes	Yes	No	Yes	No	No
Saskatchewan	Yes	No	Yes	Yes	No	No	Yes	No	No
Yukon	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No

Location and Organization

Although the Office of the Ombudsman is located in Halifax, citizens can make complaints in person, contact the Office through our website, or call our toll-free telephone numbers from anywhere in Nova Scotia. Ombudsman representatives regularly travel throughout the province to meet with individuals, as well as to conduct community outreach sessions. Internally, the Office of the Ombudsman is structured into four service areas:

- **Investigation and Complaint Services**
Reviews public complaints and conducts investigations into the services provided by provincial and municipal government organizations.
- **Youth and Seniors Services**
Reviews and investigates the concerns of children, youth, parents, guardians, and those who work in child and youth-serving government facilities and service systems.

This area also examines issues and concerns affecting senior citizens, particularly those

who reside in provincially-licensed residential care facilities.

- **Disclosure of Wrongdoing**
Provides an independent mechanism for provincial civil service employees to report allegations of wrongdoing in the workplace.
- **Administration**
Provides initial intake and referrals to members of the public who contact the Office, as well as administrative and office management functions.
- **Location**
The Office of the Ombudsman is located in the Halifax Regional Municipality on the seventh floor, 5670 Spring Garden Road, formerly known as the Halifax Insurance Building. This site is situated on several major transit routes, and located within a short distance to a number of government offices.

About the Office

Human Resources and Professional Development

Under the Ombudsman Act, employees may be appointed to assist in the work of the Ombudsman. Including the Ombudsman, the Office was comprised of 16 full-time positions, 15 of which were occupied at the end of the year. Late in 2006, a permanent employee accepted a secondment opportunity with the Nova Scotia Youth Secretariat, and a vacant policy analyst position was filled for a one-year term with funding provided by the Public Service Commission's Career Starts Program.

The Office of the Ombudsman also maintains a roster of casual employees. During 2006-2007, these qualified individuals were called upon to supplement our administrative and investigative sections. At various times during the year, the Office hosted four co-op students from Dalhousie University, two from the Nova Scotia Community College, one placement from CompuCollege, and a volunteer law student from Pro Bono Students Canada.

All employees and student placements are encouraged to take advantage of professional development opportunities. In each case, educational and training options are selected with the goals of both the individual and Office in mind. This year, a number of employees received training in:

- Aboriginal Perceptions
- Advanced Decision Writing
- Cultural Competence
- Diversity and Employment Equity
- Financial Management
- Fostering a Respectful Workplace
- Foundations for Administrative Justice
- Leadership Growth and Development
- Mentoring
- Negotiating and Influencing Skills
- Presentation Skills
- Stress and Strain in Nova Scotia Government Organizations
- Team Leadership

After 25 and 35 years of employment with the province, two of our employees, Elaine Venturini and Lois Smith, were recognized with Long Service Awards. We are pleased to acknowledge their significant dedication and commitment to this Office and to the public service of Nova Scotia.

Financial Resources

The Office of the Ombudsman is funded through the province's consolidated revenue fund. There is no charge for the services provided.

Office of the Ombudsman 2006-2007
Budget Expenditures

Core Business	Budget (\$ thousands)	Actual (\$ thousands)
Gross Expenses	1,384	1,384
Net Program Expenses	1,384	1,229
Salaries and Benefits	1,090	1,097
Staff (FTEs)	16	15*
*FTE count includes the Ombudsman. An FTE for a records analyst position was budgeted for 2006-2007, but not filled until 2007-2008.		

The Office of the Ombudsman spent 88.77 per cent of its allotted budget.

Access to a TTY phone

An offender with a hearing impairment felt the correctional facility did not provide the same level of access to a telephone as other offenders received. Following our review, the facility undertook to provide access to a teletypewriter (TTY) phone to the complainant, as well as any offender with a hearing impairment.

The Year in Review

Each year, the Office of the Ombudsman sets objectives in its annual business plan. These goals not only provide a useful guide to the work we do, they serve as an effective means of summarizing our activities. During 2006-2007, the Office's goals, activities, and accomplishments were:

Goal 1: Quality Complaint Resolution Process

The Office of the Ombudsman is committed to providing an effective and efficient complaint resolution process. This year, the number of non-jurisdictional complaints received decreased, as did the number of formal investigations conducted. Our timeframe standards for processing and resolving complaints continued to be followed, and a quality assurance program was implemented to ensure consistent levels of service. In order to assess our performance, we continue to monitor the amount of time it takes to complete administrative reviews, formal investigations, and system or policy reviews.

These efforts are working. Of the 1,801 complaints and inquiries the Office received, 1,487 (82.6%) were within our mandate, while 314 (17.4%) were referred to outside organizations. This represents a 20 per cent increase from last year in the number of jurisdictional complaints and inquiries received. Over the last three years, the proportion of jurisdictional complaints and inquiries received increased by nearly 30 percent. In part, this suggests that our outreach efforts are having an effect.

Total Complaints and Inquiries Received

	2006-2007	2005-2006	2004-2005	2003-2004
Jurisdictional	1,487	1,228	1,115	1,031
Non-Jurisdictional	314	470	673	870
TOTAL	1,801	1,698	1,788	1,901

With respect to timeframes, there was a slight increase in the number of reviews that were open between eight days and four weeks, an overall

increase in the number of reviews concluded within one week, and a decrease in those taking longer than one month to resolve.

Administrative Reviews/Youth Contacts Timeframes

Period	2006-2007	2005-2006
1-7 days	901 (61%)	687 (56%)
8 days to 4 weeks	252 (17%)	182 (15%)
4+ weeks	334 (22%)	359 (29%)
TOTAL	1,487 (100%)	1,228 (100%)

Our complaint resolution efforts are also reflected in the ratio of administrative review investigations conducted compared to formal investigations. This year, the Office carried out 1,129 administrative review investigations, while opening 10 formal investigations, five policy reviews and one system review. Administrative reviews comprised 98.6 per cent of the total number of concerns we addressed. This represents an increase over last year, when administrative reviews constituted 96.3 per cent of the total concerns examined. Although the number of formal investigations initiated depends on the nature of the complaints received, the reduction can partly be attributed to our emphasis on resolving more complaints at the administrative review stage.

As a further part of our complaint resolution goal, the Office implemented a quality assurance program in early 2007. Through this process, section managers and the Executive Director randomly re-examine files to help ensure that complainants and respondents are being served in a comprehensive and consistent manner. Specifically, a section manager examines the files to see if they contain all the necessary and relevant content. The Executive Director then reviews them to confirm that the proper procedures were followed, the Office's contact timeframes were observed, and the appropriate

The Year in Review

issues were identified. In addition, the files are reviewed to determine if complainants or respondents had concerns stemming from the Office's own investigation or conduct. While this process is still in its early stages, it is helping to standardize our internal practices.

Of the 16 formal investigations, system or policy reviews opened this year, nine were closed after being open for an average of four months. The remaining seven were carried forward into 2007-2008. Of the 22 formal investigations, system and policy reviews carried over from previous years, 20 were closed during the year, after being open an average of 11 months. Our goal is to conclude investigations and reviews in less than 12 months, and we are encouraged by these results. The remaining two formal investigations were carried into 2007-2008.

Goal 2: Awareness, Access, and Understanding of the Office of the Ombudsman

This goal is accomplished through our ongoing outreach efforts and communications strategy, as well as through participation in a variety of conferences and events.

We are committed to making our services available to all Nova Scotians. Access to our services may be obtained through our toll-free telephone numbers, website, and e-mail address. In addition, over the course of the year, the Office conducted 489 site visits, presentations, information booths, or outreach sessions. In particular, the Office hosted outreach sessions in Antigonish, Bridgewater, Cheticamp, Membertou, New Minas, and in the Cape Breton and Halifax Regional Municipalities. We held information sessions for seniors in residential care, as well as for youth residing in the province's custodial and residential facilities. We made presentations to the early childhood education program at CompuCollege, and maintained a booth at the 50+ Expo. We visited adult correctional facilities as part of our adult

offender pilot program, and provided brochures and new posters to the province's youth and seniors-serving organizations, Access Nova Scotia centres, municipal offices, and public libraries. As part of our disclosure of wrongdoing responsibilities, we forwarded contact and procedural information to Nova Scotia civil service employees.

Staff from the Office also participated in the United States Ombudsman Association Conference, the Forum of Canadian Ombudsman, and a conference of Canadian privacy commissioners. We presented to the Nova Scotia Branch of the Canadian Bar Association, and the manager of Youth and Seniors Services is an active participant in the Canadian Council of Provincial Child and Youth Advocates (CCPCYA). Ombudsman representatives also attended a conference on elder abuse, and the national conferences of the Boys and Girls Clubs of Canada and the Canadian Association of Civilian Oversight of Law Enforcement (CACOLE).

Property Health and Safety

Concerns about large boulders on a steep road embankment brought a couple to our Office. Water flowing from a culvert was weakening the embankment, placing their home and property at risk. The couple found themselves in a jurisdictional dispute with the department and the municipality over ownership of the land and responsibility for the problem. Ombudsman representatives facilitated discussions between the provincial department and the municipality, resulting in the municipality agreeing to reduce the water flow, monitor the conditions, and assume responsibility for the site.



The Year in Review

Conditions at a Health Facility

A group of complainants alleged that officials had been non-responsive to their concerns about the physical condition and the quality of care patients were receiving at a health centre's transitional care unit. Our efforts facilitated communication between the complainants and officials. Departmental officials agreed to improve the facility.

Office of the Ombudsman Outreach



Youth Ombudsman representatives Sonya Ferrara and André Williams, attending the 2006 National Conference of the Boys and Girls Clubs of Canada in Halifax.

Goal 3: Fairness and Accountability in Public Sector Administration

The principal method for accomplishing this goal is through our legislatively-mandated investigation and recommendation processes.

Of the 1,129 administrative review investigations

processed, 914 resulted in positive outcomes. These include situations where we assisted complainants, made referrals to the appropriate authority, resolved concerns for the complainant, the dispute was settled, or policies and procedures had been properly implemented by the government body. The remaining reviews were either discontinued by the Office, withdrawn by complainants, or are ongoing.

Administrative Reviews

TOTAL with Positive Outcomes*		914
Assistance Rendered to Complainant	575	
Resolved for the Complainant	221	
Resolved for the Public Body/ Properly Implemented	114	
Settled between the Parties	4	
Discontinued/Withdrawn		201
Carried Over to 2007-2008		14
Total Administrative Reviews		1,129

**In the case of youth residing in provincial facilities, administrative reviews are resolved for the complainant in situations where the issue(s) brought forward have been addressed by Ombudsman representatives.*

Formal Investigations, System/Policy Reviews

Resolved for the Complainant	5
3 resulted in changes to policy and procedures	
Assistance Rendered to the Complainant	4
3 resulted in changes to policy and procedures	
1 resulted in input on new legislation	
Resolved for the Public Body	0
Referred/Discontinued	0
Ongoing	7
TOTAL	16

The Year in Review

Fifteen of the eighteen recommendations being monitored at the beginning of this fiscal year have been implemented. Forty-one recommendations were made in 2006-2007, of which twenty-one were implemented during the year. The remaining recommendations will be monitored during 2007-2008.

Other Contacts or Inquiries

Meetings with Youth in Care or Custody	358
Disclosure of Wrongdoing Inquiries	18
(2 of which resulted in disclosure investigations)	

Mental Health and Access to Services

An adult was arrested while residing at a hospital's mental health unit. His parents wanted to ensure he received his prescribed medications but did not know where he was being detained. An Ombudsman representative determined that he was being held at a local correctional facility. Following discussions with the deputy superintendent, arrangements were made for the parents to contact offender health services. The parents were able to ensure that officials were aware of their son's medical situation.

Goal 4: Promote Initiatives Such as Government Policy Development and Reviews, as well as Initiatives Focusing on Youth, Seniors, and Cultural Diversity.

Although the Office of the Ombudsman is independent of government, we are open to working collaboratively with government organizations to develop fair and respectful public policy. We were pleased to be asked to comment on the IWK Health Centre's draft conflict of interest policy for employees. We met with the Medical Examiner, and, in conjunction with the province's Chief Medical Officer of

Health, we explored a role for the Office of the Ombudsman in the review of pediatric deaths that occur when youth are in the care and custody of the province. We worked with the Department of Justice to survey youth that reside in provincial youth facilities, and analyzed their survey responses to questions about care and wellbeing.

During the year, we provided follow-up input on water quality assurance guidelines with the Department of Environment and Labour, and provided input on the handbook for adult offenders used by the Correctional Services Division of the Department of Justice. We have established a regular presence in the province's only adult female correctional unit, and have a more focused service for adult male offenders. Based upon our Youth Services experience, this proactive approach should help to reduce the overall number of complaints we receive, and resolve potential issues before they become more serious. We have continued to work with the Department of Community Services as part of a joint effort to identify trends and improve processes.

We continue to participate in the province's overall goal of recognizing cultural diversity and achieving it in our workplace. In addition to the Diversity Roundtable, the Ombudsman's Office participated in the consultation process for the Public Service Commission's new employment equity policies, as well as provided information and feedback on a variety of initiatives designed to address the issue of diversity in the public service. Ombudsman staff attended ceremonies celebrating African Heritage Month and Mikmaq Treaty Day, as well as presentations by the Offices of Acadian and African Nova Scotian Affairs. We continue to post employment advertisements that encourage applications from members of diverse groups, and participate in the Public Service Commission's diversity initiatives. We were successful with our application for a summer diversity student,



Investigation and Complaint Services

as well as a post-secondary intern through the diversity component of the Public Service Commission’s Career Starts Program.

Reasons for an Administrative Decision

The Office received a complaint from the sibling of a deceased person. A provincial official had not accepted the complainant’s request to change the executor listed in the sibling’s will, and had not provided reasons for the denial. The complainant made requests for reasons for the denial, but received little information. This Office recommended that the provincial official establish objective criteria to be used when exercising discretionary powers, and that reasons for certain decisions be given when it is requested by interested parties. The recommendation was accepted.

Investigation and Complaint Services

Investigation and Complaint Services represents the direct continuation of the initial Ombudsman service established in 1971. This section undertakes the majority of investigations, and conducts most of the policy and system reviews.

The Departments of Justice, Community Services, and Health (including the district health authorities), again lead in the total number of complaints and inquiries the Office received. In large measure, this is due to the nature of the programs these departments provide, rather than any systemic quality of service issues. With respect to Justice, the proportion of concerns we received relating to Correctional Services has increased. This year, 160 complaints from offenders relating to the operation of Correctional Services were received, compared to 115 the year before. As can be seen from the breakdown of issues brought forward by offenders, the majority of these complaints pertain to policies

and procedures, with the second highest number of complaints concerning personal property.

Justice

Years	2006/07	2005/06	2004/05
TOTAL	219	164	201
Correctional Services	160	115	130
Maintenance Enforcement Program	32	31	21
Courts and Registries	4	6	5
Victim Services	0	1	1
Sheriff Services	2	0	3
Other	21	11	41

Offender Issues

Area of Complaint	Amount*
Court Services	3
Discipline	16
Lawyers/Legal Aid	16
Living Conditions: Food	6
Living Conditions: Hygiene/Cleanliness/Bedding	9
Living Conditions: Overcrowding	5
Living Conditions: Personal Property	21
Offender Disputes	8
Policies and Procedures: General	50
Policies and Procedures: Release Date	6
Policies and Procedures: Transfers	12
Programming	3
Staff	19
Other	7
Total	181

**Note: The number of offender issues exceeds the total number of offender complaints and inquires, as an offender complaint may entail more than one issue.*

Investigation and Complaint Services

With respect to Community Services, complaints and inquiries have declined slightly. In part, this is due to our ongoing Community Services joint review project. Through this initiative, Ombudsman representatives have been meeting regularly with department officials to examine the nature of complaints and inquiries, as well as to identify areas for improvement in client service delivery.

Community Services

Years	2006/07	2005/06	2004/05
TOTAL	207	229	230
Income Assistance and Employment Support	96	126	110
Family and Children's Services	61	55	43
Housing Services	24	21	20
Issues with Case Worker	3	7	25
Community Support for Adults	0	7	0
Medical and Dental	12	*	20
Other	11	13	12

**Included in Other*

The Department of Health also continues to show an increase in the number of complaints and inquiries received, specifically with respect to the number of complaints and inquiries relating to offender health. This year, we received more than twice the number of complaints regarding offender medical services than during 2005-2006. Other increases in the Department of Health can, in part, be explained by our increased focus on seniors services.

Health

Years	2006-2007	2005-2006	2004-2005
TOTAL	198	100	72
Offender Medical	130	54	28
Continuing Care	27	13	10
Capital District Health Authority	18	11	23
Mental Health	2	7	1
Addiction Services	3	2	2
Cape Breton District Health Authority	4	2	2
Pharmacare	0	1	1
Southwest District Health Authority	1	0	1
South Shore District Health Authority	2	0	0
Other	11	10	4

Halifax Regional Municipality

Years	2006-2007	2005-2006	2004-2005
TOTAL	34	56	32
Planning and Development Services	8	19	9
Halifax Regional Police	9	13	13
Other	17	24	10

Service Nova Scotia and Municipal Relations

Years	2006-2007	2005-2006	2004-2005
TOTAL	65	40	51
Registry of Motor Vehicles	17	10	14
Residential Tenancies	17	9	16
Assessment Services	7	9	13
Debtor Assistance and Student Loans	1	1	5
Other	23	11	3



Investigation and Complaint Services

Environment and Labour

Years	2006-2007	2005-2006	2004-2005
TOTAL	26	37	30
Labour Standards and Labour Services	7	19	4
Environmental Monitoring and Compliance	6	13	17
Alcohol and Gaming	4	3	1
Financial Institutions	3	*	3
Other	6	2	5

*Included in Other

Maintenance Enforcement

A complainant contacted our Office concerning an out-of-province maintenance enforcement order that was not being enforced in Nova Scotia. Ombudsman representatives confirmed that Maintenance Enforcement officials had declined to enforce the order due to the specific circumstances of the case. The complainant was made aware of the problems with the order, provided the necessary contact information for the maintenance enforcement program in the originating province, and referred to the appropriate officials at the Nova Scotia Family Court.

Policies and Procedures for Road Maintenance

An individual contacted our Office expressing safety concerns for residents. This matter provided Ombudsman representatives the opportunity to conduct an examination of the practices being followed by the department. Recommendations were made to enhance public safety, which were accepted and incorporated in the department's traffic control manual.

Recommendations

Recommendations arising from Investigation and Complaint Services included:

- Making changes to literature to reflect the fact that fees for appealing Residential Tenancies decisions to Small Claims Court can be waived for low income applicants.
- Administrative processes be reviewed to ensure a town is providing an accurate and consistent approach to residents' claims for property damage.
- Officials review the provincial shoreline protection policy.
- Two government entities work together to ensure that offenders are able to contact lawyers on the legal aid certificate list.
- A resident's property account be reviewed.
- A provincial office examine its organ donation policies, and prepare an updated information brochure.
- A department make plain language improvements to the handbook issued to offenders in correctional facilities.
- Reasons be provided when a public commission decides to discontinue complaints.
- Changing policies and procedures regarding the transfer of offenders.
- A department implement and enforce standard procedures when employees are interviewing members of the public.
- A department implement a communications strategy to provide residents and businesses located in temporary work sites with contact information related to the project.
- A municipality enforce the provisions of the building code relating to a stairway.

Youth and Senior Services

Youth Services

2006-2007 marks the 10th anniversary of dedicated services for children and youth at the Office of the Ombudsman. While the Office has always had the authority to inquire into provincial and municipal programs that affect young Nova Scotians, the creation of the Youth Services section can be understood as part of greater national and international recognition of the rights of children and youth.

Since then, the Office has developed an outreach model which provides a visible and objective presence to children and youth residing in the province's secure and residential care facilities. Throughout the year, Ombudsman representatives regularly visit youth residential, detention, and correctional facilities. This allows the representatives to meet with new admissions, become familiar with the facilities and the programs offered, and help to ensure children and youth are adequately advised of their rights and responsibilities while in care or custody. Youth Ombudsman representatives also provide children and youth with an opportunity to have their voice heard by ensuring their awareness of, and access to, internal and external complaint resolution mechanisms. They are also able to assess conditions in facilities, and, where appropriate, make recommendations to improve various child and youth-serving systems.

Youth Evaluation Interviews

Youth Services developed a pilot initiative to give youth the opportunity to provide feedback with respect to the services they receive from the provincial government. Using standard evaluation tools, and in consultation with youth that are affected by government services, a youth services evaluation interview was created. As part of the pilot initiative, 25 youth from a closed custody facility volunteered to complete the evaluation. Midway through the process, an initial summary report was provided to the department. The report included demographics of the youth, a measure of the youth's familiarity

with their rights, and their familiarity with the programs available at the facility. It also included questions on basic care, safety (including peer-on-peer violence), interaction with staff, and overall experience while in custody. Personal or identifying information was removed. Once complete, a report with feedback regarding the entire pilot initiative will be provided to the department for analysis.

Youth Committees

Youth Services continues to participate or provide input to many committees and groups that conduct research and develop programs for youth provincially and nationally. Some include:

- Boys and Girls Club
- Canadian Association for Civilian Oversight of Law Enforcement (CACOLE)
- Canadian Council of Provincial Child and Youth Advocates (CCPCYA)
- Cape Breton University, Children's Rights Centre
- Child Welfare League of Canada (CWLC)
- IWK Mental Health Advisory Committee
- National Youth in Care Network
- The Landon Pearson Resource Centre for the Study of Childhood and Children's Rights
- The Youth in Care Committee of the Nova Scotia Council for the Family
- Youth in Care Newsletter Project

Youth Services - Formally Scheduled Site Visits, 2006-2007

Facility	Site Visits	Reports Issued
Residential Child-Care Facilities	56	2
Wood Street Centre (Secure Care Facility)	28	12
Nova Scotia Youth Facility	22	13
Cape Breton Youth Detention Facility	4	3
TOTAL	110	30



Youth and Senior Services

Privacy of Youth Healthcare Information

Healthcare services for incarcerated youth were transferred from a health district to a regional health centre. As a result of the transfer, concerns were raised about proposed changes in information-handling of healthcare files. The regional health centre adopted our recommendations and incorporated provisions for obtaining youths’ consent.

Seniors Services

Since 2004, the Office of the Ombudsman has had a dedicated focus on seniors issues. In consultation with the Department of Health, the Seniors’ Secretariat, and advisory councils, Ombudsman representatives implemented a pilot outreach and visitation program to residential care facilities in the Cape Breton region. Ombudsman representatives continued to provide information sessions throughout the province and respond to the specific complaints of seniors, their families, and staff.

Seniors Activity

In addition to being featured in an article for Stride Magazine, we accepted an invitation from the University of Toronto to attend a regional forum entitled “A Way Forward: Promising Approaches to Abuse Prevention in Institutional Settings.” By attending events and conferences we are able to increase our awareness of issues affecting seniors, assist in program and policy development, and inform other groups of our own seniors services mandate. This year, Ombudsman representatives participated or provided input to the following committees, events, and conferences:

- 50+ Expo
- Atlantic Seniors Housing Research Alliance
- Centre for Aging
- Nova Scotia Assisted Living Stakeholder Group
- Nova Scotia Elder Abuse Strategy Committee

- Ontario Network for the Prevention of Elder Abuse (ONPEA) Conference
- Provided input on the Protection for Persons in Care Act

Office of the Ombudsman Outreach



During 2006–2007, the Office of the Ombudsman returned to the 50+ Expo held at Exhibition Park in Halifax. Pictured here, Ombudsman representative Kay Rogers-Lidstone greets two visitors.

Review of Nursing Home Policies and Procedures

The family of a patient contacted our Office expressing concerns about the review conducted by a residential care facility and the Department of Health following an on-site injury. This matter provided the opportunity for Ombudsman representatives to conduct an in-depth examination of the application of policies and procedures by both the department and the facility. At the conclusion of the investigation, the Office made eight recommendations to enhance services provided to residents in residential care. All of the recommendations have been adopted.

Youth and Senior Services

Recommendations

- Recommendations from Youth and Seniors Services included:
- Employees of residential care facilities receive training regarding the disclosure of adverse events.
 - Staff use updated forms and follow departmental guidelines at residential long term care facilities.
 - A system be implemented to ensure young persons, parents, or guardians have the opportunity to consider the consequences of granting disclosure of incarcerated youths’ healthcare files.
 - A public complaints commission acquire a toll-free telephone number.
 - Quality assurance processes be implemented to ensure resident care plans are reviewed by staff prior to administering care.
 - Training in interviewing and investigation techniques be provided to staff that are responsible for conducting investigations into adverse events.

Adult Offender Pilot Project

Discussions between the Correctional Services Division of the Department of Justice and our Office identified the need for an increased Ombudsman presence in adult correctional facilities. Regularly scheduled site visits began as a pilot project in the female unit of a provincial correctional facility.

Female offenders and staff received presentations on the role of the Ombudsman’s Office, to allow for a better understanding of the jurisdiction of the Office. During our scheduled site visits, Ombudsman representatives met with offenders, advised facility staff of issues or concerns raised, and facilitated resolutions. The site visit process has been well received, resulting in an increase in the frequency of regular visits to a monthly basis. Four reports were issued to Correctional Services providing an overview of the inquiries and complaints received by our Office.

Clothing Availability

An offender complained that appropriate sized clothing was not available to offenders upon their admission to a correctional facility. As a result, the offender felt she was inadequately covered. After reviewing the incident, the Office determined that the clothes provided by the facility ensured sufficient modesty, and corrections staff had made several attempts to obtain clothing which fit properly. The facility undertook to increase the range of clothing sizes made available to offenders.



Disclosure of Wrongdoing

This marks the second full year of operation for the Disclosure of Wrongdoing component of the Office of the Ombudsman. In the fall of 2004, the Civil Service Disclosure of Wrongdoing Regulations were made by the Governor in Council under the authority of the Public Service Act. Under the Regulations, a process is set out for Nova Scotia civil servants who seek to disclose wrongdoing in the workplace. This process includes an independent investigative role for the Ombudsman. The Public Service Commission’s Disclosure of Wrongdoing Policy provides that the terms of the Regulations apply to all persons directly employed by the province of Nova Scotia.

Since the Regulations and policy came into effect, the Office has seen annual increases in the number of complaints and inquiries. In 2005–2006, the Office received six inquiries pursuant to its mandate under the Regulations and policy, and did not commence any investigations. This year, the Office received 18 inquiries and initiated two investigations. Of the 16 remaining disclosure inquiries, three resulted in investigations being conducted under the Ombudsman Act.

The increase in inquiries and complaints can be attributed to a growing awareness of disclosure of wrongdoing and our responsibility under the Regulations and policy. In addition to the Public Service Commission’s awareness efforts, the Office continued its annual communication to civil service employees, explaining the role of the Office in the disclosure process. We provided presentations and information packages to government departments and organizations, gave the Public Service Commission input on its new disclosure of wrongdoing brochure, and answered employee inquiries received through e-mail and our confidential toll-free telephone line. We consulted with the Public Service Commission regarding the possibility of including disclosure information in the corporate orientation program, and on providing training

in interviewing techniques to managers or supervisors that may be in a position to receive disclosures.

Pursuant to section 16(f) of the Regulations, we also made two recommendations to the Public Service Commissioner regarding the disclosure of wrongdoing process. Specifically, we recommended that the Public Service Commission:

- Seek amendments to the Regulations to allow the Ombudsman’s notification and reports to be directed to the head of the public service when an alleged wrongdoing involves a senior official.
- Seek amendments to the Regulations to ensure that notification standards are consistent both for disclosures of alleged wrongdoing received by departmental officials, and those received by the Office of the Ombudsman.

Looking Forward

As the Office begins its 36th year of operation, we will continue to work within the concept of best practices for fair practices. In particular, we will strive to develop our services in the following areas:

- Increase our capacity to conduct system reviews and major investigations.
- Expand our services to youth and seniors. The youth evaluation survey project that was conducted this year was a positive experience, and will continue next year.
- Work to develop capacity to have an Ombudsman representative primarily focused on offender inquiries and complaints. As our experience with the adult offender pilot project has shown, there are tangible benefits having Ombudsman representatives who have a strong understanding of offender-related issues.
- Increase our capacity to address the expanding needs of disclosure of wrongdoing responsibilities.
- Continue to work at resolving investigations in a timely and effective manner.

Above all, we will work to ensure that both the public and the government are aware of the ongoing mission of this Office. We remain committed to fostering confidence in the public service of Nova Scotia through the promotion of the principles of fairness, integrity, and good governance.



Statistics

Outreach, 2006-2007

Event	Number of Sessions/Visits
Cape Breton Youth Detention Facility	4
Residential Child-Care Facilities	56
Wood Street Centre (Secure Care Facility)	28
Nova Scotia Youth Facility	22
Information Booths	6
Presentations	34
Youth Information Sessions	146
Community Outreach Sessions	6
Meetings	149
Other	38
TOTAL	489

All Administrative Reviews, Formal Investigations, Policy/System Reviews, Youth Contacts, and Referrals, 2006-2007

Area of Concern	2006-2007
Investigation and Complaint Services	881
Youth Services	574
Seniors Services	32
Disclosure of Wrongdoing	18
Section 15 Formal Investigations	10
System/Policy Reviews and Own Motion	6
Non-Jurisdictional Referrals	314
TOTAL	1,835

A Month at a Glance:

The following is a representative sample illustrating the number and scope of concerns brought to the attention of the Office during a one-month period (April 2006):

- Abuse allegation
- Apprehension order
- Bail payment
- Complaint regarding a lawyer
- Complaint regarding an MLA
- Complaint regarding an MP
- Complaint regarding a university
- Complaints regarding federal services (Human Resources Development Canada, Indian and Northern Affairs, Canada Revenue Agency, Citizenship and Immigration Canada, Canada Student Loans, federal offender medical services) (8)
- Conflict of interest during the designation process for a world heritage site
- Court delays
- Delay in receiving documents
- Denial of home care
- Denial of legal aid
- Discharge from medical treatment program
- Educational support (2)
- Employment dismissal
- Employment support and financial assistance (3)
- Excessive use of force by police
- Extension for paying tax arrears
- Family court decision
- Highway operations - landslide from boulders
- Hospital's emergency department closure

Statistics

A Month at a Glance continued

- House inspection
- Identity dispute
- Income assistance payments (2)
- Increase in rental subsidy payment
- Inquiry regarding assistance available for seniors (2)
- Inquiry regarding legal advice
- Inquiry regarding long term care
- Inquiry regarding programs/services available for youth
- Land registration
- Landlord/tenant problems
- Motor vehicle license suspension (2)
- Medical treatment (2)
- Maintenance Enforcement Program payments
- Non payment of invoice (2)
- Non response to complaint
- Occupational health and safety issue (2)
- Offender - denial of telephone call (2)
- Offender - excessive force
- Offender - lock down
- Offender - loss of personal items
- Offender - medical services (4)
- Offender - payment for damaged property
- Off-highway vehicles (2)
- Out of province employment issues
- Parental visitation rights

- Plagiarism at a university
- Police complaint process
- Pollution health concerns
- Power of attorney
- Private business complaint (5)
- Property expropriation
- Public school system concerns
- School closure (2)
- Tender process
- Violation of human rights
- Workers compensation claim/judgment (4)
- Youth - access to friends
- Youth - access to personal information
- Youth - amount of school programming
- Youth - extension at current placement
- Youth - food/serving sizes (3)
- Youth - foster care
- Youth - lack of staff availability (3)
- Youth - questions about future placement (6)
- Youth - facility room temperatures
- Youth - room search without consent
- Youth - unfair discipline measures(2)
- Youth - unfair treatment (2)



Statistics

Complaints and Inquires Received
(by Organization), 2006-2007

Justice	219	Middleton (Town)	2
Community Services	207	Nova Scotia Community College	2
Health	38	Securities Commission	2
- Capital District Health	151	St. Mary's (District Municipality)	2
- Cape Breton District Health	4	Truro (Town)	2
- South Shore District Health	2	West Hants (District Municipality)	2
- Annapolis Valley District Health	1	Windsor (Town)	2
- Colchester East Hants District Health	1	Workers' Compensation Appeal Tribunal	2
- Southwest Nova District Health	1	Yarmouth (District Municipality)	2
Service Nova Scotia and Municipal Relations	65	Amherst (Town)	1
Workers' Compensation Board	45	Annapolis (County Municipality)	1
Halifax Regional Municipality	34	Barrington (District Municipality)	1
Environment and Labour	26	Bridgewater (Town)	1
Cape Breton Regional Municipality	21	Canada Nova Scotia Business Service Centre	1
Education	20	Cumberland (County Municipality)	1
Transportation and Public Works	16	Digby (District Municipality)	1
Legal Aid Commission	15	Elections Nova Scotia	1
Human Rights Commission	13	Finance	1
Nova Scotia Police Commission	10	Hantsport (Town)	1
Natural Resources	9	Inverness (County Municipality)	1
Tourism, Culture and Heritage	6	IWK Health Centre	1
Chignecto-Central Regional School Board	3	Kentville (Town)	1
Child Welfare Agencies	3	Medical Services Insurance	1
Freedom of Information and Protection		New Glasgow (Town)	1
Privacy Review Office	3	Nova Scotia Business Inc.	1
Guysborough (District Municipality)	3	Nova Scotia Legislature	1
Labour Standards Tribunal	3	Nova Scotia Liquor Corporation	1
Public Prosecution Service	3	Nova Scotia Utility and Review Board	1
Agriculture, Fisheries and Aquaculture	2	Pictou (County Municipality)	1
Cape Breton-Victoria Regional School Board	2	Public Service Commission	1

Statistics

Public Tenders (Procurement)	1
Public Trustee	1
Shelburne (District Municipality)	1
Shelburne (Town)	1
South Shore Regional School Board	1
Stellarton (Town)	1
Tri-County Regional School Board	1
Victoria (County Municipality)	1
TOTAL*	973

**No complaints or inquiries were recorded for the remaining departments, agencies, boards and commissions. Complaints/inquiries from youth in the care or custody of the province are reported separately and not included in this total.*



Contact Us



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