



Office of the Ombudsman

Annual Report
2016 - 2017

"...fairness, integrity, good governance"

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Ombudsman Annual Report 2016 – 2017

Office of the Ombudsman

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September 2017

The Honourable Kevin Murphy
Speaker of the House of Assembly
Legislative Assembly of Nova Scotia
Province House
Halifax, Nova Scotia

Dear Speaker Murphy,

In accordance with subsection 24(1) of the Ombudsman Act, chapter 327 of the Revised Statutes of Nova Scotia, 1989, and section 28, subsections (1) and (2) of the Public Interest Disclosure of Wrongdoing Act, Chapter 42 of the Acts of 2010, 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 those acts for the fiscal year ending March 31, 2017.

Respectfully,

A handwritten signature in black ink, appearing to read 'W. Smith', written in a cursive style.

William A. Smith
Ombudsman

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I - A Message from the Ombudsman



*William A. Smith,
Ombudsman*

The year under review completes my first year as Ombudsman. I am thankful to the individuals and groups who demonstrated their confidence in the Office by bringing forward various issues and complaints for review. I am also appreciative to my Office team who are dedicated to provide public service oversight, and help facilitate improved government service delivery for Nova Scotians.

This Office plays three key roles as an oversight agency. First, pursuant to the Ombudsman Act, the Office of the Ombudsman helps in resolving complaints made by citizens about their public service. Specifically, the administration of law by provincial departments, municipal administrations, agencies, boards, and commissions, who may be subject to a review by this Office. Second, through effective relationship building and co-operation with public bodies such as the Departments of Community Services, Justice, Health and Wellness, Nova Scotia Health Authority, and the IWK, Ombudsman Representatives provide dedicated services to children and youth, as well as seniors and adult inmates. Our mandate for children, youth, and seniors is one of the broadest in the country, including those jurisdictions with a separate child or seniors advocate. Thirdly, pursuant to the Public Interest Disclosure of Wrongdoing Act (PIDWA), this Office receives and investigates disclosures of wrongdoing made by the public or provincial government employees. The PIDWA provides an avenue for “whistleblowers” that previously did not exist.

This report provides an overview of who we are and what we do. Case studies are included to help demonstrate the breadth and complexity of issues brought forward, while statistics and trends demonstrate the areas of public interest and work undertaken. Whether you are a member of the public or work within a provincial or municipal government agency, I encourage review of this report as a tool to understand how an impartial and independent oversight body fosters fairness, integrity, and good governance.

II - About the Office

Mission

Promote the principles of fairness, integrity, and good governance.

Role and Mandate

Ensure government decisions and processes are fair, consistent, and transparent. Our mandate extends to individuals who receive services from, or are impacted by, provincial and municipal governments.

Provincial government employees and members of the public have an avenue to submit allegations of government wrongdoing to the Ombudsman under the Public Interest Disclosure of Wrongdoing Act (PIDWA).

Organization

Administration

- The Office Manager fulfills most administrative and business functions and is a committee member for the Occupational Health and Safety Legislative Committee.

General Operations

- Assessment Officers provide initial intake, assessment, and referrals, and create records of all inquiries.
- Ombudsman Representatives handle investigations, including Own Motions and systemic reviews. Managers and the Executive Director supervise staff, oversee investigations, and provide advice to the Ombudsman.

- The core business of the Office under the Ombudsman Act is the investigation and resolution of public complaints involving provincial and municipal government. While under the Public Interest Disclosure of Wrongdoing Act, investigate allegations of wrongdoing involving provincial government.

Investigation and Complaint Services (I&CS)

- Ombudsman Representatives review and investigate concerns about services provided by provincial and municipal government organizations.
- The unit addresses departmental services, adult corrections, municipal services, and many other inquiries and complaints.
- The unit also undertakes Own Motion investigations that can include policy and systemic reviews.

Youth and Seniors Services (Y&SS)

- Ombudsman Representatives review, investigate, and report on the concerns of children, youth, parents, guardians, and those working in government child and youth residential care services and custodial facilities.
- Examine issues affecting senior citizens, particularly those who reside in provincially licensed long-term care (LTC) facilities.
- Promote dispute resolution processes and operate proactively to advise of our services and identify and address issues or concerns before they escalate.
- The Ombudsman is an executive member of the Canadian Council of Child and Youth Advocates (CCCYA), and Ombudsman Representatives sit on various CCCYA working groups.

Disclosure of Wrongdoing

- The Public Interest Disclosure of Wrongdoing Act provides an independent reporting and investigation mechanism for employees of provincial government bodies, and members of the public regarding allegations of wrongdoing within provincial government.

Human Resources

- The Office of the Ombudsman is committed to providing a workplace that is free of discrimination and promotes equality of opportunity for all persons seeking employment with the Office.
- The Office has 17 full-time positions, including that of Ombudsman. It continues to benefit from a roster of supplemental trained employees, co-op and student work placements. The casual roster enables the Office to accommodate staff vacancies while continuing to carry out in-depth investigations.
- This year, we hosted two students from the Master of Public Administration Program at Dalhousie University, one student from the Public Law Program, Schulich School of Law, Dalhousie University, two students from the Nova Scotia Community College (NSCC) Office Administration Program and one student from NSCC's Social Services Program, and one student from the Dental and Medical Office Administration Program, Success College.

Training and Professional Development

This year our staff have participated in the following training and professional development opportunities:

- Culturally Appropriate Programs for Youth in Conflict with the Law
- Forum of Canadian Ombudsman/Osgoode Law School Essentials for Ombuds
- First Aid/CPR
- Diversity Training
- 50 Years Human Rights in Nova Scotia
- Aboriginal Perceptions
- Sexual Orientation and Gender Identity 101
- Crisis Prevention and Intervention (CPI) – Train the Trainer
- Project Management
- Sharpening Your Teeth: Investigative Training for Administrative Watchdogs
- Lunch and Learns: Transgender Day of Remembrance, Two Spirit People Within First Nations and LGBTQI Communities.



Figure 1

Financial Resources

The Office of the Ombudsman’s 2016-2017 budget is shown in (Figure 1). The Office spent 86.5% of its budget. The variance in budgeted and actual expenses reflects savings in operational costs, i.e. position vacancies. The increase in spending on salaries from previous years is due to government’s implementation of revised pay levels for employees excluded from bargaining units.

Office of the Ombudsman Estimated Expenditures 2016-2017		
Core Business	Estimate (\$ thousands)	Actual (\$ thousands)
Budget	1784	1543
Net Program Expenses	220	281
Salaries and Benefits	1564	1347
Less Chargeables	60	86
Staff (FTE's)	17	14

III –The Year in Review

Complaint Resolution Process

Typically, the first point of contact with our Office is with an Assessment Officer. This is the first step in a multi-tiered approach to effectively and efficiently resolve complaints or requests for information. Several complaints each day are resolved by Assessment Officers providing quick information and referrals. Issues that require further review are assigned to an Ombudsman Representative and are processed as Administrative Reviews. Most Administrative Reviews result in a resolution for the parties involved, while some require more in-depth investigation and become Formal Investigations.

Ombudsman Representatives meet with youth in care and custody during regularly scheduled site-visits and provide face-to-face assistance to address issues or complaints as soon as possible. This specialized service for youth represents an approach to outreach that attempts to address issues and complaints before they have an opportunity to escalate. Ombudsman staff similarly conduct site-visits at a number of government regulated or licensed facilities across the province, such as Long-Term Care (LTC) facilities, adult correctional

facilities, youth correctional centers, as well as a variety of other groups or organizations who may benefit from understanding the role and mandate of this Office.

Assessment Officers receive complaints and requests for information through various means of communication, including telephone, in person, mail, email, web based complaint form, and fax. Through the intake and assessment process it is determined that many inquiries or complaints do not fall within our mandate or jurisdiction under the Ombudsman Act or the PIDWA. Nonetheless, Assessment Officers strive to provide the best referral information as possible to help direct a complainant or information seeker to the appropriate avenue of redress.

In 2016-2017 the number of matters addressed within the scope of the Office was 2356, a slight increase from last year and consistent with long term patterns (Figure 2). This total includes 1884 complaints or requests for information. That 1884 includes 1315 Intake Assessments, 566 Administrative Reviews, and 3 Formal Investigations and Policy Reviews. There were 582 non-jurisdictional complaints and 472 meetings with youth in care and custody (Figure 3).

Figure 2

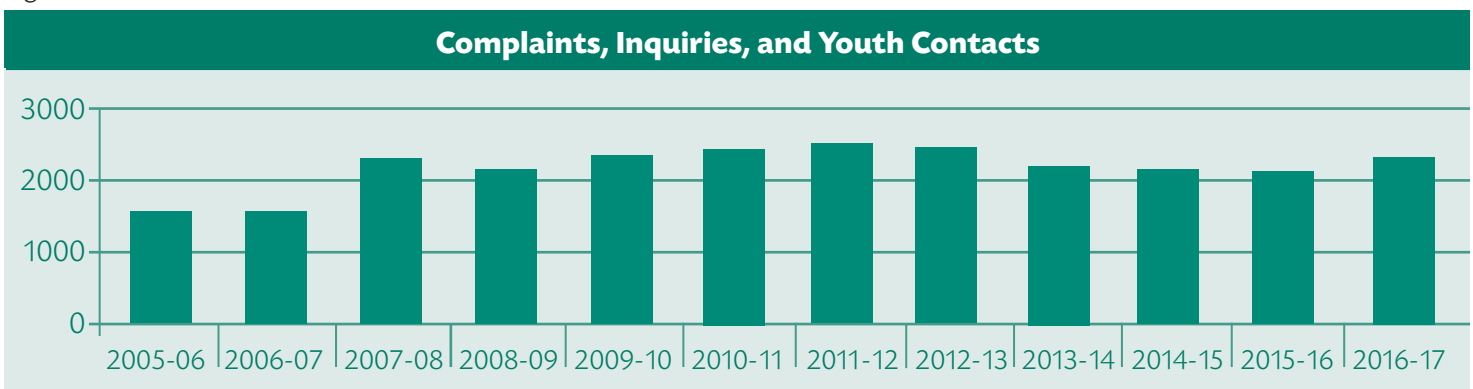


Figure 3

Review / Investigation Type	
Intake Assessments	1315
Administrative Reviews	566
Formal Investigations & Policy Reviews	3
Total Reviews / Complaints	1884
Meetings with Youth	472
Total New Matters addressed in 2016-2017	2356

Figure 4

Results of Complaints and Requests	
Assistance Rendered	855
Resolved	107
Properly Implemented	54
Total with positive outcome	1016
Discontinued by Complainant (Withdrawn)	105
Discontinued by Ombudsman	89
Non-Jurisdictional	582
Other outcome	25
Total new matters	1884
<i>Remain open at fiscal end</i>	<i>- 67</i>
Total new matters concluded in 2016-2017	1817

**Totals do not include meetings with youth in care and custody.*

In the past, this Office worked with Information Technology Services (ITS) to develop a new electronic case-file management system which was successfully implemented in 2015-2016. This system has continued to function as the primary tool to handle investigations, initiate complaint files, and record outreach efforts in the 2016-2017 fiscal year. This system enables us to better define each type of complaint and highlight the level of work that is being completed as a matter is escalated from assessment to formal investigation. The system is based on SAP's Customer Relationship Management (CRM) platform. Throughout this document our complaint management systems will be referred to by the CRM abbreviation.

Of the 1884 new complaints and requests handled by this Office in the year under review, 1817 have been resolved as of March 31, 2017. Figure 4 outlines the result of each matter completed by the Office.

Correctional Services

In Nova Scotia, there are four Adult Correctional Facilities holding both sentenced inmates as well as those remanded to custody pending trial. These facilities are Central Nova Scotia Correctional Facility (CNSCF), Southwest Nova Scotia Correctional Facility (SNSCF), Northeast Nova Scotia Correctional Facility (NNSCF), and Cape Breton Correctional Facility (CBCF). These correctional facilities are visited by Ombudsman Representatives on a quarterly basis. During visits, Representatives may receive complaints, provide information or referrals, and promote the resolution of complaints through correctional services' internal complaint process.

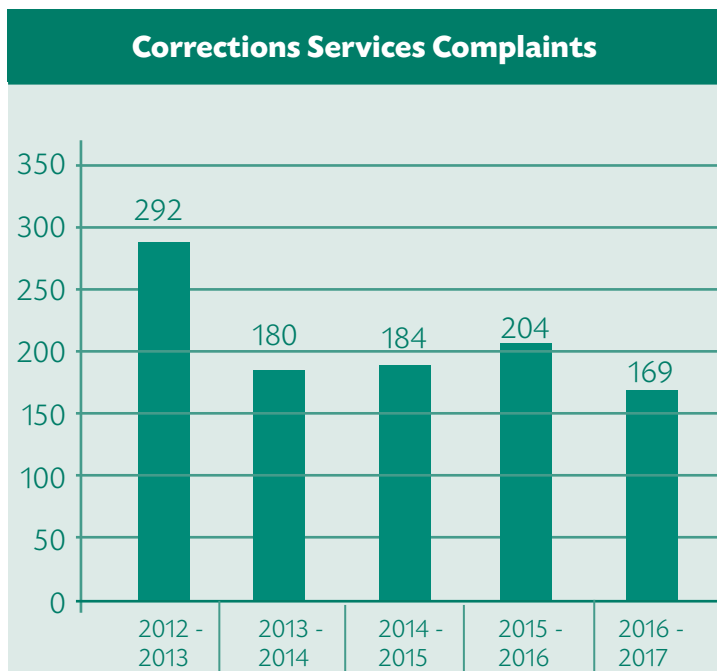
Ombudsman Representatives and Assessment Officers educate inmates on the correctional services internal complaint process and encourage them to exhaust all avenues of appeal before filing a complaint with the Office. This approach has reduced the total number

of complaints involving correctional services. Fewer complaints of this nature enable Assessment Officers, and Ombudsman Representatives more time to address complex or systemic issues.

Last year it was reported that the general trend downward in correctional services complaints had shifted upward for that year. At that time, the report noted that we would monitor the trend and determine if complaint volumes were on the rise. Given this year's trend back downward, we are optimistic that the approach to addressing correctional services complaints is still working.

Figure 5 illustrates the number of correctional services complaints by inmates over the last five fiscal years. The graph does not include complaints by inmates outside of correctional services, such as complaints about the Offender Health services provided by the Nova Scotia Health Authority. For a total of all inmate and

Figure 5



public complaints about correctional services as well as complaints by inmates about other services see figure 10. In 2016-2017 there were 169 new complaints by inmates about correctional services, several of those complaints were referred to the internal complaint process.

Case Example

During a regularly scheduled site-visit to a correctional facility, an Ombudsman Representative met with an inmate who was approaching their release. The inmate complained that they were being charged for ambulance fees and related interest costs amounting to approximately \$2,000. The inmate had been transported to the hospital on two occasions when Deputy Sheriffs and Correctional Services staff called for assistance. The complainant alleged that Correctional Services staff had initially informed them that the costs for ambulance transportation to hospital would be covered by Correctional Services. Further, the inmate advised they had no way to pay the outstanding debt while incarcerated and was unable to access their banking and finance information.

According to the complainant, Correctional Services staff advised the inmate that they were responsible for the cost of the ambulance fees, and that administrative staff could assist them in accessing their bank account to process the transaction. An Ombudsman Representative determined there was no policy indicating who is responsible to pay ambulance fees with respect to persons in custody of Sheriff or Correctional Services. The absence of policy was concerning to the Representative as inmates do not have the freedom to choose their mode of transportation to hospital.

Through discussions with both Sheriff Services and Correctional Services, policy was developed and implemented with respect to ambulance fees. Further, the Ombudsman Representative facilitated a resolution where Correctional Services covered the cost of the ambulance fees in this instance.

Intake Analysis and Process

This Annual Report contains data drawn from our second complete year with the CRM file management program. Since rolling out this program the Office has benefitted from improved access to digital case files. This in part means that Assessment Officers may quickly draw on information from former complainants, previous complaints, or ongoing complaint files.

Volume and Resolution of Complaints

While the previous fiscal year showed a slight decrease in the number of new matters addressed by this Office, in the year under review we have seen a four-year high. This increase can be attributed to several factors, including increased public awareness of the Office due to high-profile cases. This year was also the first-time individuals could submit complaints through an online complaint form. The Office has always endeavored to be as accessible as possible, which is why complaints can be submitted in-person, over the phone, by fax, mail, email, and now through an online web form. As more people go online in search of information, including government services, we are ready to address questions, concerns, and complaints from as many people as possible.

This Office also receives numerous contacts each day that are determined to have active options for appeal as well as matters that are non-jurisdictional. As a result, our staff promote increased public awareness of avenues of appeal to help direct complainants to the appropriate responding party. Various efforts are employed by the Assessment Officers, as well as Ombudsman Representatives, while undertaking outreach initiatives and presentations to increase awareness of appeals available and various resources.

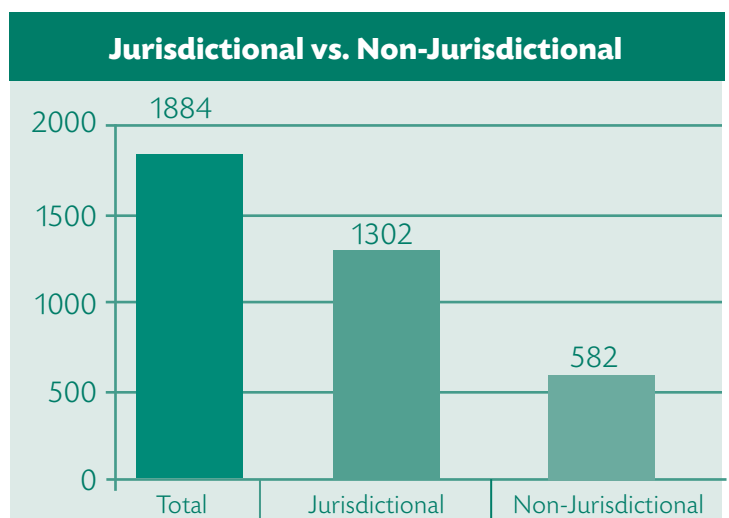
Jurisdictional and Non-Jurisdictional Complaints

All inquiries and complaints are assessed to determine if they fall under one of two acts, the Ombudsman Act

or the PIDWA. Issues that do not fall under either act may be considered for avenues of appeal or referral information that can be provided to the individual contacting the Office. Thirty-one percent (582/1884) of matters addressed by the Office in the year under review were non-jurisdictional. This calculation excludes visits with youth in care. There are six categories of non-jurisdictional matters that are tracked when the Assessment Officers input the data in CRM. Of the 582 matters deemed non-jurisdictional, 65 were regarding legal or court proceedings, 22 related to the decisions of elected officials, 114 were regarding federal government, 42 were about professional or self-regulating bodies, 339 related to private business and matters.

Whenever possible, there are many organizations like federal and private industry ombudsman, legal assistance organizations, and other oversight bodies we may refer a complainant. This service is not a technical component of our mandate however, over several years it was determined that assisting the public in this way helped to further educate on our role, and in the long-term, enables this Office to provide better service to those who have issues falling under one of our Acts.

Figure 6



Resolution Timelines

Most files are resolved by Ombudsman Representatives in one to seven days. Figure 7 demonstrates the timeframes in which the various categories of complaints/investigations are concluded by this Office. These are general timeframes. Some matters may take more or less time depending on the complexity and severity of the issue at hand. Many Intake Assessments are resolved on first contact with an Assessment Officer.

Figure 7

Average Timeframe	Type	Number
1 – 7 days	Intake Assessments	1315
1 – 4 weeks	Administrative Reviews	557
4 + weeks	Formal Investigations	2
4 + weeks	Own Motion Investigations	1

In-Depth Investigations

Most of the in-depth investigations undertaken by this Office begin as complaints or concerns brought to our attention by a member of the public. While our initial approach is to resolve these matters informally, sometimes the seriousness or complexity of an issue requires a more formal approach. These types of investigations can involve extensive research, review of documentation, and interviews with relevant parties, among other methods of accurately determining what took place. In some cases, the need for a formal investigation is derived from recurring issues and others may have broader systemic implications beyond the initial concern or complaint.

Through monitoring trends in complaints, Ombudsman Representatives may identify potential systemic issues in policy or process. Pursuant to the Ombudsman Act, the Ombudsman has the authority to initiate an investigation of their own volition. These “Own Motion” investigations while not always pertaining to a systemic issue, often are. This enables the Ombudsman to pursue issues and matters that may not necessarily be complainant driven, that require an in-depth review.

In recent years, the concept of a “whistleblower” has received more awareness among the public. More often the public has placed an emphasis on mechanisms for people inside and outside of government to bring to light issues and concerns of alleged wrongdoing by government officials. The PIDWA provides the authority to investigate allegations of wrongdoing made by provincial government employees as well as members of the public. This Act is specific to provincial government and is less frequently used than complaints made under the Ombudsman Act, but serves as a clear path for those who allege wrongdoing in government, to make a confidential disclosure. Government departments have appointed staff or designated officers who an employee may approach about a disclosure, as well as employees may also approach their supervisor, or another more senior manager with their allegation, or come directly to the Office of the Ombudsman. Complaints made under the PIDWA must meet a high threshold to be considered a disclosure of wrongdoing. Allegations that may not meet this threshold may be, and often are, addressed under the Ombudsman Act.

This year three in-depth investigations were conducted. Two investigations were based on general complaints and one was a Policy Review. The Office also received one disclosure of wrongdoing under the PIDWA, that complaint was investigated under the Ombudsman Act. No allegations of wrongdoing led to formal

investigations under the PIDWA, thus there are no findings of wrongdoing to report, nor recommendations under the PIDWA.

Investigation Outcomes

The Ombudsman Act provides the authority to make recommendations to provincial government departments, agencies, boards, commissions, and municipalities. Recommendations are generally the result of in-depth, usually formal, investigations conducted by the Office.

For every recommendation issued, the public body involved is required to report back to this Office on their plans to give effect to, and implement the recommendations within a prescribed time frame. The authority to issue recommendations is how this Office informs and enhances government public policy, procedures, and service delivery. The public body may choose to accept and implement the recommendations, implement them in part, or refuse to accept them.

That said, most government departments choose to accept and implement the recommendations in full. There are many reasons why a party responding to a recommendation may choose to implement in full. Primarily because of the genuine desire by public officials to improve policy and procedures, as well as how the failure to do so may be perceived by the public.

Figure 8 on page 11 describes the recommendations issued in 2016-2017. The table also describes the public body involved as the respondent, as well as the nature of the complaint. There were 35 formal recommendations issued. Not all recommendations stem from new matters addressed in the year under review, some examples are derived from investigations initiated in an earlier fiscal year that were concluded in 2016-2017. Of these 35 recommendations, 22 have been accepted and are being monitored for implementation. The Office is awaiting a response regarding the acceptance and implementation of nine recommendations. Four recommendations have not yet been accepted by the respondent.



Figure 8

Complaint	Recommendations
<p>An individual contacted this Office regarding the seizure of livestock by the Department of Agriculture and alleged they were treated unfairly by department staff throughout the inspection and seizure process</p>	<p>The following recommendations are being monitored for implementation:</p> <ol style="list-style-type: none"> 1. Department of Environment continues to move forward with the development of a policy and procedure manual for the Animal Welfare division. 2. As part of the Department of Environment’s review of the Animal Welfare Division, an assessment of the workload of the Animal Welfare Inspectors be conducted to ensure that division is adequately resourced.
<p>Respondent</p> <p>Department of Agriculture Nova Scotia Environment* (inspection oversight responsibilities were transferred to NSE)</p>	

Complaint	Recommendations
<p>The Office was contacted by residents of the Municipality of the County of Richmond who believed councillors were abusing travel and expense claim processes.</p>	<p>The following recommendations are being monitored for implementation</p> <p>Municipality of the County of Richmond:</p> <ol style="list-style-type: none"> 1. Travel and expense claim policies currently in use by the Municipality be reviewed, and where appropriate revised, to ensure the operational and administrative needs of the Municipality are being met, and to preclude activities such as unauthorized travel and inadequate accountability for travel and other expenses. 2. Ensure all Councilors and municipal staff, including the CAO, are appropriately trained and have a thorough comprehension of policy and procedures, including their responsibility for compliance. 3. Establish quality assurance mechanisms with respect to the application of travel and expense claim policies to ensure appropriate and ongoing compliance and accountability. 4. Undertake a review of the current budgeting process to ensure the actual and forecasted operational and administrative needs of the Municipality are being met; including whether travel and related discretionary expenses should primarily be based on forecasting actual and predictable travel requirements, rather than on previous annual costs.
<p>Respondent</p> <p>Municipality of the County of Richmond</p> <p>Department of Municipal Affairs</p>	

Department of Municipal Affairs:

1. As part of the review of the Municipal Government Act, and in consultation with the Union of Nova Scotia Municipalities, examine the feasibility of establishing standardized travel and expense authorization and accountability policies and practices at the municipal level, taking into account current best practices, the Grant Thornton Management Letter, and the findings of this report.
2. As part of the review of the Municipal Government Act, and in consultation with the Union of Nova Scotia Municipalities, re-examine the feasibility of establishing a Municipal Auditor General.
3. Undertake a review of the Department of Municipal Affairs' role to ensure municipal compliance with the Municipal Government Act, and where appropriate develop and implement policy in this regard.

Complaint

The Office was contacted by the respondent in this instance regarding concerns about the handling of roaming horses within the Municipality of the District of West Hants. This complaint was received in a previous fiscal year and completed in the year under review.

Respondent

Municipality of the District of West Hants

Department of Natural Resources

Department of Agriculture / Nova Scotia Environment

Recommendation

The following recommendations are being monitored for implementation

Municipality of West Hants:

1. Review and, where appropriate, amend the Livestock At Large By-Law to ensure it is adequate.
2. Review and, where appropriate, amend the Code of Conduct Policy for Council, with consideration to making this document easily accessible to the public.
3. Review and, where appropriate, amend the Conflict of Interest Policy for Council, with consideration to making this document easily accessible to the public.
4. Review the payment of public monies for the burial of the horse and determine if the expenditure can be recovered.
5. Review the current by-law enforcement process and, where appropriate, expand to incorporate a public complaint resolution process.

It was recommended the Department of Agriculture and the Department of Environment, where appropriate, work collaboratively to.

1. Review current complaint tracking processes to ensure all complaints are appropriately recorded.
2. Ensure current file and records documentation standards are adequate and communicate the requirements to staff.
3. Engage in municipal consultation regarding the review of the Fences and Detention of Stray Livestock Act.
4. Review the current status of the Governor-in-Council approval of designations as municipalities under the Fences and Detention of Stray Livestock Act, and communicate the outcome with the relevant municipalities.

Department of Natural Resources:

1. Review the Permit to Carry Firearms Policy to ensure the policy provides guidance on the appropriate issuance of permits;
2. Review and revise the Permit to Carry Firearm issuance process to include appropriate assessment of the application, including the authority;
3. Ensure Regional Offices are utilizing current forms;
4. Ensure current file and records documentation standards are adequate and communicate the requirements to staff.

Complaint	Recommendations
<p>Several complaints received by this Office regarding the Nova Scotia Human Rights Commission and the handling of complaints under the Human Rights Act led to a broad systemic review of the investigative processes at the Commission. This Own Motion investigation was initiated in a previous fiscal year and final recommendations issued in the year under review.</p>	<p>The Office is monitoring the implementation of the following recommendations:</p> <ol style="list-style-type: none"> 1. The Department of Justice, in consultation with the Nova Scotia Human Rights Commission Chair, and Director /CEO, establish a committee to review the overarching approach to human rights services, including, where appropriate, revision of the legislation, mandate, service structure, and accountability. <p>In the interim:</p> <ol style="list-style-type: none"> 2. The Nova Scotia Human Rights Commission, in consultation with the Commission Chair, undertake a review of current policy and procedures to revise, update or develop standards related to ensure consistency and clarity related to: <ol style="list-style-type: none"> a. The intake process; b. Reconsideration and review request timelines and appeal processes; c. Process to assess requests for extensions to various timelines; d. Exceptional circumstances criteria; e. Identification and investigation of systemic discrimination; f. Documentation of resolution conferences; g. Communicating information related to NSHRC processes, avenues of appeal, and other relevant information that impacts the status and processing of complaints with complainants and respondents; h. Internal complaint process. 3. The Nova Scotia Human Rights Commission, in consultation with the Commission Chair, undertake a review of the Race Relations, Equity and Inclusion unit to assess whether it is appropriately resourced and meeting intended objectives. 4. The Nova Scotia Human Rights Commission, in consultation with the Commission Chair and appropriate community and interest-based stakeholders, undertake a review to assess the effectiveness of the restorative case management process, including staff training in restorative processes and facilitation techniques.
<p>Respondent</p> <p>Nova Scotia Human Rights Commission</p> <p>Department of Justice</p>	

5. The Nova Scotia Human Rights Commission, in consultation with the Public Service Commission, or an appropriately qualified independent agency, undertake a workforce analysis to identify and assist NSHRC staff and managers in addressing inconsistencies in the roles and expectations between HRO's, office culture, general public service requirements, and training needs.
6. The Department of Justice, Nova Scotia Human Rights Commission, and Commission Chair, collectively examine the feasibility of developing a memorandum of understanding outlining appropriate reporting structure and accountability in relation to the various roles and responsibilities in administering the Nova Scotia Human Rights Act.
7. The Nova Scotia Human Rights Commission develop and implement quality assurance processes to ensure management involvement at key decision points in the process and monitoring of NSHRC files to ensure standards and objectives are being met.
8. The Nova Scotia Human Rights Commission review its current documentation standards and electronic records management program (HRCTS) to assess its effectiveness in meeting operational needs, including quality assurance protocols to ensure meaningful and complete records retention.
9. The Nova Scotia Human Rights Commission, in consultation with the Commissioners, develop guiding principles related to the assessment of public interest in relation to the handling of files by the Commissioners.

Complaint	Recommendations
<p>A resident of the Municipality of the County of Colchester contacted this Office with allegations of unfair treatment and process regarding a condemned home.</p>	<p>As of the writing of this report, the following recommendations are being monitored for acceptance and implementation by the Municipality:</p> <ol style="list-style-type: none"> 1. The Municipality of the County of Colchester inform relevant parties on the outcomes of complaints submitted under Part XV of the Municipal Government Act including when a complaint has been dismissed, as well as when an order has been considered complied with. 2. The Municipality of the County of Colchester adhere to all stated timelines outlined in relevant policy and procedures. 3. The Municipality of the County of Colchester limit the entry of properties to qualified trained specialists such as building inspectors, and in accordance with the authority granted by statute. 4. The Municipality of the County of Colchester continue to apply a Community Standard measure or approach when determining whether a property is unsightly.
Respondent	
<p>Municipality of the County of Colchester</p>	

Outreach

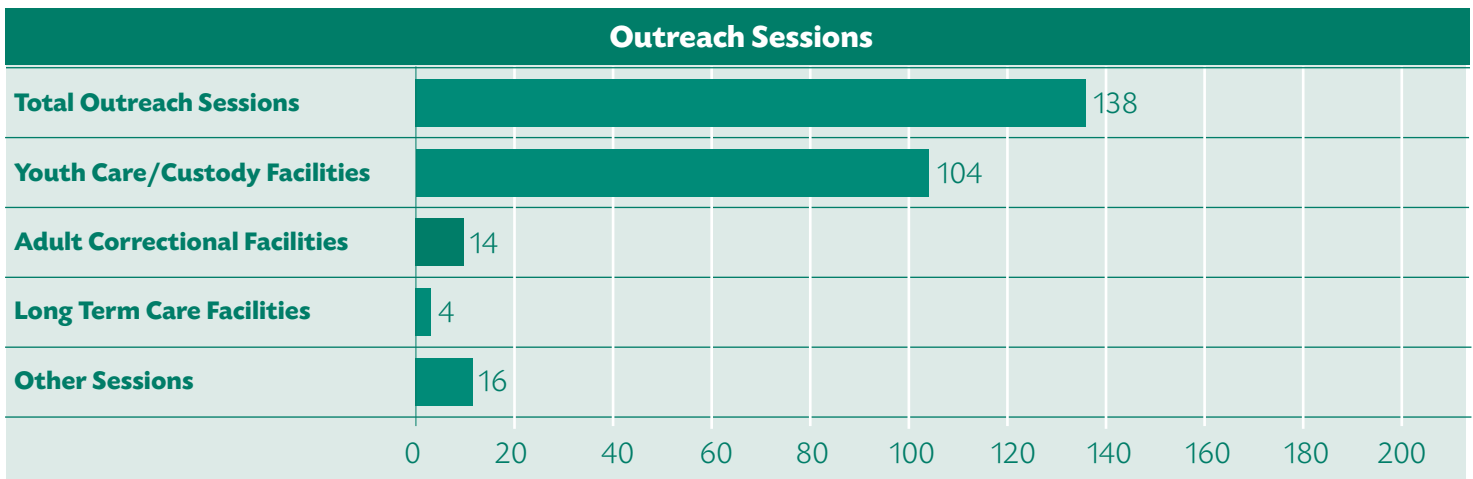
Each year an outreach strategy is developed or amended to create reasonable outreach goals, and outline tools for Ombudsman Representatives to use in obtaining those goals. This year the Outreach Strategy Committee maintained the same goals as the previous year, placing greater focus on reaching youth and new Nova Scotians/Canadians across the province, while maintaining our ongoing efforts in reaching those in care and custody of the province. This includes adults in Long-Term Care (LTC) facilities, youth in Residential Child-Caring Facilities (RCCFs), as well as Young Persons and inmates in correctional centres and facilities. Ombudsman Representatives engage children, youth, seniors, and inmates by offering to speak with them in private or with their peers. Representatives also collect data, dispense educational materials, listen to concerns or complaints, familiarize themselves with a facility through site-visits, and build a rapport with staff. Site-visits are scheduled on a regular and as needed basis. For example, adult correctional facilities and RCCFs are visited quarterly, Wood Street Centre, the Nova Scotia Youth Centre, and the IWK Secure Care Unit are visited monthly. Ombudsman Representatives also prepare written reports detailing their visit, regardless of whether a complaint is filed by someone in attendance.

Ombudsman Representatives also reach out to LTC residents, staff, and resident/family councils to offer meetings and to communicate our message with those most appropriately placed to help resolve issues for LTC residents and their families. Numerous LTC facilities have responded positively since we undertook this approach the last few years, requesting Ombudsman Representatives to visit during monthly resident council meetings, or when resident families are being engaged. Figure 9 illustrates the areas where outreach is predominantly focused.

One notable meeting was organized through Chebucto Links. Chebucto Links is a community outreach organization in Halifax that provides services to seniors within the community. The meeting was well attended by members of the public who also received a presentation on the role and mandate of the Office of the Ombudsman, as well as pamphlets and resource materials designed to help seniors who may have concerns about government services.

A component of the outreach strategy included the undertaking of a jurisdictional scan and research on what organized groups/clubs/associations representing various diverse groups exist on a county by county basis. With particular focus on the LGBTQI

Figure 9



community, First Nations, African Nova Scotians, and new Canadians, among others. Communication was initiated with First Nations communities to explore a pilot program for community based outreach. Next year we will continue to develop this approach as well as reach out to other groups offering presentations and roundtable discussions.

Ombudsman Representatives also sit on the board of the Nova Scotia Council for the Family, the Council's Youth in Care Committee, the Canadian Council of Child and Youth Advocates. The Ombudsman is a member of the Forum of Canadian Ombudsman and the International Ombudsman Institute.

The Office continued to participate in the annual Public Service Commission United Way fundraising campaign and coordinated our efforts through the Public Service United Way Steering Committee.

Office staff provide a variety of presentations and information sessions on a case by case basis. Examples include presentations at conferences and to organizations such as the Recreational Professionals in Health Conference, Housing Nova Scotia, and Property Valuation Services Corporation. The Office also hosted a half day information session for Designated Officers under the PIDWA which included information on best practices and an overview on the role of Designated Officers.





Records Management

The Records Analyst manages a program of records control and retention which adheres to the provincial Standard for Administrative Records and the Standard for Operational Records (STAR/STOR) requirements. Going forward into next year, the Office will initiate a paperless approach to record keeping where records are retained digitally. A paperless records management system will maintain all security standards for government documents, while making access to those documents faster and easier for staff. Case files will also be maintained digitally in the CRM system. Once a file is concluded, the Records Analyst will convert and catalogue the CRM records into a stable and permanent format which will be maintained per the STAR/STOR and records retention policy.

Our records are not subject to freedom of information requests, and are inadmissible in court. In accordance

with the Ombudsman Act, all staff swear to, or affirm, an oath of confidentiality in the administration of their duties, and provide appropriate background checks. In contemplation of the Ombudsman Act and the PIDWA, documents and information provided to the Office of the Ombudsman are kept confidential, which is an essential component to maintaining the integrity of the investigative process and mandate of the Office.

As referenced earlier, CRM has been implemented as a relatively new tool to manage case-files. This tool permits easier access to case files and minimizes the amount of paper required to conduct reviews and investigations. The system also assists with effective quality assurance and case management processes to ensure that case files are up to date and accurate. CRM will also provide additional options for statistical analysis in the future as data can be aggregated using common computer software.

IV - Services and Cases

Investigation and Complaint Services (I&CS)

A large proportion of the complaints received by the Office, primarily over the telephone, are addressed by Investigation and Complaint Services. These complaints are either handled by Assessment Officers during intake and assessment or are referred to Ombudsman Representatives as Administrative Reviews. Of these complaints, a small number become Formal Investigations. Many of these complaints involve departments and municipalities that have their own internal complaint resolution process or avenue of appeal available. In those instances, we ensure the complainant has exhausted these processes before this Office becomes involved. If an Ombudsman Representative determines a complainant may require additional assistance, they help them to navigate the complaint process or provide general procedure related direction. If a complaint is part of an active process, that appears to have become off track, informal intervention by Ombudsman Representatives may help to get it back on track. Having said that, Ombudsman staff are impartial and do not provide legal advice or serve as advocates to a complainant or respondent – rather they advocate for the process.

When a complaint is within the jurisdiction of the Office, and avenues of appeal have been exhausted, typically the first step after the initial Intake Assessment is an Administrative Review. An Ombudsman Representative is assigned to review the complaint and will work with the complainant and responding government officials to address the issue. General assistance may be provided by opening lines of communication, offering suggestions based on best practices, or by guiding either party to an unaddressed or overlooked step in policy or procedures.

If a resolution cannot be achieved informally, a more formal investigation may be initiated. As mentioned earlier, formal investigations rely on more in-depth research, interviews, and other reference material(s); and may lead to recommendations being issued.

Case Study - Investigation and Complaint Services

The following are examples of cases addressed by Investigation and Complaint Services:

Travel and Expense Claim Processes

The Office was contacted by several residents of the Municipality of the County of Richmond who expressed concerns about travel expenses and other financial activities of current and former municipal Councillors, and of the current Chief Administrative Officer (CAO). The concerns were based on a report produced by an accounting and business advisory firm, and records obtained through an access to information request.

After a preliminary review of the information and interviews with the residents, the Office identified several activities and categories of expenditures that warranted a more comprehensive examination. Specifically, travel and conference allowances and budgets, travel and conference expenses and claims, Councillors and municipal staff remuneration and benefits, and the use of corporate credit cards.

The residents who contacted the Office initially characterized their concerns as a “wrongdoing” under the Public Interest Disclosure of Wrongdoing Act (PIDWA). While the Office of the Ombudsman is responsible for investigations under the PIDWA,

the legislation only applies to provincial government departments, agencies, boards, and commissions. It does not apply to municipalities. Thus, our investigation was conducted under the Ombudsman Act, as an own-motion investigation.

The own-motion investigation led to several overarching conclusions. Many discretionary spending practices and decisions during the period under review collided with existing law, policies, or codes of conduct. There were instances of existing policies being followed, but in ways that invited questions about the value of the policies themselves. Certain spending practices reflected ambiguous or inconsistent policies. Others reflected random rules seemingly fashioned on the spot, handed down as customary, and justified as traditional or “the way it has always been done.”

Our Final Report addresses the practices of elected officials and staff of the Municipality involving the expenditure of public funds in relation to travel and related activities. As well as the existence, complexity, and effectiveness of provincial and municipal laws regulations, and policies that apply to spending at the municipal level. Seven recommendations were issued, four to the Municipality and three to the Department of Municipal Affairs. Monitoring of their implementation remains ongoing.

On the heels of the Final Report being issued publicly, Elections Nova Scotia and the Royal Canadian Mounted Police (RCMP) initiated their own investigations.

Elections Nova Scotia found nine municipal representatives violated the Elections Act by improperly expensing political donations to the Municipality. Everyone repaid the expense and agreed to sign a compliance agreement, avoiding a referral for prosecution. In May 2017 the RCMP concluded their investigation after determining “the likelihood of obtaining a criminal conviction (was) extremely low.”

Roaming Horses

While not as common, requests for review can be brought to the attention of this Office by a public body. In this instance, a matter was brought forward by the Municipality of the District of West Hants in relation to the Municipality’s handling of roaming horses. The Department of Natural Resources and the Department of Agriculture’s Animal Welfare Division – later transferred to Nova Scotia Environment – were also involved in the incident. A preliminary review conducted by Ombudsman Representatives determined that a more formal investigation was warranted.

Ombudsman Representatives interviewed several individuals who were involved in the situation including staff from the Municipality, relevant Departments, elected municipal officials, and members of the public who resided in the community. Several issues were identified in the investigation. Specifically, the Municipality’s handling of the situation, the Deputy Warden’s actions, the Department of Natural Resources’ process of issuing permits to carry firearms, and the Department of Agriculture’s Animal Welfare Division’s response to the complaints about the roaming horses.

Based on the findings of the investigation, recommendations were issued to the Municipality, Department of Natural Resources, Department of Agriculture/Nova Scotia Environment. These recommendations focused on the review of by-laws, policy, and processes within provincial and municipal government. The recommendations have been accepted and this Office is currently monitoring their implementation.

Seizure and Sale of Livestock

An individual contacted this Office regarding the seizure and sale of livestock by the Department of Agriculture, and allegations that the owner of the livestock was treated unfairly by Department staff throughout the inspection and seizure process.

When the Department of Agriculture was initially contacted regarding this file, they declined to co-operate with the investigation stating the Office did not have the jurisdiction to review the matter. In accordance with Section 11(3) of the Ombudsman Act, the Office applied to the Nova Scotia Court of Appeal for a determination of the question of jurisdiction. Prior to the scheduled hearing, the Office and Department of Agriculture settled the question of jurisdiction. Co-operation from the Department was assured in this instance, and the application was withdrawn.

Following the investigation, Ombudsman Representatives determined Department staff acted within the authority of the Animal Protection Act in responding to complaints regarding the welfare of the livestock; including the issuing of Notices to address deficiencies identified during inspections, and the ultimate seizure and sale of the animals. Further, the investigation revealed multiple opportunities were provided to the owner of the livestock to rectify the deficiencies, and that Department staff provided resources to the owner to assist in achieving compliance.

During the investigation, the Animal Welfare Division transitioned from the Department of Agriculture to Nova Scotia Environment (NSE). Policies for the Animal Welfare Division had not been finalized prior to the transition. Ombudsman Representatives were also made aware that the Division had limited resources with two Inspectors responsible to respond to all livestock welfare complaints within the province. Two recommendations were issued to NSE involving the development of policy for the Animal Welfare Division and an assessment of the workload for this division to ensure it is adequately resourced. NSE accepted the recommendations and this Office is monitoring their implementation.

That'll do donkey, that'll do...

The Office of the Ombudsman was contacted by a person who had their donkey seized by the Municipality

of the County of Colchester. The individual who contacted the Office acknowledged that the donkey was wandering at-large for several days, although they were adamant efforts were being made to locate and take control of the animal. Eventually the donkey was located, however the account of events differed between the complainant and respondent.

When this Office became involved the donkey was under control of the Municipality, who were also seeking reimbursement for the cost of impounding the donkey. An Ombudsman Representative contacted the Municipality to clarify what law or by-law was being invoked by the Municipality that permitted the impounding of the animal. Concerns arose when the Municipality cited legislation that did not appear to grant the authority to seize the donkey. Further, that there was no by-law on the matter. The Ombudsman Representative worked with the Municipality and complainant to resolve the issue and the donkey was returned to the owner, with no cost involved. The Municipality also agreed to create a by-law for livestock at-large, which has since been enacted.

Implications of the Cases

Public officials have the responsibility to manage revenues collected from the public appropriately and responsibly. It was less than five years ago this Office reported on financial mismanagement and oversight failure regarding the now defunct Cumberland Regional Economic Development Authority; and in the last days of the year under review this Office issued a report on municipal maladministration involving the Municipality of the County of Guysborough.

Out-of-date practices and relying on “the way it has always been done,” are no longer being tolerated by the electorate as financial management practices of public entities are receiving increased public scrutiny, and becoming more transparent. While this Office will continue to take complaints of this nature very seriously,

the increase in complaints regarding the expenditure of public money at the municipal level supports the potential for an increased role of Municipal Affairs in municipal oversight and accountability.

The three cases describing the handling and welfare of animals represent the diverse directions a complaint can go. There are many situations where Ombudsman Representatives find government officials acted appropriately, as well as many instances where policy and procedure were found not to be followed. In the livestock example, the two animal welfare inspectors responsible for the entire province appropriately enforced the laws and policies designed to protect animals from mistreatment and neglect.

In the case involving the roaming horses, the matter was not appropriately handled by government officials. Mismanagement occurred at both the municipal and provincial levels. It is important to highlight that, while this Office may identify any errors or oversight made by some government officials, we also strive to highlight the dedication and quality of work done by most public servants. The Office of the Ombudsman is not an advocate for complainants nor responding officials, rather it is an Office that advocates for integrity and good governance in the process and service delivery.

With respect to the donkey case, while the Municipality acted on what it considered to be a public safety issue, retroactively justifying actions by incorrectly applying a law can further complicate a matter. The Municipality in this instance recognized the error, and with some direction from this Office, acted to remedy it. Now a by-law is in place, and any livestock animal found at-large may be legally impounded by the Municipality.

Youth and Seniors Services

Youth and Seniors, including those in care and custody, are some of the most vulnerable people in our society.

In some instances, adverse interactions with government are the by-product of increased reliance, and even dependence, on government services. For instance, youth who reside in Residential Child-Caring Facilities (RCCFs) or who are in custody at the Nova Scotia Youth Centre, have far more interaction and are far more dependent on the services and care provided by government than many other young people in Nova Scotia. Ombudsman Representatives confidentially review and investigate the concerns of children, youth, and seniors related to government services. These vulnerable groups receive particular attention when it comes to our referral service. While acknowledging potential vulnerabilities, sometimes it is appropriate for Ombudsman Representatives to help guide a person through a process rather than simply directing them elsewhere, and Ombudsman Representatives are continually educating themselves on ways to better address issues relating to youth and seniors.

The general oversight function and mandate for children and youth is not rooted in a specific piece of legislation, but in the findings of a provincial government audit which took place in 1995, and the Stratton Report which addressed allegations of abuse at provincial youth facilities. At that time government recognized independent oversight was a necessary component in helping to keep youth in care and custody safe from harm. This recognition has since led to regularly scheduled visits to youth residential, care and custodial facilities by Ombudsman Representatives. In addition to telephone and written access, it provides an avenue for youth to reach out to an agency beyond the home or facility in which they reside, as well as an avenue for staff working in those homes and facilities to reach out. Keeping informed on the policy, procedures, and operational protocols for these sites helps to resolve issues quickly. Ombudsman Representatives strive to make both youth and staff at provincial facilities comfortable with bringing forward issues and complaints, including allegations of abuse and wrongdoing. While

Ombudsman Representatives encourage young people to address basic concerns with staff first and to take advantage of internal complaint resolution processes, Representatives do not hesitate to investigate allegations of mistreatment or abuse.

Case Study - Youth and Seniors Services

The following are examples of cases addressed by Youth and Seniors Services:

Having a Voice

This Office was contacted by a Youth who believed information in their Child Welfare file and the documentation used to support their referral to Wood Street Centre, a secure-care residential treatment center for youth, were both inaccurate and stigmatizing. The

Youth believed that the documents misrepresented them and took certain behaviour out of context. The Youth also disagreed with how the documents described actions taken by their immediate family.

An Ombudsman Representative contacted a representative from the Department of Community Services, Child, Youth, and Family Division, and discussed the concerns brought forward by the Youth. The representative from the Department was immediately receptive to providing the Youth an opportunity to have their voice heard, including supporting the Youth in contributing information in writing which the Youth believed best represented who they are. The Youth provided their written comments, which were incorporated in their Child Welfare file.



Reporting Abuse

A Youth residing in a Residential Child-Caring Facility (RCCF) contacted this Office regarding a physical altercation that occurred with another youth. While the Youth admitted to fighting with the other youth, they alleged that staff became involved and assaulted them. The Youth stated they made an internal complaint about the matter. Upon contacting the RCCF, the Ombudsman Representative was advised that the complaint made by the Youth had been reviewed, staff were interviewed by their Manager, and the information collected was provided to a Supervisor from the Department of Community Services. Community Services determined the matter did not warrant further investigation.

The Ombudsman Representative requested all documentation, and copies of the policies and procedures for the RCCF in relation to the alleged incident. The Ombudsman Representative determined that the RCCF did not have a sufficient policy guiding staff in what steps to take when a resident makes an allegation of abuse. Further, that the review file was missing photos of alleged injuries taken by the Youth and provided to staff with their complaint. The Representative also determined that the form used to report the incident to the Department of Community Services was not the appropriate form based on the type of incident.

Corrective actions were taken by Community Services and the RCCF to ensure that RCCF staff were aware of the appropriate policy and procedure for handling allegations of abuse, as well as the role of child welfare and other Community Services staff in this regard. The correct forms were completed and submitted to child welfare staff who reviewed the allegation and subsequent complaint. The Youth was advised they could speak with child welfare staff directly to provide their view of events.

Continuing Care

This Office was contacted by an out of province community care worker who was trying to facilitate an assessment for a Nova Scotia resident that would allow the individual to be placed on a wait list for a Long-Term Care Facility that was out of province and served clients with specific care requirements. The complainant explained that they had tried to work with local officials but with no results. According to the complainant they had dealt with numerous public servants as well as representatives for various community health organizations. The individual who required long-term care was living with their sibling who had initially contacted the out of province community care worker.

The Ombudsman Representative facilitated communication between the care worker and representatives from the Department of Health and Wellness. An assessment was undertaken and the care worker could have the individual placed on the appropriate out-of-province wait list.

Implications of the Cases

Youth in care can be vulnerable and often feel as if they do not have a voice in decisions that impact them, or that their opinion does not matter. Many describe a power imbalance when dealing with government. Providing children and youth with an opportunity or avenue to express their views or opinions on a matter, even if that view contradicts the official record, is vital. Particularly when decisions are being made that directly impact their lives.

When a young person brings forward their concerns, complaints, or allegations, such matters need to be thoroughly addressed and appropriately documented for the protection of both the youth and individuals who care and work with them. When a policy is lacking, insufficient, or staff are not adequately aware of or

trained on the process when an allegation of abuse is made, there can be serious negative implications for the youth, staff of the facility, the person(s) whom the allegation involve, as well as the department. Allegations of abuse must be accurately recorded, reported, and investigated. The first step is ensuring that staff processing allegations are given the relevant tools to do so, such as sound policy and procedure.

People in care and custody of the government, including young people, seniors, inmates, and patients, as well as staff who are overseeing their care and custody, should know that if they bring forward an allegation it will be taken seriously and subjected to a thorough review. If individuals are confident in the system, they will be more comfortable coming forward if abuse occurs. It also provides a measure of confidence to those who care and work with people in care and custody, that any issues or complaints are identified and addressed appropriately. Having an accurate and thorough reporting and review process benefits everyone involved.

Sometimes accessing government services can be confusing when multiple agencies are involved, particularly when there are multiple agencies in different provinces and territories. In the continuing care example, the complainant described hitting a road block. Ombudsman Representatives sometimes achieve resolution on a matter by connecting the appropriate parties and empowering them to address the issues by providing the right information, and making the right referrals.

Disclosure of Wrongdoing

The Public Interest Disclosure of Wrongdoing Act (PIDWA) provides public servants and members of the public with a clear and accessible method to disclose allegations of wrongdoing regarding provincial government. While the PIDWA covers provincial government employees only, disclosures regarding

municipal government may be reviewed and addressed under the Ombudsman Act. Public employees making disclosures may contact the Designated Officer in their department or their supervisor/manager, or they may contact the Office of the Ombudsman directly. Concerns that are more appropriately addressed through an established grievance mechanism, such as an employment matter, are generally not investigated through the PIDWA and are referred to an organization such as a union. All matters received are subject to an assessment, and where appropriate, a referral. For instance, if a public employee were to bring an allegation of discrimination to this Office, Ombudsman Representatives may refer that person to the Human Rights Commission. This past year, no complaints were investigated under the PIDWA, however one was received under the PIDWA but reviewed under the Ombudsman Act.

Own Motion Investigations and Policy Reviews

The Office of the Ombudsman may investigate government activities, practices, and policies under its own initiative and are categorized as Own Motion investigations. Policy reviews may be undertaken at the request of a government department, agency, board, or commission, or the Ombudsman may determine that a specific policy warrants review. These reviews and investigations frequently address concerns which may be systemic in nature. In the year under review this Office conducted one Policy Review and concluded an Own Motion investigation that carried over from last year.

Policy Review

Border security and immigration has received a lot of attention recently. With new immigrants arriving, people seeking refugee status, travelers, business people, students, and others seeking opportunity or safety in Canada, border staff must be prepared to handle a variety of cases each day. As a result, this Office initiated

a review to determine what happens when children and youth arrive unaccompanied at a point of entry in Nova Scotia, or do not have the appropriate identification or documentation, or are accompanied by a parent, guardian, or adult who is subsequently detained.

An Ombudsman Representative contacted a local Canada Border Services Agency (CBSA) to determine their policy for handling children and youth in these types of situations. A representative for CBSA explained that children and youth are generally not detained by CBSA, only in very rare and specific circumstances, adding in most jurisdictions, local child welfare service agencies are enlisted to care for the children and youth until other arrangements are made. In Nova Scotia, the Department of Community Services confirmed that it would provide care to children and youth in such circumstances. However, neither CBSA or Community Services had any written policies and procedures in this

regard, or a memorandum of understanding between the two parties indicating this was standard practice.

This Office issued a recommendation to the Department of Community Services that the Department develop a policy and appropriate procedures for children and youth arriving in Nova Scotia, and consider entering a memorandum of understanding with CBSA. The Department agreed with the recommendation and is currently working on developing such in consultation with CBSA.

Own Motion Investigations

In May 2014, this Office began an own motion investigation involving the Nova Scotia Human Rights Commission (NSHRC). The investigation was initiated based on several complaints received by this Office which were similar in nature and related to issues identified in a previous investigation conducted by this Office.



The investigation was in-depth. It included a review of approximately 250 NSHRC files and interviews with current and former NSHRC staff and Commissioners. There were factors which delayed the progression of the investigation such as coordinating access to information by former NSHRC senior management, NSHRC management turn-over, and the relocation of the NSHRC head office.

A Consultative Report was issued in November 2016 to the NSHRC and Department of Justice, with the Final Report containing nine recommendations issued in March 2017. The recommendations included that a committee be established to review the overarching approach to human rights services, including where appropriate, revision of the legislation, mandate, service structure, and accountability. That a review of policy and procedures be undertaken to revise, update, or develop standards to ensure consistency and clarity in eight target areas. That the Race Relations, Equity and Inclusion unit be reviewed and assessed to ensure it is appropriately resourced and meeting intended objectives. That a review and assessment of the restorative approach to case management be undertaken with consultation from appropriate community and interest-based stakeholders; as well as the development and implementation of a quality assurance system, and the development of guiding principles related to the assessment of public interest in relation to the handling of files by Commissioners.

The acceptance and implementation of the recommendations will be monitored by this Office.

Implication of the Cases

Own motion and policy reviews are often centred around systemic issues. In the NSHRC case it became apparent when considering several complaints with a similar premise, that an own-motion or systemic investigation was warranted. In taking a systemic approach, rather than focusing on individual components of a specific NSHRC case file, this Office was able to issue recommendations with the potential to have a broader impact on how the NSHRC delivers its mandate, while simultaneously addressing the core concerns that several complainants had with how their complaints to, and about, the NSHRC were handled.

These types of investigations are discretionary and provide the opportunity for the Office of the Ombudsman to address matters that appear concerning, where improvements may be made, or to address areas where potential issues or complaints may arise. An example being the Community Services and Canada Border Services (CBSA) case. While no specific complaint or issues with respect to children and youth arriving at Nova Scotia points of entry were brought forward or identified, having a clear and effective policy in place helps to mitigate issues that may inevitably arise and potentially impact a department, its clients, or the public in a negative way.

V - Where Complaints Originate

Take a moment to consider the size and scope of government services. From parks and roads, healthcare, police and social services; government services have the potential to impact our daily lives. For each one of those services there is legislation, policy, and procedures that must be understood, adhered to, and implemented. Complaints can originate from any program or service, or multiple agencies, and can be related to several diverse pieces of policy. Matters may also be referred for investigation by a committee of the House of Assembly, including complaints stemming from the House of Assembly Policy on the Prevention and Resolution of Harassment in the Workplace. In addition to complaints under the Ombudsman Act, the Public Interest Disclosure of Wrongdoing Act (PIDWA), and matters referred by the House, there are numerous other non-jurisdictional complaints. In all cases, the variety of matters brought to this Office each year requires staff at the Office of the Ombudsman to quickly adapt by researching and reviewing legislation, policies, and procedures from the spectrum of provincial and municipal government services.

This Office recognizes that receiving a complaint does not necessarily mean it is with merit in every instance.

Nor does the number of complaints regarding a public body speak to the quality of programs and services it delivers. By their nature, the public bodies accessed more frequently by citizens, or who interact with a significant portion of the population, tend to generate the most number of complaints. Typically, these are the larger departments that come to mind when one thinks about government. Those departments and agencies serving thousands of people who are often vulnerable or in distress. Thus, it is not unreasonable that a higher number of complaints can arise. However, if a smaller agency were to receive a high number of complaints, it could be perceived as a reason for further, or systemic inquiry by this Office to assess any disproportionate or increase in the number of complaints. It is important to focus on the substance and issue of each complaint, rather than solely the number of complaints received.

Figure 10 on page 28 demonstrate from which government entities the most complaints originate, as well as the type of complaint. The statistics are demonstrated over a period of three years. Appearing on these tables does not necessarily suggest fault or mal-administration by the respondent.

Sources of Complaints

Figure 10

Community Services						
Year	Total	Employment Support and Income Assistance	Children, Youth, and Families	Housing Nova Scotia	Disability Support Program	Other
2016-17	460	116	276*	42	17	9
2015-16	368	142	174*	41	7	4
2014-15	224	105	43	50	12	14

* Now includes complaints by youth in care.

In previously reports the total for Community Services was erroneously reported as 278.

Justice					
Year	Total	Correctional Services	Maintenance Enforcement Program	Court Services	Other
2016-17	259	196*	35	5	23
2015-16	285	221*	27	9	28
2014-15	221	172	27	14	8

* Includes complaints from Adult and Youth Corrections.

Health and Wellness						
Year	Total	Offender Health	Continuing Care	Nova Scotia Health Authority	Pharmacare	Other
2016-17	160	55	46	27	3	29
2015-16	167	41	29	70	3	24
2014-15	123	74	23	12	1	13

Service Nova Scotia

Year	Total	Registry of Motor Vehicles	Residential Tenancies	Debtor Assistance and Student Loans	Land Title Registry	Other
2016-17	40	17	8	0	2	13
2015-16	34	14	4	1	2	13
2014-15	30	10	3	2	2	13

Halifax Regional Municipality

Year	Total	Planning and Development Services	Regional Police	Transportation and Public Works	Other
2016-17	43	4	12	5	22
2015-16	37	5	3	4	25
2014-15	32	2	12	8	10

Workers' Compensation Board

Year	Total	Administrative Services	Benefits	Claims Process	Other
2016-17	22	1	7	8	6
2015-16	29	3	9	5	12
2014-15	29	6	4	14	5

Respondents to Complaints

Figure 11 lists all public bodies that were the subject of complaints under the Ombudsman Act and the PIDWA for the year under review.

The respondent to a complaint is captured when the complaint is made, prior to any review or investigation taking place. Appearing on this list does not imply fault or mal-administration by the respondent.

Month at a Glance

This past year the Office received on average 150 complaints and requests per month, excluding contacts with youth in care and custody. On trend, approximately one third of complaints to the Office are non-jurisdictional and referred elsewhere.

The following table (Figure 12 on pg 32) breaks down the month of October 2016. This table demonstrates the variety of complaints received in any given month. The information below includes the respondent to the complaint as well as the general nature of the issue. Ombudsman Representatives must maintain a broad knowledge of legislation, policy, and procedures and consider all types of administrative complaints, ranging from those regarding provincial acts to specific municipal policies. The existence of a complaint in this table does not necessarily indicate fault. The respondent is captured when the complaint is received.

Figure 11

Department/Agency/ Commission/Non- Jurisdictional Entity	Number of Complaints
Agriculture	4
Amherst (Town)	4
Annapolis (Municipality)	2
Barrington (Municipality)	1
Business	2
Cape Breton (Municipality)	24
Chester (Municipality)	2
Colchester (Municipality)	3
Communities, Culture, and Heritage	1
Community Services	460
Cumberland (Municipality)	1
Digby (Municipality)	2
Education and Early Childhood Development	5
Efficiency Nova Scotia	1
Elections Nova Scotia	1
Energy	2
Environment	12
Finance and Treasury Board	4
Fisheries and Aquaculture	1
FOIPOP Review Office	6
Guysborough (Municipality)	11
Halifax (Municipality)	18
Halifax Regional Police*	12
Halifax Water	13
Health and Wellness	78
Human Rights Commission	11
Inverness (Municipality)	1
Internal Services	4
IWK Health Centre	1
Justice	259
Kentville (Town)	1

Kings (Municipality)	2
Labour and Advanced Education	16
Labour Board	2
Legislative House of Assembly	1
Lockeport (Town)	1
Lunenburg (Municipality)	2
Municipal Affairs	1
Natural Resources	10
New Glasgow (Town)	2
New Minas (Village)	1
Nova Scotia Community College	1
Nova Scotia Farm Loan Board	2
Nova Scotia Health Authority	82
Nova Scotia Immigration	3
Nova Scotia Legal Aid Commission	30
Nova Scotia Liquor Corporation	1
Nova Scotia Police Complaints Commission	1
Nova Scotia Tourism	1
Office of the Ombudsman	3**
Office of the Premier	1
Pictou (Town)	1
Property Valuation Services Corporation	5
Public Prosecution Service	1
Public Service Commission	2
Queens (Municipality)	1

Regional School Boards	14
Richmond (Municipality)	2
Service Nova Scotia	40
Shelburne (Town)	1
St. Peter's (Village)	1
Sydney Tar Ponds Agency	1
Transportation and Infrastructure Renewal	21
Truro (Town)	1
Victoria (Municipality)	1
Wolfville (Town)	2
Workers' Compensation Appeals Tribunal *	4
Workers' Compensation Board	22

No respondent – includes most non-jurisdictional complaints, info requests, and inquiries **654**

Total **1884**

Note: Asterisks () denote non-jurisdictional inquires and complaints that are referred to the appropriate oversight entities.*

*** Two requests for information from a previously concluded file. One inquiry regarding communication policy.*

Figure 12



VI - Looking Ahead

Looking ahead, the Office of the Ombudsman is excited to be hosting a Youth Summit on October 14, 2017. The Youth Summit will be an opportunity for young Nova Scotians to come together and engage as peers, have their voices heard, and influence and impact government. The Office of the Ombudsman is seeking a diverse group of Nova Scotian youth to participate. Applications are currently being accepted and can be found on our Facebook, Twitter, and the homepage of our website.

The Office has also filled several vacant positions. This will help increase our capacity to address, in a timely manner, the concerns of the public in 2017-2018.

In an effort to be more efficient as well as environmentally and fiscally responsible, the Office of the Ombudsman is transitioning to paperless record keeping, to be complete next year. This means all records will be kept as secured digital files with automatic backups and other protections in place. This will reduce our paper usage and minimize the amount of time and

cost in producing and housing physical records. The records retention policy remains unchanged and existing paper files will be maintained with their retention and destruction schedule.

Recently, changes to the Public Interest Disclosure of Wrongdoing Act (PIDWA) included an increase in entities falling under our jurisdiction which may lead to an increase in disclosures submitted under the PIDWA. This Office has already begun a process of training Designated Officers under the PIDWA who are covered by the Act, to receive disclosure from within their organization. This process will continue into 2017-2018.

The Office will continue to serve Nova Scotians as an independent oversight body. Ombudsman Representatives will also continue to seek out those who may benefit from our services and educate individuals on how we may help address their concerns with provincial and municipal government.

VII - Contact us

Ombudsman Representatives are available to meet with groups or organizations to talk about the services the Office provides.

The Office also has communication materials to distribute such as brochures and posters. Additional reference documents supplementing the Annual Report may be found on our website or by contacting the Office.

There are a number of ways to contact the Office of the Ombudsman:

Telephone:

Public Inquiries / Complaints: 1-902-424-6780 or

Toll Free: 1-800-670-1111

Youth Inquires / Complaints: Toll Free: 1-888-839-6884

Disclosure of Wrongdoing Inquiries / Complaints:

Toll Free: 1-877-670-1100

Fax: 1-902- 424-6675

Mail:

PO Box 2152

Halifax NS, B3J 3B7

Our Offices:

5670 Spring Garden Road, Suite 700

Halifax, Nova Scotia, B3J 1H6

Online:

Website: <http://novascotia.ca.ombu>

E-mail: ombudsman@novascotia.ca



Facebook: Nova Scotia Ombudsman



Twitter: @NS_Ombudsman