



P.O. Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Item No. 12.1.2
Community Planning and Economic Development
April 5, 2017

TO: Chair and Members of Community Planning and Economic Development

ORIGINAL SIGNED

SUBMITTED BY:

Maggie MacDonald, Managing Director, Government Relations and
External Affairs

DATE: January 30, 2017

SUBJECT: **Office of the Ombudsman**

ORIGIN

June 16, 2016 – **MOVED** by Councillor Mason, seconded by Councillor Craig, that
The Community Planning and Economic Development Standing Committee request
a staff report regarding opportunities to make residents aware and promote the use
of the Provincial Office of the Ombudsman as a means to assist residents who feel
they have been treated unfairly and, when warranted, to recommend improvements
in the delivery of government services offered in HRM.¹

LEGISLATIVE AUTHORITY

Ombudsman Act. R.S.N.S. 1989, c. 327, s. 11(1)(b)

RECOMMENDATION

It is recommended that the Community Planning and Economic Development Standing Committee forward
this report to Regional Council for information purposes.

¹ See Item 13.2 <http://www.halifax.ca/boardscom/SCcped/documents/160616.pdf>

BACKGROUND

Ombudsman Act and Regulations: The Ombudsman Act and Regulations establish the Ombudsman as an Officer of the House of Assembly and as a commissioner for investigations.² The Office of the Ombudsman is required by statute to investigate and respond to citizens' concerns arising from the administration of provincial and municipal laws within Nova Scotia. The Office may initiate own motion investigations to address systemic issues, and may also investigate matters referred to it by a Committee of the House.

Ombudsman Mandate: The primary mandate of the Office of the Ombudsman is to review and respond to citizens' concerns arising from the administration of provincial and municipal laws. In recent years, however, the mandate has evolved to include a proactive review role regarding adult correctional facilities and the province's programs and services for youth and seniors.³

Administrative Review Investigations: The Office of the Ombudsman tries to address the majority of complaints through administrative review investigations, rather than proceeding to formal investigation.⁴ Complaints may result from miscommunication or misunderstanding of a government policy or procedure and can often be resolved by contacting the government representative to ensure both parties understand the problem and are able to continue their working relationship. The Ombudsman encourages the complainant to follow internal avenues of appeal or resolution before the office will proceed with a formal investigation.

Formal Investigations: If a complaint requires a formal investigation, the complainant will be provided a written summary of the complaint for their review and approval.⁵ The Office of the Ombudsman makes sure the investigation is thorough, impartial and objective. The Ombudsman considers whether the actions and decisions of government bodies are:

- based on information that should not have an impact on the decision;
- unreasonable or unjust;
- oppressive or discriminatory;
- based on a mistake of law or fact;
- based on knowledge, expertise and discretion.

After the investigation, both parties are advised of the outcome. If the investigation shows that the complaint is not founded, the complainant and the respondent are notified why the evidence does not support the complaint. If the investigation shows that the complaint is founded, recommendations may be submitted to the government body.⁶ Such recommendations may require the government body to review how it handled

² See <http://nslegislature.ca/legc/statutes/ombudsm.htm> and <http://www.novascotia.ca/just/regulations/rxam-z.htm#ombud>

³ In December 2011, the role and scope of the Ombudsman's responsibilities expanded with the proclamation of the Public Interest Disclosure of Wrongdoing Act and Regulations. Under the Act and Regulations, the Office of the Ombudsman is granted authority to investigate claims brought forward by provincial civil servants regarding allegations of wrongdoing in the provincial government workplace.

⁴ The Office seeks to maintain a low percentage of formal investigations compared to administrative review investigations. To accomplish this objective, the office is increasing its use of alternative dispute resolution processes. See <https://www.novascotia.ca/ombu/publications/Statement-of-Mandate-2015-2016.pdf>

⁵ Both the number of formal investigations and the ratio of formal investigations to administrative reviews has decreased year-over-year since 2004-2005 when the ratios were first calculated. In 2014-2015, the office completed 6 formal investigations, compared to 1378 administrative reviews. In total, formal investigations represented less than one percent of the 2152 matters addressed by the Office. See https://www.novascotia.ca/ombu/publications/Accountability_Report_2014-15.pdf

⁶ A consultative report may be prepared outlining the nature of the complaint, the issues, analysis and findings of the office. It may include interim recommendations for addressing the situation.

the complaint, change policies or procedures, and/or improve how it communicates with the public and other government bodies.⁷

Own Motion Investigations: The Office of the Ombudsman, on its own initiative, may investigate government activities and practices. These are usually initiated to address systemic concerns. The Office can also continue an investigation without the cooperation of the complainant where circumstances warrant through own motion investigations. This is done to ensure that policies and procedures are being followed and that policies and procedures are fair.

DISCUSSION

PART I – OFFICE OF OMBUDSMAN COMPLAINTS

Volume and Nature of Complaints Handled by Office of Ombudsman

The Office of the Ombudsman acknowledges (in its annual reports) that the volume of complaints concerning a public body does not necessarily reflect the quality of services provided by that body. Instead, it more often reflects the volume of traffic and the nature of the services provided. Most complaints are about services that affect people the most, or originate from circumstances where individuals are extensively regulated and/or their freedoms are reduced. Table 2 (see Attachment 1) provides a complete list of entities that were the subjects of Office of Ombudsman jurisdictional complaints in 2014-2015, as well as the general categories of non-jurisdictional complaints.⁸

HRM Specific Complaints Handled by Office of Ombudsman

Of the 1,471 complaints lodged in 2014-2015, only 32 (2.18%) concerned HRM. This volume of complaints is consistent with previous years (see Table 1). HRM-specific complaints, over the past eleven years, have fluctuated between a low of 31 and a high of 56. The majority of complaints fielded by the Office of the Ombudsman relate to Planning and Development, Regional Police, Transportation and Public Works, or Halifax Transit. Inquiries from the Provincial Ombudsman's office are addressed through the CAO's office and responded to through the appropriate Business Unit.

⁷ Formal recommendations made under the Ombudsman Act are low and have been decreasing year-over-year. In 2013, the office made 23 recommendations under the Ombudsman Act. See <https://www.novascotia.ca/ombu/publications/Statement-of-Mandate-2015-2016.pdf>

⁸ Approximately one third of all complaints are non-jurisdictional. In other words they do not fall within the office's mandate as set out in the Ombudsman Act and the Public Interest Disclosure of Wrongdoing Act

Table 1: Complaints Fielded by Office of Ombudsman Regarding HRM (2006-2016)

Year	Total	Planning and Development	Regional Police	Transportation Public Works	Halifax Transit	Other
2015-2016	31	7	8	4	*	12
2014-2015	32	2	12	8	*	10
2013-2014	52	5	17	11	*	19
2012-2013	38	4	19	5	*	10
2011-2012	34	5	13	7	*	9
2010-2011	39	7	15	4	5	8
2009-2010	54	10	18	7	2	17
2008-2009	34	2	13	9	2	8
2007-2008	53	16	12	6	4	15
2006-2007	34	8	9	*	*	17
2005-2006	56	19	13	*	*	24

Note: Complaint categories are as used by the Office of the Ombudsman in its Annual Reports. An asterisk (*) indicates that complaints regarding this category (if any) were recorded under “Other” for that reporting year.

PART II – MUNICIPAL CUSTOMER SERVICE AND COMPLAINT RESOLUTION MECHANISMS

Members of the public can get in touch with the Municipality through a number of contact points. These contact points have been designed to field inquiries about municipal service delivery and to resolve complaints about municipal services. HRM’s 311 Citizen Contact Centres include a call centre, five customer service centres, and a new resource for submitting email and online service requests.

HRM’s Customer Service – Telephone Contact (311)

HRM’s 311 number is a simple, three-digit telephone number which provides a single point of contact for citizens to request non-emergency local government service, complete a transaction, or receive general municipal information. It gives residents the ability to call from anywhere in the Municipality without it being a long distance call (cell provider charges may still apply). Service is available in over 150 languages using a telephone interpretation service. The Citizen Contact Centre is also equipped with the technology required to enable hearing impaired individuals to communicate with 311 Agents. Hours of operation are 7 a.m. to 11 p.m. daily.⁹ After-hours urgent service is provided from 11 p.m. to 7 a.m. daily.¹⁰

Request for service: 311 Agents will document the details of the request and send to the appropriate department for follow-up.

Request for information: 311 Agents will provide the appropriate solution and/or information to the caller upon initial contact.

311 now offers an easy, convenient alternative to waiting on hold for the next agent during high call volume periods. The ‘Call Back’ option is available to customers who wait 4 minutes or more to speak to an agent. Follow the prompts to reserve their place in line; they can hang up, and an agent will contact the caller directly when they are the next caller in the caller-queue. The ‘Call Back’ feature allows residents to maintain their place in the call queue without the inconvenience of waiting on hold

⁹ Closed on Christmas and New Year’s Day.

¹⁰ Requests for Transportation, Municipal Operations, Facilities, Animal Services, Waste Water Services and Illegally Parked Vehicles.

HRM's Customer Service – In Person Contact

Through five Customer Service Centres, the Municipality provides residents with convenient access to a wide range of municipal services. Two of the centres are designated as Power Centres¹¹ and feature Planning (planning applications) and Development (permits, subdivision, zoning) services. The other three are Service Centres.¹²

HRM's Customer Service – Online/Virtual Contact

Residents can submit municipal service inquiries through email.¹³ E-mail inquiries are answered from 8:30 a.m. to 4:30 p.m. on regular business days, in the order in which they are received. Residents can also submit non-emergency service requests online.¹⁴

Service Standards: Service Standards are as reflected in Table 2 below.

Table 2: 311 Service Delivery Standards

Service	Measurement	Target
Inbound – Telephone	Customer Service Response Time	80% / 25 seconds
	Call Abandon Rate	10% or <
Email	Customer Response Time	2-3 Business Days
Hansen Service Requests	311 Accuracy	90% or >

With respect to Hansen service request accuracy, the 311 team is committed to assigning Tier 2 requests to the appropriate department and ensuring if a customer requires a callback it is properly recorded for follow up. The team also ensures any Tier 1 tickets are properly resolved and closed. The expectation is 90% or more of our service requests meet this criteria.

Office of Municipal Auditor General – Role

The Municipality's Auditor General has the authority to examine accounts, procedures, and programs of the Municipality, as well as any municipal body of the Municipality, or any person or body corporate receiving a grant from the Municipality.¹⁵ The Auditor General provides assistance to Halifax Regional Council in holding itself and the administration accountable for the quality of stewardship over public funds and for achieving value for money in the operation of the Municipality.

Office of Municipal Auditor General – Tips Hotline

The Taking Improvement & Performance Seriously (TIPS) Hotline has been established to capture and evaluate concerns or complaints related to potential inefficiencies (waste) or fraud (illegal/irregular behaviour) involving HRM resources. It is not intended to replace normal business processes already established by HRM or to address current or ongoing issues of an operational nature. These are handled within the mandates of individual business units

¹¹ 40 Alderney Gate and 7071 Bayer's Road.

¹² 5201 Duke Street, 636 Sackville Drive and 7900 Highway #7.

¹³ See https://www.halifax.ca/forms/email_311.php

¹⁴ See <https://apps.halifax.ca/311>

¹⁵ More information on the role, description and authority of the Auditor General can be found within section 50(1) of the Halifax Regional Municipality Charter.

PART III – OFFICE OF OMBUDSMAN COMMUNICATION STRATEGIES

Staff have been asked to address how to raise the profile of the Provincial Office of the Ombudsman. Described below are the Province's own communications strategies and ways that the Municipality itself can help to make residents aware of, and promote the use of, the Provincial Office of the Ombudsman.

Office of Ombudsman – Provincial Communications Strategies: The Province's communications and outreach strategy for the Office of the Ombudsman aims to clarify the office's role and mandate, and increase citizens' accessibility through the following:¹⁶

- The office distributes brochures and posters in English, French and Mi'kmaq, lapel pins, the Ombudsman Act, annual reports, magnets, as well as Disclosure of Wrongdoing information packages.¹⁷
- The office has established an online complaint form.¹⁸
- Citizens may call direct (902-424-6780) or call toll free at (1-800-670-1111) to obtain information and speak with an Ombudsman Representative
- Citizens may email the office at ombudsman@gov.ns.ca
- The office's Facebook page has contact information for the office and the phone number for the youth line. The office posts information of interest to children, youth and young adults on its Facebook page.
- Twitter is used to announce activities and promote the mandate of the office.
- The office participates in media interviews resulting in coverage by the mainstream media and in social media.
- The office has established a Disclosure of Wrongdoing unit and Inquiry Line (toll free at 1-877-670-1100) to provide a confidential avenue for individuals to obtain information or speak with the office's staff.
- Government employees may contact the Disclosure of Wrongdoing unit by email at ombudsman_disclosure@gov.ns.ca.

Office of Ombudsman – Municipal Communication Strategies

In order to further promote the Office of the Ombudsman, municipal staff will do the following:

- Include information on the Office of the Ombudsman on the Municipality website at <http://www.halifax.ca/auditorgeneral/>;
- Use Twitter to reinforce the Province's announcements about the Office of the Ombudsman's activities and to promote the mandate of the Office of the Ombudsman;
- Create and place posters in HRM's Customer Service Centres;
- Display information regarding the Office of the Ombudsman on HRM's digital screens, both in publically accessible municipal facilities and in municipal offices.

FINANCIAL IMPLICATIONS

None.

RISK CONSIDERATION

Staff have not identified any risks associated with the provision of information regarding the Office of the

¹⁶ Awareness, access and understanding of the Office of the Ombudsman is identified as a core business area in the office's annual accountability report for 2014-2015. See

https://www.novascotia.ca/ombu/publications/Accountability_Report_2014-15.pdf

¹⁷ Over 9,679 pieces of communication material were distributed in the 2013-2014 fiscal year.

¹⁸ See <https://www.novascotia.ca/ombu/complaints.htm>

Ombudsman.

COMMUNITY ENGAGEMENT

None.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications.

ALTERNATIVES

1. Community Planning and Economic Development Standing Committee could decline to forward this report to Regional Council.

ATTACHMENTS

Attachment 1 Office of Ombudsman Complaints Breakdown (2014-2015)

A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/index.php> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

Report Prepared by: Scott Sheffield, Community Developer 902.490.3941.

Attachment 1

Table 2: Office of Ombudsman Complaints Breakdown (2014-2015)	
Department / Agency / Commission / Non-Jurisdictional Entity	Number of Complaints
Agriculture (Department)	4
Amherst (Town)	2
Annapolis County (Municipality)	3
Annapolis Valley Health Authority	2
Annapolis Valley Regional School Board	2
Antigonish County (Municipality)	2
Bridgewater (Town)	2
Cape Breton District Health Authority	5
Cape Breton Regional Municipality	22
Cape Breton/Victoria Regional School Board	3
Capital District Health Authority (CDHA)	9
CDHA Inmate Health	74
Chester District (Municipality)	1
Chignecto-Central Regional School Board	2
Colchester-East Hants Regional School Board	2
Community Services (Department)	278
Courts/Judges*	20
Cumberland County (Municipality)	2
Cumberland Health Authority	3
East Hants District (Municipality)	1
Economic and Rural Development and Tourism (Department)	3
Education and Early Childhood Development (Department)	2
Efficiency Nova Scotia	1
Energy (Department)	3
Environment (Department)	13
Federal Government*	116
Finance (Department)	3
Fisheries and Aquaculture (Department)	3
Information and Privacy Commissioner (Office) (Freedom of Information and Protection of Privacy Review Office)	5
Guysborough District (Municipality)	1
Halifax Regional Municipality	32
Halifax Regional School Board	4
Halifax Water	1
Health and Wellness (Department)	40
Human Rights Commission	10
Immigration (Office)	2
Inverness County (Municipality)	2
IWK Health Centre	1
Justice (Department)	49
Justice (Correctional Services)	172
Kentville (Town)	4
King's County (Municipality)	2
Labour and Advanced Education (Department)	10
Labour Relations Board	1
Labour Standards Tribunal*	1
Legal Aid Commission	22

Lunenburg District (Municipality)	2
Medical Services Insurance	4
Mulgrave (Town)	1
Natural Resources (Department)	7
Non-Jurisdictional Assistance*	7
Nova Scotia Community College	3
Nova Scotia Utility and Review Board	1
Nova Scotia Pension Services	1
Ombudsman (Office)	6
Other*	139
Oxford (Town)	1
Parrsboro (Town)	1
Pictou County Health Authority	1
Police Commission	5
Private*	230
Premiers Office	1
Public Prosecution Service	1
Public Service Commission	8
Public Trustee	3
Queen's County (Municipality)	2
Seniors (Department)	1
Service Nova Scotia	30
Shelburne (Town)	1
South Shore Health Authority	2
South Shore Regional School Board	2
Springhill (Town)	4
Straight Regional School Board	1
Transportation and Infrastructure Renewal (Department)	13
Trenton (Town)	2
Truro (Town)	1
West Hants District (Municipality)	5
Wolfville (Town)	2
Workers' Compensation Appeals Tribunal	7
Workers' Compensation Board	29
Yarmouth District (Municipality)	1
Yarmouth (Town)	4
Total	1471

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