



**Office of the Ombudsman
British Columbia**

**BUDGET SUBMISSION
Fiscal 2007 – 2009**

Presented
To
The Select Standing Committee on Finance and Government Services
Legislative Assembly of British Columbia

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OMBUDSMAN'S STATEMENT

Introduction

It was in October 1979, 26 years ago, that the Office of the Ombudsman first began to take complaints from persons who felt that they were being treated unfairly by Government. Initially, the jurisdiction of the office was limited to Provincial Government Ministries, Provincial Crown Corporations and Provincial Boards and Tribunals, what I would characterize as a traditional Provincial Ombudsman jurisdiction. However, in the 1990s, the jurisdiction of the office was expanded; beginning in 1992 with Schools and School Districts and then in 1993 with Hospitals and Health Authorities, Universities and Colleges, and the Self-Regulated Professions (lawyers, teachers, doctors, nurses, architects, etc.) and lastly in 1995, with Local Governments. This group of authorities is unique to British Columbia, although some Provinces like Manitoba, Nova Scotia and New Brunswick have jurisdiction over some of the authorities within this group (such as Municipalities). I have characterized these authorities as the "Extended Jurisdiction" and traditionally these authorities have made up about 15 per cent of our case volume. Unfortunately, due to budget restrictions, our ability to accept and investigate complaints about the Extended Jurisdiction Authorities has over the past three years been restricted, a point I will return to later.

The Ombudsman is an independent, impartial investigator of complaints of "government administrative unfairness" who can when appropriate recommend changes to resolve the unfairness. We provide an opportunity for individuals who feel that they have been treated unfairly to bring their complaint to someone who is prepared to listen to their complaint, who may choose to investigate their complaint and who, at the end of the investigation may make findings and recommendations to change or alter a government practice, policy or decision.

The establishment of the office is a recognition by the Legislative Assembly that (as stated by some commentators): "There is a large residue of grievances which fit into none of the regular legal moulds, but are none the less real. A humane system of government must provide some way of assuaging them, both for the sake of justice and because accumulating discontent is a serious clog on administrative efficiency in a democratic country. ..."

In the modern era, "thousands of administrative decisions are made each year by government or its agencies, many of them made by front-line staff; and if some of these decisions are arbitrary or unjustified, there is no easy way for the ordinary citizen to obtain redress".

Our office looks at administrative unfairness or maladministration, terms which can encompass a wide variety of sins – delay, indifference, rudeness, negligence, arbitrariness, oppressive behavior, arrogance and unlawfulness. I expect that as MLAs you too are familiar with the type of complaints we receive, because MLAs often receive similar complaints and on occasion your constituency offices will refer cases to us. Some of the complaints we receive

may also be able to be addressed through the courts, generally at some expense to the complainant and over a longer period of time. Our office offers an alternative route to seek redress, one which is relatively quick (in most cases), confidential and at no expense to the person bringing the complaint forward.

When we review the actions, procedures, practices, policies and decisions of an authority from an administrative fairness perspective, we are not engaged in the process of “second guessing” an authority. We are not a Court of Appeal. Given our broad scope of jurisdiction we cannot and do not claim to be experts in the various areas and disciplines for which we have oversight responsibility. Instead, we are experts in “administrative fairness”. We look to see if the individual who came to us has been treated fairly, which is a different question from whether we “agree or disagree” with a decision. We focus on fairness issues such as:

- (i) Have those affected by a decision been provided with an opportunity to express their views, to provide information and evidence to the decision maker?
- (ii) Have decision and actions occurred within a reasonable time?
- (iii) Have reasons or explanations been given for a decision or action?
- (iv) Have individuals been advised about any existing appeal or review procedures?
- (v) Are people being treated with respect?

In addition, we consider matters such as, was there a mistake of fact or law evidenced in the decision/action; were only relevant considerations taken into account and irrelevant considerations ignored. A more detailed listing of grounds of unfairness is found in s.23 of our *Act* and in our Public Report No. 42 “Code of Administrative Justice 2003” (released in March 2003).

We take care to point out to both the persons accessing our office and the authorities we investigate that we are impartial, that we are not “advocates” for the complainants nor “apologists” for authorities. We determine, within the framework of our *Act*, which complaints we will investigate and which we won't. We determine how we will conduct our investigation, advising both the person who filed a complaint and the authority that our process is confidential, not a public inquiry process. We ask questions of both the complainant and the authority. Although, we have the power to compel the production of documents and to subpoena witnesses, we rarely need to do so. Authorities are generally prepared to reply and respond to our requests and to cooperate with our investigations. At the end of the investigation, we make our own determination as to whether there was any unfairness and if so, what an appropriate remedy would be. I'm not able to order an authority to change its process, practices, policies or decision. I can only make recommendations. However, it is rare that an authority refuses to accept our recommendations. In fact, one of the performance measures we use to measure the work of the office and its effectiveness, is the number of times over the year that authorities have refused to accept a recommendation. In 2005, to date, it has only happened once.

Although our process is confidential and the results of our investigations are generally not publicly released, I have the ability to make the results of any

specific investigation public through the Annual Report or by way of a Special or Public Report. I have also on occasion made public announcements about initiating an investigation or advising of an existing investigation.

In brief, our office is one method of responding to concerns about administrative abuse. Openness, fairness and accountability are core principles embraced by democratic governments. By establishing and maintaining the Office of the Ombudsman, the Legislative Assembly demonstrates its commitment to these principles.

2005 – A Short Overview

We issued our 2004 Annual Report on June 6, 2005. I have brought additional copies for your convenience. The Annual Report provides an opportunity for me to publicly discuss and highlight some of the major activities of our office in 2004. It also contains a number of case illustrations of the work of our office. I would like to draw your attention, in particular, to the cases reported on:

1. Page 17, Reasons required for recovery of overpayment
2. Page 18, Income Assistance and serious health problems
3. Page 21, Historical note on police records foils graduation plans
4. Page 23, Fairness after wrongful imprisonment
5. Pages 30 and 32, WCB complaints – modifications of existing policies to ensure appropriate compensation is provided
6. Page 39, Pension plan equalizes retirement benefits for out-of-province members

In 2005, in addition to the Annual Report, we also issued Special Report No. 26, (February 2005), entitled “Report on the Insurance Corporation of British Columbia’s Minimal/No Damage – Low Velocity Impact Program”. As a result of concerns raised by my office, ICBC changed its program to establish new criteria for consideration of a claim under this program; criteria which would more closely approximate a review on the merits. ICBC had previously applied a number of criteria which proved hard to interpret and apply in a uniform and consistently fair way. Our investigation of the Program, and our referral of a number of claims back to ICBC for review, resulted in payments of over \$1.2 million to persons whose claims had initially been denied under the Program but, upon review, were subsequently adjusted on their merits. Although ICBC revised its program, we also recommended that ICBC review claims that were previously closed under the Program if individuals approach ICBC maintaining that their claim was not fairly decided. We were concerned that there might still be individuals who had been treated unfairly and who had not received appropriate redress. While ICBC was not prepared to formally accept this recommendation and reopen “old files” which had previously been closed (with signed releases) it did agree to look at the matter on a case-by-case basis.

In 2004, 1,747 new cases were assigned to Investigators, out of a total Intake of 8,563. Our Call Coordinators logged approximately 3,120 requests for information and our Complaints Analysts closed approximately 3,150 files. Although our overall Intake has been decreasing over the years, the largest drop is in the “request for information” category. In 2004, we closed 6,772 files at

Intake and 1,619 by Investigators. We had 405 open files at year-end (Dec 31, 2004) (compared to 278 at 2003 year-end) and 50 files in the Holding Queue.

As of the end of September 2005, our year to date Intake was 5,863. We closed 4,523 files at the Call Coordinator or Complaints Analyst stage. Our Investigators closed approximately 1,400 files by the end of September. We had 342 open files and 59 files in our new "Holding Queue".

Let me explain a little about our "Holding Queue". In order to respond to the budget cuts of 35 per cent over three years, we instituted a number of measures. One of those was to review the so-called extended jurisdiction authorities. We decided in 03/04 and 04/05 to limit the cases we would investigate in respect of Local Government complaints and Self-Regulated Professions to "extra-ordinary" cases. We also decided in 04/05 to create a Holding Queue for complaints related to Schools and School Boards, Hospitals and Health Authorities and Universities and Colleges. These complaints would not be assigned directly to an investigator but would be held in a queue and assigned as workload capacity permitted. I requested last year, when making my budget submission to this Committee, funding for two additional Investigators to allow us to eliminate this Holding Queue. The Committee agreed to my request and I'm pleased to report that in fiscal 05/06, we:

- (1) eliminated the Holding Queue for Schools, Hospitals and Universities and Colleges
 - these complaints are now assigned directly without going to a Queue
- and
- (2) instead of not investigating Local Government and Self-Regulated Profession complaints, we established a Queue for Local Government and Self-Regulated Profession complaints. This Queue currently has in excess of 70 complaints on hold. I will come back to this point when I discuss my 06/07 budget request.

Approximately 60% of the files closed to date in 2005 related to Provincial Ministries (Employment and Income Assistance, Children and Family Development, and Public Safety and Solicitor General being the top three), 17% were Crown Boards and Commissions (WCB representing about half of that) and 10% were Crown Corporations (ICBC and BC Hydro being almost 90% of that). The rest were the Extended Jurisdictions (about 13%).

Two other matters occurred in 2005 which I wish to make mention of. First, I continued my practice of travelling to other areas of the Province. In June 2005, I along with two staff, travelled to the Northeast part of the Province. We went to Fort St. John, Dawson Creek, Tumbler Ridge, Chetwynd and Hudson's Hope. We set up a mini-intake office in each centre (with the assistance of the Local Government Agent). This allowed individuals to attend to meet with an Investigator and to file a complaint in person. I also met with representatives of various authorities in each centre including local government staff or officials, school staff and board members, Ministry staff, hospital staff or board members. I was also interviewed by local TV, radio and newspaper reporters. I made presentations to the local Chamber of Commerce in Fort St. John and to

the Lion's Club in Chetwynd and Hudson's Hope. Over the past five years I have travelled around most of the Province; to the East and West Kootenays (including Fernie, Cranbrook, Trail and Nelson); to Prince Rupert, east to Prince George (including Terrace, Smithers, Houston, Burn's Lake and Vanderhoof); to Kamloops and Kelowna (including Penticton, Princeton, Merritt and Hope); and to the top of Vancouver Island at Port Hardy to Victoria (including Campbell River, Courtenay-Comox, Nanaimo and Duncan). I find that these trips serve a number of useful purposes. They make both the public that we serve and the authorities that we investigate more aware of and familiar with our office and the role we play in resolving complaints of administrative unfairness. These trips also reinforce the fact that although the office is physically located in Victoria, we serve and are concerned about the whole Province. It also allows individuals that rare opportunity of being able to talk with someone face to face when filing a complaint or raising a concern about administrative fairness. But, perhaps, most importantly, it reminds me and my staff of the value that people place on the work of our office and the respect held for the office by the public and makes us appreciate even more the importance of the office and the good fortune that we have to work for the Office of the Ombudsman. It is a humbling experience.

The other matter I wish to bring to the Committee's attention is the fact that our office has entered into an agreement with the Alberta Ombudsman Office for the lease and maintenance of a case tracking system for that office. Our office has developed a sophisticated case tracking system which we have sold to a number of Ombudsman or Ombuds-like offices including in the past the City of Detroit, and the Military Ombudsman. This past April we entered into an agreement with the Alberta Ombudsman office for the use of the case tracker but in addition we are providing the technical support needed to maintain the system. This allows a small revenue stream that assists in our office being able to maintain an expert knowledgeable IT team, which services not only our office but also the Office of the Information and Privacy Commissioner and the Office of the Police Complaint Commissioner. We also sold the system to the Ombudsman office for the Cayman Islands and are in negotiations with the Saskatchewan Ombudsman office.

Finances

In December 2001, this Committee recommended a three year budget reduction of 35% (5% in 02/03, 10% in 03/04, and 20% in 04/05) which reduced our budget from \$4.5 million to \$3.1 million. We undertook a number of initiatives to achieve these financial targets including closing the Vancouver office as a public access office, sharing space and services with the Office of the Police Complaint Commissioner (in both Victoria and Vancouver) and the Office of the Information and Privacy Commissioner (in Victoria), reduction in staff (from 50 FTEs to 32 FTEs), establishment of six telecommuting positions, and introducing a Mobile Intake in the Lower Mainland. We also initiated measures to control the volume of intake in order to ensure timely, quick and thorough investigations. In fiscal 03/04 and 04/05, we declined to investigate complaints against Local Governments and Self-Regulated Professions unless there were exceptional circumstances involved. In 04/05 we established a holding queue for complaints about Schools and School Districts, Hospitals and Health

Authorities, and Colleges and Universities. This meant that investigations involving those authorities were usually delayed three to six months before the file would be assigned to an Investigator. These measures were adopted to respond to concerns about increased caseload on individual Investigators and the danger of an increased backlog of open cases. Our year end open file count began to climb again in 2004 (from 278 in 2003 to 405 in 2004) after having consistently dropped each year between 2000 to 2003 (from 964 to 278).

Last year, before this Committee, I asked for additional monies over and above the \$3.1 million previously proposed for fiscal 2005/06 in three specific areas.

1. \$67,000 increase in the base budget to \$3.167 million. This increase was sought to maintain current levels of service in 04/05 (for fixed cost items like higher employee benefits charge back, higher telecommunication costs and higher building occupancy charges). This was approved.
2. A one-time increase of \$35,000 to assist in the continuation of our Mobile Intake Pilot Project. The project has proved to be very successful and very popular. We currently travel to six different sites in the Lower Mainland including Abbotsford, Burnaby, Surrey, Port Coquitlam, Richmond and the North Shore. As of the end of September the number of persons accessing our office through the Mobile Intake exceeds the number who previously accessed us in our Vancouver office. Currently the Mobile Intake represents approximately 3% of our total intake and 6% of the files assigned to Investigators. We have also begun to experiment with the Mobile Intake on the Island, holding one in Nanaimo and another in Parksville.

I believe that this initiative is worth maintaining and should receive funding on a continuing basis. I would ask the Committee to increase our base funding by \$50,000 to permit this initiative to continue.

3. A one time increase of \$189,000 to permit the hiring of two additional Investigators for one year to address the backlog in caseload and to assist in reducing the wait times in the Schools/Hospitals/Universities Holding Queue.

Again, this initiative was very successful. In fact, with the addition of two Investigators we were able to eliminate the Schools/Hospitals/Universities Holding Queue.

I would ask that the \$189,000 for the two Investigators provided in 05/06 as one time funding be added as an increase to our base budget to permit us to keep the two Investigative positions and remove the Schools/Hospitals/University Holding Queue.

4. In May 2005, with the removal of the Holding Queue for schools, etc, we were able to establish a Holding Queue for Local Governments and Self Regulated Profession complaints, which in 03/04 and 04/05 we

were not routinely investigating. We now have in excess of 70 complaints in this Holding Queue and more than 120 total intakes.

We need two additional Investigators, on a permanent basis, to allow us to remove the Queue for Local Governments and the Self Regulated Professions and to handle complaints about these authorities in the same manner and way as all other complaints. This would mean an increase of another \$189,000 to our base budget.

5. In addition, I am asking for an increase in the base budget of \$146,000. This is made up primarily of:
 - (a) the statutory salary increase for the Ombudsman (\$58,000 including benefits chargeback). By statute, my remuneration is tied to the remuneration of the Chief Judge of the Provincial Court. A salary increase was established for the Provincial Court as of April 2, 2006 and accordingly my salary will also increase.
 - (b) \$50,000 increase to cover the costs of an additional Systems person (this expense is substantially recovered from the \$45,000 we receive from the Alberta Ombudsman Office as part of our contract involving the use of our Case Tracking System).
 - (c) \$38,000 for general operating increases in respect of matters like travel (\$6,000) and publication (Annual Report).

In summary, for fiscal 2006/07, I am asking for a revised base budget of \$3.693 million, an increase of \$305,000 from the budget approved for 2005/06.

We are also expecting that there may be a need for additional monies to cover potential budget impacts, which cannot be quantified at this time (for example, if a general salary increase is awarded to the Public Service)

For fiscal 2007/08 and 2008/09, we would ask the base budget of \$3.693 million be approved.

A. OVERVIEW AND CORE BUSINESS AREAS

Overview

The role of the office is to investigate complaints from members of the public about administrative actions or decisions of authorities. The Ombudsman's office is one of the key institutions in a democracy for ensuring the provision of open and accountable decision-making. The Ombudsman is an Officer of the Legislature. As such, the Office of the Ombudsman is independent of government. The Ombudsman is not an advocate for complainants or defender of authorities. Rather the Ombudsman conducts confidential and impartial investigations and will make recommendations in situations where the authority is being unfair in the conduct of its business. The Ombudsman cannot order an authority to change a decision or practice but can expose unfair actions through reports to the legislature and the public. In the vast majority of situations where some unfairness might be found to have occurred, the authority carries out actions to rectify the situation and the complaint file is closed without formal findings by the office.

The **Ombudsman Act** establishes jurisdiction for the Ombudsman to investigate a wide range of public authorities (see Appendix A). However the **Ombudsman Act** also provides the Ombudsman with discretion to determine which complaints will be investigated.

Over the period from 1999-2003 the office made significant strides in reducing the backlog of active complaints under investigation. This was carried out during a time when the budget was reduced by 35%. Fortunately, concurrent with the reduction in resources, the number of new complaints also trended downwards. The introduction of performance standards, improved information systems, and hard work of the staff produced the increase in efficiency that resulted in the lower number of active cases under investigation.

The office projected that it would be unable to continue to investigate all complaints with the reduced resources and implemented measures in 2003 to defer certain investigations. Despite these measures the trend reversed and the number of open files under investigation began increasing for the first time since 1998.

The Committee recognized this situation and provided resources to fund two additional Investigator positions for the current fiscal year. This has had the desired effect of once again reversing the trend in the number of open files under investigation. However, the measures to defer certain investigations are still required and to date this year, 43 complaints have been declined and over 70 are sitting in a holding queue. While the workload balance is better, the number of complaints coming to the office still exceeds the capacity to investigate.

In 2004, the office implemented a pilot Mobile Intake initiative in the Lower Mainland and the Committee provided resources this fiscal to continue that initiative. The concept has been well received by the public and now represent

3% of all initial contacts with the Office. However because of the nature of the process, the contacts made through the Mobile Intake represents 6% of files opened for investigation. Due to the success of this approach, a similar pilot program has been started on Vancouver Island. If funding permits this will be maintained in the coming year.

The office is providing a full range of support services including Payroll, Human Resources, Financial Management, Information Systems and Library to the Office of the Police Complaint Commissioner and the Office of the Information and Privacy Commissioner.

The Case Tracking System (CTS) developed by the office continues to attract attention from other offices in Canada and elsewhere. During the current year, an agreement was entered into with the Alberta Office of the Ombudsman to modify the CTS for their business needs and to support it on an ongoing basis. In addition the Cayman Island Office of the Ombudsman purchased a version of the CTS for use in that office. These arrangements are mutually beneficial to the office because the recovery of funds allows for the continued enhancement of the CTS for the benefit of all users. It is anticipated that additional opportunities may become available in this regard.

Core Business Areas

The Office of the Ombudsman has one Core Business Area and that is the **investigation of complaints** about the administrative decisions or actions of authorities.

B. RESOURCE SUMMARY

Current Fiscal Year - 2006

The current fiscal year budget of \$3,388,000 reflects the previous decisions of the Select Standing Committee on Finance and Government Services (the "Committee"). This includes \$224,000 in one-time funding that was provided to continue Mobile Intake in the Lower Mainland and for 2 Investigator positions for one year.

The Office has been successful in selling its Case Tracker System to two other Ombudsman Offices and this has increased the recovery of funds above that budgeted and has allowed for improvement in the ongoing development of the Case Tracker System as well as increased training of Systems staff. This was identified as a possibility in last year's presentation to the Committee.

At this time, the office anticipates being able to meet its budget target for the current fiscal year.

Fiscal 2007 - 2009

The Committee, in its report of December 7, 2004, recommended that the budget be set at \$3,388,000 for Fiscal 2006. This included amounts of \$189,000 to hire two additional Investigators for one year and \$35,000 to assist with the operation of the Mobile Intake service in the Lower Mainland. The Committee stated that for planning purposes, the budget for Fiscal 2007 and 2008 should be \$3,164,000. The Committee recommended that the office receive a capital budget of \$65,000 in each of Fiscal Years 2006-2008.

The Committee is now requested to approve a revised base budget of \$3,693,000 in Fiscal 2007. In addition the Committee is asked to approve increases to the base budget to cover potential budget impacts that cannot be quantified at this time. This includes the amounts for any general salary increase that may be awarded to the Public Service during the fiscal year and benefit chargeback rates.

This request is based on supporting core services at an increased staffing level that would reflect keeping the additional two Investigators that were funded for one year plus adding two more Investigator positions. It will also allow continuation of the Mobile Intake Service in the Lower Mainland and expansion of the service onto Vancouver Island. Finally it will allow for an increase of one FTE on the Systems Team that is funded by the increased recoveries related to the sale or licensing of the Case Tracker System.

Based on the current caseload data and rates of new complaint intake, it is anticipated that the staffing level supported by this budget request will allow the office to maintain a balanced workload for staff without the need to place files in a holding queue or decline investigations on the basis of insufficient resources.

The details of the funding requests are shown on the next pages.

Future Considerations

1. Telecommunications Funding Enhancement

Last year the Committee was advised that a business analysis was being conducted into the costs and options for improving telecommunications for the office (and also for the Office of the Police Complaint Commissioner and the Office of the Information and Privacy Commissioner) using Voice over IP technology. This technology could offer much improved access to the public in the complaint Intake Process as well as improve communications ability between our Telecommuting staff and their colleagues in Victoria. At this time no decision has been made on whether or not to proceed with this initiative. If a decision is made that it would be desirable to implement this technology, a request will be brought to the Committee for one time increased capital funding in the order of \$150,000 and the necessary operating funds to amortize this capital investment (\$50,000 per year for three years).

2. Case Tracker Business Opportunities

There continues to be considerable interest, from other Ombudsman offices, in the Case Tracker System. During the current fiscal year an agreement has been entered into with the Alberta Ombudsman to provide and support a modified version of the system for their office. Also, the Ombudsman for the Cayman Islands purchased a version for use by that office. The funds generated in this way are recovered to the Office budget to offset any expenses associated with providing the services and to also enhance the Systems Team so that it is not so vulnerable due to its small size and to support on-going enhancement of the Case Tracker System. **The acknowledgement of the Committee that this represents a desirable business practice to continue is requested.**

Resource Summary

Core Business Area	2005/06 Restated Estimates	2006/07 Estimates	2007/08 Plan	2008/09 Plan
Operating Expenses (\$000)				
Core Services *	\$3,388	\$3,693	\$3,693	\$3,693
TOTAL	\$3,388	\$3,693	\$3,693	\$3,693
Full-time Equivalents (FTE'S)				
Core Services*	34	37	37	37
TOTAL	34	37	37	37
Capital Expenditures (Consolidated Revenue Fund) (\$000)				
Office of the Ombudsman	\$ 65	\$ 65	\$ 65	\$ 65
TOTAL	\$ 65	\$ 65	\$ 65	\$ 65

*Core Services in fiscal 05/06 included one time funding of \$35, 000 for Mobile Intake and \$189,000 for additional Investigators (2 FTEs). These amounts are included in the Core Services Estimates for Fiscal 06/07 and the plans for Fiscal 07/08 and 08/09.

Key Features and Service Consequences

- Increasing Investigative capacity through the permanent addition of four Investigator positions to allow investigation of all complaints and maintain a steady state workload.
- No longer have to use the discretion provided in the **Ombudsman Act** to decline to investigate any new complaints against Local Government Authorities and Professional Associations.
- Continuing the Mobile Intake service in the Lower Mainland and expand it onto Vancouver Island.
- Continuation of Shared offices and Shared Services between the Office of the Ombudsman, the Office of the Information and Protection of Privacy Commissioner, and the Office of the Police Complaint Commissioner in the areas of Financial, Payroll and Systems support.
- Maintaining six positions for the Investigative and Intake functions in the Lower Mainland on a telecommuting basis.
- Support enhancement of the Case Tracker System by recovering funds through the sale and support of the System to Ombudsman Offices in other jurisdictions.
- The objective continues to be to maintain high quality investigations of those complaints that are investigated but at the same time to maintain an acceptable balance in the workload to staff ratio.

C. VISION, MISSION AND VALUES

Vision

*Informed by an understanding and appreciation
of the
principles, responsibilities and powers
embedded in the
Ombudsman Act,
and driven by a commitment to
justice and fair treatment of people,
The Office of the Ombudsman
strives for:*

***Fairness and Accountability
in
Public Administration
In
British Columbia***

Mission

The mandate and function of the Office of the Ombudsman are set out in the ***Ombudsman Act***. The Ombudsman can investigate complaints about the administrative decisions or actions of authorities. Appendix A contains the Schedule of Authorities within the Ombudsman's jurisdiction.

Why we exist

- to ensure that every member of the public is treated fairly by authorities.

Who we serve

- the public
- the Legislature of British Columbia

What we do

- respond to inquiries from the public
- conduct thorough, impartial and independent investigations of complaints
- consider possible resolution of complaints
- consult with, provide reasons and make recommendations to authorities to improve administrative practices
- promote fairness in public administration

Values

These values govern the way we do our work with the public, authorities and one another. The values are intended to be consistent with the principles of natural justice and administrative fairness, the Ombudsman Act, the Canadian Charter of Rights and Freedoms and relevant international covenants, treaties and agreements.

Respect

Treating everyone with courtesy, dignity and respect.

Leadership

Promoting fairness, equity, clarity, innovation and consistency.

Equality

Promoting equality, inclusion and access for all persons.

Continuous Learning

Encouraging and valuing continuous learning.

Cooperation

Using cooperation, empathy and goodwill in our work.

Teamwork

Valuing the diversity of experience and talent of people who have a unity of purpose and commitment to success.

Integrity

Being independent, impartial and honest.

Accountability

Performing our duties in a timely, responsive and responsible manner, and measuring and reporting on our work goals

D. GOALS, OBJECTIVES, STRATEGIES, AND RESULTS

These four goals are the long-term results we want to achieve in fulfilling the mandate of the office. For each goal, a description is provided to enable a better understanding of what is meant by each of them.

- **Thorough and Impartial Investigations**
- **High Quality Service**
- **High Morale in our Workplace**
- **Education and Public Awareness**

The relationship between the Vision, Goals, and Objectives for the Office of the Ombudsman is shown in the table below. In some cases more than one objective supports a particular goal and in other cases a single objective supports more than one goal.

On the following pages the strategies identified to achieve each of the Objectives are listed along with the key Performance Measures. Although it is difficult to identify performance measures that indicate directly whether or not the Vision is being achieved, two such measures have been identified and are shown at the end of this section.

VISION: <i>Fairness and Accountability in Public Administration In British Columbia</i>				
OBJECTIVES	GOALS			
	Thorough & Impartial Investigations	High Quality Service	High Morale In Our Workplace	Education & Public Awareness
Broaden and enhance our understanding of Ombudsmanship and develop and implement actions to achieve high quality service on a continuous basis	X	X		
Refine our approach to the investigation and resolution of complaints	X	X		
Manage workload in the most efficient and fair manner possible, having regard for our statutory mandate and available resources		X	X	
Promote high morale in the workplace through effective communication and adherence to our Guiding Principles		X	X	
Broaden the public profile and improve external understanding of the role of the Ombudsman and administrative fairness through well-planned initiatives directed towards both the public and authorities			X	X

A comprehensive set of Performance Measures has been developed covering all components of the office. The measures and targets identified in the following tables are a subset and represent the key measures. However, data gathering will be carried out on all the measures and reporting of results will occur in the annual reports for the office.

Objective 1

To broaden and enhance our understanding of Ombudsmanship and to develop and implement actions to achieve high quality service on a continuous basis.

Strategies

- ▶ Establish performance measures for investigative work and administrative and support components of the office.
- ▶ Continue development and update of policies and procedures.
- ▶ Carry out and document review of work.
- ▶ Conduct and document regular performance reviews and prepare work plans.
- ▶ Enhance the quality and content of training.
- ▶ Encourage all individuals and teams to take responsibility in the training process through self-training, courses and development of materials.
- ▶ Continue training of all staff on issues of equality, diversity and accessibility.
- ▶ Establish and support consultation with colleagues in other Ombudsman offices.
- ▶ Develop a training package on administrative fairness and investigative skills.

Performance Measures & Targets

<u>Measure</u>	<u>Value (Target)</u>	<u>Actual Performance</u>
Performance measures are established and reviewed on an annual basis.	Yes	Yes
Policy and Procedures for key processes are in place and up to date	Yes	Yes
Performance assessments are carried out on a routine basis.	Yes	Partly
Percentage of complainants giving our office a rating of “satisfied” in relation to the process of investigation of their complaint. Note 1.	> 85%	Note 2.
Percentage of authorities giving our office a rating of “satisfied” in relation to the process of investigation of complaints against them. Note 1.	>85%	Note 2.
Percentage of people using the services of the office who are satisfied with access capability by phone, fax, web, etc.	>90%	Note 2.

Note 1. These measurements are intended to focus on satisfaction with the investigation process and will be designed to attempt to isolate the influence of any disagreement with the investigation findings. Also the measurement will include factors that contribute to overall “satisfaction” such as courtesy, timeliness, communication, etc.

Note 2. These performance measurements were surveyed by BC Stats in 2003 using data for 2002. The results have previously been reported in the Fiscal 2005-07 Service Plan which can be viewed at www.ombudsman.bc.ca on the office’s website. Another survey of these performance measures may be carried out in 2005 if sufficient funds are available.

Objective 2

To refine our approach to the investigation and resolution of complaints.

Strategies

- ▶ Enhance our understanding of investigative techniques through research, discussion, practice, and sharing of information about investigations and approaches to them.
- ▶ Define and develop investigative approaches that identify the underlying factors that cause unfairness, in addition to a focus on the resolution of individual complaints.
- ▶ Promote improvement of skills through development of materials and provision of training.

Performance Measures & Targets

<u>Measure</u>	<u>Value (Target)</u>	<u>Actual Performance</u>
Training and development opportunities are provided	Yes	2005 YTD - \$12,900 direct costs for course registration and training related travel costs. Associated Salary Costs - \$17,100
Staff are encouraged to enhance their individual skills	Yes	2005 YTD -staff have participated in 72 person training days

Objective 3

To manage workload in the most efficient and fair manner possible, having regard for our statutory mandate and available resources.

Strategies

- ▶ Improve caseload management and related case review and develop workload standards.
- ▶ Discuss and develop policy on the exercise of discretion under section 13 of the ***Ombudsman Act*** when determining whether or not to investigate a complaint.
- ▶ Provide time management training.
- ▶ Develop policy regarding secondment opportunities and filling temporary vacancies.
- ▶ Continue enhancement of the Case Tracker System and other computer support systems.

Performance Measures & Targets

<u>Measure</u>	<u>Value (Target)</u>	<u>Actual Performance</u>	
		2004	2005 YTD
Average cost per complaint Investigated. Note 3	Average inflation adjusted cost is steady or decreasing	\$1,987 See Note 4.	\$1731 (projected) See Note 5.
Percentage of complaint files closed within 90 days of opening.	70%	80%	76%
Percentage of complaint files closed within 180 days of opening.	85%	91%	89%
Percentage of complaint files closed within 1 year of opening.	90%	96%	97%
Percentage of complaint files closed within 2 years of opening.	95%	99%	99%
Percentage of complaint files closed within 3 years of opening.	100%	99.6%	99.7%
Percentage of open complaint files more than 1 year old at the end of the specified calendar year.	< 10%	9%	9%

Note 3. In association with the performance measure reflecting the trend on the average cost per complaint investigated; an ancillary indicator will be calculated that will show the contingent cost associated with future investigation of backlogged complaint files.

Note 4. A baseline year of 2000 was chosen based on available data. The cost per investigation in 2000 was \$1,861. In 2001 the cost was \$1,687, in 2002 it was \$1788, and in 2003 it was \$1805. All costs have been adjusted for inflation to year 2000 dollars. Complaints investigated include files closed by investigators with investigation plus 30% of files closed without investigation, plus 10% of files closed by Intake Complaints Analysts.

Note 5. The contingent cost associated with potential future investigation of backlogged complaint files is estimated to be \$168,000 based on the number of complaint files that are in the holding queue (net of 59) or that have been declined due to insufficient investigative capacity (38) during 2005 to date.

Objective 4

To promote high morale in the workplace through effective communication and adherence to our Guiding Principles.

Strategies

- ▶ Review our Employment Equity Plan.
- ▶ Encourage acknowledgement of each other's efforts.
- ▶ Provide more public, office or team recognition of employees' achievements.
- ▶ Consult with staff about the need for an internal staff grievance procedure.
- ▶ Clarify expectations about workload and performance standards.
- ▶ Encourage staff development opportunities within the office.
- ▶ Offer variation in tasks, duties and/or responsibilities.
- ▶ Recognize existence of stress and provide support in dealing with its negative effects.
- ▶ Develop policy regarding secondment opportunities.

Performance Measures & Targets

<u>Measure</u>	<u>Value (Target)</u>	<u>Actual Performance</u>
Percentage of staff who rate themselves as satisfied with their job and work environment.	>95%	Note 6.
Staff lost time due to illness or injury.	At or below the average for the BC Public Service.	2005 YTD – 4.54 days/employee Public Service YTD average 8.82 days/employee

Note 6. This performance measurement was surveyed by BC Stats in 2003. The results have previously been reported in the Fiscal 2005-07 Service Plan which can be viewed at www.ombudsman.bc.ca on the office's website. Another survey is in progress to be completed this fiscal year.

Objective 5

To broaden the public profile and improve external understanding of the role of the Ombudsman and administrative fairness through well-planned initiatives directed towards both the public and authorities.

Strategies

- ▶ Post all public reports on our website.
- ▶ Increase opportunities for citizens to meet with the Ombudsman in their local communities.
- ▶ Provide information about available remedies on our Internet website.
- ▶ Promote and support establishment of a team-focused strategy to meet with authorities, at all levels, to discuss with and inform them about the role of the Office of the Ombudsman and administrative fairness.
- ▶ Update and maintain multilingual brochures.
- ▶ Review the office's communications strategy.

Performance Measures & Targets

<u>Measure</u>	<u>Value (Target)</u>	<u>Actual Performance</u>
Percentage of people randomly surveyed who are aware of the Office of the Ombudsman.	Increases with each survey	Note 7.

Note 7. This performance measurement was surveyed by BC Stats in 2003. The results have previously been reported in the Fiscal 2005-07 Service Plan which can be viewed at www.ombudsman.bc.ca on the office's website. Another survey is in progress to be completed this fiscal year.

Vision

Fairness and Accountability in Public Administration In British Columbia

Performance Measures & Targets

<u>Measure</u>	<u>Value (Target)</u>	<u>Actual Performance</u>	
		2004	2005 YTD
Number of Investigations where the Authority refuses to accept the recommendations of the Office of the Ombudsman.	0	1	1
Number of complaint investigations that lead to a positive change in practice, policies, statutes, or regulations by authorities.	*	113	62

- * *A target value cannot be set for this measure as the outcome varies with the type of complaints being investigated and it would be inconsistent with the need for unbiased investigations to set an arbitrary target. However, this measure is considered to be a useful indicator of the influence of the Ombudsman's recommendations on changes to the policies and practices of authorities.*

E. RELATED INITIATIVES AND PLANNING PROCESSES

Information Resource Management Plan

The Office of the Ombudsman maintains its own internal Information Systems capability for security and confidentiality reasons as required under the **Ombudsman Act**. The hardware and software utilized is consistent with current government standards and is acquired using government purchasing Master Standing Offers if possible.

Hardware and software is replaced on a routine 3-year cycle with approximately 1/3 of the equipment being replaced each year in order to maintain reliability and performance requirements.

The Office of the Ombudsman Systems staff now provides systems support to the Office of the Information and Privacy Commissioner and the Office of the Police Complaint Commissioner. This support is being provided under a shared services agreement.

Human Resource Management Plan

The Office of the Ombudsman has not developed a separate Human Resource Management Plan. Rather the objectives, strategies, performance measures and targets related to Human Resource Management are integrated with the overall Strategic Plan for the office. This is because Human Resource Management is not Goal or Core Business Area that stands on its own but it is a crucial component in any strategic plan for an organization.

APPENDICES

Appendix A – Schedule of Authorities

- 1 Ministries of the government.
- 2 A person, corporation, commission, board, bureau or authority who is or the majority of the members of which are, or the majority of the members of the board of management or board of directors of which are,
 - (a) appointed by an Act, minister, the Lieutenant Governor in Council,
 - (b) in the discharge of their duties, public officers or servants of the government, or
 - (c) responsible to the government.
- 3 A corporation the ownership of which or a majority of the shares of which is vested in the government.
- 4 Municipalities.
- 5 Regional districts.
- 6 The Islands Trust established under the *Islands Trust Act*.
- 7 Improvement districts as defined in the *Municipal Act*.
- 8 The Capital Improvement District under the *Capital Commission Act*.
- 9 Boards, committees, commissions or similar bodies established under the *Municipal Act* or *Vancouver Charter*;
- 10 The Resort Municipality of Whistler and the Whistler Resort Association.
- 11 A local trust committee, the Trust Council, the Trust Fund Board and the executive committee and persons to whom their powers are delegated under the *Islands Trust Act*.
- 12 Library boards defined in the *Library Act*.
- 13 Regional parks boards established under the *Parks (Regional) Act* and the Cultus Lake Park Board.
- 14 A greater board as defined in section 872 of the *Municipal Act*.
- 15 Development districts, water users' communities, comptroller and regional water manager under the *Water Act*.
- 16 The commissioners of a district defined in section 58 of the *Drainage, Ditch and Dike Act* and an engineer, commissioner, inspector of dikes or land settlement board acting under that Act.
- 17 The British Columbia Diking Authority and a diking authority under the *Dike Maintenance Act*.
- 18 The Okanagan Kootenay Sterile Insect Release Board.
- 19 Regional transit commissions established under the *British Columbia Transit Act*.
- 20 A corporation
 - (a) more than 50% of the issued voting shares of which are owned by one or more of the authorities listed in section 4 to 19 or this section, or

- (b) that is controlled by one or more of the authorities listed in section 4 to 19 and, for the purpose of ascertaining control, a corporation is controlled by one or more of these authorities if a majority of the members of the corporation or of its board of directors or board of management consists of either or both of the following:
 - (i) persons appointed as members by the authorities;
 - (ii) officers or employees of an authority acting as such.

21 Schools and boards as defined in the *School Act*.

21.1 Francophone education authorities as defined in the *School Act* and francophone schools operated by francophone education authorities.

22 Universities as defined in the *University Act*.

23 The University of Northern British Columbia.

24 Royal Roads University.

25 Institutions as defined in the *College and Institute Act*.

26 Hospitals and boards of management of hospitals as defined in the *Hospital Act*.

27 Governing bodies of professional and occupations associations that are established or continued by an Act.

28 Regional Health Boards and Community Health Councils established under the *Health Authorities Act*.

29 Regional Hospital Districts under the *Hospital District Act*.

30 Technical University of British Columbia.

31 The Greater Vancouver Transportation Authority established under the Greater Vancouver Transportation Authority Act.

32 The Business Practices and Consumer Protection Authority established under the *Business Practices and Consumer Protection Authority Act*.

(n.n.) Municipal Pension Board of Trustees.

(n.n.) Teachers' Pension Board of Trustees.

(n.n.) Public Service Pension Board of Trustees.

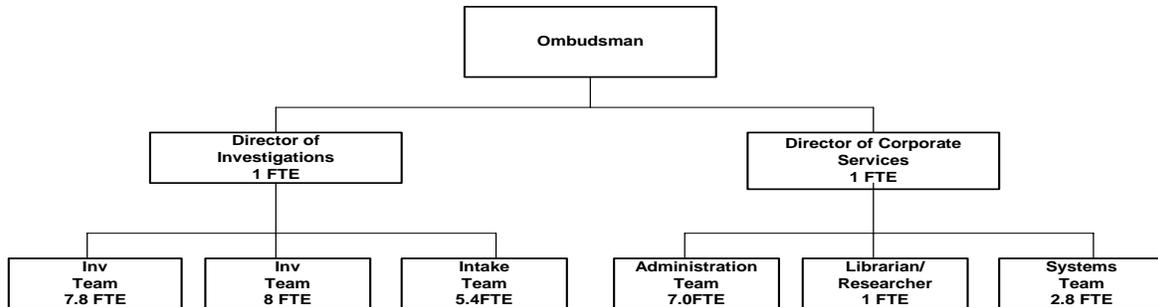
(n.n.) College Pension Board of Trustees.

Appendix B – Budget Details

STOB	DESCRIPTION	2005/06 Core Services	2005/06 One-time	2005/06 Restated Estimates	2006/07 Estimates	2007/08 Plan	2008/09 Plan
50	SALARIES	\$ 1,965,000	\$ 139,000	\$ 2,104,000	\$ 2,309,000	\$ 2,309,000	\$ 2,309,000
51	SUPPLEMENTARY SALARY	\$ 15,000	\$ -	\$ 15,000	\$ 15,000	\$ 15,000	\$ 15,000
52	EMPLOYEE BENEFITS	\$ 521,000	\$ 34,000	\$ 555,000	\$ 615,000	\$ 615,000	\$ 615,000
54	OFFICER OF LEG.SALARY	\$ 175,000	\$ -	\$ 175,000	\$ 222,000	\$ 222,000	\$ 222,000
57	TRAVEL	\$ 38,000	\$ 10,000	\$ 48,000	\$ 54,000	\$ 54,000	\$ 54,000
59	CENTRAL MGMT SERVICES	\$ 80,000	\$ 5,000	\$ 85,000	\$ 90,000	\$ 90,000	\$ 90,000
60	PROFESSIONAL SERVICES	\$ 65,000	\$ -	\$ 65,000	\$ 65,000	\$ 65,000	\$ 65,000
63	INFO SYSTEMS - OPERATING	\$ 35,000	\$ 5,000	\$ 40,000	\$ 40,000	\$ 40,000	\$ 40,000
65	OFFICE & BUSINESS EXPENSES	\$ 74,000	\$ 11,000	\$ 85,000	\$ 95,000	\$ 95,000	\$ 95,000
67	INFO ADVERTISING & PUBLICATIONS	\$ 10,000	\$ 20,000	\$ 30,000	\$ 40,000	\$ 40,000	\$ 40,000
68	STATUTORY ADVERTISING & PUBLICATIONS	\$ 15,000	\$ -	\$ 15,000	\$ 20,000	\$ 20,000	\$ 20,000
69	UTILITIES, MATERIALS, SUPPLIES	\$ 20,000	\$ -	\$ 20,000	\$ 22,000	\$ 22,000	\$ 22,000
70	OPERATING EQPT & VEHICLES		\$ -				
73	AMORTIZATION EXPENSE	\$ 65,000	\$ -	\$ 65,000	\$ 65,000	\$ 65,000	\$ 65,000
75	BUILDING OCCUPANCY	\$ 226,000	\$ -	\$ 226,000	\$ 226,000	\$ 226,000	\$ 226,000
88	RECOVERIES - INTERNAL	\$ (139,000)	\$ -	\$ (139,000)	\$ (140,000)	\$ (140,000)	\$ (140,000)
89	RECOVERIES						
90	RECOVERIES - EXTERNAL	\$ (1,000)	\$ -	\$ (1,000)	\$ (45,000)	\$ (45,000)	\$ (45,000)
TOTAL		\$ 3,164,000	\$ 224,000	\$ 3,388,000	\$ 3,693,000	\$ 3,693,000	\$ 3,693,000
	CAPITAL BUDGET						
Capital	Information Systems & Furn&Equip	\$ 65,000		\$ 65,000	\$ 65,000	\$ 65,000	\$ 65,000

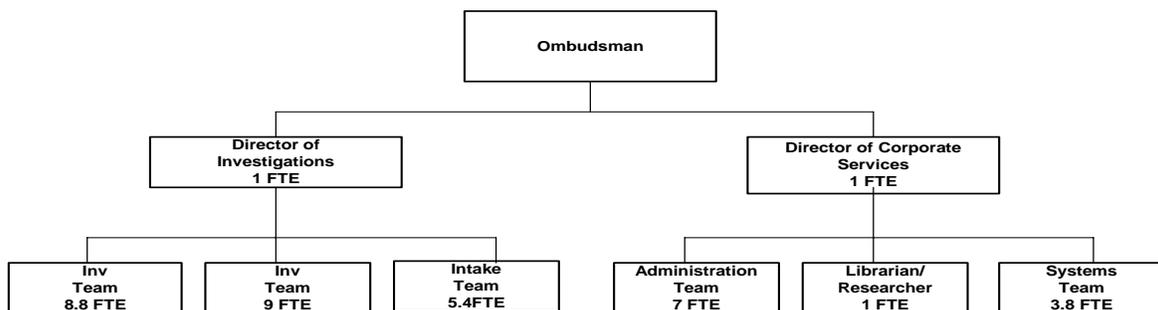
Appendix C – Organization Chart

FISCAL 06



PROPOSED FISCAL 07

34 FTEs

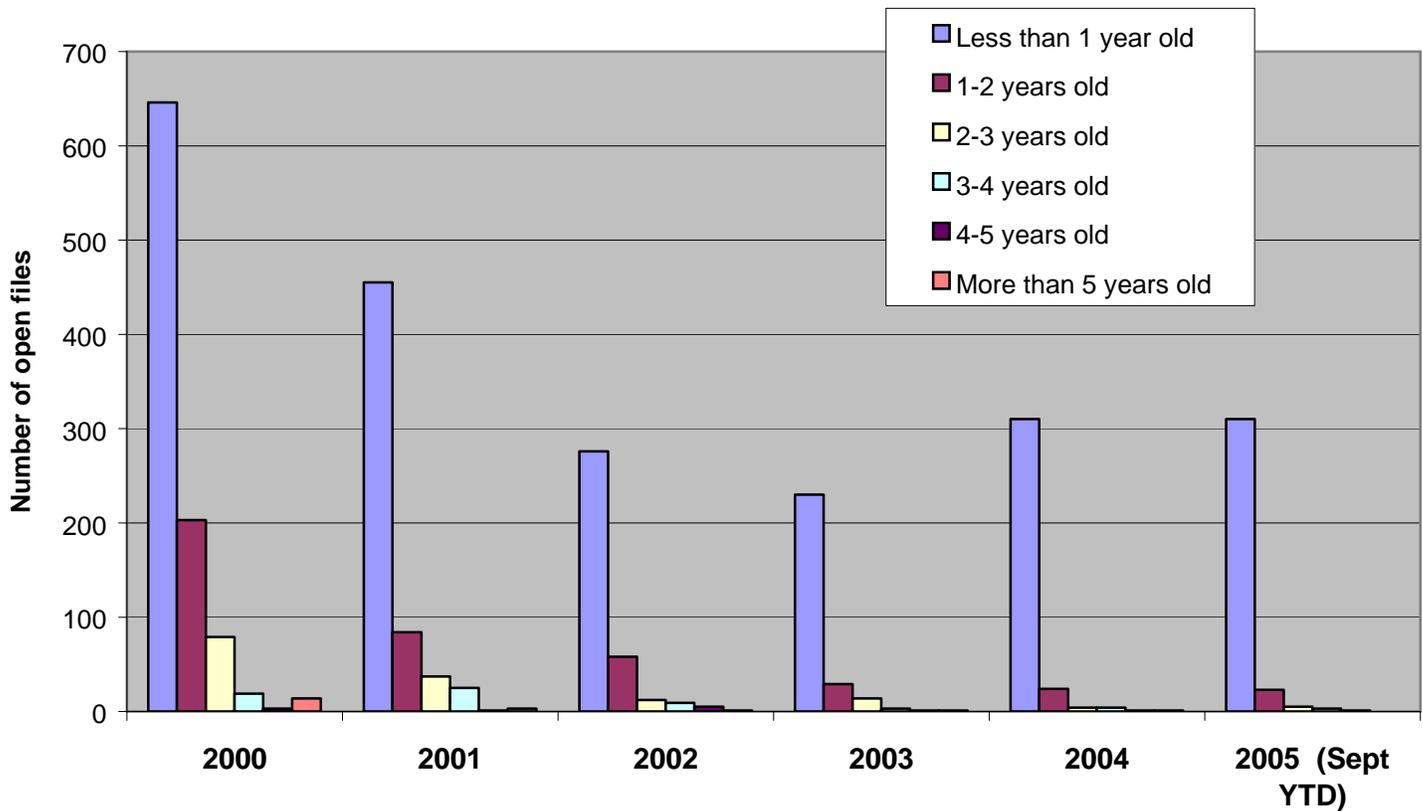


37 FTEs

The Director of Corporate Services and the staff in the Administration Team, Systems Team and the Librarian also provide support services to the Office of the Police Complaint Commissioner and the Office of the Information and Privacy Commissioner pursuant to shared services agreements with those offices. In addition, the Systems Team provides support to the Alberta Office of the Ombudsman’s Case Tracker System under a cost recovery contract.

Appendix D – File Statistics – 2005 Year to Date

Age Distribution of Open Files

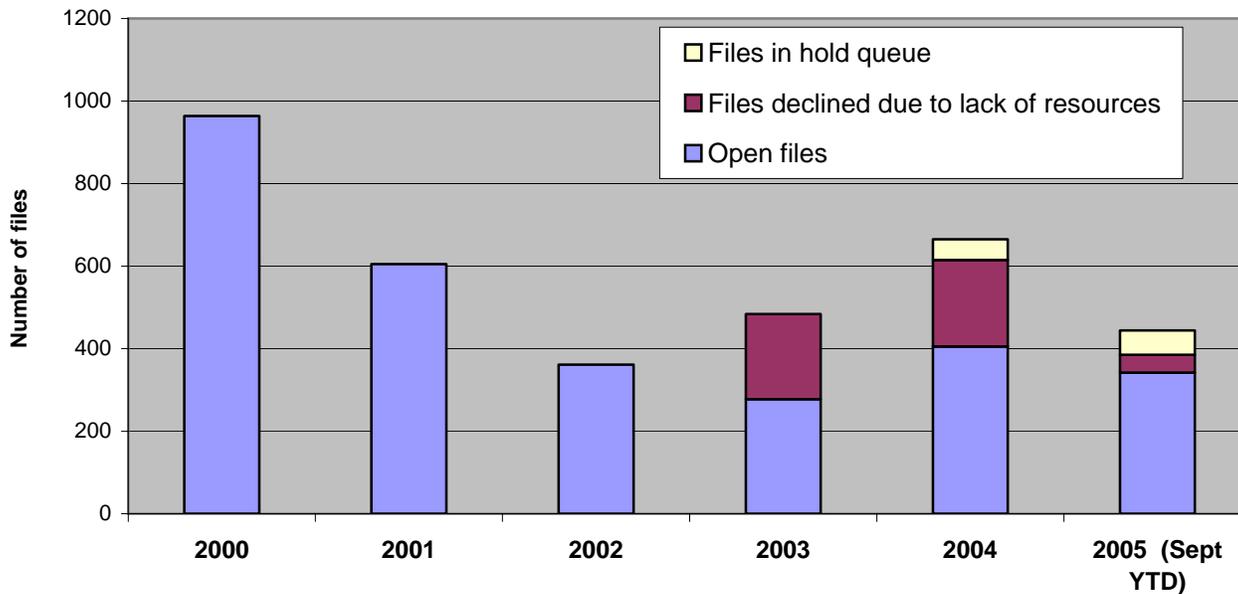


Number of files open at the end of each year

	2000	%	2001	%	2002	%	2003	%	2004	%	2005 (Sept YTD)	%
Less than 1 year old	646	▸ 67%	455	▸ 75%	276	▸ 76%	230	▸ 83%	371	▸ 91%	310	▸ 91%
1-2 years old	203		84		58		29		24		23	
2-3 years old	79		37		12		14		4		5	
3-4 years old	19	▸ 33%	25	▸ 25%	9	▸ 24%	3	▸ 17%	4	▸ 9%	3	▸ 9%
4-5 years old	3		1		5		1		1		1	
More than 5 years old	14		3		1		1		1		0	
Total open files	964		605		361		278		405		342	

* Performance Measure introduced September 2002 set an objective to have less than 20% of open files more than 1 year old as of 2002 and less than 15% more than 1 year old as of 2003 and less than 10% more than 1 year old as of 2004.

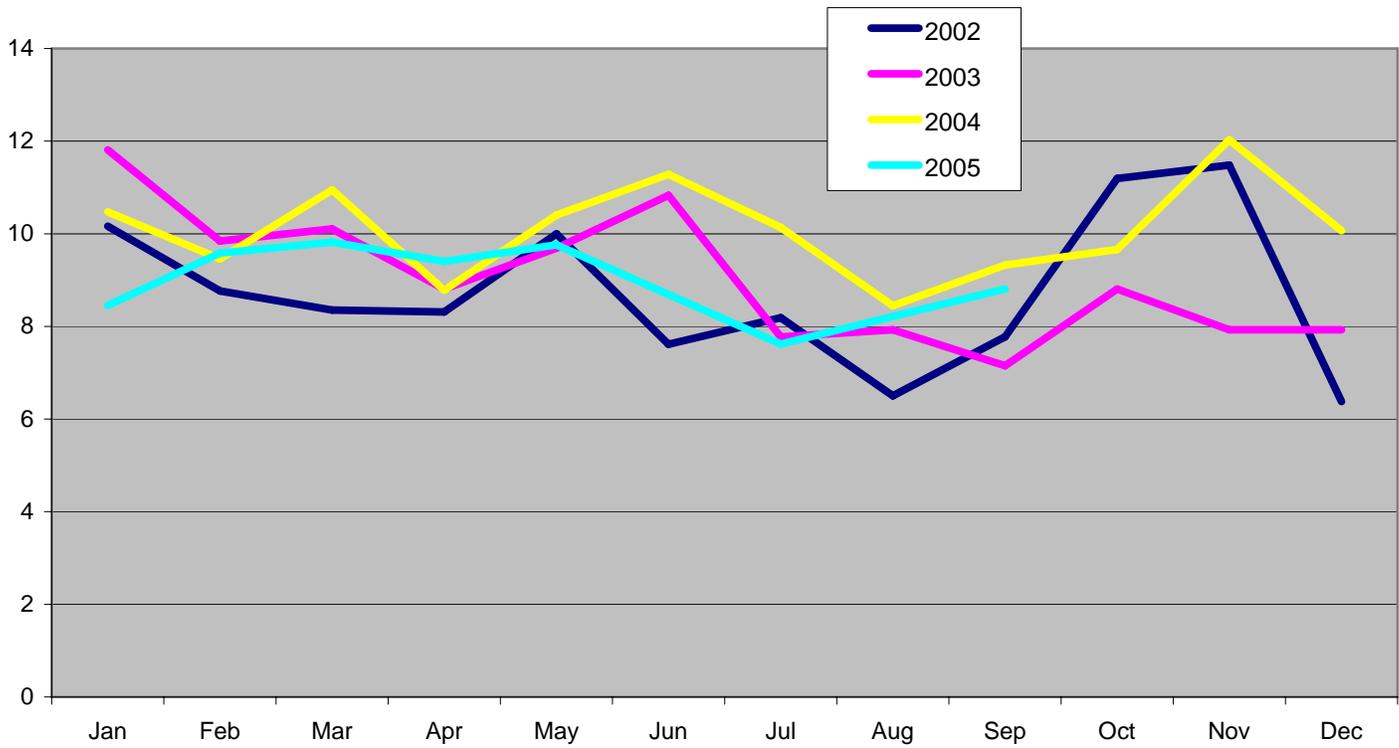
Open and Deferred Files in 2005 (Sept YTD)



Number of files at the end of each year

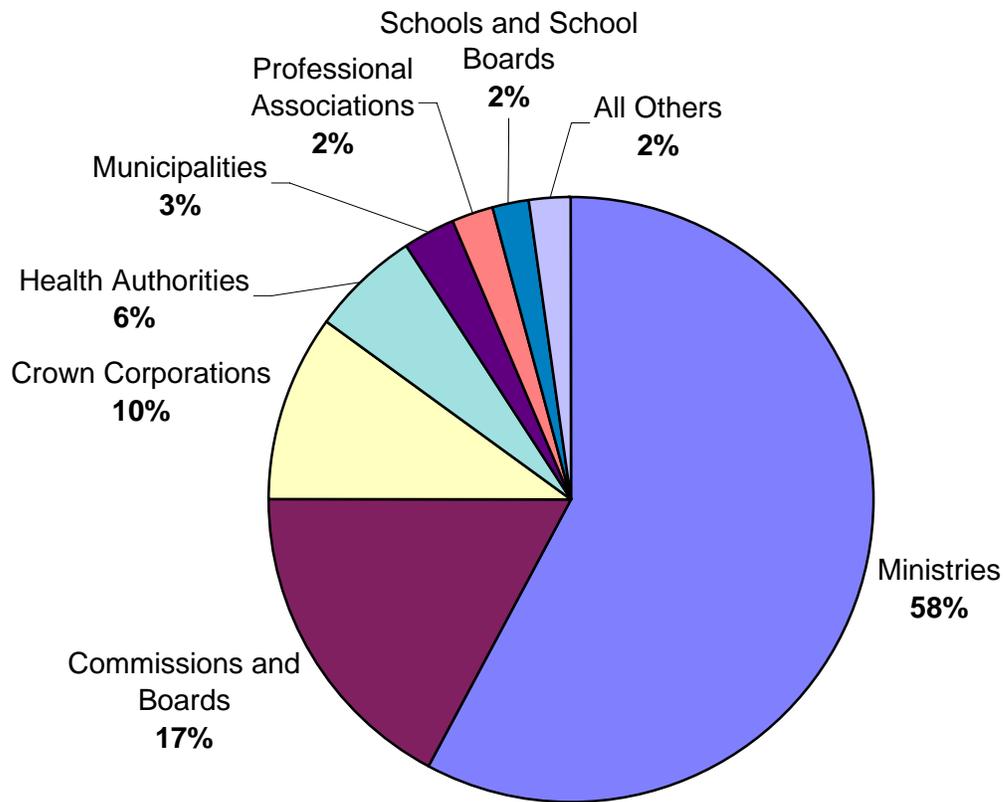
	2000	2001	2002	2003	2004	2005 (Sept YTD)
Open files	964	605	361	278	405	342
Files in hold queue	0	0	0	0	50	59
Files declined due to lack of resources	0	0	0	206	210	43

Avg. New Files Assigned to Investigator



Files Closed in 2005 (Sept YTD)

Authority Distribution



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