

BUDGET SUBMISSION
Fiscal 2010 - 2012

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

December 1, 2008



ombudsman
B.C.'s Independent Voice For Fairness



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OMBUDSMAN STATEMENT

“The Ombudsman’s two primary roles are to investigate complaints and generally oversee the administrative actions of government authorities with a view to upholding the democratic principles of openness, transparency and accountability”.¹

This budget proposal requests an increase of \$299,000 for fiscal year 2009/10 to the Ombudsman’s budget. It focuses on the two primary roles identified above. The request covers two additional investigative FTE’s as well as an increase in funding for communication, translation and interpretation services. As part of our shared services mandate it also includes funding, for a one year term, for a position to assist the current Executive Director of Corporate Services with the goal of ensuring effective succession planning and an orderly transition for the administration of the four offices in 2010.

It is presented with careful consideration of the challenges of current fiscal uncertainty and the need for prudence. It reflects the reality that the Office of the Ombudsman is a lean, compact organization which is facing a continuing increase in demand for services.

In 2006 our office dealt with 6438 intakes. Our intakes for 2008/2009 are projected to be over 7400 (+15%). 2006 also marked the restoration of full service to the public in all areas falling within the Ombudsman’s jurisdiction and the end of the “holding queues” which had existed over the previous three years in areas ranging from health authorities and local government to self-regulating professions. The consequences of that restoration and the public’s growing awareness of our activities are now manifesting themselves in our workload, with an increase in both the number and diversity of issues that we are dealing with.

An example of this development can be seen in the area of senior’s care. After the announcement that the office could investigate complaints in this area and, in particular, the commencement of our systemic investigation in August 2008, there was a significant upsurge in individual complaints in that area (over 150 new files have been opened in the past four months).

This activity, combined with the loss, as anticipated, of several experienced investigators has led to an increase in the timelines for resolving complaints and closing files. While hiring and some internal reorganization has begun to address these issues, two additional FTE’s are required to allow us to deliver timely resolutions and, in particular, to focus on responding to the increase in complaints involving seniors.

The priorities of our office in the next year are to improve the availability of our services at all stages of our process to British Columbians who face communication and linguistic challenges; to build on the success of our Early Resolution Program; to maintain our ability to resolve complaints across all areas within our jurisdiction in an effective and timely manner; to increase our ability to provide services to seniors; and to deliver useful and timely systemic reports which result in recommendations that are accepted and implemented.

¹Report of Special Committee to Appoint Ombudsman, 2006.

CURRENT STATUS

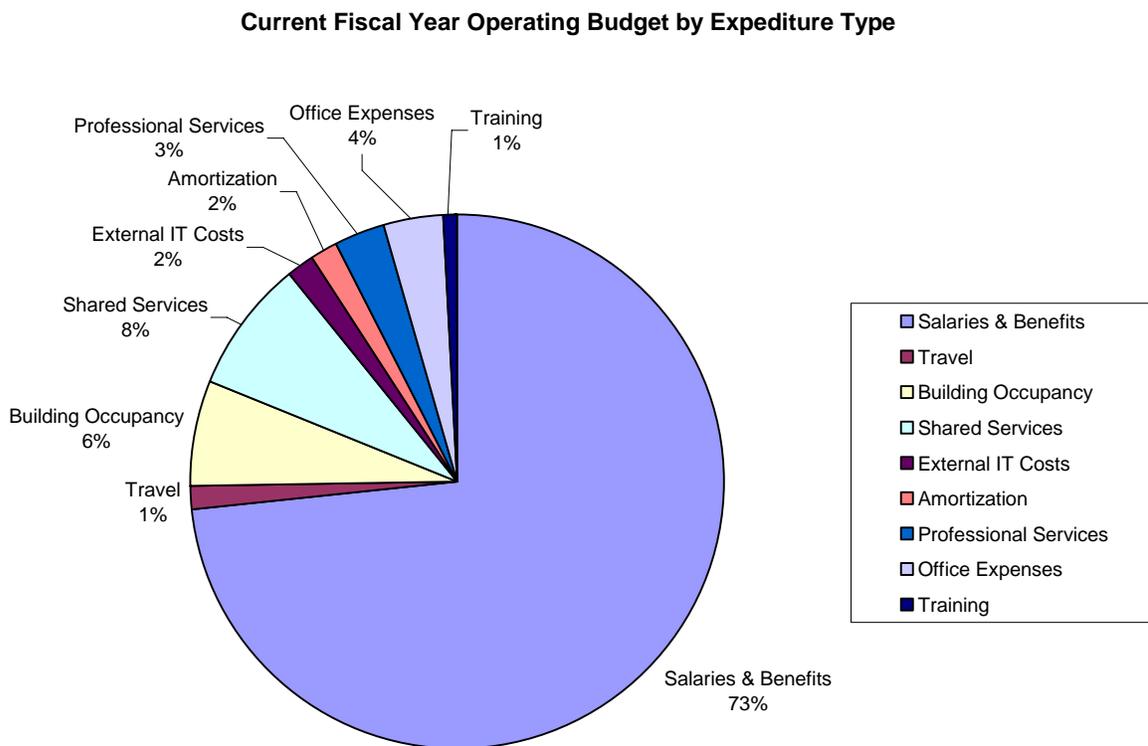
1. Resources

Currently 32 FTE's are devoted to Ombudsman core services, while 13 FTE's provide shared service support to four independent Offices of the Legislature in the areas of strategic/business planning; human resources; financial planning and administration; IT planning; development and support; accommodations support; general administration and reception services.

2. Financial Status Current Fiscal Year

The Select Standing Committee on Finance and Government Services in its report of December 20, 2007, recommended an operating budget of \$4,671,000, a capital budget of \$75,000 and staffing of 45 (32+13) FTEs for Fiscal 2009.

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



STATEMENT OF OPERATIONS

	2007/08 Budget\$	2007/08 Actual\$	2008/09 Budget\$
Funding			
Voted Appropriation	4,214,000	4,214,000	4,671,000
Other Appropriations			
Total	4,214,000	4,214,000	4,671,000
Expenses			
Salaries	2,892,000	2,924,057	3,342,000
Employee Benefits	715,000	699,729	793,000
Travel	60,000	77,582	60,000
Centralized Management Support Services	102,000	370,871	405,000
Professional Services	100,000	41,518	140,000
Information Systems	75,000	115,450	65,000
Office and Business Expenses	110,000	115,683	110,000
Information, Advertising, and Publications	40,000	19,980	40,000
Statutory Advertising and Publications	20,000	20,709	20,000
Utilities, Materials and Supplies	25,000	17,314	25,000
Amortization	85,000	59,353	85,000
Building Occupancy	290,000		
Internal Recoveries	(220,000)	(239,993)	(334,000)
External Recoveries	(80,000)	(162,571)	(80,000)
Total Expenses	4,214,000	4,099,682	4,671,000
Capital Budget			
Information Systems & Furniture & Equipment	110,000	108,417	75,000
Tenant Improvements			0
Total Capital	110,000	108,417	75,000

3. Progress on Major Commitments and Performance Measures

Last year, budget approval was given to expand outreach, education and communications activities; implement an Early Resolution Process; and to build systemic investigation capacity. As part of the shared services component an augmentation to staff was provided to reflect the increase in the number of persons receiving support in the four shared services Offices of the Legislature.

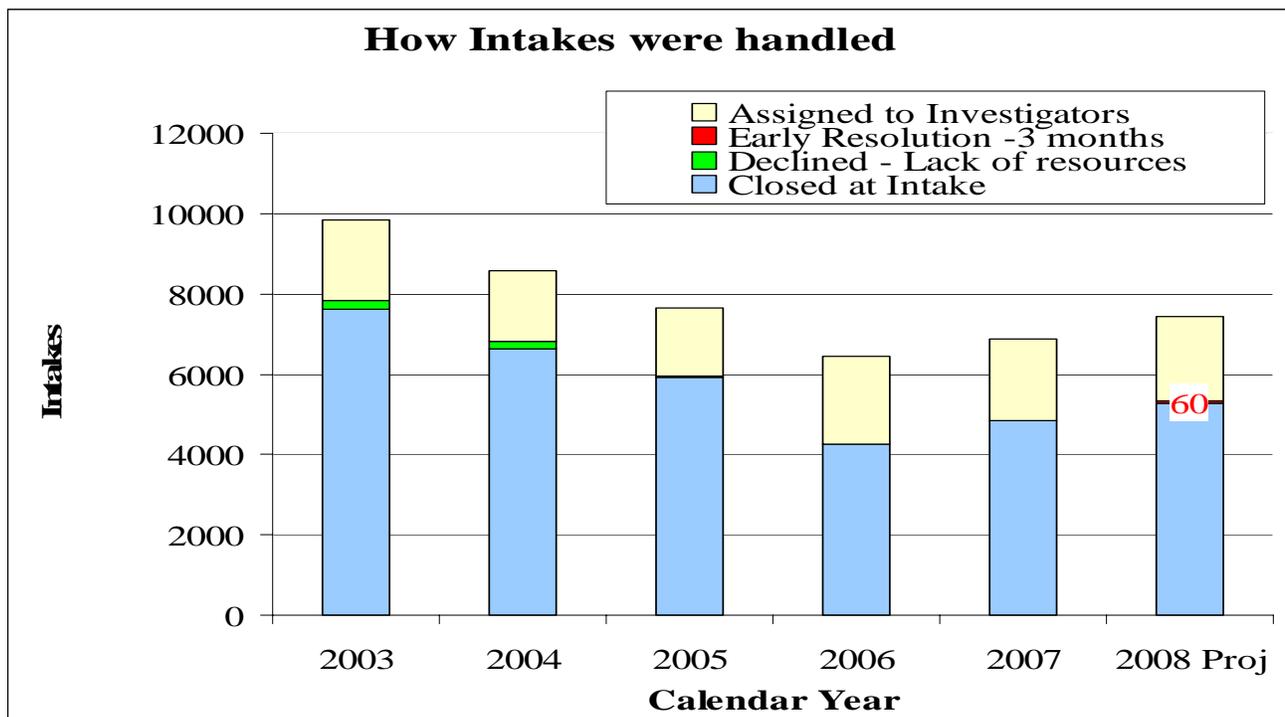
Outreach, education and communication activities of the office have increased significantly since April 2008. A completely revamped website is making our services more accessible to the public generally and to target groups such as youth, seniors and persons whose first language is not English. Our Annual Report now includes information of local and regional interest. There has also been an

approximately 25% increase in presentations and articles that outline the role of our office and the results of our work.

Our Early Resolution Process was formally initiated in September 2008 once systems were finalized and the intake team expanded. It has proven very successful, being welcomed by both complainants and authorities. In its first few months it has redirected about 20 files a month from the full investigative process and I believe that over the next year this capacity will increase significantly and have a major, positive effect. It will also assist in reducing the investigative file load.

The addition of a permanent manager to the Systemic Investigations Team in June 2008, has formalized the structure of the team, which consists of regular investigative staff members assigned on a rotational basis for a specific investigation. In addition to a comprehensive systemic investigation into drinking water safety, whose 39 recommendations were accepted by the seven authorities involved, the team is currently completing a systemic investigation into aspects of the income assistance program and a review of health screening for newborn children. In addition in August 2008 we commenced a systemic investigation into issues related to senior's care. This last investigation has generated a great deal of interest. In addition to the 150 individual files already mentioned, we have received approximately 350 completed questionnaires as well as more than 50 requests for meetings with interested groups. This major investigation is on-going.

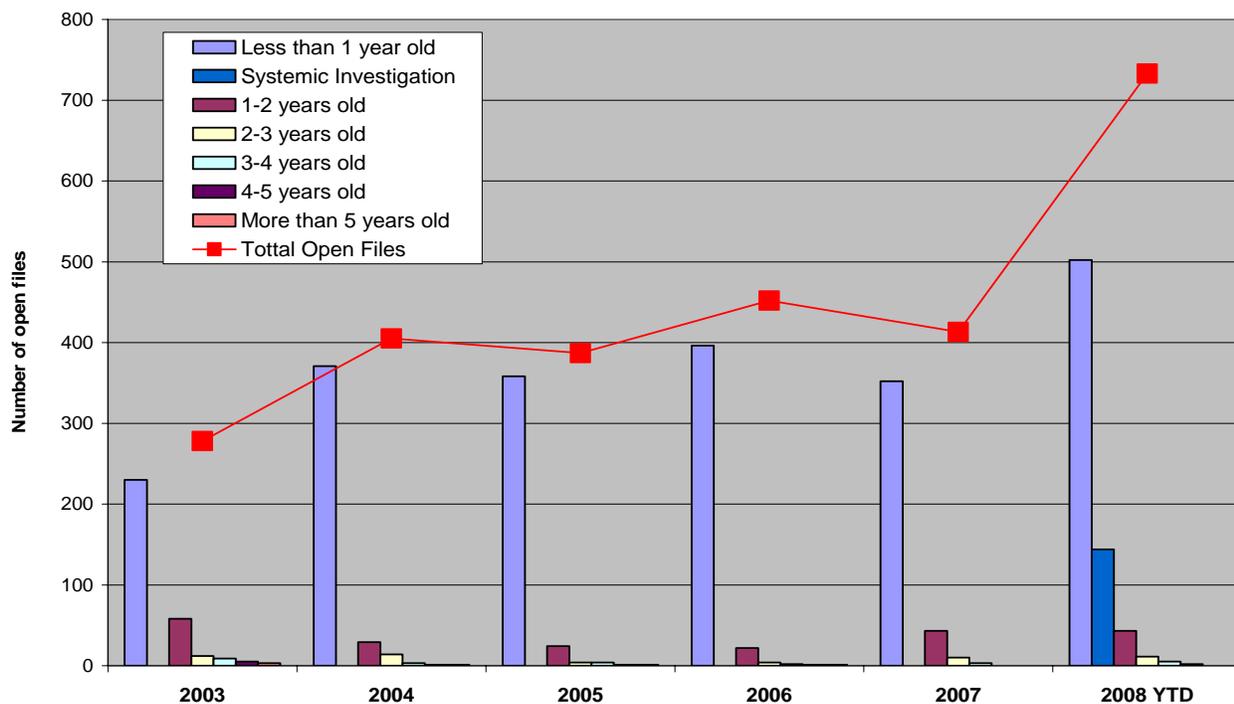
The number of concerns being brought to the office has increased again in the current year sustaining the trend that began in 2007 after several years of declining numbers. Based on data available to the middle of November, it is projected that the total number of intakes in 2008 will be 7430 with 2100 of those resulting in complaint files being opened.



As a result of the restoration in 2006 of services in all areas within the Ombudsman’s jurisdiction we have seen a steady increase in the number, range and complexity of issues investigators are now dealing with particularly in the areas of health and local government. To maximize efficiency I have taken steps to reorganize the investigative section and created three teams which now have a narrower range of authorities to investigate. One of the investigative teams now has a primary focus on health and local government complaints. However, over the past year, there has been an increase in the average length of time taken to investigate and resolve matters, as well as an increase in the average open file load of investigators. While that average has historically been between 30 and 35 open files per investigator it has, over the past few months risen to close to 50. If this level continues for any length of time service to complainants and authorities falls below desired service standards and the backlog of files increases making it very difficult to manage the caseload. I am hopeful that the organizational changes I have put in place and the completion of the training of new staff will assist in restoring the appropriate balance, but some additional investigative resources are required.

The systemic investigation into Seniors’ issues has touched on a tremendous pent-up demand for an option for citizens to express their concerns and seek remedies to care issues for their elderly family members. While many of the individual complaints that have been brought forward in the course of the systemic investigation will be addressed by the systemic investigation recommendations, many others will require individual attention that cannot be addressed by a systemic approach to the issues. Based on the experience already obtained during this investigation, and recognizing demographic realities I anticipate continued growth in this area.

Open Complaint Files



B. SERVICE PLAN

1. Priorities for Fiscal 2010

Outreach

The office continues to receive complaints from all areas of the province. However, compared to the population distribution, the Lower Mainland uses the services of the office less than other areas. During the coming year, I plan to enhance the capacity of the office to provide services to people whose first language is neither English nor French. This will require additional funding for translation and interpretation services.

Consolidation of Early Resolution Process

The early success and positive feedback about the Early Resolution Process shows that this initiative is worth maintaining and consolidating during the coming year. It is a process that improves service to complainants and authorities and improves overall efficiency for the office. During this formative stage it will require careful supervision and review and as it grows may require further staffing.

Reorganization of Investigative Resources

The current reorganization of teams will be monitored and adjusted to enhance service and employee retention and job satisfaction.

Systemic Investigations

Systemic Investigations require a large investment of resources but also present the greatest opportunity for significant change to address areas of unfairness affecting many people. The fact that such investigations result in public reports also assists in improving public awareness of the services provided by this office. During the coming year, formal resources allocated to Systemic Investigations will be sustained at the current levels.

Seniors' Complaints

To address the current and anticipated continued high volume of complaints related to Seniors' Care issues and a spill-over effect into related seniors' issues, it is proposed to add two additional Investigative positions. These positions will deal with complaints related to Senior's issues and if, as anticipated the need expands even further will form the nucleus of an investigative team that can be devoted to these types of complaints. Clearly, with 150 of the currently total open 730 files being Senior's complaints issues, this situation needs to receive priority attention.

Long Term Shared Service Office Consolidation

The Select Standing Committee on Finance and Government Services on October 29, 2008 adopted a motion authorizing the Offices of the Ombudsman, Information and Privacy Commissioner, Police Complaint Commissioner and Merit Commissioner to enter into a binding lease for 15 years that permits consolidation in new office space during fiscal 2011. During the coming fiscal year oversight of this project will be undertaken by the Executive Director of Corporate Services on behalf of all four

offices. As well a plan will be implemented to ensure an orderly transition of administration in anticipation of pending retirements.

2. Budget Request Summary

The budget request provides for the office to add 2 Investigative positions to focus on Senior’s issues. The request also provides 1 position for one year to understudy the role of Executive Director of Corporate Services and to ensure an orderly transition for the administration of the four offices in 2010.

Business Area	2008/09 Budget	2009/10 Estimates	2010/11 Plan	2011/12 Plan
Operating Expenses (\$000)				
Core Services	\$4,295	\$4,495	\$5,039	\$5,039
Shared Services	\$ 710	\$ 1,112	\$1,170	\$1,170
Less Recovery for Shared Services costs provided to OIPC, OPCC and OMC	\$ (334)	\$ (637)	\$ (637)	\$ (637)
TOTAL	\$4,671	\$4,970	\$5,572	\$5,572
Full-time Equivalents (FTE'S)				
Core Services	32	34	34	34
Shared Services	13	14	13	13
TOTAL	45	48	47	47
Capital Expenditures (Consolidated Revenue Fund) (\$000)				
Information systems, furniture & equipment	75	75	200	75
Tenant Improvements	0	0	940	0
TOTAL	75	75	1,140	75

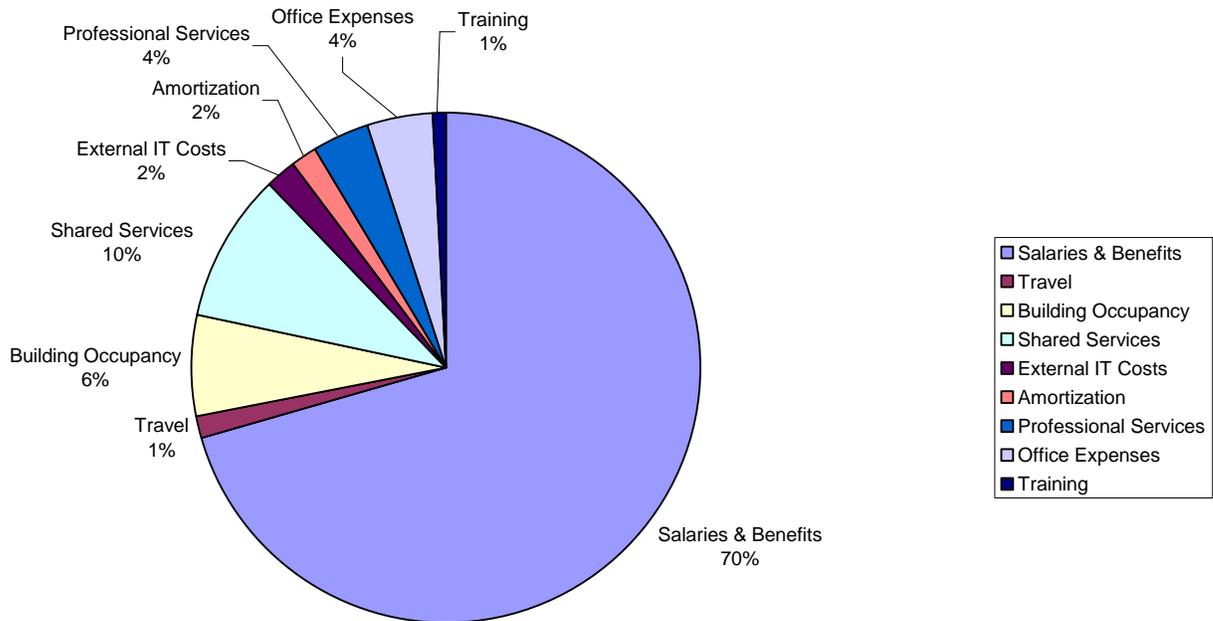
The Committee is requested to approve an operating budget of \$4,970,000, a capital budget of \$75,000 and staffing of 48 (34+14) FTEs for fiscal 2010.

Reflecting the shared accommodation costs of the previously approved building proposal, the Committee is requested to approve an operating budget of \$5,572,000 and a capital budget of \$1,140,000 for fiscal 2011. For fiscal 2012 a similar operating budget of \$5,572,000 is requested but the Capital budget can revert to \$75,000.

Key Features and Service Consequences

- Enhance service for people whose first language is not English.
- Develop Early Resolution Process to provide appropriate expeditious resolutions.
- Maintain systemic investigations capacity to address major issues.
- Establish an investigative capacity focusing on Seniors’ issues to address demand.
- Manage new office development project on behalf of four Offices of the Legislature.
- Continued shared services between the Office of the Ombudsman, the Office of the Information and Protection of Privacy Commissioner, the Office of the Police Complaint Commissioner and the Office of the Merit Commissioner.

Fiscal 2010 Operating Budget by Expenditure Type



3. Budget Details

STOB	DESCRIPTION	2008/09 Budget	2009/10 Estimates	Change	2010/11 Plan	2011/12 Plan
50	SALARIES	\$3,050,000	\$3,440,000	\$390,000	\$3,440,000	\$3,440,000
51	SUPPLEMENTARY SALARY	45,000	45,000	0	45,000	45,000
52	EMPLOYEE BENEFITS	793,000	887,000	94,000	888,000	888,000
54	OFFICER OF LEG.SALARY	247,000	253,000	6,000	259,000	259,000
57	TRAVEL	60,000	60,000	0	60,000	60,000
59	CENTRAL MGM'T SUPPORT SERVICES	405,000	415,000	10,000	100,000	100,000
60	PROFESSIONAL SERVICES	140,000	175,000	35,000	175,000	175,000
63	INFORMATION SYSTEMS - OPERATING	65,000	80,000	15,000)	80,000	80,000
65	OFFICE & BUSINESS EXPENSES	110,000	205,000	95,000	205,000	205,000
67	INFO ADVERTISING & PUBLICATIONS	40,000	60,000	20,000	60,000	60,000
68	STATUTORY ADVERTISING & PUBLICATIONS	20,000	22,000	2,000	22,000	22,000
69	UTILITIES, MATERIALS, SUPPLIES	25,000	25,000	0	25,000	25,000
70	OPERATING EQUIPMENT & VEHICLES			0		
73	AMORTIZATION EXPENSE	85,000	90,000	5,000	305,000	305,000
75	BUILDING OCCUPANCY	0	0	0	695,000	695,000
88	RECOVERIES - INTERNAL	(334,000)	(637,000)	(303,000)	(637,000)	(637,000)
89	RECOVERIES					
90	RECOVERIES - EXTERNAL	(80,000)	(150,000)	(70,000)	(150,000)	(150,000)
	TOTAL	\$4,671,000	\$4,970,000	\$299,000	\$5,572,000	\$5,572,000
	CAPITAL BUDGET					
	Information Systems & Furniture & Equipment	\$75,000	\$75,000	0	\$200,000	\$75,000
	Tenant Improvements	0	0	0	940,000	0
	TOTAL	\$75,000	\$75,000	0	\$1,140,000	\$75,000

APPENDICES

A. Overview of Core Business Areas

Mandate

The Office of the Ombudsman's mandate is to investigate allegations of administrative unfairness, of 'maladministration', that impact people in British Columbia. Administrative decisions, actions, omissions and procedures within the Ombudsman's purview are those that are contrary to law; unjust; oppressive; improperly discriminatory; done pursuant to a statutory provision or other rule of law or practice that is unjust, oppressive or improperly discriminatory; based on a mistake of law or fact or an irrelevant ground or consideration; the result of an arbitrary, unreasonable or unfair procedure; done for an improper purpose; result in inadequate or inappropriate reasons; are negligent; unduly delayed; or otherwise wrong.

In 1984 the Supreme Court of Canada stated "... 'a matter of administration' encompasses everything done by government authorities in the implementation of government policy. I would exclude only the activities of the legislature and the courts from the Ombudsman's scrutiny."

The Office of the Ombudsman has two core business areas, investigation of individual complaints about administrative unfairness and general oversight of the administrative actions of government authorities. The contribution of the office to the operation of public authorities is to increase institutional integrity and respect for procedural values.

The Ombudsman can investigate administrative decisions, actions, omissions, and procedures of authorities that may aggrieve a person. Most complaints are resolved through a consultative and collaborative approach. The Ombudsman can make findings that a decision, recommendation, act or omission was contrary to law; unjust, oppressive or improperly discriminatory; the result of the application of an arbitrary, unreasonable and unfair procedure; made for an improper purpose; was negligent; lacked adequate and appropriate reasons or resulted in an unreasonable delay.

The Ombudsman can recommend a matter be referred back to an authority for further consideration; an act be remedied; a decision or recommendation be changed; adequate reasons be given; a practice, procedure or course of action be altered; an enactment or other rule of law be reconsidered; or any other step be taken.

After making findings and recommendations to an authority, the Ombudsman may make a report to the Lieutenant Governor in Council and then the Legislative Assembly, if she concludes adequate and appropriate action has not been taken. The Ombudsman may also provide a special report to the Legislative Assembly or comment publicly about any investigation if she considers it to be in the public interest.

Scope

The Office of the Ombudsman in British Columbia has one of the broadest mandates in Canada. The *Ombudsman Act* provides jurisdiction to over 2,800 public authorities ranging from provincial government ministries to local boards of variance.

The majority of complaints our office receives and investigates relate to provincial ministries, ranging from Employment and Income Assistance to Education, Health and Forests, Ranges and Housing. We also investigate complaints about provincial commissions and boards such as the Workers Compensation Board, the Coroner's Office, the Public Guardian and Trustee, the Agricultural Land Commission and the Property Assessment Appeal Board. We investigate complaints about provincial corporations such as BC Assessment, the Insurance Corporation of British Columbia, BC Hydro and Power Authority and the British Columbia Lottery Corporation. Most recently we have seen an increase in the number of complaints relating to health authorities and local government.

The Office of the Ombudsman also deals with complaints about the provision of public services delivered by contracted service providers such as Health Insurance BC, Accenture and Revenue Services BC.

Services

The Office of the Ombudsman provides a range of services to a variety of people, from resolving a property tax matter for a senior to sorting through a health system glitch for a new immigrant to assisting in resolving a contract matter for a small business owner. Our particular strength is assisting people who have exhausted all their other options and have no where else to turn. Unlike many other mechanisms if the Office of the Ombudsman becomes engaged in a matter there is no charge to the person complaining or the institution complained about. The office is an integral mechanism in ensuring access to justice in British Columbia.

Ultimately the Office of the Ombudsman serves the people of British Columbia and the commitment to fair treatment by public authorities rather than any individual. The office is an advocate for fair treatment not for a particular result.

The office provides information and referrals; investigates; seeks resolutions; makes findings and recommendations. Our systemic investigations result in practical improvements for people dealing with complex and difficult issues. While most of the work of the office is done quietly and without publicity, approximately 100 issues are reported on publicly each year through the annual report or special reports.

The resolutions we achieve range from explanations and apologies to opportunities to retake tests and re-enter courses to benefits being restored, cheques reissued; contract processes being re-opened; and hearings re-held.

In addition the office also provides assistance and guidance to public authorities setting up their own complaint resolution processes and on request consults on proposed statutory and regulatory changes to various programs.

B. 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 *Local Government Act*.
8. The Capital Improvement District under the *Capital Commission Act*.
9. Boards, committees, commissions or similar bodies established under the *Community Charter*, the *Local Government Act* or the *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. The Cultus Lake Park Board.
14. A greater board as defined in the *Community Charter*.
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 sections 4 to 19 of this section, or
- (b) that is controlled by one or more of the authorities listed in sections 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.

23.1 The Thompson Rivers University.

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 occupational associations that are established or continued by an Act.

28 Regional Health Boards established under the *Health Authorities Act*.

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

30 [Repealed 2002-35-11]

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*.

33 Municipal Pension Board of Trustees.

34 Teachers' Pension Board of Trustees.

35 Public Service Pension Board of Trustees.

36 College Pension Board of Trustees.

37 British Columbia Safety Authority established under the *Safety Authority Act*.

38 Land Title and Survey Authority established under the *Land Title and Survey Authority Act*.