
**Service Plan
Fiscal Years
2011 – 2013**



ombudsperson

B.C.'s Independent Voice For Fairness

Table of Contents

Message from the Ombudsperson.....	3
Vision	4
Mandate	4
Goals and Performance Measures	5
Core Strategies and Actions	8
Progress on Key Commitments and the Challenges Ahead	9
Priorities for Fiscal 2011	10
Appendices	
Appendix 1: Office Structure	11
Appendix 2: Schedule of Authorities.....	12

Message from the Ombudsperson

I am pleased to present the Office of the Ombudsperson's Service Plan for fiscal years 2011-2013. This plan is based upon the current Strategic Plan for my office which continues to fiscal 2011. The process to review and update the Strategic Plan for the next four years has commenced.

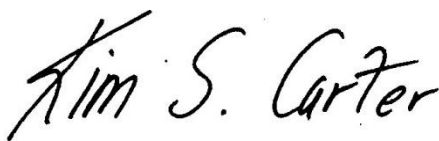
This year marked the 200th anniversary of the first Ombudsman office in Sweden and the 30th anniversary of the Office of the Ombudsperson in British Columbia. In recognition of this milestone, the Legislative Assembly passed an amendment to the **Ombudsman Act** to rename it to the **Ombudsperson Act** and October 12-16, 2009 was proclaimed **Fairness Week** in British Columbia. Fairness Week recognized that administrative fairness is a hallmark of good governance; that the Office of the Ombudsperson has assisted thousands of British Columbians and hundreds of public agencies over the years; and that fair, reasonable and respectful treatment by public authorities promotes fair, accountable government and confidence in the democratic process.

At significant milestones such as this, it is useful to take a longer range view both backwards and forwards to contemplate what has been accomplished and what still needs to be done. From its earliest days this Office has made significant contributions to the ombudsperson community in Canada. It led the way in establishing the appropriate role of a legislative ombudsperson in Canada through the 1984 Supreme Court of Canada decision in the case of *British Columbia Development Corp. v. British Columbia (Ombudsman)*. Over the years, fair resolutions have resulted from thousands of individual investigations and the underlying processes have been improved. Some investigations have led to significant reports dealing with administrative fairness issues in areas such as supervision of financial institutions; crime victims assistance; workers' compensation; abuse of young people at a provincially run institution; debt collection procedures; compensation practices of a local government; police complaints procedures; security of prize payouts by a provincial crown corporation; access to information and privacy; drinking water safety; and income assistance programs. Many of the recommendations for remedying deficiencies or improving processes have led to fundamental changes to law and policy.

British Columbia today is a different place than it was 30 years ago. There have been changes in population size and composition; public service delivery mechanisms; the complexity and interaction of laws, regulations, and policies; the speed of communications; and the public's expectations of good governance. Yet, some things remain unchanged. Citizens, residents and visitors to the province still interact with public authorities on a daily basis in the conduct of their business and personal affairs. They still have a right to receive fair and reasonable treatment. The fact that there are still thousands of complaints brought to the office each year is evidence that the Office of the Ombudsperson continues to provide useful service to the people of British Columbia.

The major challenge for the Office of the Ombudsperson today is its ability to investigate and resolve the increasing number of complaints in a timely manner. Both the complexity and number of investigations has increased steadily over past years and investigative resources have not. Innovative approaches and interim measures have succeeded in reducing the rate at which the back log is increasing but cannot remedy the situation. As of September 2009 the Office of the Ombudsperson began a "Files Awaiting Assignment" list. In the first two and a half months it has grown to more than 100 files. Delay in initiating investigations is inconsistent with providing high quality service and achieving timely resolutions. Additional investigative resources are required.

This objective of this service plan is to enable the Office of the Ombudsperson to ensure that every person in British Columbia is, and feels they have been, treated fairly in the provision of public services.



Kim S. Carter
Ombudsperson
Province of British Columbia

Vision

British Columbia's Independent Voice for Fairness

Mandate

The Office of the Ombudsperson's mandate is to investigate allegations of administrative unfairness involving more than 2500 public authorities in British Columbia; to independently and impartially identify if a decision, recommendation, action or procedure complained about did result in unfair treatment; to seek a fair resolution where this is the case; and to provide a well-reasoned explanation when it concludes that is not the case.

The Office of the Ombudsperson does not advocate or represent the interests of individuals or groups, but rather represents the interests of the people of British Columbia in ensuring everyone in British Columbia is treated fairly by public authorities.

Administrative matters within the ombudsperson's jurisdiction include decisions, recommendations, actions and procedures 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 otherwise 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 addition, the office has, for the past six years, provided Shared Services support to the Office of the Information and Privacy Commissioner, the Office of the Police Complaint Commissioner and, for the past three years to the Office of the Merit Commissioner.

The work of the office is carried out through an integrated process of intake, referral, early resolution, investigation of individual complaints, systemic investigations, consultation, reporting, monitoring of implemented recommendations, education and outreach.

Goals and Performance Measures

Our current Strategic Plan identifies four broad goals that assist us in fulfilling our mandate. These are:

1. Conducting Thorough and Impartial Investigations;
2. Establishing the Office as a Recognized Centre of Excellence in Administrative Fairness;
3. Ensuring well-being in the workplace; and
4. Outreach.

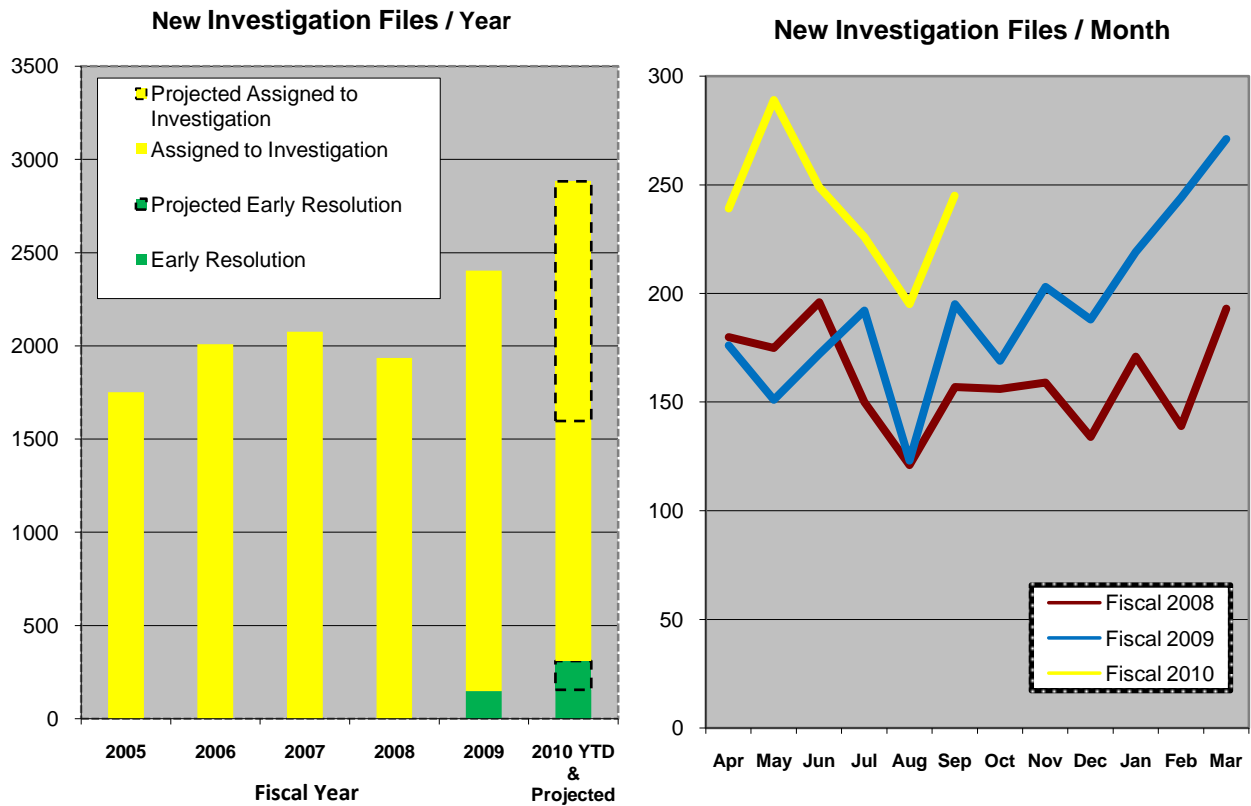
Although we have a number of other predominantly time related performance measures, the critical measures that apply to each of these goals and our results in fiscal 2009 and our progress in fiscal 2010 to date are:

1. Conducting Thorough, Impartial Investigations:
 - a. Majority of systemic investigation recommendations accepted and implemented – MET.
 - b. Less than 1% of closed investigations reopened – MET.
2. Establishing the Office as a Recognized Centre of Excellence in Administrative Fairness
 - a. Respond to 75% or more of telephone contacts within 40 seconds – MET.
 - b. Respond to 90% of written contacts within 2 working days – PARTIALLY MET.
 - c. Complete 90% or more of Early Resolutions within 10 working days – MET.
 - d. Complete 70% or more of investigations within 90 days – NOT MET.
 - e. Provide administrative fairness training to 30 or more authorities – MET.
3. Well-being in the Workplace
 - a. Staff reporting high level of workload stress not to exceed the public service average – NOT MET.
4. Outreach
 - a. Increase Ombudsperson provincial tours to three annually – NOT MET.
 - b. Improve overall recognition of role of the office among people whose first language is not English – MET.
 - c. Conduct at least 35 mobile intakes – MET.

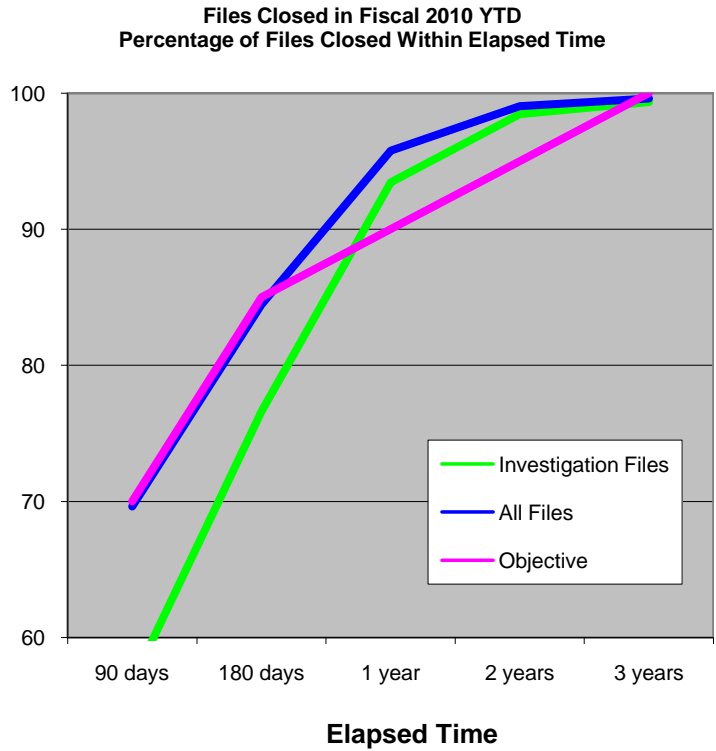
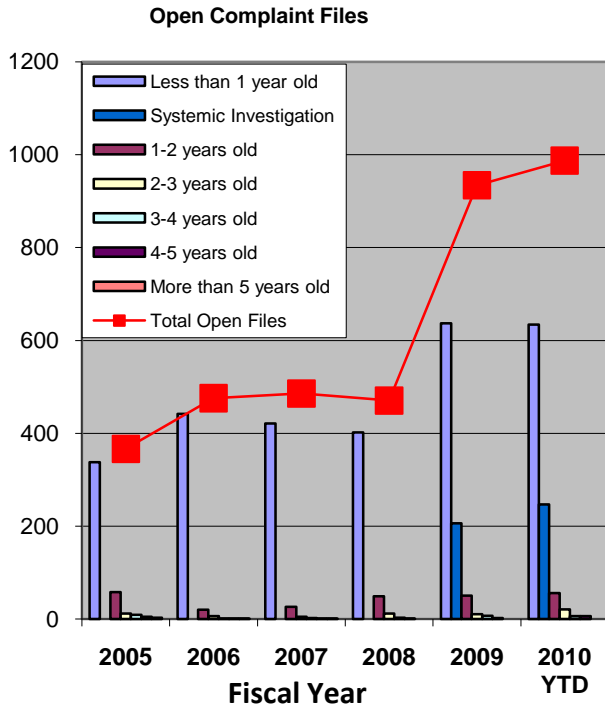
All these goals are directly affected by workload and the timeliness of our investigations. We have developed a number of tools that allow us to track our work load and measure the timeliness of our performance. As an organization that responds to outside demand (complaints) it is important that we evaluate on an ongoing basis how demand is affecting performance, productivity and results and we are able to distinguish between short and long term changes.

The following charts demonstrate changes in investigative file load and the corresponding impact on timelines for work completion.

Workload



Timeliness of Work Completion



Public Awareness

While the percentage of people, whose first language is not English, who have heard about the Office of the Ombudsperson continues to increase it remains significantly lower than the level for those whose first language is English. This also appears to be reflected in the geographic origins of our complaints. While the Lower Mainland has 59% of the province’s population it is the source of only 41% of our investigative files.

Percentage of people randomly surveyed who have heard about the Office of the Ombudsman.	<u>Based on a 2008 survey conducted by BC Statistics</u>	
	English as first language	65%
	English not first language	44%
	Overall	61%

Core Strategies and Actions

In carrying out the mandate of the office and in order to achieve the goals that have been established, several core strategies provide a framework for specific actions. The ✓ indicates those actions that have been fully or substantially implemented.

Increased Awareness – broadening the public profile and improving understanding of the role of the Ombudsperson

Actions:

- ✓ develop and implement a communications plan
- explore service opportunities in other regions of the province
- increase public reporting
- ✓ liaise with multicultural and advocacy organizations
- ✓ meet with authorities to improve understanding of role of Ombudsperson and administrative fairness
- ✓ meet with MLAs and constituency assistants
- ✓ develop relationships with the academic community
- ✓ participate in parliamentary ombudsman and similar organizations
- initiate Ombudsperson fairness awards
- increase frequency of provincial tours

Quality Service – implementing the *Ombudsperson Act* to the highest standards

Actions:

- develop new tools to improve general oversight of the administrative actions of government authorities
- ✓ produce useful systemic reports
- improve accessibility for complainants
- ✓ review and initiate update of *Ombudsperson Act*
- ✓ continue to update policies and procedures
- ✓ provide access to translator/interpretation services
- ✓ enhance technology to support investigations and communications
- ✓ support opportunities for training, learning and improvement

Workplace of Choice - attracting, retaining and supporting skilled staff who are committed to excellence

Actions:

- ✓ offer opportunities to enhance justice and fair treatment
- ✓ provide intellectual challenge
- ✓ provide flexible work options for staff
- ✓ promote professionalism
- ✓ practice environmental stewardship
- ✓ proactive review and assessment of workplace health and safety
- ✓ provide on-site technological support
- ✓ provide opportunities for staff development
- recognize quality work and contributions to staff morale
- provide opportunities for staff participation in office initiatives

Progress on Key Commitments and the Challenges Ahead

Last year's budget submission set out as key commitments for fiscal 2010 outreach, consolidation of the Early Resolution Process, monitoring of the reorganization of investigative resources, maintenance of the systemic investigation program, addressing the high volume of complaints related to seniors care, and overseeing the long term shared service office consolidation project.

PROGRESS ON KEY COMMITMENTS

OUTREACH

Our office has set up access to a multi-lingual interpretation and translation service to facilitate access for individuals whose first language is neither English nor French. We are in discussions to relocate some mobile intake locations in the Lower Mainland to provide easier access for these groups.

CONSOLIDATION OF THE EARLY RESOLUTION PROCESS

This initiative has been extremely successful, increasing the satisfaction of complainants and authorities as well as contributing to our goal of being a recognized centre of excellence in administrative fairness. While it initially required significant training and program development it has now developed into a smooth running operation. It currently redirects approximately 10% of investigative files. The implementation of this process took slightly more than the one FTE initially allocated to it, but the return on investment has been impressive. This is an area where there may be room for further modest expansion over the next two years.

MONITORING OF THE REORGANIZATION OF INVESTIGATIVE RESOURCES

As set out in last year's submission in September 2008 I reorganized our investigative resources into three teams. This was designed to allow a greater focus on specific areas; a more rapid development of investigative expertise; and better access to support and guidance from experienced investigators and managers. The reorganization has been a success. Combined with a newly developed formal training program for new investigators it allows those investigators to be integrated into the teams and become fully effective more quickly. The reorganization has been particularly useful in light of the growing investigative caseload in some less traditional areas such as local government and health authorities. Nevertheless each team member must still be prepared to deal with many different and diverse authorities.

MAINTENANCE OF THE SYSTEMIC INVESTIGATION PROGRAM

While the manager and two investigative positions were maintained, the team's operations this year were burdened with the need to investigate a significant number of seniors' care related individual investigative files. This has undesirably prolonged a significant systemic investigation, as well as the timely investigation and resolution of some of the individual investigative files. It has also delayed other pending systemic investigations.

ADDRESSING THE HIGH VOLUME OF COMPLAINTS RELATING TO SENIORS' CARE

In the absence of funding for the two additional investigative positions requested last year many of these complaint files have, like others, become part of a growing backlog.

OVERSEEING THE LONG TERM OFFICE CONSOLIDATION PROJECT

This has gone well. In large part this is attributable to having an experienced Professional Engineer and public administrator as the main point of contact with the architects and builder. This was also facilitated by the temporary funding of a Director of Shared Services position for fiscal 2010. The project is on time and the overall costs for the four offices of the legislature are lower than originally predicted.

CHALLENGES AHEAD

As set out earlier in the service plan the overwhelming challenge for the Office of the Ombudsperson over the next 18 months (to the end of fiscal 2011) is to find a way to effectively deal with increasing investigative workloads.

Toward the end of fiscal 2008 (spring 2008) the number of open investigative files began to rise. From an average of 450 it increased to more than 700 by November 2008 (fiscal 2009) and continued to rise. It was approximately 900 by the end of fiscal 2009. It stands at 1050 today. Towards the end of fiscal 2009 I began to use additional unanticipated funds to temporarily augment investigative capacity.

The rate of increase in the number of investigative files continues to climb. There is no one reason for this, but anecdotally, and based on the history of the office, in times of fiscal uncertainty the number of complaints to the office rises. Often this is because of constraints in service delivery by public authorities, or changes to service delivery models or workloads. As other organizations face increasing challenges in ensuring administrative fairness this office is the last resort for many people and their only viable option.

If additional investigative resources are not funded then the gap between investigative files opened and investigations completed will continue to increase and the Office of the Ombudsperson will be unable to fulfill its core mandate of ensuring fair treatment for everybody in British Columbia by public authorities.

Priorities for Fiscal 2011

The Office of the Ombudsperson celebrated its 30th Anniversary in 2009. While its mandate and role has remained consistent over that time the context in which it operates has changed. The Office has evolved its operation into its current integrated process of intake, referral, early resolution, investigation of individual complaints, systemic investigations, monitoring of implementation of accepted recommendations, education and outreach.

The Office has five priorities for fiscal 2011:

Effectively Addressing Continually Increasing Investigative Workload

This is the Office's primary priority for fiscal 2011 as it must be addressed over the next 18 months. Timely investigation of individual complaints is essential to ensuring fair resolutions can be achieved. While a number of innovative steps have been taken over the past three years to address the increase in investigative workload within existing resources, including redirecting approximately 10% of current investigative files into the highly successful Early Resolution Program, the number of investigative files continues to rise. A comparison of the number of investigative files opened over the past 12 months with a similar period five years ago shows a 47% increase. In fiscal 2009 there was a dramatic rise in the open files (471 to 934) which continues to grow. Based on the increase over the first six months of this fiscal year the projected number of investigative files for this fiscal year (including those diverted to Early Resolution) will be approximately 2800. Eight years ago (fiscal 2002) 23% of our intakes (approximately 2500 files) went on to investigation: last fiscal year it was 31% and this year it is projected to be 32%. It is simply not possible to deal with the broad mandate of the Office and the continuing increase in investigations without a proportional increase in investigative resources.

Shared Office Consolidation

Construction of the new space is on schedule and on budget for completion at the end of October 2010. The physical relocation of the staff from four existing locations to one will represent a significant but welcome workload for the Shared Services Staff in the coming year and will permit continuation of Shared Service efficiencies.

Systemic Investigations

Systemic Investigations present the greatest opportunity for significant change to address areas of unfairness affecting many people. The resulting public reports also assist other public authorities to identify areas where they can improve their own administrative practices. During the coming year, resources allocated to Systemic Investigations will be sustained at the current levels, but efforts will be made to redirect individual investigative files to other teams.

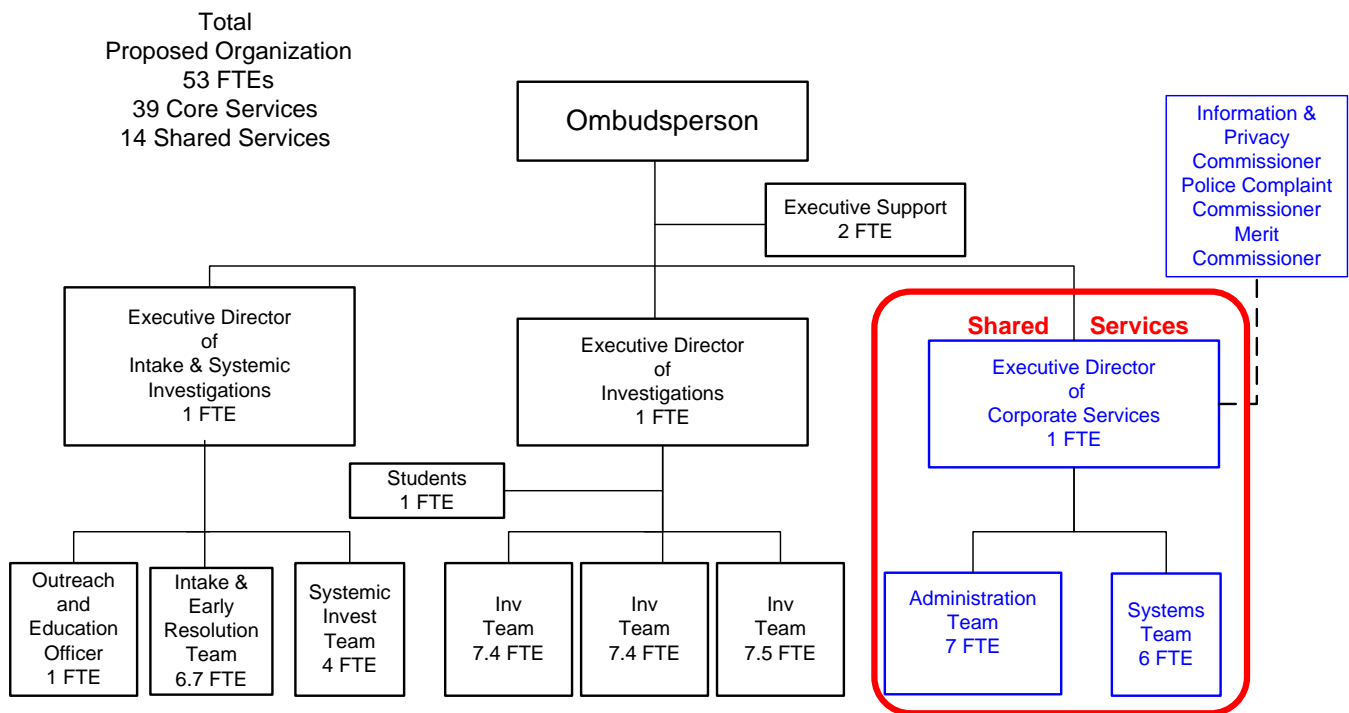
Good Governance Materials for Authorities

To assist public authorities in identifying areas of risk for administrative unfairness and to evaluate and improve their own administrative processes the Office will develop good governance packages targeted at specific areas. These good governance packages will assist authorities in more consistently applying the principles of administrative fairness in their policies, procedures and decision making. This should lead to fewer complaints being brought to the Office of the Ombudsperson over time and could therefore reduce the rate of increase in files to be investigated in the future.

Outreach to Underserved Communities

Our most recent survey indicates that people whose first language is not English are significantly less aware of the role of the Office of the Ombudsperson and that there is somewhere they can go if they cannot resolve their concerns about unfair or unreasonable treatment with a public authority. This is of concern as often these are the very people who have the greatest need. We will continue to build on our contacts with agencies that serve these communities and will be targeting tour and mobile intake activities in the coming year to increasing access for people in these communities.

Appendix 1: Organization of the Office



Appendix 2: 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*.