

2020/21
-2022/23



**BUDGET
SUBMISSION**



The Office of the

mbudsperson

B.C.'s Independent Voice For Fairness

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Overview of Operations

The Office of the Ombudsperson was established in British Columbia in 1979. The *Ombudsperson Act* mandates the Ombudsperson to investigate complaints about the actions, inactions, decisions, policies and procedures of government agencies in British Columbia including ministries, provincial boards and commissions, Crown corporations, health authorities, local governments, school boards, colleges, universities and governing bodies of various regulated professions and occupations.

The operational work of the office arising from the *Ombudsperson Act* can be divided into three main areas: intake and early resolution; individual investigations; and systemic investigations. Each of these areas also contributes to the office's ongoing education and outreach initiatives.

The Intake and Early Resolution Team responds to enquiries and complaints and provides information, assistance and referral services to complainants. Team members also deal with complaints that can be resolved quickly under our Early Resolution Program.

If a complaint cannot be resolved by the Intake and Early Resolution Team and, following further assessment, it is assigned to an Ombudsperson Officer on one of the three individual investigation teams – the Health and Local Services Team, the Regulatory Programs Team or the Social Programs Team. The role of the Ombudsperson Officer is to impartially investigate and, where an administrative

unfairness is identified, to work to achieve a fair resolution.

In addition to investigating concerns of unfair government action and, where warranted, seeking redress of those concerns, the work done by the Intake and Early Resolution Team and the three complaint investigation teams contributes to decisions about where a systemic approach would be appropriate and likely to produce useful and positive outcomes.

In addition to receiving and investigating individual concerns and complaints, the Office of the Ombudsperson also delivers on its mandate to oversee the fairness of administrative actions of government authorities by conducting in-depth systemic investigations. These investigations are typically conducted by the Systemic Investigation Team are reported in our published reports.

Recent systemic reports have addressed a range of issues related to fairness in public administration including openness and transparency in local government, inadequacies in private career training oversight, best practices in bylaw enforcement, the hiatus in inspection of correctional facilities, issues in Crown land allocation and lengthy wait times in income assistance call centres.

Since 2017/18 the Ombudsperson has undertaken a three-year Prevention Initiatives pilot project. The program applies the Ombudsperson's expertise in administrative fairness to proactively assist authorities to design and operate processes in a fair and reasonable manner, thereby preventing problems from occurring in the first place.

In the fall of 2018 the office began preparation for the 2019/20 implementation of the *Public Interest Disclosure Act (PIDA)*. Under the Act the Ombudsperson is responsible for providing advice to prospective disclosers of wrongdoing, investigating disclosures of wrongdoing and investigating allegations of reprisal.

PIDA is expected to come into force on December 1, 2019. In the first phase of implementation PIDA will apply to employees and former employees of ministries, ministerial staff and Independent Offices of the Legislature. It is anticipated that the Act will apply to the broader provincial and local public sector in phases over the next five years.

Budget Request

The Office of the Ombudsperson prepared this budget using a bottom-up approach. Any operational or capital funds unexpended in a fiscal year are returned to the Consolidated Revenue Fund.

The Office of the Ombudsperson budget is divided into two parts: Core Ombudsperson Operations and Corporate Shared Services:

- **Core Ombudsperson Operations** includes activities relating to the office's intake, early resolution, investigative, systemic, advisory, education and preventative, and public interest disclosure activities.
- **Corporate Shared Services** includes activities relating to finance, administration, building operations, human resources and information technology. These corporate shared services are provided by Ombudsperson employees not only to the Office of the Ombudsperson but also to three other co-located Officers of the Legislature. The costs of these services are allocated on a proportional basis between the four supported offices. The contribution of the other supported offices to these costs are reflected under STOB 88 Internal Recoveries in the Statement of Operations tables in this submission.

Budget Request for 2020/21

The 2020/21 budget request provides for the continuation of existing operations as well as the implementation of new statutory

responsibilities under the *Public Interest Disclosure Act (PIDA)*, and an Indigenous Liaison Officer.

There is also a minor increase requested in this budget to cover known inflationary costs of wages and facilities.

The Preventative Ombudship pilot project commenced in 2017/18 with a three year plan to conclude with a full assessment and future recommendations. A comprehensive report from a third party evaluation was received in September 2019. The report made positive findings regarding the various awareness, collaborative and training activities of the Prevention Initiatives pilot. The report recommended continuation of the program. Continuation of existing funding is requested to transition from the pilot phase to a core deliverable program. Areas for program enhancement identified by the evaluation, and any associated resource impact, will be reviewed following receipt of the March 2020 evaluation report.

Public Interest Disclosure

Implementation of *PIDA* represents the most substantial change to the statutory mandate of the Ombudsperson in its nearly 40 year history. *PIDA* imposes new obligations on the Ombudsperson as part of the new statutory scheme to encourage ethical conduct and allow for safe conduits for the disclosure of possible wrongdoing by public bodies in the province. The Ombudsperson will have mandatory duties with respect to providing advice to prospective disclosers of wrongdoing, receiving and fairly investigating disclosures to determine whether allegations of wrongdoing are substantiated and

investigating allegations that persons who disclose wrongdoing or cooperate with an investigation are the subject of reprisal.

Following the passage of *PIDA*, a supplementary budget allocation in 2018/19 was provided to allow the Ombudsperson to initiate internal readiness tasks (e.g. operational policy, IT changes, regulations support). Those positions were carried forward in 2019/20 and continued to work on external facing implementation (e.g. law enforcement and Provincial Health Officer protocol development, communication to public servants and others on the role of the Ombudsperson). Following Phase One of *PIDA*'s coming into force those staff will provide support to each successive phase of public bodies coming under the Act so that within five years *PIDA* coverage will be similar to coverage under the *Ombudsperson Act*, applying to over 300,000 public employees.

In 2019/20 an initial investigation team was funded and established. This team will be responsible for carrying out the statutory functions in matters when the Act comes into force, anticipated to be on December 1, 2019. Original workload estimates were developed following assessment of other jurisdictions, the particular provisions in B.C. legislation and the then-prevailing awareness of existing and proposed wrongdoing disclosure pathways. As indicated in last year's budget request, annual workload updates will be provided to the committee.

As indicated above, one of the factors that was considered in determining workload estimates was the then-prevailing public awareness of public wrongdoing, allegations of corruption

and pathways for disclosure, including whistleblowing. Since those estimates a year ago there has been an unprecedented focus in public and media attention to whistleblowing arising from issues not just in B.C. but across North America.

This unprecedented focus presents upward pressure to last year's caseload estimates. This risk cannot be ignored. A prudent risk-mitigation approach is to:

- Increase the complement of investigators earmarked for *PIDA* duties;
- Implement these "risk-mitigation" investigators on July 1, 2020 given the anticipated December 1, 2019 coming into force, thereby reducing the 2020/21 expenditure impact by 25%;
- In the event all the investigators are not fully required for *PIDA* matters, deploy the investigators to *Ombudsperson Act* investigations for the remaining period; and
- Report back as part of the 2021/22 budget process on utilization of the "risk-mitigation" resources.

Indigenous Liaison Officer

Improving service to underserved communities is a strategic priority as set out in our 2016-2021 Strategic Plan. Addressing service to Indigenous people is the most significant and pressing matter to address under this strategic priority.

The Ombudsperson intends to address this priority in a collaborative, respectful manner in partnership with Indigenous

communities. Developing a plan in partnership will take some time and the Ombudsperson anticipates returning as part of the 2021/22 budget planning process with an Indigenous Communities Service Plan and accompanying budget.

In the meantime the office requires funding to establish appropriate links with First Nations and other Indigenous communities and to develop a plan over the next 24 months. Requested funding for 2020/21 and 2021/22 will allow for one Indigenous Liaison Officer and associated planning and liaison costs.

Summary

The 2020/21 operating budget request is for \$9,746,000, which represents an increase of \$873,000 as follows:

- Inflation \$283,000
- PID caseload \$467,000
- Indigenous Liaison \$123,000

Statement of Operations

Fiscal Years 2018/19 and 2019/20

		Fiscal 2018/19 (previous)		Fiscal 2019/20 (current)
		Budget	Actual	Budget
Funding				
Voted Appropriation		7,637,000	7,478,101	8,873,000
	Total	7,637,000	7,478,101	8,873,000
Expenses				
Salaries		5,224,000	5,083,980	6,031,000
Employee Benefits		1,299,000	1,252,128	1,501,000
Travel		79,000	87,549	94,000
Professional Services		289,000	221,177	320,000
Information Systems		279,000	294,268	271,000
Office and Business Expenses		271,000	327,439	308,000
Informational Advertising and Publications		64,000	40,157	106,000
Statutory Advertising and Publications		22,000	17,280	33,000
Utilities, Materials and Supplies		47,000	41,584	50,000
Amortization		60,000	60,841	134,000
Building Occupancy		894,000	943,605	986,000
Other		-	-	-
Internal Recoveries		(826,000)	(828,000)	(896,000)
External Recoveries		(65,000)	(63,907)	(65,000)
	Total Expenses	7,637,000	7,478,101	8,873,000
Capital Budget				
Information Systems, Furniture & Equipment		270,000	269,000	142,000
	Total Capital	270,000	269,000	142,000

Budget Request by STOB

Fiscal Years 2020/21 – 2022/23

STOB	Expense Type	2019/20 (current) Approved Budget	2020/21 Proposed Estimates	Change From Previous Year	Fiscal 2021/22 Planned	Fiscal 2022/23 Planned
50	Salaries	5,704,000	6,463,000	759,000	6,597,000	6,800,000
51	Supplemental Salary	57,000	87,000	30,000	87,000	87,000
52	Employee Benefits	1,509,000	1,698,000	189,000	1,712,000	1,763,000
54	Officer of the Leg. Salary	304,000	304,000	-	304,000	304,000
57	Travel	94,000	94,000	-	94,000	94,000
60	Professional Services	320,000	232,000	(88,000)	232,000	232,000
63	Information Systems	271,000	364,000	93,000	369,000	376,000
65	Office and Business Expenses	308,000	328,000	20,000	328,000	337,000
67	Info., Advertising & Publications	106,000	64,000	(42,000)	64,000	64,000
68	Statutory Adv. & Publications	33,000	20,000	(13,000)	20,000	20,000
69	Utilities, Materials and Supplies	50,000	50,000	-	50,000	52,000
73	Amortization Expense	134,000	114,000	(20,000)	118,000	118,000
75	Building Occupancy	986,000	945,000	(41,000)	977,000	1,012,000
85	Other	-	-	-	-	-
88	Internal Recoveries	(938,000)	(952,000)	(14,000)	(963,000)	(963,000)
90	External Recoveries	(65,000)	(65,000)	-	(65,000)	(65,000)
Total		8,873,000	9,746,000	873,000	9,924,000	10,231,000
Capital Budget						
	Info. Systems, Furniture & Equipment	138,000	142,000	4,000	75,000	94,000
Total		138,000	142,000	4,000	75,000	94,000

Notes

1. STOB 50 (Salaries) and STOB 52 (Employee Benefits) includes salaries for existing staff positions and the known financial impact of the salary increases.
2. STOB 63 (Information Systems) includes data lines, IDIR accounts, voice services, software licensing, data communication, network security and supplies.
3. STOB 65 (Office & Business Expenses) includes costs for office stationery and supplies, offsite file storage, postal and courier charges, printing expenses (other than reports), news subscriptions, staff training, photocopier leases, and business meeting expenses.
4. STOB 68 (Statutory Advertising & Publications) includes costs for preparing and printing the Annual Report to the Legislature.
5. STOB 69 (Utilities, Materials & Supplies) includes costs for utilities, recycling, books and supplies.
6. STOB 73 (Amortization) is the cost of repaying the Capital budget expenditures for information systems hardware and software and office furniture. Expenditures for information systems are amortized over three or five years depending on nature of the purchase. Expenditures for office furniture are amortized over five years.
7. STOB 75 (Building Occupancy) is the proportionate share of the costs associated with the office space of the four Independent Offices located at 947 Fort Street. Operating costs (e.g., building insurance, hydro, property taxes and maintenance) are anticipated to increase in subsequent years.
8. STOB 88 (Internal recoveries) is the amount contributed toward the operations of Corporate Shared Services (CSS) by the 3 other offices participating in this funding model. Services for CSS include information technology, finance, human resources, facilities and reception.
9. CAPITAL BUDGET is for the purchase of information systems hardware and software, office furniture and tenant improvements over \$50,000, and is consistent with the Capital budget in prior fiscal years. Capital amounts are repaid through amortization expense in STOB 73.

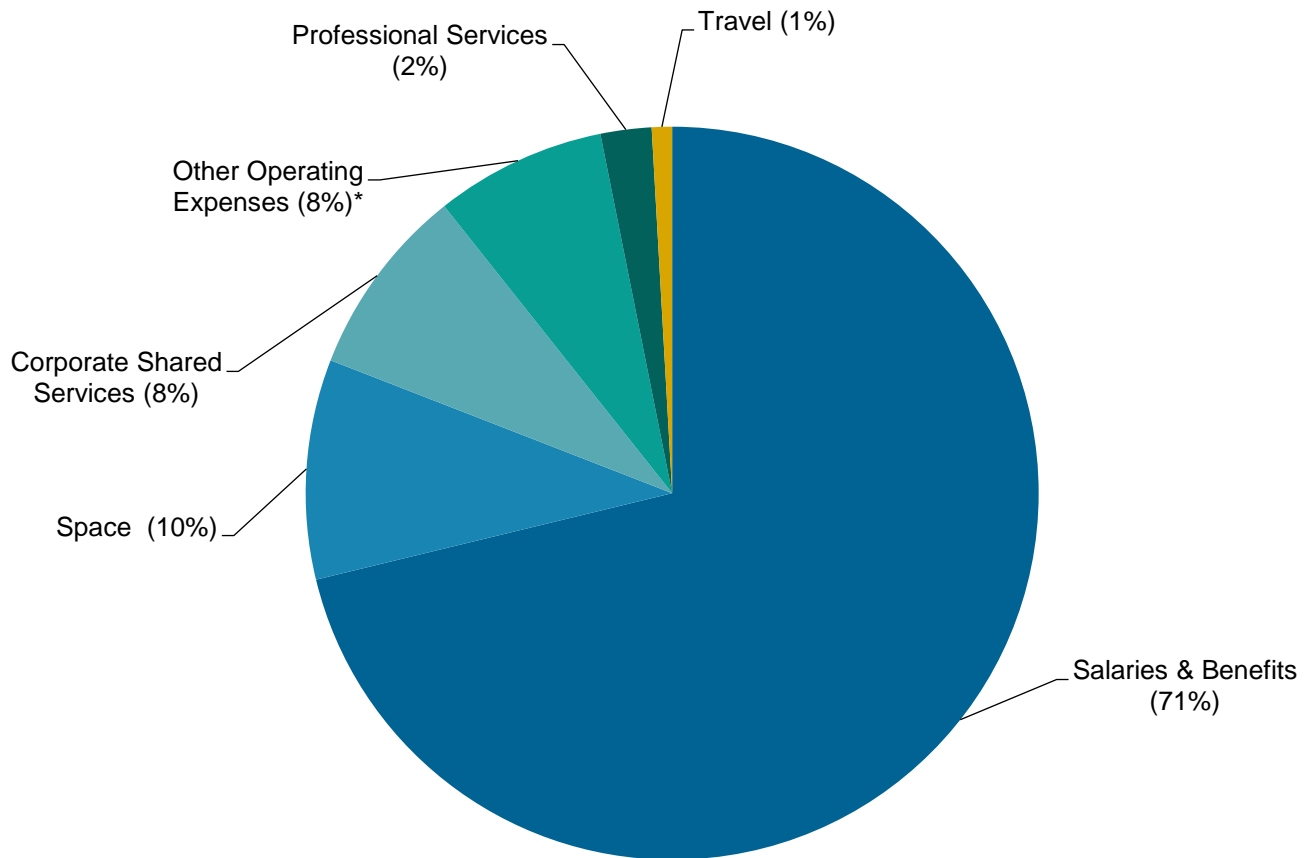
Budget Request by Ombudsperson Operations and Corporate Shared Services

Fiscal Years 2019/20 and 2020/21

STOB		Ombudsperson Operations			Corporate Shared Services			Total		
		Fiscal 2019/20 Budget (Current Year)	Fiscal 2020/21 Budget Request	Change	Fiscal 2019/20 Budget (Current Year)	Fiscal 2020/21 Budget Request	Change	Fiscal 2019/20 Budget (Current Year)	Fiscal 2020/21 Budget Request	Change
50	Salaries	4,482,000	5,173,000	691,000	1,222,000	1,290,000	68,000	5,704,000	6,463,000	759,000
51	Supplemental Salary	57,000	87,000	30,000	-	-	-	57,000	87,000	30,000
52	Benefits	1,203,000	1,376,000	173,000	306,000	322,000	16,000	1,509,000	1,698,000	189,000
54	Officer Salary	304,000	304,000	-	-	-	-	304,000	304,000	-
57	Travel	87,000	87,000	-	7,000	7,000	-	94,000	94,000	-
60	Professional Serv.	307,000	219,000	(88,000)	13,000	13,000	-	320,000	232,000	(88,000)
63	Info. Systems	179,000	272,000	93,000	92,000	92,000	-	271,000	364,000	93,000
65	Office & Business	262,000	282,000	20,000	46,000	46,000	-	308,000	328,000	20,000
67	Info, Adv.& Public'ns	106,000	64,000	(42,000)	-	-	-	106,000	64,000	(42,000)
68	Statutory Public	33,000	20,000	(13,000)	-	-	-	33,000	20,000	(13,000)
69	Utilities, Materials	48,000	48,000	-	2,000	2,000	-	50,000	50,000	-
73	Amortization	134,000	114,000	(20,000)	-	-	-	134,000	114,000	(20,000)
75	Building Occupancy	986,000	945,000	(41,000)	-	-	-	986,000	945,000	(41,000)
85	Other	-	-	-	-	-	-	-	-	-
	Subtotal	8,188,000	8,991,000	803,000	1,688,000	1,772,000	84,000	9,876,000	10,763,000	887,000
88	Internal Recoveries	-	-	-	(938,000)	(952,000)	(14,000)	(938,000)	(952,000)	(14,000)
90	External Recoveries	(65,000)	(65,000)	-	-	-	-	(65,000)	(65,000)	-
	Total	8,123,000	8,926,000	803,000	750,000	820,000	70,000	8,873,000	9,746,000	873,000

Budget Request by Expenditure Type

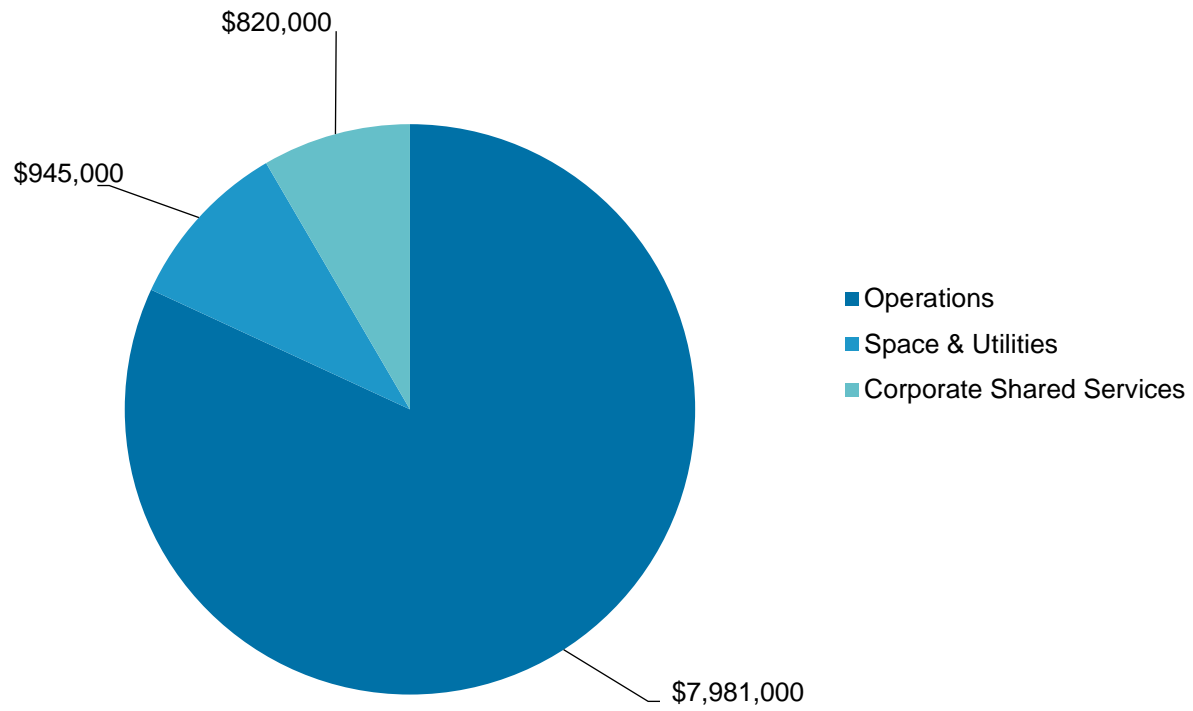
Fiscal Year 2020/21



* Other Operating STOBs includes information Systems (63), Office Expenses (65), reporting (67 and 68), amortization (73) and recoveries (90)

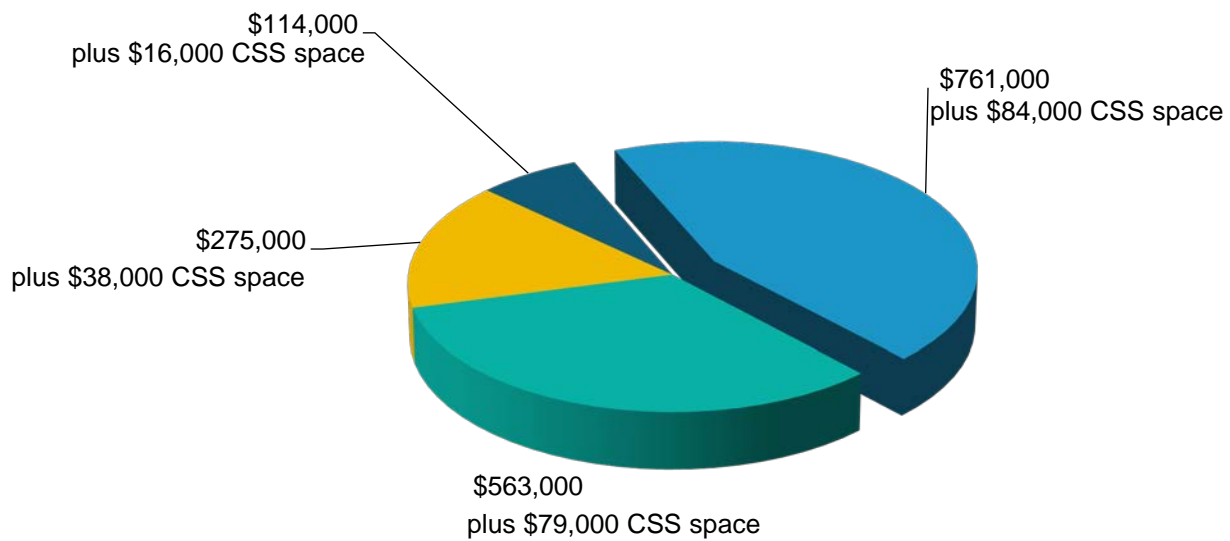
Budget Request by Expenditure Area

Fiscal Year 2020/21



Corporate Shared Services Allocated Budget Request

By Officer of the Legislature - Fiscal Year 2020/21



■ Ombudsperson

■ Information and Privacy Commissioner

■ Police Complaint Commissioner

■ Merit Commissioner

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