



**OMBUDSPERSON**  
BRITISH COLUMBIA

***2022/23-2024/25***  
**Budget**  
**Submission**

Presented to the Select Standing Committee on  
Finance and Government Services

**November 2021**



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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, recommendations 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 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 and 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, inspection of correctional facilities, issues in Crown land allocation, lengthy wait times in income assistance call centres, grade 12 exam mark tabulation, the exercise of emergency powers, and the overuse of separate confinement in youth custody facilities.

The Public Authorities Consultation and Training Team 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.

Under the *Public Interest Disclosure Act* (PIDA) the Ombudsperson is responsible for providing advice to prospective disclosers of wrongdoing,

investigating disclosures of wrongdoing and investigating allegations of reprisal.

The first phase of PIDA came into force on December 1, 2019. As of that date, PIDA applied to employees and former employees of ministries, ministerial staff and Independent Offices of the Legislature. In July 2021, the Attorney

General announced that the Act will apply to the broader provincial public sector in phases over the upcoming three fiscal years. By December 2024 the Act will apply to all agencies, boards, tribunals, health authorities, crown corporations, post secondary institutions, and the K-12 public education sector.

## 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 Ombudsperson Act and the Public Interest Disclosure Act activities relating to the office's intake, early resolution, investigative, systemic, consultation, advisory and training roles.

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 Independent Officers of the Legislature. The costs of these services are allocated on a proportional basis between the four supported offices. The contributions from the other supported offices to these costs are reflected under STOB 88 Internal Recoveries in the Statement of Operations tables below.

### Budget Request for 2022/23

The 2022/23 budget request provides for the continuation of existing services, broadened coverage of the Public Interest Disclosure Act (PIDA) to tribunals, agencies, boards,

commissions and crown corporations, implementation of the initial phase of the Indigenous Communities Services Plan and the transition to outcome-based performance measurement. There is also a minor increase requested in this budget to cover annualization of prior year approvals and known inflationary costs of wages and facilities.

Decreases related to case management system replacement and consultation partially offset expenditure increases.

### Public Interest Disclosure

Implementation of PIDA represents the most substantial change to the statutory mandate of the Ombudsperson in its 40+ year history. PIDA imposed new obligations on the Ombudsperson as part of the new statutory scheme to encourage ethical conduct and provide safe conduits for the disclosure by public employees of possible wrongdoing by public bodies in the province. The Ombudsperson has 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.

In 2019/20 an initial PIDA investigation team was funded and established. This team is responsible for carrying out the statutory advice-provision and investigation functions under the Act.

Funding allocated to date for the investigation team was based on workload estimates arising from the first

phase of implementation, which applied exclusively to core ministries and independent offices. In July 2021 government announced that the next two implementation phases will take place effective April and December 2022. This will include the following 63 additional public bodies:

### April 2022

#### **Agencies, boards, and commissions (Group 1)**

- BC Games Society
- BC Oil and Gas Commission
- British Columbia Safety Authority (conducting business as Technical Safety BC)
- Public Guardian and Trustee
- Real Estate Foundation of BC

#### **Tribunals**

- Agricultural Land Commission
- BC Review Board
- BC Utilities Commission
- Building Code Appeal Board
- Community Care and Assisted Living Appeal Board
- Civil Resolution Tribunal
- Employment and Assistance Appeal Tribunal
- Employment Standards Tribunal
- Environmental Appeal Board
- Farm Industry Review Board
- Financial Services Tribunal
- Forest Appeals Commission
- Forest Practices Board
- Hospital Appeal Board
- Health Professions Review Board
- Human Rights Tribunal
- Industry Training Appeal Board
- Labour Relations Board
- Mental Health Review Board
- Oil and Gas Appeal Tribunal
- Passenger Transportation Board

- Property Assessment Appeal Board
- Safety Standards Appeal Board
- Surface Rights Board
- Workers' Compensation Appeal Tribunal

### December 2022

#### **Agencies, Boards and Commissions (Group 2)**

- BC Ferry Authority
- BC Financial Services Authority
- BC Securities Commission
- Creative BC
- Haida Gwaii Management Council
- Island Coast Economic Trust, Northern Development Initiative Trust, Southern Development Initiative Trust
- Office of the British Columbia Trucking Commissioner

#### **Crown Corporations**

- BC Assessment
- BC Council for International Education
- BC Family Maintenance Agency
- BC Housing
- BC Hydro
- BC Infrastructure Benefits
- BC Investment Corporation
- BC Lottery Corporation
- BC Pavilion Corporation
- BC Railway Company, BCR Properties Ltd. and holding companies
- Columbia Basin Trust
- BC Transit and the Victoria Regional Transit Commission
- Columbia Power Corporation
- Community Living BC
- Destination BC
- First Peoples Cultural Council



- Forestry Innovation Investment Ltd.
- Industry Training Authority
- Innovate BC
- Insurance Corporation of British Columbia
- Insurance Council of BC
- Knowledge Network
- Legal Aid BC
- Partnerships British Columbia Inc.
- Royal British Columbia Museum
- Transportation Investment Corporation

Further phases will take place in 2023/24 and 2024/25 including health authorities, post secondary institutions and K-12 school districts. This expansion will result in an increased investigatory workload. The full schedule is set out in the Appendix to the Service Plan.

The expansion in April and December 2022 will impact workload. A need for four further investigators is anticipated in 2022/23. Staffing dates will be staggered to match anticipated workload.

### Indigenous Communities Services Plan

Supporting Reconciliation through improving service to Indigenous people is identified in the Ombudsperson's 2021/26 Strategic Plan.

In 2020/21, with the establishment of an Indigenous Liaison Officer the Ombudsperson commenced the development of an Indigenous Communities Services Plan (ICSP). The original intent was to provide the full plan as part of this Budget Submission. However, two factors – the pandemic

and the revelations of the unmarked graves at former residential schools – have impacted the timing of consultation. While much was learned from the nine virtual consultations that have taken place to date, additional consultations are required before the full plan is developed. As a result, a phased approach has been adopted. Phase One provides for contracts for five part time regional liaisons and a temporary policy analyst. The remainder of the plan will be in Phase Two to be completed in a year's time for implementation in 2023/24. Details of the phased approach in the Indigenous Communities Services Plan can be found in the accompanying document.

### Outcome Performance Measurement

As set out in the Service Plan, the Ombudsperson is transitioning from output to outcome performance measurement. This involves, among other strategies, an emphasis on surveying the general public, users of the office and public authorities. Surveying the latter two groups will be possible from within the new case management system but contract funding is required for public surveying.

### Summary

The 2022/23 operating budget request is for \$11,580,000, which represents a net increase of \$778,000 as follows:

- PIDA Expansion \$329,000
- Indigenous Communities Services Plan (Phase One) \$201,000
- Performance Measurement \$60,000
- Inflation/annualization and CTS reduction \$188,000
- **Total incremental request \$778,000**

# STATEMENT OF OPERATIONS

Fiscal Years 2020/21 and 2021/22

	Fiscal 2020/21 (previous)		Fiscal 2021/22 (current)
	Budget	Actual	Budget
<b>Funding</b>			
Voted Appropriation	9,366,000	9,291,330	10,802,000
<b>Total</b>	<b>9,366,000</b>	<b>9,291,330</b>	<b>10,802,000</b>
<b>Expenses</b>			
Salaries	6,716,000	6,765,597	7,586,000
Employee Benefits	1,664,000	1,711,730	1,953,000
Travel	94,000	3,417	91,000
Professional Services	32,000	147,531	45,000
Information Systems	356,000	385,051	599,000
Office and Business Expenses	320,000	185,546	406,000
Informational Advertising and Publications	64,000	27,030	114,000
Statutory Advertising and Publications	20,000	7,454	20,000
Utilities, Materials and Supplies	50,000	36,173	50,000
Amortization	114,000	120,581	146,000
Building Occupancy	953,000	937,093	972,000
Other	-	-	-
Internal Recoveries	(952,000)	(975,755)	(1,115,000)
External Recoveries	(65,000)	(60,118)	(65,000)
<b>Total Expenses</b>	<b>9,366,000</b>	<b>9,291,330</b>	<b>10,802,000</b>
<b>Capital Budget</b>			
Information Systems, Furniture & Equipment	72,000	70,000	402,000
<b>Total Capital</b>	<b>72,000</b>	<b>70,000</b>	<b>402,000</b>

## BUDGET REQUEST BY STOB

Fiscal Years 2022/23 – 2024/25

STOB	Expense Type	2021/22 (current) Approved Budget	2022/23 Proposed Estimates	Change From Previous Year	Fiscal 2023/24 Planned	Fiscal 2024/25 Planned
50	Salaries	7,182,000	7,670,000	488,000	7,472,000	7,384,000
51	Supplemental Salary	87,000	87,000	-	87,000	87,000
52	Employee Benefits	1,953,000	2,086,000	133,000	2,037,000	2,014,000
54	Officer of the Leg. Salary	317,000	324,000	7,000	324,000	324,000
55	Boards and Commissions	-	30,000	30,000	-	-
57	Travel	91,000	91,000	-	91,000	91,000
60	Professional Services	45,000	308,000	263,000	308,000	308,000
63	Information Systems	599,000	561,000	(38,000)	542,000	536,000
65	Office and Business Expenses	406,000	366,000	(40,000)	348,000	344,000
67	Info., Advertising & Publications	114,000	34,000	(80,000)	34,000	34,000
68	Statutory Adv. & Publications	20,000	15,000	(5,000)	15,000	15,000
69	Utilities, Materials and Supplies	50,000	42,000	(8,000)	42,000	42,000
73	Amortization Expense	146,000	178,000	32,000	178,000	178,000
75	Building Occupancy	972,000	972,000	-	972,000	972,000
85	Other	-	-	-	-	-
88	Internal Recoveries	(1,115,000)	(1,129,000)	(14,000)	(1,011,000)	(1,011,000)
90	External Recoveries	(65,000)	(55,000)	10,000	(55,000)	(55,000)
	<b>Total</b>	<b>10,802,000</b>	<b>11,580,000</b>	<b>778,000</b>	<b>11,384,000</b>	<b>11,263,000</b>
<b>Capital Budget</b>						
	Info. Systems, Furniture & Equipment	402,000	102,000	(300,000)	53,000	65,000
	<b>Total</b>	<b>402,000</b>	<b>102,000</b>	<b>(300,000)</b>	<b>53,000</b>	<b>65,000</b>

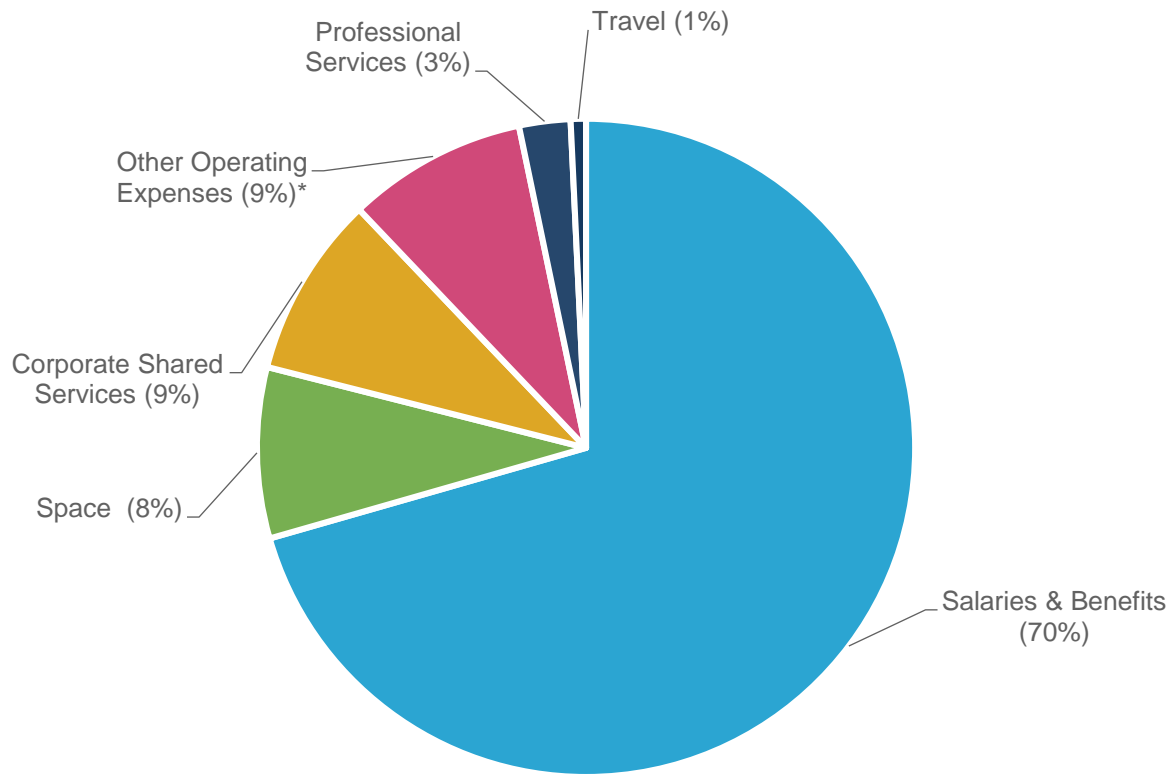
## BUDGET REQUEST BY OMBUDSPERSON OPERATIONS AND CORPORATE SHARED SERVICES

Fiscal Years 2021/22 and 2022/23

STOB		Ombudsperson Operations			Corporate Shared Services			Total		
		Fiscal 2021/22 Budget (Current Year)	Fiscal 2022/23 Budget Request	Change	Fiscal 2021/22 Budget (Current Year)	Fiscal 2022/23 Budget Request	Change	Fiscal 2021/22 Budget (Current Year)	Fiscal 2022/23 Budget Request	Change
50	Salaries	5,638,000	<b>6,080,000</b>	442,000	1,656,000	<b>1,702,000</b>	46,000	7,294,000	<b>7,782,000</b>	488,000
51	Supplemental Salary	87,000	<b>87,000</b>	-	-	-	-	87,000	<b>87,000</b>	-
52	Benefits	1,565,000	<b>1,680,000</b>	115,000	416,000	<b>434,000</b>	18,000	1,981,000	<b>2,114,000</b>	133,000
54	Officer Salary	317,000	<b>324,000</b>	7,000	-	-	-	317,000	<b>324,000</b>	7,000
55	Boards and Commissions	-	<b>30,000</b>	30,000	-	-	-	-	<b>30,000</b>	30,000
57	Travel	87,000	<b>87,000</b>	-	4,000	<b>4,000</b>	-	91,000	<b>91,000</b>	-
60	Professional Serv.	29,000	<b>292,000</b>	263,000	16,000	<b>16,000</b>	-	45,000	<b>308,000</b>	263,000
63	Info. Systems	507,000	<b>469,000</b>	(38,000)	92,000	<b>92,000</b>	-	599,000	<b>561,000</b>	(38,000)
65	Office & Business	352,000	<b>312,000</b>	(40,000)	54,000	<b>54,000</b>	-	406,000	<b>366,000</b>	(40,000)
67	Info, Adv.& Publications	114,000	<b>34,000</b>	(80,000)	-	-	-	114,000	<b>34,000</b>	(80,000)
68	Statutory Public	20,000	<b>15,000</b>	(5,000)	-	-	-	20,000	<b>15,000</b>	(5,000)
69	Utilities, Materials	48,000	<b>40,000</b>	(8,000)	2,000	<b>2,000</b>	-	50,000	<b>42,000</b>	(8,000)
73	Amortization	146,000	<b>178,000</b>	32,000	-	-	-	146,000	<b>178,000</b>	32,000
75	Building Occupancy	972,000	<b>972,000</b>	-	-	-	-	972,000	<b>972,000</b>	-
85	Other	-	-	-	-	-	-	-	-	-
	<b>Subtotal</b>	9,882,000	<b>10,600,000</b>	718,000	2,240,000	<b>2,304,000</b>	64,000	12,122,000	<b>12,904,000</b>	<b>782,000</b>
88	Internal Recoveries	-	-	-	(1,255,000)	<b>(1,269,000)</b>	(14,000)	(1,255,000)	<b>(1,269,000)</b>	(14,000)
90	External Recoveries	(65,000)	<b>(55,000)</b>	10,000	-	-	-	(65,000)	<b>(55,000)</b>	10,000
	<b>Total</b>	9,817,000	<b>10,545,000</b>	728,000	985,000	<b>1,035,000</b>	50,000	10,802,000	<b>11,580,000</b>	778,000

# BUDGET REQUEST BY EXPENDITURE TYPE

Fiscal Year 2022/23



\*Other Operating Expenses includes information Systems (63), Office Expenses (65), Reporting (67 and 68), Amortization (73) and Recoveries (90)

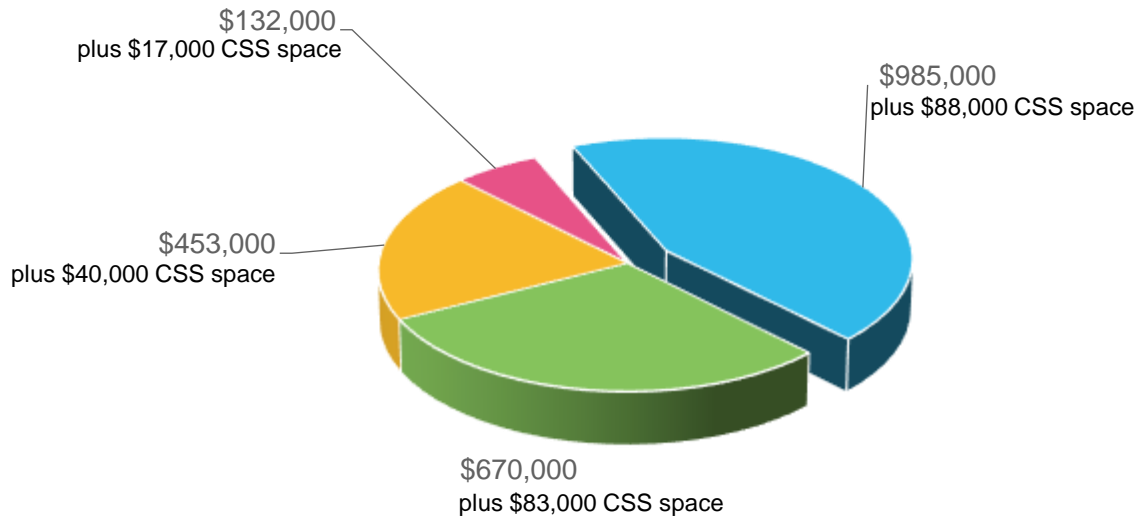
# BUDGET REQUEST BY EXPENDITURE AREA

Fiscal Year 2022/23



# CORPORATE SHARED SERVICES ALLOCATED BUDGET REQUEST

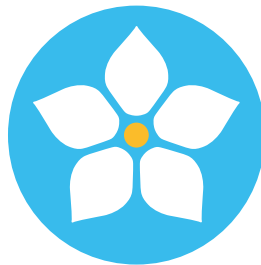
Fiscal Year 2022/23



- Ombudsperson
- Information and Privacy Commissioner
- Police Complaint Commissioner
- Merit Commissioner







**OMBUDSPERSON**  
B R I T I S H C O L U M B I A