



OMBUDSPERSON
BRITISH COLUMBIA

2022/23-2024/25 **Service Plan**

Presented to the Select Standing Committee on
Finance and Government Services

November 2021

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November 2021

I have the honour to present the 2022/23-2024/25 Service Plan for the Office of the Ombudsperson.

Included in this Service Plan is a report on our service performance for 2020/21, an interim report on progress on our 2021/22 initiatives, and a plan setting out our priorities and initiatives for 2022/23 and the following two years.

This Service Plan is the first issued within the strategic framework set out in our 2021-2026 Strategic Plan.

Jay Chalke
Ombudsperson

2021-26 STRATEGIC PLAN: SUMMARY

<p>Our Vision</p> 	<p>Fairness and Accountability in British Columbia's Public Services</p>
<p>Our Mandate</p> 	<p>British Columbia's Independent Voice for Fairness and Accountability</p> <p>The Office of the Ombudsperson is responsible for overseeing the fairness and accountability of the public sector. We do this by hearing people's concerns about unfair treatment, systemic practices, or wrongdoing, and conducting impartial investigations to identify whether steps should be taken to address them. We address the problems we find by negotiating resolutions, making findings and recommendations, and reporting to the Legislature and the public on our results. Through education and consultation, we also support public sector organizations to build fairness into their programs and services.</p>
<p>Principles that Guide Our Work</p> 	<ul style="list-style-type: none">• Fairness• Accountability• Integrity• Respect• Impartiality• Service

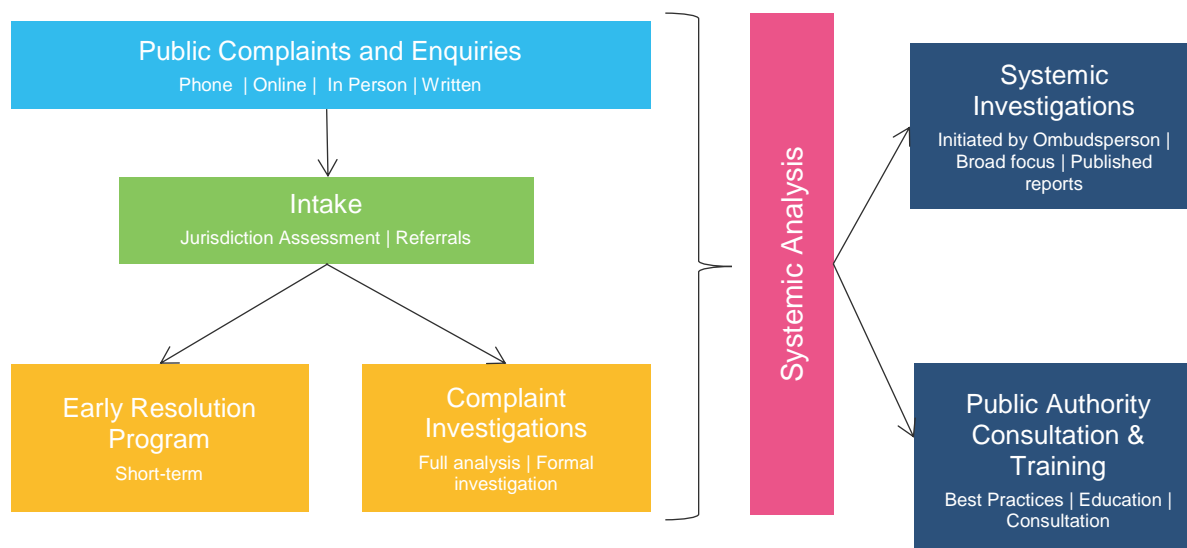
2021-26 STRATEGIC PLAN GOALS

<p>Our Goals</p> 	<ul style="list-style-type: none">• Deepen our connection with the public• Enhance and modernize our services• Expand our investigative impact on fairness in public services• Help authorities to prevent unfairness before complaints arise• Support implementation of whistleblower protections across the broader public sector• Advance and support Reconciliation through our work with Indigenous peoples• Be an inclusive, supportive and engaged workplace
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HOW WE DO OUR WORK

Ombudsperson Act Operations

We carry out our mandate under the *Ombudsperson Act* through an integrated, team-based approach to processing complaints and enquiries from the public, conducting individual complaint investigations (encouraging early resolution, where appropriate), systemic investigations and consultation and training with public authorities.



Public Interest Disclosure Act Operations

The *Public Interest Disclosure Act* (PIDA) mandates the Ombudsperson to provide advice to potential disclosers and investigate disclosures and allegations of reprisal. These functions – providing advice, conducting intake and assessment of new disclosures, conducting and reporting on investigations – are carried out by a dedicated team. In addition, since August 2020 the Public Authority Consultation and Training Team has been responsible for developing training materials for public authorities that are or will be subject to PIDA.

A schedule for the next phases of the expansion of *PIDA* to other public sector bodies was announced by the Attorney General on July 29, 2021. Since that time we began implementation work with the public bodies scheduled to be covered by *PIDA* and are planning for the impacts of this expansion on our office. The public sector bodies to be covered are listed in the Appendix.

Corporate Shared Services

The Office of the Ombudsperson provides support to four Independent Offices of the Legislature through an economical Corporate Shared Services support organization. These shared support services include finance, human resources, facilities and IT services.

2020/21 PERFORMANCE MEASURES AND RESULTS

FY21 Performance Targets April 1 2020 - March 31 2021 Our performance measures for 2020/21 were set in November 2019, well before the COVID-19 pandemic. Actual performance varied as a result.			
2016-2021 Strategic Goal	Performance Indicator	2020/21 Target	2020/21 Actual
People who need us are aware of our services and can access them	# of outreach tours conducted	2	0 (tours suspended due to pandemic)
	# of presentations to the public	30	15
Complaints are addressed efficiently	% of non-investigated files concluded within 30 days	90%	92%
	% of investigations concluded within 180 days	80%	60%
Thorough and impartial investigations promote fair public administration	% of investigations settled	30%	39%
	# of investigative/best practices reports released	3	3
Public authorities are supported in improving administration	# of presentations to authorities	50	22
Staff are recognized for their expertise	% of staff who report feeling supported in their work-related learning and development	90% - assessed bi-annually	n/a (91% in FY20)
	# of requests from authorities and other organizations for training or assistance	35	46

2021/22 INTERIM REPORT ON PERFORMANCE

With our new five-year Strategic Plan released in July 2021, 2021/22 is a year of renewal. For the first time, our operations under the *Public Interest Disclosure Act* were integrated into our strategic planning process, and our new vision and goals reflect our expanded mandate.

Across all of our operations, we are continuing to respond to the ongoing challenges arising from the COVID-19 pandemic, from understanding changing government services and programs to supporting staff in working remotely.

At the same time, we are also planning for organizational renewal and re-engagement post-pandemic. Our report this year acknowledges the ongoing pandemic-driven impacts on our services, but also looks forward to some exciting longer-term initiatives.

Pandemic Impacts

The COVID-19 pandemic continues to impact all aspects of our work.

Our internal pandemic committee is still meeting regularly to ensure a coordinated response to pandemic-related matters that come to the attention of our office. In addition, our knowledge and research management team is providing ongoing support to operational teams in organizing the large volume of information about changes to existing government decision making and programs arising from the pandemic, as well as new pandemic-related services, and making that information quickly and easily available to staff.

In collaboration with parliamentary Ombuds offices across Canada, we proactively issued Special Report No. 47, *A Cautious Way Forward: Fairness Principles for Public Service Providers Regarding the Use of COVID-19 Vaccine Certification* which outlines some basic fairness principles that governments should consider if restricting access to public services on the basis of vaccination status.

Our physical office remains closed to the public and our regular outreach tours are suspended. We have placed renewed emphasis on communicating with the public through social media, webinars and virtual presentations. In addition, we have continued to adapt our outreach efforts for the online space to reach British Columbians who need us most, including those disproportionately impacted by the pandemic such as the under-housed, seniors, students and newcomers to BC.

Most of our staff continue to work from home, with our systems team continuing to provide tools and technology to support connection and collaboration. We are working to finalize both an immediate post-pandemic policy as well as a long-term policy on flexible work arrangements, applying a GBA+ analysis to ensure the approach is responsive to the diverse needs of our staff and the public.

Diversity and Inclusion Initiative

A staff steering committee and two working groups have been established to lead a new initiative focused on diversity and inclusion. This initiative recognizes that diversity and inclusion are core institutional values to be considered in all of our decision making, resource allocation and policy development.

This initiative has two primary goals, namely to ensure that:

- we are delivering our services equitably, in a way that recognizes and responds to the diverse public who access our services, and
- our workplace culture is open, respectful and inclusive.

Numerous staff members are contributing to the work of this initiative which will be ongoing throughout this and future fiscal years.

Strategic Planning

We finalized and published our 2021-26 Strategic Plan in July, 2021, with a renewed vision, mandate and goals that reflect our role under both the *Ombudsperson Act* and the *Public Interest Disclosure Act*.

Progress on Strategic Goals

The following summarizes major accomplishments in 2021/22 so far, with reference to our 2021-26 Strategic Goals.

1. Deepen our Connection with the Public

Staff have presented to the public and interested stakeholders about our report, *Alone: The Prolonged and Repeated Separate Confinement of Youth in Custody*.

In addition, we developed and delivered on multiple occasions a “Complaining 101” live webinar that provided the public with tips on making complaints to public sector organizations in an effective and organized way. This online format, precipitated by the pandemic, has proved to generally be a more efficient and popular way to reach more people than pre-pandemic in-person sessions. In person sessions will be retained for those without online access.

Work to develop an intersectional data collection and analysis framework is underway, in conjunction with our broader Diversity and Inclusion initiative referenced above and the development of our Indigenous Communities Services Plan detailed below.

2. Enhance and Modernize our Services

With the contributions of many staff, we have completed the design phase of the case management system replacement project and are on schedule for timely implementation.

Our knowledge and research team has updated our office intranet to provide educational resources and information about priority initiatives including the Indigenous Communities Services Plan and our Diversity and Inclusion work.

We are currently developing the necessary information regarding additional public services to expand our online Complaint Checker, available through our website, which provides information about our jurisdiction and useful potential referral information 24 hours a day, 7 days a week.

3. Expand our investigative impact on fairness in public services

We released two investigation reports:

- Special Report No. 48, *Alone: The Prolonged and Repeated Isolation of Youth in Custody*; and
- Public Report No. 52, *Severed Trust: Enabling WorkSafeBC to do the right thing when its mistakes hurt injured workers*

We also released a final update on the implementation of recommendations from Public Report No. 51, *In the Public Interest: Protecting Students through Effective Oversight of Private Career Training Institutions*.

In addition, staff across the organization have continued to engage with public authorities on ways to ensure that programs and services are fair and accountable, with a particular focus on the ways in which those programs and services have changed in response to the pandemic.

4. Help authorities to prevent unfairness before complaints arise

We released two best practices reports for public authorities:

- Special Report No. 47, *A Cautious Way Forward: Fairness Principles for Public Service Providers Regarding the Use of COVID-19 Vaccine Certification*, which provided proactive guidance on the use of vaccine passports if restricting access to public services
- Joint Special Report No. 2, *Getting Ahead of the Curve: Meeting the challenges to privacy and fairness arising from the use of artificial intelligence in the public sector*, a joint report with the British Columbia Office of the Information and Privacy Commissioner, the Yukon Ombudsman and the Yukon Information and Privacy Commissioner. This report outlines the need for public bodies to ensure administrative fairness is protected whenever artificial intelligence systems are adopted in the delivery of public services.

Our Public Authority Consultation and Training (PACT) Team has continued to develop high-quality educational programming for public sector employees on topics related to administrative fairness. Our PACT team:

- delivered virtual versions of our popular *Fairness in Practice* workshops
- released “Quick Tips” on Complaint Handling for Local Governments and Responding to Unreasonable Conduct

5. Support implementation of whistleblower protections across the broader public sector

We continued to receive and address disclosures of wrongdoing, requests for advice and general inquiries about the *Public Interest Disclosure Act*. Amendments to PIDA came into effect in July, 2021, and we updated our operational policy and procedures accordingly.

The government has announced a timetable for the expansion of PIDA to cover the broader public sector including tribunals, Crown corporations, health authorities, school districts, colleges and universities. The expansion will occur in phases through 2024, as set out in the Appendix. We have begun engaging with the public sector bodies that will be part of the next

phase of expansion, including setting up initial meetings with chief executives, revising our sample procedures for public sector bodies, and creating additional resources.

In addition, the development of additional educational resources to support PIDA is well underway, led by our PACT team. We have delivered virtual presentations and training sessions using our existing resources, and are planning for the third annual “PIDA Day” Conference, to be held virtually again this year in early December.

The expanded coverage of PIDA across the broader public sector will result in increased disclosures of wrongdoing to our office; responding to and investigating these disclosures will require additional staff.

6. Advance and support Reconciliation through our work with Indigenous Peoples

Building on the initial steps taken last year on the development of an Indigenous Communities Services Plan, the Indigenous Liaison Officer led work to identify and summarize the themes emerging from our Roundtables and Focus Groups with Indigenous communities and stakeholders. In *What We Heard: Indigenous Communities Services Plan Community Engagement Summary* we outlined recommendations for our office that will guide the next steps in our Reconciliation journey.

In recognition of the news of unmarked graves of children at residential school sites, and the ongoing impacts of the pandemic on Indigenous communities, we postponed the next phase of the community engagement that we planned for earlier this year and will re-engage as communities are ready to do so.

Given this delay, the Indigenous Communities Services Plan will, by necessity, move to a phased approach with Phase One implementation planned for 2022/23 and Phase Two implementation anticipated for 2023/24.

7. Be an inclusive, supportive and engaged workplace

As part of our Diversity and Inclusion initiative, a staff working group is developing strategies to build an inclusive office culture.

Informed by the Public Interest Disclosure team’s successful GBA+ review of their policies and procedures, the Systemic Investigation team reviewed its own investigative guidance with a GBA+ lens.

The Public Interest Disclosure team also developed knowledge management tools related to its files, including issues, decisions and knowledge tracking.

Major Areas of Focus for the remainder of 2021/22 include:

- Completing the implementation of the replacement case tracking system, including extensive user testing and staff training before the system goes live
- Planning for Phase One implementation of our Indigenous Communities Services Plan and consultations in development of Phase Two of the plan
- Implementing recommendations arising from our Diversity and Inclusion Initiative
- Finalizing a framework to support continued flexible work arrangements beyond the pandemic and ensure efficient use of our leased office space.

- Continuing to effectively manage our workload during the pandemic through triage of complaints at intake and for investigation, steady reduction of our files awaiting assignment to an investigator and early identification and resolution of issues arising from pandemic-induced changes to public bodies under our jurisdiction.

2021/22 PERFORMANCE MEASUREMENTS AND RESULTS

1. Output measurements under 2016/2021 Strategic Plan

In accordance with our 2021-26 Strategic Plan, we are in the process of developing revised performance measurements that will focus on outcome rather than output. However, to ensure continuity with our previous reporting, we will continue to use the existing measurements while the new framework is being developed. We anticipate completing the transition to the new performance measurements by next year's Service Plan.

Performance Targets April 1 2021 - September 30 2021 (partial year) Our performance targets for 2021/22 were set in mid-2020 at a time when we anticipated being in a post-pandemic environment in 2021/22. Actual performance has varied as a result.			
2016-2021 Strategic Goal	Performance Indicator	2020/21 Target	2021/22 Interim Results (partial year)
People who need us are aware of our services and can access them	# of outreach tours conducted	2	0 (no in-person tours due to pandemic)
	# of presentations to the public	30	9 (virtual rather than in person due to the pandemic)
Complaints are addressed efficiently	% of non-investigated files concluded within 30 days	90%	96%
	% of investigations concluded within 180 days	80%	75%
Thorough and impartial investigations promote fair public administration	% of investigations settled	30%	34%
	# of investigative/best practices reports released	3	4
Public authorities are supported in improving administration	# of presentations to authorities	50	17

Staff are recognized for their expertise	% of staff who report feeling supported in their work-related learning and development	90% - assessed in 2022/23	n/a (91% in FY20)
	# of requests from authorities and other organizations for training or assistance	35	27

Finally, the development and implementation of our renewed work arrangements policy, we anticipate will allow us to use our leased facilities more efficiently, support our existing staff and attract and retain diverse new employees. As a result we have deliberately not requested workspace resources for new staff members.

2. Transition to outcome measurements under 2021-2026 Strategic Plan

Historically, our performance targets have focused on the straightforward measurements of productivity and timeliness that are intended to reflect our output. However, this does not necessarily reflect the true impact of our work. As described in our 2021-26 Strategic Plan, we want our performance measurements to better reflect the impacts of our services. While the nature of our work can make such measurement challenging, we see it as essential to move beyond simple output measurements. We anticipate retaining some key output indicators at least for the next few years while the transition to outcome measurements is underway.

We start this work with the premise that any performance measurements for our office should reflect the role of the Ombudsperson in promoting trust, accountability and fairness in public administration. In 2019, the European Commission for Democracy in Law adopted *Principles on the Protection and Promotion of the Ombudsman Institution* (known as the “Venice Principles”) which outlined elements fundamental to effective Ombuds work: independence; impartiality, objectivity and fairness; and transparency. Not surprisingly, these are similar to the core principles of fairness, accountability, integrity, respect, impartiality and service that are set out in our current Strategic Plan. Developing measurements that indicate the extent to which our office upholds or is perceived to uphold these principles is one way for us to understand the broader impact of our work.

Two approaches in particular hold considerable promise for the development of outcome measurements within a principles-based framework: stakeholder surveys and peer review. Surveys measure perceptions of our office and the work we do, and peer review provides an opportunity to meaningfully reflect on the way in which we conduct our work.

We anticipate that the surveys will be carried out in three phases. First is a survey this fiscal year intended to determine the general public’s awareness and understanding of our work. In September, we posted on our website the list of questions that would seek to answer these questions. The first survey will allow us to establish baseline data on the proportion of the general public who:

- know where to go if they believe they have been treated unfairly by a provincial or local public authority.

- are aware of the purpose and services of the Office of the Ombudsperson.
- think the Office of the Ombudsperson is independent of the provincial and local public authorities it investigates.
- think the Office of the Ombudsperson demonstrates the values of: fairness, accountability, integrity, respect, impartiality and thorough, timely, and professional service.
- would take their complaint about a provincial or local public authority to the Office of the Ombudsperson.

Once we have established baseline data, we will develop targets for future years. We intend to continue conducting a public survey on a regular basis so that we can identify progress and areas for improvement. Reporting on the outcomes of the surveys will be incorporated into our annual Service Plan.

In phases two and three, we will develop and implement surveys for public authorities under our jurisdiction as well as for people who contact our office to make a complaint. As with the public survey, we will aim to develop a set of indicators that can help us to understand the impact of our work on public authorities and complainants. The implementation of our new case management system will assist us in conducting these surveys.

In addition, over the next year, we plan to develop a detailed framework for peer review within this broader principles-based framework. We anticipate being able to provide further details about how this peer review process will work in next year's Service Plan.

2022/23 PRIORITIES AND INITIATIVES

2022/23 will be the second year under our 2021-26 Strategic Plan.

Our Indigenous Communities Services Plan (ICSP) will be implemented in phases. The first phase of implementation will occur in 2022/23. Future implementation will occur following further consultation and engagement with Indigenous communities and service providers.

At the same time, we will be continuing to build internal knowledge of Indigenous history and culture and the legal frameworks and institutions that impact Indigenous peoples, and enhancing the capacity of our staff to engender trust and safety and to better respond to the concerns and interests of Indigenous peoples through training, education and changes to our processes. Recent public reports including *In Plain Sight* have emphasized that every public sector organization has a responsibility to ensure that its structures and processes are culturally safe, trauma informed and equitable.

Closely related to this work, the Diversity and Inclusion Initiative will be developing ways to revise and refocus the policies and procedures that guide our interactions with the public, our complaint analysis and our investigations. We will also be reviewing the *Ombudsperson Act* and *Public Interest Disclosure Act* to identify opportunities to view our legislative framework in a way that recognizes statutory barriers to delivering services in a culturally safe and trauma-informed manner. This important work will allow us to better serve a diverse public and is closely related to the successful implementation of the ICSP. The synergy between these initiatives will allow us to integrate much of the development work. We anticipate that fully implementing the recommendations emerging from this initiative will take significant effort, time and resources over the next two years, as we must ensure that any changes to our practices are consistent with our legislative obligations and mandate. This is an essential priority for our office moving forward.

Following from a reorganization that more closely aligned our intake and investigative functions, we will be looking for further opportunities to ensure we are delivering timely service to the people who contact us. We will also be embarking on a longer-term project to bring older investigative files to completion, which will require the focused efforts of a number of staff.

In addition, given that ICBC is the public authority about which we receive the most complaints, we are continuing to closely monitor changes to our complaint profile arising from the legislative change in motor vehicle accident compensation that came into effect six months ago from a tort system to an Enhanced Care model. To date the impact has been modest which is not surprising given that there is usually a gap of many months or even years from the date of a motor vehicle accident and a resulting complaint to us.

The schedule for the continued expansion of the *Public Interest Disclosure Act* to the broader public sector has been announced. This will impact our operations in two key ways. First, we will be providing implementation support to these public bodies, ensuring that they understand their new responsibilities under PIDA and the importance of establishing an internal “speak up” culture. Second, the expansion will endow many more public employees with rights to make disclosures of wrongdoing, so we will need to be sufficiently resourced to respond to disclosures and requests for advice from an increasingly growing contingent of employees in a timely way. We anticipate that our need for investigative resources will increase significantly by fall 2022,

when PIDA is expanded to include Crown corporations. The full schedule for coverage under PIDA is an appendix to this Service Plan.

2023/24 AND 2024/25 STRATEGIC DIRECTION

In years three and four of our Strategic Plan, we will focus on evaluating initiatives undertaken in the first two years, to identify further improvements and changes to our work to meet our strategic objectives. This evaluation will also be informed by our new performance measurement framework.

The expansion of *PIDA* to cover tens of thousands of additional public sector employees in the health authorities, post-secondary institutions and public K-12 schools will be a major priority for our office.

APPENDIX: ADDITIONAL PUBLIC BODIES TO BE COVERED BY THE *PUBLIC INTEREST DISCLOSURE ACT*, BY FISCAL YEAR

Fiscal Year 2022-23

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

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

Fiscal Year 2023-24

June 2023

Health authorities

Providence Health Care

December 2023

Public Education K-12

Fiscal Year 2024-25

June 2024

Health agencies, boards and commissions, including:

- Fraser Patient Care Quality Review Board
- Interior Patient Care Quality Review Board
- Northern Patient Care Quality Review Board
- Provincial Health Services Patient Care Quality Review Board
- Vancouver Coastal Patient Care Quality Review Board
- Vancouver Island Patient Care Quality Review Board
- Assisted Living Registrar
- BC Patient Safety and Quality Council
- Data Stewardship Committee
- Director of Licensing
- Drug Benefit Council
- Forensic Psychiatric Services Commission
- Health Care Practitioners Special Committee for Audit Hearings
- Medical Services Commission
- Medical Services Commission – special committees
- Health Shared Services BC
- Michael Smith Foundation for Health Research

Post-Secondary Education (Group 1)

- British Columbia Institute of Technology
- Camosun College
- Capilano University
- Coast Mountain College
- College of New Caledonia
- College of the Rockies
- Douglas College
- Emily Carr University of Art & Design
- Justice Institute of British Columbia
- Kwantlen Polytechnic University
- Langara College

- Nicola Valley Institute of Technology
- North Island College
- Northern Lights College
- Okanagan College
- Selkirk College
- University of the Fraser Valley
- Vancouver Community College
- Vancouver Island University

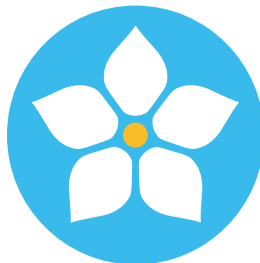
December 2024

Agencies, Boards and Commissions (Group 3)

- University Foundations
- WorkSafeBC

Post-Secondary Education (Group 2)

- Royal Roads University
- Simon Fraser University
- Thompson Rivers University
- University of British Columbia
- University of Northern British Columbia
- University of Victoria
- BC CAMPUS
- BC Council on Admissions and Transfer



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