



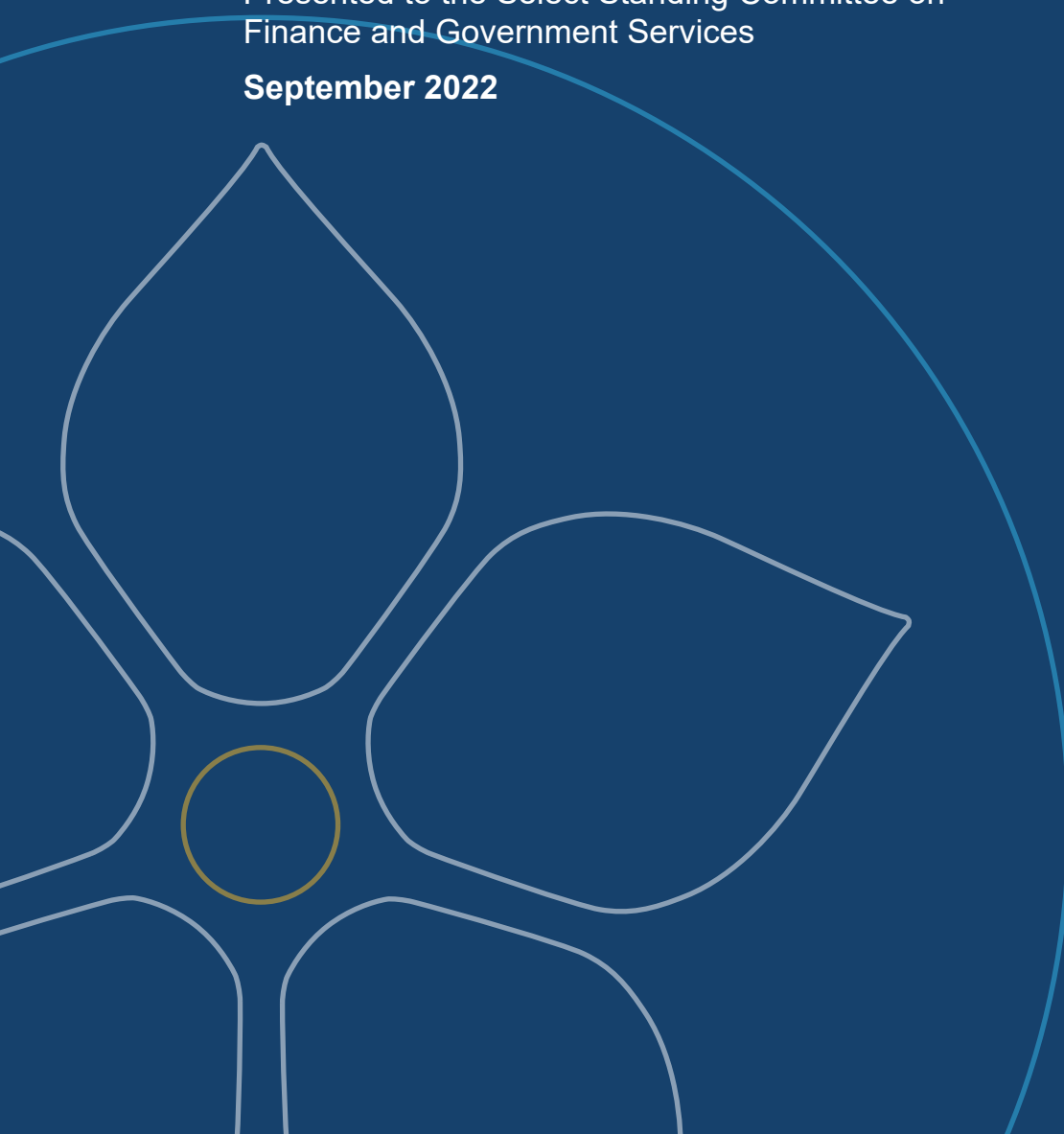
OMBUDSPERSON
BRITISH COLUMBIA


SERVICE PLAN

2023/24 • 2025/26

Presented to the Select Standing Committee on
Finance and Government Services

September 2022



A photograph of a forest path. The path is made of dirt and is covered with fallen leaves and roots. It leads into a dense forest of tall, thin trees. Sunlight filters through the canopy, creating a dappled light effect on the ground. The trees are mostly evergreens, with some deciduous trees visible in the background. The overall atmosphere is peaceful and natural.

Our office is located on the unceded traditional lands of the Lək̓ʷəŋən (Lekwungen) People and ancestors and our work extends across the homelands of the Indigenous Peoples within what we now call British Columbia. We honour the many territorial keepers of the lands and waters where we work.

CONTENTS

2021-26 STRATEGIC PLAN: SUMMARY	3
2021-26 STRATEGIC PLAN GOALS	3
HOW WE DO OUR WORK	4
2021/22 PERFORMANCE MEASURES AND RESULTS	5
2022/23 INTERIM REPORT ON PERFORMANCE	7
2022/23 PERFORMANCE MEASURES AND RESULTS (IN PROGRESS).....	10
2023/24 PRIORITIES AND INITIATIVES	11
2024/25 AND 2025/26 STRATEGIC DIRECTION.....	12
APPENDIX.....	13



OMBUDSPERSON
BRITISH COLUMBIA

September 2022

I have the honour to present the 2023/24-2025/26 Service Plan for the Office of the Ombudsperson.

Included in this Service Plan is a report on our service performance for 2021/22, an interim report on progress on our 2022/23 initiatives, and a plan setting out our priorities and initiatives for 2023/24 and the following two years.

This Service Plan is the second issued within the strategic framework set out in our 2021-26 Strategic Plan.

Jay Chalke
Ombudsperson
Province of British Columbia

2021-26 STRATEGIC PLAN: SUMMARY



OUR VISION

**Fairness and
Accountability
in British Columbia's
Public Services**



OUR MANDATE

**British Columbia's
Independent Voice
for Fairness and
Accountability**



OUR CORE PRINCIPLES

- Fairness
- Accountability
- Integrity
- Respect
- Impartiality
- Service

2021-26 STRATEGIC PLAN GOALS

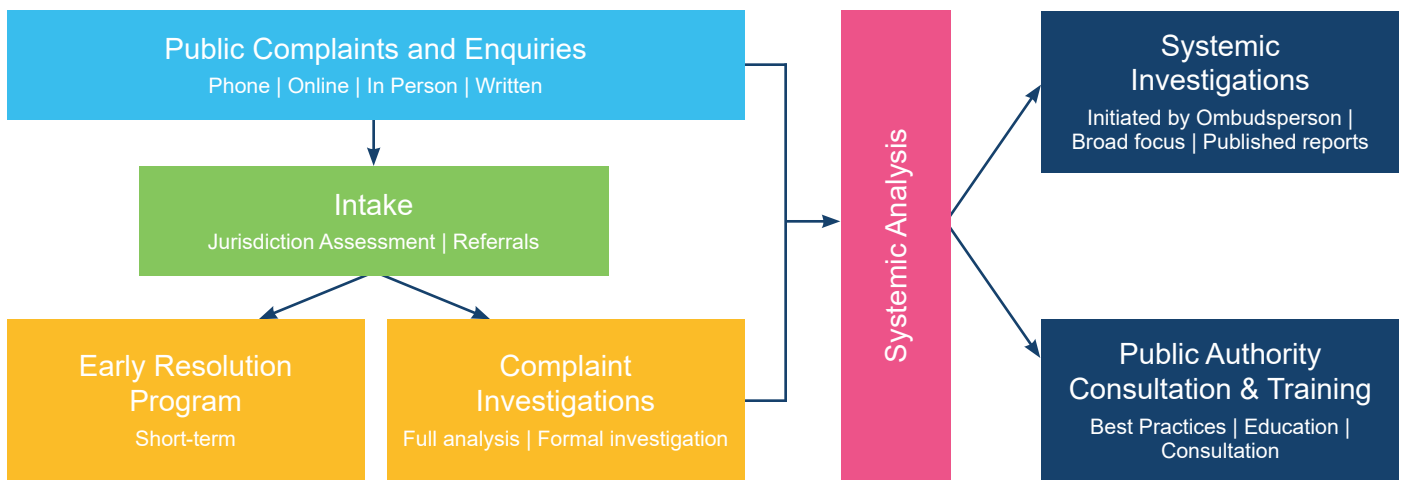
1. Deepen our connection with the public
2. Enhance and modernize our services
3. Expand our investigative impact on fairness in public services
4. Help authorities to prevent unfairness before complaints arise
5. Support implementation of whistleblower protections across the broader public sector
6. Advance and support Reconciliation through our work with Indigenous Peoples
7. Be an inclusive, supportive and engaged workplace

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

(including, where appropriate, early resolution), systemic investigations and consultation and training with public authorities.



Public Interest Disclosure Act Operations

The *Public Interest Disclosure Act* 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 our Public Interest Disclosure team. The Public Authority Consultation and Training Team develops training materials for public authorities that are or will be subject to the Act.

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. We have completed implementation work with the first set of public bodies covered by this expansion of PIDA, are engaged with authorities scheduled to be covered by PIDA in the next months and are planning for the impacts on our office of the further expansion to take place in 2023/24 and 2024/25.

Corporate Shared Services

The Office of the Ombudsperson provides support to four Offices of the Legislature through an economical Corporate Shared Services support organization.

These shared support services include finance, human resources, facilities and IT services.

2021/22 PERFORMANCE MEASURES AND RESULTS

1. Output Based Performance Measures

April 1, 2021 - March 31, 2022			
2021-26 Strategic Goal	Performance Indicator	2021/22 Target	2021/22 Actual
Deepen our connection with the public	# of outreach tours conducted	2	0 (no in-person tours due to pandemic)
	# of presentations to the public	30	21 (all virtual; no in-person presentations due to pandemic)
Enhance and modernize our services	% of non-investigated files concluded within 30 days	90%	94%
	% of investigations concluded within 180 days	80%	63%
Expand our investigative impact on fairness in public services	% of investigations settled	30%	31%
	# of investigative/best practices reports released	3	6
	# of presentations to authorities	50	39
	# of requests from authorities and other organizations for training or assistance	35	15
Support implementation of whistleblower protections across the broader public sector	# of implementation meetings with public authorities	n/a	46
Advance and support Reconciliation through our work with Indigenous peoples	Dialogue and consultation with Indigenous communities and stakeholders	n/a	8 consultation circles with Indigenous communities across the province
Be an inclusive, supportive and engaged workplace	% of staff who report feeling supported in their work-related learning and development	90% - assessed in bi-annual Workplace Environment Survey	n/a - assessed in 2022/23

2. Outcome Based Performance Measures: Phase 1 of 3

As part of our 2021-26 Strategic Plan, we committed to the development of outcome based performance measures that aim to assess the impact of our services. These measures are informed by the 2019 Venice Principles, which outlined elements fundamental to effective Ombuds work: independence; impartiality, objectivity and fairness; and, transparency. These are similar to the core principles of fairness, accountability, integrity, respect, impartiality and service that are set out in our current Strategic Plan. We are developing

outcome based performance measures using two key tools: surveys and peer review.

In 2021/22 we surveyed the public on key questions related to awareness of our office and our work. The survey results indicate that there is a low level of awareness of our office, which limits the range of complaints we receive. As a result, some aspects of unfairness go unaddressed. In light of this baseline data, we are developing targets for awareness improvement for our next public survey in 2025.

Indicator	Question	2022 Results
Percent of the surveyed public who know where to go if they believe they have been treated unfairly by a provincial or local public authority	<i>As far as you are aware, is there an organization in British Columbia whose purpose is to make sure the people of BC are treated fairly by local or provincial government organizations?</i>	31% of the surveyed public believe such an organization exists
Percent of the surveyed public who are aware of the purpose and services of the Office of the Ombudsperson	<i>How aware and familiar are you with the Office of the Ombudsperson and what it does?</i>	Only 17% have unaided awareness of our office, and only 14% are aware and familiar with what we do Once prompted with our name, 73% are aware of our office.
Percent of the surveyed public who think the Office of the Ombudsperson is independent of the provincial and local public authorities it investigates	<i>To the best of your knowledge, do you think the Office of the Ombudsperson is independent of the local and provincial government organizations it investigates?</i>	61% of the surveyed public believe our office is independent. Belief in independence is higher amongst those with higher household incomes/ greater financial means
Percent of the surveyed public who think the Office of the Ombudsperson demonstrates the values of: fairness, accountability, integrity, respect, impartiality and thorough, timely, and professional service	<i>Based on what you know or may have seen or heard, or even just your general impressions, how much do you agree or disagree with the following descriptions of the Office of the Ombudsperson?</i>	Amongst those aware and familiar with our office: 88% agree we are fair 83% agree we hold public organizations accountable 89% agree we have integrity 93% agree we are respectful 83% agree our services are thorough 64% believe our services are timely 92% agree our services are professional
Percent of the surveyed public who would take their complaint about a provincial or local public authority to the Office of the Ombudsperson	<i>If you felt you were treated unfairly by a local or provincial government organization and wanted to make a complaint about the service you received, how likely would you be to contact the Office of the Ombudsperson to make a complaint?</i>	71% would take their complaint to our office

2022/23 INTERIM REPORT ON PERFORMANCE

In 2022/23 we have made significant progress in implementing the goals set out in our 2021-26 Strategic Plan.

Post-Pandemic Renewal and Re-Engagement

This summer we conducted our first two outreach tours since 2019 and we are planning for the re-opening of our physical office to the public later this fall. We have continued to use the online space for outreach to the public, communicating about our work on social media and through virtual presentations and webinars.

The COVID-19 pandemic has changed how our staff do their work. In recognition of this, we have implemented a flexible work arrangements policy under which most of our staff will be able to work remotely most of the time. Our systems team continues to provide tools and technology to support staff collaboration and engagement in a hybrid work environment.

Diversity and Inclusion Initiative

The numerous staff involved in our Diversity and Inclusion Steering Committee and two associated Working Groups have continued their important work, providing advice and recommendations on policy, practice and training that will improve the equitable delivery of our services to a diverse public, and promote a workplace culture that is open, respectful and inclusive.

Case Tracking System Implementation

At the end of August, we successfully transitioned to Resolve, a new case management system that includes reporting and document management functions. This implementation marked the culmination of a year-long process of design and user testing. Staff were provided with training and user guides to support their transition to the new system. We are in the process of hiring a resource to support staff in effective use of Resolve over the longer term.

Progress on Strategic Goals

The following summarizes major accomplishments in 2022/23 so far, with reference to our 2021-26 Strategic Goals.

Goal 1: Deepen our Connection with the Public

We have prepared a cost-effective Strategic Outreach Plan to address challenges in public awareness of Ombudsperson services identified in the 2021/22 public survey.

In June the Ombudsperson and two staff members travelled to communities on central Vancouver Island and in July, to the west Kootenays, our first outreach tours since 2019. During these tours, we received complaints from members of the public and met with public authorities under our jurisdiction. We also connected with several community organizations.

We completed internal consultations on an intersectional data collection and analysis framework, in conjunction with our broader Diversity and Inclusion initiative and the development of our Indigenous Communities Services Plan.

Goal 2: Enhance and Modernize our Services

We have dedicated staff resources to reviewing files that have been open for two or more years, with the goal of closing files or moving them forward. This project has already been successful in reducing the number of old files open across the office.

At the same time, we have implemented changes to the structure of our Intake and Early Resolution Team to allow for complaints to be processed in a more timely and efficient way.

We have developed the framework for an office-wide training strategy that will ensure all staff have received important core training, including training related to justice, equity, and diversity and inclusion. Public-facing staff are receiving training in trauma-informed practice.

We have finalized a policy for making complaints about the services we provide and have updated information on our website accordingly.

Goal 3: Expand our investigative impact on fairness in public services

We released our first update on the implementation of recommendations from our 2019 report, *Committed to Change: Protecting the Rights of Involuntary Patients under the Mental Health Act*. We also released Special Report No. 50, *Short-Changed: Ensuring federal benefits paid to the province reach caregivers of children with disabilities*. The Short-Changed report will result in increased support payments to caregivers throughout the province, showing how a single complaint can improve the fairness of public services for many.

We have commenced a systemic investigation that is examining the fair administration of two provincial programs intended to support people who were displaced from their homes in the wake of the fire and flood disasters experienced in BC in the latter half of 2021. This is part of a broader commitment to developing tools and resources that will help investigators consider the relationship between climate change and administrative fairness in their work.

We have begun re-engaging in-person with public authorities by resuming site visits to custodial facilities including correctional centres throughout the province.

We have established an internal Emerging and Priority Issues Committee with representation from key areas of the office to promote a collaborative, office-wide approach to identifying and responding to systemic issues, including those that have disproportionate impact on identified groups.

We now have a staff member dedicated to monitoring and following up on the implementation of recommendations made to public authorities. We anticipate that this will allow us to more frequently report on improvements to public administration resulting from our work.

Goal 4: Help authorities to prevent unfairness before complaints arise

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. PACT has also continued to deliver virtual versions of our popular *Fairness in Practice* workshops to public servants throughout the province.

Goal 5: Support implementation of whistleblower protections across the broader public sector

We continue to receive requests for advice and general inquiries about the *Public Interest Disclosure Act* as well as disclosures of wrongdoing and allegations of reprisal.

Further to the timetable for the expansion of PIDA to cover the broader public sector announced by government in 2021, we are 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. We have added a disclosure analyst to the team to help manage the anticipated increase in requests for advice, disclosures and complaints of reprisal. The first phase of this expansion occurred in April 2022 with the addition of a number of agencies, boards, commissions and tribunals. The next phase is scheduled for December 2022 and will bring Crown Corporations under PIDA. Overall in 2022/23, 63 new public bodies will be brought under PIDA.

The development of additional educational resources to support PIDA is well underway, led by PACT. We have delivered virtual presentations and training sessions using our existing resources, and are finalizing a *PIDA Designated Officer Tool Kit* for release later this fall.

The major expansion in 2023/24 and 2024/25 of PIDA to the broader public sector will result in increased disclosures of wrongdoing to our office; responding to and investigating these disclosures will require additional staff.

Goal 6: Advance and support Reconciliation through our work with Indigenous Peoples

As part of the implementation of Phase 1 of our Indigenous Communities Services Plan, we established five regional Indigenous liaisons, known as Ombudsperson Pathfinders. These part-time, contract positions are already assisting in enhancing awareness about the Ombudsperson, building trust and facilitating the making of complaints. We engaged a panel of Indigenous experts to provide advice on the design and implementation of the Pathfinders program.

In May we held a one-week in-person training and orientation program for the successful proponents and we have established a support network for the Pathfinders amongst experienced Intake and Investigative staff who field questions, provide information and advice and where required, accompany them to events and presentations in community.

An evaluation contract for the Pathfinders initiative is in place; this will measure the effectiveness of the program and support learning and ongoing quality improvement.

Goal 7: Be an inclusive, supportive and engaged workplace

We included questions related to diversity and inclusion in our office's Work Environment Survey. The results of this survey will inform actions to develop the office as an organization that promotes an open, respectful and transparent culture.

In recognition that employees' faith, religion and/or cultural beliefs may not align with designated statutory holidays, we implemented a policy to allow staff to substitute a statutory holiday with another paid day off.

We have undertaken significant revisions to our Ombudsperson Officer training program to ensure Officers are prepared for the role and supported in taking a trauma-informed, culturally safe approach to receiving and investigating complaints.

Major Areas of Focus for the Remainder of 2022/23:

- Supporting the ongoing implementation of the Pathfinders initiative and the development of the evaluation framework for the program, and continuing to develop Phase 2 of our Indigenous Communities Services Plan
- Continuing to effectively manage our workload through triage of complaints, steady reduction in the number of files awaiting assignment to an investigator, an increased focus on identifying and proposing settlements where appropriate and a further reduction of investigations in excess of two years
- Releasing an updated version of our *Fairness by Design* best practices guide
- Releasing the PID *Designated Officer Toolkit* to support these senior officials of public bodies as they carry out their roles under the new Act
- Working with public authorities to support the effective implementation of PIDA to the Crown Corporation sector in December 2022 and preparation for expansion to the health authorities in June 2023

2022/23 PERFORMANCE MEASURES AND RESULTS (IN PROGRESS)

1. Output Measures under 2021-2026 Strategic Plan

Traditional output measures continue to be an important component of reporting on our work. The performance targets below have been revised from past Service Plans to align with our 2021-2026 Strategic Plan.

April 1, 2022 – August 31, 2022 (partial year)			
2021-2026 Strategic Goal	Performance Indicator	2022/23 Target	2022/23 Interim Results
Deepen our connection with the public	# of outreach tours conducted	2	2
	# of presentations to the public	30	14
Enhance and modernize our services	% of non-investigated files concluded within 30 days	90%	89%*
	% of investigations concluded within 180 days	80%	52%*
Expand our investigative impact on fairness in public services	% of investigations settled	30%	35%*
	# of investigative/best practices reports released	3	2
	# of presentations to authorities	50	21
	# of requests from authorities and other organizations for training or assistance	35	22
Support implementation of whistleblower protections across the broader public sector	# of implementation meetings with public authorities	n/a	12
Advance and support Reconciliation through our work with Indigenous peoples	Dialogue and consultation with Indigenous communities and stakeholders	n/a	6
Be an inclusive, supportive and engaged workplace	% of staff who report feeling supported in their work-related learning and development	90% - assessed in bi-annual Workplace Environment Survey	85%

*Data from April 1, 2022 to August 26, 2022.

2023/24 PRIORITIES AND INITIATIVES

2023/24 will be the third year under our 2021-26 Strategic Plan.

We will continue to support the implementation of the Pathfinders initiative as a key component of Phase 1 of our Indigenous Communities Services Plan (ICSP). We anticipate that as the Pathfinders build awareness of our office in Indigenous communities we may see an increase in complaints. It is imperative that our processes and resourcing are appropriate and adequate to respond to these complaints in a timely and culturally safe way. This requires enhancing the capacity of staff to be responsive to the concerns and interests of Indigenous people and providing the time and space for staff to build trust in our processes.

Accordingly, we will continue to build internal knowledge of Indigenous history and culture and the legal frameworks and institutions that impact Indigenous people. At the same time, we will be thoroughly reviewing and revising, where appropriate, our intake and investigation policies and procedures to better provide staff with the tools and resources to deliver our services equitably to a diverse public. In addition, we will be increasing our investigative capacity to ensure that we can be responsive to all of the complaints we receive. We will complete Phase 2 of the ICSP by September 2023.

The public survey we conducted in 2021/22 revealed generally low levels of awareness of our office, particularly amongst younger people and those with lower income and less education. It's critical that people who need our services know who we are and how to contact us. In response to these survey results, in 2023/24 we will begin implementing a three-year strategic outreach plan that will address this awareness gap in three key ways:

1. deepening awareness amongst the general public
2. building awareness of our office amongst people who need our services the most
3. strengthening the accessibility of our public-facing materials

The third step is also being taken in recognition of the *Accessible British Columbia Act* applying to our office as of September 1, 2023.

We will be continuing our 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 which we receive the most complaints about, we will continue to closely monitor changes to our complaint profile arising from the legislative change in motor vehicle accident compensation 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 continued expansion of the *Public Interest Disclosure Act* to the broader public sector means that we will be providing implementation support on an ongoing basis, ensuring that public bodies newly subject to PIDA understand their responsibilities under the Act and the importance of establishing an internal “speak up” culture. In addition, many more public employees will have rights to make disclosures of wrongdoing, so we will need to be sufficiently resourced to respond to disclosures and requests for advice in a timely way. In particular, we anticipate that the expansion of PIDA in June 2023 to cover health authorities and Providence Health will have a significant impact on our investigative work as 120,000 additional public servants will be able to make disclosures to our office. The further expansion in December 2023 to include all school districts will add an additional 78,000 employees. Thus, the number of public employees eligible to make disclosures to us under PIDA will increase by 463 percent from December 2022 to December 2023.

2. Outcome Based Performance Measures: Phase 2 of 3

This year, we will implement phase 2 of our outcome based performance measures: a survey of public authorities under our jurisdiction. We will survey these public authorities on key indicators that will measure their perception of the impact of our work as it relates to our core principles of fairness, accountability, integrity, respect, impartiality and service. We will be developing the indicators and associated questions this fall and will publish them on our website in advance of conducting a survey in early 2023. As with the public survey, this will allow us to establish baseline data and to develop targets for improvement.

In addition, we are developing a framework for peer review of our office's work.

2024/25 AND 2025/26 STRATEGIC DIRECTION

In years four and five of our Strategic Plan, we will continue to evaluate initiatives undertaken in the first three years, to identify further improvements and changes to our work to meet our strategic objectives. This evaluation will also be informed by our outcome based performance measures. In addition, we will:

- Implement years two and three of our Strategic Outreach Plan and measure its effectiveness in raising awareness of our office.
- Implement Phase 2 of the Indigenous Community Services Plan, the planning for which will be completed in September 2023
- Implement PIDA Phases 6 and 7, which represent the final phases of the broader provincial public sector roll-out announced by the government in July 2021
- Participate in the five-year review of PIDA to be conducted by a legislative committee in 2024

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
- 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

APPENDIX (CONT.)

Crown Corporations (cont.)

- BC Transit and the Victoria Regional Transit Commission
- Columbia Basin Trust
- 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 K-12 School Districts

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

APPENDIX (CONT.)

Post-Secondary Education (Group 1 cont.)

- 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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