

VOLUNTARY CONSULTATION POLICY



OMBUDSPERSON
BRITISH COLUMBIA

The Office of the Ombudsperson's mandate includes supporting public organizations under our jurisdiction to deliver their programs and services fairly. As part of this work, public organizations may voluntarily consult with our Public Authority Consultation and Training Team (PACT) to informally address administrative fairness issues outside of an investigation. During voluntary fairness consultations the PACT team will:

- work informally and collaboratively with public organization staff
- share our knowledge of the principles of administrative fairness
- provide practical advice and suggestions to support public organizations to be fair in the delivery of their services and programs
- focus on proactively addressing fairness issues outside of the context of a formal investigation by our office
- consult with public organizations on the development of best practice resources for their sector

When we conduct a voluntary fairness consultation, we are not providing legal advice or formal findings and recommendations from the Ombudsperson. While we hope our suggestions will be considered as ways to support and enhance fairness in policies and programs, public organizations are not required to implement the suggestions provided. A public organization's participation in a voluntary fairness consultation does not limit, bind or bias the Ombudsperson or Ombudsperson staff in the analysis or investigation of a complaint on the Ombudsperson's own motion that relates to the subject matter of a prior voluntary consultation.

The PACT team conducts voluntary fairness consultations on administrative fairness issues that are not currently the subject of an active Ombudsperson investigation. The PACT team has no role or involvement in the investigative process or investigative decision making. However, during a voluntary fairness consultation, the PACT team may review our internal case management system and consult with investigative staff to gather relevant information about previous complaints made to our office about the organization and related investigations. The PACT team may also provide follow-up assistance to support the organization in the implementation of changes being made to address fairness issues identified through an investigation.

At any point in the voluntary consultation process, if significant administrative fairness issues are identified that are not resolved through the voluntary consultation and could result in findings of unfairness under section 23 of the *Ombudsperson Act* (for example, unjust, oppressive, or contrary to law), the matter may be raised further within our office for additional review and possible investigation. In these rare circumstances, the PACT team will inform the public organization before deciding whether to escalate such matters. In such cases, the voluntary consultation would be terminated before an investigation is commenced.

Voluntary fairness consultations occur under section 9 of the *Ombudsperson Act*, and information obtained by Ombudsperson staff is securely stored and confidentially retained by our office on our electronic database. This information is excluded from disclosure under the *Freedom of Information and Protection of Privacy Act* (section 3(1)(c)). If our office receives a complaint about a matter that was subject to a voluntary fairness consultation, Ombudsperson investigative staff may review records relating to the voluntary consultation that are stored on our office's electronic case management system.

The Office of the Ombudsperson is an oversight office, independent of government, that investigates complaints about administrative unfairness and makes recommendations for system-wide improvements. The office also offers advice and investigates allegations of serious wrongdoing from BC public servants. Our Consultation and Training Team offers educational webinars, training workshops and individual consultation with public organizations to support fairness and continuous improvement across the public sector. For more information, please contact us at consult@bcombudsperson.ca.



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947 Fort Street, Victoria, BC | 250-508-2950 (Victoria) or 1-800-567-3247 (BC) | www.bcombudsperson.ca | [@BCOmbudsperson](https://twitter.com/BCOmbudsperson)