

VOLUNTARY CONSULTATION POLICY



PURPOSE AND KEY PRINCIPLES

The Office of the Ombudsperson's role includes supporting public organizations under our jurisdiction to prevent instances of unfairness before complaints arise. Public organizations can voluntarily consult with our Public Authority Consultation and Training team (PACT) to improve the fairness of their programs and services.

During voluntary fairness consultations the PACT team will:

- work informally and collaboratively with public organization staff
- share our knowledge of administrative fairness
- provide practical advice and suggestions to support public organizations to be fair when providing public services and programs
- focus on proactively addressing fairness issues outside of an investigation by our office

OUR SUGGESTIONS

The suggestions we provide during voluntary fairness consultations are not legal advice, formal findings, or recommendations from the Ombudsperson. While we anticipate that our suggestions will be considered as ways to support and enhance fairness, public organizations are not required to implement our feedback.

A public organization's participation in a voluntary fairness consultation does not influence or limit the Office of the Ombudsperson in the analysis or investigation of a complaint from a member of the public. It similarly does not influence or limit an investigation on the Ombudsperson's own motion about the same subject matter as a prior voluntary fairness consultation.

VOLUNTARY FAIRNESS CONSULTATIONS WITHIN THE OFFICE OF THE OMBUDSPERSON

The PACT team is available to consult on administrative fairness issues that are not currently the subject of an active Ombudsperson investigation under the Ombudsperson Act. The PACT team has no role or involvement in Ombudsperson investigations or investigative decision making.

During a voluntary fairness consultation, the PACT team may review the Office's internal case management system and consult with investigative staff to gather relevant information about complaints and investigations related to the voluntary fairness consultation. Similarly, if our Office receives a complaint about a matter that was the subject of a voluntary fairness consultation, Ombudsperson staff may review internal records relating to the voluntary fairness consultation.

As part of the voluntary fairness consultation, the PACT team may also consult with the Office's Indigenous Initiatives team to include Indigenous perspectives within the suggestions provided to the public organization.

If there are significant administrative fairness issues identified during a voluntary fairness consultation process which cannot be resolved during that same consultation, the matter may be raised further within our Office for additional review and possible investigation. In such cases, the public organization will be informed, and the voluntary fairness consultation will end before an investigation begins.

CONFIDENTIALITY

Voluntary fairness consultations are confidential and take place under section 9 of the Ombudsperson Act. Information obtained by Ombudsperson staff is securely stored and confidentially retained by our Office. This information is excluded from disclosure under the *Freedom of Information and Protection of Privacy Act* (section 3(3)(f)).

Summaries of the PACT team's work are occasionally included in the Office's annual report, on our website, and in presentations. Prior to using a summary of the work, we will discuss this with the public organization and seek their consent to do so.

Should the public organization share the PACT team's feedback or suggestions with others, such as another organization, elected officials, or members of the public, the PACT team should be notified and provide approval of the associated language used.

CONSULTATION FOLLOW-UP AND IMPACT TRACKING

After the conclusion of the voluntary fairness consultation, the PACT team will contact the public authority to enquire about the status of the suggestions provided, the changes or enhancements made because of the consultation, and to provide additional support as needed. Follow-up will generally occur between six to twelve months after the consultation. Participation in the follow-up process is voluntary, though is useful as part of the PACT team's continuous evaluation of the impact of its work and to track government-wide improvements to administrative fairness.

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 disclosures of wrongdoing from public sector employees. Our Public Authority Consultation and Training (PACT) Team offers educational webinars, training workshops and individual consultation with public organizations to support fairness, accountability, and continuous improvement across the public sector.

