



**Office of the
Citizens' Representative**

***2012-2013
ANNUAL PERFORMANCE
REPORT***

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30 August, 2013

Message from the Citizens' Representative

I am pleased to present the Office of the Citizens' Representative 2012-2013 Annual Performance Report.

The Office of the Citizens' Representative (the OCR) provides a province-wide Ombudsman service and is the lead investigator for public interest disclosures (whistleblowing complaints) under Part VI of the *House of Assembly Accountability, Integrity and Administration Act*.

This Report outlines the OCR's major accomplishments towards the objectives for the 2012-2013 fiscal year as identified in our 2011-2014 Business Plan.

The Report was prepared under my direction in accordance with the *Transparency and Accountability Act* for a Category 2 entity. As Citizens' Representative, I am accountable for the accomplishments reported in this document.

A handwritten signature in cursive script that reads "Barry Fleming".

Barry Fleming, Q.C.
Citizens' Representative

OVERVIEW

Since 2002 the OCR has provided parliamentary Ombudsman services for the province of Newfoundland and Labrador pursuant to the *Citizens' Representative Act* (SNL 2001, c. C-14.1). The office endeavours to mediate and investigate issues of concern to citizens of Newfoundland and Labrador with respect to the effect of decisions, acts, errors and omissions of the provincial public service. It also investigates public interest disclosure complaints (whistleblowing) as mandated by Part VI of the *House of Assembly Accountability Integrity and Administration Act*. (SNL 2007, c. H-10.1).

Barry Fleming, Q.C., is the Citizens' Representative. OCR has a permanent staff of seven including:

- an Assistant Citizens' Representative (male)
- one Senior Investigator (female)
- three Investigators (2 female, 1 male)
- one Office Manager (female), and
- one Executive Secretary (female)

In 2012/2013, the OCR received 393 complaints/inquiries. It closed 399 complaint/inquiry files (taking into account complaints/inquiries from the previous year). Contained in these 399 files were 10 formal recommendations to Government, all connected with investigations pursuant to Section 15 of the *Citizens' Representative Act*,

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To accomplish its work, OCR had a budget of \$845,800 for 2012/2013 as outlined below:

OFFICE OF THE CITIZENS' REPRESENTATIVE

01. Salaries	\$630,100
02. Employee Benefits	4,000
03. Transportation and Communications	47,200
04. Supplies	10,000
05. Professional Services	42,700
06. Purchased Services	106,800
07. Property, Furnishings and Equipment	<u>5,000</u>
Total:	\$845,800

VISION

A citizenry confident in a public service that is fair and grounded in integrity and good governance.

MANDATE

The OCR derives its mandate and primary business lines from two legislative enactments.

1. Pursuant to the *Citizens' Representative Act*:

Investigation and Mediation of Complaints

The Office of the Citizens' Representative ensures that citizens' complaints and matters referred to it by the Lieutenant Governor in Council, the House of Assembly, or on its own motion are:

- a. investigated and mediated in a timely, thorough, and objective manner;
 - b. mediated to the satisfaction of all stakeholders if possible;
 - c. reported upon in a concise and easily understood format;
 - d. when appropriate, are subject to recommendations which would ameliorate the cause of the complaint and/or improve the overall provision of public service by departments and agencies.
2. Pursuant to the House of Assembly Accountability, Integrity and Administration Act:

Investigation of Whistleblower Complaints

The Office of the Citizens' Representative accepts complaints of gross mismanagement from designated individuals against members and employees of the House of Assembly, its Statutory Officers, Speaker and Clerk, and ensures that:

- a. subsequent investigations are carried out as expediently, confidentially and informally as possible;
- b. all parties are treated with procedural fairness;
- c. investigations and subsequent reports are thorough, unbiased and fair.

MISSION STATEMENT

As per the 2011-2014 Business Plan:

By March 31 2017 the Office of the Citizens' Representative will have independently and impartially striven to achieve high standards of administrative fairness in an effort to ensure trust in, and accountability by, the public service of Newfoundland and Labrador.

HIGHLIGHTS AND ACCOMPLISHMENTS

The Citizens' Representative will release his 2012/2013 Annual Digest in the fall of 2013. Formerly known as the Annual Report, the Digest will outline in greater detail the ongoing work of the Office in relation to case studies, complaint statistics, outreach, educational initiatives and other topics of interest.

In addition to its regular investigation and mediation work, the key highlights and accomplishments of the OCR during 2012/2013 include:

- Sponsoring our fourth annual Good Governance Week during October 2012 to celebrate, with our Canadian counterparts, the Ombudsman institution. Good Governance Week activities included our fourth Grade 6 student essay contest and hosting a networking event for department and agency designates and OCR staff.
- Continuing a dedicated outreach program toward seniors and partnering with seniors advocacy groups through involvement in focus groups, conducting regular meetings with representatives of the Seniors Resource Centre, distributing posters and promotional items relevant to seniors, and presenting to the provincial 50+ convention in Gander in September 2012.
- Continuing to produce our Office newsletter – “OCR Insights” –a quarterly update on OCR’s activities.
- Hosting a Bachelor of Social Work student for a work placement at OCR in partnership with the School of Social Work at Memorial University of Newfoundland.
- Hosting an intern for a work placement at OCR through the Public Service Secretariat graduate intern program.
- Conducting a staff-initiated book drive for the students of St. Peter’s Academy in Black Tickle, Labrador, resulting in book donations exceeding 200.

PERFORMANCE COMPONENT

Fiscal 2012/2013 represents the second year of OCR's second planning cycle as a Category 2 entity under the *Transparency and Accountability Act*.

Strategic Issues and Goals

The 2011-2014 Business Plan identified two strategic issues: (1) internal complaint handling within entities scheduled to the *Citizens' Representative Act*, and (2) the need for a human resource plan as the Office enters its second decade of service. OCR set two goals related to these strategic issues:

1. By March 31, 2014, (OCR) will have developed a mechanism for internal complaint handling for the public service.
2. By March 31, 2014 (OCR) will have implemented a unique human resource plan which will enhance staff wellness, balance and capacity.

A total of six objectives were made in the pursuit of these goals, two of which were scheduled to be met by March 31, 2013.

Issue 1: Internal complaint handling advice for the public service.

In our 2011-2014 Business Plan, OCR identified an opportunity to improve internal complaint handling within the public service by providing advice to public servants on efficient receipt, investigation and resolution of complaints from citizens of Newfoundland and Labrador. OCR set the following Goal:

Goal 1: By March 31, 2014, (OCR) will have developed a mechanism for internal complaint handling in the public service.

As indicated in our 2011/2012 Annual Performance Report, the first Objective under Goal 1 (identify government departments, agencies, boards and commissions which have a high volume of citizen complaints) was met. We conducted a historical/statistical review of high volume departments, agencies, boards and commissions dating back 5 fiscal years. We identified the Department of Justice (predominantly Adult Corrections Division), the Department of Advanced Education and Skills (formerly HRLE), the Newfoundland and Labrador Housing

Corporation, the Eastern Regional Health Authority and the Workplace Health Safety and Compensation Commission / Department of Government Services (tie) as being the top 5 average respondents to OCR complaints/inquiries.

The second (2012/2013) Objective, relevant to this Annual Performance Report, was listed as follows in the 2011-2014 Business Plan:

Objective 2: By March 31, 2013, the Office of the Citizens' Representative will have, after identifying high volume departments, agencies, boards and commissions, developed and distributed a Better Practice Guide for Fair Complaint Handling to enhance service to the public by the way of timely and internal resolution of complaints.

Measure: Will have developed and distributed Better Practice Guide for Fair Complaint Handling to high volume departments.

Indicator: Developed and distributed Guide.

Our activities to reach this 2012/2013 Objective are as follows:

Planned:

Actual:

Develop/distribute Guide

Research conducted fall 2012. Draft completed February 2013. "Navigating Complaints: A Better Practice Guide for Public Servants distributed March 2013 to 32 provincial public bodies.

Discussion of Results: Issue 1

Having identified high volume departments, agencies, boards and commissions in 2011/2012, the Navigating Complaints guide is now available to assist members of the public service who deal with complaints. It is a reference document that provides information on the value of complaints, and dealing with unreasonable complainant behaviour. Research and best practice reviews unveiled a number of common themes in administrative complaint management that were incorporated into the guide. These were condensed into four components of effective complaint handling: philosophy, people, procedure and progress. Our conclusion was that public bodies should adopt a complaint-friendly attitude, employ and support effective complaint handlers, institute a transparent complaints procedure and use complaint information to identify both systemic trends and policy shortcomings.

Outlook: Objective 3 (2014)

Objective 3: By March 31, 2014, the Office of the Citizens' Representative will have, after identifying stakeholders and developing the Better Practice Guide for Fair Complaint Handling, offered follow-up outreach and education with respect to the guide.

Measure: Offered outreach and education with respect to the guide.

Indicator: Quarterly newsletter content and invitation for follow up.

Issue 2: Staff Development

In the 2011-2014 OCR Business Plan, we committed to ensuring OCR's human resources are well, balanced and capable of meeting the many and varied demands arising from its business lines. Staff wellness helps maintain high quality services to the public, as well as fosters continuity in the organization by preventing high levels of staff turnover and absence.

Goal 2: by March 31, 2014, the Office of the Citizens' Representative will have implemented a mechanism to enhance staff wellness, balance and capacity.

As indicated in our 2011/2012 Annual Performance Report, Objective 1 under this Goal (assess staff satisfaction with its current work environment) was met. We developed and executed an anonymous online survey of all staff and discussed the results of the survey and conducted a workshop to discuss staff satisfaction in March 2012.

The second (2012/2013) Objective, relevant to this Annual Performance Report, was listed as follows in the 2011-2014 Business Plan:

Objective 2: By March 31, 2013, the Office of the Citizens' Representative will have developed a unique staff wellness policies and procedures manual.

Measure: Will have developed staff wellness policies and procedures manual.

Indicator: Researched, wrote and distributed manual to staff.

Our activities to reach this 2012/2013 Objective are as follows:

Planned:

Develop/distribute manual

Actual:

Research conducted fall 2012. Draft completed February 2013. Wellness policies and procedures manual distributed March 2013.

Discussion of Results: Issue 2

In developing the wellness policies and procedures manual, we researched the concept of employee wellness including occupational, spiritual, social, physical and emotional wellness. We then identified services and facilities under these headings that are available to OCR staff, including professional development, psychological and supportive services, personal improvement, fitness and sundry recreational opportunities. Staff were encouraged to seek out and circulate further information in the future, in the interest of enhancing workplace wellness and promoting an optimal work/life balance.

Outlook: Objective 3 (2014)

Objective 3: By March 31, 2014, the Office of the Citizens' Representative will have implemented and assessed the staff wellness policies and procedures manual.

Measure: Implemented and assessed manual.

Indicator: Analyzed staff uptake and monitored improvements.

OPPORTUNITIES AND CHALLENGES AHEAD

The opportunities available to, and the challenges confronting OCR for 2013/2014 are:

- The opportunity to further promote and disseminate Navigating Complaints, in the interest of assisting higher volume departments/agencies and other interested parties in their internal complaint handling methodologies.
- The opportunity to more fully implement the staff wellness manual and assess staff uptake and participation in its further development.
- Dedicating human resources toward preparation for the next planning cycle while implementing goals of the current planning cycle and executing our core mandate of complaint investigation and complaint resolution.

FINANCIAL STATEMENTS

Expenditure and revenue figures included in this document are based on public information provided in the Report on the Program Expenditures and Revenues of the Consolidated Revenue Fund for Fiscal Year Ended 31 March 2013 (unaudited).

OFFICE OF THE CITIZENS' REPRESENTATIVE

OFFICE OF THE CITIZENS' REPRESENTATIVE

	<u>Actual</u>	<u>Amended</u>	<u>Original</u>
01. Salaries	625,805	630,100	630,100
02. Employee Benefits	5,575	6,100	4,000
03. Transportation and Communications	24,008	47,200	47,200
04. Supplies	4,077	10,000	10,000
05. Professional Services	4,375	42,700	42,700
06. Purchased Services	78,645	104,700	106,800
07. Property, Furnishings and Equipment	4,531	5,000	5,000
Total: Office of the Citizens' Representative	747,016	845,800	845,800

Audited financial information will be included in the Annual Report of the House of Assembly Management Commission to be tabled by the Speaker during the next sitting of the House of Assembly. The Office of the Citizens' Representative does not currently have a requirement for a separate, individual audited financial statement.