



**Office of the
Citizens' Representative**

***2013-2014
ANNUAL PERFORMANCE
REPORT***

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30 August, 2014

Message from the Citizens' Representative

I am pleased to present the 2013-2014 Annual Performance Report of the Office of the Citizens' Representative (the OCR). This Report outlines the OCR's major accomplishments towards the objectives for the 2013-2014 fiscal year as identified in our 2011-2014 Business Plan.

The OCR is a statutory office of the House or Assembly. It provides a parliamentary Ombudsman service for Newfoundland and Labrador, and is the investigator of public interest disclosures under Part VI of the *House of Assembly Accountability, Integrity and Administration Act*.

Two events during the current fiscal year (2014-2015) introduced change that will impact the nature and content of future reports by OCR under the *Transparency and Accountability Act*. On March 13, 2014, the Office of the Citizens' Representative was re-categorized to a Category 3 Government Entity by the House of Assembly Management Commission, requiring it to file an Activity Plan laying out its strategic objectives, as opposed to a Business Plan. In addition, on July 1, 2014, our core mandate services were expanded to include the receipt and investigation of public interest disclosures on a government-wide basis. This new jurisdiction will be included in the OCR's future strategic planning.

This 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.



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*. 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 disclosures as mandated by Part VI of the *House of Assembly Accountability Integrity and Administration Act*.

Barry Fleming, Q.C., is the Citizens' Representative. OCR has a permanent staff of six 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 2013-2014, the OCR received 607 complaints/inquiries. It closed 597 complaint/inquiry files (taking into account complaints/inquiries from the previous year). Contained in these files were 19 formal recommendations to Government, all connected with investigations taken pursuant to Section 15 of the *Citizens' Representative Act*.

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Total operational expenditures of the OCR last year were \$725,103. Further information on budgeting and expenditures can be found on page 12.

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

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 2013/2014 Annual Digest in the fall of 2014. The Digest will outline in greater detail the ongoing work of the Office in relation to case studies, complaint statistics, community intake and 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 2013-2014 include:

- Sponsoring our fifth annual Good Governance Week during October 2013 to celebrate the Ombudsman institution. Good Governance Week activities included our annual Grade 6 student essay contest and hosting a networking event for department and agency designates and OCR staff.

- Continuing our dedicated outreach program to seniors, and continuing to partner with seniors advocacy groups through involvement and attendance at regular meetings with representatives of the Seniors Resource Centre. We distributed posters and OCR promotional items relevant to seniors at community events and during travel throughout the province.
- Exhibiting at gatherings like the Caregivers Day Away and the Social Work Expo and Community Fair.
- Continuing to produce our Office newsletter - "OCR Insights" - a quarterly update on the OCR's activities.
- Observing meetings of the Mayor's Rental Housing Action Committee (St. John's) and providing ad hoc feedback based on the Office's past experience with rental housing difficulties including complex needs tenants, eviction issues and the factors relevant to rental housing complaints.
- Attending meetings with Caregivers Out of Isolation to provide ad hoc feedback and referral information for members.

PERFORMANCE COMPONENT

Fiscal year 2013-2014 was the third and final year of OCR's Category 2 Business Plan, and the culmination of the first half of the OCR's 6 year mission cycle. Outlined in the Business Plan were:

Strategic Issues and Goals

The 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.

A total of six objectives were identified in relation to these issues.

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

OCR's Business Plan 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.

Measure: Developed a mechanism for complaint handling.

Indicator: Researched, developed and distributed guide.

As indicated in the OCR's 2011-2012 and 2012-2013 OCR Annual Performance Reports, we conducted a historical/statistical review of high volume departments, agencies, boards and commissions dating back 5 fiscal years. We identified the top 5 average respondents to OCR complaints/inquiries. We determined the optimal and most cost-effective method of doing so was to create a guide that contained time-tested best practices in complaints management. The resulting document, "Navigating Public Complaints: A Better Practice Guide for Public Servants" was drafted and distributed to 32 departments, agencies, boards and commissions.

The final (2013-2014) objective relevant to this issue was:

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.

Our activities to meet this objective are as follows:

Planned:

Quarterly newsletter content and invitation for follow up.

Actual:

Featured article in the "OCR Insights" newsletter (June 2013)
Invitation for follow up presentations in June, September, December (2013) Editions, March 2014 Edition.

Discussion of Results: Goal 1

From 2011 forward OCR has endeavoured to improve internal complaint handling within entities under its jurisdiction. Navigating Public Complaints: A Better Practice Guide for Public Servants was well received. In the wake of the release of the Guide, and following promotion by OCR and resulting interest from public bodies:

- we presented to staff of NL Housing (May, 2013);
- we supplied 15 copies to Members of the House of Assembly on request (June 2013);
- we supplied additional copies to Eastern Health on request (June 2013);
- we provided an electronic copy to the WHSCC for wider distribution on request; (July 2013)
- we supplied 15 additional copies to Western Health on request; and,
- we provided copies in response to requests from the Ombudsman Offices of Saskatchewan, New Brunswick and Manitoba (2013).

The OCR is satisfied with the 3 year process it followed to address the wider strategic issue of internal complaint handling. The guide contains fundamentals for complaint handlers and offers advice on establishing an effective complaint management system. The guide, and presentations on its contents, will remain available as a resource for public servants for the foreseeable future.

Issue 2: Staff Development

In the 2011-2014 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. OCR set the following Goal:

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

Measure: implemented mechanism.

Indicator: implemented human resource plan.

As indicated in our 2011-2012, and 2012-2013 Annual Performance Reports, we assessed staff satisfaction with OCR's work environment, and developed and executed an anonymous online survey of all staff. We discussed the results of the survey and conducted a workshop to discuss staff satisfaction. Our research on the wellness policies and procedures manual was conducted in the fall 2012, and the manual was distributed March 2013.

The final (2013-2014) objective relevant to this issue was:

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.

Our activities to reach this 2013-2014 objective are as follows:

Planned:

Analyzed staff uptake and monitored improvements.

Actual:

49 page manual made available on shared computer directory.

Ad hoc staff meeting consultations on wellness issues contained in the manual took place throughout 2013-2014. The manual was augmented by an expanded House of Assembly occupational health and safety e-mail and poster program containing similar/related information.

Discussion of Results: Goal 2

In developing the wellness policies and procedures manual, we implemented a mechanism to enhance staff wellness, balance and capacity. While the indicator references a "human resource plan," a moniker frequently associated with the identification of an organization's current and future human resource needs, we believe we have met Goal 2 and its associated measure by implementing a

mechanism to enhance staff wellness, balance and capacity: a compendium of information that will assist employees with making choices and seeking assistance in a variety of health and wellness areas. In advance of drafting the manual, we researched the concept of employee wellness, including occupational, spiritual, social, physical and emotional wellness. We then identified services and facilities under the headings that are available to staff in the northeast Avalon region. Staff were encouraged to add to the manual as they saw fit, in the interest of fostering and maintaining a health work/life balance.

Due to the private nature of the general and allied health, mental health and EAP / counselling services offered in the manual, analyzing staff uptake on the contents of the manual was somewhat tempered. However, reportable healthy activities contained in the manual undertaken by staff include French language training, periodic attendance at the centre for learning development, and use of the tuition assistance program. In their free time, staff are preserving work/life balance by attending or planning to attend university, attending fitness centres, participating in team sport, volunteering and undertaking various personal hobbies.

Information in the manual will be updated as time and resources permit. The manual will serve as a staff resource for the foreseeable future.

OPPORTUNITIES AND CHALLENGES AHEAD

The opportunities available to, and the challenges confronting OCR for fiscal year 2014-2015 are:

- The opportunity to promote and encourage mediation and collaboration as part of the everyday work of the provincial public service. Members of the public expect the public service to provide high standards of customer satisfaction, which includes a willingness to work together with them to solve problems informally when they arise. As an Office with a mandate to ensure fairness, OCR is uniquely positioned to promote this ideal from within the public service.
- A challenge in the upcoming year will be extending our investigation and complaint resolution services into a government-wide public interest disclosure (whistleblower) program. Forecasting the need for additional resources in relation to this program is difficult. Information gleaned from OCR research and networking with other practitioners indicates investigations of this nature can be complex and time-consuming. Additional human resources will be sought if required.

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 2014 (unaudited).

OFFICE OF THE CITIZENS' REPRESENTATIVE

		<u>Estimates</u>	
	Actual	Amended	Original
01. Salaries	618,240	618,300	565,500
02. Employee Benefits	3,437	8,000	8,000
03. Transportation / Communications	23,909	46,200	46,200
04. Supplies	3,541	10,000	10,000
05. Professional Services	6,000	22,600	22,600
06. Purchased Services	67,378	94,400	94,400
07. Property, Furnishings & Equipment	<u>2,598</u>	<u>5,000</u>	<u>5,000</u>
TOTAL: Office of the Citizens' Representative	725,103	804,500	751,700

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.