



**Office of the Citizens'
Representative**

***2011-2014
Business Plan***

June 23, 2011

The Honourable Roger Fitzgerald
Speaker
House of Assembly
Confederation Building, East Block
P.O. Box 8700
St. John's, NL A1B 4J6

Dear Sir:

In compliance with the *Transparency and Accountability Act* ("the Act"), I have the honour to submit for transmission to the House of Assembly my Business Plan for the three fiscal years: 2011-12; 2012-13; 2014-14.

As the Citizens' Representative, I recognize my obligation under the Act and I am accountable for the preparation of the Plan and for the achievement of the goals and objectives contained herein.

Yours truly,

A handwritten signature in cursive script, reading "Barry G. Fleming".

Barry G. Fleming, Q.C.
Citizens' Representative

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OVERVIEW

The Office of the Citizens' Representative is one of five statutory Offices of the House of Assembly. The Office provides a province-wide ombudsman service for citizens with respect to their dealings with the provincial public service, and in doing so, works to ensure that citizens of the province are treated fairly by acts and decisions of the departments, agencies, boards and commissions of the government scheduled to the *Citizens' Representative Act*.

Barry Fleming is the Citizens' Representative and is responsible for the management of the Office and coordinating its work. The Office has a permanent staff of seven including:

- an Assistant Citizens' Representative (male)
- a Senior Investigator (female)
- three Investigators (two female, one male)
- an Office Administrator, (female) and
- an Executive Secretary (female)

In 2009/10, the last reporting period, the Office of the Citizens' Representative received 334 complaints/inquiries. It closed 267 complaint/inquiry files. The Citizens' Representative made 13 formal recommendations to various provincial departments, agencies, boards, corporations and/or commissions.

To accomplish its work, the Office has a budget of \$802,000 for 2010/2011.

This Office can be contacted by:

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Website: www.citizensrep.nl.ca

MANDATE

The Office of the Citizens' Representative is established under the *Citizens' Representative Act*, 2001 c. C-14.1. It is a Statutory Office of the House of Assembly as anticipated by the *House of Assembly Accountability, Integrity and Administration Act*. These statutes give rise to two mandates:

The mandate flowing from the *Citizens' Representative Act* includes:

- the receipt and independent investigation of complaints of unfairness from citizens;
- the investigation of matters referred to it by the Lieutenant Governor in Council, the House of Assembly, or otherwise determined by the Citizens' Representative of requiring investigation;
- by implication, the mediation of citizens' complaints when possible;
- reporting the results of the investigations and recommending responses when appropriate.

The mandate flowing from the *House of Assembly Accountability, Integrity and Administration Act* includes:

- the receipt and independent investigation of complaints relating to public interest disclosures (whistleblowing) from public employees against members and employees of the House of Assembly, its Statutory Officers, Speaker and Clerk.

LINES OF BUSINESS

In fulfilling its mandate, the Office of the Citizens' Representative provides the following lines of business.

1. 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. 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 and informally as possible;
- b. all parties are treated with procedural fairness;
- c. investigations and subsequent reports are thorough, unbiased and fair.

VALUES

The following values are fundamental to all interactions and communications between the Office of the Citizens' Representative, citizens, and public officials.

<i>Value</i>	<i>Action Statement</i>
Fairness	Each individual undertakes to perform his or her duties in an open, unbiased and independent manner.
Respect	Each individual considers, weighs and appreciates the circumstances and contributions of others and communicates in a manner that enhances the working environment.
Ingenuity	Each individual respects the importance of precedent and corporate history, but looks for new ways to enhance the Office's Mandate. All suggestions are respected, considered, analyzed and discussed to ascertain their effectiveness in meeting stakeholders' needs.
Courage	While appreciating the vulnerability of citizens and the power of various government offices, each individual exercises his or her duties emboldened by the principal of truth to power and the recognition that ultimately everyone strives for, and benefits from, excellence in the public service.

PRIMARY CLIENTS

The primary clients of the Office of the Citizens' Representative are:

1. citizens who allege they have been treated unfairly when pursuing or receiving access to public services;
2. whistleblowers who complain about gross mismanagement within the House of Assembly.

Secondary clients include:

1. the House of Assembly and its Members;
2. the Lieutenant Governor in Council;
3. the Public Service.

VISION

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

MISSION

As an independent Office of the House of Assembly, the Office of the Citizens' Representative oversees the work of the public service from the focus of investigating and mediating citizen complaints. This unique perspective offers the Office of the Citizens' Representative an appreciation of the complex work undertaken by the public service, but also affords an opportunity to identify areas where trust in, and accountability by, the public service can be enhanced. The mission of the Office of the Citizens' Representative over the next six years strives to leverage this opportunity into benefits for citizens and the public service.

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.

Measure: *Striven to achieve high standards of administrative fairness.*

Indicators:

- Developed, distributed and assessed a Better Practice Guide for Fair Complaint Handling.
- Implemented a human resources plan.
- Increased use and promotion of collaboration and mediation.

ISSUES

The strategic issues the Office of the Citizens' Representative will pursue over the three years encapsulated in this Business Plan are:

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

Issue 2: Staff development.

GOALS

The Office of the Citizens' Representative opened in 2002. Since that time, it has become the lead agency accountable for the investigation and mediation of complaints by citizens alleging unfairness in provincial government administration, and for complaints of gross mismanagement within the House of Assembly.

Central to the effective running of a complaints resolution office, beyond the ability to investigate and report, an ombudsman office must have the capacity to promote administrative fairness by working with government departments, agencies, boards and commissions on how to better resolve complaints in their first instance. Additionally, staff must have the confidence, pragmatism, and balance to reach the potential of the Office. Therefore, our goals for the next three years focus on internal complaint resolution and staff development. Success in these areas means better overall public service, an idea which all legislative ombudsman offices promote.

Goals

1. Pursuant to Issue 1, by March 31, 2014, the Office of the Citizens' Representative will have developed a mechanism for internal complaint handling for the public service.
2. Pursuant to Issue 2, by March 31, 2014, the Office of the Citizens' Representative will have implemented a unique human resource plan which will enhance staff wellness, balance and capacity.

OBJECTIVES

Issue 1

The public service strives to provide high quality services to citizens of Newfoundland and Labrador. As a large organization that conducts thousands of transactions with the public daily it is not, however, immune from feedback, some of it in the form of complaints or concerns from citizens as end users of government programs. In response to most complaints it receives, the Office of the Citizens' Representative works with the public service to find proactive ways of settling the complaint to the satisfaction of all parties. The timely and effective resolution of citizen complaints by the public service enhances citizens' trust in, and conversely its accountability for, its work. In an effort to achieve its mission, the Office of the Citizens' Representative will research, develop and distribute a guide for its best practices in dealing with citizen complaints. The Office of the Citizens' Representative believes that with printed internal complaint handling advice at their disposal, departments and agencies can improve public service by being able to better handle complaints when they are first reported.

Goal 1: by March 31, 2014, the Office of the Citizens' Representative will have developed a mechanism for internal complaint handling for the public service.

Measure: Developed a mechanism for complaint handling.

Indicator: Researched, developed and distributed guide.

Objectives Pursuant to Goal 1

Objective 1: By March 31, 2012, the Office of the Citizens' Representative will have identified government departments, agencies, boards and commissions which have a high volume of citizen complaints.

Measure: Identified government departments, agencies, boards and commissions which have a high volume of citizen complaints.

Indicator: Conducted statistical/historical review of government departments, agencies, boards and commissions which have higher volumes of contact with the Office of the Citizens' Representative.

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.

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.

Issue 2

The Office of the Citizens' Representative, in undertaking its mission of striving to achieve the high standards of administrative fairness in an effort to ensure trust in, and accountability by, the public service, must ensure that its human resources are well, balanced and capable of meeting the many and varied demands arising from the Office's work. The development of a human resource plan that is unique to the work of the Office of the Citizens' Representative is a critical step in ensuring its staff can undertake its mission. Staff development is crucial to public bodies in order to ensure high quality services, to prevent high levels of turnover and absence, and to establish the public body as a trusted institution exhibiting expertise in its specific line of work. The Office of the Citizens' Representative will pass the ten year mark of its mandate in 2012. In 2012, it will have 36 years of cumulative administrative complaint handling experience at its disposal. The Office of the Citizens' Representative is committed to expanding this experience by fostering the morale, health, fitness and productivity of its employees.

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.

Objectives Pursuant to Goal 2

Objective 1: By March 31, 2012, the Office of the Citizens' Representative will have assessed staff satisfaction with its current work environment.

Measure: Assessed staff satisfaction with its current work environment.

Indicator: (1) Develop a staff satisfaction survey.

(2) Conduct workshop(s) to discuss staff satisfaction and the factors which improve or undermine that satisfaction.

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

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