



**Office of the Citizens'
Representative**

***2014-2017
Activity Plan***

June 16, 2014

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

Dear Sir:

On March 13, 2014, the Office of the Citizens' Representative was re-categorized to a Category Three Government Entity by the House of Assembly Management Commission. Under Section 7 of the *Transparency and Accountability Act* ("the Act"), Category Three Government Entities must submit an Activity Plan.

I am therefore pleased to submit to you, for transmission to the House of Assembly, my Activity Plan for the upcoming three fiscal years: 2014-15; 2015-16; 2016-17.

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 objectives contained herein.

Yours truly,

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

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

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TABLE OF CONTENTS

Overview	4
Mandate	5
Lines of Business	6
Values	7
Primary Clients	8
Vision	9
Mission	10
Issue	11
Goal	11
Activities	12

OVERVIEW

The Office of the Citizens' Representative is one of five legislative 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*. The Office is also responsible for investigating public interest disclosures under the *House of Assembly Accountability, Integrity and Administration 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 six including:

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

To accomplish its work, the Office has a budget of \$827,200 for 2014-15.

This Office can be contacted by:

Telephone: (709) 729-7647
(800) 559-0079

Address: 20 Crosbie Place
4th Floor Beothuck Building
P.O. Box 8400
St. John's, NL A1B 3N7

Email: citrep@gov.nl.ca

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 designated as a Statutory Office of the House of Assembly in Section 2 (r)(v) the *House of Assembly Accountability, Integrity and Administration Act*. These statutes give rise to the following mandates:

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

- the receipt and independent investigation of complaints of unfairness from citizens;
- by implication, the mediation of citizens' complaints when possible;
- 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; and,
- 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

The Office of the Citizens' Representative controls 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.

Value	Action Statement
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

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.

ISSUE

The strategic issue the Office of the Citizens' Representative will pursue over the three years encapsulated in this Activity Plan is:

Issue 1: Increasing the use and promotion of collaboration and mediation.

ACTIVITIES

As part of its role in resolving conflict between citizens and their public service, the Office of the Citizens' Representative uses the *Citizens' Representative Act* and employs the investigative methods of an ombudsman. The Office formally investigates complaints within its jurisdiction whenever access to documents, witnesses or other evidence is needed. This process, defined in law, can require substantial commitments of time by all parties to a complaint.

Since its inception, with the support of Deputy Ministers and CEOs, the Office of the Citizens' Representative has developed a network of contacts in the public service. Most Deputy Ministers and CEOs delegate responsibility for Citizens' Representative matters within their organizations to certain employees (known internally as "designates").

Aside from doing the work associated with the evidence production requirements in the investigation process, by convention the designate acts as a central contact point in the "early resolution" stage of a complaint (where an opportunity for settlement of the complaint exists outside of the formal investigative process). As a consequence of their exposure to both investigations and early resolution opportunities, the designate is also well positioned to spot trends in the totality of complaints lodged against their Department or agency.

OCR seeks to increase the use and promotion of collaboration and mediation with the designate network in order to strengthen its ability to facilitate the early resolution of complaints, and also to work with Departments to spot trends in aggregate complaint flow that may require attention.

In an effort to bring further enhancements to the designate network, the Office of the Citizens' Representative will design and conduct an outreach to select departments and agencies in order to promote collaboration and mediation. Incorporated into the outreach will be a review of total complaints received in 2015-16, and a discussion of complaint trends and relevant program and policy outputs that have led to interactions with the department/agency over the course of that year. Opportunities for further collaboration and mediation on early resolution will be explored. The outreach will then be analyzed for its viability as an annual project.

Goal: By March 31, 2017, the Office of the Citizens' Representative will have developed an outreach mechanism to promote collaboration and mediation for

designates who handle complaints from the Office of the Citizens' Representative.

Measure: Developed an outreach mechanism for designates.

Indicators: Designed, implemented and analyzed outreach.

Objectives Pursuant to Goal

Objective 1: By March 31, 2015, the Office of the Citizens' Representative will have designed an outreach mechanism on the use and promotion of collaboration and mediation for designates who handle complaints from the Office of the Citizens' Representative.

Measure: Designed outreach mechanism.

Indicator: Assessed scope, method of notification, method of compilation of complaint information specific to departments, and identification of target public bodies.

Objective 2: By March 31, 2016, the Office of the Citizens' Representative will have implemented the outreach to targeted public bodies.

Objective 3: By March 31, 2017, the Office of the Citizens' Representative will have analyzed the results of the outreach and assessed its viability as an annual exercise.