



**Office of the
Citizens' Representative**

***2009-2010
ANNUAL PERFORMANCE
REPORT***

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30 July, 2010

Message from the Citizens' Representative

I am pleased to submit the Office of the Citizens' Representative Annual Performance Report for 2009/2010. This report will outline our ongoing success in achieving our mandate pursuant to the 2008-2011 Business Plan.

For the purposes of this Annual Performance Report the Office of the Citizens' Representative has been categorized as a Category Two entity pursuant to the *Transparency and Accountability Act*. As Citizens' Representative I am accountable for the results reported herein and any variances from the goals outlined in the 2008-2011 Business Plan.

Barry Fleming, Q.C.
Citizens' Representative

MANDATE

The Office of the Citizens' Representative derives its mandate from two legislative enactments. 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.

GOALS

The Office of the Citizens' Representative commenced operations in 2002 and, for a variety of reasons, faced a daunting number of complaints and inquiries from citizens. A backlog ensued. By virtue of the appointment of an interim, and subsequently, a new Citizens' Representative and the introduction of sound management practices, that backlog was eliminated. The Citizens' Representative, and his staff, wish to see the Office evolve into a center of investigation leadership and excellence. The goals and objectives that follow facilitate that evolution.

By 2011, the Office of the Citizens' Representative will be the lead agency accountable for the investigation and mediation of complaints by citizens alleging administrative unfairness within the public service or gross mismanagement within the House of Assembly.

Measure: Leadership and accountability in complaints investigation.

Indicators:

- Developed flexible, timely and effective investigation techniques;
- Completed a review of governing legislation to ensure it adequately facilitates the investigation processes;
- Continued development and delivery of informative sessions about the Office's mandate and investigation processes.

OVERVIEW

The Office of the Citizens' Representative provides parliamentary Ombudsman services for the province of Newfoundland and Labrador. In traditional Ombudsman fashion, it endeavours to mediate and investigate issues of concern to citizens of Newfoundland and Labrador with respect to their contact with the 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*. Barry Fleming, Q.C., is the Citizens' Representative. The Office has a 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 2009/2010, the Office of the Citizens' Representative received 334 complaints/inquiries. It closed 267 complaint/inquiry files. Contained in these 267 files were 7 recommendations to Government, all of which would have come as the result of formal investigations.

The vision, mission and lines of business of the Office of the Citizens' Representative are:

Vision:

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

Mission:

By March 31, 2011 the Office of the Citizens' Representative will have implemented effective procedures to ensure consistent, timely and effective responses to citizens' and employees' complaints.

Measure: *By 2011 the Office of the Citizens' Representative will have improved capacity to support fair, timely and effective investigations.*

Indicators:

- Increased human resource expertise in conducting investigations.
- Enhanced investigative planning, execution and reporting.

Lines of Business:

1. Investigation and Mediation of complaints

The Office of the Citizens' Representative ensures that public 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. Promoting Good Governance

The Office of the Citizens' Representative identifies systematic issues within the public administration which may have an impact on a large number of citizens and:

- a. Concisely articulates a concern which may warrant public comment;
- b. Develops and conducts investigations into these concerns, and
- c. Reports upon the result of the investigation with an overall goal of alleviating citizens' concerns and improving the delivery of government programs.

To accomplish its work, the Office has a budget of \$736,700 for 2009/2010.

This Office can be contacted by:

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HIGHLIGHTS AND ACCOMPLISHMENTS

In September 2010, the Office of the Citizens' Representative will release its Annual Digest. The Digest will articulate in greater detail the ongoing work of the Office in relation to case studies, statistics, outreach and educational initiatives.

The key highlights and accomplishments of the Office of the Citizens' Representative during 2009/2010 include:

- Continuing to build on our 2008/2009 goal of increasing outreach to community groups. During this past year we have established regular meetings with the Seniors Resource Centre, and have made presentations to the Newfoundland and Labrador Association of Social Workers, and Correctional Officer recruits.
- Continuing to build on our 2008/2009 goal of disseminating print material and enhancing communication efforts by planning an outreach to all post-secondary students in the province to be carried out during 2010/2011.
- Sponsoring our first annual Good Governance Week to celebrate the 200th anniversary of the creation of the modern parliamentary ombudsman in Sweden in 1809. Good Governance Week activities included a student essay contest, blogging with Canadian Ombudsman counterparts on www.slw.ca, and hosting a coffee break for department and agency designates.
- Completing a review of the statutes which govern this Office: the *Citizens' Representative Act* and the *House of Assembly Accountability, Integrity and Administration Act*, and making recommendations for legislative change.

OBJECTIVES

Our 2008-2011 Business Plan sets out three major Objectives designed to enhance the visibility, efficiency and productivity of the Office:

Objective 1: By March 31, 2009 the Office of the Citizens' Representative will have increased communication with citizens and government employees about its role and mandate.

Measure: *Increased communication of the role and mandate of the Office of the Citizens' Representative with citizens and government employees.*

Indicators:

- Increased number of targeted presentations to interest groups and opinion leaders;
- Initiated a strategy to disseminate print material to vulnerable groups which need an enhanced communication effort;

Objective 2: By March 31, 2011 the Office of the Citizens' Representative will have consulted with its clients and determined whether its governing legislation facilitates its mandate.

Objective 3: By March 31, 2011 the Office of the Citizens' Representative, will, after explaining its role to citizens (2009) and assessing its legislation (2010) undertake a review of its investigation techniques and professional development undertakings.

As reported in the 2008/2009 Performance Report, in year one (2008/2009) we increased the number of targeted presentations to interest groups and opinion leaders. Further, we initiated a strategy to disseminate print material to vulnerable groups which needed an enhanced communication effort.

Our activities to reach our 2009/10 Objective as stated in the Business Plan are as follows:

Measure: *Consultation and Assessment.*

Indicators:

- Draft a background paper that summarizes the perceived strengths and weaknesses of the *Citizens' Representative Act* and Part VI of the *House of Assembly Accountability, Integrity and Administration Act*;
- Disseminate the draft paper and solicits responses;
- Assess the responses to the draft paper and formulates a position on possible legislative changes.

Activities:

- Conducted a critical analysis of both statutes and identified nine areas of potential legislative reform. Formulated a discussion paper for distribution to 34 departments and agencies ("stakeholders").
- Sent to stakeholders on December 18/09. Stakeholders asked to reflect on their contact with the Office since 2002 and provide commentary by February 15, 2010.
- Position paper completed March 31/10 recommending two changes to the *Citizens' Representative Act* and two changes to the *House of Assembly Accountability, Integrity and Administration Act*. Position paper submitted to the Speaker of the House, the Government House Leader, the Deputy Opposition House Leader, the Leader of the New Democratic Party, and the 14 stakeholders who provided commentary.

By March 31, 2011, the Office of the Citizens' Representative, will, after explaining its role to citizens (2009) and assessing its legislation (2010), undertake a review of its investigation techniques and professional development undertakings.

Measure: Will, after explaining its role to citizens (2009) and assessing its legislation (2010), undertake a review of its investigation techniques and professional development undertakings

Indicators:

- Review investigation techniques via comparative review with pan-Canadian counterparts to identify best practices.
- Review the professional development opportunities afforded to staff.

OPPORTUNITIES AND CHALLENGES AHEAD

The opportunities available to and the challenges confronting the Office of the Citizens' Representative in 2010/2011 are:

- To explore ways to further refine and enhance the investigative process;
- To optimize staff training opportunities in a unique investigative field in a fiscally prudent manner.
- The formulation of the next three-year business plan.

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 2010 (unaudited).

OFFICE OF THE CITIZENS' REPRESENTATIVE

		<u>Estimates</u>	
	<u>Actual</u>	<u>Amended</u>	<u>Original</u>
OFFICE OF THE CITIZENS' REPRESENTATIVE			
Salaries	612,618	612,700	566,000
Employee benefits	1,800	2,000	2,000
Transportation and communications	21,197	47,600	64,200
Supplies	3,211	10,000	10,000
Professional services	206,382	206,400	10,000
Purchased services	60,534	79,500	79,500
Property, furnishings and equipment	3,556	5,000	5,000
Total: Office of the Citizens' Representative	909,298	963,200	736,700

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.