



**Office of the
Citizens' Representative**

***2011-2012
ANNUAL PERFORMANCE
REPORT***

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30 July 2012

Message from the Citizens' Representative

I am pleased to present the Office of the Citizens' Representative 2011-2012 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 2011-2012 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 and any variances from the goals outlined in the 2011-2014 Business Plan.

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

Barry Fleming, Q.C.
Citizens' Representative

OVERVIEW

The OCR provides parliamentary Ombudsman services for the province of Newfoundland and Labrador pursuant to the *Citizens' Representative Act* (SNL 2001, c. C-14.1). It 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 2011/2012, the OCR received 476 complaints/inquiries. It closed 420 complaint/inquiry files. Contained in these 420 files were 8 formal recommendations to Government, all connected with investigations pursuant to Section 15 of the *Citizens' Representative Act*,

OCR can be contacted by:

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

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

Email: citrep@gov.nl.ca Website: www.citizensrep.nl.ca

To accomplish its work, OCR had a budget of \$843,500 for 2011/2012 as outlined below:

01. Salaries	\$617,800
02. Employee Benefits	4,000
03. Transportation and Communications	64,200
04. Supplies	10,000
05. Professional Services	50,000
06. Purchased Services	92,500
07. Property, Furnishings and Equipment	5,000
Total:	\$843,500

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 2011/2012 Annual Digest in the fall of 2012. 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 2011/2012 include:

- Sponsoring our third annual Good Governance Week to celebrate, with our Canadian counterparts, the Ombudsman institution. Good Governance Week activities included our third student essay contest, an address to Political Science students at Memorial University and hosting a networking event for department and agency designates and OCR staff.
- Continuing a seniors outreach program and enhancing our relationship with seniors advocacy groups by conducting regular meetings with the Seniors Resource Centre, meeting with Peer Advocates off the Avalon Peninsula, and distributing posters and literature to public and private long term care homes.
- Launching our Office newsletter – “OCR Insights” – which provides quarterly updates on OCR's activities, including case summaries designed to familiarize readers with the work of the Office.
- Hosting a Bachelor of Social Work student and a 4th year Political Science student for their respective field placements.

PERFORMANCE COMPONENT

Fiscal 2011/20112 represents the first 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, 2012.

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.

Objective 1: By March 31, 2012 (OCR) will have identified government departments, agencies, boards and commission 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.

Our activities to reach this 2011/2012 Objective are as follows:

Planned:

Actual:

Statistical / historical review

23, 24 January 2012 reviewed OCR statistics and Annual Digests for the past 5 fiscal years to compile top 5 respondents for each year, and to determine the average top 5 respondents over the past 5 years.

Discussion of Results: Issue 1

Our review 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 the top 5 average respondents for the past 5 fiscal years.

Outlook: Objective 2 (2013)

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.

Issue 2: Staff Development

OCR also committed in its 2011-2014 Business Plan to ensuring its 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.

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.

Our activities to reach this 2011/2012 Objective are as follows

Planned:

Develop a staff satisfaction survey.

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

Actual:

Developed and executed anonymous online survey of all staff 5, 6 March, 2012.

Discussed survey results and conducted workshop 16 March, 2012.

Discussion of Results: Issue 2

Staff were asked to comment anonymously via an online survey covering 18 aspects of satisfaction in their workplace, in addition to questions on overall job satisfaction, the best and worst aspects of working at OCR, and what OCR could do to enhance employee satisfaction. Results of the survey were discussed in a workshop at OCR on 16 March, together with ideas for team/morale building and inviting input on the concept of a staff wellness manual.

Outlook: Objective 2 (2013)

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.

OPPORTUNITIES AND CHALLENGES AHEAD

The opportunities available to and the challenges confronting OCR for 2012/2013 are:

- The opportunity to construct a Better Practice Guide for Fair Complaint Handling, using best practices from Ombudsman operations across North America and the Commonwealth to assist higher volume departments and agencies in their internal complaint handling methodologies.
- The opportunity to create a unique staff wellness policy employing best practices and the vested input of OCR staff, in the interest of sustaining a healthy and balanced workplace.
- The challenge faced by a comparatively small office to develop policy, while dedicating maximum available resources to pursue the core mandate of mediation and investigation.

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 2012 (unaudited).

OFFICE OF THE CITIZENS' REPRESENTATIVE

4.1.01. OFFICE OF THE CITIZENS' REPRESENTATIVE

	<u>Actual</u>	<u>Amended</u>	<u>Original</u>
01. Salaries	629,666	629,800	617,800
02. Employee Benefits	2,922	4,000	4,000
03. Transportation and Communications	28,595	34,200	64,200
04. Supplies	3,618	7,000	10,000
05. Professional Services	18,665	39,000	50,000
06. Purchased Services	100,010	103,500	92,500
07. Property, Furnishings and Equipment	2,753	5,000	5,000
Total: Office of the Citizens' Representative	786,229	822,500	843,500

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.