



**Office of the Citizens'  
Representative**

***2014-2017  
Business Plan***

June 1, 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:

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: 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 goals and 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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# 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*.

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)

In 2012/13, the last reporting period, the Office of the Citizens' Representative received 393 complaints/inquiries. It closed XXXX complaint/inquiry files. The Citizens' Representative made XXXX formal recommendations to various provincial departments, agencies, boards, corporations and/or commissions.

To accomplish its work, the Office has a budget of \$751,700 for 2013/2014.

This Office can be contacted by:

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

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4<sup>th</sup> Floor Beothuck Building  
P.O. Box 8400  
St. John's, NL A1B 3N7

Email: [citrep@gov.nl.ca](mailto:citrep@gov.nl.ca)

Website: [www.citizensrep.nl.ca](http://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;
- 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

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

<b><i>Value</i></b>	<b><i>Action Statement</i></b>
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

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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

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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.

During the period covered by the last (2011-2014) Business Plan, the Office of the Citizens' Representative successfully met the first two Indicators listed above. The 2014-2017 Business Plan intends to implement the increased use and promotion of collaboration and mediation.

# ISSUES

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

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

# GOALS

As part of its wider role in resolving conflict between the province and its citizens, the Office of the Citizens' Representative uses the *Citizens' Representative Act* and employs the traditional investigative methods of an ombudsman. The Office investigates serious complaints when access to documents, witnesses or other evidence is needed. This process, defined in law, can require substantial commitments of time by the complainant and the respondent government department. In our experience, drafting the statutory notice of intent to investigate, obtaining evidence, interviewing and formal report writing does not always fit the needs of the citizens the Office was designed to assist. The investigative process can take weeks to months, and does not lend itself to many of the complaints the Office receives.

Because complaints vary in time sensitivity and scope, the Office of the Citizens' Representative analyzes each complaint it receives with a view to early resolution. This generally entails using shuttle diplomacy to inquire about lower-level allegations of issues like delay and incomplete or inaccurate information leading to a decision. In some cases the Office may simply bring a complaint forward to a department or agency for consideration for the first time, based on a request from a particularly vulnerable citizen.

Over the past thirteen years, and with the support of Deputy Ministers and CEOs, the Office of the Citizens' Representative has developed a fairly deep network of contacts in the public service. Timely collaboration and mediation with these contacts has given the Office of the Citizens' Representative the ability to find workable, fair, and legal solutions for citizens, without delay for citizens and without forcing members of the public service to undergo time-consuming evidence collection exercises or questioning.

The goals that follow seek to increase the use and promotion of collaboration and mediation, ensuring the continued timely resolution of complaints.

## **Goals**

1. Pursuant to Issue 1, by March 31, 2017, the Office of the Citizens' Representative will have designed, conducted and analyzed the results of a designate outreach.
2. Use . formal mediation techniques / ADR?
3. Promotion: Brochure/compendium of community mediation?

# **OBJECTIVES**

## **Issue 1**

The good will and participation of the provincial public service to informally mediate complaints to a reasonable conclusion is essential. With the support of Deputy Ministers and CEOs, who delegate responsibility within their organizations to employees known internally as “designates,” the Office of the Citizens' Representative has cultivated a network of contacts who serve a dual role as (1) contacts in formal investigations and (2) act as a central contact point in the early resolution stage. Designates typically range from Information Managers, to Directors to Assistant Deputy Ministers.

In an effort to bring further enhancements to the designate system, the Office of the Citizens' Representative will design and conduct an annual outreach to select departments and agencies to review complaints received on a yearly basis, to discuss complaint trends and relevant program and policy outcomes that have led to interactions with the department/agency over the course of the year.

**Goal 1:** by March 31, 2017, the Office of the Citizens' Representative will have designed, implemented and analyzed the results of an annual outreach mechanism for designates.

*Measure:* Designed, implemented and analyzed an annual outreach mechanism for designates.

*Indicator:* Results of completed annual outreach.

### **Objectives Pursuant to Goal 1**

**Objective 1:** By March 31, 2015, the Office of the Citizens' Representative will have designed an annual outreach mechanism for designates who handle complaints from the Office of the Citizens' Representative.

*Measure:* Designed outreach mechanism.

*Indicator:* Assessment of 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, after designing an outreach mechanism, will have conducted an outreach to target public bodies.

**Objective 3:** By March 31, 2017, the Office of the Citizens' Representative will have, after designing and executing outreach in 2016 and 2017, analyzed the results of the outreach and assessed its viability.

**Goal 2:** by March 31, 2017, the Office of the Citizens' Representative will have

*Measure:*

*Indicator:*

**Objectives Pursuant to Goal 2**

**Objective 1:** By March 31, 2015, the Office of the Citizens' Representative will have

*Measure:*

*Indicator:*

**Objective 2:** By March 31, 2016, the Office of the Citizens' Representative will have

**Objective 3:** By March 31, 2017, the Office of the Citizens' Representative will have