

Annual Report 2011–2012



Ombudsman
NEW BRUNSWICK



2011-2012 Annual Report

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Mr. Donald Forestell

Clerk

Legislative Assembly


Province of New Brunswick

Fredericton, NB

Sir:

Pursuant to Subsection 25(1) of the *Ombudsman Act*, Section 36 of the *Civil Service Act* and Section 30 of the *Public Interest Disclosure Act*, I have the honour to present the Forty-fourth Annual Report of the Ombudsman for the period of April 1, 2011 to March 31, 2012.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "J Murray". The signature is written in a cursive, flowing style.

Jennifer L. Murray
Acting Ombudsman

How to Reach the Office of the Ombudsman

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or
<http://www.gnb.ca/0073/index-e.asp>



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Message from the Acting Ombudsman

During the fiscal year 2011-2012 François Levert served as the Acting Ombudsman for the Province of New Brunswick. I submit this annual report on his behalf. The reporting year saw the Office working through the process of separating the Offices of the Ombudsman and Child and Youth Advocate. Additionally, the office contributed to the review of Legislative Officers, a project which was commenced by former Ombudsman Bernard Richard, on behalf of the government. Its purpose was to review all Legislative Officers to, among other things, improve efficiency and insure the functions of Legislative Officers are clear and relevant. During this entire reporting year, a permanent appointment was not made which made it a difficult for the Office to do any long term planning or systemic investigations.

That being said as I write this report the Province has started the recruitment process for the appointment of a new Ombudsman. Additionally, amendments to the *Ombudsman Act* have been introduced that will establish a selection committee, set the compensation for the Ombudsman and limit the term of an Acting Ombudsman to twelve months. These measures will help to provide the independence that is necessary for the Office to function properly.

The reporting year 2011-2012 saw a renewed focus on individual case files and a concentration on resolving outstanding files. As mentioned above, during this time period, the Office of the Ombudsman and the Office of the Child & Youth Advocate, which had been combined to this point, were separated. This is reflected in our statistics and is the reason behind the large drop in complaints within Education and Social Development, in particular Protection Services. The two offices still share the same phone number and reception services but generally if the call is concerning a youth, it will be addressed by the Child and Youth Advocate.

The recommendations made during this year were mainly specific to individual files as opposed to systemic investigations in our efforts to ensure that individuals were treated in a procedurally fair manner on a case by case basis. Our goal is to contribute to the improvement of the decision making process within government, one individual at a time.

I am thankful for our small but dedicated and professional staff who work hard at reviewing the concerns raised by the individuals who contact our Office. They are the reason that the office is able to continue to ensure that citizens of New Brunswick are treated in a fair and reasonable manner.



Jennifer L. Murray
Acting Ombudsman

Statutory Responsibilities

The Office of the Ombudsman in New Brunswick has a broad legislated jurisdiction under the *Ombudsman Act*, as well as significant compliance and administrative responsibility and fairness in the public sector.

The Office of the Ombudsman currently has responsibilities under four Statutes.

1. Ombudsman Act
2. Civil Service Act
3. Archives Act
4. Public Interest Disclosure Act +

+Part of the year

Office of the Ombudsman Goals

The Office of the Ombudsman is committed to the following goals:

1. To conduct independent, confidential investigations to resolve complaints.
2. To provide efficient, effective and accessible services to every client within the framework of the human and fiscal resources provided.
3. To review policies, procedures, legislation and regulations to resolve existing complaints and, where applicable, to recommend changes to improve administrative practices.
4. To initiate reviews and investigations on the Ombudsman's own motion, when appropriate, to ensure fairness in the delivery of public services to every New Brunswick resident.

The Ombudsman

The Ombudsman is an Officer of the Legislative Assembly and is independent of government. The Ombudsman is appointed and can only be removed upon the recommendation of the Legislative Assembly.

The *Ombudsman Act* provides the authority to investigate complaints into any matter of administration. In accordance with the *Act*, all investigations are carried out in a confidential manner and information is only divulged where necessary in furtherance of the investigation. Accordingly, all files of the Office of the Ombudsman are confidential.

What we can do

The Ombudsman and his staff investigate complaints against:

- Provincial government departments
- School districts
- Regional health authorities
- Municipalities
- Crown agencies
- Other agencies responsible to the Province including:
 - Commissions
 - Boards and corporations
 - Or any other public authority as defined under the *Ombudsman Act*.

What we can't do

The Ombudsman and his staff do **not** have authority to investigate complaints concerning:

- Federal government
- Private companies and individuals
- Judges and functions of any court
- Deliberations and proceedings of the Executive Council or any committee thereof.

Performance Indicators

The Office of the Ombudsman measures its performance in delivering the various legislated services through indicators which are identified below.

Supporting our central mission

Indicator

The Office of the Ombudsman has one central mission: to ensure that all New Brunswick citizens are treated with administrative fairness by government and its agencies. Under the *Ombudsman Act*, the Office of the Ombudsman strives to guarantee that individuals are served in a consistent, fair and reasonable manner by New Brunswick Government organizations.

Result

Our central mission is communicated through various public and government employee education activities and speaking opportunities by the Ombudsman and staff, and are reinforced via the office's Web pages, printed material and our Annual Report.

Providing service in an effective and efficient manner

Indicator

The Office of the Ombudsman ensures its staff members are properly trained and up to date on current events and challenges by providing the following:

- Internal training provided to new staff members
- External training sessions
- Regular staff meetings
- Reference tools such as newspapers, books, various contact numbers, websites and policies
- Sharing knowledge, training and experience within the Office is encouraged
- Continued self-training is expected in such areas as:
 - The authorities with which they interact
 - Relevant law and regulation related to those authorities
 - *Ombudsman Act*
 - Investigative skills, techniques and technologies


Result

The Office of the Ombudsman staff members are able to address clients' concerns in a professional, knowledgeable, reliable and timely manner.

Case Summaries

Public Safety – Corrections *Resolved- Assistance provided*


Inmate Conflict of Interest



An inmate contacted our office with a complaint surrounding a conflict of interest between the inmate and an employee at one of the provincial correctional institutions. This particular inmate was involved in an incident relating to a correctional institution employee. Upon admission to the institution the inmate was placed in segregation in which the inmate is “locked down” for 23 out of 24 hours and was informed that the duration of the sentence would be spent in segregation. Inmates may only be placed in segregation when the inmate is in need of protection, to protect the security and safety of other offenders, as a result of breach of conduct, if the inmate is undergoing a sentence of segregation or as requested by the inmate. The inmate requested to be transferred units and was denied. Subsequently, the inmate was on a waiting list to be transferred to another institution but until that happened, or was released; the inmate would have remained in segregation. After discussions with our Office and the Department of Public Safety, it was determined that in order to avoid even the perception of a conflict of interest or an inappropriate situation, the inmate was transferred to another institution.

The Department of Environment Recommendation- Policy – Procedures

Contaminated Site Ownership Regulations



The Office of the Ombudsman received a complaint regarding the Department of Environment’s determination of “responsible person” pursuant to the *Clean Environment Act* and the *Petroleum Product Storage and Handling Regulation* in regards to a parcel of land that was purchased. The complainant purchased a piece of land through private sale and wanted to build on it. During the initial demolition of buildings on the land a large underground petroleum storage tank that had contaminated the surrounding soil was found. The complainant was unaware at the time of purchase that there was an underground petroleum tank on the property and proceeded to contact the Department of Environment to obtain information on the required steps to take. According to the *Petroleum Product Storage and Handling Regulation* the Department of Environment determines who the ‘responsible party’ is and then orders an undertaking of responsibility for remediation. The

Department of Environment stated that the previous owner would be named the Responsible Party for the clean-up. Anxious to proceed with the development on the property, the complainant voluntarily undertook the remediation of the site in hopes of recovering the expenses incurred. The previous owner disputed the responsibility for remediation as the tank was not in use during the ownership of the land, resulting in the Department of Environment rescinding the letter of responsible party. The Department of Environment was unable to identify a responsible party and the complainant suffered financial loss as a result.

Our office made the following recommendations to the Department of Environment:

1. The department reviews the Guideline for the Management of Contaminated Sites to include a clear process in naming a responsible party. Such process should include thorough investigations before a nomination can be made to limit the number of instances where revocation would be required
2. It is further recommended that a section be added to the guideline to explain the process required to revoke a nomination

The Department of Environment had already started the process of creating regulations respecting the remediation of contaminated sites. The Office of the Ombudsman's recommendations will be addressed in the regulatory development.

The Department of Social Development- Income Assistance *Resolved- Assistance Given*

Education Trustee fund

A complainant contacted our office regarding the Department of Social Development and income assistance. The complainant inherited a large sum of money and notified Social Development that income assistance was no longer required. After a short period of time the complainant reapplied for income assistance, this request was denied and the complainant proceeded to appeal the request with the Family Income Security Appeal Board who affirmed the Department of Social Development's decision to deny income assistance as the Department determined the complainant was not a 'person in need' due to the inheritance of a large sum of money. The inheritance the complainant received was placed in an educational trust fund for the complainant's children, in which the complainant was the trustee. The Department of Social Development includes trust funds in the definition of 'available resource' under the Family Income Security Act, meaning the complainant would have access to that money for use. Our Office had concerns regarding the fact that the Department considered an educational trust fund for the complainant's children of which he was merely a trustee and not the beneficiary, as a resource. The Department of Social Development accepted our interpretation that monies of a trust fund to which the complainant is a trustee should not be considered an available resource. As a result of our investigation, the Department informed our office that the trust fund should not be considered an available resource for the purposes of determining eligibility for assistance.



Office Financial Information

| | Budget (\$) | Actual (\$) |
|--------------------------|----------------|----------------|
| Personal Services | 721,967 | 678,255 |
| Other Services | 125,500 | 58,857 |
| Materials and Supplies | 15,250 | 6,609 |
| Property and Equipment | 13,050 | 2,084 |
| Contributions and Grants | 0 | 0 |
| Debt and Other Charges | 0 | 54 |
| Total | 875,767 | 745,829 |

Staff Members

| Name | Work Title |
|--------------------------|----------------------|
| Barton, Erin | Receptionist |
| Basque, Lyne | Investigator |
| Bélanger-Brown, Isabelle | Investigator |
| Cronkhite, Amy | Intake Officer |
| Dickison, Julie | Executive Secretary |
| Gilliland, Steve | Executive Director |
| Guérette, Jessica | Investigator |
| Levert, François | Acting Ombudsman |
| Levesque, Marie-Josée | Investigator |
| Murray, Jennifer | Acting Legal Counsel |
| Savoie, Robert | Investigator |
| Walker, Alicia | Investigator |

Ombudsman Act

Under the *Ombudsman Act*, the Office of the Ombudsman conducts independent and confidential investigations into complaints from individuals regarding administrative matters involving provincial government departments and other related organizations such as school districts, regional health authorities and municipalities.

In 1967, the Government of New Brunswick introduced legislation creating the Office of the Ombudsman. The Ombudsman is an independent officer of the Legislative Assembly with a mandate under the New Brunswick *Ombudsman Act* to conduct independent investigations into the delivery of public services by government officials.

2011-2012 Statistics

The Office of the Ombudsman received a total of 2,423 complaints, inquiries and requests for information under the *Ombudsman Act* during the year 2011-2012.

Depending upon the nature of a complaint, it is sometimes possible to resolve the complaint informally. If an investigation identifies that an administrative error or injustice has occurred, and the matter cannot be resolved informally, the *Act* provides for the Ombudsman to make a recommendation to the administrative head of the authority concerned.

Complaints under the *Ombudsman Act*

Access

The Office of the Ombudsman is accessible to every person in the Province of New Brunswick. People who feel they have a problem with a provincial government agency can contact the Office in either official language.

The Office of the Ombudsman receives complaints in a variety of ways: by letter, by telephone, by fax, by E-mail and by personal interview at our office or in the client's community.

Complaints

The Office of the Ombudsman investigates an extremely diverse cross-section of complaints related to government departments, municipalities, school districts, regional health authorities, crown agencies and other authorities responsible to the Province as defined under the *Ombudsman Act*.

Investigation

In accordance with the *Ombudsman Act*, the Office conducts independent and confidential investigations into complaints from individuals regarding administrative matters.

In conducting an investigation, staff of the Office of the Ombudsman may be required to critically analyze and review policies, procedures, legislation, case law, and examine government records. Also, information is obtained from officials either through meetings or correspondence. In addition to receiving information from clients through interviews or correspondence, investigators may obtain additional information through site visits conducted throughout the province.

As a result of the information gathered through the investigation, the Office of the Ombudsman makes a finding. If, on the conclusion of the investigation, the finding supports the client's complaint, the Ombudsman will facilitate a resolution or, in the alternative, make a recommendation for corrective action. The Ombudsman does not have the authority to require the government to act, however, negotiation has proven to be very effective. Where there is insufficient evidence to establish that the complaint is justified, the investigation is discontinued and the client is advised of the results in writing.

Providing Information and Referrals

When a complaint is outside the Ombudsman's jurisdiction to investigate, the Office provides information and, where appropriate, refers individuals to other complaint mechanisms or possible sources of assistance.

Correctional Institutions

Section 13(4) of the *Ombudsman Act* provides that any person in custody has a right to have a letter forwarded to the Office of the Ombudsman unopened, thereby ensuring them the opportunity of bringing their complaints to this Office for investigation.

Inmates are provided with an orientation manual by the Department of Public Safety on admittance to each of the Correctional Institutions. The manual advises the inmate that the Office of the Ombudsman investigates complaints from individuals who feel they have been treated unjustly.

The Office received inquiries and complaints regarding a wide range of issues. Section 12 of the *Ombudsman Act* empowers the Office to investigate complaints "*with respect to a matter of*

2011-2012 Statistics

In the Correctional Services area, the Office of the Ombudsman processed 617 verbal and written complaints from or relating to individuals incarcerated in provincial correctional institutions. In addition, the Office also received numerous information requests as well as complaints from inmates that were not within the jurisdiction of the Office to investigate.

administration,” which the courts have interpreted broadly to include any government matter other than matters relating to the affairs of the Courts or the Legislature.

In some cases where complaints alleging a criminal assault have been brought forward, the Ombudsman has exercised his discretion not to investigate and has instead referred the matter to appropriate police authorities. In other instances where an inquiry or a complaint does not fall within the jurisdiction of the *Ombudsman Act*, individuals are referred to the appropriate body.

As inmates are within the care of the Province of New Brunswick, every complaint that is within the jurisdiction of this Office to investigate is acted upon as expeditiously as possible. This usually requires that the matter be brought to the attention of the Department of Public Safety so that the Department in addition to the correctional facility concerned are also given the opportunity to be heard.

On receiving information from both parties and in carrying out any further reviews that may be necessary, this Office concludes the investigation and the inmate is advised accordingly.

Civil Service Act

In 1994, the Civil Service Commission was amalgamated with the Office of the Ombudsman. Through a change to the *Civil Service Act*, the Ombudsman was made responsible to hear appeals and investigate complaints regarding the selections for appointment to the Civil Service. However, in December 2009, new amendments to the *Civil Service Act* significantly reduced the Ombudsman’s authority.

2011-2012 Statistics

During 2011-2012, the Office of the Ombudsman received 8 complaints and enquiries in regards to the *Civil Service Act*.

On December 1, 2009 substantial amendments to the *Civil Service Act* came into effect and, as a result, the way by which an appointment within the New Brunswick Civil Service can be reviewed or challenged has changed considerably. One of these modifications involves the basis on which a review or challenge of an appointment can be initiated by an unsuccessful candidate. Pursuant to the amended *Act*, where a candidate is screened-in for further assessment in the context of an open or closed competition but is not successful, this person may challenge an appointment “*if the candidate has reason to believe that the successful candidate was appointed to the position because of favouritism*” (subsection 33.1(1), *Civil Service Act*).

Favouritism is the only ground on which a complaint may be submitted to our Office pursuant to the amended *Civil Service Act* under the complaint process. Favouritism means giving preference to a candidate that is based on factors that supersede the assessment of qualifications, and that is attributable to a relationship or connection that is external to the workplace.

In accordance with established practice and the relevant provisions of the *Civil Service Act*, the first level of review is done by an unsuccessful candidate requesting from the department an explanation as to the reasons why they were not successful in obtaining an appointment to the vacant position. The task of responding to this request will likely be delegated to departmental human resources staff.

If an unsuccessful candidate remains unsatisfied with the initial response and once they have been notified that a person has been appointed to the position, they may, within 30 days, forward a complaint to the appropriate Deputy Minister and clearly state how they believe that the appointment of the successful candidate was based on favouritism. The Deputy Minister may choose to investigate the matter or dismiss the complaint.

Finally, if, after receiving the Deputy Minister's response to a request to have an appointment process investigated, the unsuccessful candidate remains unsatisfied, they may, within 30 days, file a complaint with the Office of the Ombudsman alleging that the successful candidate was appointed on the basis of favouritism.

The Office of the Ombudsman cannot intervene in the process before the two first steps outlined above have been taken.

In summary, the three steps available to screened-in candidate to challenge the appointment of the successful candidate to the relevant position are as follows:

1. Send a written request to the HR branch of the department requesting feedback as to why they were not successful in obtaining the appointment.
2. If an individual remains unsatisfied after receiving feedback from the HR branch, they can send a formal complaint to the Deputy Minister of the department which ran the competition indicating how they believe that the appointment of the successful candidate was based on favouritism.
3. After receiving the response from the Deputy Minister, if the individual remains unsatisfied, they may, within 30 days, file a complaint with the Office of the Ombudsman.

If the Ombudsman investigation finds that a complaint has merit, the Ombudsman can make a recommendation to government. The Ombudsman cannot revoke an appointment.

2011-2012 Statistics

A total of 8 files were opened by the Office of the Ombudsman under the *Civil Service Act* between April 1, 2011 and March 31, 2012.

Public Interest Disclosure Act

The *Public Interest Disclosure Act* was assented to December 20, 2007 and came into force on July 1, 2008. Originally, the office of the Conflict of Interest Commissioner provided oversight for complaints under this Act. In June of 2011 amendments were made to the Act and the Office of the Ombudsman became responsible to receive complaints under this *Act*.

2011-2012 Statistics

During 2011-2012, the Office of the Ombudsman received 5 complaints and enquiries in regards to the *Public Interest Disclosure Act*.

Purpose

The purpose of the *Act* is to facilitate the disclosure and investigation of significant and serious matters in or relating to the public service that are potentially unlawful, dangerous to the public or injurious to the public interest and to protect people who make those disclosures. It is commonly known as ‘Whistleblower’ legislation.

Wrongdoing

Employees of the public service can contact the Ombudsman or the Department concerned if they feel there has been wrongdoing. Wrongdoing is defined in the *Act* as

- (a) an act or omission constituting an offence under an Act of the Legislature or the Parliament of Canada, or a regulation made under an Act;
- (b) an act or omission that creates a substantial and specific danger to the life, health or safety of persons, or to the environment, other than a danger that is inherent in the performance of the duties or functions of an employee;
- (c) gross mismanagement, including of public funds or a public asset;
- (d) knowingly directing or counselling a person to commit a wrongdoing described in paragraphs (a) to (c).

If the Ombudsman receives a complaint from an individual who is not an employee of the Public Service, under section 23 he may forward the claim to the chief executive of that portion of the public service in respect of which the claim is made.

Reprisals

Under the Act, if an employee (or former employee) feels a reprisal has been taken against him or her, they may file a complaint with the Labour and Employment Board. The Office of the Ombudsman is unaware of any activity under the reprisal section of the *Act*.

2011-2012 Statistics

From when we assumed the mandate in June of 2011 until the end of March 2012, the Office only received 5 contacts under the *Public Interest Disclosure Act*, four of which were inquiries the other one was withdrawn as the individual decided to proceed informally.

Recommendation

I would echo the recommendation of the Honourable Patrick AA. Ryan, Q.C. in his 2010 Annual Report in which he stated that the *Act* should be amended to include sanctions against individuals who are guilty of taking a reprisal against a former employee. The other jurisdictions which have whistleblower legislation, namely Nova Scotia, Saskatchewan, Manitoba, Newfoundland and Ontario all have sections making reprisals an offense. As the Honourable Patrick Ryan stated, this would send the message that reprisals are not to be tolerated.

Statistics 2011-2012

- The Office of the Ombudsman received a total of 2,423 complaints, inquiries and requests for information during the year 2011-2012. Of this number, 759 were complaints within jurisdiction and investigations were required, 962 were inquiries and requests for information, and 702 were complaints which were not within the jurisdiction of this Office.
- The Office of the Ombudsman conducted 10 reviews leading to recommendations and also provided general information to a number of individuals who were seeking advice regarding the procedure to follow when requesting information contained in government documents.
- A total of 8 files were opened by the Office of the Ombudsman under the *Civil Service Act* from the period April 1, 2011 to March 31, 2012.
- From when we assumed the mandate in June of 2011 until the end of March 2012, the Office only received 5 contacts under the *Public Interest Disclosure Act*, four of which were inquiries the other one was withdrawn as the individual decided to proceed informally.
- In the Correctional Services area, the Office of the Ombudsman processed 617 verbal and written complaints from or relating to individuals incarcerated in provincial correctional institutions. In addition, the Office also received numerous information requests as well as complaints from inmates that were not within the jurisdiction of the Office to investigate.

Types of Complaints by Department

The following tables provide the number of complaints by type and by Department investigated in the year 2011-2012. In consideration of the confidentiality provisions of the *Ombudsman Act*, only those Departments with more than 10 complaints are set out in the tables below.

| Correctional Institutions | | |
|--|-----------|-----------|
| Health Issues | 2010-2011 | 2011-2012 |
| Assault/Abuse – Physical, Sexual, etc. | 7 | 8 |
| Dental | 19 | 8 |
| Glasses, Eye Care | 6 | 6 |
| Medical Appliance | 10 | 2 |
| Mental Health | 13 | 4 |
| Physiotherapy | ~ | 1 |
| Prescriptions Requested or Denied | 45 | 59 |
| Request to go to Hospital | 9 | 11 |
| Request to see Nurse / Doctor | 34 | 28 |
| Special Diet | 1 | 4 |
| Threat of Suicide | <u>3</u> | <u>~</u> |
| Subtotal | 147 | 131 |
| Living Conditions | | |
| Cleanliness | 26 | 17 |
| Clothing and Bedding | 22 | 19 |
| Food | 23 | 45 |
| Heat and Ventilation | 5 | 8 |
| Maintenance and Repairs | 1 | 3 |
| Overcrowding | <u>6</u> | <u>1</u> |
| Subtotal | 83 | 93 |
| Others | | |
| Abandoned By Inmate | 7 | 4 |
| Administration | 3 | 4 |
| Classification / Transfer | 28 | 42 |
| Complaint regarding staff | 20 | ~ |
| Contraband | 2 | 3 |
| Correspondence | 7 | 9 |
| Courts | 7 | 8 |
| Discipline | 32 | 22 |
| Legal Aid | 4 | 7 |
| Parole | 5 | 1 |

| | | |
|---|------------|------------|
| Personal / Inmate Property | 18 | 41 |
| Placement within Institution | 22 | 37 |
| Probation | 1 | ~ |
| Program Privileges | 10 | 14 |
| Recreation | 14 | 12 |
| Request for House Arrest | 7 | 1 |
| Request Form | 14 | 6 |
| Requests for Items Denied | 4 | 7 |
| Segregation | 16 | 20 |
| Sentence / Remission Calculation | 5 | 7 |
| Services - Official Languages | 2 | 2 |
| Smoking | 2 | ~ |
| Staff Conduct and Department | 18 | 13 |
| Telephone Use | 18 | 20 |
| Temporary Absence Program | 7 | 4 |
| Threatened by Other Inmates | 1 | 3 |
| Use of Restraints | ~ | 1 |
| Verbal Abuse/Swearing | 2 | ~ |
| Visiting Privileges | 14 | ~ |
| Other (includes Non Jurisdiction & Inquiry) | <u>142</u> | <u>105</u> |
| Subtotal | 432 | 393 |
| Total | 662 | 617 |

Public Safety

| | 2010-2011 | 2011-2012 |
|--|-----------|------------|
| Administration | 1 | 13 |
| Complaints Regarding Staff | 3 | 28 |
| Coroner Services | ~ | 1 |
| Emergency Measures | 3 | 2 |
| Employment | 4 | 2 |
| Permits / Licenses | 8 | 5 |
| Victim Services | 2 | ~ |
| Others (includes Non Jurisdiction & Inquiry) | <u>10</u> | <u>52</u> |
| Total | 31 | 103 |

| Social Development | | |
|---|------------|------------|
| | 2010-2011 | 2011-2012 |
| Income Assistance Benefits | | |
| Amount/Calculation | 18 | 6 |
| Delay | 7 | 8 |
| Denied | 37 | 23 |
| Discontinued/Reduced | 35 | 25 |
| Eligibility Criteria | 17 | 13 |
| Long Term Needs | 7 | 7 |
| Repayment | <u>8</u> | <u>17</u> |
| Subtotal | 129 | 99 |
| Housing Unit | | |
| Availability | 27 | 17 |
| Evictions | 8 | 3 |
| Inspections | ~ | 6 |
| Repairs | 19 | 10 |
| Tenant Rights | 32 | 1 |
| Transfers | <u>7</u> | <u>6</u> |
| Subtotal | 93 | 43 |
| Others | | |
| Administration | 8 | 7 |
| Adoptions | 4 | 6 |
| Appeal Board | 4 | 1 |
| Appeal Process | 9 | 11 |
| Appliances-Furniture | ~ | 2 |
| Complaints Regarding Staff | 22 | 10 |
| Employment | 4 | 3 |
| Health Card | 13 | 9 |
| Heat Supplement | 8 | 7 |
| Housing Loans/Grants | 6 | 8 |
| Medical Issues | 9 | 4 |
| Nursing Homes/Residential Services | 18 | 8 |
| Protection Services | 147 | 6 |
| Transportation | 7 | 3 |
| Other (includes Non jurisdiction & Inquiry) | <u>86</u> | <u>76</u> |
| Total | 567 | 303 |

| Health | | |
|--|-----------|-----------|
| | 2010-2011 | 2011-2012 |
| Addiction Services | 3 | 1 |
| Administration | 3 | 3 |
| Ambulance Services | ~ | 1 |
| Complaints regarding Staff | 7 | 3 |
| Hospital Employment | 5 | 2 |
| Medicare | 16 | 7 |
| Mental Health | 23 | 4 |
| Permits/Licenses | 1 | 4 |
| Placement Services | 1 | ~ |
| Public Health | 3 | 1 |
| Medical Treatment | 11 | 16 |
| Admission-Discharge | 4 | 3 |
| Vital Statistics | ~ | 1 |
| Others (includes Non Jurisdiction & Inquiry) | <u>20</u> | <u>20</u> |
| Total | 97 | 66 |

| Justice and Attorney General | | |
|--|-----------|-----------|
| | 2010-2011 | 2011-2012 |
| Administration | 2 | 1 |
| Complaint Regarding Staff | ~ | 2 |
| Employment | 5 | ~ |
| Insurance Branch | 2 | 1 |
| Support Payment and Orders | 9 | 1 |
| Others (includes Non Jurisdiction & Inquiry) | <u>16</u> | <u>12</u> |
| Total | 34 | 17 |

WorkSafe NB

| | 2010-2011 | 2011-2012 |
|--|-----------|-----------|
| Compensation | | |
| Amount/Calculation | 6 | 4 |
| Discontinued/Reduced | <u>15</u> | <u>14</u> |
| Subtotal | 21 | 18 |
| Others | | |
| Administration | 6 | 7 |
| Appeals Tribunal | 11 | 15 |
| Claim Denied | 15 | 14 |
| Complaints Regarding Staff | 3 | 8 |
| Deeming | 2 | ~ |
| Employability Assessments | 4 | 1 |
| Employment | 3 | 3 |
| Medical Payments | 3 | 4 |
| Medical Rehabilitation | 7 | ~ |
| Permanent Partial Impairment | 1 | ~ |
| Others (includes Non jurisdiction & Inquiry) | <u>15</u> | <u>14</u> |
| Total | 91 | 84 |

NB Power Corporation

| | 2010-2011 | 2011-2012 |
|---|-----------|-----------|
| Administration | ~ | 2 |
| Billing-Amount / Calculation | 7 | 6 |
| Damage Claims | 4 | ~ |
| Disconnection | 13 | 23 |
| Employment | ~ | 2 |
| Payment Schedules | 4 | 6 |
| Security Deposit | ~ | 2 |
| Service Issues | 1 | 2 |
| Other (includes Non Jurisdiction & Inquiry) | <u>8</u> | <u>19</u> |
| Total | 37 | 62 |

| Education/School Districts | | |
|--|------------|-----------|
| | 2010-2011 | 2011-2012 |
| Access to School Property | 2 | ~ |
| Access to School Records | 1 | ~ |
| Administration | ~ | 2 |
| Bullying | 7 | ~ |
| Children with Special Needs | 37 | 2 |
| Closing of schools | 2 | ~ |
| Complaints Regarding Staff | 10 | 3 |
| Employment | 4 | 5 |
| French Immersion Program | 5 | 1 |
| Home Schooling | 1 | ~ |
| Student Transfer | 6 | ~ |
| Suspensions | 19 | ~ |
| Transportation | 4 | 4 |
| Others (includes Non Jurisdiction & Inquiry) | <u>51</u> | <u>4</u> |
| Total | 149 | 21 |

| Transportation | | |
|--|-----------|-----------|
| | 2010-2011 | 2011-2012 |
| Complaints Regarding Staff | 1 | 2 |
| Damage Claims | 1 | 5 |
| Employment | 6 | 3 |
| Expropriation Procedures | 3 | 1 |
| Property Issues | 2 | 1 |
| Road/Bridge Maintenance | 3 | 6 |
| Others (includes Non Jurisdiction & Inquiry) | <u>5</u> | <u>3</u> |
| Total | 21 | 21 |

| Municipalities | | |
|--|-----------|-----------|
| | 2010-2011 | 2011-2012 |
| Administration | 2 | 1 |
| Complaints regarding staff | 1 | ~ |
| Employment | 1 | ~ |
| Municipal Bylaws | ~ | 5 |
| Permits-Licenses | 3 | 1 |
| Privacy | 2 | ~ |
| Property Issues | 3 | 1 |
| Roads/Streets | 2 | ~ |
| Services | ~ | 1 |
| Water/Sewage | 6 | 4 |
| Zoning | 1 | 1 |
| Others (includes Non Jurisdiction & Inquiry) | <u>4</u> | <u>5</u> |
| Total | 25 | 19 |

| Service New Brunswick | | |
|---|-----------|-----------|
| | 2010-2011 | 2011-2012 |
| Administration | ~ | 4 |
| Complaint Regarding Staff | 2 | 2 |
| Employment | 1 | 1 |
| Permits/Licenses | 8 | 6 |
| Property Assessment | 5 | 4 |
| Property Assessment – Appeal Procedures | ~ | 1 |
| Registry Office – Procedures | ~ | 4 |
| Rentalsman | 21 | 39 |
| Vital Statistics | 2 | 2 |
| Other (includes Non Jurisdiction & Inquiry) | <u>6</u> | <u>9</u> |
| Total | 45 | 72 |

Post-Secondary Education and Training

| | 2010-2011 | 2011-2012 |
|--|-----------|-----------|
| Community College – Admissions Procedures | 2 | ~ |
| Community College – Others | 13 | 5 |
| Community College – Programs | 2 | 6 |
| Community College – Testing | 3 | ~ |
| Complaint Regarding Staff | 5 | 2 |
| Employment | 3 | 2 |
| Employment Programs | 3 | ~ |
| Grants-Loans | 2 | 6 |
| Permits-Licenses-Certificates | ~ | ~ |
| Student Loans | 8 | 5 |
| Others (includes Non Jurisdiction & Inquiry) | ~ | <u>5</u> |
| Total | 41 | 31 |

Outcome of Complaints by Department

(Outcome of Complaints within Jurisdiction which does not include inquiries or non-jurisdiction complaints or complaints still under investigation at year end)

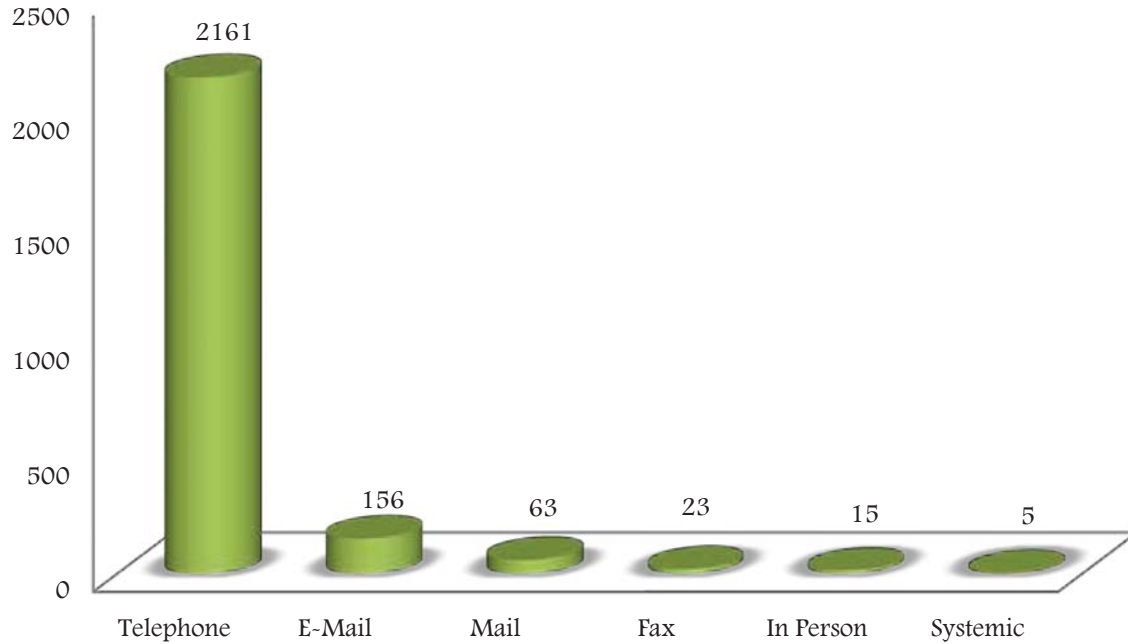
| Departments/Agencies | Total | Assistance Rendered | Recommendation Made | Referral Given/ Clarification Provided | Not Substantiated | Discontinued by Client/ Ombudsman |
|---|-------------|---------------------|---------------------|--|-------------------|-----------------------------------|
| Public Safety & Corrections | 526 | 40 | ~ | 258 | 89 | 139 |
| Social Development | 221 | 18 | 3 | 127 | 34 | 39 |
| Education/School Districts | 19 | 3 | ~ | 8 | 3 | 5 |
| WorkSafe NB | 71 | 4 | 3 | 48 | 6 | 10 |
| Health and Regional Authorities | 48 | 1 | ~ | 22 | 5 | 20 |
| NB Power Corporation | 47 | 12 | ~ | 24 | 2 | 9 |
| Post-Secondary Education, Training and Labour | 20 | 2 | ~ | 6 | 6 | 6 |
| Service New Brunswick | 35 | 3 | ~ | 22 | 3 | 7 |
| Justice | 16 | ~ | 1 | 7 | 3 | 5 |
| Municipalities | 14 | 1 | ~ | 10 | 2 | 1 |
| Transportation | 11 | 1 | ~ | 6 | 1 | 3 |
| Other** | 113 | 2 | 3 | 31 | 5 | 72 |
| Total | 1141 | 87 | 10 | 567 | 159 | 316 |

**This number includes Departments/agencies with 10 or less complaints during 2011-2012.

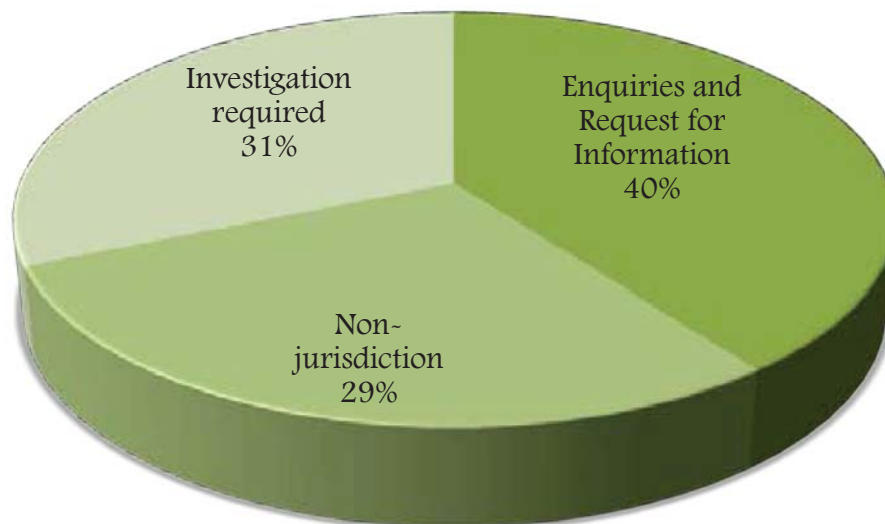
This number includes investigations which were continued from the previous years.

Charts

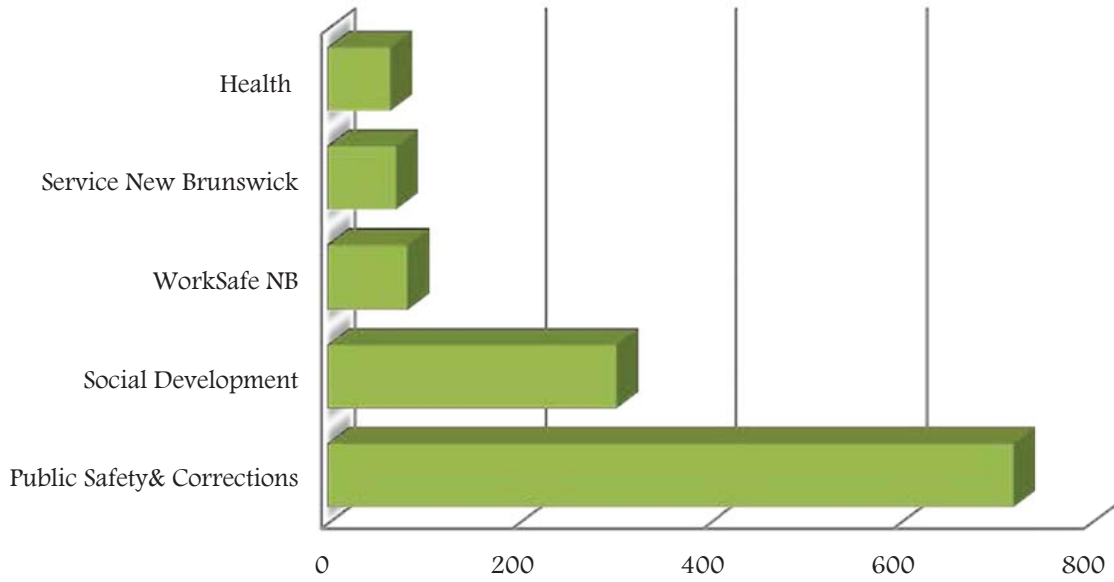
Complaints Received by Reception Method



Complaints by Intake Type



Five Major Sources of Complaints



Outcome of Complaints

