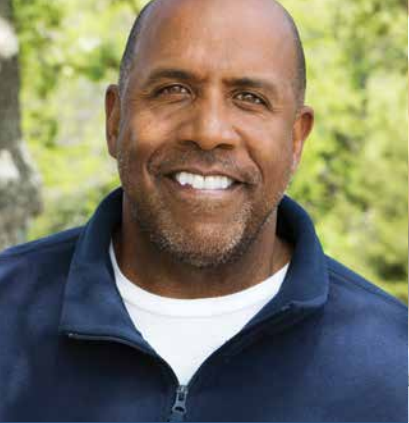




2019 • 2020 ANNUAL REPORT



OMBUDSPERSON
BRITISH COLUMBIA

ABOUT OUR OFFICE

As an independent officer of the Legislature, the Ombudsperson investigates complaints of unfair or unreasonable treatment by provincial and local public authorities and provides general oversight of the administrative fairness of government processes under the *Ombudsperson Act*. The Ombudsperson conducts three types of investigations: investigations into individual complaints; investigations that are commenced on the Ombudsperson's own initiative; and investigations referred to the Ombudsperson by the Legislative Assembly or one of its Committees.

The Ombudsperson has a broad mandate to investigate complaints involving provincial ministries; provincial boards and commissions; Crown corporations; local governments; health authorities; colleges and universities; schools and school boards; and self-regulating professions and occupations. A full list of authorities can be found in the *Ombudsperson Act*. The Office of the Ombudsperson responds to approximately 8,000 enquiries and complaints annually.

Under the *Public Interest Disclosure Act* the Ombudsperson investigates allegations of wrongdoing from public employees in or relating to a public body covered by the Act as well as allegations of reprisal.

For more information about the BC Office of the Ombudsperson and for copies of published reports, visit bcombudsperson.ca.



OMBUDSPERSON
BRITISH COLUMBIA

January 2021

The Honourable Raj Chouhan
Speaker of the Legislative Assembly
Parliament Buildings
Victoria BC V8V 1X4

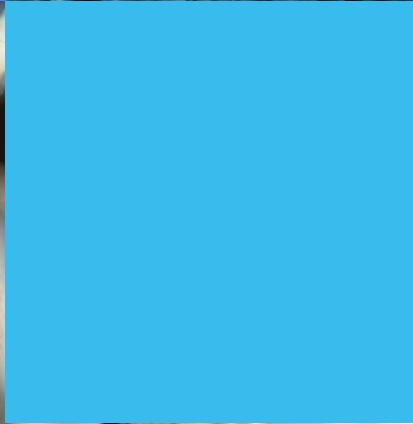
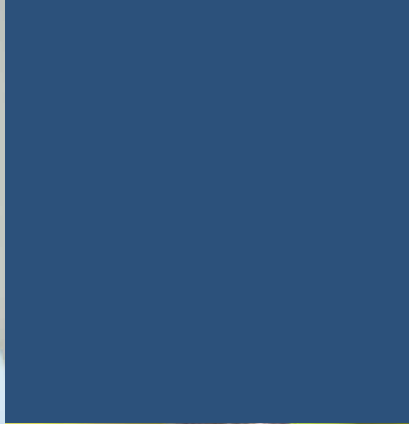
Dear Mr. Speaker,

It is my pleasure to present the Office of the Ombudsperson's 2019/2020 Annual Report to the Legislative Assembly.

The report covers the period April 1, 2019 to March 31, 2020 and has been prepared in accordance with section 31 (1) of the *Ombudsperson Act*.

Yours sincerely,

Jay Chalke
Ombudsperson
Province of British Columbia





CONTENTS

- MESSAGE FROM THE OMBUDSPERSON 2
- YEAR AT A GLANCE 4
- THE ROLE OF THE BC OMBUDSPERSON 5
- OUR WORK 7
- INTAKE AND EARLY RESOLUTION 12
- INVESTIGATIONS 15
- MONITORING 22
- OUTREACH AND COMMUNITY ENGAGEMENT 24
- LOOKING BACK, LOOKING AHEAD 30
- PUBLIC AUTHORITY CONSULTATION
AND TRAINING 35
- CASE SUMMARIES 39
- THE YEAR IN NUMBERS 69
- STAFF AND FINANCES 79
- CASE SUMMARY AUTHORITY INDEX 83



MESSAGE FROM THE OMBUDSPERSON

When I reflect on 2019/20, two words come immediately to mind – people and change. During the year our office turned 40 and stepped into our mid-life with new ideas, new initiatives and programs and a more modern and friendly online look for our office. But most importantly, we were inspired and humbled as always by the thousands of new stories shared by people from an incredibly diverse array of circumstances across the province who brought to us their complaints about provincial and local public authorities. And just before the year covered by this report came to a close we saw the onset of the pandemic resulting in changes to public administration like never before. Our work during the pandemic will be covered in a future report because the changes in public administration mostly arose after the close of the period covered by this Annual Report.

Change was a constant through the year. As a result of our work, public bodies changed the way they deliver public services and people's lives changed as a result. A grandmother on income assistance caring for her granddaughter was reinstated for health and dental coverage she had previously been denied, a man living with mental illness was given a fairer hearing to review his involuntary hospitalization after we found flaws in the process, people denied basic services such as heat and light received these necessities following our investigations. This report tells many more stories of how people's voices and our expertise can synergize to effect change that often benefits not only the person who brought their complaint to us, but also future users of the public service in question.

Change in 2019/20 also came in the form of the first substantive material change to our mandate beyond the *Ombudsperson Act* in our office's history. BC's new *Public Interest Disclosure Act* (PIDA) came into force December 1, 2019 and gave us the role of investigating allegations of wrongdoing and reprisal from current and former provincial government employees. During the implementation period, we had worked collaboratively with others who have roles under the new law. As a result, we were ready to go when the new law came into force. Once the law was in effect people started to come forward and we were able to apply that preparatory work to our new investigative mandate. You can see the details of this work over the 2019/20 year in our first PIDA Annual Report available on our website.

The year brought to life two additional new initiatives for us. Our Prevention Initiatives Program, which was started three years ago as a pilot program to provide training and voluntary consultation services to public bodies was allocated ongoing funding. The program got a new name, the Public Authority Consultation and Training Team, and will continue to build on its strong reputation of delivering practical training to public sector employees on a wide range of topics related to fair public service delivery – from complaint handling to fair decision making. The team has a busy schedule of virtual workshops and webinars planned for the coming year and will also continue to provide advice to public bodies who are looking at ways to strengthen fairness in policies and practices. Public authorities and their employees are to be recognized for participating

“As a result of our work, public bodies changed the way they deliver public services and people’s lives changed as a result.”

– JAY CHALKE,
OMBUDSPERSON

voluntarily and proactively in these challenging times to improve the fairness of their services.

A second initiative we began was planning for our office’s Indigenous Communities Service Plan. As we continue on our journey to reconciliation, we know we have much more to do to better serve the needs of Indigenous Peoples. We need to ensure people both on and off-reserve are aware of how we might be able to address their complaints about provincial and local governments and agencies and to do so informed by the needs and perspectives of Indigenous Peoples. Work on this plan is continuing through the work of our new Indigenous Liaison Officer.

It’s important to think of change as not only something to view in the rear-view mirror. Anticipating future change is just as important. To that end, in June 2019 we brought together thought leaders from our counterparts across Canada, academics, senior public servants, not-for-profits and Indigenous communities to identify, discuss and strategize how the coming decades could impact the parliamentary Ombudsperson role. We reported on these

discussions in our recent special report: *Looking Ahead: Symposium on the Future of the Parliamentary Ombudsman Functions and Services*.

Putting people front and centre in our work continued to be a focus for our office throughout 2019/20 and to support that we refreshed our online presence by launching a new website. Our goal is to be more approachable and accessible ensuring that everyone, but particularly those who need our services the most, have the best possible experience with our office.

Thank you for taking the time to read this report. I hope you will be inspired as I always am at how, by bringing their complaint to us, a single person can ignite change that can benefit so many. My gratitude to all of you who trusted us by doing so last year.



Jay Chalke
Ombudsperson
Province of British Columbia

YEAR AT A GLANCE

7,922



Complaints and Enquiries



65

Outreach events, presentations and stakeholder meetings

Most common complaint issues:



1,542

process or procedures



2,422

disagreement with a decision

1,130



lack of communication

1,284



Cases assigned for investigation



37

Tailored training and fairness workshops delivered

Top 3 public bodies by complaint volume



597 Ministry of Children and Family Development



583 Ministry of Social Development and Poverty Reduction



534 ICBC

THE ROLE OF THE BC OMBUDSPERSON

Our Vision

British Columbia's Independent Voice
for Fairness

We help public sector organizations be more fair and accountable by:

- Listening, assessing and responding to enquiries and complaints from the public
- Educating citizens and public organizations about how to be fair in the delivery of services
- Conducting thorough, impartial and independent investigations
- Resolving complaints and recommending improvements to policies, procedures and practices
- Reporting publicly to bring attention to issues that impact the public

Our Goals

- People who need us are aware of our services and can access them
- Complaints are addressed efficiently
- Thorough and impartial investigations promote fair public administration
- Public authorities are supported in improving administration
- Staff are recognized for their expertise

Our Guiding Principles

- We are fair and impartial
- We are professional and thorough
- We listen with respect
- We seek resolutions that are principled and practical

BC's Independent Voice for Fairness

Established in 1979, the BC Ombudsperson is an independent office of the BC Legislature. Acting under the authority of the *Ombudsperson Act*, the Ombudsperson's office receives and investigates complaints from members of the public about unfair treatment by provincial and local public sector organizations in BC. We have jurisdiction over more than 1,000 public sector organizations across the province.

On December 1, 2019, the Ombudsperson's mandate materially expanded for the first time in the office's history with the coming into force of BC's new whistleblower protection legislation, the *Public Interest Disclosure Act (PIDA)*. PIDA provides current and former provincial government employees and employees of BC's nine independent offices of the Legislature with a safe and protected process for disclosing allegations of wrongdoing and reprisal. Individuals who come forward are protected under PIDA; it is an offence to commit or direct reprisal against any employee who asks for advice about making a disclosure, makes a disclosure or cooperates with a PIDA investigation.

The Ombudsperson's office delivers on its mandate by conducting in-depth systemic investigations, issuing public reports and proactively engaging and consulting with public sector organizations to embed fairness into programs and policies.



Our work improves public services for all British Columbians. We:



Listen to and investigate complaints



Receive and investigate allegations about wrongdoing and reprisal



Educate and provide consultation services



OUR WORK



OUR APPROACH

People contact us with a wide range of complaints ranging from unfair treatment by public sector organizations to questions about how they can resolve issues on their own. Our role with each complaint and question is to determine how best we can help. Sometimes our Intake and Early Resolution Team can get to the bottom of a complaint and find a quick resolution. Other times, when issues are more complex, the complaint is assigned to one of three investigation teams.

When we notice patterns in complaints or in the actions of public authorities that suggest broader unfairness, we may conduct a systemic investigation which can lead to recommendations to remedy recurring or broad problems we have identified.

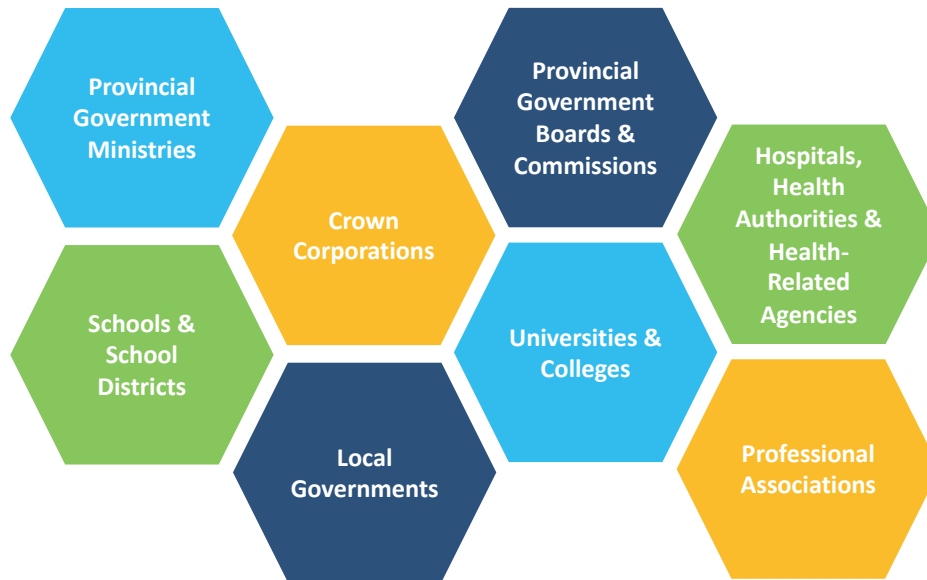
In our work we also identify situations where our specialized Public Authority Consultation and Training Team can offer its expertise by proactively working with public sector organizations to strengthen administrative fairness in the work they do and prevent unfairness from occurring in the first place. An ounce of prevention is worth a pound of cure.

Our complaint investigations are guided by the *Ombudsperson Act*. This legislation outlines the Ombudsperson's powers and jurisdiction and allows the Ombudsperson to investigate complaints about issues of administrative unfairness in the public sector. The Act gives us extensive authority to gather a broad range of evidence required to investigate the complaint. Depending on the case, some investigations can be completed in a matter of days, while others can take several months to conclude. We pride ourselves on being rigorous, independent, impartial and fair. Here's how we approach our work:



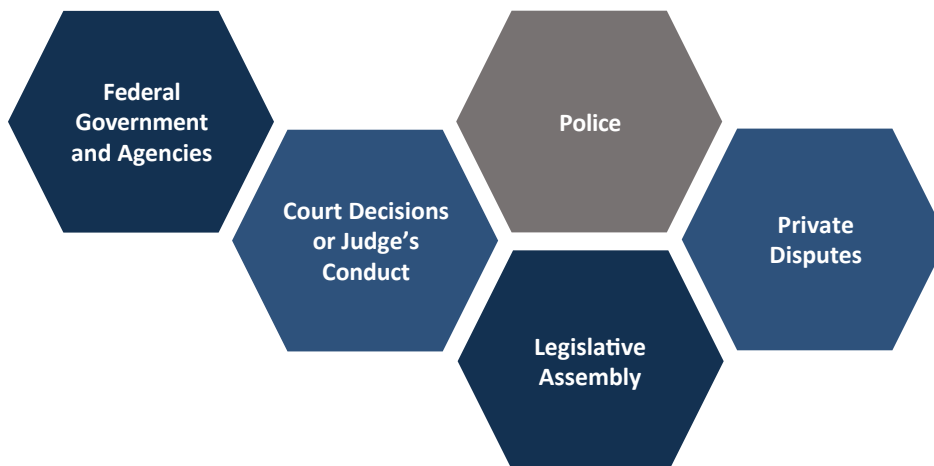
THE PUBLIC BODIES WE CAN INVESTIGATE

The Ombudsperson **can** investigate a wide range of provincial and local organizations including:

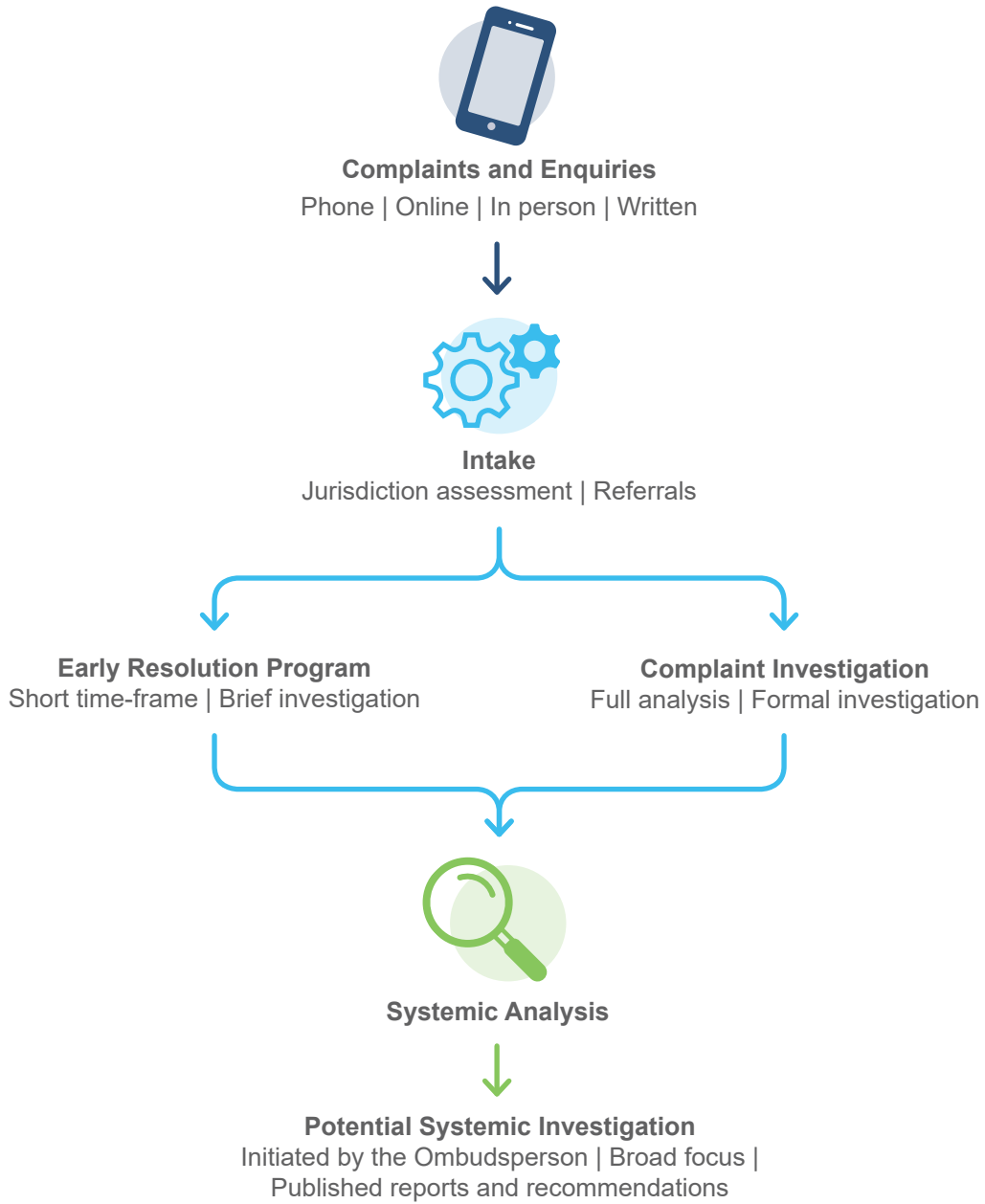


Depending on the nature of a complaint, there are many avenues an individual can take before they reach out to our office. We recommend contacting an organization’s internal complaint process first and if an individual remains unsatisfied, we invite them to contact us.

There are some organizations that we **cannot** investigate because they are not under our jurisdiction. For these complaints, we help by connecting people with the most applicable complaint avenue.

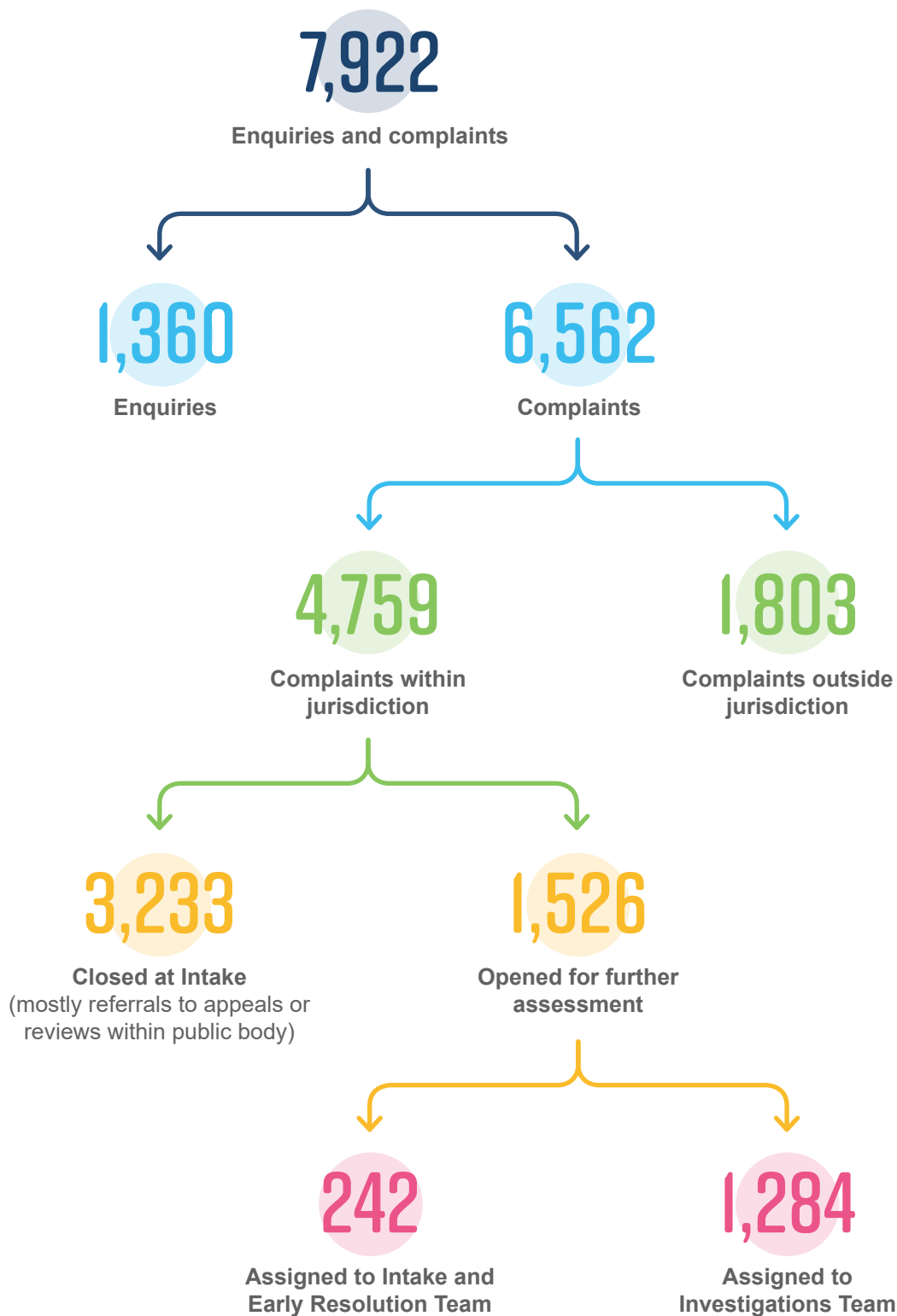


OUR INVESTIGATIVE PROCESS



NUMBERS AT A GLANCE

Complaints and Enquiries Received in 2019/20





INTAKE AND EARLY RESOLUTION



INTAKE AND EARLY RESOLUTION

Our Intake and Early Resolution Team is our first line of contact for the public. The team is responsible for assessing all complaints that come to the office. With each call, online form, fax, email, letter, or face-to-face meeting, we consider a number of questions...

- *Is the complaint about a public organization under our jurisdiction and if not, where can we refer the person to for assistance?*
- *Are there any other review and/or appeal processes available that have not been accessed?*
- *Is this a matter of administrative unfairness that can be investigated?*
- *Can the issue likely be resolved through early resolution?*

The Intake and Early Resolution Team has a deep knowledge of the complaint handling systems of public sector organizations under the Ombudsperson's jurisdiction and guides people who contact our office to these internal avenues first. Dealing directly with organizations can often resolve complaints more efficiently and effectively. If these avenues have been exhausted, our front-line team is often able to resolve complaints quickly using its extensive network of public sector contacts.

“I was so frustrated when I called the Ombudsperson's office having been bumped from one government department to another. Finally someone picked up the phone and really took the time to listen to my story.”

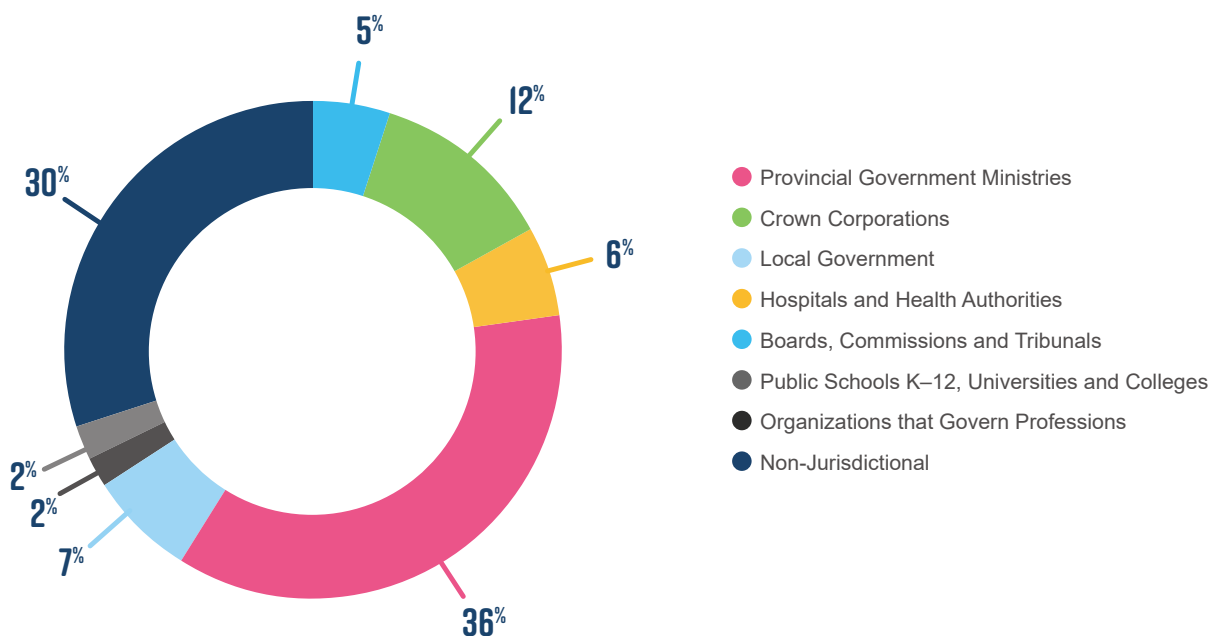
- COMPLAINANT



A MONTH AT A GLANCE FOR INTAKE AND EARLY RESOLUTION



A Closer Look Into Complaints in October 2019





INVESTIGATIONS



INVESTIGATIONS

Our investigations are the core work of the BC Ombudsperson. This past year, nearly 1,300 cases were assigned to our investigative teams that impartially and rigorously examine social program, regulatory program and health and local service complaints.

Our investigators come from a wide range of professional backgrounds – from law and adjudication to health and social services. They bring analytical judgement to their investigations, identify sound, reasonable and fair resolutions and make principled and practical recommendations for change. Acting impartially, they investigate to determine whether programs and services have been administered fairly and reasonably. Sometimes their investigation indicates unfairness has occurred. When this happens, they recommend improvements and, as can be seen from our case summaries, these recommendations are generally implemented.

Our investigations result in a wide range of impacts from reversing unfair decisions, to strengthening procedural fairness, to reimbursement and compensation, or to an apology issued to a complainant.

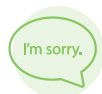
Common resolutions include:



A better explanation or clearer reasons for a decision



A new hearing or reconsideration of a decision



An apology



Employee training



Access to a benefit previously denied



A commitment to follow policy in the future



A refund or reimbursement of expenses



Changes to policy, procedures or that legislation be reconsidered

Featured Cases

The next few pages feature cases from our Intake and Early Resolution and Investigation Teams. To read more case summaries, see the full case summary section beginning on page 39.



1,284

Cases were assigned to investigations

Highlights of our investigations last year:

- Implementation of a new procedure to ensure the proper administration of medication to prevent serious complications for patients being transferred between custodial facilities
- BC Hydro modified its policy to allow meter testing for customers disconnected for non-payment of bills
- A grandmother received nearly \$4,500 in retroactive benefit payments she was entitled to while caring for her granddaughter
- After our investigation, ICBC decided not to pursue a \$40,000 debt a man owed after being found at fault for an accident

A master class in reconsideration

StudentAid BC

Having adequate processes in place for the reconsideration of decisions is imperative for public bodies when handling complaints.

FEATURED

Hilary, who lives with dyslexia, was completing her Master of Arts degree at Mount Saint Vincent University (MSVU) in Halifax. With help from MSVU's Accessibility Office, she had applied for aid under the Canada Student Grant for Services and Equipment for Students with Permanent Disabilities (CSG-PDSE) program for ten hours of tutoring services per week for the summer semester.

StudentAid BC approved two of the ten hours requested based on the fact that Hilary was not enrolled full-time; she was only taking one course.

Through MSVU's Accessibility Office, Hilary asked StudentAid to reconsider. StudentAid asked for additional information to verify Hilary's course load and MSVU certified, in writing, that she was enrolled in the full-time, year-long thesis portion of her graduate degree which was equivalent to a 100% course load.

StudentAid declined to alter their original decision.

We investigated whether StudentAid followed a reasonable procedure in determining Hilary's eligibility for aid. As part of our investigation, we reviewed StudentAid's graduate degree policies and procedures, correspondence and asked StudentAid how they accommodate students with disabilities.

Hilary's eligibility and StudentAid's decision was based on whether she was enrolled full or part-time but StudentAid had based their decision on the fact that Hilary was enrolled in a single course. There was no policy or other written guidance to assist in determining eligibility for graduate students working on their theses. Rather, staff were to refer to the

StudentAid Disability Program User Guide which stated entitlement was based on two hours per course or otherwise recommended by a student's Accessibility Coordinator. StudentAid denied Hilary's request despite written confirmation of her full course load, a decision not aligned with the Program User Guide.

We asked StudentAid to again reconsider Hilary's request taking into consideration that the thesis portion of a graduate degree was the equivalent of a full-time course load and that MSVU's Accessibility Office had assessed Hilary's tutoring need at ten hours per week.

StudentAid accepted our recommendation and Hilary received the ten hours per week of tutoring services funding.



Too many cooks in the kitchen

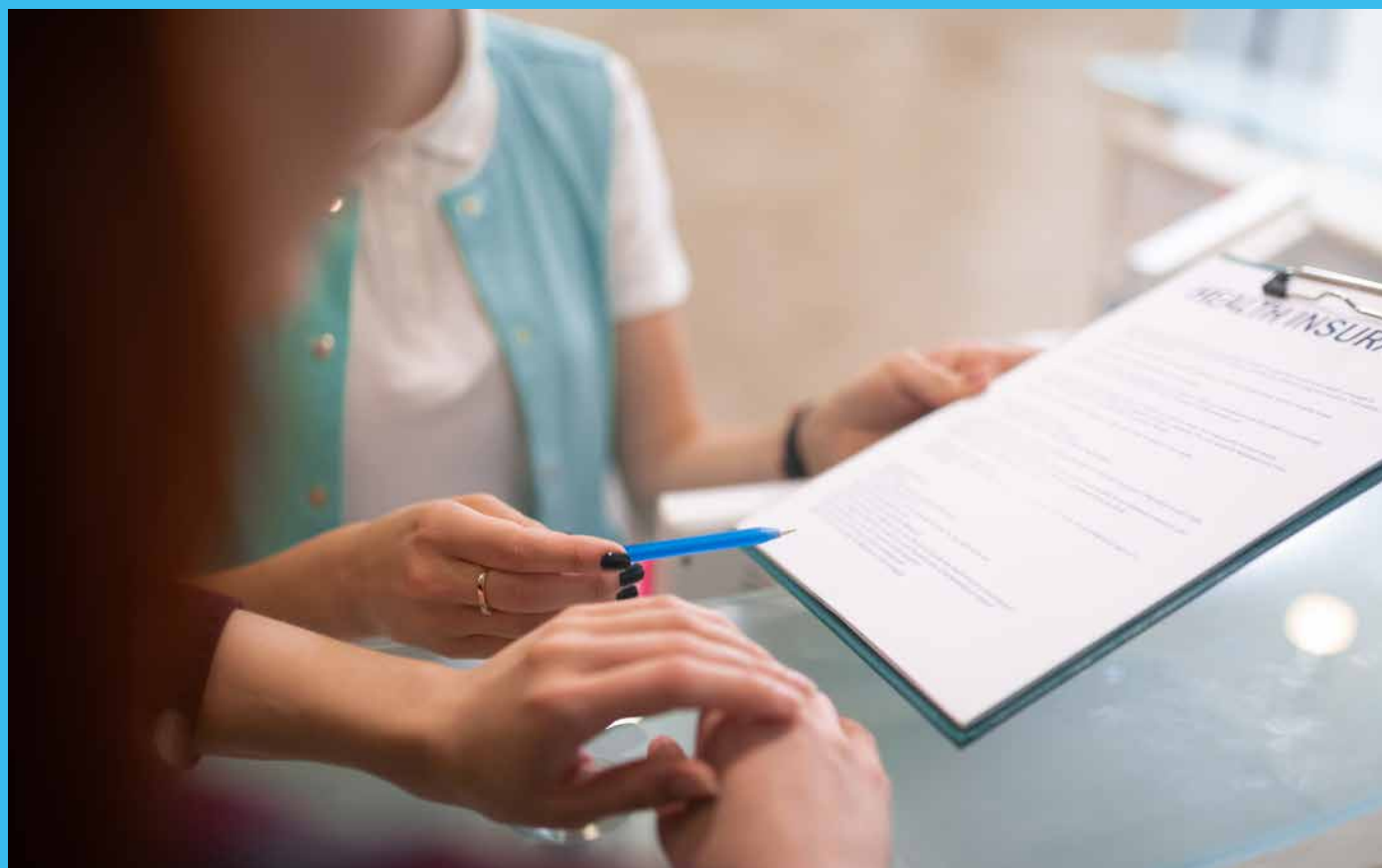
Ministry of Social Development and Poverty Reduction

Administrative errors can mean people are owed benefit payments.

FEATURED

Kathy, who received income assistance took her granddaughter, Molly, to the dentist and was surprised to find out that Molly no longer had dental or medical coverage. Kathy had been looking after her grandchildren for five years and didn't understand why Molly's coverage had changed. Kathy tried to get answers from two different ministries – the Ministry of Health and the Ministry of Social Development and Poverty Reduction – each of which referred her to the other. Feeling like she was getting the runaround, she reached out to our office to help get answers.

As Kathy was an income assistance recipient, we contacted the Ministry of Social Development and Poverty Reduction. Through the course of our investigation we determined that Kathy's grandchildren had been mistakenly removed from her file and therefore did not have medical and dental benefits under the provincial Medical Services Plan. Realizing their error, the ministry indicated to us they would promptly address the issue and review the file. As a result, Kathy received nearly \$4,500 in retroactive benefit payments that she was entitled to.



Written documents allowed

Mental Health Review Board

Allowing information to be shared in a way that works best for complainants is a key consideration when ensuring a fair process.

FEATURED

Nick was involuntarily detained in a psychiatric facility. He had applied to the Mental Health Review Board to have his detention reconsidered and when he received their decision he contacted our office. Nick was concerned that the hearing process and decision were unfair.

Our investigation considered a range of evidence relating to Nick's complaint, including the hearing's audio transcript and the Board's decision letter. We also reviewed provisions of the *Mental Health Act* and consulted with the Board chair. The records we reviewed indicated that after the Board received Nick's hearing application, they provided him written notice of the date, time and location of the hearing as well as the Board's Information Sheet for Patients.

The audio tape of the hearing indicated that an advocate from the Mental Health Law Program attended the hearing with Nick. Upon reviewing the audio tape, we identified a concern with the fairness of the proceedings. Nick clearly advised the panel that he had difficulty speaking and he requested permission to share a written document with the panel. Their response was for Nick to explain the document to them which Nick, given his speaking challenges, would not have been able to do had he not had an advocate with him who was able to advance his argument on his behalf. Knowing that this may not be the case for all patients, we spoke to the Board chair about our concerns and it was agreed that patients should be allowed to present written materials in hearings.

To address this moving forward, the Board chair agreed to update the Board's handbook and committed to including the issue in upcoming training for panel members. We also had concerns about the Board's Information Sheet for Patients which did not include a direct reference to the criteria the Board considers when deciding whether or not a person should continue to be involuntarily detained. It also did not include the Board's toll-free telephone number, information about the make-up of the hearing panel or that patients are allowed to wear their own clothes to a hearing.

Additional changes we suggested to the information sheet provided to patients about the hearing process were also implemented, including legal criteria the Board uses to make its decisions, enhanced information about how patients can have witnesses participate in their hearing and more transparent information about the make-up of the panel.



The \$40,000 debt not pursued

ICBC

Providing proper notification about decisions can prevent unnecessary confusion and frustration.

FEATURED EARLY RESOLUTION CASE

Brian was having trouble renewing his car insurance. He received a letter from ICBC informing him of a \$40,000 debt and that he would not be able to renew his insurance until this debt was paid.

Not understanding where this substantial debt came from, Brian, and his mother Shelley, tried to get answers from ICBC. After multiple attempts to contact them, Brian and Shelley still didn't have the answers they were looking for and came to us looking for help.

Our Intake and Early Resolution Team contacted a Customer Relations Advisor at ICBC regarding Brian's account. ICBC explained that the debt was a result of a 2012 bodily injury settlement claim from a car accident Brian was found at fault for. When the car accident occurred, Brian did not have valid car insurance. The injured party initiated a lawsuit to recover damages, and under legislation, ICBC became party to the lawsuit in order to settle the claim. However, Brian was never provided with any notification regarding the court proceedings. We questioned a letter that ICBC sent to Brian in March 2017 that confirmed that his debt payment had been paid in full. We also enquired about the statute of

limitations on the collection of a debt and why Brian wasn't able to renew his car insurance.

Our enquiries were sent to ICBC's corporate law department for review. Following the review, Brian received an email from ICBC informing him of its decision not to pursue the \$40,000 debt associated with the 2012 bodily injury settlement claim. Brian's account balance was zero and he was able to renew his car insurance without incident. As ICBC resolved the unfairness issues identified we considered the complaint settled and closed the file.

“ Brian, myself and our family are very very grateful for your work and persistence in resolving this issue with ICBC. ”

– SHELLEY





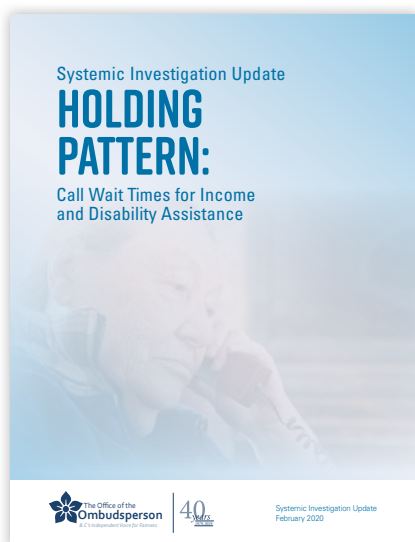
MONITORING



MONITORING REPORTS

As well as investigating individual complaints, our office also conducts systemic investigations on a wide range of issues that impact many people. These investigations result in reports with formal findings and recommendations. To ensure recommendations that have been accepted by public bodies are implemented, we regularly monitor the status of how recommendations are being implemented. We issue periodic updates on the progress of that work.

This year, we issued an investigative update of our report *Holding Pattern: Call Wait Times for Income and Disability Assistance*.



Holding Pattern: Call Wait Times for Income and Disability Assistance

Holding Pattern: Call Wait Times for Income and Disability Assistance is the 2018 report of the Ombudsperson's systemic investigation into the Ministry of Social Development and Poverty Reduction's centralized telephone system and its impact on applicants and recipients of income and disability assistance.

The Ombudsperson initiated the systemic investigation in response to a range of complaints about long wait times, disconnected calls, call time limits and other challenges income and disability assistance applicants and recipients faced in communicating with the ministry by telephone.

In our 2018 report, we found significant problems with the ministry's telephone system which handles approximately 125,000 calls per month. The report found the call centre was not sufficiently staffed, mitigation strategies created further delays and there was no timeliness standards in place for in-person service. The 2018 report made nine recommendations for improvements, only four of which have been implemented according to the 2020 monitoring update. The 2020 update also concluded that income and disability assistance recipients are still not getting the timely service they need when using the Ministry of Social Development and Poverty Reduction's telephone system. In fact, between April and October 2019, the ministry met its timeliness targets of 80% of calls answered in 10 minutes or less only one-third of the time.

“A woman who did not receive her income assistance for the month complained that she waited for two and a half hours on the phone to try to find out why, before she finally abandoned the call. She said that she called the ministry again the next day and waited an hour and a half before abandoning the call. She said she was worried that she would not have enough food to make it through the weekend.”


– 2018 REPORT




OUTREACH AND COMMUNITY ENGAGEMENT



OUTREACH ACTIVITIES AT A GLANCE

22 

Community outreach and special events hosted

 43

Presentations, stakeholder meetings & conferences attended

19 

Communities visited

 13

Adult & youth correctional and psychiatric centres visited

COMMUNITY ENGAGEMENT

Every year we strive to ensure that all people in British Columbia understand who we are and what we do. Our strategic priority is to ensure that those who need us know we are available to assist them. This year's efforts focused on three key communities: post-secondary students, newcomers to BC, and the LGBTQ2S+ community.

While each year we work to expand our outreach efforts into new communities, we continue to build on our efforts with groups reached in previous years. In support of our ongoing efforts with Indigenous communities, the Select Standing Committee on Finance and Government Services approved a two-year Indigenous Liaison Officer position to consult with Indigenous communities and develop an Indigenous Communities Service Plan.

Our outreach efforts this past year resulted in a number of unique activities from public presentations to community intake opportunities. With each activity, whether it be with key stakeholders or with communities across BC, we help people understand our role, how our services can be accessed and what some of the most common outcomes of our work are.

Here are a few activities we participated in this past year.

Canadian Immigrant Fair

The Canadian Immigrant Fair, held in Vancouver in November 2019, attracted hundreds of engaged skilled immigrants, newcomers and students. This opportunity allowed us to connect face-to-face with hundreds of new British Columbians and to talk about our services. We also listened and learned about the challenges new community members face.

Vancouver Coastal Health's Well-Being Program

In November 2019, we presented to Vancouver Coastal Health's Well-Being Program. This unique program provides mental health services for deaf, hard of hearing and deaf-blind people throughout the province. We met with staff to talk about our office and ways we could be more accessible. We also met with members of the community to hear complaints, with interpreters present, to ensure their voices and complaints were heard.

Whistler Pride and Ski Festival

January 2020 took us to Whistler to participate in several LGBTQ2S+ events, including the Pride Parade. This event drew a large group of diverse people from across BC and around the world. Our "Be Fair" message helped raise awareness about the role of our office and the breadth of complaints we can assist with.



Post-Secondary Outreach

This past year, we organized several events with post-secondary students at the University of British Columbia, Simon Fraser University and the University of Victoria. We held informal “meet and greets” with students and spoke about what we do, how we help and the importance and impact of the work that we do. We also met with student associations to learn about the various challenges facing university students and university staff.



REGIONAL TOURS

In order to continue to engage with communities across the province and to build awareness of our services, we regularly travel throughout the province to share our services with people in person.

In September 2019, the Ombudsperson, along with Intake and Early Resolution and Investigations Team members headed to Northeast BC – Prince George, Mackenzie, Chetwynd, Tumbler Ridge, Dawson Creek and Fort St. John. We met with several community organizations and authorities and held a number of public presentations. We also set up our “mobile Ombudsperson office” and members of the public took the opportunity to talk to us about their complaints in person.

With this tour, we continued our dialogue with Indigenous groups in the region to strengthen our connections with Indigenous communities and Indigenous service providers, an ongoing goal of the office. We met with individuals with the assistance of three organizations on this tour – the Prince George Native Friendship Centre, the Treaty 8 Tribal Association and the Fort St. John Friendship Society.

In February 2020, the team headed to the Lower Mainland – Richmond, Vancouver, Burnaby and Surrey. Our focus with this tour was to share information about what being treated fairly by public sector organizations means to newcomers to BC and post-secondary students. We shared presentations with several multicultural community organizations meeting with both staff and clients. We also held several post-secondary engagement sessions.

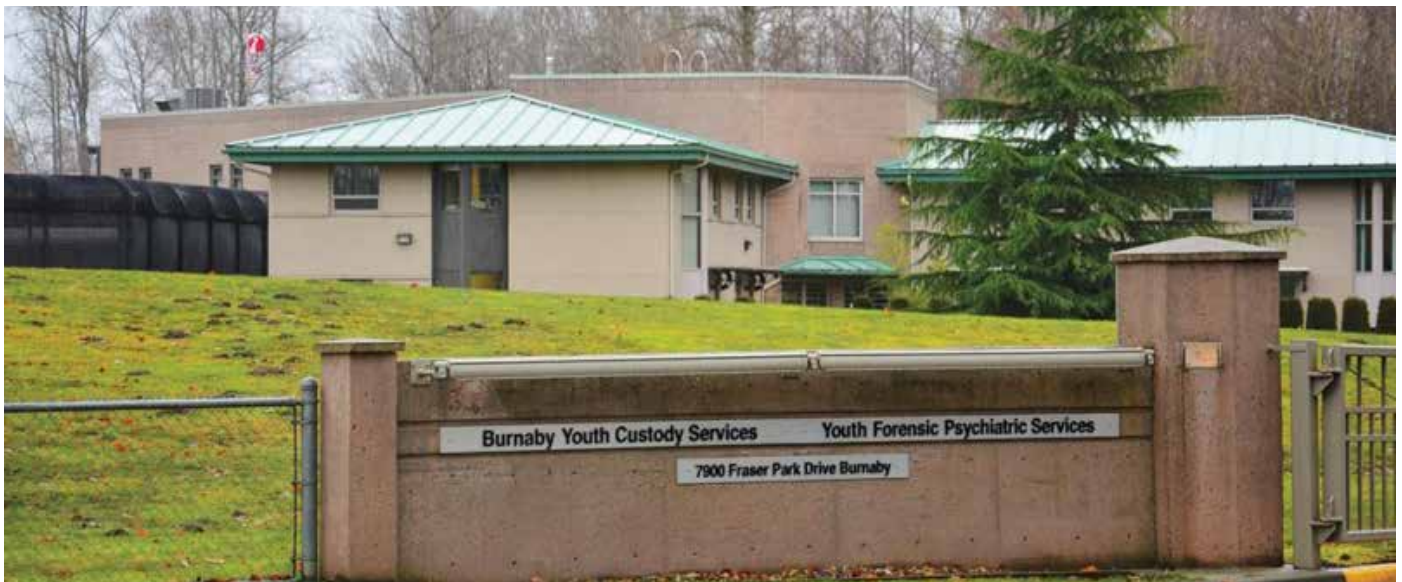
CORRECTIONAL AND PSYCHIATRIC CENTRE VISITS

Each year our staff visit correctional centres and psychiatric centres across the province. This year we visited all 10 adult correctional centres as well as both youth custody centres and BC's Forensic Psychiatric Hospital. These visits allow us to meet face-to-face with both staff and individuals who are living in these facilities. It is also an opportunity for us to promote fair decision making and effective complaints processes in places of detention.

Visiting correctional centres and psychiatric hospitals is an important aspect of our roles. Before arranging




site tours, investigators review complaint trends to identify current and emerging issues. This allows us to focus on key topics of interest at the particular institution.

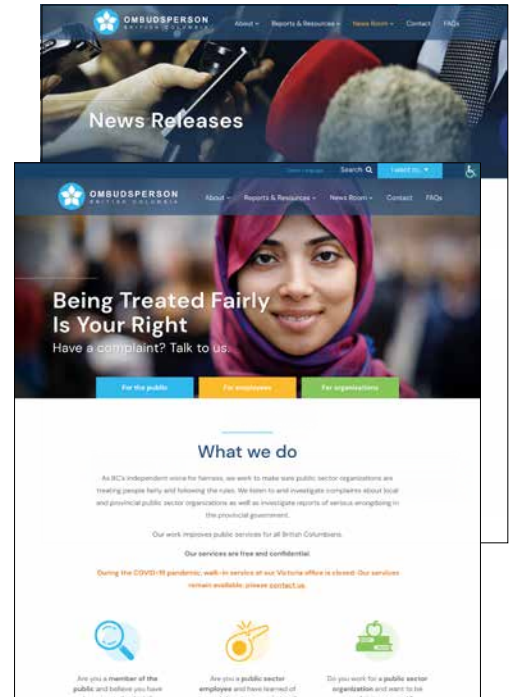
During these site visits, we view the conditions in living units and meet with unit representatives to hear first-hand about the conditions of confinement and learn about the current challenges those who are detained are facing. We also use this time to strengthen awareness of our office among those who are detained, patients and their families.



OUR WEBSITE GETS A NEW LOOK

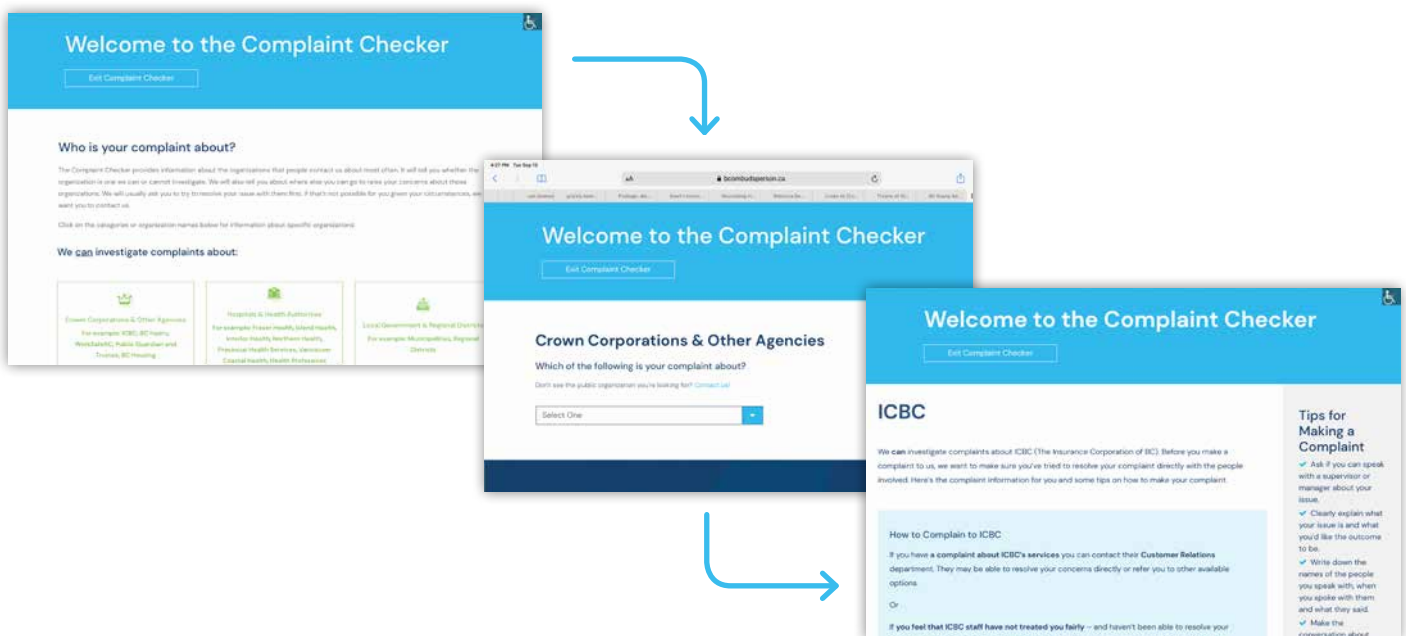
With the expansion of our office’s mandate to include the *Public Interest Disclosure Act*, we updated our website to ensure that everyone coming to us, whether it be to make a complaint, to disclose a wrongdoing or for fairness education or consultation services, is able to find the information they need. To that end, our new website focuses on accessibility, usability and approachability. Launched in March 2020, the website features three user pathways:

-  1. An avenue for the public to bring complaints about local and provincial public sector organizations forward
-  2. A new section for public sector employees who have learned of wrongdoing at their workplace
-  3. A pathway for public sector organizations who are interested in learning how to be more fair in the delivery of public services



Our New Online Complaint Checker

To help the public better understand which public organizations we can and cannot investigate we developed a new online tool: the Complaint Checker. This tool provides users with accessible information about public sector organizations, including commonly available remedies within public organizations. The tool is available 24/7 and provides users with the right information to effectively complain whether it’s to the organization the complaint is about, or to us.





LOOKING BACK, LOOKING AHEAD



OUR OFFICE TURNS 40!

On July 1, 2019 our office turned 40. It was a time to reflect on our history, but also a time to look forward to how the role of an Ombudsperson is changing not only here at home, but around the world. When our legislation was first introduced in 1977 by then-Attorney General Garde Gardom he said our role was to be “the conscience of the state.” We would “move aside bureaucratic roadblocks, wade through red tape and approach the unapproachable.” In the courts, the role of the Ombudsman was endorsed as a key democratic pillar that would “bring the lamp of scrutiny to otherwise dark places, even over the resistance of those who would draw the blinds.” In four decades of receiving more than 425,000 complaints and enquiries from the public and issuing numerous public reports we have continued to shine that lamp of scrutiny on public bodies. And as a result, public services are being delivered more fairly.

To celebrate our office’s impact and 40-year history we held a number of special events including an event at the BC Legislature. We also highlighted our past work in our 2018/19 Annual Report and initiated a provincially proclaimed “Fairness Week” that included a “Meet the Ombudsperson” public open house and social media campaign. Rounding out our 40th anniversary celebrations was a special national symposium our office organized which focused on the future of Ombudship.

40th Anniversary Celebration at the BC Legislature

To mark this special occasion a celebration was held at the BC Legislature. Some of the office’s inaugural staff from 1979 joined us including the first Ombudsman for the province, Karl Friedmann. Other guests and speakers included MLAs from all three provincial parties, staff from the first year of the office 40 years ago and current Ombudsperson staff. Attendees were reminded of the history of the Ombuds’ work through a retrospective display and stories of the office’s impact past and present.



Fairness Week in BC

In honour of our 40th anniversary, the week of October 7-11, 2019 was officially proclaimed as Fairness Week in BC. Over the course of the week we reminded the public about their right to be treated fairly and highlighted our work. The week ended with an open house event at our office where the public could meet with staff and the Ombudsperson.



LOOKING AHEAD: SYMPOSIUM ON THE FUTURE OF THE PARLIAMENTARY OMBUDSMAN FUNCTIONS AND SERVICES

In partnership with the University of Victoria's School of Public Administration and the Institute of Public Administration of Canada, we hosted a unique symposium over two days in June 2019. Joined by a range of guests including academics, Ombuds colleagues from across Canada, Indigenous leaders, senior public servants, journalists and students, we took a deep dive into the future of parliamentary Ombudship exploring several key themes.

We discussed how the Ombuds role has changed in Canada over its five-decade history. We tackled issues around the Ombuds function relating to

Indigenous knowledge, tradition and law in the context of emergent self-government. We discussed what role the Ombuds has in access to justice and how to strike a balance between reactive and proactive approaches in the work we do. Finally, we heard about emerging academic research on our evolving role and looked to future-focused developments that are impacting our work such as the role of artificial intelligence in decision making. The proceedings of the symposium were captured in a special report, *Looking Ahead: Symposium on the Future of the Parliamentary Ombudsman Functions and Services* that was shared widely and tabled in the BC Legislature.





LOOKING AHEAD:
Symposium on the Future of the Parliament
Ombudsman Functions and Services

Victoria, June 20-21, 2019
Report of Proceedings



Special Report No. 43 | November 2019
to the Legislative Assembly of British Columbia

“ Instead of adherence to elaborate procedures, we increasingly favour more effective and less formal processes. In short, I suggest that the experience of the office of the Ombuds points the way to the sort of cultural shift that is urgently needed in the broader justice system. ”

– THE HONOURABLE THOMAS A. CROMWELL



PUBLIC AUTHORITY CONSULTATION AND TRAINING



PUBLIC AUTHORITY CONSULTATION AND TRAINING: BY THE NUMBERS



**New online course
launched: Fairness 101**



**20
Tailored trainings delivered
to public authorities**



**689
Registrations for Fairness
101 online course**



**17
Fairness workshops
hosted**

**3 Organizations with the most staff
completing Fairness 101 online course**

57 Civil Resolution
Tribunal

56 Ministry of Public Safety
and Solicitor General

56 Public Guardian
and Trustee



**26
Requests for
consultations from
public organizations**



**1,122
Workshop & public presentation
participants over the year**

PUBLIC AUTHORITY CONSULTATION AND TRAINING TEAM

The BC Ombudsperson has a specialized team – in 2019/20 known as the Prevention Initiatives Team – dedicated to proactively working to assist public sector organizations in acting fairly and reasonably in their interactions with the public. This team was created as part of a 3-year pilot program and 2019/20 marked the final year of the trial. Due to the high demand for our services and the results of a comprehensive program evaluation by Malatest & Associates Ltd, in December 2019 funding was allocated to our office to continue to operate the program. The new permanent program is now known as Public Authority Consultation and Training (PACT).

Malatest Evaluation

This independent comprehensive evaluation, which included online surveys and interviews with public servants at three points over the course of the pilot program, showed:

76% of participants found the information provided through the Prevention Initiatives Program helped them to deliver their services more fairly to the public

80% found the program was successful at educating authorities and staff on the principles of administrative fairness and the role of the Ombudsperson's office

81% found the program was successful in promoting administrative best practices

75% were confident in applying the principles of administrative fairness in their work as a result of the program

88% would recommend the program to others

During the pilot phase of the program (2017-2020), the team developed a number of best practice resources and practical tools for public sector employees to foster a “Be Fair” culture in their workplace, including:

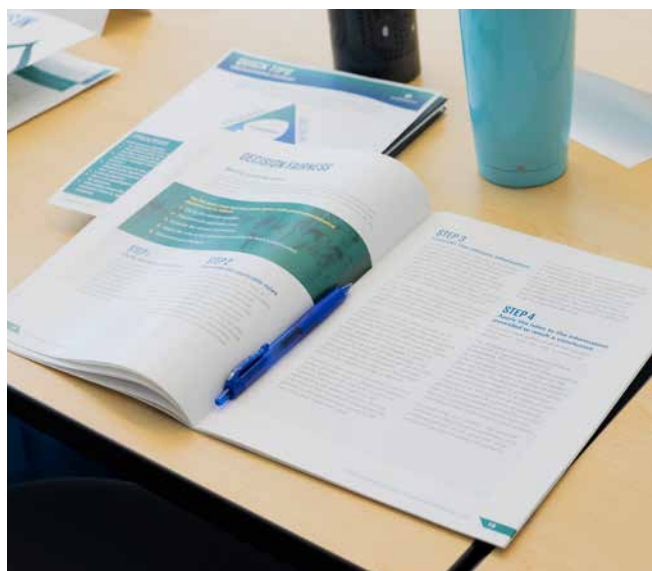
- four webinars
- a suite of Quick Tips
- a one-hour online training program – Fairness 101
- a video for our website – Fairness in the Public Sector
- Fairness by Design – a self-assessment checklist for public authorities to assess the fairness of their own progress
- Fairness in Practice – a best practice guide



The online training program, Fairness 101, which was launched in June 2019, saw 689 public servants register to complete the course in the first nine months. Registrations came from employees working for a wide range of public authorities such as:

- Civil Resolution Tribunal
- Ministry of Public Safety and Solicitor General

- Public Guardian and Trustee
- Okanagan College
- BC Housing
- Ministry of Children and Family Development
- Ministry of Forests, Lands, Natural Resource Operations and Rural Development
- Ministry of Social Development and Poverty Reduction
- Ministry of the Attorney General
- Northern Health



Prevention Initiatives Team: Two Consultation Highlights

The Prevention Initiatives team worked with the Community Safety Unit (CSU) regarding new legislation not yet in force, the *Community Safety Act*, and related new processes. The team consulted with the CSU and reviewed some of their draft procedures and template notice documents. The feedback we provided to the CSU included the need for clear decision-making criteria and clear investigative processes, as well as the importance of reasons in written communications. We also emphasized how important transparency towards the public is to ensuring fairness.

RoadSafetyBC asked us for help on ways they could improve the transparency and fairness of their adjudication process. After meeting with RoadSafetyBC representatives, we offered feedback on ways in which fairness within the adjudication process could be improved.

We suggested RoadSafetyBC provide additional information to affected parties about how to prepare for the adjudication process, as well as the legal rules and precedents adjudicators rely on when making their decisions.

We also suggested they make this information more publicly available, such as by posting it in ICBC driver licensing offices and including it in their application guide for those seeking review of a driving prohibition.



CASE SUMMARIES



CASE SUMMARIES

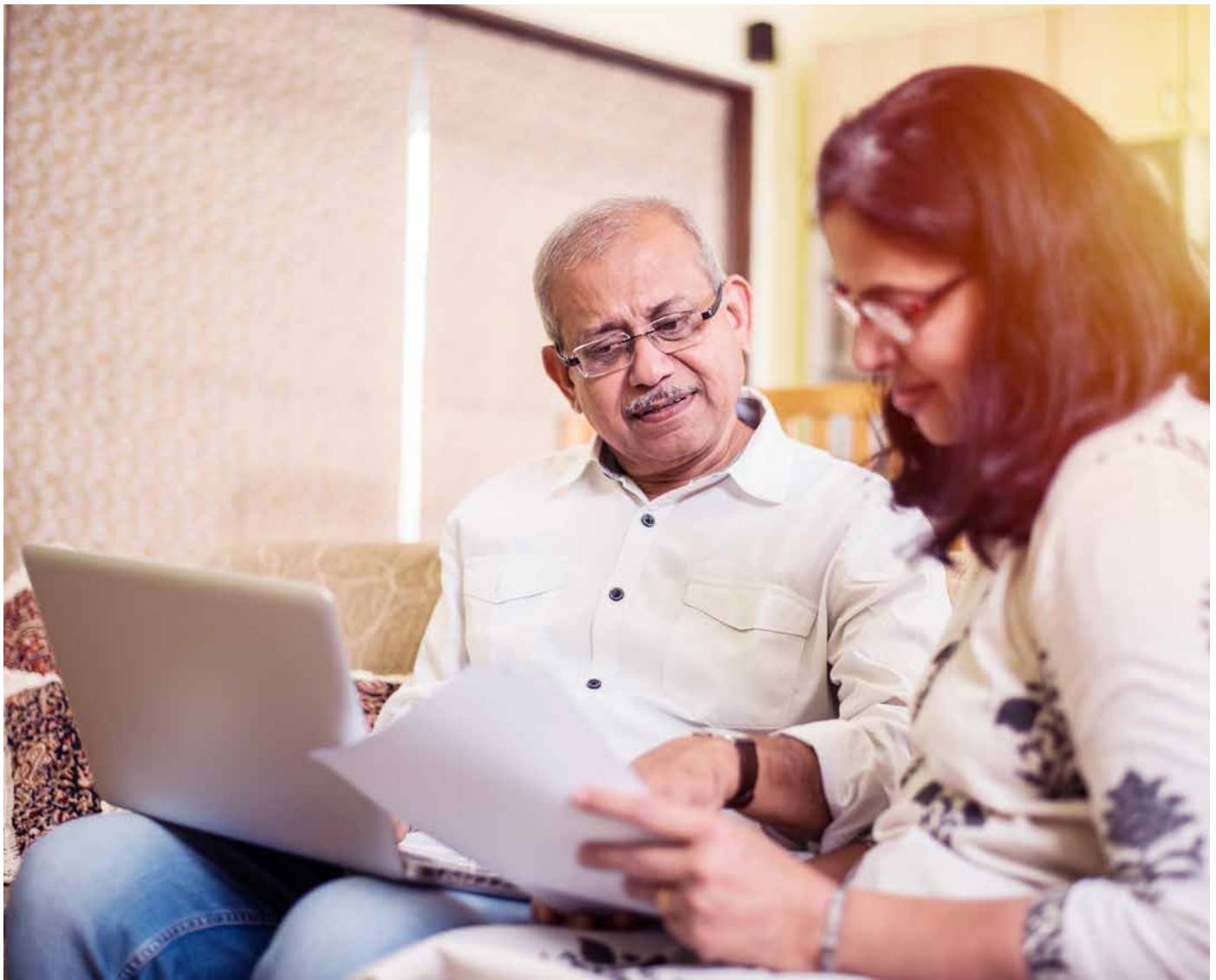
Case summaries help tell the story of our investigations. They provide a lens into understanding the kinds of individual complaints that come to us and highlight outcomes when we find that a public body has acted unfairly.

Case summaries also serve to enhance the transparency around our investigative process and the steps we take when we are determining whether or not administrative unfairness has occurred. As can be seen from this year's summaries, complaints are not

always substantiated – sometimes after looking at all the evidence our investigators determine policies and procedures are being applied fairly by public bodies.

The featured cases in this section reflect the types of matters we deal with on a daily basis but they are only a small fraction of the work we do.

It is important to note that names have been changed to protect the privacy of complainants. Photos are for illustrative purposes only.



FEATURE: BC HYDRO AND BILLING ISSUES



Often we hear a number of similar complaints about key issues from many people across BC. This past year, we received several complaints about BC Hydro related to billing errors and disconnection issues. Here are some of the matters we investigated:

That was my sister's debt

BC Hydro

Sometimes public bodies don't need to strictly rely on legal authority to obtain a good result.

Jill, a mom with young children, contacted us when her power was disconnected. The hydro account at the house where she lived was in her sister's name. When her sister moved out, she closed the account with a large debt owing. Jill planned to call BC Hydro to set up an account in her name but the power was disconnected before she got around to doing so. When she called BC Hydro to set up her account and reactivate service, she was told that due to the balance owing on her sister's account, and because she lived with her sister when the debt was accumulated, she would be required to pay the debt before electricity could be connected.

Believing it was unfair for BC Hydro to deny her service due to her sister's debt, Jill reached out to us.

The Electric Tariff allows BC Hydro to refuse service to an occupant who resided with another occupant at a premises where debt had accumulated. Despite this, BC Hydro was willing to open an account under Jill's name to not unduly impact her and her children, as long as arrangements were made to pay the debt owed.

BC Hydro informed us they had opened an account under Jill's name and reactivated her service. Part of Jill's sister's balance was paid and BC Hydro offered a payment plan to clear the remainder of the debt.

FEATURE: BC HYDRO AND BILLING ISSUES

What's in a name?

BC Hydro

Complaints often have multiple issues of potential unfairness.

Mitch received a final disconnection notice from BC Hydro because he owed \$388. He called BC Hydro to ask for a payment plan, but his request was denied. Mitch also applied for a customer crisis fund grant but was told he was ineligible because his account was under his business name and not his personal name.

Feeling like he was being treated unfairly, Mitch contacted us.

The focus of our investigation was whether BC Hydro followed a reasonable procedure regarding Mitch's account. We spoke to BC Hydro and learned that Mitch had set up multiple payment plans to address late and outstanding balances. These plans were deactivated when Mitch failed to pay them. BC Hydro also told us that they had sent several late and

disconnection notices to Mitch over the past few years due to non-payment. As such, it appeared that BC Hydro's decision to deny Mitch a payment plan was reasonable.

However, BC Hydro also confirmed they told Mitch he was ineligible for the customer crisis fund because his account was in his business name. We highlighted that anyone with a residential account appeared to be eligible for the fund based on its terms and conditions, regardless of the type of account.

Upon review, BC Hydro agreed with our interpretation and agreed to contact Mitch, inform him he was eligible for a grant from the crisis fund, and explain how he could apply. Given BC Hydro's response, we discontinued our investigation and closed our file.

An exercise in discretion

BC Hydro

Exercising discretion can make a big difference to people in need.

Mike called our office when BC Hydro disconnected his residential service. He told us that his residential account was in good standing, but several of his business accounts were overdue and had been previously disconnected. He owed approximately \$24,000.

Mike contacted BC Hydro customer service and offered to pay half of his debt immediately and the remaining \$12,000 within 30 days if BC Hydro agreed to reconnect his residential account. However, BC Hydro demanded the full amount immediately. Mike said he, his wife, and four children were experiencing significant hardship, including food spoilage and a lack of heat, due to BC Hydro disconnecting his residential account.

BC Hydro confirmed Mike owed about \$24,000 across his business accounts and that this had been the case for several months. BC Hydro also informed us that Mike had not been willing to address these debts.

In consultation with our office, BC Hydro agreed to Mike's offer to reconnect his residential account if he paid half, or \$12,000, immediately. Payment arrangements were set up for Mike to pay the outstanding balance and his residential account was reconnected. If Mike failed to fulfill his repayment obligations, BC Hydro indicated his residential service would be disconnected again.

FEATURE: BC HYDRO AND BILLING ISSUES

The case of the meter mix-up

BC Hydro

Persistence is sometimes needed when bringing complaints forward.

EARLY RESOLUTION

When Laurel opened her hydro bill she was shocked to see that it had increased substantially. Her neighbours were renovating their home at the same time and she wondered if she was being billed for their hydro usage. Laurel called BC Hydro and the staff member she spoke to acknowledged that her hydro billing had indeed been switched with the billing for her neighbour. Five months and several phone calls later, including requests to speak to a supervisor, the issue remained unresolved.

Feeling that she was being treated unfairly and wanting the issue resolved, Laurel reached out to us for help.

We contacted BC Hydro to see what options were available to help Laurel resolve the billing error. Two days after we spoke to BC Hydro, Laurel received a phone call from BC Hydro's Customer Advocacy team. They had reviewed her bill and had identified the error – Laurel had been incorrectly billed due to a mix-up with the meter codes. It seemed that this mix-up had been going on for several years but was only discovered when the new owners moved into the neighbouring duplex and began renovations using significantly more power.

Recognizing its error, BC Hydro credited Laurel nearly \$200 for the overpayments she had made. BC Hydro also switched the meter readings so that Laurel would finally receive the correct bill going forward.

“I am impressed that two days after speaking to the BC Ombudsperson, BC Hydro called me. They had finally corrected the billing error and gave me a \$196 credit. Calling you has been very effective and I really appreciate your help and intervention!”

– LAUREL



FEATURE: BC HYDRO AND BILLING ISSUES

Please read my meter

BC Hydro

Sometimes policies are applied more strictly than they need to be, leading to unfairness.

Jeremy called our office concerned about his high electricity bills. He felt that BC Hydro was treating him unfairly and wasn't sure who to turn to for help. He had disputed his high electricity bills with BC Hydro for months and had been refusing to pay the amount owing until the issue was resolved. BC Hydro disconnected his service as a result of his account being in arrears. Jeremy requested a test of his meter because he was concerned it wasn't accurate but BC Hydro would not agree to test it because his account was in arrears.

The focus of our investigation was whether BC Hydro followed a reasonable procedure regarding Jeremy's dispute.

We reached out to BC Hydro and were informed that Jeremy had paid a small portion of a large electricity bill he had accrued over a period of six months. BC Hydro explained how it had worked with Jeremy in an attempt to identify the reason for his high bills, but his electricity usage remained consistent. BC Hydro also attempted to set up a payment plan, but it was cancelled because Jeremy failed to meet the terms of the plan.

As the Electric Tariff requires BC Hydro to bill for the amount of electricity used by a customer's meter, it did not appear unreasonable for BC Hydro to disconnect Jeremy's electricity when he failed to pay the amount owing. However, we were concerned about

BC Hydro's refusal to test Jeremy's meter because his account was in arrears. This policy appeared to be stricter than the relevant section of the Electric Tariff.

In response, BC Hydro agreed to modify its policy and allow meter testing for customers disconnected for non-payment.

BC Hydro also agreed to communicate this policy change to its call centre, customer advocacy and customer relations staff. Lastly, BC Hydro agreed to apologize in writing to Jeremy for providing him with inaccurate information regarding his eligibility for meter testing, and advised they would contact Jeremy and offer the option to have his meter tested.

“In many of the cases I investigate, there are no easy answers. I'm grateful though that I can get access to a broad range of information that allows me to get to the heart of what happened, and if there was something done wrong, I can help make it right.”

– OMBUDSPERSON INVESTIGATOR



HEALTH

Stamping out error

Provincial Health Services Authority

Where the consequences of an error are serious, rigorous procedures are needed.

When Ezra was transferred from the Forensic Psychiatric Hospital to Surrey Pretrial Services Centre (SPSC), the dosage of psychiatric medication he was prescribed was reduced. This caused Ezra significant mental distress, including strong suicidal tendencies.

Scared, and in urgent need of help, Ezra contacted us.

That same day, we launched an urgent investigation into the Provincial Health Services Authority (PHSA) administration of healthcare services to Ezra.

We questioned whether Ezra's prescription had been adjusted when he was transferred and if yes, why. We were informed that when Ezra was transferred to Surrey Pretrial, a fax was sent from the Forensic Psychiatric Hospital with his dosage – 400mg every two weeks. When staff at Surrey Pretrial spoke with the hospital, they learned that Ezra had received a 200mg dose on the date of Ezra's transfer. What was not properly understood was that this half dose had been a supplement to another half dose already provided. Misunderstanding the amount of the medication Ezra had received, and not properly

following the instructions provided in the hospital's initial fax, SPSC proceeded to provide Ezra with only a half dose every two weeks. This inadvertent dosage reduction accounted for the distress Ezra was experiencing.

Following our review, Ezra's file was reassessed, the prescription error was identified and his medication dosage was adjusted back to the full 400mg.

The PHSA acknowledged that Ezra's discharge summary from the hospital had not been properly reviewed thus causing the error. They explained that a change of practice had since been implemented and that healthcare staff are now required to confirm, by stamp, that each page of relevant documentation is reviewed upon receipt.

With Ezra's medication being properly administered, and the PHSA establishing a new procedure to prevent a similar error from happening again, we considered the complaint settled and closed our file.

Getting to the root of the matter

Ministry of Health – HIBC

Administratively fair appeal processes must be objective and unbiased.

While on vacation in China, Eve experienced a medical emergency and sought treatment. Upon returning to BC, Eve filled out an out-of-country claim with Health Insurance BC (HIBC) to be reimbursed for approximately \$400 worth of expenses not covered by her private insurance.

Eve's claim was denied by HIBC because she didn't seek pre-approval for her out-of-country care. Eve then appealed this decision, only to receive a letter indicating that the treatment she received – a root canal – was not an insured benefit.

Unsatisfied, Eve reached out to us for assistance.

In response to our investigation, the ministry explained that when it reviewed Eve's claim, the documents she provided indicated that the root canal was not performed in an acute care hospital. The ministry explained that reimbursements are only provided for medically necessary dental care completed in an acute care hospital by a licensed oral or dental surgeon.

However, upon reviewing Eve's file, the ministry determined that in its communication with her, the reasons for its decision could have been clearer. We asked the ministry to write a letter to Eve with a better explanation for its decision, which was agreed to.

We also noted that the same staff member reviewed both Eve's initial claim and her appeal. A key element of an administratively fair appeal process is for a different person to review an appeal to be objective and unbiased by avoiding a person reviewing their own decision. We spoke to HIBC about this and learned it did not have a policy that requires a different person to review an appeal. To ensure appeals are administratively fair, we asked it to incorporate this practice into its appeal policy, which it agreed to do.



Barriers overcome

Ministry of Health

Policies need to accommodate the personal circumstances of the public.

Steve was experiencing issues with his Medical Services Plan (MSP) coverage. Steve, who received financial assistance from the Ministry of Social Development and Poverty Reduction (MSDPR), did not have a fixed address or phone. MSDPR applied to the Ministry of Health for MSP coverage for Steve but because he only had his Ontario birth certificate he was only granted temporary coverage. The MSP enrolment process required Steve to provide secondary identification to prove his identity to fulfill the identification requirement. Unfortunately, Steve's life circumstances made it impossible for him to obtain a traditional secondary piece of identification.

Ryan, Steve's advocate, found out that Steve's MSP coverage had been terminated because he was unable to fulfill the identification requirement. He called MSP and was able to get Steve's coverage extended for an additional 60 days to give him more time to get secondary identification. Ryan explained to MSP that Steve's health issues prevented him from being able to access secondary identification.

Feeling like Steve was being treated unfairly and concerned about his medical coverage, Ryan reached out to us.

MSP confirmed that an application was submitted by MSDPR for MSP coverage and that Steve had been granted emergency coverage for 60 days to give him time to obtain acceptable secondary ID to meet the identity requirement. We reviewed MSP's Policy Framework: Modified Processes for Enrolling and Renewing Enrolment in MSP (Modified Processes Policy) and noted that applicants could qualify for a modification in situations where the person was vulnerable due to homelessness, street involvement, mental health issues and/or substance abuse challenges. Steve faced many of these challenges.

We asked MSP whether it was fair and reasonable to require Steve to provide secondary identification given his circumstances. MSP agreed that the information provided demonstrated that there were a number of barriers preventing Steve from getting secondary identification and that he qualified for the modified process. As a result, MSP decided to issue Steve a non-photo BC Services Card under the Modified Processes Policy and to provide continuous MSP coverage retroactively. With this as secondary identification, Steve was able to complete the identity requirement and a photo BC Services Card was issued.

In view of the steps taken by MSP in response to our investigation, we considered the matter settled and closed our file.



Benefits activated

Ministry of Health – HIBC

Urgency sometimes requires administrative flexibility.

Jane, an income assistance recipient, was in urgent need of her heart medication. She only had two days of medication left and was unable to renew her prescription. Her application for Medical Service Plan (MSP) coverage had been denied by Health Insurance BC (HIBC) because HIBC needed proof of her legal name. Jane had provided HIBC with her Quebec baptismal certificate but it was not considered proof of her legal name.

She was told by HIBC that her MSP coverage wouldn't be activated until she could provide three documents:

1. A receipt showing that the Ministry of Social Development and Poverty Reduction (MSDPR) had ordered a “new format” birth certificate from Jane’s birth province of Quebec;
2. A receipt from Quebec Vital Statistics showing that the birth certificate request had been received; and,
3. A note from her doctor confirming the need for her heart medication.

MSDPR had ordered Jane’s “new format” Quebec birth certificate the previous day via regular mail. However, it would be at least five to seven business days before Quebec’s Vital Statistics Agency would receive the request and provide a receipt. Jane was also unable to see her doctor and request a note confirming the urgent need for her medication because she didn’t have MSP coverage.

Jane had called HIBC three times over the course of two weeks in hopes of resolving the issue, including asking to speak to a supervisor, but was told that there was nothing they could do; they couldn’t change her MSP coverage without the required documents.

In urgent need of help, Jane contacted us.

HIBC stated that the issue was with ICBC’s two-step ID verification process, which requires two pieces of identification – one primary and one secondary – to confirm a person’s identity. After further correspondence with HIBC, we were informed that Jane was eligible for benefits based on the baptismal certificate she submitted with her application. HIBC confirmed they would provide Jane with temporary coverage while she waited to receive her Quebec birth certificate and was able to complete the two-step ID process at ICBC.

HIBC sent Jane a letter providing her with her personal health number for her temporary coverage period.

“I cannot believe with your patience with me and perseverance with the HIBC YOU DID IT!!! You my dear Sir have saved my life. I cannot tell you enough how much I appreciate what you have done for me. You truly are a blessing to me and probably a lot of people in your profession.”

– JANE

Caring for his wife meant financial hardship

Interior Health Authority

Providing clients with clear and accessible information up front is of utmost importance.

Lana was the main household breadwinner. When she was admitted to a residential care facility in the Interior, her husband Rob was told by the Interior Health Authority (IHA) case manager the fees for residential care were based on Lana's income. The cost of Lana's care put Rob in financial hardship and he was told by two case managers that there was nothing they could do. After six months of run around and delays, Rob reached out to us for help.

Frustrated and feeling that he was treated unfairly, Rob reach out to us for help.

We investigated whether Interior Health communicated to Rob adequately about his fee concerns.

Our investigation found that the health authority did not have any record that Rob was provided with information on who their case manager was when his wife was admitted or when the case manager changed. Case managers were supposed to contact clients to provide their contact information. We were also unable to find any record of Rob's enquiries about financial assistance or the Temporary Rate Reduction until six months after his wife's admission. We were concerned that the information available to clients and their families was not as clear or accessible as it should be. When we raised our concerns with the health authority they agreed to provide a contact list to clients and/or their families as soon as possible

following their admission to a long-term care facility. They also committed to work towards adopting the practice regionally. The health authority also agreed to update their website to include a link to the Ministry of Health's Temporary Rate Reduction webpage and to backdate Rob's application to the date of Lana's admission to the residential care facility.

As the health authority agreed to take the steps necessary to resolve the fairness concerns identified, we ended our investigation and closed our file.





HOUSING

How long is too long?

Ministry of Social Development and Poverty Reduction

In urgent situations taking immediate steps to respond is critical.

Amira was a single parent receiving Persons with Disability Assistance. She and her son had recently moved to a small community and had planned to rent a home with assistance from her father. When her father wasn't able to help with the first month's rent as planned, Amira applied to the Ministry of Social Development and Poverty Reduction (MSDPR) for a crisis shelter supplement. Her request was denied and as a result of not being able to pay rent, she was served with an eviction notice.

Amira contacted MSDPR and requested a review of the decision. She told the staff member that she was facing eviction within 24 hours. Despite the urgency of her situation, she was informed that a supervisor would get back to her in two to five business days.

Concerned that she and her son would be evicted and would become homeless, Amira contacted us for help.

We contacted a Community Relations and Service Quality Manager at MSDPR and confirmed that Amira had requested a review of the decision not to grant the crisis shelter supplement. We also raised a concern about the ministry's delayed response given the urgent nature of Amira's request. She was facing eviction within 24 hours but was told by a staff member that a supervisor would get back to her in two to five days.

The manager reviewed Amira's file and arranged for a supervisor to follow up with her as soon as possible. The following morning, Amira called to let us know that a supervisor had contacted her and after reviewing her file, had overturned the decision not to grant her the crisis shelter supplement. Amira was eligible for the maximum \$570 housing-related crisis supplement and \$600 for her damage deposit.

While our investigation determined that the ministry did not follow a reasonable process in responding to Amira's request given the urgent nature of her situation, the manager did take immediate steps to arrange for a supervisor to review and respond to her request for a shelter crisis supplement.

As the situation was resolved and MSDPR addressed the unfairness issue identified, we ended our investigation and closed the file.

An unfair penalty reimbursed

BC Assessment

A key principle of fairness is to quickly make things right when a mistake is made.

Bill and Janine were charged a penalty for a late payment of their property taxes after the Ministry of Finance sent their property tax notice to their old address. Bill had called BC Assessment and changed their address when they moved three years ago, and a previous year's notice had been sent to their current address.

Bill spoke to a staff member at BC Assessment about the penalty they were being charged and was told there was nothing that could be done.

Not understanding why this year's property tax bill was sent to their old address and feeling that the penalty was unfair, Bill reached out to us for help.

We investigated whether BC Assessment treated Bill and Janine fairly in declining to reimburse the late payment penalty charge. We looked into why their

property tax notice was sent to their old address and we were informed that it was due to an administrative oversight. Recognizing the mistake, BC Assessment advised it would reimburse the penalty charged and a cheque would be mailed the following week.

We also confirmed that Bill and Janine's address had been corrected in BC Assessment's system to prevent the same issue from occurring in the future.

In cases where a public sector organization makes a mistake, we expect them to put things right quickly and effectively. In this case, BC Assessment reimbursed Bill and Janine of the late payment penalty charge, which we believed was a reasonable response. Given that BC Assessment agreed to address the fairness concern identified, we ended our investigation and closed our file.





CHILDREN & YOUTH

Restrictions removed

Ministry of Children and Family Development, Burnaby Youth Custody Centre

Digging a little deeper can give a public body the information it needs.

Randy, a youth in custody at the Burnaby Youth Custody Centre (the Centre) called us to complain that Centre staff were monitoring his telephone calls with his aunt. He explained that one of his previous visitors had tried to bring cigarettes into the Centre so he understood why the Centre would monitor his calls with that person, but he felt it was unfair to also monitor his calls with his aunt.

Randy spoke to staff at the Centre about his concerns, but staff never explained why they were monitoring his calls with his aunt.

Feeling like he was being treated unfairly, Randy contacted us.

We investigated whether the Centre followed a fair process in responding to Randy's concerns about call monitoring.

We spoke to the Centre Director and the Director of Operations, requested and reviewed records and reviewed the Youth Custody Regulation (the Regulation).

The Regulation gives the Centre the legal power to monitor a youth's calls when there are reasonable grounds to believe a youth is participating in an activity that may threaten the management, operation or security of the Centre, or the safety of any other person.

When we connected with the Centre's Director, we were told that the decision to monitor Randy's calls

was a result of previous attempts to bring contraband into the Centre. The Director also informed us that they review whether a youth may pose a risk to the Centre with certain community experts and that the reports received about Randy confirmed their suspicions. As a result, the Director decided that monitoring all of Randy's calls was necessary because of the risk that he might try to bring contraband into the Centre.

However, after speaking with us, the Director took several steps to respond to Randy's complaint. The Director directed staff to:

1. Meet with Randy and explain the reasons for monitoring his calls.
2. Speak with Randy's aunt to discuss the restrictions on her telephone calls and visits with Randy and to let her know she could ask for a review of the decision.

Randy's aunt decided to ask for a review and the Director called her directly to discuss the situation. After speaking to Randy's aunt, the Director decided that the Centre would stop monitoring Randy's calls with her. This decision would also apply to Randy's uncle.

A staff member explained the Director's decision to Randy and we followed up with him to make sure he was aware the restrictions were removed. With the complaint settled, we closed our file.



INCOME & BENEFITS

A step in the right direction

Ministry of Children and Family Development

Addressing an error in a single case can reduce the chance of repetition.

Kylie contacted us when she found out that the Delegated Aboriginal Agency (DAA) responsible for her personal guardianship failed to notify the Public Guardian and Trustee (PGT) of her parent's death while she was in the ministry's care.

The PGT did not find out about Kylie's parent's death until nine years later. As a result, the PGT was only able to recover one year of retroactive Canada Pension Plan (CPP) Surviving Child's Benefits due to federal government policy.

The PGT calculated Kylie's financial loss to be \$23,000. While the PGT attempted to have the DAA compensate Kylie for her loss, it was unable to resolve the matter before she aged out of care.

Our office investigated whether the DAA was liable for failing to notify the PGT of Kylie's parent's death in a timely manner.

Based on the information provided to us from the DAA, we identified that there had been significant progress made in addressing this matter.

DAA staff had reviewed Kylie's file and determined standards had not been followed when recording her parent's death and notifying the PGT. The DAA accepted liability for Kylie's financial loss and agreed to pay her the full amount of her financial loss.

The DAA also confirmed they had been in contact with Kylie and that she was aware she would be reimbursed.

With respect to the administrative procedures that led to the error, DAA staff advised our office that a review of the circumstances that led to the gap had been completed. This led to the DAA following up with all guardianship staff to reinforce the importance of recording and reporting key information in a timely manner. Additionally, a working group with the PGT had been initiated to review the information sharing process between the two organizations with the aim of improving and better connecting their organizations.

As it appeared that the DAA had taken adequate steps to address the matter, we closed our file.

It's in the mail

Ministry of Social Development and Poverty Reduction

Making things right can involve going the extra mile.

EARLY RESOLUTION

Danni's 40-year-old son, Will, who was training for the Special Olympics, didn't receive his bus pass sticker for his Translink Compass Card. The bus pass sticker usually arrived at the end of the month, but it never came. Danni and Will called the Ministry of Social Development and Poverty Reduction (MSDPR) to figure out why the sticker hadn't been mailed. The first agent they spoke to didn't know the details of the Bus Pass Program and told Danni that she was unable to speak with her without Will's written consent. Danni tried calling MSDPR again with no luck. On her third attempt, the staff member told her that Will could give verbal consent to speak to her. She also told her that the bus pass sticker had been sent to the wrong address and if they didn't receive it by the end of the month, to call back.

Frustrated about the missing bus pass sticker and the lack of service quality, Danni contacted us for assistance.

We facilitated contact between Danni and a manager at MSDPR to resolve some of the issues she was experiencing advocating for Will. A few days after we spoke to MSDPR, Danni received a call from a supervisor who confirmed the bus pass sticker had been resent. The supervisor informed Danni that she would call her to confirm that they received the sticker and gave her her direct number in case she had any questions. She also personally prepared and

mailed the consent forms, and sent Danni the same information via My Self Service, MSDPR's online communication platform.

Shortly after contacting us, Will received his bus pass sticker and we closed the file.

“What a relief!”

– WILL



Debt resolved

Ministry of Social Development and Poverty Reduction

Confusion about who is responsible for what can result in an unfair outcome.

Steve's power had been turned off and he didn't understand why. He called his electricity supplier, Fortis BC and was informed that he owed nearly \$2,000. Steve was confused by this response because the Ministry of Social Development and Poverty Reduction (MSDPR) paid his Fortis bills directly.

Steve contacted MSDPR to ask for a utility crisis supplement to help pay his utility bill after he received the disconnection notice but his request was denied as the debt was not considered an unexpected expense.

Not knowing why he had accrued a large debt with Fortis, and worried because he had no heat and no way to cook Steve reached out to us for help.

We looked into whether MSDPR followed a fair process in communicating with Steve about his Fortis bills. We spoke to a Community Relations and Service Quality

Manager at MSDPR about the debt. MSDPR then contacted Fortis BC and learned that Steve's monthly bill had increased by \$100 more than one year before, from \$182 to \$282. As MSDPR was unaware of the increase, it had been paying the lower amount each month, leading to the debt on his account. MSDPR told us that it was Steve's responsibility to update them about the rate change and that he had failed to do so. However, Steve had literacy issues and Fortis sent monthly billing statements to his spouse's email account, an account he did not have access to. Upon learning of his situation, MSDPR agreed to pay Fortis \$1500 towards Steve's debt, as well as a \$500 utility deposit, so Steve's power could be turned back on. They also confirmed with Steve the amount to be paid from his monthly income assistance cheques moving forward.



Stepping in to help

Ministry of Social Development and Poverty Reduction

A key part of fair service is making information accessible.

Missy requested a crisis grant from the Ministry of Social Development and Poverty Reduction (MSDPR) because she had no money to pay for food, diapers or her upcoming rent. She called MSDPR several days after making the request to ask for an update but she was told that her request was not considered urgent and her application would take several more days to process.

Missy had requested another crisis grant for help with buying clothing earlier in the month, but had not heard anything from MSDPR about that request either.

Concerned that her applications were being delayed, Missy contacted us.

We spoke to a supervisor at MSDPR who agreed to review the file. The supervisor discovered that Missy had in fact made three recent requests for crisis grants: one for clothing, one for food and one for shelter.

The supervisor told us that Missy's clothing grant request had been approved and was ready to pick up but it did not appear that staff had called Missy. The supervisor also said that the food crisis grant request was still under review by staff but she wanted to ensure that the process was completed accurately so she stepped in to help and the grant was approved.

Finally, the supervisor explained that MSDPR wasn't able to process Missy's shelter grant unless her rent was overdue. The rules require that a person must be unable to meet an expense at the time the expense is due before MSDPR can issue a crisis grant.

The supervisor told us she would have a staff member call Missy to explain the situation with each of her crisis grant requests and to let her know that two were approved and ready for pick-up.

We followed up with Missy to ensure she received and understood the information from MSDPR and she let us know that she did.

As MSDPR processed Missy's crisis grant requests and contacted her to explain the situation we concluded that reasonable steps had been taken to respond to the unfairness issues identified. As a result, we ceased our investigation and closed our file.





SENIORS

Extension granted

BC Housing

For decisions to be fair it's important that they are based on accurate and relevant information.

Jan applied to BC Housing for a Home Adaptation For Independence (HAFI) grant to have her bathtub replaced with a safer one due to balance issues she was experiencing following a stroke. The HAFI fund provides money for low-income seniors to undertake necessary home adaptations due to their changing physical capabilities.

BC Housing approved Jan's application, which was valid for 90 days. However, Jan's contractor was unable to complete the work in that timeframe. Jan requested and was granted an extension by BC Housing.

Jan's contractor then fell ill and was unable to replace the bathtub by the new deadline. When she asked for a second extension, BC Housing denied it. When she asked why, a staff member told her it was because she already had two previous extensions.

Jan said she only had one previous extension and appealed the decision, however, BC Housing denied her appeal.

Feeling she was being treated unfairly, Jan reached out to us for help.

As part of our investigation, we spoke to BC Housing's Privacy, Access and Quality Manager to discuss Jan's case. After reviewing Jan's file, BC Housing decided to grant Jan an additional extension so she could complete the project.

We called and confirmed that Jan received a letter from BC Housing informing her of the decision.

Given that BC Housing agreed to grant Jan an extension, we ended our investigation and closed the file.



CORRECTIONS

A new health service provider lacked a policy

Provincial Health Services Authority

Developing fair policies and practices prior to administrative changes can prevent problems from reoccurring.

Ray was in the midst of pre-release planning from the North Fraser Pretrial Centre (NFPC). He was concerned that the Provincial Health Services Authority (PHSA) hadn't provided him with a community transition of Opioid Agonist Therapy (OAT) in the form of methadone for this release. This meant that Ray would be responsible to pay for the OAT program but he lacked the funds to do so.

Not only did Ray feel it was unfair for him to be denied a key transition service, he also felt like he was being placed in a very vulnerable position. He called us to help.

The PHSA informed us that while he remained at the centre, they had written a re-order to continue Ray's methadone prescription for 28 days after his release. However, a nurse missed his discharge date and the community transition did not occur. If this error had not occurred, a post-release prescription would have been written and sent to a pharmacy of Ray's choosing.

At the time of Ray's release, the PHSA had just become responsible for administering healthcare services in BC correctional centres. As a result, the PHSA lacked a formal policy on how to deal with situations like Ray's and the lack of policy resulted in the nurse's error.

As a result of Ray's complaint and our investigation, the PHSA developed and implemented new policies to prevent similar situations from arising in the future.

This, however, was of no help to Ray personally. We asked the PHSA to write and apologize for its error, explain what happened and the steps they had taken to prevent a similar situation from happening in the future. The PHSA agreed.

Ray's complaint led the PHSA to focus its attention on this matter and assisted in the improvement of procedures benefiting inmates across British Columbia.

A fair, yet unfortunate situation

Ministry of Public Safety and Solicitor General, Okanagan Correctional Centre

Despite following a fair process, simple reminders to staff can be beneficial.

Ryder was incarcerated due to an outstanding child support debt payable to the Family Maintenance Enforcement Program (FMEP). He believed his release date, with a sentence reduction for good behaviour, was in four weeks based on BC Corrections' client management system. He said this release date had also been confirmed by several BC Corrections employees.

However, Ryder was informed later that individuals convicted of FMEP-related offences were not eligible for sentence reductions. This meant his release date was actually in eight weeks' time, double what he had anticipated.

Frustrated, and feeling that it was unfair that he was told on several occasions that his release date would be much earlier, Ryder contacted us.

We investigated whether the Okanagan Correctional Centre (OCC) followed a reasonable procedure regarding Ryder's release date.

Over the course of our investigation, we reviewed several laws, including the *Corrections Act*, the *Family Maintenance Enforcement Act* and the

Offence Act. Based on our review, we confirmed that individuals incarcerated under certain sections of the *Family Maintenance Enforcement Act* are ineligible for sentence reduction by way of remission. Therefore, OCC had not acted unreasonably when they advised Ryder of the correct release date.

The sentence calculation screen in CORNET, BC Corrections' client management system, incorrectly displayed Ryder's release date. However, there was an override showing a later date with a note stating that Ryder was not eligible for sentence reduction because of the reason he was incarcerated.

Still, Ryder claimed that he was originally provided with the wrong release date. The OCC acknowledged Ryder's reason for incarceration was rare and agreed to remind staff that inmates incarcerated under this FMEP offence are not eligible for remission.

While we understood Ryder's frustration with his situation, as OCC had taken steps to reduce the likelihood of future miscommunication, we discontinued our investigation.



A special diet of special importance

Ministry of Public Safety and Solicitor General, Prince George Regional Correctional Centre

An inmate's complaint led to the development of a formalized policy and additional training.

While detained at the Prince George Regional Correction Centre (PGRCC), Dan, who has celiac disease and is allergic to tomatoes and oranges, believed he was being served food that was making him ill.

When he arrived at the PGRCC he was told he would receive a gluten-free diet, but he felt he was being exposed to gluten. Dan spoke to several correctional officers, who told him that they would help to resolve the issue. While the food Dan was being served did improve, he continued to have concerns. He believed he was still being exposed to gluten as well as to tomatoes and oranges on occasion. He also didn't feel that the gluten-free substitutes he was served were the caloric equivalent to the normal diet being served.

Feeling the kitchen wasn't taking his dietary restriction seriously, Dan contacted us.

We reviewed records relating to Dan's complaint, including his client log, his inmate complaint forms and his healthcare records during his time at PRGCC. We also spoke to the warden about his concerns.

The warden noted a medical alert was entered on Dan's file when he arrived and that he was put on a diet free of gluten, tomatoes and oranges. Further, the warden explained that the kitchen manager ensures detainees on gluten-free diets receive calorie-equivalent meals. The warden also explained that the kitchen manager substitutes oranges with different fruit and prepares soup specifically for Dan to accommodate his allergies.

The kitchen manager acknowledged that gluten contamination had occurred on one occasion; an error that Dan brought to their attention.

We requested that the PGRCC review its process for providing meals to inmates with special diets for medical reasons. PRGCC agreed and ensured that its process would be consistent with other centres across the province as well as with advanced food-safety standards.

As a result of this investigation, cooks at the PGRCC were required to complete a course on advanced food-safe training. The PRGCC also developed a formalized process for special diets and incorporated it into its standard operating and training procedure.

The PRGCC addressed the unfairness identified and as such, we closed our investigation.



ENVIRONMENT

Paper, what paper?

Agricultural Land Commission

Accommodating differences is one way to ensure fairness.

Dawn applied to the Agricultural Land Commission (ALC) to have her property removed from the Agricultural Land Reserve. Her application was declined because she submitted it in paper form. Pursuant to section 15 (1) of the Agricultural Land Reserve General Regulation, the ALC can determine what an acceptable form of submission is and only electronic applications were accepted.

Feeling that this policy was unfair, Dawn contacted us.

Our investigation determined that the ALC did not have an accommodation policy with respect to what was an acceptable method to submit applications. The ALC explained the electronic submissions process was relatively new and Dawn's complaint was the first.

As a result of our investigation, we recommended that the ALC:

- develop an accommodation policy to consider non-electronic submissions in certain circumstances; and,
- allow Dawn to submit her application in paper form, given a policy was not yet in place to assess whether her circumstances merited accommodation.

The ALC agreed to develop an accommodation policy and Dawn's application was accepted for consideration.





TRANSPORTATION

Taking another look

ICBC

Sometimes a second look can lead to a new decision.

Jen was found to be 100% at fault by ICBC for a hit and run accident on an unattended, parked car. Jen was also issued a hit and run ticket by the RCMP for failing to remain at the scene of an accident based on a witness report. However, Jen claimed that she was in another part of town, without her car, when the incident occurred.

When the RCMP inspected Jen's vehicle and found no damage, she decided to dispute the hit and run ticket believing that if the court found in her favour, ICBC could not find her liable for the accident. The ticket was dismissed, so Jen approached ICBC to withdraw its liability decision and was informed that their decision was not linked with the RCMP ticket. Additionally, it was now too late for her to dispute the accident liability decision and ICBC would not reconsider its decision.

With ICBC finding Jen liable, and because she had also been involved in two other accidents in the past three years, she was being charged a multiple crash premium; a premium she could not afford to pay.

Feeling ICBC was being unreasonable, Jen contacted us for help.

We investigated whether ICBC followed a reasonable process when finding Jen liable for the accident.

Through the course of our investigation, we learned that ICBC based its liability decision on an RCMP report that included a detailed witness statement identifying Jen's vehicle as being involved in the hit and run. Jen submitted a letter denying the allegations made but ICBC sided with the witness statement made to the RCMP. We also learned that ICBC did not interview the witness themselves, nor did they inspect Jen's vehicle when it made the decision. ICBC also did not reconsider its decision in light of the court's dismissal of the RCMP-issued ticket.

During our investigation, ICBC reviewed Jen's file. Realizing their decision was unfair, they chose to reverse it. ICBC's reconsideration settled the issue of unfairness and we closed our file.



Applying a new process to a prior claim

ICBC

How a new process changed an unfair decision.

Susie was out running a few errands and parked her car downtown. The next day, she noticed her car was damaged. Susie called ICBC to report the damage and was provided with a hit and run claim number so she took her car into the shop for repairs. Later the same day, ICBC called and explained there was no evidence of a hit and run so her claim could not be filed. ICBC recommended that she claim the damage under her collision policy and was assured that doing so would not affect her premiums. Susie gave the shop the go-ahead to proceed with the repairs.

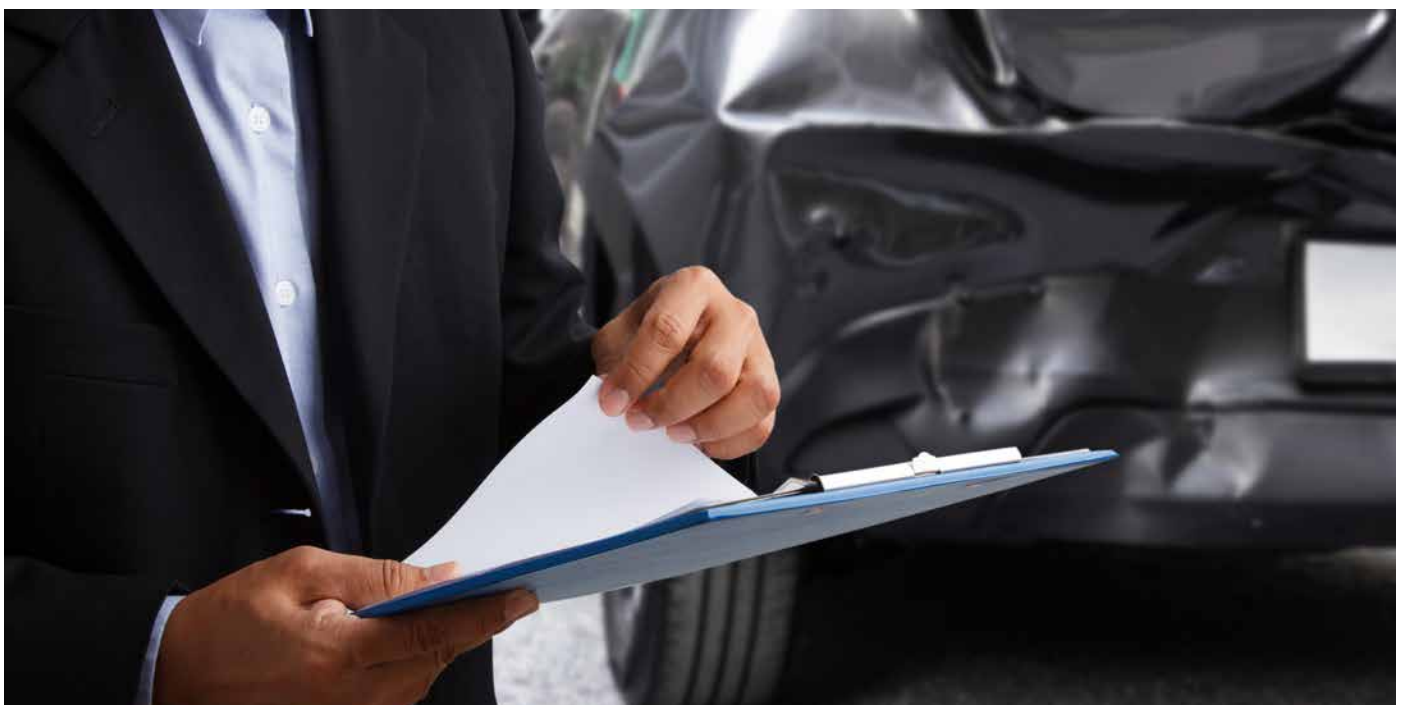
The following week, Susie was surprised to receive a letter from ICBC indicating she was found 100% liable for the damage and that she was required to pay a \$300 deductible. The letter also noted that her premiums could be affected in the future.

After trying to resolve the issue with ICBC directly, Susie learned that the estimator indicated that the

damage to her vehicle appeared to be from a bicycle rack or other object hanging on the tailgate being backed into something. Susie didn't own a bike rack or any other object that hung off her tailgate. Not getting anywhere with ICBC, Susie reached out to us.

We asked ICBC a number of questions regarding Susie's complaint and also reviewed ICBC's damage claim assessment policies. ICBC explained that it was developing a new process for assessing these types of claims and that under this new process a Material Damage Manager was to review the damage before any final decision was made on a hit and run claim.

ICBC applied the new process to Susie's case. A Material Damage Manager reviewed Susie's file and decided that it was possible that the damage had been caused by a hit and run. ICBC agreed to accept her claim and we closed our file.





LOCAL GOVERNMENT

A lesson in transparency

District of Fort St. James

Partial compliance isn't a complete answer.

Valerie contacted us about the District of Fort St. James. The District was holding closed meetings but not making the meeting minutes available to the public. Valerie felt that the District's actions were in violation of the *Community Charter*.

Valerie had spoken with the former interim Chief Administrative Officer about the matter and attended a council meeting where her questions went unanswered.

Frustrated with the District's lack of transparency, Valerie reached out for help.

We reviewed the District's Procedures Bylaw and noted it was silent about procedures to be followed in closing council or other meetings to the public and about reporting decisions made in closed meetings.

We spoke to the District about this issue and were told it complied with sections 89 and 90 of the *Community Charter*, which sets out exceptions for holding open meetings. However, when we reviewed the council meeting agendas, with the exception of one meeting, we found the agendas did not identify the in-camera item as required by the *Community Charter*.

The District referred us to several meeting minutes which did record a resolution to go in-camera as well as the relevant *Community Charter* citation. It did not provide any further detail about what was discussed or the decisions made.

The District also informed us that it provides notice of meetings via email. However, members of the public must contact the District Office to add their names to the email list. We were unable to find any information about this practice on the District's website.

The BC Ombudsperson's Report ***Open Meetings: Best Practices Guide For Local Governments*** points out that regular council meeting agendas should contain a standing item called *Notice of In-Camera Meeting*. The guide also recommends that open council meeting agendas should be posted on the District's website in advance of meetings. This way, the public is notified in advance that a portion of an open regular council meeting is proposed to be closed.

To resolve the unfairness identified, we asked the District to:

- revise its Procedures Bylaw to correct the process used to close meetings;
- review closed meeting minutes for release in a timely manner;
- update training materials to reflect the procedural changes; and,
- post information on its website about how to receive council and other meeting minutes via email.

The District agreed to our recommendations. With the issue of unfairness resolved, we closed our file.

An unclear waiver

District of 100 Mile House

Discretion is important in decision making but criteria can assist how it is used.

Ricki was concerned that the District of 100 Mile House had not followed its Purchasing Policy in awarding a forestry contract. As a forester who lives in the area, she would have liked to have had the opportunity to bid on the contract, but the opportunity wasn't advertised.

Feeling that the process followed was unfair, Ricki contacted us.

We investigated whether the District followed a fair process in awarding the contract. At the outset of our investigation, the District acknowledged that its Purchasing Policy was not followed in this case because of council's direction to waive it. The decision to retain the current contractor was not made by means of a formal resolution. The District acknowledged that this was regrettable.

While we appreciated the District's willingness to acknowledge its error, our review of the Purchasing Policy also raised concerns about the scope of the discretion to waive the policy's requirement of a competitive process. The District's Manual gave council the broad discretion to authorize a direct purchase in any circumstance they considered appropriate. There did not appear to be direction to assist in determining what "appropriate" factors should be considered.

One of the purposes of a purchasing policy is to ensure that local governments can effectively budget for required service expenses. The general statement of the District's Policy and Procedures Manual indicates that services will be selected based on the best interest of the District. While price is not the only factor, it is an important factor in managing the District budget.

We also reviewed the purchasing policies of comparable local governments of a similar size to the District and found that those procurement policies did not have the same broad discretion for exclusions.

We were concerned that the District's Purchasing Policy did not establish clear parameters to waive the District's requirement of a competitive process. As such, we asked the District to revise the Policy and Procedures Manual to include the types of circumstances that would be considered appropriate for exemptions. The District agreed and the Purchasing Policy was forwarded to its legal counsel to prepare clear and understandable parameters around the council's ability to exercise its discretion in this area. Based on the council's update of the Purchasing Policy, we considered the fairness issues identified to be resolved and we closed our investigation.

A complaint about a complaints process

City of Surrey

Providing a clear explanation of how an error was made and the steps taken to rectify the issue is key to a good complaint handling process.

Joey contacted our office because he was concerned with how the City of Surrey (the City) had responded to his complaint about business licensing.

Joey discovered that his business had been removed from the City's Full Business Directory list. He contacted the City to sort the issue out but staff were unable to explain to him why his business had been removed. After bringing his concern forward, Joey's business was added back to the list but he was concerned that he was never notified.

Frustrated with the City's handling of his complaint, Joey reached out to us for assistance.

We reviewed the communication between Joey and the City's staff, its internal staff communications as well as the City's account of its handling of his complaint. We also looked into the City's Business Licence Program and the purpose of the Directory. The City's Business

Licence flowchart describes how it responds to business licensing questions and complaints and how it is informed by the City's Business Licence Bylaw. Based on our review, it appeared that the City tried to address Joey's complaint and the steps taken were in line with their typical practice. The City advised us that its Business Licensing Supervisor had followed up with Joey and apologized for the inconvenience. However, there was no evidence the City had provided Joey with an explanation about why the error occurred or any steps it had taken to avoid this from happening again.

To resolve this, we asked the City to send Joey a letter explaining why his business was left off of the Directory and to outline what measures the City had taken to reduce the likelihood of this problem happening again. The City agreed and we considered this matter settled.





WORK

An unfair delay

BC College of Nursing Professionals

An unreasonable delay can cause significant unfairness.

Elena, a licensed nurse, was being investigated by the BC College of Nursing Professionals (the College) after a complaint was brought forward against her in the summer of 2017.

The College's Inquiry Committee (IC) reviewed the results of the investigation and found that Elena had not acted professionally in certain matters. They requested that Elena agree to certain corrective actions by way of a Consent Agreement, an agreement Elena refused to sign.

In the Spring of 2018, the College informed Elena that a second investigation was being initiated based on allegations that she had disclosed confidential documents from the first investigation into her conduct. In January 2019, Elena received a letter from the College stating that the second investigation had been delayed because she had refused to sign the Consent Agreement. Elena inquired several times about the status of the investigation as well as why it was taking so long but Elena felt that the College's responses were lacking.

Concerned about the impact of the delays on her professional life, Elena contacted us for help.

Our investigation focused on whether the College followed a fair process in investigating the allegations made against Elena.

Based on the *Health Professions Act*, the IC has 255 days from the date a complaint is made to complete

the investigation and settle the complaint, including extension periods. If the matter is not resolved within this timeframe, the IC must suspend its investigation for 30 days. During this time, a complainant can apply to the Health Professions Review Board (HPRB) for a review of the College's investigation due to delay otherwise they are required to wait for the College's final decision on the matter.

Elena was informed by the College via three letters written to her union representative about the investigation extensions. Elena never received the letters and the investigation entered the mandatory 30-day suspension period. Because Elena never received notice, she did not apply to the HPRB for a review. We raised concerns with the College about the delays and highlighted that the licence restrictions were having a negative impact on Elena's professional life.

The College explained to us that the delays were due to a number of different factors, including the amalgamation of three separate regulatory bodies, a change in the investigator and the external legal counsel's schedule. Still, the delay was unfair to Elena and we asked the College to schedule Elena's disciplinary hearing as soon as was reasonably possible and to apologize to her for the delays.

The College agreed and set a hearing date for Elena. They also wrote a letter of apology to her. As the administrative fairness issues had been addressed, we closed our investigation.



EDUCATION

Advocates allowed

School District 68 (Nanaimo)

Demonstrating some flexibility is often enough to resolve a procedural logjam.

Kim disagreed with School District 68's decision to restrict her son, Ben, to part-time attendance at school as part of the District's plan to better integrate Ben into the school environment.

Kim scheduled an appeal hearing with the Board of Trustees but complained that the District was unfairly limiting the number of advocates that she could have attend and speak on Ben's behalf.

Kim had asked for three advocates to attend the hearing but the District told her they would only permit two. She also wanted two of the advocates to speak on Ben's behalf but was told that only she and her husband or an advocate would be allowed to speak.

Kim asked the School District to explain the reasons for its decision and after receiving the District's response, Kim contacted us for help.

The focus of our investigation was whether the School District followed a fair process in responding to Kim's requests and whether it provided adequate reasons for their decisions.

We reviewed the relevant provisions of the *School Act* and related School District Bylaw and Administrative Procedures. We also spoke to the School District's Secretary Treasurer about the Bylaw and Administrative Procedures.

The School District told us there were concerns about the family's privacy if too many advocates attended the hearing. We questioned whether this explanation was reasonable because the proposed attendees had been present at earlier stages of the appeal process and were otherwise involved with the family's appeal.

Based on the correspondence we reviewed, we did not think the School District had provided Kim with adequate reasons for the decisions made regarding the appeal hearing restrictions.

Following our conversation, the Secretary Treasurer told us that the District reconsidered the issues and decided that Kim could have additional support people at the hearing within reason and that one additional representative would be permitted to speak at the hearing in addition to Kim and her husband. The Secretary Treasurer also said she would write to Kim with a clear explanation of these decisions.

As the District reconsidered its decisions in line with what their policy permitted and what was reasonable in the circumstances and clearly explained its decisions to Kim, we were satisfied the fairness issues we identified were addressed.

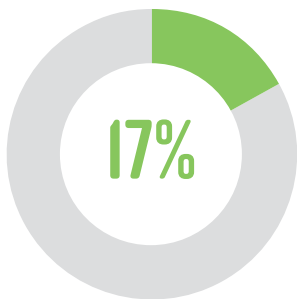
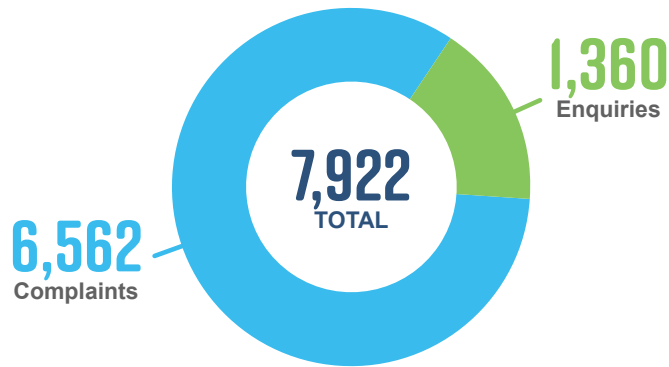


THE YEAR IN NUMBERS

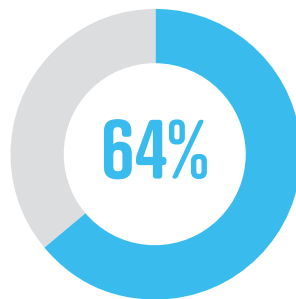


Work at a Glance in 2019/2020

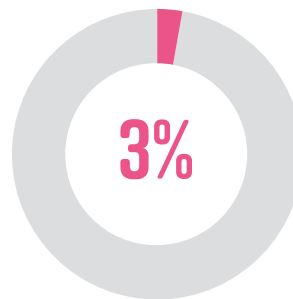
COMPLAINTS AND ENQUIRIES RECEIVED



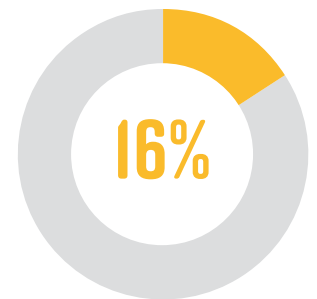
Enquiries



Complaints addressed and closed by intake



Complaints assigned to an early resolution officer



Complaints assigned to an investigator

How We Received Complaints and Enquiries in 2019/20



5,285

Phone



1,710

Online



822

Mail



105

In person

The Concerns People Contacted Us About

2,422

Decision or Outcome

1,542

Process or Procedure

1,130

Communication

778

Treatment by Staff

639

Delay

402

Review or Appeal Process

443

Other

263

Accessibility

260

Administrative Error

43

Employment or
Labour Relations

Top Complaints and Enquiries by Public Body

TOP MINISTRY COMPLAINTS AND ENQUIRIES



597

Ministry of Children and Family Development
(up from **↑ 564** last year)



583

Ministry of Social Development and Poverty Reduction
(down from **↓ 641** last year)



440

Ministry of Public Safety and Solicitor General
(up from **↑ 318** last year)

TOP NON-MINISTRY COMPLAINTS AND ENQUIRIES



567

Health Authorities
(up from **↑ 425** last year)



534

ICBC
(up from **↑ 332** last year)



263

Workers' Compensation Board
(up from **↑ 196** last year)

Top 20 Authorities in 2019/2020

By Number of Complaints and Enquiries Received

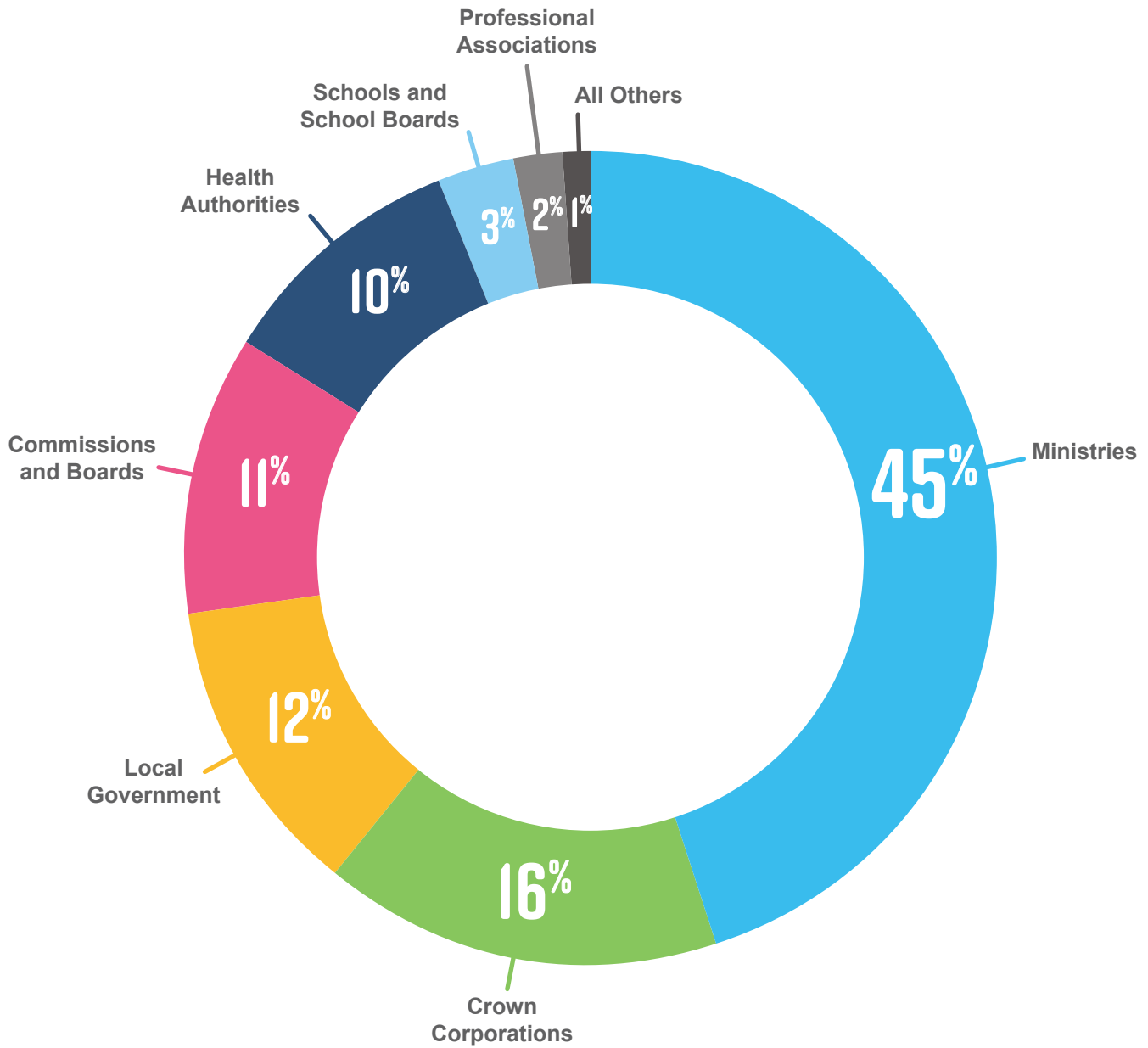
Authorities	Complaints and Enquiries Received
Ministry of Children and Family Development	597
Ministry of Social Development and Poverty Reduction	583
ICBC	534
Ministry of Public Safety and Solicitor General	440
Ministry of Health	288
Workers' Compensation Board	263
Ministry of Attorney General	214
BC Hydro and Power Authority	171
Ministry of Municipal Affairs and Housing	166
Fraser Health	130
Island Health	123
Provincial Health Services Authority	113
Vancouver Coastal Health	110
Ministry of Finance	108
BC Housing	96
City of Vancouver	96
Public Guardian and Trustee	72
Law Society of British Columbia	61
Community Living BC	58
Interior Health	55
Total	4,278

COMPLAINTS AND ENQUIRIES RECEIVED ABOUT THE
TOP 20 AUTHORITIES REPRESENT

54%

OF ALL COMPLAINTS AND
ENQUIRIES RECEIVED

Jurisdictional Complaints and Enquiries Received By Authority Category



Jurisdictional Complaints and Enquiries Received – By Authority Category

Ministries (45%)	
Children and Family Development	597
Social Development and Poverty Reduction	583
Public Safety and Solicitor General	440
Health	288
Attorney General	214
Municipal Affairs and Housing	166
Finance	108
Forests, Lands, Natural Resource Operations and Rural Development	36
Labour	34
Other Ministries	141

Crown Corporations (16%)	
ICBC	534
BC Hydro	171
BC Housing	96
Community Living BC	58
BC Assessment	30
Other Crown Corporations	19

Local Governments (12%)	
City of Vancouver	96
City of Surrey	37
City of Victoria	23
City of Kelowna	22
District of Saanich	21
Regional District of Central Kootenay	15
City of Burnaby	13
City of Nanaimo	13
Other Local Government	419

Commissions and Boards (11%)	
Workers' Compensation Board	263
Public Guardian and Trustee	72
Human Rights Tribunal	26
Workers' Compensation Appeal Tribunal	24
Legal Services Society	23
Civil Resolution Tribunal	20
Motor Vehicle Sales Authority	17
Agricultural Land Commission	15
Real Estate Council	15
Translink	15
Other Commissions and Boards	151

Health Authorities (10%)	
Fraser Health	130
Island Health	123
Provincial Health Services Authority	113
Vancouver Coastal Health	110
Interior Health	55
Northern Health	36

Schools and School Boards (3%)	
School District 44 (North Vancouver)	28
School District 61 (Greater Victoria)	17
School District 39 (Vancouver)	14
School District 36 (Surrey)	11
Other Schools and School Boards	79

Professional Associations (2%)	
Law Society of British Columbia	61
College of Physicians and Surgeons of BC	22
BC College of Nursing Professionals	14
Other Professional Associations	33

All Others (1%)	
Universities	47
Colleges	26
Parks Boards	7
Libraries	4

Complaints and Enquiries Received By Electoral District

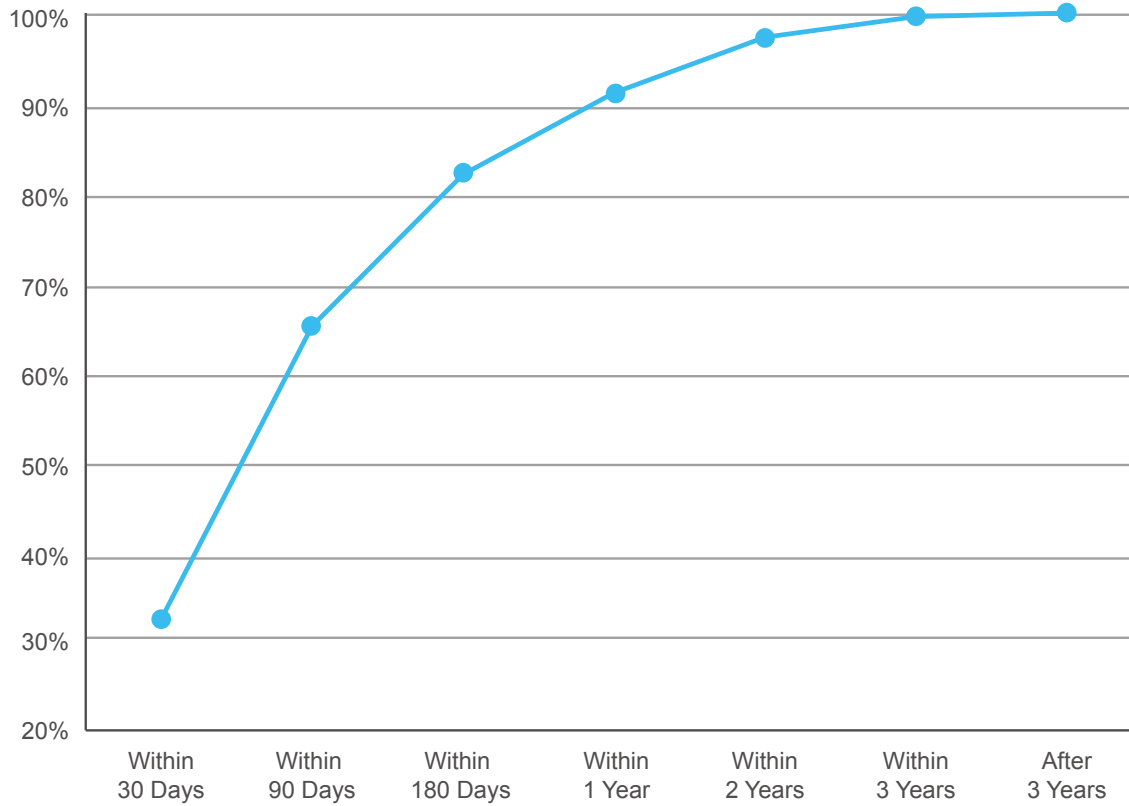
#	Electoral District	Received
1	Abbotsford South	54
2	Abbotsford West	32
3	Abbotsford-Mission	43
4	Boundary-Similkameen	150
5	Burnaby North	31
6	Burnaby-Deer Lake	41
7	Burnaby-Edmonds	52
8	Burnaby-Lougheed	29
9	Cariboo North	39
10	Cariboo-Chilcotin	65
11	Chilliwack	79
12	Chilliwack-Kent	62
13	Columbia River-Revelstoke	34
14	Coquitlam-Burke Mountain	37
15	Coquitlam-Maillardville	64
16	Courtenay-Comox	56
17	Cowichan Valley	89
18	Delta North	21
19	Delta South	34
20	Esquimalt-Metchosin	76
21	Fraser-Nicola	56
22	Kamloops-North Thompson	85
23	Kamloops-South Thompson	72
24	Kelowna West	70
25	Kelowna-Lake Country	78
26	Kelowna-Mission	60
27	Kootenay East	44
28	Kootenay West	57
29	Langford-Juan de Fuca	54
30	Langley	46
31	Langley East	39
32	Maple Ridge-Mission	47
33	Maple Ridge-Pitt Meadows	92
34	Mid Island-Pacific Rim	94
35	Nanaimo	78
36	Nanaimo-North Cowichan	77
37	Nechako Lakes	28
38	Nelson-Creston	65
39	New Westminster	58
40	North Coast	24
41	North Island	54
42	North Vancouver-Lonsdale	29
43	North Vancouver-Seymour	30
44	Oak Bay-Gordon Head	64

#	Electoral District	Received
45	Parksville-Qualicum	58
46	Peace River North	50
47	Peace River South	45
48	Penticton	91
49	Port Coquitlam	88
50	Port Moody-Coquitlam	25
51	Powell River-Sunshine Coast	56
52	Prince George-Mackenzie	86
53	Prince George-Valemount	67
54	Richmond North Centre	27
55	Richmond South Centre	12
56	Richmond-Queensborough	33
57	Richmond-Steveston	29
58	Saanich North and the Islands	77
59	Saanich South	106
60	Shuswap	74
61	Skeena	46
62	Stikine	35
63	Surrey South	44
64	Surrey-Cloverdale	35
65	Surrey-Fleetwood	39
66	Surrey-Green Timbers	25
67	Surrey-Guildford	32
68	Surrey-Newton	36
69	Surrey-Panorama	114
70	Surrey-Whalley	53
71	Surrey-White Rock	73
72	Vancouver-Fairview	45
73	Vancouver-False Creek	86
74	Vancouver-Fraserview	29
75	Vancouver-Hastings	36
76	Vancouver-Kensington	26
77	Vancouver-Kingsway	36
78	Vancouver-Langara	42
79	Vancouver-Mount Pleasant	96
80	Vancouver-Point Grey	34
81	Vancouver-Quilchena	21
82	Vancouver-West End	46
83	Vernon-Monashee	75
84	Victoria-Beacon Hill	114
85	Victoria-Swan Lake	74
86	West Vancouver-Capilano	29
87	West Vancouver-Sea to Sky	50

Total 4,784

Note: These numbers do not include complaints and enquiries where the electoral district could not be obtained.

Length of Time to Close Investigative Files



	2019/2020*		Cumulative Closures %
Closed in 30 Days	377	32.4%	32.4%
Closed in 31 to 90 Days	381	32.7%	65.1%
Closed in 91 to 180 Days	196	16.8%	82.0%
Closed in 181 Days to 1 Year	116	10.0%	91.9%
Closed in 1 to 2 Years	63	5.4%	97.3%
Closed in 2 to 3 Years	26	2.2%	99.6%
Closed in more than 3 Years	5	0.4%	100%

* Elapsed time does not include time before a matter is assigned to an investigator.

Public Interest Disclosure Report for the Office of the Ombudsperson

Statistics regarding disclosures of wrongdoing and reprisal complaints received by the Office of the Ombudsperson from current and former public sector employees of provincial government ministries and the independent offices were reported in the 2019/2020 Public Interest Disclosure Annual Report.

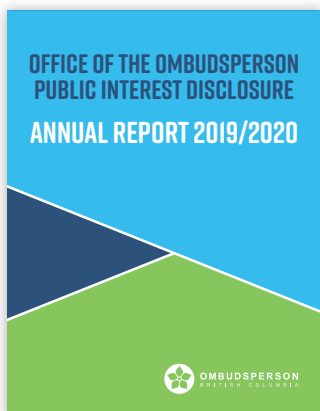
There are two avenues for reporting wrongdoing under the *Public Interest Disclosure Act* (PIDA) – within an employee’s organization or externally to the Ombudsperson.

For Ombudsperson employees disclosing wrongdoing about the Office of the Ombudsperson, that external option is the Office of the Auditor General.

PIDA requires that the Office of the Ombudsperson, as a public body covered by the Act, report the number of disclosures that it has received. PIDA also requires the Ombudsperson to report the number of disclosures received by the Auditor General about the Ombudsperson’s office, if the Ombudsperson has been notified of those disclosures.

For the reporting period of December 1, 2019 to March 31, 2020, the following information was reported:

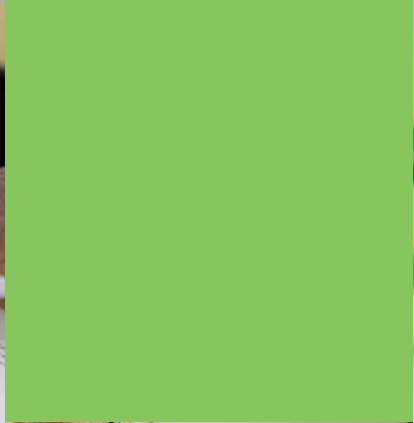
Section 38 (1)	
Disclosures of wrongdoing in respect of the Office of the Ombudsperson:	0
Section 38 (2)	
(a) the number of disclosures received, including referrals of disclosures:	0
and the number acted on:	0
and not acted on:	0
(b) the number of investigations commenced as a result of a disclosure:	0
(c) in the case of an investigation that results in a finding of wrongdoing	0
(i) a description of the wrongdoing,	
(ii) any recommendations, including those made by the Auditor General, and	
(iii) any corrective action taken in relation to the wrongdoing or the reasons why no corrective action was taken;	
(d) any other information prescribed by regulation	0



SPEAK UP. YOU CAN MAKE A DIFFERENCE.



STAFF AND FINANCES



OUR STAFF



OMBUDSPERSON'S LONG SERVICE AWARDS

The Ombudsperson recognizes dedication to the office each year for staff who reach milestones of service with the Office of the Ombudsperson. This year, the following staff members were recognized by the Ombudsperson with long service awards for achieving milestones during 2019/20.

5 years

Alycia Bockus-Vanin
Matthew Chapman
Leoni Gingras
Jaime Green
Elissa Hintz

Glenn Morgan
Lisa Phillips
Dave Van Swieten
Rachel Warren

10 years

Linda Blackman
Zoë Jackson
Katherine Jeakins
Dave Murray

LIST OF STAFF

The following were employed by the Office of the Ombudsperson as of March 31, 2020.

Agnello, Alexander
 Anderson, Krysty
 Barlow, Ross
 Bertram, Keir
 Bertsch, Jennifer
 Biscoe, Chris
 Blackman, Linda
 Blakeman, Candice
 Bockus-Vanin, Alycia
 Booth, Jennifer
 Bruch, Elizabeth
 Byrne, Wendy
 Cambrey, Brad
 Cavers, Stewart
 Chalke, Jay
 Chapman, Matthew
 Charles-Roberts, Rachel
 Chunick, Carly
 Clarke, Bruce
 Closson, Yvette
 Cox, Maegan
 Darling, Sara
 Davis, Harrison
 Downs, Dustin
 Edgar, Oliver
 Engbers, David
 Evans, Lisa
 Gardner, Victor
 Garnett, Andrew
 Garnett, Julia
 Giarraputo, Charisse
 Gingras, Leoni
 Gormican, Erin
 Graham, Rebecca
 Gray, Elizabeth
 Green, Jaime
 Greschner, John
 Haska, Christina
 Henderson, Mark
 Hillsburg, Heather
 Hintz, Elissa

Horan, Anne
 Jackson, Zoë
 Jeakins, Katherine
 Jones, Jennifer
 Laphorne, Jonathan
 Lopez-Ramos, Sergio
 Lyder, Róisín
 Macmillan, Zoë
 Mais, Julia
 Malan, Sarah
 Matheson, Deidre
 May, Andrea
 McCarthy, Jill
 McMillan, Christina
 McPherson, Colin
 Milligan, Sarah
 Morgan, Glenn
 Morris, Christine
 Moss, Michael
 Murray, David
 Ogroske, Susan
 Olsen-Maier, Meredith
 Paradiso, David
 Paul, Nathan
 Perkey, Debora
 Pollock, Julie
 Presnail, Megan
 Purewall, Jaspreet
 Railton, Crawford
 Skinner, Della
 Slanina, Sarah
 Sparks, John
 Stewart, Megan
 Thompson, Calvin
 Trahan, Stacy
 Warren, Rachel
 Wiltse, Heather
 Yanisch, Carol
 Van Swieten, David
 Vossen, Julia

Co-op Students

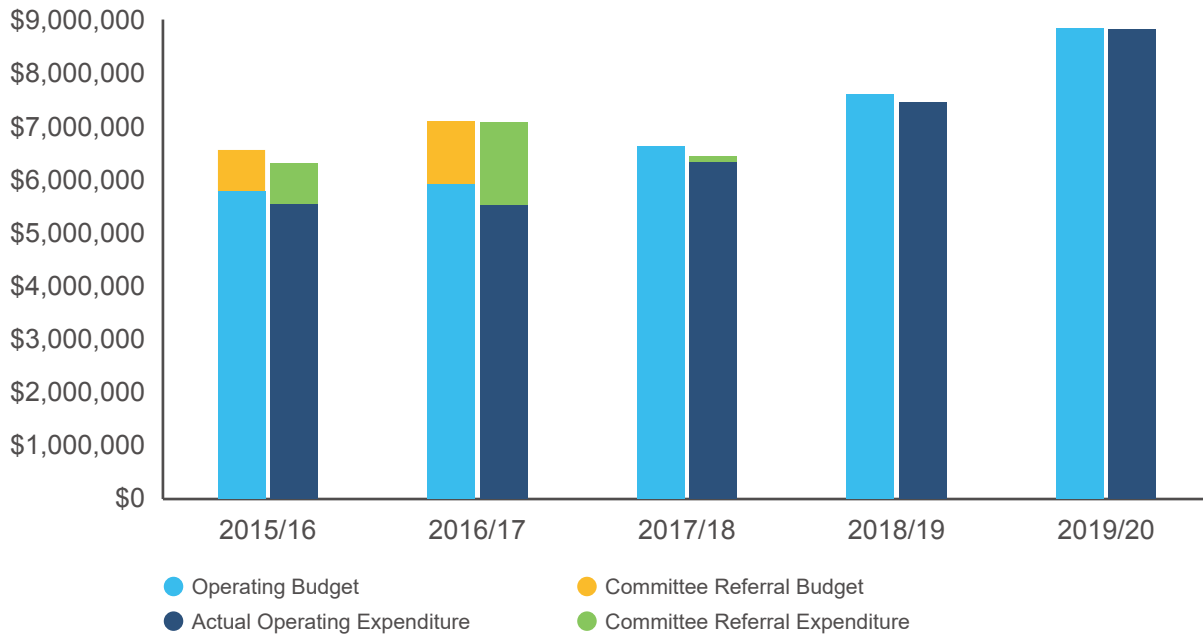
Co-op students joined the Office for four-month terms between April 1, 2019 and March 31, 2020.

Cobby, Emma
 Foster, David
 Kawaguchi, Joji
 Lusk, Maddie
 Maler, Arielle
 Prosser, Andrew
 Raymond, Merissa
 Starodub, Samuel
 Vasseur, Daphnee
 Zeleschuk, Lauren

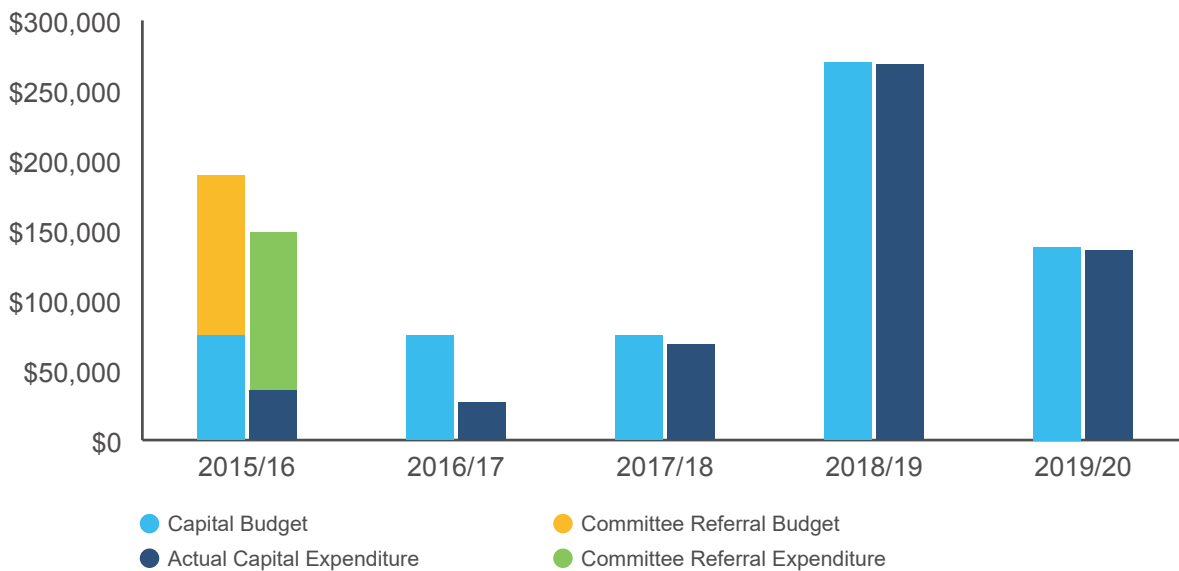
OUR FINANCES

The 2019/2020 annual operating budget for the Office of the Ombudsperson was \$8,873,000.

Operating Budget and Actual Expenditures by Fiscal Year



Capital Budget and Actual Expenditures by Fiscal Year



CASE SUMMARY AUTHORITY INDEX

PROVINCIAL GOVERNMENT MINISTRIES

MINISTRY OF ADVANCED EDUCATION AND SKILLS TRAINING

STUDENTAID BC 18

MINISTRY OF CHILDREN AND FAMILY DEVELOPMENT 53

BURNABY YOUTH CUSTODY CENTRE 52

MINISTRY OF HEALTH

HEALTH INSURANCE BC 46, 47, 48

MINISTRY OF PUBLIC SAFETY AND SOLICITOR GENERAL

OKANAGAN CORRECTIONAL CENTRE 59

PRINCE GEORGE REGIONAL CORRECTIONAL CENTRE 60

MINISTRY OF SOCIAL DEVELOPMENT AND POVERTY REDUCTION 19, 50, 54, 55, 56

CROWN CORPORATIONS

BC ASSESSMENT 51

BC HOUSING 57

BC HYDRO 41, 42, 43, 44

ICBC 21, 62, 63

LOCAL GOVERNMENT

CITY OF SURREY 66

DISTRICT OF 100 MILE HOUSE 65

DISTRICT OF FORT ST. JAMES 64

COMMISSIONS AND BOARDS

AGRICULTURAL LAND COMMISSION 61

MENTAL HEALTH REVIEW BOARD 20

HEALTH AUTHORITIES

INTERIOR HEALTH AUTHORITY 49

PROVINCIAL HEALTH SERVICES AUTHORITY 45, 58

SCHOOLS AND SCHOOL BOARDS

SCHOOL DISTRICT 68 (NANAIMO) 68

PROFESSIONAL ASSOCIATIONS

BC COLLEGE OF NURSING PROFESSIONALS 67



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OMBUDSPERSON
BRITISH COLUMBIA