



OMBUDSPERSON
BRITISH COLUMBIA

SERVICE PLAN

2024/25 • 2026/27

Presented to the Select Standing Committee on
Finance and Government Services

October 2023





Our office is located on the unceded traditional lands of the Lək̓ʷəŋən (Lekwungen) People and ancestors and our work extends across the homelands of the Indigenous Peoples within what we now call British Columbia. We honour the many territorial keepers of the lands and waters where we work.

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I have the honour to present the 2024/25-2026/27 Service Plan for the Office of the Ombudsperson.

Included within this plan is an interim report on progress on our 2023/24 initiatives, a discussion of our work on outcome-based performance measures, and a plan setting out our priorities and initiatives for 2024/25 and the following two years. This Service Plan is the third issued within the strategic framework set out in our 2021-2026 Strategic Plan.

Jay Chalke
Ombudsperson
Province of British Columbia

2021-26 STRATEGIC PLAN: SUMMARY



OUR VISION

**Fairness and
Accountability
in British Columbia's
Public Services**



OUR MANDATE

**British Columbia's
Independent Voice
for Fairness and
Accountability**



OUR CORE PRINCIPLES

- Fairness
- Accountability
- Integrity
- Respect
- Impartiality
- Service

2021-26 STRATEGIC PLAN GOALS

1. Deepen our connection with the public
2. Enhance and modernize our services
3. Expand our investigative impact on fairness in public services
4. Help authorities to prevent unfairness before complaints arise
5. Support implementation of whistleblower protections across the broader public sector
6. Advance and support Reconciliation through our work with Indigenous peoples
7. Be an inclusive, supportive and engaged workplace

OUR PLANNING FRAMEWORK

Our five-year Strategic Plan serves as our central guiding framework and works in tandem with key goals and objectives outlined in our Indigenous Communities Services Plan. Our Service and Operational Plans highlight at a more

granular level how we plan to continually work to strengthen our services. Priorities and key actions identified in our Accessibility Plan will be woven into all aspects of our planning framework.

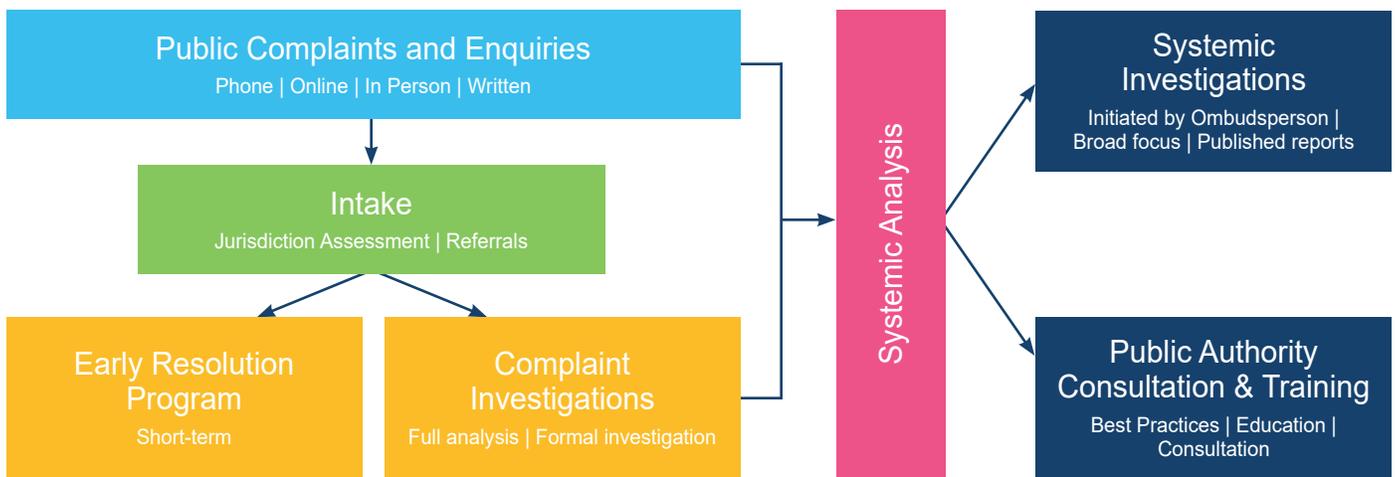


HOW WE DO OUR WORK

Ombudsperson Act Operations

We carry out our statutory mandate under the *Ombudsperson Act* through an integrated, team-based approach to receiving and investigating complaints and enquiries from the public, conducting

individual complaint investigations (including, where appropriate, early resolution), systemic investigations and public reporting, and voluntary consultation and training with public authorities.



Public Interest Disclosure Act Operations

The *Public Interest Disclosure Act (PIDA)* mandates the Ombudsperson to provide advice to current and former employees of specific public bodies who may have experienced or witnessed wrongdoing in the workplace and to receive and investigate disclosures of wrongdoing. Dislosers are protected from reprisal and our office has the exclusive mandate to investigate reprisal. These functions – providing advice, conducting intake and assessment of new disclosures, conducting and reporting

on investigations – are carried out by a dedicated team. In addition, the Public Authority Consultation and Training team provides implementation support to public bodies that are or will be subject to *PIDA*.

By December 2024, the current seven-phase implementation of *PIDA* to additional public sector bodies, announced in 2021, will be complete.

Corporate Shared Services

The Office of the Ombudsperson provides support to four Offices of the Legislature through a cost-effective Corporate Shared Services support organization. These shared support services include finance, human resources, facilities and IT services.

PERFORMANCE MEASUREMENT

Understanding our Impact

In our 2021-26 Strategic Plan, we committed to the development of outcome-based performance measures that aim to assess the broad impact of our services and identify key areas for improvement.

As a result of this work, we have transitioned away from output measures as the primary way in which we assess our performance and toward outcome-based measures. Through surveys and other impact-focused evaluation processes, we will seek a deeper understanding of how we are meeting our strategic and operational goals and identify meaningful improvements to our service delivery.

We are developing outcome-based performance measures using two key tools: surveys and peer review.

These outcome-focused measures are informed by the 2019 Venice Principles, which outlined elements fundamental to effective Ombuds work: independence; impartiality, objectivity and fairness; and transparency. These are similar to the core principles of fairness, accountability, integrity, respect, impartiality and service that are set out in our current Strategic Plan. For example, the questions we have asked in our surveys seek to measure perceptions of our independence, transparency and impartiality and as such, offer insight into how closely our work aligns with these core principles.

Surveys

In 2021/22 we surveyed the general public about awareness and perceptions of our office, and we reported on the outcome of that survey in last year's Annual Report and Service Plan. The key finding was low public awareness of our office, which we are seeking to address through our Strategic Outreach Plan.

In 2022/23 we surveyed representatives from public authorities on key questions related to awareness of our office and our work. We sent out more than 1,700 invitations to employees at various levels of public authorities. The response rate of 30 percent represented a broad cross-section of the more than 1,000 public bodies we oversee.

The results indicate that overall, authority perceptions of our office are positive. The survey demonstrated the value of our Public Authority

Consultation and Training team's services, as those who had taken training through our office were more likely to have a positive perception of our office.

While the survey also showed that we have work to do to improve the timeliness of our investigations, it made clear that our professional, thorough and respectful service and our integrity are strengths. Overall, authorities were clear that what matters most to them is our approachability. Based on these results, we will develop strategies that build relationships with authorities and improve our timeliness while further strengthening our impartial and thorough investigations.

Authority Survey 2022/23: Key Performance Indicators

Indicator	Question	2023 Results
Percent of surveyed public authority employees who are aware of the mandate and role of the Office of the Ombudsperson under the <i>Ombudsperson Act</i> and under the <i>Public Interest Disclosure Act</i>	How aware and familiar are you with the role and mandate of the BC Office of the Ombudsperson?	99% of surveyed public authority employees are aware of our office 80% of surveyed public authority employees are familiar with our office, and 40% are very familiar
Percent of surveyed public authority employees who think the Office of the Ombudsperson is independent of the provincial and local public authorities it investigates	To the best of your knowledge, do you think the BC Office of the Ombudsperson is independent of the provincial and local public sector organizations it investigates?	89% of surveyed public authority employees think our office is independent
Percent of surveyed public authority employees who think the Office of the Ombudsperson demonstrates the values of: fairness, accountability, integrity, respect, impartiality and thorough, timely, and professional service	How much do you agree or disagree that the following describe the BC Office of the Ombudsperson? <ul style="list-style-type: none"> • Fair • Holds public authorities accountable • Has integrity • Respectful • Impartial • Timely • Provides professional service • Thorough 	Amongst those who responded to our survey, <ul style="list-style-type: none"> • 89% agree we are fair • 92% agree we hold public organizations accountable • 97% agree we have integrity • 94% agree we are respectful • 92% agree we are thorough • 74% believe our services are timely • 93% agree our services are professional
Percent of surveyed public authorities who indicate that the work of the office supports improved public administration	How much do you agree or disagree that the following describe the BC Office of the Ombudsperson? <ul style="list-style-type: none"> • Supports improved public administration 	90% of surveyed public authority employees agree that we support improved public administration in BC

This fiscal year, we will complete our three-part approach to surveys by receiving feedback from people who have contacted our office with a complaint or enquiry

Once we have the results from this third set of surveys, we will establish baseline measures and long-term operational priorities.

Peer Review

Peer review provides an opportunity to meaningfully reflect on the way in which we conduct our work. An external expert in Ombuds work engages with the office and our stakeholders to identify and recommend ways to improve our service delivery and increase our impact.

This year we engaged a consultant to conduct in-depth research on Ombuds offices in other jurisdictions that have successfully adopted a peer review approach to outcome-

based performance measurement. Based on this research as well as extensive internal engagement, the consultant developed a detailed strategy and process for conducting our first peer review.

We anticipate initiating the peer review in fiscal year 2024/25, once we have received the results of our complainant survey, as we anticipate that those survey results will influence the focus of the peer review.

2023/24 PRIORITIES AND INITIATIVES

Our 2022/23 Annual Report contains a detailed report on work completed last fiscal year.

In fiscal year 2023/24 we are continuing to implement actions related to our 2021-26 Strategic Plan priorities:

1. Deepen our Connection with the Public

Although we did not receive funding to implement our 3-year comprehensive Outreach Plan proposed to the committee last year, we have been able to conduct some limited outreach within our current funding envelope. This engagement focused primarily on raising general awareness of our services in different parts of the province, helping educate the public on what they should expect in terms of fair service delivery and continuing a new public legal education initiative (PLEI) designed to strengthen the connection between our office and organizations providing front-line legal advocacy and services to the public. In April we held a PLEI workshop in Vancouver that 14 organizations attended. We are planning regional PLEI sessions later this fiscal year.

We continue to hold mobile intake and outreach visits throughout the province as they will continue to be a key focus to achieve this strategic goal. In August we visited northwestern BC, including Prince Rupert, Terrace, Kitimat and Haida Gwaii, where we connected with public authorities and advocacy organizations to share information about our work. Additional community clinics are planned in the coming months.

We used virtual and in-person opportunities to raise awareness of our work amongst relevant organizations. In September we held a webinar on our report *Misinformed* which was attended by dozens of child and youth-serving organizations.

We also spoke about our work at the BC Assembly of First Nations Annual General Meeting, the BC Parent Advisory Council provincial conference and the BC Youth in Care Week. We also met with staff at the First Nations Justice Council.

In addition, staff are continuing to conduct site visits to custodial and residential sites across BC, including adult and youth custody centres, mental health facilities and psychiatric hospitals. These visits are important for our staff who investigate concerns related to these sites. It provides them with a deeper understanding of the context of complaints that come to us and provides them with an opportunity to meet with staff and people living there who may have concerns they want to raise in-person.

2. Enhance and Modernize our Services

We have revised our internal practice guide to fairness for our staff to use when assessing a complaint and identifying issues for investigation. This guide seeks to support a more current, nuanced, equity-informed understanding of s.23 of the *Ombudsperson Act*, informed by the most recent judicial consideration and academic research of ombuds roles within BC and beyond. At the same time, the updated guide ensures that the statutory terms we use to define fairness remain meaningful and persuasive to the public authorities that we investigate. This guide affirms that the way in which people experience the delivery of public services, and whether they experience that service delivery as unfair, changes depending on their background and social location. This new approach will ensure our investigations will be conducted using an equity-informed lens. We are planning a series of training sessions for staff to deepen our application of the guide.

At the same time, we are continuing to review and revise our operational policies and practices to better support culturally aware and equitable service delivery.

We are continuing to implement comprehensive in-house investigative training for new staff. We have also made changes to our process for assessing complaints and are working to get basic information about our role to people more quickly through enhancements to our online Complaint Checker and the information provided through our phone line. As we have built out our Complaint Checker, we have noticed fewer non-jurisdictional complaints coming to our office, reducing staff time spent responding to complaints outside our mandate. Continuing to expand and update the information on this platform will be a priority in the coming months.

To support more timely and responsive Intake services, we have reinstated the Complaints Analyst role. Newly established Intake Team Leads support the growing team in providing consistent service to people who contact us.

We continue to dedicate one investigative resource to resolving older files. Consistent with the feedback we heard through our authority survey, we will be developing additional strategies to improve the timeliness of our investigations.

3. Expand our investigative impact on fairness in public services

Our individual complaint investigations make a difference to people all over the province every day. Similarly, when we devote resources to large-scale systemic investigations, we want to ensure that they have a meaningful impact on the way British Columbians experience the delivery of public services. Our most recent systemic report, *Fairness in a Changing Climate: Ensuring disaster supports are accessible, equitable*

and adaptable, examines the way in which disaster financial supports were delivered to thousands of British Columbians who were forced to leave their homes in 2021 and makes recommendations to improve the fair delivery of those services. As the province increasingly experiences the impacts of climate change, we will continue to consider the ways in which our changing climate affects the fair delivery of public services in BC, in both individual complaints and in potential systemic investigations.

Even if government does not accept our recommendations initially, subsequent monitoring and reporting can sometimes lead to reconsideration of important issues in public administration. Such was the case this year when we released a report that was an update of a 1999 report issued by our office regarding the unjust and discriminatory confinement of the Sons of Freedom Doukhobor children in the 1950s. Our report *Time to Right the Wrong* reiterated our call for government to apologize to and compensate survivors and families. In response to that report government finally accepted our 24-year-old call for an apology to the now elderly affected British Columbians. We are encouraged by government's commitment to an apology and are closely monitoring its next steps.

Our report *Misinformed: How the Ministry of Children and Family Development failed in its permanency planning obligations to a youth in care*, described the experience of a young woman who was given incorrect and incomplete information by the ministry that led her to agree to a permanency plan that made her ineligible for important post-secondary financial supports that she believed she would receive. While the ministry has accepted only some of our recommendations in this matter to date, public reporting shines a light on an important aspect of public administration.

We anticipate releasing additional public reports, including reports monitoring the implementation of recommendations made in past reports, in the coming months.

A continued focus of our investigative work under the *Ombudsperson Act* is to increase the percentage of individual complaint investigations that result in a settlement – this year we are on track to settle approximately one-third of our investigations, and those resolutions make a significant difference for people all over BC. We are working to improve our settlement tracking process so that we can better monitor and assess the impacts of our investigations on individuals and public bodies. Our new case tracking system allows us to more easily keep track of files that result in settlements, including the type of settlement and the impact.

4. Help authorities to prevent unfairness before complaints arise

Our Public Authority Consultation and Training (PACT) team will continue to develop high-quality educational programming for public sector employees on topics related to administrative fairness and wrongdoing. PACT has also continued to deliver virtual versions of our popular Fairness in Practice workshops to public servants throughout the province. Our PACT team is working on enhancing the Fairness in Practice training materials to incorporate Indigenous perspectives on fairness.

In September 2023, we presented to the Union of BC Municipalities on the application of artificial intelligence systems to local government decision making, emphasizing that fairness and transparency must be built into automated decision-making systems to prevent risks and harms to the public and government.

A priority in the coming months will be to examine how we can update our popular

local government fairness guides to open meetings and bylaw enforcement to ensure they continue to be a trusted resource for local government staff and councils.

We also support implementation of whistleblower protections across the broader public sector as legislation expands in 7 phases across the broader public sector by the end of 2024.

The *Public Interest Disclosure Act* was expanded in June to apply to current and former employees of health authorities. By the end of this fiscal year, *PIDA* will expand to cover current and former employees of health authorities and the K-12 education sector. We have been addressing the impact of this expansion on our own capacity as well as assisting public bodies in understanding and implementing their own responsibilities. Along with the Public Interest Disclosure team, our Public Authority Consultation and Training team continues to provide support to all public bodies in the implementation of *PIDA*.

We have added additional staffing resources to our Public Interest Disclosure teams to ensure that we have capacity to respond in a timely way to request for advice and disclosures and to conduct thorough investigations.

We are also preparing for the five-year review of the *Public Interest Disclosure Act* in 2024.

5. Advance and support Reconciliation through our work with Indigenous Peoples

The Ombudsperson Pathfinders are four contracted engagement specialists with lived experience working in communities to raise awareness, build trust and help guide complaints. The Pathfinders are building relationships with First Nations, Métis and urban Indigenous communities, organizations and individuals across the province through their engagement and outreach work. We

look forward to receiving an evaluation of the Pathfinders Initiative that will identify potential program and service delivery improvements.

At the same time, we are implementing service delivery improvements to ensure that when people are referred to our office by a Pathfinder, they receive services that are trauma-informed, culturally safe and grounded in Indigenous rights. Our Pathfinder Engagement Team, comprised of staff trained in culturally safe and trauma-informed practice, continues to be the main point of contact for those complaints and has been working to ensure a seamless experience and a consistent approach to investigations. We are tracking the number of complaints we receive from Indigenous people so that we can understand the impact of this outreach work.

The Indigenous Initiatives team will be working across the office and with community to build out the strategies in our Indigenous Communities Services Plan and develop implementation approaches. This work represents a long-term commitment to reconciliation with Indigenous peoples and communities and will require significant staff commitment and resources.

6. Be an inclusive, supportive and engaged workplace

Following an office-wide engagement process, we have developed a draft Equity, Diversity and Inclusion Plan that identifies key actions and strategies to support workplace diversity and inclusion and equitable service delivery and streamlines the process through which we are making necessary changes. Our Diversity and Inclusion Steering Committee will continue to support this work, in conjunction with our Deputy Ombudsperson responsible for leading our office's EDI initiatives.

Related to this, we have developed and will begin implementing our Accessibility Plan.

Our office is a 'prescribed body' under the *Accessible BC Act* as of September 1, 2023. To meet our legislated obligations under the Act we have worked with the other Independent Officers of the Legislature to establish a shared Accessibility Committee which will provide ongoing advice to our office as we finalize and begin to implement our first Accessibility Plan. We have also established an internal staff working group that will carry forward the important work of implementing actions to prevent and remove barriers experienced by people with disabilities in our workplace and in accessing our services.

Our work arrangements policy has been in place for one year, with most staff eligible to work a hybrid schedule. We are currently engaging in a review of that policy, including from a GBA+ perspective, to ensure our policy continues to meet service, organizational and staff needs over the longer term.

2024/25 PRIORITIES AND INITIATIVES

2024/25 will be the fourth year under our 2021-26 Strategic Plan, and we will have three key areas of emphasis:

- Advancing and supporting reconciliation through our work with Indigenous peoples, by building the capacity of our Indigenous Initiatives Team to implement the strategies in our Indigenous Communities Services Plan
- Deepening our connection with the public through meaningful, targeted outreach to underserved communities
- Supporting the implementation of whistleblower protections through the final phases of PIDA expansion

Advancing and supporting Reconciliation

In furtherance of our goal of supporting Reconciliation, we will continue to build our Indigenous Initiatives Team. This team will support the development of relationships with Indigenous people, communities and organizations outside the office, and, just as importantly, will build internal capacity to do work that is meaningful to Indigenous people.

As government continues to implement the *Declaration on the Rights of Indigenous Peoples* as the framework for Reconciliation in BC, our oversight work will need to keep pace.

The increasing numbers of complaints we have received from Indigenous people has emphasized the importance of ensuring our staff deliver our services in a culturally safe way and can take the time to be responsive

to the concerns that Indigenous people bring forward. In previous years, we have identified the need for significant policy and practice changes to ensure culturally appropriate service delivery. Our Indigenous Initiatives Team will provide needed support to staff in conducting investigations grounded in Indigenous rights, lead ongoing outreach and engagements, and continue to revise and adapt our intake and investigation policies and procedures in support of this shift.

In recognition of our commitment to Indigenous people, we have been invited by the Nisga'a Lisims government to support their review of their Administrative Decisions Review Act and to support capacity building in administrative fairness among their public officials.

Deepening our connection with the public

We will begin implementing the first year of our Strategic Outreach Plan. Increasing awareness of the Ombudsperson's office has been an ongoing challenge. While ensuring the public knows to come to us if they need us has been a strategic priority since 2016, the majority of British Columbians don't know that our office exists, let alone what we do. Awareness of our office is lower among younger, less educated and lower income British Columbians.

If we don't hear about issues facing British Columbians, we can't investigate them, and our surveys suggest there are many issues of unfairness that we are not addressing because we simply aren't hearing about them. The free services of the Ombudsperson represent an important avenue to address people's problems with government without involving courts. In this sense, the office is a cost-effective and critical tool in the effort to improve access to justice.

Our Strategic Outreach Plan will seek to address this awareness gap by increasing the awareness of our office amongst six identified underserved demographics; working with auxiliary outreach specialists to increase awareness of our office

amongst those who need our services the most and improving the accessibility of our public-facing materials. This latter goal is also linked to our Accessibility Plan under the *Accessible BC Act*.

Supporting the expansion of whistleblower protections

The *Public Interest Disclosure Act* will continue to expand in 24/25 to cover additional public bodies. We will be providing ongoing implementation support to those newly covered public bodies while managing the ongoing impacts of earlier waves of expansion. However, we expect to be able to manage

this expansion within previously approved investigative resources one of which is to commence in 2024/25. This has allowed us to reallocate two positions previously approved to start in 2024/25 to offset incremental positions arising from the ICSP.

2025/26 AND 2026/27 STRATEGIC DIRECTION

In year five of our Strategic Plan, we will review our success in implementing our goals and begin planning for the next iteration of our Strategic Plan through an assessment of our current state and a collaborative process to identify our goals, objectives and strategies for the next five years. A new plan to be released in 2026 will set the office's strategic direction moving forward.



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