

December 5, 2002

The Honourable Bev Harrison
Speaker
Legislative Assembly
Province of New Brunswick
Fredericton, N.B.

Sir:

Pursuant to Section 25(1) of the *Ombudsman Act* and Section 36 of the *Civil Service Act*, I have the honour to present the Thirty-fifth Annual Report of the Ombudsman for the period of April 1, 2001 to March 31, 2002.

Respectfully submitted,

Ellen E. King
Ombudsman

To Reach Your Ombudsman

Write : **Office of the Ombudsman**
 P.O. Box 6000
 767 Brunswick Street
 Fredericton, N.B.
 E3B 5H1

Telephone: **(506) 453-2789**
 Collect calls are accepted

Fax: **(506) 453-5599**

E-mail: **nbombud@gnb.ca**

In Person: **For appointment**
 Telephone (506) 453-2789

Mission Statement

Under the *Ombudsman Act*, the Office of the Ombudsman strives to ensure that individuals are served in a consistent, fair and reasonable manner by New Brunswick Government organizations.

Contents	
	Page
Mission Statement	3
From the Ombudsman	5
Statutory Responsibilities	8
Goals	11
2001/2002 Statistics	12
The Ombudsman	14
Complaints under the <i>Ombudsman Act</i>	15
Handling Complaints - Flow Chart	17
Appeals and Complaints under the <i>Civil Service Act</i>	18
Referrals under the <i>Right to Information Act</i>	20
Complaints under the <i>Protection of Personal Information Act</i>	21
Correctional Institutions	22
Performance Indicators	24
Financial Information	27
Statistical Table – Number and Outcome of Complaints	28
Types of Complaints by Department	29
Charts	38

FROM THE OMBUDSMAN

In 2001-2002, persons who approached this Office seeking information or to file a complaint continued to be served with courtesy, respect and understanding. Helping people is the focus of this Office. The persons who contact this Office are a cross-section of the general population. Some of our clients are the most vulnerable in our society and it is important to us that we assist them in any way that we can.

While the legislated responsibilities of my Office are directed at investigating complaints against government organizations, many of the people contacting our Office have concerns that do not fall within our jurisdiction. In these instances, our staff makes every effort to identify the nature of the person's concern and acts as an information resource and/or a referral resource. In a great many situations, staff are able to be of assistance by providing a name and a phone number of an appropriate jurisdictional organization or by personally calling an organization to confirm jurisdiction to handle the matter.

The cornerstones of an Ombudsman's work are founded on independence, impartiality and confidentiality. In investigating a complaint, the Office must be independent of the organization to which the complaint relates, the evidence in an investigation must be obtained and analyzed in an impartial manner, and the work must be carried out in confidence. The Ombudsman investigates complaints from people regarding what they may perceive as unfair administrative actions or decisions of government organizations. Essentially, the role of the Ombudsman is to identify if there has been an unfair action or decision and, if so, to find a remedy.

It has been my experience, that a non-adversarial, common sense approach is the most effective way to undertake the investigation of complaints. Effectiveness of investigations is also enhanced by the knowledge that this Office is bound by confidentiality provisions in the legislation. I believe that government organizations are more willing to provide information knowing that the confidentiality of that information will be respected, and that the information is in furtherance of the investigation and not for public consumption. Government organizations understand that the focus of our investigations is to identify issues of administrative unfairness, if they exist, and to seek resolution without attributing responsibility to identified individuals.

My duties as Ombudsman of New Brunswick have a very broad base established in legislation. Not only am I empowered to investigate complaints under the *Ombudsman Act*, but I also have responsibilities under 4 other statutes. I hear appeals and investigate complaints under the *Civil Service Act*, review requests for the release of information under the *Right to Information Act* and the *Archives Act*, and I have the power to investigate complaints under the *Protection of Personal Information Act*.

During my review of the data as it pertains to 2001-2002, I noted a decline in the overall number of complaints, inquiries and requests for information over the previous year. In fact, this has been a trend over the last several years and is a phenomenon which has been experienced by many other Ombudsman Offices across Canada. In 2001-2002, the number of complaints, inquiries and requests for information received by this Office decreased by 3.2% over 2000-2001.

This overall decrease was unevenly distributed among the various reasons why persons approached this Office for assistance. Complaints against government organizations that were within this Office's jurisdiction to investigate decreased by 25%, while inquiries and requests for information to which this Office responded increased by 47%. Complaints received that were not within the purview of this Office in respect to the various statutes under which investigations may be undertaken increased by 8% over the previous year. Where possible, such complaints were redirected to other complaint review processes ie. Banking Ombudsman, Military Ombudsman, or other persons or organizations that may be able to address their concerns.

While it is not possible to definitively account for the changes in the number of complaints, I believe there may be a number of contributing factors. Such factors include the availability of information on government organizations through web-sites; the accessibility to many government programs through Service New Brunswick; the establishment of informal and formal complaint mechanisms within some departments; and the impact of case law. I also believe that the decline in complaints may be a reflection of increased efforts on the part of government organizations and elected officials to respond to the public which expects and demands fair and accountable government services.

I fully support any initiatives by government organizations which are directed at improving service to the public. Internal complaint resolution processes

generally lend themselves to addressing a number of the concerns that the public may have in an effective and timely manner.

As a consequence of the decline in the number of complaints by this Office, and since the workload anticipated with the proclamation of the *Protection of Personal Information Act* has not as yet materialized, the pressure to expand the resources of the Office has been eased.

One of the objectives of this Office has been to enhance its ability to obtain, store and retrieve relevant information on clients and programs. It has been recognized that the computer system that has been in use for approximately seven years is inadequate to meet the Office's information needs with respect to operational activities and the reporting of program information.

To address this need, the Office undertook a study of its information requirements with the assistance of staff from the Corporate Information Management Services Section of the Department of Supply and Services who have expertise in this area. This study encompassed both the hardware and software which would be needed to meet the identified information requirements. The software program required by the Office must have the ability to provide employees with more accurate, complete and timely information about the clients they serve and enhance the Office's reporting ability relative to its operational activities. Work is progressing toward issuing a Request for Proposals for the software and this is expected to be completed early in the new year.

In closing, I want to acknowledge that the Office's ability to perform its functions is enhanced by the excellent cooperation received in conducting investigations from deputy heads, administrators and staff of the various departments, commissions, agencies, school districts, hospital corporations and municipalities within the Province of New Brunswick. To all of these officials I am appreciative and grateful.

At the same time, I would like to express my thanks to all the staff of my office for their dedication and effort on behalf of the people of New Brunswick. Without their tireless work, the objectives of ombudsmanship would not be served.

Ellen E. King
Ombudsman

STATUTORY RESPONSIBILITIES

The Office of the Ombudsman in New Brunswick has the broadest legislated jurisdiction of all the provincial Ombudsman Offices in Canada.

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

1. *Ombudsman Act*
2. *Civil Service Act*
3. *Right to Information Act*
4. *Archives Act*
5. *Protection of Personal Information Act*

As evident from the above, the Office of the Ombudsman in New Brunswick has not only the traditional responsibilities under the *Ombudsman Act* but also additional responsibilities under the *Civil Service Act*, the *Right to Information Act*, *Archives Act* and the *Protection of Personal Information Act*.

Ombudsman Act

In 1967, the Government of New Brunswick introduced legislation creating the Office of the Ombudsman. The Ombudsman is an independent officer of the New Brunswick *Ombudsman Act* to conduct independent investigations of complaints.

The Office of the Ombudsman has jurisdiction to investigate complaints of an administrative nature in respect to government departments, municipalities, school districts, hospital corporations, Crown agencies, and other agencies responsible to the Province including commissions, boards and corporations as defined under the *Ombudsman Act*.

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

Civil Service Act

In 1994, the Civil Service Commission was amalgamated with the Office of the Ombudsman. Through a change to the *Civil Service Act*, the Ombudsman is responsible to hear appeals and investigate complaints regarding the selections for appointment to the Civil Service.

The *Civil Service Act* gives the Ombudsman certain powers and duties for the purpose of protecting the merit principle as the basis for effecting appointments to or from within the Civil Service. Specifically, the *Act* provides for the Ombudsman to:

- hear appeals from employees relating to appointment decisions;
- investigate complaints from non-employees who have been unsuccessful candidates in open competitions.

Appeals and complaints may be filed in respect to appointment decisions made by all departments and agencies which comprise the Civil Service of the Province of New Brunswick. The *Act* requires the Office to hear and decide on appeals within very tight time periods.

Right to Information Act

The *Right to Information Act*, which was proclaimed in 1980, provides individuals with an opportunity to access public information. The *Act* was amended on several occasions since it came into force with the amendments largely being related to the categories of exceptions in respect to which there is no right to access specific information.

Under the *Right to Information Act*, the Ombudsman is to conduct, within 30 days, independent reviews of refusals to release information to citizens by all Departments and Agencies as outlined in the regulations under the *Act*.

Protection of Personal Information Act

The protection of personal information retained by government departments was formalized in New Brunswick with the introduction of the **Personal Privacy Code** which came into effect in December 1994. At that time, the Office of the Ombudsman was designated as the independent body responsible for investigating complaints with respect to the privacy of personal information.

The Government of New Brunswick introduced a new *Protection of Personal Information Act* in 1998. The *Act* received Royal Assent on February 26, 1998 and came into effect on April 1, 2001.

Archives Act

The Office of the Ombudsman has duties under the *Archives Act* similar to its duties under the *Right to Information Act*.

GOALS

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

1. To conduct independent, confidential investigations to resolve complaints.
2. To provide efficient, effective and accessible services to every client within the framework of the human and fiscal resources provided.
3. To review policies, procedures, legislation and bylaws to resolve existing complaints and, where applicable, to recommend reviews or changes to improve administrative practices.

2001/2002 STATISTICS

- The Office of the Ombudsman received a total of 1,986 complaints, inquiries and requests for information during 2001/2002. Of this number, 809 were complaints within jurisdiction; 450 were inquiries and requests for information and 727 were complaints which were not within the jurisdiction of this Office. In addition, 146 complaints carried from the previous year were investigated.
- The Office of the Ombudsman received 16 appeals in accordance with section 32 of the *Civil Service Act* during this report period. Twelve appeals were scheduled for formal hearings and 8 of the appeals were heard.

In 2001/2002, the Office of the Ombudsman received 21 formal complaints from unsuccessful candidates under section 33 of the *Civil Service Act*.

In addition, the Office of the Ombudsman received and responded to a number of inquiries and requests for information regarding matters related to the *Act*.

- During 2001/2002, the Office of the Ombudsman received 6 applications regarding the refusal or non-response to a request to disclose information to an individual under the *Right to Information Act*.

In addition, the Office of the Ombudsman provided general information to a number of individuals who were seeking advice regarding the procedure to follow when requesting information contained in government documents.

- During 2001/2002, the Office of the Ombudsman received 1 complaint from an individual in regards to privacy matters that was within the jurisdiction of this Office to investigate.

In addition, the Office received a number of inquiries, requests for information and complaints regarding privacy matters that were outside of the Office's jurisdiction to investigate under the *Protection of Personal Information Act*.

- During this reporting period, this Office received and reviewed 5 complaints with respect to the administration of the *Official Languages Act*.

In addition, the Office received a number of inquiries and requests for information regarding official languages.

- In the Correctional Services area, the Office of the Ombudsman processed 272 verbal and written complaints from or relating to individuals incarcerated in provincial correctional institutions. In addition, the Office received 27 information requests and complaints from inmates that were not within the jurisdiction of the Office to investigate.

THE OMBUDSMAN

The Ombudsman is an Officer of the Legislative Assembly and is independent of government. The approval of all political parties of the Legislative Assembly is obtained prior to the appointment of an Ombudsman.

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

The Ombudsman and her staff investigate complaints against provincial government departments, school districts, hospital corporations, municipalities, Crown agencies, and other agencies responsible to the Province including commissions, boards and corporations as defined under the *Ombudsman Act*.

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

- Federal Government
- Matters which are of a criminal nature
- Private companies and individuals
- Judges and functions of any court
- Deliberations and proceedings of the Executive Council or any committee thereof.

COMPLAINTS UNDER THE *OMBUDSMAN ACT*

Access

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

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

Complaints

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

Depending upon the nature of a complaint, it is sometimes possible for this Office to resolve the complaint informally. Upon receiving the details of the complaint from the client, this Office contacts the department or agency concerned to obtain further information regarding the complaint. In this manner a number of complaints are successfully resolved. However, where a resolution is not readily forthcoming, and where a complaint falls within the jurisdiction of the *Ombudsman Act*, a thorough and impartial investigation is undertaken.

Investigation

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

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

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

Providing Information and Referrals

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

The flow chart which follows illustrates the typical manner in which written and oral complaints are handled by the Office of the Ombudsman. Exceptions may occur at the discretion and direction of the Ombudsman.

METHOD OF HANDLING COMPLAINTS CHART

APPEALS AND COMPLAINTS UNDER THE *CIVIL SERVICE ACT*

Under the *Civil Service Act*, employees can submit appeals to the Office of the Ombudsman in respect to appointments made both to and from within the Civil Service. As well, unsuccessful candidates in open competitions who are not employees can make a complaint to the Office regarding the results of a competition.

Appeals

The primary objective of the appeal process under section 32 of the *Civil Service Act* is to ensure that the principle of selection by merit is respected in effecting appointments to and from within the Civil Service.

The appeal process is an integral component of the staffing process and provides employees the opportunity for an independent and impartial review of appointment decisions.

Employees may submit their notices of appeal against appointments directly to the Ombudsman. They may also choose to first apply to the Secretary of the Board of Management or his delegate for a statement of reasons why they were not appointed, or for such other information that would assist in determining whether or not to appeal.

The *Act* prescribes specific time limits for filing an appeal, holding a hearing, and issuing a decision. There can only be two outcomes to an appeal; it can be allowed or dismissed. Where an appeal is allowed, the Ombudsman shall deny or revoke the appointment that gave rise to the appeal.

Complaints

The objective of the complaint process under section 33 of the *Civil Service Act* is to protect the merit principle as the basis for effecting appointments by competition. This process provides non-employees, who have been unsuccessful in an open competition, with a redress mechanism by which the

selection for appointment can be impartially examined. The inquiry and complaint provisions under the *Act* also serve to increase the openness of the hiring process.

Before complaints can be filed with the Ombudsman, unsuccessful candidates are obliged by the *Act* to formally apply to the Secretary of the Board of Management or his delegate for a statement of reasons why they were not appointed. If unsuccessful candidates are not satisfied with the reasons provided, they may make a complaint in writing to the Ombudsman within the time limits set out in the *Act*.

The Ombudsman does not have the authority to revoke an appointment as a result of this process even if it has been determined that merit was not respected. The Ombudsman can, however, submit recommendations to the Secretary of the Board of Management as a result of the findings from an investigation.

REFERRALS UNDER THE *RIGHT TO INFORMATION ACT*

Under the *Right to Information Act*, an individual may request information as contained in a document(s) by applying to the appropriate Minister as defined by the *Act*. Where the Minister does not, or is unable to, provide the document(s) requested, the individual may refer the matter to either the Ombudsman or to a judge of The Court of Queen's Bench.

When a request for information is referred to the Office of the Ombudsman, the *Right to Information Act* requires the Ombudsman to review the matter referred within 30 days of having received the referral.

The *Act* provides for the Ombudsman to inspect the information that the Minister has refused to release, if such information exists, and the inspection is to be made in private.

To determine if the information should be released, the Ombudsman inspects the information on-site. Depending on the nature of the information requested, this inspection may involve a review of a single document or file, or a folio of documents or boxes of files.

If the information that a client requests is contained in a document, the Ombudsman's inspection may extend beyond paper documents as the *Right to Information Act* defines a document as including "any record of information, however recorded or stored, whether in printed form, on film, by electronic means or otherwise".

At the conclusion of the review, if the Ombudsman finds that the information requested is not exempted for release under the *Right to Information Act*, a recommendation is made to the Minister to release the information in accordance with the *Act*.

There is no right under the *Act* to access information which falls within the categories which are listed as exceptions in section 6 of the *Act*.

COMPLAINTS UNDER THE *PROTECTION OF PERSONAL INFORMATION ACT*

The Office of the Ombudsman is an independent body which is responsible for investigating complaints with respect to the privacy of personal information held by the departments and agencies of the government.

This protection of personal information was formalized in New Brunswick with the introduction of a **Personal Privacy Code** in December 1994.

While the adoption of a Privacy Code provided a framework for information management practices, the Ombudsman had recommended to the Government that a Privacy Act or Protection of Personal Information Act be introduced at the earliest possible time to ensure even greater protection of privacy.

A *Protection of Personal Information Act* came into effect on April 1, 2001. The *Act* is designed to regulate the collection, confidentiality, correction, disclosure, retention and use of personal information. The *Act* applies to those public bodies set out under the *Right to Information Act* and to any other public body that may be designated by regulation. In the *Act*, the Ombudsman was given responsibility for investigating complaints regarding violations of the *Act*.

While the Office of the Ombudsman is responsible to investigate complaints under the *Protection of Personal Information Act*, it is the responsibility of departments and agencies of the government to manage personal information in accordance with the *Act*.

CORRECTIONAL INSTITUTIONS

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

Inmates are provided with an orientation manual by the Department of Public Safety on admittance to each of the Correctional Institutions. The manual advises the inmate that the Office of the Ombudsman investigates complaints from individuals who feel they have been treated unjustly. In addition, the Office of the Ombudsman has provided posters to the institutions advising inmates of their right to make a complaint to the Office.

While the Office received inquiries and complaints regarding a wide range of issues, Section 12 of the *Ombudsman Act* empowers the Office to investigate complaints “*with respect to a matter of administration*” and not matters which are of a criminal nature.

As the statistics relating to the complaints and inquiries received in 2001/2002 will show, the majority relate to matters of administration and are open to investigation by this Office. However, it will also be noted that 2 complaints were received which are of a **criminal nature** i.e. assault. Such complaints are matters for investigation by a police authority. In those instances, this Office brought the matter to the attention of the Department of Public Safety immediately by facsimile. This Office subsequently confirmed with the Department of Public Safety that the police had been notified regarding the complaint.

In other instances where an inquiry or a complaint does not fall within the jurisdiction of the *Ombudsman Act*, individuals are referred to the appropriate body i.e. Parole Board, Law Society (Legal Aid).

As inmates are within the care of the Province of New Brunswick, each complaint that was within the jurisdiction of this Office to investigate was acted upon as expeditiously as possible. This usually required that the matter be brought to the attention of the Department of Public Safety so that the Department is also given the opportunity to be heard.

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

Staff from the Office of the Ombudsman traveled to the Province's Correctional facilities on seven occasions during this period in the course of investigating complaints. Specific cases and general policies and procedures were discussed with institutional officials.

PERFORMANCE INDICATORS

The Office of the Ombudsman measures its performance in delivering the various legislated services through a number of indicators which are identified below. The indicators selected will allow the Office to measure its improvements over time. Measurements are more meaningful if taken continuously over a number of years. This Office will review the selected indicators and adjust or adopt new indicators where it seems appropriate to do so. The installation of a new computerized complaint tracking system, which the Office anticipates will occur over the next year, will provide additional data and it may be possible to develop other performance indicators.

Indicator - The Office of the Ombudsman has a Mission Statement and Goals which are communicated to the public.

Result - The Mission Statement and Goals are communicated through public education and orientation initiatives by the Ombudsman and staff and are published in the Annual Report.

Many factors can affect the length of time it takes to complete an investigation. The time involved can vary from a few days to in excess of a year. During this reporting period, 4% of the investigations took in excess of one year to complete. Some of the factors that affect the time involved include the availability of information from the client or the government organization, the number and complexity of the issues involved in the complaint, the resources available, and the accessibility of departmental officials. Notwithstanding these factors, the Office has identified targets for completing investigations which relate to the majority of the complaints.

Indicator - The percentage of complaint files closed within 30 calendar days of the date on which the complaint was received.

Target - 60%

Result - A detailed review of the complaints processed during this period indicates that 57% of the complaint files were closed within 30 calendar days.

Indicator - The percentage of complaint files closed within 90 calendar days of the date on which the complaint was received.

Target - 80%

Result - An analysis of the complaints processed during this period indicates that 84% of the files were closed within 90 calendar days.

As indicated elsewhere in this report, many of the people who contact this Office have complaints and concerns that do not fall within our jurisdiction. In some instances, it is only after giving some attention to the matter that it can be determined that the matter is outside this Office's authority to conduct an investigation. All persons who contact this Office are informed if we can investigate the matter which they have brought to our attention. Where this Office does not have the authority to investigate a matter, staff are often able to be of assistance by providing information or by referring the person to an appropriate contact to have the complaint addressed.

This Office has identified a target for responding to those persons who have contacted our Office for assistance in instances where an investigation is not within our authority.

Indicator - The percentage of inquiries, requests for information and complaints that are not within this Office's jurisdiction which are processed within 7 calendar days.

Target - 75%

Result - An analysis of inquiries, requests for information, and complaints that are not within this Office's jurisdiction shows that 71% were processed within 7 calendar days.

Over the last several years, this Office has made a concerted effort to reduce the period of time involved in conducting an investigation and thus the number of complaint files “carried over” from one year into the next. Over the last five years, this Office has reduced the “carried over” files by approximately 71%.

This Office has identified a target in respect to the number of complaints that are “carried over” and are under investigation at year-end.

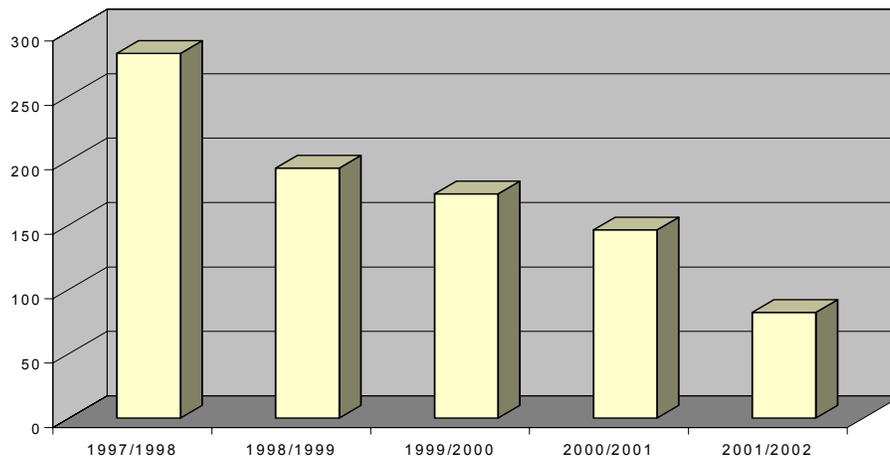
Indicator - The percentage of complaints under investigation at year-end.

Target - 8.5% of the number of complaints that are before the Office during the year

Result - An analysis of the information contained in this Office’s Annual Reports shows the percentage of the complaints that were under investigation at year-end to be as follows:

YEAR	COMPLAINTS UNDER INVESTIGATION AT YEAR-END
1997/1998	13.7%
1998/1999	10.7%
1999/2000	11.5%
2000/2001	11.7%
2001/2002	8.6%

COMPLAINTS UNDER INVESTIGATION AT YEAR-END



FINANCIAL INFORMATION

Budget and actual expenditure for 2000/2001 and 2001/2002 by primary classification is set out in the table below. The approved budget for the 2002/2003 year is presented for comparative purposes.

Staff costs continue to account for approximately 85% of the budget and were underspent by \$14,100 in the year ended 31 March 2002. This underspending was largely the result of staff turnover. The Other Services portion of the budget was underspend by \$2,300.

The Materials and Supplies and Property and Equipment components of the budget were overspent by \$1,500 and \$8,100 respectively. The Office used a portion of the savings in staff costs to support additional costs for resource material, and for computer hardware.

	2002/2003		2001/2002		2000/2001	
	Budget	Budget	Actual	Budget	Actual	
Wages and Benefits	520.7	520.7	506.6	520.7	496.8	
Other Services	58.1	58.1	55.8	58.1	58.5	
Materials and Supplies	8.0	7.0	8.5	2.9	11.1	
Property and Equipment	38.2	15.2	23.3	10.3	18.6	
	625.0	601.0	594.2	592.0	585.0	

Budget and actual expenditure (thousands of dollars)

STATISTICAL TABLE 2001/2002

OUTCOME OF COMPLAINTS RECEIVED IN 2001/2002 AND INVESTIGATIONS CONTINUED FROM 2000/2001

Departments/ Agencies/ Acts	Total	Resolved	Partially Resolved Referral Given/ Information Provided	Not Substantiated	Discontinued by Client/ Ombudsman	Under Investigation at Year End
Agriculture, Fisheries and Aquaculture	9	3	3	3	-	-
Business New Brunswick	1	-	1	-	-	-
<i>Civil Service Act</i>	42	4	1	16	13	8
Education	49	8	19	13	6	3
Environment and Local Government	40	9	14	3	10	4
Finance	8	1	4	2	-	1
Family and Community Services	240	36	108	55	29	12
Health and Wellness	50	14	23	5	2	6
Justice	21	2	9	9	-	1
Natural Resources and Energy	12	4	6	1	1	-
NB Liquor Corporation	1	-	1	-	-	-
NB Power Corporation	30	13	9	8	-	-
Official Languages	6	3	1	1	-	1
<i>Protection of Personal Information Act</i>	3	-	3	-	-	-
Public Safety	325	40	74	118	64	29
<i>Right to Information Act</i>	7	1	-	3	3	-
Service New Brunswick	4	-	1	1	1	1
Supply and Services	-	-	-	-	-	-
Training and Employment Development	22	1	8	8	3	2
Transportation	28	11	10	4	-	3
Workplace Health, Safety and Compensation Commission	57	5	29	11	1	11
Total	955*	155	324	261	133	82

*This number includes 146 investigations which were continued from the previous year.

TYPES OF COMPLAINTS BY DEPARTMENT

The following tables provide the number of complaints by type and by Department investigated in the year 2001/2002. In consideration of the confidentiality provisions of the *Ombudsman Act*, only those Departments with more than 15 complaints are set out in the tables below.

Education		
	2001/2002	2000/2001
Transportation	10	3
Student Loans	7	7
Complaints Regarding Staff	7	5
Administration	6	7
Employment	3	14
Suspensions	3	4
Curriculum/Testing	3	1
Children With Special Needs	2	3
Student Transfer	2	1
Appeal Process	-	1
French Immersion Program	-	1
Home Schooling	-	1
Heritage	-	1
Total	43	49

Environment and Local Government

	2001/2002	2000/2001
Administration	7	5
Water/Sewage	6	7
Municipal By-laws	4	10
Roads / Streets	4	4
Property Issues	4	2
Zoning	4	-
Permits/Licenses	2	5
Employment	2	3
Unsightly Premises	1	2
Expropriation	1	2
Pollution	1	2
Complaints Regarding Staff	-	4
Service Issues	-	3
Other	-	<u>1</u>
Total	36	50

Family and Community Services

	2001/2002	2000/2001
Income Assistance Benefits		
Discontinued / Reduced	24	31
Denied	23	19
Repayment	12	7
Delay	10	6
Amount / Calculation	8	21
Eligibility Criteria	6	4
Long Term Needs	<u>6</u>	<u>14</u>
Subtotal.....	89	102
Housing Units		
Transfers	10	4
Repairs	10	16
Evictions	9	9
Availability	7	22
Inspections	4	-
Tenant Rights	<u>-</u>	<u>4</u>
Subtotal.....	40	55
Complaints Regarding Staff	25	21
Special Benefits	14	7
Health Card	12	10
Administration	11	17
Appeal Board	9	8
Protection Services	8	14
Medical Issues	4	15
Loans / Grants-Housing	4	9
Adoption	4	5
Appliances/Furniture	3	6
Training/Work Programs	2	8
Heat Supplement	2	6
Employment	<u>1</u>	<u>1</u>
Total	228	284

Health and Wellness

	2001/2002	2000/2001
Mental Health	16	14
Hospital Corporations	4	11
Complaints Regarding Staff	4	6
Permits / Licenses	3	5
Placement Services	3	4
Special Needs Programs	3	-
Employment	2	4
Medicare	2	7
Administration	2	5
Vital Statistics	2	3
Public Health	1	1
Addiction Services	1	4
Adoption	1	-
Ambulance Services	-	4
Homemaker Services	<u>-</u>	<u>3</u>
Total	44	71

Justice

	2001/2002	2000/2001
Complaints Regarding Staff	7	6
Rentalsman / Consumer Affairs	6	7
Insurance Branch	5	2
Administration	2	5
Support Payments / Orders	-	3
Corporate Affairs	-	1
Securities Branch	<u>-</u>	<u>1</u>
Total	20	25

NB Power Corporation

	2001/2002	2000/2001
Service Issues	14	25
Payment Schedules	7	14
Billing-Amount / Calculation	4	19
Administration	2	5
Security Deposit	2	1
Damage Claims	1	4
Complaints Regarding Staff	-	1
Other	<u>-</u>	<u>1</u>
Total	30	70

Public Safety

	2001/2002	2000/2001
Permits / Licenses	9	-
Employment	7	-
Complaints Regarding Staff	4	-
Administration	1	-
Coroner Services	1	-
Emergency Measures	1	-
Other	<u>1</u>	<u>-</u>
Total	24	12

Training and Employment Development

	2001/2002	2000/2001
Human Rights Procedures	13	8
Administration	2	5
Community College – Programs	2	1
Employment	1	4
Complaints Regarding Staff	1	3
Community College – Testing	1	1
Community College – Admission Procedures	–	<u>2</u>
Total	20	24

Transportation

	2001/2002	2000/2001
Road / Bridge Maintenance	11	4
Employment	3	9
Access / Right of Way	3	3
Complaints Regarding Staff	2	4
Administration	2	8
Property Issues	1	3
Damage Claims	1	3
Permits / Licenses	1	–
Expropriation Procedures	–	<u>3</u>
Total	24	37

Workplace, Health, Safety and Compensation Commission

	2001/2002	2000/2001
Compensation		
Discontinued / Reduced	11	14
Amount / Calculation	4	8
Long-term Disability Benefits	<u>1</u>	<u>1</u>
Subtotal.....	16	23
Complaints Regarding Staff	7	6
Appeals Tribunal	6	11
Claim Denied	6	9
Deeming	4	1
Administration	3	10
Medical Payments	3	1
Permanent Partial Impairment	1	-
Retraining	-	2
Medical Rehabilitation	<u>-</u>	<u>1</u>
Total	46	64

CORRECTIONAL INSTITUTIONS

Verbal and Written Complaints and Requests for Information

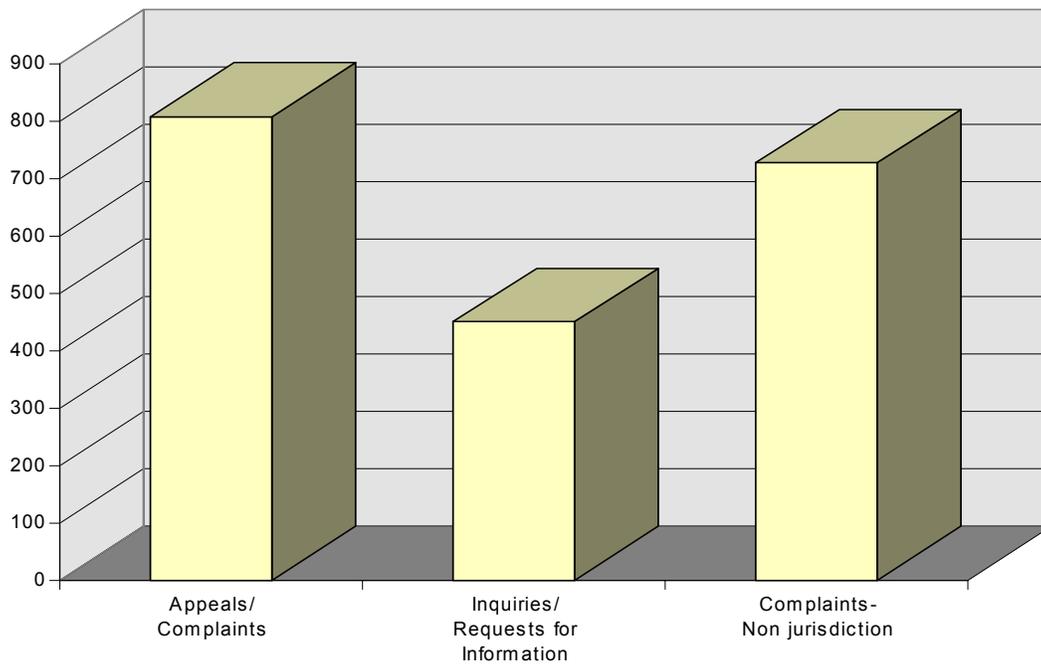
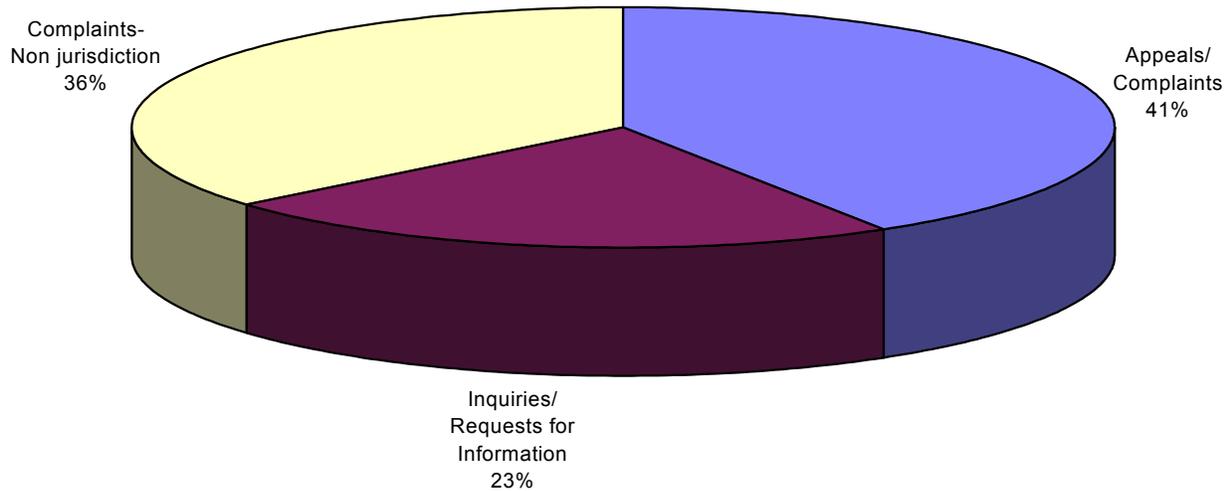
	2001/2002	2000/2001
Health Issues		
Prescriptions Requested or Denied	36	26
Dental	14	5
Request to see Nurse / Doctor	13	11
Request to go to Hospital	10	7
Special Diet	3	6
Glasses, Eye Care	2	3
Mental Health	2	1
Medical Appliance	2	1
Physiotherapy	1	-
Threat of Suicide	<u>1</u>	<u>-</u>
Subtotal	84	60
Living Conditions		
Smoking	7	5
Cleanliness	7	3
Food	6	21
Clothing and Bedding	6	10
Maintenance and Repairs	5	2
Heat and Ventilation	2	-
Overcrowding	-	2
Other	<u>1</u>	<u>1</u>
Subtotal	34	44

Classification / Transfer	19	24
Temporary Absence Program	15	50
Personal / Inmate Property	12	7
Discipline	11	8
Administration	10	13
Request for House Arrest	10	10
Placement within Institution	8	24
Staff Conduct and Deportment	8	3
Recreation	8	13
Program Privileges	7	10
Telephone Use	7	1
Sentence / Remission Calculation	7	1
Visiting Privileges	7	16
Correspondence	4	2
Requests for Items Denied	2	10
Threatened by Presence of Other Inmates	2	-
Use of Restraints	2	1
Contraband	1	1
Request Form	1	3
Segregation	1	-
Official Languages – Service	1	-
Probation	-	2
Verbal Abuse and Swearing (Staff)	-	6
Abandoned By Inmate	<u>11</u>	<u>15</u>
Subtotal	272*	324*
Information Requests	19	20
Non Jurisdiction		
Courts	4	4
Legal Aid	2	1
Sexual Assault	1	1
Physical Assault	1	1
Parole	<u>-</u>	<u>2</u>
Total	299	353

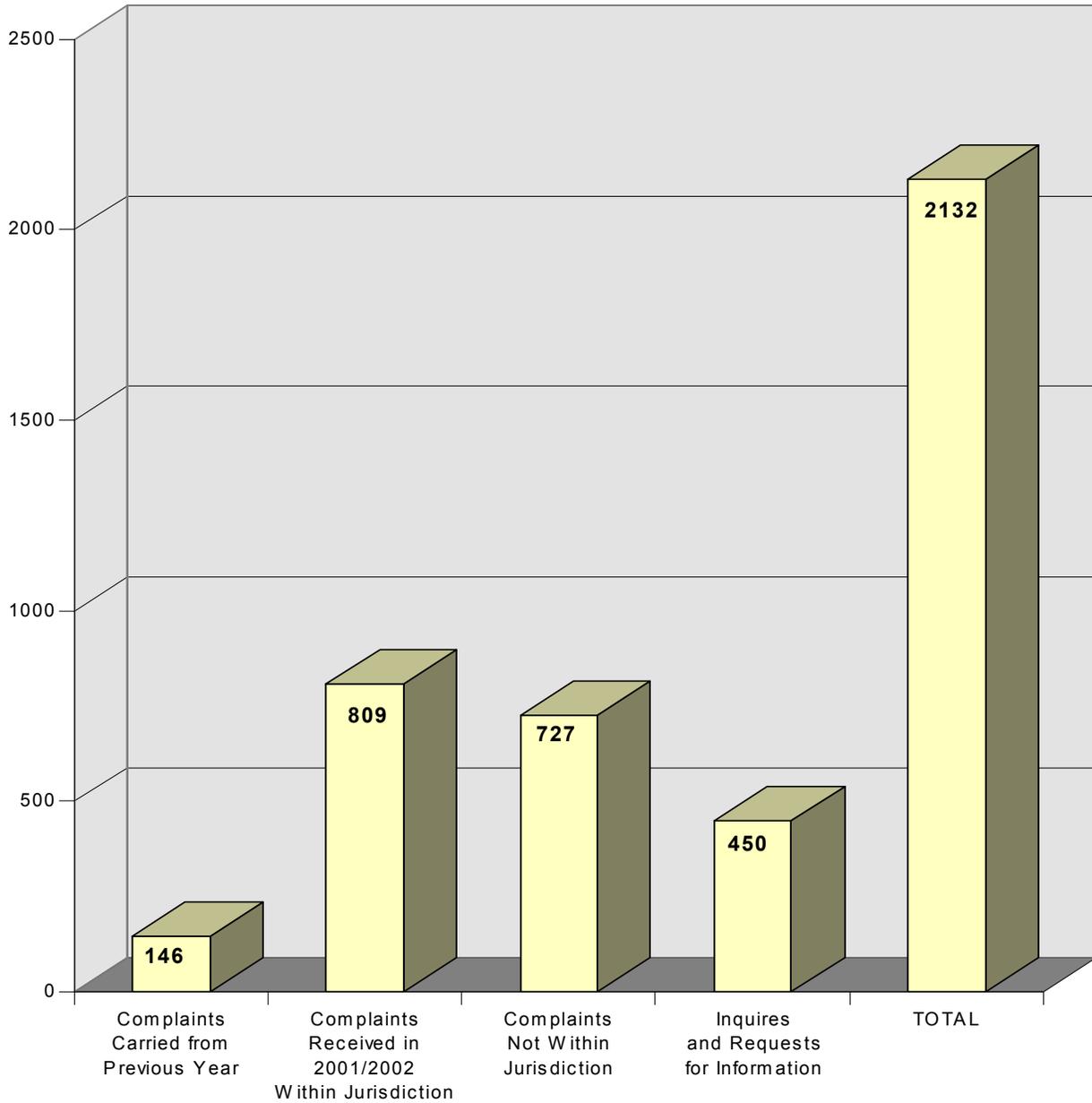
*Sometimes a number of inmates join together to lodge a group complaint. Group complaints relate to areas of common interest such as living conditions, food, smoking or recreation. In this year, the Office received 3 group complaints from inmates.

CHARTS

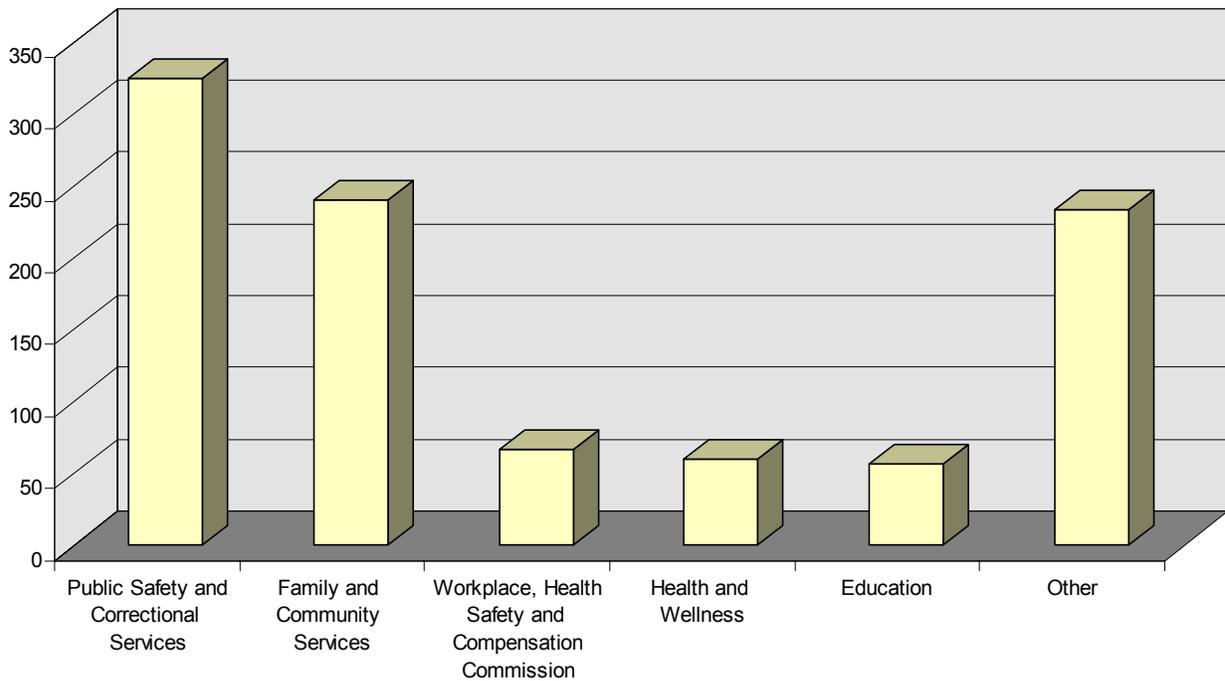
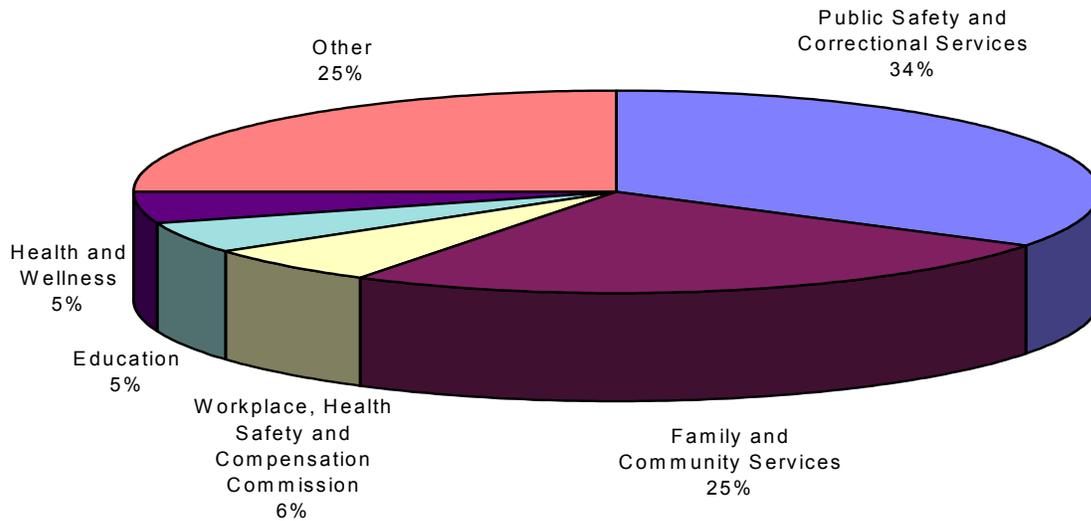
COMPLAINTS, INQUIRIES AND REQUESTS FOR INFORMATION RECEIVED IN 2001/2002



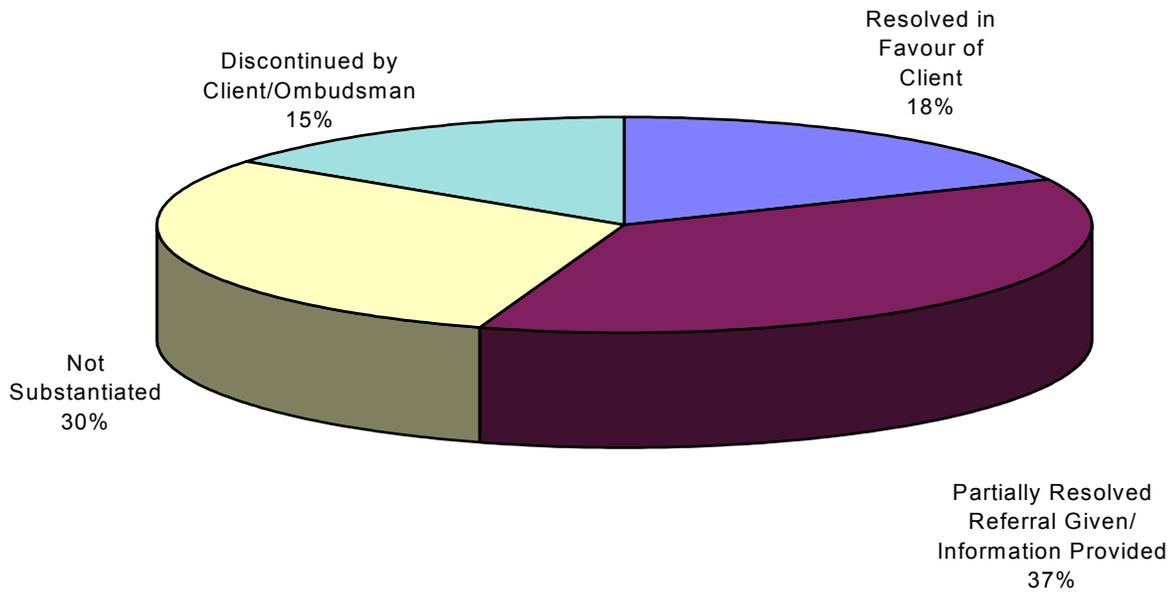
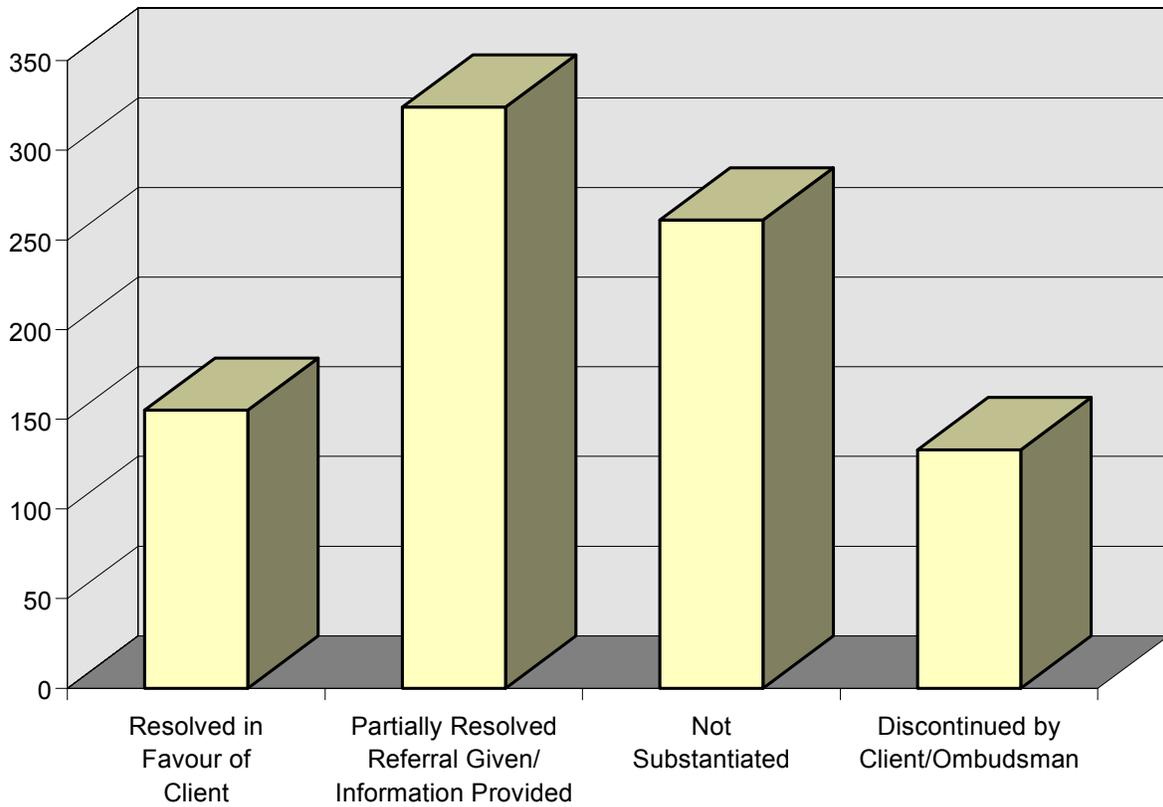
TOTAL OF COMPLAINTS, INQUIRIES AND REQUESTS FOR INFORMATION BEFORE THE OFFICE OF THE OMBUDSMAN 2001/2002



FIVE MAJOR SOURCES OF COMPLAINTS



OUTCOME OF COMPLAINTS



GEOGRAPHIC LOCATION OF COMPLAINTS

POPULATION AND COMPLAINTS BY COUNTY

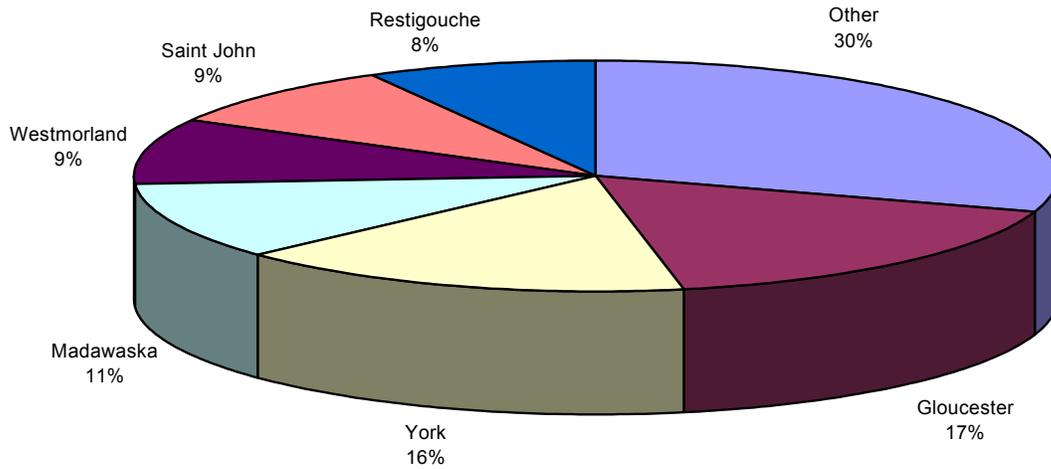
County	Population	Percentage of Population	Percentage of Complaints
Albert	26 749	3.7	1.3 (1.8)
Carleton	27 184	3.7	2.5 (2.1)
Charlotte	27 366	3.8	3.1 (2.6)
Gloucester	82 929	11.4	17.1(19.7)
Kent	31 383	4.3	2.0 (3.2)
Kings	64 208	8.8	3.8 (4.5)
Madawaska	35 611	4.9	11.3 (10.7)
Northumberland	50 817	7.0	5.9 (5.5)
Queens	11 862	1.6	1.3 (0.4)
Restigouche	36 134	5.0	8.1 (9.5)
Saint John	76 407	10.5	9.4 (6.7)
Sunbury	25 776	3.5	3.2 (3.3)
Victoria	21 172	2.9	4.3 (4.4)
Westmorland	124 688	17.1	9.2(10.7)
York	87 212	12.0	15.6(13.4)
	729 498	100	98.1(98.5) *

Notes: Population from 2001 Census

*Does not include complaints from correctional institutions
(2000/2001 % in brackets)*

**Out of Province – 1.9% (1.5%)*

GEOGRAPHIC LOCATION OF COMPLAINTS



Note: Does not include complaints from correctional institutions