

B.C.'S INDEPENDENT VOICE FOR FAIRNESS

Federation of Community Social Services of BC

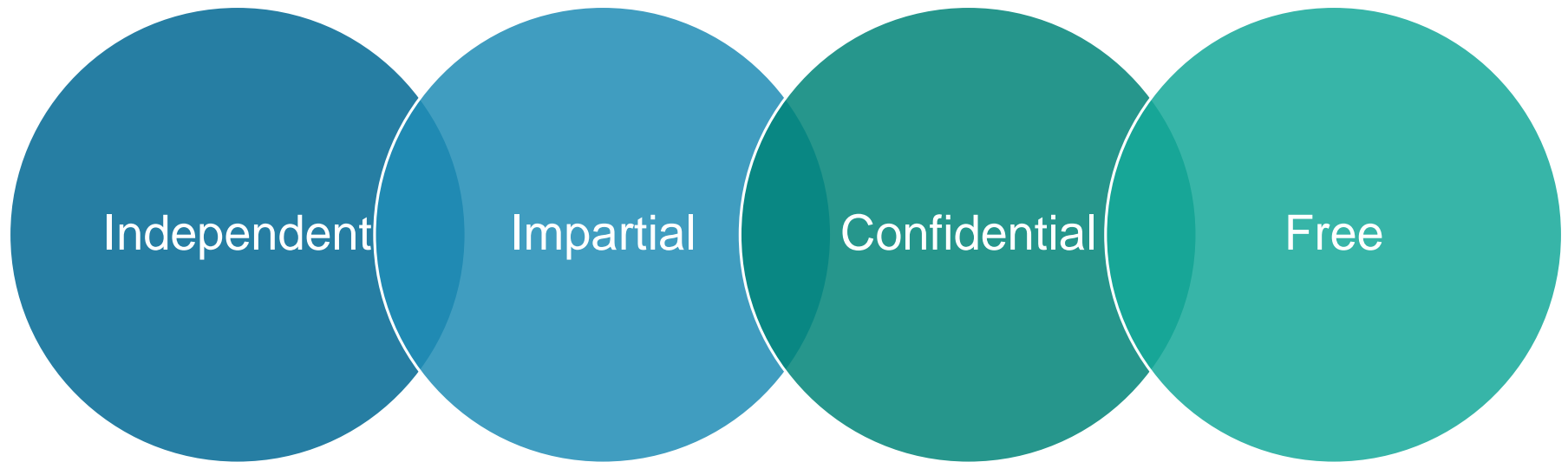
June 21, 2018



Jay Chalke
Ombudsperson Province of British Columbia

WHAT IS AN OMBUDSPERSON?

Promotes and Fosters Fairness



WHY DO WE NEED AN OMBUDSPERSON?

“Move aside bureaucratic roadblocks...

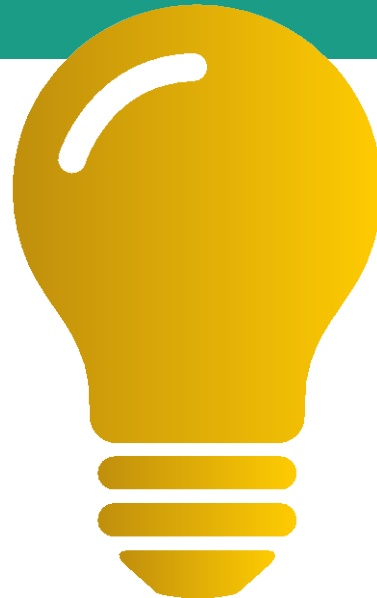
...wade through red tape...

...approach the
unapproachable...

...recommend improvements.”

WHY DO WE NEED AN OMBUDSPERSON?

“Brings the lamp of scrutiny
to otherwise dark places”



B.C.'S INDEPENDENT VOICE FOR FAIRNESS



Independent

- Report to Legislature
- Neutral
- Statutory basis
- Rigorous



Voice

- Evidence-based
- Persuasively focus scrutiny
- “Marshal public opinion”



Fairness

- Ability to be heard
- Following rules
- Clear decisions

HOW DO WE DO OUR WORK?

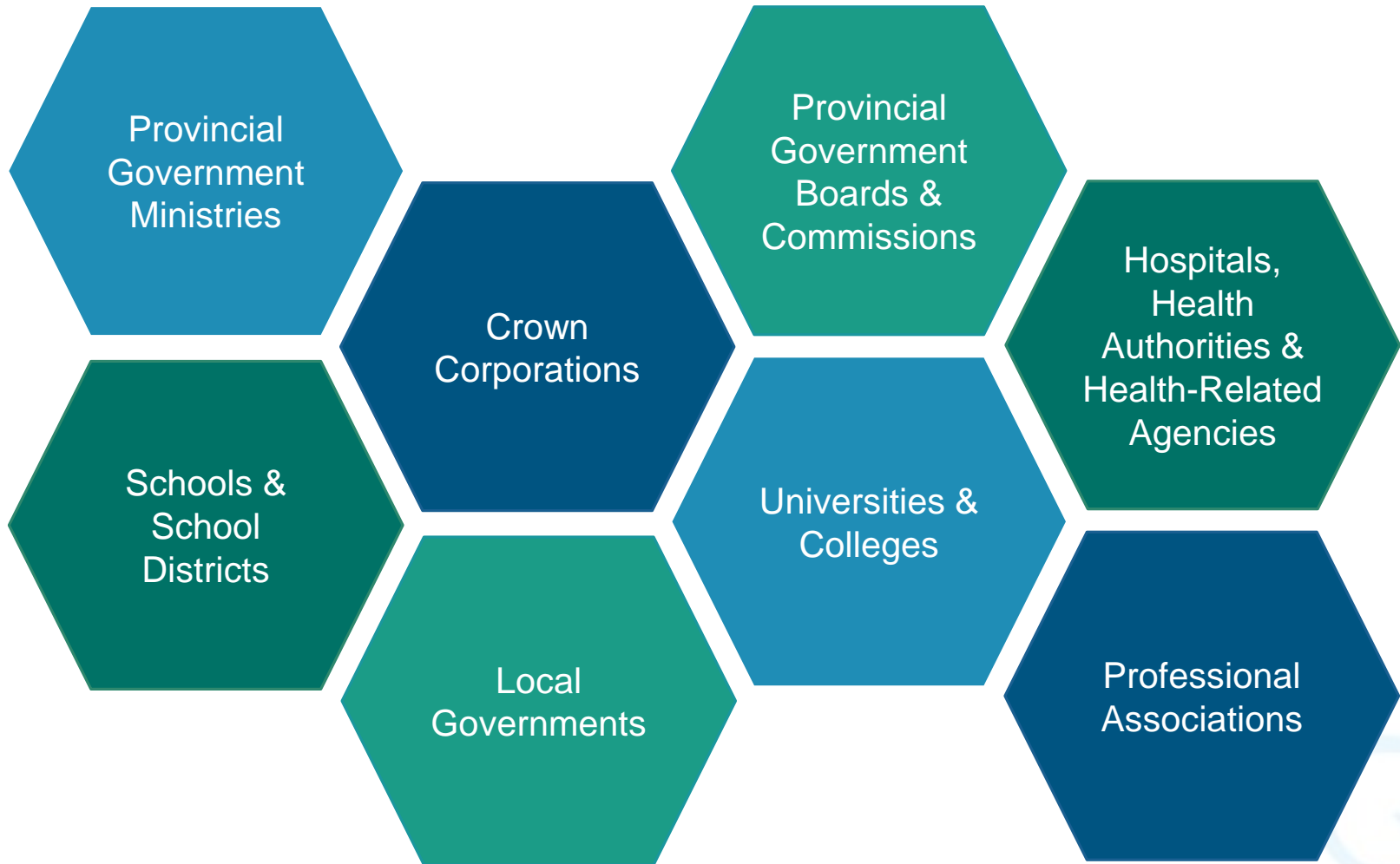
8,000 calls and complaints

Under our
jurisdiction?

Can we
resolve
quickly?

Can we
investigate?

JURISDICTION



WHO COMES TO US?

“I was treated unfairly.”

“I don’t know where to turn.”

“Nobody is getting back to me.”



TOP AUTHORITIES BY COMPLAINT VOLUME

	AUTHORITY	2015/16 % OF TOTAL JURISDICTIONAL FILES OPENED	2016/17 % OF TOTAL JURISDICTIONAL FILES OPENED
1	Ministry of Social Development and Social Innovation	20.1%	16.0%
2*	Ministry of Justice and Attorney General Ministry of Public Safety and Solicitor General	9.2%	11.9%
3	Ministry of Children and Family Development	12.4%	11.3%
4	Insurance Corporation of British Columbia	6.1%	6.7%
5	Workers' Compensation Board	4.2%	5.2%
6**	Ministry of Health	4.2%	4.4%
7	BC Hydro and Power Authority	4.4%	3.8%
8	BC Housing	2.2%	2.4%
9	Island Health	1.4%	2.1%
10	Fraser Health	2.4%	2.1%
	% of remaining jurisdiction files	33.4%	34.1%

* Until December 11, 2015, the Ministry of Justice was responsible for the programs now divided between these two ministries, including Adult Corrections (6.6% of jurisdictional files) and the Family Maintenance Enforcement Program (2.2% of jurisdictional files).

** Ministry of Health file numbers do not include Health Authorities. Ministry of Health files combined with Health Authority files total 12.8% of jurisdictional files.

COMPLAINTS WE RECEIVE

“I can’t get access to benefits I’m entitled to.”

“Why are my children being removed from my care?”

“I’m disabled and need medical transportation.”

“I’m in custody and I need to file a complaint.”

“I won’t be able to make ends meet if I don’t get my cheque.”

“I just arrived in Canada and I’m confused.”

HOW WE INVESTIGATE

We Gather Information

- Extensive powers to compel and examine
- Hear from complainant and public authority

We Analyze

- Policies/Procedures
- Acts/Omissions
- Decisions/Recommendations

We Question

- Is a policy contrary to law, unjust, oppressive or discriminatory?
- Were there inadequate reasons for a decision?
- Were there unreasonable delays?
- Was there a question of negligence?

POSSIBLE OUTCOMES

- Better explanation of decision
- New hearing or reassessment
- Access to a benefit
- Apology
- Reimbursement of expenses
- Improved policy or procedure

A single complaint from one person can often lead to changes that benefit many others.

WE RECOMMEND, AS OPPOSED TO ORDER

“The **inability** to force change may be the central **strength** of the office. It requires that its recommendations be based on a **thorough investigation** of all facts, **scrupulous consideration** of all perspectives and **vigorous analysis** of all issues. This application of reason produces results that are more powerful than could be achieved through coercion. A coercive process may produce reluctant change in a particular instance, but it creates a “loser” who will be unlikely to embrace change in the future. By contrast, **change that results from a reasoning process changes a way of thinking** and the result endures, to the benefit of future users.”

—Former B.C. Ombudsman Stephen Owen

SYSTEMIC INVESTIGATIONS

- Ombudsperson initiated
- Generally wider impact
- Allows for broad consideration of policy and procedure



IMPACT OF OUR SYSTEMIC REPORTS

Increased staffing levels for seniors living in residential care

More oversight over private post-secondary institutions

Enhanced standards of conduct across the B.C. Public Service

More rigorous inspection standards for B.C.'s correctional facilities

TWO RECENT REPORTS

HOLDING PATTERN:

Call Wait Times for Income and Disability Assistance

The Office of the **mbudsperson**
B.C.'s Independent Voice For Fairness

Special Report No. 40 | April 2018
to the Legislative Assembly of British Columbia

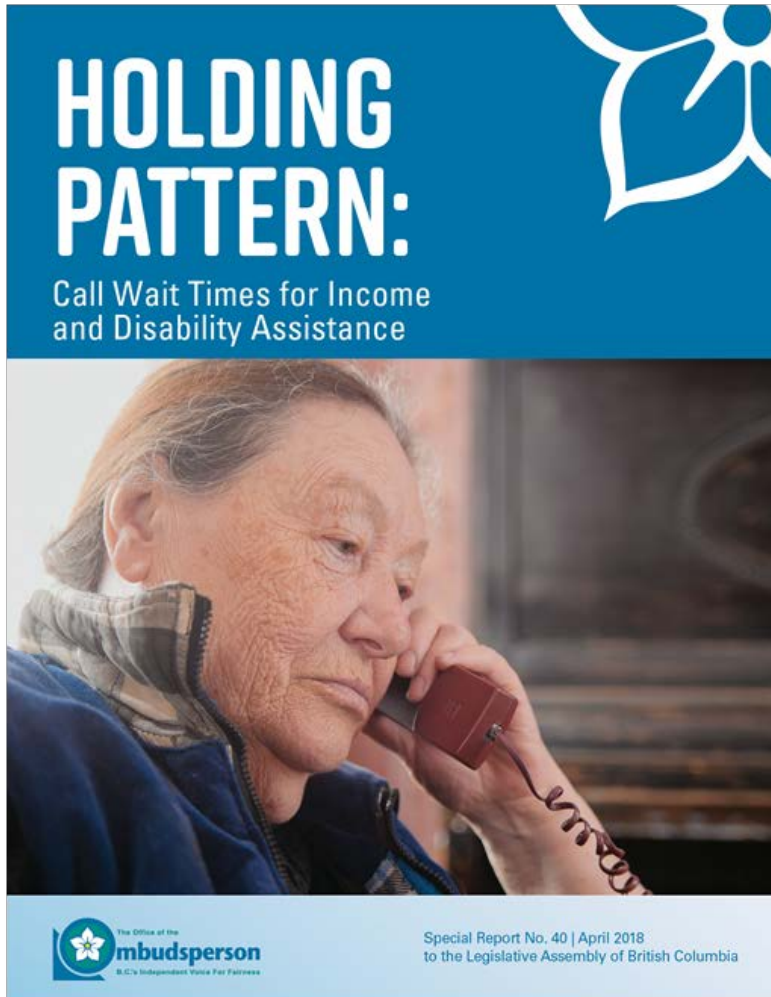
WORKING WITHIN THE RULES:

Supporting Employment for Income Assistance Recipients

The Office of the **mbudsperson**
B.C.'s Independent Voice For Fairness

Special Report No. 41 | May 2018
to the Legislative Assembly of British Columbia

HOLDING PATTERN



- Released April 2018
- Examined telephone call wait times

WAIT TIME STATISTICS

In 2017 Ministry received **125,000** calls each month = **1.5 million** calls per year, an average of **77,000** callers per month.



WAIT TIME STATISTICS

Ministry goal - average speed of answer **30** minutes

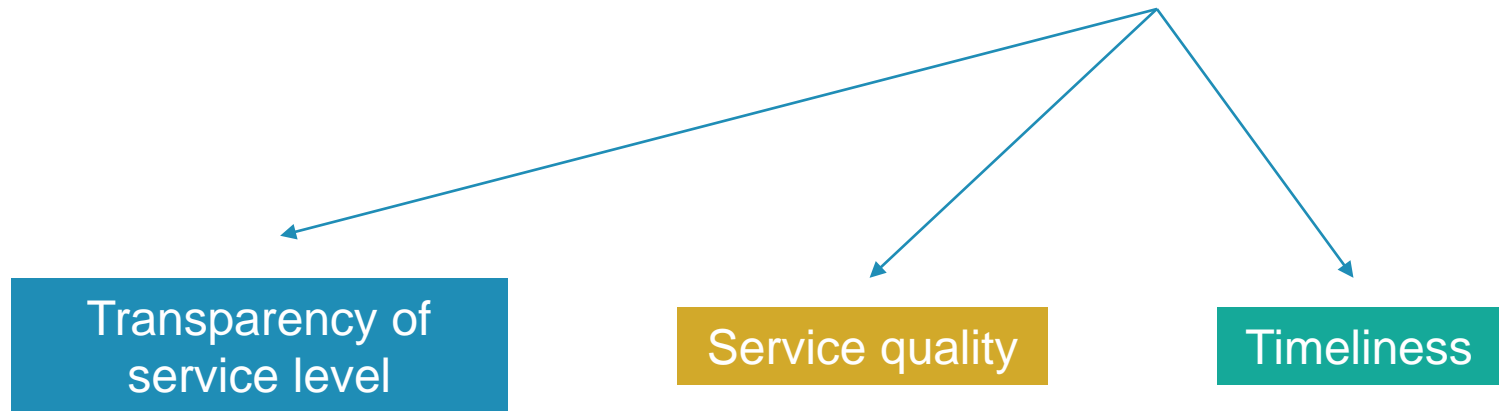
Actual annual average - **43** minutes and 33 seconds – at its peak, **1.5 hours**.

Ministry goal met only 4% of the time.

Average speed of answer before creation of centralized phone model – **under 10 minutes**.

HOLDING PATTERN RECOMMENDATIONS

9 Recommendations = 3 main areas



HOLDING PATTERN RECOMMENDATIONS TRANSPARENCY

“By May 31st, 2018, the ministry report the daily average speed of answer and the daily longest call wait time statistics on its website for each day in the previous month.”

HOLDING PATTERN RECOMMENDATIONS SERVICE QUALITY

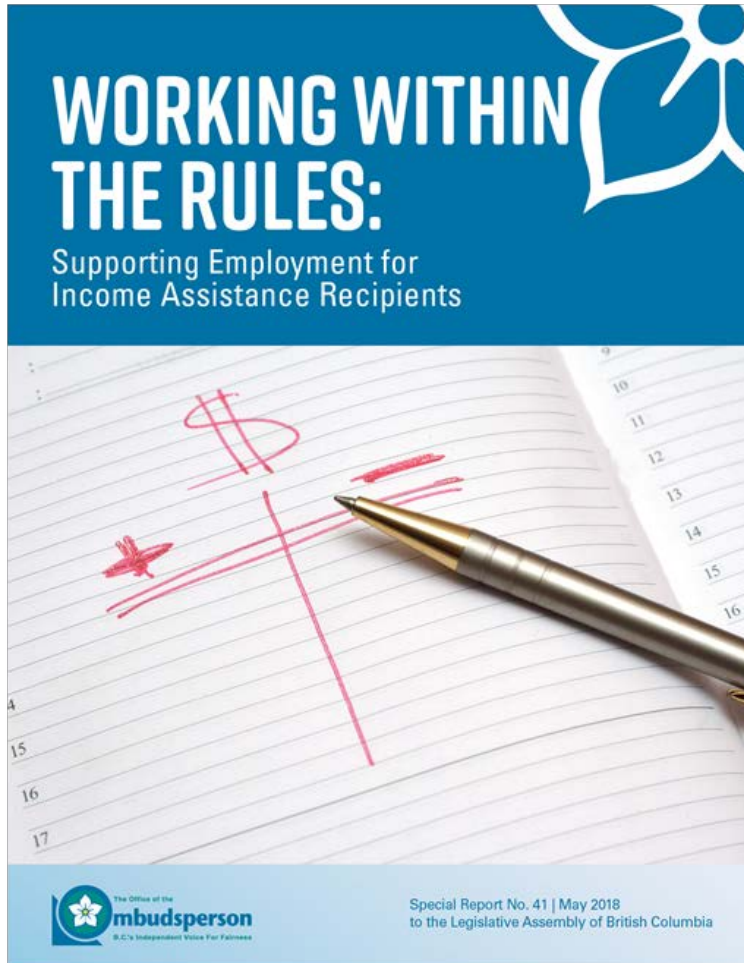
Ministry of Social Development and Poverty Reduction

Daily Contact Centre Wait Times

April 2018

Date	Shortest Wait Time	Longest Wait Time	Average Wait Time
Monday, April 2, 2018 – STAT	–	–	–
Tuesday, April 3, 2018	0:05:46	1:24:58	1:06:05
Wednesday, April 4, 2018	0:05:50	0:57:34	0:33:18
Thursday, April 5, 2018	0:03:04	0:36:26	0:19:24
Friday, April 6, 2018	0:04:20	1:11:35	0:45:39

WORKING WITHIN THE RULES



- Result of single complaint
- Examined administration of Earnings Exemption

WORKING WITHIN THE RULES

Ms. Smith's circumstances:

- Persons with Persistent Multiple Barriers (PPMB status)
- Chronic injuries impacted ability to work
- Employed casually
- Earnings fluctuated



WORKING WITHIN THE RULES

- Policy **contrary** to law
- **Inconsistent** with goals
- Ministry knew it was applying policy erroneously
- Continued for **5** years
- Individuals denied up to **\$700**

WORKING WITHIN THE RULES

Four Recommendations including:

- Immediately begin making eligibility decisions about the earnings exemption that are consistent with the Employment and Assistance Regulation
- Amend earnings exemption policy to comply with the law
- By October 2018 reimburse all income assistance recipients whose benefits were miscalculated
- By October 2018 develop guidelines for responding to systemic and/or repetitive legal errors in relation to the ministry's application of its income and disability assistance legislation

Outcomes to date:

- Policy has been changed – ministry has agreed to pay back **3,700** individuals totalling **\$1 million**.

THE POWER OF SPEAKING UP

**One Voice
Can Have
Tremendous
Power**



Questions?

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