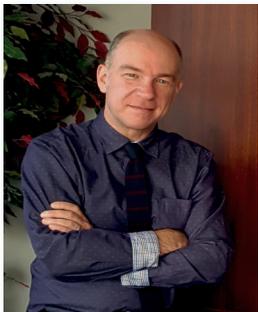


Citizens' Representative Message



Bradley Moss

With summer now drawing to a close and the kids heading back to school, our thoughts turn to “getting back into it”; more regular work hours, the start up of volunteer activities, children’s activities and all of the things that keep us busy during the other three seasons. For OCR and staff, this means getting back into the daily process of managing complaints, and beyond that, putting some work into our strategic plan which is based on outreach initiatives and raising awareness. This year, with the assistance of the statistics branch of the Department of Finance, our main objective is to launch a survey to gauge awareness of our office and its services, so that we can better target our efforts to assist people with any problems they may be having with Government. Raising awareness has been a historical challenge of Ombudsman offices across the country and numerous approaches have been applied with varying successes. What we’ve found in the past is that in-person intake sessions in communities, supplemented by a little

advertising, has been successful. Now that we have fully emerged from the pandemic it is our plan to get back out there and meet people where they live and work; to sit with them and listen; and also promote our services while in their communities. In addition, in the spirit of truth and reconciliation, we plan to visit our indigenous communities and speak with community leaders about how we may be able to better assist them. As part of a new national working group among Ombudsman offices spearheaded by our Quebec counterparts, the Indigenous Initiatives Network will help inform and prepare us for this work by hearing best practices employed in other provinces and territories who have had success in this area. We continue to advocate, as well, with the Canadian Council of Parliamentary Ombudsman towards the establishment of a National Indigenous Ombudsman office, which was a recommendation of the National Inquiry into Missing and Murdered Indigenous Women and Girls. We believe this is an important step for the federal government to take in order to best serve the indigenous peoples of Canada and we are happy to apply the resources necessary to assist. All of this to say, we have a busy few months coming up!

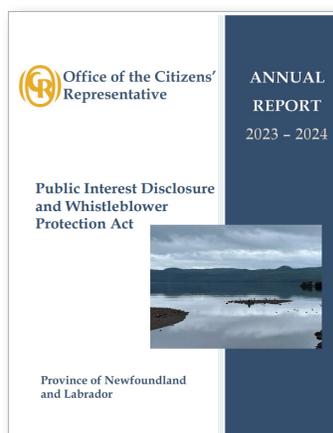
Public Interest Disclosure and Whistleblower Protection Act

The OCR released its Annual Report for 2023-2024 in May, 2024. This report highlights the progress and activities in carrying out our mandate under the **Public Interest Disclosure and Whistleblower Protection Act** (the Act) for the fiscal year, including statistics and compliance results. The Act provides a confidential process for public service employees to disclose wrongdoing and be protected from reprisal for doing so. This report provides useful information including the disclosure process and definitions that may assist in understanding requirements of the program. Additionally, it provides an overview of the services available under the Act and what can be expected upon contact with the OCR. Contact is confidential and welcomed by the OCR for any employee who may have questions about making a disclosure under this Act, including if the contact may be for advice only.

Please feel free to review this Report available on our website: <https://www.citizensrep.nl.ca/pdfs/PIDAReport2023-2024.pdf> Copies of this Report can also be produced upon request.

September 17-19, 2024, the OCR will be hosting Commissioners responsible for the delivery of public

interest disclosure programs within the provincial and federal governments within Canada for its annual conference. The OCR welcomes the opportunity to



meet with its Canadian colleagues to present and discuss all topics related to public interest disclosure and whistleblowing. This conference provides the opportunity for learning, collaboration and support in navigating the challenges faced by Commissioners in creating a safe space for public servants to disclose wrongdoing.

What We Offer

We have numerous presentations available for public servants and the general public on our full range of services, including the provincial whistleblower program, and tips on how to navigate difficult complaints for frontline workers. Presentations are available by calling (709) 729-7647 or via email at citrep@gov.nl.ca

Seeking Fairness

The Department of Children, Seniors and Social Development (CSSD) supports individuals, families and communities in Newfoundland and Labrador in achieving improved health and social well-being and reduced poverty; and ensures the protection of children, youth and adults from abuse or neglect.

A citizen who had an open file under the Protective Intervention Program of Child Protection and Youth Services submitted a complaint form to our Office. The complaint included concerns related to communication between the citizen and social workers engaged in the file; lack of consent to access information and connect with service professionals; and reasons why the file was not closed.

Finding Solutions

NL Health Services provides quality health care to all residents of the province through its broad range of programs and services, facilities, clinics and community services.

A family reached out to the OCR regarding their experience with an acute care admission of their adult child with complex medical needs. The adult child has severe intellectual disabilities, is non-verbal and totally dependent with respect to activities of daily living. The parents indicate that while the adult child is low-functioning, they enjoy life and communicate non-verbally with parent and caregivers.

The family indicated that while the adult child was in the hospital, one person was required to be there at all times. With two home support workers in place to provide care in the home, they offered to stay at the hospital to provide rest for the parents. It was later indicated that home supports were not approved by the Community Supports Program during an acute care admission. The family alleged they were not offered the support of a Personal Care Attendant (PCA) until the day before discharge. The availability of this support was not clearly articulated to

A person aggrieved must first exhaust all available administrative recourses before our Office will investigate a complaint. When citizens present to our Office with complaints related to child protection, we normally defer to the internal review mechanisms available within CSSD. In this situation, a citizen can first request a review by the immediate supervisor responsible for the file, then make a request via the zone manager and finally, by the provincial inquiries coordinator. Upon submission of this complaint, the citizen had availed of a review by the immediate supervisor. Our Office reached out to CSSD to identify the zone manager for the area and redirected the citizen to the next available level of internal review to have the concerns addressed.

the family and the support was not often available. The family felt they needed to be there all the time to ensure the one-on-one care required was available.

The family suggested that it is necessary to create a practice/policy at acute care admission such that there is a family consult for children (adult included) with complex needs, and an assessment of what the needs are and supports available during the acute care admission. It was also believed that there is value in permitting the approved home supports to continue in acute care admissions to support the patient and the family.

The family eventually declined to have their experience investigated under the **Citizens' Representative Act** (CRA) due to competing demands on their time and attention. The general nature of the complaint, however, was incorporated into a relevant systemic investigation under section 15 of the CRA. It resulted in recommendations to allow for family consultations to determine specific needs of families of children with complex medical needs, and to permit the introduction of home support workers in acute care in certain circumstances.

Questions / Comments?

Is your department, agency or community group interested in learning more about the OCR, its services and processes? Do you have a suggestion or question to be addressed in a future edition of *OCR Insights*? Call us at 1-800-559-0079 or (709) 729-7647, or e-mail citrep@gov.nl.ca

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