

Recommendations 2010

First Quarter Update

January - March 2010

*written notification to an indi-
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Overview

At Ombudsman Saskatchewan, we promote and protect fairness in the design and delivery of government services. One of the ways our office does that is by taking complaints from citizens about unfairness in government services.

We assess each complaint we receive to determine whether it is within our jurisdiction, and if so, what is the most appropriate method of service: coaching, negotiation, mediation or investigation. For those complaints that require investigation, several outcomes are possible. For example:

- We may determine that the government office was fair and that no further action is needed.
- The government office may discover and voluntarily correct an error.
- We may recommend that the government office make a change or do something differently.

An Ombudsman recommendation is different from a suggestion and is a much more formalized process. Each recommendation is the result of thoughtful research and investigation. It may be specific to the individual that brought the complaint or it may be broader, impacting policy, processes and future interactions for many people.

Although government is not obligated to accept our recommendations, it usually does - and so it should. Recommendations are not made lightly and the applicable government office always has an opportunity to review and comment on a recommendation before it is finalized. This step, which is mandated by *The Ombudsman and Children's Advocate Act*, is part of a fair process and provides an opportunity for government to state any objections they may have or challenges they may face in implementing the recommendation.

Unless there is some good reason to withdraw or change the recommendation, the Ombudsman will then formally submit it to the Deputy Minister or CEO of the ministry or government agency involved. It is then up to the ministry or government agency to determine whether it will comply with the recommendation and respond accordingly.

For files that were closed in the first quarter of 2010, Ombudsman Saskatchewan's recommendations statistics are:

Recommendations Made: 11
Accepted: 11
Partially Accepted: 0
Rejected: 0

Recommendations

Following is a brief description of the complaints that resulted in recommendations and were closed during the first quarter of 2010. The names of those involved have been changed to protect their privacy.

Saving Sight

Cyril needed an eye operation to avoid blindness. He was referred to the only doctor in Canada able to perform the specialized surgery, received approval from the Ministry of Health, and had the required operation.

While his hospital stay was billed directly to the Province of Saskatchewan, he only received partial payment for surgery expenses and the devices used during surgery. We found that the province normally pays for these kinds of medically necessary costs when the surgery takes place in Saskatchewan, so we recommended he be reimbursed.

We made four specific recommendations, naming the tests and devices involved. To ensure confidentiality of this report, we have summarized our recommendations as follows:

Recommendations

That the Ministry of Health reimburse Cyril the remainder of the cost for the devices and tests related to his eye surgery.

Status: Accepted

Private Service Home Questions

Carla contacted our office because she believed that care in an Approved Private Service Home (APSH) where a family member had lived was inadequate. We reviewed whether CLD followed its policies and procedures with respect to the approval and oversight of the home and whether there was a process available to address Carla's concerns.

We found that CLD was regularly monitoring the home and following existing policies and regulations. There were, however, some gaps. The operator was a smoker and the resident was not, but there was no policy in place to protect him from second-hand smoke. There was no process in place for reviewing critical incidents and deaths. The operator had been hospitalized, but when she returned to work, there was no assessment done to determine whether she could reasonably continue to perform her regular duties.

Recommendations

The Ministry of Social Services immediately develop for implementation smoking and exposure to second hand smoke policies for their APS homes.

Status: Accepted

The Ministry of Social Services develop a process of reviewing all critical incident and deaths of CLD clients who are resident in APS homes at the time of critical incidents.

Status: Accepted

The Ministry of Social Services review its current policies and procedures to ensure that any medical concerns of an APS home operator's capacity to fulfill obligations are annually reviewed and assessed to determine if those concerns potentially impact or affect the level of designated care.

Status: Accepted

How Do We Appeal This?

A couple with disabilities were overpaid the housing supplement on two different occasions – once through a Ministry of Social Services error and once through the couple's delay in notifying the Ministry of a change in their circumstances. They did not think they should repay the amounts and they disagreed with the appeal process.

When we reviewed the situation, we found that they indeed owed the money, but the process needed improvement. We also noted that this situation fit with some of our recommendations in a system-wide review that had been sent to the Ministry for their comments. As a result, we reiterated recommendations from the review that were relevant to this case.

Recommendations

Written notification to an individual against whom an adverse decision is being contemplated that states a decision is pending and provides the individual with an opportunity to respond.

Status: Accepted

Following the decision, written notification of the decision, the reasons for the decision, and information with respect to appeals.

Status: Accepted

In their response, the Ministry also noted that they planned to implement the recommendations, although this would be somewhat delayed until they could make some technology changes to their office.

Surprised Sponsor

Colin married and sponsored Cora, who was from another country. The relationship didn't work out and she left him a short time later. Without resources, she applied for and received social assistance. Colin was unaware of her circumstances.

Ten years later, when Colin applied to sponsor another non-Canadian he discovered that he owed the Ministry of Social Services more than \$25,000 for Cora's support. This was a surprise to Colin since it was such an old debt (beyond the Statute of Limitations) and he had never been notified.

When we investigated the matter, we found that Colin indeed owed the money as part of his sponsorship agreement with the federal government and that the Ministry should be better prepared for situations of this nature. We made the following recommendations:

Recommendation

That the Ministry of Social Services enter into discussions with the federal government to address the issue of sponsorship default in cases where the sponsored individual received social assistance benefits.

Status: Accepted

That the Ministry of Social Services develop a means to collect, within the time frame as set out in *The Limitations Act*, money paid as a result of a sponsorship default in cases where the sponsored individual receives social assistance benefits as a result of sponsorship breakdown.

Status: Accepted

Operating Costs

Craig was approved for and received an out-of-province surgery. Later, he found that he had to pay part of the cost for a device used during the operation. Our investigation found that the amount should have been covered.

Recommendation

That the Ministry of Health reimburse Craig the total cost of the device.

Status: Accepted
