



Recommendations 2010

Fourth Quarter Update



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October - December 2010

Overview

At Ombudsman Saskatchewan, we promote and protect fairness in the design and delivery of government services. One of the ways our office does this 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, it remains as it is. 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 fourth quarter of 2010, Ombudsman Saskatchewan's recommendations statistics are:

Recommendations Made: 8
Accepted: 8
Partially Accepted: 0
Not Accepted: 0

Recommendations

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

Surprise Debt

Ministry of Social Services – Income Assistance and Disability Services

Camille had disabilities which prevented her from working full-time, so worked part-time and applied for Social Assistance. The worker who assessed her file determined that she was eligible for a shelter allowance because of the mortgage on her home.

Camille explained that the house had actually been paid off, but it was a collateral mortgage with a line of credit, which had been arranged to pay for necessities such as home improvements. The worker assured her that she indeed qualified for a shelter allowance and she began receiving it.

Several years later, she received a letter stating that the worker had made a mistake. Camille had not been eligible for the shelter allowance after all and would have to repay. She now owed thousands of dollars to the Ministry. In recognition of the mistake, the Ministry accepted repayment at a rate of \$5/month. Even so, Camille now had a large debt and her financial institution told her that it would no longer allow her to borrow money.

Camille appealed the decision to the Regional Appeal Committee, but the appeal was rejected. She decided not to appeal to the Saskatchewan Social Services Appeal Board because she believed it would require her to travel, which was very difficult for her. She did not think it was fair for her to pay the money back when it was the Ministry's mistake, so she contacted our office.

We investigated the matter and found that, even though the Ministry made a mistake, Camille had been given money that should not have come to her and it should be repaid. We also found that one of the purchases she made on her collateral mortgage was a water system. This would have qualified as a health and safety necessity and was worth more than a third of the amount owing.

Recommendation

1. That the Ministry reduce the overpayment presently assessed against Camille by the cost of the water purification system.

Status: Accepted

2. That the Ministry offer Camille a written apology and acknowledge that it was the Ministry's error that resulted in the creation of this debt.

Status: Accepted

That's What We Were Talking About

Ministry of Social Services – Income Assistance and Disability Services

Clark had been on and off Social Assistance for several years. He received a notice that he had been overpaid some years before and would have to pay the money back. In order to avoid having the money collected from his income tax returns, he made arrangements with the Ministry of Social Services and over the next few years made some payments. When he received another letter from the Ministry that told him the payments would now be collected through his income tax returns, he did not think this was fair. He contacted our office and told us that:

- He did not owe the Ministry any money.
- He did not understand why they thought he did.
- The debt was now so old that it was unfair for them to collect it.

We investigated the matter and did not find any reason to doubt that he had indeed received overpayments and that more recent attempts of the Ministry to communicate with him had been successful.

While we did not recommend that Clark's overpayment be removed, we did note that his file contains examples of historical practices that were problematic, including some of the issues identified in a systemic investigation report we sent to the Ministry earlier this year. In particular, Clark's records with the Ministry showed instances where the Ministry sent repeated notifications to an incorrect address even when they were returned to the sender and the Ministry continued to recover funds that were well past limitation dates and could no longer be pursued through the courts.

While we were reviewing Clark's file, we found that some years before, a \$300 payment had been received on his file to be applied against his overpayment – but there was no evidence that this payment had been done.

Recommendations

1. That the Ministry of Social Services apply the sum of \$300.00 to Clark's present overpayment.

Status: Accepted

Looking for a Fair Process

Ministry of Health – Community Care Branch

Connie was operating a personal care home. When the Personal Care Homes Program at the Ministry of Health received a complaint about the home, the Ministry investigated and placed conditions on the home's operating license. Connie did not think the conditions were achievable or fair, so she contacted our office.

Our investigation found that the Ministry had not used a fair process. For example, a fair process requires that a person who will be affected by a decision should be informed of the decision that is being considered and should be given an opportunity to respond. Connie was not given that opportunity.

We also found that Connie had met one or more of the conditions but the conditions still remained on the licence.

Recommendation

1. That the Ministry review the conditions attached to Connie's personal care home to determine what, if any, conditions should apply.

Status: Accepted

2. That an operational review on Connie's home be completed.

Status: Accepted

3. That in the event that the Ministry believes that conditions be attached to the operations of the care home, Connie be given the opportunity to respond prior to the conditions being attached.

Status: Accepted

Note: Connie chose to withdraw from the process, so while the Ministry was prepared to carry out our recommendations, it was unable to do so.

Waiting in the Dark

Ministry of Health, Saskatchewan Cancer Agency

Candice was diagnosed with breast cancer. A date for mastectomy surgery was arranged and she received an orientation letter from the cancer centre. The letter explained that her family doctor had referred her to an oncologist and that she would be contacted to arrange an appointment with the oncologist prior to beginning chemotherapy.

Several weeks after the operation, Candice did not have an appointment with an oncologist, so she began making inquiries. No matter who she talked to, she could not find out how much longer she would need to wait for the appointment. After many inquiries, an appointment was arranged and she started chemotherapy 12 weeks after surgery.

Candice had found the process frustrating and decided to contact our office. She was concerned about the lack of information provided to her while she was waiting for her first appointment with an oncologist, that the wait time to see a medical oncologist was longer than the recommended benchmark for breast cancer oncology treatment, and she believed she was treated in a particularly discourteous and dismissive manner during one of her inquiries.

When we reviewed Candice's concerns, we decided to launch a systemic investigation into the way the province manages breast cancer wait lists. That investigation will be discussed more fully in our 2010 annual report.

In addition to the systemic investigation, we made the following recommendations that were specific to Candice's case.

Recommendation

1. That the Saskatchewan Cancer Agency offer an apology to Candice.

Status: Accepted

2. That the Saskatchewan Cancer Agency offer Candice the opportunity to meet with a senior executive so that she might describe her experience with the Agency.

Status: Accepted