



OMBUDSPERSON
BRITISH COLUMBIA

June 27, 2023

Greg Keller
Chair
School District 68 (Nanaimo-Ladysmith)
395 Wakesiah Avenue
NANAIMO BC V9R 3K6

Dear Greg Keller,

RE: Office of the Ombudsperson Quarterly Reports: July 1, 2022 - March 31, 2023

This package of documents details the complaint files the Office of the Ombudsperson closed for School District 68 (Nanaimo-Ladysmith) for the last three reporting quarters of the 2023 fiscal year between July 1, 2022 and March 31, 2023. No action is required on your part; however, we hope that you will find this information useful and share it within your organization.

Our office has recently migrated to a new software platform for our investigation file management, which has caused a delay in producing quarterly reports on their normal schedule. As we implemented the new software, we have updated the process by which these reports are generated. I apologize for the delay in sending these reports to you and expect that, going forward, the reports will be generated on a quarterly basis as they were in the past.

These reports provide information about the complaint files we closed regarding your organization within the last three quarters, including both files we investigated and files we closed without investigation. Files currently open with the office are not included in these reports.

Enclosed you will find detailed reports containing the following:

- A one-page report listing the number of files closed and the category under which they were closed. The categories we use to close files are based on the sections of the *Ombudsperson Act*, which gives the Ombudsperson the authority to investigate complaints from the public regarding authorities under our jurisdiction. A more detailed description of our closing categories is available on our website at: <https://bcombudsperson.ca/assets/media/QR-Glossary.pdf>.
- If applicable: Copies of closing summaries for complaint files that were investigated. These summaries provide an overview of the complaint received, our investigation and the outcome. Our office produces closing summaries for investigated files only, and not for enquiries or those complaints that were not investigated.



- If applicable: A summary of the topics identified in the complaint files closed during the quarter. We track general complaint topics for all complaints we receive, and when applicable, also include information about authority-specific and/or sector-specific topics in those complaints for your organization and/or sector. Because complaints to our office are confidential, we do not share complaint topic information if we received too few complaints to preserve the complainants' anonymity.

If your organization received too few complaints to produce a summary of complaint topics but you would like further information about the complaints our office received about your organization, our Public Authority Consultation and Training (PACT) Team can provide further details upon request.

If you have questions about our quarterly reports or notice any inaccuracies in the data provided, or if you would like to sign up for our mailing list to be notified of educational opportunities provided by our PACT Team, please contact us at 250-508-2950 or consult@bcombudsperson.ca.

Yours sincerely,

Jay Chalke
Ombudsperson
Province of British Columbia

Enclosures



Type of complaint closure for Authority: School District 68 (Nanaimo-Ladysmith)	# closed
Enquiries – Many people who contact us are not calling to make a complaint, but are seeking information or advice. These contacts are classified as <i>Enquiries</i> to distinguish them from <i>Complaints</i> , which are requests that our office conduct an investigation.	1
Complaints with No Investigation – Our office does not investigate every complaint it receives. First, we determine whether we have authority to investigate the complaint under the <i>Ombudsperson Act</i> . We also have discretion to decline to investigate for other reasons specified in the <i>Ombudsperson Act</i> .	5
Early Resolution Investigations – Early Resolution investigations provide an expedited process for dealing with complaints when it appears that an opportunity exists for the authority to take immediate action to resolve the issue. Typical issues that are addressed through Early Resolution include timeliness, communication, and opportunities for internal review.	0
Complaint Investigations – When we investigate a complaint we may conclude with a determination that a complaint is not substantiated, or with a negotiated settlement of the complaint, or with public findings and recommendations. We may also exercise discretion to cease investigation for a number of other reasons specified in the <i>Ombudsperson Act</i> .	1
Reason for closing an Investigation	
Pre-empted by existing statutory right of appeal, objection or review.	0
Investigation ceased with no formal findings under the <i>Ombudsperson Act</i> .	
More than one year between event and complaint	0
Insufficient personal interest	0
Available remedy	0
Frivolous/vexatious/trivial matter	0
Can consider without further investigation	0
No benefit to complainant or person aggrieved	0
Complaint abandoned	0
Complaint withdrawn	0



Complaint settled in consultation with the authority – When an investigation leads us to conclude that action is required to resolve the complaint, we try to achieve that resolution by obtaining the voluntary agreement of the authority to settle the complaint. This allows matters to be resolved fairly for the complainant and authority without requiring a formal finding of maladministration.	1
Complaint substantiated with formal findings under the <i>Ombudsperson Act</i> .	0
Complaint not substantiated under the <i>Ombudsperson Act</i> .	0
Ombudsperson Initiated Investigations – The Ombudsperson has the authority to initiate investigations independently from our process for responding to complaints from the public. These investigations may be ceased at the discretion of the Ombudsperson or concluded with formal findings and recommendations.	0



The *Ombudsperson Act* requires that investigations be conducted in private. Ombudsperson investigation documents are not available through the *Freedom of Information and Protection of Privacy Act*, and may be subject to rules preventing their use in court and tribunal proceedings. **Please contact the Office of the Ombudsperson before disclosing this document, or any responses, to any third parties.**

Closing Summary Index

Closing summaries are provided for all investigated files closed in each quarter. Identifying information is removed from the closing summary itself to allow for broader distribution within your organization for quality improvement purposes without disclosing personal information. The table below provides an index of these investigated files and lists the file number, closing date and authority contact involved. Files closed under our Early Resolution Program are also identified. This identifying information is provided separately to assist you in following up on individual files with involved staff as needed.

File Number	Authority	Authority Contact	ER file
21-0190687 / 001	School District 68 (Nanaimo-Ladysmith)	Karen Matthews	



Closing Summary

Authority:	School District 68 (Nanaimo-Ladysmith)
File Number:	21-0190687 / 001
Closing Date:	16-Feb-2023
Closing Status:	<i>Complaint settled under s.14 (s.13(i))</i>
General Complaint Topics:	Accessibility, Communication, Disagreement with Decision or Outcome, Discrimination, Process or Procedure, Treatment by Staff
Authority-specific Complaint Topics:	All School Districts / Bans from School Property (Section 177), Special Education
Closing Summary:	A person approached our office with concerns about School District 68's decision that district employees would no longer meet with members of the person's advocacy organization and contended their organization had been unfairly restricted from communicating with the District.

We investigated whether the district followed a fair and reasonable process in making this decision.

Our review indicated that, in this case, the district had not clearly explained the terms of the exclusion, and that the relevant district policy did not include the option for people in the person's position to request a review of their exclusions. As a result, we had fairness concerns about the process the district used to make its decision.

We then spoke to representatives of the district, who agreed to resolve these concerns by contacting the person to clarify the terms of the exclusion, and by amending the relevant policy to include an option for excluded persons to request a review after one year. In this case, the implementation of the revised policy timeframes meant that the person became eligible to pursue a review forthwith.

As a result, we determined that the concerns we identified had been resolved. We then closed our file on the basis the complaint was settled under section 13(i) of the Ombudsperson Act.



The tables below summarize the complaint topics we are tracking for your sector and/or authority and the number of times this topic was identified in the files (investigated and non-investigated complaints) that were closed in the most recent quarter.

If you would like more information on the types of complaints we receive, please contact our Public Authority Consultation and Training Team: email us at consult@bcombudsperson.ca or call us at 250-508-2950.

Sector-Specific Complaint Topics – All School Districts

Bans from School Property (Section 177)	3	4%
Enrolment/Registration	7	9%
Other	35	43%
School Closures	3	4%
Special Education	11	14%
Student Safety	17	21%
Student Suspension or Exclusion	5	6%

General Complaint Topics – All School Districts

Accessibility	8	6%
Administrative Error	1	1%
Communication	19	14%
COVID-19	1	1%
Delay	4	3%
Disagreement with Decision or Outcome	32	23%
Discrimination	3	2%
Employment or Labour Relations	9	7%
Other	7	5%
Process or Procedure	30	22%
Review or Appeal Process	5	4%
Treatment by Staff	19	14%