

Summary of 2008-2009 recommendations to government department and agency heads

JUSTICE AND PUBLIC SECURITY

MINISTÈRE DE LA SÉCURITÉ PUBLIQUE

Government action plan for social reintegration and contracting for the Local Social Reintegration Support Fund

- Whereas, in its 2007-2008 report, the Québec Ombudsman called on the Gouvernement du Québec to implement an interdepartmental action plan for the creation and coordination of social reintegration services;
- Whereas the Government entrusted the Ministère de la Sécurité publique with responsibility for laying the foundations of this plan;
- Whereas the Ministère de la Sécurité publique undertook to produce a working document dealing in particular with the problem sets and challenges for the reintegration of offenders into society and with the needs of those affected, and to compile an inventory of social reintegration services in detention centres;
- Whereas submission of this document to the Québec Ombudsman, scheduled for December 2008, has been postponed due to delays in compiling an inventory of social reintegration services in detention facilities;

The Québec Ombudsman recommends that the Ministère de la Sécurité publique give high priority to this task and increase its efforts to meet the stated deadline and, as such, asks the Ministère de la Sécurité publique to submit the government action plan on social reintegration no later than June 30, 2009.

Complaint handling system

- Whereas such an information management tool is important in the context of loss of freedom for those filing complaints, and taking into account that over 15% of complaints received by the Québec Ombudsman deal with the complaint processing system implemented at its request in all detention facilities in 1992, the Québec Ombudsman believes the Ministère de la Sécurité publique cannot postpone action until a computerized registry of complaints has been created;
- Whereas the correctional system is still dealing with many problems linked to overcrowding and access to health care, the Québec Ombudsman finds it regrettable that the Ministère de la Sécurité publique deems it acceptable to delay the implementation of a mechanism that would help improve its knowledge of its client base and make informed choices as to the best options for resolving at least some of these difficulties. In addition, the Québec Ombudsman does not feel the lack of resources can justify the fact that the authorities of certain facilities do not make use of the existing registry;

The Québec Ombudsman recommends to the Ministère de la Sécurité publique that, with immediate effect, it require management to use the register on a regular basis and that the collected data be examined with a specific focus on improving respect for the fundamental rights of inmates and correcting, once and for all, the recurrent problems with the application of the complaint processing system in detention centres;

That, as of August 2009, it submit quarterly reports to the Québec Ombudsman on its progress in using the register.

Use of physical restraints

- Whereas the Québec Ombudsman is concerned about the use of physical restraints during waiting times in hospitals and even during periods of hospitalization;
- Whereas some citizens have stated that they prefer to refuse treatment rather than be guarded under such conditions;

The Québec Ombudsman recommends that the Ministère de la Sécurité publique review the internal directives of detention facilities so that, in accordance with provincial guidelines, the use of physical restraints is based on the level of risk represented by the inmate and on the security context in the health facility.

Confidentiality of information exchanged by inmates and medical staff

Whereas the principle of confidentiality of information exchanged by users and medical staff is extremely important;

The Québec Ombudsman recommends to the Ministère de la Sécurité publique that it re-assess the internal directives of individual institutions;

That, in its directives, it emphasize the importance of respecting confidentiality and stipulate how this may be done;

That it identify the necessary material conditions to allow for confidential consultations while limiting any security risks, and that it report to the Québec Ombudsman by December 31, 2009, on the steps taken;

That it undertake discussions with the health and social service institutions that most often receive inmates, in order to determine the conditions required to allow confidential medical consultations in a secure environment.

**COMMISSION QUÉBÉCOISE DES LIBÉRATIONS CONDITIONNELLES,
MINISTÈRE DE LA SÉCURITÉ PUBLIQUE, MINISTÈRE DE LA JUSTICE,
DIRECTOR OF CRIMINAL AND PENAL PROSECUTIONS**

Release on parole: Chronic postponement of hearings

- Whereas the parole program is a fundamental element of the social reintegration of inmates;
- Whereas the tendency of inmates to give up on release on parole has increased over the last few years;
- Whereas such a high rate of postponements two years after implementation of the new regime indicates that the system must be adjusted in order to ensure that the processes in place truly serve the letter and the spirit of the Act;

The Québec Ombudsman recommends that the Ministère de la Justice, the Ministère de la Sécurité publique, the Director of Criminal and Penal Prosecutions and the Commission québécoise des libérations conditionnelles work together to analyse bottlenecks in the current parole release system, in order not only to improve existing practices but also to make suitable changes to the rules and simplify their operation, if possible. It also asks that they report to it on the changes made by January 31, 2010.

BENEFITS AND COMPENSATION

SOCIÉTÉ DE L'ASSURANCE AUTOMOBILE DU QUÉBEC

Issuing of medical reports

- Whereas the time taken by the Société de l'assurance automobile du Québec to issue medical reports continues to be unacceptably long;
- Whereas this results in prejudice for the victims of road accidents;
- Whereas, despite the SAAQ's action plan, no specific target for improvement has been set;

The Québec Ombudsman recommends that the SAAQ should set targets for improvement so as to be able to assess the impacts of its reorganization on the time taken to issue medical reports, and that it inform the Québec Ombudsman of those impacts by June 30, 2009.

Overhaul of the computer system

- Whereas, every year, citizens are adversely affected by the limitations of the SAAQ's computer system;
- Whereas it is important for citizens to obtain full and accurate information on their files when they contact the SAAQ for a transaction;
- Whereas the limitations of the computer systems should never cause omissions that mislead citizens as to the validity of their driver's licence or vehicle registration;
- Whereas the limitations of the computer systems should never, in any circumstance, justify requirements or billings that are contrary to law;

The Québec Ombudsman recommends that the SAAQ should overhaul its computer systems so as to allow for a quick review of the licence and registration files of every citizen who effects a licence or registration transaction at a service centre, and also to avoid requirements that are contrary to the Act;

That the SAAQ should treat the overhaul as a priority, and inform the Québec Ombudsman of the outcome of its timeframe review by September 30, 2009;

That, in the meantime, the SAAQ should introduce the necessary administrative measures, regardless of the constraints involved;

That the SAAQ should submit an action plan to the Québec Ombudsman by June 30, 2009, detailing these measures.

COMMISSION DE LA SANTÉ ET DE LA SÉCURITÉ DU TRAVAIL - CRIME VICTIMS COMPENSATION DIRECTORATE

Telephone access

- Whereas the wait before speaking to an agent at the Crime Victims Compensation Directorate is very long;
- Whereas this long wait can have serious consequences for a particularly vulnerable client group;
- Whereas the Centre d'expertise des grands organismes, of which the Commission de la santé et de la sécurité du travail is a member, recommends an average wait of 20 seconds for 80% of the calls received;

The Québec Ombudsman recommends that the Crime Victims Compensation Directorate should provide it with a plan of action by June 30, 2009, which should then be implemented without delay to bring the average waiting time as close as possible to the standard recommended by the Centre d'expertise des grands organismes.

COMMISSION ADMINISTRATIVE DES RÉGIMES DE RETRAITE ET D'ASSURANCES (CARRA)

Information

- Whereas the information processed and provided by the CARRA is highly complex;
- Whereas the impacts of the decisions made by citizens based on this information, and the potential prejudice arising from those decisions, are considerable;
- Whereas, in its Declaration of Service to Citizens, the CARRA undertakes to provide full and accurate information and to accurately calculate the value of the pension or reimbursement to which a person is entitled;

The Québec Ombudsman recommends that the CARRA should inform it of the results of the steps taken to improve the quality of the information provided when it implements its 2009-2010 action plan.

RÉGIE DES RENTES DU QUÉBEC

Combination of benefits with no negative effects

- Whereas situations involving a combination of benefits from the Régie des rentes du Québec and the Société de l'assurance automobile du Québec can produce unfair outcomes;
- Whereas, in practice, citizens who find themselves in these circumstances have no recourse since the authorities are simply applying the law as it currently stands;

The Québec Ombudsman recommends that, as part of the pension plan review that will take place in the fall of 2009, steps should be taken to ensure that the rules applicable to benefit combinations paid to citizens receiving compensation from the Société de l'assurance automobile du Québec do have the effect of reducing their income from its original level.

HEALTH AND SOCIAL SERVICES

CHILD PROTECTION AND YOUTH CENTRES

International adoption in Québec

- Whereas the Ministère de la Santé et des Services sociaux announced its new guidelines for local and international adoption and post-adoption services in 2008;
- Whereas this new service offer demands complementarity of services between youth centres and health and social services centres for the evaluation and preparation of applicants, situational follow-up and support of the adoptive parents;
- Whereas the MSSS wants all resource workers involved to receive pre- and post-adoption training based on the needs of the children, the adoptive parents and the conditions of international adoption;
- Whereas these guidelines must be implemented in all regions of Québec by 2012;

The Québec Ombudsman recommends that services for parents of children adopted from Québec or from abroad be harmonized, to achieve equity;

That the MSSS submit a progress report and share the results for each region of Québec in order to harmonize the services available to local and international adoption applicants;

That the MSSS report to the Québec Ombudsman no later than January 2010.

RESIDENTIAL AND LONG-TERM CARE CENTRES

Quality assurance

Whereas residents are extremely vulnerable and there is the potential for isolation and the risk of abuse;

The Québec Ombudsman recommends that the Ministère de la Santé et des Services sociaux step up the pace of its quality assessment visits in order to offer CHSLD residents a quality living environment;

That private seniors' residences be included in the resources that must undergo priority ministerial assessment visits;

That quality indicators be included in management agreements between agencies and institutions, and that the contracts made with private resources explicitly set out the level of quality expected and the means of quality control;

That the capacity of the resources to meet the specific needs of their residence be ascertained.

HOSPITAL CENTRES

Emergency services

- Whereas the situation in the emergency wards that the Québec Ombudsman investigated continues to be problematical;
- Whereas emergency services are used extensively by people whose state of health is evaluated at a priority level of 4 or 5;
- Whereas a round table has been set up to examine access to family medicine and front-line medical services, and expects to take four years to produce results;

The Québec Ombudsman recommends that the Ministère de la Santé et des Services sociaux plan temporary solutions for the interim period, so that users whose state of health is evaluated at priority level 4 or 5 can gain access to front-line services.

LOCAL COMMUNITY SERVICE CENTRES (CLSCs)

Home care services and home support programs

- Whereas the six-year-old ministerial home support policy seeks to guarantee access to equal services for everyone without distinction and to provide a response based on needs;
- Whereas, in the policy, and in the subsequent clarification document¹, the MSSS announces that the prioritization criteria should be clarified and improved;
- Whereas, in its response to the Québec Ombudsman concerning wait times, the MSSS announced its intention to specify standards for access to home support services based on the access plan for the disabled;
- Whereas the Québec Ombudsman has found that the application of prioritization criteria for access to service sometimes contradicts the policy guidelines;

¹Ministère de la Santé et des Services sociaux, *Chez soi : le premier choix. Précisions pour favoriser l'implantation de la politique de soutien à domicile*, Québec, 2004.

The Québec Ombudsman recommends that in the home support service access plan it is about to develop, the Ministère de la Santé et des Services sociaux specify the prioritization criteria for access to service and that it instruct institutions to apply them with timelines and specific accountability, in order to ensure consistent handling of requests for home support, no matter which institution is approached by a person in need of such services;

That the MSSS inform the Québec Ombudsman, no later than September 30, 2009, of the timeframe in which it plans to submit the access plan and the related implementation schedules to the institutions in question.

SOCIAL PROBLEMS

THE CURATEUR PUBLIC DU QUÉBEC

Delays in launching protective supervision programs

- Whereas the Curateur public has taken steps to reduce processing times for the opening of protective supervision;
- Whereas the Curateur public's initial analysis covered a period of time that is too short for it to be able to judge the results obtained;
- Whereas, in addition to its interventions with the health and social services network, the Curateur public also approached the Ministère de la Justice in the winter of 2009, to examine the causes of the delays and find solutions;
- Whereas the measures introduced by the Curateur public have begun to produce results and the Québec Ombudsman will be monitoring the situation in the coming year;

The Québec Ombudsman recommends that the Curateur public present a review of the measures it has introduced, and that it submit a report on its analysis of the results obtained as a result of the steps taken by other bodies.

Consent for care for incapacitated individuals

- Whereas although the Curateur public has undertaken to assess the results of its effort to ensure that health and social services institutions submit consent for care requests;
- Whereas the results of this assessment are not yet known;

The Québec Ombudsman recommends that the Curateur public complete its assessment of the results in the near future, and submit a profile of the situation no later than June 2009.

Understanding the clientele

- Whereas the Curateur public states that it has introduced methods to help it understand its clientele and respond satisfactorily, and with a reasonable time, to their needs;
- Whereas the Curateur public set itself the goal of visiting all wards living in their homes, but has still not achieved that goal;
- Whereas the number of people to be visited continues to increase;
- Whereas the Curateur public and the Québec Ombudsman meet periodically to review the follow-up to the Québec Ombudsman's recommendations;

The Québec Ombudsman recommends that, at one of the regular meetings between now and January 2010, the Curateur public submit a review of the steps taken to understand its clientele.

Reassessment of protective programs

- Whereas the Curateur public intends to introduce remedial measures to ensure that its process is functional and complies with the deadlines set by law;
- Whereas it intends to implement a plan of action beginning in May 2009;

The Québec Ombudsman recommends that the Curateur public report to it by May 2010 on the implementation of its plan of action.

Final report and accounting

- Whereas the Curateur public, at the end of its curatorship for a ward, must submit a final report and account for its management of that person's assets;
- Whereas the Québec Ombudsman notes that these documents are difficult for ordinary people to understand;
- Whereas the Curateur public believes these documents comply with current legislative and regulatory requirements and with accounting rules;

The Québec Ombudsman recommends that the Curateur public produce explanatory documents with a generalized version of its final report and accounts, based on the principles set out in the Act respecting administrative justice, and that it submit these documents to it by January 2010.