

# Office of the Ombudsman



Annual  
Report  
**2011**

# Office Location



Office of the Ombudsman  
Public Workers Union Building  
Tanteen, St. George's, Grenada





OFFICE OF THE OMBUDSMAN  
PWU Building, Tanteen, St. George's, Grenada

24th February, 2012

H.E. Sir Carlyle Glean GCMG,  
Governor-General  
Office of the Governor-General  
Carenage  
St. George's

Your Excellency,

I have the honour to submit to you, the Second Annual Report of the activities of Office of the Ombudsman, for the period 1<sup>st</sup> January to 31<sup>st</sup> December, 2011.  
This Report is made pursuant to Section 32(3) of the Ombudsman Act 24 of 2007.

Yours respectfully,

A.ARGAR ALEXANDER  
OMBUDSMAN



OFFICE OF THE OMBUDSMAN  
Public Workers Union Bldg. Tanteen, St. George's, Grenada

24th February, 2012

Hon. Joan Purcell MP  
President  
The Senate  
St. George

Hon. George McGuire MP  
Speaker  
House of Representatives  
St. George

Madam President,

Mr. Speaker,

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This Report is made pursuant to Section 32(3) of the Ombudsman Act 24 of 2007.

Yours faithfully,

A.ARGAR ALEXANDER  
OMBUDSMAN



Annual Report  
2011

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# Logo



## Explanation of Logo

The Ombudsman's role is to provide protection for all the people and to shield them from injustice and unfairness in their dealings with public authorities.

The colours of the national flag **red**, **green** and **gold**, as are included in the Logo.

**Red** represents the fervour of the people, their courage and vitality; their burning aspiration to be free.

**Gold** speaks to wisdom; also, the sun; islands in the sun; the warmth and friendliness of their people.

**Green** recalls the fertility of the land, the lush vegetation and the island's agriculture.

**The Seven Stars** represent the seven parishes of the state of Grenada and emphasize the breadth of the Ombudsman's jurisdiction in dealing with complaints from all corners of the society.

**The Shield** is the symbol of protection against abuse and discrimination.

**The Circles**, as seen in such logos far and wide, are representative of the Ombudsman.

**The Grey of the Shield** symbolises the neutrality and impartiality of the Ombudsman.

# Staff of the Office of the Ombudsman



The former secretary, Ms. Magnola Bernard, left the position during the month of January, 2011.

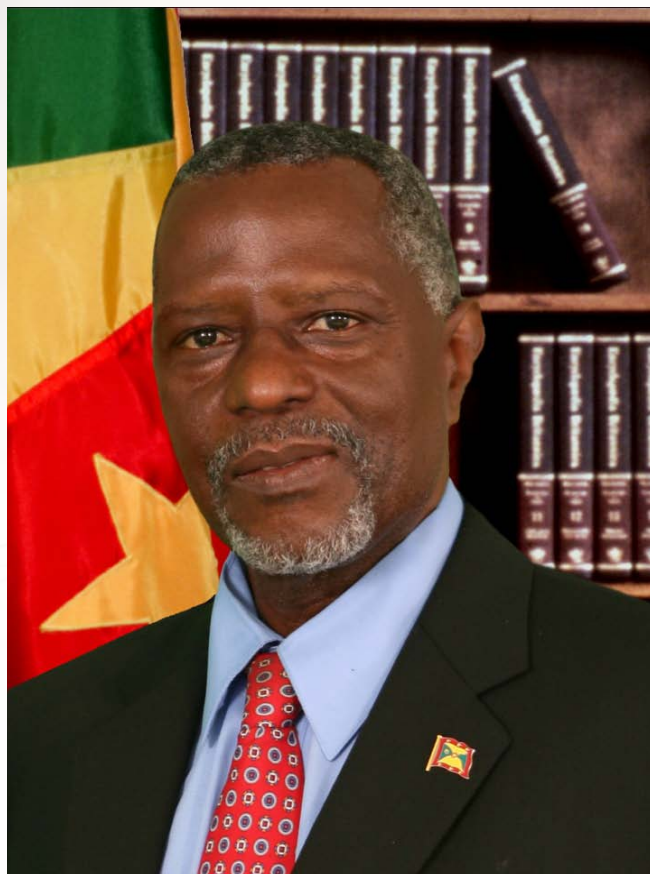
The Ombudsman has recorded his gratitude to her for her work during her short spell with the Office.

# Ombudsman's Message

Another year of operations at the office of the ombudsman has passed, the second year of functioning as the office continues to consolidate and make necessary adjustments to its modus operandi. The year has not been without its challenges. When an entity has to depend on others to ensure that its performance is of an acceptable standard then it becomes very clear that they can indeed negatively affect the level of efficiency of that entity in the delivery of its services.

One is constantly being reminded that one of the attributes of good governance as advanced by the World Bank Institute is **“the provision of services which are second to none.”**

When our citizens are forced to complain because of the shoddy service they receive; the delays and referrals they experience, the sometimes disrespect and abuse meted out to them; mistakes in law and the application of the law; then it is obvious that good governance is being unduly and negatively affected and, in consequence, makes our country a more difficult place in which to do business.



I wish to impress upon all of us who serve the public to do so with a sense of humility, honesty and integrity and to treat others in ways no less than how we ourselves would expect to be treated.

Each of us must seek to become more efficient at what we are called to do, and when we do, we get a good sense of satisfaction from knowing that we are easing the burdens that fellow travellers have to carry, if not by design, but by circumstance.

Our world is indeed made up of many among us who are marginalised and oppressed. These need to be given special treatment. The philosopher Aristotle in discussing the Justice and Fairness Approach to Ethics wrote rather succinctly that **“equals should be treated equally and unequals unequally.”**

Indeed the marginalised and oppressed are the **unequals** among us and make up the least common denominator in our country, and they are many. If we cannot treat them with **fairness and justice**, as fellow human beings, then our society is in big trouble. It will surely degenerate step by step into chaos and anarchy. But if we are able to get it right, I guarantee that our society would improve by leaps and bounds and would be a much better place in which to live.

This really is the essence of good governance. For all of us, the ombudsman, public officers and citizens alike, to be moved by the conviction that we need to exercise a **duty of care** to our fellow citizens, is a noble ideal that we ought to strive daily to achieve.

# The Office

The Ombudsman statute states accordingly:

*. 4.—(1) There shall be an Ombudsman for Grenada who shall be appointed by the Governor-General on the recommendation of the Prime Minister and the Leader of the Opposition.*

*(3) Notwithstanding anything to the contrary contained in this Act, the Office of the Ombudsman shall not be deemed to be an office in the public service.*

## Vision

The Ombudsman's vision for the public service is:

*Furthering good governance through delivery of responsive equitable public services to all.*

## Mission Statement

The Mission of the office seeks to clarify what we do and how we hope to achieve its goals:

*Providing effective service through complaints-handling procedures that are timely, ensuring always the highest level of confidentiality and impartiality.*

In seeking to stay true to its mission and advance the cause of good governance in Grenada, the Ombudsman firmly believes that the office must operate within the framework of a **code of ethics** and **statement of practice** to guide it in how it does its work.

# Analysis of Complaints

The report on the handling of complaints by the office of the Ombudsman is set out generally in two parts: complaints for the period January to December 2011; and those outstanding complaints which were made during 2010 and were rolled over into 2011.

**TABLE ONE: COMPLAINTS FOR 2011**

PUBLIC AUTHORITY	STATUS OF COMPLAINTS MADE					
	Total	Closed	Ongoing	Discont'd	Advice/ Referrals	Beyond Jurisdiction
Grenada Airports Authority	1	0	1	-	-	-
Grenada Housing Authority	3	1	2	-	-	-
Royal Grenada Police Force	24	7	16	0	0	1
Min of Agriculture and Fisheries	1	0	1	-	-	-
Min. Of Education and Human Resource	2	1	1	-	-	-
Min. Of Finance and Planning	4	0	4	-	-	-
Min. Of Health and Environment	11	4	7	-	-	-
Min. Of Housing and Lands	9	1	8	-	-	-
Min. Of Legal Affairs	1	0	1	-	-	-
Min. Of Labour and Social Services	6	2	4	-	-	-
Min. Of social development	1	0	1	-	-	-
Min. Of Tourism and Comm. Development	2	2	0	-	-	-
Min. Of Works and Public Utilities	10	1	8	1	0	0
National Insurance Scheme	3	2	1	-	-	-
Prime Minister's Ministry	1	0	1	-	-	-
National Water and Sewerage Authority	1	0	0	0	1	0
Grenada Solid Waste Man. Authority	2	2	0	0	0	0
<b>TOTAL</b>	<b>82</b>	<b>23</b>	<b>56</b>	<b>1</b>	<b>1</b>	<b>1</b>

The table gives a summary of the frequency of complaints lodged against public authorities with the office of the Ombudsman over the period January 2nd to December 31st, 2011.

# Analysis of Complaints

Examination and analysis of the left table would show the following:

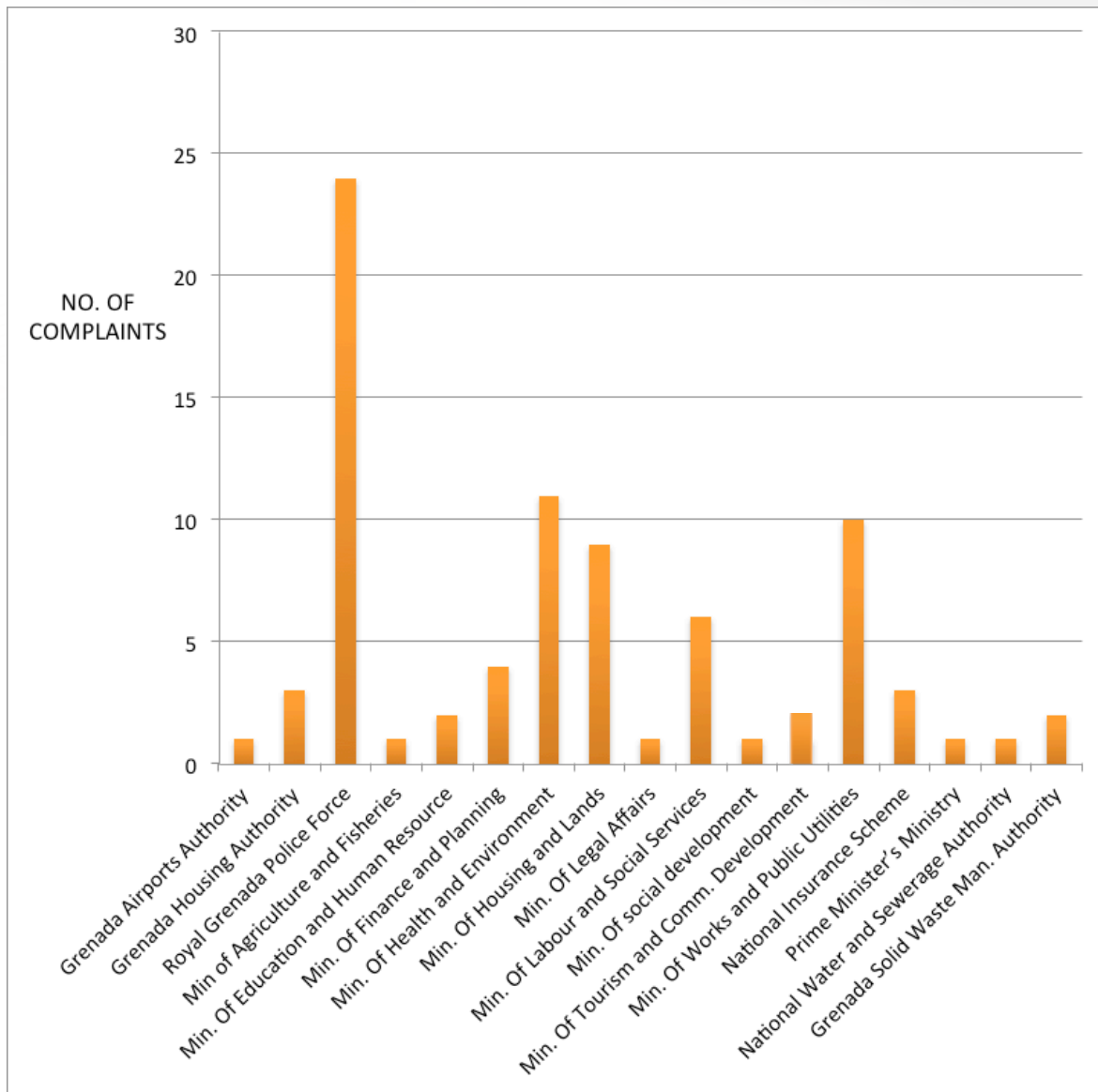
- (i) The RGPF, Ministry of Health and Environment, Ministry of Works and Public Utilities and Ministry of Housing and Lands were the four public authorities complained most against, in that order with percentage levels of 29.3%, 13.4%, 12.2% and 11% respectively. They therefore accounted for about 65.7% of all complaints coming before the Ombudsman in 2011. It was also noticeable that the RGPF had more than twice as many complaints as the Ministry of Health and Environment.
- (ii) Sixteen of the 24 or 66.7% of the complaints made against the RGPF were still ongoing by the end of 2011. It suggested that those cases were being dragged on indeterminately. That in the Ombudsman's view was cause for concern and spoke to the need for the Police to be more proactive in bringing closure to those cases which came before them from the office of Ombudsman.
- (iii) The mean number of complaints from the seventeen public authorities was 4.8 indicating that five of those authorities were above that population mean.
- (iv) The closure rate for complaints was 23 of 82 or 28 %. Eight of the seventeen public authorities complained against, had closure rates which were above the population mean of 26.3%.

Generally, though, there was need to improve on the efficiency rate regarding closures. However, it was worth giving consideration to the fact that the work of the Ombudsman was influenced by the level of efficiency being achieved by the particular public authorities.

In that regard he would wish to indicate that there were some senior managers who were making yeoman effort towards dealing with queries sent to them by the Ombudsman; but there were some who still needed to become more proactive and administratively astute and proficient. At the end of the day the matter of good governance will always be influenced by the *modus operandi* of the public officers; the ways in which they do business with those who come before them for assistance or redress of one type or another.

# Analysis of Complaints

**GRAPH SHOWING SPREAD OF COMPLAINTS BY PUBLIC AUTHORITY**



As brought out in TABLE ONE it can be seen from the above graph that the Royal Grenada Police Force, followed by Ministries of Health, Works and Housing were the public authorities which had the most complaints made against them.

# Analysis of Complaints

**TABLE TWO: SPREAD OF COMPLAINANTS BY RESIDENCE 2011**

Location	No.	Closed	Discontinued	Ongoing	Beyond Legal Jurisdiction	Advice given
St. George	47	11	1	33	1	1
St. John	6	3	0	3	0	0
St. Mark	7	2	0	5	0	0
St. Patrick	5	1	0	4	0	0
St. Andrew	6	2	0	4	0	0
St. David	8	4	0	4	0	0
Carriacou/Petite Martinique	0	0	0	0	0	0
Outside of Grenada	3	0	0	3	0	0
<b>TOTAL</b>	<b>82</b>	<b>23</b>	<b>1</b>	<b>56</b>	<b>1</b>	<b>1</b>

The table shows that:

- 1) Forty-seven or 57.3% of complaints emanated from the St. George parish; and 50% or eleven of the total complaints brought to closure or completion were ascribed to residents who lived in that parish.
- 2) Thirty-three out of 47 or 70.2% of complaints made during 2011 from St. George residents were still ongoing as at 31<sup>st</sup> December, 2011; while eleven of the forty-seven or 23.4% were completed or closed.
- 3) 50% of complaints from both St. John and St. David were successfully completed.

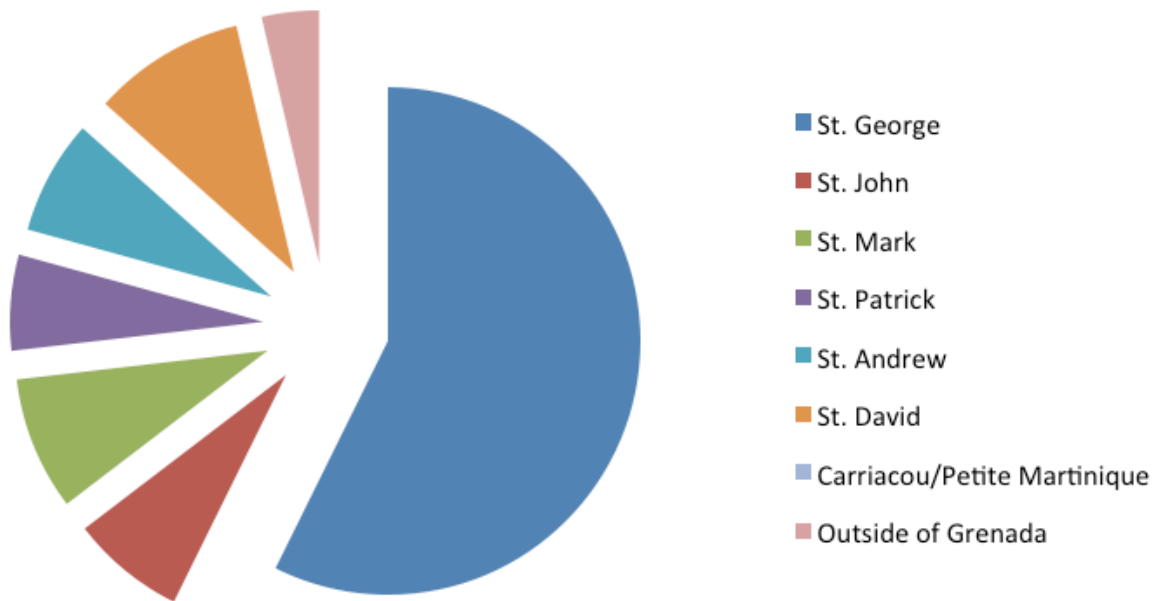
It is very noticeable that no complaints came from Carriacou. It might suggest that all was well or that people were not moved to complain against the public authorities there. There may be other reasons; one was not sure to what extent residents of Carriacou and Petite Martinique knew of the existence of the Office of the Ombudsman. Whatever the case, there was need for more public relations to be targeted at these communities.

During the year, the Ombudsman did pay a visit to Carriacou. At that time he made a presentation to a gathering of public officers.

# Analysis of Complaints

The Investigations Officer also made one visit for the purpose of interviewing a complainant whose gripe was really statute-barred because of the time which had elapsed in regard to his complaint.

**PIE CHART SHOWING DISTRIBUTION OF  
COMPLAINANTS BY RESIDENCE**



The Ombudsman has recognized that as the office became more established, there was a need to undertake further and more regular public education by way of media (electronic); flyers and leaflets; and possibly town meetings especially in the rural areas of the state.

# Analysis of Complaints

**TABLE THREE:  
FREQUENCY OF COMPLAINTS BY QUARTERS - 2011**

<b>MONTH</b>	<b>No. Of Complaints</b>	<b>Complaints made Quarterly</b>
January	7	
February	5	
March	2	
		14
April	4	
May	11	
June	4	
		19
July	7	
August	8	
September	6	
		21
October	8	
November	7	
December	13	
		28
<b>TOTAL</b>	<b>82</b>	<b>82</b>

From the table can be gleaned the following:

- 1) There was continual and steady increase in complaints from quarter to quarter during the year - 14 in the first, to 28 in the fourth – an increase of 100%.
- 2) During the first half of the year 33 complaints were made as against 49 in the second half, an increase of 48.5%.

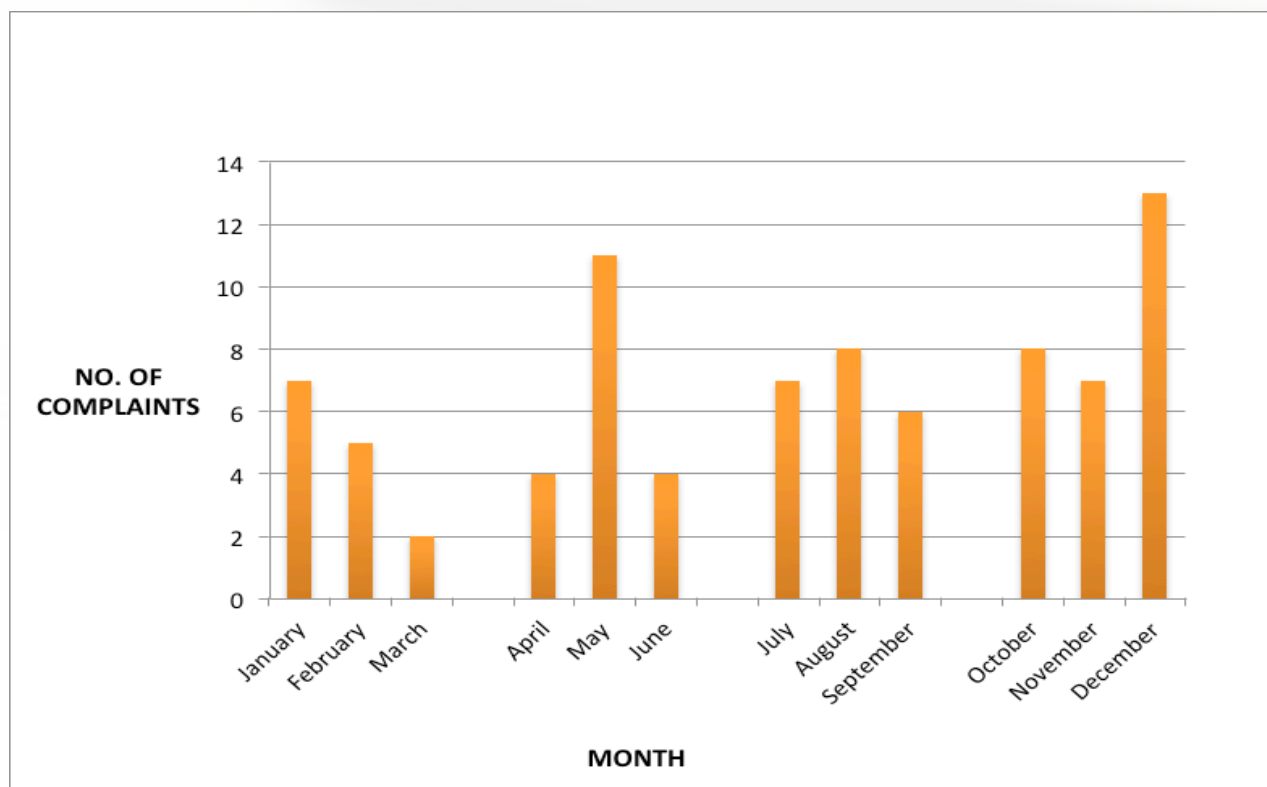
During the latter half of the year, our website [www.ombudsman.gd](http://www.ombudsman.gd) was commissioned. Four of the media outlets took the opportunity then to hold further interviews with the Ombudsman. That meant that there was even greater exposure of the office to the public. It appeared that as a consequence more persons took the opportunity to take their matters before the Ombudsman.

It was also noted that some of the complainants who came to the office during the last two months of 2011 intimated that they had heard from other residents of the existence of the office and were moved that they should make use of it by reporting their complaints.

Indeed, it was a commendable thing for our citizens to be passing on the message of our existence to those who might not have heard so otherwise.

# Analysis of Complaints

**CHART SHOWING NUMBER OF COMPLAINTS BY MONTH IN 2011**



## **ROLLOVERS FROM 2010**

As mentioned earlier there were complaints made in 2010 which were not resolved during that year and as a consequence had to be rolled over into 2011.

**TABLE FOUR:**  
**2010 COMPLAINTS ROLLOVER INTO 2011**

Public Authority	STATUS OF COMPLAINTS					
	Total	Closed	Ongoing	Discont'd	Advice/Referral	Beyond Jurisdiction
Royal Grenada Police Force	7	5	1	0	1	0
Min. of Agriculture and Fisheries	1	1	0	0	0	0
Min. of Health and Environment	2	2	0	0	0	0
Min. of Housing and Lands	2	0	2	0	0	0
Min. of Legal Affairs	1	0	1	0	0	0
Min. of Labour and Social Services	7	5	1	1	0	0
Min. of Works and Public Utilities	2	1	0	1	0	0

# Analysis of Complaints

Public Authority	STATUS OF COMPLAINTS Cont'd					
	Total	Closed	Ongoing	Discont'd	Advice/Referral	Beyond Jurisdiction
Prime Minister's Ministry	1	1	0	0	0	0
Physical Planning Unit	4	2	2	0	0	0
Grenada Rural Enterprise Project	1	0	1	0	0	0
National Water and Sewerage Authority	2	2	0	0	0	0
T.A.Marryshow Community College	1	1	0	0	0	0
<b>TOTAL</b>	<b>31</b>	<b>20</b>	<b>8</b>	<b>2</b>	<b>1</b>	<b>0</b>

The above table provided the following information:

There were 31 complaints rolled over from 2010. These complaints were still unresolved at the end of 2010 and had to be advanced during 2011. Twenty or 64.5% of these complaints were completed or closed during 2011 with a further 2 being discontinued.

Eight complaints from 2010 were still on going at the end of 2011.

Three public authorities (the Royal Grenada Police Force, Ministry of Labour and Social Services and the Physical Planning Unit of the Ministry of Works and Public Utilities) accounted for 18 or 58.1% of these outstanding complaints with(5, 5 and 2 of these respectively being closed in 2011.)

The Ombudsman would like to draw attention to the Ministry of Labour and Social Services, with a 71.4% closure rate, especially since in his first report he was somewhat critical of that public authority. Obviously, efforts were made throughout the year to ensure resolution of those outstanding matters. This was commendable. The idea was to consistently try to outdo oneself in bringing closure to those employment issues which came before the Labour Commissioner. There was still, however, room for improvement in its handling of complaints against employers.

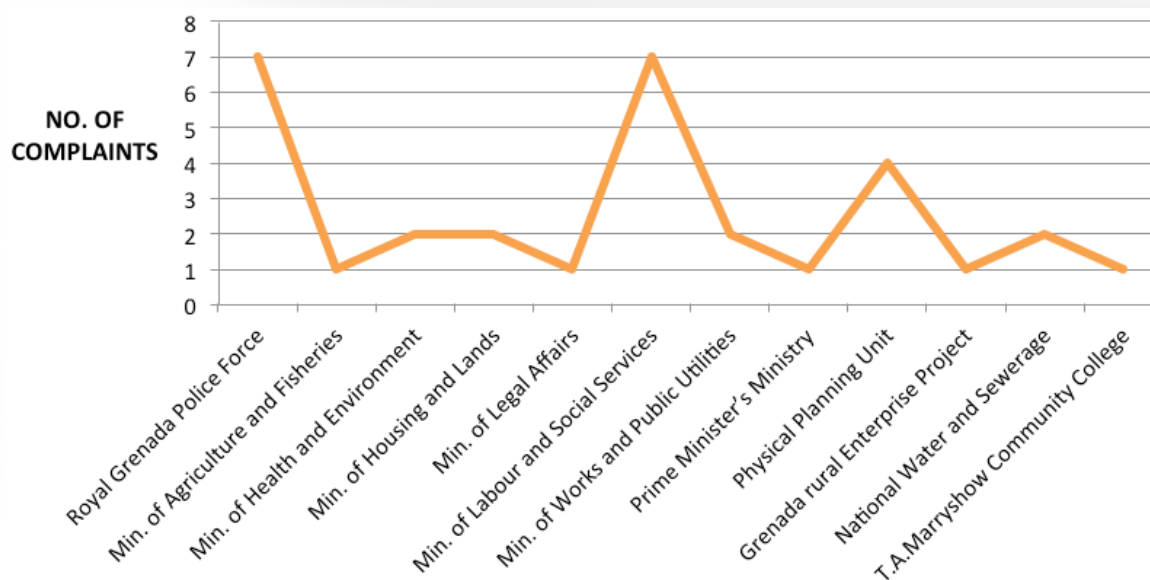
Five of the seven outstanding complaints against the Police were closed or completed during 2011. One of those matters was actually before the Court and as such debarred the Ombudsman from looking further into it.

The Ombudsman would continue to point out, however in the strongest terms that some senior managers are failing in the exercise of their duty of care towards our citizens and, by extension, the Ombudsman, in so far as timely reports and/or follow-ups to queries were handled.

Though it would not necessarily be a useful tactic to name those who, in the view of the Ombudsman, really needed to do better; it is a good thing to recognize that there were some whom he believed were really making great effort at improving the efficiency and timeliness of such responses to queries.

# Analysis of Complaints

## **GRAPH OF COMPLAINTS ROLLED OVER FROM 2010 - BY PUBLIC AUTHORITY**



The following table sets out a comparison of the number of complaints made during the two years and the status at the conclusion of the particular year.

**TABLE FIVE:**  
**COMPARISON OF STATUS OF COMPLAINTS: 2010 vs 2011**

YEAR	Total	Closed	Ongoing	Discont'd	Advice	Beyond Jurisdiction
2010	69	6	31	8	6	23
2011	82	23	56	1	1	1

It is quite noticeable that while in 2010 there was a very high incidence of complaints, which were beyond or outside the jurisdiction of the Ombudsman; in 2011 that number was drastically reduced to just one. It could reasonably be inferred that as people began to hear more of the existence and workings of the office; what it could and could not do, they came with the knowledge that theirs were complaints that the Ombudsman could expect to handle.

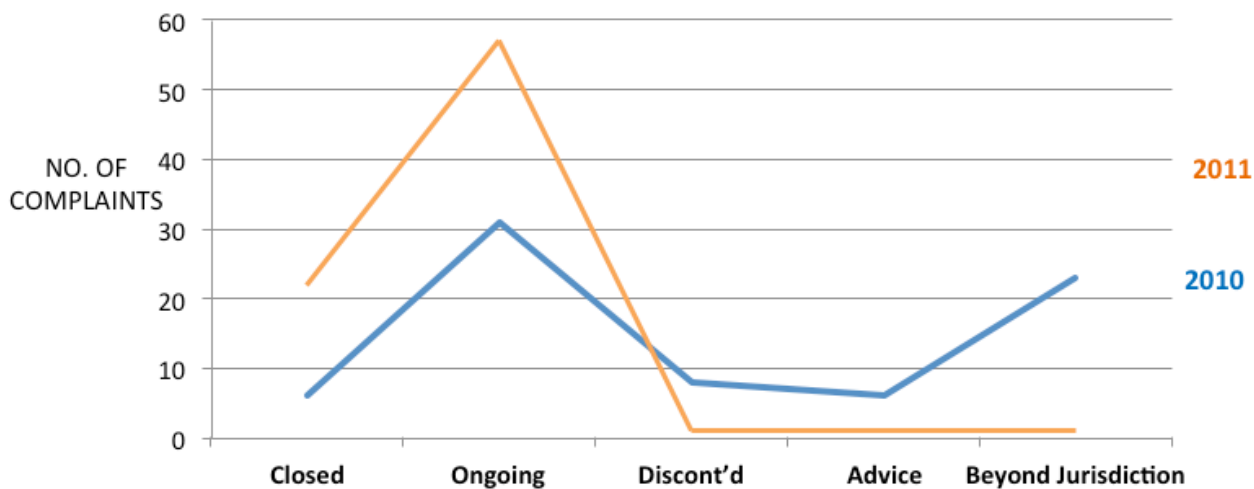
A further examination of the table showed however that the number of unresolved complaints more than doubled in 2011 over the same period in 2010. This was cause for concern, especially since the numbers of cases in 2011 were only 13 more or 18.8% greater than that of 2010.

The data do suggest to the Ombudsman that strategies would have to be employed to ensure that in future there was a greater degree of closure to complaints.

He would be called to redouble his efforts while at the same time being expectant that senior managers of the public authorities endeavoured to respond easily and more efficiently to queries which come before them; and to investigate those and bring quick closure to them.

# Analysis of Complaints

## **GRAPH OF COMPARISON OF STATUS OF COMPLAINTS**



**TABLE SIX:**  
**COMPARISON OF COMPLAINTS BY GENDER: 2010 vs 2011**

YEAR	COMPLAINTS FROM		TOTAL
	Male	Female	
2010	44	25	69
2011	56	33	89*
<b>TOTAL</b>	<b>100</b>	<b>58</b>	<b>158</b>

There was an increase of 20 or 27.2% in the number of complaints from both genders in 2011 over that of the same period in 2010.

While complaints from males grew from 44 in 2010 to 56 in 2011, for the same period there was an increase of eight in the female complainants.

The growth rate of complaints from the male population was 27.3% over the two years, while that from the female was 32% at the same time, seeming to suggest that complaints emanating from the female sector were increasing slightly more than that of the male. The numbers however were too small to be able to produce any definitive differences.

\* Decidedly, the total number for 2011 in the table is different from the 82 shown in other earlier tables for 2011. The office has had, on at least three occasions, groups of persons coming in at the same time, to lodge common complaints against the same public authority. In the earlier tables then they were treated as a unit while in the table above they were disaggregated for reasons of clarity and accountability as far as the actual numbers went.

# Summaries of Complaints

It was important in the view of the Ombudsman to give a sense of some of the issues which came before the Ombudsman both in 2010 and 2011; and how those were resolved generally.

## CASES FROM 2011

### Ministry of Housing and Lands



The legal agent has complained, on behalf of his client, to the Ombudsman regarding apparent intransigence on behalf of the Ministry in its failure to cause the reimbursement of payments made to Government on the purchase of a lot of land. Apparently the complainant has been made to pay interest over and above that expected by law (according to his attorney's interpretation).

The Ministry had apparently sought the services and advice of the Ministry of Legal Affairs on the interpretation of the law. To date there has not been resolution of the matter.

The Ombudsman believed that a decision needed to be made regarding such interpretation, even if the matter had to be taken before the Supreme Court.

The thinking from some quarters seemed to be that the Government might be forced to pay back to individuals such overpayment. If the interpretation indeed rightly provided for an outcome different from that which was being applied by the Government then in the interest of justice and fairness ways would have to be found to regularise the situation in favour of those who were wrongly charged. The matter was still outstanding at the time of going to press.

### National Water and Sewerage Authority



A complaint was made against NAWASA by an individual who was a former employee and had been suffering from a medical condition.

It appeared that NAWASA was being accused of being tardy and intransigent in providing relevant data to the NIS to facilitate payment of disability benefits to the individual.

The matter was enquired into by the Ombudsman; there was found to be some truth in the individual's complaint.

Outstanding information was eventually provided to the NIS to compute and facilitate those payments. In the meantime, the individual's health deteriorated and there was urgent need to seek medical attention out of state. Sadly, the individual had since passed on.

# Summaries of Complaints

## Royal Grenada Police Force

### Case 1

An individual complained against the RGPF because, in his view, one of its officers dealt him in an ungracious and rough manner unbecoming of such station.

The matter was investigated by the Ombudsman; questions were asked of an individual who had been in the vicinity and witnessed the incident. It was concluded that the police officer had not, in fact, manhandled the individual.

The Ombudsman felt it necessary to bring this case into focus though, if only because of possible implications for the well-being and care of our brothers and sisters who suffered from physical or other handicaps or disabilities.

The point needed to be made that the RGPF had to more efficiently enforce the parking regime in the city. It was not good to have those brothers and sisters making contact with vehicles parked where pedestrians would normally be expected to walk.

While those obstacles provided little or no handicap to those of us who, for example, enjoy sight and are able to manoeuvre and navigate accordingly, handicapped and challenged citizens are not so blessed.

Our society must endeavour to ensure that all its citizens, regardless of circumstance, enjoyed the fruits of justice and fairness.

### Case 2

This case involved an individual who was born seriously handicapped. He reported to the Police an incident wherewith a person allegedly burned off a part of his planted garden. A statement was taken and recorded by the diarist at the station.

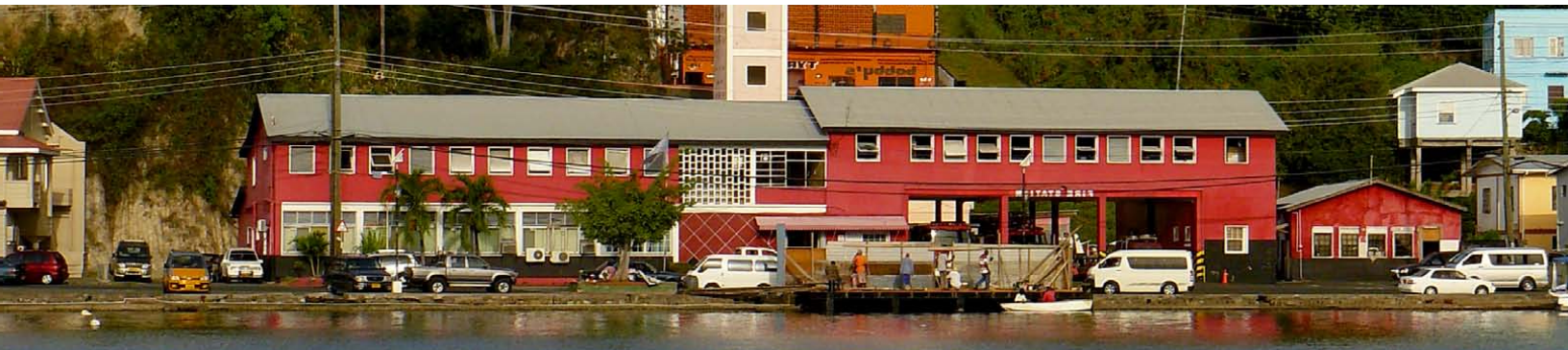
The individual was then asked to have a valuation done of the damages he had experienced. That he did, and gave the report to the Police. Unfortunately, that was as far as the matter went.

Seemingly, he was ignored. One would not wish to ascribe such behaviour to the fact that he had a permanent and complex physical disability. He indicated that he did make a number of attempts, speaking on occasion, even with senior officers, to have the matter advanced.

He finally complained to the Ombudsman who looked into the matter.

The Ombudsman found the Police to have been tardy in dealing with the gentleman's concern.

The individual was adamant that he should have been compensated for the losses he had secured on his agricultural plot. Eventually though, after much intransigence, it was agreed on the advice of the Ombudsman that he would be reimbursed by the RGPF at least for the sum he had expended to have the valuation done.



# Summaries of Complaints

## Ministry of Labour and Social Services



Two former employees of a business concern complained against the Department of Labour in regard to its tardiness in handling a matter of payment of termination benefits.

The individuals who worked at the same establishment were terminated and there was much foot-dragging on the part of the management of such to pay what was legally due to them.

They took the matter to the Department of Labour and had at least one meeting of all parties, at which certain positions had been taken. The complainants were of the view that there was failure on the part of the Department of Labour to follow-up and finalize the matter. They therefore complained to the Ombudsman about such intransigence.

The Ombudsman believed that the Labour Commissioner needed to be much more efficient in his handling of matters which came before him for review or resolution.

Having interfaced with him over the last few months, the Ombudsman would like to say that there has been some improvement in the

efficiency of the office.

It was very important to consider that when any matter was being handled by a public authority, it had to ensure that proper records were kept on all aspects of the case. That would afford the authority greater efficiency in advancing the process and addressing all issues in a strictly professional manner.

## CASES FROM 2010

### Ministry Of Works/Physical Planning Unit

There was an ongoing situation which involved a private citizen and the Airports Authority/Physical Planning Unit regarding permission to construct a building on a lot close to the Airport or in the flight path of

which use the airport facilities. Such permission has been withheld for an extended period to date with the owner and his agent no closer to understanding the reasons for the delay in granting such permit or providing some relief.

It would appear that the lot and others in the area fall within the aircraft approach and departure path. The Airports Authority has been loath to make a definitive statement on the matter but had been promising that an expert would visit to give an opinion on the issue. That



# Summaries of Complaints

has not happened and the owner has been left in a desert of uncertainty. If he was not able to construct on the lot would he be afforded an alternative lot on which to carry out his plan?

This was obviously a matter of policy for the Administration. The problem has been the interminable delay in arriving at a position which was equitable and would bring closure to the concerns raised.

## Ministry of Works and Public Utilities



An individual from an outer parish complained about the volume of water which originated from the roadway and was flowing through her property and from adjoining property of a neighbour whenever it rained.

Complaints had been made to the Ministry of Works by the complainant on a number of occasions but she got the feeling that there was no commitment to solve the issue. She had been experiencing that situation for more than a year before finally complaining to the ombudsman about it.

The matter was eventually investigated with visits being made to the site and interviews held with both the complainant and the public officer responsible for the particular area.

A promise was made by him to the complainant that the matter would be dealt with during the next year (2011) since budget constraints could not have afforded the expending of monies at the time.

The promise was eventually kept and a proper drain was constructed to take up the flow of water in the area. The complainant was very happy with the outcome.

## Ministry Of Labour and Social Services



An officer was terminated from his position in a Ministry. He believed that he was due termination benefits in keeping with the existing Labour statute. Although he was very knowledgeable about the procedures which needed to be followed and advised as such, he was being denied these payments and given the run-around.

He became disenchanted and finally decided to take the matter before the Ombudsman.

The matter was enquired into by the office with discussions taking place with the particular public authority, and also the office of the Accountant-General.

# Summaries of Complaints

The individual eventually received his outstanding payment and the case was closed. The Ombudsman thought however that there was an obvious reluctance to follow the procedures which were clearly laid down in dealing with such cases. He thus saw that there was some degree of inefficiency of operations within that entity.

The complainant was very unhappy with the way in which he was treated and ignored.

## National Insurance Scheme (NIS)

A gentleman approached the office with a complaint that he had not receiving what he thought should have been a more substantial benefit from the NIS. The matter was enquired into and it was found that the gentleman had not always been making contributions to the NIS. He was self-employed. He therefore was in receipt of a minimum benefit.

Clarity was sought from the NIS as to whether significant effort had been made through the years to educate persons regarding their responsibility to make payments on their behalf in those situations where they were self-employed.

The NIS was clear that as part of its education regime it did in fact undertake such activity.

The Ombudsman believed, however, that the fact that a person who was involved in a trade where he came in daily contact with members of the public, ought to have known that he had such a responsibility to himself. Did he know that he was supposed to be making those contributions?

The NIS had to ensure that its education blitz was not, in fact, a once-over but instead a consistent and well-orchestrated protocol in order to ensure that persons like the unfortunate complainant would in future be not negatively affected by his or her ignorance of what should have been done.

## Royal Grenada Police Force

There was a case which has left a somewhat bitter taste in the mouth of the Ombudsman because of what has happened or rather did not happen.

A complainant who had an altercation with the Police was shot twice in his upper legs. Luckily for him though the wounds were not life-threatening. He was able to spend time at the hospital. He was later charged by the Police for inflicting injury on two of the officers who had accosted him at his home.

The matter went before the Court. The complainant had retained the services of an attorney through assistance from a relative since he was without the necessary financial substance to do so on his own.

Needless to say, the matter came up for hearing before the magistrate on a number of occasions. However, the particular officers failed to turn up for the hearing on those occasions. The matter was eventually thrown out by the magistrate.



# Summaries of Complaints

The defendant in the case who was the complainant to my office attempted to have his attorney file the matter against the officers. He was not successful and the Ombudsman surmised that in any case he did not have the wherewithal to fund such undertaking.

He therefore never had a chance to tell his side of the story before the court. Justice delayed is justice denied. He came to this office hoping to have some form of redress. He had to be told that the matter had been before the Court and was therefore statute-barred as far as the jurisdiction of the Ombudsman was concerned.

Probably the Judiciary in Grenada was not set up that way, but shouldn't the officers have been subpoenaed to the court? The Ombudsman thought that these officers did in fact show short thrift and were in fact disrespectful to the court. Persons have to learn overtime that there was a need to always exercise a duty of care in our doings and dealings with one another.

## ONGOING COMPLAINTS

### Ministry Of Housing Lands and Community Development

- Dissatisfaction with the resurvey of land at Laborie Saint George
- The Government of Grenada has failed to compensate for the acquisition of land.
- The complainant owns a lot of land for which a prospective buyer in 2006 had sought permission to build thereon. Permission was not granted. Complainant is seeking resolution from Government regarding compensation or land-swap.
- A woman and her husband have been occupying a plot of land since 1981. Her husband has since died. She has been requesting that the plot be surveyed so that

payment could be made to the Government for purchase of same.

- Purchased a lot of land from the GOG. The GOG has charged him interest over and above what he expected to pay by law. The Ministry has failed to respond to his request for reimbursement of the overpayment.

### Ministry Of Health and The Environment

- Complaint to the Ministry against her neighbour regarding the flow of waste water which ran down to the pathway to her house.
- Daughter fell sick and was brought back to Grenada. She died a few weeks after returning. Promises made by the medical authorities at the General Hospital to provide treatment and care were not kept.
- Complainant underwent a procedure at the General Hospital. Complications developed afterwards with very slow healing of the wound.
- Complainants employed as orderlies at the General Hospital since 2002 and 2003 respectively. Some who were employed after them have been appointed but they have not been.
- Brother died in hospital under questionable circumstances. His many attempts to be provided with proper professional explanation regarding death have been unsuccessful.

### Ministry Of Works and Public Utilities

- Failure of the Ministry of Works to compensate for damages sustained to vehicle as a consequence of the presence of oil and concrete on the road surface Andrew.

# Summaries of Complaints

- Concerned that water from a broken drain which has been continuously seeping down towards house would eventually compromise the integrity of the building.
- Failure of the Government of Grenada to build a retaining wall and portion of driveway to safeguard from erosion a portion of land which was excavated to facilitate road works along the Morne Jaloux roadway.
- Sum outstanding since 2006 to complete payments on contract work for construction of slipper drain and kerb wall. No attempt has been made by the Ministry of Works to honour debt.
- Over the last three years water from the roadway and drain in front of property has been seeping into the ground floor of house. Repeated complaints to the Ministry of Works have not resulted in any action to solve the problem.
- A long wall was constructed by a neighbour. As a consequence, when it rained most of the water flowed down into complainant's lot. Matter was reported to the Physical Planning Unit but with no action has been taken.
- Failure of the Grenada Planning and Development Authority to grant permission regarding an application to construct a building on land at Calliste close to the airport.
- Refusal of the Grenada Planning and Development Authority to grant permission to complete an elevated deck at Saint Mark for the erection of solar panels.

## Royal Grenada Police Force

- Police stopped and searched a vehicle. A gun was put to the driver's head by an officer who used foul expletives to him in the presence of two other officers and the passenger travelling with him.
- Complainants have allegedly been receiving harassment and some measure of disrespect at the hands of police officers.
- Complainant experienced "degrading, insulting and humiliating" treatment at the hands of the Police.
- Complainant was asked to visit the Police Station in relation to an incidence of stealing. He was then accused of receiving a call from a stolen cell phone and was treated with disdain and disrespect.
- Several complaints have been made to the police in relation to the playing of loud, annoying and at times obscene music by the tenants who occupy a section of the building in which she resided.
- A woman and her son were arrested and taken to the Police Station on the allegation that her son had stolen money from her neighbour. Her son was ill-treated and abused at the Police Station.

## Public Education Activities

The Ombudsman, as part of his activities, held education sessions with many public authorities.

During the year, a total of thirty-three (33) sessions were held with Ministries and departments among others. The Royal Grenada Police Force,

# Summaries of Complaints

for example, had four sessions involving the four divisions, Eastern through the Western, Central and Southern.

The first presentation for 2011 was a session on the “You Decide” programme of Community Channel Six Television. Interviews were also done on MTV, Community Channel 6 and GBN Television.

He also conducted sessions with T.A. Marryshow Community College law students, the Grenada Nurses Association and the Public Workers Union.

During the year too, some use was made of the print media whereby over a four-week period, short clips were placed in the newspapers informing of the functions of the Ombudsman. These newspapers provided a free service with the Grenadian Voice hosting three sessions, the New Today, four, and the Informer, six. The Ombudsman extended his gratitude to those media houses for recognition of their public service and consciousness.

Although these many sessions were held, there were still very many persons who had not heard of the Ombudsman, nor what he was tasked to do. It was therefore obvious that ways and means needed to be found to ensure much more was undertaken to inform and sensitize members of the public.

Consideration would have to be given to the production of leaflets which would be placed in strategic public places to allow for easy access.

From time to time, too, access would have to be sought for more interviews with the electronic media.

Additionally, approaches would be made to these media houses to utilize, as a public service,

their information banner systems at the bottom of the television screen to air snippets of the Ombudsman’s functions and operations.

## **Employment In The Public Sector: An Issue**

A number of persons have appeared before the Ombudsman seeking to have things made right in regard to status of employment. Though the Ombudsman was not tasked to look into terms of service, he yet believed that persons through the years have been made to fall through the cracks of the teaching or public service. That was not good for our Grenadian society.

Take one case in point that the Ombudsman recently found out about. An individual was employed as a teacher at one of our schools prior to the 1983 signature date regarding the abolition of pension rights.

The individual was of course without a letter confirming appointment being at a level of the service which did not enable definitive appointment. Fourth of April, 1983 came and went. The teacher continued working most likely as a student teacher right up to 2011, when circumstance directed that retirement be taken.

As far as could be ascertained, the individual did not have a letter of appointment. Information was that attempts had been made through the years to have the situation rationalised but with no success. Nobody apparently sought to lend assistance in regularizing that anomalous situation.

The Special Pensions Act which was promulgated in 2003, sought to give some degree of comfort to persons of similar state but who, had in fact, been appointed post-1983.

# Summaries of Complaints

The individual in question, being never appointed, did not in fact satisfy the requirements of that law. The consequence was that there would be no special pension nor any form of support after having worked for such a long period in the service of education in Grenada.

The Ombudsman believed that there were other cases of a similar nature.

Apparently, too, some of these individuals were never advised to, nor on their own initiative, sought to upgrade themselves professionally, so that they remained in a no man's land as far as upward mobility was concerned.

Imagine the shock that such persons experienced when told that there were no benefits for them, having been on the job since prior to 4th April, 1983? Would it be unfair to suggest that the system has failed its people?

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## (i) Sharpening Your Teeth: Advanced Investigative Training for Administrative Watchdogs

The SYT Training Workshop in Jacksonville, Florida was held on 24th and 25th October, 2011.

The workshop led by Mr. Andre Marin and Ms. Barbara Finlay went through the processes involved in the planning, development and reporting on the purpose and value of systemic investigations.

Systemic investigations more often than not are those investigations referred to as “own motion” that is to say decided on by the Ombudsman based on reasonable grounds and in/for the public good.

The two-day session, which proved to be very provocative dealt with the following:

1. **What is Systemic Investigation**
2. **Principles of Effective Investigations**
3. **Planning an Investigation**
4. **Wish lists (documentation...)**
5. **Whistle-blowers**
6. **Using Social Media in the Investigative World**
7. **Witnesses and Interviewing**
8. **Assessing Evidence**
9. **Report Writing**

The presentations did not always allow for extensive discussions owing to the limitations of time. In my view, the session could comfortably have been extended over three or four days in order to have given the participants greater opportunity to interface with the material and to do more hands-on activities with some of the concepts and skills presented.

It was obvious from the discussions that the Ontario Ombudsman had very wide powers of independence and autonomy in carrying out his mandate.

Mr. Marin spent an extended period of time taking the groups through an investigation which his office undertook and was entitled **Caught in the Act** arising out of the **G20** Summit held in Toronto in 2010 and in which the police were implicated in misuse and abuse of its powers.

He pointed out that the Ombudsman had to be fearless in carrying out his mandate even when he had to step on the toes of the political and administrative authorities because he must be seen as a watchdog for the public and sometimes a voice for the voiceless.

A practical group session was undertaken by the participants. A scenario was presented involving the Ministry of Milk – the laying-off of certain inspectors as a cost-cutting measure; the attendant implications for the proper regulation of the milk-producing industry and the fallout within the public community.

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The four separate groups were to study the scenario and then develop an Investigation Plan based on the provided template.

The plan and scenario exercise were obviously useful and very instructive devices for the Ombudsman who was contemplating systemic investigations. Following the steps as set out would assist greatly in ensuring that his approach was well-ordered and objective thus lending credence and veracity to the process and progress of the investigation; finalization of the report and all attendant issues.

**A Systemic Issue Identification Template** which was provided gave the basis for deciding whether a systemic investigation was advisable or necessary based on certain criteria and/or attributes. The template thus spoke to the following:

1. **Issues.**
2. **The case and possible systemic implications.**
3. **Is issue sensitive or high profile?**
4. **Is an investigation in the public interest?**
5. **Will the fact-gathering process be complex or protracted?**
6. **Will the investigation be a judicious use of resources?**
7. **Is there any potential to resolve the issue(s) informally (without the need for such an investigation)?**

Each of these key questions led the investigator to give consideration to a number of critical questions which when answered would give greater clarity to the Ombudsman in regard to what he should or ought to do. Of great importance too is the use of the Case Assessment Template which seeks to establish a process whereby it is shown that a case was fully assessed and early resolution attempted without success; the weighing of all relevant criteria to determine whether an investigation was warranted.

## **Case Assessment Template**

- **Summary of complaint**
- **Complaint issues**
- **Jurisdiction**
- **Action taken**
- **Recommendations / rationale for investigation**

In conclusion, I wish to record sincere gratitude to the International Ombudsman Institute for funding my attendance at the workshop; and to Ms. Arlene Brock, one of its regional Vice Presidents, for the Caribbean region, for her instrumentality in advancing the process.

I also wish though, to record my disappointment regarding issues surrounding my non-attendance of the USOA Conference which followed the pre-conference workshop. In my view, there was obvious miscommunication because not being a member of that Association I was under the impression that I would not have been accepted at the conference. It was only a fair time after I had confirmed bookings which included a visit with close relatives in New York, that I learnt I could have attended USOA Conference with the blessing of the IOI.

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## (ii) **UNDP/ COMMONWEALTH SECRETARIAT Caribbean NHRI Workshop**

### **Trinidad and Tobago: 21<sup>st</sup> to 23<sup>rd</sup> March, 2011**

A delegation from Grenada attended the UNDP Commonwealth Secretariat Caribbean NHRI Workshop held in Trinidad and Tobago from 21<sup>st</sup> to 23<sup>rd</sup> March, 2011. The team comprised:

- Sen. the Hon. Denneth Modeste, Member of State
- Mr. Marlon Glean, Legal Counsel, Ministry of Foreign Affairs
- Mr. A. Argar Alexander, Ombudsman

The meeting centred on the importance of national human rights institutions as part of the good governance structure within countries. It sought then to convince the attending participants that in cases where these did not now exist, concerted efforts should be made to have these established as a matter of urgency.

The role of Ombudsman as a human rights organization came under sharp review. The thinking was that in jurisdiction where there were ombudsman offices but no formal human rights institution, then a kind of high breed Ombudsman office should be advanced to take care of those broader human rights issues.

During the discussions, it was found useful to consider the importance of the OAS Inter-American Court on Human Rights and the Inter-American Commission on Human Rights, and to study how these would influence and/or impinge on the work of the Ombudsman. Doing so would help in some ways to advance and further the mandate of the Ombudsman in those jurisdictions.

Of some importance was the need for countries to examine their status and to adjust them in keeping with the emerging trends in relation to human rights.

The point was made of the need for regular update and the promoting of meetings with civil society/ NGOs to give a sense of what the Office of the Ombudsman was about.

A very key question which brought such discussion into focus was:

“How do you access rights when you do not have an awareness of those rights?”

Some ideas which emerged in regard to public education on such offices and the need for such campaigns as essential in advancing the cause/education of the public on the work of those institutions:

- Developing spots for the media-TV-radio and print.
- Using press conferences to further the face of the office.
- Using schools as an avenue for such education promotion.
- Seeking to initiate special sitting of the Parliament to explain the work of the Office of the Ombudsman.
- Wherever practical using the social networks to advance the cause.

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An important consideration put forward was the idea of gaining accreditation of the offices of the Ombudsman. Such accreditation would become a reality when the office submits the UPR (Universal Periodic Review). There are certain prerequisites which must be in place to make such exercise a reality.

This in giving consideration to the above where would need to be:

- Evaluation of the merits of establishing NHRIs in countries where these do not exist
- Undertaking GAP Analysis
- Ensuring wide consultations with various public/stakeholders
- Seek assistance for processes

Critical to all of the above is the attempt at ensuring that what offices do is in keeping with the Paris Principles as elucidated in 1993.

Some other ideas which came out of the discussions were the following:

- Was there a need for an advisory council to look at the work of the Ombudsman? (Is there any jurisdiction which makes use of such committee?)

If consideration had to be given to that, then the selection process would be of critical importance.

Agreed next steps as an output of the meeting to advance the accreditation process were:

- (1) Develop a clear understanding of the steps in the accreditation process.
- (2) Ensure/enhance interface among participants.
- (3) Develop a plan for strengthening the institution/office in an effort to seek accreditation from the ICC.
- (4) Sensitize Parliament on:
  - (a) The functioning of the office.
  - (b) Expectations of the office and its development in line with the Paris Principles.
  - (c) Seeking accreditation from the ICC.
  - (d) The recommendations of the UPR (Universal Periodic Review).

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(iii)

## UNWOMEN/CAROA/ACCP MEETING

**BARBADOS 25<sup>TH</sup> JULY, 2011**



## **Caribbean Ombudsman Association**

Protocol of Partnership

### **Strengthening the Response of the Administration of Justice for Victims of Gender-based Violence 25-26 July 2011**

The United Nations Entity for Gender Equality and the Empowerment of Women (UN Women) and the Caribbean Ombudsman Association in collaboration with the Association of Caribbean Commissioners of Police convened a meeting on 25-26 July, 2011 on “Strengthening the Response of the Administration of Justice for Victims of Gender-based Violence”

The objectives of this meeting were:

- To strengthen partnerships of agencies related to the administration of justice and victim support services; and
- To develop response protocols linking victim services, the police and offices of the Ombudsman.

Participants recognised that while the region had witnessed achievements in legal reform addressing gender-based violence, challenges remain for the effective implementation of laws, for ensuring access to justice on the part of victims of sexual assaults and for meeting the appropriate standards of due diligence in protecting and preventing such violence.

The meeting acknowledged that the rule of law was undermined by under-reporting as well as by high levels of attrition in the investigation and prosecution of sexual assault cases. Because of the sensitive nature of sexual violence and relationship violence, many victims/survivors do not report the crimes. A victim/survivor’s reluctance to report persists partly due to the myths that erroneously place blame and responsibility for the crime on the victim/survivor rather than the perpetrator. Victim/survivors also may fail to report because of perceptions that police may be less than responsive in the timely, and consistently professional treatment and investigations of complaints.

The representatives of the participating institutions, namely, offices of the Ombudsman, victim support organisations and police services agreed to collaborate at the national level work to ensure that victims of sexual assault have equitable access to justice and that policy makers ensure the implementation of policy and legislation that are responsive to the needs of victims while paying attention to the due process rights of accused perpetrators.

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The participants shared the common vision that through respectful and effective cooperation/ collaboration their institutions would seek to:

- Ensure the equitable access to justice;
- Demonstrate care, concern and courtesy for victims
- Reduce the trauma of victims of sexual offences and
- Eliminate all forms of gender based violence.

This **Protocol of Partnership** reflects the consensus of participants to strengthen functional cooperation. Specifically, through this Protocol of Partnership, the following is proposed:

- to strengthen the functional cooperation between the Offices of the ombudsman, victim support services and the police in responding to reports of gender-based violence
- to promote access by victims to existing programs and services for victims;
- to address complaints of victims and victims services with regard to public administration; and
- to promote awareness of the needs and concerns of victims and the applicable laws that benefit victims of crime, including to promote the principles set out in the UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power

The participants recommended that the partnership at national level should be informed by the following principles:

- Professionalism and clarity of institutional roles
- Technical competence
- Confidentiality
- Effective communication, networking and responsiveness

In realising the vision of the cooperation, the following principles are intended to promote fair and equitable treatment of victims:

- Victims of crime should be treated with courtesy, compassion, and respect.
- The privacy of victims should be considered and respected to the greatest extent possible.
- The safety and security of victims should be considered at all stages of the criminal justice process and appropriate measures should be taken when necessary to protect victims from intimidation and retaliation.
- Information should be provided to victims about the criminal justice system.
- Victims should be given information, in accordance with prevailing law, policies, and procedures, about the status of the investigation; the scheduling, progress and final outcome of the proceedings.
- Information should be provided to victims about available victim assistance services, other programs and assistance available to them

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- The views, concerns and representations of victims are an important consideration in criminal justice processes and should be considered in accordance with prevailing law, policies and procedures.
- The needs, concerns and diversity of victims should be considered in the development and delivery of programs and services, and in related education and training.
- Information should be provided to victims about available options to raise their concerns when they believe that these principles have not been followed.

It was agreed that each of the collaborating institutions at national level have complementary roles in strengthening the administration of justice for protecting, preventing and punishing gender-based violence as follows:

## a) **Role of the Police:**

- To be impartial and thorough investigators
- Establish whether a crime has been committed and gather, evaluate and process any evidence that may exist
- Identify, apprehend and prosecute the offender/s
- Conduct the investigation in a supportive and non-judgmental manner.
- Undertake public education and awareness including safety tips on how to deal with GBV and the supports available
- Utilise a multi-agency approach in responding to reports of gender-based violence
- Support and protect victims
- Police sensitivity to victims will:
  - Promote confidence and comfort that their reports will be dealt with in a professional and timely manner
  - Help the victim to recover from the assault trauma
  - Enhance the gathering evidence in order to build a stronger prosecution case
  - Encourage victim cooperation with investigations and their willing involvement in court proceedings.

Police services may, in meeting these roles, consider:

- The establishment of specialist units for investigation of sexual assaults
- The assignment of specially trained investigators and prosecutors

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## **b) The Role of the Office of the Ombudsman:**

- Receive and review complaints about the actions and/or omissions of government departments, agencies, employees, laws or policies;
- Refer victims and victim support services to programs and services as appropriate;
- Answer questions about the rights of victims;
- Provide information about the services and programs available through the government;
- Make recommendations to the government and in particular the administration of justice on how to change its policies or laws to better suit the needs and concerns of victims, and to report on those recommendations publicly.
- Regularly and actively monitor the developments of particular cases under investigation
- Be available to listen with patience to complainants especially with regard to sexual offence and gender-based violence matters
- 

## **c) Victim support organisations:**

- Provide crucial crisis and long term specialized counselling, support and independent advocacy for those who have experienced any form of sexual violence
- Implement ongoing awareness drives that highlight the prevalence of sexual violence and on the importance and need for appropriate, high-quality and specialised support.
- Work with other organisations, agencies and government departments to improve the response to those who are affected by and who perpetrate sexual violence.
- Disseminate information on laws and procedures
- Undertake data collection and analysis
- Provide information on services
- Refer victims for follow up assistance- medical, police, social
- Follow up and monitor victims as they go through the justice sector
- Training for service providers
- Policy oversight

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Drawing on their specific roles and functions, the participants recommended that offices of the Ombudsman, victim support organisations and police services should actively collaborate in the following areas:

- 1) Responding to individual complaints
- 2) Periodic review of systems, laws, policies and practices
- 3) Advocacy for policy reform and prevention
- 4) Public awareness for building a culture of zero tolerance for gender-based violence
- 5) Capacity development/training
- 6) Social services support
- 7) Data collection

**The ways in which the active collaboration can be effected at national level could include:**

- 1) Preparation of a Memorandum of Understanding to detail the modes of collaboration
- 2) Creation of an inter-agency protocol of responses to victims of sexual assault
- 3) Establishment of a standing Inter-Agency Working Group to review periodically the functioning of the Protocol for Partnership and to assess policies and practices and to make recommendations for improvements where appropriate
- 4) Establishment of integrated first response services across disciplines
- 5) Establishment of channels of communication for the reporting, monitoring and responding to individual complaints
- 6) Consideration of sharing of common services to maximise resources
- 7) Development and implementation of continuous training for collaborating institutions in areas of common need and in particular for first responders
- 8) Undertaking and dissemination of joint studies on the administration of justice response to sexual assaults
- 9) Joint advocacy and public awareness community-based outreach
- 10) Compilation of data on reports and monitoring of responses
- 11) Support services, including counselling, for service providers and their families where needed.

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The participants reflected on the need for increased resources, human, technical and financial, to achieve the greater levels of partnership for the promotion of a more effective administration of justice, a culture of human rights and zero tolerance to gender-based violence. They called upon governments, inter-governmental organisations and development partners to consider supporting for the implementation of this Protocol of Partnership.

## **EXCERPT FROM ACT #24/2007**

### **FUNCTIONS OF THE OMBUDSMAN**

**20** The functions of the Ombudsman are as follows—

- (1)(a) Subject to subsection (2), to investigate any administrative action of a public authority for the purpose of deciding whether there is evidence of mal-administration on the part of the public authority; or whether any person or body of persons has or may have sustained injustice, injury or abuse as a result of any action taken by public authority or an officer or a member of such public authority;
- (b) pursuant to an investigation, to make recommendations to the public authority concerning any administrative action that formed the subject of the investigation and, generally, about the ways of improving its administrative practices and procedures; and
- (c) to perform such other functions as may be conferred on him or her pursuant to the provisions of this Act.
- (2) Subject to the provisions of this Act, the Ombudsman may investigate any administrative action taken by or on behalf of a public authority—
  - (a) where a complaint is made to him or her by a person who claims to have been treated unjustly as a result of mal-administration arising from or in connection with the administrative action taken by the public authority;
  - (b) on his or her own motion, notwithstanding that no complaint has been made to him or her, where he or she is satisfied that there are reasonable grounds to carry out an investigation in the public's interest.
- (3) The Ombudsman shall not investigate any matter or action which arose or took place more than ten years prior to the commencement of this Act.
- (4) The Ombudsman may conduct an investigation notwithstanding a provision in any enactment to the effect that—
  - (a) any decision, recommendation or act of a public authority shall be final;
  - (b) no appeal shall lie in respect thereof; or
  - (c) no proceeding of a public authority shall be challenged, reviewed, quashed or called into question.
- (5) The expression “abuse” as used in subsection (1) above shall include any act of dishonesty or refusal to act and any act motivated by discrimination based on religion, language, race, sex, colour, creed, disability or infirmity
- (6) Subject to the provisions of subsection (7), the Ombudsman shall not investigate—

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- (a) any such action aforesaid in respect of which the complainant has already sought a remedy by way of proceedings in any court or in any tribunal constituted by or under any law;
- (b) any such action or matters as are described in Schedule II; or
- (c) the exercise of the powers conferred on the Governor-General pursuant to section 72 of the Constitution which relates to the prerogative of mercy.

(7) The Ombudsman shall not be precluded from conducting an investigation in respect of any matter by reason only that it is open to the complainant to apply to the court for redress pursuant to section 16 of the Constitution, which relates to redress for contravention of the provisions for the protection of fundamental rights and freedoms.

(8) If any question arises as to whether the Ombudsman has jurisdiction to investigate any case or class of cases under this Act, he or she may apply to the Court for a declaration determining that question.

## Explanation of the abbreviations used for the public authorities:

PUBLIC AUTHORITY	CODE	PUBLIC AUTHORITY	CODE
Ministry of Agriculture, Forestry, and Fisheries	<b>MAF</b>	Child Welfare Authority	<b>CWA</b>
Ministry of Carriacou and Petite Martinique Affairs	<b>MCP</b>	Gravel, Concrete & Emulsion Production Corporation	<b>GCE</b>
Ministry of Education and Human Resource Development	<b>MEH</b>	Grenada Airport Authority	<b>GAA</b>
Ministry of the Environment, Foreign Trade and Export Development	<b>MEF</b>	Grenada Authority for the Regulation of Financial Institutions	<b>ARF</b>
Ministry of Finance, Planning, Economy, Energy and Cooperatives	<b>MFP</b>	Grenada Board of Tourism	<b>GBT</b>
Ministry of Foreign Affairs	<b>MFA</b>	Grenada Bureau of Standards	<b>BOS</b>
Ministry of Health	<b>MHE</b>	Grenada Cocoa Association	<b>GCA</b>
Ministry of Housing, Lands and Community Development	<b>MHL</b>	Grenada Cooperative Nutmeg Association	<b>CNA</b>
Ministry of Labour, Social Security and Ecclesiastical Affairs	<b>MLS</b>	Grenada Cultural Foundation	<b>GCF</b>
Ministry of Legal Affairs	<b>MLA</b>	Grenada Development Bank	<b>GDB</b>

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<b>PUBLIC AUTHORITY</b>	<b>CODE</b>	<b>PUBLIC AUTHORITY</b>	<b>CODE</b>
Prime Ministers Ministry (National Security, Public Administration, ICT and Culture	<b>PMM</b>	Grenada Food and Nutrition Council	<b>FNC</b>
Ministry of Social Development	<b>MSD</b>	Grenada Housing Authority	<b>GHA</b>
Ministry of Tourism and Civil Aviation	<b>MTC</b>	Grenada Industrial Development Corporation	<b>IDC</b>
Ministry of Works, Physical Development and Public Utilities	<b>MWP</b>	Grenada National Lottery Authority	<b>NLA</b>
Ministry of Youth Empowerment and Sports	<b>MYS</b>	Grenada National Museum	<b>GNM</b>
Department of Audit	<b>DOA</b>	Grenada Port Authority	<b>GPA</b>
Governor General's Office	<b>GGO</b>	Grenada Postal Corporation	<b>GPC</b>
Integrity Commission	<b>ICO</b>	Grenada Solid Waste Management Authority	<b>SWA</b>
Magistracy	<b>MAG</b>	Marketing & National Importing Board	<b>MIB</b>
Office of the Director of Prosecutions	<b>DPP</b>	National Insurance Scheme	<b>NIS</b>
Office of the Houses of Parliament	<b>OHP</b>	National Telecommunication Regulatory Commission	<b>TRC</b>
Parliamentary Electoral Office	<b>PEO</b>	National Water & Sewage Authority	<b>WSA</b>
Public Service Commission	<b>PSC</b>	T. A Marryshow Community College	<b>MCC</b>
Supreme Court Registry	<b>SCR</b>	Royal Grenada Police Force	<b>GPF</b>
Grenada Rural Enterprise Project	<b>REP</b>	Physical Planning Unit	<b>PPU</b>
Department of Public Administration	<b>DPA</b>		

Notes

[illegible]

Notes

[illegible]

# Complaints Form

## **Office of the Ombudsman-Grenada** **COMPLAINTS FORM**

(Please complete in ink)

**CONFIDENTIAL**

### **Tell us about you**

Surname:

Given name(s):

Mr./Mrs./Miss/Ms/Other:

NIS ID:

OTHER ID:

Address:

Contact number(s):

Work:

Home:

Cellphone:

**Complaint Source:** Walk-in ( ) Phone ( ) Appointment ( ) Letter ( ) E-mail ( )

### **Tell us about your complaint**

Which government ministry / department / statutory body are you making a complaint about?

What is your complaint? (Give as much information as necessary. You may also wish to include documents you think may be helpful to your case)

Office of the Ombudsman PWU Building Tanteen St. George's Tel.435-9315/6 Fax 435-9317

# Complaints Form

**CONFIDENTIAL**

**Did you complain?**

**I have complained to the organisation** ☐ **When did you complain?**

**I have not complained to the organisation.** ☐ **What are your reasons?**

**What do you think should be done to make things right?**

**Declaration**

**I believe that I have suffered unfairness or injustice from the above organisation and I therefore think that an investigation should be carried out by the Ombudsman.**

**Signed:**

**Date:**



**Please send this form to:**

Office of the Ombudsman PWU Building Tanteen St. George's Tel.435-9315/6 Fax 435-9317



[www.ombudsman.gd](http://www.ombudsman.gd)