

Office of the Ombudsman



Annual Report
2010



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Letter Of Transmittal



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

27th April, 2011

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

Your Excellency,

I have the honour to submit the first Annual Report of the activities of Office of the Ombudsman for the period January 1st, 2010 to December 31st, 2010.

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

Yours respectfully,

A. ARGAR ALEXANDER
OMBUDSMAN

Letter Of Transmittal



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

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Hon. Joan Purcell MP
President
The Senate
St. George

Madam President,

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Yours sincerely,

A. ARGAR ALEXANDER
OMBUDSMAN

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

Mr. Speaker,



Logo of the Office of the Ombudsman



The logo of the office of the ombudsman was agreed after consultations with the Government Printery, a marketing professional and a select group of individuals.

- The **colours** red, green and gold are those of our national flag; while the **contrasting grey** of the shield speaks to neutrality and impartiality of the Ombudsman in carrying out the functions of the office.
- The **circles** are representative of the Ombudsman as are seen in such logos internationally.
- The Ombudsman's role is to **shield** the people from injustice and unfairness in their dealings with public authorities.
- The **seven stars** represent the seven parishes of the state of Grenada and therefore emphasize inclusiveness in the role of the Ombudsman.

Ombudsman's Message

This is the first Annual Report being presented by the Ombudsman for activities during his first full year of operations.

It took some challenges getting the office underway and comfortably staffed. These issues are now behind us and we are forging ahead with purpose and a firm resolve to deal efficiently with complaints coming before us.

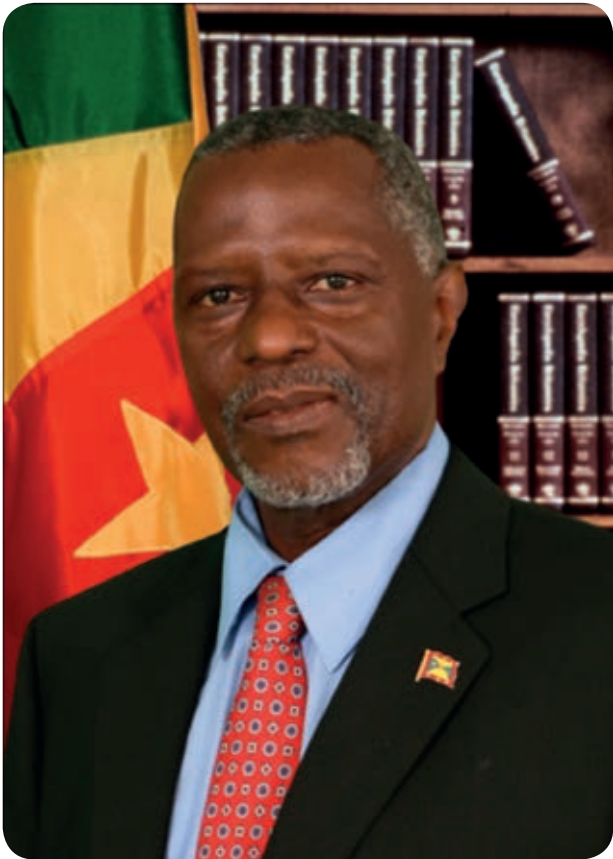
We have also been making it a point to continue educating the public on what the office is about and how we are attempting to achieve same. Thus, presentations have been made on television, radio and articles in the print media. There has been interface also with Ministries and Departments.

The World Bank Institute defines Good Governance as "the extent to which a country seeks to make its operations as efficient and effective as possible; providing services which are second-to-none to its clientele or citizenry; and generally ensuring their well-being." The process of good governance then is essential to our country's development. It is about efficiency, transparency and accountability in service delivery. Therefore, if and when there is commitment among public officers to provide such levels of service, it follows that customer satisfaction would be on the rise and, in consequence, advances in good governance.

The Ombudsman must always seek interface with public authorities, ensuring that he provides the relief for those who have been wronged, abused or injured by the actions of those authorities; while at the same time, making recommendations which would redound to the benefit of those bodies, in the ways that they carry out their responsibilities and obligations.

When the Act #24 was passed and assented to in 2007, the purpose was to set the stage for greater accountability in regard to the level of service being offered by the public authorities of this country; making them responsible and answerable for the ways they carried on business with their customers, the Grenadian public.

As they sought to become more efficient, the recognition was that there would be greater accountability for their actions and enhanced satisfaction for the public.



A. Argar Alexander

The Ombudsman's role then is to seek to further that cause through fielding complaints from the public. As he does so, he contemplates how he can cause the particular authority to review their procedures; to make adjustments where necessary and advisable; to examine the statutes which may govern their operations and to adjust aspects of these, if there was perceived discrimination in regard to its customers.

As the office continues to forge ahead, it is hoped that the matters which come before it would overtime be diminished significantly as a positive sign that, by and by, Grenada's public authorities were becoming even more professional and that the private sector would be only too willing to take a page out of their book.

Of critical importance, is the fact that the Office of the Ombudsman must itself continue to lead by example, always seeking to provide the highest levels of service to all who come before it for redress or advice.

Historical Background

The Ombudsman Act #24 was assented to by the Governor-General Sir Daniel Williams in September 2007.

The Ombudsman received his instrument of office from Governor-General Sir Carlyle Glean and on 1st October 2009 took the oath of office.

The 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.

- 13.—(1) Before first entering upon the exercise of the office of the Ombudsman, the Ombudsman and an acting Ombudsman shall each take an oath or make an affirmation as provided for in Schedule I that he or she will faithfully and impartially perform the duties of the office, and that he or she will not, except for the purposes of carrying out or giving effect to the provisions of this Act, divulge any information received by him or her under this Act.

- (2) An oath taken or affirmation made pursuant to subsection (1) shall be administered by a judge.

Vision

The Ombudsman's vision is that the public service become more professional, seeking always the furtherance of good governance through delivery of responsive, equitable public services to all its customers.

Mission

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 believed that the office must operate within the framework of a code of ethics and statement of practice to guide it in how it did business and to serve as a lightning rod for actions done and actions contemplated.

Prior to the entering into of the office the Ombudsman was engaged in much discussion and interface with personnel of the Department of Public Administration and the office of the Clerk of Parliament. He wished to pay special tribute to the following persons who went beyond in assisting in the preliminary work of setting up the office.

Staffing

In order to give proper effect to the office it was necessary to provide for the employment of appropriate officers to undertake those functions and activities. The legislation directed the following:

- 14.—(1) The Ombudsman may appoint and employ for the purposes of this Act, on such remunerations and on such terms and conditions as may be approved by the House of Representatives such officers and agents as may be considered necessary to assist him or her in the proper performance of his or her functions under the Act.

- (2) Without prejudice to subsection (3), the Public Service Commission, may subject to such conditions as may be imposed, approve the transfer of an officer in the public service to the office of the Ombudsman, provided that in relation to pension, gratuity, allowances and other rights as a public officer such officer shall be deemed to be in the public service while so employed.

Having appropriate persons to fill those positions turned out to be much more of an effort and cause for repeated frustration on the part of the Ombudsman. The understanding, according to the legislation as quoted above, was that the Public Service Commission would easily agree to the transfer of persons from the service to the office.

Upon closer scrutiny, it was determined that the Public Service Commission could not do that since the Office was not a part of the Public Service nor was it a statutory body.

Interested parties were then advised to write letters requesting transfer to the office. They developed cold feet and in consequence the whole process of seeking employees had to be restarted. The effect was that the

Ombudsman manned the office by himself up to the end of July 2010.

On reflection the Ombudsman determined that the Public Service Commission approach was flawed and consideration should be given to amending the statute accordingly.

The office is being manned by four officers including the Ombudsman; the others being:

- Investigations Officer, Mr Wilfred Hercules
- Administrative Officer, Mrs. Janice Lessey
- Secretary, Ms. Magnola Bernard



Analysis Of Complaints

Table One : Status Of Complaints Against Public Authorities In 2009*

PUBLIC AUTHORITY	NO. OF COMPLAINTS	STATUS OF COMPLAINTS MADE				
		REFERRED	BEYOND JURISDICTION	DISCONTINUED	ONGOING	COMPLETED
MINISTRY OF HOUSING LANDS	1		1	-	-	-
NIS	1		-	-	-	1
MINISTRY OF FOREIGN AFFAIRS	1			1		
G-REP	1				1	
GRENADA PORT AUTHORITY	1					1
MINISTRY OF FINANCE	1		1			
GRAND TOTAL	6		2	1	1	2

* It was thought important to include that particularly to ensure accountability in regard to the work of the office during the final months of 2009.

The table showed a total of 6 complaints through the period under review (November to December 2009) against six public authorities, with two of these being resolved.

The areas of complaints were:

- Refusal to pay proper accrued pension benefit.
- Non-payment of compensation for lands acquired by Government at St. George.
- Unreasonable noise from metal-hulled ships undergoing chipping away of paint from structure.
- Underpayment of pension by Ministry of Finance.
- Failure to make outstanding payments for consultancy services.

Complaints

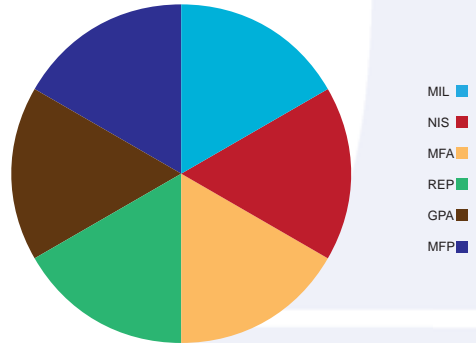


Table Two: Status Of Complaints Against Public Authorities In 2010

PUBLIC AUTHORITY	NO. OF COMPLAINTS	STATUS OF COMPLAINTS MADE				
		REFERRED	BEYOND JURISDICTION	DISCONTINUED	ONGOING	COMPLETED
DEPARTMENT OF PUBLIC ADMIN.	1	-	1	-	-	-
GRENLEC	1	-	-	-	-	1
ROYAL GRENADA POLICE FORCE	9	-	1	2	5	1
MIN. OF AGRICULTURE	5	1	3	-	1	-
MAGISTRACY	3	-	3	-	-	-
T.A.M.C.C.	2	-	-	2	-	-
MIN. OF EDUCATION	4	2	2	-	-	-
MIN. OF FOREIGN AFFAIRS	1	-	-	-	-	1
MIN. OF FINANCE	5	2	2	-	-	1
MIN. OF HEALTH	6	-	3	-	2	1
MIN. OF HOUSING LANDS	4	-	2	-	2	-
MIN. OF LEGAL AFFAIRS	2	-	1	-	1	-
MIN. OF LABOUR	9	-	-	3	6	-
MIN. OF WORKS	2	-	-	1	1	-
NIS	1	-	1	-	-	-
PM'S MINISTRY	3	1	-	-	1	1
PHYSICAL PLANNING UNIT	4	-	-	-	4	-
GRENADA RURAL ENT. PROJECT	1	-	-	-	1	-
SUPREME COURT REGISTRY	4	-	4	-	-	-
NAWASA	2	-	-	-	2	-
GRAND TOTAL	69	6	23	8	26	6

The table shows that there were five public authorities which stood out in relation to number of complaints brought to the Ombudsman. These accounted for almost fifty percent (50%) of all complaints made during the year.

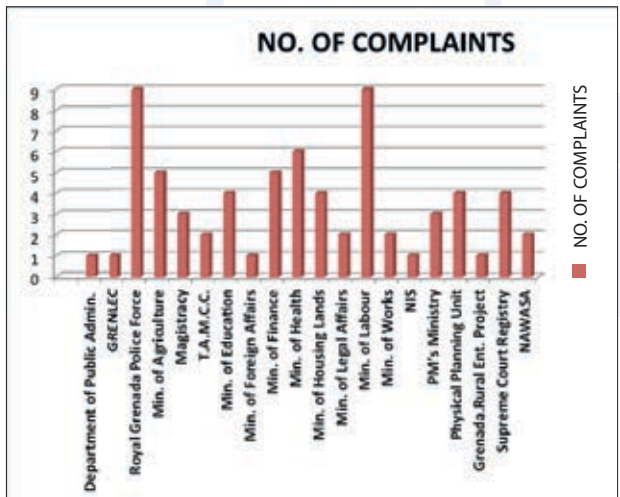
It was noticeable that one-third (23) of all complaints was beyond the jurisdiction of the Ombudsman. It meant that persons were coming to the office with issues which were mainly private in nature. In some of those cases, suggestions were made on how complainants might have proceeded with the matter; but it was always impressed upon them that the decision was theirs.

However, it was informative to have listened to those concerns because they told the Ombudsman that all was not well, even within families, in our nation.

It is also worth stating that complainants were very critical of some members of the legal profession who displayed lack of professional ethics in the way they treated those who approached them seeking assistance or redress. The Ombudsman recommends that the Parliament give thought to developing appropriate statutes to ensure the regulation of professional bodies which operate within the boundaries of the state.

Another concern the Ombudsman would like to mention was the tardiness in response from some public authorities when queries were made or correspondence sent to them. The work of the Ombudsman was being unduly compromised when there was such reluctance to respond.

Complaints for the year 2010

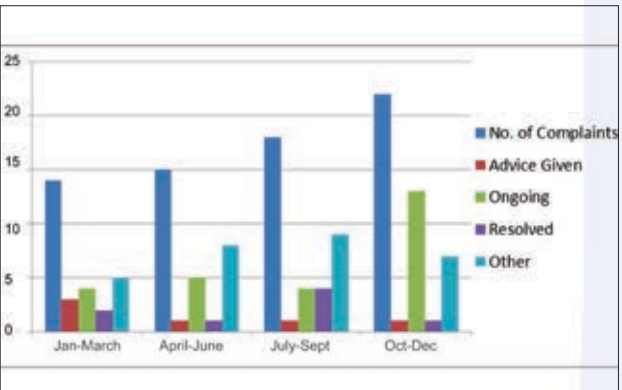


A cursory examination of the bar chart shows that the bars which stand out by far are the RGPF and the Ministry of Labour confirming the data as presented in Table II.

A total of twenty public authorities were complained against with an average of 3.5 complaints per body.

The Ministries of Health, Finance and Education followed fairly closely on each others heels.

Quarterly Analysis of Complaints During 2010



In the first quarter, January to March 2010:

- Fourteen (14) complaints were received.
- Three (3) persons were given advice by the Ombudsman.
- Four (4) matters were ongoing.
- Two (2) complaints were resolved.
- The remainder consisted mainly of matters outside the jurisdiction of the Office.

During the second and third quarter, there were increases in the number of complaints, fifteen (15) and eighteen (18) respectively.

In the final quarter, the office received twenty two (22) complaints. This may have been partly due to the public awareness programme by the Ombudsman broadcast on the Government Information Service (GIS) channel and other media. The majority of complainants coming to the office during the final three-month period admitted they became aware of the office's existence due to an infomercial appearing on television and in the print media.

Complaints Against Ministry Of Labour

The Ministry of Labour was one of two most popular public authorities in regard to complaints lodged against it. Matters almost always had to do with conflict between private businesses and individuals; and those cases, by their very nature, did pose some challenges for the Labour Department. The fact that complaints were made spoke to the need for the Department of Labour to be more proactive and efficient in its handling of matters brought before it.

It is necessary too, that the Department hold firmly to the enabling statutes and enforce them accordingly. Such an approach could engender greater confidence in customers and force businesses and private individuals to abide by the legislation which regulate their operations.



Some areas of complaints were:

- Delay in seeking settlement of underpayment from employment.
- Tardiness in taking up an employment issue with a public authority.
- Outstanding contract payment by Ministry of Labour.
- Appeal in regard to outstanding wages from an employer.
- Failure to ensure that private entity paid the agreed

- sum for overtime to workers who had been dismissed.
- Concern regarding the alleged non-payment of fees while in the employ of an NGO.
- Failure to follow-up on a complaint made regarding unfair treatment of workers at two hotels.
- Failure to record the concerns of persons making complaints to the department.

The Department needs to abide by the principles of effective management of its business procedures and from time to time to review these in order to ensure that it was providing value for money. Its record-keeping regime must be strengthened to provide it with a level of consistency in its handling of matters which come before it.

Complaints Against Royal Grenada Police Force

There appeared to be a reluctance on the part of the Police to deal efficiently and in a timely way with complaints brought to it by members of the public.

Such failure to deal with commitment and competence have resulted in complaints being made to the Office of the Ombudsman.

There seemed to be an obvious need to concentrate in a more professional way with issues coming before the Police.



Sometimes too there is need for officers to exercise proactivity in doing their work.

Some may be of the view that that area- law enforcement- is beyond the jurisdiction of the Ombudsman, but it has to be emphasized that if there was any breach in the administrative procedures of the Police and its handling of matters coming before it from the public, then the Ombudsman is legally bound to intervene. This would in no way compromise the activities of law enforcement as assigned; but on the contrary, could make for increased efficiency in the way business is done by the Police.

Some areas of complaints were:

- Failure of Police to inform that it was illegal to wear camouflage clothing.
- Playing of loud music close to a residence and that of an aged relative.
- Complaint against an officer who failed to follow accepted procedure at the scene of an accident (due to negligence).
- An application for refund of monies used to do a valuation of land on the request of the Police
- The Police wasn't doing enough to assist in ongoing feud with a resident and neighbor of St. Andrew. The complainant believed that because of the position the former employee enjoyed, he was experiencing unfairness in the way matters were being handled.
- Failure to follow-up on complaints made on various occasions and perceived discrimination against the complainant.
- Failure to follow-up on complaint made regarding attempted trespass.

Complaints Against Physical Planning Unit

There was a need for the Physical Planning Unit to be more proactive in its approach to handling the concerns of citizens. The impression was being created that there was no need for urgency on those matters. That attitude in turn provoked the ire of the complainants.



There were four complaints on the Unit as shown below:

- Tardiness of Physical Planning Unit in dealing with the construction of a building close to boundary and dwelling of the complainant's lot.
- Failure of the Unit to deal expeditiously with a matter involving the potential undermining of the foundation of a private dwelling by another individual.
- Outstanding permission re application to develop land in the south of the island in the vicinity of the airport.
- Interminable delay by the Development Authority in finalizing an application to complete an elevated deck for the erection of solar panels.

The Physical Planning Unit would do well to re-assess its overall approach and to make attempts at adjustments to enhance its efficiency and professionalism.

Complaints Against Ministry Of Health

Some of the complaints against the authority focused on the following:

- Failure of health Inspection Officer to provide information on goods which were confiscated or removed for examination.
- Uncertainty of employment at the General Hospital
- Concerns re continuing employment of retiring nurse
- Cancellation of contract to provide kidney care and dialysis without grounds.
- Failure of the Ministry of Health to honour the days-

off arrangement, during the period 1993 to 2000, made with Security Officers attached to the General Hospital.

- Failure to be paid pension benefits after working many years as a nurse.



The above complaints were, in some cases, beyond the jurisdiction of the Ombudsman but were included to provide a sense of the kind of issues which were facing citizens relative to health and welfare. While the majority of the complaints had not yet been resolved or finalized, it was of some concern to note that there was dissatisfaction with the ministry's handling of matters in as much as some of those had implications for the well-being of sick persons in our country.

Complaints Against Ministry Of Agriculture

The majority of the complaints made under the Ministry were beyond the jurisdiction of the Office of Ombudsman. Some of these were:

- Incident with employee of Ministry of Agriculture
- Refusal of an officer to hand over a borrowed document.
- Failure to honour payment for overtime accrued as driver/helper on assignment.
- Dissatisfaction with the job status and grade level.

It was always important at the beginning of an interview to alert the complainant to the limitations of the office. As such, persons were interviewed and where appropriately, pointed in a direction where they would more likely have been able to receive assistance.



That approach was utilized in the complaints against the Ministry and generally.

In instances where there were issues relating to terms and conditions of employment the particular senior manager was alerted.

Sources Of Complaints

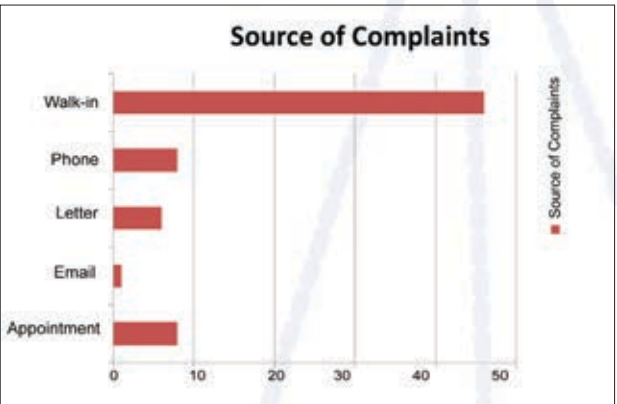
Table Three: Sources Of Complaints

SOURCE OF COMPLAINTS	NO. OF COMPLAINTS
APPOINTMENT	8
E-MAIL	1
LETTER	6
PHONE	8
WALK-IN	46
TOTAL	69

There was an obvious preference for members of the public dealing with their complaints in a face-to-face manner; and this is probably just as well because there is always the possibility of related issues being raised in an impromptu manner.

Further, such approach gave parties the opportunity to come up with recommendations which might otherwise be missed.

Chart Showing Sources Of Complaints Made



Location Of Complainants

Table Four: Complaints By Parishes

PARISH	NO. OF COMPLAINTS
ST. ANDREW	12
ST. DAVID	2
ST. GEORGE	38
ST. JOHN	9
ST. MARK	3
ST. PATRICK	1
CARRIACOU & PETIT MARTINIQUE	1
OTHER (CYPRUS & BARBADOS)	2
TOTAL	69

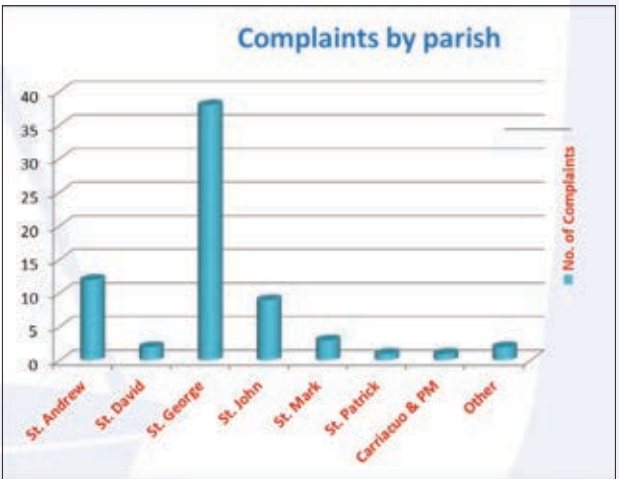
The majority of cases emanated from the st. George area. This was not unexpected in any way. Though there was some fair degree of media exposure on the part of the ombudsman, there was a need to ensure that there was

a greater degree of interaction with citizens in the outer parishes including Carriacou and Petite Martinique. Thus structures have to be put in place to ensure that that happened.

Many of the public authorities are based in the capital parish but it is obvious that as people become more knowledgeable and informed about what constituted good customer service then they are going to be making more demands on the system and it matters not where the particular entity was based.

Further, as business took place more and more with persons based in other territories and the emerging use of the internet as a preferred avenue for dealing with such business then it demands that public authorities make adjustments to their modus operandi in order to ensure that nobody was discriminated against.

Chart Showing Location Of Complainants



Sample Complaints

Complaint 1: Grenada Ports Authority

During a walkabout on the lower Carenage area, the Ombudsman was approached by two concerned gentlemen who complained about the cacophony of metallic sounds emanating from at least three metal ships berthed along the carenage. They felt that such noise was disturbing to those who worked in the immediate vicinity; and to the pedestrians alike.

The workers on these ships had been chipping away on the hulls to loosen paint and areas of rust with their chisels and metal hammers.

The gentlemen were disgusted and felt that the authorities should easily have heard the confusion. They therefore felt that the Ombudsman, very new to office, should attempt to do something about it.

The matter was raised with the relevant authority and the ombudsman was satisfied with the quick and efficient action taken by way of correspondence to the ships' captains, reminding them of their responsibility; also the related legislation and their breach of same.

It is now more than a year since and there has not been any recurrence.

Complaint 2: Prime Minister's Ministry

A person complained to the office in regard to problems being experienced in the processing of documentation for citizenship and, by extension, securing a passport for easier, hassle-free travel which he did on a very regular basis. The gentleman had lived in Grenada for most of his life having arrived here as a toddler.

There seemed to have been problems regarding his status prior to his entering Grenada.



It would appear that there was some degree of slowness in dealing with the uncertainty of status; for instance, seeking a legal opinion from the appropriate source.

However, once such was done it became a rather straightforward procedure to complete the documentation.

Happily the complainant now is in possession of a Grenadian passport, affording him the luxury of entry and egress without conditions.

Complaint 3: Ministry of Foreign Trade

A complaint was made regarding the failure of public authority to employ him on completion of advanced studies which he felt was under the purview and mandate of such authority to so do.

The complainant's argument was that since a public authority had in fact recommended him for such scholarship, then it had morally committed itself to providing him or causing him to be provided with an appropriate position in the relevant government department.



It was pointed out to him that it was an unfair assumption to have been made since he was being provided with the tools to seek employment within such relevant international agencies, organizations which made use of the skills of such persons. The public authorities were therefore not the only entities with the capacity to employ his services.

He was so advised but was somewhat disappointed at the outcome.

Other Complaints

- Missing documents which were filed at the Supreme Court Registry
- Failure of health Inspection Officer to provide information on goods which were confiscated or articles removed for examination
- Structural damage to house cause by the breaking of water main.
- Failure to contact customer regarding disconnection of water supply
- Outstanding compensation for land acquired by Government of Grenada in 2007.
- Outstanding permission re application to build on land at Calliste
- Cancellation of contract to provide kidney care and dialysis.
- Discrimination against bailiffs by DPA.
- Failure by G-REP to make full payment for services rendered on a project at Maran, St. John.
- Renewal of passport as economic citizen
- Failure of the Government to refund monies expended on the re-acquisition of land bought from Government of Grenada in 2006 to construct a health facility.
- Failure to remove a rotting utility pole standing close to the home of an elderly lady in St. Andrew.



Appendix I

Report: Study Visit To Office Of The Bermuda Ombudsman 22nd – 25th June 2010

Purpose Of Visit:

- A study tour to observe how the Office of the Ombudsman in Bermuda operated; the handling of complaints and all attendant procedures.
- To meet with the Chairman of the Police Complaints Authority and to follow how complaints on the Police were processed. (The office of Ombudsman Grenada would also have jurisdiction for dealing with complaints from the public against the Police.)
- To determine what were some of the critical issues which ought to be considered in the proper setup and running of the office; and what eventualities would need to be prepared for.
- To hold discussions with the Ombudsman and significant others and to work through some areas which needed to be focused on to enhance efficiency in the working environment of the office.
- To get on-the-spot notion of the modus operandi of an office of ombudsman; structures which needed to be put in place to facilitate effectiveness; pitfalls to be avoided.

Complaints Intake

Some time was spent going through Complaints intake- the procedures for handling some situations in order to avert the potential pitfalls. The importance of noting clearly the conduct and contents of any complaint was critical for the efficiency of the office and its reputation in the eyes of the public.

The need for a consistent professional approach to the process of interviewing complainants was important in putting a face to the Ombudsman's office and the level of trust which would reside in those who needed to access assistance.

The Police Complaints Authority

A visit was made to the Authority and I actually had the good fortune to sit in on one of their meetings which dealt with cases emanating from the public against the Police. What was noticeable was the fact that the Police here like in many other jurisdictions seemed not always to be moved to resolve complaints in a manner which bespoke efficiency. Such



intransigence would provide any such Authority with some measure of challenge in fulfilling its mandate to provide answers to those who might be hurting.

The fact that Bermuda had in place a separate body to investigate matters concerning the Police was one which deserved merit. It might be well for Grenada to give some thought to that model-having a Complaints Authority to handle matters regarding the Police.

The Human Rights Commission

A visit was paid to the staff of the Commission. What was obvious was the fact that since it was a Department of a Ministry and under the control of the Minister then it meant that oversight of its activities was done by the Ombudsman.

It was noted that the brief of the commission was the handling only of complaints which dealt with discrimination against the person.

I wondered, though, whether there was the possibility of overlap of functions of the two entities, though there was the potential for closer working relationship.

During the discussions it became clear that issues of life were invariably issues of human rights. Bermuda has had human rights legislation for more than twenty years. This has put it far ahead of some of the jurisdictions in the Caribbean region, including Grenada.

Courtesy Call On The Governor

The visit proved to be an interesting one and it was easily recognized that the Governor was 'down to earth' in his approach; very knowledgeable of the issues facing the Caribbean. His questions and comments gave a sense that he wished to know much more about the context of the Grenadian reality. He was also extremely gratified to learn that the Commonwealth Secretariat had sponsored my trip to Bermuda and felt that it had come into its own.

Ombudsman Jurisdiction

An issue raised by the Ombudsman Brock was that of the jurisdiction of the Ombudsman; whether he had the legal authority to undertake certain investigations.

She advised that the issue be taken up with our own Attorney-General's Chambers since she felt it would provide some clarity on the approach and distance that the Ombudsman could by law, go. Also, it would preempt the tendency of some senior managers to question the jurisdiction of the ombudsman.

Ms Brock pointed out that it was critical that wide interpretation be given to the ombudsman legislation in ways different from that given to regular statutes.

Mediation

A brief session was held on the process of mediation. It was felt that the ombudsman would from time to time be faced with issues whereby it became necessary to undertake mediation activities. Use was made of the Harvard model with which Ms. Brock was very familiar having facilitated many such sessions in the past. She emphasized the focus on Interest, Options and Legitimacy as the engine of the process, using as point of reference an investigation which her office had undertaken.

She also emphasized the need for building up of communication, relationships and of trust in such activities as these were to be seen as fuel to advance the mediation process.

Consumer Affairs Department

A two- hour session was spent at the Department listening to its senior officers give an overview of the work that they did to help in the advancement of good governance in Bermuda, through enhanced customer satisfaction.

The Department made use of a Complaints Management System database akin to that used at the Ombudsman's office.

It was also clear that they employed a proactive approach to their work by accessing relevant information through interface with private sector entities in order to be well-prepared for potential complaints from citizens and residents.

Systemic Investigations

The Ombudsman, Ms. Brock, provided some insight into systemic investigations which were undertaken. She advised how critical it was to, at times, utilize the resources of mediation in bringing parties together and closer to understanding the dynamics of the situation; how to adopt different approaches to ensuring the optimal result and benefit for the complainant. She showed the importance of calling on resources who may be external to the situation but who possessed knowledge, expertise or experience critical to arriving at an amicable solution.

Some Thoughts For The Grenada Office

The office hours should, if possible be staggered and different from the normal workday in order to afford workers who may have complaints the opportunity to visit the office before or after work, if they so desired.

The security and integrity of the office were of critical importance. Thus, it would be advisable to ensure that as far as possible some form of electronic security was a standard feature of the office configuration.

The attachment was funded by the Commonwealth secretariat.

Appendix II

Report: Sixth Biennial Conference of the Caribbean Ombudsman Association Curacao, Netherlands Antilles, 31st October to 5th November 2010

The Sixth Biennial Conference of the Caribbean Ombudsman Association was held in Curacao, Netherlands Antilles from 31st October to 5th November 2010 under the theme: **Integrity- the Foundation of Good Governance.**

The conduct of the Conference was such that a number of seminal papers were presented by specially invited guests with extensive discussion emanating there from.

One of the critical outcomes of the Conference was a communiqué which was issued. The same is attached as an appendix to the report.

It is important to inform that the Grenada delegation which comprised the Ombudsman and the Investigations Officer arrived at the Conference on the afternoon of the second day, having been negatively influenced by the turn of events resulting from the passage of Hurricane Tomas in the Caribbean area. The delegation was forced to leave Grenada on Monday morning for Trinidad after having initially checked in to leave Sunday.

In Trinidad after having been checked in to fly to Curacao later that morning, we were told that the flight had been cancelled and we were forced to make our own arrangements for overnight accommodation. We thus left Trinidad on the morning of 2nd November bound for Curacao on Suriname Airways arriving at the Marriott Hotel about 1:30pm that day.

The entire programme of the Conference is attached for information though it was our understanding that some

adjustments had to be made because of the inclemency of the weather.

The Board meeting of the Caribbean Ombudsman Association took place on the morning of 4th November 2010 and was attended by fourteen Ombudsmen.

The main matter for discussion following reading of minutes and reports was that of the constitution. That activity was however, prematurely abandoned after fair discussion because the legality of what was being attempted was called to question.

A new Executive Committee was subsequently nominated with Mr. Valton Bend, Ombudsman for Barbados assuming the position of President with his Investigations Officer, Mrs. Barbara Taylor returned as Secretary of the Association.

The following Communiqué was issued by the Conference:

COMMUNIQUÉ

Sixth Biennial Conference Of the Caribbean Ombudsman Association

The Sixth Biennial Conference of the Caribbean Ombudsman Association (CAROA) whose theme was 'Integrity – The Foundation of Good Governance' was held at the World Trade Centre, Curaçao and hosted by the Ombudsman of Curaçao. Participants included persons holding offices of ombudsman, legal luminaries, scholars and practitioners from Antigua and Barbuda, Barbados, Belize, Bermuda, the British Virgin Islands, Cayman Islands, Curaçao, Jamaica, Grenada, St Maarten, St Kitts and Nevis, St Lucia, Trinidad and Tobago, the Netherlands, South Africa, United States of America, United Kingdom and the Commonwealth Secretariat, London. The conference was officially declared open by Mr. Frits Goedgedrag, LLM, Governor General of Curaçao. The President of the Central Bank of Curaçao and St Maarten, Dr. Emsley Tromp, delivered the Keynote Address.

1. Integrity, defined as honesty, trust, accountability, fairness and wholeness of the person, is the hallmark of good governance. It is a common thread that should run through all ombudsman and ombudsman-like institutions in the region. In this vein, it is vital that ombudsman functionaries invest in building the public trust, continue to support one another and network with other oversight agencies in achieving their respective mandates;
2. The concept of ombudsmanship has grown in popularity in the Caribbean region over the last few decades so much so that both common law and other legal systems have enacted laws to establish the office. The support of governments in the region is vital for the advancement of the ombudsman concept and, in turn, the strengthening of democratic processes;
3. CAROA welcomes its new members - Grenada, St Kitts and Nevis, the British Virgin Islands and St Maarten. We look forward to the appointment of an ombudsman for Guyana and Turks and Caicos respectively. Countries of the region that have not yet established an office, such as the Commonwealth of Dominica as well as St Vincent and Grenadines, are encouraged to do so;
4. In order to reinforce the idea that integrity is the cornerstone of the institution of ombudsmanship, a Code of Ethics should be developed to guide the offices in the region. A Committee of Experts was established to develop the Code and report to the Council;
5. Given the significant role of the office of the ombudsman in the region, a concerted effort should be made to secure recognition of and participation by CAROA as a regional body in CARICOM. A Committee of Experts was established to develop a framework for the realisation of this idea;
6. While acknowledging the support extended to them by their respective governments, ombudsman offices still face considerable challenges because of the ever-growing expectations of citizens. The Conference urges governments to be more responsive to the financial needs of the office to better enable the ombudsman to carry out his functions.

The Conference mourns the tragic passing of the late Prime Minister of Barbados, The Honourable David John Howard Thompson, QC, a champion of ombudsmanship in the region. It extends condolences to his family, the

Government and people of Barbados. The Conference also extends sympathy to countries which have recently suffered devastation and loss of lives from the passage of hurricane Tomas.

The Conference applauds the efforts of the Protector du Citoyen of Haiti, who was unable to attend this Sixth Biennial Conference, in the face of the on-going tragedy in that country. It calls on the international community to extend further generous support to Haiti in her difficult time.

The Conference congratulates Dr. Hayden Thomas, former Ombudsman of Antigua and Barbuda and former President of CAROA on his induction as an Honorary Life member of the International Ombudsman Institute. Finally, the Conference acknowledges the contributions of the Government of Curaçao and several corporate sponsors to the funding of the programme. Further, the Conference recognises the continuing contribution of the Commonwealth Secretariat, London towards the implementation of CAROA activities.

World Trade Centre
Willemstaad
Curaçao

Given this third day of November, 2010 in Curaçao by the Members of the Caribbean Ombudsman Association (CAROA).

Attendance at the conference was funded by the Office of the Ombudsman.

Delegates Who Participated In The Sixth Biennial Regional Conference Held In Curacao

NAME OF PARTICIPANT & COUNTRY	INSTITUTION	CONTACT INFORMATION
EUSALYN LEWIS, OMBUDSMAN OF ANTIGUA	OFFICE OF THE OMBUDSMAN	DICKENSON BAY STREET AND DEANERY PLACE, PO BOX 2049, ST. JOHN’S, ANTIGUA
VALTON BEND, OMBUDSMAN OF BARBADOS	OFFICE OF THE OMBUDSMAN	2ND FLOOR, TRIDENT HOUSE, BROAD STREET, BRIDGETOWN, BARBADOS
BARBARA TAYLOR, INVESTIGATIONS OFFICER, BARBADOS	OFFICE OF THE OMBUDSMAN	2ND FLOOR, TRIDENT HOUSE, BROAD STREET, BRIDGETOWN, BARBADOS
ARLENE BROCK, OMBUDSMAN OF BERMUDA	OFFICE OF THE OMBUDSMAN	PO BOX HM734, HAMILTON HMCX, BERMUDA
DR. ROGER KORANGTENG, ADVISOR	COMMONWEALTH SECRETARIAT (GIDD)	MARLBOROUGH HOUSE, PALL MALL, LONDON SW17 5HX, ENGLAND
PROFESSOR VICTOR AYENI	DIRECTOR, GMSI, LONDON	MARLBOROUGH HOUSE, PALL MALL, LONDON SW17 5HX, ENGLAND
EARL WITTER, OMBUDSMAN OF JAMAICA	OFFICE OF THE OMBUDSMAN	78 HARBOUR STREET, KINGSTON, JAMAICA
ALBA MARTIJN, OMBUDSMAN OF CURACAO	BUREAU VAN DE OMBUDSMAN FUNCTIONARIS	CONCORDIASTRAAT 22, WILLEMSTAD, CURACAO, N.A.
HANS MIJNHEER, CURACAO	ACTING DIRECTOR, GOVERNMENT ACCOUNTING	CONCORDIASTRAAT 22, WILLEMSTAD, CURACAO, N.A.
ALEX BRENNINKMEIJER, CURACAO	NATIONAL OMBUDSMAN OF THE NETHERLANDS	CONCORDIASTRAAT 22, WILLEMSTAD, CURACAO, N.A.
STANLEY BETRIAN, CURACAO	FORMER LIEUTENANT, GOVERNOR OF CURACAO	CONCORDIASTRAAT 22, WILLEMSTAD, CURACAO, N.A.
NIOVIS KLINKLAAR, CURACAO	COMMITTEE OF THE OMBUDSMAN OF CURACAO	CONCORDIASTRAAT 22, WILLEMSTAD, CURACAO, N.A.
MADISON STANISLAUS, ST. LUCIA	PAST PRESIDENT, CAROA	126 REDUIT PARK, GROS ISLET,
PO BOX 478, CASTRIES, ST. LUCIA		
ANTHONY ARGAR ALEXANDER, OMBUDSMAN OF GRENADA	OFFICE OF THE OMBUDSMAN	PWU BUILDING, ST. GEORGE’S, GRENADA
WILFRED HERCULES, INVESTIGATIONS OFFICER	OFFICE OF THE OMBUDSMAN	PWU BUILDING, ST. GEORGE’S, GRENADA
ADV THULISILE		
MADONSELA, SOUTH AFRICA	PUBLIC PROTECTOR OF SOUTH AFRICA	
WALFORD GUMBS, OMBUDSMAN OF ST. KITTS AND NEVIS	OFFICE OF THE OMBUDSMAN	GOVERNMENT HEADQUARTERS, BASSETERRE, ST. KITTS
LYNETTE STEPHENSON, FINANCIAL OMBUDSMAN OF TRINIDAD AND TOBAGO	OFFICE OF THE OMBUDSMAN	132 HENRY STREET, PORT OF SPAIN, TRINIDAD AND TOBAGO
DANA SEETAHAL, TRINIDAD AND TOBAGO	SC LECTURER, HUGH WOODING LAW SCHOOL	HUGH WOODING LAW SCHOOL, TRINIDAD AND TOBAGO
MADAME JUSTICE PEMBERTON	HIGH COURT OF TRINIDAD & TOBAGO	132 HENRY STREET, PORT OF SPAIN, TRINIDAD AND TOBAGO
NAJMUL ABEDIN, PROFESSOR OF PUBLIC MANAGEMENT	AUSTIN PEAY STATE UNIVERSITY	4345 MONTICELLO TRACE ADAMS, TENNESSEE, TN 37010, USA

Appendix III

Report By The Investigations Officer On His Attachment To The Office Of The Ombudsman In Barbados (29th August To 10th September, 2010)

Rationale:

The Investigations Officer started work at the Office of the Ombudsman on 3rd August 2010. This Office was set up in October 2009, with all operations being performed by the Ombudsman. The Ombudsman recommended that the Investigations Officer be exposed to activities of the Office and jurisdiction of Barbados, to get a flavor of Investigations work and operations of an Ombudsman Office. That said, the Investigations Officer was assigned on a two (2) week attachment and worked directly under the supervision of the Ombudsman and Investigations Officer in Barbados. A Certificate of Training was issued upon the successful completion of the attachment in Barbados.

Objective Of Visit:

- To acquire ‘on the spot’ knowledge of the operations of an Ombudsman Office. The various financial and administrative operational structures needed to enhance efficiency, economy and effectiveness.
- To work with the Ombudsman and Investigations Officer to gain experience.
- To analyze the Ombudsman Act of both jurisdictions and assess similarities and differences.
- To observe the daily operations of the Ombudsman and Chief Investigations Officer in Barbados. That is, the way complaints are handled, the interaction with relevant public authorities, critical issues to consider and field trips.

Key Tasks And Experience Gained:

- Communication with Government Departments, Statutory Boards and Ministries.
- The handling of field trips.
- Interviews of complainants.
- Response preparations.
- Accounting framework.
- Office management and organisation.
- Preparation of estimates- Revenues and expenses.
- Compatibility and comparability of the legislations governing the Ombudsman in Grenada and Barbados.

Conclusion:

The Investigations Officer wishes to express his deep admiration, gratitude and thanks to the Ombudsman of Grenada for the opportunity to be trained in this area. To the Ombudsman and Chief Investigations Officer in Barbados for their devotion, commitment, knowledge and experience departed to me. To the staff at the Office in Barbados, who were extremely kind, co-operative and helpful at all times. Finally, with appreciation, please accept the assurance of my highest consideration.

The Investigations Officer’s attachment was funded by the Office of the Ombudsman - Grenada.

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

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

Notes

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Lined area for notes on page 27.

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