



OFFICE OF THE OMBUDSMAN
ANNUAL
REPORT 2014

*PUBLIC WORKERS UNION BUILDING
TANTEEN, ST. GEORGE'S, GRENADA
WWW.OMBUDSMAN.GD*

OFFICE LOCATION



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





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

30th June, 2015

H.E. Dame Cecile La Grenade GCMG, OBE, PhD
Governor-General
Office of the Governor-General
P.O. Box 369
Point Saline
St. George's

Your Excellency,

I have the honour to submit to you, the Fifth Annual Report of the activities of the Office of the Ombudsman, for the period 1st January, 2014 to 31st December, 2014.

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

Yours respectfully,

Raphael Donald
OMBUDSMAN (AG.)



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

30th June, 2015

Hon. Chester Humphrey
President
The Senate
St. George

Hon. Michael Pierre
Speaker
House of Representatives
St. George

Mr. President,

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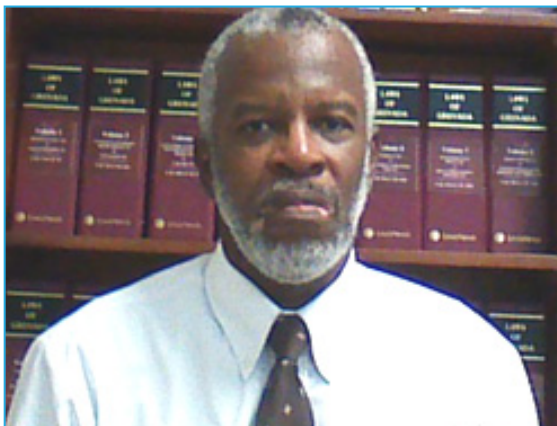
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Seven Social Sins

“Politics without principles, wealth without work, pleasure without conscience, knowledge without character, commerce without morality, science without humanity, and worship without sacrifice.”

MAHATMA GANDHI

OMBUDSMAN'S MESSAGE



The year under review showed more than ever the important role the Office of the Ombudsman can perform in instilling confidence in the governance of the country.

Grenadians from all walks of life sought guidance from the Office pointing to the need for such a focal point as the Office of the Ombudsman, even though many of the issues requiring redress were not resolved to the satisfaction of the complainants. For the first time, the majority of complaints were not against the Police Force. Nonetheless, queries brought to the Office

showed a marked lack of understanding of the role of the police, a lack of trust and the need for the RGPF to be more sensitive to the feelings of members of the public in carrying out their duties.

It is difficult not to be concerned about the unresolved complaints that have rolled over year upon year and at the same time consider attaining a closed/resolved status. The majority of these are within the central Public Service among the various Ministries and Departments. No doubt, many Heads of Departments/Permanent Secretaries were in the process of settling-in due to several rotations at the high and middle levels. At times, senior members of staff were shifted within weeks of each other thereby rendering continuity and smooth transition almost impossible.

One wonders about the extent of intra and inter Ministry communication and consultation as some issues cut across Ministerial boundaries and can only be properly understood through open and frank communication and a recognition that public servants serve one state, one country, one people.

In 2015 the Ombudsman's Office enters its 6th year of existence and presents its 5th Annual Report anticipating that there will be closer dialogue with Public Authorities. Both Public Authorities and the Ombudsman's Office would benefit if there is a greater appreciation of each other's constraints which negatively impact bringing matters to a closure.

Our people have high expectations of the Office of the Ombudsman and expect that resolutions of their complaints will be speedily remedied. In the meantime, our Public Service while in the throes of reform and improvement, structural and other adjustments is not yet at the stage where deliveries to the wider community are at an acceptable level. It is my hope that the various Public Authorities and the Office of the Ombudsman will build on each other's strengths thus becoming better able to fulfill their mandate.


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Raphael Donald
OMBUDSMAN (AG.)



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.

The **RED** represents the fervour of the people, their courage and vitality; their burning aspirations to be free.

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

The **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 emphasizes 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 symbolizes the neutrality and impartiality of the Ombudsman.



OMBUDSMAN'S STAFF



Staff (L to R): Mr. M. Benjamin, Ms. B. Baptiste, Mr. R. Donald

The first Investigations Officer and former Acting Ombudsman, Mr. W. Hercules, formally severed himself from the operations of the Office of the Ombudsman in July 2014. Ms. Samantha Andrews, the trainee Financial Clerk followed in the same manner in January 2015.

The Ombudsman (Ag.) commends them on their contributions to the office and wishes them the best in their future endeavours.



VISION

Furthering of good governance by protection of the individual from injustice and unfairness.

MISSION STATEMENT

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

CORE VALUES

Independence – The office operates with autonomy and the absence of control from Government, political or other parties.

Confidentiality – The office believes in ensuring that its business is conducted in the most professional and confidential manner and without any possibility of compromise.

Impartiality – The office shall always hold true to the practice of neutrality and objectivity to arrive at the truth and thus not seek to take sides in any investigation being undertaken.

Integrity – The office seeks to ensure that all its activities are carried out in ways that bespeak high levels of professionalism, trust, honesty and in an atmosphere of concern for the rights and feelings of all.

The office values a caring and team-oriented workplace that promotes fair and professional treatment of all its officers.

Thus, in consideration of all of the above the Office of the Ombudsman pledges always to carry out its activities with **accountability** and **transparency**.

ANALYSIS OF COMPLAINTS



ANALYSIS OF COMPLAINTS

COMPLAINTS IN 2014

Table 1: Status of Complaints Made Against the Various Public Authorities in 2014

PUBLIC AUTHORITIES	STATUS OF COMPLAINTS MADE					
	Total	Closed	Ongoing	Discontinued	Advice / Referrals	Beyond Jurisdiction
Min. of Agriculture	7	1	2		3	1
Min. of Works & Public Utilities	6		5		1	
Min. of Education	10	5	2	1	2	
OTHER [Private Entities]	26		1		14	11
Child Welfare Authority	1	1				
National Insurance Scheme	3	2				1
Royal Grenada Police Force	9	4	3		2	
Ministry of Labour, Social Security	7	2	3		2	
T.A. Marryshow Community College	1	1				
Min. of Health	7	2	3		2	
Min. of Finance & Planning	5	3			2	
Richmond Hill Prison	1	1				
Grenada Port Authority	1				1	
Physical Planning Unit	1		1			
Public Service Commission	4	2			1	1
Min. of Housing and Lands	2		2			
Grenada Housing Authority	2		2			
Grenada Bureau of Standards	1		1			
Min. of Legal Affairs	1				1	
Min. of Social Development	1		1			
Ministry of Tourism and Civil Aviation	1				1	
Prime Minister's Ministry	1				1	
Department of Public Administration	1	1				
NAWASA	1				1	
TOTAL	100	25	26	1	34	14

ANALYSIS OF COMPLAINTS

With reference to the above table, one can conclude that the highest numbers of complaints were recorded against **OTHER [Private Entities]** which amounted to 26% or twenty-six (26) of the 100 complaints received for the year 2014. Fifty-four percent (14/26) received advice or referral, 42.31% (11/26) were beyond the Ombudsman's jurisdiction and (1/26) 3.85% is ongoing.

It must be noted that these complainants (**OTHER [Private Entities]**) have consulted the Ombudsman (Ag.) with various problems of a private nature, which they felt that he could have assisted them with. These complaints were outside of his official purview. Nevertheless, recognizing that it was often a question of having someone to vent their grievances or frustration in confidentiality, he listened and was able to advise how they could proceed or to whom they could go for assistance.

One of the reasons for **OTHER [Private Entities]** amounting to approximately one quarter of the total number of complaints for the year 2014, is that the official mandate that governs the office is miniscule compared to the magnitude of complaints or the extent to which citizens are aggrieved in our society.

The **Ministry of Education and Human Resource** accounted for ten percent (10/100) of the total activities for the year 2014. Fifty percent (5/10) was investigated and resolved during the course of the year. Twenty percent (2/10) is ongoing. Another twenty percent (2/10) received advice, while the remaining ten percent was discontinued. In comparison to 2013, this Ministry recorded nine (9) of the 124 or 7.26% of the cases for the calendar year, two (2) of the nine (9) or 22.22% of the cases were closed, one (1) of the nine (9) or 11.11% percent was discontinued, another two (2) of the nine (9) or 22.22% received advice/referral while the remaining 44.44% (4/9) remained ongoing; and thus were processed as rollovers in the year 2014.



There was an eleven (11.11%) percent increase in the number of complaints brought to the office against the Ministry of Education. However, the nature of complaints remained fairly constant over the past few years. The same reflects an urgent need for a more responsive and humane administrative staff in the public sector. Frustrations arise when signals are sometimes inadvertently sent to citizens and staff that no one cares or there should be no haste in responding to concerns.

Fifty percent of the complaints brought against this Ministry have been processed and concluded on culmination of the year's activities. The Ombudsman (Ag.) commends the assistance from the Permanent Secretary and other Department Heads who were instrumental in facilitating same.

ANALYSIS OF COMPLAINTS

The Royal Grenada Police Force (RGPF) has differentiated itself in recent years. Only 9% or nine (9) of the one hundred (100) complaints recorded in 2014 were against the **RGPF**. Forty four percent (4/9) of those complaints were processed and concluded on culmination of the year's activities. Thirty three percent (3/9) remained ongoing and the remaining 22.22% (2/9) received advice or referral.

In comparing the data collected in 2013 with those in 2014, the **RGPF** recorded a total of twenty-three (23) of the one hundred and twenty-four (124) or 18.55% complaints received in 2013. Sixty five percent (15/23) of the total complaints received closure.



The Ombudsman (Ag) has noted a considerable decrease in the number of complaints reported against the **RGPF** in 2014. He commends the Commissioner of Police for maintaining his responses to complaints made against his officers in a timely manner. The Ombudsman regards this as a great prospect for achieving a more stable society which would attract investors, boost the tourism sector and subsequently result in economic growth.

The Ministry of Health, Ministry of Labour and Social Security and the Ministry of Agriculture each accounted for seven percent (7/100) of the total complaints that the Ombudsman (Ag.) gave audience to in the year 2014. The Ministries of Health, Labour and Social Security coincidentally concluded the year with the same statistics. That is 28.57% (2/7) resolved or closed; 42.86% (3/7) ongoing; and 28.57% (2/7) received advice or referral.

In correlating the year 2013, 7.26% (9/124) of the total complaints received were against the **Ministry of Health**. Fifty six percent (5/9) of the complaints against the aforementioned Ministry were resolved. Three (3) of the nine (9) or 33.33% received an advice or a referral and the remaining 11.11% (1/9) were beyond the Ombudsman's jurisdiction.

In 2013, none of the complaints remained ongoing. They were all investigated and concluded. However, in 2014, the frequent change in Permanent Secretaries and Departmental Heads may have adversely affected the responses from this Ministry, hence the reason for the number of ongoing cases.

The **Ministry of Labour and Social Security**, accounted for sixteen (16/124) or 12.90% of the total complaints for the year 2013. Eight (8/16) or 50% of those were resolved; four (4/16) or 25% are ongoing; and another four (4/16) or 25% received an advice or a referral.

ANALYSIS OF COMPLAINTS

There was a 56.25% decrease in the number of complaints recorded against the Ministry of Labour and Social Security in the year under review compared to 2013. The percentage of cases resolved in each year remained fairly constant per number of cases received and processed over the last two years.

In respect to the **Ministry of Agriculture**, 14.29% (1/7) of the cases were closed. Two (2) of the seven (7) or 28.57% are ongoing and 42.86% (3/7) received an advice or a referral. The remaining 14.29% (1/7) were beyond the Ombudsman's jurisdiction.

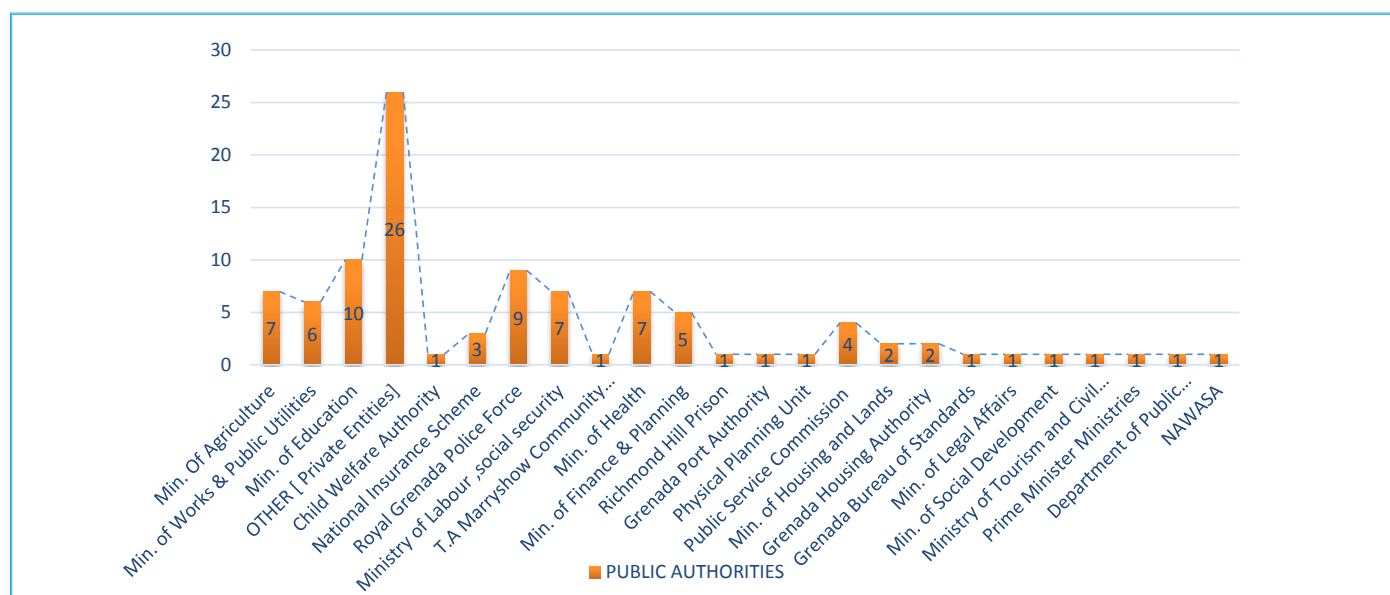
The **Ministry of Works and Public Utilities** accounted for six percent (6/100) of the cases that were reported to the Office of the Ombudsman in the year under review. Eighty three percent (5/6) of these cases are ongoing and 16.66 % (1/6) received an advice or referral.

In 2014, five percent (5/100) of the total complaints that were reported to the Ombudsman were against the **Ministry of Finance and Planning**. Sixty percent (3/5) were resolved during the course of the year and the remaining forty percent (2/5) received an advice or a referral.

Overall, bottlenecks in the timely processing of complaints can be avoided by prompt responses; there remain instances when an acknowledgement to correspondence is only received when prodded, and sometimes several times.

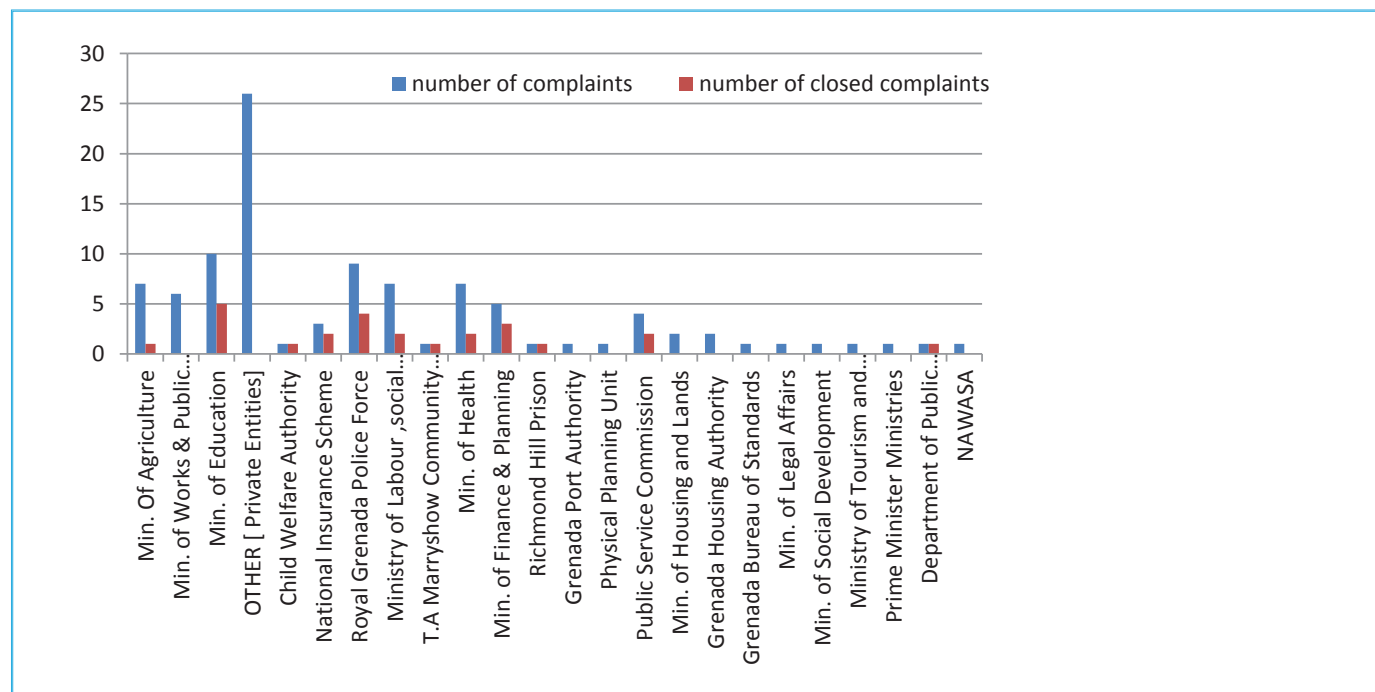
Nevertheless, the Office of the Ombudsman will not cease in its efforts to devise ways to protect the citizens of this country, who suffer maladministration at the hands of the Public Sector. Everyone benefits when instances of maladministration are consistently minimized; there is no downside in this regard.

The graph below is a representation of the complaints in Table 1



ANALYSIS OF COMPLAINTS

The bar graph below shows the public authorities, the total number of complaints received and resolved for the year 2014.



The resolution of a complaint depends heavily upon its nature and the responses from the public authority against which the complaint was made. Some of the complaints could not have been resolved in the calendar year 2013, and thus had to be rolled-over into 2014.

Table 2: Rollovers from 2013 into 2014

The table below gives an overview of the complaints that had been rolled-over and their current status.

STATUS OF COMPLAINTS MADE						
PUBLIC AUTHORITIES	Total	Closed	Ongoing	Discontinued	Advice / Referrals	Beyond Jurisdiction
Min. of Labour & Social Security	4	1	3			
Min. of Agriculture	1		1			
Min. of Housing and Lands	1		1			
Royal Grenada Police Force	3	1	2			
Min. of Works & Public Utilities	3		3			
Min. of Education	4	3	1			
TOTAL	16	5	11	0	0	0

From the information presented in the table above, it can be observed that sixteen of the complaints from the year 2013 were rolled-over into 2014. On culmination of the activities of 2014, 31.25% (5/16) of the complaints were resolved while the remaining 68.75% (11/16) remained ongoing, and thus will be considered rollovers in 2015.

ANALYSIS OF COMPLAINTS

This result is moderately commendable given the nature of some of the complaints. Nevertheless, there is an enormous amount of work to be accomplished in regards to communication between the Office of the Ombudsman and some of the Public Authorities. This is necessary to realize better standards of public sector management and/or public relations, which would in turn, effectuate good governance.

Status of Complaints Per Public Authority Rolled Over from 2013 into 2014

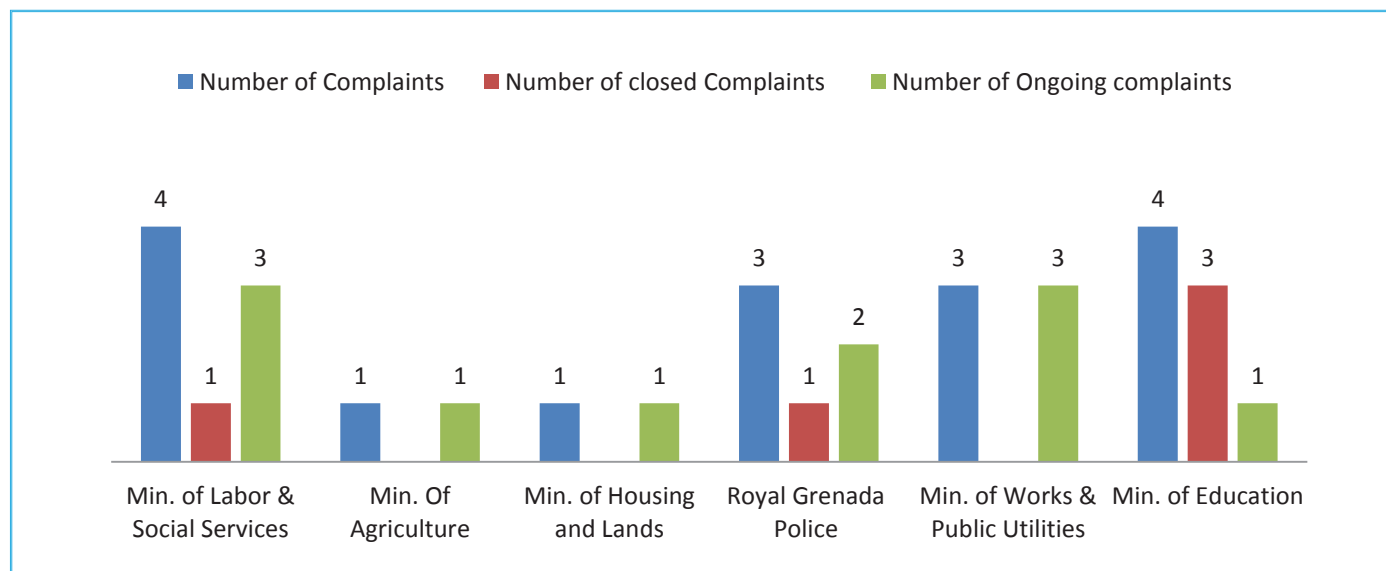


Table 3: Comparison of status of complaints: 2013 vs. 2014

The table below gives a numerical overview of the current status of complaints that were investigated and processed at the Office of the Ombudsman for the calendar years 2013 and 2014.

Year	Total	Closed	Ongoing	Advice /Referral	Discontinued	Beyond Jurisdiction
2014	100	25	26	34	1	14
2013	124	63	16	32	2	11

With reference to the above table, it can be observed that the Ombudsman (Ag.) has given audience to the sum of one hundred (100) complaints in 2014 and one hundred and twenty four (124) complaints in 2013. There was a 19.35% decrease in the number of individual complaints that were recorded in 2014.

Twenty-five percent (25/100) of the total complaints received in 2014 were investigated and concluded as opposed to 50.81% (63/124) in the year 2013. Thus the office has sustained a 60.32% decrease in the resolution of complaints from one year to the next. In comparing the number of closed cases over the last two years, in 2014 (25/88) 28.41% cases were resolved, while in 2013 approximately seventy-two percent (63/88) were concluded.

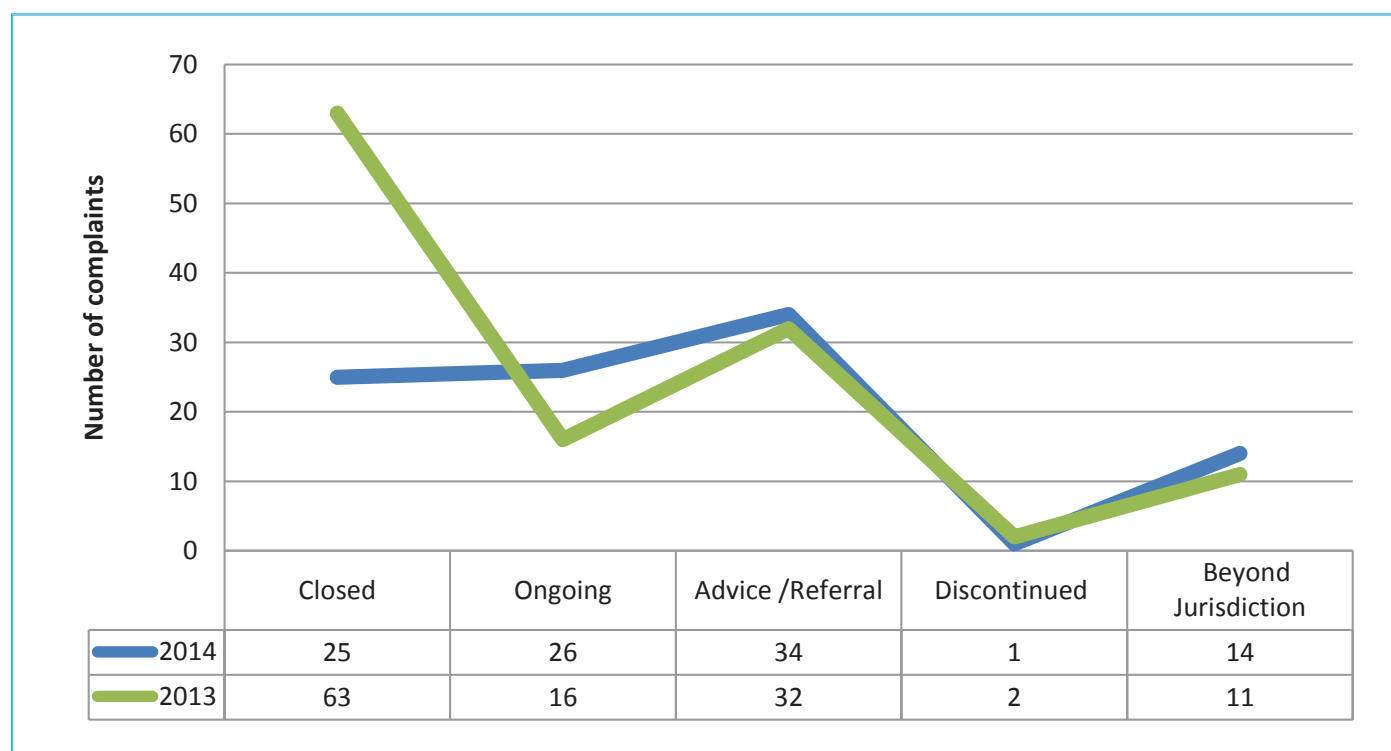
ANALYSIS OF COMPLAINTS

Upon analysis of complaints that remain under investigation, in 2014 they amounted to twenty-six (26/42) or 61.90% as opposed to sixteen (16/42) or 38.10% in 2013. The number of complaints that were processed and received advice or referral amounted to thirty-four (34/66) or 51.52% in 2014 in comparison to thirty-two (32/66) or 48.48% in 2013. Cases that were discontinued in 2014 amounted to just one (1/3) or 33.33% whereas in 2013 it was two (2/3) or 66.67%. Cases that were processed and deemed as beyond the Ombudsman's jurisdiction, as per the Act #24/2007 and its amendments in 2013, amounted to fifteen (14/25) or 56% in 2014. The same was eleven (11/25) or 40% in 2013.

Finally, there has been a considerable decrease in the number of complaints received and resolved in the year under review compared to 2013. One factor that may have contributed to such decrease was the retirement of the first Ombudsman and following months later the first Investigations Officer. The Office of the Ombudsman had invested handsomely in the training and formation of both who formed the backbone of the Office in the early days. Networks that were established and relations painstakingly created suffered as a result. Some complainants were not complimentary in what they surmised as not too smooth a transition and felt such affected resolution of their problems.

Comparison of Status of Complaints by Year

The graph below shows a pictorial comparison between the two years' statistics.



ANALYSIS OF COMPLAINTS

Table 4: Status of complaints for rollovers from 2012 into 2014

STATUS OF COMPLAINTS MADE						
PUBLIC AUTHORITIES	TOTAL	CLOSED	ONGOING	DISCONTINUED	BEYOND JURISDICTION	ADVICE GIVEN
Min. of Labour & Social Security	2		2			
Min. of Housing and Lands	2		2			
Royal Grenada Police Force	1		1			
Min. of Works & Public Utilities	4		4			
Min. of Education	1		1			
T.A.M.C.C	1		1			
Min. of Agriculture	1		1			
TOTAL	12		12	0	0	0

The above table shows a numerical representation of the current status of the twelve complaints which remained unresolved from 2012 to 2014. None of these complaints were resolved on culmination of the activities in 2014, and will continue to be processed as rollovers in 2015.

During this period of budgetary constraints and structural adjustment, there is an increasing need for the public sector to work collectively and diligently to alleviate any ill-feeling among the general public. Pent up frustrations, an inability to get redress, feelings of hopelessness in relation to concerns, not knowing where next to turn is not good for any organization, or people, or population.

Table 5: Status of complaints for rollovers from 2011 into 2014

STATUS OF COMPLAINTS MADE						
PUBLIC AUTHORITIES	TOTAL	CLOSED	ONGOING	DISCONTINUED	BEYOND JURISDICTION	ADVICE GIVEN
Grenada Ports Authority	1		1			
Min. of Health	2	1	0	1		
Min. of Housing and Lands	5	1	4			
Min. of Agriculture	1		1			
Royal Grenada Police Force	1		1			
Min. of Works & Public Utilities	2		2			
Min. of Labour	1		1			
Min. of Finance & Planning	1		1			
Min. of Education	1		1			
TOTAL	15	2	12	1	0	0

Two (2) of the complaints were resolved during the course of 2014, one (1) was discontinued with the remaining twelve (12) unresolved and thus will continue to be processed as rollovers in 2015.

ANALYSIS OF COMPLAINTS

Status of complaints for rollovers from 2010 into 2014

There is only one complaint that remains ongoing for the aforementioned period. This is against the Ministry of Housing and Lands regarding the acquisition of a parcel of private land by the Government of Grenada in 2006 in Grenville Vale. The acquisition was in preparation for the Cricket World Cup 2007 and the owner has not yet been compensated.

Sadly, the Office of the Ombudsman encountered instances of maladministration brought about by absolute pettiness, personal frictions and arbitrary behaviour which ought not to be present in a professional environment. Almost twenty years have passed since attempts to introduce modern management practices in the Public Sector yet significant pockets of outmoded behaviour remain.

The Political Directorate in any country is ultimately responsible for Public Sector performance; that is where the buck stops, but the majority of complaints lodged has little to do with political operators and rest on the shoulders of the administrators.

Visits to Office in 2014

The following table illustrates the distribution of visits per month to the Office of the Ombudsman for the Calendar Year 2014.

Table 6: Visits to the Office in 2014

MONTHS	Number of Visits
January	10
February	14
March	10
April	19
May	11
June	5
July	8
August	5
September	5
October	7
November	6
December	0
TOTAL	100

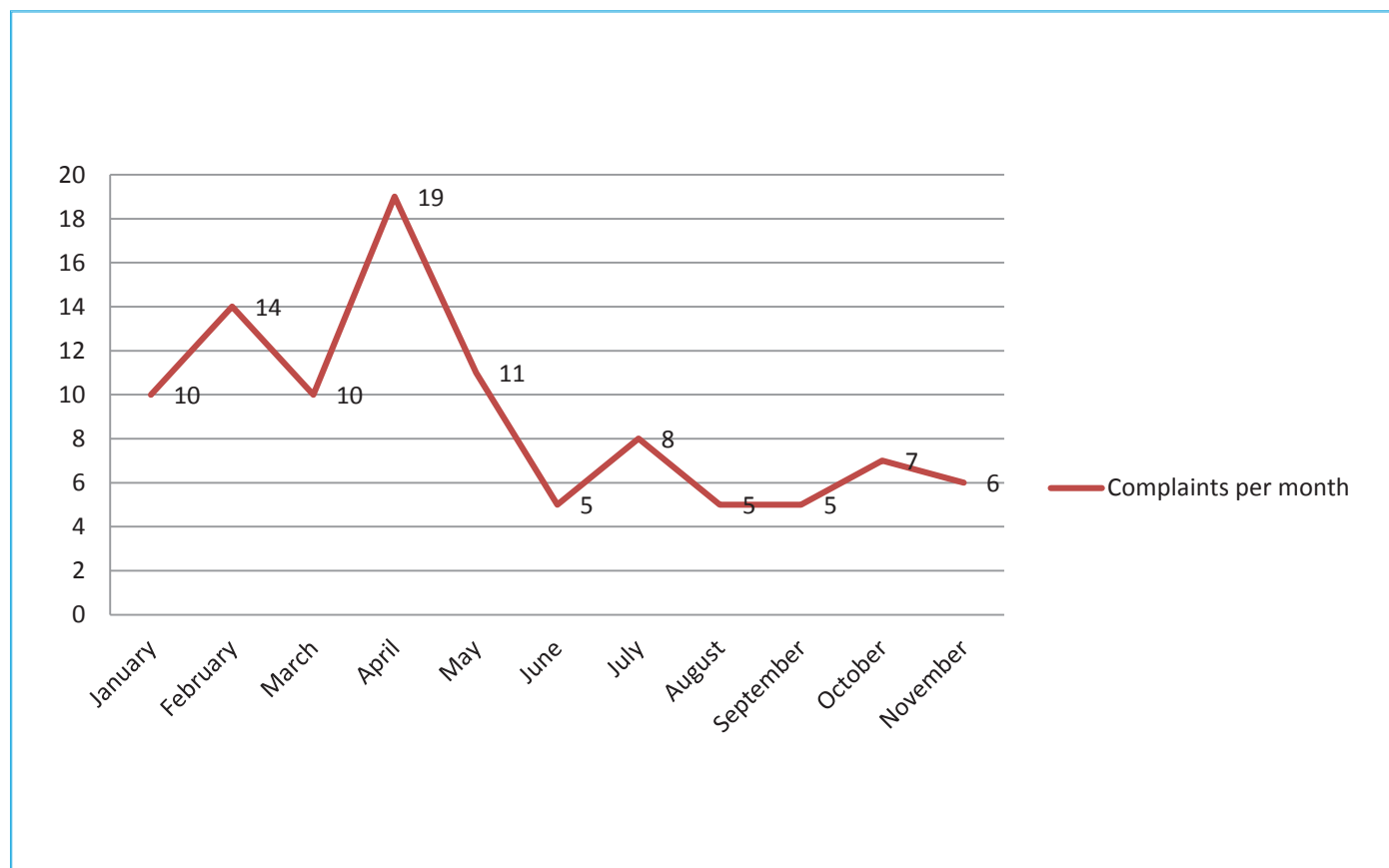
ANALYSIS OF COMPLAINTS

From the data represented in the table above and the line graph below, there was an average of twelve (12) visits per month for the first half of the year as opposed to five (5) towards the latter half of the year.

Nineteen (19/100) or 19% of the visits were recorded in April. This was the highest number of visits recorded in any given month for the year 2014. In December, the office did not record any complaint.

The decrease in complaints throughout the latter part of the year may be due to the fact that there were only a few promotions (via media) towards the end of 2013. There was also no Public Outreach Programme in 2014.

The line graph below provides a pictorial representation of the distribution of complainants who were in contact with the office throughout 2014



Comparison of visits to the office per month 2013 vs. 2014

The total number of visits for the years 2013 and 2014 was one hundred and twenty-four (124) and one hundred (100) respectively. In 2014, there was a considerable decrease of 19.35% in the number of visits.

ANALYSIS OF COMPLAINTS

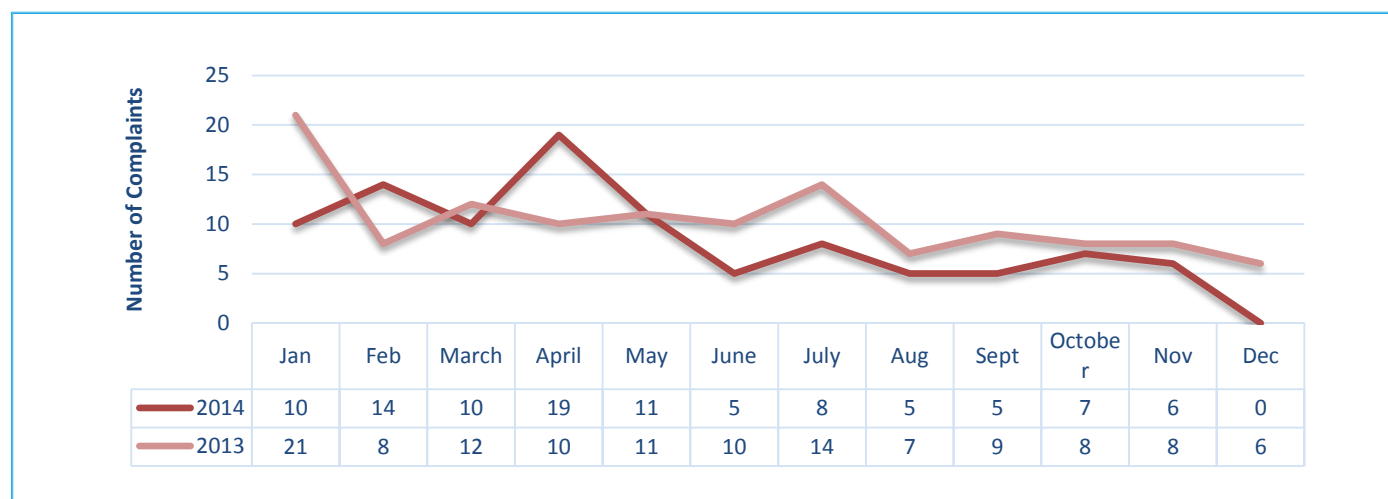
Table 7: Visits to the Office in 2013 vs. 2014

MONTHS	2014	2013
January	10	21
February	14	8
March	10	12
April	19	10
May	11	11
June	5	10
July	8	14
August	5	7
September	5	9
October	7	8
November	6	8
December	0	6
TOTAL	100	124

At the end of the first quarter of the year 2014, fifty-three percent of the complaints were recorded, as opposed to its counterpart 2013 where 41.13% were registered. Halfway through 2014 and 2013, there were sixty nine (69) and seventy-two (72) complaints respectively. After three-quarters of the year 2014, eighty-seven (87) complaints were registered; in 2013 one hundred and two (102) complaints were recorded.

The distribution of the complaints per month throughout both years follows a similar pattern. That is, the bulk of the complaints were recorded in the first half of each calendar year and decreased gradually towards the end. The monthly average registered in the second half of 2014 and 2013 were five (5) and nine (9) respectively.

The graph hereunder provides a pictorial representation of the data presented in the table above.



ANALYSIS OF COMPLAINTS

Table 8: Distribution of complainants per parish for the year 2014

The table below shows the distribution of complainants per parish for the year 2014.

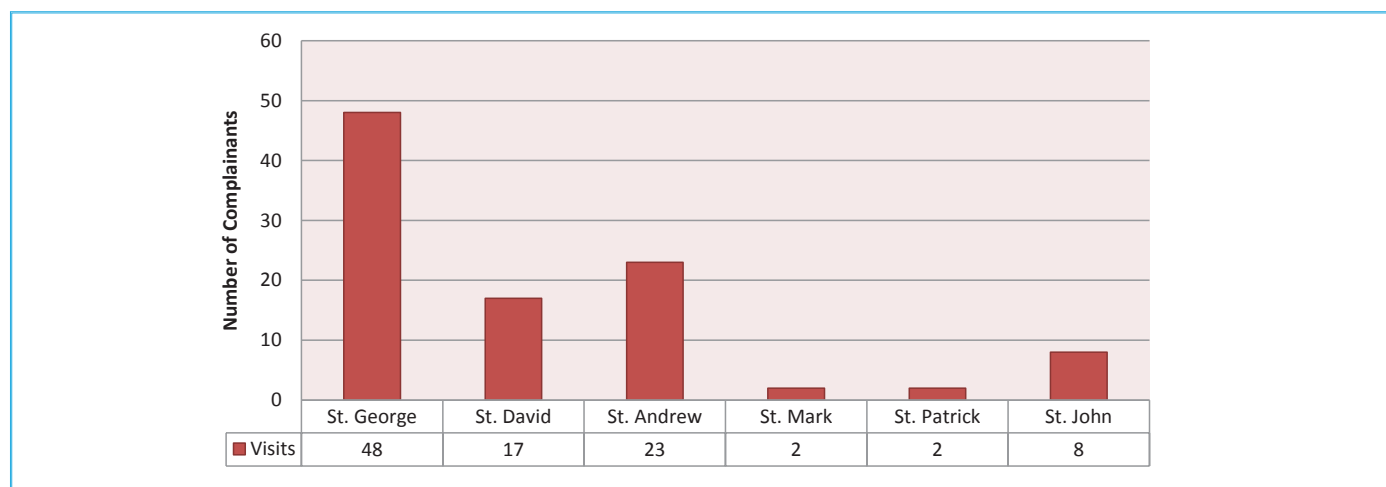
PARISH	NO. OF COMPLAINANTS
St. George	48
St. David	17
St. Andrew	23
St. Mark	2
St. Patrick	2
St. John	8
TOTAL	100

According to the data presented in the above table, 48% of the complainants who contacted the office resided in St. George; twenty-four (24/100) or 24% in St. Andrew; seventeen (17/100) or 17% in St. David; eight (8/100) or 8% in St. John, while St. Mark and St. Patrick each had two (2/100) or 2%.

The distribution of complainants per parish follows an almost identical pattern over the years pointing to the need for increased and better targeted outreach programmes using various forms. It is for this reason that the social media, Facebook, is now being used hoping to grab the attention of the under 35 demographic, who can also be victims of maladministration.

Carriacou and Petit Martinique require some attention and it is hoped that in short order the Office can have an itinerant, possibly quarterly presence, in our Sister Isles.

The graph below shows a pictorial representation of the distribution residence per parish who visited the office during the year 2014.



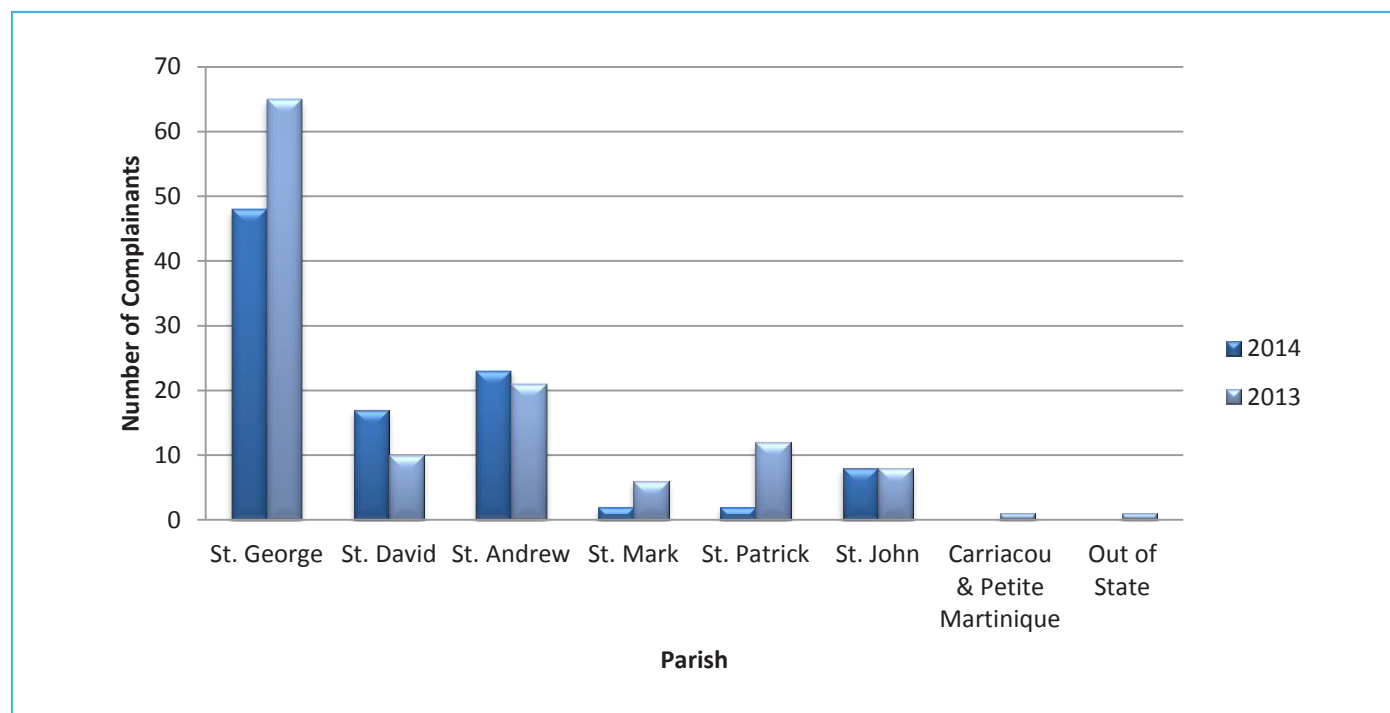
ANALYSIS OF COMPLAINTS

Comparing the residence of complaints for the years 2013 and 2014

Table 9: Residence of Complaints 2014 vs. 2013

PARISH	2014	2013
St. George	48	65
St. David	17	10
St. Andrew	23	21
St. Mark	2	6
St. Patrick	2	12
St. John	8	8
Carriacou & Petite Martinique	0	1
Out of State	0	1
TOTAL	100	124

Residence of Complainants 2014 vs 2013



ANALYSIS OF COMPLAINTS

With reference to table 9 above and the line graph that immediately follows, it can be concluded that the general pattern of distribution remains fairly constant as it relates to the number of visitors to the office and the parishes in which they reside. In 2013, there was a greater amount and wider expanse of visitors which also encompassed Carriacou and Petit Martinique and out of state.

A considerable growth was noted in the number of visitors to the office from the parish of St. David. Although there was an overall decrease in the amount of complaints for the year under review, the total for St. Patrick showed a significant decrease.

Forms of Initial Contact with the Office

The Office of the Ombudsman can be easily accessed. One can make contact with the office via: Email, Facebook, Walk-in, Telephone, Appointment or Letter. The table below demonstrates the forms of initial contact of the complainants for the year 2014.

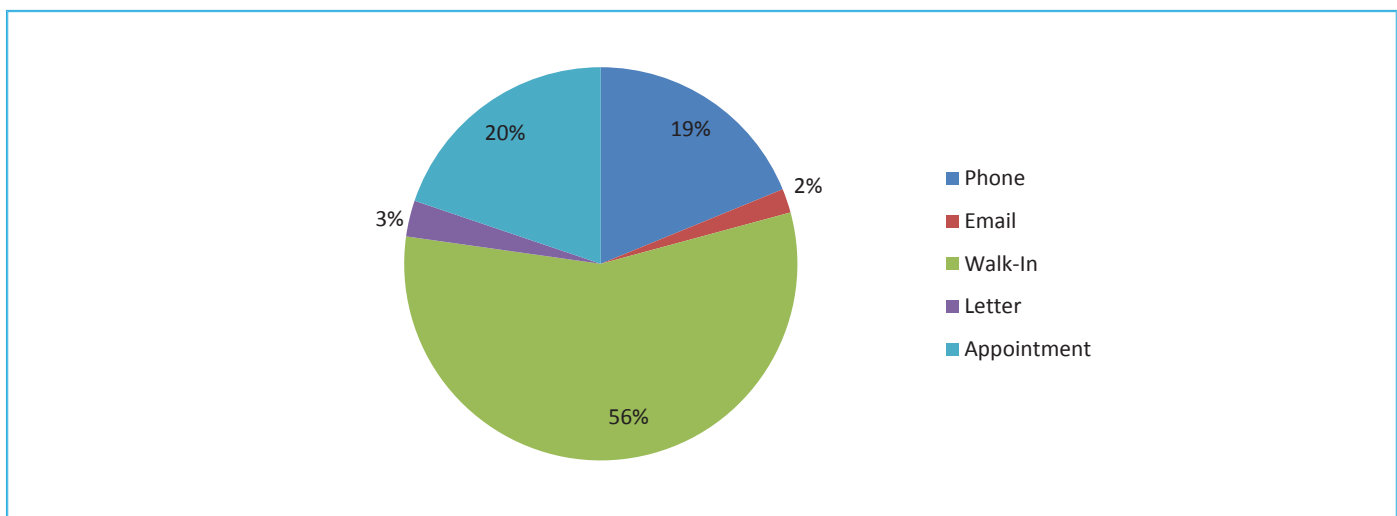
Table 10: Forms of Initial Contact with the office

Phone	Email	Walk-In	Letter	Appointment	TOTAL
19	2	56	3	20	100

Regardless of the form of initial contact with the Office of the Ombudsman, each complainant is required to provide their full name, address, name of the Public Authority and details of the complaint. Each complainant is either interviewed in person, or communicated by telephone or electronically. A file is created for each complainant which subsequently is added to the official records of the office.

The graph below illustrates an overview of the forms of initial contact with the Office of the Ombudsman.

FORMS OF INITIAL CONTACT



SAMPLE OF COMPLAINTS



SAMPLE OF COMPLAINTS

Case 1: MINISTRY OF WORKS - BENEFITS OWED WHEN CONTRACT ENDED

A senior functionary in the Ministry of Works was employed on a contractual basis for some 15 years. In 2012 his contract ended but he continued to be employed on a month-to-month basis with responsibilities that were not in his original contract, while directives on a new contract were pending. In 2013 he was informed via correspondence from the then Permanent Secretary to cease work, essentially terminating his association with the Ministry.



The former senior functionary, in January 2014, applied to the Ministry for holiday pay and other benefits to which he was due. After several months of trying and little response he lodged a complaint with the Ombudsman who interceded on his behalf to the authorities.

Case remains unresolved with scant response from the Ministry and no indication when benefits due will be paid.

Case 2: PUBLIC SERVANTS – JOINING OF SERVICES



Although the Government has agreed to initiate discussions with Trade Unions concerning applying the decision of the Court of Appeal on the Pensions Disqualification Act, with the introduction of the National Insurance Scheme several Public Servants desire to join services before and after April 1983. To be eligible for Government retirement Benefits, Public Servants must have served for 26 years and eight months. Some Officers broke their stints, resigned and were re-employed and need both periods to be joined to become eligible for pension and gratuity.

At present, legally, all Public Officers who accumulated the required years after April 1983 are eligible for pension upon retirement. Persons who joined after April 1983, and have already retired are anxiously awaiting benefits; when the benefits will come their way is another matter. Still, knowing that the services have been joined would give comfort to those already retired and not receiving benefits and others contemplating or approaching retirement.

Unfortunately, the Department of Public Administration, DPA, is yet to respond to requests, some several years old, from Ministries and Departments for the joining of services. There are several complaints to the Ombudsman in this regard. Discussions were held with the DPA but there is uncertainty about when services can or cannot be joined.

SAMPLE OF COMPLAINTS

Case 3: HOUSING AUTHORITY OF GRENADA (HAG)

The Office of the Ombudsman for the first time had to utilize its resources to contract an independent professional for an assessment of structural and other flaws in a house built by the HAG for a Grenadian returning home to reside permanently.

A joint inspection of the building was not conducted by the home owners and the HAG prior to occupation by the homeowners. Major deficiencies, primarily plumbing, were reported by the homeowners as needing corrective action by the HAG. Not satisfied with the response, the homeowners complained to the Ombudsman. By this time the relations between the HAG and the homeowners plummeted to such an extent that agreement was way off; even communication between them was severely strained.

The independent professional, in his report, outlined several deficiencies and structural flaws, much more than initially anticipated. HAG accepted the report and commenced work on the building. Such was the work needed to be done that the family had to be relocated elsewhere at the expense of the HAG.

At the end of 2014 remedial work was still in progress on this home built in an upscale section of Grenada at a cost of approximately EC\$800,000.00.



Case 4: BUS FARE FOR SCHOOL CHILDREN

The Transport Board of the Ministry of Communications, Works, Physical Development, Public Utilities, ICT & Community Development and the Royal Grenada Police Force had to be contacted by the Office of the Ombudsman to verify what fees are to be paid by school children when travelling on buses.

A few parents complained that their children were charged adult fare by some drivers even while in uniform. It is hoped that this practice has now ceased. School children ought not to pay adult fare, even outside school hours, even after 6.00pm.



SUMMARY OF COMPLAINTS

The public authorities that had the most complaints were:

- Other private entities: 26
- Ministry of Education: 10
- Royal Grenada Police Force: 9
- Ministry of Labour: 7
- Ministry of Agriculture: 7
- Ministry of Health: 7

Other Private Entities

This category comprises complaints brought to the Office of the Ombudsman which do not fall within the Ombudsman's jurisdiction.

The number of complaints recorded against private entities continues to be high as in previous years, and the year under review was the highest.

Samples of the nature of the complaints in this category include:

- Refusal of tenant to pay the landlord monthly rent.
- A complainant had a court matter with an individual who owed him \$16,000. The Judge ruled that the individual should pay him the money in full. He received \$8,000 but is experiencing problems in collecting the difference.
- A complainant's boyfriend suffered a sprained finger during an altercation. He went to the Medical Centre in Sauteurs and was told there was no doctor available to attend to him. She complained that he could have died if his injury was more serious.
- Problems with squatters.
- A complainant and his wife had a serious falling-out. He decided that he wanted a divorce and took his matter to a lawyer. He paid \$1,350 in professional fees but the lawyer has not done anything on his case. He is demanding his money back.
- A complainant went to withdraw \$1,000 from an ATM at Republic Bank, Grenville. By the time he took his card from the machine and placed it in his pocket, the teller machine closed taking back the funds. He reported the matter to the bank manager but nothing was done.
- Land dispute amongst family members.
- A complainant made a down payment of \$11,000 to a contractor to do some finishing works in her house. The cost of materials and labour amounted to \$17,000, according to the contractor's estimates. To date, nothing has been done despite her multiple telephone calls to him nor was she able to retrieve her down- payment.
- A complainant paid a lawyer \$1,500 to handle a matter for him. To date nothing has been done. He is seeking to retrieve the payment made.

SUMMARY OF COMPLAINTS

- A complainant is experiencing problems of trespassing and boundary issues with her neighbour who is a member of the RGPF. This has resulted in her appearing in court and being fined.
- A complainant's former girlfriend accused him of trying to kill her. The matter went to court where he denied the charges. He believes that he is being victimized by the Magistrate for something he did not do.

Ministry of Education

- Undue delay in the payment of salary.
- Negligence of a Vice Principal to hold a meeting with a parent after a student was stabbed.
- A complainant was appointed as a typist/clerk has been acting as a secretary since 2002. She is not receiving the relevant allowance. Her letters to senior personnel in the Ministry have been to no avail.
- A complainant started work in February 1980 as a teacher. She worked at various pre-primary schools. She has never received a letter of appointment from the Public Service Commission.

Royal Grenada Police Force

- A 68 year-old retiree, was punched by a police officer. He reported the matter to the CID and CRD. A meeting was held to investigate the complaint. During the meeting the officer blatantly denied he cuffed him.
- A complainant, who returned to Grenada after many years of living in Canada, was given the run-around by the Traffic Department in his application to obtain a permanent driving license.
- A complainant was arrested for the alleged cutting of a water pipe which runs through his property with no evidence.
- Concerns raised by numerous residents regarding the noise emanating from kite flying during the early hours of the morning.
- A complainant's vehicle was in garage during the January/February period for which it was due to be inspected. He experienced problems in acquiring exemption from paying the late fees in licensing his vehicle.
- A complainant was constantly harassed by a senior police officer. She reported it to the CRD and obtained a restraining order, but the harassment continued. She called the police to report the continued harassment but no steps were taken to remedy the matter.

APPENDICES





Amendments have been made to the Ombudsman Act. Hereunder are the pertinent sections of the Act as they would now appear, with the Amendments.

GRENADA

STATUTORY RULES AND ORDERS NO. 30 OF 2014

THE GOVERNOR-GENERAL IN EXERCISE OF THE POWERS CONFERRED ON
HER PURSUANT TO SECTION 36 OF THE OMBUDSMAN ACT CAP. 218B,
MAKE THE FOLLOWING REGULATIONS-

(Gazetted 10th July, 2014).

1. **Citation.** These Regulations may be cited as the-

OMBUDSMAN (EMOLUMENTS) REGULATIONS, 2014.

2. **Definition.** In these Regulations-

“Act” means the Ombudsman Act Cap.218B.

3. **Emoluments.** The emolument for the holder of the Office of the Ombudsman as provided under the Act, shall be six thousand dollars.

Dated this 10th day of July, 2014.

LAWRENCE JOSEPH
Deputy to the Governor-General

ACT NO. 20 OF 2013

AN ACT to amend the Ombudsman Act Cap. 218B of the 2010 Continuous Revised Edition of the Laws of Grenada.

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Grenada, and by the authority of the same as follows:

1. This Act may be cited as the

OMBUDSMAN (AMENDMENT) ACT, 2013

2. In this Act – “principal Act” means the Ombudsman Act Cap. 218B of the 2010 Continuous Revised Edition of the Laws of Grenada.

Remuneration of Ombudsman

11.—(1) Subject to subsection (2), the Ombudsman shall receive such emoluments and may be subject to such other terms and conditions of service as may from time to time be prescribed under this Act.

Delegation

(3) A delegate shall, upon request by a person affected by the exercise of any power delegated to him or her, produce the instrument of delegation, or a copy of the instrument as provided for in the third Schedule, for inspection.

Funding and account

(2) The finance required for the salary and allowances of the Ombudsman, and for the resources described in section 14 and subsection (1) and for this section shall not exceed a maximum amount indicated in an Ombudsman plan approved by the House of Representatives and shall be a charge on the Consolidated Fund without any further appropriation other than this Act, provided that the Ombudsman shall present to the House of Representatives by the 15th day of September of each year, an Ombudsman plan, which will indicate the activities for the ensuing year.

(3) The accounts of the Office of the Ombudsman shall be audited by the Director of Audit, and the provisions of the Public Finance and Management Act shall apply.

Making of complaint

22 (1) A complaint to the Ombudsman about any administrative action of a public authority—

- (a) shall be made by an aggrieved person, but may be made on his or her behalf by a member of his family or other suitable person to act for himself or herself;
- (b) may be made orally, electronically or in writing; and

- (c) shall be made within one year after the day the complainant first had notice of the administrative action, but the ombudsman may extend this time for a further period of six months, if in his opinion there are special circumstances which justify such extension.

Preliminary and minor inquiries

23.—(1) Where a complaint has been made to the Ombudsman in respect of an action taken by, or on behalf of a public authority the Ombudsman may make inquiries of the public authority for the purposes of determining whether or not he or she is authorized to investigate the action—

(2) If pursuant to sub-section (1) the Ombudsman is authorized to investigate the action, the Ombudsman shall decide

- (a) Whether or not if he or she may subject to section 24, decide not to investigate the action; or
 - (b) whether or not he may determine the action without the need for an investigation under this Act; having regard to the nature and seriousness of the complaint.
- (3) An inquiry under subsection (1) is not an investigation for the purposes of section 27.

Notice of intention to investigate

27 (9) For the purposes of an investigation under this Act, the Ombudsman shall have the same powers as a judge of the Supreme Court in respect of the attendance and examination of witnesses and the production of documents.

Restriction on disclosure of certain matters

29.—(1) Where the Attorney-General certifies that the giving of any information or the answering of any document or thing or allowing of access to any premises;

- (a) might prejudice the security, defence or international relations of Grenada or the investigation or detection of offences;
- (b) might involve the disclosure of deliberation of the Cabinet; or
- (c) might involve the disclosure or proceedings of the Cabinet or of any committee of the Cabinet relating to matters of a secret or confidential nature and would be injurious to the public interest,

the Ombudsman shall not require the information or the answer to be given or the document or thing to produce or access to the premises to be allowed.

(2) Subject to subsection (1), no information, answer, document or thing should be withheld from the ombudsman on the ground that is disclosure would be contrary to the public interest.

The Ombudsman shall not further require such information or answer to be given or such document or thing to be produced

SCHEDULE II

MATTERS NOT SUBJECT TO INVESTIGATION

- (1) Action taken in matters certified by the Minister responsible for foreign Affairs or the Minister of the Crown to affect relations or dealings between the Government of Grenada and any other Government or any international organization of states or Governments.
- (2) Action taken in any country or territory outside of Grenada, by or on behalf any officer representing or acting under the authority of Her Majesty in respect of the Grenada or any other public officer of the Government of Grenada.
- (3) Action taken by the Attorney-General relating to the extradition of any person under the extradition Act.
- (4) Action taken by or with the authority of the Attorney-General or any other Minister of the Crown, the Director of Public Prosecutions or Commissioner of Police for the purpose of investigating of crime or protecting of the security of Grenada, including action taken with respect to passports .
- (5) The commencement or conduct of civil or criminal proceedings before any Court of Law in Grenada, or before any international court or tribunal
- (6) Action taken in connection with the exercise or possible exercise of prerogative of mercy under the Constitution or otherwise.
- (7) Action taken in matters relating to contractual or commercial transaction, being transactions of a department of government or a statutory board not being transactions relating to—
 - (a) the acquisition of land compulsory or in circumstances in which it could be acquired compulsory;
 - (b) the disposal of surplus land acquired compulsorily or in circumstances in which it could be acquired compulsory.
- (8) Any action or advice of a qualified medical practitioner or consultant involving the exercise of professional or critical judgments.
- (9) Any matter relating to any person who is or was a member of the armed or police force of Grenada in so far as the matter relates to—
 - (a) the terms and conditions of service of such member; or
 - (b) any order, command, penalty or punishing given to or affecting him in his capacity as such member.
- (10) Any action which by virtue of any provision of the Constitution may not be enquired into by any court
- (11) The grant of honour or awards.
- (12) Matters relating to the grant of liquor licences.
- (13) Matters relating to the regulation of public utilities.
- (14) Any function of the Minister under the Immigration Act or the regulations made thereunder.
- (15) Any judicial function not specifically excluded by paragraphs 1 to 4.

THIRD SCHEDULE
INSTRUMENT OF DELEGATION

I _____ pursuant to section 15 of the Ombudsman Act Cap. 218B,
do hereby delegate the following powers, functions and duties;-

- (i)
- (ii)
- (iii)

Upon _____ for the time being

This delegation does not permit the sub-delegation of the powers in accordance with Section 15(1)
of the Ombudsman Act Cap. 218B.