

38th Annual Report | 2015



OFFICE OF THE
OMBUDSMAN
TRINIDAD AND TOBAGO

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December 1, 2016

Honourable Speaker
Office of the Parliament
Tower D, Levels G-7
Port of Spain International Waterfront Centre
1A Wrightson Road
PORT OF SPAIN.

Dear Madam Speaker,

I have the honour to present the **Thirty-Eight Annual Report** of the Ombudsman for the period **January, 2015 to December, 2015.**

The Report is submitted pursuant to Section 96 (5) of the Constitution of the Republic of Trinidad and Tobago.

Yours faithfully,

Lynette Stephenson, S.C.

OMBUDSMAN

Republic of Trinidad and Tobago



OFFICE OF THE
OMBUDSMAN
TRINIDAD AND TOBAGO

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OUR VISION

Accountable, Fair and Transparent Public
Administration for all in Trinidad and Tobago

OUR MISSION

The Office of the Ombudsman of the Republic of Trinidad and Tobago in fulfilling its statutory mandate is in the business of investigating and resolving complaints of administrative injustice in an impartial, ethical and expeditious manner; educating the Public on their rights and responsibilities and; advocating improvements in the quality and standards of service delivery in the Public Sector of Trinidad and Tobago.

OUR VALUES

ACCESSIBILITY
SENSITIVITY
PROFESSIONALISM
INTEGRITY
RESPECT
EQUITY
EXCELLENCE

Contact Us

PORT OF SPAIN Head Office

Address: #132, Henry Street
Port of Spain
Trinidad

Telephone: (868) 624-3121 - 4
Fax: (868) 625-0717
E-mail: feedback@ombudsman.gov.tt

SAN FERNANDO South Office

Address: 1st Floor, FinGroup Place
Cor. Hobson & Kelshall St.
San Fernando

Telephone: (868) 652-6786
Fax: (868) 652-0404
E-mail: sandoregion@ombudsman.gov.tt

SCARBOROUGH Tobago Office

Address: Caribana Building
Bacolet Street
Scarborough
Tobago

Telephone: (868) 639-1302
Fax: (868) 639-1303
E-mail: tgoregion@ombudsman.gov.tt

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OMBUDSMAN'S REMARKS

“To be effective, any Ombudsman institution must be relevant to the government which created it and to the public whose complaint it receives. To remain relevant, the Ombudsman can help government to deliver what citizens expect of government by delivering what citizens expect of the Ombudsman.”

John R. Walters, Ombudsman of Namibia and President of the International Ombudsman Institute (IOI)

I stated in my 36th Annual Report, that the Office of the Ombudsman exists to ensure that the powers given to functionaries by the Constitution, or any other law, are exercised within the ambit of reasonableness and justice. These words are worth repeating.

Globally, Ombudsmen play a critical role in the handling of individuals' complaints against public administration as well as promoting and protecting human rights. During the period of 2015, a thorough review of our Complaint Handling Procedures was initiated in order to improve effectiveness and efficiency in that area. Even though significant strides have been made, it is still a work in progress since many complaints which initially appear to be simple and straightforward turn out to be quite complex.

It must be noted that the average person does not fully understand the limits of the Ombudsman's jurisdiction. Once he considers that he has suffered an injustice, he believes that the Ombudsman is the best person to assist in resolving his problem. It matters not that the complaint is private in

nature and not one highlighting a fault in the administration of a Government Department or a Statutory Authority. In those cases and in matters which fall under the Third Schedule to the Constitution where the Ombudsman has no jurisdiction to investigate, the complainant is advised of the possible courses of action he may take to have his complaint dealt with.

The Office is without the services of a Communications Officer at this time since the previous holder of the post terminated his contract before the end of the contractual period. Steps are being taken to obtain a suitable replacement as it is imperative that this Office moves ahead with its transformation initiatives with regard to Communications and the Community Outreach Programme. This in itself has become an integral component of every Ombudsman institution since relationships with the public must be fostered and strengthened in a more meaningful manner. To this end, the Office aims to undertake a website upgrade, increase the use of social media platform and publish newsletters to educate the public so that they may

better understand the limits of the Ombudsman's jurisdiction and the role and functions of my office.

One of the key steps in obtaining fair and effective public administration is to embed in the public service, the decades-old principle known as the Golden Rule. The application of this rule requires that public officers employed at the various Ministries and Government Departments treat the persons before them in the manner they should like to be treated if they had a problem. In other words, Officers should at all times uphold the pillars of Tolerance, Consideration and Compassion in performing their duties. In these times of public scrutiny, public officers should be mindful of the fact that they are paid by the taxes contributed by members of the public they serve. The public has a right to be treated fairly. It is not right that someone who has travelled from Moruga to Port of Spain to enquire about his matter which is being dealt with by a Government department should be told to return the following day since the officer dealing with his matter did not turn up for work on that day. The Officer's absence ought not to

be used by the department concerned to renege from its responsibility to provide the requested service to the individual.

While for the most part, I receive co-operation from a number of Ministries and Departments, there appears to be a tendency on the part of certain organisations to regard communication from my Office as not urgent so that investigations are unnecessarily delayed when responses are not forwarded expeditiously or there is a failure to reply. Public officers should not be fearful when their decisions come under scrutiny. Openness in dealing with matters between public authorities and the public is one of the pillars of life in a democracy.

When matters have not been addressed by public officers after several reminders, I exercise my statutory powers under the Constitution and the Ombudsman Act, Chap. 2:52, to summon parties to appear before me, to give evidence and produce documents which will assist in dealing with the matters at hand. To date, such action has produced satisfactory results since my authority has not been challenged and officers have been co-operative.

Apart from the core function of the Office, assisting public officers in the performance of their duties is fundamental in preventing mistakes from occurring or re-occurring in their departments.

Professor K. Wade in speaking of the Parliamentary Commissioner for Administration of England

(Ombudsman) at the Fourth Commonwealth Law Conference held in New Delhi, India had this to say with reference to public officers:

“Government Departments are, generally speaking, very good at avoiding mistakes. What they are often not good at is explaining themselves. In the Ombudsman they have, as to nine-tenths of him a public relations officer who justifies their doings to those who are most aggrieved at them. This shows that the public service ought to look on the Ombudsman as a friend rather than an enemy. He is a lightning conductor for bona fide grievances and will keep the departments out of many political storms in the long run.”

I believe that every Government Department should establish an *“Internal Complaints Database”* which would help them deal with complaints effectively. Certainly, I feel that greater oversight by Heads of Departments will eliminate many complaints. In several cases, if the public knew in definitive terms what services departments offered and the standards of service required, in other words *“Service Charters”*, it would be easy to identify and close the gaps which exist between *“Service Charter”* commitments and their actual practices.

In spite of the many challenges facing the Office including human resource capability and financial constraints, my staff will continue to seek to conduct a thorough investigation of complaints brought to our attention by members of the public. This Office, in its capacity as public protector in the service of many, including the most vulnerable among us, is consequently now more important than ever. It plays a vital role

in building the trust which must exist between government and members of the public.

I wish to thank all those who in their own way have assisted and continue to assist the Office as it endeavours to fulfil its mandate under the law and aims to achieve the highest levels of Accountability, Fairness and Transparency for all persons in Trinidad and Tobago.



A handwritten signature in blue ink, appearing to read 'L. Stephenson'.

Ms. Lynette Stephenson, S.C.
Ombudsman
Republic of Trinidad and Tobago

INTRODUCTION

The Office of the Ombudsman

The Office was established under Section 91 of the Constitution of the Republic of Trinidad and Tobago for the purpose of investigating "...any decision or recommendation made, including advice or recommendations made to a Minister or any act done or omitted by any department of Government or any other authority." Matters not subject to investigation are discussed in the Appendix.

The Ombudsman is an Officer of Parliament and does not form part of the machinery of government. The Office exists as an independent oversight body, in accordance with the provisions of the Ombudsman Act Chap. 2:52 and performs the dual role of:

- Providing a fair and impartial investigation service for members

of the public who believe that they have been adversely affected by a decision or action of a public sector agency; and

- Assisting public sector agencies to improve their decision making and administrative practices and procedures.

The Ombudsman and the Freedom of Information Act (FOIA)

The Freedom of Information Act (FOIA), Chap. 22:02 which came into effect in 2001 provides members of the public with a general right of access to official documents in the possession of public sector bodies/ authorities.

Section 15 of the said Act places a statutory obligation upon public authorities to take all reasonable steps to inform an applicant of its

decision not later than thirty (30) days after the request for access to official documents was duly made. Section 38 A (1) states "A person aggrieved by the refusal of a public authority to grant access to an official document may, within twenty one (21) days of receiving notice of the refusal under Section 23 (1) complain in writing to the Ombudsman and the Ombudsman shall, after examining the document if it exists, make such recommendations with respect to the granting of access to the document as he thinks fit within thirty days or as soon as practicable thereof."

5 Things to Know about your Ombudsman



SPECIAL REPORT

**TEXT OF A SPECIAL REPORT NO. 1 OF 2015
UNDER SECTION 96(4) OF THE CONSTITUTION**
*Laid In The House of Representatives on
Friday November 27, 2015 And Tabled in the Senate on
Tuesday December 08, 2015.*

*Complaint of Mr. A.H. against the
Housing Development Corporation*

Mr. A.H. ("the complainant") approached my Office in 2006 seeking assistance to be relocated from his home in Morvant and that consideration be given to his request that payments on his first mortgage be used to offset subsequent mortgage payments when he was relocated.

Mr. A.H. entered a mortgage agreement with the National Housing Authority (NHA), now Housing Development Corporation (HDC) in 1980 with respect to a property at No. 1A Redwood Drive, Morvant. In 1993, the main drain in the area collapsed and this led to the erosion and structural damage of his property.

I wrote the Chief Executive Officer, HDC on behalf of Mr. A.H. in 2006 highlighting the fact that since 2004, Dr. R.W., the Technical & Planning Services Superintendent of the then NHA had recommended that Mr. A.H. be relocated since the house was deemed uninhabitable. The house needed to be demolished as its structural integrity had been compromised by the collapse of a main drain in the area and severe erosion which had undermined the foundation system of the structure.

Additionally, I expressed my disagreement with the position taken by the HDC as to its request for Mr. A.H. to clear off his subsisting mortgage and to enter into a new mortgage on relocation to other premises. It was recommended that in the interest of fairness, monies still payable on the original premises should be channelled towards the property to which Mr. A.H. would be relocated.

The Corporation held the view that since the Insurance Company acting on its behalf had agreed to pay ninety-two thousand, five hundred dollars (\$92,500.00) in compensation to Mr. A.H. for damages sustained to his property, it assumed that the said monies had been used to complete the remedial works. Therefore, Mr. A.H. was expected to liquidate his mortgage debt on the said property. However, Mr. A.H. indicated that he received a cheque from the HDC in the sum of seventy-seven thousand, six hundred and fifty dollars (\$77,650.00) and was informed that the sum of fourteen thousand, eight-hundred and fifty dollars (\$14,850.00) had been deducted for arrears of the mortgage.

During the period 1994 to 2004, despite numerous requests by Mr.

A.H. to NHA for assistance, including letters from the Attorneys-at-Law acting on his behalf, nothing was done to remedy the problem.

Subsequently, HDC officials held discussions with Mr. A.H. with regard to relocation and he submitted a letter stating his preferences with respect to his relocation. However, by September 2006, when Mr. A.H. had not been relocated, he approached my Office for assistance.

In my letter to the then Chief Executive Officer, HDC dated October 25, 2006, I recommended that:

"...since Mr. A.H. was unable to live at his house, through no fault of his, it will be unfair to expect him to clear off a mortgage on a property which is uninhabitable. The property must be merchantable and since it is not suitable for the purpose for which it was bought, no further monies should be paid towards liquidating the debt on that property."

It was my view that the Corporation had "no intention to effect any restorative work to the environment in this area... therefore, to expect Mr. A.H. to continue to pay a mortgage on an uninhabitable property and not to

take the necessary steps to relocate him is unreasonable."

In 2007, a letter forwarded to the then Minister of Housing stated that the money received by Mr. A.H. had been used to effect repairs but there had been a further collapse of the building.

After constant reminders had been sent over the years, I subsequently received a response from the HDC by letter dated October 17, 2012 stating the following:-

"It is noted that the Complainant opines of structural damages to his property situated at No. 1 Redwood Street, Morvant and has requested that the Corporation effect repairs on same and/or offer relocation to another housing unit. Please be guided that the Corporation does not consider itself liable to effect repairs on said property as it is no longer owned by us but it is instead a private residence. Kindly note further that this decision has already been relayed to the Complainant by letter dated 11th December, 2011, addressed to his Attorney-at-law. A true and correct copy of this document is hereto attached for your perusal."

Based on the length of time spent pursuing the matter and the position adopted by the HDC, it was opined that it was unfair to state that the property was no longer owned by the HDC but was a private residence since a mortgagor does not own the mortgaged property until the mortgage debt is satisfied. Therefore, I recommended that the Corporation review its earlier position with respect

to the relocation of Mr. A.H. to another property.

Section 96(4) of the Constitution of the Republic of Trinidad and Tobago provides inter alia, "that where the Ombudsman has made a recommendation under subsection (2) and within the time specified by him, no sufficient action has been taken to remedy the injustice, then subject to such provision as may be made by Parliament, the Ombudsman shall lay a Special Report on the case before Parliament."

This, I now do.

Footnote: To date, I have not received a response from the HDC on this matter. The most disconcerting feature of this matter is the failure of the HDC to take the necessary steps to efficiently and effectively resolve it. It has been already been ten (10) years since this matter was brought to the attention of my Office. It is also evident that the complainant continues to suffer a great deal of injustice and frustration in an attempt to have his matter dealt with and to receive the attention it deserves.

The HDC should not turn a blind eye to matters of this nature so as to avoid such grievances arising.

Freedom of Information and the Ombudsman

The Freedom of Information Act (FOIA), Chap. 22:02 ushered in a new era which provided members of the public with the avenue to access documentary information which was not previously available to them.

The Ombudsman conducts a review of the decisions made by public authorities under section 38A of the FOIA. However, it has been observed that the number of requests for review received has decreased significantly from the number requested in previous years.

Although there has been a marked decrease in the number of requests for review received by the Office, upon an examination of the complaints lodged, I have made certain observations which I must mention and which are pertinent to the development of the freedom of information process.

Firstly, it is apparent that designated officers who are assigned the

responsibility of treating with these requests need to be afforded training in how to deal with such requests analytically and dispassionately.

I have also observed that the responses given to Applicants tend to be vague and do not provide any justification for the decision(s) taken by the public authority. Additionally, I have noted that designated officers who may be seeking to restrict access to the information requested will refer to a section in the Act which is not applicable or relevant to the request(s) made by the Applicant.

I believe that these occurrences ought not to arise having regard to the fact that the legislation has been in effect since 2001. Individuals charged with the responsibility for treating with the Freedom of Information (FOI) requests, should be more knowledgeable and be able to interpret in a meaningful way the provisions of the Act.

Secondly, public authorities are not diligent in keeping to the timelines specified under the Act. Far too often, I receive complaints from individuals who have made requests and have not received any response to their requests for access to documentary information and have not received any response to the decision(s), save and except for an acknowledgement letter from the public authority. Designated officers and, by extension public authorities, do not treat FOI requests received with the sense of urgency and priority which they ought to be given.

Public authorities must recognise that they are under a statutory obligation to address requests within a period of thirty (30) days. Public officers in complying with the provisions of the Act are to recognise their roles and responsibilities when called upon to assist members of the public in their quest to access documentary information under the FOIA.



Areas of Concern

Ministry of National Security- The Immigration Division



The Immigration Division which falls under the ambit of the Ministry of National Security seeks to promote the economic, political, cultural and social growth of the Republic of Trinidad and Tobago. The Division is duly responsible for the control of persons entering and leaving Trinidad and Tobago and the issue of travel documents both locally and at Trinidad and Tobago Missions overseas.

The Office of the Ombudsman received a total of sixteen (16) complaints against the Immigration Division in 2015. While the Office is mindful of the fact that the Division has been making several strides to mitigate some of the existing problems, it is important for the Office to highlight those situations which leave complainants at the mercy of unsympathetic officials and in a state of limbo.

As a consequence of the closure of Immigration Offices, the following situations were noted:

- Applications made by non-nationals for extensions of entry certificates were not being processed;

- Interviews for permanent resident status or for foreign student permits were not being conducted;
- Visas were not being processed and issued to non-nationals who required them.

ACCOMODATION:

It was noted that the quality of some of the Offices occupied by the Division did not satisfy the health and safety standards laid down in the Occupational Safety and Health (OSH) Act, Chap. 88:08. Therefore, Offices located at #67 Frederick Street, Port of Spain and #116 Frederick Street, Port of Spain were forced to close. The Office at #67 Frederick Street, Port of Spain eventually resumed operations on a half day basis. These health and safety issues contributed to the lack of proper and efficient service to members of the public.

THE IMPLEMENTATION OF THE MACHINE READABLE PASSPORT:

In 2007, the Immigration Division appeared before a Joint Select Committee of Parliament to give

evidence on the operations of the Division. Although many flaws were pointed out in the report presented by the Committee, one key accomplishment was noted in the area of technology. This referred to the development and implementation of the Machine Readable Passport issuing system introduced in 2006.

It was noted that persons experienced hardships with the introduction of this new passport system. Firstly, the question was raised as to whether the five (5) year life span of the passport was a practical option. Secondly, the length of time taken for the renewal of this passport appeared to be excessive given the fact that the applicant's information was already in the system.

It was also queried whether issues surrounding the human resource capacity of the Division in terms of staffing and training contributed to the protracted delays encountered by applicants when they sought to obtain the new Machine Readable Passport.

PERCEIVED TREATMENT TO MEMBERS OF THE PUBLIC:

Case Analysis:

In 2013, a Guyanese national, Ms. M, sought the assistance of the Ombudsman regarding the delay in obtaining resident status. Ms. M who had been residing in Trinidad and Tobago since August 1993, married a citizen of this country in December 1994. Her first application

for resident status was made in 2000. However, six (6) years later in November 2006, she filed and obtained a divorce from her husband which also nullified her application for resident status which she made in 2000. She subsequently re-applied for resident status in June 2007 and received an acknowledgement letter from the then Minister of National Security. Ms. M attended several interviews, the last one being in

September 2010. In September 2013, she visited the Ministry to enquire about the status of her application dated 2007. Ms. M was informed by the Ministry to re-apply again for resident status. To date, this matter remains unresolved.

RECOMMENDATIONS:

It is recommended that the Immigration Division work diligently to address the issues highlighted above which include:

- Training and re-training of Officers in all aspects of their work, particularly as it relates to Immigration Laws and related Regulations;
- Adequate staffing throughout the Division and;
- Appropriate and safe facilities should be provided to ensure security and efficiency in the operations of the Division.

Overall, it is imperative that Officers work assiduously to uphold the mission statement of the Division that is, "To promote National Security by effectively monitoring the movement of persons into, within and out of the country and to provide an efficient and effective passport service."

Tobago House of Assembly (THA)



The Seventh Schedule to the Tobago House of Assembly (THA) Act, Chap. 25:03 states that the Ombudsman is a key organization to perform or deliver certain services in Tobago.

In June 2002, the Office of the Ombudsman housed its first permanent location in Tobago. The aim of this initiative was to make the services of the Ombudsman easily accessible to persons requiring assistance in Tobago. The mandate under which the Ombudsman functions includes the investigation of complaints from members of the public who believe that they have been unfairly treated by Ministries/

Government Departments/State Agencies such as the THA.

The THA comprises ten (10) divisions which include:

- Office of the Chief Secretary
- Agriculture, Marine Affairs, Marketing & the Environment
- Community Development & Culture
- Education, Youth Affairs & Sport
- Finance & Enterprise Development
- Health & Social Services
- Infrastructure & Public Utilities
- Planning & Development
- Settlements & Labour

- Tourism & Transportation

The Office of the Ombudsman is deeply concerned over the lack of responses to queries made and the failure of some of the divisions of the THA to address complaints in a timely manner. Information is usually requested in order to glean facts which will determine the legitimacy of a complaint so that a complainant can be advised accordingly. There have been instances where divisions have responded expeditiously, but that is an exception rather than the norm.

Year	No. of Complaints received against the THA	No. of Complaints under investigation at the end of each year
2015	33	27
2014	31	30
2013	41	36
2012	110	105
2011	46	35
TOTAL	261	233

Table 1.

Table 1 above illustrates the number of complaints received by the Office of the Ombudsman against the various divisions of the THA over a five (5) year period (2011-2015) and the number of complaints still under investigation at the end of each year.

It is observed that a total of two hundred and sixty-one (261) complaints were received for the five (5) year period. Out of this figure, a total of two hundred and thirty-three (233) or eighty-nine percent (89%) of the complaints remain under investigation for the period. This statistical observation suggests that there appears to be worrisome levels of maladministration within divisions of the THA relating to unnecessary delays in the payment of compensation for the compulsory acquisition of land, instances of bias and mistakes especially in the computation of arrears of salary and Pension and Leave records.

The Office has identified that there are a number of challenges which should be addressed. These include:

1. Proper record keeping by the divisions:

The importance of proper record keeping cannot be ignored. Since it is the responsibility of the divisions to ensure that proper records are maintained, their Human Resource Departments must function in an efficient and effective manner. Records tell us the story of a public officer's career from the date of his first appointment to the date of his retirement. The Office has been told on too many occasions that records could not be located and the challenges to retrieve those records from storage.

2. Timeliness in addressing complaints:

There are complaints spanning periods of ten (10) to fifteen (15) years that are still outstanding to date but there is little effort on the part of the relevant divisions to provide the necessary information requested. Those complaints usually relate to human resource matters.

3. Compensation for the acquisition of land, by the THA:

Land matters take an inordinate amount of time to be resolved. While the question of title may arise in a number of cases and

that must be determined before compensation is paid, there are cases where that issue does not arise and those matters are still not resolved expeditiously.

On several occasions, the Office has been promised reports relating to the complaints received. However, this continues to be mere promises without deliverables and is considered quite unacceptable. Further, it has been noted that in several matters when the Office has made recommendations which should resolve complaints, these recommendations have been ignored. A case in point is that of Mr. M whose claim for compensation for an injury sustained on the job has not been dealt with by Division of Infrastructure and Public Utilities (DIPU) of the THA. A synopsis of the case is highlighted below.

**Case Analysis:
Division of Infrastructure and Public Utilities (DIPU), THA-Claim for Compensation by Mr. M.**

In January 2006, Mr. M sought the assistance of the Ombudsman in obtaining compensation from the DIPU, THA for injuries he sustained on the job in February 2005 when he fell into a hole along the roadway on Claude Noel Highway while performing duties as a Labourer. He was assisted by his then Supervisor and co-workers and later visited a Chiropractor for injuries to his back and leg. A report on the incident was prepared by his Supervisor and Mr. M was placed on light duties but was not paid compensation.

In August 2006, the Ombudsman requested a report on the Division's position on the matter. Following several reminders by letter dated November 26, 2010, the Administrator, DIPU informed the Ombudsman that Chief Administrator, THA had forwarded the matter to the Solicitor General for assessment.

However, it was noted that by letter dated May 6, 2010, the Solicitor General informed the Chief Administrator that **"By virtue of Section 5(1) of the Tobago House of Assembly Act Chap. 25:03, the THA is a corporate body and as such it is not advisable for the Solicitor General to provide the requested advice."**

In light of the above, the Ombudsman recommended that the DIPU procure the services of an Attorney-at-Law in private practice to render the said advice.

No further action was taken by the Division on the matter. However, based on the breakdown of expenses incurred by the complainant, the Ombudsman made a recommendation that the total sum of compensation claimed by the complainant which appeared to be reasonable, should be paid to him.

To date, there has been no response from either the Chief Administrator or the Administrator on this long outstanding matter.

Finally, the issue of overpayment of monies is a burning one. Overpayments are discovered when persons are due to retire. In my view, it is a clear case of maladministration on the part of divisions and the situation

must be linked to that of poor record keeping by the divisions. The Office believes that in those cases where the employees clearly would not have been aware of the circumstances which led to them being overpaid, it

should be the responsibility of the said divisions to seek to have the said overpayments written-off.

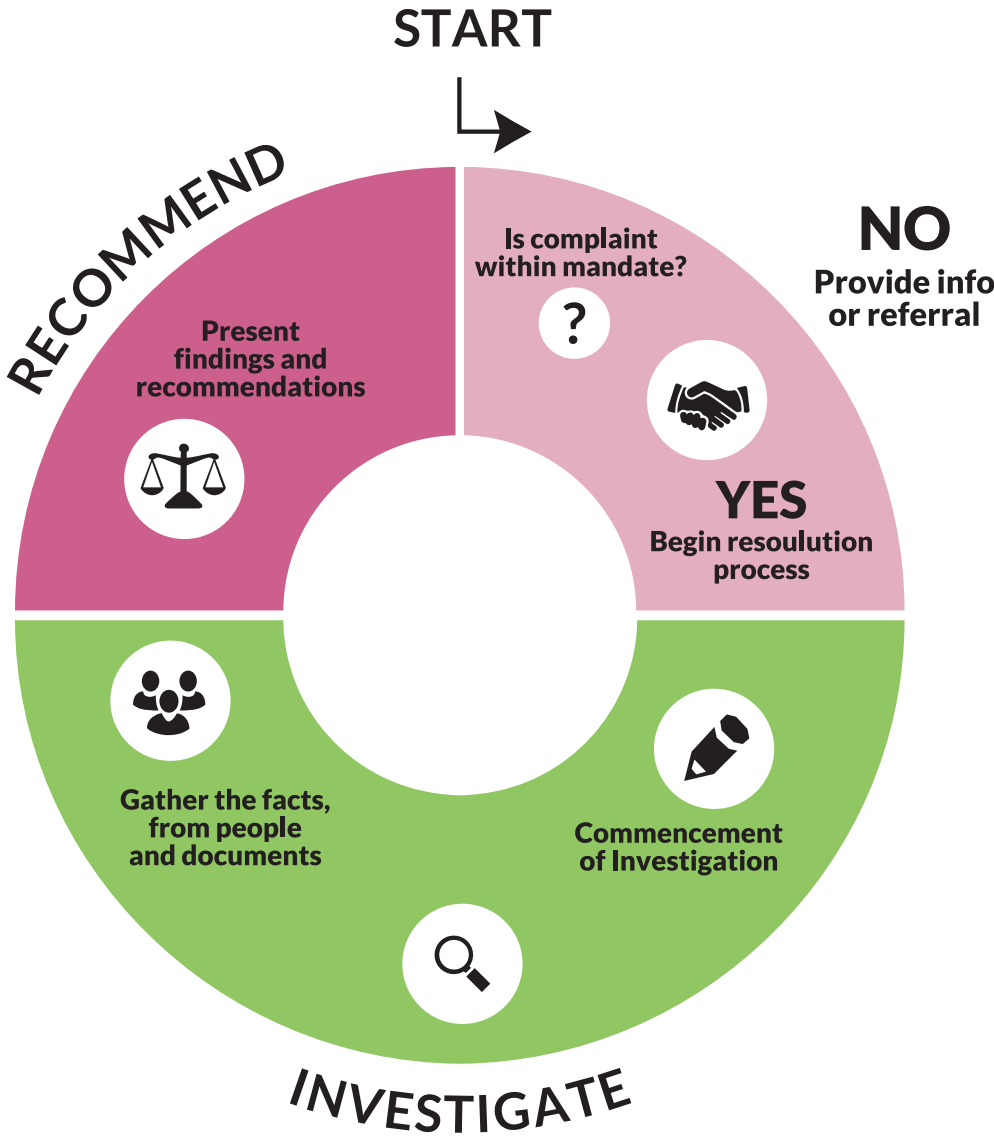
RECOMMENDATIONS:

One would agree that the THA is the main institution geared towards the handling of Tobago affairs. Therefore, the critical flaws which exist must be remedied as soon as possible since this can have a crippling effect on the lives of individuals who depend on the THA for assistance.

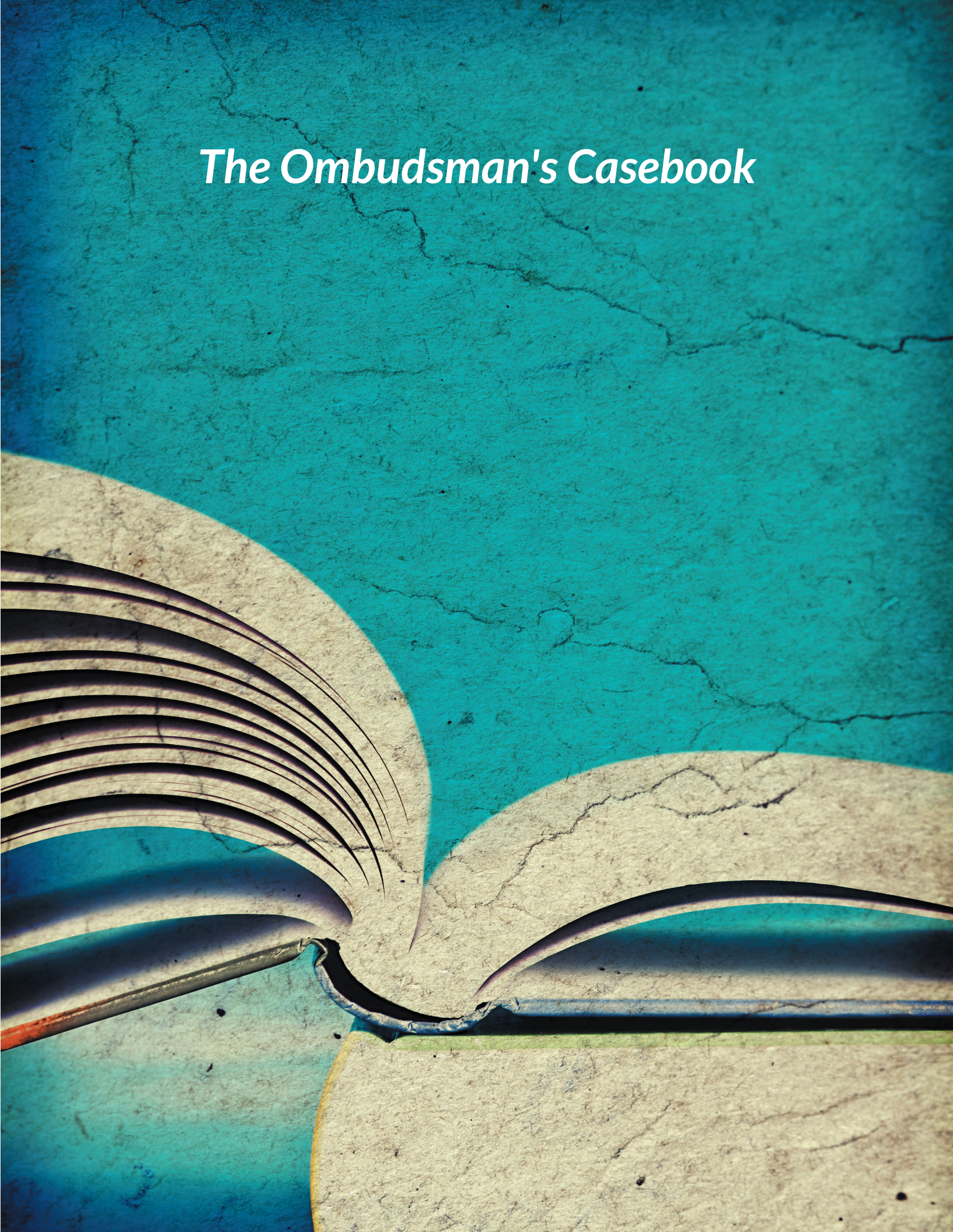
It is evident that the THA is faced with human resource challenges. As a result, adequate staffing should be considered along with significant investment in staff training and development. This in itself should improve productivity and management of the day to day operations within the divisions of the THA.

Additionally, improvements in the records management system within the divisions can be achieved if modern day technology is utilized. Records will then be properly updated and secured and so reduce numerous delays.

The Complaints Process



The Ombudsman's Casebook



Money Worries



In 2006, Mr. R sought the assistance of the Ombudsman regarding the inordinate delay on the part of the Ministry of Education (MOE) to pay him arrears of salary which were owed to him over the period February 1961 to September 1974.

Mr. R was incorrectly paid the salary of a Specialist Teacher while he actually performed the duties of a Specialist Teacher in Charge (Principal) at the Egypt Village Industrial Arts Centre during the said period. In 1985, a group of teachers who were similarly circumstanced, successfully brought an action in Court to obtain payment at the correct rate of salary. The Court awarded judgement in their favour and they were subsequently paid their correct salaries by the MOE. On the basis of this judgment, Mr.

R submitted a claim for payment of arrears of salary. Payment was never effected as the Ministry claimed then that his personnel file could not be located.

The matter was drawn to the attention of the Permanent Secretary (P.S.) on December 20, 2006 by my Office. By letter dated August 8, 2008, Mr. R was informed by the Ministry that the judgments obtained by the other teachers were personal to them. The Ministry also stated that since his claim was made after the expiration of the statutory time limit in which such claims should be made, the department was under no obligation to compensate him.

On August 9, 2010, the Office wrote the P.S. of the MOE and pointed out

that Mr. R was unable to join his colleagues in the lawsuit due to a lack of finance. Having reviewed the judgements which were granted in favour of specifically named persons, the Office held the view that Mr. R, the only other similarly affected teacher should receive equal treatment.

It was recommended that the MOE seek the approval of Cabinet to effect payment to Mr. R for:

- **Arrears of salary with interest;**
- **Arrears of gratuity with interest.**

Payment was eventually effected to Mr. R in July 2015 at which time he had attained the age of eighty-two (82).

A Prisoner's Plea



In 2013, Mr. A, an Inmate at the Maximum Security Prison, Golden Grove Road, Arouca complained that the Prison Authorities had denied him the opportunity to renew his Identification (I.D.) Card and perform Hindu prayers within the prison. He claimed that he was told that the Hindu Pundit died ten (10) years ago.

The matter was raised with the Senior Superintendent at the Prison who reported that:

- i. **There were challenges such as security issues in taking inmates to the Office of the Elections and Boundaries Commission to**

renew their I.D. Cards so that this procedure was usually done close to the inmate's discharge.

- ii. **With respect to the appointment of religious chaplains, that function was carried out by the then Ministry of Justice (now Ministry of National Security).**

Mr. A eventually confirmed in March 2014 that he had received his new I.D. Card.

However, it was not until November 2014, that the then Ministry of Justice advised the Office that a Hindu Pundit had been appointed to the Prisons.

Mr. A attended the Hindu prayers in December 2014 and he was informed that services were expected to continue on alternate Mondays of every month.

Footnote: It was noted that the Prison Service was without the services of a Hindu Pundit for a period of four (4) years before Pundit M. was appointed in July 2014. This was clearly in breach of Rule 256 of the Prison Rules, Chap. 11, No. 7.

NIAT Has Done It Again!



In 2007, Mr. C who was involved in a vehicular accident in 1989 and had been assessed as having a twenty-five percent (25%) permanent partial disability, approached the Ombudsman for assistance in obtaining a Disablement Benefit from the National Insurance Board of Trinidad and Tobago (NIBTT).

Mr. C submitted a claim for the payment of a Disablement Benefit in 2004. Section B of the relevant Form was completed by the medical practitioner in 2004 and Section C was completed by the employer in 2006. The reason stated on the Form for the late submission of Mr. C's claim was "**due to extreme delays in obtaining completed forms from the employer and the doctor.**"

The employer had challenged the allegation that the injuries sustained by the complainant were related to his employment. However, in a judgement of the Industrial Court dated December 2, 1991, that view was dismissed. Having regard to the late submission of the claim,

the NIBTT had to determine the commencement date of the benefit in accordance with Regulation 7 (3) (b) of National Insurance Act (Benefits) ("the Regulations").

It was determined that there was no good cause for the delay in submitting the claim. The Disablement Benefit was therefore paid with effect from December 11, 2004 in accordance with Regulation 7 (2) of the said Regulations that is, no earlier than six (6) months prior to the date of submission of the claim.

Mr. C was dissatisfied with the amount paid to him and he lodged an appeal with the National Insurance Appeal Tribunal (NIAT) on October 7, 2005. Subsequently, he received another payment in the sum of two thousand, one hundred and seventy-six dollars and forty-one cents (\$2,176.41) in January 2007.

He expressed further dissatisfaction with the amount proposed by the NIBTT.

In July 2009, the NIBTT forwarded Mr. C's appeal for an increased Disablement Benefit to the Appeals Tribunal for the hearing of the appeal. The matter came up for hearing on September 13, 2010 but was adjourned pending the receipt of additional evidence.

Mr. C is still awaiting a date for the hearing of his appeal for an increased Disablement Benefit. The Registrar of NIAT has informed my Office that the matter must be forwarded to the Chief Medical Officer (CMO) for his expert advice following which the matter would be scheduled for hearing. It should be noted that this matter between the NIBTT and the NIAT has been on-going without a final resolution for almost eleven (11) years.

The HDC nightmare continues...



In 2000, Ms. G purchased a house located at No. 46 Phase 2, Calder Hall, Tobago from the Housing Development Corporation (HDC). Shortly after moving into the house, she observed that cracks were developing along the walls and floor and that the entire construction showed signs of shoddy workmanship and the use of inferior material. The technical staff of the Project Execution Unit (PEU) of the HDC, having inspected the house, confirmed that there were flaws in the construction of the house and the contractor was ordered to remedy the problem.

Repairs were completed in 2002, but within a period of three (3) years, the cracks re-opened and new ones began to appear. Over the years, the house continued to deteriorate. In 2009, Ms. G obtained a structural assessment on the house from Consulting Engineers, L.L.A Ltd. who concluded that she should pursue the option to demolish and rebuild in order to achieve full financial as well as structural value of her original investment.

In that same year, Ms. G sought the intervention of the Ombudsman with respect to the delay by the HDC to provide assistance with the demolition and re-construction of her home.

A site visit to the property by the Ombudsman revealed that the house was in a dilapidated condition. Cracks were visible on the floor of the living room and on the walls of the kitchen. The foundation appeared to be compromised and two (2) of the support columns under the house were leaning.

As a result of that site visit, in August 2014, the Ombudsman requested a report on the matter from the HDC. In December 2014, the Ombudsman was informed that the PEU now fell under the jurisdiction of the Ministry of Housing and Urban Development and that the concerns raised should be addressed by the Permanent Secretary (P.S.) of that Ministry and not the HDC. In that same month, the Ombudsman wrote the (P.S.) on the matter. The Ministry responded in April 2015 stating that it was treating with the matter and would attempt to provide a report by the end of that month.

In May 2015, the Ombudsman was informed that the Ministry was still in the process of gathering information in order to submit a comprehensive response on the matter.

Subsequently, in July 2015, the Ministry informed the Ombudsman

that in an effort to provide the Office with the relevant report, it had written directly to Ms. G, the Division of Settlements and Labour, THA and the HDC requesting confirmation of the existence of any written agreement for the sale of the said house to Ms. G. Since the Office had copies of the documents sought on its file, the said documents were forwarded to the Ministry by the Office on behalf of Ms. G.

In December 2015, the Ombudsman was informed that the Ministry wished to conclude its investigation into the matter and consultations with respect to the recommendations were taking place with the P.S. before the compilation of the report.

The matter is still on-going.

Footnote: I am dissatisfied with the length of time taken by the respective government agencies to effectively resolve this matter. The stark reality is that the complainant has been forced to inhabit an unsafe house for fifteen (15) years which has obviously affected the standard and quality of her life over this time.



The five most common Ombudsman issues:

POOR COMMUNICATION:

- Written communications unclear, difficult to understand
- Calls not returned
- Unreasonably long response time
- Information lacking or wrong

POOR SERVICE:

- Inability to reach public servant
- Unfair treatment
- Unfair policies

UNPREDICTABLE ENFORCEMENT:

- Over-enforcement
- Under-enforcement

FAULTY DECISION:

- Wrong
- Unreasonable
- Unfair
- Unexplained

UNREASONABLE DELAY:

- In returning calls or emails
- In processing appeals
- In handling complaints



The Story in Numbers

The Story in Numbers

An explanation of the jargon used throughout this section:

- **Advised** - The Office looked at the complaint and it was not a matter to investigate
- **No Jurisdiction** - The complaint does not fall within the ambit of the Office's jurisdiction
- **Not sustained** - Following investigations, the complaint was found to be without merit
- **Sustained** - Investigations demonstrate that the complaint has merit
- **Withdrawn/Discontinued** - The Office took the decision to cease pursuit of the matter for a number of reasons

INVESTIGATIONS OVERVIEW FOR 2015

The Office of the Ombudsman handled a volume of two thousand, seven hundred and sixty-seven (2,767) complaints for the period January to December 2015. This figure comprised one thousand, two hundred and ninety-three (1,293) new complaints and one thousand, four hundred and seventy-four (1,474) complaints which were brought forward from previous years.

Evidently, for the period 2014-2015, there was an 8.7% decrease in the number of new complaints received by the Office and a 4.1% increase in the number of brought forward cases during this same period. See Figure I.

TOTAL COMPLAINTS RECEIVED BY EACH OFFICE LOCATION



Figure I.

Figure I illustrates the total number of complaints received by each office location in 2015 which fell within the Ombudsman's jurisdiction.

The Story in Numbers

FIVE (5) YEAR TREND OF NEW COMPLAINTS RECEIVED AND COMPLAINTS BROUGHT FORWARD FROM PREVIOUS YEARS

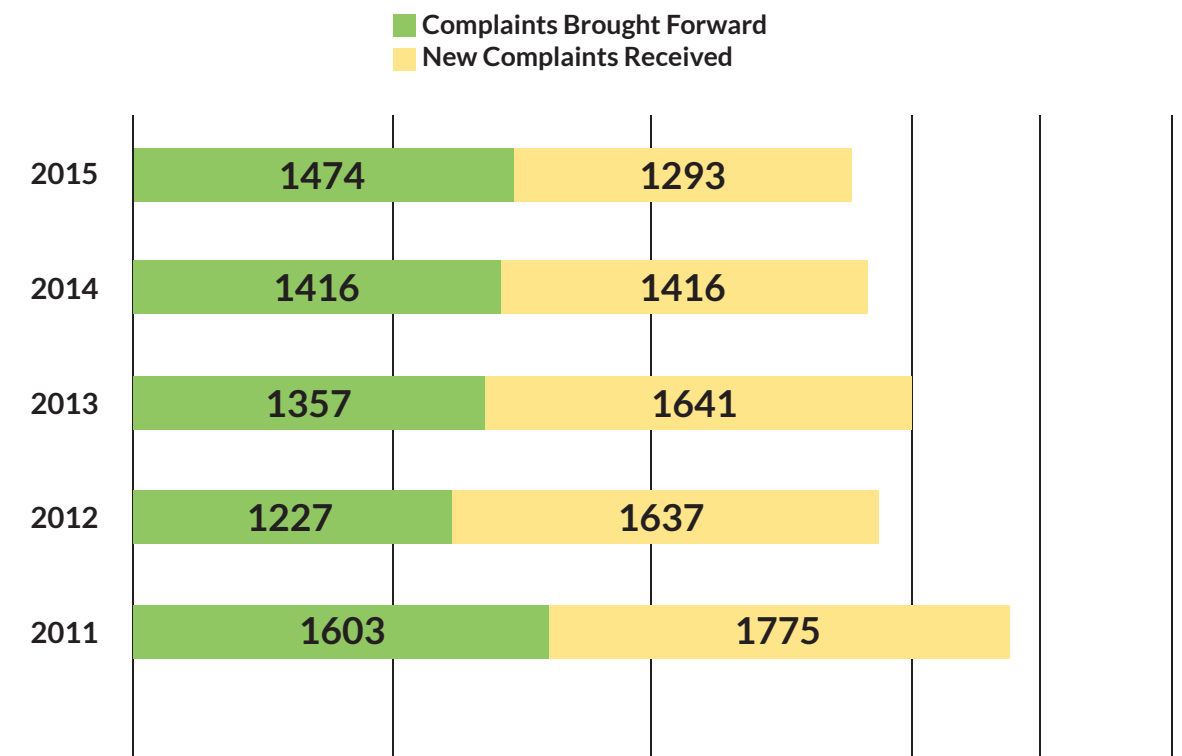


Figure II.

The above diagram is illustrative of the total number of new complaints received and brought forward from previous years over a five (5) year period (2011-2015) by the Office of the Ombudsman. Moreover, a reduction in the "brought forward" cases from 2010 onwards is evident in this diagram. This reduction with a special audit that was undertaken during the year 2010 determined that a significant number of cases which came about as a result of a special audit that were being brought forward could be closed.

The Story in Numbers

Table I below illustrates the total number of cases brought forward to 2015 together with new complaints received in the same year.

	NUMBER	PERCENTAGE (%)
Total number of complaints brought forward from previous years	1,474	
Total number of complaints received in 2015	1,293	
TOTAL	2,767	100
Less total number of complaints without jurisdiction (Private)	(116)	4.2
Less enquiries/referrals	(407)	14.7
Less total Freedom of Information Act matters	(7)	0.3
Total number of complaints pursued	2,237	80.8
Total number of complaints concluded	(868)	38.8
*Complaints sustained	487	21.8
*Complaints not sustained	45	2.0
*Complaints withdrawn/discontinued	246	11.0
*Complaints advised	80	3.6
*Complaints with no jurisdiction	10	0.4
TOTAL NUMBER OF COMPLAINTS UNDER INVESTIGATION AS AT DECEMBER 31, 2015	1,369	61.2

Table I.

Table II shows that in 2015, investigations were pursued on seven hundred and seventy (770) new complaints if the seven (7) matters which fell under the Freedom of Information Act (FOIA) are included in this figure. At year end, a total of two hundred and fifty-five (255) of these cases had been resolved, including all seven (7) of the FOI matters. Therefore, it can be determined that a total of five hundred and fifteen (515) cases remained unresolved as at December 31, 2015. In comparison to last year, there was a noticeable decrease of seventy-nine (79) complaints pursued and an increase in the number of cases resolved by one hundred (100).

	NUMBER	PERCENTAGE (%)
Total number of complaints received in 2015	1,293	100
Less total number of complaints without jurisdiction (Private)	(116)	9.0
Less enquiries/referrals	(407)	31.5
Less total Freedom of Information Act matters	(7)	0.5
Total number of complaints pursued	763	59.0
Total number of complaints concluded	(248)	32.5
*Complaints sustained	152	19.9
*Complaints not sustained	14	1.8
*Complaints withdrawn/discontinued	57	7.5
*Complaints advised	25	3.3
*Complaints with no jurisdiction	0	0.0
TOTAL NUMBER OF COMPLAINTS UNDER INVESTIGATION AS AT DECEMBER 31, 2015	515	67.5

Table II.

The Story in Numbers

Table III shown below gives an overview of new complaints received by the Office of the Ombudsman against Ministries/Government Departments/Agencies for the period 2015. It also illustrates their current status at the end of this period.

MINISTRIES/GOVERNMENT DEPARTMENTS/AGENCIES	ADVISED	NO JURISDICTION	NOT SUSTAINED	SUSTAINED	UNDER INVESTIGATION	WITHDRAWN/DISCONTINUED	GRAND TOTAL
AGRICULTURE, LAND AND FISHERIES							41
• General	1	0	0	0	14	6	21
• Commissioner of State Lands	1	0	2	1	9	0	13
• Forestry Division	0	0	0	1	2	0	3
• Lands And Surveys Division	1	0	0	0	3	0	4
ATTORNEY GENERAL AND LEGAL AFFAIRS							17
• General	0	0	1	3	1	1	6
• Director Of Public Prosecutions	0	0	0	0	3	0	3
• Legal Aid And Advisory Authority	0	0	0	2	6	0	8
COMMUNICATIONS							1
NALIS	0	0	0	0	1	0	1
COMMUNITY DEVELOPMENT, CULTURE AND THE ARTS							5
• General	0	0	0	0	3	1	4
• National Commission For Self Help	0	0	0	1	0	0	1
EDUCATION							42
• General	1	0	1	3	35	2	42
ELECTIONS AND BOUNDARIES COMMISSION							3
• General	0	0	0	1	2	0	3
ENERGY AND ENERGY INDUSTRIES							5
• General	0	0	0	2	1	0	3
• PETROTRIN	0	0	0	0	1	1	2
ENVIRONMENTAL MANAGEMENT AUTHORITY							1
• General	0	0	0	0	0	1	1
FINANCE							39
General	0	0	0	7	7	1	15
Comptroller Of Accounts	1	0	0	3	7	0	11
Customs And Excise Division	0	0	0	0	2	0	2
Inland Revenue	1	0	0	5	5	0	11
FOREIGN AND CARICOM AFFAIRS							2
• General	0	0	0	0	1	1	2

The Story in Numbers

MINISTRIES/GOVERNMENT DEPARTMENTS/AGENCIES	ADVISED	NO JURISDICTION	NOT SUSTAINED	SUSTAINED	UNDER INVESTIGATION	WITHDRAWN/DISCONTINUED	GRAND TOTAL
HEALTH							57
• General	1	0	0	1	11	3	16
• Insect Vector Control Division	0	0	1	0	0	0	1
• North Central Regional Health Authority	3	0	0	1	2	1	7
• North West Regional Health Authority	0	0	0	1	19	0	20
• Public Health	0	0	2	1	7	0	10
• South West Regional Health Authority	1	0	0	1	1	0	3
HOUSING AND URBAN DEVELOPMENT							51
• General	0	0	0	0	2	2	4
• Housing Development Corporation (HDC)	3	0	0	3	32	7	45
• Land Settlement Agency (LSA)	0	0	0	0	2	0	2
INDUSTRIAL COURT	0	0	0	0	0	1	1
JUDICIARY	0	0	0	4	9	1	14
LABOUR AND SMALL ENTERPRISE DEVELOPMENT							2
General	0	0	0	0	2	0	2
MAGISTRACY	0	0	0	2	0	1	3
NATIONAL INSURANCE BOARD	3	0	2	49	117	4	175
NATIONAL SECURITY							80
• General	0	0	0	1	3	1	5
• Defence Force	0	0	0	0	3	0	3
• Fire Services	0	0	0	2	2	1	5
• Immigration	0	0	0	10	5	1	16
• Police Service	1	0	0	6	20	2	29
• Prison Service	0	0	0	1	19	2	22
PARLIAMENT	0	0	0	0	1	0	1
PERSONNEL DEPARTMENT(OFFICE OF THE CHIEF PERSONNEL OFFICER)	0	0	0	1	0	0	1

The Story in Numbers

MINISTRIES/GOVERNMENT DEPARTMENTS/AGENCIES	ADVISED	NO JURISDICTION	NOT SUSTAINED	SUSTAINED	UNDER INVESTIGATION	WITHDRAWN/DISCONTINUED	GRAND TOTAL
PLANNING AND DEVELOPMENT							2
• Town And Country Planning Division	0	0	0	0	2	0	2
PUBLIC ADMINISTRATION							3
• General	0	0	0	2	1	0	3
PUBLIC UTILITIES							5
• General	0	0	0	0	1	0	1
• TTPOST	0	0	0	2	1	0	3
• WASA	0	0	0	1	0	0	1
SERVICE COMMISSIONS DEPARTMENT	0	0	0	2	5	0	7
SOCIAL DEVELOPMENT AND FAMILY SERVICES							64
• General	2	0	0	5	17	1	25
• Social Welfare Division	1	0	4	11	16	5	37
• TT Card	0	0	0	1	1	0	2
RURAL DEVELOPMENT AND LOCAL GOVERNMENT							73
• General	2	0	0	1	17	0	20
• Borough Corporation	0	0	0	1	5	0	6
• City Corporation	1	0	0	0	4	0	5
• Regional Corporations	1	0	0	5	34	2	42
TOBAGO HOUSE OF ASSEMBLY							33
• General	0	0	0	0	3	1	4
• Agriculture, Marine Affairs, Marketing And The Environment	0	0	0	0	5	0	5

The Story in Numbers

MINISTRIES/GOVERNMENT DEPARTMENTS/AGENCIES	ADVISED	NO JURISDICTION	NOT SUSTAINED	SUSTAINED	UNDER INVESTIGATION	WITHDRAWN/DISCONTINUED	GRAND TOTAL
• Education, Youth Affairs And Sport	0	0	0	1	4	0	5
• Health And Social Services	0	0	0	1	4	0	5
• Health And Social Services-Social Welfare	0	0	0	0	2	0	2
• Infrastructure And Public Utilities	0	0	0	2	9	1	12
TOURISM							2
• General	0	0	0	0	2	0	2
TRADE AND INDUSTRY							1
• General	0	0	0	0	1	0	1
WORKS AND TRANSPORT							32
• General	0	0	1	3	13	5	22
• Drainage	0	0	0	0	4	0	4
• Port Authority of Trinidad And Tobago	0	0	0	1	1	1	3
• Unemployment Relief Programme (URP)	0	0	0	0	3	0	3
SUB-TOTAL	25	0	14	152	515	57	763
FREEDOM OF INFORMATION ACT, Chap. 22:02							7
ENQUIRIES/REFERRALS							407
PRIVATE MATTERS							116
GRAND TOTAL	25	0	14	152	515	57	1293

Table 3.

The Story in Numbers

TOP 5 OFFENDERS FOR 2015:

MINISTRY/GOVERNMENT DEPARTMENT/STATE AGENCY	NUMBER OF COMPLAINTS RECEIVED
1. NATIONAL INSURANCE BOARD (NIB)	175
2. NATIONAL SECURITY	80
3. RURAL DEVELOPMENT AND LOCAL GOVERNMENT	73
4. SOCIAL DEVELOPMENT AND FAMILY SERVICES	64
5. HEALTH	57

The Office of the Ombudsman has been continuously monitoring the number of complaints received by each Ministry/ Government Department/State Agencies. For the period 2015, it has been realized that the National Insurance Board (NIB) has been ranked as the agency with the highest number of complaints recorded against it. This has been the trend for the last four years.

COMMUNITY OUTREACH

Statistics For The Period January To December 2015

The Office of the Ombudsman engages in outreach activities in the communities across the country to ensure that members of the public everywhere have access to its services. These outreach activities are conducted once a month in the areas of Point Fortin, Rio Claro, Siparia, Couva, Chaguanas and Sangre Grande.

The table below illustrates this information.

MONTHS 2015	POINT FORTIN	RIO CLARO	SIPARIA	COUVA	CHAGUANAS	SANGRE GRANDE	TOTAL
JANUARY	2	1	0	1	1	6	11
FEBRUARY	1	3	1	2	NO VISIT	7	14
MARCH	0	1	3	3	1	5	13
APRIL	3	1	2	2	0	6	14
MAY	2	4	4	2	1	8	21
JUNE	5	3	1	1	4	5	19
JULY	3	2	1	0	1	4	11
AUGUST	6	6	3	4	7	13	39
SEPTEMBER	6	0	4	8	0	10	28
OCTOBER	3	4	2	1	0	1	11
NOVEMBER	2	3	2	1	0	4	12
DECEMBER	NO VISIT	NO VISIT	NO VISIT	NO VISIT	NO VISIT	NO VISIT	NO VISIT
GRAND TOTAL	33	28	23	25	15	69	193

For the period ending 2015, the Office received a total of one hundred and ninety-three (193) complaints against Ministries/Government Departments/Agencies. A total of thirty-three (33) complaints were received from Point Fortin; twenty-eight (28) from Rio Claro; twenty-three (23) from Siparia; twenty-five (25) from Couva; fifteen (15) from Chaguanas and sixty-nine (69) from Sangre Grande.



Members of the OTT Staff at a Career Fair (May 2015) held at the Goodwood High School in Tobago

CONFERENCES AND WORKSHOPS 2015

International Ombudsman Institute (IOI) Annual Board of Directors meeting held in Namibia

At its annual meeting of the IOI Board of Directors which took place in Namibia from 21 September, 2015 to 23 September, 2015, Ombudsman Board member Günther Kräuter, who simultaneously holds the position of the IOI Secretary General and Ulrike Grieshofer, the Head of the General Secretariat, jointly conducted the Board of Directors Meeting. The Board addressed developments

and achievements made in the past membership year and discussed projects and priorities for the year to come. Another focus of the Board meeting were training initiatives for the upcoming membership year as well as a workshop to discuss the precariousness Ombudsmen are facing in their daily duties, such as reprisals or even threats. The IOI is zealous to offer information and strategy of actions in

these difficult circumstances and tries to establish various ways for the IOI to support colleagues facing such times of crisis.

In Namibia, the IOI Board welcomed 10 new members from the African, the Asian and the Caribbean and Latin American Region to its community; five of which were accepted as voting members of the IOI.



8th Biennial Caribbean Ombudsman Association (CAROA) Conference

At the 8th Biennial Caribbean Ombudsman Association (CAROA) Conference held on 25 May, 2015 to 28 May, 2015, the Ombudsman and four (4) members of staff attended the 8th Biennial CAROA Conference held in Curaçao. The theme of the Conference was "Human Rights, Good Governance

and the Ombudsman." Ombudsman, Ms. Lynette Stephenson, presented on the topic: "Access to Freedom of Information, an Imperative to Good Governance." The highlight of the Conference was a two day **Anti-Corruption Training sponsored by the International Ombudsman Institute**

(IOI). The training addressed a number of important topics, including "Anti-Corruption Approaches at Different Levels", "Organizational and Institutional Integrity" and "Individual Integrity - Responding to Ethical Dilemma".



STAFF TRAINING

Investigators' Information Technology Training 2015



Members of the investigative staff of the Office of the Ombudsman

ACTIVITIES HELD AT THE OFFICE



Easter Celebrations



Emancipation Day Celebrations



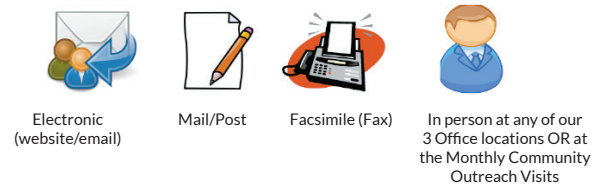
QUESTIONS AND ANSWERS SECTION

1. WHAT MUST BE DONE BEFORE A COMPLAINT IS MADE TO THE OMBUDSMAN?

- A complaint must first be made to the Government Department where the alleged injustice occurred.
- The department should be given a reasonable amount of time to adequately address the matter before it is brought to the attention of the Office of the Ombudsman.

2. HOW DO I LODGE A COMPLAINT?

All complaints must be made IN WRITING to the Ombudsman. They can be made by:



If you are unsure whether you have a valid complaint, you may contact the Office for further information.

3. WHAT INFORMATION SHOULD MY COMPLAINT INCLUDE?

Your complaint should include:

- Name
- Telephone contact
- Residential Address and/or Mailing address
- Email Address (optional)
- A summary of:
 - *The facts of the complaint and the current status of the matter*
 - *The Government Department involved*
 - *The date when the complaint was lodged with the Government Department*
 - *The name of person to whom you have reported the matter*
 - *Copies of documents pertinent to your complaint (if available)*

4. WHAT TYPE OF COMPLAINTS CAN THE OMBUDSMAN INVESTIGATE?

- Delay by Local Government Corporations in constructing, repairing and maintaining roads and drains.
- Delay by Government Departments in processing and paying pension and severance benefits.
- Delay by the National Insurance Board (NIB) in processing claims for NIS benefits.
- Delays in obtaining birth certificates, passports, medical reports.
- Requests for official documents under the Freedom of Information Act, Chap. 22:02.
- Delay by Government Departments in responding to letters of complaints and requests for assistance.

5. ARE THERE AREAS THAT THE OMBUDSMAN CAN NOT INVESTIGATE?

Some of the matters which the Ombudsman cannot investigate include:

- Civil or criminal proceedings before any Court.
- Contractual or other commercial transactions.
- Personnel matters in relation to service in the public service.
- Terms and conditions of members of the armed forces.
- Policy decisions of Ministers or Government Departments eg. HDC Housing Allocations, Town and Country etc.
- Allegations of victimization by Government Agencies and Departments.

APPENDICIES

Schedule of Community Visits

Extract from the Constitution related to the Office and the Ombudsman

Ombudsman Act, Chap. 2:52

Third Schedule To The Constitution (Matters Not Subject to Investigation)

Map of the Caribbean

APPENDIX 1

SCHEDULE OF COMMUNITY VISITS

POINT FORTIN

Point Fortin Borough Corporation
Guapo Cap-de-Ville Main Road, Point Fortin
2nd Wednesday each month
Time: 9:00 a.m. to 12 noon

CHAGUANAS

Chaguanas Borough Corporation
Cor. Taitt & Cumberbatch Streets, Chaguanas
2nd Friday each month
Time: 9:00 a.m. to 12 noon

SIPARIA

Siparia Regional Corporation
High Street, Siparia
3rd Monday each month
Time: 9:00 a.m. to 12 noon

SANGRE GRANDE

Sangre Grande Regional Corporation
Technical Section, Brierley Street, Sangre Grande
Last Tuesday each month
Time: 9:00 a.m. to 12 noon

MAYARO/RIO CLARO

Mayaro/Rio Claro Regional Corporation
De Verteuil Street, Rio Claro
Last Thursday each month
Time: 9:00 a.m. to 12 noon

COUVA

Couva/Tabaquite/Talparo Regional Corporation (main building)
Railway Road, Couva
3rd Wednesday each month
Time: 9:00 a.m. to 12 noon

APPENDIX 2

EXTRACT FROM THE CONSTITUTION OF TRINIDAD AND TOBAGO ACT NO. 4 OF 1976

PART II - OMBUDSMAN

Appointment and conditions of office.	91.	(1)	There shall be an Ombudsman for Trinidad and Tobago who shall be an officer of Parliament and who shall not hold any other office of emolument whether in the public service or otherwise nor engage in any occupation for reward other than the duties of his office.
		(2)	The Ombudsman shall be appointed by the President after consultation with the Prime Minister and the Leader of the Opposition.
		(3)	The Ombudsman shall hold Office for a term not exceeding five years and is eligible for re-appointment.
		(4)	Subject to subsection (3), the Ombudsman shall hold office in accordance with section 136.
First Schedule.		(5)	Before entering upon the duties of his office, the Ombudsman shall take and subscribe the oath of office before the Speaker of the House of Representatives.
Appointment of staff of Ombudsman.	92.	(1)	The Ombudsman shall be provided with a staff adequate for the efficient discharge of his functions
		(2)	The staff of the Ombudsman shall be public officers appointed in accordance with section 121(8).
Functions of Ombudsman.	93.	(1)	Subject to this section and to sections 94 and 95, the principal function of the Ombudsman shall be to investigate any decision or recommendation made, including any advice given or recommendation made to a Minister, or any act done or omitted by any department of Government or any other authority to which this section applies, or by officers or members of such a department or authority, being action taken in exercise of the administrative functions of that department or authority.
		(2)	The Ombudsman may investigate any such matter in any of the following circumstances: <ul style="list-style-type: none"> (a) where a complaint is duly made to the Ombudsman by any person alleging that the complainant has sustained an injustice as a result of a fault in administration; (b) where a member of the House of Representatives requests the Ombudsman to investigate the matter on the ground that a person or body of persons specified in the request has or may have sustained such injustice; (c) in any other circumstances in which the Ombudsman considers that he ought to investigate the matter on the ground that some person or body of persons has or may have sustained such injustice.

APPENDIX 2 - Cont'd

EXTRACT FROM THE CONSTITUTION OF TRINIDAD AND TOBAGO ACT NO. 4 OF 1976

Functions of Ombudsman. (Cont'd)		(3) The authorities other than departments of Government to which this section applies are - (a) Local authorities or other bodies established for purposes of the public service or of local Government; (b) authorities or bodies the majority of whose members are appointed by the President or by a Minister or whose revenue consist wholly or mainly of moneys provided out of public funds; (c) any authority empowered to determine the person with whom any contract shall be entered into by or on behalf of Government; (d) such other authorities as may be prescribed.
Restrictions on matters for investigation.	94.	(1) In investigating any matter leading to, resulting from or connected with the decision of a Minister, the Ombudsman shall not inquire into or question the policy of the Minister in accordance with which the decision was made. (2) The Ombudsman shall have power to investigate complaints of administrative injustice under section 93 notwithstanding that such complaints raise questions as to the integrity or corruption of the public service or any department or office of the public service, and may investigate any conditions resulting from, or calculated to facilitate or encourage corruption in the public service, but he shall not undertake any investigation into specific charges of corruption against individuals. (3) Where in the course of an investigation it appears to the Ombudsman that there is evidence of any corrupt act by any public officer or by any person in connection with the public service, he shall report the matter to the appropriate authority with his recommendation as to any further investigation he may consider proper. (4) The Ombudsman shall not investigate- (a) any action in respect of which the Complainant has or had- (i) a remedy by way of proceedings in a court; or (ii) a right of appeal, reference or review to or before an independent and impartial tribunal other than a court; or (b) any such action, or actions taken with respect to any matter, as is described in the Third Schedule
Third Schedule.		Notwithstanding subsection (4) the Ombudsman- (5) (a) may investigate a matter notwithstanding that the Complainant has or had a remedy by way of proceedings in a court if satisfied that in the particular circumstances it is not reasonable to expect him to take or to have taken such proceedings; (b) is not in any case precluded from investigating any matter by reason only that it is open to the Complainant to apply to the High Court for redress under section 14 (which relates to redress for contravention of the provisions for the protection of fundamental rights).

APPENDIX 2 - Cont'd

EXTRACT FROM THE CONSTITUTION OF TRINIDAD AND TOBAGO ACT NO. 4 OF 1976

Discretion of Ombudsman.	95.	In determining whether to initiate, continue or discontinue an investigation, the Ombudsman shall, subject to sections 93 and 94, act in his discretion, the Ombudsman may refuse to initiate or may discontinue an investigation where it appears to him that - (a) a complaint relates to action of which the complainant has knowledge for more than twelve months before the complaint was received by the Ombudsman; (b) the subject matter of the complaint is trivial; (c) the complaint is frivolous or vexatious or is not made in good faith; or (d) the complainant has not a sufficient interest in the subject matter of the complaint.
Report on Investigation.	96.	(1) Where a complaint or request for an investigation is duly made and the Ombudsman decides not to investigate the matter or where he decides to discontinue investigation of the matter, he shall inform the person who made the complaint or request of the reasons for his decision. (2) Upon completion of an investigation the Ombudsman shall inform the department of government or the authority concerned of the results of the investigation and if he is of the opinion that any person has sustained an injustice in consequence of a fault in administration, he shall inform the department of government or the authority of the reasons for his opinion and make such recommendations as he sees fit. The Ombudsman may in his original recommendations, or at any later stage if he thinks fit, specify the time within which the injustice should be remedied. (3) Where the investigation is undertaken as a result of a complaint or request, the Ombudsman shall inform the person who made the complaint or request of his findings. (4) Where the matter is in the opinion of the Ombudsman of sufficient public importance or where the Ombudsman has made a recommendation under subsection (2) and within the time specified by him no sufficient action has been taken to remedy the injustice, then, subject to such provision as may be made by Parliament, the Ombudsman shall lay a special report on the case before Parliament. (5) The Ombudsman shall make annual reports on the performance of his functions to Parliament which shall include statistics in such form and in such detail as may be prescribed of the complaints received by him and the results of his investigation.
Power to obtain evidence.	97.	(1) The Ombudsman shall have the powers of the High Court to summon of the witnesses to appear before him and to compel them to give evidence on oath and to produce documents relevant to the proceedings before him and all persons giving evidence at those proceedings shall have the same duties and liabilities and enjoy the same privileges as in the High Court. (2) The Ombudsman shall have power to enter and inspect the premises of any department of government or any authority to which section 93 applies, to call for, examine and where necessary retain any document kept on such premises and there to carry out any investigation in pursuance of his functions.

APPENDIX 2 - Cont'd

EXTRACT FROM THE CONSTITUTION OF TRINIDAD AND TOBAGO ACT NO. 4 OF 1976

Prescribed Matters concerning Ombudsman.	98.	(1) Subject to subsection (2), Parliament may make provision -
		(a) for regulating the procedure for the making of complaints and requests to the Ombudsman and for the exercise of the functions of the Ombudsman;
		(b) for conferring such powers on the Ombudsman and imposing such duties on persons concerned as are necessary to facilitate the Ombudsman in the performance of his functions; and
		(c) generally for giving effect to the provisions of this Part.
		(2) The Ombudsman may not be empowered to summon a Minister or a Parliamentary Secretary to appear before him or to compel a Minister or a Parliamentary Secretary to answer any questions relating to any matter under investigation by the Ombudsman.
		(3) The Ombudsman may not be empowered to summon any witness to produce any Cabinet papers or to give any confidential income tax information
		(4) No Complainant may be required to pay any fee in respect of his complaint or request or for any investigation to be made by the Ombudsman.
		(5) No proceedings, civil or criminal, may lie against the Ombudsman, or against any person holding an office or appointment under him for anything he may do or report or say in the course of the exercise or intended exercise of the functions of the Ombudsman under this Constitution, unless it is shown that he acted in bad faith.
		(6) The Ombudsman, and any person holding office or appointment under him may not be called to give evidence in any court, or in any proceedings of a judicial nature, in respect of anything coming to his knowledge in the exercise of his functions.
	(7) Anything said or any information supplied or any document, paper or thing produced by any person in the course of any enquiry by or proceedings before an Ombudsman under this Constitution is privileged in the same manner as if the enquiry or proceedings were proceedings in a Court.	
	(8) No proceedings of the Ombudsman may be held bad for want of form and, except on the ground of lack of jurisdiction, no proceeding or decision of an Ombudsman is liable to be challenged, reviewed, quashed or called in question in any Court.	

APPENDIX 3

LAWS OF TRINIDAD AND TOBAGO OMBUDSMAN ACT, CHAP. 2:52 An Act to make provision for giving effect to Part 2 of Chapter 6 of the Constitution (Assented to 24th May, 1977)

ENACTMENT	ENACTED by the Parliament of Trinidad and Tobago as follows:
SHORT TITLE	1. This Act may be cited as the Ombudsman Act.
MODE OF COMPLAINT	2. (1) All complaints to the Ombudsman and requests for investigation by him shall be made in writing. (2) Notwithstanding anything provided by or under any enactment, where any letter written by any person detained on a charge or after conviction of any offence is addressed to the Ombudsman, it shall be immediately forwarded, unopened to the Ombudsman by the person or the time being in charge of the place where the writer is detained.
PROCEDURE IN RESPECT OF INVESTIGATION	3. (1) Where the Ombudsman proposes to conduct an investigation under Section 93 (1) of the Constitution he shall afford to the principal officer of the department or authority concerned, an opportunity to make, orally or in writing as the Ombudsman thinks fit, representations which are relevant to the matter in question and the Ombudsman shall not, as a result of such an investigation, make any report or recommendation which may adversely affect any person without his having had an opportunity to make such representations. (2) Every such investigation shall be conducted in private. (3) It shall not be necessary for the Ombudsman to hold any hearing and, subject as hereinbefore provided, no person shall be entitled as of right to be heard by the Ombudsman. The Ombudsman may obtain information from such persons and in such manner, and make such inquiries as he thinks fit. (4) Where, during or after any investigation, the Ombudsman is of the opinion that there is evidence of any breach of duty, misconduct or criminal offence on the part of any officer or employee of any department or authority to which Section 93 of the Constitution applies, the Ombudsman may refer the matter to the Authority competent to take such disciplinary or other proceedings against him as may be appropriate. (5) Subject to this Act, the Ombudsman may regulate his procedure in such manner as he considers appropriate in the circumstances of the case. (6) Where any person is required under this Act by the Ombudsman to attend before him for the purposes of an investigation, the Ombudsman shall cause to be paid to such person out of money provided by Parliament for the purpose, the fees, allowances and expenses, subject to qualifications and exceptions corresponding to those, that are for the time being prescribed for attendance in the High Court, so, however, that the like functions as are so prescribed and assigned to the Registrar of the Supreme Court of Judicature shall, for the purposes of this subsection, be exercisable by the Ombudsman and he may, if he thinks fit, disallow, in whole or in part, the payment of any amount under this subsection. (7) For the purposes of Section 93 (2) of the Constitution a complaint may be made by a person aggrieved himself or, if he is dead or for any reason unable to act for himself, by any person duly authorized to represent him. (8) Any question whether a complaint or a request for an investigation is duly made under this Act or under Part 2 of Chapter 6 of the Constitution shall be determined by the Ombudsman.
EVIDENCE	4. (1) The power of the Ombudsman under Section 97 of the Constitution to summon witnesses and to compel them to give evidence on oath and to produce documents shall apply whether or not the person is an officer; employee or member of any department or authority and whether or not such documents are in the custody or under the control of any department or authority. (2) The Ombudsman may summon before him and examine on oath: (a) any person who is an officer or employee or member of any department or authority to which Section 93 of the Constitution applies or any authority referred to in the Schedule to this Act and who in the Ombudsman's opinion is able to give any relevant information; (b) any complainant; or

APPENDIX 3 - Cont'd

LAWS OF TRINIDAD AND TOBAGO

OMBUDSMAN ACT, CHAP. 2:52

An Act to make provision for giving effect to Part 2 of Chapter 6 of the Constitution
(Assented to 24th May, 1977)

ENACTMENT	ENACTED by the Parliament of Trinidad and Tobago as follows:
EVIDENCE (Cont'd)	<p>(c) any other person who in the Ombudsman's opinion is able to give any relevant information, and for the purpose may administer an oath. Every such examination by the Ombudsman shall be deemed to be a judicial proceeding for the purposes of the Perjury Ordinance.</p> <p>(3) Subject to subsection (4) no person who is bound by the provisions of any enactment, other than the Official Secrets Act, 1911 to 1939 of the United Kingdom In so far as it forms part of the law of Trinidad and Tobago, to maintain secrecy in relation to, or not to disclose, any Matter shall be required to supply any information to or answer any Questions put by the Ombudsman in relation to that matter, or to produce to the Ombudsman any document or paper or thing relating to it, where compliance with that requirement would be in breach of the obligation of secrecy or non-disclosure.</p> <p>(4) With the previous consent in writing of any complainant, any person to whom subsection (3) applies may be required by the Ombudsman to supply any information or answer any question or produce any document or paper or thing relating only to the complainant, and it shall be the duty of the person to comply with that requirement.</p> <p>(5) Except on the trial of any person for an offence under the Perjury Act in respect of his sworn testimony, or for an offence under Section 10, no statement made or answer given by that or any other person in the course of any inquiry or any proceedings before the Ombudsman under the Constitution or this Act shall be admissible in evidence against any person in any court or at any inquiry or in any other proceedings and no evidence in respect of proceedings before the Ombudsman shall be given against any person.</p> <p>(6) No person shall be liable to prosecution for an offence against the Official Secrets Act, 1911 to 1939 of the United Kingdom, or any written law other than this Act by reason of his compliance with any requirement of the Ombudsman under this section.</p> <p>5. (1) Where the Attorney General certifies that the giving of any information or the answering of any question or the production of any document or paper or thing - (a) might prejudice the security, defence or international relations of Trinidad and Tobago (b) including Trinidad and Tobago relations with the Government of any other country or with any international organizations; (c) will involve the disclosure of the deliberations of Cabinet; or (d) will involve the disclosure of proceedings of Cabinet or any Committee of Cabinet, relating to matters of a secret or confidential nature, and could be injurious to the public interest, the Ombudsman shall not require the information or answer to be given or, as the case may be, the document or paper, or thing to be produced.</p> <p>(2) Subject to subsection (1), no rule of law which authorises or requires the withholding of any document or paper, or the refusal to answer any question, on the ground that the disclosure of the document or paper or the answering of the question would be injurious to the public interest shall apply in respect of any investigation by or proceedings before the Ombudsman.</p>
SECRECY OF INFORMATION	<p>6. A person who performs the functions appertaining to the Office of the Ombudsman or any office or employment there under - (a) shall regard as secret and confidential all documents, information and things which have been disclosed to any such person in the execution of any provisions of Sections 93 and 96 of the Constitution, so, however, that no disclosure made by any such person in proceedings for an offence under Section 10, or under the Perjury Ordinance by virtue of Section 4(2) or which the Ombudsman considers it requisite to make in the discharge of any of his functions and for the purpose of executing any of the said provisions of Section 3(4) or Section 9, shall be deemed inconsistent with any duty imposed by this paragraph; and</p>

APPENDIX 3 - Cont'd

LAWS OF TRINIDAD AND TOBAGO

OMBUDSMAN ACT, CHAP. 2:52

An Act to make provision for giving effect to Part 2 of Chapter 6 of the Constitution
(Assented to 24th May, 1977)

ENACTMENT	ENACTED by the Parliament of Trinidad and Tobago as follows:
SECRECY OF INFORMATION (Cont'd)	<p>(b) shall not be called upon to give evidence in respect of, or produce, any such documents, information or things in any proceedings, other than proceedings mentioned in the exception to paragraph(a)</p>
NOTICE OF ENTRY ON PREMISES	<p>7. Before entering upon any premises pursuant to Section 97(2) of the Constitution the Ombudsman shall notify the principal officer of the department or the authority which the premises are occupied.</p>
DELEGATION OF POWERS	<p>8. (1) With the prior approval in each case of the Prime Minister, functions hereinbefore assigned to the Ombudsman may from time to time, by direction under his hand, be delegated to any person who is appointed to any office or to perform any function referred to in Section 6. (2) No such delegation shall prevent the exercise of any power by the Ombudsman. (3) Any such delegation may be made subject to such restrictions and conditions as the Ombudsman may direct, and may be made either generally or in relation to any particular case or class of cases. (4) Any person purporting to perform any function of the Ombudsman by virtue of a delegation under this section shall, when required to do so, produce evidence of his authority to exercise the power.</p>
REPORTS	<p>9. (1) The Ombudsman may from time to time in the public interest publish reports relating generally to the exercise of his functions or to a particular case or cases investigated by him, whether or not the matters to be dealt with in such reports may have been the subject of a report to Parliament. (2) The form of statistics of complaints received by the Ombudsman and the results of his investigation required by Section 96(5) of the Constitution to be included in the annual report to Parliament by the Ombudsman on the performance of his functions shall be prescribed by regulations made under Section 12.</p> <p>10. A person is liable on summary conviction to a fine of one thousand dollars or to imprisonment for six months who - (a) without lawful justification or excuse, wilfully obstructs, hinders or resists the Ombudsman or any other person in the exercise of his powers under this Act; (b) without lawful justification or excuse refuses or wilfully fails to comply with any lawful requirement of the Ombudsman or any other person under this Act; (c) wilfully makes any false statement to or misleads or attempts to mislead the Ombudsman or any other person in the exercise of his powers under this Act; or (d) in a manner inconsistent with his duty under Section 6 (a), deals with any documents, information or things mentioned in that paragraph.</p>
PRESCRIPTION OF AUTHORITIES SUBJECT TO THE OMBUDSMAN'S JURISDICTION	<p>11.(1) The authorities mentioned in the Schedule are authorities to which Section 93(3) (d) of the Constitution applies. (2) The President may, by Order, amend the Schedule by the addition thereto or deletion there from of any authorities or the substitution therein, for any authorities of other authorities.</p>
REGULATIONS	<p>12. The President may make regulations for the proper carrying into effect of this Act, including in particular, for prescribing anything required or authorised to be prescribed.</p>

APPENDIX 4

THIRD SCHEDULE TO THE CONSTITUTION (MATTERS NOT SUBJECT TO INVESTIGATION)

1. Action taken in matters certified by the Attorney General to affect relations or dealings between the Government of Trinidad and Tobago and any other Government or any International Organization.
2. Action taken in any country or territory outside Trinidad and Tobago by or on behalf of any officer representing or acting under the authority of the Government of Trinidad and Tobago.
3. Action taken under any law relating to extradition or fugitive offenders.
4. Action taken for the purposes of investigating crime or of protecting the security of the State.
5. The commencement or conduct of civil or criminal proceedings before any Court in Trinidad and Tobago or before any International Court or Tribunal.
6. Any exercise of the power of pardon.
7. Action taken in matters relating to contractual or other commercial transactions, being transactions of a department of government or an authority to which section 93 applies not being transactions for or relating to-
 - (a) the acquisition of land compulsorily or in circumstances in which it could be acquired compulsorily;
 - (b) the disposal as surplus of land acquired compulsorily or in circumstances in which it could be acquired compulsorily.
8. Action taken in respect of appointments or removals, pay, discipline, superannuation or other personnel matters in relation to service in any office or employment in the public service or under any authority as may be prescribed.
9. Any matter relating to any person who is or was a member of the armed forces of Trinidad and Tobago in so far as the matter relates to-
 - (a) the terms and conditions of service as such member; or
 - (b) any order, command, penalty or punishment given to or affecting him in his capacity as such member.
10. Any action which by virtue of any provision of this Constitution may not be enquired into by any Court.

APPENDIX 5 - Cont'd



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132 Henry Street, Port of Spain
Tel: 1 868 624-3121 Fax: 1 868 625-0717
Website: www.ombudsman.gov.tt
E-mail: feedback@ombudsman.gov.tt