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OFFICE OF THE  
**OMBUDSMAN**  
TRINIDAD AND TOBAGO

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39TH ANNUAL REPORT | 2016

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July 18th, 2017

**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-Ninth Annual Report** of the Ombudsman for the period **January, 2016 to December, 2016.**

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

Yours faithfully,

A handwritten signature in blue ink, appearing to read "Lynette Stephenson".

**Lynette Stephenson, S.C.**  
OMBUDSMAN  
Republic of Trinidad and Tobago





OFFICE OF THE  
**OMBUDSMAN**  
TRINIDAD AND TOBAGO

[www.ombudsman.gov.tt](http://www.ombudsman.gov.tt)

## 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



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# TABLE OF CONTENTS

LETTER TO THE SPEAKER .....	3
OMBUDSMAN'S REMARKS .....	9
INTRODUCTION .....	10
FIVE (5) THINGS TO KNOW ABOUT YOUR OMBUDSMAN .....	11
FOI AND THE OMBUDSMAN (TABULAR SUMMARY) .....	12

## AREAS OF CONCERN

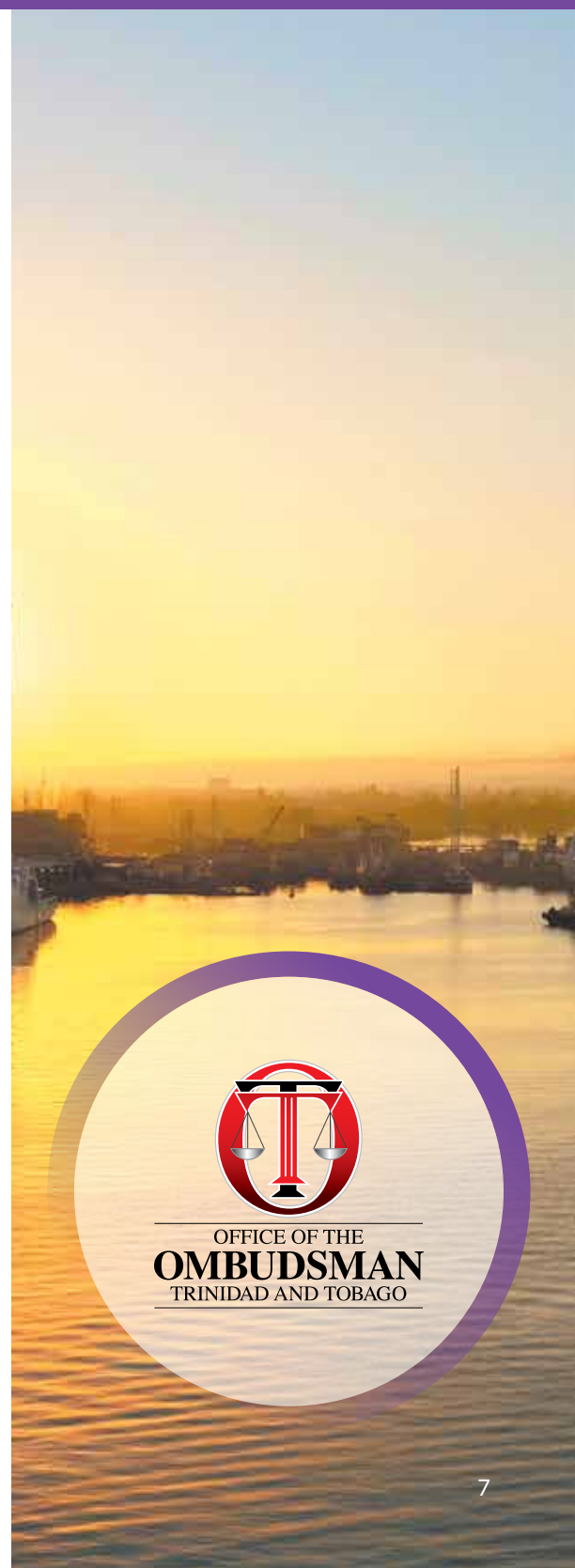
MINISTRY OF RURAL DEVELOPMENT AND LOCAL GOVERNMENT-CORPORATIONS .....	18
MINISTRY OF EDUCATION .....	20
THE COMPLAINTS PROCEDURE .....	22

## THE OMBUDSMAN'S CASEBOOK

CASE 1: IN TEARS OVER MY ARREARS .....	24
CASE 2: HDC, WHERE'S MY HOUSE? .....	25
CASE 3: MONEY ON MY MIND .....	26
CASE 4: A HOUSE OF CARDS .....	27
CASE 5: EROSION, EROSION, EROSION!.....	28
THE FIVE (5) MOST COMMON OMBUDSMAN'S ISSUES .....	29
THE STORY IN NUMBERS .....	30
COMMUNICATIONS AND OUTREACH .....	38
CONFERENCES AND WORKSHOPS .....	41

## ACTIVITIES HELD AT THE OFFICE

CHRISTMAS FUNCTION.....	42
PRESENTATION MADE TO UTT STUDENTS .....	42
FEEDBACK RESPONSE.....	43
FREQUENTLY ASKED QUESTIONS (FAQS) .....	44
APPENDICES .....	45
NOTES .....	57









## OMBUDSMAN'S REMARKS



The Constitution of the Republic of Trinidad and Tobago, Chap. 1:01 requires the Ombudsman to submit an annual report to the Parliament with respect to the investigation of complaints of maladministration received by the Office. The report includes a review of the performance of public administration in Trinidad and Tobago.

Complaints to the Ombudsman indicate what can go wrong. They also highlight aspects of Government service which need further examination.

Some of the complaint arising are as follows:

- *Ambiguous or incomplete information which is inappropriate to the particular circumstance;*
- *Inaccurate information;*
- *Failure by Government Departments to respond to requests for information or to provide reasons for decisions given;*
- *Undue delay in giving decisions;*
- *Unfairness of the policy adopted by Government Departments;*
- *Problems arising when dealing with the complexity of Government systems.*

Complaints are usually about the quality of service offered. Individuals expect fair treatment from Government Departments. It is important to recognise that decisions made by the Government and the statutory powers given to its Departments can affect the lives of individuals in a significant

manner. The responsibility given to public officers puts them in a position of trust and power in the way they apply rules and regulations. I believe that the public understands that things will go wrong. However, what they do not comprehend is why there are so many barriers to getting those “wrongs right”. How mistakes are addressed is the *litmus test of good public service*.

When a complaint is received by the Ombudsman, the first question posed is *whether the Ombudsman can help. What kind of help can the Ombudsman actually render?* Sections **93** and **94** of the Constitution set out the mandate under which the Ombudsman functions. The Ombudsman cannot act outside the limits imposed by the Constitution.

However, it should be noted that the level of assistance that complainants generally expect varies greatly. Very often, complainants do not understand or are not very knowledgeable about the powers of an Ombudsman. This the reason why their expectations are too great in many cases. Contrary to what complainants generally believe, the Ombudsman cannot unilaterally change the decisions that Government Departments or Public Authorities have made or issue orders to have binding decisions quashed.

A complainant is helped in instances where on the basis of the Ombudsman's investigation, the complaint was found to be justified and the relevant

Government Department implements the Ombudsman's recommendation or corrective action to have the matter resolved. In cases where the Ombudsman cannot help the complainant, guidance is given as to the appropriate course of action which may be pursued in the particular circumstances.

The Ombudsman cannot give complainants actual legal advice since *impartiality* is the key factor in all matters.

The Ombudsman has a critical role in ensuring the *fairness* of Government actions and decisions. The public needs to be confident that there is an “impartial guardian” to turn to in the event that they are not treated fairly. Most importantly, Parliament requires feedback about the quality of service rendered to members of the public.

It is crucial for Government Departments to admit their mistakes when these are pointed out and to learn from those mistakes. Therefore, it will be a worthwhile exercise for Government Departments to commit to a Code of Ethics for their employees which promotes *accountability*.

Once again, I wish to express my gratitude to those public officers who have gone beyond the norm in the performance of their duties and to members of my staff for their support during the year under review.

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

**Lynette Stephenson, S.C.**

Ombudsman 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 (30) days or as soon as practicable thereof.”

# 5 THINGS TO KNOW ABOUT YOUR OMBUDSMAN





# FREEDOM OF INFORMATION AND THE OMBUDSMAN

In 2016, the Office of the Ombudsman received a total of twenty (20) complaints against Ministries/Government Department/State Agencies in relation to the Freedom of Information Act (FOIA), Chap. 22:02.

Table 1 below shows a breakdown of such complaints.

No.	Ministry/Government Department/State Agency	Nature of Complaint	Outcome
1.	Office of the Ombudsman	The Applicant requested his personal file and copies of all correspondence between the Service Commissions Department; the Ministry of the Environment; Ministry of Agriculture and the Office of the Chief Personnel Officer (CPO).	The Applicant was informed by the Ombudsman that the Office of the Ombudsman was not a public authority for the purposes of the Freedom of Information Act, Chap. 22:02. Applicant also informed that section 98(7) of the Constitution of Trinidad and Tobago, Chap. 1:01 provided that <i>any work done by the Ombudsman is privileged in the same manner as if the proceedings were proceedings in a Court.</i>
2.	Office of the Ombudsman	The Applicant requested a copy of the notes and advice produced at a meeting held between the Ombudsman and the Applicant around 1987-1988 concerning a land matter in Mc Bean, Couva.	The Applicant was informed by the Ombudsman that the Office of the Ombudsman was not a public authority for the purposes of the Freedom of Information Act, Chap. 22:02. Applicant also informed that section 98(7) of the Constitution of Trinidad and Tobago, Chap. 1:01 provided that <i>any work done by the Ombudsman is privileged in the same manner as if the proceedings were proceedings in a Court.</i>
3.	Ministry of National Security	The Applicant was dissatisfied with the response received from the Director, Forensic Sciences Centre.	Ombudsman reviewed the matter and accepted the decision of the Designated Officer of the public authority. Both the public authority and the Applicant were informed accordingly.
4.	Trinidad and Tobago Electricity Commission (T&TEC)	The Applicant sought the Ombudsman's intervention after she was denied access to the following: <ol style="list-style-type: none"> <li>1. All documents with respect to the supply of electricity to R.Maye place at Carlsen Field.</li> <li>2. All documents for job reference number 24880.</li> <li>3. All documents for job reference number 0156/12.</li> <li>4. The list of projects from which residents in the Central Distribution Area obtained a supply of electricity during 2015.</li> </ol>	Ombudsman reviewed the matter and accepted the decision made by the public authority to deny the Applicant access to the information requested. Both the public authority and the Applicant were informed accordingly.
5.	National Library and Information System Authority (NALIS)	The public authority denied the Applicant access to an Air Quality Report which was conducted by CARIRI. Consequently, the Applicant sought a review under section 38A of the FOIA.	Ombudsman met with the Designated Officer of the public authority in order to review the matter. Upon review, the Ombudsman accepted the decision of the public authority to deny access to the document requested since the document requested did not belong to the public authority. Both the public authority and the Applicant to be informed accordingly.

No.	Ministry/Government Department/State Agency	Nature of Complaint	Outcome
6.	National Library and Information System Authority (NALIS)	The public authority denied the Applicant access to an Air Quality Report which was conducted by CARIRI. Consequently, the Applicant sought a review under section 38A of the FOIA.	Ombudsman met with the Designated Officer of the public authority in order to review the matter. Upon review, the Ombudsman accepted the decision of the public authority to deny access to the document requested since the document requested did not belong to the public authority. Both the public authority and the Applicant to be informed accordingly.
7.	San Fernando City Corporation	<p>The Applicant was not satisfied with the response received by the Corporation as it related to her request for access to the following documents namely:</p> <ol style="list-style-type: none"> <li>1. <i>All Municipal documents pertaining to the name change of property listed as 7 Church Street, Marabella, Gopaul Lands now being called 16 Angela Church Street, Marabella.</i></li> <li>2. <i>Any and all Council minutes as it relates to the said name change of Church Street, Marabella to Angela Church Street, Marabella/ Gopaul Lands.</i></li> <li>3. <i>A copy of the Resolution proposing this name change under the Municipal Corporation Laws.</i></li> </ol>	Upon review in accordance with section 38A of the FOIA, the Ombudsman examined the documents presented by the Corporation and found that there was no legal basis to substantiate the decision taken by the Corporation to change the name of the street. The Ombudsman recommended that the Corporation initiate steps to correct the error made. The Applicant was informed accordingly.
8.	Service Commissions Department	<ol style="list-style-type: none"> <li>4. <i>The Applicant was denied access to the following documents –</i></li> <li>5. <i>1. The criteria /procedure used for the appointment of Technical Officers, in particular, Economist I in the Public Service.</i></li> <li>6. <i>2. To clarify the process utilized to determine the seniority of officers for initial appointment where the officers assume office on the same day in the same position.</i></li> </ol>	Ombudsman reviewed the matter and was not in agreement with the response given to Applicant as it related to item no.1 of his request. Ombudsman made certain recommendations which were conveyed to the public authority. Applicant was informed accordingly.
9.	Ministry of Energy and Energy Industries	The Applicant was denied access to his request for any adverse report/complaint made against him by anyone acting on behalf of the Ministry	Ombudsman met with officials from the Ministry and reviewed the matter in accordance with section 38A of the FOIA. Ombudsman accepted the decision of the Ministry. Applicant was informed accordingly.

No.	Ministry/Government Department/State Agency	Nature of Complaint	Outcome
10.	National Library and Information System Authority (NALIS)	<p>The Applicants were denied access to the following-</p> <ol style="list-style-type: none"> <li>1. <i>The qualifications and work experience of the Audit Manager.</i></li> <li>2. <i>NALIS Internal Audit Plan for the years 2014, 2015 and 2016.</i></li> </ol>	<p>Ombudsman reviewed the matter and agreed with the response given to the Applicants as it related to item no. 1 of the request. The Ombudsman did not agree with the response given to them as per item No.2 of the request. Ombudsman made her recommendations which were conveyed to the public authority. Applicants were informed accordingly.</p>
11.	Office of the Chief Personnel Officer (CPO)	<p>The Applicant was not satisfied with the response received for his request for the following-</p> <p>-A copy of the Collective Agreement that declares these allowances: Laundry Allowances, Meal Allowances, Living Out Allowances and Psychiatric Allowance as Duty Allowance for Health workers, namely Nurses and Nursing Assistants, if such agreements exist.</p>	<p>The Ombudsman reviewed the matter and found that the public authority had not responded to the request made by the Applicant. Ombudsman conveyed her recommendations to the said public authority which revisited its initial response to the Applicant. Applicant was informed accordingly.</p>
12.	Environmental Management Authority (EMA)	<p>The Applicant was refused access to the following-</p> <p>-A letter of complaint that was submitted in respect of activities being conducted at Cumaca Road, Cumaca.</p>	<p>Ombudsman met with officials from the public authority and reviewed the matter in accordance with section 38A of the FOIA. Ombudsman accepted the decision of the public authority. Applicant was informed accordingly.</p>
13.	Trinidad and Tobago Electricity Company (T&TEC) and the Water and Sewerage Authority (WASA)	<p>The Applicant sought a review because the respective public authorities refused the Applicant's request for access to the following-</p> <ol style="list-style-type: none"> <li>1. <i>Copies of documents as proof of the electricity connection registered on lands situate at LP#19 San Pablo Trace, Valencia.</i></li> <li>2. <i>Copies of documents as proof of water connection relating to account number O404743E on lands situate at LP#19 San Pablo Trace, Valencia.</i></li> </ol>	<p>Ombudsman met with officials from both public authorities and conducted her review in accordance with section 38A of the FOIA. Ombudsman agreed with the responses given to the Applicant by both public authorities. Applicant was informed accordingly.</p>
14.	Ministry of Education	<p>The Applicants sought the Ombudsman's intervention when they were refused access to the following-</p> <ol style="list-style-type: none"> <li>3. <i>SEA 2016 Language Arts paper re: #1741328792.</i></li> <li>4. <i>SEA 2016 Mathematics Paper re:#1741328792.</i></li> <li>5. <i>SEA 2016 Request for Review results report that would have been generated by CXC/Original Scoresheet: re: #1741328792.</i></li> </ol>	<p>Ombudsman met with the relevant officer from the Ministry and conducted her review in accordance with section 38A of the FOIA. Ombudsman agreed with the response given to the Applicants by the Ministry. Applicants were informed accordingly.</p>



No.	Ministry/Government Department/State Agency	Nature of Complaint	Outcome
15.	Trinidad and Tobago Electricity Commission (T&TEC)	<p>The Applicant sought the Ombudsman's intervention after being refused access to the following-</p> <ol style="list-style-type: none"> <li>1. <i>The application for a new electricity connection at #20 Bamboo Settlement No.1 Valsayn in the period January 2015 to the present.</i></li> <li>2. <i>The type of service applied for.</i></li> <li>3. <i>Warden Certificate of Assessment of premises and any other relevant documents.</i></li> </ol>	<p>Ombudsman met with the relevant officer of the public authority and conducted the review in accordance with section 38A of the FOIA. Ombudsman agreed with the response given to the Applicant by the public authority. Applicant informed was accordingly.</p>
16.	Office of the Prime Minister	<p>The Applicant sought the Ombudsman's intervention after being denied access to the National Environmental Assessment Task Force Oil Spill Report.</p>	<p>Ombudsman met with the official from the public authority and reviewed the matter. The Ombudsman did not agree with the decision taken by the public authority to deny access to the said document in its entirety. Ombudsman conveyed her recommendation that there should be partial disclosure of the said document in accordance with section 35 of the FOIA. Applicant was informed accordingly.</p>
17.	Port-of-Spain City Corporation	<p>The Applicant sought the Ombudsman's intervention having regard to the response received from the public authority that it was not in possession of the following information namely-</p> <ol style="list-style-type: none"> <li>4. <i>Under what Agency or Authority administers the Charlotte Street Market Project and who is the direct person/officer in charge of the Project.</i></li> <li>5. <i>List the names of all vendors that are enrolled in the said Project and indicate the total number of vendors enrolled in the project in 2016.</i></li> <li>6. <i>Indicate if the said Project was given approval by the City Engineer, if so provide copy of the approved plan.</i></li> </ol>	<p>Ombudsman perused the response given to the Applicant and was not satisfied with the reply provided to the Applicant. Ombudsman conveyed her position to the public authority but the Applicant's request under the FOIA remains outstanding. Ombudsman has scheduled a meeting to treat with the matter.</p>
18.	Office of the Ombudsman	<p>The Applicant has requested the following from the Office-</p> <p>The top 15 offices in descending order for the Office of the Ombudsman; who occupy these said offices and their relevant salaries; details of any training seminars/ and or conferences that these persons attended from 2010 to present and the cost of same.</p>	<p>This request remains outstanding. This Applicant has commenced judicial proceedings against the Office. The Ombudsman is however of the opinion that the Office is not a public authority and is not subject to the provisions of the FOIA. Matter is pending before the Court.</p>

No.	Ministry/Government Department/State Agency	Nature of Complaint	Outcome
19.	Office of the Ombudsman	The Applicant requested copies of all correspondence between Service Commissions Department and/or other state agent relating to the Applicant's complaint of not recognizing her degree for the purpose of promotion to acting appointment to Assistant Conservator of Forests; reasons for the undue delay in providing a response to the Applicant.	Ombudsman informed the Applicant that there was no formal complaint lodged in the Applicant's name to the Office. Consequently, the Office did not commence any investigation into the alleged complaint. Applicant was informed accordingly.
20.	Office of the Ombudsman	The Applicant requested copies of all correspondence between Service Commissions Department and /or other state agent relating to the Applicant's complaint of not recognizing her degree for the purpose of promotion to acting appointment to Assistant Conservator of Forests; reasons for the undue delay in providing a response to the Applicant.	Ombudsman informed the Applicant that there was no formal complaint lodged in the Applicant's name to the Office. Consequently, the Office did not commence any investigation into the alleged complaint. Applicant informed accordingly.

Table 1.

## AREAS OF CONCERN





# MINISTRY OF RURAL DEVELOPMENT AND LOCAL GOVERNMENT - MUNICIPAL CORPORATIONS



Trinidad and Tobago is a unitary republic with two levels of Government: Central and Local. Local Government history dates back to the 1700s when the Royal Cabildo was established in St. Joseph during the Spanish rule of Trinidad. It continued under the British with the establishment of municipalities in 1853 and city councils in 1945.

The Ministry of Rural Development and Local Government oversees fourteen (14) municipal corporations which exist in Trinidad (See Figure 1) whilst the Tobago House of Assembly (THA) oversees the divisions in Tobago.

Many of the services and facilities across communities are provided by these corporations in accordance to the Municipal Corporations Act, Chap. 25:04. Their responsibilities include:

- Secondary Roads, Drains and Municipal Infrastructure;
- Public Health and Sanitation Services;
- Municipal Building and Development Control;
- Community Services and Facilities;
- Daily Paid Employment;
- Tendering for Municipal Projects.

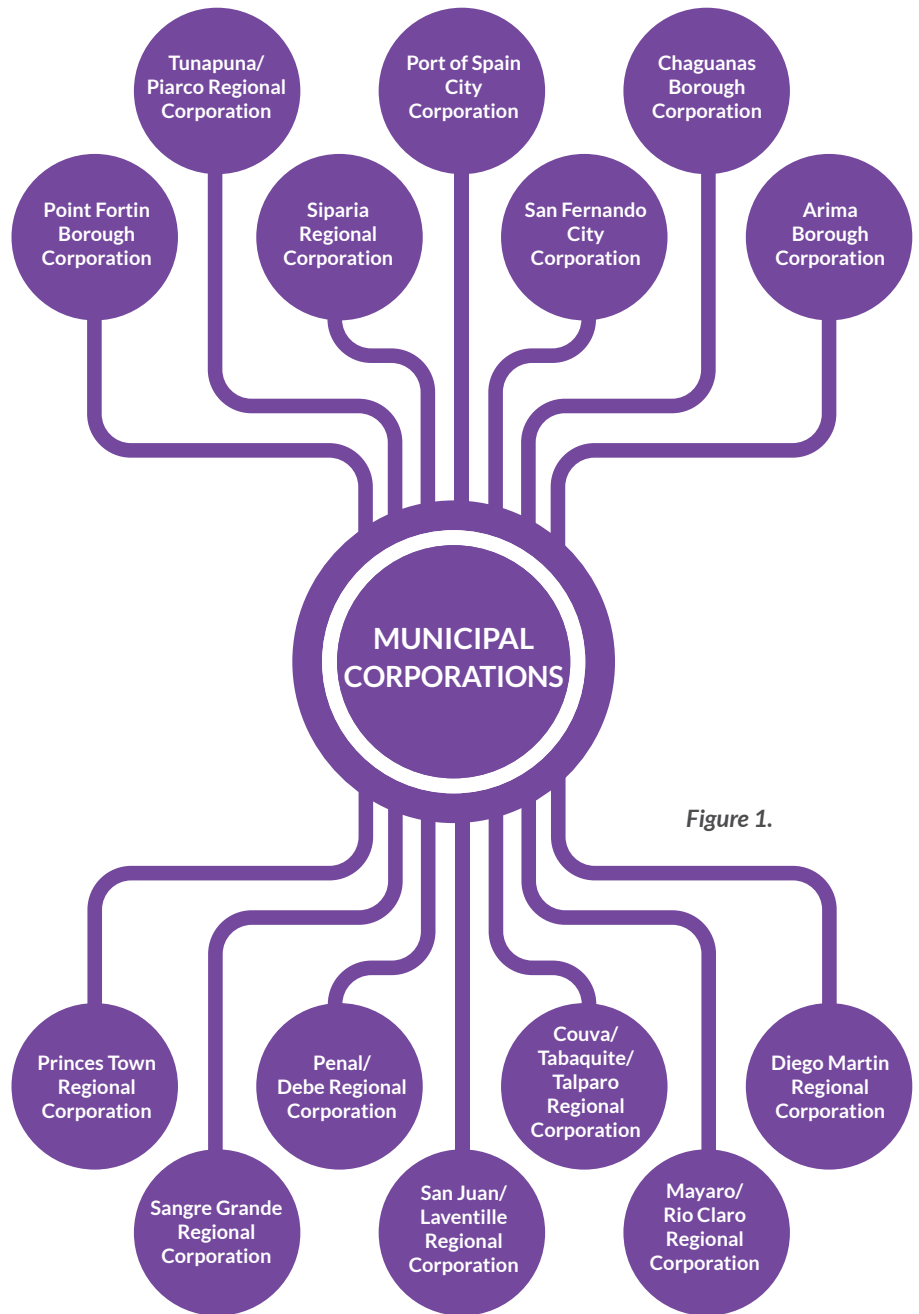


Figure 1.



In 2016, the Office of the Ombudsman received a total of **fifty-eight (58)** complaints against the municipal corporations under the Ministry of Rural Development and Local Government which ranked as the Ministry with the third (3rd) highest number of complaints recorded against it.

It is a well-known fact that a myriad of problems exist among these corporations, some of which are highlighted below.

**1. INFRASTRUCTURAL ISSUES (Construction and Maintenance of infrastructure):**

It is apparent that municipal corporations turn a blind eye to the infrastructural issues which exist in the communities under their purview. The construction and maintenance of infrastructure is one of the key functions of these corporations.

Residents are forced to endure poor road conditions; falling bridges; lack of proper pavements/sidewalks; lack of proper drainage structure; clogged drains and overgrown grass on roadways which have the potential to cause flooding and create health hazards; garbage collection issues; street lighting issues, among others.

**Case Analysis:**

*Mr. D of Chaguanas sought the assistance of the Ombudsman in 2009 with respect*



*to a drainage problem which fell under the jurisdiction of the Chaguanas Borough Corporation.*

*In 1985, the Corporation had employed workers to clean the drain situated at the back of his property and claimed that in order to gain easy access to the work area, the workers removed the supports at the top of the drain.*

*As a result, the walls of the drain began caving in and eventually collapsed in 1998 which caused flooding to Mr. D's property whenever rain fell.*

*It was not until 2010 that workmen attached to the Corporation began remedial works on the drain. However, shortly thereafter, such work had ceased and to date this project has not been completed.*

**2. POOR FEEDBACK FROM COUNCILLORS:**

The job of a Councillor is crucial in the delivery of services to residents of

**Some of the functions of a Councillor include:**

- Campaigning for the improvement of the quality of life of the community;
- Assisting in the promotion of the municipality by maintaining an active involvement and high profile within the community in all relevant issues;
- Establishing and maintaining effective relationships with community boards, organisations, NGOs and public and private organisations.

strong interpersonal and communication skills to be effective in the district and municipality in which he/she operates. A Councillor is essentially the backbone of the community which he/she serves.

Councillors must be ever mindful of the fact that they were elected to serve all the people in their communities. Therefore, they should take more proactive steps to ensure that the needs of the people are fulfilled in the best way possible. Prioritization in terms of the implementation of projects must be determined on a needs-basis rather than on political factors.

**Decentralization is a prime approach to improving public service delivery in Trinidad and Tobago.**

Local Government reform should be seen as the pathway towards fulfilment of a covenant between the Government and the people. It is expected that the parties must mutually work towards the improvement of the quality of life of persons through the delivery of quality public services and amenities which are compatible with local needs and expectations. However, a cultural change is required if success is to be achieved.

It is hoped that when such reform becomes a reality, municipal corporations will be better able to operate more efficiently within this decentralized framework thus, allowing for enhanced delivery of services and for stronger communities to exist.



The vision of the Ministry of Education (MoE) is to be a high performing and dynamic organization leading a quality education system that is responsive to the diverse needs of 21st century learners to contribute to the education and versatility of holistically developed children who are able to satisfy the human capital needs and sustainable development of society.

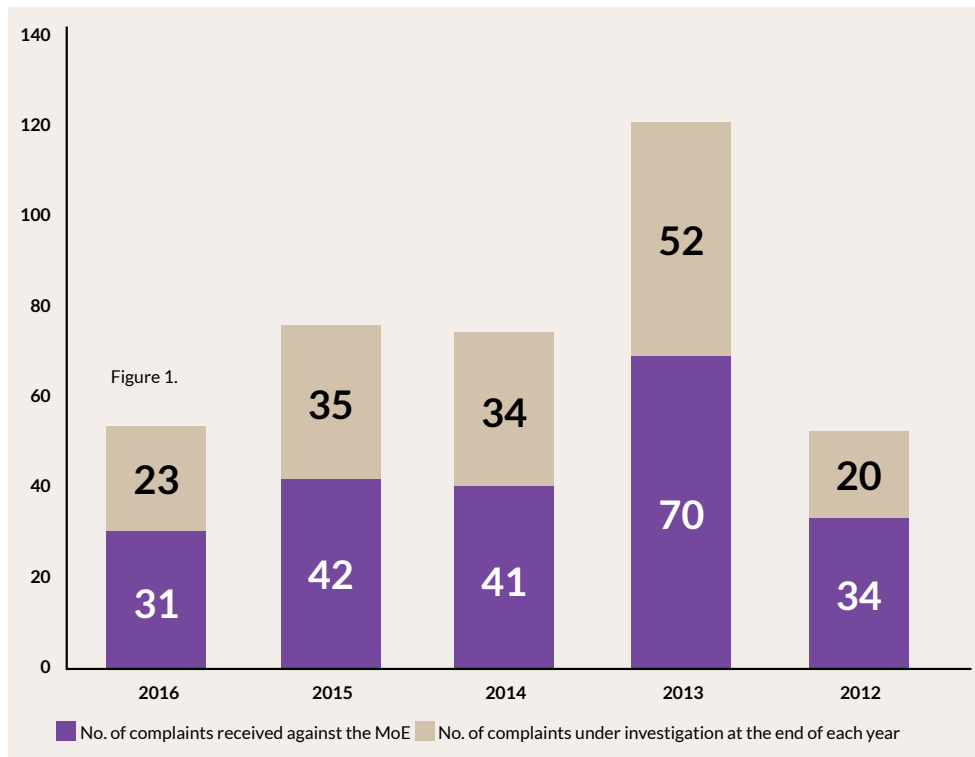
Over the years, the Office of the Ombudsman has been liaising with the MoE with respect to complaints lodged

*Its mission is to educate and develop children who are:*

- able to fulfil their full potential;
- healthy and growing normally;
- academically balanced;
- well-adjusted socially and culturally;
- and emotionally mature and happy.

by persons who claimed to have suffered injustices as a result of maladministration. A perusal of records at the Office highlights that there are several matters against the MoE that have remained outstanding for over five (5) years. This is indeed unacceptable and all efforts must be made to lessen the instances of tardiness.

In 2016, the Office received a total of **thirty-one (31)** complaints against this Ministry, of which a total of **twenty-three (23)** complaints remained under investigation as at December 31, 2016. **Figure 1** illustrates the number of complaints received by the Office of the Ombudsman against the MoE over a five (5) year period (2012-2016) and the number of complaints which were still under investigation at the end of each year.



## 1. DELAY IN PAYING OUTSTANDING MONIES OWED:

*"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. Payment was eventually effected to Mr. R in July 2015 at which time he attained the age of eighty-two (82)." [This was the case highlighted in the Ombudsman's 38th Annual Report (2015) titled, Money Worries].*

### Why the inordinate delay on the part of the MoE?

It is unfortunate that persons appear to be treated as afterthoughts by the MoE. In most instances, these persons including Teachers are forced to endure lengthy waiting periods for payment of their arrears of salary, increments, pension and gratuity, write-offs and other forms of compensation.

### Case Analysis:

*In 2008, Mr. G sought the assistance of the Ombudsman to be compensated for the performance of duties as Assistant Examiner Operations at the MoE for the period April 1999 to present. He also requested to be appointed in the said position since it was deemed vacant and he had already gained the necessary experience in it.*

*This Office has been communicating with the Ministry and the Chief Personnel Officer (CPO) on this matter since 2008. Further, the CPO stated that the matter was being actively pursued and was expected to be finalized on or before May 31, 2013.*

*Eight (8) years later, this matter is still on-going.*





## 2. SCHOLARSHIP WOES:

The Government of Trinidad and Tobago offers scholarships with the aim of enabling nationals to acquire skills and training in areas that are critical to the development of the country. This portfolio currently falls under the remit of the Ministry of Education (MoE) having been removed from under the Ministry of Public Administration and Communications.

National scholars are treated with scant regard as there appears to be no sense of urgency in ensuring that the needs of scholars are adequately met in a timely manner. The late payment of allowances/stipends makes life unbearable for Trinidad

and Tobago scholarship students studying abroad. Students are faced with threats of eviction. They borrow money from friends and relatives and receive letters demanding outstanding tuition from Universities. Therefore, they struggle to afford basic amenities because of the consistently late disbursement of funds.

### **Case Analysis:**

*In 2011, Mr. C, a former scholarship recipient, sought the assistance of the Ombudsman with respect to the delay in obtaining a national scholarship to attend the University of the West Indies (UWI), which had been offered to him in 2006. This offer was awarded after he graduated from the Eastern Caribbean*

*Institute of Agriculture and Forestry (ECIAF). Mr. C commenced studies in 2007, with the expectation of receiving the scholarship bursary. However, despite “over 100” calls to the Ministry of Education (MoE), he had not received any financial assistance throughout his period of studies at the UWI. He completed his degree in 2010.*

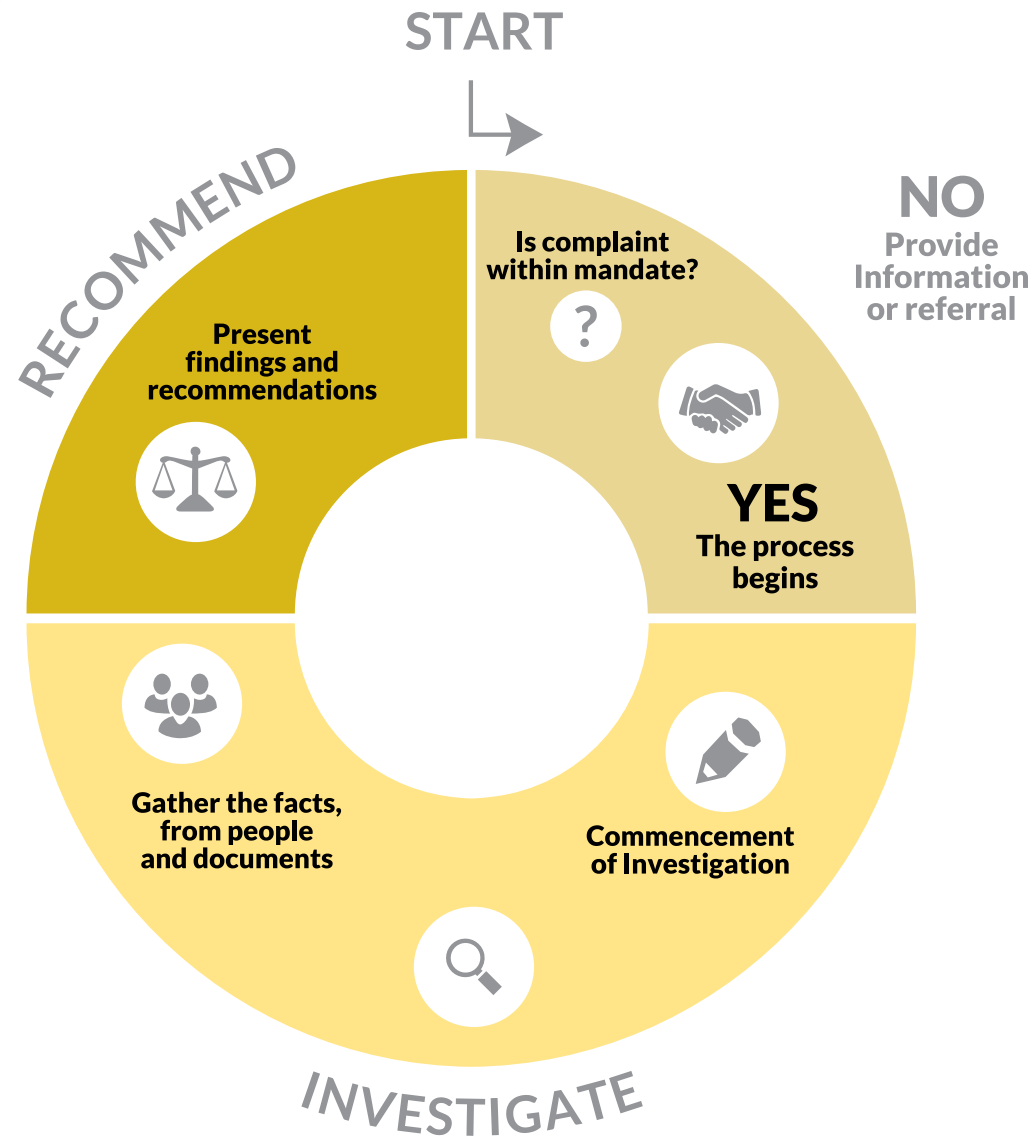
*During this period, Mr. C was faced with grave financial difficulty as he had to borrow money in order to finance his studies.*

*Although enquiries revealed that in 2014, Mr. C was told that the then Minister had approved a note to Cabinet, to this date, there has been no further communication from the MoE on this matter.*

**It is evident that the MoE needs to urgently address the inefficiencies which exist within the Ministry. There continues to be a grave concern over the lack of responses to queries made to this Ministry and its failure to address complaints in a timely manner.**

**A proactive culture should be adopted by the Ministry so as to improve the level of efficiency in carrying out its roles and responsibilities and to ensure that the needs of persons who access to services are dealt with expeditiously.**

# THE COMPLAINTS PROCEDURE



THE OMBUDSMAN'S CASEBOOK 2016



## IN TEARS OVER MY ARREARS

In 2014, Ms. G, who was previously employed with the Environmental Commission of Trinidad and Tobago (“the Commission”) from 2005 to 2008, approached the Ombudsman for assistance regarding the delay on the part of the Commission to address the following issues relating to her employment:

- **Payment of arrears of salaries due;**
- **Payment of outstanding Acting Allowance (for one month) as Accounting Assistant;**
- **Amended salary particulars to be forwarded to the Ministry of Education;**
- **Arrears of salary for 2008-2010;**
- **The Commission to verify whether payment was effected to her for the period she acted Clerk IV at the Commission.**

Prior to her complaint to this Office, Ms. G brought these issues to the attention of several officials as well as to the Chairman of the Commission on at least two (2) occasions. In April 2015, the Registrar of the Commission informed this Office

that although, to date, Ms. G’s outstanding matters had not been resolved, a great deal of progress had been made with the hope that the said matters would be resolved since a Human Resource Specialist had been hired.

Subsequently, Ms. G was so informed and she was assured by the Registrar of the Commission that open communication would continue with her.

In August 2015, after several reminders and telephone calls to the Commission, this Office was informed that a Worksheet in respect of monies owed to Ms. G had been prepared and that the said Worksheet would be forwarded to the Internal Audit Department, Industrial Court as a matter of priority.

However, in September of the same year, another delay occurred when the Commission had to await certain information from the Ministry of Agriculture, Lands and Fisheries. One year later, in August 2016, the Registrar of the Commission further stated that

computation of Ms. G’s Arrears of Salary and Cost of Living Allowance (Cola) from 2008 to 2010 had been resubmitted to the Internal Audit department. This resubmission was as a result of issues regarding payments of half pay arrears in her substantive office as Clerk I while on Maternity Leave for the period August 08, 2008 to July 07, 2010.

This Office was informed in November 2016 that the Commission had obtained certified copies of Ms. G’s Pay Record Cards for the years 2008, 2009, 2010 and 2011 and a certified audited copy of the Worksheet in respect of outstanding payment of Arrears of Salary for the said years had been provided by the Ministry of Agriculture, Lands and Fisheries.

Although those documents would have assisted the Commission in ensuring that the outstanding issues would have been finally resolved, eight (8) years later, this matter was still on-going.





## HDC, WHERE'S MY HOUSE?

Thirty-one (31) years ago Mrs. S was granted tenancy of a parcel of land located at Malabar Road, Arima by the then House Allocation Unit of the Ministry of Housing and Resettlement. This allocation was made in response to her application to the National Housing Authority (NHA) for a building lot.

Mrs. S remitted payment of rent for the land over a period of thirty (30) years and for the cost of the construction of a house on the said land. The construction of the house by the Housing Development Corporation (HDC) was completed in 2006, but was found to have several defects which made it uninhabitable.

During a pre-inspection visit to the premises, the HDC promised to undertake the necessary repairs. Mrs. S

communicated to the Corporation that she would not occupy the property until the promised repair work was completed.

However, in July 2007, while awaiting the completion of the repairs, she received a letter from HDC which threatened repossession if she failed to occupy the property within a period of seven (7) days. However, after five (5) days, the property was repossessed.

Following further discussion with HDC Officials, Mrs. S was offered the option of a refund of her money or relocation. Mrs. S opted to relocate to another property. After a period of five (5) years had elapsed, she was advised by the Allocation Department of the HDC that the relocation would only take place when a unit became available.

In 2015, when the HDC failed to honour this commitment, Mrs. S sought the assistance of the Ombudsman.

Investigations conducted by this Office have disclosed that a cheque dated November 4, 2014 in favour of the complainant for the sum of forty-two thousand, five hundred and forty-nine dollars and nineteen cents (\$42,549.19) is at present, being held on her file at the HDC's Office.

Despite the fact that this matter has been drawn to the attention of both the Chairman and the Managing Director of the HDC for a speedy resolution, no affirmative action has been taken to date to relocate Mrs. S as promised.



## MONEY ON MY MIND

In 2014, Mrs. A complained about the failure of the Southwest Regional Health Authority (SWRHA) to remit payment of monies due to her at the time of her retirement in 2008 for accumulated periods of compensatory time off owed to her.

Investigations disclosed that Mrs. A was appointed retroactively to the post of Manager, Internal Audit.

Overtime payments made to her in the lower position were treated as overpayments and subsequently recovered in light of the Public Service's and the SWRHA's policy which excluded Managers from earning overtime. However, it should

be noted that Mrs. A had been receiving her pension benefit from September 2014.

In July 2015, after the hearing of a Summons to deal with the matter, it was agreed that the overtime periods would be classified as grants of compensatory time off and payment effected accordingly.

In March 2016, the General Manager, Human Resources of the SWRHA informed this Office that the matter was still engaging the attention of the SWRHA's Legal Unit.

The matter remains unresolved.



## A HOUSE OF CARDS

In 2014, Mr. L sought the assistance of the Ombudsman in order to have the Housing Development Corporation (HDC) effect urgent repairs to his house.

Mr. L had been renting a wooden house from the HDC since 2007 under the terms of a license agreement. The house which is located at Thompson Gardens Marabella, had fallen into a state of disrepair. He stated that in 2013 he had visited the HDC's Office in San Fernando on several occasions but was unsuccessful in his efforts to have them repair the house which had become uninhabitable due to its conditions.

Following the intervention of this Office, an Official from the HDC conducted a site visit to Mr. L's house. In the report of his

findings to the HDC's Estate Management Division, it was concluded that Mr. L might have to be relocated.

Subsequently, the HDC advised Mr. L to obtain a Home Improvement Grant offered by the Ministry of Housing and Urban Development and undertake the repairs himself. However, Mr. L did not qualify for this grant which was in the sum of fifteen thousand dollars (\$15,000.00).

In October 2015, the Ombudsman made a site visit to the property and confirmed that the said house was in such a state of disrepair that even if Mr. L could have applied for the Home Improvement Grant and was successful, the maximum sum allowable would have been insufficient to cover the cost of the required repairs.

This matter was brought to the attention of the Minister of Housing and Urban Development and it was requested that the Minister use his good office to bring immediate relief to Mr. L.

The HDC had entered into a license agreement in 2007 with Mr. L which permitted his occupation of the premises for a period of one (1) year at a monthly charge of one hundred dollars (\$100.00). Eight (8) years later, Mr. L was still in occupation of the property and consequently, it was assumed that the HDC considered that the relationship of the licensor and licensee still existed between the parties to the license.

In May 2016, Mr. L was finally relocated to an apartment situated at Rushworth Street, San Fernando.





## EROSION, EROSION, EROSION!

***It should be noted that this matter was highlighted in the 29th Annual Report of the Ombudsman (2006) where it was still being pursued at that time. Due to the long outstanding delay in resolving this matter, it will once again be highlighted in this Report.***

Mr. P along with other residents who lived in the vicinity of Beach Road, Chin Kit and Chin Yuen Kee Streets in Cap-de-Ville were on the verge of losing their homes due to coastal erosion. It was the view of residents that waterfront development activities undertaken by the Atlantic LNG Company affected the tidal geographic status of the area, which led to the heightened erosion problem in the area.

In 2004, this matter had been brought to the attention of the Atlantic LNG Company. However, the situation still had not been rectified and had deteriorated to the point where the sea was invading the homes of the residents when the tides were high. In addition, during that time, attempts were also made by Mr. P to have the Point

Fortin Borough Corporation provide some assistance but his efforts proved futile.

In September 2006, Mr. P, on behalf of the residents of the affected area complained to the Ombudsman to have this coastal erosion problem addressed.

In order to bring some measure of relief to the residents and an expeditious resolution to this matter, a site visit was conducted in November 2006 to view the affected area.

Accordingly, the Ministry of Energy and Energy Industries, the Ministry of Works and Transport, the then Ministry of Local Government, together with the Siparia Regional Corporation and the Point Fortin Borough Corporation, were invited by the Ombudsman to attend this site visit.

Investigations at the time revealed that the Ministry of Works and Transport had agreed to construct a groin with large boulders in an attempt to reduce the tidal impact.

In 2011, Mr. P along with the other residents were advised by the Drainage Division of this Ministry that a project aimed at reducing the coastal erosion in the area would commence in that same year but this did not materialize.

Five (5) years later this Office was informed that Mr. P's matter had been referred to the Coastal Protection Unit under the purview of the Ministry of Works and Transport for inclusion under its Critical Coastal Protection Programme. A project seeking to address the issue of coastal erosion from Chin Kit Street to Sunset Street, Cap-de-Ville, Point Fortin was to be executed. Furthermore, the Cap-de-Ville Shoreline Stabilization Works had been prioritized for implementation within Fiscal Year 2017.

Mr. P was informed of this information and after ten (10) years, the investigation of this matter by my Office ceased.





# THE FIVE MOST COMMON OMBUDSMAN ISSUES

1

## POOR COMMUNICATION:

- Written communications unclear, difficult to understand
- Calls not returned • Lack of proper information

2

## POOR SERVICE:

- Inability to reach public servant
- Lack of respect for the Office

3

## UNPREDICTABLE ENFORCEMENT:

- Over-enforcement • Under-enforcement

4

## FAULTY DECISION:

- Wrong • Unreasonable • Unfair • Unexplained

5

## UNREASONABLE DELAY:

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



THE STORY IN NUMBERS

## STATISTICAL REPORT FOR THE PERIOD JANUARY TO DECEMBER 2016

*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*

### OVERVIEW OF INVESTIGATIONS 2016

With respect to complaint handling, the Office of the Ombudsman handled a volume of two thousand, five hundred and twenty-nine (**2,529**) complaints for the period January to December 2016. This figure comprised one thousand, one hundred and sixty (**1,160**) new complaints and one thousand, three hundred and sixty-nine (**1,369**) complaints which were brought forward from previous years. For the reporting period, it was observed that the number of new complaints received by the Office decreased by one hundred and thirty-three (**133**) or **10.5%** and the number of brought forward cases during this same period decreased by one hundred and five (**105**) or **7.1%**. See **Figure I**.

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

The diagram below is illustrative of the total number of new complaints received and brought forward from previous years over a five (5) year period (2012-2016) by the Office of the Ombudsman. Moreover, a reduction in the “brought forward” cases from 2010 onwards is evident in this diagram. An audit undertaken during the year 2010 determined that a significant number of cases which were being brought forward could be closed.

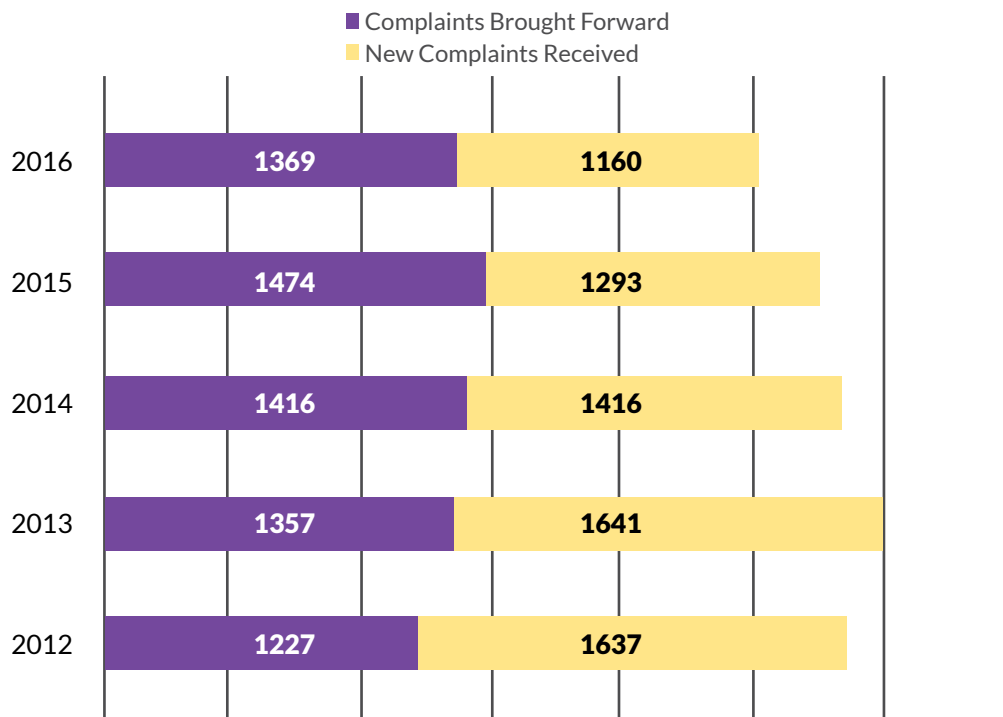


Figure I.



**Table I.** below illustrates the total number of cases brought forward to 2016 together with new complaints received in the same year. It can be seen that a total of one thousand, five hundred and sixteen cases (**1,516**) or **79.8%** were under investigation as at December 31, 2016.

	NUMBER	PERCENTAGE (%)
Total number of complaints brought forward from previous years	<b>1,369</b>	
Total number of complaints received in 2015	<b>1,160</b>	
<b>TOTAL</b>	<b>2,529</b>	<b>100</b>
Less total number of complaints without jurisdiction (Private)	<b>(184)</b>	<b>7.3</b>
Less enquiries/referrals	<b>(425)</b>	<b>16.8</b>
Less total Freedom of Information Act matters	<b>(20)</b>	<b>0.8</b>
Total number of complaints pursued	<b>1,900</b>	<b>75.1</b>
Total number of complaints concluded	<b>(384)</b>	<b>20.2</b>
• Complaints sustained	<b>219</b>	<b>11.5</b>
• Complaints not sustained	<b>12</b>	<b>0.6</b>
• Complaints withdrawn/discontinued	<b>105</b>	<b>5.5</b>
• Complaints advised	<b>44</b>	<b>2.3</b>
• Complaints with no jurisdiction	<b>4</b>	<b>0.2</b>
<b>TOTAL NUMBER OF COMPLAINTS UNDER INVESTIGATION AS AT DECEMBER 31, 2016</b>	<b>1,516</b>	<b>79.8</b>

Table I.

**Table II** shows that in **2016**, investigations were pursued on five hundred and fifty-one (**551**) new complaints if the twenty (**20**) matters which fell under the Freedom of Information Act (FOIA) are included in this figure. At year end, a total of one hundred and fifty-six (**156**) of these cases had been resolved, including eighteen (**18**) of the FOI matters. Therefore, a total of three hundred and ninety-three (**393**) cases remained unresolved as at December 31, 2016.

	NUMBER	PERCENTAGE (%)
Total number of complaints received in 2016	<b>1,160</b>	<b>100</b>
Less total number of complaints without jurisdiction (Private)	<b>(184)</b>	<b>15.9</b>
Less enquiries/referrals	<b>(425)</b>	<b>36.6</b>
Less total Freedom of Information Act matters	<b>(20)</b>	<b>1.7</b>
Total number of complaints pursued	<b>531</b>	<b>45.8</b>
Total number of complaints concluded	<b>(138)</b>	<b>26.0</b>
• Complaints sustained	<b>83</b>	<b>15.6</b>
• Complaints not sustained	<b>9</b>	<b>1.7</b>
• Complaints withdrawn/discontinued	<b>22</b>	<b>4.1</b>
• Complaints advised	<b>24</b>	<b>4.5</b>
• Complaints with no jurisdiction	<b>0</b>	<b>0.0</b>
<b>TOTAL NUMBER OF COMPLAINTS UNDER INVESTIGATION AS AT DECEMBER 31, 2016</b>	<b>393</b>	<b>74.0</b>

Table II.

**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 2016. It also illustrates their current status at the end of this period.

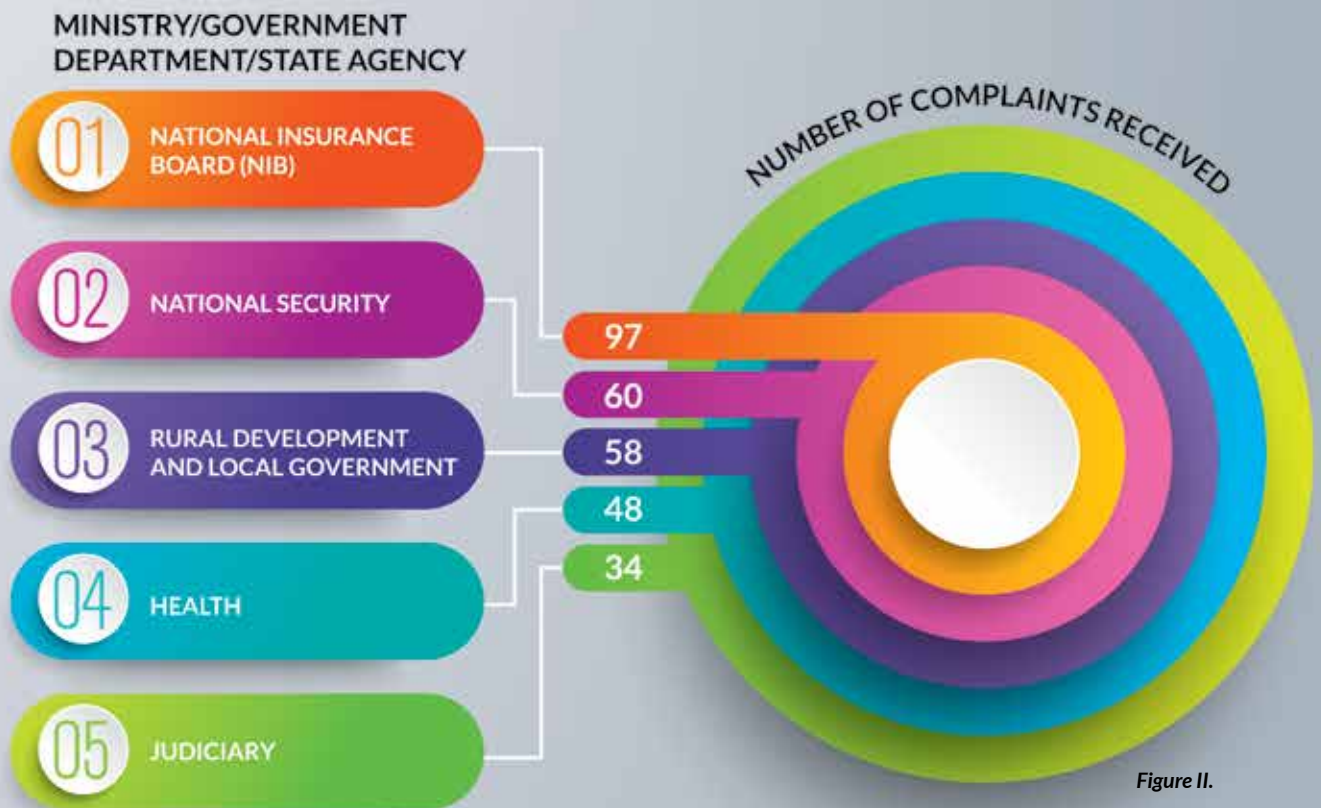
MINISTRIES/GOVERNMENT DEPARTMENTS/AGENCIES	ADVISED	NO JURISDICTION	NOT SUSTAINED	SUSTAINED	UNDER INVESTIGATION	WITHDRAWN/DISCONTINUED	GRAND TOTAL
<b>AGRICULTURE, LAND AND FISHERIES</b>							<b>24</b>
• General	0	0	2	1	20	0	23
• Commissioner of State Lands	0	0	0	0	1	0	1
<b>ATTORNEY GENERAL AND LEGAL AFFAIRS</b>							<b>13</b>
• General	0	0	0	0	4	0	4
• Director Of Public Prosecutions	0	0	0	0	2	0	2
• Legal Aid And Advisory Authority	1	0	0	0	6	0	7
<b>COMMUNITY DEVELOPMENT, CULTURE AND THE ARTS</b>							<b>2</b>
• General	0	0	0	0	1	0	1
• National Commission For Self Help	0	0	0	1	0	0	1
<b>EDUCATION</b>							<b>31</b>
• General	0	0	1	7	23	0	31
<b>ENERGY AND ENERGY INDUSTRIES</b>							<b>2</b>
• General	0	0	0	0	1	0	1
• PETROTRIN	0	0	0	0	1	0	1
<b>ENVIRONMENTAL MANAGEMENT AUTHORITY</b>	0	0	0	0	4	0	<b>4</b>
<b>EQUAL OPPORTUNITY COMMISSION</b>	0	0	0	0	0	1	<b>1</b>
<b>FINANCE</b>							<b>26</b>
• General	0	0	1	7	18	0	26
<b>FOREIGN AND CARICOM AFFAIRS</b>							<b>1</b>
• General	0	0	0	0	1	0	1
<b>HEALTH</b>							<b>48</b>
• General	2	0	0	2	8	1	13
• East Regional Health Authority	0	0	0	1	0	0	1
• Insect Vector Control Division	0	0	0	1	0	0	1
• North Central Regional Health Authority	1	0	0	0	11	1	13
• North West Regional Health Authority	1	0	1	5	7	1	15
• Public Health	0	0	0	0	4	0	4
• South West Regional Health Authority	0	0	0	0	1	0	1
<b>HOUSING AND URBAN DEVELOPMENT</b>							<b>30</b>
• General	0	0	0	0	5	2	7
• Housing Development Corporation (HDC)	0	0	0	3	19	1	23
<b>JUDICIARY</b>	4	0	0	0	29	1	<b>34</b>
<b>LABOUR AND SMALL ENTERPRISE DEVELOPMENT</b>							<b>6</b>

MINISTRIES/GOVERNMENT DEPARTMENTS/AGENCIES	ADVISED	NO JURISDICTION	NOT SUSTAINED	SUSTAINED	UNDER INVESTIGATION	WITHDRAWN/DISCONTINUED	GRAND TOTAL
• General	1	0	0	1	4	0	6
NATIONAL INSURANCE BOARD	0	0	1	24	71	1	97
NATIONAL SECURITY							60
• General	0	0	0	0	4	0	4
• Fire Services	1	0	0	0	2	0	3
• Forensic Science Centre	1	0	0	2	10	0	13
• Immigration	0	0	0	3	14	2	19
• Police Service	1	0	1	3	14	1	20
• Prison Service	1	0	0	0	0	0	1
OFFICE OF THE PRIME MINISTER	1	0	0	0	0	0	1
PERSONNEL DEPARTMENT(OFFICE OF THE CHIEF PERSONNEL OFFICER)	0	0	0	0	1	1	2
PLANNING AND DEVELOPMENT							5
• General	0	0	0	1	1	0	2
• Town And Country Planning Division	0	0	0	0	2	1	3
PUBLIC ADMINISTRATION AND COMMUNICATIONS							6
• General	0	0	0	2	2	0	4
• Government Printery Division	0	0	0	1	1	0	2
• PUBLIC UTILITIES							3
• TTPOST	1	0	0	0	1	0	2
• T&TEC	1	0	0	0	0	0	1
RURAL DEVELOPMENT AND LOCAL GOVERNMENT							58
• General	3	0	1	3	50	1	58
SERVICE COMMISSIONS DEPARTMENT	1	0	0	0	4	1	6
SOCIAL DEVELOPMENT AND FAMILY SERVICES							14
• General	0	0	0	5	6	2	13
• Social Welfare Division	0	0	0	0	1	0	1
SPORT AND YOUTH AFFAIRS							3
• General	0	0	0	0	1	2	3
TOBAGO HOUSE OF ASSEMBLY							23
• General	0	0	0	0	2	0	2
• Agriculture, Marine Affairs, Marketing And The Environment	0	0	0	2	1	1	4
• Community Development and Culture	0	0	0	0	1	0	1
• Community Development and Culture-CARE	0	0	0	0	1	0	1
• Education, Youth Affairs And Sport	0	0	0	0	2	0	2

MINISTRIES/GOVERNMENT DEPARTMENTS/AGENCIES	ADVISED	NO JURISDICTION	NOT SUSTAINED	SUSTAINED	UNDER INVESTIGATION	WITHDRAWN/DISCONTINUED	GRAND TOTAL
• Finance and Enterprise Development	0	0	0	0	1	0	1
• Health And Social Services	0	0	0	0	6	0	6
• Infrastructure And Public Utilities	0	0	0	1	4	0	5
• Tourism and Transportation	0	0	0	0	1	0	1
<b>TOURISM</b>							<b>1</b>
• General	0	0	1	0	0	0	1
<b>TRADE AND INDUSTRY</b>							<b>2</b>
• General	0	0	0	1	1	0	2
<b>WORKS AND TRANSPORT</b>							<b>28</b>
• General	3	0	0	6	16	1	26
• Licensing Authority (Transport Division)	0	0	0	0	1	0	1
• Unemployment Relief Programme (URP)	0	0	0	0	1	0	1
<b>SUB-TOTAL</b>	<b>24</b>	<b>0</b>	<b>9</b>	<b>83</b>	<b>393</b>	<b>22</b>	<b>531</b>
FREEDOM OF INFORMATION ACT, Chap. 22:02							<b>20</b>
ENQUIRIES/REFERRALS							<b>425</b>
PRIVATE MATTERS							<b>184</b>
<b>GRAND TOTAL</b>							<b>1,160</b>



## TOP 5 OFFENDERS FOR 2016



The Office of the Ombudsman has been continuously monitoring the number of complaints received by each Ministry/ Government Department/State Agencies. For the period January to December 2016, the National Insurance Board (NIB) has once again been ranked as the agency with the highest number of complaints recorded against it. This has been the trend for the last five years. Further, it has been observed that the Ministry of National Security and the Ministry of Rural Development and Local Government followed the same ranking as in 2015.



COMMUNICATIONS AND OUTREACH

## COMMUNICATIONS AND OUTREACH

### 1. COMMUNICATIONS:

#### *a) Traditional Media:*

**Brochures:** In January 2016, the Office of the Ombudsman revised its brochure to provide members of the public with clearer and more accurate information.

**Newspaper Advertisements:** The Office of the Ombudsman utilizes both the Express and Newsday newspapers for the placement of its **Community Outreach advertisements**. Throughout the years, this form of advertising has been able to successfully reach a large number of persons who are interested in the services offered by the Ombudsman.

#### *b) Online Services:*

**Website:** Websites are easily accessible to persons who require information

about Organizations. Over recent years, the Office of the Ombudsman has made several strides in upgrading its website ([www.ombudsman.gov.tt](http://www.ombudsman.gov.tt)) so as to better convey specific and helpful information to the public.

**Facebook:** Social media has proven to be a very effective form of advertising. Facebook serves as an inexpensive and modern form of advertising which would be able to reach a larger audience and build awareness for Organizations. Locally, most Ministries, Government Departments and State Agencies adopt Facebook as a way of getting news and other current events across to members of the public. In October 2016, The Office of Ombudsman made an effort to re-create its Facebook page entitled "**Office of the Ombudsman of Trinidad and Tobago**" with the aim of building public awareness as well

as building better connections with members of the public.

**YouTube:** Online video is growing exponentially, with over 4 billion videos viewed daily. YouTube is an inexpensive, ever-growing 24/7 marketing resource which can help us easily reach our intended market audience. In October 2016, the Office of the Ombudsman created a YouTube channel entitled "**OmbudsmanTV**." The main intention of this channel is to serve as a video distribution medium for in-house functions, community programmes and public marketing campaigns.



## 2. OUTREACH:

### *Community Outreach Statistics for the period January to December 2016:*

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.

For the period ending January to December 2016, the Office received a total of one hundred and thirty **(130)** complaints against Ministries/Government Departments/Agencies. A total of twenty-four **(24)** complaints were received from Point Fortin; twelve **(12)** from Rio Claro; twenty-seven **(27)** from Siparia; twelve **(12)** from Couva; twenty-one **(21)** from Chaguanas and thirty-four **(34)** from Sangre Grande. Table I below illustrates this information.

MONTHS 2016	POINT FORTIN	RIO CLARO	SIPARIA	COUVA	CHAGUANAS	SANGRE GRANDE	TOTAL
JANUARY	3	3	2	3	2	3	15
FEBRUARY	2	0	0	1	6	4	13
MARCH	1	0	0	2	4	4	11
APRIL	1	2	2	1	1	3	10
MAY	2	0	2	1	2	1	8
JUNE	1	0	1	0	2	3	7
JULY	0	0	3	1	0	5	9
AUGUST	4	2	5	1	1	2	15
SEPTEMBER	3	2	1	1	1	5	13
OCTOBER	4	1	6	1	1	3	16
NOVEMBER	3	2	5	0	1	1	12
DECEMBER	NO VISIT	NO VISIT	NO VISIT	NO VISIT	NO VISIT	NO VISIT	NO VISIT
<b>GRAND TOTAL</b>	<b>24</b>	<b>12</b>	<b>27</b>	<b>12</b>	<b>21</b>	<b>34</b>	<b>130</b>

Table I.



OTT Staff at The Goodwood High School Career Fair-Tobago (October 26th, 2016)



## CONFERENCES AND WORKSHOPS 2016

### INTER-AMERICAN COMMISSION ON HUMAN RIGHTS (IACHR) SEMINAR ON CITIZEN SECURITY AND HUMAN RIGHTS FOR CARICOM OMBUDSPERSONS

Caribbean Ombudspersons call for a human rights approach to addressing citizen security and crime.

Across the world, Ombudspersons are fundamental to building a culture of respect for human rights and the rule of law. Through human rights education and receiving and responding to complaints relating to human rights violations, ombuds institutions can play a decisive role in ensuring that citizen

security is understood as a human right and that a human rights approach is taken to the region-wide concern of citizen insecurity and crime.

On May 19th and 20th, 2016 approximately (20) twenty representatives from (11) eleven Offices of Ombudspersons and related institutions in the Caribbean region (Barbados, Belize, Jamaica, Puerto Rico, St. Lucia and Trinidad and Tobago) and Costa Rica met in Kingston, Jamaica at the Faculty of Law, UWI, Mona to discuss issues of citizen security and human rights, with a focus on the Inter-American Human Rights System.

The seminar was organised by the Inter-American Commission on Human Rights, which was represented by its President, Commissioner James Cavallaro, and Second Vice President, Commissioner Margaret May Macaulay, and the Faculty of Law UWI, Mona. At the end of the seminar, the Ombudspersons and related institutions issued a joint statement on citizen security and human rights.



Participants at the CARICOM Ombudspersons Seminar, May 20, 2016

Front (from left): Omb. Montserrat Solano Carboni (Costa Rica); Miss Kayla Beckford (INDECOM); Omb. The Hon. Donna Parchment Brown (Jamaica); Miss Leah Chavla (IACHR); Commr. Margarette May Macaulay (IACHR); Miss Tracy Robinson (UWI Mona), Mrs Inez Neita Scott (Office of the Public Defender); **Omb. Lynette Stephenson (Trinidad & Tobago)**; Omb. Georgina Candal (Puerto Rico); Dr. Beverly Beckles (Equal Opportunities Commission, Trinidad & Tobago).

Back (from left): Omb. Valton Bend (Barbados); Mr Hamish Campbell (INDECOM); Mr Floyd McNabb (INDECOM); Omb. Flannan Johnson Cenac (St. Lucia); Mr Terrence Williams (INDECOM); Mr Qusedon Jones (Office of the Public Defender); Mr Nigel Morgan (INDECOM); Commr. Hiram Meléndez-Juarbe (IACHR); Mr Justice Henderson Downer, Retired (Office of the Children's Advocate); Mr Dave Lewin (INDECOM); Omb. Lionel Arzu (Belize).

## ACTIVITIES HELD AT THE OFFICE



▲  
Christmas Function held  
in December 2016.



Presentation made by Ombudsman  
Lynette Stephenson, S.C.  
to a group of UTT students  
on November 3rd, 2016. ▼





F E E D B A C K

# 2016

FEEDBACK RESPONSE 2016

*Dear Sir,*

I thank you for your kind assistance in my receipt of:

1. Payment of increase in pension;
2. Payment of arrears of pension;
3. Payment of arrears in gratuity.

The above payments were made by The Comptroller of Accounts and Ministry of Education in October and November 2016. Please convey thanks to members of your staff who were always very courteous and supportive.

*Yours sincerely*

# FREQUENTLY ASKED QUESTIONS (FAQ'S)

## 1. WHAT MUST BE DONE BEFORE A COMPLAINT IS MADE?

- An official complaint must first be lodged in writing within 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:*



Electronic  
(website/email)



Mail/Post



Facsimile (Fax)



In person at any of our  
3 Office locations OR at  
the Monthly Community  
Outreach Visits

- 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

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Schedule of Community Visits

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Extract from the Constitution related to the Office and the Ombudsman

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Ombudsman Act, Chap. 2:52

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

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Map of the Caribbean

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## 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**

# 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"> <li>(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;</li> <li>(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;</li> <li>(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.</li> </ul>

# EXTRACT FROM THE CONSTITUTION OF TRINIDAD AND TOBAGO

ACT NO. 4 OF 1976

Functions of Ombudsman. (Cont'd)		<p>(3) The authorities other than departments of Government to which this section applies are –</p> <ul style="list-style-type: none"> <li>(a) Local authorities or other bodies established for purposes of the public service or of local Government;</li> <li>(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;</li> <li>(c) any authority empowered to determine the person with whom any contract shall be entered into by or on behalf of Government;</li> <li>(d) such other authorities as may be prescribed.</li> </ul>
Restrictions on matters for investigation.	94.	<p>(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.</p> <p>(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.</p> <p>(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.</p>
Third Schedule.		<p>(4) The Ombudsman shall not investigate-</p> <ul style="list-style-type: none"> <li>(a) any action in respect of which the Complainant has or had- <ul style="list-style-type: none"> <li>(i) a remedy by way of proceedings in a court; or</li> <li>(ii) a right of appeal, reference or review to or before an independent and impartial tribunal other than a court; or</li> </ul> </li> <li>(b) any such action, or actions taken with respect to any matter, as is described in the Third Schedule</li> </ul> <p>Notwithstanding subsection (4) the Ombudsman-</p> <p>(5)</p> <ul style="list-style-type: none"> <li>(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;</li> <li>(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).</li> </ul>



# EXTRACT FROM THE CONSTITUTION OF TRINIDAD AND TOBAGO

ACT NO. 4 OF 1976

Discretion of Ombudsman.	95.		<p>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 –</p> <ul style="list-style-type: none"> <li>(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;</li> <li>(b) the subject matter of the complaint is trivial;</li> <li>(c) the complaint is frivolous or vexatious or is not made in good faith; or</li> <li>(d) the complainant has not a sufficient interest in the subject matter of the complaint.</li> </ul>
Report on Investigation.	96.	(1)	<p>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.</p>
		(2)	<p>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.</p>
		(3)	<p>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.</p>
		(4)	<p>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.</p>
		(5)	<p>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.</p>
Power to obtain evidence.	97.	(1)	<p>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.</p>
		(2)	<p>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.</p>

# EXTRACT FROM THE CONSTITUTION OF TRINIDAD AND TOBAGO

ACT NO. 4 OF 1976

PRESCRIBED MATTERS CONCERNING OMBUDSMAN.	98.	(1)	<p>Subject to subsection (2), Parliament may make provision -</p> <p>(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;</p> <p>(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</p> <p>(c) generally for giving effect to the provisions of this Part.</p>
		(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.

# 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)

<b>ENACTMENT</b>	<i>ENACTED by the Parliament of Trinidad and Tobago as follows:</i>
<b>SHORT TITLE</b>	1. This Act may be cited as the Ombudsman Act.
<b>MODE OF COMPLAINT</b>	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.
<b>PROCEDURE IN RESPECT OF INVESTIGATION</b>	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.
<b>EVIDENCE</b>	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

# 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 –</p> <p>(a) might prejudice the security, defence or international relations of Trinidad and Tobago</p> <p>(b) including Trinidad and Tobago relations with the Government of any other country or with any international organizations;</p> <p>(c) will involve the disclosure of the deliberations of Cabinet; or</p> <p>(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>
SECURITY OF INFORMATION	<p>6. A person who performs the functions appertaining to the Office of the Ombudsman or any office or employment there under –</p> <p>(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>



# 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:
SECURITY OF INFORMATION (Cont'd)	(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)
NOTICE OF ENTRY ON PREMISES	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.
DELEGATION OF POWERS	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.
REPORTS	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. 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.
PRESCRIPTION OF AUTHORITIES SUBJECT TO THE OMBUDSMAN'S JURISDICTION	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.
REGULATIONS	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.

## 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.



TRINIDAD & TOBAGO



## THE CARIBBEAN





## NOTES





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OFFICE OF THE  
**OMBUDSMAN**  
TRINIDAD AND TOBAGO

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