

# 41<sup>ST</sup>

ANNUAL REPORT

# 2018



OFFICE OF THE  
**OMBUDSMAN**  
TRINIDAD AND TOBAGO





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June 7th, 2019

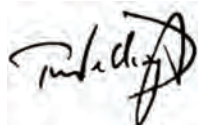
The Honourable Bridgid Annisette-George, MP  
Speaker of the House  
Office of the Parliament  
Tower D, Levels G-7  
Port of Spain International Waterfront Centre  
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Port of Spain

Honourable Speaker,

I have the honour to present the **Forty-first Annual Report** of the Ombudsman, for the period **January 2018 to December 2018**.

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

Yours faithfully,



Patrick Mark Wellington  
OMBUDSMAN  
Republic of Trinidad and Tobago



## OUR VISION

A Public Administration that is accountable, fair and transparent for the benefit of 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

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## Ombudsman's REMARKS

*"We have a duty to listen to citizens, take their problems seriously, and use our authority and investigatory resources to achieve a balance between them and the government - which the people often perceive as being overly powerful."*

Dr. Burgi Volgger (2004-2014),  
Ombudsman of the Autonomous  
Province Bolzano (South Tyrol, Italy)

PATRICK MARK WELLINGTON  
OMBUDSMAN  
REPUBLIC OF TRINIDAD AND TOBAGO

## Ombudsman's Remarks

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The quote from Dr. Volgger epitomises the goal of the Office of the Ombudsman, wherever it operates in the world. While many bring their grievances in the hope of a favourable decision, it must be understood that the main function of the Ombudsman is to provide *an independent and impartial review of administrative decision-making*.

This Office plays a significant role in ensuring that checks and balances are in place, which are required for good governance. The Ombudsman jealously guards his role to act as a neutral body, which means that he is neither an advocate for the aggrieved party nor is he an advocate for the Government Department against which the complaint was made.

As the fourth Ombudsman of Trinidad and Tobago, it is my distinct pleasure to present the forty-first Annual Report, for the period January to December, 2018. In accordance with section 96(5) of the Constitution of the Republic of Trinidad and Tobago, Chap. 1:01, *"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."*

The word 'Ombudsman' is of Swedish origin and the Ombudsman institution, 'Justitieombudsmannen', was first established in Sweden in 1809 to oversee government administration. The title loosely translates as *citizens' defender or representative of the people*.

Indeed, there has been widespread international adoption of the Office of the Ombudsman over the past two decades. Undeniably, the spread of the role of the Ombudsman has paralleled a desire in modern societies to improve access to justice. In fact, New Zealand became the first country in the Commonwealth to adopt the term in 1948.

Since assuming office on March 15, 2018, one of the most conspicuous issues I noted, was the inordinate length of time it takes for a complaint to be resolved. This means that a significant number of cases brought to my Office, remain under investigation from previous years.

I am deeply concerned about the failure of various Ministries, Government Departments and State Agencies to respond to queries within a reasonable timeframe. Naturally, this creates a major hindrance to the timely processing and resolution of complaints. The Ombudsman is often considered a last resort for persons who are overwhelmed by what they consider to be administrative injustices.

Instances of maladministration occur when a Ministry, Government Department or State Agency makes a wrong decision, acts outside its statutory authority or fails to take required action. These include unnecessary delays, bias, failure to follow proper procedures, negligence, wrong decisions and improper service. I wish to reassure the public that we are seeking to diligently expand the public education activities of the Office of the Ombudsman. This is critical in educating and sensitizing members of the public about the roles and functions of the Ombudsman.



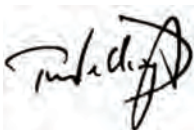
This Office will continue to focus on digital media as a modern and cost-effective avenue of engaging with the society. However, we will use traditional means of staying in touch. In fact, in June 2018, flyers highlighting key information about the role of the Ombudsman were distributed to various communities across Trinidad and Tobago. Additionally, in September 2018, this Office successfully initiated a nationwide outreach, which was geared towards educational institutions. The aim is to continue this drive long-term.

Therefore, my Office looks forward to building stronger and more cordial relationships with Government Departments, so as to improve public administration in Trinidad and Tobago. It is my fervent hope that those Departments do not ignore the valuable recommendations made by this Office, which will redound to the benefit of all. It is also imperative that public officers be more responsive in their day-to-day dealings with members of the public and deliver a high quality of service, at all times. Concerns raised by the public must be addressed with alacrity and public officers must not be dismissive of any issue brought to their attention.

Although the Office of the Ombudsman continues to face many challenges, including human resource deficiencies, we will continue to strive to provide an effective avenue of redress for persons who may feel aggrieved by acts of maladministration meted out by Government Departments. In the same way we appeal to public officers regarding their treatment of concerns brought to their attention, the Office of the Ombudsman will hold itself to the same high standard and ensure that the public is treated with courtesy, confidentiality and integrity.

Allow me to end by saying a hearty thank you to my industrious and committed staff, who have worked tirelessly during the year, to address the needs of the society. Also, my sincere thanks to the many public officers who have rendered assistance to us and continue to do so, as the Office of the Ombudsman seeks to fulfil its mandate, according to the Law.

I thank you.



**Patrick Mark Wellington**  
**OMBUDSMAN**

Republic of Trinidad and Tobago

# Introduction

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## The Office of the Ombudsman

The Office was established under Section 93 (1) 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 Appendix II.*

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** came into effect in 2001 and provides members of the public with a general right of access to official documents in the possession of public sector bodies or 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 38A** (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."

# FIVE THINGS TO KNOW ABOUT YOUR OMBUDSMAN



# AREAS OF CONCERN

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- Commissioner of State Lands (COSL)
- National Insurance Board (NIB)
- Ministry of Education
- Ministry of Health - Regional Health Authorities (RHAs)



# Areas of Concern

## COMMISSIONER OF STATE LANDS (COSL)

The Office of the Commissioner of State Lands (COSL), which falls under the ambit of the Ministry of Agriculture, Lands and Fisheries holds the responsibility for the administration of State Land, including the issuance of licenses, rights of way, special permissions, leases and agreements, the service of eviction notices for squatters, as well as advisory and termination notices to tenants in breach. The Office is also responsible for the issuance of State grants and for the acquisition of privately-owned land for public use.

Section 6 of the State Lands Act, Chap. 57:01 declares that:

- (1) The Commissioner shall have the management of all lands of the State, and shall be charged with the prevention of squatting and encroachment upon the same and of spoil and injury to the woods and forests on such lands, and shall superintend the settlement and allotment of State Lands and the laying out of village lots in such districts as the President from time to time directs.**
- (2) The Commissioner shall also take possession of, and shall be charged with the care and letting and the collection of the rents of, all lands which may belong or escheat to, or which by virtue of any Act may be forfeited to and become vested in, the State.**

The Office of the Ombudsman has received numerous complaints since its inception, regarding land use in Trinidad and Tobago. The Ombudsman received eight (8) new cases against the COSL in 2018, out of which six (6) remain unresolved at the end of the period. Additionally, one hundred and twenty-six (126) cases were brought forward from previous years.

There is an inordinate delay on the part of the COSL to address a number of issues which fall under their mandate. These are as follows:

- Payment of compensation to owners of land compulsorily acquired by the State
- Processing applications and granting new leases for State lands
- Renewal of expired leases
- Taking action against the removal of squatters on State Lands

A Joint Select Committee (JSC) on Land and Physical Infrastructure - Inquiry into the allocation and utilization of state lands for food production, highlighted that *"...there are staffing issues at the Office of the Commissioner of State Lands which has ultimately reduced the efficiency of that department and prevented progress."*

**Source:** Parliament of the Republic of Trinidad and Tobago. JSC on Land and Physical Infrastructure. Public Hearing Summary. "Inquiry into the allocation and utilization of state lands for food production." Tuesday January 17, 2017. [www.ttparliament.org](http://www.ttparliament.org). Web.

## Areas of Concern CONT'D

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Over the years, land matters, particularly as they relate to compensation for the acquisition of land and obtaining/renewing leases for land, have been highlighted as an area of concern in several of the Ombudsman's Annual Reports. The following cases are instructive:

### **CASE ANALYSIS 1:**

*In June 2006, Ms. G sought the assistance of the Ombudsman regarding the delay in obtaining compensation for a portion of her land acquired by the State. She claimed that this was done during the period 1998 to 1999 to facilitate infrastructural development in the Manzanilla/Mayaro area.*

*The Office of the Ombudsman approached the Ministry of Works and Transport and was advised that Ms. G's matter should be pursued with the Commissioner of State Lands (COSL).*

*In 2007, the Ombudsman contacted the COSL for information on this matter and one (1) year later in 2008, the COSL indicated that in 2002, Cabinet had agreed to acquire a portion of land at a fixed sum. However, no payment could be made as the Complainant was not the registered title holder of the land which was utilised for the project. Additionally, the COSL advised that action was being taken to establish whether the Complainant was the legitimate title holder, in order to facilitate payment.*

*Over the years 2009 to 2012, the Ombudsman continued to inquire from the COSL, as it sought resolution of Ms. G's complaint. Not until September 2013, did the COSL inform the Ombudsman that following a Title Search conducted in 2011, it was established that the Complainant was the rightful title holder and therefore claimant for the compensation. Further, the COSL indicated that advice had to be sought from the Office of the Chief State Solicitor (CSS), before payment could be made to Ms. G.*

*The Ombudsman wrote to the CSS for information on the matter and in September 2015, the CSS informed the Ombudsman that in March 2013, the COSL was advised to approach Cabinet with respect to the purchase of the said land.*

*Over the years, despite several communication to COSL to address Ms G's complaint, to date, this matter remains under investigation.*

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**CASE ANALYSIS 2:**

In 2013, Mr. S sought the assistance of the Ombudsman regarding the delay by the Commissioner of State Lands (COSL) in obtaining a lease for State Land. Mr. S stated that in 1989, he purchased a house on a parcel of state land, however, the lease for the land had expired two (2) years prior.

Mr. S claimed that he wrote to the COSL in 2011 seeking assistance and guidance. Additionally, when he visited the division in 2012, he was informed that his application was misplaced and he would be contacted when it was found. Since then, he had been experiencing challenges in having his tenure of land regularized.

Over the years, the Office of the Ombudsman communicated with the COSL on numerous occasions seeking to have the complaint addressed. It was only in May 2018 that the COSL informed the Ombudsman that it was awaiting a response from the Commissioner of Valuations with respect to the matter.

To date, the Ombudsman continues to liaise with the COSL in order to have this complaint resolved.

**RECOMMENDATIONS:**

It is crucial that the problems stemming from the COSL be urgently addressed so as to bring resolution to the many matters which are long overdue. The Office of the Ombudsman receives an iota of feedback from the COSL as it relates to complaints brought against them. Land matters can take a serious toll on the well-being of individuals and their families. It is without a doubt that persons have been distressed as they wait a prolonged period to have their matters attended to by the COSL. The onus is on the COSL to rectify problems which evidently hamper the effective delivery of its services.

In an effort to address these issues, the Office of the Ombudsman recommends the following:

- (a) The implementation of procedures aimed at ensuring that all applications are properly recorded.
- (b) The establishment of a system for tracking each application during the various phases involved in processing the application.
- (c) Greater human resource capacity to address applications in an effective manner.
- (d) The establishment of a system in which applicants are given feedback on the status of their requests.
- (e) The dissemination of information to the public in the form of brochures, posters and by electronic means, outlining the various services offered and the procedures and guidelines for accessing these services.

## Areas of Concern

### NATIONAL INSURANCE BOARD (NIB)

The National Insurance Board of Trinidad and Tobago (NIBTT) is a corporate body established by Act of Parliament No. 35 of 1971.

The National Insurance Board (NIB) is responsible for the operation and administration of this country's National Insurance (NIS) System, which provides protection to insured persons against the economic and social distress, caused by loss of earnings arising out of work-related injuries and other contingencies.

In other words, this body was set up with the aim of paying benefits to persons who register and pay contributions to the National Insurance System. There are seven (7) categories of benefits offered by the NIB. See Figure 1 below.

The Office of the Ombudsman is deeply concerned with the failure of the NIB to address complaints in a timely manner. For several years, the NIB has ranked first as the agency with the highest number of complaints lodged against it.

Complaints against the NIB have also been ventilated via various media platforms. The desperation of persons to have their issues resolved has driven them to publicise their pleas, in the hope of receiving some form of redress.

The Ombudsman has observed that the investigation process of the NIB takes an inordinate amount of time without any significant feedback. Additionally, whenever feedback is received, it is not always in alignment with the actual issues raised by the Complainant. The following case is instructive:



*Figure 1. Categories of Benefits*



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**CASE ANALYSIS:**

*In May 2012, Mrs. L sought the assistance of the Ombudsman regarding the delay by the National Insurance Board (NIB) in the payment of her Retirement Benefit and the non-payment of her National Insurance (NIS) contributions by her employer.*

*Mrs. L claimed that she was employed with Company X during the period October 2003 to August 2011. It was alleged that the Company was not registered with the National Insurance Board (NIB) therefore, did not pay any NIS contributions on her behalf.*

*She indicated that she complained to the NIB in 2011 and again in 2012 about the non-payment of her NIS contributions by Company X. Additionally, in February 2012, she submitted an application to the NIB for her Retirement Benefit.*

*Further, Mrs. L indicated that her services at Company X were terminated after she made a complaint to the NIB about the company's failure to pay her contributions. As a result, she urgently required her Retirement Benefit, since she had no other source of income.*

*In August 2012, the NIB informed the Ombudsman that an investigation was being conducted to determine whether contributions were indeed outstanding from Company X and that the matter would be referred to their Legal Department. It was further stated that in the interim, Mrs. L's claim would be settled as a Retirement Grant, based on her available contributions, pending an investigation into her complaint.*

*Following several communications to the NIB on this matter, in December 2018 the NIB informed the Ombudsman that the said investigation was completed and that Mrs. L's Retirement Grant was calculated and paid to her, bringing resolution to her matter.*

*However, the Ombudsman notes that the NIB has failed to establish the merits of Mrs. L's complaint regarding the non-payment of her NIS contributions by Company X and to inform her of the outcome of such investigation. In fact, the information would provide for the justification of the NIB's position, taken in December 2018, that the Retirement Grant paid to Mrs. L in 2012, would stand.*

*The Office of the Ombudsman has conveyed this position to the NIB and continues to pursue this matter.*

## Areas of Concern CONT'D

A Joint Select Committee (JSC) on Finance and Legal Affairs- An Inquiry into certain aspects of the National Insurance System of Trinidad and Tobago, highlighted key issues as they relate to this System. Some of the issues, which are also of grave concern to the Ombudsman are as follows:

- “The need for NIBTT to improve its oversight of the collection of contributions from employers.
- The need for greater efficiency in the administration of the NIS compliance.
- The complaints from persons experiencing issues in receiving benefits claims from the NIS.
- The need for registration of all employers who are not currently registered or paying the NIS contribution.”

**Source:** *Parliament of the Republic of Trinidad and Tobago. JSC on Finance and Legal Affairs. Public Hearing Summary . “An Inquiry into certain aspects of the National Insurance System of Trinidad and Tobago.” Tuesday December 8, 2017. [www.ttparliament.org](http://www.ttparliament.org). Web.*

Table 1 below illustrates the number of new complaints received by the Office of the Ombudsman against the NIB over a five (5) year period (2014-2018) and the number of new complaints still under investigation at the end of each year.

*Table 1*

YEAR	NO. OF NEW COMPLAINTS	NO. OF NEW COMPLAINTS UNDER INVESTIGATION AT THE END OF EACH YEAR
2018	75	48
2017	65	37
2016	97	71
2015	175	117
2014	240	207

**RECOMMENDATIONS:**

A thorough review of the current system to monitor and ensure compliance of companies’ registration with the NIB for the payment of NIS contributions for employees, needs to be undertaken. The Office of the Ombudsman has observed that complaints as they relate to the non-payment of contributions by employers, have been a predominant issue over the years.

The mission statement of the NIB which states: *“To maximize contributions and pay relevant benefits in a timely manner through good governance and quality customer service from an empowered staff, cutting edge technology, and prudent fund management”* needs to be upheld, so as to ensure greater efficiency in the services offered to the public.



# Areas of Concern

## MINISTRY OF EDUCATION

The Ministry of Education (MoE) continues to be an area of concern for the Office of the Ombudsman. Over the years, the Ombudsman has been liaising with the MoE with respect to complaints lodged by persons who claimed to have suffered injustices as a result of maladministration.

In 2018, the Ombudsman received an additional thirty (30) complaints against the Ministry, of which a total of twenty-six (26) complaints remained unresolved at the end of this period. This, coupled with the previous years' complaints that remain unresolved as at December 31, 2018 amount to seventy-one (71) complaints.

### **DELAY IN THE PAYMENT OF OUTSTANDING MONIES OWED:**

The general issue with the MoE is the lengthy period of time that persons, including teachers, are forced to wait before they receive outstanding monies. These include arrears of salary, increments, preparation of pension and leave records and contract gratuity computations, request for write-off of overpayment reports and other matters relating to the payment of monies owed.

### **RECOMMENDATIONS:**

A proactive approach needs to be adopted by the Ministry so as to improve the level of efficiency in undertaking its roles and responsibilities. This will ensure that the needs of persons who access the various services are dealt with expeditiously. This can be achieved by improving the competency-based staffing capacity within the Ministry.

# Areas of Concern

## MINISTRY OF HEALTH - REGIONAL HEALTH AUTHORITIES



The Office of the Ombudsman has noted that numerous administrative issues continue to exist in the Regional Health Authority (RHA) system in Trinidad. In comparison to other RHAs, the Office of the Ombudsman has observed a greater number of complaints lodged against the North West Regional Health Authority (NWRHA).

In 2018, forty (40) complaints were received against the NWRHA, with a total of twenty-six (26) complaints remaining under investigation for the said period. As opposed to the NWRHA, six (6) complaints were received against the other RHAs, with five (5) complaints still being pursued by the Ombudsman.

### **DELAY IN THE PAYMENT OF OUTSTANDING MONIES OWED:**

Over the years, the Ombudsman has recognized that the delay in the payment of outstanding monies owed to persons, forms the majority of complaints received against the NWRHA. Instances of non-payment of arrears of salary and increments amount to the bulk of complaints.

### **LACK OF PROPER RECORD KEEPING:**

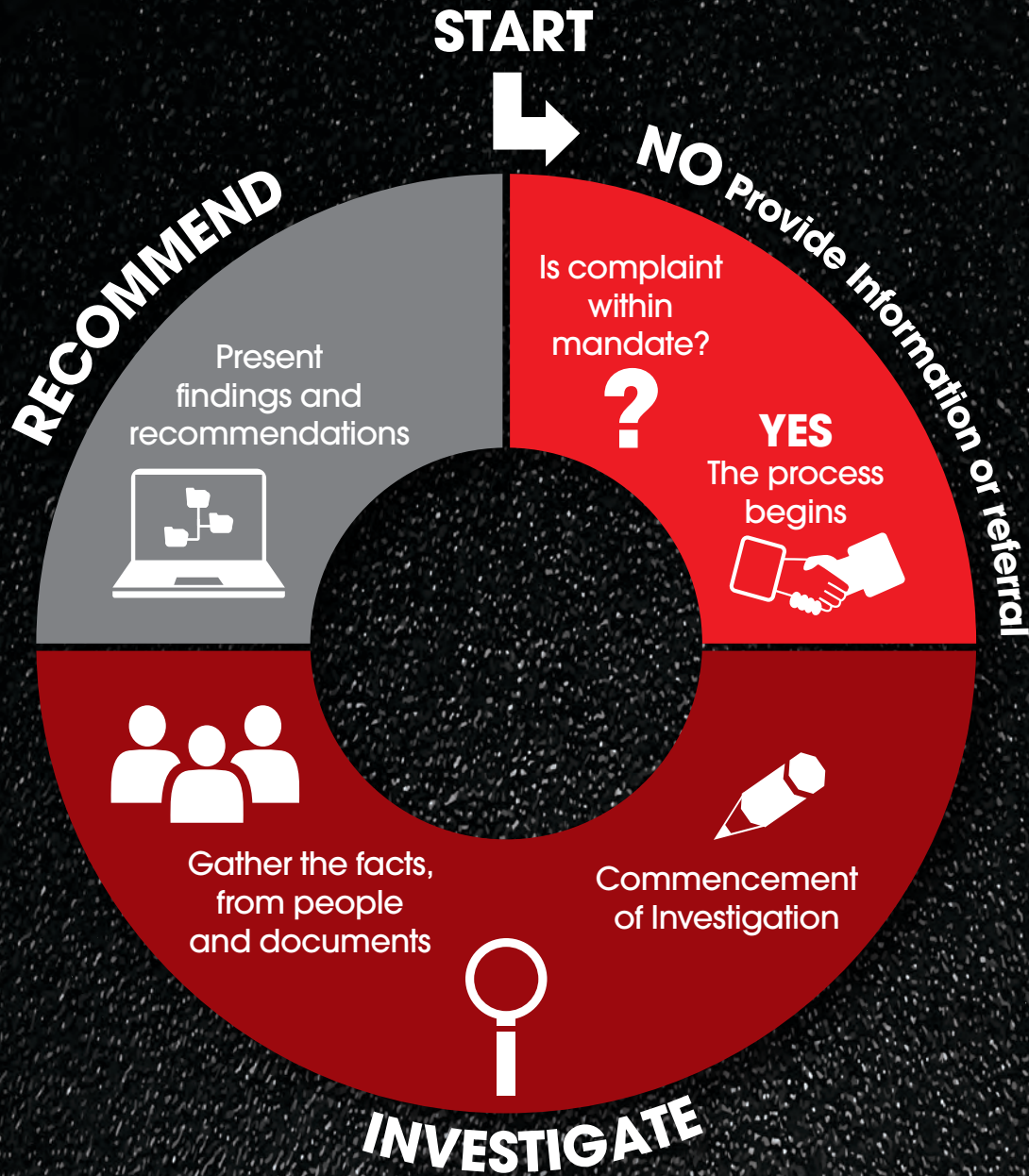
The medical record filing system at the NWRHA is a serious problem which needs to be addressed. There have been numerous complaints to the Office of the Ombudsman regarding the inability of the Authority to fulfil requests for medical records. There are instances where patients who request their medical records, have to wait months and even years to obtain their documents.

### **RECOMMENDATIONS:**

An important aspect of the healthcare sector is the maintenance of patients' medical records, since this has a serious impact on the patients' medical history and to ensure transparency. Therefore, proper record keeping cannot be ignored. The NWRHA, in particular, as well as the other RHAs need to implement an effective records management system that would allow for the easy retrieval of medical and other administrative records.

Additionally, the RHAs should give serious consideration to the implementation of an administrative structure that would facilitate a stronger management structure aimed at reducing deficiencies and improving the human resource capacity, which are fundamental facets in the delivery of quality healthcare in Trinidad and Tobago.

# THE COMPLAINTS PROCESS



# THE OMBUDSMAN'S CASEBOOK

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## **SUMMARY:**

- **CASE 1: AN ELUSIVE MEDICAL REPORT**
- **CASE 2: BEATING AROUND THE BUSH**
- **CASE 3: WAITING IN VAIN**
- **CASE 4: THE CURIOUS CASE OF MRS. T'S PASSPORT**
- **CASE 5: THE CASE OF MISSING KITCHEN EQUIPMENT**





## THE OMBUDSMAN'S CASEBOOK

### CASE 1: AN ELUSIVE MEDICAL REPORT

In September 2018, Mr. P sought the assistance of the Ombudsman regarding the unreasonable delay on the part of the Ministry of Health, in providing him with a Medical Report.

In May 2017, one year prior, cataract surgery was performed on Mr. P's left eye at a private medical institution, through the Ministry of Health's, External Patient Programme (EPP). However, soon after the surgery, he started to experience pain in that eye, in spite of taking prescribed painkillers.

The next day, after visiting the physician to remove the bandages, Mr. P indicated that he lost almost all vision in the eye within minutes of leaving the office. The physician's secretary advised that what he was experiencing was normal and that he should go home and rest.

Four days later, with no relief, Mr. P made a decision to visit the Accident and Emergency Department of the San Fernando General Hospital (SFGH) to seek treatment. Test results there, revealed that he had suffered Left Corneal Decomposition, secondary to surgical complication. It was recommended that this problem be brought to the attention of the Ministry. Although numerous attempts were made to contact the Ministry during the remaining months of 2017 and on several occasions in 2018, this proved to be unsuccessful.

In June 2018, Mr. P then made a request under the Freedom of Information Act (FOIA), Chap. 22:02, for correspondence from the attending physician attached to the Ministry, concerning his medical care and treatment.

Two months later, in August 2018, the Ministry claimed that Mr. P did not present himself for a

medical to be completed and as such, no report was received by their External Patient Programme. Moreover, the Ministry provided copies of emails between them and the attending physician to Mr. P in order to justify its position.

A perusal of the said emails by the Office of the Ombudsman, revealed that Mr. P did in fact visit the attending physician in December 2017 for the medical to be completed and the physician was to submit a report to the Ministry.

Subsequently, Mr. P made another request under the FOIA for a full Medical Report of the surgery. Although, copies of his application for the surgery and a Certificate of Completion were provided by the Ministry, no Medical Report was received.

Following a meeting with Ministry Officials, Mr. P was provided with a letter from the attending physician, which was addressed to the Programme Director, External Patient Programme. However, this request still did not meet with Mr. P's satisfaction since the letter did not follow the format of a Medical Report.

It was not until December 2018, after the Office of the Ombudsman again highlighted his concern, did the Ministry state that the duly formatted Medical Report was completed and ready for delivery to Mr. P, which he eventually received.

**FOOTNOTE:** While the matter concerning the Medical Report may be considered resolved, since Mr. P received the Report, there continues however, to be a concern with respect to the injury he sustained under the EPP and the lack of care and respect given to Mr. P by the staff of the Ministry.





## THE OMBUDSMAN'S CASEBOOK

**CASE 2: BEATING AROUND THE BUSH**

Mr. R was employed as a daily-rated Checker with the Couva/Tabaquite/Talparo Regional Corporation (CTTRC) for a period of thirty-three (33) years, from 1975 to 2008. He was granted three (3) years no-pay leave in order to accept employment on a contractual basis as a Disaster Management Coordinator at the said Corporation, with effect from December 01, 2008. Mr. R continued to serve in this position for a period of five (5) years and four (4) months until his death on April 24, 2014, at the age of fifty-seven (57) years.

The Corporation submitted Mr. R's information to the Comptroller of Accounts (COA) for the processing of his Death Benefit. However, the COA advised the Corporation that since Mr. R had not retired prior to his accepting employment on a contractual basis, his Legal Personnel Representative, Mrs. R was not eligible for the payment of any death benefits, in accordance with the **Pensions Act, Chapter 23:52 Regulation 14(4)(b)** which states that *"three (3) or more consecutive non-effective years shall be a bar to the inclusion of any previous service..."*

Mrs. R claimed that she subsequently referred the matter to the Personnel Department, as she sought to obtain clarification of the COA's position. In March 2016, the Personnel Department advised the COA that in accordance with a previous Industrial Court Judgement, Mr. R's estate was entitled to payment of the benefit. However, no response was received from the COA.

It was not until June 2016, Mrs. R approached the Ombudsman for assistance with respect to the delay by the COA in responding to a query regarding her eligibility for the payment of a Death Benefit on behalf of her deceased husband, Mr. R.

After many attempts were made by the Office of the Ombudsman to obtain feedback, representatives from both the Comptroller of Accounts and the Personnel Department were summoned to appear before the Ombudsman on October 04, 2016 to treat with the matter.

At that meeting, the Ombudsman recommended that the COA arrange a meeting, along with representatives from the Personnel Department and the Solicitor General's Department for further guidance on Mrs. R's matter. Several reminders were sent to the COA requesting an update, following the recommendation and one (1) year later, in October 2017, the Office of the Ombudsman was informed that Mr. R's file was being reviewed and additional advice was being sought.

In January 2018, the Personnel Department informed the Office of the Ombudsman that the COA had authorized the payment of death benefits in the sum of **One Hundred and Thirty-Seven Thousand and Thirty dollars and Twenty-Five cents (\$137,030.25)** which was due to Mrs. R. She confirmed that the money was paid to her.

**FOOTNOTE:** *It should be noted that subsequent to the investigation and resolution of Mrs. R's matter, this Office was informed in writing by the Personnel Department that "...several other persons, who were being denied their terminal benefits in circumstances similar to Mrs. R, due to a misrepresentation of the law by an officer of the Department, are now also being paid." The Office of the Ombudsman is hopeful that instances of this nature do not occur in the future.*



## THE OMBUDSMAN'S CASEBOOK

### CASE 3: WAITING IN VAIN

Mr. J sought the assistance of the Ombudsman in September 2015 regarding the delay by the Comptroller of Accounts (COA) in processing his gratuity payment. In 1994, following his retirement as a monthly paid Watchman, the Ministry of Education submitted all required documents to the COA in order to facilitate the processing of his pension and gratuity benefits.

Mr. J further stated that although he had been in receipt of his pension since 1995, his gratuity payment remained outstanding. Mr. J's efforts over the past twenty-four (24) years to have his matter addressed by the COA, proved to be futile.

In November 2017, after several reminders were sent over a period of two (2) years to the COA, the Office of the Ombudsman was verbally informed that Mr. J's matter was being researched by the Supervisor of the Reconciliation Section and that a decision would have to be taken with respect to the way forward.

However, subsequent to that response, no further update was proffered to the Ombudsman's Office. It should also be noted that during the investigation of Mr. J's matter, since September 2015, no official response, in writing was ever received from the COA.

Due to the long outstanding delay, the Treasury Executive II (Ag.), Treasury Director (Ag.) and Head, General Ledgers Section of the COA were summoned to appear before the Ombudsman on Tuesday 18th September, 2018 to treat with the matter.

To date, no further feedback has been received on this matter.

Mr. J is now eighty-four (84) years old.

## THE OMBUDSMAN'S CASEBOOK

**CASE 4: THE CURIOUS CASE OF MRS. T'S PASSPORT**

In April 2018, Mrs. T sought the assistance of the Ombudsman regarding the delay by the Immigration Division, Ministry of National Security in addressing an issue of negligence with respect to a misplaced passport.

Four (4) years prior, in 2014, Mrs. T made an application for the renewal of her Trinidad and Tobago (T&T) passport. However, she was informed by the Division that she was denied, on the grounds that *she had lost her T&T citizenship because of her marriage to a T&T citizen, who was of Venezuelan descent.*

Subsequently, on February 26, 2015, an Immigration Officer retained Mrs. T's passport, which contained her United States (U.S.) Visa, which was valid until 2024, pending the determination of her entitlement to citizenship in T&T.

Having submitted all relevant documents as requested by the Division in 2017, Mrs. T was informed after an investigation, that *she had not in fact lost her citizenship.* As such, she was granted a new machine-readable passport,

since the Division, despite numerous searches, was unable to locate and return the previously retained passport to her.

Additionally, Mrs. T claimed to have experienced severe inconvenience caused by the unavailability of her U.S. Visa for travel abroad and requested the Immigration Division reimburse any fees required to obtain a new Visa.

On August 29, 2018, after several conversations with the Immigration Division, the Office of the Ombudsman was informed that approval was given for the reimbursement of the cost of Mrs. T's new Visa application at the United States Embassy.

A certified cheque for the sum of **One Thousand, One Hundred dollars (\$1,100.00)** was issued in Mrs. T's name, which she collected on August 27, 2018.

This matter was resolved.

**FOOTNOTE:** *The Immigration Division did in fact admit to maladministration, pertaining to Mrs. T's matter.*

## THE OMBUDSMAN'S CASEBOOK

### CASE 5: THE CASE OF MISSING KITCHEN EQUIPMENT

In 1981, Ms. E, who managed a catering service was contracted by the Trinidad and Tobago Police Service (TTPS) to provide meals for Trainees at the Police Training Academy, St. James.

In 2004, the Training Academy was closed for repairs and Ms. E left her kitchen equipment with the expectation that she would resume operations when those repairs were completed. She continued to provide her services at the new location, the El Dorado Training Camp.

However, upon her return to the Training Academy in St. James, Ms. E realised that her kitchen equipment had gone missing. After several failed attempts to locate the equipment, she submitted a claim for compensation for the value of the items, which amounted to Seventy-Five Thousand, Four Hundred and Ten dollars (\$75,410.00).

However, her efforts proved to be unsuccessful. Ms. E's contract with the TTPS was terminated at the end of July 2007.

In March 2012, Ms. E sought the assistance of the Ombudsman regarding the delay by the TTPS in compensating her for the lost equipment. During the period, several correspondences were sent to both the Commissioner of Police and the Permanent Secretary, Ministry of National Security.

The Office of the Ombudsman was informed by letter dated August 15, 2014, that the Commissioner of Police advised the following:

***"A recommendation to compensate Ms. E. was forwarded to the Solicitor General's Office. However, a response is still outstanding."***

Subsequent to this advice, it should be noted that numerous attempts were made by the Office of the Ombudsman to receive an official response from the Solicitor General's Office, but to no avail. To date, this matter is still on-going.

Ms. E is now ninety (90) years old.

## THE FIVE MOST COMMON OMBUDSMAN ISSUES

# 1

### POOR COMMUNICATION

- Written communications unclear and 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

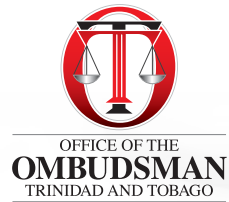
- Wrong
- Unfair
- Unreasonable
- Unexplained

# 5

### UNREASONABLE DELAY

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





# THE STORY IN NUMBERS

## **SUMMARY: OVERVIEW OF INVESTIGATIONS FOR 2018**

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

**TABLE I**  
TOTAL NUMBER OF CASES BROUGHT FORWARD TO 2018,  
TOGETHER WITH NEW COMPLAINTS RECEIVED IN THE SAME YEAR

**TABLE II**  
TOTAL NUMBER OF NEW COMPLAINTS RECEIVED FOR THE PERIOD 2018

**TABLE III**  
OVERVIEW OF NEW COMPLAINTS RECEIVED AGAINST  
MINISTRIES/GOVERNMENT DEPARTMENTS/AGENCIES,  
FOR THE PERIOD JANUARY TO DECEMBER 2018

**FIGURE II**  
TOP FIVE (5) OFFENDERS FOR 2018

# The Story in Numbers

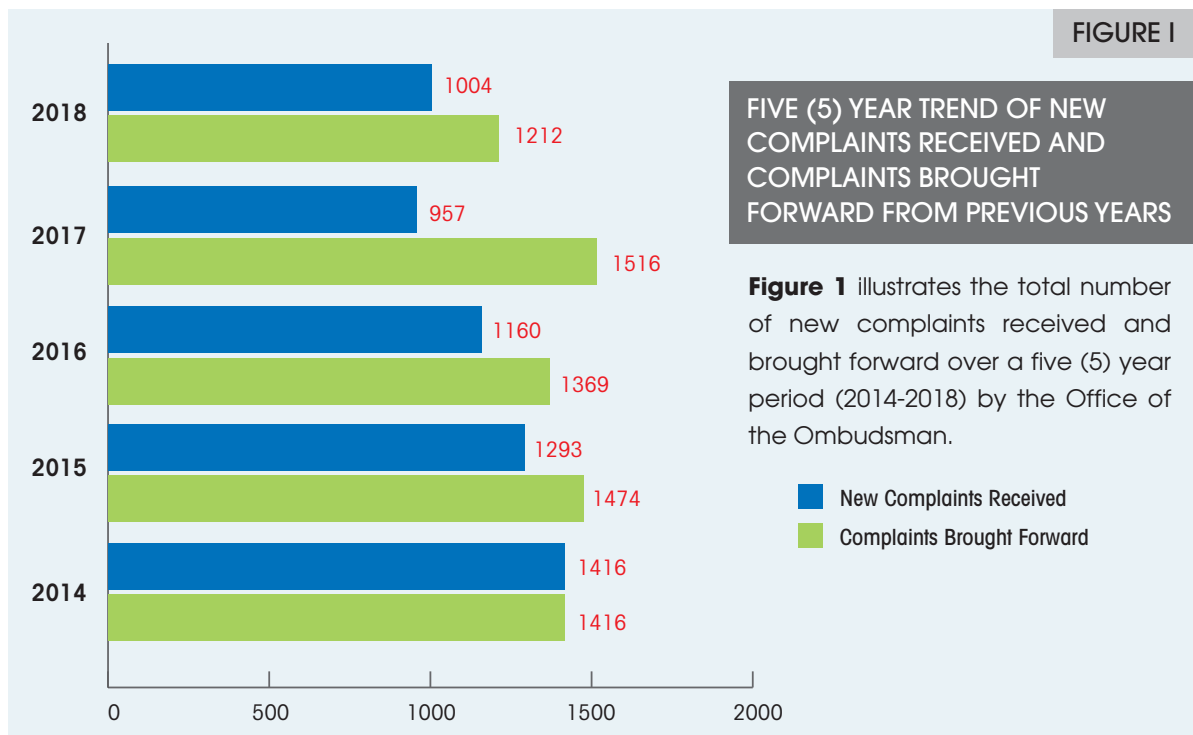
## STATISTICAL REPORT FOR THE PERIOD JANUARY TO DECEMBER 2018

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 had merit and was resolved
- **Withdrawn/Discontinued** - The Office took the decision to cease pursuit of the matter for a number of reasons

### OVERVIEW OF INVESTIGATIONS FOR 2018

During the period January to December 2018, the Office of the Ombudsman managed a volume of two thousand, two hundred and sixteen (2,216) complaints. This figure comprised one thousand and four (1,004) new complaints and one thousand, two hundred and twelve (1,212) complaints which were brought forward from previous years. For this same reporting period last year, it was observed that the number of new complaints received by the Office increased by forty-seven (47) or 4.9% and the number of cases brought forward during this same period last year, decreased by three hundred and four (304) or 20.1%. See **Figure I**.





**Table I** below illustrates the total number of cases brought forward to 2018, together with new complaints received in the same year. It can be seen that a total of eight hundred and sixty-three cases (863) or 50.2% were under investigation as at December 31, 2018.

**TABLE 1**

	NUMBER	PERCENTAGE (%)
Total number of complaints brought forward from previous years	1,212	
Total number of complaints received in 2018	1,004	
<b>TOTAL</b>	<b>2,216</b>	<b>100</b>
Less total number of complaints without jurisdiction (Private)	(92)	4.2
Less enquiries/referrals	(381)	17.2
Less total Freedom of Information Act matters	(23)	1.0
Total number of complaints pursued	1,720	77.6
Total number of complaints concluded	(857)	49.8
*Complaints sustained	439	25.5
*Complaints not sustained	20	1.2
*Complaints withdrawn/discontinued	336	19.5
*Complaints advised	51	3.0
*Complaints with no jurisdiction	11	0.6
<b>TOTAL NUMBER OF COMPLAINTS UNDER INVESTIGATION AS AT DECEMBER 31, 2018</b>	<b>863</b>	<b>50.2</b>

**Table II** shows that in 2018, investigations were pursued on five hundred and thirty-one (531) new complaints. Twenty-three (23) matters, which fell under the Freedom of Information Act (FOIA) are included in this figure. At year end, a total of one hundred and seventy-eight (178) of these cases had been resolved, including twenty-three (23) of the FOI matters. Therefore, a total of three hundred and fifty-three (353) cases or 69.5% remained unresolved as at December 31, 2018.

**TABLE 2**

	NUMBER	PERCENTAGE (%)
Total number of complaints received in 2018	1,004	100
Less total number of complaints without jurisdiction (Private)	(92)	9.2
Less enquiries/referrals	(381)	37.9
Less total Freedom of Information Act matters	(23)	2.3
Total number of complaints pursued	508	50.6
Total number of complaints concluded	(155)	30.5
*Complaints sustained	77	15.2
*Complaints not sustained	3	0.6
*Complaints withdrawn/discontinued	55	10.8
*Complaints advised	20	3.9
*Complaints with no jurisdiction	0	0.0
<b>TOTAL NUMBER OF COMPLAINTS UNDER INVESTIGATION AS AT DECEMBER 31, 2018</b>	<b>353</b>	<b>69.5</b>

## The Story in Numbers CONT'D

**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 2018. It also illustrates their current status at the end of the reporting period.

MINISTRIES/ GOVERNMENT DEPARTMENTS /AGENCIES	ADVISED	NO JURISDICTION	NOT SUSTAINED	SUSTAINED	UNDER INVESTIGATION	WITHDRAWN/ DISCONTINUED	TOTAL
<b>AGRICULTURE, LAND AND FISHERIES</b>							<b>21</b>
• General	0	0	0	2	8	3	13
• Commissioner of State Lands	0	0	0	0	6	2	8
<b>ATTORNEY GENERAL AND LEGAL AFFAIRS</b>							<b>6</b>
• General	0	0	0	1	2	2	5
• Legal Aid and Advisory Authority	0	0	0	0	0	1	1
<b>COMMUNITY DEVELOPMENT, CULTURE &amp; THE ARTS</b>							<b>7</b>
• General	0	0	0	0	3	0	3
• National Commission For Self Help	0	0	0	0	3	1	4
<b>EDUCATION</b>							<b>30</b>
• General	0	0	0	1	26	3	30
<b>ELECTIONS AND BOUNDARIES COMMISSION</b>	0	0	0	1	0	0	<b>1</b>
<b>ENERGY AND ENERGY INDUSTRIES</b>							<b>2</b>
• General	0	0	0	0	2	0	2
<b>ENVIRONMENTAL MANAGEMENT AUTHORITY</b>	1	0	0	1	3	0	<b>5</b>
<b>FINANCE</b>							<b>34</b>
• General	3	0	0	10	14	3	30
• Comptroller of Accounts	0	0	0	1	1	0	2
• Inland Revenue	0	0	0	0	2	0	2
<b>FOREIGN AND CARICOM AFFAIRS</b>							<b>2</b>
• General	0	0	0	0	2	0	2
<b>HEALTH</b>							<b>76</b>
• General	0	0	0	2	10	2	14
• North Central Regional Health Authority	1	0	0	0	0	0	1
• North West Regional Health Authority	0	0	1	10	26	3	40
• Public Health	0	0	0	1	13	2	16
• South West Regional Health Authority	0	0	0	0	5	0	5
<b>HOUSING AND URBAN DEVELOPMENT</b>							<b>17</b>
• General	0	0	0	0	2	1	3
• Housing Development Corporation (HDC)	0	0	0	1	12	0	13
• Land Settlement Agency	0	0	0	0	1	0	1
<b>JUDICIARY</b>	1	0	0	3	12	4	<b>20</b>
<b>LABOUR &amp; SMALL ENTERPRISE DEVELOPMENT</b>							<b>3</b>
• General	1	0	0	0	2	0	3
<b>MAGISTRACY</b>	0	0	0	1	2	0	<b>3</b>
<b>NATIONAL INSURANCE BOARD (NIB)</b>	1	0	0	20	48	6	<b>75</b>
<b>NATIONAL SECURITY</b>							<b>41</b>
• General	1	0	0	1	5	0	7
• Coast Guard	0	0	0	0	1	0	1
• Fire Services	0	0	0	0	2	1	3
• Immigration	1	0	0	2	4	0	7
• Police Service	1	0	0	2	11	1	15
• Prison Service	0	0	1	0	6	1	8

**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 2018. It also illustrates their current status at the end of the reporting period.

MINISTRIES/ GOVERNMENT DEPARTMENTS /AGENCIES	ADVISED	NO JURISDICTION	NOT SUSTAINED	SUSTAINED	UNDER INVESTIGATION	WITHDRAWN/ DISCONTINUED	TOTAL
<b>OFFICE OF THE PRIME MINISTER</b>	0	0	0	0	1	0	<b>1</b>
<b>OFFICE OF THE PRESIDENT</b>	0	0	0	1	0	0	<b>1</b>
<b>PLANNING AND DEVELOPMENT</b>							<b>6</b>
• General	0	0	0	0	1	0	1
• Town And Country Planning Division	0	0	0	0	3	2	5
<b>PUBLIC ADMINISTRATION &amp; COMMUNICATIONS</b>							<b>4</b>
• General	1	0	0	0	2	1	4
<b>PUBLIC UTILITIES</b>							<b>10</b>
• TTPOST	0	0	0	3	3	0	6
• WASA	0	0	0	0	4	0	4
<b>RURAL DEVELOPMENT &amp; LOCAL GOVERNMENT</b>							<b>48</b>
• General	0	0	0	2	34	4	40
• Borough Corporations	1	0	0	0	1	0	2
• City Corporations	0	0	0	0	0	1	1
• Regional Corporations	0	0	0	0	5	0	5
<b>SERVICE COMMISSIONS DEPARTMENT</b>	1	0	0	2	3	1	<b>7</b>
<b>SOCIAL DEVELOPMENT AND FAMILY SERVICES</b>							<b>38</b>
• General	2	0	1	2	23	7	35
• Social Welfare Division	0	0	0	0	2	1	3
<b>SPORT AND YOUTH AFFAIRS</b>							<b>1</b>
• General	0	0	0	1	0	0	1
<b>TOBAGO HOUSE OF ASSEMBLY</b>							<b>28</b>
• General	0	0	0	0	2	0	2
• Finance and the Economy	0	0	0	0	1	0	1
• Food Production, Forestry and Fisheries	0	0	0	2	2	0	4
• Health, Wellness and Family Development	0	0	0	1	9	0	10
• Infrastructure, Quarries and the Environment	1	0	0	1	7	0	9
• Sport and Youth Affairs	0	0	0	0	2	0	2
<b>WORKS AND TRANSPORT</b>							<b>21</b>
• General	2	0	0	2	9	2	15
• National Maintenance Training & Security Company Ltd. (MTS)	0	0	0	0	2	0	2
• Port Authority of Trinidad and Tobago	1	0	0	0	0	0	1
• Unemployment Relief Programme (URP)	0	0	0	0	3	0	3
<b>SUB-TOTAL</b>	<b>20</b>	<b>0</b>	<b>3</b>	<b>77</b>	<b>353</b>	<b>55</b>	<b>508</b>
<b>FREEDOM OF INFORMATION ACT, Chap. 22:02</b>							<b>23</b>
<b>ENQUIRIES/REFERRALS</b>							<b>381</b>
<b>PRIVATE MATTERS</b>							<b>92</b>
<b>TOTAL</b>							<b>1,004</b>

## The Story in Numbers CONT'D

### TOP 5 OFFENDERS FOR 2018

The Office of the Ombudsman continuously monitors the number of complaints received by each Ministry/Government Department/State Agency. For the period January to December 2018, the Ministry of Health was ranked as the Ministry with the highest number of complaints recorded against it. In 2017, the Office of the Ombudsman received a total of forty-eight (48) complaints and in 2018 that number grew to seventy-six (76), resulting in a movement from 3rd place to 1st place. This ranking was followed by the National Insurance Board (NIB), which had a 1st place ranking for the past six (6) years, the Ministry of Rural Development and Local Government, the Ministry of National Security and the Ministry of Social Development and Family Services.

**FIGURE II** below illustrates the top five (5) Ministries/Government Departments/State Agencies with the highest number of complaints.



**FIGURE II**

# CONFERENCES AND WORKSHOPS

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## Conferences and Workshops

### **Workshop for the Prevention of Corruption in Public Procurement**

On October 10th and 11th, 2018, the Ombudsman attended a "Workshop for the Prevention of Corruption in Public Procurement". The workshop was delivered by the United Nations Office on Drugs and Crime (UNODC), with the support of the Government of Canada and the Integrity Commission of Trinidad and Tobago, in Port of Spain, Trinidad and Tobago.

The workshop was aimed at building capacity amongst state institutions and the private sector, through knowledge of the principles established by the United Nations Convention against Corruption (UNCAC), the exploration of international best practices and an analysis of specific tools to manage public procurement effectively.

During the training, the standards of public procurement within the United Nations Secretariat and the Panama Canal Authority were discussed, allowing participants to learn about applying rules on acquisition planning, specifications drafting, low value acquisitions, long term agreements, formal methods of solicitation and contracts' administration, among others.

Furthermore, an overview of the local public procurement system and legislative amendments under discussion, were delivered by Mr. Moonilal Lachan, Chairman and Procurement Regulator of the Office of the Procurement Regulation.

The training was conducted by Mr. Tommaso Mussoni, Chief of the Procurement Unit of UNODC ROPAN; Mrs. Regina Donelson, Procurement Officer of the Panama Canal Authority; and Ms. Cristina Ritter, Legal Expert of UNODC ROPAN. Twenty-five (25) participants from the public sector benefitted from the training.



*Participants at the Workshop*

# COMMUNICATIONS AND OUTREACH

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## Communications and Outreach

### COMMUNICATIONS:

It is essential for every organisation to effectively communicate information with its target audience. This can be done through public education activities.

Several attempts continue to be made to increase the public education activities of the Office of the Ombudsman, despite human resource and financial challenges. These are as follows:

#### Traditional Media:

- **Brochures:** In April 2018, the Office of the Ombudsman once again revised its brochure to provide members of the public with more detailed information. A sample of the brochure is shown. ▶

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



OFFICE OF THE  
**OMBUDSMAN**  
TRINIDAD AND TOBAGO

"Need help handling a  
problem with a  
Government Department  
or State Agency?"

THE OMBUDSMAN  
May be able to help YOU!

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



• **Flyer Distribution via the Trinidad and Tobago Postal Corporation (TTPOST):** TTPPOST, which offers a range of distinct postal solutions as part of its Direct Marketing Services was outsourced for the distribution of flyers. This initiative was pursued to increase public education and awareness about the services provided by the Office of the Ombudsman across Trinidad and Tobago. A sample of the Flyer is highlighted below.

OFFICE OF THE  
**OMBUDSMAN**  
TRINIDAD AND TOBAGO

**Need help handling a problem with a Government Department or State Agency?**  
The **OMBUDSMAN** may be able to help you!

The Ombudsman investigates complaints from members of the public who believe they have been unfairly treated by Ministries/Government Departments/State Agencies.

**SOME OF THE COMPLAINTS WHICH THE OMBUDSMAN INVESTIGATES:**

- Delay by Local Government Corporations in constructing, repairing and maintaining roads and drains;
- Delay by Government Departments in processing and paying gratuity and pension benefits.
- Delay by the National Insurance Board (NIB) in processing claims for NIS benefits.
- Delays in obtaining birth certificates, passports, medical reports; etc.
- 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.

**HOW TO LODGE A COMPLAINT?**

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

**Electronic**  
(email)

**Mail/Post**

**In person**  
at any of our 3 full time Offices  
OR at our Monthly Community Outreach Programmes

Your complaint should include: Name; Residential/Mailing Address; Telephone contact; Email address (optional); Summary of your issue.

**CALL/VISIT US AT OUR FULL TIME OFFICES:**

<p><b>HEAD OFFICE</b> International Waterfront Centre, Level 12, Tower D, 1A Wrightson Road, Port of Spain Telephone: (868) 624-3121 Email: feedback@ombudsman.gov.tt</p>	<p><b>SAN FERNANDO REGIONAL OFFICE</b> 1st Floor, FinGroup Place 11-13 Kelshall Street, San Fernando Telephone: (868) 652-6786 Email: sandoregion@ombudsman.gov.tt</p>	<p><b>TOBAGO REGIONAL OFFICE</b> Caribana Building Bacolet Street, Scarborough, Tobago Telephone: (868) 639-1302 E-mail: tgorgion@ombudsman.gov.tt</p>
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The Office also conducts Outreach Programmes **ONCE A MONTH** from 9:00 a.m. to 12 noon at the following Municipal Corporations:

- Siparia Regional Corporation- 3rd Monday
- Chaguanas Borough Corporation- 2nd Friday
- Point Fortin Borough Corporation -2nd Wednesday
- Sangre Grande Regional Corporation- Last Tuesday
- Mayaro/Rio Claro Regional Corporation - Last Thursday
- Couva/Tabaquite/Talparo Regional Corporation - 3rd Wednesday

All complaints to the Ombudsman are treated with **CONFIDENTIALITY**.  
Services are **FREE OF CHARGE!**

# Communications and Outreach CONT'D

**Social Media:**

- **Website:** The Office of the Ombudsman is currently in the process of enhancing its website ([www.ombudsman.gov.tt](http://www.ombudsman.gov.tt)). The aim is to better convey helpful information to the public and to ensure convenience at the “click of a button.”
- **Facebook:** In October 2016, the Office of the Ombudsman began utilising Facebook and it continues to be an effective and inexpensive form of advertising. The page entitled “Office of the Ombudsman of Trinidad and Tobago” is gaining popularity amongst the online community and provides up-to-date information on current events and news about the Office. Anyone who is interested in learning more about this Office can access our Facebook page at [www.facebook.com/tombudsman](http://www.facebook.com/tombudsman).



Website



Facebook Page

**OUTREACH:****• Monthly Community Outreach:**

The Office of the Ombudsman engages in outreach activities in communities across the country, to ensure that members of the public have easy access to its services. These outreach activities were conducted once a month in the following areas:

- Point Fortin
- Rio Claro
- Siparia
- Couva
- Chaguanas
- Sangre Grande

For the period January to December 2018, the Office received a total of one hundred and forty-five (145) complaints about Ministries/Government Departments/Agencies. A total of eighteen (18) complaints were received from Point Fortin; twenty-six (26) from Rio Claro; twenty-six (26) from Siparia; fourteen (14) from Couva; twenty-one (21) from Chaguanas and forty (40) from Sangre Grande. Table I below illustrates this information.

**TABLE 1**

MONTHS 2018	POINT FORTIN	RIO CLARO	SIPARIA	COUVA	CHAGUANAS	SANGRE GRANDE	TOTAL
JANUARY	7	3	3	0	0	2	<b>15</b>
FEBRUARY	3	1	4	0	2	1	<b>11</b>
MARCH	0	0	1	1	3	6	<b>11</b>
APRIL	0	0	1	0	2	5	<b>8</b>
MAY	0	1	2	1	0	0	<b>4</b>
JUNE	1	3	2	1	2	2	<b>11</b>
JULY	0	6	2	4	2	8	<b>22</b>
AUGUST	4	2	2	1	2	0	<b>11</b>
SEPTEMBER	0	1	3	4	4	6	<b>18</b>
OCTOBER	1	1	2	0	2	5	<b>11</b>
NOVEMBER	2	8	4	2	2	5	<b>23</b>
DECEMBER	NO VISIT	NO VISIT	NO VISIT	NO VISIT	NO VISIT	NO VISIT	NO VISIT
<b>GRAND TOTAL</b>	<b>18</b>	<b>26</b>	<b>26</b>	<b>14</b>	<b>21</b>	<b>40</b>	<b>145</b>

## Communications and Outreach CONT'D

- **Participation at the Consortium of Disability Organisations**

- **Parent Advocacy Training Programme:**

The Consortium of Disability Organisations (CODO) is an umbrella organisation for disability in Trinidad and Tobago. One of their focus areas includes developing Disability Human Rights advocates.

In April 2018, the Office of the Ombudsman was invited to conduct an interactive session with the parents of children with disabilities, at which the roles and functions of the Office were highlighted. The programme was entitled "Using State Tools for Advocacy and Recourse."



**• Public Education and Awareness Outreach at Secondary Schools:**

In 2018, the Office embarked on a nationwide drive to increase public education and awareness about the Office of the Ombudsman. This included conducting a series of Outreach Programmes geared towards the Caribbean Advanced Proficiency Examination (CAPE) Level students, across Trinidad and Tobago. The theme of this programme was “THE OMBUDSMAN AND YOU!”

The schools visited in 2018 included the following:

**Trinity College, Moka, Maraval – September 2018**



**Waterloo High School, Carapichama - September 2018**



**Naparima College, San Fernando - November 2018**

*(students from Marabella North Secondary School and St. Joseph's Convent, San Fernando were also present)*



# FEEDBACK RESPONSE 2018

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Good Evening,

I would like to say special thanks to the Office of the Ombudsman for resolving my complaint in a timely manner.

For over three years since assuming duties, nothing was done to address my issues and I am very impressed that your office was able to get things done in such a timely manner.

I am very grateful for your assistance in my matter and I hope that the powers of your office could be advertised throughout the entire public service, so that others can know of the role and function of your office.

At least over thirty public servants like myself were able to have our issues resolved.

Thank you again.



# Frequently Asked Questions (FAQs)

## 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 CANNOT 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.

# APPENDICES

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## **Appendix I**

Schedule of Community Visits

## **Appendix II**

Extract from the Constitution related to the Office of the Ombudsman and Third Schedule to the Constitution (Matters Not Subject to Investigation)

## **Appendix III**

Ombudsman Act, Chap. 2:52

## **Appendix IV**

Extract from the Freedom of Information Act (FOIA), Chap. 22:02

## **Appendix V**

Map of the Caribbean



## APPENDIX 1

# SCHEDULE OF COMMUNITY VISITS

### POINT FORTIN

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

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### CHAGUANAS

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

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### SIPARIA

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

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### COUVA

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

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### SANGRE GRANDE

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

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### MAYARO/RIO CLARO

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

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## 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 reappointment.

(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:

(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.

(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 revenues 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.

## APPENDIX 2 - CONT'D

# EXTRACT FROM THE CONSTITUTION OF TRINIDAD AND TOBAGO

## ACT NO. 4 OF 1976

Restrictions on matters for investigations.

**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

Third Schedule.

(b) any such action, or action taken with respect to any matter, as is described in the Third Schedule.

(5) Notwithstanding subsection (4) the Ombudsman—

(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).

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 and, in particular and without prejudice to the generality of this 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.

## APPENDIX 2 - CONT'D

# EXTRACT FROM THE CONSTITUTION OF TRINIDAD AND TOBAGO

## ACT NO. 4 OF 1976

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 an investigation of the matter, he shall inform the person who made the complaint or request of the reasons for his decision.

(2) Upon the 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 thinks 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 investigations.

Power to obtain  
evidence.

**97.** (1) The Ombudsman shall have the powers of the High Court to summon 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.

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.

## APPENDIX 2 - CONT'D

# EXTRACT FROM THE CONSTITUTION OF TRINIDAD AND TOBAGO

## ACT NO. 4 OF 1976

(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 proceeding 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 2 - CONT'D

### 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 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)**

<b>ENACTMENT</b>	
<b>ENACTED by the Parliament of Trinidad and Tobago as follows:</b>	
<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 sub-section, 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 (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.

## APPENDIX 3 - CONT'D

# LAWS OF TRINIDAD AND TOBAGO

## OMBUDSMAN ACT, CHAP. 2:52

ENACTMENT	ENACTED by the Parliament of Trinidad and Tobago as follows:
EVIDENCE (Cont'd)	<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> <ul style="list-style-type: none"> <li>(a) might prejudice the security, defence or international relations of Trinidad and Tobago</li> <li>(b) including Trinidad and Tobago relations with the Government of any other country or with any international organizations;</li> <li>(c) will involve the disclosure of the deliberations of Cabinet; or</li> <li>(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.</li> </ul> <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> <ul style="list-style-type: none"> <li>(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</li> <li>(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)</li> </ul>
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.</p> <p>(2) No such delegation shall prevent the exercise of any power by the Ombudsman.</p> <p>(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.</p> <p>(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>



## APPENDIX 3 - CONT'D

## LAWS OF TRINIDAD AND TOBAGO

## OMBUDSMAN ACT, CHAP. 2:52

ENACTMENT	ENACTED by the Parliament of Trinidad and Tobago as follows:
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.</p> <p>(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 –</p> <p>(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;</p> <p>(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;</p> <p>(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</p> <p>(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.</p> <p>(2) The President may, by Order, amend the Schedule by the addition thereto or deletion therefrom 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

### LAWS OF TRINIDAD AND TOBAGO

#### EXTRACT FROM THE FREEDOM OF INFORMATION ACT (FOIA), CHAP. 22:02

**Time limit for determining requests.** **15.** A public authority shall take reasonable steps to enable an applicant to be notified of the approval or refusal of his request as soon as practicable but in any case not later than thirty days after the day on which the request is duly made.

**Reasons to be given for deferment or refusal.** **23** (1) Where in relation to a request for access to a document of a public authority, a decision is made under this Part that the applicant is not entitled to access to the document in accordance with the request or that provision of access to the document be deferred or that no such document exists, the public authority shall cause the applicant to be given notice in writing of the decision, and the notice shall—

(a) state the findings on any material question of fact, referring to the material on which those findings were based, and the reasons for the decision;

(b) where the decision relates to a public authority, state the name and designation of the person giving the decision;

(c) where the decision does not relate to a request for access to a document which if it existed, would be an exempt document but access is given to a document in accordance with section 16(2), state that the document is a copy of a document from which exempt information has been deleted;

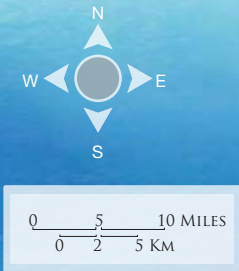
(d) inform the applicant of his right to apply to the High Court for judicial review of the decision and the time within which the application for review is required to be made;

(e) where the decision is to the effect that the document does not exist or cannot, after a thorough and diligent search, be located, inform the applicant of his right to complain to the Ombudsman.

**Review by the Ombudsman. [92 of 2000].** **38A** (1) A person aggrieved by the refusal of a public authority to grant access to an official document, may, within twenty-one 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.

## APPENDIX 5

# MAP OF TRINIDAD AND TOBAGO



## APPENDIX 5 - CONT'D

# THE CARIBBEAN











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OFFICE OF THE  
**OMBUDSMAN**  
TRINIDAD AND TOBAGO

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A Publication of  
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