



OFFICE OF THE
OMBUDSMAN
TRINIDAD AND TOBAGO

40TH
YEARS

ANNUAL REPORT | 2017





January 25th, 2018

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 **Fortieth Annual Report** of the Ombudsman for the period **January, 2017 to December, 2017.**

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



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



OFFICE OF THE
OMBUDSMAN
TRINIDAD AND TOBAGO

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TABLE OF CONTENTS

▪ LETTER TO THE SPEAKER	i
▪ OMBUDSMAN'S REMARKS	2
▪ INTRODUCTION	4
▪ FIVE (5) THINGS TO KNOW ABOUT YOUR OMBUDSMAN	5
▪ HISTORICAL JOURNEY - 40 YEARS OF THE OMBUDSMANSHIP	6
▪ AREAS OF CONCERN:	9
• <i>Ministry of National Security - Prisons</i>	10
• <i>Ministry of Health - RHA'S</i>	15
• <i>Other Concerns</i>	19
▪ THE COMPLAINTS PROCEDURE	21
▪ THE OMBUDSMAN'S CASEBOOK:	22
• <i>Case 1</i>	23
• <i>Case 2</i>	24
• <i>Case 3</i>	25
• <i>Case 4</i>	26
• <i>Case 5</i>	28
▪ THE FIVE (5) MOST COMMON OMBUDSMAN'S ISSUES	30
▪ THE STORY IN NUMBERS	31
▪ CONFERENCES AND WORKSHOPS	38
▪ HIGHLIGHTS OF ACTIVITIES BY THE OMBUDSMAN	40
▪ FEEDBACK RESPONSE	42
▪ FREQUENTLY ASKED QUESTIONS (FAQs)	43
▪ APPENDICES	44



OFFICE OF THE
OMBUDSMAN
TRINIDAD AND TOBAGO

OMBUDSMAN'S REMARKS



“ Instances of the misuse of administrative power have increased at an alarming rate over the years, thus violating the rights and freedoms of persons. While legal and administrative means exist to correct such misuse, persons are not always able to rely on them in terms of time and cost. Therefore, a need arose for someone to protect the rights of individuals in an efficient and expeditious manner. As such, the Ombudsman fits that bill. ”

Lynette Stephenson, s.c.
Ombudsman of Trinidad and Tobago

The Ombudsman institution was initially established in Sweden in 1809 for its legislature to monitor the administrative arm of Government. Its aims were the cultivation of good governance and the protection of civil rights. The International Ombudsman Institute (IOI) holds the view that *“the Ombudsman is a person or an institution to offer remedies for citizens suffering from Government commissions or omissions, resist the abuse, unfair use, or maladministration of the Government power, protect civil rights, make the administrative body transparent, and strengthen accountability of Government and Government officials for citizens.”*

The main characteristic of the Ombudsman is that it is politically neutral and independent from the administration. The Ombudsman neither has the power to enforce nor to cancel or change administrative practice which may be considered unjust, but puts forward recommendations for known problems. Annual Reports and Special Reports are submitted to the legislature with the hope that this function would assist in the implementation of the recommendations made.

The Office of the Ombudsman in Trinidad and Tobago was established under the Republican Constitution in 1976. The jurisdiction of the Ombudsman states that his principal function is 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 or by officers or members of such department or authority in the exercise of their administrative functions.”* The Third Schedule to the Constitution sets out matters which are excluded from the Ombudsman’s jurisdiction.

The year 2017 marks the fortieth (40th) anniversary of the establishment of the Office since in 1977 the Ombudsman Act, Chap. 2:52 was enacted and that Act together with the Constitution created the independent office to which persons could approach in order to seek redress against issues of maladministration.

The Ombudsman is concerned, *inter alia*, with issues of delay, bias, failing to follow proper procedure, discourtesy, neglect and arbitrariness by the Public Sector. However, in the investigation of a complaint, if it is discovered that the decision reached was made on the proper exercise of the functions given to the Officer, then maladministration would not

arise. Therefore, there will be instances where the complainant will not be satisfied with the outcome.

A perusal of past Reports reveals that the types of complaints recorded against Ministries/Government Departments/State Agencies and the demographic trends with respect to the receipt of those complaints have remained the same. That situation reflects an urgent need for administrative staff in the Public Sector to be more responsive and humane in their dealings with stakeholders. Persons become frustrated when inadvertently, signals are sent that no one cares or that there is no haste in responding to their concerns.

It is clear that bottlenecks in the system can be avoided if prompt responses to enquiries are received in order to ensure the timely processing of complaints. Too often, an acknowledgement of correspondence is only forwarded to my Office when prodded.

It should be noted that persons have also sought the assistance of the Ombudsman with respect to various problems of a private nature. While such complaints fall outside the official purview of the Office, the Ombudsman in many cases, allowed the complainant to vent his grievance or frustration and then he was appropriately advised on how to proceed or to whom he could go for assistance.

It is imperative that public officers are continuously encouraged to better handle complaints with a degree of urgency, so that improvements in the delivery of public services expected by persons in Trinidad and Tobago can be maintained.

All will benefit when instances of maladministration are reduced. Therefore, the Office of the Ombudsman will not cease in its efforts to devise ways to protect persons who encounter maladministration at the hands of the public officers.

I thank members of my staff for their support during the year under review in spite of the many challenges which were faced on a day to day basis. I am also grateful to all those public officers who have assisted and continue to assist my Office in fulfilling its mandate under the law.



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:

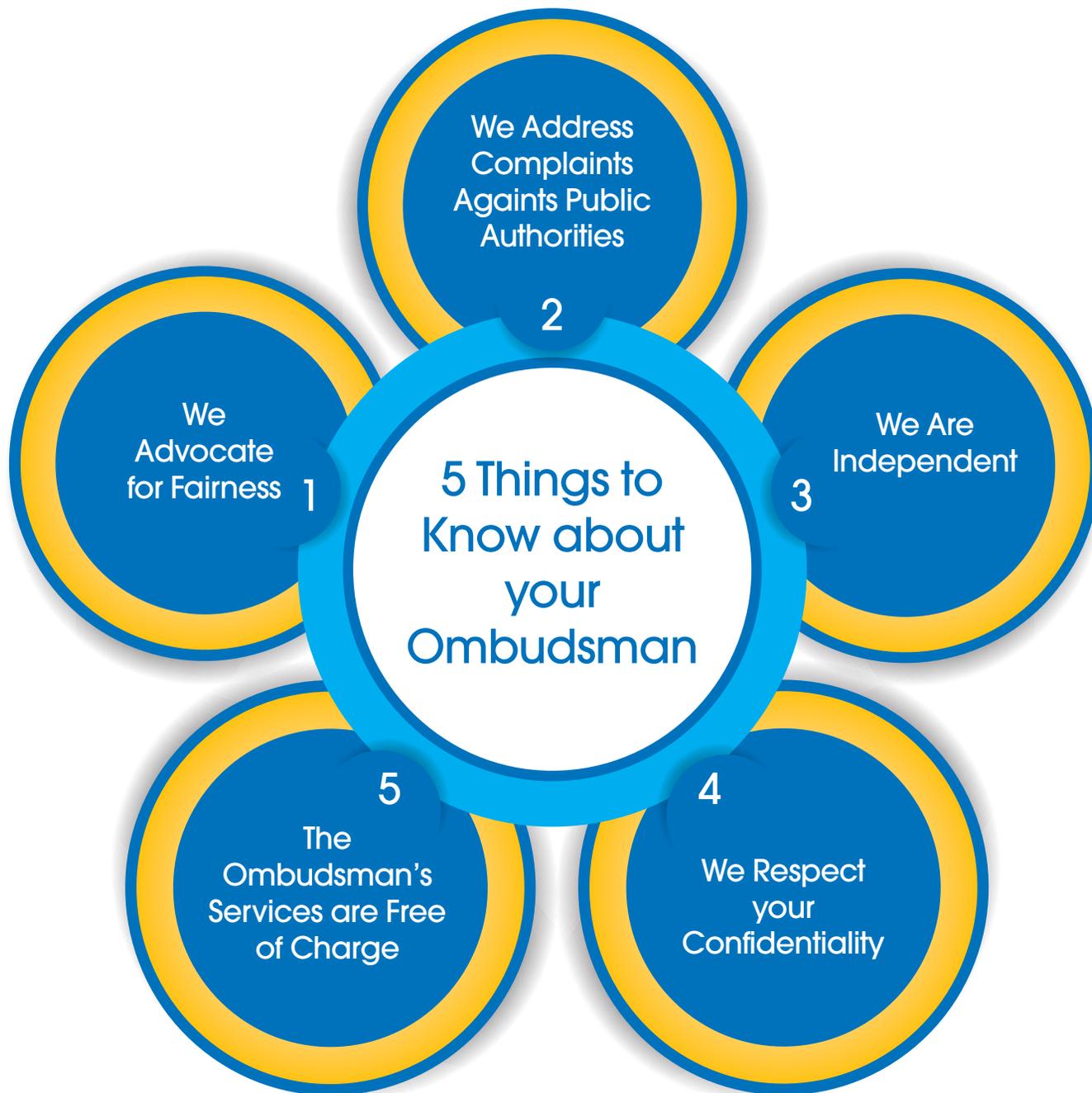
- Providing a fair and impartial investigation service for members of the public who believe that they have been adversely affected by a decision or action of a public sector agency; and
- Assisting public sector agencies to improve their decision making and administrative practices and procedures.

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





OFFICE OF THE
OMBUDSMAN
TRINIDAD AND TOBAGO

HISTORICAL JOURNEY:

40 YEARS

OF OMBUDSMANSHIP

Historical Journey

40 YEARS OF OMBUDSMANSHIP

HISTORY OF THE 'OMBUDSMAN':

In many countries around the world an Ombudsman is considered '*a mirror on the work of Governments*'. He deals with complaints from the public regarding decisions, actions or omissions of public administration.

Ombudsman "*is a gender neutral term used throughout the world by men and women who hold the office*" (U.S. Ombudsman Association 1995). The genesis of the Ombudsman concept was found to be in Scandinavia (Sweden to be exact in the first quarter of the 18th century, but in the Post -World War II period it gradually received worldwide attention). New Zealand was the first English speaking country to adopt the concept.

In 1966, Guyana became the first country in the Caribbean and indeed the entire Western Hemisphere to establish an Office of the Ombudsman.

In Trinidad and Tobago, after the Black Power demonstrations in 1970, there was an apparent need to set up machinery to protect persons of this country against the injustices as they related to public administration.

The late Dr. Eric Williams, the then Prime Minister first introduced the idea of the Office of the Ombudsman declaring: "***Finally I am working as a matter of urgency on the appointment of a Parliamentary Commissioner for the Citizen's Rights commonly called an Ombudsman, and I have requested the Attorney General to finalise the legislation within a fortnight***". (Prime Minister 1970, p.6; Parliament (TT), 1970, May 7).

However, no action took place until 1976 when the Republican Constitution established the Office. In 1977, the Ombudsman Act, Chap. 2:52 was passed to make provision for giving effect to Part 2 Chapter 6 of the Constitution of the Republic of Trinidad and Tobago, Chap. 1:01 "***for establishing the Office of the Ombudsman.***"

THE OMBUDSMEN OF TRINIDAD AND TOBAGO (PAST AND PRESENT)

The late Mr. Justice Evan Rees was sworn in as the first Ombudsman in December 06, 1977. Mr. Justice Rees remained in Office until February 18, 1991 when Mr. Justice George Edoe, succeeded him. Mr. Justice Edoe held the position of Ombudsman for fifteen (15) years.

On February 20, 2006, Ms. Lynette Anthea Stephenson, S.C. was sworn in as the third Ombudsman of Trinidad and Tobago.

Historical Journey

40 YEARS OF OMBUDSMANSHIP CONT'D

OFFICE LOCATIONS:

The Office of the Ombudsman (Head Office) found its first place of abode at St. Ann's Avenue, St. Ann's, Port of Spain from its inception. However, in the year 2000, it was relocated to 132 Henry Street, Port of Spain where it remained for a period of seventeen (17) years before being relocated to the International Waterfront Centre, Level 12, Tower D, 1A Wrightson Road, Port of Spain in September 2017.

Additionally, over the years, an initiative was taken to open sub-offices in both Tobago and San Fernando with the sole purpose of better serving the needs of individuals across the country in a more convenient manner. The Tobago Office was opened in the year 2000 and initially situated at 32 Wilson Road, Tobago. It then relocated in 2009 to the Caribana Building, Bacolet Street, Scarborough, Tobago. In that same year of Tobago's sub-office relocation, an office was opened in San Fernando situated at 1st Floor, FinGroup Place, 11-13 Kelshall Street, San Fernando.

IMPROVING THE OMBUDSMAN'S EFFECTIVENESS:

Since the existence of the Office, many strides have been made to enhance the effectiveness and efficiency of services offered by this vital institution. Some of these strides include:

- 1) *The expansion of staff over the years;*
- 2) *The implementation of the Complaints Registration Information System (CRIS) which is a case management database that has been of great assistance to this Office.*

However, the Office continues to experience various challenges in fulfilling its mandate at an optimum level. These challenges are as follows:

- 1) The lack of action by Parliament in dealing with both Annual Reports and Special Reports. Consequently, this leads to the non-implementation of recommendations made by the Ombudsman in those Reports;
- 2) The tendency of Government Departments and State Agencies to respond to Ombudsman matters and recommendations in a lackadaisical and untimely manner. It appears that departments and agencies have taken the cue from the perceived inaction and behaviour of Parliament in dealing with Annual Reports and Special Reports; and
- 3) The denied opportunity for financial autonomy. The Ombudsman Office requires approval from Parliament (the line Organization), where financial matters are concerned. Consequently, this stifles various activities which the Office desires to undertake. However, in light of the present economic climate, it is unlikely that the Office will be given full control of its budget.



OFFICE OF THE
OMBUDSMAN
TRINIDAD AND TOBAGO

AREAS OF CONCERN

SUMMARY:

MINISTRY OF NATIONAL SECURITY - PRISONS
MINISTRY OF HEALTH - REGIONAL HEALTH AUTHORITIES (RHA'S)
OTHER CONCERNS

MINISTRY OF NATIONAL SECURITY PRISONS

"...The full contribution, which our prisons can make toward a permanent reduction in the country's crime-rate, lies also in the way in which they treat prisoners. We cannot emphasize enough the importance of both professionalism and respect for human rights."

President Nelson Mandela (1998)
Speaking to prison staff of South Africa

The human rights record of a society is mirrored in the state of the human rights protection in its prisons.

The functional arm of the Ombudsman stretches out to prison inmates and other detainees who require the assistance of this Office. Over the years, since its inception, the Office makes every effort to visit the nation's prisons to meet with prisoners regarding their complaints despite the lack of adequate human resource capacity.

The Office of the Ombudsman plays a critical role in dealing with all complaints received from prisoners which fall under the remit of the Ombudsman having regard to his Constitutional mandate. Such complaints are dealt with on a case by case basis. However, the Third Schedule to the Constitution of the Republic of Trinidad and Tobago, Chap. 1:01 prohibits the investigation of certain matters by the Ombudsman.

Item 5 of the Third Schedule which states "*The commencement or conduct of civil or criminal proceedings before any Court in Trinidad and Tobago or before any International Court or tribunal*" prevents the Ombudsman from dealing with any complaints involving the conduct of civil or criminal proceedings. In such cases, those complaints are forwarded to the Director of Public Prosecutions (DPP), the Chief Magistrate and the Legal Aid and Advisory Authority (LAAA) for attention as required.

There are eight (8) prison service facilities across Trinidad and Tobago which are used to house prisoners/detainees. These include:

- Port of Spain Prison
- Carerra Convict Prison
- Remand Prison
- Tobago Convict Prison
- Maximum Security Prison
- Golden Grove Prison
- Women's Prison
- Youth Training Centre (YTC)

The 36th Annual Report (2013) of the Ombudsman comprehensively focussed on the Prison Service in Trinidad and Tobago highlighting the conditions at the nation's prisons, delays in obtaining trial dates among other factors. This Office decided to once again conduct a follow-up report on what was regarded as a critical area of concern.

POOR CONDITIONS AT PRISON FACILITIES:

Physical Conditions -

The State must be commended for proposing plans to improve conditions across the nation's prisons in particular, Remand Yard. Some of these plans for Remand Yard include:

- *Installation of proper toilet facilities to replace the pail system;*
- *Upgrade of plumbing, sewer treatment and electrical system;*
- *Construction of a new Remand Yard next to the existing facility in the long term.*

However, in spite of those proposals, the Ombudsman realizes that prisoners continue to face inhumane and deplorable conditions in the interim. These conditions include "pigeon/rat infestation and other vermin to poor sleeping conditions and overcrowding."

The Trinidad and Tobago 2016 Human Rights Report highlighted that "...*Most prisons suffered from extreme overcrowding, while the maximum-security prison was not at full capacity. Observers often described the Port of Spain Prison, the remand prison, and the Immigration Detention Centre as having particularly poor conditions and severe overcrowding, with as many as nine prisoners kept in cells of 80 square feet. The Port of Spain Prison, designed to hold 250 inmates, held 610, and the remand prison, designed to hold 655 inmates, held 1,071. By contrast, the maximum-security prison held inmates in three-person cells, each with a toilet and shower. The Port of Spain and Remand Prisons had particularly poor lighting, ventilation, and sanitation facilities.*"

Delay in Access to Medical Care -

Prisoners housed at the nation's prisons complain that they suffer needlessly from the lack of proper medical healthcare as they are not able to keep their doctors' and dentists' appointments on specified dates. Further, they received no feedback from prison authorities on the new dates for such appointments. Additionally, the Office also received complaints from prisoners about not being given specific diets and medications as prescribed by their doctors.

CASE NOTE: In October 2016, Mr. E, an inmate at the Maximum Security Prison sought the assistance of the Ombudsman regarding the delay by prison authorities in providing him with meals consistent with his dietary needs and prescribed medication. In June 2016, the Prison Medical Doctor prescribed that the complainant be provided with a high fibre diet due to his medical condition. However, Mr. E claimed that he continued to receive a diet consisting mainly of solid foods which aggravated his medical condition. He also stated that prison authorities had not been providing him with the prescribed medication to treat his medical condition. Letters were sent to both the Commissioner of Prisons and the Inspector of Prisons but to date, the Ombudsman has received no feedback on this matter.

LENGTHY DELAYS IN OBTAINING A TRIAL DATE:

It is enshrined in the Constitution of the Republic of Trinidad and Tobago, Chap. 1:01 that a person charged with a criminal offence is *'presumed to be innocent until proved guilty'* according to law.

However, in most cases, persons under indictment are forced to endure waiting periods ranging from seven (7) to ten (10) years and even much longer for their trial dates in the High Court resulting from the heavy court backlogs and inefficiencies in the judicial system. The *Trinidad and Tobago 2016 Human Rights Report* highlighted several reasons for the backlog including *"an understaffed and underfunded prosecutorial office, a shortage of defense attorneys for indigent persons and the burden of the preliminary inquiry process. Additionally, the law requires anyone charged and detained to appear in person for a hearing before a magistrate's court every ten (10) days, if only to have the case postponed for an additional ten (10) days, resulting in further inefficiency."*

The World Prison Brief, an online database hosted by the Institute for Criminal Policy Research (ICPR), at Birkbeck, University of London highlighted that in 2016, a total of two thousand, two hundred and thirty-five (2,235) persons or 60% of the total prison population were in pre-trial/remand imprisonment in Trinidad and Tobago. This figure represents an increase as compared to the 43.3% calculated in 2013.

Excerpts from letters sent by prisoners to the Ombudsman:

EXCERPT 1: *"..... I've been at the Youth Training Centre for the past seven (7) years without a Court date and without legal representation. I am asking for your intervention into my matter....."* (2015)

EXCERPT 2: *"...My daughter has been incarcerated on remand at the Women's Prison on an alleged charge of MURDER, from the 8th August, 2006 to present. She attended the Arima Magistrate's Court from such time until the matter was sent to the next sitting of the Assizes, on the 19th January, 2006.*

Sir/Madam for the last six (6) years my daughter has been waiting for a date to attend the High Court but this was never sent to her. Upon enquiries at the Registry at the High Court of Justice at Port-of-Spain by her family, we were informed that no documentation was found of my daughter.

My concern today is that, if there is no record of this matter before the High Court, why is my daughter still in custody?

Sir/Madam, I plead my case before you as I ask you please, look into this my plight urgently. It is with utmost respect that I thank you in advance, as I look forward to a favourable reply.” (2015)

EXCERPT 3: *“...I was arrested on the 15th March 2009 and was charged for a capital offence. Sir, I recognised the volume of cases that are currently before the court couple with the slow revolving doors of the Justice system and the length of time in which criminal trials take to be concluded. I will like to know what is a reasonable time frame a prisoner have to remained stuck in his drab existence in conditions which amount to cruel and unusual punishment before he can enjoy his constitutional avenues available to those responsible for the administration of Justice to get some attention but my rights continue of being neglect inequality and fairness. I feel terrible that my matter has to reach to this point before it can off the ground but I am hoping I can come out at the other end of the tunnel with an early solution. Sir, as my circumstances may be Justice delayed is Justice denied.*

In the continuing face of various difficulties I am kindly requesting to have your assistance with respect to helping me in obtaining an indictment where I'll be able to face a timely court hearing please.

Thanks in advance for your kind co-operation and humbly look forward to hearing from you.” (2013)

JOINT SELECT COMMITTEE (JSC) ON HUMAN RIGHTS, EQUALITY AND DIVERSITY-

Inquiry into the Human Rights of Inmates at the Remand Yard Prison:

In 2017, the Office of the Ombudsman was invited to make comments on the aforementioned inquiry.

Key issues were discussed at a public hearing held on May 19, 2017 by the JSC members. These were as follows:

1. The Prison Rules, 1943;
2. Human Rights Charter for Pre-trial Detainees;
3. Overcrowding;
4. Other Mechanisms to Reduce Overcrowding;
5. Pail system;
6. Renewal of Documents eg. Identification Card;
7. Visitation Rights of detainees;
8. New Remand Centre;

MINISTRY OF NATIONAL SECURITY

PRISONS CONT'D

9. Programmes available to pre-trial detainees eg. Sporting activities;
10. Mentoring for First-time Pre-trial Detainees;
11. Complaints System;
12. Access to Medication/Special Diets;
13. Public Awareness eg. newspapers / television for detainees;
14. Effect of Extended Remand Periods;
15. Pre-trial Release Programme;
16. The use of cell phones in prison;
17. Prison Officer/Detainee Ratio;
18. Strategic plan;
19. Separating violent/non-violent detainees.

Source: Parliament of the Republic of Trinidad and Tobago. JSC on Human Rights, Equality and Diversity. Public Hearing Summary. "Inquiry into the examination of the human rights of inmates at the Remand Yard Prison." Friday May 19, 2017. www.ttparliament.org. Web.

RECOMMENDATION:

Respect for the human dignity of prisoners requires operating prisons in ways that will enhance the likelihood of prisoners successfully re-entering society upon release. They "deserve no less." The crippling judicial system in Trinidad and Tobago creates an 'inhumane' atmosphere for incarcerated persons and moreover, violates their fundamental human rights and freedoms. Remand prisoners should not have to wait decades to obtain a trial date and even to be exposed to harsh conditions such as overcrowding while awaiting trial.

Prisons should be managed according to International Human Rights laws together with domestic laws and the procedures should conform with the rules of natural justice.

Prison reform continues to be crucial in mitigating the many problems which exist in our prison system. Innovative programmes which adopt a more restorative justice approach in the rehabilitation of prisoners with the aim of reducing recidivism should be implemented. Additionally, the execution of an effective parole system will lead to a reduction in overcrowding at the nation's prisons and will allow for prisoners who are well-behaved and rehabilitated before the end of their full sentence to be reintegrated into society under supervision.

It is the hope of the Office of the Ombudsman that the cry for improved conditions at all the nation's prisons as well as the humane treatment of prisoners will not fall on deaf ears but will be considered matters of priority by the State.



MINISTRY OF HEALTH REGIONAL HEALTH AUTHORITIES (RHA'S)

Healthcare systems worldwide are stressed because of limited resources and increasing demands on their services. The Regional Health Authority (RHA) system was created by an Act of Parliament in 1994 as part of the Government's initiative through the Health Sector Reform Programme to decentralize the management and provision of health care in Trinidad and Tobago. This system gave rise to five (5) newly established RHAs:

- **North West Regional Health Authority (NWRHA)**
- **North Central Regional Health Authority (NCRHA)**
- **East Regional Health Authority (ERHA)**
- **South West Regional Health Authority (SWRHA)**
- **Tobago Regional Health Authority (TRHA)**

The Office of the Ombudsman realizes that numerous problems exist in the Regional Health Authority system. This area of concern will zero in on the North West Regional Health Authority (NWRHA). The rationale for this lies in the fact that the Office receives the majority of complaints against the NWRHA as compared to the other RHAs. **See Table 1.**

STATISTICAL ANALYSIS OF THE REGIONAL HEALTH AUTHORITIES (RHAs)

NO. OF COMPLAINTS RECEIVED OVER A 5 YEAR PERIOD (2013-2017)					
YEAR	NWRHA	NCRHA	ERHA	SWRHA	TRHA
2013	18	4	2	6	4
2014	15	3	-	7	1
2015	20	7	-	3	-
2016	15	13	1	1	-
2017	18	-	1	7	1
TOTAL	86	27	4	24	6

KEY:
NWRHA - North West Regional Health Authority
NCRHA - North Central Regional Health Authority
ERHA - East Regional Health Authority
SWRHA - South West Regional Health Authority
TRHA - Tobago Regional Health Authority

Table 1 above illustrates the total number of complaints received against the various Regional Health Authorities (RHAs) over a five (5) year period (2013-2017) by the Office of the Ombudsman.

It is a glaring fact that over the years (2013-2017) the total number of complaints received against the NWRHA of eighty-six (**86**) surpassed the total number of complaints received from the other RHAs which were twenty-seven (**27**) from the NCRHA; four (**4**) from the ERHA; twenty-four (**24**) from the SWRHA and six (**6**) from the TRHA. Therefore, issues of maladministration exist at an alarming level at the NWRHA.

DELAY IN THE PAYMENT OF OUTSTANDING MONIES OWED:

The 39th Annual Report (2016) of the Office of the Ombudsman highlighted critical issues arising in the Ministry of Education (MoE) as an area of concern. One such issue was the delay by the MoE in paying outstanding monies owed in the form of arrears of salary, increments, pension and gratuity, write-offs and other forms of compensation.

Likewise, the Office recognized that this issue gained popularity among the complaints received by the NWRHA over the years. In some cases, staff including doctors were not paid for overtime work performed.

CASE ANALYSIS 1:

Mr. J who was employed as a Driver with the St. James Medical Complex from May 9, 1999 to January 30, 2014, sought the assistance of the Ombudsman in May 2015 regarding the delay on the part of the North West Regional Health Authority (NWRHA) in preparing his Pension and Leave Record for transmission of the same to the Comptroller of Accounts for processing of his Pension and Gratuity payments. Mr. J stated that he had submitted all the required documents to the Human Resource Department, NWRHA upon his retirement on January 30, 2014 and had been consistently following up on his matter.

Although several reminders were sent to the NWRHA by the Office during the period 2015 and 2016, this Office was persistently informed that Mr. J's matter along with other outstanding matters were being investigated. It was not until February 2017 that this Office was made aware of the fact that queries were raised on Mr. J's records by the Pension Administration Unit, NWRHA and as such had been returned to the St. James Medical Complex for correction.

In July 2017, queries were again made and needed to be dealt with. However, to date, this Office is still awaiting a response on this matter.

CASE ANALYSIS 2:

Ms. T, who was employed as a Hospital Attendant with the St. James Medical Complex-National Radio-Therapy Centre (NRC) since November 2005 sought the assistance of the Ombudsman in March 2015 to have the North West Regional Health Authority (NWRHA) pay her outstanding increments for the period 2006 to 2014.

Despite several reminders made during the period 2015 and 2016, this Office was informed that Ms. T's matter was being investigated. In January 2017, the NWRHA informed this Office that a formal request had been forwarded to the Human Resource Department, St. James Medical Complex for an update on the outstanding arrears due to Ms. T and would subsequently notify this Office of a comprehensive status report on this matter upon receipt of the said information. Due to the negligence on the part of the NWRHA in actively dealing with this matter, a summons was issued by the Ombudsman to the Chief Executive Officer and the Manager, Industrial Relations and Compensation Administration, NWRHA in August 2017.

It was at that hearing that this Office was informed that Ms. T would receive her outstanding increments for the outstanding periods by 11 August, 2017. To date, she is still awaiting payment.

HUMAN RESOURCES DEFICIT:

The public health sector in Trinidad and Tobago continues to be challenged with chronic staff shortages especially skilled personnel such as doctors and nurses. Consequently, this shortage is one of the key contributors to the agonizing waiting time that patients must endure in order to be attended to by medical staff. Furthermore, medical staff are forced to work extra hours so that the healthcare system remains operational. Mechanisms must be put in place to improve the staffing situation existing in the public healthcare system.

Training and development for staff should also be consistently available in needed areas such as customer service relations.

LACK OF PROPER RECORD KEEPING:

The importance of proper record keeping cannot be ignored. Since it is the responsibility of the North West Regional Health Authority (NWRHA) to ensure that proper records are maintained, their departments must function in an efficient and effective manner. The Office has been told on too many occasions that records could not be located and the challenges to retrieve those records from storage.

The archaic medical record filing system at the NWRHA is a serious problem which needs to be addressed. The harsh reality is that there are instances where patients who request their medical records from hospitals have to wait months and even years for such to be obtained.

CASE ANALYSIS:

In February 2017, a complainant, Ms. A sought the assistance of the Ombudsman on behalf of her mother regarding the delay in obtaining medical records from the North West Regional Health Authority (NWRHA) which were required for a Court matter. Ms. A stated that since October 2016 she submitted an application to the NWRHA for a copy of her mother's medical records when she was a patient at the Port of Spain General Hospital in October 1997.

She was referred to the Legal Department by the Medical Director, NWRHA who informed her that all records over ten (10) years were sent to archives for storage and the records in question had to be retrieved.

In April 2017, the NWRHA informed this Office that despite their greatest efforts, the requested medical records could not be found to date and as such could not provide Ms. A with any available information.

OTHER PROBLEMS:

- Lack of proper functioning medical equipment;
- Lack of proper infrastructure;
- Shortage of medical supplies and hospital beds.

RECOMMENDATIONS:

Quality control has emerged as a major issue in health care sector and the concept of Total Quality Management (TQM) should be accepted as a major long-term strategic initiative towards continuously improving the quality of the health care system in Trinidad and Tobago as accepted on a global scale. Maintaining high quality standards and quality control are of great importance.

Mechanisms must be put in place to alleviate staff shortages in the public health care system for example through the filling of vacancies and the creation of much needed posts to reduce the shortage problem. Moreover, the importance of staff training and development must again be emphasized.

There is a great need for the records management system to be significantly improved through the use of an electronic records database to allow for the easy retrieval of medical records and other administrative records.

One must be mindful that although this Office has emphasized issues as they relate to the NWRHA, the other RHAs cannot be spared from criticism.... All RHA's must get their acts together so that the citizens of Trinidad and Tobago can be afforded higher quality, more reliable and more affordable health care service.

OTHER CONCERNS

ISSUE #1:

The timely preparation and submission of documents to the Comptroller of Accounts (COA) for the processing of retirement benefits to public officers is an area of great concern. Over the years, retired public officers wait for as long as two (2) years to receive Gratuity and Pension benefits from the COA.

Some of the reasons provided include the following:

- Delay by the Ministries/Government Department/State Agencies in preparing Pension and Leave records for Officers;
- Delay by the Ministries/Government Department/State Agencies in providing additional documents requested by the COA;
- The auditing of information received from the Ministries/Government Department/State Agencies sometimes reveal inaccuracies and are returned for amendments.

Additionally, the issue of the delayed payment of Gratuity to contract officers is also a grave concern.

The reasons identified above are also applicable to contract officers along with the following:

- Contract officers complete contractual periods without having signed contracts and in many instances terms and conditions are not finalized with the Office of the Chief Personnel Officer (CPO) thereby causing delays.

RECOMMENDATION:

Retired public officers should not have to wait years to receive their Gratuity and Pension benefits. It is recommended that Ministries/Government Department/State Agencies implement proper procedures/policies whereby there are designated staff to prepare Pension and Leave records for officers and ensure that all the necessary documents for the processing of benefits are collated in a timely fashion to be forwarded to the COA.

Queries from the COA should also be addressed by the Designated Officers in a timely manner. The use of a database to track the dates of retirement of officers over a five (5) year period would assist immensely in this area.

ISSUE #2:

The National Insurance Appeals Tribunal (NIAT) which falls under the aegis of the Ministry of Finance was established under Section 60 of the National Insurance Act Chapter 32:01 for the purpose of receiving, processing, hearing and determining appeals from persons who were not satisfied with any decision of the National Insurance Board (NIB) in respect of claims for benefits and/or other matters under the said body. It is not under the control of the NIB or any other state agency or department of Government.

Over the years, the Office of the Ombudsman has been inundated with complaints from persons with respect to the delay by the NIAT in hearing their appeals, which had been lodged, in some cases more than ten (10) years ago.

In April 2015, this Office was informed by the Registrar of NIAT that the last hearing of Appeals conducted by the Tribunal was held on August 30, 2013.

In July 2017, this Office was advised that:

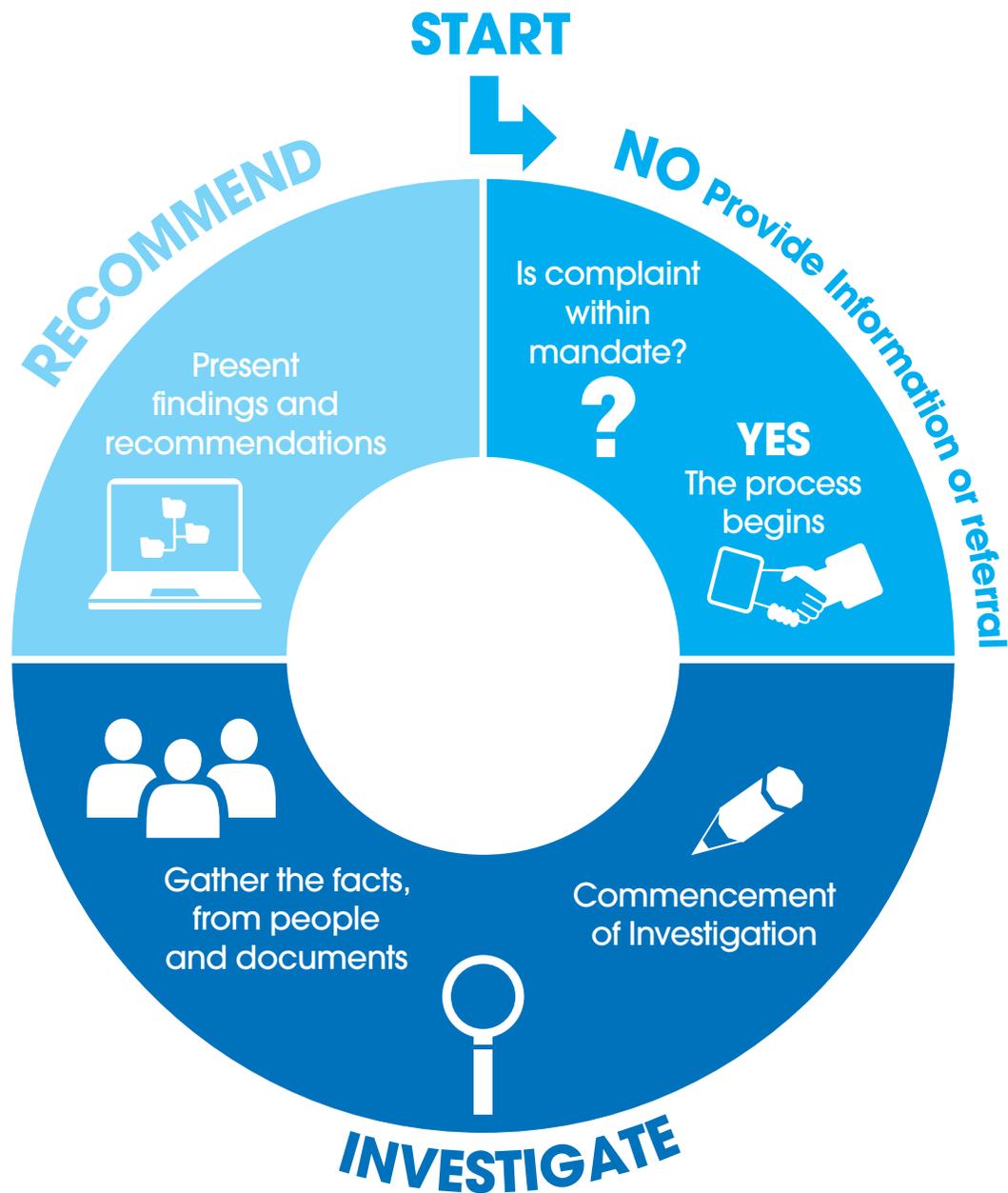
- “a) The term for the members of the NIAT expired on April 28, 2017;**
- b) No lawfully constituted Tribunal existed at the time;**
- c) The process of reconvening the Tribunal by appointing members had already begun and was receiving the attention of the Ministry of Finance;**
- d) No firm indication could be given as to when appointments to the Tribunal would be completed and when sittings would recommence.”**

RECOMMENDATION:

Undoubtedly, a myriad of problems affect the daily operations of the Tribunal particularly the protracted period of time it takes to appoint members of the Tribunal each time their terms expire. Therefore, more proactive steps should be taken to resolve this problem so as to reduce the cumulative backlog which now exists.

Further, the National Insurance Board (NIB) must also ensure that the issue of improper record keeping be rectified so that when matters are to be heard by the Tribunal, the relevant records can be located in time and matters do not have to be rescheduled thereby causing further delays and backlogs by the NIAT.

THE COMPLAINTS PROCEDURE





OFFICE OF THE
OMBUDSMAN
TRINIDAD AND TOBAGO

THE OMBUDSMAN'S CASEBOOK 2017

Summary:

CASE 1: ANOTHER DRAINAGE DILEMMA

CASE 2: PASS THE BUCK

CASE 3: A NIGHTMARE ON DOLLAR \$TREET...

CASE 4: A TALE OF DECEPTION

CASE 5: MONEY MIX-UP

CASE 1: ANOTHER DRAINAGE DILEMMA

In March 2006, Mr. R sought the assistance of the Ombudsman regarding the delay by the Sangre Grande Regional Corporation (the Corporation) in constructing proper drainage in the area where he resides. He indicated that most of the drains in the area had been constructed by the residents but that there was still a need for proper drainage works to be done.

In April of that same year, a letter was sent to the Chief Executive Officer (CEO) of the Corporation. Thereafter, several reminders were also sent to the Corporation from October 2007 to November 2010 without proper feedback being received on this matter.

In November 2010, the assigned Investigator held discussions with Mr. R who indicated that a ten inch (10") culvert was in fact built in front of his property but no drains were constructed to mitigate the persistent flooding that occurred in the area. One month later, the Corporation informed this Office that the drainage issues had been addressed.

However, in March 2012, the Technical Officer at the Corporation verbally indicated that there was no need for the construction of any more drains in the area where Mr. R lived but rather there was for the Corporation to conduct maintenance work on a regular basis. In spite of receiving a verbal response on this matter, this Office requested and awaited an official response from the Corporation which it has not obtained to date.

In March 2017, the Investigator conducted a site visit to the area to determine what works had been completed by the Corporation. Mr. R pointed out that a box drain constructed by the Corporation several years ago was not being maintained as promised. The Investigator also observed that the said box drain was poorly constructed since it had ended at a point where the area continued to be saturated with a pool of stagnant water.

In May 2017, the Roads Officer I of the Corporation indicated that a report on this matter was completed and was submitted to the Corporation's Council with a recommendation for works to be initiated during the July/August period. The said works were completed and the matter was resolved.



Photos illustrating completed works on the drainage.

CASE 2: PASS THE BUCK



In January 2013, Mrs. M complained about the inordinate delay on the part of the National Agricultural Marketing and Development Corporation (NAMDEVCO) in paying her arrears of five percent (5%) salary which had been given to employees for the period 2008 to 2010 and relevant increments. She had also requested that her salary be adjusted to the prevailing rate.

During the course of the investigation, it was discovered that NAMDEVCO had delayed in processing the matter as an allegation had been made that Mrs. M had been overpaid more than Twenty Thousand dollars (\$20,000.00) during the period 2005 to 2011. It was also alleged that Mrs. M was paid acting allowances by NAMDEVCO during periods of vacation leave when she had been performing duties in higher positions for less than a continuous twelve (12) month period.

Mrs. M was not immediately informed of the reason for the overpayment. Further, it was also discovered that while the Officer's substantive post was that of a Clerk I, she was assigned to act in positions which were not on the establishment of the Corporation. Her letters of employment and Performance Appraisal Reports were completed with reference to the non-existent job positions. This situation was brought to the attention of the Auditor General by the Ombudsman. As a result of meetings held with officials of NAMDEVCO to discuss the alleged overpayment and the non-established job positions, NAMDEVCO agreed *inter alia*, to regularize the positions in which Mrs. M acted, to quantify outstanding arrears of salary and increments and to officially inform her of the overpayment and to consider the "write off" of such since Mrs. M was unaware that she was not entitled to receive acting allowance while on vacation leave when she had not acted in the position for twelve (12) continuous months. The circumstances surrounding the overpayment of monies to Mrs. M was also brought to the attention of the then Permanent Secretary, Ministry of Agriculture, Land and Fisheries and the Comptroller of Accounts.

At a Statutory meeting held in September 2016, the Board of NAMDEVCO took the decision that the sum of Twenty Thousand, Seven Hundred and Twenty-Five dollars and Forty-One cents (\$20,725.41) which represented the audited overpayment of allowances during the period when Mrs. M proceeded on vacation leave and which had been received from Mrs. M's arrears of salary should stand.

However, in March 2017, Mrs. M advised that she received payment in respect of the outstanding arrears of salary and increments and her salary was adjusted to the correct rate. Additionally, the NAMDEVCO Board reversed its decision with respect to the overpayment of salary. As such, this matter was resolved.



CASE 3: A NIGHTMARE ON DOLLAR STREET...

In April 1973, Mr. B entered the Special Reserve Police (SRP) Service as a Driver with *full time* monthly paid services until March 1988 when he was reverted to part time duties due to his poor work performance. He was then given *part time* employment as a Special Reserve Police Officer.

The Trinidad and Tobago Police Service (TTPS) in October 2004 informed this Office that:

“In 2000, Cabinet by way of Minute 1279 dated 12th July, 2000 agreed inter alia:-

(1) That Special Reserve Police Officers who have completed two (2) years of continuous full time service as on 1.8.00 should be considered for absorption into the Trinidad and Tobago Police Service.

(2) That they meet other specific criteria.”

Mr. B did not meet the criteria with him being on part time duties at that time and as a result was not eligible for absorption as a SRP on a full time basis. However, the TTPS also stated that Cabinet had in the past authorized the payment of compassionate gratuities to retired members of the SRP who performed full time duties and as such representation would be made to the Ministry of National Security for Mr. B to be compensated for his tenure of full time services from 1973 to 1988 when he attained the age of sixty (60) in the year 2008.

In February 2011, Mr. B returned to this Office to advise that he had not yet received the gratuity. Several enquires were made into this long outstanding matter during this time but proved to be futile on every level.

Therefore, in December 2014, the Director of Human Resources of the Ministry of National Security, the Senior Superintendent of the Office of the Commissioner of Police and the Assistant Superintendent of Police/Adjutant of the Special Reserve Police were summoned to appear before the Ombudsman on January 13th 2015 to treat with this matter.

In March 2017, the Head of Finance and Accounts at the TTPS stated that the latest information regarding this matter was that Mr. B’s documents were currently being attended to by the Human Resources Department.

Despite the fact that numerous attempts were made over a fourteen (14) year period, the Office of the Ombudsman is still hopeful that the relevant authority(s) will exercise diligence and commitment in having the matter resolved in favour of Mr. B who is now sixty-nine (69) years old.

CASE 4: A TALE OF DECEPTION



Ms. J of Four Roads, Diego Martin claimed that her father had rented a parcel of land from its owner, Mrs. W since 1958. She and her family resided on the said land. However, in 1982, Ms. J enquired from Mrs. W about purchasing the land after the passing of her father in 1981. She was informed that the land had been sold to the Government by Private Treaty. Subsequent to being furnished with such information, Ms. J alleged that she wrote several letters to Commissioner of State Lands (COSL), Land Management Division seeking to obtain a lease but was unsuccessful.

In May 2011, Ms. J sought the assistance of the Ombudsman regarding the delay by the COSL, Land Management Division in providing her with a lease for the said parcel of land. Despite several reminders sent to the COSL, Land Management Division the Office was only informed six (6) years later in October 2017 that:

“Cabinet approval was granted for a Residential lease in favour of Ms. J for the said parcel of land. Additionally, a letter of offer was sent to Ms J on October 02, 2014 containing the terms and conditions associated with this lease in which she would have to indicate her acceptance or non-acceptance of such. However, Ms. J informed the COSL by letter dated October 10, 2014 her reservation towards the premium/rental payable for the lease. She also stated that she had been occupying the land for over fifty (50) years and through no fault of her own, the matter had not been finalized due to the incompetency and inefficiency of the COSL.”

However, the COSL was requested to revalue the parcel of land using the subsidised rate based on the concerns raised by Ms. J. Having considered the concerns raised by her, the Commissioner of Valuations indicated that there was no evidence to support any reduction in the monthly rental and no subsidised rate could be offered at that time by the Commissioner of Valuations.

It was to be noted that lease rent on State Lands was determined by the Commissioner of Valuations in accordance with existing Government policy and not arbitrarily done by the COSL.”

It is instructive to note that Ms. J never brought to the attention of this Office the fact that she was not pleased with the terms and conditions of the said lease. She merely indicated that in May 2017 she had met with the COSL in October 2014 who informed her that her documents regarding the valuation of the said parcel of land would be returned to the Valuation Division, Ministry of Finance for a re-assessment of market value.

This case highlights two scenarios. On one hand, Ms. J was not forthright in her disclosure of information to the Office of the Ombudsman which affected the proper investigation into her matter. On the other hand, the Ombudsman should not have had to wait six (6) years to receive an official response from the COSL pertaining to this matter, which resulted in time being wasted in conducting the investigation. While the COSL certainly needs to take a more proactive approach in dealing with the numerous matters before it so that they may be resolved more expeditiously, complainants also need to be more honest when bringing matters to the Office for resolution.

Since the issue of maladministration did not arise, a decision was taken to discontinue the investigation of this matter.

CASE 5: MONEY MIX UP



In 2009, Mr. C indicated that when he applied to the National Insurance Board (NIB) Port of Spain Service Centre for a Retirement Benefit he was informed that he could only qualify for a one time Retirement Grant. At the time, Mr. C did not possess a bank account and he requested the cheque for this Grant in the sum of Twelve Thousand, Seven Hundred and Ninety-Eight dollars and Ninety cents (\$12,798.90) to be mailed to his home address, which at the time was at Belmont.

However, Mr. C claimed that he did not receive the said cheque and learned that it had been already encashed by someone else. He was advised to submit a copy of the cheque to the Trinidad and Tobago Police Service (TTPS), Fraud Squad Division which he did in March 2009.

In May 2013, Mr. C approached the Ombudsman for assistance regarding the delay by the NIB in re-issuing the said Retirement Grant cheque.

In June 2013, the Ombudsman forwarded correspondence to the NIB and Fraud Squad Division respectively outlining Mr. C's issue. In May 2014, the Ombudsman was informed that the NIB's records revealed that a cheque had been deposited and paid into Mr. C's bank account on January 9, 2007 and that Mr. C could collect a photocopy of the encashed cheque. Mr. C complied and the copy of the said cheque was submitted to the Fraud Squad.

Subsequently, in December 2016, a report emanating out of enquiries conducted by the Fraud Squad revealed the following:

- **It confirmed that the cheque in question was not delivered to the Complainant Mr. C, but rather to a person with the same name who according to the NIB's system had addresses listed as:**
 - 1) *Mendoza Lands, Belmont*
 - 2) *Plantation, Florida, USA;*
- **The recipient of the encashed cheque passed away in the year 2006, prior to the cheque payment;**
- **The Widow of the recipient received the cheque believing it to be a legitimate entitlement due to her husband on his death;**

- **The Widow deposited the cheque into a joint account held by her and her late husband at the RBC Royal Bank;**
- **The Widow migrated to the USA and resided in Plantation, Florida;**
- **The Fraud Squad Division contacted the Widow who indicated that while she was unaware of the error, she was not willing to repay the funds to the correct recipient, Mr. C unless she was officially informed by the NIB.**

In March 2017, the NIB informed the Ombudsman that on the repayment of the money by the Widow, a new cheque in favour of Mr. C for the relevant amount would be re-issued. That was done in May 2017.

Mr. C notified the Ombudsman that he had received the cheque in June 2017. The matter was finally resolved.

The Five (5) Most Common Ombudsman's 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
 - Unfair
 - Unreasonable
 - Unexplained
- 5 UNREASONABLE DELAY**
 - In returning calls or emails
 - In processing appeals
 - In handling complaints



OFFICE OF THE
OMBUDSMAN
TRINIDAD AND TOBAGO

The Story In Numbers

Summary:

OVERVIEW OF INVESTIGATIONS FOR 2017

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 2017 TOGETHER WITH NEW COMPLAINTS RECEIVED IN THE SAME YEAR

TABLE II

- TOTAL NUMBER OF NEW COMPLAINTS RECEIVED FOR THE PERIOD 2017

TABLE III

- OVERVIEW OF NEW COMPLAINTS RECEIVED AGAINST MINISTRIES/GOVERNMENT DEPARTMENTS/AGENCIES FOR THE PERIOD 2017

FIGURE II

- TOP FIVE (5) OFFENDERS FOR 2017

TABLE IV

- COMMUNITY OUTREACH STATISTICS FOR THE PERIOD 2017



The Story in Numbers

STATISTICAL REPORT FOR THE PERIOD JANUARY TO DECEMBER 2017

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 FOR 2017

Over the past forty (40) years, the Office of the Ombudsman has received a grand total of forty-nine thousand, three hundred and forty-one **(49,341)** new complaints against various Ministries/Government Departments/State Agencies.

With respect to complaint handling for the period January to December 2017, the Office of the Ombudsman managed a volume of two thousand, four hundred and seventy-three **(2,473)** complaints. This figure comprised nine hundred and fifty-seven **(957)** new complaints and one thousand, five hundred and sixteen **(1,516)** complaints which were brought forward from previous years. For this same reporting period, it was observed that the number of new complaints received by the Office decreased by two hundred and three **(203)** or **17.5%** and the number of brought forward cases during this same period increased by one hundred and forty-seven **(147)** or **10.7%**. See Figure I.



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

The above diagram is illustrative of the total number of new complaints received and brought forward from previous years over a five (5) year period (2013-2017) 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.

Table I below illustrates the total number of cases brought forward to 2017 together with new complaints received in the same year. It can be seen that a total of one thousand, two hundred and twelve cases (**1,212**) or **60.1%** were under investigation as at December 31, 2017.

TABLE 1

	NUMBER	PERCENTAGE (%)
Total number of complaints brought forward from previous years	1,516	
Total number of complaints received in 2017	957	
TOTAL	2,473	100
Less total number of complaints without jurisdiction (Private)	(82)	3.3
Less enquiries/referrals	(362)	14.6
Less total Freedom of Information Act matters	(13)	0.5
Total number of complaints pursued	2,016	81.5
Total number of complaints concluded	(804)	39.9
*Complaints sustained	400	19.8
*Complaints not sustained	29	1.5
*Complaints withdrawn/discontinued	295	14.6
*Complaints advised	76	3.8
*Complaints with no jurisdiction	4	0.2
TOTAL NUMBER OF COMPLAINTS UNDER INVESTIGATION AS AT DECEMBER 31, 2017	1,212	60.1

Table II shows that in 2017, investigations were pursued on five hundred and thirteen (**513**) new complaints if the twenty (**13**) matters which fell under the Freedom of Information Act (FOIA) are included in this figure. At year end, a total of one hundred and thirty-eight (**138**) of these cases had been resolved, including nine (**9**) of the FOI matters. Therefore, a total of three hundred and seventy-one (**371**) cases remained unresolved as at December 31, 2017.

TABLE 2

	NUMBER	PERCENTAGE (%)
Total number of complaints received in 2017	957	100
Less total number of complaints without jurisdiction (Private)	(82)	8.6
Less enquiries/referrals	(362)	37.8
Less total Freedom of Information Act matters	(13)	1.4
Total number of complaints pursued	500	52.2
Total number of complaints concluded	(129)	25.8
*Complaints sustained	80	16.0
*Complaints not sustained	10	2.0
*Complaints withdrawn/discontinued	19	3.8
*Complaints advised	20	4.0
*Complaints with no jurisdiction	0	0.0
TOTAL NUMBER OF COMPLAINTS UNDER INVESTIGATION AS AT DECEMBER 31, 2017	371	74.2

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 2017. It also illustrates their current status at the end of this period.

TABLE III

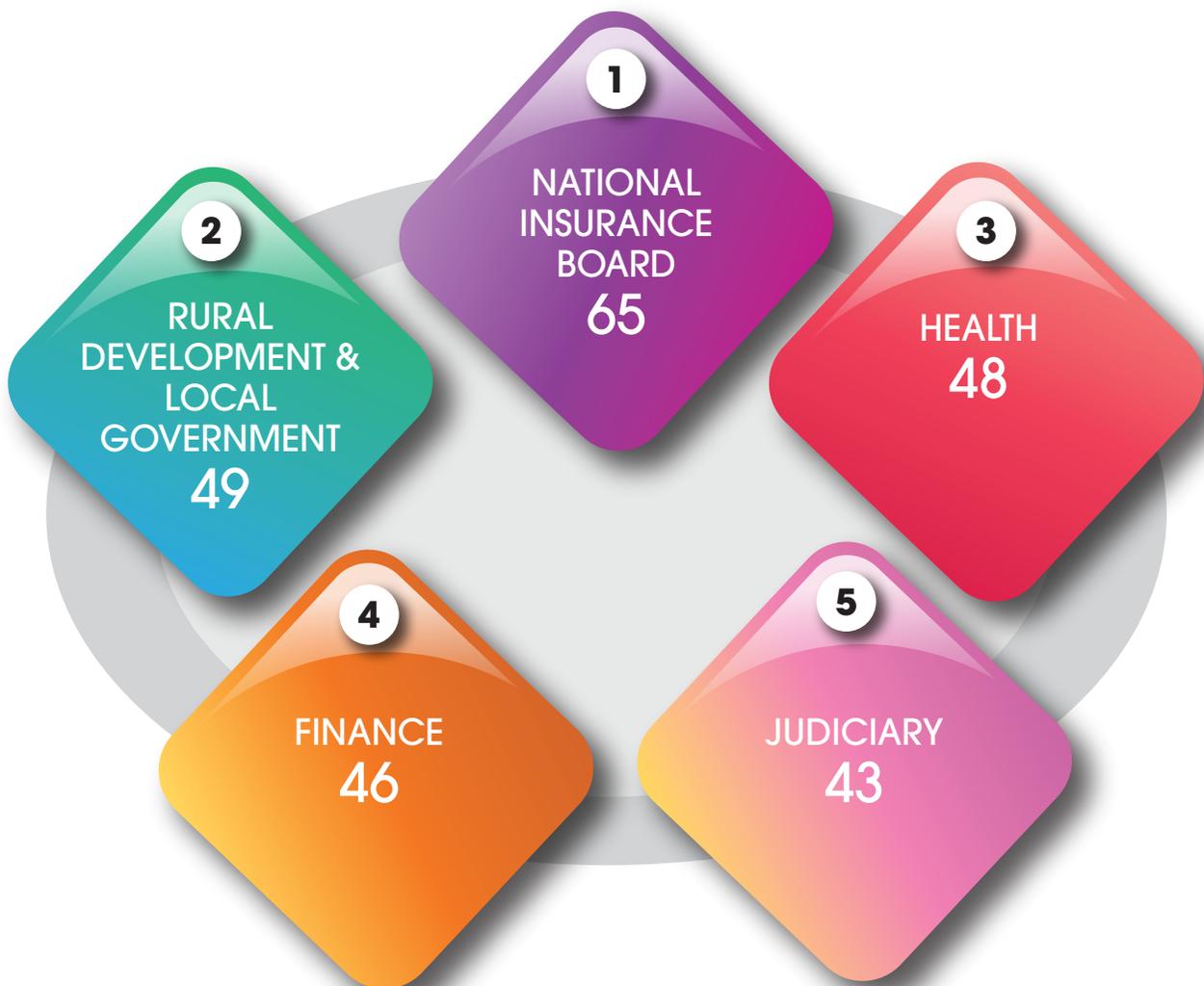
MINISTRIES/ GOVERNMENT DEPARTMENTS /AGENCIES	ADVISED	NO JURISDICTION	NOT SUSTAINED	SUSTAINED	UNDER INVESTIGATION	WITHDRAWN/ DISCONTINUED	GRAND TOTAL
AGRICULTURE, LAND AND FISHERIES							18
• General	1	0	0	1	15	0	17
• Commissioner Of State Lands	0	0	0	0	1	0	1
ATTORNEY GENERAL AND LEGAL AFFAIRS							10
• General	0	0	0	0	5	0	5
• Legal Aid And Advisory Authority	0	0	0	0	5	0	5
EDUCATION							25
• General	3	0	0	3	19	0	25
ENERGY AND ENERGY INDUSTRIES							1
• PETROTRIN	0	0	0	0	1	0	1
ELECTIONS & BOUNDARIES COMMISSION	0	0	0	0	1	0	1
ENVIRONMENTAL MANAGEMENT AUTHORITY	0	0	1	1	4	1	7
EQUAL OPPORTUNITY COMMISSION	0	0	1	0	0	0	1
FINANCE							46
• General	1	0	1	7	33	3	45
• Inland Revenue	0	0	0	1	0	0	1
FOREIGN & CARICOM AFFAIRS							5
• General	1	0	0	0	3	1	5
HEALTH							48
• General	1	0	0	2	8	1	12
• East Regional Health Authority	0	0	0	0	1	0	1
• North West Regional Health Authority	0	0	0	2	15	1	18
• Public Health	0	0	1	1	8	0	10
• South West Regional Health Authority	0	0	0	2	5	0	7
HOUSING AND URBAN DEVELOPMENT							26
• General	0	0	0	0	2	1	3
• Housing Development Corporation (HDC)	1	0	0	3	19	0	23
JUDICIARY	2	0	0	3	36	2	43
LABOUR & SMALL ENTERPRISE DEVELOPMENT							5
• General	1	0	0	0	4	0	5
MAGISTRACY	1	0	0	2	2	0	5
NATIONAL INSURANCE BOARD (NIB)	1	0	1	23	37	3	65
NATIONAL SECURITY							36
• General	1	0	0	1	4	0	6
• Forensic Science Centre	0	0	0	1	0	0	1
• Immigration	1	0	0	2	2	0	5
• Police Service	1	0	0	2	8	0	11
• Prison Service	0	0	0	2	10	1	13
OFFICE OF THE PRIME MINISTER	0	0	0	1	1	0	2
PARLIAMENT	0	0	0	1	0	0	1
PERSONNEL DEPARTMENT(OFFICE OF THE CHIEF PERSONNEL OFFICER)	0	0	0	0	1	0	1
PLANNING AND DEVELOPMENT							9

MINISTRIES/ GOVERNMENT DEPARTMENTS /AGENCIES	ADVISED	NO JURISDICTION	NOT SUSTAINED	SUSTAINED	UNDER INVESTIGATION	WITHDRAWN/ DISCONTINUED	GRAND TOTAL
• General	0	0	0	0	3	0	3
• Town And Country Planning Division	0	0	0	0	6	0	6
PUBLIC ADMINISTRATION & COMMUNICATIONS							1
• General	0	0	0	1	0	0	1
PUBLIC UTILITIES							5
• General	0	0	0	1	1	0	2
• TTPOST	1	0	0	0	1	1	3
RURAL DEVELOPMENT & LOCAL GOVERNMENT							49
• General	3	0	2	4	38	1	48
• Regional Corporations	0	0	0	0	1	0	1
SERVICE COMMISSIONS DEPARTMENT	0	0	0	1	1	0	2
SOCIAL DEVELOPMENT & FAMILY SERVICES							40
• General	0	0	2	9	27	1	39
• Social Welfare Division	0	0	0	0	1	0	1
SPORT AND YOUTH AFFAIRS							4
• General	0	0	0	1	3	0	4
TOBAGO HOUSE OF ASSEMBLY							17
• Agriculture, Marine Affairs, Marketing & the Environment	0	0	0	0	1	0	1
• Education, Youth Affairs and Sport	0	0	0	0	2	0	2
• Finance and Enterprise Development	0	0	0	0	1	0	1
• Health and Social Services	0	0	0	1	6	0	7
• Health and Social Services-Social Welfare	0	0	0	0	0	1	1
• Health and Social Services-TRHA	0	0	0	0	1	0	1
• Infrastructure and Public Utilities	0	0	0	0	4	0	4
WORKS AND TRANSPORT							27
• General	0	0	1	1	17	1	20
• Licensing Authority (Transport Division)	0	0	0	0	1	0	1
• National Maintenance Training & Security Company Ltd. (MTS)	0	0	0	0	1	0	1
• Port Authority of Trinidad and Tobago	0	0	0	0	1	0	
• Public Transport Service Corporation (PTSC)	0	0	0	0	2	0	2
• Unemployment Relief Programme (URP)	0	0	0	0	2	0	2
SUB-TOTAL	20	0	10	80	371	19	500
FREEDOM OF INFORMATION ACT, Chap. 22:02							13
ENQUIRIES/REFERRALS							362
PRIVATE MATTERS							82
GRAND TOTAL							957

TOP 5 OFFENDERS FOR 2017:

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 2017, 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 six (6) years. This ranking was followed by the Ministry of Rural Development and Local Government, the Ministry of Health, the Ministry of Finance and the Judiciary. Figure II below illustrates the top five (5) Ministries/Government Departments/State Agencies with the highest number of complaints.

FIGURE II



COMMUNITY OUTREACH STATISTICS FOR THE PERIOD JANUARY TO DECEMBER 2017

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 January to December 2017, the Office received a total of one hundred and fifty-five **(155)** complaints against Ministries/Government Departments/Agencies. A total of thirty-two **(32)** complaints were received from Point Fortin; twenty-nine **(29)** from Rio Claro; eighteen **(18)** from Siparia; eighteen **(18)** from Couva; twenty **(20)** from Chaguanas and thirty-eight **(38)** from Sangre Grande.

Table IV below illustrates this information.

TABLE IV

MONTHS 2017	POINT FORTIN	RIO CLARO	SIPARIA	COUVA	CHAGUANAS	SANGRE GRANDE	TOTAL
JANUARY	6	1	1	1	1	4	14
FEBRUARY	3	2	3	0	3	1	12
MARCH	1	4	2	1	2	4	14
APRIL	5	1	0	5	0	2	13
MAY	2	2	4	0	3	5	16
JUNE	0	3	1	0	2	4	10
JULY	4	1	4	4	6	0	19
AUGUST	4	3	1	3	1	5	17
SEPTEMBER	3	3	0	3	1	6	16
OCTOBER	3	5	2	1	0	5	16
NOVEMBER	1	4	0	0	1	2	8
DECEMBER	NO VISIT	NO VISIT	NO VISIT	NO VISIT	NO VISIT	NO VISIT	NO VISIT
GRAND TOTAL	32	29	18	18	20	38	155

CONFERENCES AND WORKSHOPS



CONFERENCES & WORKSHOPS

THE 9TH BIENNIAL CARIBBEAN OMBUDSMAN ASSOCIATION (CAROA) CONFERENCE

Theme of Conference:

“The Ombudsman-A Key Actor in the Quest for Good Governance/Challenges Facing the Modern Day Ombudsman”

The 9th Biennial Caribbean Ombudsman Association (CAROA) Conference was held from June 11, 2017 to June 13, 2017 at the Courtyard Marriott Hotel in Bonaire. Two (2) members of my Investigative staff attended this Conference where they were able to grasp a better understanding of Ombudsman relationships, challenges facing the Ombudsman, networking and non-traditional issues facing Ombudsman institutions.

In addition, a training session was provided by the Queen Margaret University covering the topic of ‘*Complaint Handling.*’ This training was sponsored by the International Ombudsman Institute (IOI).



Members at the CAROA Conference



Members of OTT Investigative Staff: Joann Davis (left) and Mulchan Bridgelal (centre)



HIGHLIGHTS OF ACTIVITIES BY THE OMBUDSMAN



OFFICE OF THE
OMBUDSMAN
TRINIDAD AND TOBAGO

HIGHLIGHTS OF ACTIVITIES BY THE OMBUDSMAN



Seminar - Strengthening the bonds of Communication



OTT Sports Day Tobago



Ombudsman's visit to Siparia Regional Corporation



Fourth Biennial Regional Conference of CAROA



CAROA Conference - Curacao



CAROA Conference - Curacao



Speaking at an outreach event in Palo Seco



Visit to Sangre Grande Regional Corporation



Ombudsman speaking at End of Year function



Ombudsman at IOI meeting in Namibia



Speaking at an outreach event in Palo Seco

2017

F E E D B A C K

R E S P O N S E

Dear Sir/Madam,

With respect to your letter dated 17th February, 2017. I am pleased to confirm that I received the surgery on the 24th January, 2017 and all is well by the grace of God, and I am very thankful for your assistance in this matter, as I believe without your assistance I may not have received this surgery.

I thank you again for your intervention as it proves that at least one Government institution is working to serve the people in their time of need.

Yours Respectfully.

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:



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.



OFFICE OF THE
OMBUDSMAN
TRINIDAD AND TOBAGO

APPENDICES

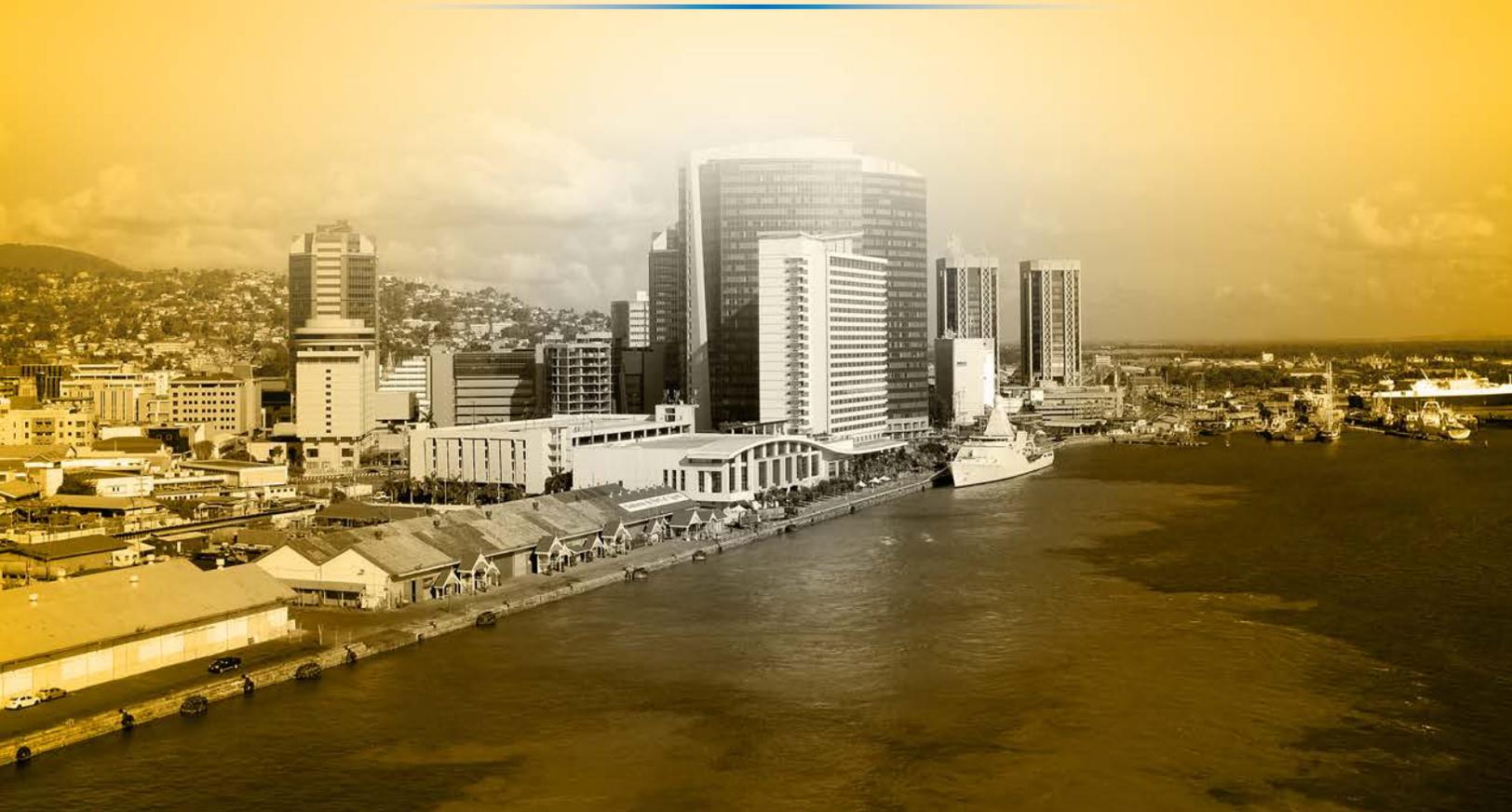
Schedule of Community Visits

Extract from the Constitution related to the Office and the Ombudsman

Ombudsman Act, Chap. 2:52

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

Map of the Caribbean



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

CHAGUANAS

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

SIPARIA

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

COUVA

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

SANGRE GRANDE

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

MAYARO/RIO CLARO

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

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.

(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.

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.

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.

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.

[Section 94(4)(b)].

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 Organisation.
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.

LAW OF TRINIDAD AND TOBAGO

OMBUDSMAN ACT, CHAP. 2:52

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

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

LAW 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"> (a) might prejudice the security, defence or international relations of Trinidad and Tobago (b) including Trinidad and Tobago relations with the Government of any other country or with any international organizations; (c) will involve the disclosure of the deliberations of Cabinet; or (d) will involve the disclosure of proceedings of Cabinet or any Committee of Cabinet, relating to matters of a secret or confidential nature, and could be injurious to the public interest, the Ombudsman shall not require the information or answer to be given or, as the case may be, the document or paper, or thing to be produced. <p>(2) Subject to subsection (1), no rule of law which authorises or requires the withholding of any document or paper, or the refusal to answer any question, on the ground that the disclosure of the document or paper or the answering of the question would be injurious to the public interest shall apply in respect of any investigation by or proceedings before the Ombudsman.</p>
SECRECY OF INFORMATION	<p>6. A person who performs the functions appertaining to the Office of the Ombudsman or any office or employment there under –</p> <ul style="list-style-type: none"> (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 (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	<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>

LAW 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>

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 AND TOBAGO



THE CARIBBEAN





OFFICE OF THE
OMBUDSMAN
TRINIDAD AND TOBAGO

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