



OFFICE OF THE  
**OMBUDSMAN**  
TRINIDAD AND TOBAGO

# 42<sup>ND</sup>

ANNUAL REPORT

# 2019





October 16th, 2020

**The Honourable Bridgid Annisette-George, MP**

**Speaker of the House**

**Office of the Parliament**

Parliamentary Complex,

St Vincent Street,

Port of Spain


Republic of Trinidad and Tobago

Honourable Speaker,

I have the honour to present the **Forty-second Annual Report** of the Ombudsman, for the period **January 2019 to December 2019**.

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

Yours faithfully,



**Patrick Mark Wellington**

**OMBUDSMAN**

Republic of Trinidad and Tobago

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## 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





## CONTACT US

### ■ PORT OF SPAIN

#### Head Office

- 📍 International Waterfront Centre,  
Level 12, Tower D, 1A Wrightson Road,  
Port of Spain, Trinidad
- ☎ Tel: (868) 624-3121 Fax: (868) 625-0717
- ✉ E-mail: [feedback@ombudsman.gov.tt](mailto:feedback@ombudsman.gov.tt)

### ■ SAN FERNANDO

#### South Office

- 📍 1st Floor, FinGroup Place,  
11-13 Kelshall Street, San Fernando
- ☎ Tel: (868) 652-6786 Fax: (868) 652-0404
- ✉ E-mail: [sandoregion@ombudsman.gov.tt](mailto:sandoregion@ombudsman.gov.tt)

### ■ SCARBOROUGH

#### Tobago Office

- 📍 Caribana Building, Bacolet Street  
Scarborough, Tobago
- ☎ Tel: (868) 639-1302 Fax: (868) 639-1303
- ✉ E-mail: [tgoregion@ombudsman.gov.tt](mailto:tgoregion@ombudsman.gov.tt)

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



Patrick Mark Wellington  
OMBUDSMAN  
Republic of Trinidad and Tobago

## OMBUDSMAN'S MESSAGE

*"The role of an ombudsman office is not to replace or oppose government decision-making. Rather, the office exists to assist the public service to be more aware and responsive to the individual concerns of members of the public. In addition to helping resolve individual complaints, an ombudsman office can, over time, serve as a resource to government institutions in identifying recurring unfairness (which may not display an obvious pattern to the agency) and can advise on how to avoid it in the future."*

Sir Brian Elwood, C.B.E., D.Litt. (Hon.) LL.B.  
(Chief Ombudsman of New Zealand- 1994-2003)



## OMBUDSMAN'S MESSAGE

*Patrick Mark Wellington - Ombudsman*

Trinidad and Tobago is indeed fortunate to be among the many countries that recognize the importance of having an Ombudsman institution. It is therefore my pleasure to present the 42nd Annual Report of the Office of the Ombudsman, for the period January to December, 2019. Section 96(5) of the Constitution of the Republic of Trinidad and Tobago, Chap. 1:01 states *"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."*

The Office of the Ombudsman is a creature of the Constitution of the Republic of Trinidad and Tobago, Chap. 1:01 and by nature, it is an independent institution that functions primarily **to investigate any decision or recommendation made, including any advice given 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.** Matters which are excluded from the Ombudsman's jurisdiction are set out in the Third Schedule to the Constitution.

The Ombudsman, as an institution, presents an addition to the consolidation of democracy. It is an instrument of transparency and accountability acting in order to protect the rights of individuals and to mitigate instances of maladministration. The latter includes delays, bias, failing to follow proper procedures, neglect and arbitrariness. It is inherent in human nature to make errors and therefore, this Office exists to render assistance when such errors occur.

Complaints received by my Office highlight aspects of systems in the public service which require in depth evaluation and restructuring. An analysis of past reports indicates that the types of complaints received by my Office remain unchanged. Some of these complaints include:

- *Failure of Ministries/Government Departments/State Agencies to respond to requests for information or to provide reasons for decisions given*
- *Ambiguous or incomplete information which is inappropriate to the particular circumstance*

These two areas highlight a fundamental lack of efficient practices utilized by various Government Ministries/Departments.



During the period under review, it should be noted that there was a marked increase in the number of persons who sought the assistance of the Ombudsman with regard to various problems of a private nature. Although those complaints fall outside the jurisdiction of this Office, persons are still appropriately advised on how to proceed or where to visit for assistance. This, however, is a reflection of the fact that, despite years of its existence, persons are still unclear as to the role of the Ombudsman.

A review of the channels of communication with Permanent Secretaries and Heads of Department was conducted and the Ombudsman undertook to develop more strategic approaches to resolving matters. It should be noted that efforts were made and will continue to be made to ventilate the roles and functions of the Ombudsman through our Public Education and Sensitization programmes. A thorough portfolio of activities was designed with the aim of sensitizing Ministries/Government Departments/State Agencies, not only focussing on the general roles and functions of the Office but also on how they can better assist in the successful execution of our Investigative process for each complaint received. This project is due to commence in the next reporting period which will include fostering closer liaisons with public bodies to ensure speedier resolution of matters.

I wish to encourage public officers to be mindful of the fact that it is not business as usual since the public is more aware of its fundamental rights and is exercising those rights. They are also seeking out more extensive information through the Freedom of Information Act, Chap. 22:02. This means that improved record keeping should be a prime focus of Ministries/Government Departments/State Agencies to ensure that access to information is readily available. Greater responsiveness to the concerns of persons accessing their services should be a major priority. In spite of the fact that I have received increased co-operation for the most part from several Government Ministries/Departments, there are still instances where some public officers neglect any communication with my Office. This in turn, delays the pace at which the investigation of matters proceeds.

This Office will continue to exercise its statutory powers under section 97(1) of the Constitution and section 4 of the Ombudsman Act, Chap. 2:52 which states that ***"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."*** This is enforced when Ministries/Departments and State Agencies have not addressed complaints after several reminders have been issued.

My Office will persist in strengthening the bonds with Ministries/Departments to ensure that recommendations made are given the noteworthy consideration that they deserve. This will assist in improved delivery of public services and ensure that these improvements are maintained. Those in authority must recognize the urgent need to work in tandem with my Office to produce systems that function with fairness and alacrity.

There is need for continuous improvements to be made, if one is to satisfy the dynamic and ever changing needs of society. In order to remain relevant and to deliver high quality services to members of the public, my Office seeks to persistently streamline and standardize daily processes together with significant investment in staff training and development.

In spite of the existing challenges experienced with respect to the insufficient complement of human resources and financial constraints, my staff and I take seriously, the role of being of service to the many individuals who seek our assistance.

Undoubtedly, we remain committed and passionate in our quest to eliminate administrative injustices with the aim of restoring public trust and fulfilling our vision of ***“A Public Administration that is accountable, fair and transparent for the benefit of all in Trinidad and Tobago.”***

I wish to acknowledge my dedicated staff who have worked assiduously during the year to ensure that complaints were handled in an impartial, ethical and expeditious manner. I am also grateful for the tremendous support received from the many hardworking public officers who go the extra mile in assisting this Office to achieve its mandate under the Law.



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

Republic of Trinidad and Tobago

## WHAT WE DO

### The Office of the Ombudsman

The Office was established under **Section 93 (1) of the Constitution of the Republic of Trinidad and Tobago, Chap. 1:01** "...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.

*Matters not subject to investigation are discussed in Appendix II.*

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

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

### The Ombudsman and the Freedom of Information Act (FOIA)

**The Freedom of Information Act (FOIA), Chap. 22:02** came into effect in 2001 and provides members of the public with a general right of access to official documents in the possession of public sector bodies or authorities. This right is qualified in that certain documents are not to be accessed by an application made under the said Act.

**Section 12** of the Act lists these documents to include:

- Documents with information that is open to public access
- A document which is available for purchase by the public
- A document that is available for inspection that is in a registry maintained by the Registrar General or other public authority, and
- A document which is a duplicate of a document of public authority

Additionally, there are documents which are exempt from disclosure. These include inter alia:

- Cabinet documents
- Law enforcement documents
- Documents relating to trade secrets
- Documents affecting personal privacy

**Section 15** of the said Act places a statutory obligation upon public authorities to take all reasonable steps to inform an applicant of its decision, not later than thirty (30) days after the request for access to official documents was duly made. **Section 38A (1)** states:

"A person aggrieved by the refusal of a public authority to grant access to an official document may, within twenty-one (21) days of receiving notice of the refusal under **Section 23 (1)** complain in writing to the Ombudsman and the Ombudsman shall, after examining the document if it exists, make such recommendations with respect to the granting of access to the document as he thinks fit within thirty (30) days or as soon as practicable thereof."

## FIVE THINGS TO KNOW ABOUT YOUR OMBUDSMAN





# FREEDOM OF INFORMATION AND THE OMBUDSMAN

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

**Section 38A** of the Act provides

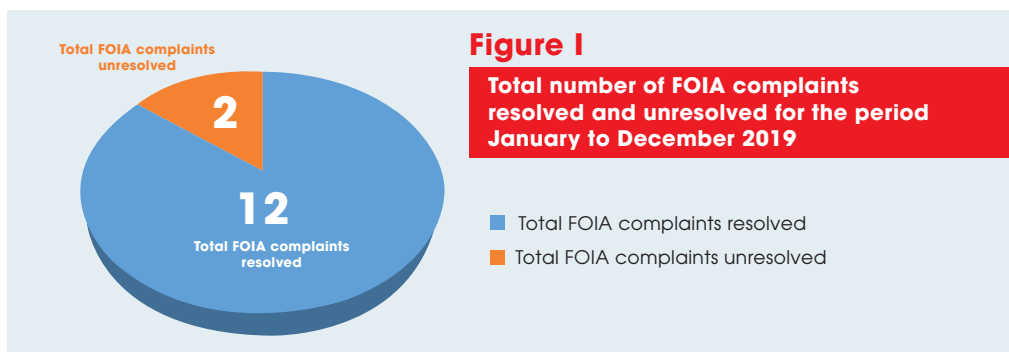
*"A person aggrieved by the refusal of a public authority to grant access to an official document, may, within twenty-one days of receiving notice of the refusal under section 23(1), complain in writing to the Ombudsman..."*

For the period January to December 2019, the Office of the Ombudsman received a total of fourteen (14) requests for review of decisions made by Ministries/Government Departments/State Agencies. Of that total, twelve (12) complaints or 86% were resolved and two (2) complaints or 14% remained unresolved at the end of the same period. **See Figure I.**

Although statistical data proves that the number of FOIA requests for review has declined over the years, upon an examination of the complaints lodged, I have made certain observations which I must mention and which are pertinent to the development of the freedom of information process.

- It is apparent that designated officers who are assigned the responsibility of treating with FOIA requests need to be afforded the relevant training to process such requests, both efficiently and effectively.
- Public authorities are not diligent in adhering to the timelines specified under the Act. Far too often, I receive complaints from individuals who have made requests and have not received any response to their requests for access to documentary information from the public authority. Designated officers and, by extension public authorities, do not treat FOIA requests with the sense of urgency and priority which they ought to be given. Delays in the handling of those requests can compromise the avenue for redress which is available to aggrieved applicants.
- It has also been observed that after refusing the applicant access to a requested document (s), the public authority fails to inform them of their right to complain to the Ombudsman in accordance with **section 23** of the FOI Act.

It is critical that public officers and more specifically, designated officers, recognize and appreciate the significance of their role under the FOI Act when treating with requests made by members of the public. They should be mindful that the key purpose of this Act is to afford members of the public a right of access to information and anything done to derogate from this right is in breach of the provisions of the said Act.





OFFICE OF THE  
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## **AREAS OF CONCERN**

The Ombudsman has noted that there are specific Ministries/Departments/State Agencies that have become direct subjects of public complaints.

Two of these are listed below:-

**NATIONAL INSURANCE BOARD (NIB)**  
**HOUSING DEVELOPMENT CORPORATION (HDC)**

The justification for the selection of these departments to be highlighted as areas of concern will be further discussed in this section.



## AREAS OF CONCERN

### NATIONAL INSURANCE BOARD (NIB)

The Office of the Ombudsman has received numerous complaints against the National Insurance Board (NIB). This Office continues to express its deep concern with the perpetual failure of this agency to address complaints brought against them in an expeditious manner. For the period January to December 2019, a total of one hundred and forty-four (144) complaints were received against the NIB and of that total, eighty-five (85) complaints remained under investigation at the end of the period. Further, it has also maintained its first place position as the agency with the highest number of complaints lodged against it.

Complaints predominantly received against the NIB include the following:

- **Delay in the processing of Retirement Benefits, Sickness Benefits, Invalidity Benefits, Maternity Benefits**
- **Delay in the updating of Statements of Contributions**
- **Delay in not investigating claims of the non-payment of National Insurance (NIS) contributions by employers**

#### What does the Office of the Ombudsman expect from the NIB?

The objective of the Office of the Ombudsman is to bridge the gap in communication which exists with the NIB. It is hopeful that this in itself would expedite both the investigation and resolution of complaints and prevent recurrence of similar complaints in the future.

Additionally, this Office reiterates the need for deficiencies of the current oversight system in place by the NIB regarding companies' registration to be rectified. This should result in a more robust system to ensure effective monitoring and compliance of companies' registration with the NIB for the payment of NIS contributions for employees.

## AREAS OF CONCERN

### HOUSING DEVELOPMENT CORPORATION (HDC)



The Housing Development Corporation (HDC) has continued to operate at a very slow pace in addressing serious complaints forwarded to it by the Office of the Ombudsman. As was stated in my predecessor's 35th Annual Report (2012) and the views which, even today, maintains a momentous degree of relevance is that this tardiness on the part of the HDC, *"...could lead one to assume that there is a level of insensitivity operating with HDC officials, particularly when one considers those Complainants whose matters deserve immediate attention. It also demonstrates a lack of will to co-operate with the Office of the Ombudsman. The result is a great deal of frustration not only with the HDC but also with the Office."*

As such, the HDC has again, earned its notoriety as an area of concern in this report.

In 2019, this Office received a total of thirteen (13) complaints against the HDC all of which remained under investigation at the end of this reporting period. To date, there are seventy-two (72) outstanding complaints recorded against the HDC.

Some of complaints received by this Office against the HDC include the following:

- **Delay in repairing units**
- **Delay in refunding mortgage overpayments**
- **Inability to obtain deeds for properties upon completion of mortgage payments**
- **Requests for emergency housing not addressed expeditiously**
- **Requests for relocation for cogent reasons not promptly addressed**

### What does the Office of the Ombudsman expect from the HDC?

Unfortunately, the problems encountered by persons accessing the services of the HDC remain unrectified. In comparison to other Ministries/Government Departments/State Agencies, observations made by this Office indicate that the number of complaints received against the HDC has decreased. One should note however that in spite of this noticeable trend, the predominant issue with the HDC lies in the insurmountable frustration and unjustified distress that persons must bear in order to obtain some form of feedback and/or redress on those matters. This begs the question of what systems are in place by the HDC to deal with matters forwarded by Ombudsman's Office, whose principal function is to investigate complaints of maladministration against Ministries/Government Departments/State Agencies by members of the public.

This Office will again reiterate the need for the HDC to make improvements in areas such as monitoring and supervision, with respect to the repair of housing units. Additionally, there appears to be a lack of proper communication between HDC Area Offices and their Head Office, in addressing complaints lodged by persons in a timely manner. More effective interaction is required to mitigate any unnecessary delays which may arise.

The Office of the Ombudsman is willing to work with the HDC to bring closure to matters brought against them and to ease the inconvenience faced by persons who rest assured on the founded belief of the HDC *"...that decent, safe and attractive housing is central to the physical and emotional health, productivity and self-esteem of the people it serves."*<sup>1</sup>

<sup>1</sup><https://hdc.gov.tt/about-us/>



## HOUSING DEVELOPMENT CORPORATION (HDC) CONT'D

### TEXT OF A SPECIAL REPORT (NO. 1 OF 2015) UNDER SECTION 96(4) OF THE CONSTITUTION

*Laid in the House of Representatives on Friday November 27, 2015 and tabled in the Senate on Tuesday December 08, 2015.*

#### Complaint of Mr. A.H. against the Housing Development Corporation (HDC)

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

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

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

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

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

During the period 1994 to 2004, despite numerous requests by Mr. A.H. to NHA for assistance, including letters from the Attorneys-at-Law acting on his behalf, nothing was done to remedy the problem.

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

In my letter to the then Chief Executive Officer, HDC dated October 25, 2006, I recommended that: **"...since Mr. A.H. was unable to live at his house, through no fault of his, it will be unfair to expect him to clear off a mortgage on a property which is uninhabitable. The property must be merchantable and since it is not suitable for the purpose for which it was bought, no further monies should be paid towards liquidating the debt on that property."**

## HOUSING DEVELOPMENT CORPORATION (HDC) CONT'D

It was my view that the Corporation had **“no intention to effect any restorative work to the environment in this area... therefore, to expect Mr. A.H. to continue to pay a mortgage on an uninhabitable property and not to take the necessary steps to relocate him is unreasonable.”**

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

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

**“It is noted that the Complainant opines of structural damages to his property situated at No. 1 Redwood Street, Morvant and has requested that the Corporation effect repairs on same and/or offer relocation to another housing unit.**

**Please be guided that the Corporation does not consider itself liable to effect repairs on said property as it is no longer owned by us but it is instead a private residence. Kindly note further that this decision has already been relayed to the Complainant by letter dated 11th December, 2011, addressed to his Attorney-at-law. A true and correct copy of this document is hereto attached for your perusal.”**

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

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

This, I now do.

**FOOTNOTE:** To date, I have not received a response from the HDC on this matter. The most disconcerting feature of this matter is the failure of the HDC to take the necessary steps to resolve it. It has already been thirteen (13) years since this matter was brought to the attention of my Office. It is also evident that the complainant continues to suffer a great deal of injustice and frustration in an attempt to have his matter dealt with and to receive the attention it deserves.

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

## GENERAL CONCERNS

The following concerns are attributed to specific Ministries/Government Departments/State Agencies which result in severe repercussions for members of the public.

■ **Inefficient record keeping by Ministries/Government Departments/State Agencies.**

- The failure of Government departments to maintain proper and accurate records can result in allegations of bias, incompetence or corruption on the part of public officers. Errors such as misplacing/losing a file, or confusing persons who have similar/identical names can lead to serious consequences for an individual.
- Overpayment of salaries to public officers is also a major problem caused by inefficient record keeping. Overpayments may occur when the period of extended sick leave of a public officer is not classified on a timely basis. In those departments where Pension and Leave records are not regularly updated, overpayments remain undetected for several years and are only discovered when officers are about to retire. In many instances, an overpayment is recovered from gratuity payments which places retired officers in an unforeseen financial position at the end of their working life.

It is crucial that the maintenance of accurate and proper records be viewed as a mandatory obligation by all Government departments.

- **Failure by Ministries/Government Departments/State Agencies to responding to requests for information in an expeditious manner or taking the appropriate action(s) to bring closure to matters.**
- **Administrative delays in processing approvals and other services with statutory (time) limits built into specified Acts such as, (in the case of the Town and Country Planning Division, Ministry of Planning and Development) the processing of approvals for changes in land use, applications for building permits and the construction of illegal structures.**
- **Delays (for those persons who are incarcerated) in obtaining trial dates and having their appeals heard as well as complaints about general prison conditions.**

## HOW WE WORK - The Complaints Process





# THE OMBUDSMAN'S CASEBOOK

This section highlights a selection of cases which were investigated by the Office of the Ombudsman.

## SUMMARY:

- **CASE 1:** Just a Little Bit Longer
- **CASE 2:** The Sound of Silence
- **CASE 3:** Getting It Right...Finally
- **CASE 4:** It Takes 2 to Tango
- **CASE 5:** Recognizing the Need for Change

## THE OMBUDSMAN'S CASEBOOK

### CASE 1: JUST A LITTLE BIT LONGER

In 1974, Ms. K, a citizen of Trinidad and Tobago, migrated to Canada where she received the citizenship of that country in 1980. It is pertinent to note that prior to July 29, 1988, provisions were not made for citizens of Trinidad and Tobago to hold dual citizenship. Therefore, at that time, Ms. K and other persons in similar situations were required to surrender their Trinidad and Tobago citizenship in order to acquire the citizenship of another country.

On January 04, 2017, Ms. K submitted an application for Restoration of her Citizenship to Trinidad and Tobago. This submission was made along with all the required documentation which included the relevant application form and a receipt proving that payment of the required fee of Five Hundred and Fifty dollars (\$550.00) was made to the Immigration Division, Ministry of National Security.

Section 11(2A) of the Citizenship of the Republic of Trinidad and Tobago Act, Chap. 1:50 states that:

*"A person who being a former citizen of Trinidad and Tobago by birth or by descent, having voluntarily acquired the citizenship of another country or having renounced citizenship of Trinidad and Tobago in order to acquire citizenship of another country may, on the coming into force of this Act, make an application to the Minister on the prescribed form to have citizenship of Trinidad and Tobago restored to him."*

Subsequent to the submission of her application, Ms. K indicated that several enquiries were made at the Ministry's head office, the last of which occurred by letter dated August 19, 2019. During a visit to the Immigration Division on September 01, 2019, she was advised that if she did not receive her Certificate of Restoration by October 2019, she would have been

required to once again, resubmit an application, which she believed to be unfair.

More than two (2) years later, on October 17, 2019 and after her efforts proved to be futile, Ms. K sought the assistance of the Ombudsman regarding the delay on the part of the Immigration Division, Ministry of National Security in processing the said application.

This Office liaised with the Ministry for comments on Ms. K's matter and was informed that the application was in fact awaiting approval.

On December 18, 2019, Ms. K confirmed that she received her Certificate of Restoration and as such, her matter was resolved.

**FOOTNOTE:** *It is crucial to note that although Ms. K's matter took a mere three (3) months to be resolved by the Office of the Ombudsman, she did in fact experience undue distress, having to wait more than two (2) years for closure of her matter.*

#### **Excerpt from Ms. K's letter dated August 19, 2019 to Ministry of National Security**

*"...I have been quite patient, especially when I have not received any communication or correspondence from your office within the past two years, especially in this day and age where modern technology and communication are at your fingertips. I believe that one year is quite reasonable...but two + years is beyond acceptable from a Government Official office, such as yours, especially when all the proper supporting legal documents were provided and all fees were collected by your Ministry."*

## THE OMBUDSMAN'S CASEBOOK

### CASE 2: THE SOUND OF SILENCE

In January 2015, Ms. W, on behalf of Mr. R, sought the assistance of the Ombudsman regarding the delay by the Ministry of Education in preparing Mr. R's Pension and Leave records and transmitting same to the Comptroller of Accounts.

Mr. R, who was employed with the Ministry of Education, resigned from the North Eastern College as a Teacher II with effect from February 01, 1993. Upon his resignation, he was entitled to receive Retirement Benefits under the **Law Reform (Pensions) Act, Chapter 23:59**. However, at that time, Ms. W was informed by the Human Resource Unit, Ministry of Education that Mr. R's Pension and Leave records could not be retrieved since his file was lodged in storage.

Moreover, Ms. W claimed to have submitted numerous requests to the Ministry for the outstanding information since November 2014, but to no avail.

In July 2015, after several enquiries were made, the Office of the Ombudsman was informed by the Industrial Relations Unit of the Ministry that attempts were being made to locate Mr. R's Pay Record cards in order to reconstruct his Pension and Leave Record.

On month later, in August 2015, in another attempt to locate Mr. R's records, a site visit was made by the assigned Investigator to the Ministry of Education, in accordance with section 97(2) of the Constitution of the Republic of Trinidad and Tobago, Chap. 1:01.

Following that visit which appeared to show some promise, this Office continued to make further enquiries in an effort to bring resolution to Mr. R's matter.

It was not until four (4) years later in May 2019, that the Ministry of Education informed this Office that Mr. R's matter was receiving the attention of its Pension and Leave Section and that his Leave Records would have been forwarded to the Pensions Management Division of the Ministry of Finance in a timely manner.

In September of that same year, this Office was informed that the said Record was prepared and submitted to the Comptroller of Accounts and that Mr. R's file was forwarded to the Ministry's Pay Sheets Section for the payment of outstanding increments due to him.

In December 2019, Ms. W confirmed that Mr. R received his gratuity payment and on that account, the matter was deemed resolved.

**FOOTNOTE:** *The issue of maladministration is certainly glaring in this matter. Mr. R endured a frustrating waiting period of twenty-six (26) years to receive his pension and gratuity payment.*

#### Letter of Appreciation to the Ombudsman

*Dear Sir,  
I will like to express my gratitude to your office for the assistance given to me...regarding gratuity payment.*

*The Ministry prepared the Pension and Leave record...and I was informed that (the) cheque was ready. The process took five years, 2014 to 2019 but justice has been served.*

*Once again, I thank you for the assistance of your office in bringing closure to this matter.*

*Yours faithfully*



## THE OMBUDSMAN'S CASEBOOK

### CASE 3: GETTING IT RIGHT...FINALLY



In October 2006, Mr. H retired in the position of Statistical Officer II from the Central Statistical Office (CSO), after completing a total of thirty-three and two-thirds (33 2/3) years in the Public Service of Trinidad and Tobago. It was upon receipt of his retirement benefits that he realised he was only remunerated for a period of twenty-seven and one-sixth (27 1/6) years.

When enquiries were made at the Pensions Division, Comptroller of Accounts (COA), with respect to the shortfall in benefits disbursed to him, Mr. H was informed that the missing years of his service which amounted to six and a half (6 1/2) years covered a period when he held the temporary position of Clerical Assistant at the CSO, where he was employed by the Director of Statistics in accordance with the delegation of certain powers (delegated authority) by the Public Service Commission, issued by the Director of Personnel Administration (DPA) on April 30, 1968. It should be noted that no provisions existed for the inclusion of Mr. H's temporary service at that time and as such, the period in question could not have been considered in the calculation of his retirement benefits.

In March 2007, after his efforts were unsuccessful, Mr. H approached the Ombudsman for assistance in having his temporary service as Clerical Assistant deemed reckonable for pension purposes. During the course of the investigation by this Office, several reminders were sent to both the Permanent Secretary, Ministry of Planning and Development and the Director of Statistics, CSO.

In February 2008, the Director of Statistics indicated that the information emanating from the Office of the Director of Pensions at the CSO revealed the following:

**(a) "Consequent on the receipt of the officer's complaint, an approach was made to the Audit Unit at the Auditor General's Department to have the 6 1/2 years' service as a Temporary Clerical Assistant, taken into account in the calculation of retirement benefits."**

The Auditor General's Department advised the CSO that after consultations with the COA as to the relevant "Authority" which could have enabled the

Department to sanction Mr. H's additional payment, that inter alia, **"...Cabinet must be approached for approval of service as a Clerical Assistant to be deemed reckonable for pension purposes."**

The Director of Statistics further advised that a survey of that Office's personnel records would have been conducted in order to establish the number of persons similarly affected, after which, Cabinet would be approached. In April 2010, a Draft Note to Cabinet was prepared. However, enquiries made by the Office of the Ombudsman thereafter, relating to the Final Note and its submission to Cabinet proved to be futile.

Five (5) years later on July 16, 2013, with the aim of bringing resolution to this long outstanding matter, the Director, Human Resources of the Ministry of Planning and Development and both the Director (Ag.) and Administrative Officer IV of the CSO were summoned to appear before the Ombudsman.

Again, it was not until August 2018, that this Office was informed by the Ministry of Planning and Development that in order to regularize the employment status of persons who were employed under delegated authority in the CSO on a temporary basis, in temporary positions, that **Cabinet, by Minute 1951 of August 6, 2016** agreed, inter alia, **"that the periods of service for persons who served under the Powers of Delegated Authority as Clerical Assistants...be considered for pension purposes."** Mr. H fell into this category and as such, his temporary service had to be included in the finalization of his retirement benefits, pending the guidance of the COA on how to treat with several issues, including the award of his increments.

In November 2019, this Office was notified that approval was granted for a revised Gratuity and Pension in Mr. H's favour and the relevant documentation would have been submitted to the Accounting Executive of the CSO, for the processing of the payment which was due to him.

After twelve (12) years of on-going investigations, this matter was considered resolved.



## THE OMBUDSMAN'S CASEBOOK

### CASE 4: IT TAKES 2 TO TANGO

In September 2012, Mr. P sought the assistance of the Ombudsman regarding the delay in obtaining a Lease Agreement from the Land Management Division, Office of the Chief Secretary, Tobago House of Assembly (THA).

Mr. P claimed that in 1989, the THA acquired property owned by him which was situated at Mt. Dillon/Castara, Tobago, for the construction of the Northside Road, Mt. Dillon/Castara. The said property measured five acres, three roods and twenty perches. At the time of the acquisition, it was agreed that compensation for the acquired land would be made through the exchange of his property for a parcel of State Land located at Richmond Estate, Tobago. Mr. P was granted permission to occupy 2.4 hectares of land at the said Estate as part of the land exchange with the THA, while arrangements were made for the processing of the Lease. This decision was ratified by the **Executive Council, THA through Executive Council Minute #737 of August 15, 2012.**

During the course of Mr. P's investigation, the Office of the Ombudsman made numerous attempts to obtain a response from the THA, but no avail.

Seven (7) years later, in July 2019, the Senior Investigator, Office of the Ombudsman, held a meeting with the Chief Administrator, the Director of Land Management and the Senior State Counsel, THA, with respect to Mr. P's complaint, along with other related matters.

Subsequent to that meeting and after no feedback was proffered to this Office, in October 2019, another meeting was held with the Administrator of the Division of Infrastructure, Quarries and the

Environment, the Director of Land Management, the Engineer, the Senior Human Resource Officer and Human Resource Officer III of the THA.

Emanating from that meeting, this Office learnt that a thorough investigation was undertaken by the Land Management Division and proof of documentation confirmed that Mr. P:

- Sold the lands situated at the Richmond Estate
- Sold his original property at Mt. Dillon/Castara which he had initially agreed to exchange with the THA and for which he had in possession, a Certificate of Title

As a result of these findings, the Land Management Division indicated that the information would have been forwarded to the THA's Legal Department for advice. Moreover, a lease could not be granted to him but recognition would be given to the buyers of the said parcels of land and leases would be provided to them.

**FOOTNOTE:** *Blame is to be placed on both sides of this matter. On the one hand, despite the numerous attempts made by the Office of the Ombudsman to obtain information on Mr. P's matter, the THA took a total of seven (7) years to give an official response. On the other hand, this Office learnt that Mr. P was not completely truthful in the complaint submitted to this Office against the THA.*

It is noteworthy that in conducting its investigative process on complaints received, the Office of the Ombudsman strongly upholds the Pillar of Impartiality.

## THE OMBUDSMAN'S CASEBOOK

### CASE 5: RECOGNIZING THE NEED FOR CHANGE



In September 2018, Mr. T sought the assistance of the Ombudsman regarding the delay by the Trinidad and Tobago Postal Corporation (TTPOST), in providing him with a copy of a Waiver of Liability Form. TTPOST claimed that in November 2017, Mr. T signed the said Form when he utilized their Express Mail Service to facilitate the shipping of a package to a foreign country.

He stated that the package contained expensive medical testing equipment which had to be returned to the country of purchase for repair. When it did not reach its destination, Mr. T enquired from TTPOST about the location of the package and was informed that it could not be located. Mr. T, thereafter sought compensation for the misplaced item, but expressed his dissatisfaction with the amount of compensation offered by TTPOST. This was as a result of the TTPOST's assertion that Mr. T had in fact signed the said Waiver of Liability Form when he retained their services. Mr. T claimed that he neither recalled signing nor receiving a copy of the said form at the time when TTPOST accepted his package for delivery.

Prior to his complaint to the Ombudsman in September 2018, Mr. T requested a copy of the Form from TTPOST so that he could have been guided, accordingly. However, in spite of making several enquiries, his request was not fulfilled.

In October 2018, the Office of the Ombudsman approached TTPOST for a response to Mr. T's complaint and was informed later that month that the findings of his complaint would be forwarded as soon as possible. This Office continued to follow up with both TTPOST and Mr. T as to the status of the matter.

One year later, in November 2019, when contacted by this Office, Mr. T indicated that in the previous month, that is, October 2019, he was informed by a member of staff at TTPOST that there was a package for collection

by him at its warehouse. Upon his visit, Mr. T discovered that the package was in fact the same one which he originally lodged with TTPOST to be shipped abroad and could not be previously located.

Additionally, Mr. T learnt that when the package arrived at its destination country in November 2017, it was returned to TTPOST for delivery to him since it did not meet a specific requirement for entry. The returned package was then apparently placed in TTPOST's warehouse for almost two (2) years, until it was encountered by an employee.

Subsequent to this outcome, Mr. T no longer wished for the Office to pursue his matter against TTPOST and as such, it was discontinued.

**FOOTNOTE:** *Following the intervention of the Office of the Ombudsman, the Managing Director of TTPOST apologized for the inconvenience caused to Mr. T while utilizing the Corporation's services and assured that steps would be taken by the Corporation to ensure that incidents of that nature do not recur. Moreover, this Office noted that TTPOST was undeniably cognizant of the fact that shortcomings within their system needed to be addressed in order to become a better service provider to members of the public.*

#### Excerpt from TTPOST (Letter of Apology):

"...The Trinidad and Tobago Postal Corporation (TTPOST) wishes to thank Mr. T for using our Express Mail Service. Consequently, I wish to apologize on behalf of the Corporation for the inconvenience caused to Mr. T with regard to the issues in receiving his package. Please be assured that the TTPOST has taken steps to ensure that incidents such as these do not recur. I thank you for your usual cooperation and we look forward to continuing to provide service to Mr. T and all our customers."

Yours faithfully,

# THE FIVE MOST COMMON OMBUDSMAN ISSUES

## POOR COMMUNICATION

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

1

## POOR SERVICE

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

2

## UNPREDICTABLE ENFORCEMENT

- Over-enforcement
- Under-enforcement

3

## FAULTY DECISION

- Wrong
- Unfair
- Unreasonable
- Unexplained

4

## UNREASONABLE DELAY

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

5



# THE STORY IN NUMBERS

## SUMMARY:

- **OVERVIEW OF INVESTIGATIONS FOR 2019**
- **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 2019 AND NEW COMPLAINTS RECEIVED IN THE SAME YEAR
- **TABLE II** - TOTAL NUMBER OF NEW COMPLAINTS RECEIVED FOR THE PERIOD 2019
- **FIGURE II** - TOP 5 MINISTRIES/GOVERNMENT DEPARTMENTS/STATE AGENCIES WITH THE HIGHEST NUMBER OF COMPLAINTS FOR 2019
- **FIGURE III** - GRAPHICAL REPRESENTATION OF TABLE IV
- **TABLE III** - DISTRIBUTION OF COMPLAINTS FOR THE PERIOD JANUARY TO DECEMBER 2019
- **TABLE IV** - OUTREACH SERVICES-EXTERNAL OFFICE DAYS (Statistics for the period January to December 2019)



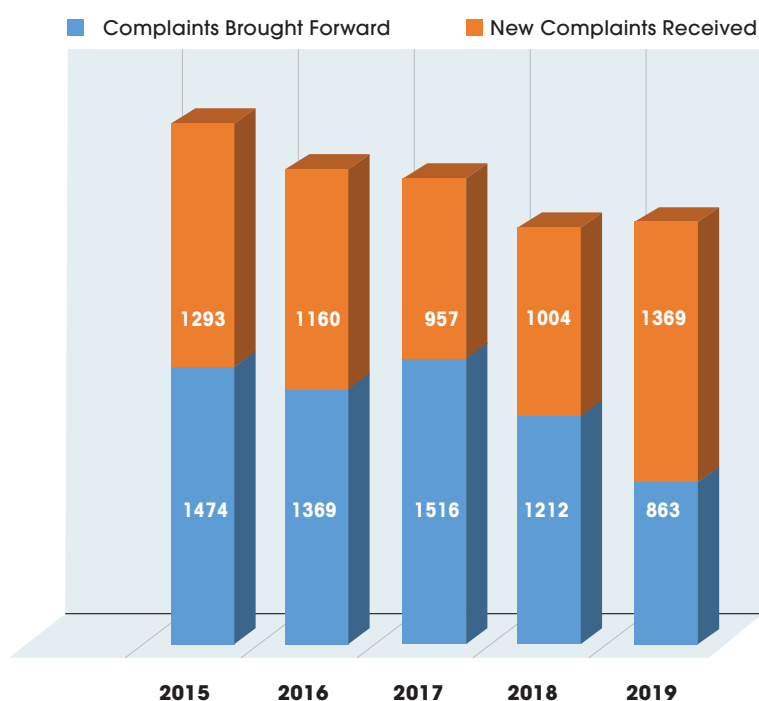
## STATISTICAL REPORT FOR THE PERIOD JANUARY TO DECEMBER 2019

*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 2019

For the period under review, January to December 2019, the Office of the Ombudsman handled a caseload of two thousand, two hundred and thirty-two (2,232) complaints. This figure comprised one thousand three hundred and sixty-nine (1,369) new complaints received and eight hundred and sixty-three (863) unresolved complaints brought forward from previous years. In comparison to the last reporting period, that is 2018, there was an increase of three-hundred and sixty-five (365) new complaints received by the Office and a decrease of three hundred and forty-nine (349) cases brought forward. See **Figure I**.



**Figure I - FIVE (5) YEAR TREND OF NEW COMPLAINTS RECEIVED AND COMPLAINTS BROUGHT FORWARD FROM PREVIOUS YEARS (2015-2019)**

The diagram above demonstrates the total number of new complaints received and brought forward from previous years over a five (5) year period (2015-2019) by the Office of the Ombudsman.

**Table I** below illustrates the total number of cases brought forward to 2019 and new complaints received in the same year. A total of six hundred and twenty-three (623) cases or 44.8% were under investigation as at December 31, 2019.

**TABLE I**

	NUMBER	PERCENTAGE (%)
Total number of complaints brought forward from previous years	863	
Total number of complaints received in 2019	1,369	
<b>TOTAL</b>	<b>2,232</b>	<b>100</b>
Less total number of Private matters	(58)	2.6
Less enquiries/referrals	(769)	34.5
Less total Freedom of Information Act (FOIA) matters	(14)	0.6
Total number of complaints pursued	1,391	62.3
Total number of complaints concluded	(768)	55.2
*Complaints sustained	419	30.1
*Complaints not sustained	21	1.5
*Complaints withdrawn/discontinued	256	18.4
*Complaints advised	65	4.7
*Complaints with no jurisdiction	7	0.5
<b>TOTAL NUMBER OF COMPLAINTS UNDER INVESTIGATION AS AT DECEMBER 31, 2019</b>	<b>623</b>	<b>44.8</b>

**Table II** shows that for the period, January to December 2019, investigations were pursued on five hundred and twenty-eight (528) new complaints. At the end of the reporting period, a total of one hundred and ninety-nine (199) of these cases or 37.7% had been resolved and a total of three hundred and twenty-nine (329) cases or 62.3% remained under investigation.

**TABLE II**

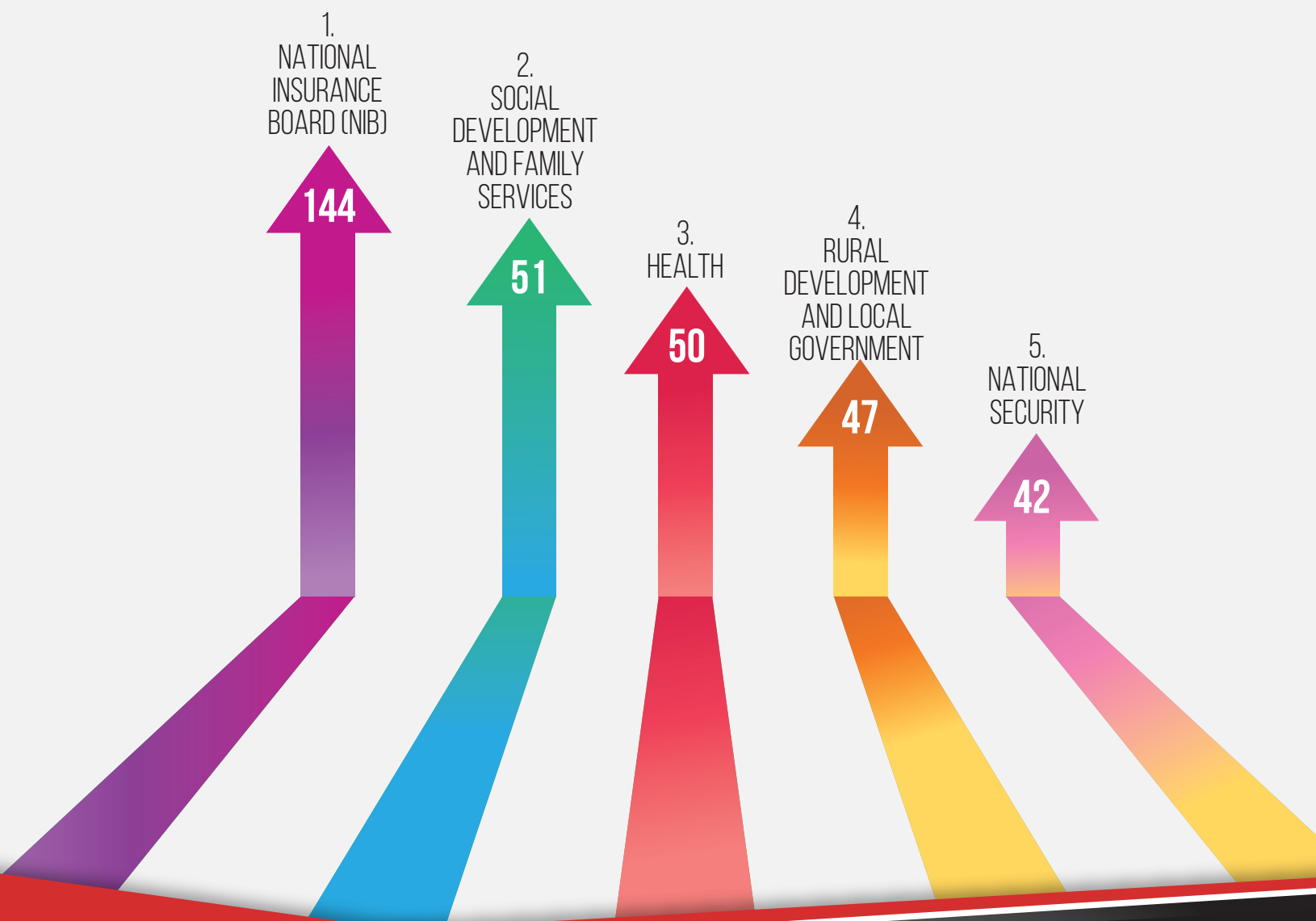
	NUMBER	PERCENTAGE (%)
Total number of complaints received in 2019	1,369	100
Less total number of Private matters	(58)	4.2
Less enquiries/referrals	(769)	56.2
Less total Freedom of Information Act (FOIA) matters	(14)	1.0
Total number of complaints pursued	528	38.6
Total number of complaints concluded	(199)	37.7
*Complaints sustained	119	22.5
*Complaints not sustained	7	1.3
*Complaints withdrawn/discontinued	41	7.8
*Complaints advised	31	5.9
*Complaints with no jurisdiction	1	0.2
<b>TOTAL NUMBER OF COMPLAINTS UNDER INVESTIGATION AS AT DECEMBER 31, 2018</b>	<b>329</b>	<b>62.3</b>

## TOP 5 MINISTRIES/GOVERNMENT DEPARTMENTS/STATE AGENCIES WITH THE HIGHEST NUMBER OF COMPLAINTS FOR 2019

The Office of the Ombudsman continuously monitors the number of complaints received by each Ministry/Government Department/State Agency. For the period January to December 2019, the National Insurance Board (NIB) was ranked as the agency with the highest number of complaints recorded against it. This agency, which ranked 2nd place in 2018 with a total of seventy-five (75) complaints has once again, as in previous years maintained its 1st place position in 2019 with a total of one hundred and forty-four (144) complaints. Evidently, it can be seen that there was a significant increase of sixty-nine (69) complaints or 92% over this period.

This ranking was followed by the Ministry of Social Development and Family Services with fifty-one (51) complaints recorded against it, the Ministry of Health with fifty (50) complaints, the Ministry of Rural Development and Local Government with forty-seven (47) complaints and the Ministry of National Security with forty-two (42) complaints. See **Figure II** below.

**FIGURE II**



**TABLE III****DISTRIBUTION OF COMPLAINTS FOR THE PERIOD JANUARY TO DECEMBER, 2019**

The table below illustrates the distribution of complaints received against Ministries/Government Departments/Agencies for the reporting period and their current status at the end of this period. It also highlights the total number of Freedom of Information (FOIA), Chap. 22:02 matters, Enquiries/Referrals and Private matters for the same period.

MINISTRIES/ GOVERNMENT DEPARTMENTS /AGENCIES	ADVISED	NO JURISDICTION	NOT SUSTAINED	SUSTAINED	WITHDRAWN/ DISCONTINUED	UNDER INVESTIGATION	TOTAL
<b>AGRICULTURE, LAND AND FISHERIES</b>							<b>23</b>
• General	1	0	0	4	2	9	16
• Commissioner of State Lands	0	0	0	0	0	7	7
<b>ATTORNEY GENERAL AND LEGAL AFFAIRS</b>							<b>7</b>
• General	0	0	0	4	0	1	5
• Legal Aid And Advisory Authority	1	1	0	0	0	0	2
<b>COMMUNITY DEVELOPMENT, CULTURE &amp; THE ARTS</b>							<b>1</b>
• General	0	0	0	0	0	1	1
<b>EDUCATION</b>							<b>28</b>
• General	0	0	0	7	1	20	28
<b>ELECTIONS AND BOUNDARIES COMMISSION</b>	0	0	0	0	1	1	<b>2</b>
<b>ENERGY AND ENERGY INDUSTRIES</b>							<b>1</b>
• General	0	0	0	0	1	0	1
<b>ENVIRONMENTAL MANAGEMENT AUTHORITY</b>	0	0	0	0	0	2	<b>2</b>
<b>FINANCE</b>							<b>26</b>
• General	2	0	0	9	0	15	26
<b>FOREIGN AND CARICOM AFFAIRS</b>							<b>1</b>
• General	0	0	0	0	0	1	1
<b>HEALTH</b>							<b>50</b>
• General	0	0	0	1	1	5	7
• North Central Regional Health Authority	3	0	0	0	0	0	3
• North West Regional Health Authority	0	0	0	3	1	21	25
• Public Health	0	0	0	0	2	9	11
• South West Regional Health Authority	0	0	0	0	0	4	4
<b>HOUSING AND URBAN DEVELOPMENT</b>							<b>15</b>
• General	1	0	0	0	1	0	2
• Housing Development Corporation (HDC)	0	0	0	0	0	13	13
<b>JUDICIARY</b>	0	0	0	4	3	9	<b>16</b>
<b>LABOUR &amp; SMALL ENTERPRISE DEVELOPMENT</b>							<b>2</b>
• General	0	0	0	0	0	2	2
<b>MAGISTRACY</b>	0	0	0	1	0	1	<b>2</b>
<b>NATIONAL INSURANCE BOARD (NIB)</b>	2	0	2	45	10	85	<b>144</b>
<b>NATIONAL SECURITY</b>							<b>42</b>
• General	0	0	0	1	0	2	3
• Fire Services	1	0	0	1	0	0	2
• Immigration	2	0	1	5	0	4	12
• Police Service	1	0	0	0	0	5	6
• Prison Service	5	0	1	4	2	7	19

TABLE III

## DISTRIBUTION OF COMPLAINTS FOR THE PERIOD JANUARY TO DECEMBER, 2019 CONT'D

MINISTRIES/ GOVERNMENT DEPARTMENTS /AGENCIES	ADVISED	NO JURISDICTION	NOT SUSTAINED	SUSTAINED	WITHDRAWN/ DISCONTINUED	UNDER INVESTIGATION	TOTAL
OFFICE OF THE PRIME MINISTER	0	0	0	0	0	1	1
PERSONNEL DEPARTMENT (OFFICE OF THE CHIEF PERSONNEL OFFICER)	0	0	0	0	0	2	2
PLANNING AND DEVELOPMENT							4
• General	1	0	0	0	0	0	1
• Town And Country Planning Division	0	0	0	0	0	3	3
PUBLIC ADMINISTRATION							3
• General	0	0	0	1	0	2	3
PUBLIC UTILITIES							8
• General	1	0	0	2	0	2	5
• Water and Sewerage Authority (WASA)	0	0	0	1	0	2	3
RURAL DEVELOPMENT & LOCAL GOVERNMENT							47
• General	2	0	0	6	6	32	46
• Regional Corporations	0	0	0	0	0	1	1
SERVICE COMMISSIONS DEPARTMENT	0	0	0	0	1	3	4
SOCIAL DEVELOPMENT & FAMILY SERVICES							51
• General	7	0	0	13	6	22	48
• Social Welfare Division	0	0	0	0	0	3	3
SPORT AND YOUTH AFFAIRS							1
• General	0	0	0	0	0	1	1
TOBAGO HOUSE OF ASSEMBLY							25
• General	0	0	0	1	0	0	1
• Education, Innovation and Technology	0	0	0	0	0	4	4
• Food Production, Forestry and Fisheries	0	0	0	1	0	2	3
• Health, Wellness and Family Development	1	0	2	1	0	7	11
• Health, Wellness and Family Development - Tobago Regional Health Authority (TRHA)	0	0	0	0	0	1	1
• Infrastructure, Quarries and the Environment	0	0	0	1	0	3	4
• Land Management Agency	0	0	1	0	0	0	1
WORKS AND TRANSPORT							20
• General	0	0	0	2	2	13	17
• Licensing Authority (Transport Division)	0	0	0	0	1	0	1
• Port Authority of Trinidad and Tobago	0	0	0	0	0	1	1
• Unemployment Relief Programme (URP)	0	0	0	1	0	0	1
SUB-TOTAL	31	1	7	119	41	329	528
FREEDOM OF INFORMATION ACT (FOIA), Chap. 22:02							14
ENQUIRIES/REFERRALS							769
PRIVATE MATTERS							58
GRAND TOTAL							1,369



## OUTREACH SERVICES-EXTERNAL OFFICE DAYS

An Investigator from the Office of the Ombudsman visits various locations across the country to ensure that members of the public have convenient access to its services. This is done to accommodate those persons who are unable to visit our three (3) main office locations in Port of Spain, San Fernando and Tobago. These visits are conducted once a month and are facilitated at the following municipal corporations:

- Point Fortin Borough Corporation
- Mayaro/Rio Claro Regional Corporation
- Siparia Regional Corporation
- Couva/Tabaquite/Talparo Regional Corporation
- Chaguanas Borough Corporation
- Sangre Grande Regional Corporation

### Statistics for the period January to December 2019:

For the year 2019, a total of one hundred and thirty-two (132) persons accessed the services offered by the Office of the Ombudsman at the various municipal corporations. A total of thirty (30) persons visited the Point Fortin Borough Corporation; seven (7) visited the Mayaro/Rio Claro Regional Corporation; twenty-three (23) visited the Siparia Regional Corporation; nineteen (19) visited the Couva/Tabaquite/Talparo Regional Corporation; sixteen (16) visited the Chaguanas Borough Corporation and thirty-seven (37) visited the Sangre Grande Regional Corporation. Table IV below illustrates this information.

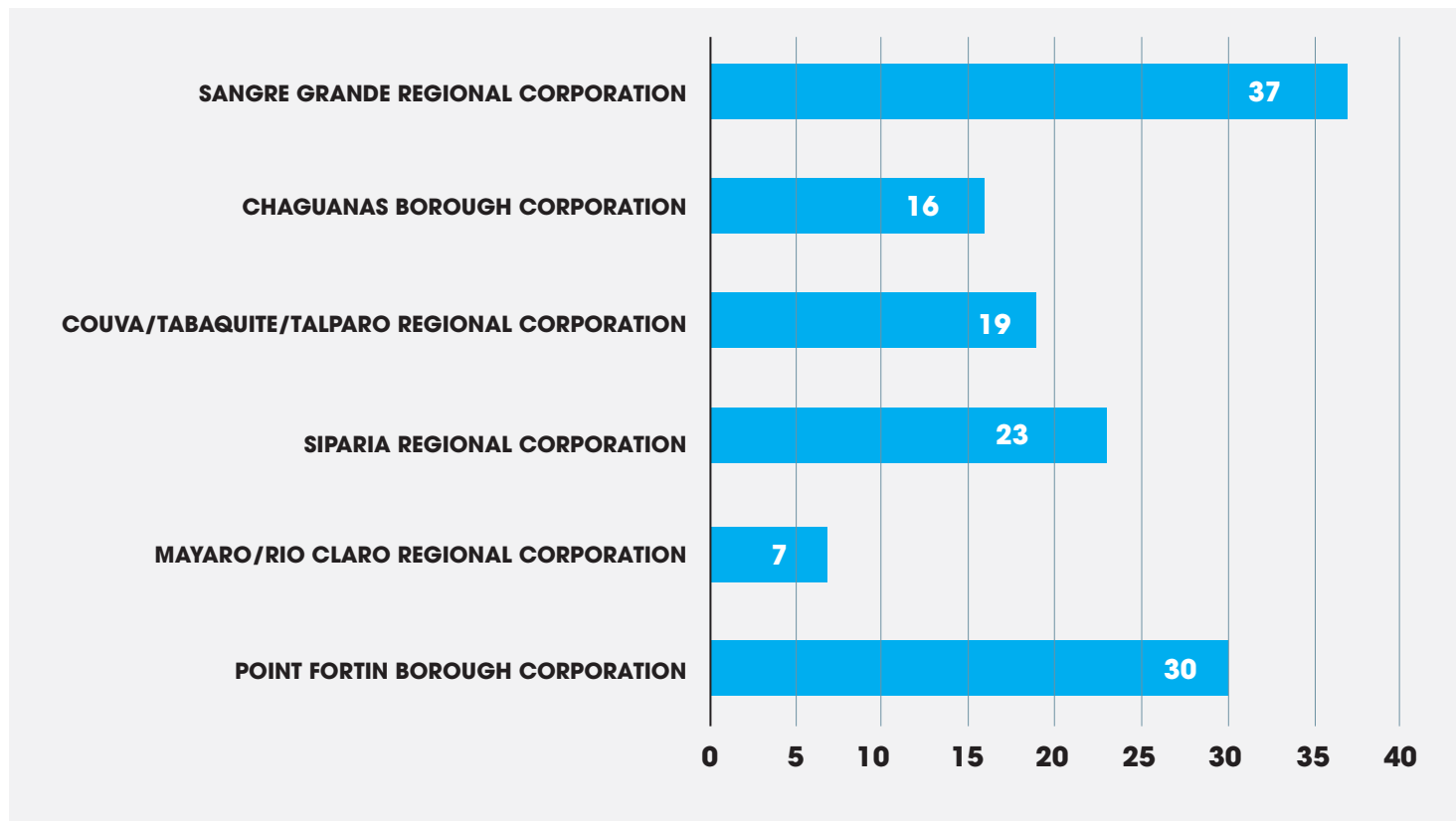
**TABLE IV**

MONTHS 2019	Point Fortin Borough Corporation	Mayaro/Rio Claro Regional Corporation	Siparia Regional Corporation	Couva/ Tabaquite/ Talparo Regional Corporation	Chaguanas Borough Corporation	Sangre Grande Regional Corporation	TOTAL
JANUARY	1	1	2	1	0	8	<b>13</b>
FEBRUARY	4	0	8	3	2	3	<b>20</b>
MARCH	0	1	0	4	1	5	<b>11</b>
APRIL	6	0	2	1	0	4	<b>13</b>
MAY	2	0	1	2	0	2	<b>7</b>
JUNE	5	1	2	1	3	1	<b>13</b>
JULY	3	0	0	0	4	0	<b>7</b>
AUGUST	5	2	4	3	0	1	<b>15</b>
SEPTEMBER	1	0	3	1	0	2	<b>7</b>
OCTOBER	1	0	1	0	2	8	<b>12</b>
NOVEMBER	2	2	0	3	4	3	<b>14</b>
DECEMBER	NO VISIT	NO VISIT	NO VISIT	NO VISIT	NO VISIT	NO VISIT	NO VISIT
<b>GRAND TOTAL</b>	<b>30</b>	<b>7</b>	<b>23</b>	<b>19</b>	<b>16</b>	<b>37</b>	<b>132</b>

**FIGURE III**

**GRAPHICAL REPRESENTATION OF TABLE IV**

**Figure III** is graphical representation of **Table IV**. The above diagram illustrates the total number of persons accessing the services offered by the Office of the Ombudsman at the various municipal corporations for the period January to December 2019.





## CONFERENCES AND WORKSHOPS

# 2019

## The 10th Biennial Caribbean Ombudsman Association (CAROA) Conference and Training



*Participants of the 10th Biennial Caribbean Ombudsman Association (CAROA) Conference and Training-2019*

On May 28 to 31, 2019, Mr. Patrick Mark Wellington along with a member of his Investigative Staff, attended the 10th Biennial Caribbean Ombudsman Association (CAROA) Conference and Training which was held at the Fairmont Southampton Resort in Bermuda. The theme of the Conference was ***“Strengthening the role and performance of the Ombudsman and Human Rights Institutions in the Caribbean and Latin America.”***

This Conference was hosted by the Ombudsman of Bermuda, Ms. Victoria Pearman, the then President of CAROA and Director representing the Latin America and Caribbean region on the board of the International Ombudsman Institute (IOI).

In addition, a training session titled “Advancing the Ombudsman’s Impact: Roles, Services and Performance” was conducted by Dr. Victor Ayeni, Director of Governance and Management Services International (GMSI), a UK-based training and consultancy firm dedicated to advancing the quality of public sector governance in developing countries and transitional democracies.

Former Ombudsman for Sint Maarten, Dr. Nilda Arduin was also a featured speaker at the Conference. Dr. Arduin spoke on the topic of addressing the public’s needs and learning experiences following natural disasters. Other topics addressed during the conference were ‘Strengthening Relationships While Maintaining Independence,’ ‘Maximizing Ombudsman Effectiveness: Sharing Lessons of Good Practices’ and ‘Climate Change, Natural Disasters and Ombudsmanship’.

At the end of the Conference, a new board for CAROA was elected. The new CAROA President, effective July 01, 2019 was Parliamentary Commissioner/Ombudsman of St. Lucia, Mrs. Rosemary Husbands-Mathurin, who will serve during the period 2019 – 2021.



## MESICIC experts visit Trinidad and Tobago

From April 02 to 04, 2019, a team from the Organization of American States (OAS) Anti-corruption Mechanism (Follow-Up Mechanism for the Implementation of the Inter-American Convention against Corruption-MESICIC) conducted an on-site visit to Trinidad and Tobago as part of the review process for the preparation of an anti-corruption report of this country. This team comprised of representatives from Belize and St. Kitts and Nevis, together with members of the OAS Department of Legal Co-operation, in its capacity as the Technical Secretariat and met with officials from government agencies and representatives of civil society organizations for the purpose of collecting information for the said report.

Topics reviewed included instructions provided to government personnel on their responsibilities and ethical rules governing their activities; preventive measures, taking into account the relationship between equitable compensation and probity in public service; systems of government hiring and procurement of goods and services; systems for protecting government officials and private citizens who in good faith report acts of corruption; and criminalization of acts of corruption.

On April 03, 2019, representatives from the Office of the Ombudsman, along with other government agencies were invited to participate in discussions with that team.



## Invitation to attend Stakeholder Engagement Session with the Joint Select Committee (JSC) appointed to consider and report on the Miscellaneous Provisions (Local Government Reform) Bill, 2019

On Friday 30 August, 2019, the Office of the Ombudsman was invited to share comments on the Miscellaneous Provisions (Local Government Reform) Bill, 2019, as well as to respond to questions posed by the JSC at its eighth (8th) meeting.

The Office was identified as a key stakeholder to assist the Committee with its discussion on the said Bill. This meeting was attended by the Executive Officer, Marcia Pile-O'Brady; Senior Investigator, Dhanmatie Rampersad and Head, Legal (Ag.), Nkpangi Kernahan.

Officials from other entities also participated in this Session. These entities included:

- Office of the Chief Personnel Officer
- Office of the Auditor General
- Service Commissions Department
- Statutory Authorities Service Commission
- Trinidad and Tobago Police Service



*Officials at the Eighth (8th) meeting of the JSC on the Miscellaneous Provisions (Local Government Reform) Bill, 2019*



## STAFF TRAINING AND DEVELOPMENT

The Office of the Ombudsman continues to focus on staff training and development as a fundamental human resource practice to improve workplace effectiveness, employee morale and satisfaction, among other aspects.

Members of staff attended the following training and development courses during the period January to December, 2019, some of which are as follows:

- ***Training on the Guidelines and Procedures for the Exercise of Delegated Powers***
- ***Executive Development Programme (EDP) for Senior Public Officers***
- ***Requirements for Organizational Design in the Public Service***
- ***Business Etiquette for Professionals***
- ***Human Resource Management- HR for Non-HR Professionals***
- ***Modernization and Standardization of Human Resource Management: Workforce Planning***
- ***Advanced Procurement Management***

In 2019, the Office of the Ombudsman adopted the Cascade approach to training, commonly known as “Train the Trainer” which involves training individuals, who in turn provide the same training to others. Moreover, this approach is beneficial in that it provides a way to coach a large number of people within a short timeframe, spreads skills and knowledge quickly, and saves training costs for the Organization.

The Office utilized this approach to facilitate an in-house workshop on: A Guide to Developing Process Maps for members of the Investigative Staff. The objective of this workshop was to expose participants to the requisite knowledge and skills for developing Process Maps.



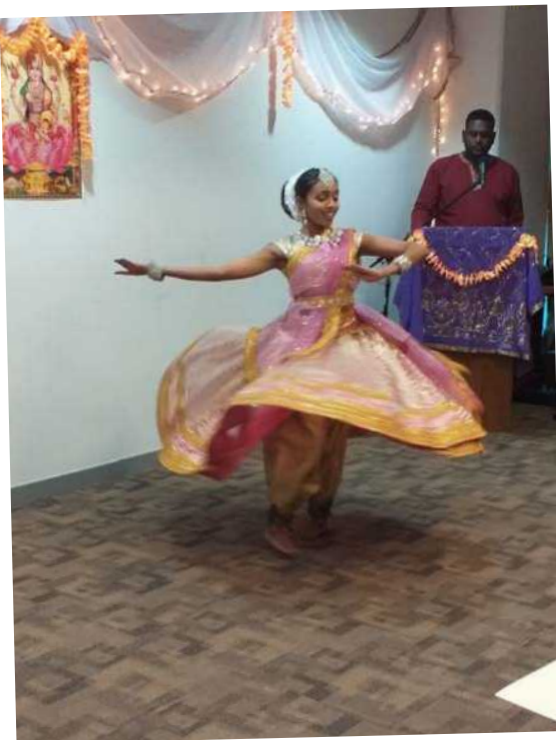
*Members of the Investigative Staff, Office of the Ombudsman*



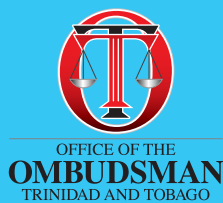
## ACTIVITIES HELD AT THE OFFICE



## DIVALI CELEBRATIONS







# TESTIMONIALS

*Members of the public who utilize the services of the Office of the Ombudsman, often express their heartfelt gratitude for the dedicated assistance in having their matters resolved.*

“

Good Day,

Just want to express our deepest thanks and appreciation to you and your office for listening and taking action in rectifying our distressing situation. We can finally access our new home after an entire year of endless "run-around" and frustration with regards to our electricity and water supply.

It is heartening to know that there are agencies such as yours that goes beyond the call of duty to assist and bring about a resolution...

Once again we thank you for all the efforts.

Kind Regards,  
**Complainant**

## FREQUENTLY ASKED QUESTIONS (FAQS)

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

- An official complaint must first be lodged in writing within the government department where the alleged injustice occurred.
- The department should be given a reasonable amount of time to adequately address the matter before it is brought to the attention of the Office of the Ombudsman.

### 2) HOW DO I LODGE A COMPLAINT?

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



**ELECTRONIC**  
(website/email)



**MAIL/POST**



**FACSIMILE**  
(Fax)



**IN PERSON**  
at any of our 3 Office  
locations OR at the  
Monthly Community  
Outreach Visits

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

### 3) WHAT INFORMATION SHOULD MY COMPLAINT INCLUDE?

Your complaint should include:

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

### 4) WHAT TYPE OF COMPLAINTS CAN THE OMBUDSMAN INVESTIGATE?

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

### 5) ARE THERE AREAS THAT THE OMBUDSMAN CANNOT INVESTIGATE?

Some of the matters which the Ombudsman cannot investigate include:

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

# APPENDICES

## **Appendix I**

Schedule of Community Visits

## **Appendix II**

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

## **Appendix III**

Ombudsman Act, Chap. 2:52

## **Appendix IV**

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

## **Appendix V**

Map of the Caribbean



**APPENDIX 1****SCHEDULE OF  
COMMUNITY VISITS****POINT FORTIN**

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

**CHAGUANAS**

Chaguanas Borough Corporation  
Cor. Taft & 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

## APPENDIX 2

# EXTRACT FROM THE CONSTITUTION OF TRINIDAD AND TOBAGO

## ACT NO. 4 OF 1976

### PART II - OMBUDSMAN

Appointment and  
conditions of  
office.

**91.** (1) There shall be an Ombudsman for Trinidad and Tobago who shall be an officer of Parliament and who shall not hold any other office of emolument whether in the public service or otherwise nor engage in any occupation for reward other than the duties of his office.

(2) The Ombudsman shall be appointed by the President after consultation with the Prime Minister and the Leader of the Opposition.

(3) The Ombudsman shall hold office for a term not exceeding five years and is eligible for reappointment.

(4) Subject to subsection (3), the Ombudsman shall hold office in accordance with section 136.

First  
Schedule.

(5) Before entering upon the duties of his office, the Ombudsman shall take and subscribe the oath of office before the Speaker of the House of Representatives.

Appointment  
of staff of  
Ombudsman.

**92.** (1) The Ombudsman shall be provided with a staff adequate for the efficient discharge of his functions.

(2) The staff of the Ombudsman shall be public officers appointed in accordance with section 121(8).

Functions of  
Ombudsman.

**93.** (1) Subject to this section and to sections 94 and 95, the principal function of the Ombudsman shall be to investigate any decision or recommendation made, including any advice given or recommendation made to a Minister, or any act done or omitted by any department of Government or any other authority to which this section applies, or by officers or members of such a department or authority, being action taken in exercise of the administrative functions of that department or authority.

(2) The Ombudsman may investigate any such matter in any of the following circumstances:

(a) where a complaint is duly made to the Ombudsman by any person alleging that the complainant has sustained an injustice as a result of a fault in administration;

(b) where a member of the House of Representatives requests the Ombudsman to investigate the matter on the ground that a person or body of persons specified in the request has or may have sustained such injustice;

(c) in any other circumstances in which the Ombudsman considers that he ought to investigate the matter on the ground that some person or body of persons has or may have sustained such injustice.

(3) The authorities other than departments of Government to which this section applies are—

(a) local authorities or other bodies established for purposes of the public service or of local Government;

(b) authorities or bodies the majority of whose members are appointed by the President or by a Minister or whose revenues consist wholly or mainly of moneys provided out of public funds;

(c) any authority empowered to determine the person with whom any contract shall be entered into by or on behalf of Government;

(d) such other authorities as may be prescribed.



## APPENDIX 2 - CONT'D

# EXTRACT FROM THE CONSTITUTION OF TRINIDAD AND TOBAGO

## ACT NO. 4 OF 1976

Restrictions on  
matters for  
investigations.

94. (1) In investigating any matter leading to, resulting from or connected with the decision of a Minister, the Ombudsman shall not inquire into or question the policy of the Minister in accordance with which the decision was made.

(2) The Ombudsman shall have power to investigate complaints of administrative injustice under section 93 notwithstanding that such complaints raise questions as to the integrity or corruption of the public service or any department or office of the public service, and may investigate any conditions resulting from, or calculated to facilitate or encourage corruption in the public service, but he shall not undertake any investigation into specific charges of corruption against individuals.

(3) Where in the course of an investigation it appears to the Ombudsman that there is evidence of any corrupt act by any public officer or by any person in connection with the public service, he shall report the matter to the appropriate authority with his recommendation as to any further investigation he may consider proper.

(4) The Ombudsman shall not investigate -

- (a) any action in respect of which the complainant has or had -
  - (i) a remedy by way of proceedings in a Court; or
  - (ii) a right of appeal, reference or review to or before an independent and impartial tribunal other than a Court; or

Third Schedule.

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

(5) Notwithstanding subsection (4) the Ombudsman -

- (a) may investigate a matter notwithstanding that the complainant has or had a remedy by way of proceedings in a Court, if satisfied that in the particular circumstances it is not reasonable to expect him to take or to have taken such proceedings;
- (b) is not in any case precluded from investigating any matter by reason only that it is open to the complainant to apply to the High Court for redress under section 14 (which relates to redress for contravention of the provisions for the protection of fundamental rights).

Discretion of  
Ombudsman.

95. In determining whether to initiate, continue or discontinue an investigation, the Ombudsman shall, subject to sections 93 and 94, act in his discretion and, in particular and without prejudice to the generality of this discretion, the Ombudsman may refuse to initiate or may discontinue an investigation where it appears to him that -

- (a) a complaint relates to action of which the complainant has knowledge for more than twelve months before the complaint was received by the Ombudsman;
- (b) the subject matter of the complaint is trivial;
- (c) the complaint is frivolous or vexatious or is not made in good faith; or
- (d) the complainant has not a sufficient interest in the subject matter of the complaint.

## APPENDIX 2 - CONT'D

# EXTRACT FROM THE CONSTITUTION OF TRINIDAD AND TOBAGO

## ACT NO. 4 OF 1976

Report on  
investigation.

**96.** (1) Where a complaint or request for an investigation is duly made and the Ombudsman decides not to investigate the matter or where he decides to discontinue an investigation of the matter, he shall inform the person who made the complaint or request of the reasons for his decision.

(2) Upon the completion of an investigation the Ombudsman shall inform the department of government or the authority concerned of the results of the investigation and, if he is of the opinion that any person has sustained an injustice in consequence of a fault in administration, he shall inform the department of government or the authority of the reasons for his opinion and make such recommendations as he thinks fit. The Ombudsman may in his original recommendations, or at any later stage if he thinks fit, specify the time within which the injustice should be remedied.

(3) Where the investigation is undertaken as a result of a complaint or request, the Ombudsman shall inform the person who made the complaint or request of his findings.

(4) Where the matter is in the opinion of the Ombudsman of sufficient public importance or where the Ombudsman has made a recommendation under subsection (2) and within the time specified by him no sufficient action has been taken to remedy the injustice, then, subject to such provision as may be made by Parliament, the Ombudsman shall lay a special report on the case before Parliament.

(5) The Ombudsman shall make annual reports on the performance of his functions to Parliament which shall include statistics in such form and in such detail as may be prescribed of the complaints received by him and the results of his investigations.

Power to obtain  
evidence.

**97.** (1) The Ombudsman shall have the powers of the High Court to summon witnesses to appear before him and to compel them to give evidence on oath and to produce documents relevant to the proceedings before him and all persons giving evidence at those proceedings shall have the same duties and liabilities and enjoy the same privileges as in the High Court.

(2) The Ombudsman shall have power to enter and inspect the premises of any department of government or any authority to which section 93 applies, to call for, examine and where necessary retain any document kept on such premises and there to carry out any investigation in pursuance of his functions.

Prescribed  
matters  
concerning  
Ombudsman.

**98.** (1) Subject to subsection (2), Parliament may make provision—

(a) for regulating the procedure for the making of complaints and requests to the Ombudsman and for the exercise of the functions of the Ombudsman;

(b) for conferring such powers on the Ombudsman and imposing such duties on persons concerned as are necessary to facilitate the Ombudsman in the performance of his functions; and

(c) generally for giving effect to the provisions of this Part.

(2) The Ombudsman may not be empowered to summon a Minister or a Parliamentary Secretary to appear before him or to compel a Minister or a Parliamentary Secretary to answer any questions relating to any matter under investigation by the Ombudsman.

(3) The Ombudsman may not be empowered to summon any witness to produce any Cabinet papers or to give any confidential income tax information.

**APPENDIX 2 - CONT'D****EXTRACT FROM THE CONSTITUTION OF TRINIDAD AND TOBAGO****ACT NO. 4 OF 1976**

(4) No complainant may be required to pay any fee in respect of his complaint or request or for any investigation to be made by the Ombudsman.

(5) No proceedings, civil or criminal, may lie against the Ombudsman, or against any person holding an office or appointment under him for anything he may do or report or say in the course of the exercise or intended exercise of the functions of the Ombudsman under this Constitution, unless it is shown that he acted in bad faith.

(6) The Ombudsman, and any person holding office or appointment under him may not be called to give evidence in any Court, or in any proceedings of a judicial nature, in respect of anything coming to his knowledge in the exercise of his functions.

(7) Anything said or any information supplied or any document, paper or thing produced by any person in the course of any enquiry by or proceedings before an Ombudsman under this Constitution is privileged in the same manner as if the enquiry or proceedings were proceedings in a Court.

(8) No proceeding of the Ombudsman may be held bad for want of form and, except on the ground of lack of jurisdiction, no proceeding or decision of an Ombudsman is liable to be challenged, reviewed, quashed or called in question in any Court.

## APPENDIX 2 - CONT'D

# THIRD SCHEDULE TO THE CONSTITUTION

## (MATTERS NOT SUBJECT TO INVESTIGATION)

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

## APPENDIX 3

# LAWS OF TRINIDAD AND TOBAGO

## OMBUDSMAN ACT, CHAP. 2:52

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

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) (a) 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 Act.



## APPENDIX 3 - CONT'D

# LAWS OF TRINIDAD AND TOBAGO

## OMBUDSMAN ACT, CHAP. 2:52

ENACTMENT	ENACTED by the Parliament of Trinidad and Tobago as follows:
EVIDENCE (Cont'd)	<p>(3) Subject to subsection (4) no person who is bound by the provisions of any enactment, other than the Official Secrets Act 1911 to 1939 of the United Kingdom in so far as it forms part of the law of Trinidad and Tobago, to maintain secrecy in relation to, or not to disclose, any Matter shall be required to supply any information to or answer any Questions put by the Ombudsman in relation to that matter, or to produce to the Ombudsman any document or paper or thing relating to it, where compliance with that requirement would be in breach of the obligation of secrecy or non-disclosure.</p> <p>(4) With the previous consent in writing of any complainant, any person to whom subsection (3) applies may be required by the Ombudsman to supply any information or answer any question or produce any document or paper or thing relating only to the complainant, and it shall be the duty of the person to comply with that requirement.</p> <p>(5) Except on the trial of any person for an offence under the Perjury Act in respect of his sworn testimony, or for an offence under Section 10, no statement made or answer given by that or any other person in the course of any inquiry or any proceedings before the Ombudsman under the Constitution or this Act shall be admissible in evidence against any person in any court or at any inquiry or in any other proceedings and no evidence in respect of proceedings before the Ombudsman shall be given against any person.</p> <p>(6) No person shall be liable to prosecution for an offence against the Official Secrets Act 1911 to 1939 of the United Kingdom, or any written law, other than this Act by reason of his compliance with any requirement of the Ombudsman under this section.</p>
DISCLOSURE OF CERTAIN MATTERS NOT TO BE REQUIRED	<p>5. (1) Where the Attorney General certifies that the giving of any information or the answering of any question or the production of any document or paper or thing –</p> <p>(a) might prejudice the security, defence or international relations of Trinidad and Tobago (including Trinidad and Tobago relations with the Government of any other country or with any international organizations);</p> <p>(b) will involve the disclosure of the deliberations of Cabinet; or</p> <p>(c) will involve the disclosure of proceedings of Cabinet, or any Committee of Cabinet, relating to matters of a secret or confidential nature, and would be injurious to the public interest, the Ombudsman shall not require the information or answer to be given or, as the case may be, the document or paper or thing to be produced.</p> <p>(2) Subject to subsection (1), no rule of law which authorises or requires the withholding of any document or paper, or the refusal to answer any question, on the ground that the disclosure of the document or paper or the answering of the question would be injurious to the public interest shall apply in respect of any investigation by or proceedings before the Ombudsman.</p>
SECRECY OF INFORMATION	<p>6. A person who performs the functions appertaining to the office of the Ombudsman or any office or employment thereunder –</p> <p>(a) shall regard as secret and confidential all documents, information and things which have been disclosed to any such person in the execution of any provisions of sections 93 and 96 of the Constitution, except that no disclosure made by any such person in proceedings for an offence under section 10, or under the Perjury Act by virtue of section 4(2) or which the Ombudsman considers it requisite to make in the discharge of any of his functions and for the purpose of executing any of the said provisions of section 3(4) or Section 9, shall be deemed inconsistent with any duty imposed by this paragraph; and</p> <p>(b) shall not be called upon to give evidence in respect of, or produce, any such documents, information or things in any proceedings, other than proceedings mentioned in the exception to paragraph(a)</p>
NOTICE OF ENTRY ON PREMISES	<p>7. Before entering upon any premises pursuant to section 97(2) of the Constitution the Ombudsman shall notify the principal officer of the department or the authority which the premises are occupied.</p>
DELEGATION OF POWERS	<p>8. (1) With the prior approval in each case of the Prime Minister, functions hereinbefore assigned to the Ombudsman may from time to time, by direction under his hand, be delegated to any person who is appointed to any office or to perform any function referred to in section 6.</p> <p>(2) No such delegation shall prevent the exercise of any power by the Ombudsman.</p> <p>(3) Any such delegation may be made subject to such restrictions and conditions as the Ombudsman may direct, and may be made either generally or in relation to any particular case or class of cases.</p> <p>(4) Any person purporting to perform any function of the Ombudsman by virtue of a delegation under this section shall, when required to do so, produce evidence of his authority to exercise the power.</p>

## APPENDIX 3 - CONT'D

# LAWS OF TRINIDAD AND TOBAGO

## OMBUDSMAN ACT, CHAP. 2:52

ENACTMENT	ENACTED by the Parliament of Trinidad and Tobago as follows:
REPORTS	<p>9. (1) The Ombudsman may from time to time in the public interest publish reports relating generally to the exercise of his functions or to a particular case or cases investigated by him, whether or not the matters to be dealt with in such reports may have been the subject of a report to Parliament.</p> <p>(2) The form of statistics of complaints received by the Ombudsman and the results of his investigation required by section 96(5) of the Constitution to be included in the annual report to Parliament by the Ombudsman on the performance of his functions shall be prescribed by regulations made under section 12.</p>
OFFENCES	<p>10. A person is liable on summary conviction to a fine of one thousand dollars or to imprisonment for six months who –</p> <p>(a) without lawful justification or excuse, wilfully obstructs, hinders or resists the Ombudsman or any other person in the exercise of his powers under this Act;</p> <p>(b) without lawful justification or excuse refuses or wilfully fails to comply with any lawful requirement of the Ombudsman or any other person under this Act;</p> <p>(c) wilfully makes any false statement to or misleads or attempts to mislead the Ombudsman or any other person in the exercise of his powers under this Act; or</p> <p>(d) in a manner inconsistent with his duty under section 6 (a), deals with any documents, information or things mentioned in that paragraph.</p>
PRESCRIPTION OF AUTHORITIES SUBJECT TO THE OMBUDSMAN'S JURISDICTION	<p>11. (1) The authorities mentioned in the Schedule are authorities to which Section 93(3) (d) of the Constitution applies.</p> <p>(2) The President may, by Order, amend the Schedule by the addition thereto or deletion therefrom of any authorities or the substitution therein, for any authorities, of other authorities.</p>
REGULATIONS	<p>12. The President may make Regulations for the proper carrying into effect of this Act, including, in particular, for prescribing anything required or authorised to be prescribed.</p>

## APPENDIX 4

# LAWS OF TRINIDAD AND TOBAGO

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

Time limit for  
determining  
requests.

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

Reasons to be  
given for  
deferment or  
refusal.

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

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

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

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

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

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

Review by the  
Ombudsman.  
[92 of 2000].

**38A.** (1) A person aggrieved by the refusal of a public authority to grant access to an official document, may, within twenty-one days of receiving notice of the refusal under section 23(1), complain in writing to the Ombudsman and the Ombudsman shall, after examining the document if it exists, make such recommendations with respect to the granting of access to the document as he thinks fit within thirty days or as soon as practicable thereof.

## APPENDIX 5

## MAP OF TRINIDAD AND TOBAGO



## APPENDIX 5 - CONT'D

# THE CARIBBEAN









## NOTES





## NOTES







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OFFICE OF THE  
**OMBUDSMAN**  
TRINIDAD AND TOBAGO

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**THE OFFICE OF THE OMBUDSMAN OF TRINIDAD & TOBAGO**  
International Waterfront Centre, Level 12, Tower D,  
1A Wrightson Road, Port of Spain  
Tel: 1(868)624-3121 Fax: 1(868)625-0717  
Website: [www.ombudsman.gov.tt](http://www.ombudsman.gov.tt)  
E-mail: [feedback@ombudsman.gov.tt](mailto:feedback@ombudsman.gov.tt)

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