



OFFICE OF THE
OMBUDSMAN
TRINIDAD AND TOBAGO

45th

ANNUAL REPORT 2022

Our Vision

A Public Administrator that is accountable, fair and transparent for the benefit of all who access public services in Trinidad and Tobago

Our Mission

The Office of the Ombudsman of the Republic of Trinidad and Tobago will:

- Investigate and seek remedies to complaints of administrative injustice in an impartial and ethical manner (Problem Solving)
- Educate the public on their rights and responsibilities (Public Education)
- Advocate improvements in standards of service delivery in the public sector of Trinidad and Tobago (Advocacy)

Our Values

Independence | Impartiality | Professionalism | Transparency
Accountability | Respect

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December 22nd, 2023

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

Dear Madam Speaker,

I have the honour to present the **Forty-fifth Annual Report** of the Ombudsman for the period **January to December 2022**.

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

Yours faithfully,

A handwritten signature in black ink, appearing to read "Rajmanlal Joseph".

Mr. Justice Rajmanlal Joseph (ret'd)
OMBUDSMAN
Republic of Trinidad and Tobago

Ombudsman's Message

“ It is my respectful view that this service to the community of Trinidad and Tobago is the raison d'être of our existence, to which I am fully committed.”

Mr. Justice Rajmanlal Joseph (ret'd)
OMBUDSMAN
Republic of Trinidad and Tobago

Ombudsman's Message

The year 2022 was a significant year for the Office of the Ombudsman of Trinidad and Tobago. One may aptly describe it as a “water shed” period due to the fact the it had the highest number of resolved cases in the previous twelve (12) year period.

Another notable feature of 2022 was the resolution and/or termination of many of the restrictive COVID19 Public Health Regulations which facilitated in-person interviews and summons hearings. It also signified that our Investigators would once again engage in doing site visits to validate complaints or confirm/reject assertions made by respondents.

In our 44th Annual Report (2021), I briefly touched on the use of the summons process to activate and concentrate the attention of respondents to deal effectively with complaints brought to their attention by the Office of the Ombudsman.

From the previous years' experience it became pellucidly clear that the issuance of summons to recalcitrant respondents brought about a noteworthy level of resolution to complaints. Due to this experience, in 2022 the Office of the Ombudsman issued and heard one hundred and fifty (150) summons and realized a modest seventy-five (75) percentage resolution rate from the hearing of these summons.

Furthermore, the summons mechanism has now become a valuable instrument in the investigatory toolbox of the Office of the Ombudsman particularly where respondents do not properly respond to our inquiries.

Moreover, in 2022 our office was able to re-establish our outreach programme so that members of the public could interact with us. To be sure, in the future it is expected that our Community Outreach Project shall be ramped up, as it is an intrinsic part of getting to know our publics so that we may better serve them. In essence, it is my respectful view that this service to the community of Trinidad and Tobago is the *raison d'être* of our existence, to which I am fully committed.



Mr. Justice Rajmanlal Joseph (ret'd)
OMBUDSMAN
Republic of Trinidad and Tobago

Introduction

The Office of the Ombudsman

The Office was established under **Section 91 (1) of the Constitution of the Republic of Trinidad and Tobago, Chap. 1:01**. Pursuant to section 93(1) of the Constitution, the Office's main function is "to investigate any decision or recommendation made, including any advice given or recommendation made to a Minister, or any act done or omitted by any department of Government or any other authority 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 I.

The Ombudsman is an Officer of Parliament but does not form part of the machinery of Government. The Office exists as an independent oversight body, in accordance with the **Constitution of the Republic of Trinidad and Tobago, Chap. 1:01** and 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), Chap. 22:02

The Freedom of Information Act (FOIA), Chap. 22:02 gives every person the right to obtain access to official documents from public authorities. This is not an absolute right and the FOIA identifies documents a person is not entitled to obtain in accordance with **Section 12** of that 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 a public authority*

The FOIA also provides for instances where a public authority can rely on stated exemptions to refuse access to requested documents. Where access is refused, the Ombudsman has the power to review that refusal provided that the applicant makes a complaint, in writing, within twenty-one (21) days of receipt of the notice of refusal.

Documents that may be exempted from disclosure include *inter alia*:

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

When a request is made pursuant to the FOIA, **Section 15** 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.

Further, **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 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.”

Pursuant to **Section 23 (1) (e)**, the right to complain to this Office extends to instances where the refusal is based on the non-existence of the requested document and/or the inability of the public authority to locate the requested document despite diligent searches being made.

5 THINGS TO KNOW ABOUT YOUR OMBUDSMAN

1

WE ADDRESS COMPLAINTS OF MALADMINISTRATION

We investigate complaints of administrative injustice and unfair treatment by government departments or state agencies.

2

WE ARE INDEPENDENT

The Ombudsman reports only to the Parliament and is therefore not a part of the machinery of government.

3

OUR SERVICES ARE FREE

The Ombudsman's services are free of charge.

4

WE ADVOCATE FOR FAIRNESS

We make recommendations to government institutions regarding how to remedy issues of unfair delays, decisions or actions taken.

5

WE RESPECT YOUR CONFIDENTIALITY

We maintain confidentiality when investigating your complaint.

The Complaints Process

COMPLAINT SUBMISSION

Complaint is received by the Office of the Ombudsman and reviewed.

Referrals: if found to be outside of the Ombudsman's remit, the complainant is referred to the relevant institution or appropriately advised.

RECOMMENDATIONS

The Ombudsman makes recommendations to the government department or agency, advising how the institution can provide redress to the complainant and improve its operations to mitigate repeated instances of maladministration.

INVESTIGATION

The Ombudsman reviews the complaint and initiates the investigative process. Facts are gathered from documents and relevant persons.

FINDINGS

If investigations confirm the merit of the complaint, the Ombudsman determines how the matter should be resolved.

Alternatively, if after investigations the complaint is found to be without merit or determined to be outside of the Ombudsman's jurisdiction, the matter is discontinued.

REVIEW OF MATTERS UNDER THE FREEDOM OF INFORMATION ACT (FOIA), CHAP. 22:02

For the period January to December 2022, the Office of the Ombudsman received a total of sixty (60) complaints pursuant to the FOIA. Of the sixty (60) matters received, fifty-five (55) matters or 92% were closed and five (5) matters or 8% remained under investigation as at December 31, 2022. See Figure 1 below.

Having examined the complaints and considered the legal framework the following are worth noting:

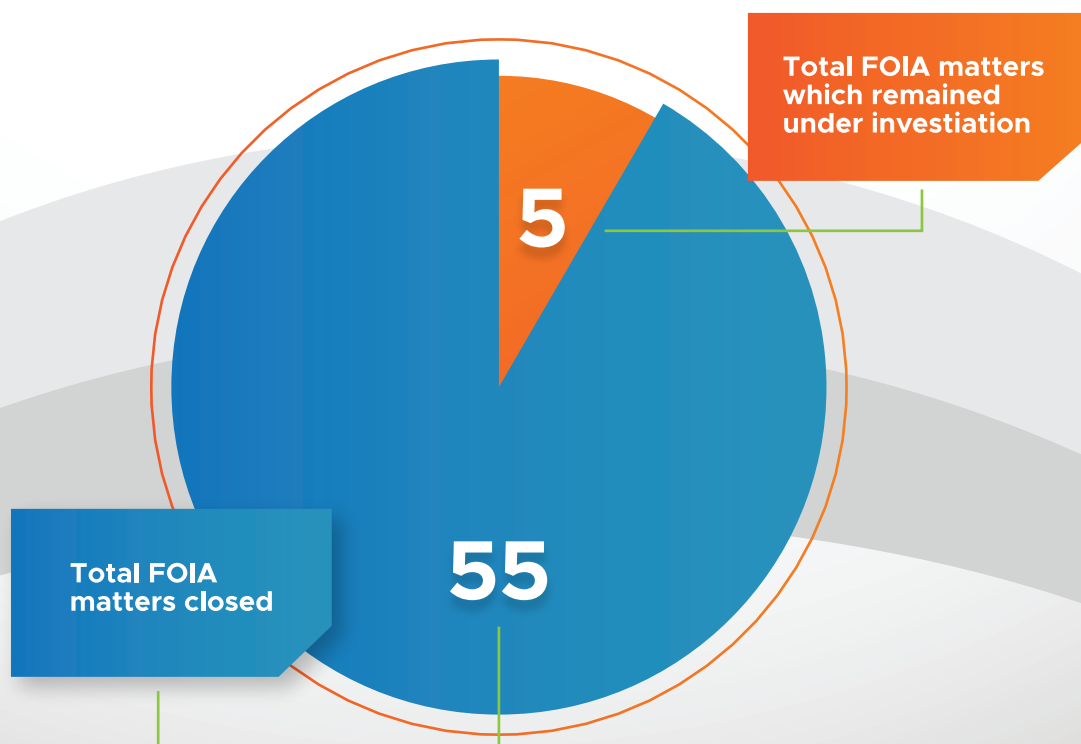
- From observation, there appears to be some improvement in the quality of responses being provided by public authorities. Some public authorities continue to fall short of what the Court has indicated is required pursuant to Section 23 of the FOIA. Public authorities are thus reminded that numerous judicial decisions have stressed that merely reciting the sections of the FOIA relied on for an exemption is not sufficient. This contravenes the FOIA and the facilitative spirit of the Act. Public authorities should strive to provide clear reasons where there has been a refusal to allow applicants to make an informed decision on whether or not they wish to challenge that refusal. Public authorities are also required to inform the applicants of their right to complain to this Office or seek Judicial Review.
- Public authorities need to establish internal processes that ensure requests made pursuant to the FOIA reach the designated officer/s in a timely manner. There have been many instances of designated officers indicating to this Office that they have not been in receipt of requests made pursuant to the FOIA despite the applicant's copy having a received stamp from that public authority. Staff must be sensitized to the timelines of Freedom of Information (FOI) Requests and the need for such to be forwarded to the designated officer without delay.
- Members of the public are advised that they do not require the services of an Attorney at Law to submit FOI Requests. While it is a right of any member of the public to seek legal counsel, public authorities are required to treat with FOI Requests pursuant to the FOIA and the rights and timelines there prescribed apply to all requests, whether made by a member of the public in their personal capacity or by an Attorney at Law on their behalf. Additionally, a public authority has a duty to take reasonable steps to assist any person in the exercise of any right under the FOIA. That duty includes providing assistance to ensure the request takes the appropriate form and providing assistance and/or information to reformulate the request in a form that would remove the ground/s for refusal, where possible.
- Companies incorporated under the laws of the Republic of Trinidad and Tobago which are directly or indirectly owned by the State, wholly or by majority, are asked to be mindful of the Court of Appeal's ruling in the case of Telecommunication Services of Trinidad and Tobago (TSTT) v Ravi Balgobin CA No. S014 of 2019 delivered 29 July 2022. In that case, the Court of Appeal found that TSTT is a public authority for the purposes of the FOIA because of the control exercised by the

State. In so finding, the Court of Appeal adopted the de facto test of control as opposed to the de jure test after having taken judicial notice of information contained in the Trinidad and Tobago Gazette whereby Cabinet appointed the Chairman of the Board of Directors of TSTT. Additionally, the directors of the board were described by the Gazette as being Government representatives, notwithstanding the fact that National Enterprises Limited (NEL) had replaced the Government as the majority shareholder of TSTT, and, by virtue of NEL's power to appoint the majority of the directors of TSTT, was also in control of TSTT.

- Members of the public are reminded that the Ombudsman is an alternative remedy to judicial review, available to an applicant under the FOIA provided (i) there is an active refusal by the public authority to satisfy the request for information; (ii) notice of that refusal is communicated in accordance with the Act; and (iii) a complaint is made, in writing, within twenty-one (21) days of receiving that refusal. This is the conjoined effect of sections 23(1) and 38A of the FOIA. Where this Office's jurisdiction cannot be invoked, an applicant is required to pursue judicial review proceedings to ensure redress.

FIGURE 1

Total number of FOIA matters closed and those which remained under investigation for the period January to December 2022



AN ANALYSIS OF FOIA MATTERS RECEIVED IN EACH QUARTER FOR THE PERIOD JANUARY TO DECEMBER, 2022

Table 1 below illustrates a breakdown and comparison of the total number of FOIA matters received by the Office of the Ombudsman in each of the four (4) quarters for over the last three years: January to December, 2020, January to December, 2021 and January to December, 2022.

YEAR	1st QUARTER	2nd QUARTER	3rd QUARTER	4th QUARTER	TOTAL
2020	3	1	4	10	18
2021	17	8	14	10	49
2022	9	14	15	22	60

Table 1. FOIA Matters Received over a Three Year Period (2020-2022)

The Office of the Ombudsman received a total of nine (9) matters in the 1st quarter of 2022, fourteen (14) matters in the 2nd quarter, fifteen (15) matters in the 3rd quarter and twenty- two (22) matters in the last quarter.

There was a marked increase of eleven (11) FOIA matters or approximately 22% in 2022 in comparison to 2021. Twenty-five (25) FOIA matters or approximately 42% of those matters received in 2022, pertained to instances where applicants were not notified of the approval or refusal of their requests within the statutorily prescribed period of thirty (30) days after the requests were duly made.

Throughout 2022, the Office continued its collaboration with the Freedom of Information Unit (FOIU) to ensure the impugned public authorities were aware of their responsibilities under the FOIA. Notably, the Ombudsman is a remedy available to an applicant under the FOIA provided there is an active refusal by the public authority to satisfy the request for information and notice of that refusal is communicated in accordance with the FOIA.

Thus, where there was a delay, and the absence of a notice of refusal, the applicants were informed of their right to apply instead for Judicial Review and the public authority was notified of the complaint. This approach continues to be successful in mitigating the need for judicial intervention especially where the FOI Request was not forwarded for the attention of the designated officer. The Office thanks the FOI Unit in that regard and looks forward to a continued working relationship with the FOI Unit and all public authorities.

A R E A S O F CONCERN



Ministry of
Education



Housing Development
Corporation



National Insurance
Board



Ministry of Education

The Ministry of Education is charged with the responsibility of managing all public Early Childhood Care Education (ECCE) and primary to tertiary education institutions, as well as overseeing all private education institutions in Trinidad and Tobago. This is done in conjunction with the Tobago House of Assembly's Division of Education, Research and Technology.

For the period January to December 2022, the Office of the Ombudsman received **sixty-three (63) new complaints** against the Ministry of Education. Of these complaints, thirteen (13) complaints were resolved, two (2) were discontinued and forty-eight (48) complaints remained under investigation. In comparison, this Office received twenty-seven (27) complaints against the Ministry of Education for the period January to December 2021, signaling a 133.3% increase in complaints to the Ombudsman.

Table 2 below shows the trend of new complaints received against the Ministry of Education over the past five (5) years.

YEAR	2018	2019	2020	2021	2022
No. of complaints	30	28	31	27	63

Table 2. Complaints Received against the Ministry of Education (2018-2022)

In the process of investigating complaints received by this Office, it has been observed that departments within the Ministry deflect responsibility for the delays intrinsic to the complainant's issue onto other departments within the institution.

Additionally, the Office of the Ombudsman has encountered substantial difficulty in getting clear responses in the first instance when following up on complaints. Often, it is when summonses are issued or if the Office indicates that a summons is imminent that substantive responses to enquiries are received. For the year 2022, Ministry of Education officials were issued nine (9) summonses to appear before the Ombudsman.

Recommendations

There needs to be an improvement in the synthesis of departments within the Ministry of Education. When institutions as large as the Ministry of Education must oversee such a wide scope of responsibilities, efficiency must be of paramount importance. In the absence of each part of the organisation working seamlessly on the inter-departmental level, operational ineffectiveness is invariably the outcome. The result of this state of affairs within a Ministry bearing sole charge over the nation's education system is that the fall-out is borne by its stakeholders who are powerless either to enforce change at the institution or to seek fulfilment of their needs alternatively. The Ministry of Education must therefore give earnest attention to its stated vision and mission and implement systems to guarantee accountability and ensure effective service delivery.



Housing Development Corporation

The Trinidad and Tobago Housing Development Corporation (HDC), an agency of the Ministry of Housing and Urban Development, has been a repeated area of concern in the Ombudsman's Annual Report for more than a decade. Some of the pervasive issues that continue to arise are:

- Delay in repairing units
- Inaccurate calculation of mortgage balance and subsequent delays in refunding mortgage overpayments
- Delay in obtaining deeds for properties upon completion of mortgage payments
- Delay in receiving responses to queries and complaints

For the period January to December 2022, this Office received fourteen (14) complaints against the HDC. **Table 3** below shows the trend of new complaints received against the Housing Development Corporation over the past five (5) years.

YEAR	2018	2019	2020	2021	2022
No. of complaints	13	13	14	8	14

Table 3. Complaints Received Against the Housing Development Corporation (2018-2022)

While the number of complaints may not stand out when compared to other types of complaints to the Ombudsman, it must be noted that the primary concern remains with the HDC's **treatment of complaints**. As highlighted in this Office's 42nd Annual Report (2019), *"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"*.

Table 4 below shows the number of new complaints received over a five (5) year period that were resolved at the end of each year. As this shows, complaints against the HDC indeed remain unresolved by year's end, thus being carried over into subsequent years.

YEAR	NO. OF NEW COMPLAINTS RECEIVED	NO. OF NEW COMPLAINTS RESOLVED
2018	13	1
2019	13	0
2020	14	2
2021	8	0
2022	14	2

Table 4. Housing Development Corporation Complaints Received and Resolved (2018-2022)

The HDC's handling of complaints results in the Ombudsman having to issue summonses to obtain useful responses to requests for information during the course of investigations. Officials of the HDC were issued eight (8) summonses to appear before the Ombudsman for hearings within the period January to December 2022.

Overall, the HDC has shown that it is not attuned to the sensitivity of complainants and it is suggested that their business model should be organized to meet the needs of the public that it serves.

Recommendations

The Housing Development Corporation must take meaningful steps to revamp its operations and eradicate issues that are consistently highlighted. Mechanisms must be implemented to hold departments tasked with singular functions accountable for the output being produced. In the absence of systems of accountability for inordinate delays in even mundane obligations such as feedback in response to queries, the HDC's standard of service delivery will continue unabated, much to the distress of its clientele.



\$ National Insurance Board

The National Insurance Board (NIB) is a body corporate established by Act of Parliament No. 35 of 1971. It bears responsibility for operating and administering Trinidad and Tobago's National Insurance System (NIS). The National Insurance System provides protection to insured persons against the loss of earnings arising out of work-related contingencies such as maternity, ill health or retirement.

There are seven (7) categories of benefits offered by the NIB, namely:

- Sickness
- Maternity
- Invalidity
- Retirement
- Funeral Grant
- Employment Injury
- Survivors'

The National Insurance Board continues to be a consistent area of concern for the Ombudsman of Trinidad and Tobago. While the Ombudsman has noted the cooperation of the NIB in giving attention to complaints submitted to this Office, it remains that the issuance of benefits in general must be improved. It is apparent that the NIB is not as proactive as it ought to be in treating with the needs of its clients. Notably, the excuse which attributes delays to the advent of the COVID-19 pandemic is no longer applicable.

For the period January to December 2022, the Office of the Ombudsman received **one hundred and seventy-seven (177) new complaints** against the NIB. Of these, forty-eight (48) were resolved, five (5) were discontinued and one hundred and twenty-four (124) remained under investigation. In comparison, this Office received eighty-nine (89) complaints against the NIB for the period January to December 2021, showing a marked increase of 98.9%.

Table 5 below shows the trend of new complaints received against the National Insurance Board over the past five (5) years.

YEAR	2018	2019	2020	2021	2022
No. of complaints	75	144	77	89	177

Table 5. Complaints Received Against the National Insurance Board (2018-2022)

Furthermore, this Office has observed that it is often when summonses are issued to NIB officials that there is a resolution of those complaints for which officials were scheduled to appear before the Ombudsman. For the year 2022, senior officials of the National Insurance Board were issued fifteen (15) summonses to appear before the Ombudsman of Trinidad and Tobago. While the Office of the Ombudsman commends the NIB for its improvement in addressing complaints, this Office will continue to hold the NIB to account for its treatment of applications for benefits submitted by its clients.

Recommendations

The following recommendations which were previously put forward in the 44th Annual Report of the Ombudsman, are hereby reiterated.

The NIB needs to review its current system for ensuring employers' registration and compliance in effecting payment of employees' NI Contributions. It is therefore quite clear that the NIB's Compliance Department which is tasked to handle delinquent employers is not effective. The NIB should take into consideration **Section 40** of the NI Act which states that *"An employer who fails or neglects to pay or effect payment of contribution in respect of any person in his employment who is required to be insured under this Act, is liable on summary conviction to a fine of four thousand dollars and six months imprisonment and in the case of a continuing offence shall be liable in respect of each person for whom he neglected or failed to pay or effect payment of contribution, a further fine of one hundred dollars a day for each day that the offence continues after conviction."*

Additionally, there should be a public education programme focusing on the process and the list of documents required when making applications to the NIB. In the absence of adequately informing the public of the process, applicants are often required to make several visits to the NIB to ensure their applications are properly completed. This may be helpful in bridging the communication gap between members of the public which should in turn lead to a reduction in delays as the many questions and concerns persons may have would be clarified.

THE OMBUDSMAN'S CASEBOOK

CASE 1

The Unanswerable
Question

CASE 2

The Case of the
Missing Kitchen
Equipment

CASE 3

A Twelve Year
Cry for Help

CASE 4

Beyond Grief -
A Family's Fight for
Terminal Benefits





THE UNANSWERABLE QUESTION

Ms. P, a citizen of Trinidad and Tobago and a permanent resident of the United States of America (USA) stated that since January 17, 2017, she had been employed with the Ministry of Foreign and CARICOM Affairs (“Ministry”) as a locally recruited Clerk in the Embassy of Trinidad and Tobago, Washington, D.C. She conveyed that the terms and conditions of her employment stipulated that employees who are eligible for payment of income and other taxes are responsible for making the necessary arrangements with the appropriate authorities.

Ms. P contended that she was able to make provisions with the United States Internal Revenue Service (IRS) for payment of her income taxes. She indicated, however, that she was advised by the United States Government that locally recruited staff at the Embassy were not eligible for participation in the United States Social Security System which is equivalent to the National Insurance System which exists in Trinidad and Tobago.

In search of an answer to her dilemma, Ms. P approached the National Insurance (NIB) in October 2019 and the Ministry of Foreign and CARICOM Affairs in November 2019, attempting to obtain a feasible response regarding her eligibility to make contributions to the National Insurance System (NIS) in Trinidad and Tobago. She emphasised that she attained the age of sixty (60) years on November 15, 2019, and was seeking to ascertain whether NIS contributions in relation to her employment at the Embassy of Trinidad and Tobago, Washington, D.C. ought to have been remitted to the NIB so that she could secure appropriate access to her retirement benefits.

Following numerous enquiries into her matter, on January 07, 2020, the NIB advised that the Ministry of Foreign and CARICOM Affairs could direct its requests for information to the Chief Operating Officer-Business Services, NIB, and upon receipt of the relevant requests for information, accurate information/guidance would have been provided. Further, on November 03, 2021, Ms. P was informed that her matter was receiving the attention of the Ministry’s Legal Division and that feedback would be provided to her when a decision was made.

Having been unsuccessful in her quest to obtain a proper response regarding her matter, in January 2022, Ms. P sought the assistance of the Office of the Ombudsman. This Office wrote to both the Ministry of Foreign and CARICOM Affairs and the NIB by letters dated February 28, 2022, outlining Ms. P’s complaint and requesting feedback.

In response to this Office, on March 24, 2022, the NIB stated that Ms. P’s matter had been forwarded to the relevant department for active attention after which a response would be provided to this Office. In addition, on April 08, 2022, the Ministry, in its response, advised that Ms. P’s matter was receiving the attention of the Treaties, International Agreements and Legal Division and that a response would be expected in short order.

By letter dated July 22, 2022, the Ministry also advised this Office of the following details regarding Ms. P's matter:

- *"Locally Recruited Staff working at the Embassy are lawful permanent residents of the United States and are considered United States tax residents for income tax and social security purposes; and*
- *The Ministry has consulted with its four (4) Missions in the United States and advises that other Locally Recruited Staff who are also nationals of Trinidad and Tobago employed at its Missions in the United States, make contributions to Social Security in the United States."*

After extensive and meticulous research into Ms. P's matter, on August 26, 2022, the Office of the Ombudsman forwarded correspondence to the Ministry stating its deferential position on this matter.

"...An excerpt contained in a publication prepared by the Social Security Administration, Social Security Coverage for Employees of Foreign Governments and Instrumentalities of Foreign Governments Working in the United States:-

"Working for a foreign government:

Work for a foreign government includes services performed at foreign embassies and consulates in the United States by:

- *Diplomats and consular officers.*
- *Other employees and non-diplomatic representatives.*

If you're a U.S. citizen working in the United States for a foreign government, the U.S. Social Security system covers your work as self-employment under the Self-Employed Contributions Act (SECA) tax. You must pay the Internal Revenue Service (IRS) all Social Security SECA taxes due on this income. Your employer won't withhold Social Security taxes under the Federal Insurance Contributions Act (FICA) from your earnings. If you're not a U.S. citizen, we don't cover your work for a foreign government. You don't have to pay Social Security taxes on those earnings..."¹

As such, enquiries were made into whether the Ministry gave consideration to the abovementioned publication or any other relevant U.S. law before making the representation that, "Locally Recruited Staff working at the Embassy are lawful permanent residents of the United States and are considered United States tax residents for income tax and social security purposes."

Furthermore, this Office provided its respectful view that Ms. P, without more, was eligible to contribute to the National Insurance System of Trinidad and Tobago. On October 06, 2022, the Ministry, expressed its unwavering view in response to this Office's missive regarding Ms. P's matter; and also bringing the following information to the attention of this Office:

¹Social Security Administration. Publication No. 05-10566. "Social Security Coverage for Employees of Foreign Governments and Instrumentalities of Foreign Governments Working in the United States." June 2022. SocialSecurity.gov. Web.

“...the National Insurance Act, Chapter 32:01 is applicable to persons employed within Trinidad and Tobago for the payment of contributions to the National Insurance Scheme. Further, the Act does not allow for the deduction and remittance of contributions of nationals of Trinidad and Tobago working abroad to the National Insurance Board. As a consequence, it has never been the practice of Trinidad and Tobago Overseas Missions to deduct and/or make contributions for nationals of Trinidad and Tobago who are hired as Locally Recruited Staff to work at the Missions.”

Determined to gain insight into Ms. P’s matter, the Ombudsman summoned both the Ministry of Foreign and CARICOM Affairs and the National Insurance Board of Trinidad and Tobago to appear before him and to give evidence under oath. These hearings were scheduled for October 18, 2022 and December 06, 2022, respectively.

Subsequent to the hearing with the Ministry of Foreign and CARICOM Affairs, on November 07, 2022, this Office was informed that the advice of the NIB had been requested.

It was not until December 02, 2022, four (4) days prior to its scheduled hearing, that the NIB provided the following response to the Office of the Ombudsman on Ms. P’s eligibility to make contributions to the National Insurance System in Trinidad and Tobago:

“We are pleased to advise that after careful consideration of [Ms. P’s] complaint, we have determined that the nature of her employment at the Embassy of the Republic of Trinidad and Tobago, Washington, DC was that of insurable employment as defined by section 2 of the National Insurance Act. Consequently, the Government of the Republic of Trinidad and Tobago ought to have remitted contributions on [Ms. P’s] behalf in accordance with the said Act.

...We advised the Director, Legal Services at the Ministry of Foreign and CARICOM Affairs of our determination.”

Given the NIB’s response, Ms. P’s matter was considered to have been resolved.

File Note: This complaint primarily revolved around answering a simple question:

Was Ms. P eligible to make National Insurance Contributions into the National Insurance System in Trinidad and Tobago?

It is paramount to reiterate the irrefutable facts of this matter:

- Ms. P is a citizen of the Republic of Trinidad and Tobago and is a permanent resident of the USA.
- Ms. P was employed as a locally recruited Clerk at the Embassy of Trinidad and Tobago, Washington, D.C., which falls under the jurisdiction of the Ministry of Foreign and CARICOM Affairs in Trinidad and Tobago.

In light of this, it is the expectation of the Office of the Ombudsman that the Ministry of Foreign and CARICOM Affairs complies with the abovementioned determination provided by the NIB in treating with P’s matter.

FOLLOW-UP: THE CASE OF MISSING KITCHEN EQUIPMENT

The Ombudsman's 41st Annual Report (2018) highlighted the case of Ms. E's kitchen equipment going missing from the Police Training Academy, St. James. This matter was assiduously pursued by The Office of the Ombudsman to ensure that Ms. E received compensation from the Trinidad and Tobago Police Service (TTPS) for the missing kitchen equipment.

Synopsis of Ms. E's case:

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

In 2004, the Training Academy was closed for repairs and Ms. E left the kitchen equipment at the Academy with the expectation that she would resume operations after the repairs were completed. Upon her return, however, she discovered that all of her kitchen equipment went missing. Subsequently, in July 2007, her contract with the TTPS was terminated.

In 2011, after several failed attempts to locate the kitchen equipment, Ms. E submitted a claim for compensation to the Commissioner of Police to request reimbursement for the lost items which were valued at seventy-five thousand, four hundred and ten dollars (\$75,410.00). Ms. E, who was eighty-one (81) years old at the time, was unsuccessful in her pursuit to have her matter resolved.

In March 2012, Ms. E sought the assistance of the Ombudsman regarding the delay by the TTPS in compensating her for the lost equipment. Subsequent to her lodging a complaint at the Office of the Ombudsman, several correspondences were forwarded to both the Commissioner of Police and the Permanent Secretary at the Ministry of National Security for a response.

In 2014, The Commissioner of Police submitted a response to the Office of the Ombudsman which indicated the following:

“A recommendation to compensate Ms. E. was forwarded to the Solicitor General's Office.

However, a response is still outstanding.”

Further to this advice, numerous attempts were made by the Office of the Ombudsman to obtain a response from the Solicitor General’s Office, but to no avail.

At the time that the 41st Annual Report was presented, Ms. E was 90 years old.

In 2022, several years later and after multiple exchanges between the Office of the Ombudsman and the relevant authorities to have Ms. E’s matter resolved, without having any substantial progress in the matter, the Ombudsman, by virtue of Section 97 (1) of the Constitution of the Republic of Trinidad and Tobago – Chapter 1:01 and Section 4(1) and (2) of the Ombudsman Act, Chapter 2:52, issued a summons to the Commissioner of Police in February 2022.

In March 2022, the Ombudsman was informed by the TTPS Legal Unit that the Commissioner of Police had agreed to fully compensate Ms. E as settlement towards her claim.

After years of actively pursuing this matter with the TTPS, this Office learnt that a cheque representing reimbursement for Ms. E’s missing kitchen equipment was finally prepared and paid to her. Ms. E was extremely grateful for the successful settlement of the claim which she filed twelve (12) years ago.

Ms. E was Ninety-Four (94) years old when her matter was finally resolved.



A TWELVE YEAR CRY FOR HELP

In 2008, Ms. H stated that the San Fernando City Corporation (“Corporation”) effected drainage works in her area, inclusive of a drain at the front of her residence and that of her son’s residence located next door to her property.

Two (2) years later, in 2010, she began observing slippage of her land as a consequence of what she claimed was the improper drainage construction by the Corporation.

Subsequent to numerous visits to the Corporation over a seven (7) year period, Ms. H conveyed that in 2017, the Corporation attempted to rectify the problem by constructing a functional drain with a retaining wall. She further claimed that works commenced with the excavation of a 2 ½ ft. trench both at the front of her residence and that of her son’s residence.

Ms. H claimed that works were ceased by the Corporation after the excavation of the trench and that this resulted in increased slippage of her land, causing cracks to be developed in the walls of her son’s property and a number of damages to her own property.

Having received no resolution to her dilemma, on October 01, 2020, Ms. H sought the assistance of the Ombudsman regarding the delay by the San Fernando City Corporation in addressing her complaint. Thereafter, on November 05, 2020, this Office brought the complainant’s concerns to the attention of the Corporation followed by a reminder on January 13, 2021, requesting a report on her claims.

It was not until February 08, 2021 that the Corporation informed this Office of the following details in respect of Ms. H’s matter:

“...Please be advised that a contract was given to construct a retaining wall 30m x 1m in height. Unfortunately, while excavation works was occurring [sic], the embankment fell which caused the fencing of both properties to be damaged.

The San Fernando City Corporation is awaiting material to construct and complete two (2) driveways and reinstall both fences that was damaged [sic] on the both properties...”

Notwithstanding the abovementioned response by the Corporation, this Office conducted a site visit to the affected properties on February 11, 2021 and there were no apparent signs of activity at the construction site. By a letter dated March 9, 2021, the Chief Executive Officer of the Corporation was informed of this finding and an update on the matter was requested.

Again, by letter dated March 29, 2021, the Corporation informed this Office that works had resumed on February 22, 2021; and that additional works would continue once materials became available.

In January 2022, however, when it became evident to Ms. H that the repairs were not progressing in a timely manner, she visited the Office of the Ombudsman to provide a status update on her matter. She expressed her agony over this long outstanding matter.

On March 16, 2022, the Ombudsman took the decision to summon the San Fernando City Corporation to appear before him to give evidence under oath concerning this matter. At that hearing, the City Engineer of the Corporation outlined that the work had been completed at Ms. H's property as follows:

- **The retaining wall was completed;**
- **The chain-link fence had been pulled across her property; and**
- **One driveway had been paved**

Further, an undertaking was given at that hearing that the works which were previously initiated would have been completed by the end of that same month.

Additionally, by letter dated September 27, 2022, the Corporation provided the following status update to this Office regarding this matter:

- **The boxing board had been removed by the construction gang of the Pleasantville Sub-office on September 26, 2022;**
- **The plastering of the wall was approximately 95% completed and should have been finished by September 26, 2022; and**
- **Debris left by the workers had been removed from the property.**

Regrettably, by October 2022, Ms. H informed an Investigator at this Office that the Corporation had refused to undertake the additional repairs which became necessary due to the construction of the retaining wall. She contended that her front steps were detached from her property and the Trinidad and Tobago Electricity Commission (T&TEC) electricity pole had become unsecured.

Upon the discovery of this information, this Office once again intervened in this matter. Ms. H informed this Office that the Corporation had completed most of the additional repairs.

Moreover, the Office of the Ombudsman learned that the outstanding works had been completed, inclusive of the construction of the new front steps and securing the electrical pole in accordance with T&TEC's specifications.

Ms. H confirmed same and as such, her matter was deemed to be resolved.

File Note: Despite having eventually received closure in her matter, it is critical to note that Ms. H took a total of twelve (12) years to gain a resolution to her long outstanding matter.



Photos showing the progress and completion of work at Ms. H's property.





BEYOND GRIEF – A FAMILY’S FIGHT FOR TERMINAL BENEFITS

This case highlights the plight of a family in obtaining terminal benefits due on the passing of ‘Ms. C’, their loved one. The matter was first being pursued by the mother of Ms. C, who eventually handed the matter over to her son (the brother of Ms. C) when she grew older and could no longer attend to the matter herself. When he too could not obtain the terminal benefits acting on his mother’s behalf, he submitted a complaint to the Ombudsman.

Ms. C was a Teacher I assigned to a secondary school in Tobago. In early 2007, Ms. C was diagnosed with a terminal illness and was absent from teaching for Term II in the 2006/2007 Academic Year. She was not placed before a Medical Board and in April 2007, she submitted her application for voluntary retirement to take effect from September 30, 2007. In June 2007, however, she passed away at the age of fifty-five (55).

After Ms. C’s passing her mother, who was the next of kin, applied for and was granted Letters of Administration on November 28, 2014. On November 29, 2016, two (2) years after several unsuccessful attempts to obtain terminal benefits from the Division of Education, Research & Technology, Ms. C’s mother (who was 86 years old) assigned Power of Attorney to her son, Ms. C’s brother, to pursue the terminal benefits owed to her daughter’s estate by the Division.

In September 2022, eight (8) years after being granted Letters of Administration and fifteen (15) years after Ms. C’s passing, Ms. C’s brother sought the assistance of the Ombudsman in obtaining the outstanding terminal benefits from the Division. His mother was then 92 years old and concerned that she would pass away without receiving the terminal benefits duly owed to her daughter’s estate.

Upon receiving the complaint, this Office delivered correspondence by hand to the Division, seeking information regarding the matter. In the absence of a response, a summons was issued on November 7, 2022, giving Notice of a Hearing pursuant to Section 4 (1) and Section 10 of the Ombudsman Act Chapter 2:52 to be held on November 30, 2022.

On November 18, 2022, eleven (11) days prior to the scheduled date of the hearing and fifteen (15) years after Ms. C's passing, the Division prepared the requisite pension and leave records to facilitate the processing of the terminal benefits. These records were then forwarded to the Tobago House of Assembly on February 8, 2023 to be audited, three (3) months after the record was prepared. Thereafter, the audited pension and leave records were sent to the Chief Administrator for onward transmission to the Comptroller of Accounts on April 5, 2023. The Computations Division of the Comptroller of Accounts received the pension and leave records on May 12, 2023.

Based on the foregoing facts, it is apparent that the pension and leave records were never prepared until the Division was served with a summons from the Office of the Ombudsman. The Division of Education, Research and Technology took sixteen (16) years to prepare the relevant documents to facilitate the processing of terminal benefits owed to the complainant's mother, who was then ninety-six (96) years old at the time of the resolution of the matter.

This clear case of administrative injustice reveals actions that are far too commonplace and such practices by any Division of the Tobago House of Assembly, or any other government institution should be frowned upon. Moreover, meaningful steps should be taken by public sector institutions to ensure that such situations are mitigated.

ISSUES COMMONLY FACED BY THE OMBUDSMAN

The following are issues encountered by the Ombudsman in the investigation of complaints.

INSTITUTIONAL UNRESPONSIVENESS

- Unreasonably long delays in responding to letters, calls and emails
- Correspondence from the Office ignored by institutions
- Inability to reach the public officers instrumental to the investigation of a complaint

POOR COMMUNICATION

- Decisions made by institutions unexplained or unclearly articulated
- Information provided is inaccurate or lacks substance
- Persons not informed of their right to access the relevant appeals processes where applicable

UNFAIR POLICIES AND PROCEDURES

- Policies result in unfair outcomes for complainants
- Unfair treatment of complainants by institutions
- Over-enforcement or misapplication of policies

UNREASONABLE DELAYS

- Unreasonable delays in handling complaints
- Unreasonable delays in processing appeals

STATISTICAL REPORT

SUMMARY:

1. OVERVIEW OF INVESTIGATIONS FOR 2022
2. FIVE (5) YEAR TREND OF NEW COMPLAINTS RECEIVED AND COMPLAINTS BROUGHT FORWARD FROM PREVIOUS YEARS
3. TOTAL NUMBER OF NEW COMPLAINTS RECEIVED FOR THE PERIOD 2022
4. DISTRIBUTION OF COMPLAINTS FOR THE PERIOD JANUARY TO DECEMBER, 2022
5. STATUS OF NEW COMPLAINTS RECEIVED AND PASSED FOR INVESTIGATION AS AT DECEMBER 31, 2022
6. TOP FIVE (5) DEFAULTERS FOR 2022

STATISTICAL REPORT (CONT'D)

An explanation of the jargon used throughout this section:

RESOLVED

The case has been investigated and resolved, whether in the complainant's favour or not.

WITHDRAWN

The complaint was withdrawn by the complainant or next of kin where applicable. This should be reduced in writing.

DISCONTINUED

A decision was made by the Ombudsman to discontinue the investigation in instances where it may lack merit or the complaint is found to be one for which we lack jurisdiction.

RECOMMENDED FOR SUMMONS

- ☐ Matters where Ministries/Government Departments/State Agencies are not responding in a timely manner, so that senior public officers are summoned to provide the requisite information.
- ☐ Matters that require testimony (viva voce) evidence to allow the Office of the Ombudsman to conduct a proper investigation of the issues at hand.

NO JURISDICTION

- ☐ Matters not subject to be investigated - (Section 94 (1) and Third Schedule of the Constitution of the Republic of Trinidad and Tobago, Chap. 1:01);
- ☐ Private matters (complaints between private citizens or concerning private authorities);
- ☐ Referrals to other regulatory authorities

OVERVIEW OF INVESTIGATIONS FOR 2022

For the period under review, the Office of the Ombudsman managed a caseload of one thousand, five hundred and fifty-one (1,551) complaints, an increase by one hundred and thirty-two (132) complaints in comparison to the last reporting period. This figure comprised one thousand and ninety-eight (1,098) new complaints received at the Office of the Ombudsman in 2022 and four hundred and fifty-three (453) complaints brought forward from previous years. In comparison to 2021, the number of new complaints received by the Office increased by one hundred and seventy-five (175) or 19% and the number of brought forward complaints decreased by forty-three (43) or 8.7%. See **Figure 2**.

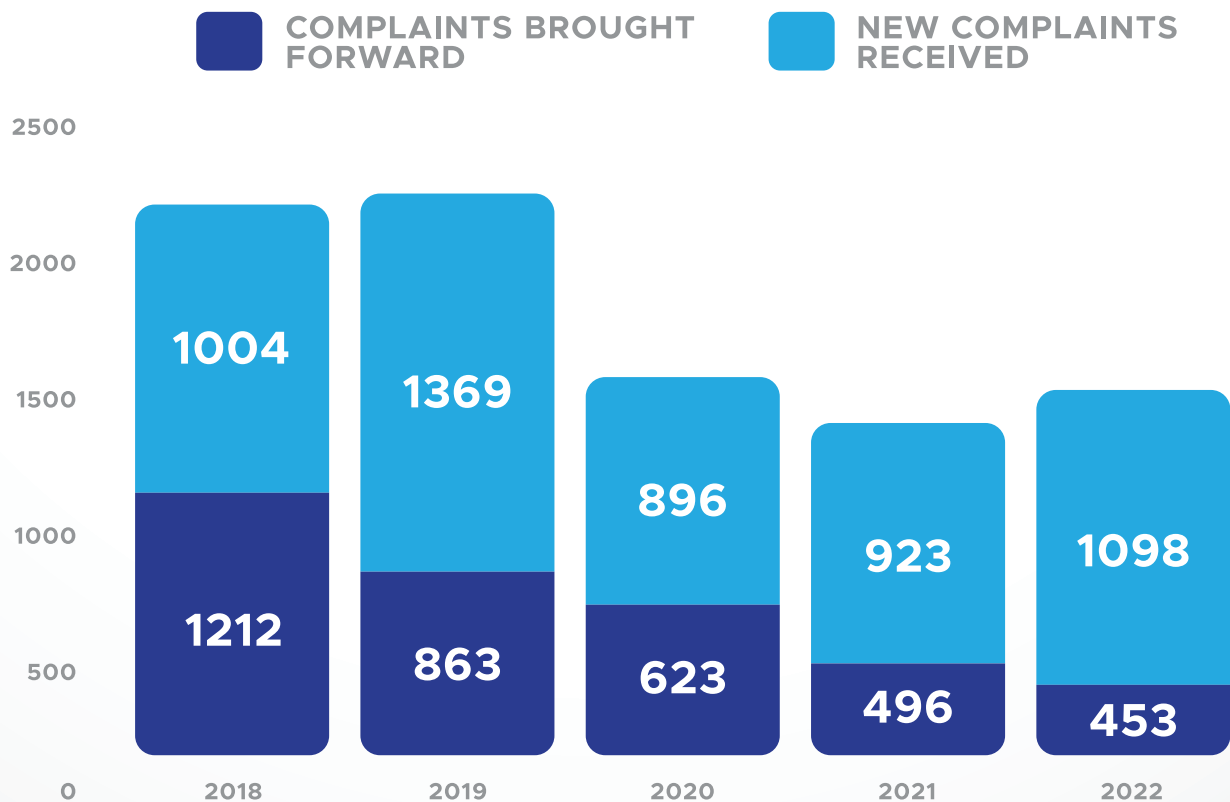


Figure 2. Five (5) Year Trend of New Complaints Received and Complaints Brought Forward from Previous Years (2018-2022)

Figure 2 above demonstrates the total number of new complaints received and brought forward from previous years over a five (5) year period (2018-2022) by the Office of the Ombudsman. From observations made over this period, it can be concluded that there has been a steady decline in the number of complaints brought forward each year.

Table 6 shows that for the period January to December 2022, investigations were pursued on six hundred and fifty-eight (658) of the one thousand and ninety-eight (1,098) new complaints received. At the end of the reporting period, a total of one hundred and ninety-four (194) of these cases or 29.5% had been concluded. A total of four hundred and sixty-four (464) cases or 70.5% remained under investigation as at December 31, 2022; and of that total, **one hundred and thirty-five (135) cases were recommended for summons or remained under the Ombudsman's review at the end of the year.**

DETAILS	NUMBER	PERCENTAGE (100%)
Total number of complaints received in 2022	1,098	100
Less total number of No Jurisdiction matters	(380)	34.6
Less total Freedom of Information Act (FOIA), Chap. 22:02 matters	(60)	5.5
Total number of complaints Passed for Investigation	658	59.9
Total number of complaints concluded	(194)	29.5
*Complaints Resolved	152	23.1
*Complaints Discontinued	40	6.1
*Complaints Withdrawn	2	0.3
Total Number of complaints Under Investigation as at December 31, 2022	464	70.5%

Table 6. No. of Complaints Under Investigation as at December 31, 2022

DISTRIBUTION OF COMPLAINTS FOR THE PERIOD JANUARY TO DECEMBER, 2022

Table 7 below illustrates the distribution of complaints received against Ministries/Government Departments/State 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 and matters which do not fall within the Ombudsman's jurisdiction for the same period.

Table 7. Distribution of Complaints for the Period January to December 2022

MINISTRIES/GOVERNMENT DEPARTMENTS/AGENCIES	RESOLVED	DISCONTINUED	WITHDRAWN	UNDER INVESTIGATION	TOTAL
AGRICULTURE, LAND AND FISHERIES					16
GENERAL	2	0	0	5	7
LAND MANAGEMENT DIVISION	2	0	0	7	9
OFFICE OF THE ATTORNEY GENERAL AND MINISTRY OF LEGAL AFFAIRS					10
GENERAL	4	1	0	1	6
LEGAL AID & ADVISORY AUTHORITY	0	0	0	3	3
REGISTRAR GENERAL'S DEPARTMENT	0	1	0	3	1
CARIBBEAN AIRLINES	3	0	0	1	4
CHILDREN'S AUTHORITY OF TRINIDAD AND TOBAGO	1	0	0	0	1
EDUCATION					63
GENERAL	13	2	0	48	63
ENVIRONMENTAL MANAGEMENT AUTHORITY	1	2	0	2	5
OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS (DPP)	0	0	0	2	2
FINANCE					69

GENERAL	13	0	1	11	25
CUSTOMS AND EXCISE DIVISION	0	0	0	1	1
INLAND REVENUE DIVISION	6	3	0	22	31
NATIONAL INSURANCE APPEALS TRIBUNAL (NIAT)	0	0	0	4	4
TREASURE DIVISION	3	0	0	4	7
VALUATION DIVISION	0	0	0	1	1
FOREIGN AND CARICOM AFFAIRS					1
GENERAL	0	0	0	1	1
HEALTH					55
GENERAL	2	1	1	11	15
EASTERN REGIONAL HEALTH AUTHORITY (ERHA)	0	0	0	2	2
NORTH CENTRAL REGIONAL HEALTH AUTHORITY (NCRHA)	1	0	0	1	2
NORTH WEST REGIONAL HEALTH AUTHORITY (NWRHA)	5	1	0	18	24
PUBLIC HEALTH	1	0	0	4	5
SOUTH WEST REGIONAL HEALTH AUTHORITY (SWRHA)	2	0	0	5	7
HOUSING AND URBAN DEVELOPMENT					36
GENERAL	1	2	0	13	16
HOUSING DEVELOPMENT CORPORATION (HDC)	2	0	0	12	14
LAND SETTLEMENT AGENCY (LSA)	1	3	0	2	6

INDUSTRIAL COURT OF TRINIDAD AND TOBAGO	0	1	0	0	1
JUDICIARY	4	0	0	5	9
LABOUR					6
GENERAL	3	0	0	3	6
MAGISTRY	1	0	0	0	1
NATIONAL INSURANCE BOARD (NIB)	48	5	0	124	177
NATIONAL SECURITY					52
GENERAL	3	3	0	13	19
CRIMINAL INJURIES COMPENSATION BOARD	0	0	0	1	1
FIRE SERVICES	0	0	0	2	2
IMMIGRATION DIVISION	1	1	0	2	4
POLICE SERVICE	0	1	0	10	11
PRISON SERVICE	3	1	0	11	15
PERSONNEL DEPARTMENT (OFFICE OF THE CHIEF PERSONNEL OFFICER)	0	0	0	3	3
PLANNING AND DEVELOPMENT					5
GENERAL	0	0	0	1	1
TOWN AND COUNTRY PLANNING DIVISION	0	1	0	3	4

POLICE COMPLAINTS AUTHORITY (PCA)	0	0	0	1	1
PUBLIC ADMINISTRATION					4
GENERAL	1	0	0	2	3
NATIONAL LIBRARY & INFORMATION SYSTEM AUTHORITY (NALIS)	0	0	0	1	1
PUBLIC UTILITIES					16
GENERAL	1	0	0	3	4
TELECOMMUNICATIONS SERVICES OF TRINIDAD AND TOBAGO (TSTT)	0	0	0	1	1
TRINIDAD AND TOBAGO ELECTRICITY COMMISSION (T&TEC)	1	1	0	1	3
TRINIDAD AND TOBAGO POSTAL CORPORATION (TTPOST)	0	0	0	1	1
WATER AND SEWERAGE AUTHORITY (WASA)	2	1	0	4	7
RURAL DEVELOPMENT & LOCAL GOVERNMENT					39
GENERAL	1	0	0	6	7
REGIONAL CORPORATION	3	3	0	26	32
SERVICE COMMISSIONS DEPARTMENT	2	0	0	2	4
STATUTORY AUTHORITIES SERVICE COMMISSION	0	0	0	1	1
SOCIAL DEVELOPMENT AND FAMILY SERVICES					37
GENERAL	7	3	0	11	21
SOCIAL WELFARE DIVISION	5	2	0	9	16

SPORT & COMMUNITY DEVELOPMENT					3
GENERAL	0	0	0	2	2
THE NATIONAL COMMISSION FOR SELF HELP	0	0	0	1	1
TOBAGO HOUSE OF ASSEMBLY					14
COMMUNITY DEVELOPMENT, YOUTH DEVELOPMENT & SPORT	0	0	0	1	1
EDUCATION, RESEARCH & TECHNOLOGY	0	0	0	4	4
FOOD SECURITY, NATURAL RESOURCES, THE ENVIRONMENT AND SUSTAINABLE DEVELOPMENT	0	0	0	1	1
HEALTH, WELLNESS & SOCIAL PROTECTION	0	0	0	1	1
INFRASTRUCTURE, QUARRIES & URBAN DEVELOPMENT	0	0	0	5	5
OFFICE OF THE CHIEF SECRETARY	0	0	0	2	2
WORKS AND TRANSPORT					23
GENERAL	2	1	0	13	16
NATIONAL MAINTENANCE TRAINING & SECURITY COMPANY LTD. (MTS)	0	0	0	3	3
PORT AUTHORITY OF TRINIDAD AND TOBAGO	0	0	0	1	1
PUBLIC TRANSPORT SERVICE CORPORATION (PTSC)	1	0	0	1	2
TRANSPORT DIVISION	0	0	0	1	1
NEW COMPLAINTS PASSED FOR INVESTIGATION (WITHIN JURISDICTION)	152	40	2	464	658
FREEDOM OF INFORMATION ACT (FOIA), Chap. 22:02 MATTERS					60
NO JURISDICTION MATTERS					380
GRAND TOTAL					1,098

STATUS OF NEW COMPLAINTS RECEIVED AND PASSED FOR INVESTIGATION

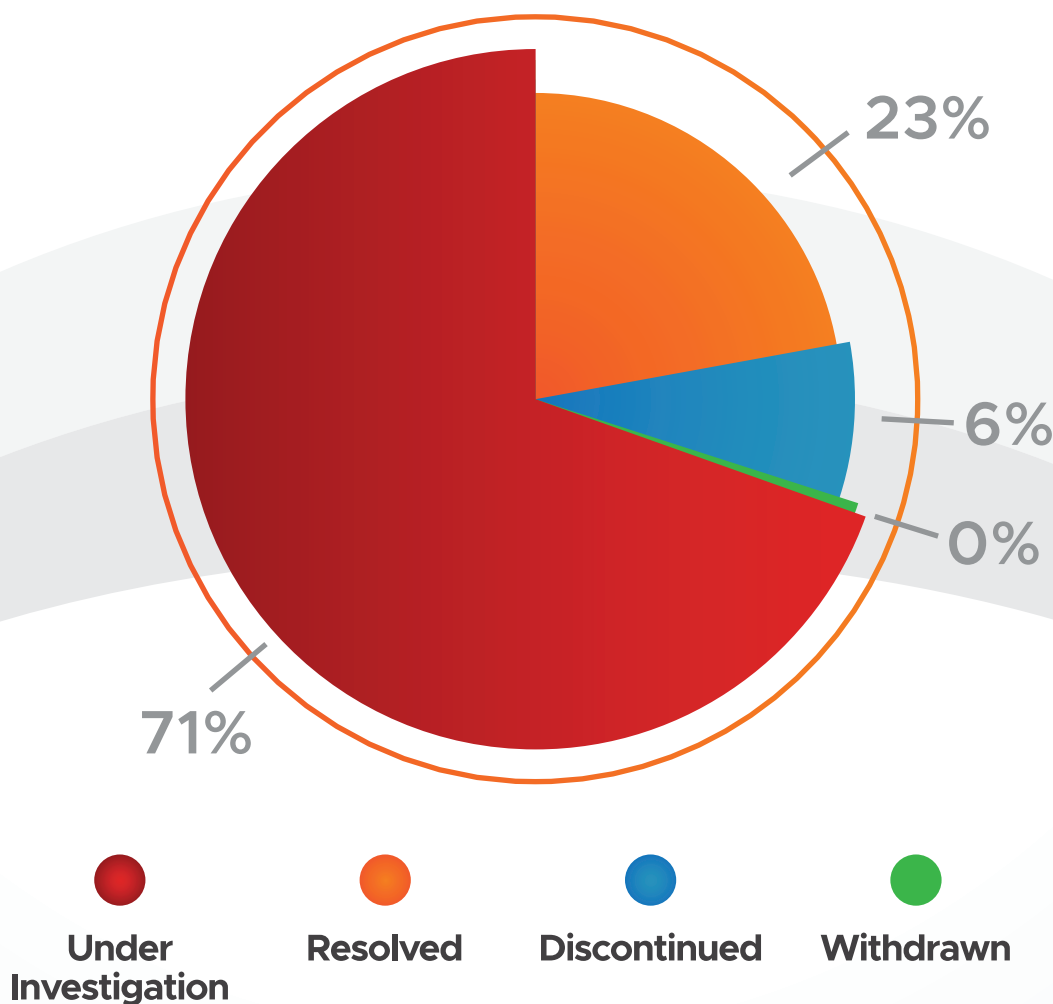


Figure 3. Status of New Complaints Received and Passed for Investigation as at December 31, 2022

Figure 3 above illustrates the status of the new complaints received by the Office of the Ombudsman which were passed for investigation (i.e. were within the Ombudsman's jurisdiction) as at December 31, 2022. At the end of the reporting period, twenty-three percent (23%) of the new complaints investigated were resolved; six percent (6%) were discontinued; none was withdrawn; and seventy-one percent (71%) remained under investigation.

TOP 5 DEFAULTERS FOR 2022

The Office of the Ombudsman continuously monitors the number of complaints received against each Ministry/Government Department/State Agency. For the period January to December 2022, one hundred and seventy-seven (177) complaints were received against the National Insurance Board (NIB) securing its ranking as the Department with the highest number of complaints recorded against it. Further analysis revealed that comparatively, in 2021 this Office received eighty-eight (88) complaints against the NIB, revealing a 98.9% increase in complaints in 2022. This 1st place complaints ranking was followed by the Ministry of Finance with a total of sixty-nine (69) complaints; the Ministry of Education with sixty-three (63) complaints, the Ministry of Health with fifty-five (55) complaints and the Ministry of National Security with fifty-two (52) complaints.

Figure 4 below illustrates the five (5) Ministries/Government Departments/State Agencies with the highest number of complaints.



Figure 4. Top Five (5) MDAs Against Which Complaints Were Received in 2022

Summons



The Office of the Ombudsman is governed by the Constitution of the Republic of Trinidad and Tobago, Chapter 1:01 and the Ombudsman Act, Chap. 2:52.

Section 97 (1) of the Constitution of the Republic of Trinidad and Tobago, Chap. 1:01 states *“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.”*

The issuance of summons is one of the legislative tools used by the Ombudsman as an effective recourse for resolving matters brought against Ministries/Government Departments and State Agencies.

During the reporting period of **January to December 2022**, one hundred and fifty **(150) summonses** were issued and heard in relation to two hundred and ninety-five **(295) matters/complaints** under investigation. These matters include but are not limited to: delay in retirement benefits; delays in increments and gratuity payments; issues pertaining to assistance with the construction of box drains to alleviate flooding; retention wall construction; and public health issues to be addressed by various municipal corporations. **Table 8** below shows the number of summonses issued over a five-year period (2018-2022).

YEAR	NUMBER OF SUMMONSES	NO. OF COMPLAINTS ADDRESSED
2018	9	9
2019	4	4
2020	1	1
2021	12	12
2022	150	295

Table 8. Number of Summonses issued over a 5-year period (2018 to 2022)

The issuance of these summonses has seen a reduction in the timeline for the resolution of matters, as well as an increase in the number of matters being resolved.

Undertaking

At the summons hearing an undertaking is usually given by the representative of the various Ministries/Government Departments and State Agencies to provide feedback within a reasonable time frame which varies from seven (7) days to three (3) months for the resolution of a complaint.

Summons Protocol

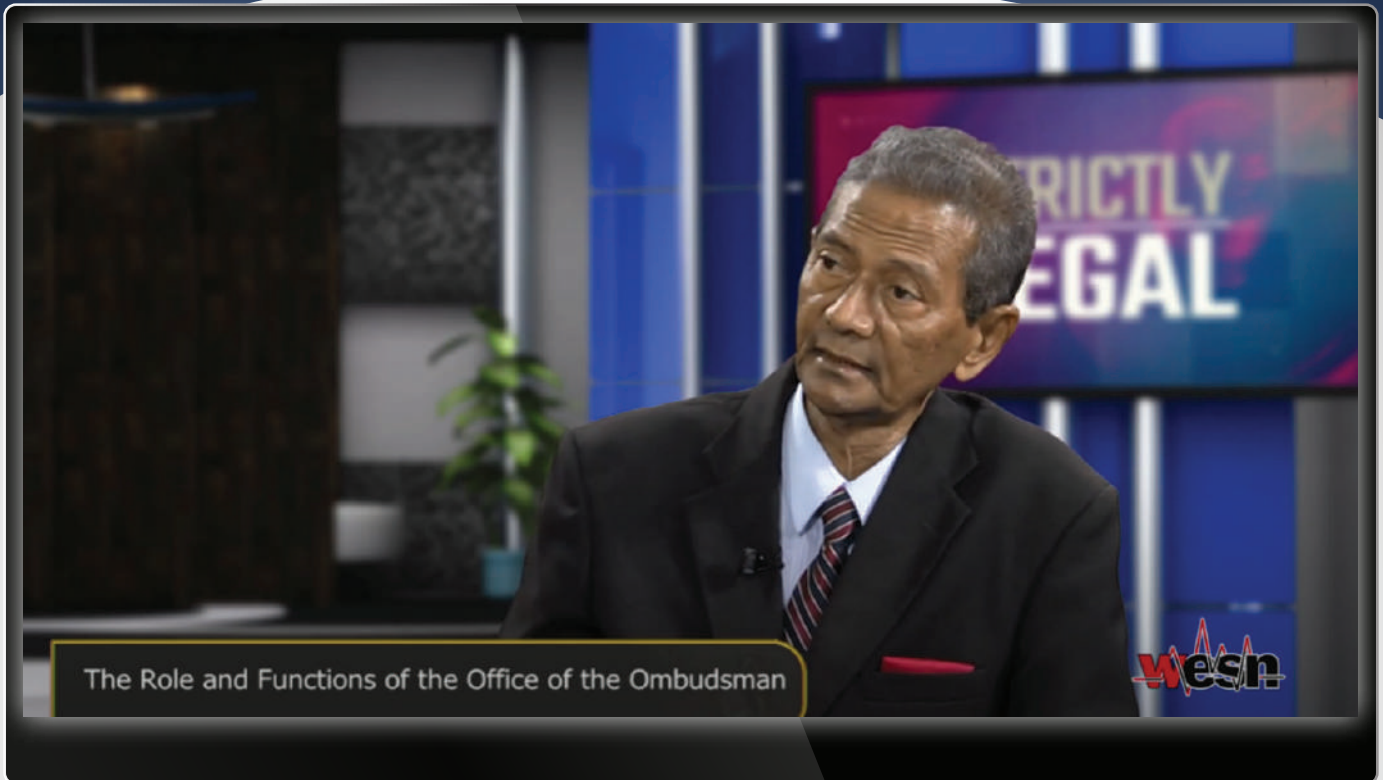
When a summons is issued to the Permanent Secretary of a Ministry or a Head of Department or Agency by the Office of the Ombudsman pursuant to Section 97 (1) of the Constitution of the Republic of Trinidad and Tobago and the named officer is unable to attend, the Office must be notified pursuant to Section 10 of the Ombudsman Act.

A representative of comparable rank can attend in place of the summoned officer and the name and position of that individual must be communicated to the Office of the Ombudsman. Furthermore, it is the responsibility of the organization to implement processes to ensure that **ALL** communication from the Office of the Ombudsman (especially summons) receives prompt attention.



PUBLIC RELATIONS & EVENTS

'STRICTLY LEGAL' TELEVISION INTERVIEWS



Ombudsman Rajmanlal Joseph was invited to be a special guest on WESN's 'Strictly Legal' segment for a comprehensive discussion on the role and function of the Ombudsman of Trinidad and Tobago. Following his maiden appearance on November 3rd, 2022, Mr. Joseph was invited to return to the show the following week on November 10th, 2022 to continue his discourse on the work of his Office.



SENSITISATION SESSIONS FOR MINISTRIES, DEPARTMENTS & STATE AGENCIES (MDAs)



The Ombudsman hosted organisation-specific sensitisation sessions. These sessions were deemed necessary to educate key functionaries of these MDAs on the role and function of this Office as well as how to collaborate with the Ombudsman effectively in the course of his investigations.

COURTESY CALL BY THE OMBUDSMAN OF ST. LUCIA

Ombudsman Rajmanlal Joseph welcomed Mrs. Rosemary Husbands-Mathurin, Ombudsman of St. Lucia, for a courtesy call at the Office of the Ombudsman's Head Office on Monday, December 5th, 2022.



STAFF TRAINING & DEVELOPMENT

O.A.S.I.S IMPLEMENTATION



The Office of the Ombudsman introduced its new digital case management system, the Ombudsman Advanced Solutions Investigation System (O.A.S.I.S), to its core operations. This move is part of the Office's current thrust to streamline operations in a bid to ensure that complaints are addressed efficiently, effectively and expeditiously.



CONFLICT RESOLUTION/ MEDIATION TRAINING

A cohort of Investigators at the Office of the Ombudsman completed a four-day Conflict Resolution/Mediation & Negotiation Workshop in October and November 2022. The first of a two-part programme, this workshop equipped Investigators with valuable insight and skills in standards of conduct/ethics in mediation, conflict resolution concepts, and techniques in facilitating the mediation process.

INVESTIGATIVE INTERVIEWING & REPORT WRITING TRAINING

In December 2022, Investigators at the Office of the Ombudsman completed a four-day workshop on Investigative Interviewing and Report Writing. The workshop covered planning interviews as well as the techniques for conducting fair and thorough interviews ethically. Additionally, participants were trained in methods of gathering and analyzing data as well as producing effective investigative reports.



TESTIMONIALS

"I am happy to inform you that I received the arrears owed by NIB... Your intervention was successful yet again. I really don't know how I would have fared without your expertise and conscientious approach to the situation. You and the Ombudsman Office have been my rock during this challenge and I am deeply grateful."

"On behalf of my father and myself I wish to thank you for your excellent service. My father's matter has been addressed with NIB, he has received his backdated payments and he was reassured that monthly payments will commence... May you be blessed as you have blessed him. Thank you."

"Good morning I would like to thank you for all your help in getting my pension cheque. Keep up the good work..."

"Thank you for your assistance. Your intervention was greatly appreciated. Best Regards to you and your office"

"I collected the invoice issued by the Ministry of Social Development and Family Services... I would like to officially thank you and the Office of the Ombudsman for the efforts and assistance in sorting out my issue."

Frequently Asked Questions (FAQ's)

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

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

2. HOW DO I LODGE A COMPLAINT?

All complaints must be made **IN WRITING** to the Ombudsman. Complaints can be lodged:



In person at any of our 3 Office locations OR at a monthly public outreach visit near you.



Via Email



By Mail/Post



Via Drop-box

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:

- o Name
- o Telephone contact
- o Residential address and/or mailing address
- o Email address (optional)
- o A summary outlining:
 - o The facts of the complaint and the current status of the matter
 - o The government department involved
 - o The date when the complaint was lodged with the government department
 - o The name of the person(s) to whom you have reported the matter
- o Copies of documents pertinent to your complaint (if available).

4. WHAT TYPE OF COMPLAINTS CAN THE OMBUDSMAN INVESTIGATE?

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

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

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

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SCHEDULE OF COMMUNITY VISITS

ARIMA

Mayor's Box,
Arima Velodrome, Hollis Avenue, Arima
2nd Monday of each month
Time: 9:00 a.m. to 12 noon

COUVA

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

MAYARO/RIO CLARO

Public Health Department,
Mayaro/Rio Claro Regional Corporation
Corner De Verteuil & Doughdeen Streets, Rio Claro
Last Thursday of each month
Time: 9:00 a.m. to 12 noon

SANGRE GRANDE

Technical Department Conference Room,
Sangre Grande Regional Corporation
Robert Paul Street, Sangre Grande
Last Tuesday of each month
Time: 9:00 a.m. to 12 noon

CHAGUANAS

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

POINT FORTIN

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

ROXBOROUGH

Conference Room
Roxborough Administrative Complex,
Windward Road, Roxborough
2nd Wednesday of each month
Time: 9:00 a.m. to 12 noon

SIPARIA

Ministry of Labour, Siparia Office
Level 2, Siparia Administrative Complex
Corner Allies Street and S.S. Erin Road, Siparia
3rd Monday of each month
Time: 9:00 a.m. to 12 noon

APPENDIX | II

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

PART II -OMBUDSMAN

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

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EXTRACT FROM THE CONSTITUTION OF TRINIDAD AND TOBAGO ACT NO. 4 OF 1976 PART II - OMBUDSMAN

			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 revenue consist wholly or mainly of moneys provided out of public funds;
			(c) any authority empowered to determine the person with whom any contract shall be entered into by or on behalf of Government;
			(d) such other authorities as may be prescribed.
Restrictions on matters for investigation.	94.	(1)	In investigating any matter leading to, resulting from or connected with the decision of a Minister, the Ombudsman shall not inquire into or question the policy of the Minister in accordance with which the decision was made.
		(2)	The Ombudsman shall have power to investigate complaints of administrative injustice under section 93 notwithstanding that such complaints raise questions as to the integrity or corruption of the public service or any department or office of the public service, and may investigate any conditions resulting from, or calculated to facilitate or encourage corruption in the public service, but he shall not undertake any investigation into specific charges of corruption against individuals.

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EXTRACT FROM THE CONSTITUTION OF TRINIDAD AND TOBAGO ACT NO. 4 OF 1976 PART II - OMBUDSMAN

			<p>(3) Where in the course of an investigation it appears to the Ombudsman that there is evidence of any corrupt act by any public officer or by any person in connection with the public service, he shall report the matter to the appropriate authority with his recommendation as to any further investigation he may consider proper.</p>
			<p>(4) The Ombudsman shall not investigate-</p> <p>(a) any action in respect of which the Complainant has or had-</p> <p>(i) a remedy by way of proceedings in a Court; or</p> <p>(ii) a right of appeal, reference or review to or before an independent and impartial tribunal other than a Court; or</p> <p>(b) any such action, or actions taken with respect to any matter, as is described in the Third Schedule</p>
			<p>(5) Notwithstanding subsection (4) the Ombudsman-</p> <p>(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;</p> <p>(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).</p>
Discretion of Ombudsman.	95.		<p>In determining whether to initiate, continue or discontinue an investigation, the Ombudsman shall, subject to sections 93 and 94, act in his discretion, the Ombudsman may refuse to initiate or may discontinue an investigation where it appears to him that -</p> <p>(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;</p> <p>(b) the subject matter of the complaint is trivial;</p>

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EXTRACT FROM THE CONSTITUTION OF TRINIDAD AND TOBAGO ACT NO. 4 OF 1976 PART II - OMBUDSMAN

(c) the complaint is frivolous or vexatious or is not made in good faith; or

(d) the complainant has not a sufficient interest in the subject matter of the complaint.

Report on Investigation.

96. (1) Where a complaint or request for an investigation is duly made and the Ombudsman decides not to investigate the matter or where he decides to discontinue investigation of the matter, he shall inform the person who made the complaint or request of the reasons for his decision.
- (2) Upon completion of an investigation the Ombudsman shall inform the department of government or the authority concerned of the results of the investigation and if he is of the opinion that any person has sustained an injustice in consequence of a fault in administration, he shall inform the department of government or the authority of the reasons for his opinion and make such recommendations as he sees fit. The Ombudsman may in his original recommendations, or at any later stage if he thinks fit, specify the time within which the injustice should be remedied.
- (3) Where the investigation is undertaken as a result of a complaint or request, the Ombudsman shall inform the person who made the complaint or request of his findings.
- (4) Where the matter is in the opinion of the Ombudsman of sufficient public importance or where the Ombudsman has made a recommendation under subsection (2) and within the time specified by him no sufficient action has been taken to remedy the injustice, then, subject to such provision as may be made by Parliament, the Ombudsman shall lay a special report on the case before Parliament.
- (5) The Ombudsman shall make annual reports on the performance of his functions to Parliament which shall include statistics in such form and in such detail as may be prescribed of the complaints received by him and the results of his investigation.

Power to obtain evidence.

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

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EXTRACT FROM THE CONSTITUTION OF TRINIDAD AND TOBAGO ACT NO. 4 OF 1976 PART II -OMBUDSMAN

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.
	(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.

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EXTRACT FROM THE CONSTITUTION OF TRINIDAD AND TOBAGO ACT NO. 4 OF 1976 PART II -OMBUDSMAN

- (7) Anything said or any information supplied or any document, paper or thing produced by any person in the course of any enquiry by or proceedings before an Ombudsman under this Constitution is privileged in the same manner as if the enquiry or proceedings were proceedings in a Court.
- (8) No proceedings of the Ombudsman may be held bad for want of form and, except on the ground of lack of jurisdiction, no proceeding or decision of an Ombudsman is liable to be challenged, reviewed, quashed or called in question in any Court.

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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.

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LAWS OF TRINIDAD AND TOBAGO

OMBUDSMAN ACT, CHAPTER 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	<p>2. (1) All complaints to the Ombudsman and requests for investigation by him shall be made in writing.</p> <p>(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.</p>
PROCEDURE IN RESPECT OF INVESTIGATION	<p>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.</p> <p>(2) Every such investigation shall be conducted in private.</p> <p>(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.</p>

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	<p>(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.</p> <p>(5) Subject to this Act, the Ombudsman may regulate his procedure in such manner as he considers appropriate in the circumstances of the case.</p> <p>(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 moneys 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.</p> <p>(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.</p> <p>(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.</p>
EVIDENCE	<p>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</p>

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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.

(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.

(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.

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	<p>(5) Except on the trial of any person for an offence under the Perjury Act in respect of his sworn testimony, or for an offence under Section 10, no statement made or answer given by that or any other person in the course of any inquiry or any proceedings before the Ombudsman under the Constitution or this Act shall be admissible in evidence against any person in any Court or at any inquiry or in any other proceedings and no evidence in respect of proceedings before the Ombudsman shall be given against any person.</p> <p>(6) No person shall be liable to prosecution for an offence against the Official Secrets Act 1911 to 1939 of the United Kingdom, or any written law, other than this Act by reason of his compliance with any requirement of the Ombudsman under this section.</p>
<p>DISCLOSURE OF CERTAIN MATTERS NOT TO BE REQUIRED</p>	<p>5. (1) Where the Attorney General certifies that the giving of any information or the answering of any question or the production of any document or paper or thing –</p> <ul style="list-style-type: none"> (a) might prejudice the security, defence or international relations of Trinidad and Tobago (including Trinidad and Tobago relations with the Government of any other country or with any international organizations); (b) will involve the disclosure of the deliberations of Cabinet; or (c) will involve the disclosure of proceedings of Cabinet, or any Committee of Cabinet, relating to matters of a secret or confidential nature, and could be injurious to the public interest, the Ombudsman shall not require the information or answer to be given or, as the case may be, the document or paper, or thing to be produced. <p>(2) Subject to subsection (1), no rule of law which authorises or requires the withholding of any document or paper, or the refusal to answer any question, on the ground that the disclosure of the document or paper or the answering of the question would be injurious to the</p>

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	public interest shall apply in respect of any investigation by or proceedings before the Ombudsman.
SECRECY OF INFORMATION	<p>6. A person who performs the functions appertaining to the office of the Ombudsman or any office or employment there under –</p> <p>(a) shall regard as secret and confidential all documents, information and things which have been disclosed to any such person in the execution of any provisions of Sections 93 and 96 of the Constitution, so, however, that no disclosure made by any such person in proceedings for an offence under section 10, or under the Perjury Act and 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	7. Before entering upon any premises pursuant to section 97(2) of the Constitution the Ombudsman shall notify the principal officer of the department or the authority which the premises are occupied.
DELEGATION OF POWERS	<p>8. (1) With the prior approval in each case of the Prime Minister, functions herein before 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>

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	<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>
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>

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<p>PRESCRIPTION OF AUTHORITIES SUBJECT TO THE OMBUDSMAN'S JURISDICTION</p>	<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>
<p>REGULATIONS</p>	<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>

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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 | V

MAP OF THE CARIBBEAN





OFFICE OF THE
OMBUDSMAN
TRINIDAD AND TOBAGO

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