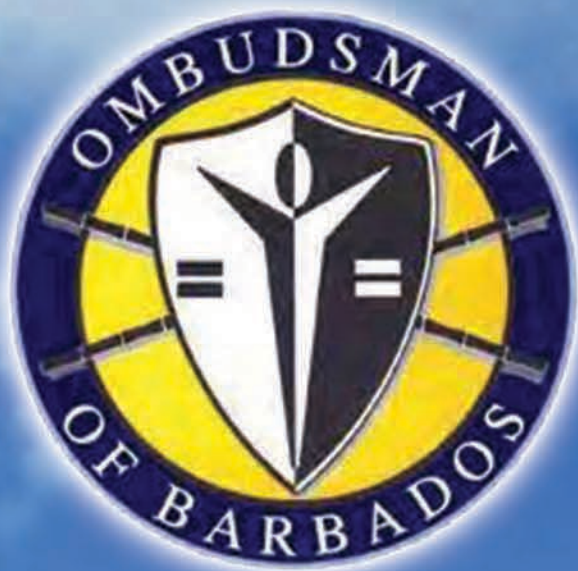


Annual Report of the



OMBUDSMAN
of BARBADOS 2024



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LETTER OF TRANSMITTAL

His Honour The President
The Senate
Parliament Buildings
Bridgetown

His Honour The Speaker
The House of Assembly
Parliament Buildings
Bridgetown

Dear Mr. President and Mr. Speaker,

I have the honour to submit the Annual Report of the activities of the Office of the Ombudsman covering the calendar year January 01 to December 31, 2024.

The Report is made pursuant to Section 13(6) of the Ombudsman Act, CAP. 8A of the Laws of Barbados to facilitate its laying before Parliament.

Yours faithfully,

A handwritten signature in blue ink, appearing to read 'Nigel L. Taylor', with a long horizontal stroke extending to the right.

Nigel L. Taylor, SCM, J.P
Ombudsman

THE MESSAGE OF THE OMBUDSMAN

In my 2023 Ombudsman's report, I stated that the core role of the Ombudsman is to impartially investigate complaints, discover and resolve disputes as well as to address those areas of defective administrative practices which surfaced while drawing on his independent judgment to reach a satisfactory conclusion. The investigation of complaints should be conducted in an expeditious manner in order to bring some degree of closure to Barbadians and persons residing in Barbados who consider that the conduct of a government ministry or department or a Statutory board is unreasonable, improper, inadequate or unjust.



The Office of the Ombudsman, from its inception, has been protecting the interest of citizens and visitors to our country. It is, in fact, the core of its constitutional existence. In the same vein, its institutional memory is informed by how well it responds to change, copes with challenges, and runs along the course of reinvention as a means of seeking resolutions to the many and varied complaints which are investigated by the Office of the Ombudsman.

The Office of the Ombudsman has continued to engage systems which will transform public accountability into the norm and to maintain its commitment to integrity and excellence in the discharge of its mandate. Equally import to the Office is serving with the highest standards of quality and efficiency by exceeding client expectations while seeking to always improve its quality management system which is hoped to be compliant with global standards, for the benefit of the Barbadian people.

When one takes a close review of the submission of the Ombudsman's report over the years, one will note that the types of public complaints which are recorded against all the agencies of government remain the same. The conclusion on this matter can be varied depending on the individual who is affected. One might suggest that the continued cycle could be a disposition that speaks to the callousness of the officers in the Public Service who have no regard for the complainants, the file is not being transferred within a reasonable time for action, or the complaint needs to be investigated thoroughly. Either way the officers of the State need to show more compassion to these submissions and carefully communicate with the affected people.

I must nonetheless extend thanks to the staff at the Ombudsman's Office who, although being a small cadre of public officers, have continued over the period under review to

work above and beyond the call of duty to bring resolution to the many complaints from those who are aggrieved with the decision from the various government departments.

The Office of the Ombudsman will continue to address the systemic issues while engaging the public officers to seek resolutions to the many complaints which are brought to the Office of the Ombudsman.

A handwritten signature in blue ink, appearing to read 'Nigel L. Taylor', with a long horizontal stroke extending to the right.

NIGEL L. TAYLOR, SCM, J.P.
Ombudsman

HISTORICAL BACKGROUND

For the student of history, it is noted that the Ombudsman Institution has been in existence in the Caribbean subregion for several years. Our records indicate that Guyana was the first country in the region to embrace the concept of the Ombudsman when it established its office in 1966, followed by Trinidad and Tobago, Jamaica, Saint Lucia, Barbados, Antigua and Barbuda, Belize established theirs in 1999.

- i. The Constitutional Review Commission in its March 1979 Report recommended the establishment of an Office of the Ombudsman, not enshrined in the Constitution, but by an Act of Parliament.
- ii. The Ombudsman Act No. 68 of 1986 was enacted and came into effect by Proclamation in January 1981.
- iii. The Office of the Ombudsman in Barbados became operational on January 02, 1987, at Culloden Farm, Culloden Road, St. Michael.
- iv. The Office of the Ombudsman vacated its premises at Culloden Farm on April 02, 1995.
- v. The Office of the Ombudsman was relocated to its current location, 2nd Floor Trident House, Broad Street, Bridgetown on April 03, 1995.
- vi. Its creation was to provide a safeguard against maladministration and protect citizens' rights against government agencies by investigating complaints and administrative issues while making recommendations for corrective action or improvement to administrative systems.
- vii. Sir Franklin M. Blackman, a retired Cabinet Secretary, was the first Ombudsman, taking office on January 1, 1987.



PERSONS WHO SERVED AS THE OMBUDSMAN OF BARBADOS

- | | |
|------------------------|----------------|
| 1. Sir Frank Blackman | 1987 - 1993 |
| 2. Mr. Carlton Browne | 1993 - 1996 |
| 3. Mr. Carl Ince | 1998 - 2002 |
| 4. Mr. Cyril Clarke | 2003 - 2007 |
| 5. Mr. Valton Bend | 2009 - 2022 |
| 6. Dr. Nigel L. Taylor | 2023 – Present |

THE OVERVIEW

This report, covering the period from January to December 2024, is the latest of reports from the Office of the Ombudsman, Barbados. It sets out the challenges, constraints and successes within which the Office operated in the past year. The report will detail the problems which were encountered, the measures which were taken by the Office along with the statistics, summaries of the complaints and challenges. Additionally, the many enquiries which were addressed throughout the year will also be highlighted

Despite the increased workload with the enquiries which were handled by this office, there is the note of a greater increase in numbers over the past years. I'm gratified to think that the productivity of this office has improved in terms of the quantity and quality of work which was accomplished in relation to the number of concluded complaints as compared to the last five years.

One of my concerns in the past year was a specific area that was gaining prominence in the entire investigative process. From this office, some of the investigations realized would have been from individuals who did not have the specific complaint at the time, but they anticipated a pattern which could affect them in the future. This was documented by the said complainants as they took note of similar injustices to persons in the past and who in the current stage opted to come forward and outlined what they anticipated to be a glaring challenge which was on the horizon. My experience allowed me to realize that they were anticipating the same pattern which would have evolved from similar circumstances.

With the increase in the workload and demand for the services of the Office of the Ombudsman, especially when the resources remained limited, this office has been continually looking at the revision of its policies and its operating procedures to ensure that all the cases were efficiently and effectively handled. The office realigned its structure by improving its case study system and management while trying to resolve the complaints in a reasonable time.

Even though I would prefer it to be stated in this report that the processing time of most of the complaints was short, in many of the cases that cannot be said. In some of the cases, as the increased workload lengthened so did the processing time. The office has opted to streamline the investigation procedure so that the number of complaints, though greater than last year, do not overwhelm the office to the point that it is outside the scope of management to deliver results in a reasonable time frame.

Personally, it is the view of this Ombudsman that one of the ultimate solutions to address some of the non-contentious complaints rest in the determination and the ability of the respective departments and organizations of government to improve the standard and efficiency of their services to the general public and by so doing they can eradicate what

is perceived as a culture of non- response or a laissez-faire response to the complaints that arise from the various sections of the general public.

The public nonetheless must also understand that there are limitations even within the Office of the Ombudsman to accord all sectors of the public administration with that level of resources that the departments and the public would like to have. I must state that despite the increase in the workload of the Office, the standard of performance required of our staff remains high and there is no compromise in any of the investigations or deliberations. There is evidence of thoroughness and independence in all our investigations.

The increase in workload must be seen as a positive and encouraging sign. It suggests that the statutory right of access to the services provided by the government is better understood and utilized as the public requires a more open, fair and efficient administration for all to see.

RESOLVING CHALLENGES WITHIN THE OFFICE OF THE OMBUDSMAN

The officers in the Office of the Ombudsman have repeatedly maintained impartiality and objectivity in the execution of their respective assignments while upholding professionalism in the performance of their duties. This is always a central focus as the Ombudsman must continue to play a critical role in addressing and resolving complaints relating to the government departments and their operations. Daily there are conflicts to mediate, complaints to be investigated and the provision of recommendations to be presented to various parties to ensure that there are fair and just practices being reflected within the government agencies.

The situation of the Ombudsman has become a humanizing element between the citizens and the agencies of government. It is an indisputable fact that our function in the Office of the Ombudsman, as representatives of the citizen before the very complicated governmental mechanisms, has become increasingly necessary with each passing day.

The average citizen, confused and disillusioned by bureaucratized administrative proceedings, cannot fend for himself.

The Ombudsman must always be able to represent these people adequately. We continue the practice of keeping the results of our quasi-legislative investigations confidential in all cases where the agencies respond adequately to our recommendations. In instances if there is a trace or a hint of maladministration the

Ombudsman may not reveal the said maladministration if it is corrected with haste and diligence.

One of the beauties of the legislation of the Ombudsman Act Cap 8A is that the framers of this legislation with fore sight of people's inclinations and thoughts identified a salient point in the said legislation. The point that needs to be accentuated with precise care is that the framers of this legislation made sure that no executive public official could question the Ombudsman's decision as it relates to the cases or the nature of the cases he investigates. It is clearly prescribed that in all situations the ultimate decision of whether to investigate or not to investigate is solely up to the Ombudsman. ***Section 6 (2) of the Ombudsman Act states that: -***

“In deciding whether to make, continue or discontinue an investigation authorized by this Act, the Ombudsman shall in all cases act in accordance with his own discretion which shall not be questioned.”

The section further states that the Ombudsman may refuse to investigate any matter on the grounds that it is trivial or that the complaint is frivolous or vexatious or not made in good faith, or that the complainant has not a sufficient interest therein.

Additionally, it states that no one has the authority to impede the Ombudsman from investigating presenting cases as outlined in the Ombudsman Act CAP 8A ***Section 12 (1) & (2) “prescribed by the legislation.”***

12. (1) If any person without lawful excuse obstructs the Ombudsman or any officer of his in the performance of his functions under the Act or fails to act as lawfully required by the Ombudsman, the Ombudsman may certify the offence to the High Court.

12. (2) Where an offence is so certified the High Court may, after hearing any person properly desiring to be heard, punish the offender in the same manner as for contempt of court.

People might ask if it is possible for the Ombudsman to carry out all the activities which are brought before him. In the reporting year 2024 the Office of the Ombudsman has made its presence known and has gained respect for the honest representation of the cases brought before him. What has been significant is that more people are presenting with queries, challenges and other contentious situations against almost all governmental agencies.

Clearly the hypothesis is that today the citizen is very conscious of his rights and is not so inclined to wait for an electoral event every five (5) years to make himself and his queries known.

THE INVESTIGATIONS OFFICER IN THE OFFICE OF THE OMBUDSMAN

Specifically, the Investigations Officer, although overburdened at times, continues valiantly with the monthly increasing caseload of people seeking the services of the Office of the Ombudsman.

It should be noted that the handling of a complaint is totally free of charge on the part of the complainant. It is therefore important that the complainant is aware of this fact. The Investigations Officer in the Office of the Ombudsman is a critical cog in this “wheel.” When complaints are made to the Office of the Ombudsman, the following is done: -

- i. The complaint is officially logged, and an acknowledgement is sent to the complainant.
- ii. The complaint is examined in an objective, impartial and independent way.
- iii. If the complaint is deemed to be credible, the Investigations Officer would traditionally send a summary report with the case under review to the Ombudsman who would then determine whether the case is worthy of examination.
- iv. If approved for examination, the complainant is kept abreast of the progress of the case.
- v. The complainant is encouraged to communicate to the investigating officers any additional information that can be used in the process of investigating his/her complaint.
- vi. It should be noted that the Ombudsman personally does not automatically investigate every complaint that has been lodged. The Investigations Officer during the investigating process might realize that the complaint must be researched by other ministries before the submitted alleged offending ministries.

It should be noted that the Ombudsman does not reverse an administrative decision but only recommends that the body reconsiders the decision and implement the changes accordingly.



*Dr. Michael Sabazan, Investigations Officer
Office of the Ombudsman*

Toward the close of the year 2024, the current Investigations Officer at the Office of the Ombudsman, Dr. Michael Sabazan, would have been winding down his tour of duty at the office having reached the age of retirement in the new year.

He served the office for a period of fourteen (14) years, and the evidence would have shown that he performed credibly as he sought to resolve the many complaints which would have been presented to the Office of the Ombudsman.

THE EXECUTIVE OFFICER IN THE OFFICE OF THE OMBUDSMAN

Throughout the Caribbean it has been revealed that many of the Offices of the Ombudsman or the Complaints Commissioners are understaffed. In Barbados, our staff is small, and the volume of work is sometimes great and can be overwhelming.

In the month of October, a new addition was added to the office. This addition did not increase our numbers as the then “sitting” Executive Officer was transferred to another ministry.



*Miss Lisa Clarke, Executive Officer (Ag)
Office of the Ombudsman*

This new addition to the office had served in several Ministries and her knowledge of the procedures and methodologies which were to be employed in many circumstances was embedded in her knowledge which resulted in an easier solution / resolution to many of the administrative challenges which came to our offices.

Additionally, she was always willing to be a part of the investigation process or being a part of any project which is being undertaken by the Office of the Ombudsman irrespective of whether it is research oriented, active investigation or interviewing complainants.



The Executive Officer has on occasions been a member of the team from the Ombudsman's Office in Barbados at the regional Ombudsman Association (CAROA) specially convened meetings.

CHALLENGES FROM GOVERNMENT AGENCIES

In the investigation of complaints there seems to be a niggling problem in the resolution of complaints, or an inordinately long time in acquiring a response from government agencies. I am very aware of the resource shortage of some agencies, and I am equally aware of the need to allocate priorities to their commitments. However, the excuse that is being offered is that of resources which are lacking.

I believe it can be likened to an apathy or a deliberate decision to let a person wait for a long period, seemingly as part of the retribution for the department being found wrong. Then again, on some occasions it would seem as though the administrative procedures are primarily at fault where there really is no system to correct errors or mistakes and to remedy them in a timely manner.

What has been realized is the delay by some agencies in processing entitlements, failure to forward proper documentation at a reasonable time and occasionally there is an apathy towards a situation where persons are without income. Often there is an investigation that is ongoing because the seniors in the department submit excuses for the delayed completion of the case which the Ombudsman considers unacceptable. Excuses such as the officer who is currently assigned to the case is new and does not know all that is to be done or the officer who was originally assigned to those cases is currently on an extended vacation.

MEETING WITH THE TEAM FROM THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS

The Inter-American Commission on Human Rights (IACHR) arrived in Barbados for a Technical Cooperation and Promotional Visit. The delegation comprised of three IACHR Human Rights experts, one Fellow and the team leader Commissioner Gloria De Mees the Country Rapporteur for Barbados and Rapporteur for the Rights of Older Persons and on the Rights of People of African Descent and against Racial Discrimination.

During their visit to Barbados, the delegation met with several Ministries and civil society including the Officers within the Office of the Ombudsman. The object of their visit was the universalization of the inter-American human rights instruments, identifying areas for technical cooperation and capacity building. An introductory training session for public officers was also conducted with the view of enhancing their understanding of the Inter-American human rights systems.

As it relates to human rights institutions, the IACHR noted that in the context of the 2023 UN Universal Periodic Review, Barbados had underscored its commitment to the establishment of a National Human Rights Institution (NHRI) in keeping with the Paris Principles. At the local level the NHRI would be expected to investigate alleged human rights violations and support victims as they seek justice and redress.

The report from the IACHR states that Barbados continues to attach importance to the promotion of human rights and continues to approach this subject in a pragmatic and realistic manner by taking note of the obligations and reporting commitments associated with the individual Conventions.

FACT FINDING MISSION TO BELIZE

The Ombudsman accompanied by the Investigations Officer left Barbados and journeyed to Belize during the month of November on a fact-finding mission to the Office of the Ombudsman in Belize to have discussion with Major (Retired) the Hon. Herman Swazo, the Ombudsman of Belize. The reason for affecting such a mission to examine the Belize model followed directly from discussion with the delegation from the Inter-American Commission on Human Rights (IACHR) which had visited Barbados for a Technical Cooperation and Promotional Visit during the month of October 2024.

The Government of Barbados is in the process of considering the establishment of a Paris Principles compliant National Human Rights Institution (NHRI).

This factor aligns Barbados with its international obligations and reflects its dedication to the protection and promotion of human rights for all individuals. The current proposal which is being considered by the Government of Barbados is that the existing Office of the Ombudsman be transitioned into a NHRI.

During the delegation's visit to the Office of the Ombudsman, the team leader Commissioner Gloria De Mees, Country Rapporteur for Barbados and Rapporteur for the Rights of Older Persons and on the Rights of People of African Descent and against Racial Discrimination outlined some of the legislative advancements which were achieved by the Belize Ombudsman's Office. She opined that a detailed examination of that framework might assist Barbados in its bid to establish the National Human Rights Institution (NHRI) with possible "A" status in the shortest term possible.

Commissioner De Mees also spoke favourably to the issue of the legislative framework which was adopted by the Office of the Ombudsman in Belize and further suggested that the precedent of the legislation employed by that office could be used by Barbados. This active mission in Belize lasted for three days.

The following activities were significant action points for the visit: -

1. An in-person meeting was held involving the Offices of the Ombudsman of Barbados and Belize, the Ministry of Foreign Affairs of Belize and the UNDP Office located in Belize. The UNDP Office in Barbados was invited to participate and joined via Zoom.
2. The Ombudsman of Belize and the representative of the Ministry of Foreign Affairs collectively presented the road map which Belize had taken to establish their National Human Rights Institute (NHRI).
3. Discussion on the country's perceived recommendations as they related to the establishment of the NHRI in compliance with the Paris Principles and the need to conduct institutional assessment of the existing viable institutions in Belize that can function as a NHRI.
4. The analysis and discussion of the three viable options for the establishment of a Paris Principle compliant NHRI in Belize.
5. To note the best functioning option Belize had undertaken and ascertain whether it was ideal to be replicated for Barbados as the country considered the creation of an NHRI.

6. A meeting was held with the Prime Minister of Belize, the Right Honourable John Briceno on the human rights issues and the setup of the NHRI in Belize.



The Ombudsman of Belize (4th from left) and the Ombudsman of Barbados (3rd from left) pose with staff of both offices, the UN Representative (3rd from right) and a Senior Officer from the Ministry of Foreign Affairs, Belize (on the left)

INTERVIEW IN BELIZE



While in Belize the Ombudsman of Barbados was invited to share his thoughts on his visit to Belize with respect to their path to be a National Human Rights Institution.

What was seen so far in the visit was impressive, namely the volume of analysis and the levels of preparation.

It was clear that the results visibly documented major support for the Ombudsman and his staff, the support of government and the support of the UN. The Office of the Ombudsman apparently has a working formula.



Ombudsman Swazo stated that he was extremely happy that the visit was planned. He outlined the need for such country visits for the purpose of reviewing successes and outlining workable strategies especially while establishing a National Human Rights Institute. He confirmed that it is was practical to note how countries can utilize

the relevant segments of the information which are presented from shared best practices so that in moving forward together it is easier to better strategize and entertain the best option for the country.



The Ombudsman of Barbados, Dr. Nigel Taylor visited Belize on an official trip to strengthen collaboration and enhance the impact of both offices in upholding justice and accountability.

Photo: (l-r) Herman Gilbert Swazo, Ombudsman of Belize and Dr. Nigel Taylor, Ombudsman of Barbados

At a press conference which was hosted by the Belize Ombudsman Association, Major Swazo stated that the United Nations Development Programme (UNDP) and Belize's Ministry of Foreign Affairs and Foreign Trade brought both parties together, recognizing the importance of regional cooperation and the Ombudsman's vital role in safeguarding the human rights and welfare of the citizens.

A special presentation was conducted by Ombudsman Swazo indicating the roadmap to establishing Belize's NHRI, offering insights into the strategic steps that Belize is taking to enhance human rights protections at the national level.

THE STATISTICAL OVERVIEW OF THE WORK OF THE OMBUDSMAN

Introduction

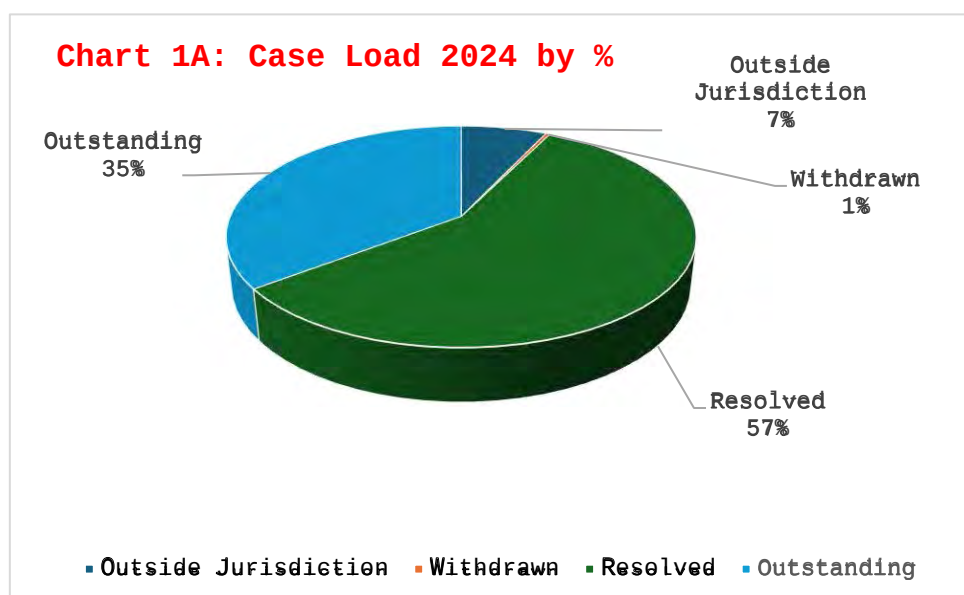
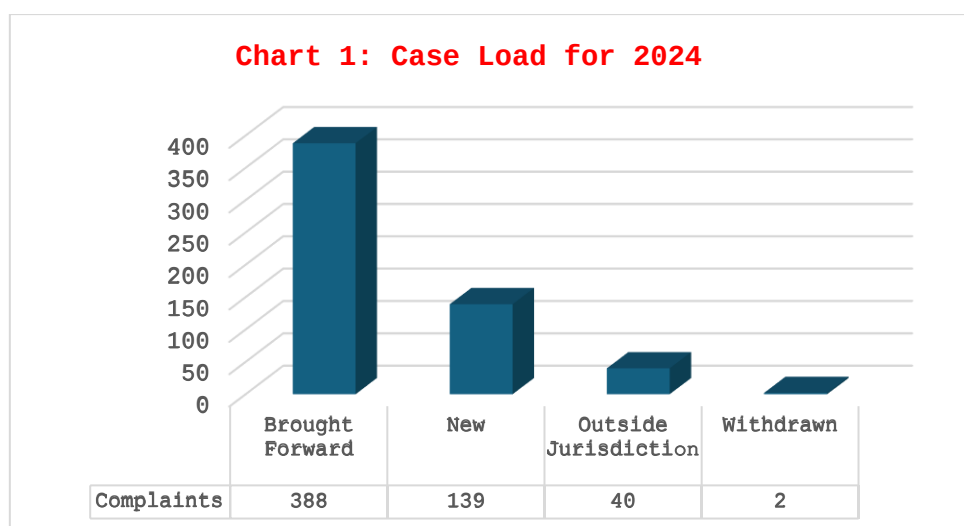
In the context of the current global economic and social challenges, socio-economic policy development geared towards equity, resilience, sustainability, and prosperity continues to be at the forefront of Government's priorities with even greater intensity. The achievement of the macroeconomic goals of the government will require the agencies charged with the implementation of strategic action and the delivery of public goods and services, to boost output.

Specifically, the establishment of public sector governance structures must facilitate operational efficiency, transparency, accountability, and, at the same time minimize the risk of debilitating shocks from threats such as natural or man-made disasters, or

administrative deficiencies. These key sector reform measures will encompass legislative and regulatory amendments, integration of appropriate technologies, and embracing innovative measures.

Analysis of Complaints for 2024

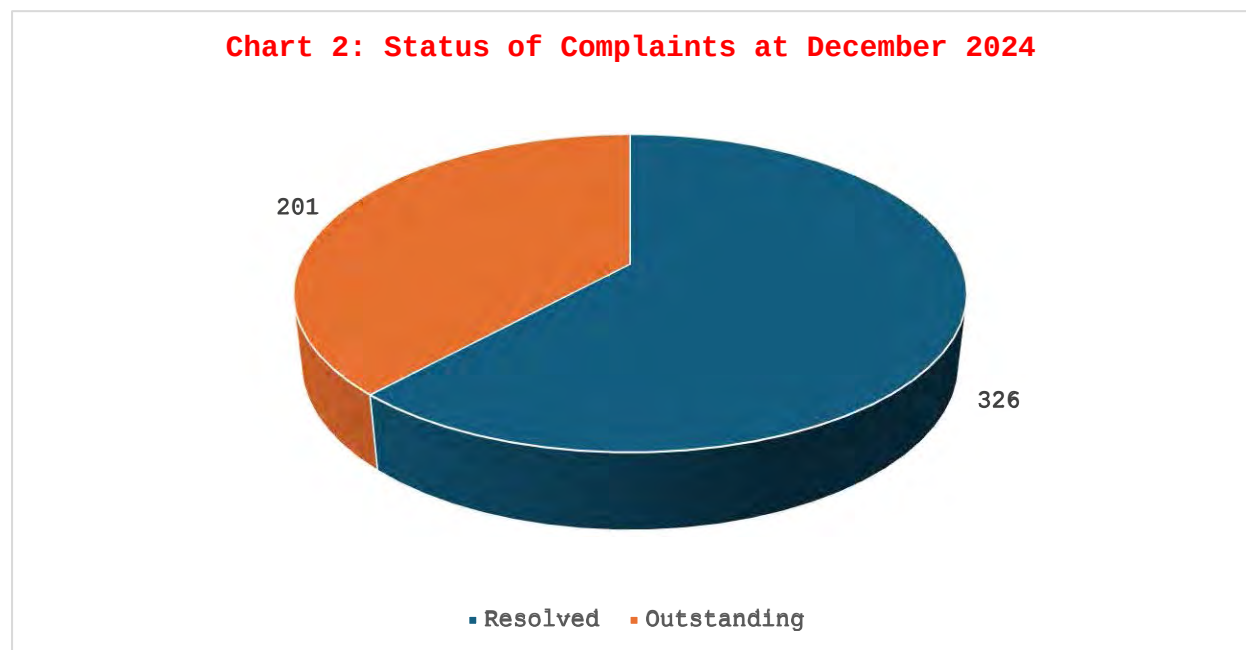
The enactment of the Office of the Ombudsman of 5 January 1981 strengthens the governance of the Public Sector by ensuring proper and reasonable administrative conduct. The underpinning framework for the operations of the Office of the Ombudsman continues to be the role of the Ombudsman in promoting overall organizational excellence, and a high standard of productivity by public officers.

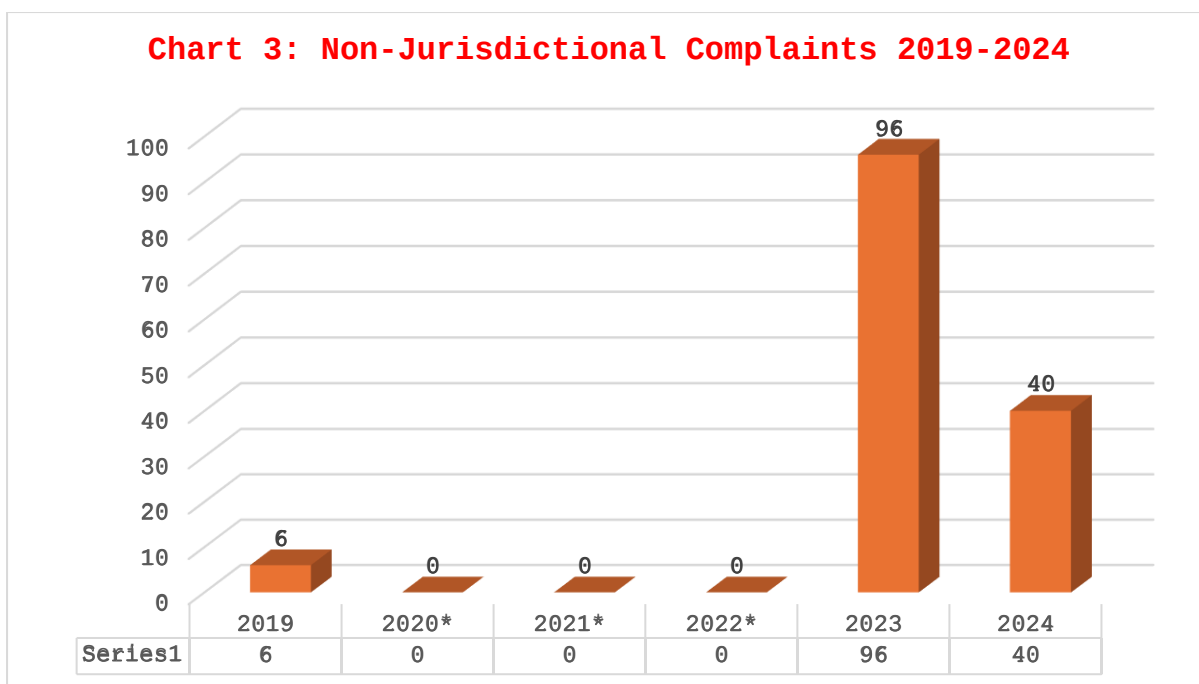


The total case portfolio for the Office of the Ombudsman for 2024 was five hundred and sixty-nine cases (569), of which three hundred and eighty-eight (388) were brought forward from 2023, and one hundred and eighty-one (181) were new. Of the new cases, forty (40) were determined to be non-jurisdictional and these were managed accordingly.

Two (2) cases were withdrawn.

At the end of 2024, three hundred and twenty-six (326) complaints or 61% of the total actionable case load were resolved. Two hundred and one (201) cases were outstanding and therefore advanced to 2025 for continued action.



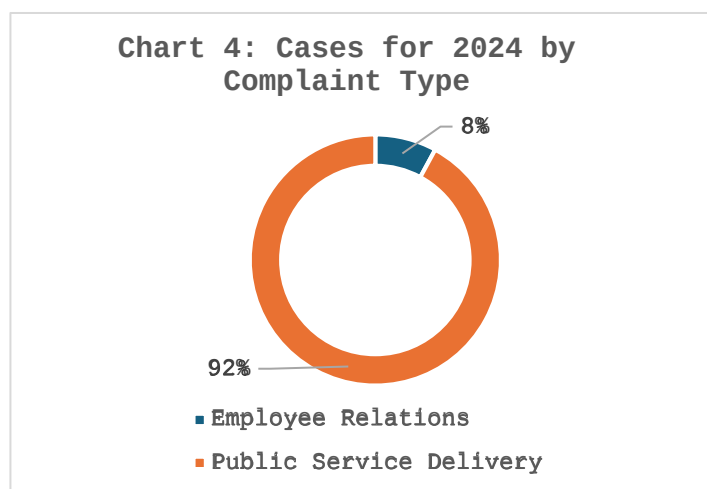


It is important to note that 92% of the complaints laid were as a result of perceived inadequate or unsatisfactory delivery of public services.

Poor service delivery negatively impacts the key functions of government: the provision of public goods and services, maintaining law and order, and promoting economic stability. It is particularly worrisome when implementation challenges result in adverse consequences especially for vulnerable citizens.

Complaints relating to service delivery reflect frustrations with the processes, and in particular, with ineffective communication. As a result of dissatisfaction, public confidence in the sector will be reduced.

In addition, issues with the processes which support business facilitation can threaten the Government's ability to stimulate economic activity, sufficient to promote economic growth and social development. It is imperative that inefficiency is minimized since small island developing states such as Barbados, is dependent on tax revenues and employment opportunities for citizens from business operations.



The Ministry of Public Service has expanded efforts aimed at improving public service delivery. The establishment of the “Learning and Development Directorate (L&DD), formerly Training Administration Division coordinates human resource development in the Public Service of Barbados. This Directorate has a broad mandate to assist in “improving the efficiency and effectiveness of the Public Service through an integrated human resource development effort aimed at improving individual and organizational work performance.” The MPS has also operationalized the Performance Review and Development System (PRDS) which seeks to promote productivity and create standards of performance.

Although the Ombudsman recorded only 8% complaints, anecdotal evidence suggests that human resource matters are more widespread with employees feeling aggrieved about matters such as supersession and non-promotion. These and other public sector human resource matters were highlighted in the Barbados Today Online Newspaper of 29 October 2024.

The article also recommended the “critical examination of the work environment across the public sector” and the identification of “sustainable solutions to the many problems confronting it.” To complement the investment in professional development, fair Human Resource practices are critical to the enhancement of service delivery.

It is also prudent for public sector administration to develop and implement a suitable Framework for Management and Monitoring of PRDS Outcomes. If already in existence, meaningful periodic analysis and publication of the findings ought to be utilized in the strategic development cycle for sustaining productivity, employee satisfaction and public sector efficiency.

The interrogation of data and information also revealed that six (6) entities accounted for fifty-seven (57.4%) new cases received in 2024. These MDAs received five (5) or more complaints, with 46% of the complaints relating to tax administration and compliance services and 19% of the complaints relating to the social security services. Longitudinal analysis tends to suggest that complaints against these agencies are usually in the majority annually.

The complaints, and the additional information received through investigations have identified a lack of proper communication with clients in processing tax refunds or benefits as the primary reason for complaints against these institutions.

Chart 5: Percentage of Cases By Institutional Mandate

- Tax Administration and Compliance
- Social Security Services
- Governance and Administration of the Education System
- Management and Promotion of Health and Wellness Programmes
- Law Enforcement, Maintaining Order, Ensuring Public Safety
- Public Sector Human Resource Management and Development

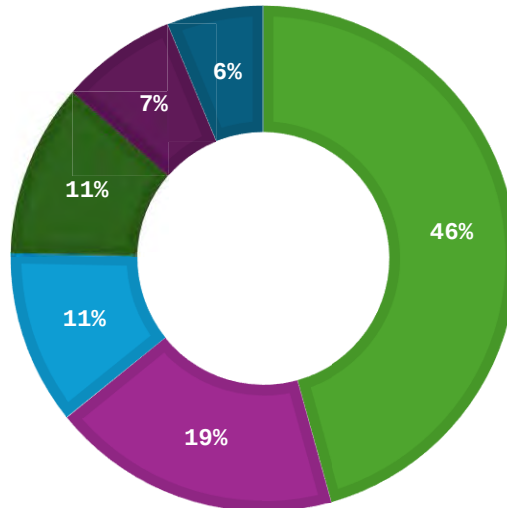
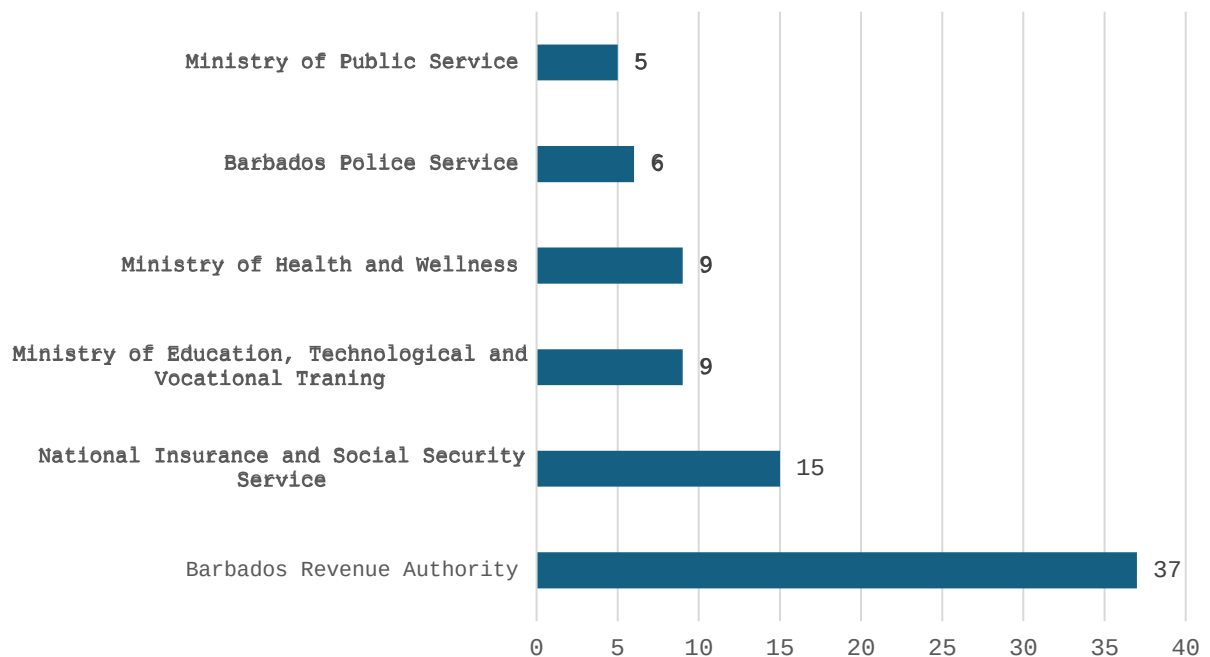


Chart 6: Public Sector Entities with five (5) or more Cases in 2024

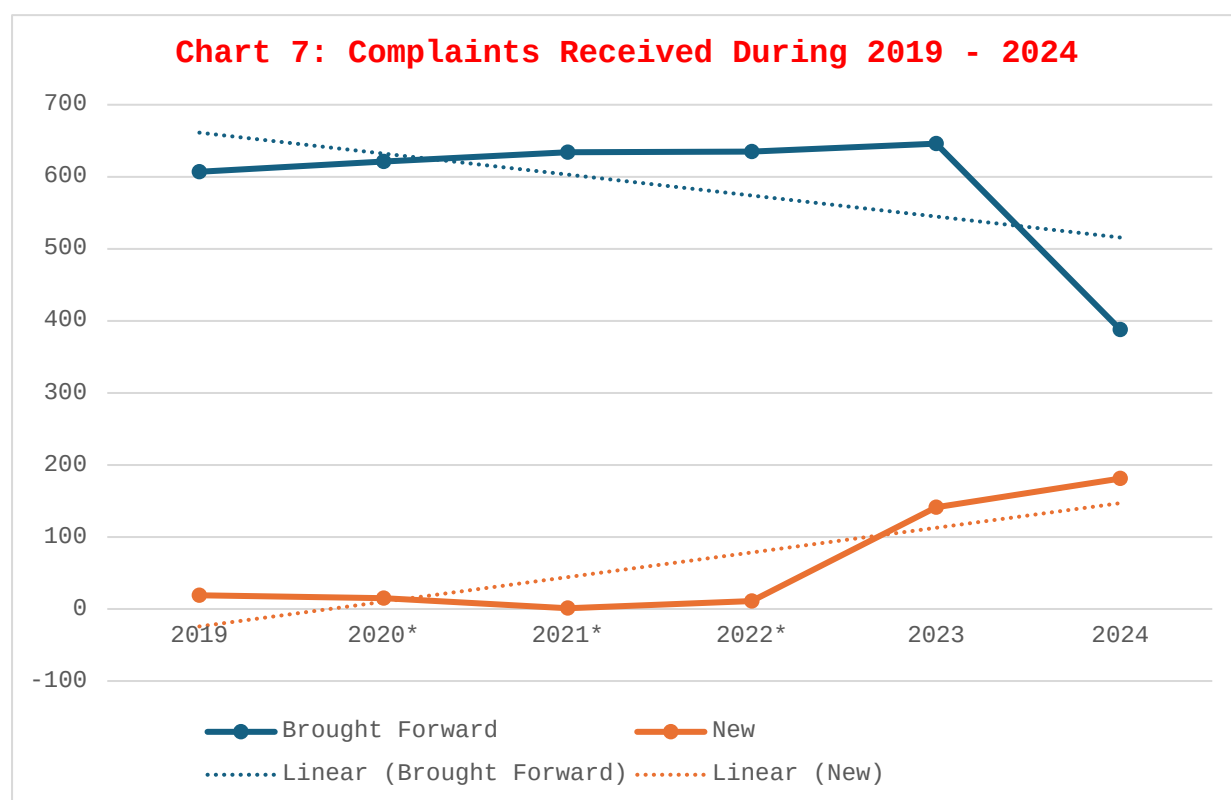


Overall, there was a 28.4% increase in new complaints to the Office of the Ombudsman in 2024 over 2023 and an approximate 40% reduction in the cases brought forward to 2024. The trendline at Chart 7 reveals a general increase in new cases over the 2019 to 2024 period. The chart also indicates a general decline in the number of cases brought forward annually. This trend is attributed to the diligent efforts of the Ombudsman in resolving cases presented from 2023 onwards.

Table 1: Case Load Activity for 2019 – 2024

Complaints	2019	2020*	2021*	2022*	2023	2024
Brought Forward	607	621	634	635	646	388
New	19	15	1	11	141	181
Total	626	636	635	646	787	569
Non- Jurisdiction	6	0	0	0	96	40
Withdrawn	0	0	0	0	8	2
Resolved	5	2	0	0	391	326
Outstanding	621	634	635	646	388	201

* Reduced activity due to the Covid-19 Pandemic



The success of the Office of the Ombudsman can also be determined through the level of direct interaction with the administration of the various Ministries Departments and Agencies (MDAs) which results in the reduction of complaints. In addition to investigative action, the Ombudsman also worked collaboratively with various public sector organizations throughout the year to discuss persistent complaints and establish solutions to address these issues. It was observed that only one agency registered an increase in the number of complaints in 2024. The Barbados Revenue Authority (BRA) had an increase of ten (10) more complaints while the National Insurance and Social Security (NISS), the Ministry of Educational Transformation (MEDT), the Ministry of Health and Wellness (MHW), the Barbados Police Service (BPS) and the Ministry of the Public Service (MPS) all registered a decline in the number of complaints against the MDA in 2024.

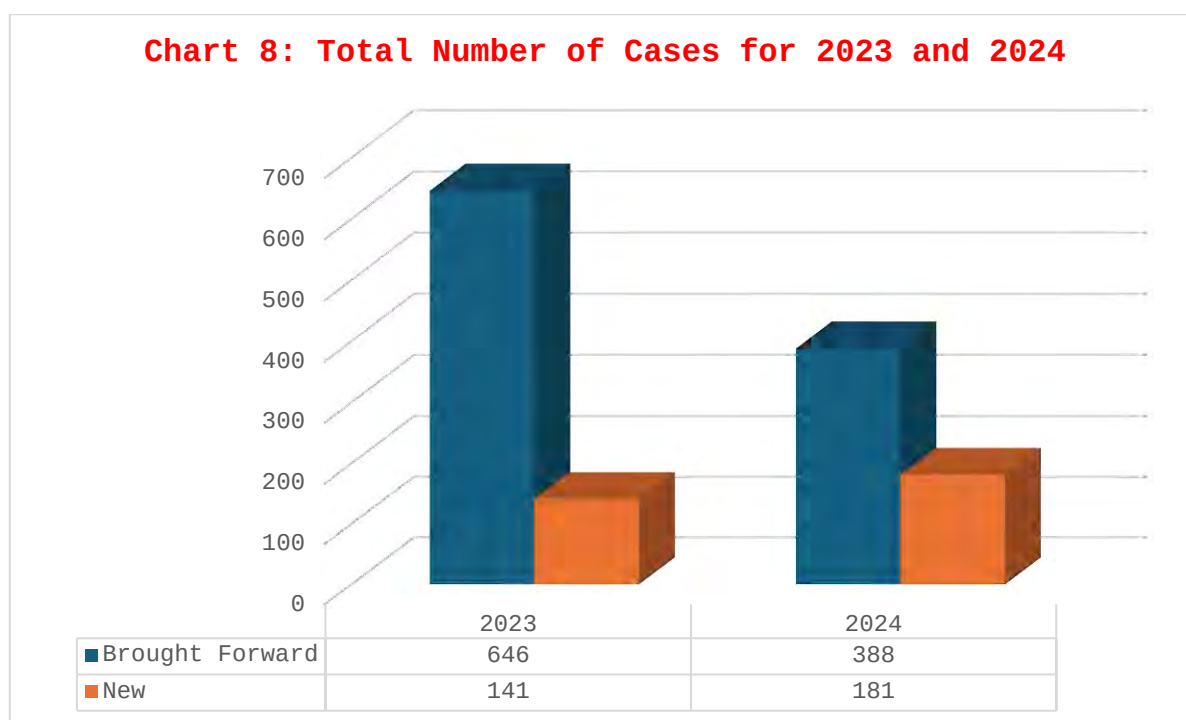


Table 2: Case Comparison for MDAs with Five (5) or More Cases

Ministry/Department/Agency	2024	Increase or Decrease over 2023
Barbados Revenue Authority	37	10
National Insurance and Social Security Service	15	-21
Ministry of Education, Technological and Vocational Training	9	-17
Ministry of Health and Wellness	9	-31
Barbados Police Service	6	-26
Ministry of Public Service	5	-7

Table 3: Comparison of Case Submissions for 2023 and 2024

Ministry/Department/Agency	Mandate	2023	2024
Barbados Revenue Authority	Tax Administration and Compliance	27	37
National Insurance and Social Security Service	Social Security Services	36	15
Ministry of Education, Technological and Vocational Training	Governance and Administration of the Education System	26	9
Ministry of Health and Wellness	Management and Promotion of Health and Wellness Programmes	40	9
Barbados Police Service	Law Enforcement, Maintaining Order, Ensuring Public Safety	32	6
Ministry of Public Service	Public Sector Human Resource Management and Development	12	5
Barbados Water Authority	Provision of Potable Water/ Wastewater Treatment and Management	19	4
Ministry of Transport and Works	Management of the Public Transportation System	10	4
Barbados Prison Service	Custodial and Rehabilitation Services for	11	3
Barbados Treasury Department	Monitoring/Reporting of all Government Transactions	11	3
Barbados Immigration Department	Enforcement of Immigration/Citizenship Laws	12	1

An analysis of the Barbados Revenue Authority

The main goal of tax administration has been determined as compliance. The mission of the Barbados Revenue Authority (BRA) is to administer tax and promote voluntary taxpayer compliance in a cost-effective manner by providing quality services to taxpayers through an empowered and engaged staff. Their Vision states that it is their desire to be a model tax administration committed to serving the taxpayers and contributing to the economic well-being of our nation by incorporating values such as fairness, accountability, integrity, responsiveness and professionalism.

There has been significant investment in technologies to improve the operational efficiencies for tax administration.

The introduction of TAMIS, a dedicated section for customer service and the expansion of telephone lines are all part of the strategic action for enhanced service delivery.

Even as the technologies in the various departments are advanced to assist with customer satisfaction, tax administrators should ensure that customer service is effective, especially as it relates to addressing taxpayer issues. It is noted that complaints brought against the BRA usually arise as a result of little or no attention being paid to the initial complaint directly from the Authority.

This reason is therefore directly linked to ineffective communication which includes, on the one hand, no follow-up with taxpayers or their agents, and on the other hand, no response at all to queries directly issued to the agency.

Many complaints also emanate from the taxpayers' inability to access employees of the agency via telephone. It is important to note that there was the implementation of the Citizen Services Contact Centre in 2024 to provide an additional avenue for the channeling of the citizen's request/complaints to various MDAs for resolution.

The Government has also established the post of Director of Citizen Engagement & Media Relations. This officer gives attention to some of the standard complaints from the populace, while the Office of the Ombudsman focuses its attention on the systemic challenges within the various ministries.

SUMMARY OF THE NATURE OF SOME OF THE COMPLAINTS SUBMITTED IN 2024

Several complaints were made against Ministries and Departments. Outlined below are some of the Complaints which were reported to the Office of the Ombudsman.

- i. Complaints relating to the drivers of the smaller buses which operate under the TAPS programme. The complaints suggest that the drivers are not completing the full length of the assigned route much to the inconvenience of the commuters.
- ii. Complaints of the cessation of disability cheques along with the length of time to process claims.
- iii. An objection made in respect of notice of assessment to the Barbados Revenue Authority which made no response to the complainant but advised her to pay the original plus interest. After paying the full sum as requested by the BRA the complainant requested a refund of the interest since the BRA did not respond to her objection.
- iv. The continued challenge with the BRA correcting the placement and salaries of persons in bracketed posts.
- v. The complainant stated that police requested him to hand over his personal effects which included two cell phones. Despite numerous requests he has not received his two phones after the matter was concluded.
- vi. Job descriptions and qualifications for positions being repeatedly modified during the year. Inequitable salaries for staff.
- vii. Supersession in the Ministry of Health and Wellness.

- viii. Inordinate long times in having questions affecting citizens answered from Government departments.
- ix. Complaints about being overlooked for promotion, while still being given more responsibility.
- x. Complainant bought a house from a government agency and is still paying mortgage for the said property. There are many cracks in the house and when the owner made a claim with the insurance company the claim was disallowed as the insurance company blamed poor workmanship on the house.
- xi. Complaint arising from health challenges from an inmate.
- xii. Having to wait extremely long hours in the Accident and Emergency Department before being seen by a doctor. Time can range from several hours to days.
- xiii. Government placed a well on a citizen's property and the said Well repeatedly overflows and floods around her residence. The well is not properly covered. The complainant wrote to the Ministry with jurisdiction; officers came and nothing to date has been done.
- xiv. Complainant has stated that she has not been able to get her water meter read but keeps paying a very unreasonable monthly bill occasioned by an estimated reading. She contends that she never paid the sum of money that is being requested since having the water connected. The meter has not been read for eighteen months.
- xv. Non-payment of pension after working 45 years at a government agency.
- xvi. The non-payment of income tax refunds to the public.
- xvii. Complaint about paying monthly for piped water but not getting the supply on a regular basis. Furthermore, if there is tap water, it is discoloured.
- xviii. The continued report to the Office of the Ombudsman on the dissatisfaction with the level of pay given to invigilating staff for CXC Exams. The complainants argue that the money given for their services is not commensurate with the level of responsibility or the workload involved. Additionally, the payment was deemed to be below the established minimum standard wage of the country, and it is paid too long after the completion of the exam.

- xix. Discontinuation of Invalidity allowance by the NISSS even though there was medical evidence that the individual had suffered a Cerebrovascular accident.
- xx. Non-payment of salary over an extended period after being assigned to a post.
- xxi. Delay in the processing of complainant's application for pension.
- xxii. Complaint by residents of the need for road marking and street lights at a particular location. The location has the potential to be the breeding ground for serious accidents due to the poor street lighting, and the size of the Transport Board buses, and the proximity of the curb drain and the nearby houses.
- xxiii. Complainant stated he contributed to the Widows and Children Pension fund for several years, his children are fully grown and his wife deceased. Complainant claims that as no one claimed any benefits from the fund he is requesting a refund of his contribution.
- xxiv. Complainant complained of harmful effects caused by the emission of toxic fumes and noxious smells emanating from the property of her neighbor. Complainant reported this matter to the Environmental Protection Department but was dissatisfied with the response.
- xxv. Complainant identified major damage to their car tyres and other parts of their vehicles due to the very bad conditions of the roadways. The Ministry of Transport and Works, when contacted by the complainant on the damage to his vehicle, dragged on the process before stating that there was not enough evidence to support any reimbursement.
- xxvi. Complainant stated to the Office of the Ombudsman that her house was damaged and she was relocated by Government but was not allowed the comfort she enjoyed at her home.

AN EXTENSIVE LOOK AT SOME OF THE CASES IN 2024

1. A complaint against the Planning and Development Department

A complainant wrote to the Ombudsman's Office about the erection of a fence that had allegedly obstructed road access across a property.

Site visits were made by personnel from the Office of the Ombudsman and the Planning and Development Department to assess the situation.

The occupant of the property identified a visible boundary marker on the property and stated that he was contacted by the complainant who alleged that the recently erected fence was obstructing a road. The occupant consulted his surveyor to determine the accuracy of the boundary, and he (the occupant) stated that the survey clearly stated that there was no road in existence at the alleged location and the fence was positioned within the legitimate property boundaries.

The Planning and Development Department advised that according to the planning regulations, fences under four feet in height were classified as permitted development, which means that they are compliant within the regulations.

The Determination

This matter seems to revolve around a boundary dispute concerning the existence of a road which was not clearly defined on the ground and as such is not a planning matter. It was the view of the Ombudsman that the matter was outside the purview of planning regulations and should subsequently be pursued through the engagement of private counsel, the courts or through boundary dispute regulations.

2. A case against the Barbados Revenue Authority

Several complainants received their annual land tax invoices which revealed significant increases in the taxes to be paid. Seemingly, some of the complainants, after presenting their challenges to the department of government unsuccessfully, sought the intervention of the Office of the Ombudsman.

The facts of the case revealed significant financial increases in taxes with some tax invoices reading a few hundred dollars the previous year and currently indicating that thousands of dollars are currently due to the agency. In some instances, the increases were over 800%.

The anomaly showed that some lots with houses situated in said area were paying in the same financial range as the previous years while the other owners were required to pay exorbitant sums.

The Office of the Ombudsman met with the complainants and reviewed their information. The meeting with them itemized the following concerns: -

- i. They were unaware of any reclassification of properties in the area.
- ii. They queried, if there was no reclassification of all the properties in the area what was the method which was employed to compute the exorbitant tax.
- iii. Recognizing the extremely high taxes to be paid by some property owners, some of them as seniors were worried as to whether they would be able to

- pay the said sum as most of the mortgage companies required the land tax to be paid to maintain the mortgage.
- iv. Some were fearful of losing their properties as they were unable to pay the sum with only a pension as their spending power.

The Determination

A meeting was convened between the Office of the Ombudsman and senior officials of the Barbados Revenue Authority (BRA) to understand and share the complainants' concerns as it related to the reclassification of their properties.

A certain course of action was outlined by the Ombudsman after officers from the BRA continued to make representation to the homeowners that the land on which they reside had been correctly taxed. When challenged by the Ombudsman, it was noted that the officers were unable to cite the authority for their action in the law even after they rescinded their action on a few properties.

Ultimately, it was stated that there had been an error in the tabulation of the taxes and as such, a correction or a re-evaluation will be made and new invoices re-issued.

3. A case against the Treasury Department

The complainant shared that for his entire life in the public service deductions have been made from his salary for the Widows and Children Pension Fund. He further stated that his children are now adults and his wife is deceased.

The complainant also stated that there is no one to benefit from the funds which he had contributed over a period exceeding thirty (30) years and he requested a refund of this contribution.

The Determination

A response from the management of the Barbados Treasury was submitted to the Office of the Ombudsman citing the specific section relevant to the Widows and Children Pension Act CAP 37:18 (3) which stated: -

“If a person who has made contributions under this Act has no wife or children under the age eighteen (18) when he ceases to be a public officer, there shall be returned to him or to his legal representation such of those contributions.”

The officer from the Treasury Department stated that information submitted from the complainant confirms that on his retirement he was **still** married and as such no refund is payable.

4. A complaint against the Ministry of Education

The complainant stated that she had recently retired from one of the educational institutions where she was employed in one specialty and then promoted to a higher post. On the completion of the acting assignment, she later reverted to her substantive post.

This complainant was aware that the necessary authority was issued for the payment of a sum of money for the effective time span. The sum of the payment owed to the complainant was recorded on file to be over \$17,000 and the period of non-collection was due since 2006.

The Determination

The Ombudsman's sought a report from the Ministry of Educational Transformation. However, prior to this intervention a report was solicited on this matter from the Principal of the tertiary institution. This report revealed the following facts: -

- i. The Institute was in possession of the authority approving the temporary appointment to the assigned post with effect from 2006-02-20 to 2007-02-19.
- ii. The authority also revealed the paid salary rate per month.
- iii. The principal by letter in July 2020 indicated that the arrears of salary to the complainant were in the amount of seventeen thousand and sixty-four dollars (\$17,064.00) for the period.
- iv. Correspondence was sent to the Permanent Secretary, Ministry of Education requesting information and/or an update on the matter.
- v. Correspondence was received at the Office of the Ombudsman indicating that the complainant was paid the outstanding sum.
- vi. The complainant indicated that there was a difference in the credited amount in her account of almost five thousand dollars (\$5000.00) less than that which was legally due.
- vii. The Ombudsman wrote to the Ministry indicating that he finds that there has been an injustice meted out to the complainant and as such immediate remedial action should be undertaken and that the Office of the Ombudsman will be expected to receive a report on the corrective measures employed or proof to substantiate an error on the part of the financial officers of the originating institute.

It should be noted that CAP 29 of the Public Service Act does not reveal any section for interest to be granted on outstanding salaries. However, the Ombudsman Act CAP. 8A Section 13(3) states: -

“That when the Ombudsman has completed an investigation the report of the Ombudsman shall state whether he finds that injustice has been sustained by reason of improper, unreasonable or inadequate conduct on the part of any person, government ministry of department or other authority subject to investigation under this act and, in any case where he so finds, what action, if any, he recommends by way of remedy or compensation for the injustice.”

The Ombudsman is of the determination that this is unreasonable conduct as the complainant was without a salary for eleven years after having finished the assignment in 2014.

5. Complaint against Electoral and Boundaries Commission

The complainant presented herself to the Office of the Ombudsman stating that she was having many challenges at the Electoral and Boundaries Commission regarding the acquisition of the replacement of a Barbados Identification Card. The complainant had indicated that the application for the same card was first attempted in 2019 and to date she has not received said replacement card.

She further stated that the challenge was further exasperated as she did not possess any current identification having lost all her documents in a house fire in November 2019. The complainant stated that she visited the Electoral and Boundaries Commission seeking a remedy from this state from the departmental officers. She further that in the absence of any identification all her bank accounts and cheques were being challenged. She sought assistance from the Office of the Ombudsman who invited her to a physical meeting to ascertain the veracity of her statements and the methodology to be employed to resolve such if indeed it was a simplistic matter.

The Determination

The Ombudsman, having met with the complainant, proceeded to assist her in acquiring said identification card provided all the necessary information produced by her was accurate. He sought a report on the matter from the Chief Electoral Officer and subsequently convened a meeting with the said officer and her management team to discuss the complaint regarding the acquisition of a replacement identification card.

The following facts were revealed at the meeting: -

- i. The complainant's identification card was previously issued under the Barbados Electoral and Registration System (BEARS)
- ii. The complainant stated that documents showing her birth name and the name she currently assumed were destroyed in the fire.
- iii. Records at the Electoral and Boundaries Commission did not show in the BEARS under any of the two names as submitted by the complainant.
- iv. The department stated that there was no record of a formal application submitted to the department for processing of her application.
- v. Section 6(2) of the Barbados Identity Management Act 2021 states:

“A person who is eligible for the registration in the National Register shall provide the registering officer with such documentary evidence as the Commission may require in order to establish the truth of the information to be recorded in relation to that person in the National Register.”

Section 6(6) states: -

“Notwithstanding Subsection (2), where a person is unable to produce documentary evidence to satisfy the registering officer of his full name, correct date of birth; or correct place of birth.

The registering officer shall request that the person produce to the Chief Registering Officer a sworn affidavit with supporting exhibits, where relevant, deposing his full name, as well as his correct date of birth and place of birth in addition to stating the reason for the unavailability of the required documentary evidence.”

Section 6(7) states: -

“The Commission shall take such reasonable steps as may be required to verify the contents of an affidavit submitted in accordance with subsection (6).”

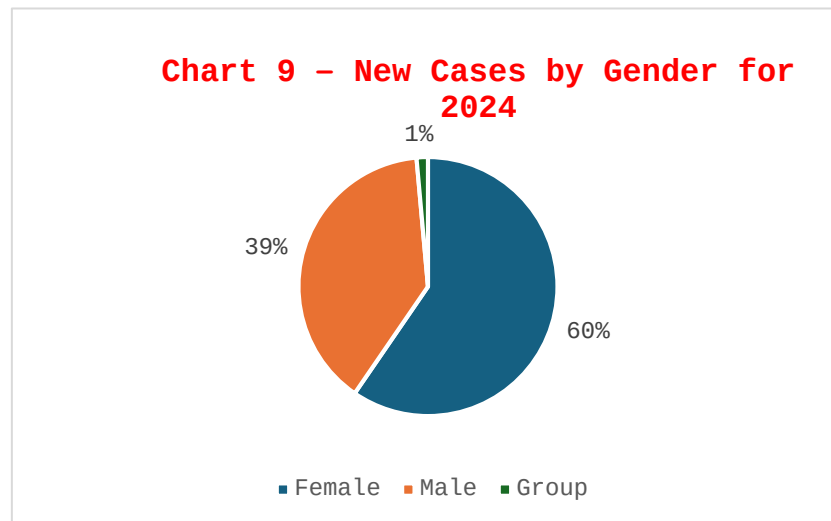
The Ombudsman, having spoken with the Chief Electoral Office on the matter, agreed to facilitate this affidavit with the Barbados Identity Management Act 2021 and by so doing bring this matter to successful completion.

Case Demographics

Gender Distribution of New Cases for 2024

Approximately sixty percent 60% of the complainants filing new cases for 2024 were females, thirty-nine percent (39%) were males. Two cases, which represented one percent (1%) were made by groups.

A group case is defined as a complaint in which there is more than one complainant.



Cases Made by Senior Citizens (65+)

Barbados has placed tremendous emphasis on aging and care of the elderly. The vision established under the National Policy on Aging focused on Barbados being “a country in which all older people are equipped and empowered to lead healthy, active, secure and dignified lives.”

The Ombudsman monitors the complaints made by senior citizens to ensure the alignment of service delivery practices with the national objectives for elderly care. For the purpose of this analysis, any individual aged 65+ is classified as a senior citizen. At least 7% of the new complaints against MDAs were made by individuals who are 65 years or older.

As we continue to promote service excellence within the public sector, it is imperative that service delivery to elderly citizens be characterized by elements of kind consideration and the willingness to assist.

Cases Made by Persons Living with Disabilities

In consideration of the Cabinet’s approval in September 2023 of “The 2023 – 2030 National Policy for Improving the Lives of Persons with Disabilities,” the Ombudsman also seeks to monitor complaint trends involving this vulnerable group. As the country continues its thrust to ensure accessibility, inclusivity and equality become a reality for persons living with disabilities, the Ombudsman supports the “targeted effort to advance

the full rights and fundamental freedoms of persons with disabilities in Barbados, as aligned to the vision of the Office “to support the protection of individual rights and liberties and to promote adherence to service standards in the delivery of public goods and services.” No significant statistics are being reported at this time.

OTHER ACTIVITIES

Survey to determine the Perceptions and Experiences of Discrimination and Human Rights in the Barbados Public Service

In the plans for 2012-2015 financial years, the sitting Ombudsman, Mr. Valton Bend, is on record stating that it was his intention to develop and institute a survey for Public Servants on the existence of discrimination practices and human rights breaches within the public service. He stated that it was geared towards the enhancement of the complaints handling process within the Office of the Ombudsman.

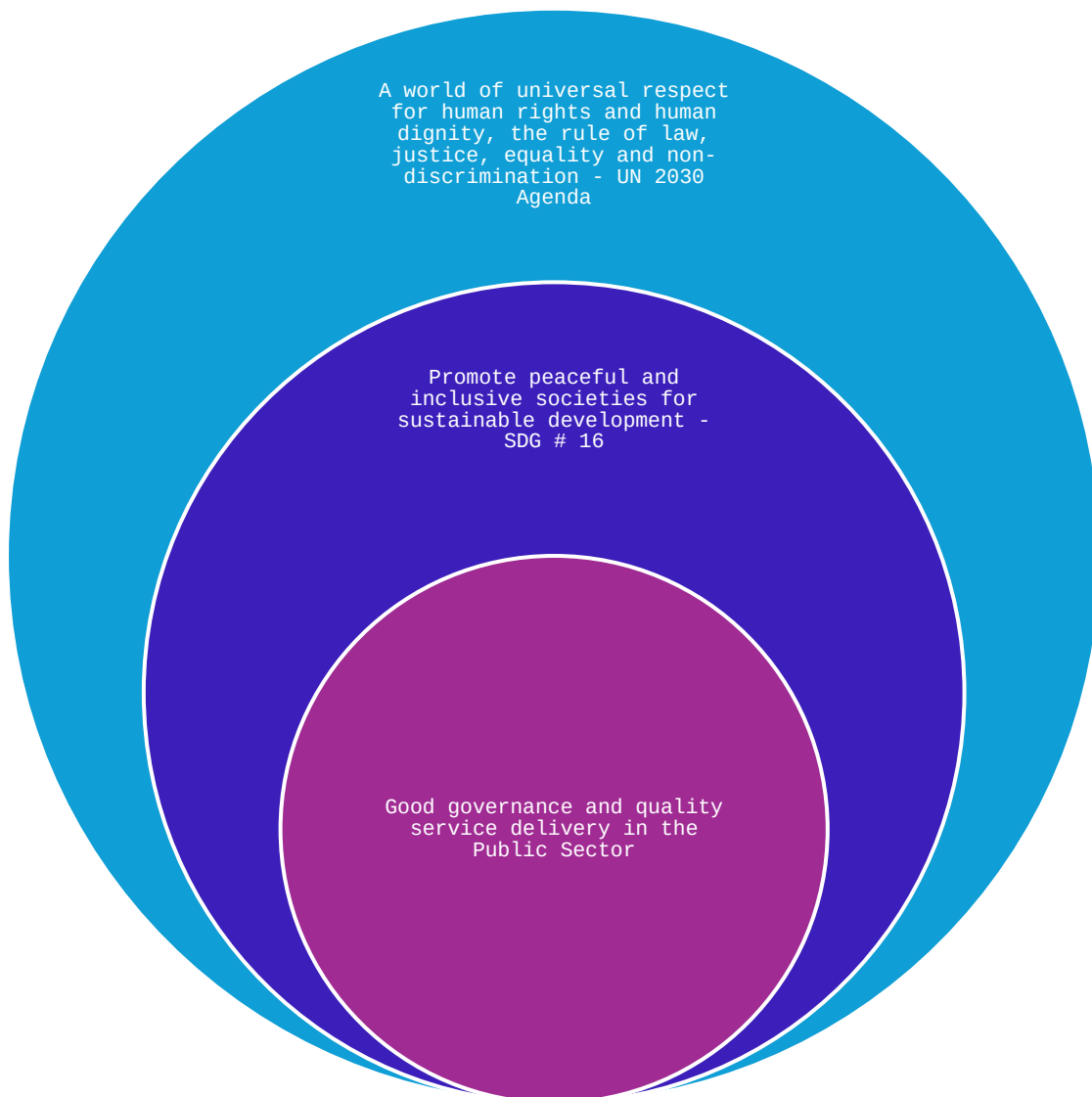
In October 2024, the current serving Ombudsman while not privy at the time to the plan of the then Ombudsman engaged expert professional services to identify and document perceptions of public sector employees on the issues of discrimination and human rights. The significance of the study is to assist the Office of the Ombudsman with the development and recommendation of appropriate measures to bring about strategic and meaningful interventions which facilitate human development in the Barbados Public Service.

The survey is also critical given Government’s intention to upgrade the Office of the Ombudsman to function as Barbados’ National Human Rights Institution. This proposed amendment to the role of the Ombudsman will result in an expansion of the scope of work, especially as it relates to discrimination and human rights issues on a wider scale. The survey will therefore provide baseline data on the extent to which discriminatory practices occur, in which environments and circumstances, and the existence of legislation, structures and systems to address these issues.

Election of Dr. Nigel Taylor, Ombudsman of Barbados as President of Caribbean Ombudsman Association (CAROA)

At the 12th Biennial Caribbean Ombudsman Association (CAROA) Conference, Dr. Nigel Taylor, the serving Ombudsman for Barbados was elected as the new President of CAROA and Chairman of the Board of CAROA Administration Foundation to serve for the period 1st December 2024 to 31st November 2026.

As part of the governance framework, the President of CAROA will support the individual operations and seek to secure assistance and training for counterpart offices throughout the region. The President will also seek to establish and sustain strategic partnerships with the International Ombudsman Institute (IOI) as well as with the Human Rights Organizations. The assignment will result in increased travel by the Ombudsman of Barbados. It is customary that the country where the President serves may be designated the host country for various conferences and meetings.



LOOKING FORWARD - ADVANCING OPERATIONAL EXCELLENCE: KEY STRATEGIC OBJECTIVES FOR 2025

From time-to-time organizations need to review their operating systems and seek to make amendments to the existing structure to improve the system. The Office of the Ombudsman is no different and having reviewed the current structure, a few changes will be engaged to enhance its operations.

Internal

1. Update of the data collection instruments.
2. Hybrid approach for laying complaints to align with the national inclusive practices and HR Agenda.

Public Sector Administration

3. Development, implementation and adherence to Service Charters.

In the 2024 edition of the Ombudsman's Report, three strategic objectives have been identified to enhance institutional performance, public engagement, and service delivery across the public sector.

1. Modernizing Data Collection and Analysis

To strengthen the Office's capacity for evidence-based reporting, data collection instruments are currently being updated. A central focus is the enhancement of the complaints form to allow for more robust demographic tracking and refined classification of complaints. The revised form will incorporate service standard categories as defined by existing legislation, while also exploring broader economic, social, and cultural dimensions to enrich the scope of reporting. This expansion will support a broader analysis of complaint trends and systemic issues. *(See Appendix II)*

2. Digitizing Complaint Submission

Upon finalization, the updated complaints form will be digitized to enable online access for individuals and groups seeking to lodge complaints. This hybrid model—combining digital and in-person options—will align with national policies on inclusion and

accessibility, while ensuring operational continuity in the event of disruptions such as public health emergencies.

The digital platform will also facilitate more efficient intake, tracking, and analysis of complaints, contributing to improved responsiveness and transparency.

3. Promoting Standards through Service Charters

To advance service quality across the public sector, the Office of the Ombudsman will encourage the development, implementation, and adherence to Service Charters.

Analysis of complaint data indicates that response delays remain a primary concern among the public. By institutionalizing service standards, public entities will:

- honour their commitment to the delivery of results
- be better positioned to deliver timely, accountable, and citizen-focused services
- ultimately foster greater public trust and satisfaction.

References

LEARNING AND DEVELOPMENT DIRECTORATE COURSE CATALOGUE 2024-2025,

https://mps.gov.bb/Learning_Development/pdfs/LDD%20Course%20Catalogue%202024-2025%20V7.pdf.

RECOMMENDATIONS

1. Determine the causes of inefficiency, red tape, mismanagement, fraud, and corruption in the Government and make recommendations for their elimination and the observance of high standards of ethics and efficiency.
2. Build capacity through training, outreach and awareness campaigns to better fulfill the mandate of the Office of the Ombudsman.
3. Continue to develop and enhance complaints-handling processes and strategies to resolve backlogs more effectively.
4. Conduct institutional diagnostics to identify structural and organizational improvements that can increase and improve outcomes.

5. Increase public awareness in the function of the Ombudsman and the Office of the Ombudsman through: -

- i. Leverage social media with simple explanations and short videos to educate the public on the Ombudsman's role.
- ii. Use traditional and digital media such as the television and the radio to regularly broadcast information about the Ombudsman's work and services.
- iii. Many Ombudsman Associations celebrate OMBUDS Day. This is a time when the Officers and friends of the Office of the Ombudsman spend time in the community informing individuals about the work which is done by the Ombudsman and his staff. The following can be done to achieve a higher standard of presence for the Office of the Ombudsman.
 - a. Community spot meetings while intermingling with the members of the Community and sharing what is done in the Office of the Ombudsman.
 - b. Host webinars or town hall meetings to share activities pertaining to the Ombudsman's Office.
 - c. Have targeted Outreach sessions. Engage groups such as seniors, people with disabilities or marginalized groups through tailored messages relevant to them.

1 L.R.O. 1995

Ombudsman

CAP. 8A

CHAPTER 8A

OMBUDSMAN

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. The Ombudsman.
3. Appointment and removal.
- 3A. Salary.
4. Administrative provisions.
5. Powers of investigation.
6. Conditions of investigation.
7. Legal remedies.
8. Complaints.
9. Procedure of investigation.
10. Power to obtain information.
11. Secrecy of information.
12. Obstruction and contempt.
13. Reports.
14. Communications privileged.
15. Regulations.
16. Expenses.

FIRST SCHEDULE

SECOND SCHEDULE

CHAPTER 8A

OMBUDSMAN

An Act to provide for the establishment of the office of Ombudsman.

1980-68.
1988-5.

[5th January, 1981] Commence-
ment.
S.I. 1980/
191.

1. This Act may be cited as the *Ombudsman Act*.

Short title.

2. (1) There shall be an Ombudsman for Barbados who shall, in accordance with this Act, investigate and report upon allegations of improper, unreasonable or inadequate administrative conduct.

The Ombuds-
man.

(2) The Ombudsman shall perform his functions in accordance with his own independent judgment but shall be responsible to Parliament for the general discharge of his duties.

(3) The Ombudsman shall not enter upon the duties of his office until he has taken and subscribed the oath of office in the form set out in the First Schedule.

First
Schedule.

(4) The Ombudsman shall not be a member of the Senate or of the House of Assembly and shall not hold any other office of emolument or engage in any other occupation for reward.

3. (1) Subject to subsection (2), the Ombudsman shall be appointed by the Governor-General, by instrument under the Public Seal, on the recommendation of the Prime Minister after consultation with the Leader of the Opposition.

Appoint-
ment and
removal.

(2) The Governor-General shall before appointing a person to be the Ombudsman, submit the proposed appointment to each House of Parliament for approval.

(3) The Ombudsman may be removed from office in accordance with the provisions of section 105 of the *Constitution* which shall apply to his office as if enacted by this Act and the

THE LAWS OF BARBADOS

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prescribed authority for that purpose shall be the Prime Minister acting after consultation with the Leader of the Opposition.

(4) The Ombudsman shall vacate office on attaining the age of 65 years but may be re-appointed by the Governor-General in the same manner as under subsection (1) for one further period not exceeding 5 years.

(5) The Ombudsman may resign office at any time by written notice to the Governor-General.

Salary,
1988-5.

3A. (1) There shall be paid to the Ombudsman a salary at such annual rate as the Governor-General specifies by order.

(2) An order made under this section shall be subject to negative resolution.

(3) An order made under this section may contain such supplementary provisions as the Governor-General may consider necessary or expedient for the purposes of the order.

Administra-
tive pro-
visions.

4. (1) Any function of the Ombudsman under this Act may be performed by any officer of the Ombudsman authorised by him for that purpose.

(2) The officers of the Ombudsman shall be public officers appointed in accordance with section 94 of the *Constitution*.

(3) The Ombudsman may charge such fees in connection with his functions in such amounts and subject to such conditions as the Governor-General may prescribe.

(4) All fees received by the Ombudsman pursuant to subsection (3) shall be paid to the Accountant General.

Powers
of investi-
gation.

5. (1) The purpose of an investigation by the Ombudsman shall be to ascertain whether injustice has been caused by improper, unreasonable or inadequate administrative conduct on the part of a government ministry, department or other authority subject to this Act.

1988-5.

(2) The Ombudsman may investigate any course of conduct or anything done or omitted by any person in the exercise of administrative functions respecting any business of the Government, including the administration of any statutory board or department of the Government responsibility for which has

been assigned to the Prime Minister or any other Minister pursuant to section 72 of the *Constitution*, not being functions concerned with a matter specified in the Second Schedule.

Second
Schedule.

(3) The Governor-General may, by order, amend the Second Schedule; but any such order shall be subject to affirmative resolution.

(4) An investigation by the Ombudsman shall not be prevented by any provision in any enactment, other than the *Constitution*, to the effect (howsoever expressed) that any matter or thing shall be final or conclusive or shall not be disputed, reviewed or called in question.

(5) If any question arises whether the Ombudsman is empowered to make an investigation or to exercise any power under this Act he may, if he thinks fit, apply to the High Court which may determine the question by declaratory order.

6. (1) The Ombudsman shall not make an investigation without first receiving a written complaint in accordance with this Act, unless he is of opinion or either House of Parliament resolves that there are reasons of special importance which make investigation by the Ombudsman desirable in the public interest.

Conditions
of investi-
gation.

(2) In deciding whether to make, continue or discontinue an investigation authorised by this Act the Ombudsman shall in all cases act in accordance with his own discretion which shall not be questioned; and in particular he may refuse to investigate any matter on the ground that it is trivial or that the complaint is frivolous or vexatious or not made in good faith, or that the complainant has not a sufficient interest therein.

7. (1) Subject to subsection (2), the Ombudsman shall not investigate any case where, in his opinion, the complainant would at any time have had a remedy or right of appeal in a court of law, tribunal or similar body established by the *Constitution* or by or under any enactment or by or on behalf of Her Majesty.

Legal
remedies.

(2) Notwithstanding subsection (1), the Ombudsman may investigate such a case if he is satisfied that for special reasons the complainant could not fairly be expected to have had recourse to such remedy or right of appeal.

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Complaints.

8. (1) A complaint under this Act may be made by any person or body of persons, whether incorporated or not, other than a government department, public authority or body constituted for purposes of the public service or for managing any industry or undertaking in public ownership.

(2) A complaint may be made by the person aggrieved or his duly authorised agent; and where the aggrieved person has died, the complaint may be made on his behalf by his personal representative or by such other suitable person as the Ombudsman determines.

(3) A complainant shall be a citizen or a resident of Barbados (or shall have been such at the time of his death) or shall have been in Barbados or on a ship or aircraft or installation registered in or belonging to Barbados at the time of the act or omission of which he complains.

(4) A complainant who is no longer in Barbados shall, if the Ombudsman so directs, be permitted to re-enter and remain in Barbados, subject to such conditions as the Minister responsible for immigration may direct, for the purposes of the investigation.

(5) A complaint may not be made later than 12 months from the day on which the complainant first knew of the facts giving rise to his complaint; but the Ombudsman may extend this time if in his opinion there are special circumstances which justify such extension.

(6) The Ombudsman shall determine any question whether a complaint is duly made to him.

**Procedure
of investi-
gation.**

9. (1) The procedure of an investigation by the Ombudsman shall, subject to this Act, be such as he shall determine.

(2) An investigation by the Ombudsman shall be held in private and he may make such inquiries from such persons and in such manner as he may think fit.

(3) The Ombudsman may determine whether any person may be represented by an attorney-at-law or otherwise in an investigation.

(4) The Ombudsman shall, before making an investigation give to the principal officer of the department or authority concerned, and to any other person against whom the complaint is made, an opportunity to comment upon the complaint.

(5) No person shall be entitled, as of right, to be consulted or heard by the Ombudsman, except in the manner provided by this Act.

(6) The Ombudsman may, in the manner prescribed, reimburse the complainant and any other person who assists in an investigation for expenses incurred and time lost.

10. (1) Subject to subsection (3), the Ombudsman may, for the purpose of an investigation, require any Minister, officer or member of the department or authority concerned or any other person (including the complainant) to supply any information, produce any document or thing, attend for examination, or allow access by the Ombudsman to any premises of the department or authority.

Power to
obtain in-
formation.

(2) The Ombudsman shall, for such purposes, have the same powers as the High Court (including the power to administer oaths and affirmations) but subject to the same rules relating to immunity and privilege from disclosure as apply in the High Court and subject also to the following provisions of this section.

(3) Where the Attorney General certifies that the giving of any information or the answering of any question or the production of any document or thing or the allowing of access to any premises

(a) might prejudice the security, defence or international relations of Barbados or the investigation or detection of offences;

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- (b) might involve the disclosure of deliberations of the Cabinet; or
- (c) might involve the disclosure or proceedings of the Cabinet or of any committee of the Cabinet relating to matters of a secret or confidential nature and would be injurious to the public interest,

the Ombudsman shall not require the information or answer to be given or the document or thing to be produced or access to the premises to be allowed.

(4) Subject to subsection (3), no information, answer, document or thing shall be withheld from the Ombudsman on the ground that its disclosure would be contrary to the public interest.

Secrecy of
information.

11. (1) Information obtained by or on behalf of the Ombudsman in the course of an investigation shall not be disclosed in legal proceedings or otherwise except

- (a) for the purposes of the investigation and any report thereon under this Act;
- (b) for the purposes of proceedings (or possible proceedings) for an offence of perjury connected with an investigation under this Act; or
- (c) for the purposes of proceedings under section 12.

(2) The Attorney General may give written notice to the Ombudsman that disclosure by the Ombudsman of any specified information or document, or of any class of information or document, would, in his opinion, be prejudicial to the safety of Barbados or otherwise contrary to the public interest; and in that case the Ombudsman and his officers shall not communicate such information or document to any person or in any manner.

Obstruction
and
contempt.

12. (1) If any person without lawful excuse obstructs the Ombudsman or any officer of his in the performance of his functions under this Act or fails to act as lawfully required by the Ombudsman, the Ombudsman may certify the offence to the High Court.

(2) Where an offence is so certified the High Court may, after hearing any person properly desiring to be heard, punish the offender in the same manner as for contempt of court.

13.(1) The Ombudsman shall make a report to each ^{Reports.} complainant explaining the result of his investigation, or his reasons for not investigating or partially investigating the complaint.

(2) Where the Ombudsman makes an investigation on his own initiative or pursuant to a resolution of either House of Parliament he shall make a report thereupon to that House of Parliament.

(3) In the case of a completed investigation the report of the Ombudsman shall state whether he finds that injustice has been sustained by reason of improper, unreasonable or inadequate conduct on the part of any person, government ministry or department or other authority subject to investigation under this Act and, in any case where he so finds, what action, if any, he recommends by way of remedy or compensation for the injustice.

(4) The Ombudsman shall, before making any report, afford an opportunity to be heard to any person, government ministry or department or other authority upon whose conduct he proposes to make adverse comment.

(5) A copy of each report made by the Ombudsman on a particular case shall be sent by him to the principal officer of the relevant government ministry or department or authority and also, if the Ombudsman thinks fit, to any other person whose conduct is the subject of the complaint or of comment in the report.

(6) The Ombudsman shall, in each calendar year, prepare for laying before each House of Parliament a general report on his functions under this Act.

(7) The Ombudsman may, from time to time, prepare for laying before each House of Parliament such other reports as he may think fit, including

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- (a) a report on the inequitable or unreasonable nature or operation of any enactment or rule of law, and
- (b) a report on any case where in his opinion injustice has been sustained as aforesaid and the injustice has not been or will not be remedied or compensated.

(8) In making any report the Ombudsman may name or refrain from naming any person as he may think fit.

(9) The Ombudsman shall submit his reports made under subsections (6) and (7) to the Speaker of the House of Assembly and to the President of the Senate (or, if the office of Speaker or President is vacant or the Speaker or President, as the case may be, is for any reason unable to perform the functions of his office, to the Deputy Speaker or Deputy President) who shall cause them to be laid before the House of Assembly and the Senate respectively.

Com-
munications
privileged.

14. For the purposes of the law of defamation

- (a) any communication made by or to the Ombudsman for the purposes of a complaint or investigation shall be privileged in the same manner as if it were made in the course of proceedings in the High Court;
- (b) any report of the Ombudsman under this Act shall be deemed to be authorised to be published by both Houses of Parliament;
- (c) any communication between the Ombudsman and a member of either House of Parliament for the purposes of the Ombudsman's functions shall be deemed to be a proceeding in Parliament.

Regula-
tions.

15. (1) The Governor-General may make regulations generally for the administration of this Act and, in particular, for prescribing any thing required to be prescribed under this Act.

(2) Regulations made under this Act shall be subject to affirmative resolution.

16. All expenses incurred by the Ombudsman in connection with his functions under this Act or the regulations shall be defrayed out of moneys voted for the purpose by Parliament. Expenses.

FIRST SCHEDULE

Section 2(3)

OATH FOR THE DUE EXECUTION OF THE OFFICE
OF OMBUDSMAN

I, _____, appointed Ombudsman of Barbados in accordance with the Ombudsman Act, Cap. 8A, do swear that I will faithfully and impartially perform the duties of my office.

SECOND SCHEDULE

1988-5.

Section 5(2)

MATTERS NOT SUBJECT TO INVESTIGATION

1. Action taken in matters certified by the Minister responsible for Foreign Affairs or other Minister of the Crown to affect relations or dealings between the Government of Barbados and any other Government or any international organisation of States or Governments.

2. Action taken, in any country or territory outside Barbados, by or on behalf of any officer representing or acting under the authority of Her Majesty in respect of Barbados or any other public officer of the Government of Barbados.

3. Action taken by the Attorney General under the *Extradition Act*. Cap. 189.

4. Action taken by or with the authority of the Attorney General or any other Minister of the Crown, the Director of Public Prosecutions or Commissioner of Police for the purposes of investigating crime or protecting the security of Barbados, including action taken with respect to passports.

5. The commencement or conduct of civil or criminal proceeding before any court of law in Barbados, or proceedings under the *Defence Act*. Cap. 159.

6. Action taken in connection with the exercise or possible exercise of the prerogative of mercy under the *Constitution* or otherwise.

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- 1988-5. 7. Action taken in matters relating to contractual or other commercial transactions, being transactions of a department of government or a statutory board not being transactions relating to
- (a) the acquisition of land compulsorily or in circumstances in which it could be acquired compulsorily;
 - (b) the disposal of surplus land acquired compulsorily or in circumstances in which it could be acquired compulsorily.
8. Any action or advice of a qualified medical practitioner or consultant involving the exercise of professional or clinical judgment.
9. Any matter relating to any person who is or was a member of the armed or police forces of Barbados in so far as the matter relates to
- (a) the terms and conditions of service of 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 the *Constitution* may not be enquired into by any court.
11. The grant of honours or awards.
- 1988-5. 12. Matters relating to the grant of liquor licences.
13. Matters relating to the regulation of public utilities.
- Cap. 190. 14. Any function of the Minister under the *Immigration Act* or the regulations made thereunder.
15. Any judicial function not specifically excluded by paragraphs 1 to 14.

ID Number

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1. NAME
2. ADDRESS
3. TELEPHONE NUMBER (Home) (Work)
4. *What Ministry, Department or Statutory Board are you complaining against?*
.....
5. *Have you complained to the Ministry, Department or Statutory Board about this matter?*
- If so, on what date did you complain?
 - Was your complaint in writing?
 - Have you received a written reply?
6. *What are you complaining about?*
.....
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.....
.....

(If there is not enough space please continue on a separate sheet)

Signature: _____ Date: _____

Form to be returned to:

The Office of the Ombudsman
2nd Floor, Trident House,
Lower Broad Street,
BRIDGETOWN.

For official use only	

