

NEWSLETTER

OFFICE OF THE OMBUDSMAN

ANTIGUA AND BARBUDA

December, 2008

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WELCOME READERS TO OUR NEWSLETTER

Welcome to the new-look Office of the Ombudsman. The Office of the Ombudsman has a new look, literally. Since our last publication the Office of the Ombudsman has undergone many changes which we hope that you, our dear friends, will find pleasant and useful. We are now housed in our new building at #3 Prime Minister's Drive just outside the Prime Minister's Office. Our new location affords spacious parking facilities and an even more refreshing environment.

Apart from a new location, the face of the Ombudsman has also changed with the appointment of Mrs. J. M. Eusalyn Lewis, O.B.E. as the new Ombudsman on 1st November, 2006 to succeed outgoing and first Ombudsman of Antigua and Barbuda, Dr. Hayden Thomas, C.M.G.. Mrs. Lewis brings with her a long and distinguished record of over forty (40) years in the Civil Service. She brings a new focus to the role of the Ombudsman as it relates not only to the citizens who make complaints but also to the public officers and entities against whom these complaints are made in an effort to identify and correct the systemic deficiencies which may be at the root of some of the issues investigated.

The Office of the Ombudsman stands committed in its endeavour to promote fairness and equity among both providers and users of public services and would like to extend a sincere welcome to one and all to not only read our newsletter but to call or even pay us a visit. Let's continue to work together. It's your right to know your rights.

FOREWORD



It is my pleasure to welcome you to our newsletter as we begin, once again to reach out to the general public and invite you to partner with us in improving the relationship between the clients of the Public Services and the individual institutions where those services are provided.

All too often one hears complaints in the media against actions or inactions of various areas of the Public Service. The Office of the Ombudsman is an avenue created by the Constitution of Antigua and Barbuda 1981 and brought into force by an Act of Parliament - the Ombudsman Act, #5 of 1994. Its main business is to speak up for every Antiguan and Barbudan and any member of the public who feels that he has just cause to complain and whose complaint has been ignored or unfairly treated by the respective ministry, department or statutory body.

The Office of the Ombudsman has made its presence felt in the community. Thanks to the efforts of our first Ombudsman, Dr. Hayden Thomas. It is fitting that we recognise his contribution to the establishment and work of the Ombudsman in Antigua and Barbuda. Dr. Thomas' tour of duty came to an end in 2006. He has left behind an organisation built on a secure foundation. It is left to us to enhance the work he has started. The entire staff joins me in expressing our appreciation and our best wishes for his future endeavours. We are committed to ensuring that the organisation will become a place of easy access for those who need the services of an Ombudsman.

Sincerely,

A handwritten signature in black ink, which appears to read 'J. M. Eusdlyn Lewis'. The signature is fluid and cursive.

J. M. Eusdlyn Lewis
Ombudsman of Antigua and Barbuda

Ombudsman Functions in Relation to the Role of the Permanent Secretaries, Heads of Departments or Government Statutory Bodies in the Work of the Ombudsman

By

J. M. Eusalyn Lewis

The main function of the Ombudsman as prescribed by law is to investigate complaints of maladministration against all public officers and entities including ministries, departments and statutory corporations and to determine what recommendations can be made to improve or rectify any situation where the client is aggrieved. The client is not limited to the general public. Members of the Service also have access to the Services of the Ombudsman.

Investigations are carried out by the Ombudsman and the Investigative Team. The findings are generally based upon information sought or gathered through (1) the cooperation of Government entities; (2) the existing laws; (3) prevailing practices – you would be surprised at the number of “policy” issues that exist which have no support in law:– no existing statutory instruments; (4) established regulations etc.

The Office of the Ombudsman has been established since 1995 and the level of cooperation demonstrated by some Government agencies has left much to be desired. The efficacy of the Ombudsman functions are dependent upon the willingness of

the various Government agencies to supply information in good time. A good rule of thumb for the closure of a complaint is three – six months. Our records show that there are cases still awaiting resolution after three or more years where ministries and departments have failed to respond to any queries even when reminders are constantly sent.

The Ombudsman functions are intended to speed up the resolution of conflicts when all else is exhausted. We are not the first port of call. Any regulation that enables the complainant to seek redress must first be exhausted before the Ombudsman can take the case.

In many instances, complainants come, out of frustration because they constantly meet road blocks as they seek to unravel their problems at the ministry or departmental level. Efforts to investigate many of these complaints have constantly met with stone silence or excuses which underscore levels of inefficiency on the part of some government entity.

Queries are often met with resistance, or mistrust or disregard. Complainants admit very often to

being chastened for having taken the route through the Ombudsman’s Office to redress perceived wrongs.

The lack of response is not limited to Permanent Secretaries – this can be found in Members of Cabinet, in Heads of Government Corporations and statutory bodies.

Resolution of complaints cannot move forward for lack of response. Many issues are cited which impede the work of the Ombudsman:-

- Prior Appointment/ Attendance at Meeting of Boards or some other forum.
- Poor Record Keeping.
- Misinterpretation of Regulations.
- Overwhelming deficits due to limited Budgetary Allocations (The complainant still needs to know that he will be paid when he has been hired).
- Emotional Bias.

(continues on page 4)

(from page 3)

In many instances however, officers have attempted to respond to queries raised and have assisted the investigative process. The importance however of ensuring compliance to existing regulations, continues to be a challenge for many. The Ombudsman is expected to present an annual report to the Parliament. In reporting on the outstanding issues and the possible reasons for the high level of incomplete cases, the Ombudsman will be forced to direct the attention of the Parliament to the number of unanswered queries, the significant number of reminders and any inconclusive results after an investigation is ended and recommendations have been made.

The success of the Ombudsman functions and the system as a whole depends on the cooperation of entities of Government. Some one once likened the role of the Ombudsman to a “paper tiger”. Others refer to it as a “toothless tiger”. While it is true that the Ombudsman cannot enforce the recommendations, the office should be seen as an avenue which can achieve much to enhance the work of government entities; offer a service free of charge to complainants; properly used, could become an avenue for quick resolutions to problems; open doors to provide access to information that is not normally available to clients whether they are public officers or the man in the street; correct long outstanding issues through systemic investigations and force legislation to better serve the interests of stakeholders.

S T A F F T R A I N I N G

During the course of 2008, the Office of the Ombudsman reaffirmed its position on ensuring that ongoing staff training remains pivotal on its agenda. Several members of the Ombudsman’s staff participated in a number of local workshops organized by the Government Training Division as well as regional and international courses and conferences.

Between 27th April to 2nd May, 2008, Mrs. J. M. Eusalyn Lewis, Ombudsman attended the Caribbean Ombudsman Association Fifth Biennial Regional Conference held in Bermuda under the theme “Foundations of Good Governance - Sharing Best Practices”.

Mrs. Lewis also attended a two week study programme from 12th to 23rd May, 2008 in England entitled “When Citizens Complain: The Role of the Ombudsman in Improving Public Services”.

From 18th to 20th June, 2008, Mrs. Lewis along with Mr. Konata Lee, Investigations Officer attended the Second Caribbean Ombudsman Association - Central American Council of Human Rights Ombudsman Meeting (CAROA-CCPDH) in Montego Bay, Jamaica. One of the highlights of this meeting was the signing of a Memorandum of Understanding between both associations to forge stronger bonds of cooperation as it relates to Human Rights issues in the region.

Between 22nd to 24th September, 2008, Mr. Lee participated in a short intensive course in Ontario, Canada entitled “Sharpening Your Teeth - Advanced Investigative Training for Administrative Watchdogs” organized by the Office of the Ombudsman for Ontario.

Finally, from 6th to 7th October, 2008, Mrs. Gloria Samuel, Assistant Investigations Officer participated in a regional workshop held on the Universal Periodic Review of the Human Rights Unit of Commonwealth Secretariat for all twelve Commonwealth Member States in the region.



PRINCIPLES OF GOOD ADMINISTRATION

by

Konata Lee, Investigations Officer

The following are some principles that should govern the behaviour of public officials while discharging their duties. They should also form the basis for the relations of reciprocity in the Public Sector and the public who utilize them.

Respect and Observance for the Rule of Law

Acting in accordance with the attendant laws and regulations; acting within the framework of established organizational policy; taking reasonable decisions, based on all relevant consideration and avoiding conflicts of interest.

Patron Consciousness

Ensuring people can access services easily; informing customers what they can expect and what is expected of them; keeping to its commitments; dealing with people helpfully, promptly and sensitively, bearing in mind their individual circumstances and responding to customers' needs flexibly, including, where appropriate, coordinating a response with other service providers.

Transparent and Accountable Service

Being open and clear about policies and procedures and ensuring that information, and any advice provided, is clear, accurate and complete; stating criteria for decision making and giving reasons for decisions; handling information properly, appropriately and timely; keeping proper and appropriate records and taking responsibility for decisions, action or inaction.

Fair and Proportionate Treatment

Treating all patrons impartially, with equal respect and courtesy; treating people without unlawful discrimination or prejudice; dealing with people and issues objectively and consistently and ensuring that decisions and actions are proportionate, appropriate and fair.

Admission of Fault or Undoing Errors

Acknowledging mistakes where appropriate; correct errors or faults quickly and effectively; providing clear and timely information on possible recourse to resolution of complain and effective procedure, which includes offering a fair and appropriate remedy when a complaint is upheld.

Pursue Continuous Improvement

Reviewing policies and procedures regularly to ensure they are effective; asking for feedback and using it to improve services and performance and ensuring that members of the organization learn lessons from complaints and use these to improve services and performance.

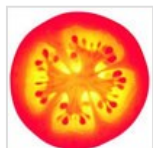


HEALTH CORNER

Foods that maintain a healthy lifestyle



Onions look like the body's cells. Today's research shows onions help clear waste materials from all of the body cells. They even produce tears which wash the epithelial layers of the eyes. A working companion, garlic, also helps eliminate waste materials and dangerous free radicals from the body.



A Tomato has four chambers and is red. The heart has four chambers and is red. All of the rest each shows tomatoes are loaded with lycopine and are indeed pure heart and blood food.



Grapes hang in a cluster that has the shape of the heart. Each grape looks like a blood cell and research shows grapes are also profound heart and blood vitalizing food.



Walnut looks like a little brain, a left and right hemisphere, upper cerebrums and lower cerebellums. Even the wrinkles or folds on the nut are just like the neo-cortex. We now know walnuts help develop more than three (3) dozen neuron-transmitters for brain function.



Kidney Beans actually heal and help maintain kidney function and yes, they look exactly like the human kidneys.



Celery, Bok Choy, Rhubarb and many more look just like bones. These foods specifically target bone strength. Bones are 23% sodium and these foods contain 23% sodium. If you do not have enough sodium in your diet, the body pulls it from the bones, thus making them weak. These foods replenish the skeletal needs of the body.



Avocadoes, Eggplant and Pears target the health and function of the womb and cervix of the female - they look just like these organs. Today's research shows that when a woman eats one avocado a week, it balances hormones, sheds unwanted birth weight, and prevents cervical cancers. And how profound is this? It takes exactly nine months to grow an avocado from blossom to ripened fruit. There are over 14,000 photolytic chemical constituents of nutrition in each one of these foods (modern science has only studied and named about 141 of them).



Sweet Potatoes look like the pancreas and actually balance the glycemic index of diabetics.



Oranges, Grapefruits and other citrus fruits look just like the mammary glands of the female and actually assist the health of the breasts and the movement of lymph in and out of the breasts.

INFORMATION FOR COMPLAINANTS

Ombudsmen provide a remedy of “last resort”. This usually means that before they will consider investigating a complaint, they will want to see some evidence that you have taken your complaint as far as possible with the organisation concerned. Normally this would include putting your complaint to the administrative head of the organisation, such as the Permanent Secretary or General Manager.

The reason for this is that the Permanent Secretary who is ultimately responsible for the actions of his or her staff, upon receiving a complaint, may either take some action which resolves the problem or provide an explanation which is satisfactory from the complainant’s point of view. Even if this is not possible, the Permanent Secretary’s response can be helpful in deciding whether there appear to be grounds for an Ombudsman to investigate the complaint.

Write a letter to:

Permanent Secretary or The General Manager

Ministry of

Street

Parish

Country



In your letter, say -

- what you think has been done wrongly.
- what has happened to you as a result.
- what you think the organisation should do about it.

If the reply does not resolve your complaint, you can write to the Ombudsmen and ask them to investigate it. Please enclose copies of your letter to the Permanent Secretary, and the reply, and any other letters, photographs or documents which you think might assist the Ombudsman with your complaint.

F U N N Y R E F L E C T I O N S

Sometimes the roles we play do not fit the job descriptions of our posts!!

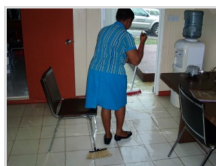
Images of water flooding the general area of the office on a rainy day



**Mr. Lee shows us
how its done**



**Mr. Lee and Mrs. Lewis
sweeping out the water**



**Mrs. Matthew is not
afraid of a little water**



**Hey Miss Richards,
Swim on over!**



**Mrs. Samuel and
Mrs. Matthew observe**

Appreciating the local arts of Jamaica while at the CAROA CCPDH Meeting



Mr. Lee with a John Bull impersonator





MEET THE STAFF

(from left to right)

Mrs. J. M. Eusalyn Lewis, Ombudsman; Mrs. Gloria Samuel, Assistant Investigations Officer; Mr. Konata Lee, Investigations Officer; Mrs. Jevana Matthew, Charwoman; Miss Timika Joseph, Junior Clerk; Mrs. Renée Patrick, Petty Officer II; and Miss Joycelyn Richards, Executive Officer (Ag.)

Our Motto

To champion the rights of the people to ensure that justice always prevails.

Our Mission Statement

The Office of the Ombudsman pledges with God's guidance to faithfully serve this nation of Antigua and Barbuda by impartially and efficiently investigating complaints of members of the public against unjust administrative decisions of officers of Government or Statutory Bodies with the view to righting wrongs and so contribute to good governance and the further development of the democratic process in the country.

Give us your feedback at:

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