

Community Corner

As part of our commitment to public education and outreach, the OCC were active participants for the second year running in all Heritage Week festivities in order to inform the public on the importance of proper administration and fairness in government. Many patrons made enquiries at our booths. Our involvement was well received .



George Town



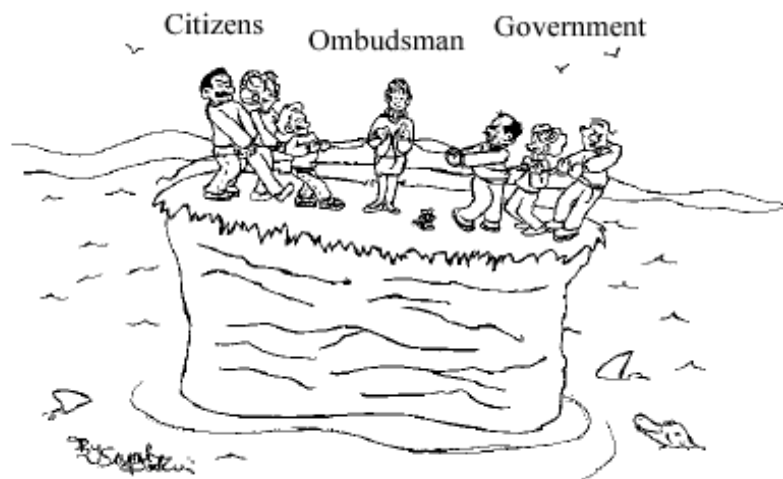
North Side



Bodden Town



East End



OCC Complaint Statistics

Early Resolution Complaints— 60

Intermediate Resolution Complaints - 22

Case Investigations Completed with findings—16

Mediations—1

What is an Ombudsman?

The word Ombudsman is of Swedish origin and when translated means “grievance person” or “representative”.

According to the Webster’s definition it is “a government official appointed to investigate complaints made by individuals against abuses or capricious acts of public officials”. What are “capricious acts”? Things or acts that change suddenly for no apparent reason.

The aim of the OCC is to investigate in a fair and independent manner complaints against government to ascertain whether injustice has been caused by improper, unreasonable, or inadequate government administrative conduct, and to ascertain the inequitable or unreasonable nature or operation of any enactment or rule of law.

The Complaints Commissioner is wholly independent of all Government Officials and is appointed by the Governor.

**New Office Hours: Hours of operation
Monday- Friday 8AM to 5PM. Open to the
public from 10:00AM to 3:00PM.
Appointments available**

**Physical Address:
4th Floor Anderson Square
George Town, Grand Cayman**

**Mailing Address:
P.O. Box 2252
Grand Cayman KY1-1107
CAYMAN ISLANDS**

Tel: 345-943-2220
Fax: 345-943-2221
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CaymanComplaints@occ.gov.ky



For more information visit our website:

www.occ.gov.ky



Taking a bite out of injustice

this issue

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What drives us

The need to investigate in a fair and independent manner complaints against government to ascertain whether injustice has been caused by improper, unreasonable or inadequate government administrative conduct, and to ascertain the inequitable or unreasonable nature or operation of any enactment or rule of law .

From the desk of the Complaints Commissioner

HAPPY 2012, EVERYONE!

The month of January takes its name from the Roman god Janus, who in mythology represented beginnings and transitions, and is depicted with two heads, one reflecting on the past and the other looking forward to the future. So, from this vantage point, looking back on 2011 I am proud of the OCC record of confidentiality, the quality of our investigations, our independence as demonstrated by our willingness to take on controversial issues, and—above all—my wonderful and dedicated staff. In the coming year we at the OCC intend to build on this foundation in our investigations, in educating the public about the Office, in continuing to monitor the Internal Complaints Processes within government, and, in keeping with our watchwords of confidentiality, integrity and independence, promote good governance throughout the Cayman Islands.

Nicola Williams

Complaints Commissioner

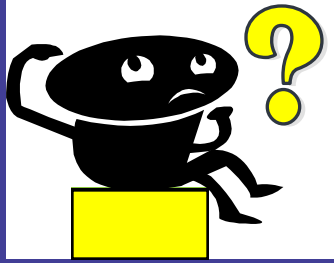
**fair
Independent
Investigations
COMPLAINTS
Government
justice**



**The Office of the
Complaints Commissioner**

Issue 10
January 2012

Ombi Answers Your Questions



Dear OMBI,

The main road that leads to my house is in poor condition. There are numerous potholes and some areas of the road have bush blocking the road signs. I have complained to my cousin who knows somebody that works at the National Roads Authority, but they haven't done anything about it. Please help.

Candid Caller

Dear Candid Caller,

I would encourage you to report your concerns directly to the NRA by contacting the Administrative and Operations Officer. The Authority should take steps to address your complaint.

If you are not satisfied with any actions taken, you may put your complaint in writing to the Managing Director of the Authority through the Internal Complaints Officer in the Ministry of District Administration, Works, Land and Agriculture.

If after you file your complaint with the Department & you have allowed them to respond to you & to investigate, you are still not satisfied with their response or have not received a response; you may file a complaint with the OCC.

Yours sincerely

Ombi

How do I file a complaint?

- **Complete a complaint form including all relevant details.**
- **You can download a complaint form from our website www.occ.gov.ky. Forms are also available at our reception desk, 4th Floor Anderson Square G.T.**
- **Hand deliver or email your form to: Caymancomplaints@occ.gov.ky**
- **You may also fax your form to us at: 345-943-2221**
- **If you need general advice in regards to your complaint you may call 345-943-2220 to speak with an Investigator.**

New Staff Member

The Complaints Commissioner, Ms. Nicola Williams welcomed new staff member, Mr. Sonji Myles as he joined the team at the OCC in the role of Investigator.

Sonji joined the Office of the Complaints Commissioner on the 1st of December 2011, after being selected as the most suitable and impressive candidate out of approximately 120 other applicants.

Mr. Myles, who also holds a Bachelors of Law degree from the University of Liverpool, brings with him a wealth of specialised and dynamic professional experience and skills.

Prior to joining the OCC, Mr. Myles worked as an Analyst with the Information Commissioners Office where he formed part of the initial ICO team responsible for establishing and developing that Office. He had also worked as the Assistant Manager of the Cayman Islands Emergency Communication Centre (911) and as a Sergeant with the Royal Cayman Islands Police Service.



Ms. Williams states, "It is no doubt that Sonji's professional experience and skills coupled with his legal training will make him an invaluable asset to the OCC."

HR Audit

The Portfolio of the Civil Service conducted an HR Audit on the Office of the Complaints Commissioner in November 2011.

The purpose of the Audit was to assess compliance with the Public Service Management Law and Personnel Regulations. Recommendations were made and management responses obtained.

The overall results were very positive, as the OCC ranked in the top 10% of government entity compliance. The audit reflected that OCC was found to be in "strong compliance", with a rating of 88% out of a civil service average of 70%.

Training

Commissioner Training

The Commissioner attended the "Sharpen Your Teeth" (SYT) course in Toronto Canada in November 2011. The 3 day course, which is internationally respected and has been taught across the globe, was organized by the Office of the Ombudsman of Ontario. It is intended that the OCC's new Investigator will also attend the SYT course in late January 2012.

Computer Forensic Presentation

On 6 December 2011, OCC staff attended a presentation by Deloitte and Touche on data analytic and computer forensic technology, with a view to using this technology in future investigations. This interesting and stimulating presentation was held at the Deloitte offices in Citrus Grove.

Ombudsman reaches out

In an effort to reach all her constituents, the Commissioner is committed to community presentations, public education and outreach. If you would like to have the Commissioner speak to your special interest group about the role of the OCC, please contact us.

Case Summary

A complainant approached us for assistance regarding an ongoing matter with the Department of Employment Relations (DER). She claimed that her work permit had been cancelled by her employer, she had not received severance pay, and that DER was not working fast enough to assist her in getting her money before she left the island in a few days, since the Immigration Department refused to give her any additional time to remain on-island. Although the OCC could not directly assist her with her complaint due to time constraints, we did advise her that she should return to the DER who may be able to provide her with a letter to take to Immigration, allowing her more time to remain on island whilst her case was being dealt with. A few days later the complainant called the OCC to inform us that although her case was still unresolved, she had been given more time to remain on island as a result of the DER giving her a letter to take to Immigration for this purpose.

Although, the OCC will try its best to assist our complainants, we must inform our complainants that if they have not gone through the Internal Complaints Process (ICP), allowing the government entity at least two weeks to provide a response to them, we will in most cases be unable to assist them before that period has expired. In cases where the individual only had a limited time on island after a work permit had been cancelled, that individual should contact us **as soon as possible** and not wait to do so a few days before they are due to leave the island.

Mediation

The OCC is pleased to inform the public that it conducted its first successful Mediation in December 2011.

"Mediation" is a form of private alternative dispute resolution. It is the process of resolving a dispute between two or more parties, who with the assistance of a neutral third party referred to as a "Mediator", negotiate solutions to their problems. The mediator may share an opinion on what may be a fair or way to settle the dispute if all parties agree that such opinion may be shared.

As per section 12 of the *Complaints Commissioner Law*, the Commissioner may decide to have a complaint mediated if she is of the opinion, having regard to all circumstances of the case, that the subject matter of the complaint involves only minor maladministration.

The OCC has one Mediator, trained by the London School of Mediation. The Office plans to have two additional staff members trained as mediators during the first quarter of 2012.

All mediations are conducted in the strictest confidence. All parties to a Mediation Agreement agree to maintain the privacy and confidentiality terms of the mediation as set out in paragraph 6 of the Mediation Rules and confirm that the agreement is a condition precedent of the mediation.

CASES FROM THE OCC...