



Office of the Complaints Commissioner

I.O.I Conference, November 2012

Delivering More With Less

“Speaking Truth To Power” – the role of the Ombudsman in the 21st century.

THE CAYMAN ISLANDS

“He hath founded it upon the seas.”

- One of the smaller Caribbean states and territories. Total Population – approximately 55,000.
- Population split across the Islands: majority on Grand Cayman. Less than 2,000 in Cayman Brac, and less than 200 in Little Cayman.
- Capital city = George Town; population 20-30,000
- Ratio ex-pats / locals – approximately 50:50
- Myth: “Only rich people live in Cayman”. Socio-economic breakdown
- Deep-rooted familial and friendship ties, making confidentiality a real concern to potential complainants.

The OCC: “Confidentiality, Integrity, Independence”

- Established as an independent office in July 2004 to encourage government departments and agencies to better serve the public.
- Aim: to investigate complaints against government in a fair, transparent and independent manner.
- I am only the second Complaints Commissioner, appointed by the Governor.

The OCC: a brief overview

- Enabling legislation: Complaints Commissioner Law (2006 Revision); Complaints Commissioner Regulations 2006.
- Responsible for 93 government entities.
- In the 12 months to June 2012, OCC dealt with approximately 150 Early and Intermediate Resolution Complaints (ERC's and IRC's), 37 investigations, 1 Own Motion Investigations and 1 Special Report, and....
- Continued to monitor the Internal Complaints Process....
-on a current staff complement of 5.....
-and the second-smallest budget in government!!

Stakeholders

Our two main stakeholders are:

- Complainants – mostly members of the public, but companies can also make complaints.
- Government – including Agencies, Statutory Authorities, Boards and Commissions

Effect of budget cuts on OCC

- Already small budget reduced by 32% in the last 3 years.
- Chronic understaffing – small anyway, now semi-permanently down from 6 to 5 with a moratorium on recruitment
- Staff salary reductions
- Of the 3 oversight bodies, ours was the only budget which was cut.

- In delivering more with less resources all round, the OCC overarching aim is to maximise effectiveness with, and add value to, each group of stakeholders

Complainants / members of the public

- Carefully targetted Own Motion Investigations (OMI's). These are launched by the Commissioner where there is evidence of systemic failure on matters of national public importance. E.g., on the regulation of private-sector pensions; the monitoring of health and safety issues in the construction industry; the regulation of health insurance and healthcare providers.
- Timing our OMI launches and Reports for maximum press coverage.

- Better and greater use of our own media as much as possible, as we can control the output.
- Quarterly newsletter – delivered electronically and in print
- OCC website
- Facebook
- Other OCC Publications – Small Claims Handbook; “Good Administration and Your Rights”; OCC brochure on jurisdiction. Use of intern to update same.

- Targetted advertising and media – e.g., during Heritage Week / Pirates Week in November. Wider reach and more culturally relevant.
- Regular quarterly radio slot on Radio Cayman to discuss newsletter
- Rebranding – “Confidentiality, Integrity, Independence” on all OCC product.
- Word of mouth. Small community, Caymanian staff. Use this to network assiduously and retain goodwill.

- Offering Mediation as an alternative to investigations. Commissioner and both OCC investigators are trained and accredited mediators. Provided all parties agree, speedier and less labour-intensive, thereby reducing load on already overstretched staff.

Government

- Internal Complaints Process
- Set up by OCC to help government deal with complaints better at first instance. Potentially a win-win for both complainant and the government entity.
- Monitoring and Quarterly Reporting
- Annual meeting, sometimes with training component.
- Awards Scheme.

- Working very closely / intensively with failing government entities (e.g., the Immigration success story)
- Newsletter distributed on the government intranet as one of many outlets.
- Maintaining strong international links with other Ombudsman organisations to maximise our leverage domestically – CAROA, BIOA, individual Ombudsman's Offices and of course IOI!

Final Thoughts.....

- What happens if budgets and staff are cut further? Can't get blood out of a stone!
- The Bill of Rights effective from early November. Brave new world. Unclear what the impact will be, but OCC will be on the cutting edge / front line of this, particularly as the Chair of the Human Rights Commission has admitted the HRC has no investigative powers.