



CAYMAN ISLANDS GOVERNMENT

JOB DESCRIPTION

Job Title:	OMBUDSMAN
Job Holder:	VACANT
Reports to (title):	Committee of the Legislative Assembly
Portfolio/Department:	Office of the Ombudsman

1. JOB PURPOSE

The Ombudsman is an “Independent Watchdog for Citizens” and is autonomous of the executive arm of government. He/She will investigate complaints, on behalf of citizens, against all public bodies in an objective and unbiased manner.

The purpose of the Ombudsman is to execute the roles, duties, functions and responsibilities under the Ombudsman Law and any other relevant laws. He/She shall have all powers, direct and incidental, as are necessary to carry out the relevant functions of this post.

2. DIMENSIONS

The Office of the Ombudsman has the jurisdiction to deal with complaints against all public bodies, including the civil service and statutory authorities and government companies. Private citizens can complain against private companies under the Whistle Blower Law (not yet in force), and that the Ombudsman’s office will make orders under the FOI Law. The Office will also be responsible for Data Protection

The Ombudsman is appointed by the Governor in consultation with the Premier and the Leader of the Opposition. He/She is answerable to the Legislative Assembly for monitoring the performance of the Core Government and other public authorities, as well as promoting the efficiency, effectiveness and accountability of government. This is achieved through independent studies, monitoring the public administration through examination and investigation

of complaints from members of the public. As well as providing findings, reports and recommendations for possible rulings and/or sanctions for maladministration.

The Office of the Ombudsman is governed by the Constitution and the laws listed below. The Ombudsman is completely independent of the government in performance of these functions. The independence and powers of the post is underpinned by the relevant Laws.

- Ombudsman Law 2016
- Complaints Commissioner Law (Revision 2015)
- Freedom of Information Law (Revision 2007)
- Police (Complaints by the Public) Law 2016
- Data Protection Law 2016
- Whistleblowers Protection Law 2016

The Ombudsman shall also have the power as Chief Officer who is responsible for the overall performance and management of the Office of the Ombudsman and all other related areas whose focus is to achieve the outcomes for the country as established under the Law and is accountable to the Oversight Committee of the Legislative Assembly

The Office of the Ombudsman has a staff complement currently of 11-15 staff members with staffing levels to increase upon the enactment of other relative laws and a combined annual budget as described in the Annual Budget Statement.

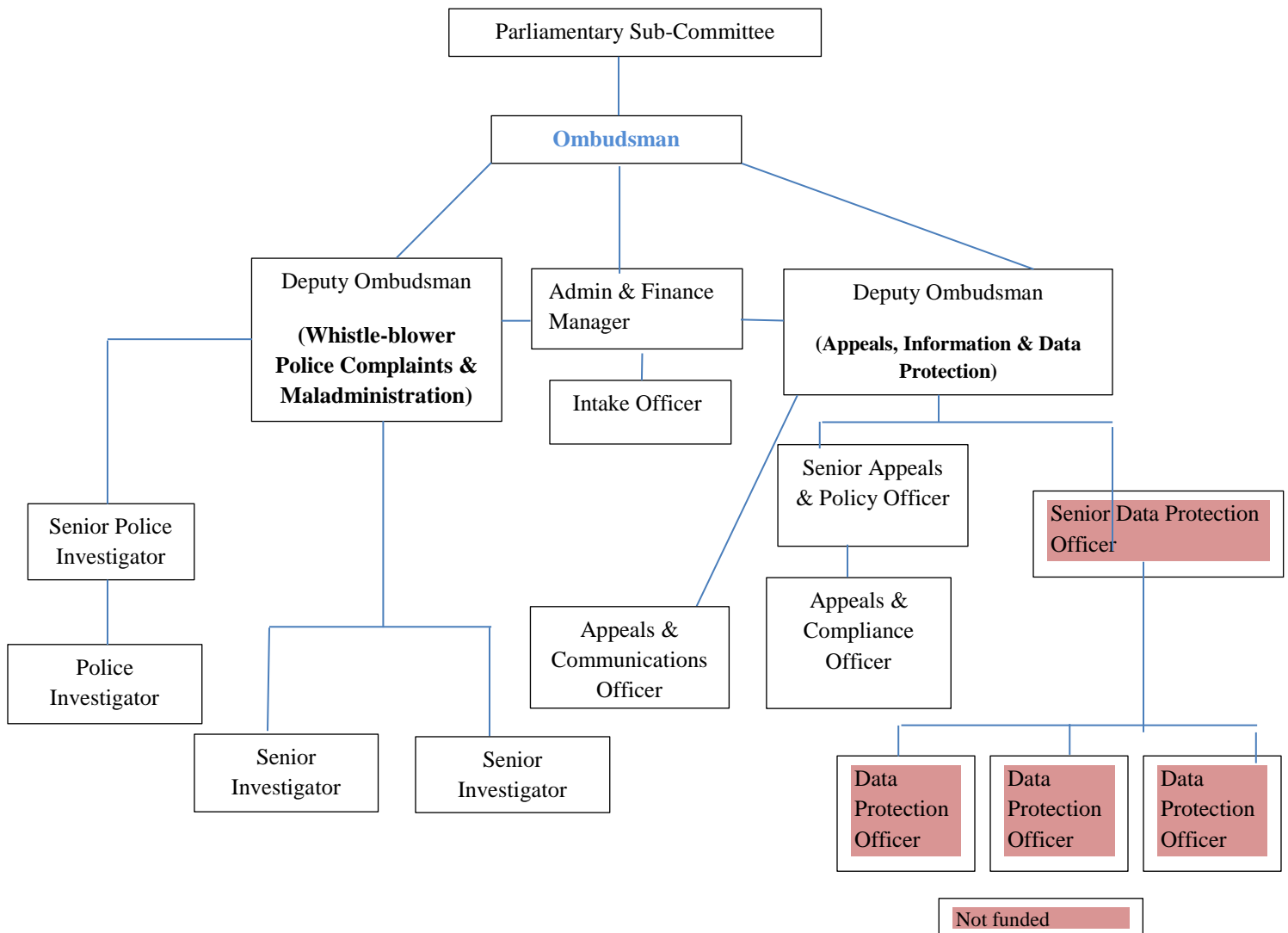
3 PRINCIPAL ACCOUNTABILITIES

1. Manage complaints from the public and making the decision as to whether or not they are to be investigated. Report findings and make recommendations for actions to be taken when . maladministration has been identified. Monitoring the complaints systems operating in the various entities of the public service and offer advice and guidance as necessary.
2. Review eligible appeals under the FOI Law in accordance with the policies and procedures. Hear, investigate and rule on such appeals filed under the Law.

3. Act as an independent oversight body for the Police and will receive and order an investigation of any complaint made by a member of the public against a police officer and or civil servant acting under the direction of the police. It will make findings and recommendations, but will not deal with internal complaints or be involved in the discipline of police officers.
4. Educate and raise awareness of the role and function of the Office of the Ombudsman both amongst government entities and with the general public. Enhance the international visibility and reputation of the Office.
5. Ensure that citizens have the rights to privacy in relation to personal data while ensuring that certain exceptions are allowed. Dealing with, among other things, interpretation of the law, the data protection principles and the application of the law in government and the private sector.
6. Ensure that the Whistleblower Protection Bill, 2015 is implemented properly and facilitates and encourages the making by employees of disclosures of improper conduct; Protect employees who make specified disclosures from being subjected to detrimental action. Regulate the receiving, investigating or otherwise dealing with disclosures of improper conduct. Provide protection to the person and the property of the employee making the protected disclosure.
7. Publish case studies and share the lessons learnt from complaints to help improve the way public services are provided.
8. Ensure the Office of the Ombudsman supplies the outputs and ownership performance as agreed with the Legislative Assembly:-
 - a. nature and scope of business, with an emphasis on providing leadership, guidance and support to staff within the Office of the Ombudsman as well as senior staff across the organisation.
 - b. strategic performance, with an emphasis on the development of strategic business plans;
 - c. financial performance, with an emphasis on ensuring that the Office of the Ombudsman conforms with its legal obligations under the Public Management and Finance Law, including the preparation of budgets and annual reports as well as the development of annual business plans;

- d. the development and maintenance of capability, with an emphasis on ensuring that the Office of the Ombudsman conforms with its legal obligations under the Public Service Management Law, including the implementation of succession plans and the mentoring and development of staff; and
- e. the management of ownership risks.

4. ORGANISATION CHART



5. BACKGROUND INFORMATION

The Office of the Ombudsman was established to create a single entity for the independent handling of complaints relating to Government Ministries/Portfolios/Departments/Statutory Authorities and Government Companies to ensure the confidence of the public is maintained and that the Government agencies are held accountable for their actions and decisions.

Prior to the establishment of the Office of the Ombudsman, different types of complaints are handled by separate independent bodies, namely the Information Commissioner's Office and the Office of the Complaints Commissioner. The Office will bring together a synergy of the existing agencies under one umbrella and this new office will undertake the responsibilities of the Complaints Commissioner's Office, the Information Commissioners Office as well as the function of public complaints against the Police and in the future to deal with data protection and whistleblowing.

The primary objective of the Office of the Ombudsman is to help individuals who bring their complaints/appeals to the Office by providing an independent, high quality and accessible complaint handling service. The second key purpose is to offer a wider public benefit, to share the lessons learnt from complaints/appeals to help improve the way public services are provided.

A single focus for complaints and relevant investigations will deliver efficiencies, provide opportunities to improve public communications and enhance the overall accountability of government to the public. This will create a 'One Stop Shop' where customers can lodge their concerns/complaints in a neutral area and feel confident that their complaint will be handled efficiently, effectively and expeditiously.

6. KNOWLEDGE, EXPERIENCE AND SKILLS

Knowledge:

The post holder must possess a university degree or a similar tertiary qualification or equivalent preferably in Law or Public Administration. In addition a Master's Degree in Public Administration or Law or senior practitioner in law or similar field would be highly desirable.

Experience

The post holder must be a seasoned individual who will possess no less than 10 years' post graduate experience at a senior management level in the public service, or in a legal/judicial institution.

Broad experience in, and an in-depth working knowledge of government structures and functions (including budget and financial control, and human resource management, change management and mediation)) would be a distinct advantage.

Skills

The post holder must have excellent writing skills as reports and judgements are an essential element of this role. Must have the ability to interpret laws and make decisions on complex matters.

The post holder must possess a wide range of managerial skills and the ability to manage technical areas for which the Ombudsman is responsible. This means that the post holder must be able to manage the vision and purpose of the Office carefully, manage its diversity and motivate others in order to meet the requirements of the Office.

It is essential that the post holder has a reputation of integrity, confidentiality and can act ethically and with composure at all times and in all situations; remaining politically neutral while carrying out the responsibilities of the role of Ombudsman.

The most important skills include active listening and communicating successfully with a diverse range of people, remaining non-judgemental with complete impartiality, having the courage and stamina to speak up and address problems at the highest level. Be neutral, objective and fair. Problem solving, analytical ability and conflict resolution skills are a must.

Competencies

<ul style="list-style-type: none"> • Strategic Skills <ul style="list-style-type: none"> ○ Making complex decisions ○ Creativity, Innovation, Perspective, Strategic Agility ○ Leadership capability ○ Change Management 	<ul style="list-style-type: none"> • Energy and Drive <ul style="list-style-type: none"> ○ Drive For Results ○ Action Orientated
<ul style="list-style-type: none"> • Operating Skills <ul style="list-style-type: none"> ○ Priority Setting ○ Timely decision making ○ Organising and planning ○ Time Management ○ Delegation ○ Developing Direct Reports 	<ul style="list-style-type: none"> • Organisational Positioning Skills <ul style="list-style-type: none"> ○ Political Savvy ○ Communicating effectively ○ Mediation
<ul style="list-style-type: none"> • Courage <ul style="list-style-type: none"> ○ Conflict Management ○ Confronting Direct Reports ○ Making Tough People Calls 	<ul style="list-style-type: none"> • Personal and Interpersonal Skills <ul style="list-style-type: none"> ○ Relating Skills ○ Customer focus ○ Inspiring Others ○ Managing vision ○ Ethics & Values ○ Integrity and Trust ○ Composure

7. ASSIGNMENT AND PLANNING OF WORK

The Ombudsman is responsible to the Legislative Assembly for the performance of the Office of the Ombudsman. The Ombudsman will also be a Chief Officer and operate under the personnel delegations issued by Her Excellency the Governor.

The work of the Ombudsman is determined primarily independently and by the demands of its customers and to a limited degree the demands of the Oversight Body for the Legislative Assembly. This is reflected in the Annual Budget Statement and the Annual Performance Agreement as set out by the Legislative Assembly as may be amended from time to time.

The planning of work is also affected by the day-to-day requirements of the members of the public.

Some of the investigative work is undertaken by the Ombudsman personally, the vast majority of the Office of the Ombudsman outputs is produced by other staff in the core office. Whereas all decisions are ultimately made by the Ombudsman or a staff member with delegated responsibility, a key part of the postholder's role is delegation and the assignment of work to senior staff.

8. SUPERVISION OF OTHERS

The post holder is responsible for directly supervising the performance of senior members of staff and for overseeing the management and performance of all other staff. There are 5 direct reports and a total of 11 staff members in the Office and that will possibly increase in the future as data protection is added to the responsibilities of the Office..

9. OTHER WORKING RELATIONSHIPS

Other working relationships are diverse and numerous, ranging from H E the Governor, Chief Officers, Heads of Departments, Chief Executives of public authorities and Cabinet members. It may include relations with the private sector, international agencies and bodies. Successfully developing and maintaining these and other working relationships is a key aspect of the job. It is essential that the post holder establishes high standards and a level of respect for this body both locally and internationally.

10. DECISION MAKING AUTHORITY AND CONTROLS

The primary responsibility for policy, strategic and operational decisions rests with the Ombudsman in accordance with the law. He/she will have policy authority and extensive implementation authority/responsibility and the powers of authority to make decisions relating to mediations and resolutions where an appeal is not resolved by mediation.

In regards to output delivery and ownership performance, the Ombudsman has extensive authority for financial and human resources management and procurement for the Office of the Ombudsman as defined by delegation and law.

11. PROBLEM / KEY FEATURES

This is a key senior position with extensive powers and responsibilities who acts independently from all other arms of government. Accordingly, the position is one of significant pressure and with frequent urgent demands. The postholder has to remain politically neutral and independent.

The jobholder will need to manage change as two existing offices (Information Commissioner and Complaints Commissioner) are being combined and new functions are to be absorbed (Police Complaints) and in the future Data Protection and Whistle Blowing will be added.

12. WORKING CONDITIONS

Normal office working conditions apply. The postholder must be willing and able to work beyond normal working hours, as necessary, to meet deadlines and carry out the duties of the post. From time to time, the nature of the responsibilities of the Office of the Ombudsman means that periods of travel away from the Cayman Islands will be required.

AGREED BY

Jobholder:

Date:

Governor:

Date:

JD Created:

Date: March 2017