



CAYMAN ISLANDS GOVERNMENT JOB DESCRIPTION



JOB TITLE: Deputy Ombudsman (Complaints)

REPORTS TO (TITLE): Ombudsman

PORTFOLIO/MINISTRY: Office of the Ombudsman

DATE:

1. JOB PURPOSE

The Deputy Ombudsman (Complaints) heads the operations of the Complaints Division of the Office of the Ombudsman which deals with maladministration and police complaints and deals investigation of disclosures by whistleblowers, and has oversight responsibility and delegated authority to investigate complaints made to the Ombudsman Office to ascertain whether injustice has been caused by improper, unreasonable or inadequate conduct on the part of any government entity including public authorities and private sector employers in accordance with the parameters established by the relevant laws.

2. DIMENSIONS

The Office of the Ombudsman has the jurisdiction to deal with appeals/complaints against all public bodies, including the civil service and statutory authorities and government companies. Private Citizens can complain against private companies and public companies under the various laws.

The Office of the Ombudsman is governed by the Constitution and the laws listed below for the Complaints Division:-

- Ombudsman Bill/Law 2017
- Complaints Commissioner Law (Revision 2017)
- Police (Complaints by the Public) Law 2017
- Whistle-blower Protection Law 2016

The Office of the Ombudsman has a staff complement currently of 11 staff members with staffing levels to increase upon the enactment of other relative laws and a combined annual budget of 1.6 M.

Act in the capacity of Ombudsman, when appointed by the Governor to do so.

The post holder will be expected to provide high quality intellectual, strategic, legal and operational leadership in all aspects of the management of the Complaints Division.

3. PRINCIPAL ACCOUNTABILITIES

% Time

A. Investigations - Maladministration

30%

Decide whether or not a case should be investigated or mediated.

Appoint internal or external mediators to resolve complaints involving minor maladministration.

Investigate more complex complaints from the public, where relevant make recommendations for actions to be taken where injustice has occurred as a result of maladministration, and report to the complainant and to the entity investigated on the results of the investigation.

Undertake Own Motion investigations in the public interest on the direction of the Ombudsman or the of either the Legislative Assembly.

Make recommendations for actions to be taken where injustice has occurred as a result of maladministration, and report to the Legislative Assembly and the government entity concerned on the results of the investigation through the direction of the Ombudsman;

Monitor compliance with recommendations for actions and, where no adequate action is taken, prepare a special report to the Legislative Assembly.

Refer to the relevant person or body for their action, any evidence of breach of duty, misconduct or criminal offense resulting from investigations.

Monitor government and public authorities complaints systems

B. Investigation of Complaints against Officers in RCIPS

30%

Receive all complaints made by members of the public against an officer of the RCIPS, including a complaint alleging that the conduct of a police officer resulted in the death of, or serious harm to a person.

Determine by whom the investigation of a complaint shall be undertaken, and give direction.

Monitor relevant investigations being undertaken by the Office and redirect or reassign as necessary.

Prepare report of the investigation for the Ombudsman

Deal with any other matter as may be assigned by the Ombudsman.

C. Investigates disclosures made under the Whistleblower Law and complaints of detrimental action. 10%

Investigate disclosures in accordance with the Law and legislations and make appropriate recommendations. Monitor compliance with this Law.

D. Strategic Management 10%

Develop a report and analysis of trends and the consistency of various complaints/actions and determine best approach for short, medium and long term resolutions and best practices.

Develop a succession plan for the development of employees
Participate in the development of the Strategic Plan for the Office of the Ombudsman

Develop policies and procedures that will govern the operations of this Section and assist in developing policies and procedures for the overall Office of the Ombudsman.

E. Public Relations 5%

Publish procedural guidelines regarding the making, receiving and investigation of complaints or disclosures

Plan, implement and monitor public awareness programmes aimed at informing and educating employees, employers and the general public.

F. Administration/Management 15%

Produce monthly, quarterly and annual reports as required to be tabled in the Legislative Assembly.

Attend and participate in quarterly and annual meetings both locally and overseas; as well as management team meetings

Manage the day to day operations and performance of staff.

Approve TRS and leave for senior staff

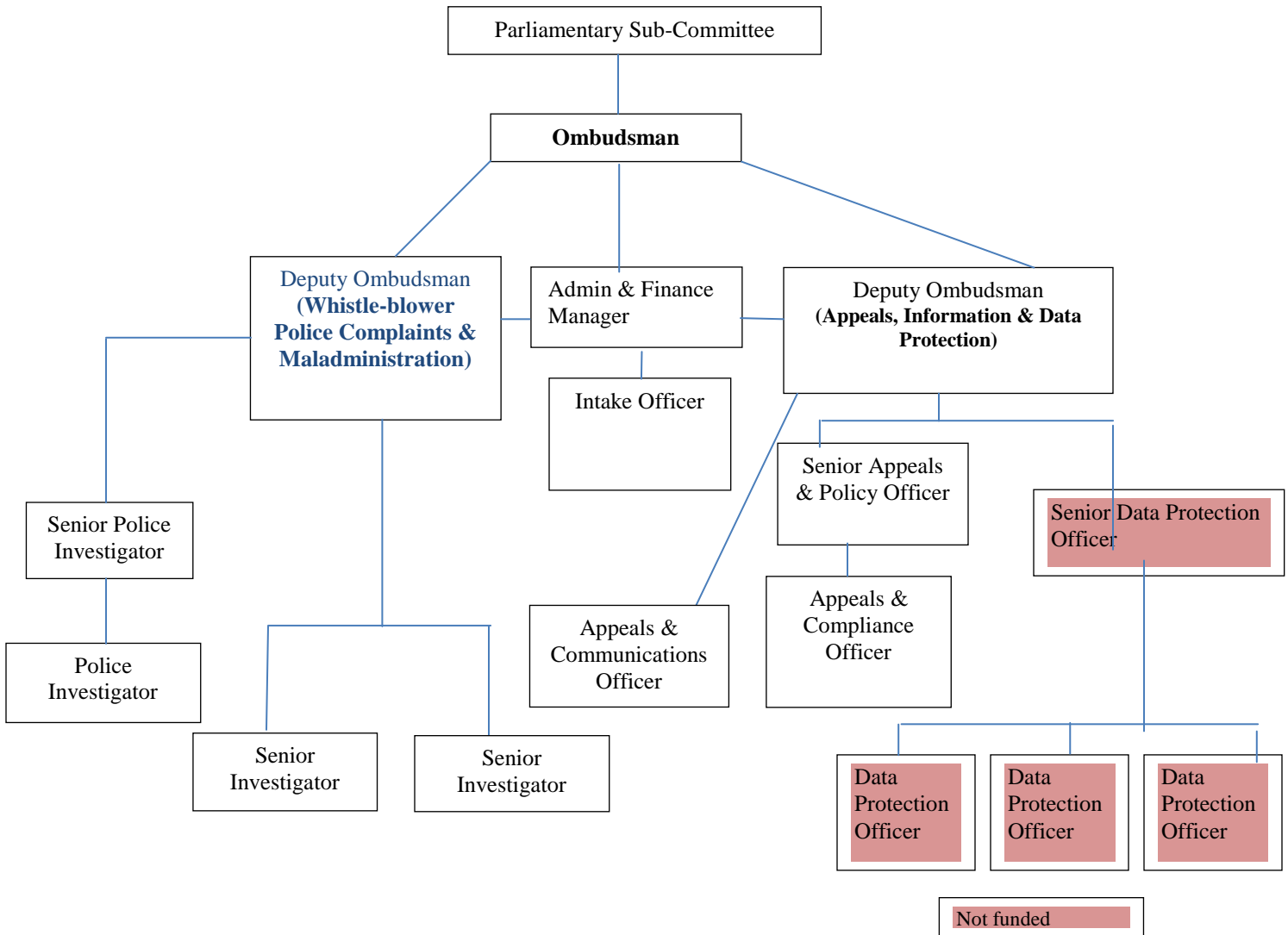
Provide advice and guidance to staff, individually and at joint Case Conferences.

Provide management oversight for the financial and human resources affairs of this Section.

Disciplinary matters will be dealt with by the Ombudsman or by delegated authority.

Act in the capacity of Ombudsman when required.

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. In the future the Ombudsman Office will be responsible for the administration of the Data Protection Law 2016 the Whistle-blowers Protection Law 2015 and the Police (Complaints by the Public) Law 2017. Currently different types of complaints are handled by separate independent bodies, namely the Information Commissioner’s Office and the Office of the Complaints Commissioner. The Police Law 2010 created a need to establish yet another agency to investigate complaints against the police.

This 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 police complaints.

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.

The Office will be 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.

This post holder will be a member of the Senior Management Team and will act in the capacity of Ombudsman when required. The post holder will manage the day to day operations of this Section and will oversee the financial and HR responsibilities.

6. KNOWLEDGE, EXPERIENCE AND SKILLS

Education

The post-holder must have:

a University degree or similar tertiary qualification, preferably in Law or Public Administration.

Experience

A minimum of 10 years' experience in a complaints environment, conducting investigations, analysis and interpretation of relevant laws and legislations with at least 5 years at a middle management level.

Experience working in a government environment and have a good understanding of how governments operate and manage themselves at both the political and administrative level.

Experience in interpreting and implementing legislation is highly desirable.

Mediation Certification is preferred (this can be obtained within the first year of employment if necessary)

Skills

Possess legal and analytical skills exhibited in varying environments over extended periods of time;

Ability to act independently and be politically neutral in an environment subject to extensive pressure and lobbying

Ability to communicate effectively, both orally and in writing.

Excellent interpersonal staff management skills are also essential requirements.

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 post holder has significant delegated authority and must be highly motivated and work on his own initiative in regard to the planning, execution and management of the work and performance of the Complaints Division, while keeping the Ombudsman informed on progress and other relevant issues.

As a member of the Senior Management Team (with the Ombudsman and the Deputy Ombudsman (Information)) the post holder contributes significantly to the short, medium and long term forward planning and organization of the work of the Office.

8. SUPERVISION OF OTHERS

The post-holder is expected to manage approximately 5 staff which may increase with the implementation of the new Whistle-blower Protection Law if the workload warrants it.

9. OTHER WORKING RELATIONSHIPS

Business and community leaders, private sector employers and employees, members of the public, HE the Governor, Members of Cabinet, Members of the Legislative Assembly, civil and public servants at all levels including Senior Civil Servants, international Whistle-blower and Police Complaints authorities.

10. DECISION MAKING AUTHORITY AND CONTROLS

The position will operate under delegated authority of the Ombudsman and is one with significant quasi-judicial responsibilities established in law and with statutory and constitutionally established independence. As such the post-holder will have complete authority over investigations and mediations within the terms of the Law. The post-holder will also have extensive authority in relation to the management of the Complaints Section.

11. PROBLEMS/KEY FEATURES

The post is a very high profile position. It requires strong investigative, legal and analytical skills and the ability to maintain independence and political neutrality in an environment subject to extensive external pressure and demands.

The newness of Whistle-blower Protection in the Cayman Islands presents a key challenge for the post holder, as well as the public police complaints, as internal policies and procedures following from the oversight role of the Office defined by Law will need to be planned, created and developed. Staff will need to be trained, and tools will need to be developed for, and awareness raised in, the broader Public and Private Sector, even before compliance is monitored and rulings are made. The successful implementation of the Whistle-blower Law will depend in large part on the preparations undertaken by the post holder.

As the post is new, a second key challenge is the establishment of the position, its detailed role and public profile.

12. WORKING CONDITIONS

Normal working office environment and working hours apply, however, the post holder 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 to represent the Ombudsman at annual Ombudsman meetings and also be a member of the Ombudsman networking groups.

AGREED BY:

Deputy Ombudsman (Complaints)

Date:

Ombudsman

Date:
