

4th
Annual
Report
2012



The Complaints Commission

Dedicated to Raising Service Standards
in the Public Sector

CHAPTER 9 SECTIONS 110, 11

THE COMPLAINTS COMMISSIONER

- (1) **THERE SHALL BE A COMPLAINTS COMMISSIONER FOR THE VIRGIN ISLANDS.**
- (2) The Complaints Commissioner shall be appointed by the Governor, acting after consultation with the Premier and the Leader of the Opposition, by instrument under the public seal.
- (3) No person shall be qualified to be appointed as Complaints Commissioner if he or she is or has been within the preceding three years—
 - (a) an elected member of the House of Assembly; or
 - (b) the holder of any office in any political party.
- (4) The office of the Complaints Commissioner shall become vacant—
 - (a) at the expiration of the period specified in the instrument by which he or she was appointed;
 - (b) if he or she resigns office by writing under his or her hand addressed to the Governor;
 - (c) if he or she becomes an elected member of the House of Assembly or the holder of any office in any political party; or
 - (d) if the Governor, acting in his or her discretion, directs that he or she shall be removed from office for inability to discharge the functions of the office (whether arising from infirmity of body or mind or any other cause) or for misbehaviour, or for contravention of subsection (5).
- (5) Subject to such exceptions as the Governor, acting in his or her discretion, may authorize by directions in writing, the Complaints Commissioner shall not hold any other office of emolument either in the public service or otherwise nor engage in any occupation for reward other than the duties of his or her office.



The Complaints Commission

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Friday June 28th, 2013

His Excellency the Governor
Mr. Boyd McCleary CMG, CVO
Governor's Office
Road Town
TORTOLA VG1110
British Virgin Islands

Dear Governor:

In accordance with section 24 (1) (a) of the Complaints Commissioner Act, 2003, I have the honour to furnish you with the fourth annual report of the activities of the Office of the Complaints Commissioner with the request that you cause it to be laid before the House of Assembly within three months.

This report is for the year ending 31st December, 2012.

Yours sincerely,

Elton Georges
Complaints Commissioner

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FOREWORD

“GOOD SERVICE IS NO ACCIDENT”

GOOD SERVICE IS NO ACCIDENT”

The annual report is an opportunity to take stock. How have we moved during the year? What changed for the better, or for the worse, and what stayed constant? What lessons have we learnt? Many disappointments remained constant: the low level of compliance with recommendations, the apparent failure of the Governor and Cabinet members to have an impact on this, the failure of the House of Assembly to act on special reports, the continuing need for an investigator with law qualifications on staff – these shortcomings are all highlighted in previous reports. I mention, but try not to belabour them.



The year 2012 was a somewhat difficult one for the Complaints Commission, too, in that the staffing inadequacy came into sharp focus as the staff of three was depleted for some months. We also had to cope for some time with poorly functioning computer equipment. We nonetheless provided a service to the best of our ability, as evidenced by the comments from users that are scattered in quotes throughout the report.

The mission slogan that we use is “Raising standards in the public service”. This puts a proactive face on the basic role of the office: to conduct investigations into complaints or into governmental actions that may result in injustice to persons. We come face to face almost daily with the paradox that while all concerned – politicians, top officials, rank and file – seem to agree that government agencies should serve the public well - and are therefore also concerned, presumably, with raising standards - there seems to be little interest in the mechanics of actually putting this into practice day by day. What else can one conclude from the lack of interest on the part of the executive and legislative leadership when complaint investigations point up shortcomings that cry out for remedy and removal? The steady flow of special reports (with a record five laid during the year) signals the apathy.

The standards to which the slogan refers are in those well known areas of timeliness, courtesy, accessibility, openness, and legality of public services, to which I will add, the quality of complaints handling. These criteria also relate loosely to the principles of good administration compiled by the former UK Parliamentary Ombudsman, Ann Abrahamson: getting it right; being customer focused; being open and accountable; acting fairly and proportionately; putting things right; and seeking continuous improvement. Many heads of ministries and other government departments actually have a useful tool that could help them to embed these principles of good service: the departmental service charter. Even a few public authorities have developed service charters and I am encouraging more of them to do so. If the agencies would make a good faith commitment and effort to implement their charters, it would gradually instill in employees the habits of timely, courteous and fair service, fair and proportionate treatment, doing it right the first time and putting things right when they have

gone wrong. At the World Ombudsman Conference in New Zealand, the Ombudsman of the Netherlands in his address “Traditions in setting standards of good administration: the role of legality in Ombudsman decisions” summed up for the citizen or resident taxpayer -- “You want to be heard and treated as a human being and treated fairly. Ensuring procedural justice is an effective way for the authorities to earn the citizen’s trust.”

To say that heads need to take the necessary steps to implement their service charters is a way of pointing out that **good service is no accident**. It begins with a deliberate shared commitment and a deliberate plan of action as to how to attain the objective, complemented by a system of monitoring the performance. Most charters promise to monitor their performance against the standards and publish the results in the annual departmental reports. We have not seen any that does. You may say that the main lesson that we have learnt is that we have to try new approaches. This began in a small way with face to face meetings with the leaders, reported on later.

Some of the maladministration is structural: rooted in the difficulties of operating a complicated, variegated governance structure in a tiny population, especially as there is a large immigrant element and significant sections of the populace appear to be, by unwritten rule, excluded from participation in certain offices and roles. For one example, the tardiness in filling memberships on several boards and tribunals results in injustice to citizens whose business is long delayed because the proper authority is not in place. In one report, we found that the Social Security Appeal Tribunal was inoperative over a whole year on account of the failure to appoint members; and in another, the continuing absence of the Labour Arbitration Tribunal has adversely affected the proper settlement of disputes, often to the detriment of the employees, the more vulnerable parties. In a previous year, we had noted that the Building Authority had not been properly constituted for the past two years. As difficult as the task of getting suitable members to serve might be, the Government ought to give the proper priority to ensuring that the bodies required by law are in place and able to operate. That enables procedural justice and earns the citizens’ trust.

There is a hopeful note to report at the year’s end. The Deputy Governor’s Office had championed the development of internal complaint handling systems within government Ministries and departments and the programme was by all accounts ready to be “rolled out” in 2013. We remain available to help in seeing that it actually functions as intended.

Contacts with colleagues in the Caribbean, Bermuda and further afield remained a fertile source of inspiration, encouragement and guidance. It was especially invigorating to take part in the World Ombudsman Conference in Wellington in November.

I cannot end the foreword without paying tribute to my hardworking staff, especially to Beverley Sergeant who stepped up to the challenge of performing some of the Assistant Commissioner’s functions for months, as well as carrying most of her own, without extra remuneration. The office owes much to her dedication and skill.

Elton Georges CMG, OBE
Complaints Commissioner

28 June, 2013

SAMPLE CASES

DRIVER LICENSE TIE TO WORK PERMITS AND WORK CONTRACTS REVOKED

A driver's licence is now much more than a licence to drive. In the Virgin Islands context, it is probably the most convenient identification document for very many people, especially for carrying on banking business. Many businesses depend on employees and customers driving. So when in March, 2011 the Minister for Communications made a regulation that said that a person employed on a work permit or a person employed on a contract in the Territory could be issued with a driver's licence for no longer than the period of the work permit or contract, it soon began to have unpleasant repercussions.

Most work permits are issued for one year. Under this new regulation, a person on work permit who acquired a vehicle with, say, 2 months remaining on the permit could get a licence good for only that period, then had to renew. Moreover, since renewals were often delayed by weeks or months owing to backlogs in the Labour Department, the vehicle owner could find himself or herself unable to drive legally for a long time. If driving was part of his job, the adverse emotional, financial, social and economic effects were magnified. As to contracts, while a work permit holder can be assumed to be a non-belonger and possibly an immigrant "a person employed on a contract" could be anyone. A belonger whose work contract was expiring soon could thus find his licence curtailed. Nothing was said about probationers. The potential disruptive effects of enforcement of this regulation from economic, commercial, social and personal viewpoints were disturbing to contemplate.

At any rate, as 2011 proceeded, the Complaints Commission began to get expressions of concern, and then angry complaints over the effect of the regulation – from both individuals and business

owners. A check with the Ministry revealed that they were also receiving complaints. But nothing was done about them. On 8th November, I finally filed a notice of investigation into how the Minister came to make the regulation, what public consultation and education there was concerning it, and how the Department of Motor Vehicles was enforcing it. We encountered a too familiar problem of lack of

LICENCE REVIEW STILL UNDER WAY

"It was clear that the application of the regulation had taken some persons by surprise and was causing hardship and inconvenience. The policy, when combined with delays in work permit renewals, resulted "in great uncertainty and inconvenience to some drivers... to urge the minister to suspend the policy during the review period."

**Feb 08th Press Release
– Complaints
Commission**

"I had been negligent in not having thanked THE Complaints Commission appropriately for taking on my case, sticking with it so well, keeping me informed throughout and then following up afterwards to see how I was doing.

"I want you to know today that although I am often feeling quite low and in pain, as I do now, I really appreciate what you did to see that I could get through the bit that I did"

Complainant

written records and internal communication. Policies were developed, it seems, in isolation at various desks. The Ministry official most involved in the development of this policy was abroad on prolonged sick leave. Contacted by telephone, she explained that the purpose was to plug a perceived possible security loophole where persons could continue to hold VI licences long after they ceased to be legally resident. From the available evidence, we could find no indication of public consultation or explanation. Neither was there evidence of coordination with the Ministry or Department of Labour about the absolute necessity of timely processing of work permits, for example. (It was also not clear how the DMV was to know who were those persons employed on contracts and for how long, but that particular aspect was, apparently, not yet being enforced.) The DMV had not put in place a clearly articulated and written administrative guide on how the regulation was to be enforced with a view to minimizing disruption and injustice to individuals.

Meanwhile, there had been a change of Minister and the new Minister, we were told, was also concerned about the complaints coming from the DMV's compliance with the regulation, and was considering how to proceed.

By end of January 2012 there had been no change, even though there were indications that revocation was being considered. The Minister did not act upon our suggestion that he move to suspend application of the regulation while the Labour Department's backlog remained. He continued to study it, we were told. Complaints continued to grow. In early February I took the step of putting out a public statement informing of the own motion investigation and the fact that we had suspended it pending the Government's publicly announced intention to act on the regulation. Press coverage was by now intense. In early March the Ministry informed that Cabinet's agreement to revoke was being sought but it was finally June before the Regulations were amended to revoke the offending paragraph.

“Dear Mr. Georges, I am really most grateful for Your Office's VERY RAPID assistance in this matter as customer service atcould not seem to help for some reason”

Complainant

One hopes that the appropriate lessons were learned and taken on board for future guidance: that even measures that Government considers to be reasonably necessary should be carefully approached with adequate consultations and input from the public and relevant agencies or 'stakeholders'. All of the practical implications ought to be weighed, with mitigating measures put in place to blunt the sharp edges of hardship that the innovation may cause to individuals and businesses. In sum, **these things ought to be thought through** before putting into law. One would have wished to receive an assurance from Government on the matter.

NO PLAN TO PERMIT?

Pandora applied at the Ministry for Natural Resources in 2000 for permission to reclaim a portion of the seabed and complied with requests for additional information. Several other individuals had been allowed to reclaim land in the area. A year later she received a reply that stated that a decision was put off until there was an approved **Sea Cows Bay Development Plan** in place.

When she complained to the Commission in late 2010 our hope was that her application would get

moving at last – a “quick fix” - and there seemed to be agreement towards that end. Unfortunately, in mid 2011 her hopes were dashed when the Ministry wrote to say that the absence of the approved Plan was still an obstacle! Clearly, it is up to the Government to produce such a plan, yet no one explained to Pandora why the Plan was not yet ready or apologised to her for the 10 year delay.

Our investigation focused on trying to find out about the Plan, but it cannot be said to have succeeded to have found anything with that title in existence. There was a 4-page document called a “Planning Concept” (that private architects had prepared at a Minister’s oral request around 2002) that the Executive Council “adopted” in October, 2002. Since it was “adopted”, it is not clear why it was not at once promulgated as “the Plan” upon which Pandora’s decision was waiting, whereupon consideration of her application could have proceeded.

We found multiple instances of confusion and maladministration resulting in injustice to Pandora. The recommended remedies included an unreserved apology and a consolatory payment. But what she wanted more than anything else was to receive the requested permission to reclaim a small plot of land on which to build a commercial property. We therefore recommended that the Minister take the application to the Cabinet with a positive recommendation without further delay, considering especially that the high powered cross-cutting Technical Review Committee had twice, in 2000 and again in 2005, already recommended its approval – and that Committee had even said that the application was in accordance with the SCB Development Plan (meaning, it seemed, the “Concept”). To my surprise, there was no response or action on the recommendations, despite the manifest injustice. I had to have a special report laid in the matter before the House of Assembly in September.

The Ministry finally, late in the year, entered into dialogue with Pandora on her application, but there has been no apology, nor payment, nor any comment from the Government on these matters. Notwithstanding submission of the report to the House and subsequent publicity, therefore, maltreatment of this citizen has continued.

“The Complaints Commissioner is a constitutionally appointed position. He investigates complaints from the public against the Government... There is a process and a protocol that he follows and he has the constitutional right after he has done a report...once it is laid before the House it becomes a public document...it is part and parcel of a democratic society to ensure that there are checks and balances in the way Government functions.”

RECEIVED FROM ONLINE

“Don’t even know him but if Ministers are putting down the Complaints Commissioner it seems that we finally have someone in the BVI that is doing their job properly. Well done Mr. Georges you have my whole hearted support to help make this country a better place for all. You are a shining light in darkness and will one day have a park named after you for sure!!! ”

COMMENTS RECEIVED FROM ONLINE

“I still believe that this is an important position that needs support. Both parties have done things they would rather not have investigated. But this is how corruption begins to be uncovered and addressed. It is a relatively new post but in order for any society to function, there must be accountability even if it opens a can of worms...”

DENIAL OF LICENSE WITHOUT REASON; NO OPERATING RULES

Frank, whose family owned a medical facility, complained that during 2011 the Medical and Dental Council had arbitrarily and without reason denied a license to an applicant doctor, a Nigerian resident and practicing in Guyana, whom his firm wished to employ. He further claimed that the refusal was an act of deliberate discrimination against his family's establishment.

The investigation found no obvious evidence of deliberate discrimination, but uncovered several causes for concern about how the Council went about its work. Most significant was that the Council had failed in ten years of operating to make (subject to the Minister's approval) the rules enabled in the Medical Act for "the proper conduct of its affairs" and other matters including "the determination of professional conduct and general fitness to practice medicine". The manner in which the particular application was decided indicated one undesirable effect of this failure: a general lack of transparency in the Council's proceedings with resulting inability on the part of applicants to predict outcomes.

Despite the fact that the majority of physicians and dentists on the island are privately employed, the Council also did not in its proceedings explicitly recognize the part that private employers of applicants played or see the need to make provision for that interest while not compromising public safety and welfare in any way. (For instance, Frank had to be separately applying for a work permit at the Labour Department at the same time as the application for a medical licence was being considered. He needed to have a fair idea of how the Council operated).

When the refusal decision on the application was finally communicated it was in a very terse email of two lines, and gave no reason. Neither Frank, as prospective employer, nor the applicant, therefore, was any the wiser as to why the Council had turned down the application even after two sets of additional information

*"Good Morning Commissioner,
I am sincerely grateful for all your
efforts in rectifying the undue
delay of my Application
processing."*

COMMENTS RECEIVED FROM MEMBERS OF PUBLIC – 2012

*"Dear Mr. Georges Just a quick
note to let you know I finally got
through with the work permit
I was waiting on since October and
the process seems to be working
out well."*

COMMENTS RECEIVED ONLINE

*"It is really discouraging to have our
commissioner's reports ignored in
this manner."*

*"The Complaints Commission was
put in place BY GOVERNMENT to
ensure that all government
departments and some statutory
bodies were doing their jobs
effectively, efficiently and fairly.
The role of the Complaints
Commissioner is to spotlight any
deficient areas or improper conduct
within government
departments or statutory bodies,
with the goal towards rectifying and
improving upon the service offered."*

Anonymous Online Comment

*"The Commissioner has identified
several problem areas of mal
administration, yet the government
has chosen to ignore the reports WE
the tax payers have paid to
generate. This is not cool at all and
should it continue, WE need to stand
behind the commissioner and
demand that proper action be taken
~NOW! "*

Anonymous Online Comment

requested had been supplied. Should Frank attempt to hire another physician who would not pass the Council's muster for the same reasons, he would not know until he had gone through the process. I did not find acceptable the Council's bald assertion that they simply never gave reasons.

Our recommendations included that the Council should without delay make and publish the rules (we understood that some already existed 'in draft'), that they should be detailed and include the requirement to give reasons for adverse decisions. The Council should further publish its policy on types of registration available to doctors and dentists not "automatically qualified" under the Act for registration, to give applicants a clear idea of the types of applications likely to be approved for which type of establishment. Persons who depend on the discretion that a public authority exercises should be as much informed as possible about how the authority goes about exercising that discretion. It is called transparency. Finally, the Council should consider how to legitimately take into account the interests of private health care providers.

Up to year's end, response was unsatisfactory. The Council did not at all address the recommendations. The Ministry, though, had indicated that in light of the findings and recommendations they would proceed to re-examine the Council's draft Rules of Procedure, along with proposed amendments to the Medical Act, which were then currently at an advanced stage of drafting. The Minister would also be considering what additional directions he might give to the Council. Monitoring would continue into 2013.

"The Force regrets this unfortunate incident and wish to thank you for your assistance in the investigation."

RESPONSES FROM AGENCIES

"Dear Mr. Georges, We received the query, however, apparently overlooked. We are working on a response and ...will be dealt with before the end of the day."

SOCIAL SECURITY BOARD TUSSELE

A young single mother (we will call her Lacey) who had been receiving monthly disability (employment injury) benefit payments from the Board for several years thought that the stoppage of those benefits when she accepted work as a consultant on a contract with the Ministry of Health during 2008 to 2010 was unfair and wrong. She challenged the decisions, claiming discrimination and lack of consideration. When she felt that the Board was ignoring or evading her queries, she complained.

The Commission could not deal with the issues of whether the payments were correct and fair according to the law, since the social security legislation provided an Appeals Tribunal for the express purpose of hearing appeals from the Board's (Director's) decisions on those matters. In communicating her decision to stop the payments, the Director had correctly drawn to attention that Lacey could appeal to the Tribunal within the stipulated period. Lacey said that she left a letter of appeal at the Board's office in December, 2008, but this was not entered in the Board's records. In any case, the membership of the Tribunal expired on 30th November, 2008 and it was not re-constituted until January, 2010. So there was no one in place to deal with an appeal, if lodged.

The investigation on other matters did find that the Board had failed to reply adequately or at all to a number of Lacey's many queries. While the Director felt that she was legitimately exercising her discretion and answering only 'relevant' questions, we pointed out that as a public agency the Board should err on the side of presenting too much information rather than too little. We also found that there were no published rules or policies on how the Director exercises the considerable discretionary power over benefit decisions that the Legislature has placed in her hands. This came into focus, since Lacey felt that the Director was inconsiderate in not using her discretion to ease her lot. We recommended that policies on how these powers are exercised should be made and published to enable applicants or possible beneficiaries to be as informed as possible on the matters. Other recommendations were made.

The Board apologised to Lacey for the failure to reply and supplied the detailed information on the figures that had been requested. The Board also undertook to work on the systemic concerns having to do with transparency and adequacy of public information. The Commission would be monitoring compliance. Lacey, meanwhile, was advised to reopen her appeal to the current Tribunal.

POLICE MISBEHAVIOUR PROSECUTED

A mother complained in July that in the previous month two officers had beaten up her 18 year old son in an unprovoked attack at his home. They had lodged a complaint with the Force Complaints Inspector, Mr. Devonish, but had heard nothing further and she did not feel confident that the case would move quickly.

Once our office confirmed that the complaint was indeed in the RVIPF complaints system we assumed only a monitoring role to guard against undue delay or other maladministration. In October the young man was tragically killed in a traffic accident. The Acting Commissioner assured our office that the investigation of the complaint was nonetheless proceeding and the file had already been referred to the Director of Public Prosecutions for consideration of criminal charges. If no criminal charges were laid, the matter would be considered for disciplinary charges.

On 7th December the Force wrote to inform the mother that summary charges of assault occasioning bodily harm had been laid against the two officers and they had been interdicted from duty pending the trial. The Force expressed its regret over the incident.

In this instance, the police machinery worked as it should, within a reasonable time frame, and justice was being seen to be done. Each such instance builds trust, whereas failures erode trust. The mother expressed her gratitude to the Commission for its involvement, which had given her some comfort in the circumstances.

HEALTH PRACTITIONER AT LAST CLEARED TO PRACTISE

An acupuncturist applied in October, 2011 to the Medical and Dental Council (MDC) for registration to practise acupuncture in the Territory and to the Department of Trade and Consumer affairs for a trade licence. The MDC passed the application over to the Allied Health Professionals Council (AHPC); the same Registrar serves both Councils. The application form stated that the applicant should expect a decision within 6 weeks. By June, 2012 when she complained at the Commission, having struck out at the Ministry for Health, however, she had received no reply. The delay had cost her considerable income.

When we followed up with the AHPC, though, they were just about to contact the applicant to inform her that as acupuncture was not included in the list of activities that the Council was mandated to regulate, they were informing the Trade and Consumer Affairs Department of that fact in writing so that issue of the trade licence could proceed. The Chairman communicated this development to the applicant in August in a letter apologising for the “significant delay” in the handling of her application for registration as an Acupuncturist in the Territory.

BELONGER CARD ONLINE SERVICE HICCUP

The Civil Registry and Passport Office is to be complimented that it offers a variety of information, forms and services online – one of the very few departments that does. A British Overseas Territories citizen resident in the USA tried to use the online service for information on belonger cards (and passports) for her and her 3 children, who were all to visit in early December. She got no response and complained in November when her original request, emailed on 14th October, went unanswered.

We got on to the head of department who readily admitted that the mail had been overlooked and would be dealt with at once. She was good to her word and by 9th November the mother had written to express gratitude that “all issues were successfully resolved with the Passport Office”. This was a classic so-called “quick fix” by informal resolution.

MAGISTRATE’S COURT MIX-UP

We receive a large number of enquiries/complaints that are outside of our jurisdiction. Among the agencies to which the Complaints Commissioner Act does not apply are “judges, magistrates or the functions of any court”. Nonetheless, Mr. P claimed that an employee of the Magistrate’s Court advised him to approach the Commission over his complaint that access to the court was being frustrated in the matter of a suit he had filed against a police officer. He had on three occasions been summoned to appear, but on each had been told that the matter was not listed. On the last occasion he had appeared at the court where he had understood the case was to be tried, but the police orderly there blocked his

entry. He told P that his matter was not on the list for that venue (Prospect Reef) and suggested he try the other (John Hole); having hurried to John Hole, he discovered that it was again not listed.

Such maladministration was certainly not occurring with the knowledge of the Senior Magistrate, we were certain, so we wrote to inform her of the claim, copying the Governor who had overall responsibility for administration of the courts. That was on 28th March. By end of May, the Court Manager had investigated and acknowledged that errors on the part of Court staff had resulted in Mr. P's troubles. The matter was heard on 18th June and the Court Manager followed up in August with a full written apology to Mr. P. By end of August the Permanent Secretary, Deputy Governor's office had also written to assure us that procedures had been put in place to prevent a re-occurrence. This was a welcome case of internal complaints machinery working, and lessons learned leading to improvement.

2012 IN REVIEW

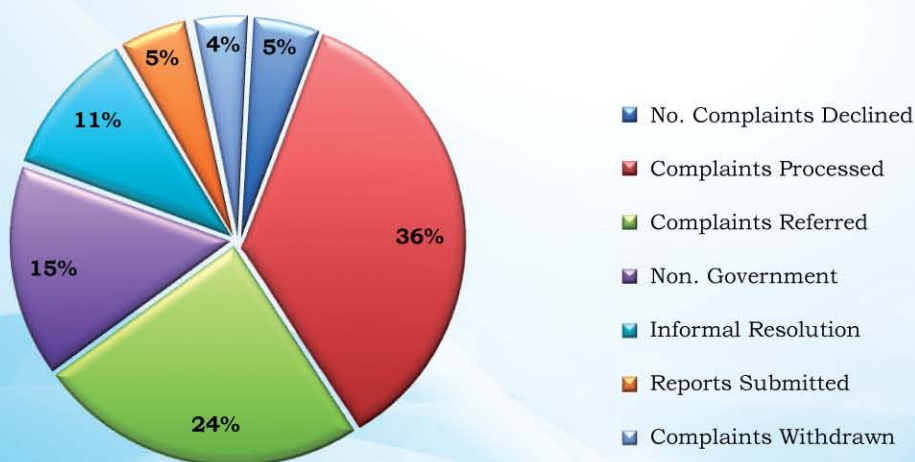
STATISTICS

The level of activity, based on statistics, did not differ significantly from 2011 and the differences tended to show a lower level of activity in 2012. 117 total inquiries or approaches were logged, compared to 135 in 2011. We had brought forward into 2012 eight (8) open investigations, the same number as into 2011. Five (5) reports of completed investigations were tendered as against 8 the year before. **Table 1** shows a summary of the main statistics.

TABLE 1 SUMMARY OF COMPLAINTS 2012

No. of Inquiries	117
Total Number Recommendations in Completed Reports	41
Number Complaints Processed	37
Number Complaints Referred	25
Informal Resolutions	11
Number Investigations Open/Brought Forward to 2012	8
Number Reports Submitted	5
Number Complaints Declined	5
Number Special Reports Laid	5
Number Complaints Withdrawn	4
Number Investigations Open/Carried Forward to 2013	6
Number Investigations Requested by Members of House of Assembly	0

SUMMARY OF COMPLAINTS



¹ Investigations still in progress at the end of the respective years.

CHARTER STANDARDS

Timeliness

We did not commit in the charter to a specific time for disposing of a complaint, noting that the length of time would depend on the particular matter. A check of 17 of the more demanding complaints processed turned up an average time for resolution (whether informal resolution or investigation report) of 4.3 months with a range from less than one week to 9.5 months. We met the following responsiveness standards over 80% of the time-

- assessing complaints within 48 hours
- returning telephone calls within 24 hours
- responding to voicemail promptly
- Replying to faxes, letters, emails within 2 weeks.

We are not aware of any complaints filed against the Commission. We did give reasons, as promised, whenever we declined a complaint.

RECOMMENDATIONS AND COMPLIANCE

In the five reports I made a total of **39** recommendations. Thirteen (**13**) of these were for specific redress to the persons whose complaints of injustice due to maladministration were sustained. On only **4** of these did the Government agencies take action to comply in some measure. The Social Security Board takes pride of place here in complying with 2 out of 3 such recommendations and accounting for half of the total compliances. Information on specific compliance is fairly reliable, since we hear from the complainant as well as the agency. The remaining **26** recommendations were for remedy of general, systemic deficiencies that we identified during the investigation that contributed to maladministration and would contribute to such instances in the future if not corrected. Of these, only on one (**1**) was action taken by year's end. I have to say here that this information is based mostly on what departments or agencies have told us, which tends to be little. In about a quarter of the cases, the agency has expressed general agreement in principle with the recommendations and may indicate an intention of doing something along the same lines, but it is difficult to get any undertaking to take specific steps or any time frame in which action will be taken. It is possible that some have taken steps of which we are unaware. We should like to undertake more site checks to monitor compliance, but staff resources do not permit this. The figures relating to compliance, therefore, must be read with this in mind and may be more useful as a comparative tool.

Returning to specific remedies to individuals, most of the instances of compliance have been in writing letters of apology. Our two recommendations for "consolatory payments" of some small amounts to persons who suffered egregious injustice from official action and inaction were not entertained, nor was any response made to the recommendations. At year's end I was still working to extract at least a

written argument as to why the Government would not pay. The issue has come up in earlier annual reports. The fear about which I have heard, to the effect that any payment in these circumstances would generate strident demands for money from anyone who has a complaint, is simply not in tune with the facts. Of the scores of instances of maladministration identified over the 4 years of operation, in only 5 has financial consideration been proposed in terms of redress for administratively caused injustice. (I recommended specific monetary compensation in two cases in agriculture matters where Government caused financial loss, the department provided the estimate and there was already ample precedent for Government paying. In only one case has payment been finally made).

Table 2 below shows the crude recommendation count and compliance rates from 2009. The compliance figures must be read with the caveat that they are more indicative than exact and are more useful as a comparative tool. Thus, it seems safe to say that 2010 was the best year for compliance and 2012 probably the worst.

TABLE 2 RECOMMENDATIONS/COMPLIANCE COUNT 2009 - 2012

Number Recommendations/Compliance										
Year	2009	%	2010	%	2011	%	2012	%	Totals	%
Specific	8/4	50	17/10	58.8	21/7	33.3	13/4	30.7	59/25	42.4
General/Specific	16/0	0	40/3	7.5	26/1	3.8	26/1	3.8	108/5	4.6
Totals	24/4	16.7	57/13	22.8	47/8	17.0	39/5	12.8	167/30	18.0

SPECIAL REPORTS

REPORT: LABOUR IGNORED COMPLAINT

"I continue to hope that with this step something positive will emerge from this sorry tale,"

*[Commissioner] –
In (8th) eighth
special report*

Speaking of compliance leads on naturally to speak of special reports, which must be sent to the House of Assembly when a Government department or authority fails to take adequate or appropriate action on the Commissioner's recommendations *within a reasonable time*. The actual provision is:

14(1). *If, within a reasonable time after the Commissioner issues his report...no action is taken which seems to the Commissioner to be adequate and appropriate, the Commissioner, after considering the comments, if any, made by or on behalf of the relevant department or authority, shall lay a special report before the House of Assembly.*

Every effort is made to avoid having to write a special report, but given the compliance picture as shown above, and the lack of any feedback from those who receive the investigation reports, I have had to resort to this 'last resort' much more often than I would have liked to. This year saw the largest number of such reports laid, 5, being 1 more than the total laid in the three years before. However, of

those 5, in 4 cases the original report had been sent to the Ministries between January and July of the previous year, 2011. Special reports Nos. 5 and 6 had been completed by September, 2011 but were caught in the dissolution of the House of Assembly that took effect on 13th September, 2011. But for that late dissolution, 2011 would have been the record year. Section 14 (2) of the Act requires the Commissioner to “attach to every special report... a copy of any comments made by or on behalf of the relevant department of Government or public authority”. In no case did any Ministry or department take up the invitation to make such comments.

Effects of Special Reports

Whatever the intention of the Legislature in mandating special reports when the executive fails to perform, the House has not acted on any of the reports as a body, nor has any individual member tabled a question – even though the official conduct reported on cannot, in some cases, be described as less than outrageous. The reports, being public, did, though, garner some media coverage, which provided an opportunity to inform the public on how the office operates.

SEA COWS BAY RECLAMATION PROJECT



“The “11-year failure” of government to give the property owner a response amounts to a refusal to render a decision.”

Commissioner Georges

In the case of the Sea Cows Bay Development Plan the report was able to expose government malfunction and how that visited injustice upon a citizen. Since no action has been taken, as far as we can determine, to correct the systemic problems, similar maladministration may happen. The need for the House to appoint a special committee to deal with such reports and (others that have to do with good governance and accountability) remains glaring. If the Human Rights Commission is added to the mix – and there are recent hints that its establishment is in train – that would but add to the need.

Procedure

The law quoted on page 17 seems very clear in requiring a special report to the House as soon as the Commissioner forms the view that the agency concerned has not acted appropriately within a reasonable time. In stating that the Commissioner should lay the report the Act seemed to imply, however, direct access to the House via the Speaker and Clerk. But No. 14 of the Standing Orders (1981) of the House states that every paper shall be presented by a Minister (and a report is regarded as a paper) and so gets in the way of that assumption. I have therefore, as a formality, been requesting the Premier to lay the reports and liaising directly with the Clerk and Speaker on the mechanics. This procedure worked well and seamlessly with the first 7 reports. During the year, however, an issue arose regarding the routing of these reports to the House. By midyear I was informed that Cabinet wished the reports to be brought there by the Governor, to whom I should send the report instead of direct to the Premier as before. I pointed out that that was not my reading of the intention of the Act; and that, furthermore, all Cabinet members already receive, by law, copies of each investigation report and thus have the opportunity to influence compliance with the recommendations. But I agreed to the routing for a trial

period, on receiving assurances that it would not significantly delay the passage of the reports to the House. At writing of this report, the monitoring of this procedure is underway. I am making a recommendation that in view of the Act the Standing Orders be amended to allow the Speaker to lay documents so the reports can be sent direct to the Speaker as in other Overseas Territories. This change seems desirable as a means of safeguarding the Commissioner's independence in this area.

OWN MOTION INVESTIGATIONS

COMPLAINTS COMMISH URGES PUBLIC TO PRESSURE GOV'T

Written by
CHRYSTALL KANYUCK
The BVI Beacon Monday, 24
September 2012 16:44

*“ Enough people just need
to say to the government,
'You need to do the right
thing.'” Mr. Georges said.*

*When some reporters
suggested that perhaps the
complaints commissioner's
office needed more authority
to take action, rather than*

*just to make
recommendations, Mr.
Georges disagreed.*

*Instead of passing more
restrictive laws or*

*threatening punishments,
“Government should act
right by the people,”
he said.*

Under the heading “Power to investigate in the public interest” section 7 of the Act empowers the Commissioner to undertake or continue an investigation into a complaint notwithstanding that the complainant has withdrawn the complaint – if the Commissioner thinks that the investigation is in the public interest. There were no instances of this in 2012, although there were 4 complaints listed as withdrawn (7 the year before). Section 4 (2) also gives the Commissioner authority to investigate in circumstances in which he thinks he ought to investigate any matter on the ground that a person or persons may have suffered injustice on account of maladministration. This is a typical discretion given to ombudsmen. As stated in the 2011 report, 3 such investigations were launched towards the end of that year. The one to do with the **TRAFFIC REGULATION THAT LINKED DRIVERS' LICENCES TO WORK PERMITS** was discontinued in early 2012 in view of announcements by the new government administration that indicated early review of the regulation. The result is described in this report under Sample Cases. On the remaining two, investigations continued, although at a slow pace.

By year's end investigation into **THE TRADE/BUSINESS LICENSING PROCESS** had been also put on hold following discussions with the Minister and Permanent Secretary and visible indications that changes that were underway would address most of the indicated shortcomings. Furthermore, in early February I was afforded

access to a draft report of an audit of the department carried out a year before by the Auditor General. Its stated objective was “assessment of the efficiency and effectiveness of the Department's operations by examining its activities, financial controls, and human resources”. The report was comprehensive and thorough, covering much of the same ground that our investigation was targeting. The third investigation, into **THE CERTIFICATE OF RESIDENCE PROCESS** was at an advanced stage at year's end. Although a number of subjects for investigation had been shortlisted, lack of resources precluded the launch of any own motion projects during 2012. This is matter for regret, since experience elsewhere indicates that systemic investigations have relatively greater impact than single complaint investigations.

OUTREACH

COMPLAINTS COMMISSIONER FOR THE VIRGIN ISLANDS



The Territories have a wide range of official organizations that work to ensure openness and transparency and to hold public bodies to account, including auditors and complaints commissions. There are many civil society organizations that play an active role in checking that public bodies are working properly. This important work helps strengthen the people's trust in government and encourages greater public participation in decision making. The UK Government is supporting the development of these organizations. It is important that everyone in the UK and the Territories in public life acts in accordance with the highest standards.

This includes Governors, Ministers, public officials and advisers, members of national assemblies, members and officers of boards and other bodies discharging publicly funded functions."

("The Overseas Territories: Security, Success and Sustainability" – White Paper published in June 2012)

The Office put out just 5 press releases or statements during the year including to invite participation in certificate of residence investigation, to report on drivers' licences investigation, to report on publication of special reports at the House, and to clarify the circumstances that led to Ministerial remarks in the House. We held one press conference, in September, which was in order to respond to published comments by a Member of the House of Assembly regarding opinions that I had expressed in a special report to the House. The opinions related to his actions in that matter in a previous stint as Minister. The main purpose of the briefing was to use the occasion to bring to public attention again how the Complaints Commission goes about its work and to emphasise that media workers should feel free to request comments or information on our published reports or in general. In this case, the site had published the former Minister's comments without contacting the Commission for its side.

Several articles were published in the print and online media. The stories were mainly supportive; one or two were critical.

We carried all on the Commission website. I appeared on one evening radio call-in show during the year to speak about the Commission. I held meetings with the Governor and Premier during the last quarter and in both cases got agreement to regular quarterly and thrice-yearly, respectively, meetings. The main purposes are to keep them abreast of public service delivery issues from the vantage point of the Commission, to strengthen compliance chances by discussing recent investigations and to learn of Government initiatives that might impinge on Commission work. I was still hoping for an opportunity to make a presentation to members of the House of Assembly on the role and modus operandi of the office.

INTERNATIONAL

The Commission remained a member of the Caribbean Ombudsman Association (CAROA) and the British and Irish Ombudsman Association (BIOA, which, during the year, adopted the 'working' or 'trading' name "Ombudsman Association").

The regular biennial conference and meeting of CAROA had to be postponed to 2013 on account of clashes with other events in 2012.

In June, I attended in Willemstad the Second Curaçao International Conference Ombudsman Conference organised by the Office of the Ombudsman of Curaçao with the Institute of Latin American Ombudsmen, among others. It concentrated on the theme Investigative Methods and Techniques.

The office having in late 2011 become a member of the IOI (International Ombudsman Institute), I had the privilege of attending the 10th World Conference of the Institute in Wellington, New Zealand in November. It bore the theme **"Speaking truth to Power: The Ombudsman in the 21st Century"**. There were over 500 participants, testifying to the steady spread of the ombudsman institution around the world. Not only is "ombudsmanry" spreading geographically, but it is also diversifying within the public sector and on its fringes. We had presentations from a Federal Corrections Investigator (Ombudsman) (Canada) and an Insurance and Savings Ombudsman (New Zealand), for example. As usual at such large conferences, it was difficult to decide among the many interesting simultaneous panels on offer during the afternoons.

¹The government needs to be aware that its performance will be judged according to its actions and the way in which it treats citizens. The government should serve the public, not itself. This requires transparency and openness. But more is needed to achieve good checks and balances, and this is where you as ombudsmen come in. For it is the ombudsman's task to investigate the actions of government bodies when members of the public report concerns. The people who apply to you are the ones who are dissatisfied with the government's performance. So you are a critical link in the chain of checks and balances. Your role is not always easy. Indeed, it is sometimes unpopular. But it is essential.

What can government expect from the Ombudsman?

I believe that the ombudsman must adopt a balanced approach and form an unbiased opinion. If you are to act with the proper authority you need, amongst other things, to investigate cases thoroughly and hear both sides before reaching a conclusion. You defend citizens who feel their rights have been violated, and help them to obtain better treatment. Sometimes this means overturning decisions. Usually, however, when the ombudsman finds that the government has acted wrongly, it will give it the opportunity to put the matter right. It may turn out that the government did act correctly and did weigh up the various interests properly. If not, you may help members of the public get their cases looked at. Besides resolving individual cases, over time your work may lay the foundations for a rethink of certain areas of government. It is important that you draw attention to structural problems. Indeed, this is your duty as a watchdog of good governance.

What can the ombudsmen expect from government?

The Ombudsman can expect the government to take his institution seriously, in every respect. From the way in which government cooperates in necessary investigations to the extent to which it is prepared to learn from its mistakes. As ombudsmen, you can also expect the government to equip you properly and give you the resources you need to carry out your important task. Finally, the government must realize that the ombudsman – although he can be a thorn in the side at times – enhances the quality of governance. The ombudsman should not be seen as a nuisance, but as an ally who needs to be able to operate independently. Such independence must be guaranteed in the appointment of the ombudsman and the way in which the institution is monitored and functions.'

¹ Gov. General of Curacao Mr. Fritz Goedgedrag – speaking at 2010 "Sixth Biennial Regional General Conference of the Caribbean Ombudsman Association (CAROA) "Themed Integrity – Foundation of Good Governance"
Venue: WTC Curacao, Dutch Antilles

STAFFING



COMPLAINTS COMMISSION STAFF:

From Left To Right Beverley Sergeant, Commissioner Georges, Monique Hodge-bell And Summer Intern Kadisha Maduro



BEVERLEY P. SERGEANT SAO

*Receiving Award From Deputy Governor Mrs. V. Inez Archibald
EMPLOYEE OF THE 2ND QUARTER

The staffing complement remained unchanged at a total of three plus a part time cleaner. The Assistant Commissioner, Monique Hodge-Bell, was lost to the office from February to end of May on maternity and vacation leave. This put great pressure on the Senior Administrative Officer, Beverley Sergeant and the Commissioner, and it resulted in a diminution in work output and timeliness. (Beverley was recognized as the **Employee of the 2nd Quarter** in the Governor's Group – a well-deserved accolade.) We are grateful to the Deputy Governor's Office and Human Resources Department who made it possible for Miss Lorna George to perform services as receptionist during a great part of that time. During July and August Miss Kadisha Maduro, who had interned with the office in the summer of 2011, again returned for July and August and provided welcome leave relief as well as an extra pair of hands for those months. The need that we had identified for funding for a fourth position which would be for a lawyer who would also double as an investigator went unmet for the third year in a row. (Meanwhile, \$3,500 went to pay for a single simple legal opinion, at a concessionary rate at that.)

OTHER RESOURCES

Budget

The approved budget for the year totaled \$341,700, its highest level, and \$287,130 of it, or 84%, was spent. That is also the highest annual expenditure. Personal emoluments remained at the same level, just over 75% of expenditure (76.5, compared to 77.9% in 2011 and 74.0% in 2010). This reflects the labour intensive nature of the work. During the year, the Minister of Finance also gave approval for the funds for the office to be provided by way of subvention. The mechanics of this change remained to be worked out.

Equipment

Computer troubles bedeviled the office during the year and caused the loss of many man-hours of work. Technicians from the Department of Information Technology, which has the monopoly on servicing and repairs, were attentive, but inevitably could not keep up with the service wide demands. Several telephone 'outages' during the year, sometimes for a full day or more, also interrupted the flow of work. As the office is not assigned any official cellular phones employees use their personal cell-phones for office work.

Website

The first full year of the website was a quiet one. Just 7 complaints/inquiries came in via that medium. The site recorded just over 72,000 'hits'.

RELATED OR COMPLEMENTARY MEASURES

In last year's foreword I had welcomed the fact that the Throne Speech had placed the Human Rights Commission and the Freedom of Information Bills on the legislative agenda for 2012. Unfortunately, neither had been introduced by year's end. What was introduced in the House in September was the Legal Professions Bill, with its welcome provision of recourse for legitimately aggrieved clients of attorneys to bring complaints to a tribunal and for these to be investigated and disposed of. It also included a Code of Ethics for legal practitioners.

We are aware from accounts of complainants' and other citizens how badly some of them are served by their lawyers and how necessary is complaints and disciplinary machinery in this field. Unfortunately, for reasons that are not clear, the Bill was not advanced to its second and third readings and it seems uncertain when it will be re-introduced and debated. One hopes for the speedy re-introduction and passage of this measure in the public interest.

VARIOUS TITLES OF PUBLIC SERVICES OMBUDSMAN

Virgin Islands, Cayman Islands	Complaints Commissioner
Bermuda	Ombudsman
Argentina	Defensoria/o
Armenia	Human Rights Defender
Australia	Commonwealth Ombudsman
Bolivia	Defensor del Pueblo
Bulgaria	Ombudsman of the Republic
Czech Republic	Public Defender of Rights
Estonia	Chancellor of Justice
Iowa, United States of America	Citizen's Aide
Jamaica	Public Defender
Luxembourg	Mediateur
Portugal	Provedor de Justica
Romania	People's Advocate
South Africa	Public Protector
Sudan	Public Grievance Board
Taiwan	Control Yuan
Ukraine	Parliamentary Commissioner
Zambia	Investigator General

APPENDICES

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2. PRESS REPRINTS

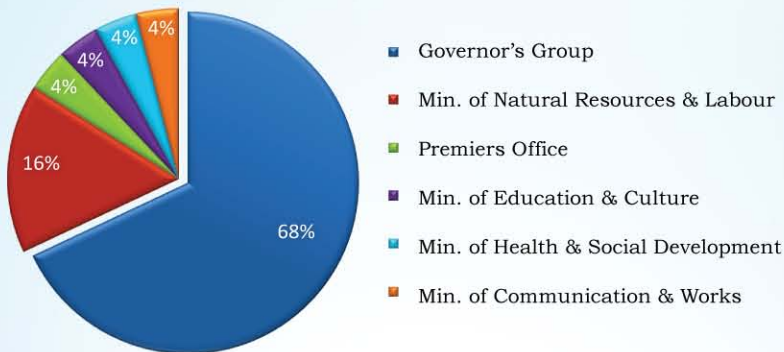
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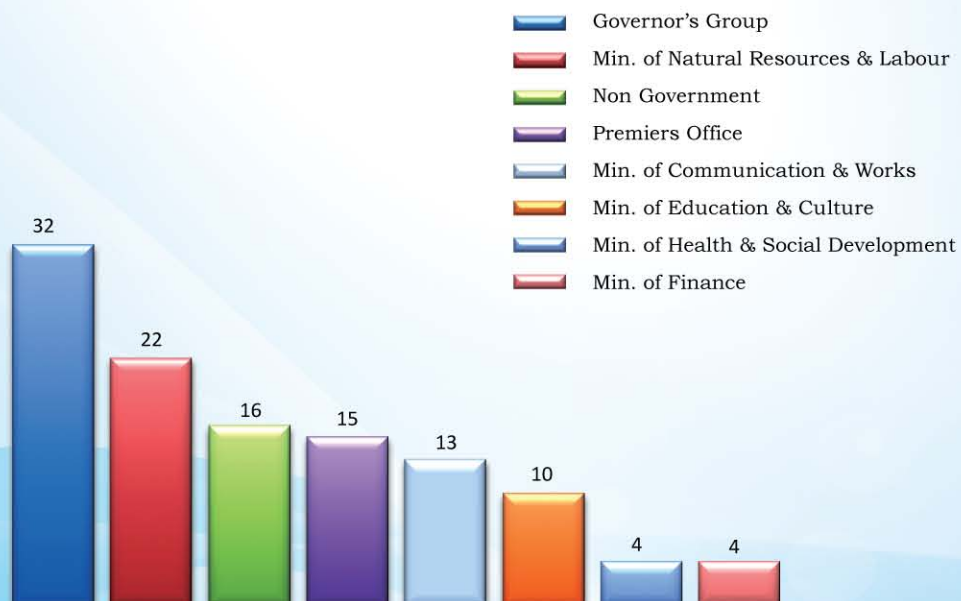
APPENDIX 1 - STATISTICS

2012 COMPLAINTS REFERRED & WHERE



Governor's Group	17
Min. of Natural Resources & Labour	4
Premiers Office	1
Min. of Education & Culture	1
Min of Health & Social Development	1
Min. of Communication & Works	1

2012 COMPLAINTS RECEIVED BY MINISTRY



MALADMINISTRATION ALLEGED FOR THE PERIOD 01 JAN 2012 - 31 DEC 2012										
MINISTRY	Inefficient	Improper	Unreasonable Conduct	Unreasonable Delay	Abuse of Power	Improperly Discriminatory	Mistake of Law or Fact	No response	Other	Totals
GOVERNOR'S GROUP										
Office of Director of Public Prosecutions	1	0	0	0	0	0	1	0	0	2
Civil Registry and Passport Office	1	0	1	2	0	0	0	2	0	6
Magistrate 's Court	0	0	2	0	0	0	0	0	0	2
Royal Virgin Islands Police Force	2	0	3	2	1	6	0	0	0	14
Magistracy Department	0	0	1	0	0	1	0	0	0	2
Deputy Governor's Office	0	0	0	1	0	0	0	0	0	1
Department of Human Resources	0	0	0	3	0	0	0	0	0	3
Governor's Office	0	0	0	0	0	0	1	0	0	1
Sister Islands Programme	1	0	0	0	0	0	0	0	0	0
MIN. OF COMMUNICATIONS & WORKS										
Public Works	0	0	1	0	0	0	0	0	0	1
Vehicle Licensing	0	0	2	1	0	0	0	0	1	4
Water & Sewerage	0	0	1	0	0	0	1	0	0	2
BVI Electricity Corporation	0	0	2	0	0	1	1	0	0	4
Telecommunications Regulatory Comm.	0	0	0	1	0	0	0	0	0	1
Central Ministry	0	0	1	0	0	0	0	0	0	1
MIN OF EDUCATION & CULTURE										
Department of Education	0	0	1	0	0	0	0	1	0	2
Her Majesty's Prison	0	0	1	0	1	0	0	0	0	2
MIN OF FINANCE										
Her Majesty's Customs	0	1	1	0	1	1	0	0	0	1
Inland Revenue	0	0	0	0	0	0	1	0	0	1
Treasury	0	0	0	1	0	0	0	1	0	2
MIN. HEALTH & SOCIAL DEVELOPMENT										
Social Development	0	0	2	0	0	0	0	1	0	3
Solid Waste	0	0	1	0	0	0	0	0	0	1
Office of Gender Affairs	0	0	1	0	0	0	0	0	0	1
Hospital Services	0	0	1	0	0	0	0	0	0	1
Allied Health Professional Council	0	0	0	1	0	0	0	0	0	1
CENTRAL MINISTRY	1	1	0	0	0	0	1	0	0	1
Social Security Board	0	0	1	0	0	0	0	0	0	1
Adina Donovan Home	0	0	1	0	0	0	0	0	0	1
MIN. NATURAL RESOURCES & LABOUR										
Land Registry	0	0	0	0	0	1	0	0	1	2
Labour Department	0	0	1	11	0	1	0	1	0	14
Agriculture	0	0	0	0	0	2	0	0	0	2
CENTRAL MINISTRY	0	0	2	1	1	0	1	0	0	5
PREMIER'S OFFICE										
Immigration Department	0	1	3	5	0	0	0	0	2	11
Department of Trade and Consumer	0	0	0	1	0	1	0	0	0	2
CENTRAL OFFICE	0	0	1	1	0	0	0	0	0	2
NON GOVERNMENT										
Non-Government	3	0	4	1	0	2	0	0	7	17
Totals	9	2	34	32	3	15	6	6	11	117

YEAR BY YEAR COMPARIŞON 2009 THROUGH 2012

- Inquiries

Referred

Number of Special Reports Sent to be Laid

No. of Own Motion Inv. Started/Compl't'd

Declined

Investigated

Total No. Recommendations in Completed Reports

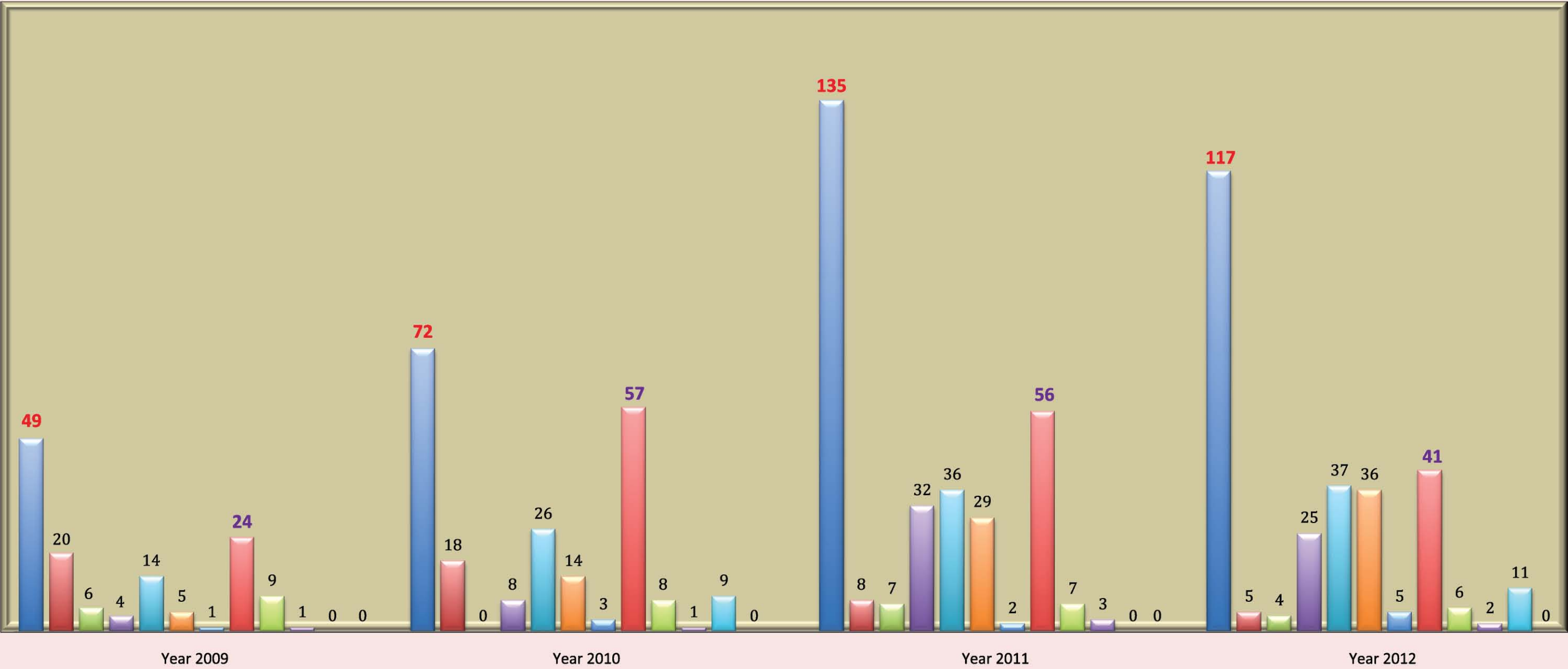
No. Inv Open/Brought Forward

Withdrawn

Reports Completed

No. of Investigations Open/Carried Forward

No. Inv. Rqts'd by HOA



APPENDIX 2 - PRESS REPRINTS

OPINION/EDITORIAL – THE BVI BEACON

Complaints Commission Promotes Government Transparency

² The Complaints Commission has done good work since it was established in early 2009, often identifying systemic problems of the sort that have plagued the public service for decades. Unfortunately, public officers and elected leaders alike continue to ignore the commission’s recommendations for improvement.

It is not too late to change this pattern, however. The government should start by heeding the advice laid out in the commission’s two most recent special reports, which were tabled at a Sept. 3 House of Assembly meeting. Both reports detail egregious maladministration and injustice. The first found that the Labour Department ignored a complaint for more than 13 months, displaying “rank” discourtesy and prejudice and “serious management and leadership deficiencies.”

The other report charges that the Ministry of Natural Resources and Labour failed for more than a decade to properly respond to a property owner who sought to reclaim land in Sea Cows Bay. This situation, the report suggests, may have arisen in large part because of political interference.

In both cases, the commission seems to have conducted a thorough and balanced investigation. But as with its past special reports, its subsequent recommendations have not been followed. Obviously, this failure is extremely unfair to the complainants. But it also represents a missed opportunity. Besides recommending ways to make amends to the complainants, the reports also provide advice for repairing systemic flaws that the commission discovered during its investigations.

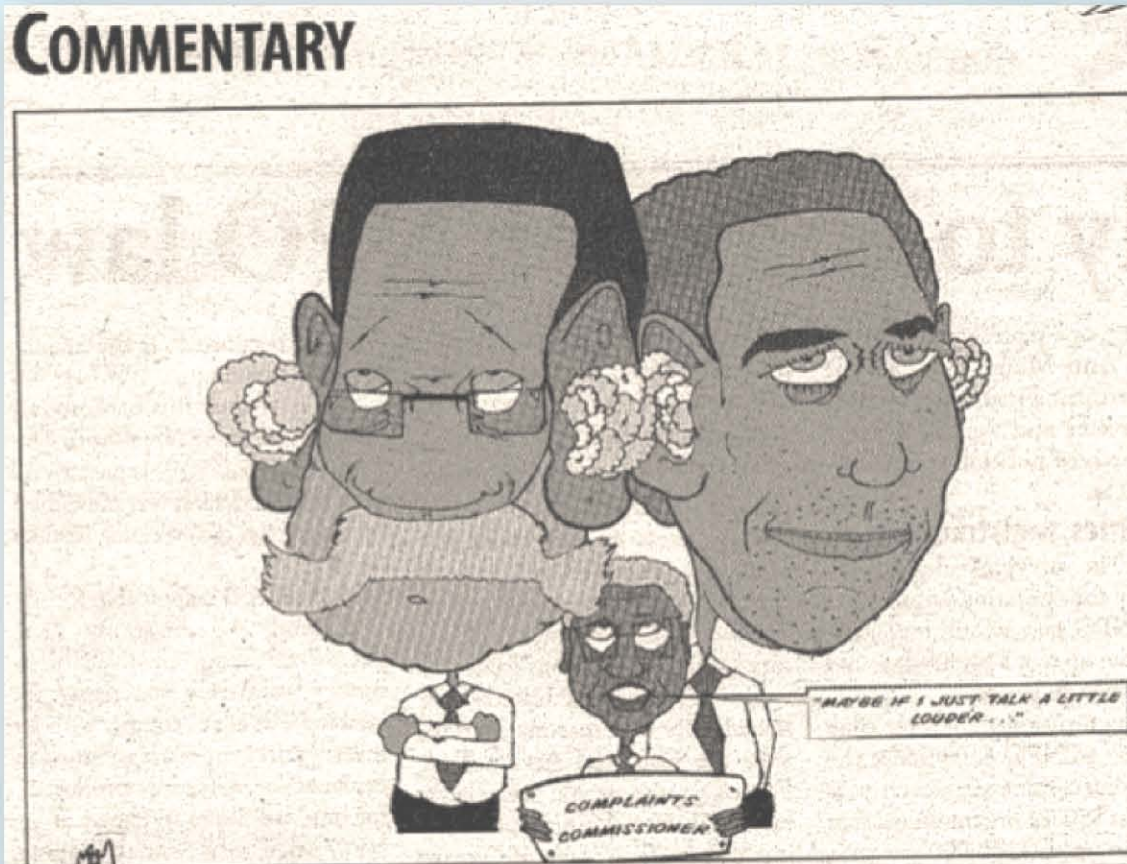
When leaders ignore such recommendations, they forego a chance to improve a public service that they themselves have admitted needs major reform. And, since the commissioner doesn’t have enforcement powers, the ball is squarely in their court.

From now on, then, public officers and legislators should listen carefully to the commission and do their best to right the wrongs it brings to light. If they continue to come up short, the public should demand better leadership.

² Editorial (Sept. 27, 2012) Wednesday, 26 September 2012 14:40 The BVI Beacon – Page 2 Editorial Board Russell Harrigan, Publisher CEO, Freeman Rogers, Editor, Jason Smith, Editor

"MAYBE IF I JUST TALK A LITTLE LOUDER..."

Thursday, 27th September 2012 By Mason Marcus BVI Beacon



"I have not made any secret of my disappointment that in too many instances, the government does not act to right what they have done, to give some kind of redress to persons who have been wrongly treated. There have been some but not enough. And I think there is certain amount of tension because we are investigating things that some people would prefer to not have investigated and we are writing what we find and some people are upset over that and maybe that is because they are not accustomed to what is happening. This office just came about three years ago."

Commentary Maybe If I just talk a little louder – BVI Beacon Commentary (cartoon) Thursday 27th Sept 2012 by Mason Marcus.

COMPLAINTS COMMISSIONER “A WASTE OF TIME”

Talk Show Host Comments On The Commission “Waste Of Time”

³ “Edmund Maduro, the talk show host who is well known for his frankness, announced on his new talk show “BVI Forums” on Sunday, January 29 that the present complaints commissioner is “a waste of time.”

Maduro made the comment in response to a caller who suggested that the complaints commissioner be sought in relations to various labour-related matters.

“Mr. Maduro I don’t know much about it, but we do have a complaints commissioner? And he keeps insisting and hinting that we call and make complaints. I don’t know how they have been,” the caller said.

However, Maduro opined his dissatisfaction with the complaints commissioner by stating: “He is a waste of time. I am not going anywhere to say it, and I saying he is a waste of time. You need to have somebody who will get up off their seat and go to the Labour Department and find out why this person is being treated like that; he is going to sit in his office and write a letter. You need people who are going to be working for the people.”

Elton Georges, the complaints commissioner, holds a public office created by the Virgin Islands Constitution (Amendment) Order 2000. The commissioner is entirely independent in function, subject to the restrictions laid down in the Complaints Commissioner Act, 2003, and acts impartially to investigate complaints or situations pertaining to public administration and public services brought to his attention.

Services are free to the complainant and confidential.

The investigation is being carried out pursuant to section 4(2)(b) of the Complaints Commissioner Act, 2003, which enables the commissioner to investigate any matter into which he considers that he ought to look “on the ground that some person or body of persons may have suffered an injustice as a result of maladministration”.

It must be remembered that there can be no finding of maladministration or otherwise until the investigation is done.

³ *Talk Show Host Edmund Maduro Comments on Complaints Commission – BVI News Staff 30th Jan 2012 – Online Article*



The Complaints Commission

Tel: **284-468-5123**

feedback@ombudsman.vg

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