



OMBUDSMAN FOR BERMUDA

FOR IMMEDIATE RELEASE

2nd July 2021
Hamilton, Bermuda

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Ombudsman for Bermuda's Annual Report 2020 Tabled

Victoria Pearman, Ombudsman for Bermuda, has submitted her Annual Report for 2020 to the Speaker of the House of Assembly in accordance with her statutory duty under the Ombudsman Act 2004. The Report was tabled in the House of Assembly this morning and is available to the public.

The Annual Report 2020 presents the Ombudsman's yearly update to the public on the work of her Office. In 2020, the Ombudsman's Office handled 302 cases, including 192 new complaints, 66 new enquiries and 44 outstanding complaints that remained open as of 1st January 2020. The year 2020 represented 15 years of complaint handling by the Office.

The Report includes six general case summaries as well as six COVID-19 related summaries that identified specific issues people faced and how they were impacted during the public health emergency. The Ombudsman also mentions some "Areas of Concern" that her Office became aware of during the reporting year. One example highlighted is reports of unresponsiveness, with calls to certain departments and authorities frequently going unanswered during normal business hours and voice messages unreturned. The Office reminds public officers that processes should be implemented to have phones answered, assurance given that their voicemail will be checked often and any messages left will returned. Ms. Pearman notes, "the mentioning of these concerns are not indicative of maladministration by any of the authorities mentioned". For some of the areas of concern identified investigations have commenced.

The Annual Report 2020 provides an update on our recommendation that the Government implement an internal complaint system to receive complaints and feedback which was accepted is currently being reviewed, tested and near completion. The Office welcomes this development which, once implemented, will provide the public with a direct method of raising their concerns, especially during these critical periods.

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The Annual Report 2020 also provides a commentary on fairness. “Fairness is the touchstone and work of an ombudsman. We assess the decisions, actions and interventions of public authorities to determine whether individuals are being treated fairly.” The commentary explains how fairness is assessed and discusses why it is important for public authorities to review their policies and procedures against it to ensure they are in compliance with fairness principles. Following that are a series of questions that people can use to consider whether or not they have been treated fairly.

For the second year in a row, the Report section *Did You Know?* highlights information the Office has gathered about specific public services that are of particular relevance during pandemic including:

- Bermuda Hospital’s Board Mental Health Services provide mental health support for in-patients at the Mid-Atlantic Wellness Institute, through their outpatient clinic and for hundreds of clients in the community;
- Epidemiology and Surveillance Unit whose name and work more people have become aware of during this pandemic as they provide the Government and the local medical community with the information, science and data required to make decisions;
- Bermuda Economic Development Corporation supported entrepreneurs and local businesses impacted by the unexpected and devastating effects of COVID-19 through emergency relief funding, entrepreneurship services, education and financing;
- Unemployment Benefits application tips with guidance on what to do if payment has not been received is also included;
- Information on price protection for consumers who are concerned about price fluctuations of goods or suspect a local business may be engaging in price gouging.
- The Department of Planning moved to a “paperless” system which allows for online submissions for all applications. We commend the Department for placing a computer console in their reception in consideration of those who do not have a computer or access to internet and for providing assistance to those who require it;
- Employee Assistance Programme has expanded its services as a result of the pandemic and partnered with local businesses to host a series of wellness seminars on a variety of topics;
- The Third Sector Coordinated Crisis Response Effort which has organised the availability of essential services and service providers to assist the public, brought its work to a close in May 2021. However a list of hardship support services and where the public can go to access them is available on the Bermuda Community Foundation website and a link to it is included in our Report.



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The Ombudsman noted in her Message, “In addition to our normal casework, during the COVID-19 public health emergency, we dealt with unexpected COVID-19 matters, which involved consulting with a wide range of authorities and public officials to ask questions on specific topics and share helpful information. We advised on matters brought to us and also those we became aware of. This work facilitated improved communication, ensuring access and delivery of services to the public who rely on these more than ever.

“An ombudsman office makes a promise to be accessible and responsive to address and resolve complaints that public services are not being administered properly or in a fair way. This also requires work to address fairness and other administrative matters. Where things have gone wrong, we carry out the work to have them put right... As a people-facing office, we understood the necessity of remaining as accessible as possible and prioritised this aspect of our function... We made arrangements for persons of diverse means and backgrounds to be able to contact and communicate with our Office.”

Ms. Pearman further commented, “Part of our promise to be accessible to receive complaints requires us to be vigilant on behalf of vulnerable populations. Since 2018, we have advocated against unwarranted assumptions about people’s abilities and access to obtain public information and public services by digital means. During the public health emergency we renewed our calls, encouraged the Government, the public service, government offices, the Courts, and our fellow Non-Ministry independent offices to take the actions necessary to significantly adjust their communications methods... The Government responded by ensuring all press briefings were available on television. While that was a welcome first step, sustained improvements are still needed for assistance to access services by other means of contact especially for vulnerable populations. It is important that people who may not know how to navigate the bureaucratic process digitally or otherwise are not disregarded or underserved.”

She added, “Even in such unprecedented times, this Office stressed the importance of public authorities taking a balanced and flexible approach to complaint handling. Public authorities were focused on providing the most essential of services. They were receptive to our discussions despite the demands they faced. Even in difficult circumstances, it was necessary for authorities to address oversights and mistakes in light of new restrictions, new rules, new procedures, new social and working environments. In some ways, it was even more important in these times.”

The Ombudsman concluded by thanking members of the public for raising issues and bringing them to the attention of the Office as this sometimes alerts it to potential challenges it may not



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otherwise be aware of. “We thank you for entrusting us with these concerns, which allows us to assist the wider public. We want you to know we never take your trust for granted.” She also expressed her, “sincere thanks to the knowledgeable members of the public service who have endured a difficult reporting year and been responsive to the Office’s requests and concerns” as well as her team for their perseverance and dedication in the face of adversity while pursuing high standards of good administration and fairness.”

The Ombudsman acknowledged the country as a whole has shown remarkable resilience while taking the opportunity to highlight “a few of the services and individuals that adapted and were responsive directly to the needs of people” including Dr. Carika Weldon and all laboratory and testing teams; all our front-line essential workers; healthcare workers attending to our physical and mental health at KEMH and MWI; those who answer the phones at the COVID-19 Hotline Centre, the Emotional Wellbeing Hotline and all helping telephone services; and Chaplain Kevin Santucci who serves essential workers in various public authorities.

Print copies of the Report with an enclosed survey will be distributed and available to the public at a later date. The Office encourages the public to share their comments about the Annual Report 2020 and the Office’s services. A survey is included in the electronic version of the Report and is available [online](#). The Report can be downloaded from www.ombudsman.bm, along with all previous reports published by the Office.

The Office of the Ombudsman offers its service to the public by phone, email and arrangements can be made for an appointment in the same way. Walk-in services are available in accordance with COVID-19 public health guidelines.

For more information, contact the Office at 296-6541 or info@ombudsman.bm.

END

Enclosed: Bermuda Ombudsman Annual Report 2020; photos (2) of cover and the Ombudsman



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Editor's Note:

- The Office of the Ombudsman for Bermuda is an independent, non-government office that provides an impartial form of alternative dispute resolution which is less formal and more flexible and accessible than going through the Courts.
- The Office of the Ombudsman's staff assists to resolve complaints about the administrative actions of public authorities, including government departments, boards and bodies established or funded by the Legislature.
- The Ombudsman Act 2004 is the governing legislation.
- Section 24 of the Ombudsman Act 2004 requires that, within six months of the end of the year, the Ombudsman shall submit an Annual Report to the Speaker of the House of Assembly, with a copy to the Governor and the President of the Senate.
- Sections 15-17 of the Ombudsman Act 2004 lay out the process by which the Ombudsman may make recommendations further to an investigation to which the authority is required to respond. Pursuant to section 24 and 17, the Ombudsman may submit a special report to Parliament outlining an authority's: (1) failure to notify the Ombudsman of action proposed to be taken; (2) failure to take any action; (3) action that in the Ombudsman's opinion has been inadequate or inappropriate.
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