



 *Bermuda
Ombudsman*

Annual Report 2024



The annual report cover features the island's national flower, the Bermudiana. Our Office's crest has nine Bermudiana flowers to represent the island's nine parishes.

We're proud to say we focus not only on policy and procedure, but also the human aspect of our work. We are reminded that behind every case file and procedure is a real person seeking understanding and fairness. The Bermudiana reminds us that true service lies not merely in the decisions we reach, but in how we honour each person's story along the way.

When someone feels truly heard and understood, when their concerns are met with authentic human care rather than bureaucratic distance, we create the conditions where fairness can flourish.

This invites us to imagine a Bermuda where this becomes the standard across all our island's publicly funded bodies.

Cover illustration by Laura Ann Bell, Two Four One



OMBUDSMAN FOR BERMUDA

27th June 2025

The Hon. Dennis Lister, JP, MP
The Speaker, The House of Assembly
Sessions House
21 Parliament Street
Hamilton HM 12

Dear Honourable Speaker:

I have the honour of presenting my Annual Report which covers the period 1st January to 31st December 2024.

This Report is submitted in accordance with section 24(1) and (3) of the Ombudsman Act 2004 which provides:

Annual and Special Reports

- 24 (1) The Ombudsman shall, as soon as practicable and in any case within six months after the end of each year, prepare a report on the performance of his function under the Act during that year.
- 24 (3) The Ombudsman shall address and deliver his annual report and any special report made under this section to the Speaker of the House of Assembly, and send a copy of the report to the Governor and the President of the Senate.

Sincerely,

Michael A. DeSilva
Ombudsman for Bermuda

CONTENTS

Ombudsman's Message.....	5
Ombudsman's Office Staff.....	7
Farewells.....	7
Mission, Values and Motto.....	8
Overview.....	9
 STRATEGIC AIM 1: Enhance the Impact of Our Work	 10
Our Work.....	11
Casework in Context.....	14
Outstanding Cases.....	15
Selected Case Summaries, Did You Knows and Commentaries.....	16
Local Stakeholder Engagement.....	21
International Collaboration.....	22
Training and Professional Development.....	23
Affiliations.....	24
 STRATEGIC AIM 2: Extend Our Accessibility	 25
Special Considerations and Adjustments.....	26
How to Make a Complaint.....	26
 STRATEGIC AIM 3: Expand Our Community Outreach	 27
Public and Media Engagement.....	28
Social Media & Advertising.....	29
Surveys & Data.....	29
 STRATEGIC AIM 4: Establish a Modernisation Programme	 30
Compliance.....	31
Policy & Standards.....	33
 Supplementary Resources	 36
Complaint Process FAQs.....	36
Complaint Stages.....	37
Complaint Dispositions.....	38
Assessing Good Administration.....	39



*“As you grow older,
you will discover
that you have two
hands, one for
helping yourself,
the other for
helping others.”*

– Audrey Hepburn

OMBUDSMAN'S MESSAGE

As I reflect on 2024, my thoughts turn not to statistics and case closures, but to the human stories that shape our work at the Office of the Ombudsman. Behind every complaint that crosses our desks is a person – often frustrated, sometimes angry, frequently feeling unheard – who has turned to us as their last hope. It is this deeply personal dimension of our mandate that continues to humble and motivate me, even after three years in the role.

The human element of our work became particularly evident in our efforts to meet complainants face-to-face whenever possible. There is something irreplaceably powerful about sitting across from someone who has been wrestling with government bureaucracy, looking them in the eye, and simply listening. In these moments, I am reminded that behind every complaint is a story of someone trying to navigate systems that should serve them, but sometimes fail to do so. Whether it's a senior citizen confused by an application process or a family seeking answers about housing, each interaction reinforces the vital importance of our role as intermediaries between the public and the public service. This human-centred approach has become increasingly central to our methodology, and I believe it has made us more effective advocates for fair and reasonable outcomes.

One meeting in particular stands out as a powerful reminder of the importance of humility in this role. A complainant, understandably upset about an unfavourable decision, had requested a meeting to express his dissatisfaction with my handling of his case. What began as a tense two-hour discussion evolved into something far more meaningful. As he detailed his experience, I realised that, despite the thoroughness of our investigation and the correctness of our conclusion, I had left the complainant in the dark about our discussions with the public authority. I offered him an unreserved apology for this oversight. While it did not change the outcome of his case – nor should it have – that apology and acknowledgment of my communication failure transformed the tenor of our relationship. He left not as an adversary, but as someone who, while still disappointed in the result, understood that we had treated him with respect and honesty. This experience reinforced my belief that sometimes the most important thing we can offer is not vindication, but genuine accountability for our own actions.

This past year has been one of learning, both professionally and personally. I had the opportunity to attend the Osgoode/Forum of Canadian Ombudsman Certificate Course, “Essentials for Ombuds”, in Toronto last September. I confess that I initially approached the course with some skepticism. After all, you know what they say about teaching an old dog new tricks. Yet I emerged with fresh perspectives, renewed confidence, and confirmation



“Behind every complaint is a story of someone trying to navigate systems that should serve them, but sometimes fail to do so.”

– Michael DeSilva, Ombudsman for Bermuda

that the Bermuda Office was following best practices. The experience served as a valuable reminder that professional growth and development are not merely optional in public service, they are essential.

The development and implementation of our Strategic Plan 2023-2026 has required us to examine what we do and how we do it. In addition to in-person meetings with complainants, we made a significant investment last year in face-to-face engagement with government authorities and agencies. Rather than relying solely on written correspondence, we have prioritised in-person

OMBUDSMAN'S MESSAGE

meetings to explain our processes, discuss systemic issues, and work collaboratively toward solutions.

These meetings have yielded unexpected results. When authority representatives understand our recommendations and the reasoning behind them, they are more likely to embrace meaningful change. When we can discuss a complainant's situation in human terms rather than merely procedural ones, we often find common ground that seemed impossible on paper. This investment of time – and it is a significant investment – has proven worthwhile in terms of both case outcomes and fostering professional relationships with staff at the authorities.

Speaking of time, this year has provided sobering lessons about the reality of thorough case work. Complex complaints simply cannot be rushed. Each case requires careful investigation, thoughtful analysis, and often extensive consultation with multiple parties. Our casework takes time to do properly, and 'time' continues to be a relentless force on our capabilities. In our Annual Report for 2023, I discussed the competing demands that face our office of only six: small cases; big cases; systemic investigations; public outreach; authority engagement; and administrative work. With an annual caseload of around 300, our team does its best to juggle their duties across a wide array of tasks. But, as I wrote last year, "Backlogs are inevitable under these circumstances. Sooner or later, we will need to increase our investigative capacity if we are expected to continue to make a meaningful public impact".

We submitted a business case to the Ministry of Finance in September and requested funding to support two additional posts – one for investigations and casework, and the other for outreach and administrative support. Regrettably, the request was not approved. We will, therefore, continue to do our best with what we have. But with our commitment to quality over quantity, it means that we have to be strategic about which matters require our full investigative attention and which can be resolved informally or by referral. It also means being transparent with complainants about realistic timelines – conversations that are sometimes uncomfortable to have.

Looking ahead, the lessons of 2024 will continue to inform our approach. We will maintain our commitment to personal engagement, both with complainants and authorities. We will continue to invest the time necessary for thorough case work, even when pressures dissuade us from doing so. And we will remember that effective ombudsman work requires not just legal expertise and investigative skills, but emotional intelligence and genuine human connection.

This aspect of the work has reinforced my appreciation for our exceptional team. Day after day, they demonstrate patience with the impatient, empathy with the frustrated, and professionalism with the occasionally unreasonable. They understand that behind every complaint is a person who often feels powerless within 'the system' and they approach each case with the dignity and attention it deserves. Their dedication to fairness, their commitment to thorough investigation, and their genuine care for the people we serve make me proud to work alongside them.

While I salute the strength of our current team, I would be remiss not to acknowledge two valued colleagues who moved on to new opportunities during 2024. Shaun Dill, our Manager of Finance and Administration, departed after five years of exceptional service. Finance, I must admit, is decidedly not my forte – perhaps another case of the old dog struggling with new tricks. Shaun's capable and competent guidance was invaluable to our operations. His financial stewardship allowed me to focus on our casework with confidence that our administrative foundation was solid.

Gainelle Simons, our Executive Assistant for two years, brought a lively personality and creative flair to the office. Her enthusiasm added a vibrancy to our office culture that was refreshing and energising. Both Shaun and Gainelle contributed significantly to the effectiveness of our Office, and I genuinely enjoyed working with them. While we miss their presence, we celebrate their advancement to bigger and better things, and we wish them continued success in their new endeavours.



Michael A. DeSilva
Ombudsman for Bermuda

OMBUDSMAN’S OFFICE STAFF



Michael A. DeSilva
Ombudsman



Junior Watts
Deputy Ombudsman



Kristen Augustus
Investigations Officer



Aquilah Fleming
Investigations Officer



Rashida Bean
Manager – Finance /
Administration



Shania Kesseram
Temporary Administrative
Support

FAREWELLS

Special Thanks to:

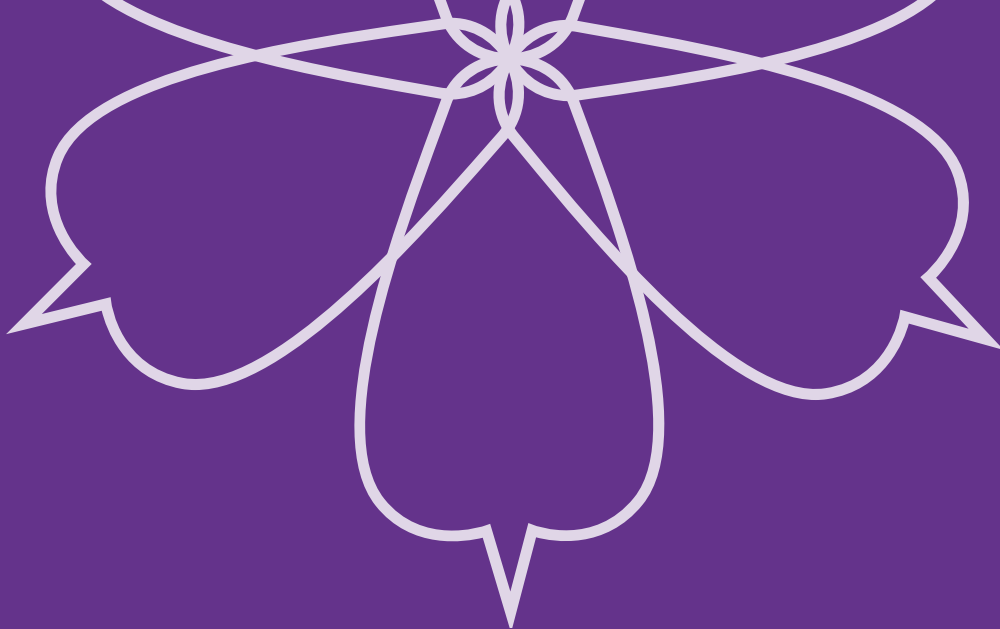


Gainelle Simons
Former Executive Assistant



Shaun Dill
Former Manager – Finance
/ Administration

For their dedicated service
and commitment to the
work of the Office and for
the valuable contributions
they have made.



MISSION

Our main purpose is to protect the public interest by providing a free, fair and independent resource to address complaints about public services. Our goal is to drive greater accountability and help improve standards across the public sector.

VALUES



INDEPENDENCE

We are non-governmental, unbiased, and free from outside influence. We address complaints confidentially and we act with integrity.



FAIRNESS

We listen carefully to all sides, and we respond honestly and impartially. We investigate thoroughly and make decisions based on objective evaluations of the evidence.



PROFESSIONALISM

We are committed to high standards and transparency. We follow international guidelines and we learn from our experiences to improve our services.



RESPECT

We engage every individual with dignity and empathy, and we are accessible to everyone. We protect human rights, and we foster a positive work environment.

MOTTO

“For the Good of the Public, and Those Who Serve the Public.”



The Office of the Ombudsman forms an integral part of good governance in Bermuda and makes an important contribution to the accountability of public administration, the protection and promotion of human rights, and the rule of law. We provide the public with an independent, capable, and inclusive resource to address their complaints against public authorities. Our goal is to resolve conflicts where we can, and help improve the services of those authorities.

OVERVIEW

The contents of our Annual Report are laid out to reflect each of the four aims in our Strategic Plan 2023 – 2026 as follows:

1. Enhance the impact of our work
2. Extend our accessibility to the public
3. Expand our community outreach
4. Modernise the Office

The Office of the Ombudsman provides services to all members of the public, free of charge.

We provide the public with an independent, impartial, and professional resource to address complaints against public authorities.

Our goal is to resolve conflicts where we can and help to improve public services.



[Download a copy of our Strategic Plan here](#)





STRATEGIC AIM 1: Enhance the Impact of Our Work

Our Office serves the public, and those who serve the public. It is important to us that our work makes a real difference to individuals and government departments. We aim to restore fairness where unfairness has occurred. We provide complainants with an avenue to seek redress, and where appropriate, we help to bring about positive changes to public services.

This strategic aim is designed to help us to be more effective and efficient at the work we do.

OUR WORK

Our casework encompasses both complaints and enquiries. The distinction between a complaint and an enquiry is based on the complainant’s intention when contacting our Office. A complaint is a case where the complainant requests that we pursue inquiries into the complaint. In contrast, an enquiry is a case where the complainant asks for guidance or assistance in determining the best next step.

CASEWORK IN 2024

To summarise new cases opened in 2024:

- We received 223 new cases. 191 were complaints, and 32 were enquiries (see Figure A).
- Of the 191 complaints, 122 were in our jurisdiction, and 69 were not.
- We referred 30 of the complaints within our jurisdiction to other authorities where there was a more suitable remedy.
- We disposed of 67 complaints:
 - 7 complaints were abandoned or withdrawn by the complainant.
 - 8 complaints were resolved between the complainant and the authority with informal and limited intervention by us.
 - 52 were closed after our Office made inquiries into the complaint.
- 51 complaints remained open at the year’s end.
- 17 people raised multiple complaints and enquiries with our Office within the 2024 reporting year, accounting for 38 cases—roughly 17% of cases received in 2024. When people contact our Office by phone, if the initial phone call fully addresses their questions

or concerns and they ask to remain anonymous, we do not record the person’s name. This number does not include complaints and enquiries made by such persons.

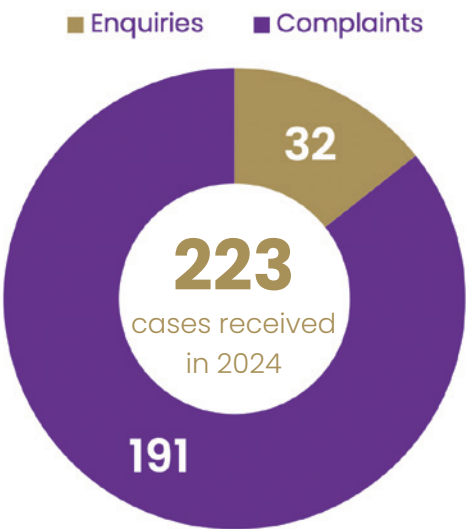
From 1st January to 31st December 2024, we worked to address a total of 285 cases (see Figure C). This number included:

- cases carried into 2024 from previous years – 62
- cases received in 2024 – 223

To summarise cases worked on in 2024 (see Figure B):

- Of the 285 cases worked on in 2024, 51 were in progress as of 31st December 2024. 234 cases were disposed of: 202 of these cases were complaints, 129 of which were within our jurisdiction and 73 of which were not.
- Of the 129 complaints within our jurisdiction: 10 were ‘Informally Resolved’; 15 were ‘Deemed Premature’; 18 were ‘Referred’; 1 was ‘Settled’; 11 were ‘Withdrawn’ or ‘Abandoned’; 71 were Closed After Inquiries’; one was Closed After Investigation (No Maladministration); one was Closed After Investigation (Maladministration); and one was Closed after an Outcome Review (not substantiated).
- Of the 73 complaints outside of our jurisdiction: 19 were ‘Declined’ because they were not in our jurisdiction and we did not provide additional resource information; 50 were ‘Declined and Referred’, i.e. we did provide additional resource information, and 4 were ‘Signposted’.
- Of the 32 enquiries worked on in 2024, all were received in 2024 and closed by 31st December 2024.

Figure A: Cases received in 2024



For a full description of our complaint process and dispositions, see pages 37 and 38.

Figure B: Cases worked on in 2024

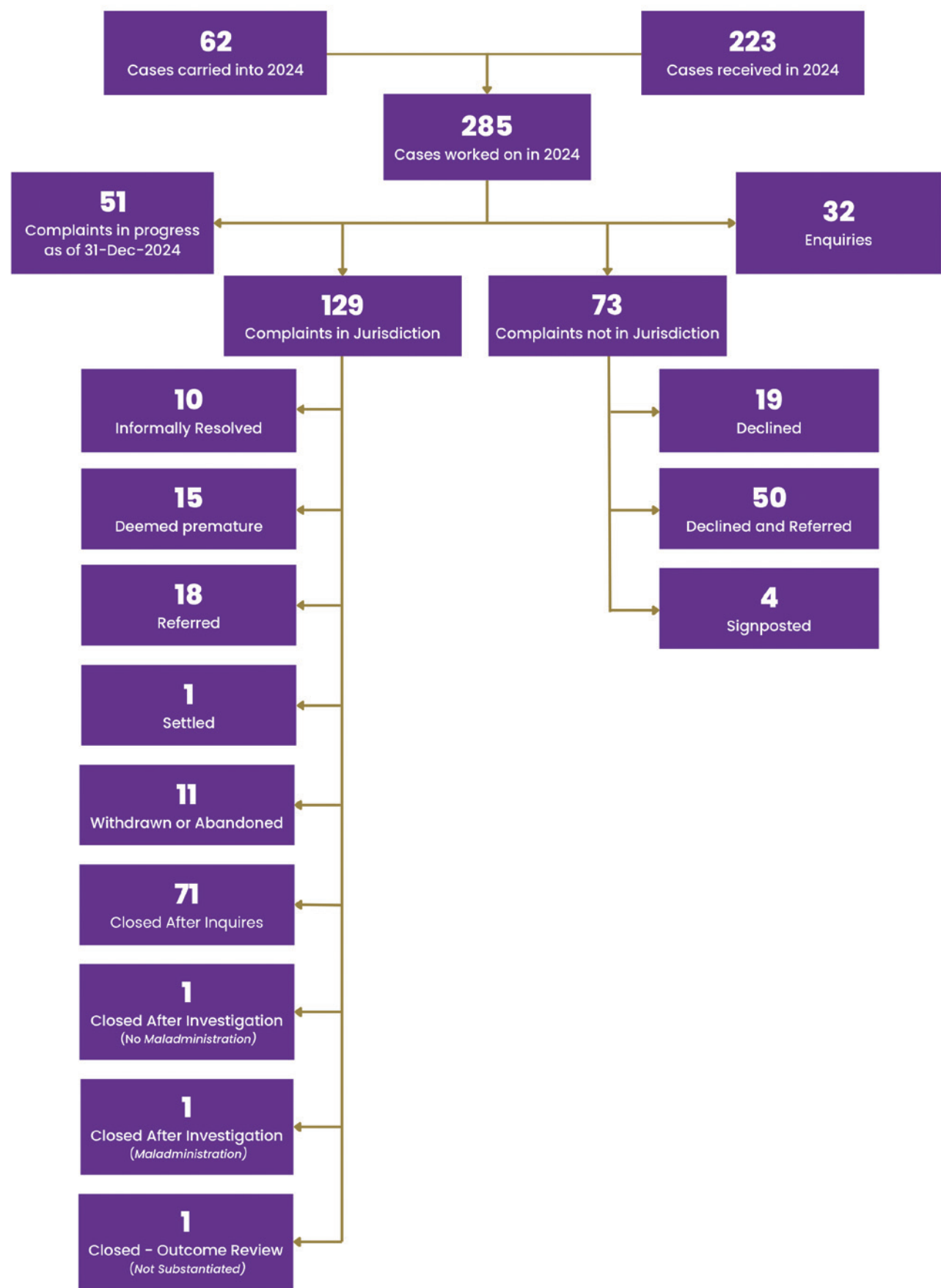
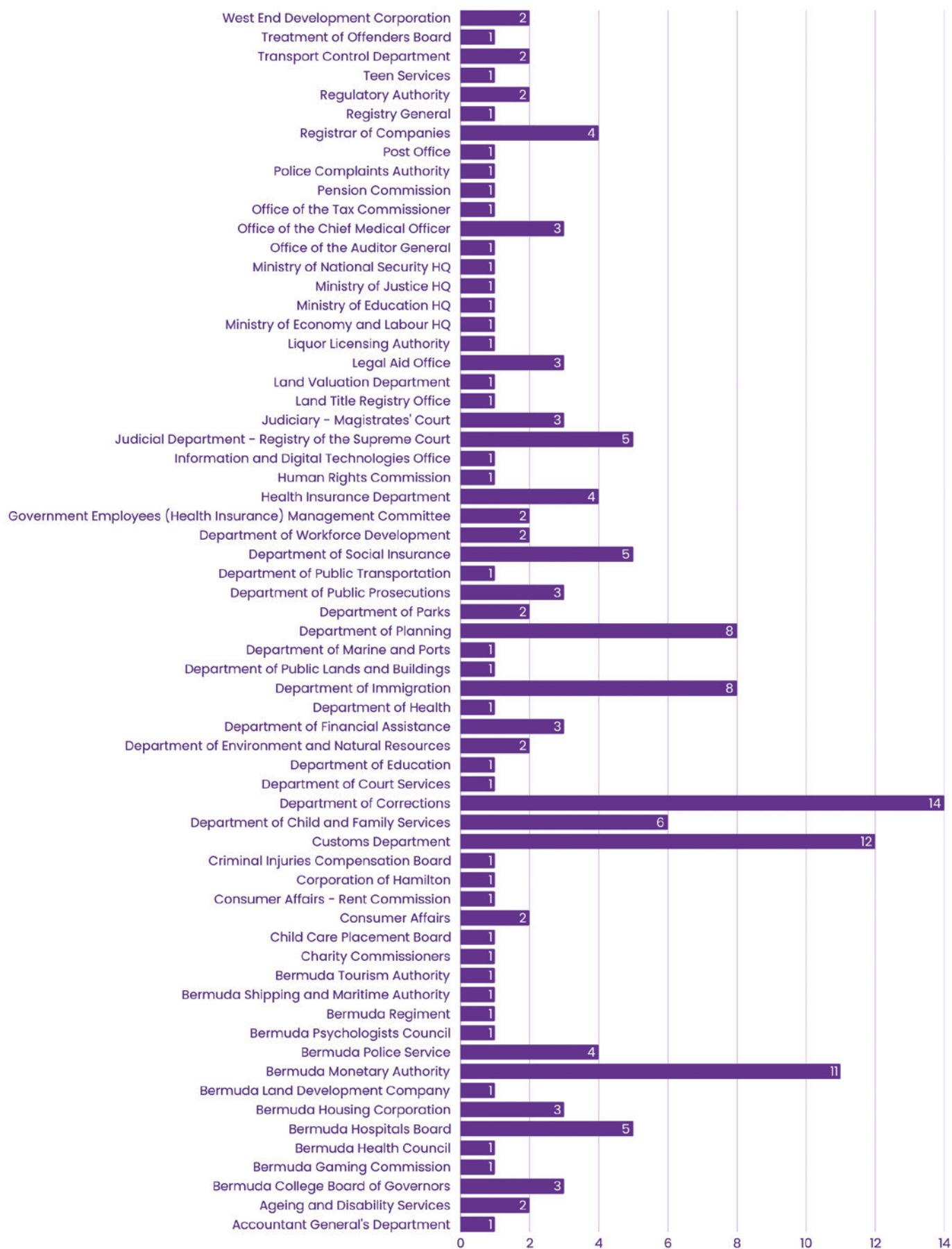


Figure C: Cases received in 2024 by Authority



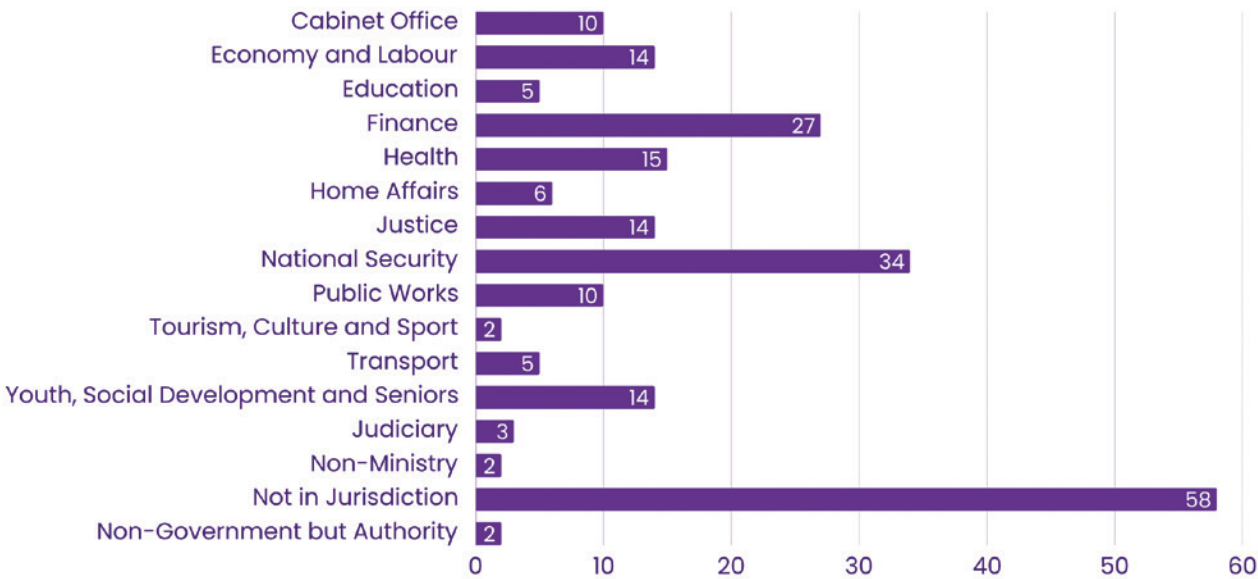
CASEWORK IN CONTEXT

Figure C shows the total for new cases in 2024 by each authority, excluding bodies that are not in the Ombudsman’s jurisdiction (Not-In-Jurisdiction). These numbers represent complaints and enquiries made, not the Ombudsman’s findings concerning those cases. Counts also do not indicate whether the complaints were substantiated.

Authorities with a higher volume of public interaction have a higher volume of service users and, consequently, tend to have a high volume of complaints and enquiries made to the Ombudsman.

Figure D summarises the new cases received in 2024 by the relevant Ministry according to the Government’s October 2024 organisational chart which was in effect at year-end (the Government has since made changes to the organisation of Ministries, departments and other bodies under its responsibility.) The graph also includes three additional categories: ‘Non-Ministry’, which are government-funded bodies that are not part of a Ministry, ‘Non-Government but Authority’, which are authorities that are not within the Government’s organisational structure, and ‘Not-In-Jurisdiction’ which are bodies not subject to the Ombudsman Act.

Figure D: Cases received in 2024 by Ministry



OUTSTANDING CASES

In 2024, we successfully addressed and closed 35 of the 62 cases that were opened in prior years. Of these 35 closed cases, we resolved 54% after inquiries that we considered to have reasonably satisfied the issues and 2 cases were closed after an investigation. 51 cases remained open at the close of 2024: 1 from 2017; 1 from 2018; 1 from 2019; 0 from 2020; 5 from 2021; 5 from 2022; 13 from 2023; and 25 from 2024 (see Figure E).

We continue to work towards carrying over the fewest number possible of complaints at the end of each calendar year. 51 complaints remained open at the end of 2024, a significant reduction from the previous year (see Figure F). We will continue to monitor and address the backlog with the intention of further decreasing this number in the next reporting year.

Figure E: Complaints carried into 2025

Complaint Status as at 31-Dec-24	Year Opened								TOTAL
	2017	2018	2019	2020	2021	2022	2023	2024	
Intake						1	7	15	23
Preliminary Inquiry					1	3	5	5	14
Early Resolution*					1				1
Pre-investigation							1	4	5
Investigation	1	1	1		3	1		1	8
Post Investigation									0
Implementation Review*									0
Outcome Review									0
Total Complaints carried into 2025	1	1	1	0	5	5	13	25	51

Figure F: Open complaints at end of reporting period: 5-year glance





*Selected Case Summaries,
Did You Knows & Commentaries*

CASE STUDY:

Beyond the Complaint – Managing Unreasonable Behaviour in Public Service

A recent case highlighted common challenges in managing unreasonable behaviour. An oversight body received multiple emails from anonymous aliases about a minor incident they had already investigated. The complainant, who wasn't directly affected, alleged a cover-up and demanded specific actions. While the body conducted an appropriate analysis, it avoided responding to the complainant because of the concerning communication pattern.

Our review found that although the complainant's approach was problematic, the oversight body's failure to respond was inappropriate. As an agency that handles whistleblower complaints, it should have acknowledged receipt of the complaint, outlined its complaint process, clarified whether the outcomes would be shared, and explained any investigation thresholds that applied.

Public Officers are expected to deal with all people fairly and impartially, and to provide a high-quality service. However, they are not expected to tolerate behaviour that is abusive, offensive or threatening, or which makes it difficult for them to deliver service. This case demonstrates why public authorities need strategies to manage unreasonable behaviour while maintaining transparency and procedural fairness. The following tips address common challenges like excessive contact, unreasonable demands, and concerning communication patterns:

- **Excessive Contact:** set clear response boundaries such as, "We will only respond to new information on this issue. Previous decisions remain unchanged." Establish internal protocols for when/how to respond to such complaints in a standardised manner, and accurately document all interactions.
- **Disrespectful Communication:** acknowledge emotions but stay professional, for example "I understand your frustration, however..." Focus responses solely on facts and process, and consider requiring written-only communication if verbal interactions become hostile. Address the substance of the complaint while clarifying expectations about communications: "I am responding to your concerns about X. However, our future communications will be more effective if focused on the issues rather than personal comments." Separate legitimate issues from conduct, and document both the substantive matters and any concerning behaviour patterns independently. Use templated responses that acknowledge receipt and outline processes, regardless of tone.

- **Unreasonable Expectations:** clearly outline realistic timeframes, processes and outcomes upfront and reference relevant policies and regulations that apply. Provide specific reasons why requests cannot be met and direct the complainant to appropriate appeal mechanisms as appropriate.
- **Mass CC'd Emails:** reply only to relevant parties and state clearly who is responsible for the issue. Create a single point of contact and document why other copied parties are not involved.
- **Legal Threats:** refer to legal department/management. Maintain factual communication records and respond only through appropriate channels.
- **Repetitive Complaints:** create a comprehensive 'final response' letter. Establish clear criteria for reopening cases and maintain consistent decisions across similar cases. Consider implementing a vexatious complainant policy.
- **Referral Procedures:** outline available internal complaint/appeal processes and provide details of specific timeframes and requirements for appeals. Explain which matters can be internally reviewed vs. requiring external oversight. Direct the complainant to appropriate external bodies (ombudsman, tribunals) when internal processes have been exhausted. Document all referrals made and maintain consistent referral practices across similar cases.
- **Escalate to management when** (a) staff are unable to progress the matter; (b) communication becomes increasingly hostile; (c) clear management intervention is needed; **OR** (d) staff wellbeing is affected.
- **Management should** (a) take over direct communication; (b) review and adjust response strategies; (c) support staff wellbeing; **AND** (d) document intervention outcomes.

The Key Principles to follow when an authority encounters unreasonable behaviour from a complainant are:

1. Always maintain professional tone
2. Document everything thoroughly
3. Follow consistent procedures
4. Provide clear escalation paths
5. Set and maintain firm boundaries
6. Never ignore legitimate new information

CASE SUMMARY:

Strengthening Public Service Together

A member of the public filed a complaint of unresponsiveness from a government department regarding her application status. Despite making numerous attempts to contact the department, she had been unable to receive any updates on the progress of her application.

INTERVENTIONS

Our Office quickly engaged with the department, benefiting from an established relationship with the director who had previously provided us with her cell phone number for direct communication.

The director's initial response revealed that the staff member handling the application no longer worked in the department. Following weeks without a successful meeting between the complainant and the director, our Office's follow-up discovered the complainant was considering abandoning her application due to frustration.

Further investigation revealed the director's meeting request email had failed to send due to connectivity issues. The director immediately resent the email, and our Office promptly informed the complainant, who confirmed receipt and expressed appreciation for our involvement.

INSIGHTS

Strong relationships with public authorities significantly enhance our ability to resolve complaints efficiently, as demonstrated by the direct communication channel with the director. This case revealed how technical issues in communication systems can significantly impact public service delivery and citizen trust, highlighting the need for verification processes for critical communications. The complainant's near-abandonment of her application illustrates how unresponsiveness can erode public trust in government services, emphasizing the importance of prompt intervention.

While maintaining our independence as an oversight body, our Office's role in bridging communication gaps between authorities and members of the public helps fulfill our broader mandate of improving public service delivery. Regular follow-up with both parties proved crucial in identifying and correcting oversight, ultimately preventing the escalation of a simple communication breakdown into a significant issue affecting public trust.

DID YOU KNOW?



Prison Emergency Notification Button

Did You Know that inmates locked in their cells must have a way to communicate with prison officers at any time? This requirement, established in Section 7 of the Prison Rules 1980, ensures safety and wellbeing through emergency notification systems.

Key benefits of emergency notification buttons include:

- Immediate medical assistance during health emergencies like heart attacks or injuries
- Quick response to fires, flooding, or other cell hazards
- Protection from self-harm or suicide attempts through rapid intervention
- Access to help during mental health crises
- Communication during facility emergencies like power outages
- Prevention of violence through early officer notification
- Compliance with human rights standards for prisoner safety

The system balances security requirements with the duty of care to those in custody.

Managing Prison Renovations & Maintenance

Did You Know that the Department of Public Land and Buildings ("PLB") maintains Bermuda's correctional facilities? During meetings with PLB and Department of Corrections representatives, our Office examined prison maintenance management procedures. At Westgate, inmates rotate between three housing units to enable extensive renovations in empty units. Selected skilled inmates assist with the work alongside contractors, with PLB conducting inspections. These inmates receive payment for their labour.

DID YOU KNOW?

Bermuda Shipping & Maritime Authority

Did You Know that Bermuda has been operating a shipping registry since 1789? That's 235 years in the business! During the early years, Bermuda played a strategic role in the safety and security of British ships transiting the Atlantic Ocean. The Registry has since evolved, expanding its role and services to ships covering all the oceans of the globe.

The Bermuda Shipping Registry is managed by the Bermuda Shipping and Maritime Authority ("BSMA"). It was established on 1st October 2016 as a Quasi Non-Governmental Organisation (i.e. QUANGO) in the form of a body corporate to continue with the work that was previously carried out by the Department of Maritime Administration. The BSMA has a private public structure which provides agility and independence to ensure it can meet and respond to the demands and needs of the ship owners, ship operators and all its clients.

The BSMA focuses on registering ships and yachts. As the Flag State and regulator, the BSMA ensures vessels on the Bermuda Ship Registry operate safely, are well-maintained, and prioritise crew welfare. To accomplish this, the Authority



carries out statutory inspections, surveys and audits and provides the relevant certificates of compliance.

The Bermuda Shipping Registry is a Category One (Cat 1) member of the prestigious Red Ensign Group ("REG") of Registries. The Registry takes pride in the high standards of its ships and the world-class service it provides to its clients. As a REG Cat 1 shipping registry Bermuda can register ships of any type, age or size, subject to meeting the standards required for flagging-in to Bermuda.

Charities & the Ombudsman Act

Did You Know that the Ombudsman may investigate complaints that are made against certain charities? Section 3 of the Ombudsman Act 2004 defines the "authorities" that fall under the Ombudsman's jurisdiction. These include:

- Government departments;
- Public authorities;
- Government boards; and
- Corporations or bodies which are established by an Act of Parliament or by a Minister.

Additionally, the Ombudsman has jurisdiction over any organisation that receives funding directly from Parliament – including third-sector organisations that receive government grants. In 2024, the list of charities that came under the jurisdiction of the Ombudsman by virtue of a government grant included, amongst others, the following:

- The Salvation Army
- Teen Services
- SPCA
- Bermuda Football Association
- Bermuda Golf Association
- Bermuda Tennis Association
- Big Brother/Big Sister
- Bermuda Sea Cadets
- WindReach Bermuda

The Department of Planning's 'De Minimis' Policy

Not all breaches of Bermuda's planning regulations will result in enforcement action by the Department of Planning. One of the Department's key objectives is to "investigate and resolve complaints regarding unauthorised development promptly and efficiently." The Enforcement Section of the Department is tasked with responding to and investigating such complaints.

During a recent inquiry from our Office, the Department explained the policy as follows:

"'De minimis' is a legal term which is derived from a longer Latin phrase which translates as 'the law does not concern itself with trifles'. The Department applies this to cases in which the matter is so minor in nature it would not pose any planning impacts.

As an example, where permission is required for building a small wall [but it was not obtained], and permission would have been approved due to the minor nature of the work, the Department would not likely take enforcement action after the fact, as it would not consider it to be expedient to do so when permission would have been granted anyway."

You can download various procedures and guidance notes that relate to the Department of Planning [here](#).

DID YOU KNOW?

US Visa Applications Require Full Disclosure of Criminal Convictions

Under the provisions of the Rehabilitation of Offenders Act 1977, most criminal convictions are considered as “spent” after 7 years. This means that the conviction is not admissible as evidence in court proceedings and it is not disclosed on a conviction record check from the Bermuda Police Service (“BPS”). This rule does not apply to convictions where a sentence of imprisonment exceeded three years.

This provision of law, however, only applies in Bermuda.

Bermudians travelling to the United States do not normally require a nonimmigrant visa, unless they have been found ineligible for a visa under U.S. immigration law. Where an application is made under these circumstances for a visa to enter the United States, the application is approved or denied based on standards established in U.S. law. Bermuda laws relating to spent convictions do not apply to the U.S. State Department’s application process.

In a Royal Gazette article published on 3rd July 2024, a spokesperson for the U.S. Consulate in Bermuda explained the following:

“The authorities are not legally bound to inform the U.S. of convictions. Rather, the Bermudian himself or herself who is requesting to enter the United States is required to truthfully answer whether they have ever been arrested and/or convicted, regardless of when that arrest and/or conviction occurred, and regardless of the final disposition of the case.

If the applicant has been arrested and/or convicted, the applicant him or herself is required to provide the details of that arrest and, if any, that conviction. The visa applicant requests this information directly from the authorities, who then provide that information on those arrests and/or convictions to the consulate in furtherance of the traveller’s application to enter the United States.

If they do not want to provide the details, they are under no obligation to. However, their visa application will not proceed.”

In our Special Report, “For the Record: An Investigation into the Disclosure of Spent Convictions for U.S. Visa Applications” published in June 2024, our Office reported that the BPS had advised us that, going forward, it would emphasise this important point to people who applied for a criminal records check specifically for U.S. visas.

The BPS said that it would communicate directly with applicants who had spent convictions on their record and explain the U.S. Consulate requirements.

The BPS also undertook to amend its public guidance note to include an explanation of what is included on a conviction record check for U.S. visa applications and ensure that the applicant was clear about the process by having them sign a consent form.



You can download our Special Report, “For the Record,” on the disclosure of spent criminal convictions for U.S. visa applications [here](#).

Get up to date information on U.S. visa application requirements [here](#).

For more information about our complaint process, visit:

ombudsman.bm/making-a-complaint

Find more Bermuda Ombudsman Special Reports at:

ombudsman.bm/publications

LOCAL STAKEHOLDER ENGAGEMENT

One of our key strategic priorities is to engage with our stakeholders to foster good relations. Getting to know the people who work in the authorities in our jurisdiction is an important part of relationship management. Much of our work relies on mutual trust and respect to reach compromise, find solutions, and resolve complaints. Meeting with authorities also gives our Office an opportunity to learn more about government services, policies and procedures. In this way, we serve the public more effectively and efficiently.

Department of Corrections Presentation

In January, we presented to the new recruits of the Department of Corrections. Although we are standard billing on the recruit training course, this input is very important as the Ombudsman Act 2004 has specific requirements for the Department of Corrections to fulfill when inmates wish to make a complaint to the Ombudsman.

Later, in May, we gave a presentation to a group of the Department's supervisors. We covered some of what is included in the recruit training, and we provided more detail about the expectations of supervisors who are charged with dealing with complaints.

Meet & Greet with Salvation Army Staff

We held a 'meet and greet' site visit with staff of the Salvation Army. We gained an insight into the Army's relatively new Transitional Housing Programme, a supportive and semi-independent environment where people can rebuild their lives and make the transition from homelessness to stable housing and meaningful engagement with the community.

Read about the valuable contributions the Salvation Army makes to our community here: salvationarmy.bm

Human Rights Commission Conference

In March, we participated in the Human Rights Commission's conference entitled, "What Can I Do? What Can We Do?"

IMPROVEMENT-FOCUSED DISCUSSIONS

Our Office is 'resolution-focused.' This means that we use the least intrusive method available to achieve an appropriate resolution to a complaint. We believe that conducting improvement-focused discussions in lieu of a formal investigation saves time, energy, and resources and leads to better outcomes.

This approach only works when the facts of the complaint are not in dispute, and the authority accepts the idea of reaching a solution with the assistance of our Office. The result is that we move straight to the recommendations phase by working with the public authority to identify the changes necessary to remedy the issue and prevent it from happening again.

During 2024, these 'ad hoc' and informal meetings not only helped us to resolve complaints, but they also contributed to our relationship building effort with the women and men that work in government services.

INTERNATIONAL COLLABORATION

Collaborating and communicating with other ombudsman offices across the world keeps us up to date with good practices, investigation techniques, administration procedures, and news and developments across the industry of ombuds practice.

Over the course of the year, we participated in several virtual meetings with overseas agencies, including a roundtable discussion with Dr. Victor Ayeni, Governance and Management Services International, UK. Dr. Ayeni is an accomplished scholar and practitioner with over 35 years' experience at the senior-level in academics, international development and the Commonwealth. He is a leading authority in Governance and Public Sector Management, and he has carried out teaching, research and policy advisory assignments in Africa, Asia, the Caribbean, Pacific and South America.

Our Office also:

- Attended the AGM of the Ombudsman Association.
- Attended the 12th Biennial Conference of the Caribbean Ombudsman Association ("CAROA").
- Participating member of the Ombudsman Association's Outreach Network.
- Participating member of the U.S. Ombudsman Association's Diversity, Equity and Inclusion Committee.

ADDITIONALLY, OUR STAFF ATTENDED THREE OVERSEAS CONFERENCES:

International Ombudsman Institute World Conference 2024

Our Deputy Ombudsman, Junior Watts, attended this conference held at The Hague, Netherlands, in May. Under the overarching theme of "The Value of the Future," the conference focused on the role of Ombuds institutions in creating a sustainable and inclusive society in 2030. The International Ombudsman Institute ("IOI"), established in 1978, is a global organisation for the cooperation of more than 200 independent Ombudsman institutions from more than 100 countries worldwide. In its effort to focus on good governance and capacity building, the IOI supports its members through training, research and regional subsidies for projects.



received an award for Outstanding Exhibitor! Additionally, former Bermuda Ombudsman Arlene Brock received a Pioneer Award for being appointed as her country's first Ombudsman.

International Ombud Expo 2024

Our Investigations Officer, Aquilah Fleming, attended this expo held in Botswana in July. The theme of the expo was "Trusted Institutions: Righting Injustices, Bolstering Quality Governance." The event brought together over 500 ombuds offices, human rights bodies, grievance handlers, integrity organisations, and related oversight and regulatory institutions from over 100 countries. Each one provided an exhibition of its role and operation in tackling governance concerns, righting injustices, and bolstering the performance and productivity of governments and organisations.

We are extremely proud to report that Ms. Fleming

United States Ombudsman Association Annual Conference

Under the theme, "Ombuds: The Gold Standard," the 43rd Annual Conference of the U.S. Ombudsman Association ("USOA") was held in November in Oceanside, California. Investigations Officer Kristen Augustus attended the conference as well as the 2-day New Ombudsman Training. This workshop focused on the origin, characteristics and standards of the ombudsman industry. There were also sessions on intake of complaints and investigation methods.

TRAINING & PROFESSIONAL DEVELOPMENT

Our strategic plan calls for our Office to have an internal learning culture that helps us to continuously improve our work, develop our skills, and enhance our individual and collective training standards. Throughout the year, our staff took part in several formal training courses and professional development sessions.

Certifications

Ombudsman Michael DeSilva obtained a certificate from Osgoode Professional Development, in partnership with the Forum of Canadian Ombudsman (“FCO”) and York University in Canada. Held in Toronto in September, the Essentials for Ombuds Certificate Programme provided practical tips and strategies on conducting investigations, implementing resolution techniques, and addressing contemporary ombudsman issues.

Trainings

Aquilah Fleming attended training provided by the Government’s Department of Employee & Organizational Development (“DEOD”), including “Learning to Manage,” “Coaching Skills for Managers,” and “Confronting Performance Challenges.”

Professional Development

Our professional development activities included participation in the Forum of Canadian Ombudsman webinars that discuss a wide array of subjects, including:

- Psychological Safety – Creating a Supportive Team Environment
- Collaboration – A Key Skill for Ombud Offices
- Tackling Unconscious Bias
- Modern Leadership Approaches
- Fostering Leadership at all Levels
- Staff Recruitment & Retention
- Truth and Reconciliation Commission
- Training Needs for Ombuds

Congratulations to Investigations Officer Aquilah Fleming who celebrated her 10th work anniversary with our Office on 3rd March 2024!



AFFILIATIONS

Our Office continues to be an affiliate of these ombuds organisations.



CAROA – Caribbean Ombudsman Association
caribbeanombudsman.com



International Ombudsman Institute
Institut International de l'Ombudsman
Instituto Internacional del Ombudsman

IOI – International Ombudsman Institute
theioi.org

OMBUDSMAN
ASSOCIATION

Ombudsman Association
ombudsmanassociation.org



USOA – United States Ombudsman Association
usombudsman.org



FCO – Forum of Canadian Ombudsman
ombudsmanforum.ca

***It is in your hands
to create a better
world for all who
live in it.***

–Nelson Mandela





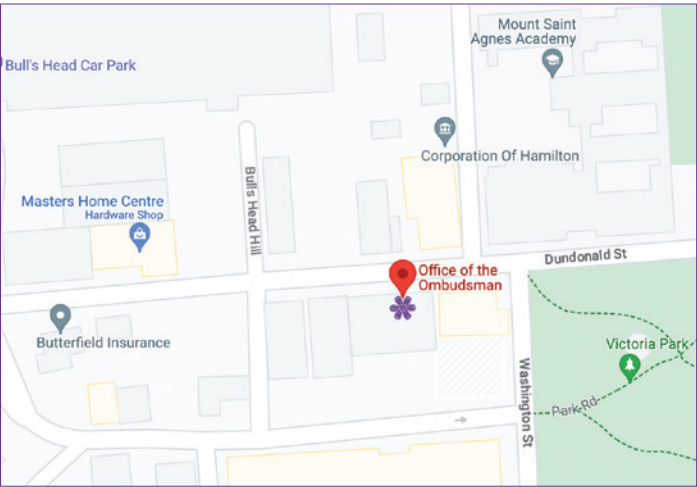
STRATEGIC AIM 2: Extend Our Accessibility

The services provided by our Office are free of charge, and they are available to everyone. Complainants are not restricted to be Bermudian, or even residents of Bermuda. Our team keeps diversity, equity, and inclusion at the front of our minds when dealing with all complainants. We are working to identify and remove any barriers that may prevent specific groups or individuals from having unrestricted access to our Office.

SPECIAL CONSIDERATIONS & ADJUSTMENTS

We have Portuguese translations for most of our information brochures and complainant forms on our website, and we have introduced a few Filipino translations. Our website has enlarged text and text-to-speech options for those readers with sight impairment.

Our Office is located on the ground floor of Dundonald Place, and it is easily accessed by wheelchair users. We work with interpreters and other persons to assist complainants, as needed, in a confidential and respectful manner. We ensure that our services are accessible to all users, including those who do not speak English; those with disabilities, health conditions or impairments; and those who may otherwise need special considerations or adjustments.

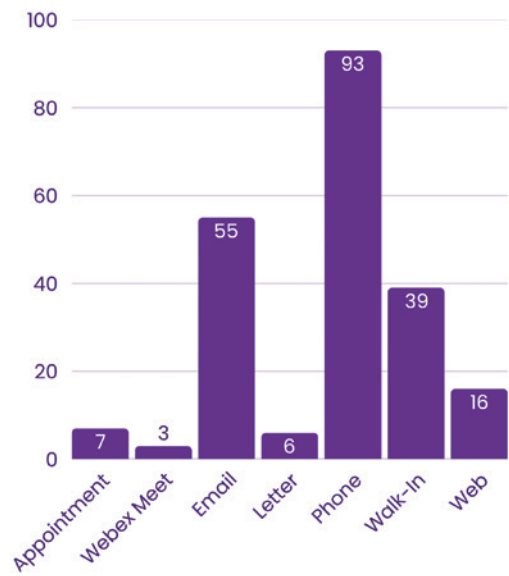


ADDRESS: Dundonald Place, Suite 102, 14 Dundonald Street West, Hamilton HM 09, Bermuda

HOURS: Monday to Friday from 8:45 a.m. to 5:00 p.m.

CONTACT: Tel: (441) 296-6541
contact@ombudsman.bm
www.ombudsman.bm
linkedin.com/company/officeoftheombudsmanbermuda
facebook.com/bermudaombudsman

Figure G: How we received cases in 2024



HOW TO MAKE A COMPLAINT

Before coming to our Office, you should first make a complaint to the relevant authority or government department at your earliest opportunity.

Our policy is to allow the authority to address your issue before we get involved. We may refer you back to the authority if you have yet to avail yourself of the authority's complaint-handling process.

Even if a complaint is outside of our jurisdiction, we can assist you by providing information or by referring you to another body that may be able to investigate the issues you raise.

If you are dissatisfied with the handling of your complaint by the authority, we encourage you to contact our Office. You can contact us in various ways: by telephone; in person as a walk-in or by appointment; by email; online through our website; or by letter.

We are here to assist you.

Can't come to us? No problem!

We can come to you or meet anywhere that is convenient for you. Let us know if you have any needs that we can accommodate to assist you with making your complaint.



STRATEGIC AIM 3: **Expand Our Community Outreach**

This strategic aim sits at the heart of everything we do: providing a service to the community that functions effectively and makes a meaningful difference. Our work requires that the public has trust and confidence that our Office will act fairly and with integrity to find an appropriate solution. Good communication helps to build good relationships with the public, and that calls for us to engage regularly with the community, public authorities, and the media.

PUBLIC & MEDIA ENGAGEMENT

Radio Interviews

We kicked off 2024 with radio interviews on Ocean 89 and Magic 102.7. We followed up again in October with Power 95 and Magic to coincide with International Ombuds Day which occurs on the second Thursday of October each year and provides an additional opportunity to educate and raise public awareness. We discussed the history and practices of the Ombudsman's Office in Bermuda, the role it plays in the island's Good Governance regime, the services it offers, and the value provided.

Westmeath Visit

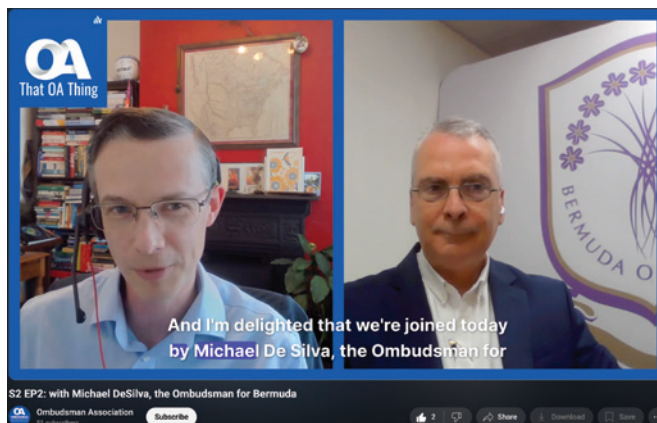
In February, our team visited Westmeath Nursing Care Home to serve tea and play bingo with the residents. We wanted to give back to our community and do something a little different. We didn't make a formal presentation about our Office, but there was plenty of interest amongst the residents when it came to complaining about government services! We also participated that month in the Mount Saint Agnes Academy career fair. That gave us a chance to speak to some high school leavers about a career path in ombuds practice that they might not ordinarily be aware of.

BBC Interview

In July, we were interviewed by the BBC's Gary Foster-Skelton shortly after we published our Annual Report for 2023, along with our Special Report, "For the Record: An Investigation into the Disclosure of Spent Convictions for U.S. Visa Applications." **You can watch the BBC interview about our Special Report here: www.facebook.com/share/v/1ByGottTEml/**

Pop-ups

We have been holding 'pop-ups' since 2023 to meet people in the street, advertise our key messages, and ask questions about people's views and experiences with the Ombudsman's Office. We have been setting up in the Washington Mall where we are on hand to answer



OA PODCAST APPEARANCE

In July, the Ombudsman recorded his first-ever podcast! The Ombudsman Association (OA) in the UK covers the UK, Ireland, the British Crown Dependencies, and the British Overseas Territories. Mr. DeSilva joined Dónal Galligan, Chief Executive of the OA, to discuss his reflections on the Ombudsman sector, and the similarities and differences between different jurisdictions.

Watch "That OA Thing" podcast here: <https://youtu.be/Q22hBkmDspg?si=1BuqVBYQOkQzhixl>

questions, hand out flyers and brochures, and encourage public interest in our work.

Community Group Presentations

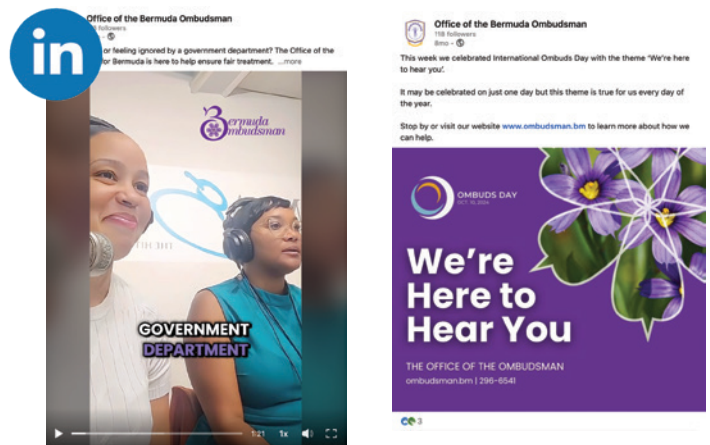
Our Office is available to make presentations to community groups, public authorities and other interested parties. We aim to educate the public about the work we do and the positive impacts we try to make. In October, we presented to members of the Filipino Association of Bermuda and discussed our role in investigating complaints of maladministration against public authorities. We paid particular attention to the cultural sensitivities that can be experienced by non-Bermudian contract workers when making complaints against the establishment in a foreign country.

Would you like to schedule a presentation from the Ombudsman's Office for your community group?

Please call 296-6541, or email contact@ombudsman.bm. This is a free public service!

SOCIAL MEDIA & ADVERTISING

Two Four One continued to expand our social media presence in 2024 to reach a wider audience with messages about what we do and how we do it. You can follow us on LinkedIn and Facebook. Lovell Technologies runs our advertisements in locations such as KFC and TCD where you can watch a short video about our Office. Our plan is to build our brand, promote awareness of the work we do, share good news stories from our casework, and inspire public confidence in our reputation.



SURVEYS & DATA

Our strategic plan calls for surveys and feedback forms to measure public awareness, confidence, and satisfaction with our performance. We conduct informal surveys at our pop-ups, and soon we will engage a local company to conduct formal surveys on an annual basis and compare the data over time.

What type of information are we looking for?

- Would you likely make a complaint about a government department if you felt dissatisfied? Or would something hold you back?
- Do you know what the Ombudsman's Office does?
- Do you have confidence that the Ombudsman's Office conducts its inquiries with independence, impartiality and fairness?
- If you have complained to the Ombudsman before, what was your experience like?

Our sampling of the general public so far suggests that support for our Office is strong amongst those who are familiar with us, but we may not be widely recognised in the community — especially if you have not used our services. When asked what factors might prevent someone from making a complaint, two common answers were that “it takes too long,” and “it won’t make a difference.”

Our community outreach activities intend to close these gaps by raising awareness of the work we do and making sure that anyone who needs our services knows how to reach us.



STRATEGIC AIM 4: **Establish a Modernisation Programme**

Although the Office of the Ombudsman is independent from the Bermuda Government, it uses public funds to carry out its work. Accordingly, we are committed to using those funds effectively, working efficiently, and accounting for our expenditure. As part of our modernisation programme, our team is working toward an office environment that maximises the use of technology, is more productive, and reduces our environmental impact.

COMPLIANCE

Our Compliance regime comprises a system of measures to assign responsibility for and assessment of compliance status for each external compliance obligation. Procedures and timelines for achieving compliance are then developed. We have a number of external compliance obligations to fulfill each year.

Personal Information Protection Act (“PIPA”)

The Personal Information Protection Act (“PIPA”) 2016 is a data protection and privacy law that applies to all organisations in Bermuda. It provides data protection and privacy principles, individual rights, and legal obligations that organisations have regarding the use, recording, storage, and protection of personal information contained in their records.

During 2024, our Office followed the Privacy Commissioner’s “Road to PIPA” implementation plan in order to be ready for the operational date of 1st January 2025. We also received a PIPA compliance presentation from Appleby Bermuda in January; we attended the ‘PIPA Unveiled’ event at City Hall in March; and we attended a training session with the Government’s PIPA/PATI Unit in October.



Deputy Ombudsman Junior Watts is our Privacy Officer, and he can be reached at 296-6541 or jcdwatts@ombudsman.bm.

Public Access to Information (“PATI”) Act

The Public Access to Information (“PATI”) Act 2010, which took effect on 1st April 2015, ushered in a new era of transparency for the Government. By making PATI requests, members of the public may exercise their right of access to records held by Bermuda’s public authorities, which in turn can help to improve administrative practices in the Government.

The Office’s Information Statement aims to make it easy to access key information about the Ombudsman’s activities, including:

- who we are and what we do;
- what we spend and how we spend it;
- what our priorities are and how we are doing;
- how we make our decisions;
- our policies and procedures; and
- lists and registers.

Some information is restricted by PATI. Records obtained or created by the Office while carrying out our functions are not accessible to the public under section 4 of the PATI Act. To obtain a copy of our PATI Information Statement (last updated January 2024) and learn about records that can be made available to the public, stop by our Office or visit our website to download it.



Investigations Officer Aquilah Fleming is our Information Officer, and she can be reached at 296-6541 or asfleming@ombudsman.bm.

Download our PATI Information Statement at:

ombudsman.bm/wp-content/uploads/2023/01/2022-Ombudsman-Information-Statement.pdf

COMPLIANCE

Annual Audit by the Office of the Auditor General (“OAG”)

Section 23(4) of the Ombudsman Act 2004 requires that the accounts of the Ombudsman shall be audited and reported on annually by the Office of the Auditor General (“OAG”), and for that purpose the Auditor General or any person authorised by her in that behalf shall have access to all books, records, returns and other documents relating to such accounts.

Our audit report for FY 2022/23 was received on 14th October 2024. The Auditor General reported, “In my opinion, the accompanying financial statement presents fairly, in all material respects, the results of operations of the Office of the Ombudsman for Bermuda for the year ended March 31, 2023 in accordance with public sector accounting standards generally accepted in Bermuda and Canada.”

Since its inception in 2005, our Office has received the same audit opinion, demonstrating consistent financial responsibility over a sustained period.

Ombudsman Association (UK) Validation

The Ombudsman Association (“OA”) in the UK is a membership body for ombudsman schemes and other complaint handling bodies. Its criteria and standards are recognised as industry best practice. The OA was established in 1993 and our Office has been a member since 2012.

Our Office spent much of 2024 preparing for a re-validation of our membership with the OA. This is an assessment process of our policies, procedures and practices. The OA assesses each of its members’ standards against the OA’s published guidance on caseworker competency framework, service standards framework, principles of good governance, and principles of good complaint handling. The OA then awards re-validation (or validation for new members) once the Office has demonstrated that it applies the OA’s standards to its own casework.

At the close of 2024, our Office was working towards submitting its application for re-validation in March 2025..

Occupational Safety and Health Act (“OSHA”)

The Occupational Safety and Health Act (“OSHA”) 1982, and the accompanying 2009 Regulations, establish a legislative framework in which employers have a duty to ensure, as far as is reasonably practicable, the health, safety, and welfare at work of all employees. The legislation requires that accidents and dangerous occurrences must be investigated and reported to a Safety and Health Officer at the Department of Health (“the Department”).

Employers who have ten or more persons employed are also required to establish a Safety and Health Committee that deals with complaints, investigates accidents, makes recommendations for safety improvements, provides training and advice, and maintains records. All employers, regardless of the size of the organisation, are required to submit an annual report to the Department that sets out the number of accidents, dangerous occurrences, and minor injuries that occurred.

With only six employees, the Office of the Ombudsman is not required to have an OSHA Safety and Health Committee. Instead, safety and health issues are discussed and decided at our regular team meetings. Our annual return to the Department reported that we did not experience any accidents or injuries during 2024.

POLICY & STANDARDS

Our Policy and Standards regime comprises a combination of written policies, procedures, protocols, guidelines, standards, and manuals. Collectively referred to as “policies,” these documents provide direction to our team, ensure that our operations are compliant with local laws and regulations, provide good practices that are based on international standards, and support the mission of the Office.

Complaint Handling and Investigation Process (“CHIP”) Manual

The Complaint Handling and Investigation Process (“CHIP”) Manual is the core policy document that drives our casework. CHIP establishes the procedures for dealing with complaints from the moment of intake to the final investigation report, and everything in between. Through the standardisation of our processes and templates, we provide greater consistency in the approach to our cases, increase the efficiency of our team, and improve the pace at which we manage our caseload. Significant work was done by our team to complete this project in 2024.

Government Service Standards Policy (“SSP”)

Early in 2022, the Cabinet Office and the Head of the Public Service approved the Government’s Service Standards Policy (“SSP”). Customer service training aligned with the standards was rolled out during 2023. The objective of the SSP is to establish a level of service expected from Government Departments to ensure that public officers meet client/ customer needs and expectations. The standards represent the type of conduct and service delivery that the Government wishes to adopt to better serve its clients/customers. The goal is to “promote a culture of service management excellence.”

The central standard of the SSP is to treat all clients/ customers with dignity and respect, while being courteous and professional when providing services. Other standards include consistent hours of operation; timeframes to answer emails, voicemails, and correspondence; answering phone calls and taking messages; processing applications and other documents; maintenance of offices and government facilities; and inter-departmental communication and cooperation.

Our Office has found the SSP to be a helpful reference when discussing complaints with authorities. For example, “unreasonable delay” is a type of maladministration listed in the Ombudsman Act 2004, but it is not defined. The term takes on more context when it is explained against the Service Standard that requires emails to be answered within one business day. Accordingly, our Office has adopted the SSP into our own office procedures, notwithstanding we are independent of the Government. If we are going to hold authorities to the Service Standards Policy, then it is right that we are held to the same standards.

DEMONSTRATING ACCOUNTABILITY

For the purpose of the Government’s Financial Instructions, the Ombudsman is the Accounting Officer for the Office. He ensures that all expenditure is in line with Financial Instructions and that accounts are kept, maintained, and reported annually as prescribed by the Accountant General.

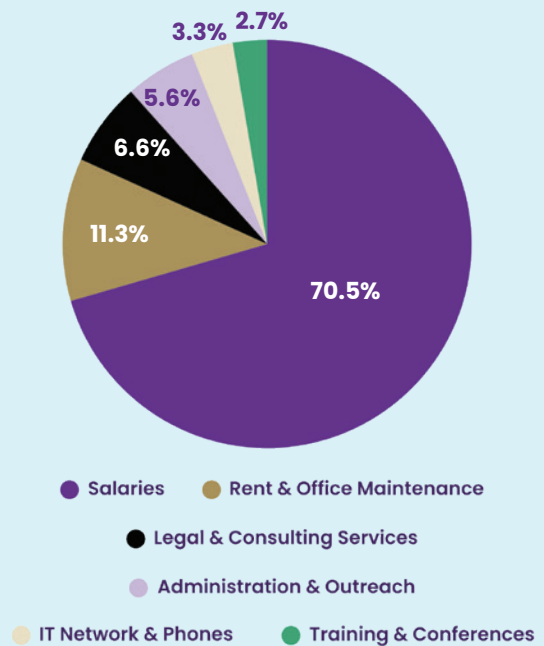
Our Spending

Our approved budget for FY 2024/25 was \$1,049,581. The funds were allocated as follows:

- Salaries: \$740,399 (70.5%)
- Rent & Office Maintenance: \$118,349 (11.3%)
- Legal & Consulting Services: \$69,000 (6.6%)
- Administration & Outreach: \$58,550 (5.6%)
- IT Network & Phones: \$35,436 (3.3%)
- Training & Conferences: \$27,847 (2.7%)

Figure H provides a further breakdown of our spending during 2024.

Figure H: budget allocation for FY 2024/25



POLICY & STANDARDS

Performance Measures

All Government Departments, including the Non-Ministry Departments (such as the Ombudsman, Information Commissioner, Auditor General, Parliamentary Registrar, etc.) must report annually on their performance measures contained in the Government's Approved Estimates of Revenue and Expenditure (the "Budget Book"). Our Office submitted the following performance measures for FY 2024/25:

MEASURE/INDICATOR	Actual OUTCOME 2022/23	Original FORECAST 2023/24	Revised FORECAST 2023/24	Target OUTCOME 2024/25
1. ENHANCE THE IMPACT OF OUR WORK				
Percentage of enquiries (non-complaints) responded to within 5 days of initial contact	Discontinued	90%	Discontinued	Discontinued
Percentage of complaints outside of jurisdiction that are declined (with value added) within 5 days of intake	Discontinued	90%	Discontinued	Discontinued
Percentage of complaints suitable to progress beyond intake, where inquiries started within 10 days of intake	Discontinued	70%	Discontinued	Discontinued
Percentage of investigations that comply with timelines prescribed in the Complaint Handling & Investigations Policy	n/a	70%	n/a	70%
Number of complaint handling workshops and meetings facilitated for public service and targeted groups	Discontinued	4	Discontinued	Discontinued
Number and type of "how we work" information published about our service (website/social media postings)	2	4	28	12
Number of information sessions about our service delivered to the public sector	1	4	1	4
Number of engagements with local / international colleagues to exchange information and discuss best practice	n/a	4/4	2/9	4/4
Number of internal progress reports and review of our complaint handling performance	Discontinued	52	Discontinued	Discontinued
Percentage of compliance with outside body reporting obligations (PATI, PIPA, Annual Report, Audit, etc.)	100%	100%	80%	100%
Percentage of cases where improvement-focused general discussions are employed to facilitate early resolution	Discontinued	50%	Discontinued	Discontinued
Percentage of monitor/follow up within 90 days after recommendations have been made following investigation	100%	100%	100%	100%
Number of internal education sessions to enhance staff skills and develop a learning culture	Discontinued	12	Discontinued	Discontinued
Number of meetings, per staff member, for development discussions (appraisal, one-to-one, forward planning, etc).	Discontinued	12	Discontinued	Discontinued

POLICY & STANDARDS

MEASURE/INDICATOR	Actual OUTCOME 2022/23	Original FORECAST 2023/24	Revised FORECAST 2023/24	Target OUTCOME 2024/25
2. EXTEND OUR ACCESSIBILITY				
Number of information sessions about our service delivered to community groups	3	4	4	4
Percentage of service-users surveyed to capture data on their demographics	n/a	100%	0%	100%
Number of engagements to reach groups that may not already have easy access to our services	Discontinued	4	Discontinued	Discontinued
Percentage of cases where special measures are used to accommodate mobility, health or interpreter needs	Discontinued	100%	Discontinued	Discontinued
Percentage of electronic / printed Office information published for non English speakers and persons with disabilities	50%	100%	50%	100%
3. EXPAND OUR COMMUNITY OUTREACH				
Number of engagements with media about our current activities and other information of public interest	1	4	3	4
Number of informal public information engagements ("pop-ops")	n/a	4	3	4
Number of updates on our current activities and other information of public interest posted via social media	2	26	28	26
Percentage of surveyed public that reports overall awareness of the work our office does	n/a	50%	61%	50%
Percentage of surveyed public that reports overall satisfaction with our office	n/a	60%	62%	60%

Complaint Process FAQs

What can you do once I make a complaint?

After you make a complaint, our Office may do any of the following:

1. **Refer** you to a more appropriate authority, if there is a more appropriate remedy still available to you.
2. Make **preliminary inquiries** with the authority you complain about. We will seek to clarify the issues of your complaint and, if possible, assist in resolving it without an investigation.
3. Conduct a full, confidential **investigation**, by reviewing all relevant documentation and gathering evidence (under oath if necessary). We may investigate if the complaint subject is complex, facts are in dispute, or the Ombudsman determines he must decide whether or not an authority's action constitutes maladministration.
4. **Mediate** a complaint if we decide this is appropriate.
5. **Decline** your complaint as being outside of our jurisdiction because either:
 - the action complained about is something we cannot investigate; or
 - the authority you have complained about is not one we can investigate.

We may also **decline** your complaint if it is lodged with our Office more than a year after you became aware of the issue you are complaining about, or the Ombudsman has determined that your complaint is frivolous. If we decline your complaint, we may refer you to another body which may be able to assist you.

What happens if you investigate my complaint?

If we investigate a complaint, the Ombudsman will make findings based on the evidence he has reviewed. He may determine the evidence does not support a finding of maladministration on the part of an authority. If he does so, he is not likely to take any further action.

The Ombudsman may determine the evidence reviewed supports a finding of maladministration. If he finds that there was wrongdoing by the authority, he may make recommendations as he sees fit. Recommendations may include that:

- an omission or a delay be rectified.
- a decision or recommendation be cancelled or altered.
- reasons be given for actions and decisions.
- a practice, procedure or course of conduct should be altered.
- a statute or regulation should be reviewed.
- improvements be made to practices, procedures and policies.
- a financial payment be made.

It is also possible that even if the Ombudsman makes a finding of maladministration, he does not make any recommendations.

What kind of financial payments can the Ombudsman recommend?

The Ombudsman can recommend financial consolation and financial compensation payments.

A **financial consolatory payment** is an ex-gratia payment that signifies the Ombudsman's conclusion that an apology does not sufficiently address the maladministration found. The aim of a consolation payment is to console a complainant and not to compensate a complainant for a financial loss.

A **financial compensation payment** is used to restore the complainant to the position they were in before the maladministration occurred.

Both forms of financial remedy are rarely recommended and can only be recommended after a finding of maladministration. Unlike the Courts, the Ombudsman's recommendations are not binding or enforceable.

Can I complain to the Ombudsman instead of taking an authority to Court to receive payment?

In most cases when complainants are seeking a financial payment from an authority, the complainant can pursue this payment in the Courts or with a tribunal. We cannot investigate complaints until either: a) the Court or tribunal's process the complainant has the right to pursue is complete; or b) the time limit for exercising that right has expired. We will usually decline these complaints and

SUPPLEMENTARY RESOURCES

suggest that the complainant speak with a lawyer.

The Ombudsman does have the discretion to investigate a complaint which otherwise would be pursued with a tribunal or in the Courts. However, this discretion is only exercised when it would not be reasonable to expect the complainant to pursue their claim in the Courts or with a tribunal.

What does the Ombudsman consider when deciding to recommend a financial remedy?

Each recommendation is decided on a case-by-case basis. The Ombudsman is unlikely to recommend financial compensation for unquantifiable or intangible losses. For

example, it is unlikely the Ombudsman will award financial compensation for distress or for pain and suffering.

A **consolation payment** can range from \$50 – \$5,000, depending on the severity of the maladministration found; the amount of the payment is determined at the Ombudsman’s discretion. When deciding whether a complainant should be **financially compensated**, the Ombudsman considers questions such as: Has the complainant suffered a financial loss as a result of maladministration? Is the loss quantifiable?

COMPLAINT STAGES

STAGE	PURPOSE
Intake	Receive and record cases as well as assess our jurisdiction to assist
Preliminary Inquiry	Gather and assess information and documents to determine whether or not to investigate a complaint of maladministration
Early Resolution	Promote resolution of the issues identified by (re-) establishing direct and clear communication between the complainant and the authority, along with potential solutions, as soon as possible after receipt of the complaint
Mediation	Promote resolution of the issues identified by facilitating a formal meeting (or series of meetings) between the complainant and the authority
Outcome Review	Assess whether to uphold the complainant’s request for a review of a decision not to investigate
Pre-Investigation	Assess whether the matter should be investigated and further review any potential challenges our Office may face in carrying out an investigation. Also carry out initial planning (<i>investigation sub-stage 1</i>)
Investigation	Gather and assess the evidence necessary to determine whether or not to uphold a complaint of maladministration, through formal and informal means of evidence gathering (<i>investigation sub-stage 2</i>)
Post-Investigation	Issue Draft Investigation Report to parties for their input, before finalisation (<i>investigation sub-stage 3</i>)
Investigation Conclusion	Receive and assess Authority’s statutory response to Final Investigation Report (<i>investigation sub-stage 4</i>)
Implementation Review	Follow up on the Authority’s implementation of recommendations in Final Investigation Report (<i>investigation sub-stage 5</i>)

COMPLAINT DISPOSITIONS

Dispositions help explain why and at what point in our process we have closed a case. Here is a description of each category with reference to the relevant sections of the Ombudsman Act for guidance on our definitions.

DISPOSITION	WHAT IT MEANS
Abandoned	Complainant did not provide sufficient contact information or respond to our attempts to make contact (<i>see s.9(2)(a) re decision not to investigate</i>).
Closed After Inquiries	We decided not to proceed with the complaint after making inquiries or based on an initial assessment because: (a) the issues within jurisdiction were adequately addressed; or (b) the questions we raised to the authority were sufficiently answered (<i>see s.8 re preliminary inquiries</i>). We may have used alternative resolution techniques (<i>see s.10 re mediation; and s.8 re preliminary inquiries</i>). We also may have made general suggestions to assist the authority in improving its processes.
Closed Maladministration	At the conclusion of a formal investigation, the Ombudsman made findings of maladministration, and the authority provided its statutory response (<i>see s.15(3) re procedure after investigation; and s.16 re authority to notify Ombudsman of steps taken</i>).
Closed Mixed Maladministration	At the conclusion of a formal investigation, the Ombudsman made findings of maladministration and no maladministration, and the authority provided its statutory response (<i>see s.15(3) re procedure after investigation; and s.16 re authority to notify Ombudsman of steps taken</i>).
Closed No Maladministration	At the conclusion of a formal investigation, the Ombudsman made findings of no maladministration (<i>see s.15(1) re procedure after investigation</i>).
Closed – Settled	We decided not to proceed with the complaint during preliminary inquiries or investigation because the issues were successfully resolved and adequately addressed. (<i>see s.9(2)(c) re decision not investigate</i>)
Declined	Issues raised were outside of our jurisdiction because of the subject matter and/or body complained of (<i>see s.6(1)(3) and the Schedule re actions not subject to investigation</i>). Or, issues raised may have been within jurisdiction but were out-of-time (<i>see s.9(1)(a) re decision not to investigate</i>) or determined to be frivolous (<i>see s.9(1)(c) re decision not to investigate</i>). In these cases, we may have declined outright or made inquiries to establish jurisdiction (<i>see s.8 re preliminary inquiries</i>). We make no suggestion as to potential redress because there likely is none at present.
Declined and Referred	Issues raised were outside of our jurisdiction because of the subject matter and/or body complained of (<i>see s.6(1)(3) and the Schedule re actions not subject to investigation</i>). Or, issues raised may have been within jurisdiction but were out-of-time (<i>see s.9(1)(a) re decision not to investigate</i>). We may have made inquiries to establish jurisdiction and/or determine whether there were other forms of redress available (<i>see s.8 re preliminary inquiries</i>). These inquiries may have included general or specific questions about the issues. We determined that there were other ways for the complainant to seek redress and provided information to the individual on possible next steps (<i>see s.9(1)(b) re decision not to investigate – alternative remedies</i>).
Deemed Premature	Complaint subject matter and authority were in jurisdiction, but the person had not yet complained to that authority or had not yet exhausted that authority's existing complaint handling procedure. In these cases, we could have made inquiries, but it probably meant getting ahead of ourselves. The authority complained of was always the authority that the complaint should have been raised with.
Enquiry	Person contacted us to seek information, not necessarily to complain, with questions about an authority's processes and/or our services. Person may have been aware that there were other steps to pursue before complaining to us. This may have included complaint letters addressed to authorities or other bodies that were copied to us.
Informally Resolved	Complaint was resolved between the authority and the complainant with informal intervention from us. We may have facilitated resolution by making brief, informal enquiries that prompted the authority's action and/or by coaching the complainant on how to approach the authority (<i>see s.9(2)(c) re decision not to investigate – settled; and s.8 re preliminary inquiries</i>).
Referred	Complaint subject matter and authority were in jurisdiction, but there was a more appropriate remedy still available to the complainant (<i>see s.6(1) and (2) re restrictions on jurisdiction to investigate</i>). Complainant had not raised the issue with the correct authority or had not yet exhausted the authority's complaint handling procedure, and we determined that it was necessary and fair for the complainant to give the authority adequate opportunity to address the issues raised (<i>see s.9(1)(b) re decision not to investigate – alternative remedies</i>).
Signposted	Complaint subject matter and/or body complained of were not within our jurisdiction, and we suggested the complainant contact a body not within our jurisdiction.
Withdrawn	Complainant requested that we take no further action on the complaint. This may have been done at any stage during the process (<i>see s.9(2)(b) re decision not to investigate</i>).

ASSESSING GOOD ADMINISTRATION

Ombuds offices worldwide benefit from shared tools and guidance on assessing public bodies' actions. In our complaint handling and investigation work, we routinely refer to the "Principles of Good Administration" published by the UK Parliamentary and Health Service Ombudsman in 2007. These guiding principles provide clear and succinct language for defining good administrative practices. We also routinely describe those principles in our presentations and correspondence to authorities regarding their complaint handling.

There are other useful resources for guidance on what administrative fairness means. These publications are based on decades of experience investigating complaints. We share this information to promote an understanding of how our Office will consider cases and how we will assess the authorities' delivery of service to the public. Here is our updated list of resources for exploring what good administration means:

- "Fairness by Design: An Administrative Fairness Self-Assessment Guide" from various Canadian Ombudsman offices in collaboration (2019)
- "Good Conduct and Administrative Practice: Guidelines for State and Local Government" from Australia's New South Wales Ombudsman (2017)
- "Principles of Good Administration and Good Records Management" from Wales' Public Services Ombudsman and Information Commissioner's Office in collaboration (2016)
- "Administrative Fairness Guidebook" from Canada's Alberta Ombudsman (2013)
- "Defining Fairness in Local Government" from the Ombudsman Toronto (2013)
- "Principles of Good Complaint Handling" from the UK Parliamentary and Health Service Ombudsman (2008)
- "Principles for Remedy" from the UK Parliamentary and Health Service Ombudsman (2007)
- "A Guide to Principles of Good Complaint Handling" from the Ombudsman Association (2007)
- "Code of Administrative Justice" from the British Columbia Office of the Ombudsman (2003)

Also, for structured guidance to reflect on other complaint-handling practices, we refer you to:

- "Good Practice Guide to Dealing with Challenging Behaviour" from Australia's Victorian Ombudsman (2018)
- "Managing Unreasonable Complainant Conduct Practice Manual" from Australia's New South Wales Ombudsman (2012)
- "Being Complained About – Good Practice Guidelines" from the University of Glasgow and Hirstworks (with input from the Scottish Public Services Ombudsman) (2019)
- "Complaints: Good Practice Guide for Public Sector Agencies" from Australia's Victorian Ombudsman (2016)
- "Complaints Improvement Framework" from the Scottish Public Services Ombudsman (2017)
- "Effective Complaint Handling Guidelines" from Australia's New South Wales Ombudsman (2017)
- "Effective Complaints Management Self Audit Checklist" from Australia's Queensland Ombudsman (2006)

***If you are unable to locate any of these resources online,
please contact our Office for a copy.***

*For the Good
of the Public*



*and Those Who
Serve the Public*

OMBUDSMAN FOR BERMUDA

Dundonald Place, Suite 102, 14 Dundonald Street West, Hamilton HM 09, Bermuda

TEL 441-296-6541 | www.ombudsman.bm | contact@ombudsman.bm