



OFFICE OF THE



(OMBUDSMAN)

TURKS AND CAICOS ISLANDS

OFFICE OF THE COMPLAINTS COMMISSIONER

— ANNUAL REPORT

2025/2026

Promoting Fairness,
harmony and
good governance

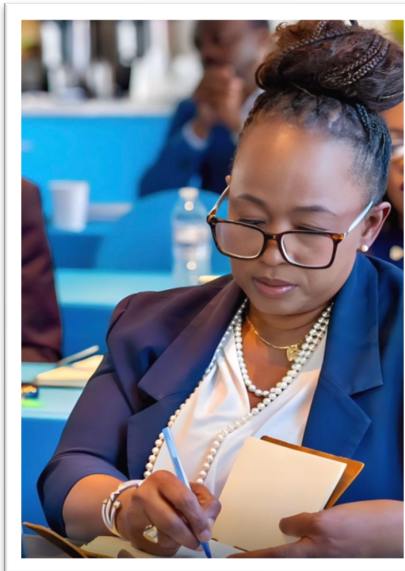


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FOREWORD

Strengthening fairness, accountability and public trust



It is with honour and a strong sense of constitutional responsibility that I present the Annual Report of the Office of the Complaints Commissioner (Ombudsman) (OCC) for the Turks and Caicos Islands for the 2025/2026 reporting year.

I assumed office in November 2025, following the service of the Honourable Rita Gardiner, to whom I extend sincere appreciation for her stewardship and contribution to the continuity of the Office. In assuming this role, I remained mindful of both the statutory mandate of the OCC and the public trust that underpins its work.

The OCC occupies an important place within the governance framework of the Turks and Caicos Islands. It provides independent oversight of administrative action, investigates complaints of maladministration, and makes recommendations in the public interest. Importantly, the OCC

is also empowered to initiate investigations on its own motion, enabling the Office to examine systemic issues in the absence of a formal complaint. As the Office continues to strengthen its capacity, this function will play an increasingly important role in identifying recurring administrative concerns and advancing improvements in public administration.

During my initial months in office, a review of operations, casework, and internal processes was undertaken. This exercise reaffirmed the need to strengthen responsiveness, enhance internal systems, and ensure that the OCC is well positioned to deliver effective and timely outcomes.

The reporting year has reinforced how critical this Office is to the public. While there may not always be a full appreciation of the extent of the OCC's mandate, there is a clear expectation and trust that there exists a place where concerns can be raised and addressed fairly. This trust is fundamental to the Office's role and must be supported at all levels. It is therefore important that the value of the OCC is recognised and that the Office is adequately resourced to improve accessibility and service delivery across the islands.

International standards, including the **Venice Principles**, (Principles on the Protection and Promotion of the Ombudsman Institution) underscore the importance of equipping Ombudsman institutions with the resources and independence necessary to operate effectively. In the year ahead, I intend to continue building the case for strengthening the institutional capacity of the OCC, while also deepening relationships with regional and international colleagues to support knowledge-sharing, technical expertise, and professional development.

The reporting year has also highlighted that improvements in complaint resolution are closely linked to the broader culture of public service delivery. Sustained progress can only be achieved where Ministries, Departments, and public authorities recognise the importance of timely, responsive, and fair service to the public. The OCC therefore has a role not only in addressing individual grievances,

but in supporting a culture of responsiveness, reducing administrative barriers, and ensuring that concerns are heard and addressed with fairness and equity.

The OCC remains committed to operating as a trusted and independent institution, delivering fair outcomes while supporting improved standards of public administration. As the Office continues to develop, it will strengthen its contribution to accountability, transparency, and good governance across the Turks and Caicos Islands.

Cherylann Jones
Complaints Commissioner/Ombudsman
Turks and Caicos Islands

OUR MANDATE

The role and responsibilities of the Office of the Complaints Commissioner

The Complaints Commissioner, commonly referred to as the Ombudsman, is an independent statutory officer responsible for reviewing complaints concerning maladministration in public administration. The Office operates under the Complaints Commissioner (Ombudsman) Ordinance 2015, originally established in March 1993 and updated in 2018. The Office of the Complaints Commissioner (OCC) forms part of the broader governance and accountability framework of the Turks and Caicos Islands.

Constitutional Recognition

Section 99 of the Constitution of the Turks and Caicos Islands formally recognises the Ombudsman as a key institution responsible for upholding good governance.

Scope of Complaints

The ombudsman receives and reviews complaints from individuals who believe they have been treated unfairly by Public Officers, Government Departments, or Statutory Bodies. Investigations are conducted in an impartial and objective manner to assess whether injustice has occurred as a result of improper, unreasonable, or inadequate administrative actions.

Functions of the Commissioner

In accordance with Section 7 of the Commissioner (ombudsman) Ordinance 2015 (Revised 2018), the Commissioner is responsible for:

1. Examining administrative actions undertaken by authorities to determine whether maladministration has occurred.
2. Issuing recommendations to the relevant authority following an investigation, including suggestions to improve administrative systems, practices, and procedures.
3. Exercising any additional powers granted under this Ordinance or any other applicable legislation.

Discretionary Investigations

The Commissioner may initiate investigations into administrative actions carried out by or on behalf of an authority in the following circumstances:

1. Upon Complaint:
 - Where an individual alleges that they have suffered an injustice due to maladministration connected to an administrative action.
2. On Own Initiative (Own Motion):
 - Where the Commissioner determines that an investigation is warranted because a person or group may have experienced injustice as a result of maladministration.
 - Where there are reasonable grounds to proceed in the interest of the public.

Discretion in Investigations

The Commissioner retains full discretion in deciding whether to commence, continue, or discontinue an investigation. Additionally, the determination of whether a complaint has been properly made under the Ordinance rests with the Commissioner.

MISSION & VISION

Guided by fairness, accountability and good governance

Our Mission

- Investigates complaints of maladministration by Government Departments and Statutory Bodies, in accordance with the Ordinance.
- Promotes effectiveness and efficiency in the delivery of public services to the community.
- Educates individuals about their rights and responsibilities within a free democratic society.
- Provides fair, impartial, and just services to the public, fostering harmony and good governance in the country.

Our Vision

To be an organisation that permeates the community with fairness, impartiality, and harmony by promoting good governance and executing justice, thereby creating trust between members of the community and the public.



PRINCIPLES THAT GUIDE OUR WORK

The values that shape our work and public service approach

CORE VALUES

- **Fairness:** Handling every complaint objectively, without bias, and in accordance with established procedures.
- **Integrity:** Demonstrating ethical and consistent conduct, with openness in our processes and decisions.
- **Respect:** Engaging all persons courteously and valuing their perspectives and circumstances.
- **Accountability:** Taking ownership of our actions and ensuring decisions are clearly communicated and justified.
- **Confidentiality:** Safeguarding personal and sensitive information entrusted to the OCC.
- **Professionalism:** Delivering services with competence, diligence, and adherence to the highest standards of conduct.

GUIDING PRINCIPLES

- **Accessibility:** Ensuring the complaints process is clear, user-friendly and available to all members of the public.
- **Responsiveness:** Managing complaints in a timely and efficient manner.
- **Impartiality:** Considering every matter objectively and without undue influence.
- **Transparency:** Communicating process and outcome in a clear and open way.
- **Continuous Improvement:** Consistently reviewing and enhancing procedures to better meet the needs of the community.

Together, these values and principles guide the OCC's approach to complaint handling, reinforcing in our work and supporting the promotion of accountability and transparent governance.

OUR TEAM

Committed to fairness, professionalism and public service



Mrs Cherylann Jones
(Ombudsman)



Ms. Samadia Lightbourne
(Senior Investigative Officer)



Ms Raynae Myers
(Investigative Officer)



Mrs. Shalandra Smith
(Administrative Officer)

COMPLAINT ELIGIBILITY

Strengthening fairness, accountability and public trust

WHO MAY SUBMIT A COMPLAINT

Any individual, group, or organisations that believes they have been adversely affected by the actions of government authority may submit a complaint to the Ombudsman. The complaints process is intended to be accessible, efficient, and free of charge. There are no filing fees and complaints are not required to obtain legal representation, as provided under Section 9(1) of the Complaints Commissioner (Ombudsman) Ordinance 2018.

SUBMITTING A COMPLAINT

Complaints regarding an administrative action of a public authority may be submitted by the individual who is directly affected. In circumstances where the individual is unable to act on their own behalf, such as due to incapacity or death, a family member or another appropriate representative may submit the complaint on their behalf.

CONFIDENTIALITY

The Office of the Complaints Commissioner treats all complaints with strict confidentiality. The identity of complainants is protected throughout the process. In accordance with Section 5 of the Complaints Commissioner (Ombudsman) Ordinance 2015 (Revised 2018), the Commissioner and all officers of the OCC are required to take an oath of secrecy before carrying out their official duties. This ensures that information received during the complaints process is handled with the highest level of privacy and discretion.

STEPS BEFORE SUBMITTING A COMPLAINT

Individuals are encouraged to first attempt to resolve their concerns directly with the relevant government authority. This may involve making enquiries or utilising the authority's internal complaint procedures. If these efforts do not lead to a satisfactory outcome, or if the individual believes they have been treated unfairly, the matter may be referred to the Ombudsman for review.

EXECUTIVE SUMMARY

Key highlights and performance outcomes for 2025/2026

Performance, progress and institutional focus 2025/2026

The 2025/2026 reporting year marks a period of **clear progress, increased activity, and strengthened institutional focus** for the Office of the Complaints Commissioner (OCC). During the year, the Office continued to discharge its statutory mandate as an independent oversight body, addressing complaints of maladministration, engaging public authorities, and promoting improved standards of public administration.

Operational data demonstrates a **clear expansion in both public engagement and institutional output**. Complaints received increased from 26 to 35, while preliminary investigations rose from **26 to 30**. The number of investigations completed also increased, supported by a rise in recommendations issued—from 6 to 15—reflecting a stronger emphasis on achieving practical administrative outcomes. Outreach and public education activities more than doubled, and training participation increased substantially, reflecting a deliberate effort to improve public awareness and access to the Office.

Performance indicators demonstrate **meaningful improvement in service delivery**. The complaint resolution rate increased to **83%**, supported by marked improvement in the proportion of matters **resolved within 30 days**. These outcomes reflect improved responsiveness and a more structured approach to complaint handling, despite the operating within limited resources.

At the same time, the data highlights **persistent systemic concerns** within the public service. Complaints relating to delay, failure to respond, and procedural inconsistencies continue to feature prominently. These issues point to underlying weaknesses in administrative responsiveness and communication that may affect public confidence if left unaddressed. Addressing these patterns remains central to the OCC's role in promoting good administrative practice.

The reporting year also confirms a **continuing gap in public understanding of the OCC's role and jurisdiction**, reflected in the proportion of matters falling outside the Office's remit. This reinforces the need for clearer public guidance, strengthened outreach, and improved complaint intake processes to ensure more effective engagement.

The year underscores the OCC's evolving role beyond individual complaint resolution. The Office is empowered to initiate investigations on its own motion, enabling it to examine systemic issues in the absence of a formal complaint. While this function has not yet been fully utilised, it represents an important mechanism through which the OCC can address recurring administrative concerns and contribute to broader institutional improvement.

Looking ahead, the OCC will prioritise advancing its own-motion investigative function, identifying suitable areas for systemic review where patterns of concern emerge from complaint data, stakeholder engagement, or observed administrative practice.

At an institutional level, the year also reinforced the importance of **strengthening internal systems and organisational capacity**, including improvements to complaint-handling workflows,

standardised documentation, and case management systems. These areas will be critical to sustaining performance gains and supporting more complex investigative work.

Looking ahead, the OCC will focus on **three central areas**:

- strengthening organisational capacity and internal systems;
- improving public awareness, accessibility, and stakeholder engagement; and
- advancing governance, consistency, and the quality of administrative oversight.

These priorities are intended to ensure that the OCC is not only responsive to individual complaints but is also increasingly positioned to **identify systemic issues, support administrative reform, and promote good governance across the Turks and Caicos Islands**.

Overall, the 2025/2026 reporting year reflects an Office that is **growing in visibility, activity, and impact**, while strengthening its role as an independent oversight institution. The OCC remains committed to exercising its mandate with fairness, impartiality, and integrity, and to contributing to a more accountable, transparent, and responsive public service in the public interest.

Table 1: Key performance indicators comparing 2024/2025 actuals, 2025/2026 actuals and 2026/2027 targets.

Indicator	2024/2025 Actual	2025/2026 Actual	2026/2027 Target
Complaints filed	26	35	45
Preliminary investigations	26	30	45
Investigations completed	24	29	20
Recommendations made	6	15	20
Community outreach programmes	6	14	14
Total training participants	270	565	500
Complaints resolved	76.9%	83.0%	83.0%
Resolved within 30 days	11.5%	92.0%	92.0%

Table 1: The data reflects a clear improvement in both operational activity and service delivery outcomes. Notably, the substantial increase in recommendations issued and the proportion of complaints resolved within 30 days demonstrates enhanced responsiveness and a stronger focus on achieving practical administrative outcomes.

Note:

Own-motion investigations were not undertaken during the reporting period. However, this function remains an important part of the OCC's mandate and will be progressively advanced as institutional capacity continues to strengthen.

Training and development initiatives undertaken during the year reflect a deliberate focus on building investigative capability, strengthening internal systems, and preparing the Office to support more complex and systemic work.

YEAR IN REVIEW

Progress, transition and institutional growth during 2025/2026

Overview of the Office

The 2025/26 reporting year was one of transition, reflection, and measurable progress for The Office of the Complaints Commissioner (OCC). As a small oversight body consisting of four staff members, all based in Grand Turk, The OCC continued to carry out its mandate of promoting fairness, accountability, and good administration across the public service. The OCC remains an important avenue through which members of the public may raise complaints of maladministration and seek an independent review of administrative actions. In doing so, The OCC supports public confidence in government processes and contributes to improved standards of administrative practice.

Awareness, Accessibility and Public Engagement

On taking up office and reviewing the work of the organisation, it became clear that meaningful efforts had already been made during the year to strengthen awareness of The OCC and its role. Those efforts have been important and should continue. While there has been encouraging progress, anecdotal evidence gathered over recent months suggests that some communities, particularly in Providenciales, remain unaware of the existence of The OCC and the value it offers. In other instances, persons may know of The OCC but are not clear about its purpose, its jurisdiction, or the kinds of concerns it can properly address. This points to the continued need for focused public education, stronger visibility, and improved accessibility.

During the year, particular attention was also given to strengthening communication and outreach.

The OCC commenced a new monthly newspaper article, which is also circulated online and shared through social media platforms. This has created a regular channel through which the public can better understand the role of the OCC, the nature of maladministration, and the value of good public administration. Outreach and pop-up initiatives were also increased, with the intention of ensuring at least one initiative each month. In support of these efforts, new promotional materials were procured and plans advanced for a broader promotion and awareness campaign. These initiatives are intended not simply to increase visibility, but to improve public understanding, strengthen confidence in the Office, and encourage both the number and quality of complaints received.

This is important because the value of The OCC lies not only in being known, but in being properly understood. A clearer appreciation of the OCC's role should help members of the public better identify matters that may fall within the Office's remit, improve the quality of complaints submitted, and enhance public appreciation of The OCC as an accessible and constructive watchdog institution.

Performance and Activity Highlights

The year nonetheless reflected notable growth in the OCC's work and public engagement. Complaints filed increased from 26 to 35, representing a 35 percent rise. Preliminary investigations increased from 26 to 30, while recommendations made rose significantly from 6 to 15. Community outreach programmes more than doubled, increasing from 6 to 14, and the number of training participants grew from 270 to 565. These figures demonstrate an expanding level of engagement by The OCC and a growing capacity to respond to administrative concerns across the public service.

Service Delivery and Outcomes

Performance against key outcome indicators also reflected positive movement. Complaint resolution improved from 77 % to 83 %, while the proportion of complaints resolved within 30 days increased sharply from 11.5 % to 9.2 %. Matters unresolved after 12 months reduced from 6 % to 1 %. These improvements are significant and suggest that, even with limited human and operational resources, The OCC has been able to improve responsiveness and efficiency in handling matters brought before it.

Staff Learning and Development

The OCC also continued to invest in staff learning and development as an important part of improving investigative quality, office procedures, and service delivery. In March 2026, an Investigative Officer undertook a one-week professional attachment to the Bureau Ombudsman Office in Sint Maarten. Over the course of five days, the attachment provided practical exposure to a structured and professional Ombudsman environment and offered valuable insight into complaint assessment, investigation processes, teamwork, and institutional operations.

The attachment included review of case documents, work on a mock case, attendance at an external meeting, and a visit to Parliament, all of which helped to contextualise the Ombudsman's role within the wider governance framework. The experience also reinforced the value of cross-sector collaboration, structured systems, and knowledge-sharing in the delivery of effective oversight.

Importantly, the attachment produced practical lessons relevant to the continued development of the OCC. These included the need for clearer complaint-handling workflows, standardised templates to improve consistency in documentation and reporting, stronger procedural guidance to support investigations, and improved case management systems. These observations are directly relevant to the OCC's own efforts to strengthen internal systems and standardise practice.

In addition to this regional exposure, staff participated in online training sessions and benefited from a refresher with the Attorney General's Chambers on Ombudsman law. Together, these initiatives reflect an intentional approach to professional development and recognise that an effective oversight institution must continue to invest in the knowledge, skills, and systems necessary to carry out its mandate with credibility and consistency.

Strategic Priorities and Service Improvement:

The year also reinforced the importance of continuing to strengthen the institutional capacity of the Office. The OCC's programme priorities for 2026/27 are therefore appropriately focused on three central areas: **building organisational capacity, enhancing public awareness and stakeholder engagement, and strengthening governance and standardisation**. These priorities are aimed at improving staff capability, strengthening engagement with the public and stakeholders, and ensuring that the Office's procedures and practices remain consistent, effective, and aligned with Ombudsman best practice.

Supporting these priorities is **an increase in budget allocation intended to improve service delivery, operational efficiency, and institutional capacity**. The additional funding will assist with staff development, communication improvements, case management, increased outreach and public awareness, and the equipment and professional support necessary for The OCC to perform its mandate effectively. In practical terms, this includes investment in communication expenses, training, professional consultancy, and promotional activity, all of which are directed toward making The OCC more visible, accessible, responsive, and effective in the public interest.

Conclusion:

The 2025/2026 reporting year reflects an Office that has strengthened its operational performance while gaining greater visibility and engagement across the Turks and Caicos Islands. The increase in complaints received, the expansion of outreach activities, and the improved timeliness of complaint resolution demonstrate measurable progress in both access to, and delivery of, oversight services.

At the same time, the reporting year has clearly highlighted areas requiring continued attention. Issues relating to delay, communication, and public understanding of the OCC's role remain evident and underscore the need for sustained engagement with both the public and public authorities. These are not isolated operational matters, but indicators of broader administrative challenges that affect trust, accessibility, and confidence in public services.

Looking ahead, the OCC will build on the progress achieved, with a deliberate focus on strengthening internal systems, improving consistency in complaint handling, and enhancing its ability to identify and respond to systemic issues. Particular attention will continue to be given to expanding accessibility and strengthening presence in Providenciales and other underserved areas.

The OCC remains committed to exercising its mandate **independently, fairly, and in the public interest**, while promoting higher standards of accountability, transparency, and administrative practice across Government. As the Office continues to mature, its role will increasingly extend beyond individual complaint resolution to supporting broader institutional improvement and good governance.

PERFORMANCE & DATA REVIEW

Complaint trends, outcomes and institutional performance

What the data shows about complaint trends, outcomes and institutional activity

The performance data for 2025/2026 shows an Office demonstrating increased public engagement and expanded institutional activity. The OCC received **35 complaints** during the reporting year, compared with 26 complaints in the previous year. This represents an increase of approximately **35%**. While the increase cannot be attributed to one factor alone, it may reflect the Office's increased outreach, public education, and visibility during the reporting period.

Preliminary investigations also increased, moving from **26 to 30**, while investigations completed increased from **24 to 29**. This indicates that the Office was not only receiving more complaints but was also continuing to assess and progress matters within its statutory remit. The increase in recommendations from **6 to 15** is especially important, as it suggests a stronger emphasis on identifying administrative weaknesses and encouraging practical improvements by public authorities.

The data also shows that the OCC continued to place emphasis on complaint resolution. The reported resolution rate improved from **77% to 83%**, indicating positive movement in the handling and closure of matters.

Complaint categories

The complaint categories recorded for 2025/2026 show that the largest group of matters fell under "Other", followed by Delay, Failure to Respond, Policy and Procedures, Human Resource, Abuse of Power, and Discourtesy.

The high number of matters classified as "Other" is significant and provides an important insight into how the public engages with the OCC. It suggests that many persons continue to approach the OCC with concerns that, while they may involve issues of maladministration, do not necessarily fall within the Office's statutory remit or jurisdiction.

This trend is consistent with developing oversight institutions and reflects an opportunity to strengthen public understanding of the OCC's mandate. In such instances, the OCC seeks, where appropriate, to refer complainants to the relevant authority or agency better suited to address their concerns. Nevertheless, the trend reinforces the need for clearer public guidance on the types of matters the OCC can and cannot investigate, stronger referral pathways, and continued public education on the complaints process.

The number of complaints involving delay and failure to respond is also important. These categories point to recurring concerns about timelines, communication, and administrative responsiveness. Even where no maladministration is ultimately found, delay and poor communication can affect public confidence and may cause members of the public to feel ignored, frustrated, or unfairly treated.

Complaints by ministry and public body

Complaints were recorded across a range of ministries, public bodies and other entities. The data should be interpreted carefully. A higher number of complaints against a particular ministry or public body does not, by itself, establish maladministration. It may instead reflect the volume of public interaction, the complexity of services delivered, the nature of decisions being made, or the level of public awareness of the OCC.

Nevertheless, ministry-level data remains useful. It helps the OCC identify where recurring concerns may be emerging, where public authorities may require additional engagement, and where clearer communication or improved administrative procedures may be beneficial.

Referrals

The number of complaints referred fell from 20 in 2024/2025 to 16 in 2025/2026. This may indicate modest improvement in complaint screening, intake guidance, or public understanding of the OCC's remit. However, the number of referrals still show that education remains important. The OCC must continue helping the public understand which matters fall within its jurisdiction and when another body, appeal process, tribunal, court or internal mechanism may be more appropriate in the first instance.

What the data means:

Taken together, the data tells a clear performance story. The OCC is receiving more complaints, engaging more actively with the public, issuing more recommendations, and strengthening its role as an independent oversight body. At the same time, the data highlights areas that require continued attention: public understanding of jurisdiction, timely responses from public authorities, stronger internal systems, improved case tracking, and clearer complaint categories. These will be addressed in the 26/27 financial year.

The data also does not capture a concern that at times prohibits reporting of complaints or even investigations. **The fear of victimization from whistle blowing** was raised on a few of the HR related cases. Despite the respite in Law, some clients are concerned about what will happen, following a complaint. Where this happens, the Commission made generic recommendations to the Ministry or Department. It is an area that we must highlight so that confidence and trust is increased.

While no own-motion investigations were initiated during the reporting period, the OCC has taken steps to strengthen the institutional capacity required to support this function. **Training initiatives**, regional engagement, and internal process improvements undertaken during the year form part of a structured approach to enhancing investigative capability and preparing the Office to address systemic issues where appropriate.

The data therefore does more than simply record activity. It provides a basis for institutional learning. It helps the OCC understand where public concerns are arising, where administrative processes may

need improvement, and where the Office itself must strengthen its systems to remain effective, accessible, and trusted.

The performance data for 2025/2026 reflects an Office experiencing **increased public engagement and expanded operational activity**. The OCC received **35 complaints**, compared with 26 in the previous reporting year, representing a **35% increase**.

Preliminary investigations increased from **26 to 30**, while investigations completed rose from **24 to 29**, indicating that the Office not only received more complaints but continued to progress matters within its statutory remit.

A notable development during the year was the increase in recommendations issued—from **6 to 15**—demonstrating a stronger focus on addressing administrative weaknesses and promoting practical improvements in public administration.

Service Outcomes

Performance against key outcome indicators shows measurable improvement. The complaint resolution rate increased from 76.9% to 83%, reflecting stronger case management and improved responsiveness. Complaints unresolved after 12 months decreased from 6% to 1%, indicating increased efficiency in progressing matters to conclusion.

While the proportion of matters resolved within 30 days reflects operational variation, the overall trend demonstrates improved timeliness and a more structured approach to complaint handling.

Complaint Patterns and Systemic Issues

The distribution of complaints shows that the largest categories were “Other” (16 cases) and Delay (9 cases), followed by Policy and Procedure issues and Failure to Respond (3 cases each).

The “Other” category represents a significant proportion of complaints, accounting for approximately 46% of all matters received. This reflects ongoing challenges in public understanding of the OCC’s jurisdiction and reinforces the need for continued public education and clearer complaint-routing guidance. The Complaints Commission Ordinance outlines areas where the Complaints Commissioner does not have jurisdiction to investigate, these include the judiciary, police or falls within the jurisdiction of the Integrity Commission or Human Rights Commission- for example.

Recurring issues relating to delay, failure to respond, and communication gaps highlight broader administrative weaknesses within the public service. While these issues do not, in themselves, establish maladministration, they impact public confidence and underscore the importance of timely, responsive, and transparent decision-making.

Institutional Insights

The data confirms that the OCC is:

- Receiving more complaints
- Completing more investigations
- Issuing more recommendations
- Expanding public engagement and outreach

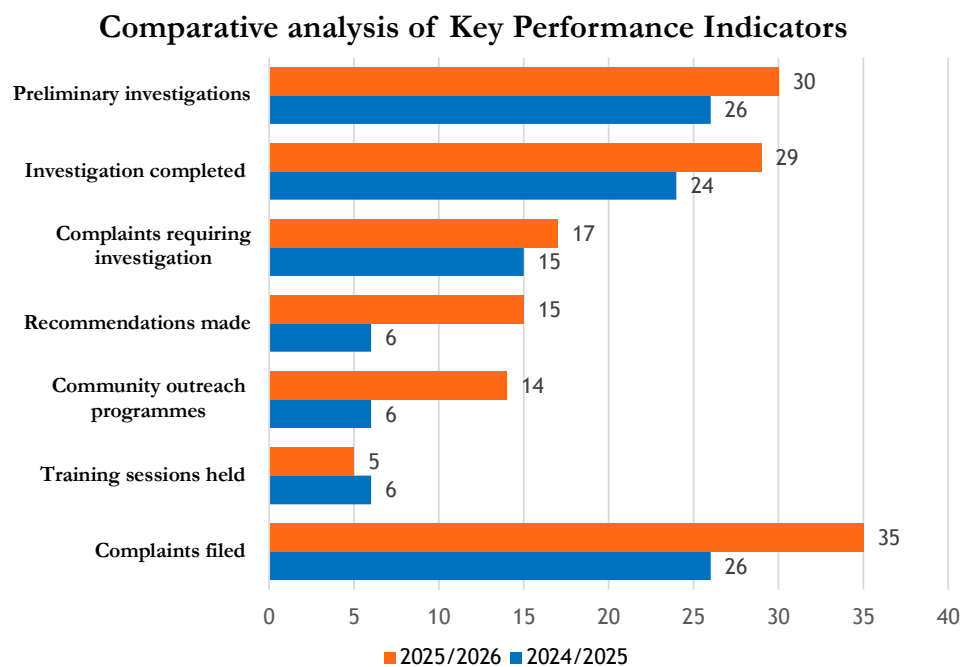
At the same time, it highlights areas requiring continued attention, including:

- Public understanding of the OCC's role and jurisdiction
- Timely responses from public authorities
- Strengthened internal systems and case management

Importantly, we must note that the data may not overtly point to concerns regarding **reluctance to report complaints in certain cases**, particularly where individuals fear potential repercussions. In many instances While legal protections exist, (**for whistleblowers**) addressing perceptions of risk remains important to strengthening confidence in the complaints process.

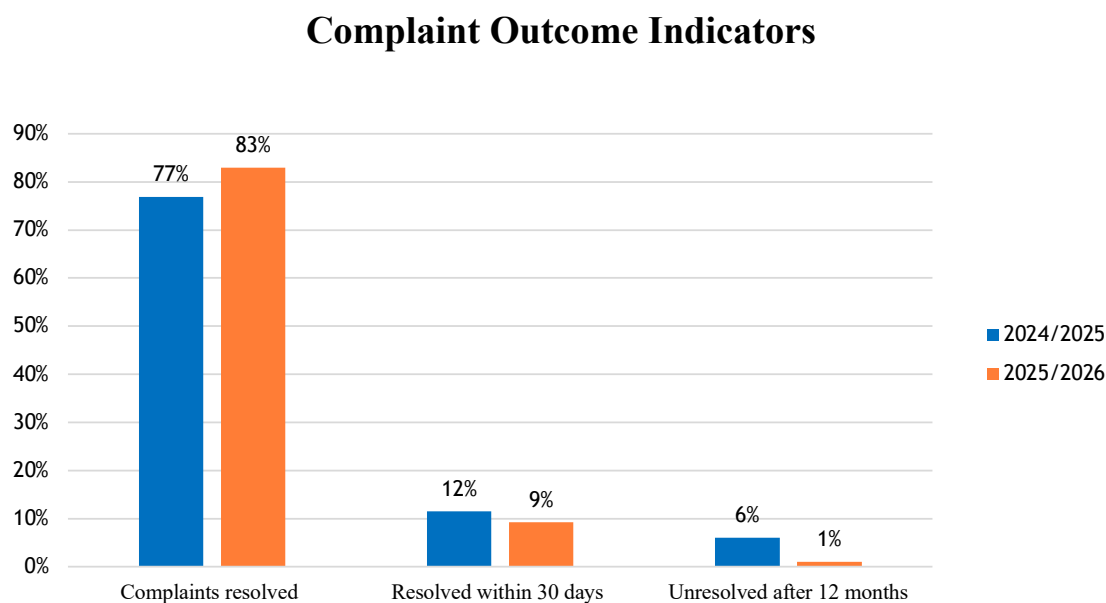
The data therefore provides not only a record of activity but a basis for institutional learning, improved service delivery, and more effective administrative oversight.

Figure 1: Comparative Analysis of OCC Key Performance Indicators, 2024/2025-2025/2026



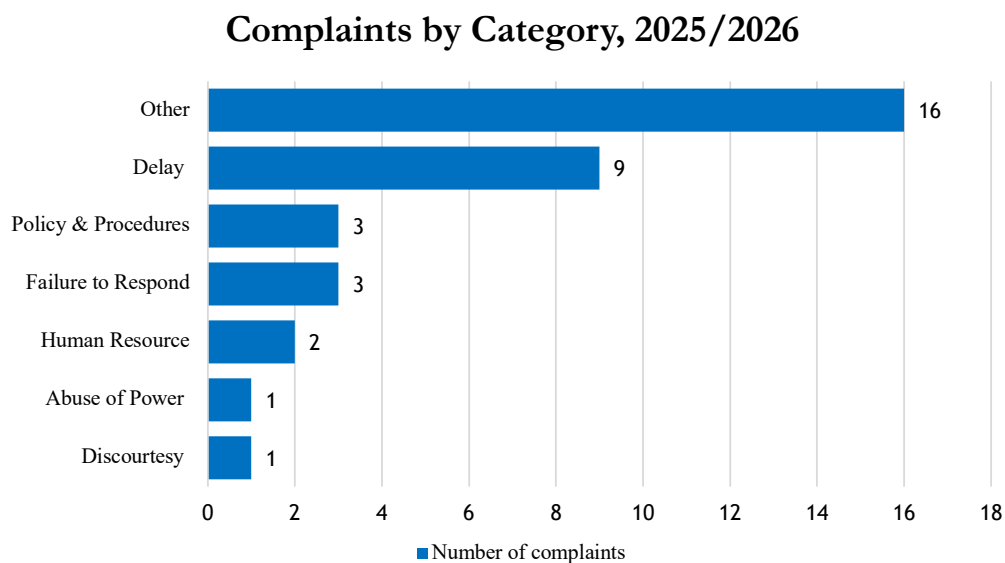
This chart compares selected activity indicators over two reporting years. It shows increased public engagement and institutional activity, including growth in complaints filed, preliminary investigations, investigations completed, recommendations made and community outreach programmes.

Figure 2: Complaint Outcome Indicators, 2024/2025-2025/2026



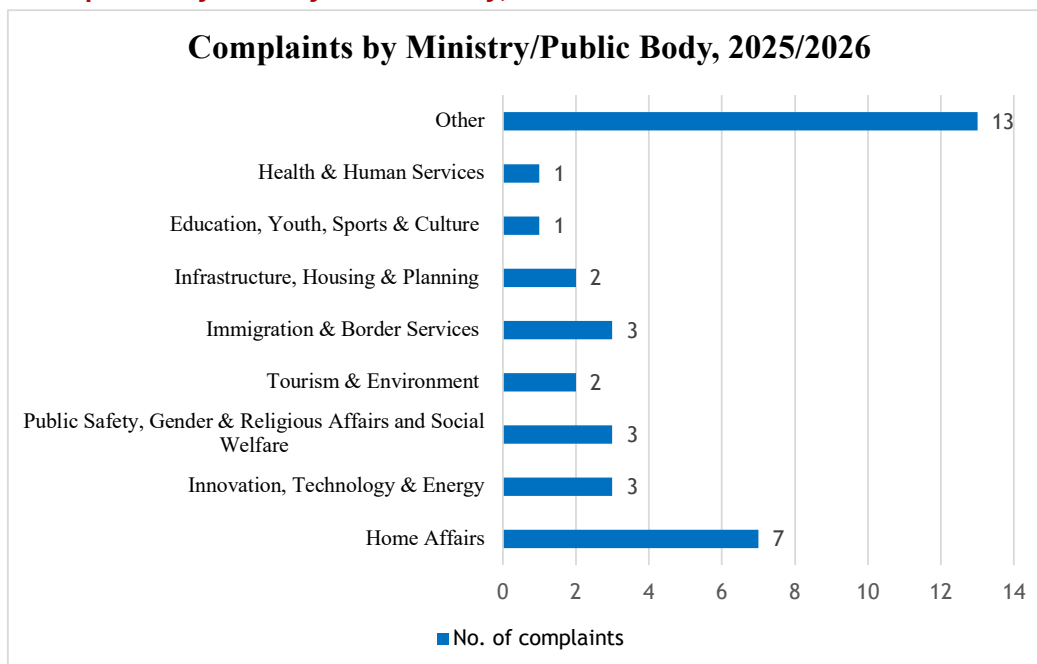
This chart compares complaint resolution, matters resolved within 30 days, and complaints remaining unresolved after 12 months.

Figure 3: Complaints by Category, 2025/2026



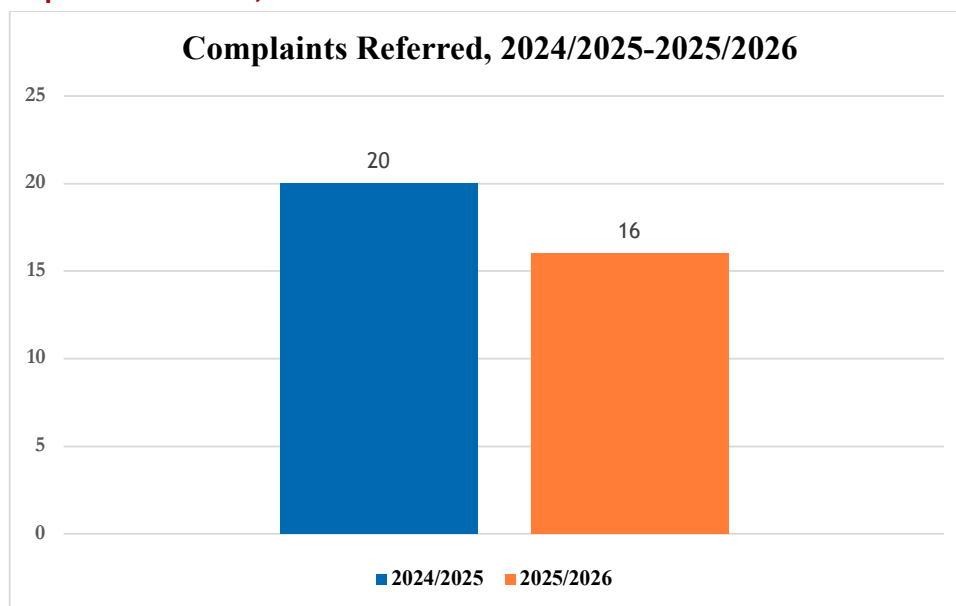
This chart shows the distribution of complaints by recorded category. “Other” refers to complaints that fall outside the jurisdiction of the OCC, as these bodies are not subject to investigation, including the Governor, Cabinet, Parliament, Chief Justice and Judges of the Supreme Court, Magistrates, Police, the National Audit Office, and other private entities. “Other” and “Delay” represent the largest categories in the current appendix data, suggesting that public education, timely communication, and clear complaint-routing procedures remain important areas for attention.

Figure 4: Complaints by Ministry / Public Body, 2025/2026



This chart presents complaints by ministry or public body grouping. The data should be read carefully: a higher number of complaints does not by itself, establish maladministration and may reflect the level of public interaction, service volume or complexity of decisions made by a particular ministry. "Other" refers to complaints relating to private or statutory bodies (e.g. H.M Prison).

Figure 5: Complaints Referred, 2024/2025 – 2025/2026



This chart compares the number of complaints referred in 2024/2025 and 2025/2026. The decrease in referrals reflects improved complaint screening and clearer guidance to the public on matters within the OCC's jurisdiction.

Closing on data review:

The data review highlights key trends and areas of performance that will guide the OCC's ongoing efforts to improve service delivery. By strengthening data analysis and reporting practices, the Commission will be better positioned to identify systemic issues, enhance accountability, and support informed decision-making in the public interest.

It must be noted that a higher number of complaints does not, on its own, establish maladministration; may also reflect the volume or complexity of public interaction with a particular ministry. Nevertheless, **the data provides a useful basis for identifying recurring issues, strengthening engagement with public authorities, and guiding future outreach, follow-up, and possible systemic review.**

FINANCIAL PERFORMANCE AND MANAGEMENT

Responsible stewardship and effective use of public resources

Overview

During the financial year ended 31 March 2026, the Office of the Complaints Commissioner (Ombudsman) operated within its approved budget allocation and met all financial obligations. Funding was provided entirely through subvention from the Turks and Caicos Islands Government (TCIG), reflecting the Commission's status as a statutory oversight body. Overall financial performance demonstrates prudent fiscal management, transparency, and a clear alignment between resources and strategic priorities approved by Cabinet and Parliament.

The financial outturn for the year supports the Office's broader narrative of transition, capacity-building, and increased public engagement, while maintaining compliance with the Public Finance Management Ordinance and related financial regulations.

Revenue

Total revenue for the year amounted to **\$353,867**, derived solely from TCIG subvention in accordance with the approved Estimates. Funding levels were stable across all four quarters and aligned with the Agency Budget Ceiling approved for 2025/26. No additional income streams, grants, or internally generated revenues were received during the period.

The absence of own-source revenue underscores the importance of effective stewardship of public funds and close budget monitoring to ensure service delivery objectives are met within finite resources.

Expenditure

Total expenditure for the year amounted to **\$353,447**, resulting in an overall **operating surplus of \$420 (0.1%)**. While fourth-quarter expenditure exceeded the profiled quarterly budget due to approved reprofiling and virements, total year-to-date expenditure remained within the approved annual allocation.

Key expenditure drivers included:

- **Personnel Costs:** Total personnel expenditure was **\$276,475**, representing the largest share of the budget. The Office operated at full staff capacity throughout the year, including the onboarding of a Commissioner, while maintaining strong cost discipline and recording a marginal underspend at year-end.
- **Operational and Programme Expenditure:** Increased levels of outreach, public education, and staff development resulted in higher activity-based expenditure in areas such as travel, advertising and promotions, and training. These costs were anticipated within the annual ceiling and accommodated through approved virements.

- **Auditing and Accounting:** Fourth-quarter expenditure increased due to the settlement of deferred costs from earlier quarters; however, cumulative expenditure remained within budget.
- **Depreciation:** Total depreciation for the year was **\$400**, reflecting the OCC's modest asset base.

Overall expenditure patterns reflect a conscious use of resources to support service delivery, institutional strengthening, and increased public engagement.

Budget Variances

Quarterly variances were primarily attributable to timing differences, reprofiling decisions, and the strategic reallocation of funds to priority activities late in the financial year. Notable movements included:

- Increased local and international travel in the latter part of the year to support outreach initiatives and an approved professional attachment in Sint Maarten.
- Training expenditure exceeding the quarterly profile but remaining within the approved annual budget, reflecting intentional investment in staff competence and organisational capacity.

All variances were properly authorised in accordance with TCIG financial procedures and did not adversely affect the OCC's overall financial position.

Financial Position

As of 31 March 2026:

- **Total Assets:** \$5,576
- **Total Liabilities:** \$5,156, comprising accounts payable and accruals
- **Retained Surplus for the Year:** \$420

The Office had **no loans, long-term liabilities, commitments, or contingent liabilities** at the end of the reporting period.

Cash Flow

Cash flows from operating activities were fully supported by TCIG subvention. Variations in cash balances during the year were largely driven by the timing of payments and settlements rather than structural funding issues. The OCC undertook no borrowing, financing, or capital investment activities during the year.

Financial Governance and Controls

Financial management and reporting are governed by the Public Finance Management Ordinance and associated policies and guidance issued by the Ministry of Finance. Strong internal controls, routine budget monitoring, and the use of approved virements ensured accountability, value for money, and full compliance throughout the year.

Conclusion on Financial Performance

The 2025/26 financial outturn reflects sound financial stewardship and effective use of public funds. The modest operating surplus, absence of debt, and disciplined expenditure management place the OCC in a stable position to support its expanded programme of work in the year ahead.

Financial Item	2025/2026
Total income / revenue	\$353,867
Total expenditure	\$353,447
Operating surplus	\$420
Total assets	\$5,576
Total liabilities	\$5,156
Loans, long-term liabilities or contingent liabilities	None reported

Table 2: Summary of financial performance and position for the year ended 31 March 2026.

RECOMMENDATIONS AND PRIORITIES

FOR 2026/2027

Key focus areas for strengthening institutional effectiveness

The priorities for 2026/2027 are informed by the OCC's operational experience during the reporting year, complaint data, lessons from casework, staff development activities and the need to strengthen public awareness and institutional capacity.

1. Strengthen Public Awareness and Accessibility

The OCC should continue to expand public education, outreach and communication activities. Particular attention should be given to Providenciales and other communities where awareness of the OCC's role remains limited.

2. Improve Complaint Intake and Assessment

The OCC should strengthen complaint intake and assessment procedures by using clear forms, assessment tools, jurisdiction letters, referral letters and closure templates.

3. Finalise and Implement the OCC Handbook

The OCC should prioritise the finalisation and implementation of the OCC Handbook to guide complaint handling, investigations, correspondence, recommendations, reporting and follow-up.

4. Strengthen Case Management and Data Systems

The OCC should improve complaint tracking, data collection, trend analysis and reporting. A stronger case management system would assist in monitoring timelines, outcomes, recurring issues and implementation of recommendations.

5. Improve Public Authority Responsiveness

The OCC should continue engaging Permanent Secretaries, Heads of Departments, statutory bodies and other public authorities on the importance of timely, complete and substantive responses.

6. Advance Own-Motion and Systemic Work

The OCC will advance its own-motion investigative function by identifying at least one suitable issue for systemic review, supported by strengthened internal capability and improved case analysis."

7. Continue Staff Development

The OCC should continue to invest in training on investigation techniques, report writing, administrative law, communication, conflict resolution, complaint assessment and Ombudsman best practice.

8. Strengthen Regional and International Collaboration

The OCC should continue to build relationships with regional and international Ombudsman institutions to support peer learning, staff development, knowledge-sharing and institutional strengthening.

9. Secure Appropriate Accommodation and Resources

The OCC should continue to pursue suitable office accommodation and adequate resources to support confidentiality, accessibility, independence and effective service delivery.

10. Monitor Implementation of Recommendations

The OCC should develop a structured system for tracking recommendations issued to public authorities, recording responses received, and monitoring progress on implementation.

11. Secure targeted legal and specialist support

The OCC should continue exploring cost-effective arrangements for independent legal advice and specialist investigative support on an as-needed basis. This support should be used for complex matters involving jurisdiction, statutory interpretation, procedural fairness, governance, or systemic issues. In some jurisdictions this expertise is found in house, and this should be considered in the near future.

12. Enhance Digital Presence and Communication

The OCC recognizes the increasing importance of digital communication and will prioritise strengthening its social media presence and online platforms to enhance public engagement, accessibility, and transparency

. A vendor has been engaged to improve outreach and review the website, while a targeted communications approach—including short videos and concise posts—will be implemented to increase reach, encourage traffic, and better measure user engagement. It is important to measure our communication campaign's success and the social media platforms have the ability help track engagement of our sites.

Closing Note on Priorities

By advancing these priorities, the OCC will be better positioned to deliver timely, fair, and effective outcomes. It will also reinforce its role as an independent oversight body operating in the public interest, supporting good governance across the Turks and Caicos Islands and strengthening its ability to identify and address systemic issues.

CASE REVIEWS & ADMINISTRATIVE LESSONS

Examples of complaint handling and administrative review

The following case samples illustrate the types of matters brought to the Office of the Complaints Commissioner during the reporting year and the OCC's role in assessing, engaging and supporting fair administrative outcomes.

They are presented in summary form to highlight key issues, actions taken and lessons for improved public administration, while maintaining the confidentiality of the persons involved.

1. Case Reference: Inter-Agency Communication and Timely Resolution Investigation Process

Issue

A complaint was received concerning an administrative matter requiring engagement between the OCC and a government department.

Key Findings

The department responded promptly and engaged constructively throughout the process. Communication between the parties was clear and consistent, enabling the concerns raised by the complainant to be addressed efficiently. The matter was resolved without the need for formal escalation or prolonged investigation.

Action Taken

The OCC engaged with the department, maintained active communication, and monitored the actions taken to ensure the matter was addressed appropriately.

Outcome

The issue was resolved in a timely manner through effective collaboration, resulting in a satisfactory outcome for the complainant and no further action required by the OCC.

Key Lesson

Effective inter-agency communication and cooperation are critical to resolving complaints quickly and maintaining public trust in administrative systems.

CASE REVIEWS & ADMINISTRATIVE LESSONS

Examples of complaint handling and administrative review

2. Case Reference: Workplace Concerns and Delayed Inter-Agency Response

Issue

A complaint was received concerning allegations of a hostile work environment, unsuitable working conditions, and delays in addressing concerns raised within a government department.

Key Findings

The OCC's review found that the complainant raised concerns relating to workplace hostility, unprofessional conduct, and workplace safety. Although the matter was initially acknowledged, substantive responses and updates were not consistently provided despite multiple follow-ups. The matter also involved internal disciplinary issues and concerns requiring formal investigation. Delayed communication impacted the timely progression of the complaint.

Action Taken

The OCC met with the complainant, reviewed supporting documentation, and assessed whether internal avenues for redress had been exhausted in accordance with the Complaints Commissioner (Ombudsman) Ordinance 2015 (Revised 2018). The complainant was advised on appropriate escalation procedures, and communication was initiated with senior officials. Follow-up correspondence was also issued to request updates and encourage timely action.

Outcome

The matter was referred to the relevant Ministry to be addressed through its established internal processes. The OCC remains available should further assistance or intervention be required.

Key Lesson

Timely communication, clear escalation procedures, and proactive engagement are essential to effectively addressing workplace-related complaints within the public service.

Lessons for Public Authorities

The casework reviewed during the year highlights several important lessons for public authorities:

- 1. Timely communication is essential.** Delay in responding to complaints or to the OCC can prolong matters and reduce public confidence.
- 2. Clear records support fair decisions.** Proper documentation helps demonstrate that decisions were made fairly, consistently and transparently.

3. **Internal complaint procedure should be effective.** Public bodies should ensure that complaints are acknowledged, reviewed and escalated where necessary.
4. **Early resolution can prevent escalation.** Many matters can be resolved through prompt explanation, correction, communication or referral.
5. **Administrative fairness should guide public service.** Public authorities should act with fairness, consistency, transparency and respect.



INTERNATIONAL & REGIONAL AFFILIATIONS

The OCC recognises the value of local, regional and international engagement in strengthening institutional capacity, improving complaint-handling practices and promoting good governance. The OCC maintains active partnerships with several international and regional organisations that enhance our capacity and effectiveness:

- International Ombudsman Institute (IOI): Providing financial support and best practice guidance for our outreach programs
- Caribbean Ombudsman Association (CAROA): Regional networking and professional development
- Inter-American Commission on Human Rights Committee: Collaboration on human rights protections
- National Human Rights Institutes (NHRI) in the Caribbean: Knowledge sharing and mutual support



Staff supporting our Local Good Governance Partner The Human rights Commission at an annual event.

Professional Attachment with the Bureau Ombudsman Sint Maarten

During the reporting year, the OCC benefited **from regional engagement through a professional attachment with the Bureau Ombudsman in Sint Maarten. From 9–13 March 2026**, an Investigative Officer participated in the attachment as part of the Office’s ongoing capacity-building efforts. The attachment provided exposure to complaint intake, assessment, investigation processes, case management, teamwork and institutional operations within a structured Ombudsman environment.

The experience reinforced the importance of clear complaint-handling workflows, standardised templates, strong internal systems, collaborative working practices and continuous professional development. These lessons are directly relevant to the OCC’s own efforts to strengthen procedures, improve consistency and align its work with recognised Ombudsman practice.

The OCC will continue to pursue appropriate regional and international relationships that support professional development, institutional learning and the promotion of fairness, accountability and good administration.



Investigative Officer Miss Raynae Myers (middle) surrounded by staff of the Sint Maarten Ombudsman’s Office.

YEAR IN PICTURES

Community engagement, outreach and institutional activities

Helena Jones Robinson High School Career day 2025

The office participated in Career Day activities to support youth awareness of public service, accountability and the role of oversight institutions



Island Outreach: Salt Cay

The OCC continued its island-wide outreach to improve access, visibility and public understanding of the complaints process.



Island Outreach: North Caicos, Middle Caicos, South Caicos, Providenciales

The OCC engaged communities across the islands to explain its mandate, improve accessibility and encourage informed use of the complaints process.



Inter-Governmental Round Table Discussion

The OCC hosted discussions with key public agencies aimed at strengthening cooperation, accountability and good administrative practice.



Her Majesty's Prison Visit

The visit provided an opportunity to engage with institutional stakeholders and support awareness of the OCC's role in promoting fairness and accountability.



Training with Attorney General Chambers

Staff participated in legal training and refresher sessions to strengthen understanding of the ombudsman's statutory role, investigative powers and procedural responsibilities.



Tourism Youth Congress & Expo 2025

The OCC supported youth and civic engagement by participating in public education activities connected to good governance and public service.



Community Outreach in Providenciales

The OCC increased its public presence in Providenciales to improve accessibility and help residents better understand when and how to approach the Office.



Sint Maarten Attachment

The Investigative Officer's attachment with the Bureau Ombudsman in Sint Maarten provided valuable exposure to complaint assessment, investigation procedures, case management and regional ombudsman practice.



TCICC Open Day 2026

Participation in Open Day activities supported the OCC's commitment to public education, stakeholder engagement and improved visibility.



EXPRESSIONS OF APPRECIATION

The Office of the Complaints Commissioner extends sincere appreciation to all who have supported our work over the past year:

- The Government of the Turks and Caicos Islands
- The International Ombudsman Institute for its financial and technical support
- Our dedicated staff for their unwavering commitment
- Bureau Ombudsman Sint Maarten
- Members of the public for their trust and engagement with our office
- Government departments and statutory bodies for their continued cooperation
- Our media partners- Turks and Caicos Sun Newspaper, Turks and Caicos Weekly News, and Outside the box advertisement, for helping to raise awareness of our services
- Community leaders who have supported and strengthened our outreach efforts

The Office of the Complaints Commissioner remains committed to serving the people of the Turks and Caicos Islands with integrity, impartiality, and professionalism. As the Office continues to grow in capacity and visibility, it will maintain its focus on resolving individual complaints while also identifying and addressing broader administrative issues in the public interest.

In doing so, the OCC will continue to play a vital role in strengthening fairness, accountability, and public trust in governance across the Turks and Caicos Islands.

APPENDIX

TURKS AND CAICOS ISLANDS

CHAPTER 1.08 COMPLAINTS COMMISSIONER (OMBUDSMAN) ORDINANCE

Revised Edition
showing the law as at 31 March 2018

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Revised Edition of the Laws Ordinance.

This edition contains a consolidation of the following laws—
Page

COMPLAINTS COMMISSIONER (OMBUDSMAN) ORDINANCE 3
Ordinance 12 of 2015 .. in force 1 August 2015 (L.N. 47/2015)
Amended by Ordinance 10 of 2017 .. in force 15 September 2017 (L.N. 32/2017)

No Subsidiary Legislation has been made under this Ordinance

CHAPTER 1.08

COMPLAINTS COMMISSIONER (OMBUDSMAN) ORDINANCE

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

SECTION

1. Short title
2. Interpretation
3. Application

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- #### **OFFICE OF COMMISSIONER, FUNCTIONS AND JURISDICTION**
4. Office of Complaints Commissioner
 5. Oath of secrecy
 6. Funds, accounts and audit
 7. Functions and jurisdiction
 8. Restrictions on matters for investigation

- #### **PART III**
- #### **COMPLAINTS AND INVESTIGATION PROCESS**
9. Making a complaint
 10. Preliminary inquiries
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 12. Mediation
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- #### **PART IV**
- #### **MISCELLANEOUS PROVISIONS**
19. Duty as to secrecy
 20. Immunity
 21. Annual and special reports
 22. Obstruction and contempt
 23. Offences
 24. Amendment of Schedules
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- SCHEDULE 1: Persons and Bodies not subject to investigation
- SCHEDULE 2: Oath of Secrecy
- SCHEDULE 3: Matters not subject to investigation

CHAPTER 1.08

COMPLAINTS COMMISSIONER (OMBUDSMAN) ORDINANCE

(Ordinances 12 of 2015 and 10 of 2017)

AN ORDINANCE TO PROVIDE FOR THE OFFICE OF THE COMPLAINTS COMMISSIONER; TO MAKE PROVISION FOR THE APPOINTMENT, FUNCTIONS AND JURISDICTION OF THE COMPLAINTS COMMISSIONER; FOR THE INVESTIGATION OF ADMINISTRATIVE ACTION TAKEN ON BEHALF OF THE GOVERNMENT AND CERTAIN BODIES; AND FOR CONNECTED PURPOSES.

Commencement

[1 August 2015]

PART I PRELIMINARY

Short title

1. This Ordinance may be cited as the Complaints Commissioner (Ombudsman) Ordinance.

Interpretation

2. (1) In this Ordinance—

“administrative action” means any action taken by or on behalf of an authority in the exercise of its administrative functions and includes—

- (a) a decision or an act;
- (b) a failure to make a decision or do an act, including a failure to provide reasons for a decision;
- (c) a recommendation;
- (d) any action taken because of a recommendation; or
- (e) a failure to make a recommendation;

“authority” means a government department or other body to which this Ordinance applies;

“Commission” means the office of the Complaints Commissioner, including the Complaints Commissioner and the staff;

“Commissioner” means the Complaints Commissioner whose appointment is referred to in section 4;

“complaint” means a complaint made under this Ordinance;

“complainant” means a person aggrieved by maladministration or a person who makes a complaint under this Ordinance;

“Court” means the Magistrate’s Court;

“investigation” means an investigation under this Ordinance;

“maladministration” means inefficient, bad or improper administration, and includes—

- (a) unreasonable delay in dealing with the subject matter of an investigation;
- (b) abuse of any power (including any discretionary power); or
- (c) administrative action that was—
 - (i) contrary to law;
 - (ii) unfair, oppressive or improperly discriminatory or based on

- procedures that are unfair, oppressive or improperly discriminatory;
- (iii) based wholly or partly on a mistake of law or fact or irrelevant grounds;
- (iv) related to the application of arbitrary or unreasonable procedures; or
- (v) negligent;

“officer” includes an employee.

(2) Reference to a government department, authority or body of persons includes a reference to Ministers, members or officers of that department, authority or body of persons.

(3) Nothing in this Ordinance authorises or requires the Commissioner to question the merits of a decision taken without maladministration by an authority in the exercise of a decision vested in that authority.

Application

3. (1) This Ordinance applies to—

- (a) government departments;
- (b) government boards;
- (c) statutory bodies; and
- (d) any other corporation or body—
 - (i) established by an Ordinance; or
 - (ii) whose revenues are appropriated by the House of Assembly, or whose fees or charges of any other description are authorised by the House of Assembly.

(2) This Ordinance does not apply to the persons and bodies listed in Schedule 1.

PART II

OFFICE OF COMMISSIONER, FUNCTIONS AND JURISDICTION

Office of Complaints Commissioner

4. (1) The Complaints Commissioner is appointed in terms of section 99 of the Constitution.

(2) The Commissioner may appoint such officers as are required for the proper performance of the functions of the Commission.

(3) The Commissioner may in addition, engage from time to time, technical or professional advisors as he considers necessary to assist in the discharge of his functions.

(4) A function of the Commissioner under this Ordinance may be performed by an officer of the Commission authorised for that purpose by the Commissioner.

Oath of secrecy

5. The Commissioner and an officer of the Commission shall, before assuming the functions of his office, make and subscribe to the oath of secrecy in the Form set out in Schedule 2.

Funds, accounts and audit

6. (1) The funds of the Commission shall consist of funds provided to the Commission by or under any appropriation law.
- (2) The Commission shall keep proper accounts of all its transactions to the satisfaction of the Permanent Secretary, Finance and in a form that conforms to internationally recognised standards.
- (3) The Commission shall have regard to and comply with its obligation to prepare and submit its annual budget and its financial statements for auditing within the timeframe required under the Public Finance Management Ordinance and National Audit Ordinance.
- (4) Section 44 of the Public Finance Management Ordinance shall apply in relation to the unexpended balance of moneys appropriated to the Commission for any financial year. (*Inserted by Ord. 10 of 2017*)

Functions and jurisdiction

7. (1) The functions of the Commissioner are—
- (a) to investigate an administrative action of an authority for the purpose of deciding whether there is evidence of maladministration on the part of the authority;
 - (b) following an investigation, to make recommendations to the authority concerning an administrative action that formed the subject of the investigation and, generally, to recommend ways of improving the authority's administrative practices and procedures; and
 - (c) to perform such other powers as may be conferred on him under this Ordinance or any other Ordinance.
- (2) Subject to this Ordinance, the Commissioner may investigate any administrative action taken by or on behalf of an authority—
- (a) where a complaint is made by a person who claims to have been treated unjustly as a result of maladministration arising from or in connection with the administrative action taken by the authority;
 - or
 - (b) on his own motion, where he—
 - (i) considers that he ought to investigate any matter on the ground that a person or body of persons has or may have sustained an injustice as a result of maladministration; or
 - (ii) is satisfied that there are reasonable grounds to carry out an investigation in the public interest.
- (3) Subject to this Ordinance, in determining whether to initiate, continue or discontinue an investigation, the Commissioner shall act in his own discretion and any question whether a complaint is duly made under this Ordinance shall be determined by the Commissioner.

Restrictions on matters for investigation

8. (1) The Commissioner shall not conduct an investigation on any matter—
- (a) where the complainant has or had a right of appeal, reference or review to or before a tribunal constituted by or under any Ordinance;
 - (b) where the complainant has had or had a remedy by way of proceedings in any court; or
 - (c) set out in Schedule 3.
- (2) Notwithstanding subsection (1), the Commissioner may investigate a

matter although the complainant has or had a right or remedy before a tribunal or by way of proceedings in any court, if the Commissioner is satisfied that in the particular circumstances it is not reasonable to expect the complainant to take or to have taken such proceedings.

(3) The Commissioner shall not investigate—

(a) a matter which relates to corruption and falls within the powers of the Integrity Commission; or

(b) a matter which falls within the powers of the Human Rights Commission.

(4) The Commissioner shall—

(a) on receipt of a complaint which it is evident falls within the powers referred to under subsection (3), refer the complainant to the relevant authority; or

(b) in the course of the investigation, where it becomes apparent that the complaint falls within the powers referred to under subsection (3), transfer the matter to the relevant authority.

PART III COMPLAINTS AND INVESTIGATION PROCESS

Making a complaint

9. (1) A complaint to the Commissioner about an administrative action of an authority shall be made—

(a) by an aggrieved individual, but may be made on behalf of that individual by a member of his family or other suitable person if the individual by whom the complaint is to be made is dead or unable to act for himself; or

(b) by a body of persons whether incorporated or not, not being—

(i) a body constituted for purposes of the public service or of Government, or for the purposes of carrying on any industry or undertaking or part of an industry or undertaking under national ownership; or

(ii) any other authority or body whose members are appointed by the Government or a government department, or whose revenues consist wholly or mainly of moneys provided by Government.

(2) A complaint—

(a) may be made orally, electronically or in writing; and

(b) shall be made within one year from the day the complainant first had notice of the matters alleged in the complaint.

(3) A complaint made orally shall be reduced in writing by the officer taking the complaint, and shall be read to the complainant who shall attest his signature to the complaint.

(4) Notwithstanding subsection (2)(b), the Commissioner may conduct an investigation not made within the period specified in that subsection if he considers that there are special circumstances which make it proper to do so.

(5) Where a complaint is made to the Commissioner, he shall record—

(a) the complainant's name, address and telephone number;

(b) the subject matter of the complaint; and

(c) the date when the complaint was made.

(6) A person who is detained in custody or otherwise confined in an institution may make a complaint by informing the person in charge or another person performing the duties in connection with his detention or confinement, that he wishes to make a complaint to the Commissioner.

(7) A person informed of the intention to make a complaint under subsection (6) shall—

(a) take all necessary steps to facilitate the making of the complaint and shall provide an unsealed envelope to the person in custody or otherwise confined; and

(b) without delay, after receiving the envelope from the person in custody or otherwise confined, seal the envelope and send it sealed to the Commissioner.

(8) A communication from the Commissioner to a person in custody or otherwise confined shall be forwarded to that person in a sealed envelope.

(9) The Commissioner shall write to a complainant acknowledging receipt of the complaint.

Preliminary inquiries

10. For the purposes of determining whether to undertake an investigation, the Commissioner may conduct preliminary inquiries as he considers appropriate.

When not to investigate

11. (1) A complaint shall not be investigated unless the complaint relates to an action—

(a) taken in relation to a person while he was present in the Islands, on a ship or aircraft registered in the Islands; or

(b) in relation to rights or obligations which accrued or arose in the Islands or on such ship or aircraft.

(2) The Commissioner may decide not to investigate a complaint if he is satisfied that—

(a) the complainant knew of the administrative action complained against more than one year before the date when the Commissioner received the complaint;

(b) the law or existing administrative procedure provides a remedy adequate in the circumstances for the complainant and, if the complainant has not availed himself of the remedy, there is no reasonable justification for the failure to do so;

(c) where the complaint is made on behalf of a body corporate, the body corporate has not authorised the making of the complaint;

(d) the subject matter of the complaint is trivial; or

(e) the complaint is frivolous, vexatious or not made in good faith.

(3) The Commissioner may decide not to continue to investigate a complaint if—

(a) the complainant has abandoned the complaint—

(i) by failing to advise the Commissioner of a current address or a telephone number at which the Commissioner can contact him; or

(ii) by failing to respond after a reasonable number of attempts by the Commissioner to contact him;

(b) the complainant withdraws the complaint; or

- (c) the complaint is settled or is successfully dealt with by mediation.
- (4) Where the Commissioner decides not to investigate or continue to investigate a complaint, he shall notify the complainant and a senior officer of the authority of his decision in writing, and give reasons for the decision.
- (5) The Commissioner may indicate in the notice under subsection (4) any other recourse that may be available to the complainant.

Mediation

- 12.** (1) The Commissioner may decide to deal with a complaint by mediation if he is of the opinion, having regard to all the circumstances of the case, that mediation is suitable in such circumstances.
- (2) The Commissioner may appoint a person as a mediator for purposes of this Ordinance.
- (3) The Commissioner shall not participate in a mediation.
- (4) Participation in a mediation by the authority that is the subject of the investigation and the complainant is voluntary, and any party may withdraw at any time.
- (5) The mediator may decide to terminate a mediation at any time and, when he does, he shall give reasons for his decision.
- (6) If an attempt to deal with a complaint by mediation under this section is unsuccessful—
- (a) the complaint is to be treated as if the mediation had not taken place; and
 - (b) the mediator is excluded from participating as an investigating officer in any subsequent investigation of the complaint.
- (7) Anything said or admitted during a mediation and any document prepared for the purposes of such mediation—
- (a) shall not be admissible in evidence in any subsequent investigation of the complaint that is the subject of the investigation unless the person who said or admitted the thing, or to whom the document related, consents to its admission; and
 - (b) shall not be admissible in evidence against a person in any court or at any inquiry or in any other proceedings, and no evidence in respect of the mediation may be given against any person.
- (8) The costs of mediation shall be borne by the Commission.

Notice of intention to investigate

- 13.** (1) If the Commissioner decides to conduct an investigation he shall, before commencing an investigation, give a senior officer of the authority that is the subject of a complaint, and the complainant, notice in writing of the decision.
- (2) The notice under subsection (1) shall—
- (a) inform the senior officer and the complainant of the Commissioner's intention to conduct the investigation;
 - (b) specify the administrative action that is the subject of the investigation;
 - (c) in general terms, inform the senior officer and the complainant of the powers of the Commissioner regarding the investigation; and
 - (d) give the senior officer an opportunity to comment on any allegations contained in the administrative action within fourteen days of receipt of the notice.

Conduct of investigation

- 14.** (1) Subject to this Ordinance, the Commissioner may regulate investigations and proceedings in the manner that he sees fit.
- (2) Every investigation shall be conducted in private, except in circumstances where the Commissioner may determine another procedure as he considers appropriate in any particular case.
- (3) When conducting an investigation, the Commissioner may—
- (a) obtain information from any person, and in the manner, he considers appropriate;
 - (b) make such inquiries as he considers appropriate;
 - (c) determine whether a person may be represented by his attorney or otherwise; and
 - (d) on giving reasonable notice to a senior officer in the authority subject to the investigation, and at a reasonable time—
 - (i) enter the premises occupied by the authority for inspection; and
 - (ii) subject to sections 15 and 16, carry out in those premises, any investigation which is within his jurisdiction.
- (4) The Commissioner may, if he thinks fit, pay to the complainant or to any other person who attends or furnishes information for purposes of an investigation—
- (a) sums in respect of expenses properly incurred by them; or
 - (b) compensation for the loss of their time,
- in such amounts and subject to such conditions as may be determined by the Government.
- (5) If, during the course of an investigation or after an investigation, the Commissioner is of the opinion that there is evidence of a breach of duty or misconduct, or of an offence on the part of an officer of an authority, the Commissioner shall refer the matter to an appropriate authority for further consideration.
- (6) Where the Commissioner makes reference to an appropriate authority under subsection (5), proceedings under this Ordinance in respect to any investigation are stayed pending consideration of the matter by the appropriate authority.
- (7) The conduct of an investigation under this Ordinance shall not affect any action taken by the appropriate authority, or any power or duty of that authority to take further action concerning any matters subject to investigation.
- (8) Where a complainant has been removed from the Islands under the Immigration Ordinance or another enactment, he shall, if the Commissioner directs, be permitted to re-enter and remain in the Islands for the purposes of the investigation, subject to such conditions as the Governor may direct.

Evidence

- 15.** (1) For purposes of an investigation, the Commissioner—
- (a) may require a Minister, officer or member of the authority subject to investigation, complainant or any other person who in the Commissioner's opinion is able to provide information or produce documents relevant to the investigation, to provide such information or produce such documents;
 - (b) may summon before him and examine on oath or affirmation a person referred to in paragraph (a); and
 - (c) shall have the same powers as the Court in so far as those powers

relate to the attendance and examination of witnesses and in respect of the production of documents.

(2) The Commissioner shall not require—

(a) a person to provide information or answer any question relating to proceedings or deliberations of Cabinet or any committee of Cabinet;

(b) a person to produce any document as relates to proceedings in paragraph (a) or that might prejudice the matters mentioned in such proceedings; or

(c) a member of Cabinet to provide information or answer any question.

(3) For purposes of subsection (2), a certificate issued by the Governor and certifying that any information, question or part of a document relates to the proceedings shall be conclusive.

(4) Subsection (2)(c) shall not apply where a member of Cabinet is the person being investigated and—

(a) the action in respect of which the complaint is made was taken in pursuance of a decision of Cabinet; and

(b) the document or information in question is required by the member of Cabinet to establish the true facts.

(5) Subject to subsection (2), a person shall not be compelled to give evidence or produce any document which he could not be compelled to give or produce in civil proceedings before the Court.

Protection and privileges of witnesses

16. (1) Every person shall have the same privileges in relation to—

(a) the giving of information to the Commissioner; and

(b) the production of documents and things to the Commissioner, as witnesses have in the Court.

(2) Compliance with any requirement of the Commissioner under section 15—

(a) is not a breach of any relevant obligation of secrecy or non-disclosure, or of the enactment or provision by which that obligation is imposed; and

(b) shall not make a person liable to prosecution for an offence against any enactment by reason only of that person's compliance with any requirement of the Commissioner under that section.

(3) Except in proceedings for an offence under section 19(2), 22 or 23—

(a) no statement made or answer given by any person in the course of any investigation by or proceedings before the Commissioner shall be admissible in evidence against that person or any other person in any court or in any inquiry or other proceeding; and

(b) no evidence in respect of proceedings before the Commissioner shall be given against any person.

Procedure after investigation

17. (1) If, at the conclusion of an investigation, the Commissioner determines that there is no evidence of maladministration on the part of the authority that is the subject of the investigation, the Commissioner shall record his decision and the reasons in writing and, as soon as is reasonable, notify the complainant and the senior officer of an authority of the decision.

- (2) The Commissioner may indicate in the notice under subsection (1) any other recourse that may be available to the complainant.
- (3) If, at the conclusion of an investigation, the Commissioner decides that there is evidence of maladministration on the part of the authority, the Commissioner shall report his decision to the senior officer of the authority and the complainant and make such recommendation to the authority as he sees fit.
- (4) Without limiting subsection (3), the Commissioner may recommend that—
- (a) a matter should be referred to an appropriate authority for further consideration;
 - (b) an omission or a delay should be rectified;
 - (c) a decision or recommendation should be cancelled or altered;
 - (d) reasons should be given;
 - (e) a practice, procedure or course of conduct should be altered; or
 - (f) an enactment should be reviewed.
- (5) For the purposes of the law of defamation, a publication listed below shall be absolutely privileged—
- (a) the publication of any matter by the Commissioner in making a report to the Governor, Cabinet or House of Assembly for the purposes of this Ordinance;
 - (b) the publication of any matter by the Governor or a Member in communicating with the Commissioner or his officers in communicating with the Governor or such Member for those purposes;
 - (c) the publication by the Governor or such Member to the person by whom a complaint was made under this Ordinance of a report or statement sent to the Member in respect of the complaint in pursuance of subsection (1);
 - (d) the publication by the Commissioner to the person mentioned in subsection (3), of a report to that person in pursuance of that subsection.
- (6) For the purposes of this section “Member” means a member of the House of Assembly.

Authority to notify Commissioner of steps taken

- 18.** (1) Where the Commissioner makes a recommendation to an authority under section 17(4)—
- (a) the authority shall within twenty business days of receipt of the recommendation, notify the Commissioner, in writing, of the action that has been taken or is proposed to give effect to the recommendation; or
 - (b) where the authority has taken no action within twenty business days of receipt of the recommendation or does not propose to take any action, the authority shall give reasons, in writing, for failure to implement the recommendation.
- (2) The Commissioner may, if he thinks fit in the circumstances of a particular investigation, in writing, extend the period specified in subsection (1).
- (3) If within the period specified in subsection (1) or (2), the authority—
- (a) fails to notify the Commissioner of the action that has been taken or is proposed; or
 - (b) has taken no action, or has taken action that in the Commissioner’s opinion is inadequate or inappropriate,

the Commissioner, after considering any reasons given by the authority, may submit a special report under section 21(2).

PART IV MISCELLANEOUS PROVISIONS

Duty as to secrecy

19. (1) The Commissioner and every officer of the Commission and every person performing a function in the service of the Commission shall treat all records, and information relating to any complaint, as secret and confidential and shall not disclose or communicate the text of any record, or information or, complaint to an unauthorised person or allow an unauthorised person to have access to any records, information or declarations.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of \$20,000 or to imprisonment for a term of three years, or to both.

Immunity

20. (1) No action, suit, prosecution or proceeding shall be instituted against the Commissioner or an officer of the Commission, for any act done or omitted to be done in good faith in the exercise or discharge of any duty or function of the Commissioner.

(2) The Commissioner or an officer of the Commission shall not be called to give evidence in court or in any proceedings of a judicial nature, in respect of anything coming to their knowledge in the exercise of their functions under this Ordinance.

(3) Anything said or any information given or any document or thing produced by a person in the course of an investigation conducted by, or proceedings before the Commissioner under this Ordinance shall be privileged in the same manner as if the investigation or proceedings were proceedings in the Court.

Annual and special reports

21. (1) The Commissioner 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 functions under this Ordinance during that year.

(2) Where—

(a) an administrative action that is under investigation is in the opinion of the Commissioner, of public interest; or

(b) the Commissioner has made a recommendation under section

17(4) and within the period specified no action, or in his opinion no adequate action has been taken by the authority to remedy the administrative action complained against,

the Commissioner may prepare a special report on the investigation.

(3) The Commissioner shall submit to Cabinet, the special report prepared under subsection (2).

(4) The Commissioner shall annually submit to the House of Assembly a general report on the performance of his functions under this Ordinance, and

may from time to time submit to the House of Assembly, such other reports with respect to his functions.

(5) Where any part of a report deals with any matter concerning an authority for which a Minister is charged with responsibility, the Commissioner shall also send copies of that part of the report to that Minister for his information.

Obstruction and contempt

22. (1) If a person without lawful excuse obstructs the Commissioner or an officer of the Commission in the performance of his functions under this Ordinance, or is guilty of an act or omission in relation to any investigation under this Ordinance which, if that investigation were a proceeding in the Court, would constitute contempt of court, the Commissioner may certify the offence to the Court.

(2) Where an offence is certified under this section, the Court may inquire into the matter and, after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after hearing any statement that may be offered in defence, deal with him in any manner in which the Court could deal with him if he had committed a similar offence in relation to the Court.

(3) Nothing in this section shall be construed as applying to the taking of an action mentioned in section 14(7).

Offences

23. (1) A person commits an offence if he intentionally makes a false statement to, misleads or attempts to mislead the Commissioner or another person in the exercise of any function or power conferred by this Ordinance.

(2) A person who commits an offence contrary to subsection (1) is liable on summary conviction to a fine of \$5,000.

Amendment of Schedules

24. The Governor may by Order published in the *Gazette*, amend a Schedule.

Regulations

25. The Governor may make regulations prescribing anything under this Ordinance which is to be prescribed or which is necessary or convenient to be prescribed for the better carrying out of the objects and purposes of this Ordinance, or to give force and effect to its provisions.

SCHEDULE 1

(Section 3(2))

PERSONS AND BODIES NOT SUBJECT TO INVESTIGATION

1. Governor
2. Cabinet
3. House of Assembly
4. Chief Justice and any Judge of the Supreme Court or Court of Appeal
5. Magistrate
6. Police
7. National Audit Office and Staff

SCHEDULE 2

(Section 5)

OATH OF SECRECY

I,..... being appointed Complaints Commissioner/officer of the Complaints Commission do swear that I will not on any account or at any time disclose any opinion, advice or privileged information of the Complaints Commission and that I will not, except with the authority of the [Supreme Court or the Complaints Commissioner], and to such extent as may be required for the good management of the affairs of the Commission, directly or indirectly reveal the business or the proceedings of the Complaints Commission or the nature or any contents of any document.

*If the Oath is taken by an officer, the provision for revealing or disclosing the business or proceedings of the Commission will be on the authority of either the Supreme Court or the Complaints Commissioner; if the Oath is taken by the Complaints Commissioner it will be on authority of the Supreme Court.

SCHEDULE 3

(Section 8(1)(c))

MATTERS NOT SUBJECT TO INVESTIGATION

1. Action taken in matters certified by the Governor to affect relations or dealings between the Government of the Turks and Caicos Islands and any other Government or international organisation of States or Governments.
2. Action taken under any law relating to extradition or fugitive offenders.
3. Action taken by or with authority of the Attorney General, Director of Public Prosecutions, Commissioner of Police, Director of Immigration or the Collector of Customs for the purposes of investigating crime or of protecting the security of the Islands, including action taken with respect to passports.
4. The commencement or conduct of civil or criminal proceedings before any court of law in the Islands, or of proceedings before an international court or tribunal.
5. Action taken in respect of appointments or removals, pay, discipline, or other personal matters other than superannuation, in relation to—
 - (a) service in any office or employment under the Government; or
 - (b) service in any office or employment, or under any contract for services, in respect of which power to take action, or to determine or approve the action to be taken, in such matters is vested in the Government.

APPENDIX END