



CAYMAN ISLANDS
2017/2018 Session of the
LEGISLATIVE ASSEMBLY

2017 - 2018
ANNUAL REPORT

of the
STANDING
SELECT COMMITTEE TO OVERSEE THE
PERFORMANCE OF THE OFFICE OF THE OMBUDSMAN

Laid on the Table of Legislative Assembly on this day of 2019

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2017-2018
ANNUAL REPORT
OF THE STANDING
SELECT COMMITTEE TO OVERSEE THE
PERFORMANCE OF THE OFFICE OF THE
OMBUDSMAN

1. REFERENCE

The Standing Select Committee To Oversee The Performance Of The Office Of The Ombudsman of the Cayman Islands Legislative Assembly, established under Standing Order 77, met regularly throughout the reporting period to consider and deal with the following matters:

- Review and approve monthly invoices submitted for payment by the Office of the Ombudsman;
- Consider and report on Reports of the Office of the Ombudsman that were prepared and submitted by the Ombudsman and her office;
- Review and approve the Annual Budget Statement and Annual Plan and Estimates of the Office of the Ombudsman; and
- Review and discuss documents submitted by the Office of the Ombudsman.

Details of all matters brought before the Committee for consideration are disclosed in the Minutes of Proceedings.

2. CHAIRMAN AND MEMBERS OF THE COMMITTEE

The following Members of the Legislative Assembly are the present duly elected as Members of the Select Committee To Oversee The Performance Of The Office Of The Ombudsman:

Hon Tara Rivers, JP, MLA - Chairperson
Ms Barbara Conolly, MLA - Deputy Chairperson
Capt Eugene Ebanks, JP, MLA - Member
Mr Alva Suckoo, MLA - Member
Mr David Wight, MLA - Member

3. MEETINGS OF THE COMMITTEE

The Committee met on the following dates during the reporting period:

- Thursday, 23rd November 2017
- Thursday, 11th January 2018
- Tuesday, 3rd July 2018
- Thursday, 11th October 2018

4. PERSONS IN ATTENDANCE

In accordance with Standing Order 77(8), the following persons were in attendance at the meetings in the large committee room of the Legislative Assembly:

Mrs. Sandy Hermiston - The Ombudsman, Office of the Ombudsman
Ms. Tiffany Ebanks - Chief Financial Officer, Office of the Ombudsman

5. REPORTS AND DOCUMENTS FOR CONSIDERATION

In accordance with the provision of Standing Order 77(1), the Committee considered the following Ombudsman Reports referred to the Legislative Assembly:

5.1 Documents Received by the Committee

The Committee reviewed and approved the following Budget documents for the Ombudsman:

- Office of the Ombudsman Budget Statements For the 2018 Financial Year Ending 31 December 2018 & The 2019 Financial Year Ending 31 December 2019

5.2 Reports and Documents Received by the Committee for Information

The Committee has reviewed the following documents of the Ombudsman:

- The Select Committee to Oversee Performance of the Office of the Ombudsman - 1st Quarterly Report 2018
- The Select Committee to Oversee Performance of the Office of the Ombudsman - 2nd Quarterly Report 2018
- The Select Committee to Oversee Performance of the Office of the Ombudsman – 3rd Quarterly Report 2018
- The Select Committee to Oversee Performance of the Office of the Ombudsman Quarterly Report for January - March 2018
- The Ombudsman Cayman Islands Report - November 2017
- The Ombudsman Cayman Islands Report - October 2017
- The Ombudsman Cayman Islands Report - January 2018
- Office of the Ombudsman Financial Statements 31st December 2017

ACKNOWLEDGEMENT

The Committee is most appreciative of the efforts of the Ombudsman and her staff in presenting very fair, detailed and informative reports and for the support, assistance and constructive advice given throughout its deliberations.

The Committee also thanks the staff of the Legislative Assembly for the assistance provided.

REPORT OF THE COMMITTEE TO THE HOUSE

The Committee agrees that this Report be the *Annual Report of the Select Committee To Oversee The Performance Of The Office Of The Ombudsman* to the House for the year **2017-2018**.



Hon Tara Rivers, JP, MLA – Chairperson



Legislative Assembly of the Cayman Islands

THE STANDING SELECT COMMITTEE TO OVERSEE THE PERFORMANCE OF THE OFFICE OF THE OMBUDSMAN

MINUTES

Meeting held

Thursday, 23rd November 2017

4:00pm

Minutes of proceedings of the Select Committee of the Office of the Ombudsman meeting held Thursday, 23rd November 2017 at 4:00pm in the Large Conference Room of the Legislative Assembly Building, Grand Cayman.

Present: Hon Tara Rivers, MLA – Chairperson
Mr Alva Suckoo, MLA – Member
Mr David Wight- MLA – Member

Mrs Zena Merren-Chin–Clerk

Attendee: Mrs Sandy Hermiston – Ombudsman

Apology: Ms Barbara Conolly, MLA – Member
Mr Capt Eugene Ebanks, JP, MLA – Member

1. Meeting to Order

There being a quorum present, the Chairman called the meeting to order at 4:17pm.

2. Meetings Schedule

The Committee agreed to schedule meeting on a quarterly basis. The meetings will be held the first Thursday of each quarter commencing in January 2018. It further agreed that the meeting of January 2018 would be held on Thursday 11th January 2018.

3. Ombudsman's Report

Mrs Hermiston provided a report to the Committee on the work completed by the Office of the Ombudsman thus far and the work projections for the next three months. A copy of the report is attached to these minutes.

4. Approval of the Office of the Ombudsman's Invoices

Ms Hermiston provided an invoice for the month of October 2017 in the amount of \$352,959.00. The invoice was approved on a motion moved by Mr Wight and signed by the Chair.

A discussion ensue on the approval of the invoices going forward. It was agreed that the precedent that had been set by the previous Committee would be followed whereby the invoices would be approved three months in advance. The Office of the Ombudsman would invoice the Cabinet on a monthly basis however the expenditure would be approved by the Committee on a quarterly basis.

The Chair requested that the Committee be provided with a projection of expenditure for the three months for which invoices were being approved and then a report of the actual expenditure at the conclusion of the three month.

5. Review and approval of Office of the Ombudsman's Budget

The Committee discussed the invoices for November and December 2017 and approved on a motion moved by Mr Suckoo for the Office of the Ombudsman to prepare invoices in the same amount of \$352,959.00 for those months. It was further agreed that Ms Hermiston would provide the invoices to the Chair for her signature.

The Committee agreed on a motion moved by Mr Suckoo to give the Chair authorization to sign all invoices approved by the Committee.

A copy of the Office of the Ombudsman's Budget as approved by Finance Committee was provided to the Members for their review.

6. Any Other Business

The Committee agreed that Government Motion No 5 of 2017/2018 which established the Committee and the motion moved by the Hon Premier to elect the Members would form part of the minutes of this meeting.

7. Confirmation of the next Meeting

The next meeting of the Committee was confirmed for Thursday 11th January 2018.

8. Adjournment

There being no further business the Chairperson adjourned the Committee at 5:05pm.



**Legislative Assembly
of the Cayman Islands**

**THE STANDING SELECT COMMITTEE TO OVERSEE THE
PERFORMANCE OF THE OFFICE OF THE OMBUDSMAN**

MINUTES

Meeting held

Thursday, 11th January 2018

4:00pm

Minutes of proceedings of the Select Committee of the Office of the Ombudsman meeting held Thursday, 11th January 2018 at 4:00pm in the Large Conference Room of the Legislative Assembly Building, Grand Cayman.

Present: Hon Tara Rivers, JP, MLA – Chairperson
Mr Alva Suckoo, MLA – Member
Mr David Wight- MLA – Member
Ms Barbara Conolly, MLA – Member

Ms Manesa Webb – Committee Clerk

Attendee: Ms Sandy Hermiston – Ombudsman

Apology: Capt Eugene Ebanks, JP, MLA – Member

1. Meeting to Order

There being a quorum present, the Chairperson called the meeting to order at 4:00 pm.

2. Review of Quarterly Meeting Schedule

The Quarterly Meeting Schedule was **approved** on a motion moved by Mr Alva Suckoo, and seconded by Ms Barbara Conolly. (The schedule is attached to the minutes)

3. Approval of Committee Minutes

- Thursday, 23rd November 2017 (Meeting)

The above minutes was **approved** as amended on a motion moved by Mr Alva Suckoo, and seconded by Mr David Wight.

4. Matters Arising from Minutes

There were no matters arising from the minutes.

5. Report from Ombudsman

The Ombudsman, Ms. Sandy Hermiston presented the Select Committee to Oversee Performance of the Office of the Ombudsman Quarterly Report for January – March 2018. During the presentation the Ombudsman, discussed the Statistics in the Complaints division, Information division and financial report.

The Ombudsman updated the Committee on the progress of the previous administrative matters. The work completed was the Service Level Agreement for office renovations signed and the Case Management System finalized. Ms. Sandy Hermiston advised the Committee that the whistleblowing legislation is now in effect, and the data protection law will be available in 2019.

The Ombudsman discussed the new staff of the Ombudsman's office. The Committee appreciated the Ombudsman Office's efforts with recruiting all Caymanians within the organization.

6. Approval of Office of the Ombudsman's Invoices

The Ombudsman discussed the December Cabinet Invoice, and answered the Committee's concerns that the initial Cabinet Invoice #2100001272 (accompanying memo dated 5 December 2017) in the amount of \$352,959.00 was not submitted to Treasury for payment as it did not reflect an amount which was transferred from operational budget to the capital budget for renovations to their office.

The Ombudsman stated that the initial invoice was replaced with a new invoice #2100001273 (accompanying memo dated 20 December 2017) which was submitted to Treasury for processing in the corrected amount of \$94,959.00.

The Ombudsman also discussed that the Credit Memo #2130000031 dated 29 December 2017 which reflects the amount of \$352,959.00 as being credited back to the account.

The Committee agreed that Ombudsman Office's anticipated expenditure for three months in advance would be presented at the each meeting. Once these expenditures were approved

by the Committee the Chairperson would be authorised to sign the invoices and memorandum which would be submitted to the Accountant General for payment. The Committee agreed that on a monthly basis, the billing amount will be \$174,365.33.

On a motion was moved by Ms Barbara Conolly and second by Mr David Wight the Committee agreed that the Chairperson be authorised to sign the Office of the Ombudsman's invoices for Cabinet Billing each month after approval in advance by the Committee.

The Ombudsman discussed AR Invoice number: 210000121774 dated 9 January 2018 which reflects the amount of \$523,096.00.

AR Invoice number: 210000121774; was **not approved** by the Committee. The Chairperson, Hon Tara Rivers advised that the Committee may need to do a Round Robin, for approval so that the invoice can be approved and paid.

The Committee agreed that the Chief Financial Officer should be present during the administrative meetings. The Chief Financial Officer will be able to assist the Ombudsman and the Committee with answering financial questions.

7. Review of Office of the Ombudsman's budget

The Committee agreed on a motion moved by Ms Barbara Conolly, and seconded by Mr Alva Suckoo to give the Chairperson authorization to sign the Office of the Ombudsman's Budget Statements for 2018 and 2019 document approved by the Committee.

8. Any Other Business

There was no other business.

9. Scheduling of Next meeting

The next meeting of the Committee was confirmed for Thursday 5th April 2018 at 4:00 pm.

10. Adjournment

There being no further business the Chairperson adjourned the Committee at 4:57 pm.



Legislative Assembly of the Cayman Islands

**THE STANDING SELECT COMMITTEE TO OVERSEE THE PERFORMANCE OF
THE OFFICE OF THE OMBUDSMAN**

Schedule of Quarterly Meetings 2018

Thursday, 23rd November 2017 ☒

Thursday, 11th January 2018 ☒

Thursday, 5th April 2018 - No Quorum

~~Thursday, 5th July 2018~~ - rescheduled for Tuesday July 3rd, 2018 ☒

~~Thursday, 4th October 2018~~ – rescheduled for Thursday, 11th October 2018 ☒



Legislative Assembly of the Cayman Islands

THE STANDING SELECT COMMITTEE TO OVERSEE THE PERFORMANCE OF THE OFFICE OF THE OMBUDSMAN

MINUTES

Meeting held

Tuesday, 3rd July 2018

9:00 am

Minutes of proceedings of the Select Committee of the Office of the Ombudsman meeting held Tuesday, 3rd July 2018 at 9:15 am in the Committee Room of the Legislative Assembly Building, Grand Cayman.

Present:

Ms Barbara Conolly, MLA – Deputy Chairperson

Mr Alva Suckoo, MLA – Member

Mr David Wight, MLA – Member

Capt Eugene Ebanks, JP, MLA – Member

Ms Manesa Webb - Committee Clerk

Attendees: Ms Sandy Hermiston - Ombudsman

Mrs Tiffany Ebanks - Chief Financial Officer, Office of the Ombudsman

Apologies: Hon Tara Rivers, JP, MLA - Chairperson

1. Meeting to Order

There being a quorum present, the Deputy Chairperson called the meeting to order at 4:00 pm.

2. Apologies

The Chairperson, Hon Tara Rivers, sent her apologies due to her having an emergency and being unable to Chair the scheduled meeting.

3. Approval of Committee Minutes—Thursday, 11th January 2018

The above minutes, as amended, were **approved** on a motion moved by Mr Alva Suckoo and seconded by Mr. David Wight.

4. Matters Arising from Minutes

There were no matters arising from the minutes.

5. Report of Ombudsman

The Ombudsman, Ms. Sandy Hermiston in presenting her report for the Select Committee to Oversee the Performance of the Second Quarterly Report 2018 of the Office of the Ombudsman, spoke to the Budget and Forecast Expenditures of the Financial Report. Additional information surrounding the statistics of the Complaints Division, Information Division and the Police Division was also highlighted. Thereafter, discussion ensued on various issues that entertained questions being asked.

The Work Plan of the Office of the Ombudsman was elaborated on by Ms. Hermiston, which included administrative matters in the areas of office renovations, customization of the Case Management System (CMS) and the Development Succession Plan. Additionally, it was made known that the Strategic Plan surrounded the evaluation of vision, mission of values, strategic goals and performance targets.

The Committee was further updated on the progress of other previous administrative matters. The administrative matters completed were the Case Management System Training and Customization. The Human Resources matters completed involved staffing issues inclusive of Caymanian staff receiving support for continuing education in the areas of Accounting, Law and Information Professional Certification.

Other matters specified by Ms. Hermiston were in regards to Data Protection of the completion of the Guidance Documents, Presentation to the Cayman Bar Association of the said Data Protection, and the Fact Sheet published and reported in the local media. Relatively, Police matters completed were those of historical complaints being received and accepting new complaints. The Whistleblowing matters completed were drafting policies and procedures, and creating communication plans.

Discussions and questions ensued

Deputy Chairperson, Ms. Barbara Conolly, questioned the increase of the leases stated on page 2 of the report. Ms. Hermiston stated that the leases increased due to the Office of the Ombudsman currently being moved to the fifth floor to accommodate the new staff increase and the necessary proper work areas for various departments.

Capt. Eugene Ebanks raised a question regarding the increase of supplies and consumables stated on page 2 of the report. It was stated that the reason for such increase was due to research and travel accommodations when staff travels to Cayman Brac.

6. Approval of Invoices—re Office of Ombudsman

The Oversight Committee of the Office of the Ombudsman **agreed** to approve the following Budget Expenditures in advance:

- Cabinet Billing July 2018 - total of KYD \$ 174,365.00.
- Cabinet Billing August 2018 - total of KYD \$ 174,365.00.
- Cabinet Billing September 2018 - total of KYD \$ 174,365.00.

Discussion ensued as per the approval of expenditures by the Committee requiring the Chairperson, as authorised, to sign the invoices and memorandum which would be submitted to the Accountant General for payment. The Committee agreed that on a monthly basis the billing amount will continue to be \$174,365.00.

The motion was moved by Mr Alva Suckoo and second by Mr David Wight. The Committee **agreed** that the Chairperson be authorised to sign the Office of the Ombudsman's invoices for Cabinet Billings for the months of July, August and September 2018 with approval in advance by the Committee.

8. Any Other Business

There was no other business.

9. Scheduling of Next meeting

The next meeting of the Committee was confirmed for Thursday 4th October 2018 at 10:00 am.

10. Adjournment

There being no further business the Chairperson adjourned the Committee at 9:46 am.



Legislative Assembly of the Cayman Islands

THE STANDING SELECT COMMITTEE TO OVERSEE THE PERFORMANCE OF THE OFFICE OF THE OMBUDSMAN

MINUTES

Meeting held

Thursday, 11th October 2018

10:14 am

Minutes of proceedings of the Select Committee of the Office of the Ombudsman meeting held Thursday, 11th October 2018 at 10:14 am in the Committee Room of the Legislative Assembly Building, Grand Cayman.

Present:

Hon Tara Rivers, JP, MLA – Chairperson
Mr David Wight, MLA – Member
Capt Eugene Ebanks, JP, MLA – Member

Ms Manesa Webb - Committee Clerk

Attendees:

Ms Sandy Hermiston - Ombudsman
Mrs Tiffany Ebanks - Chief Financial Officer, Office of the Ombudsman

Apologies:

Ms Barbara Conolly, MLA – Deputy Chairperson
Mr Alva Suckoo, MLA – Member

1. Meeting to Order

There being a quorum present, the Chairperson called the meeting to order at 10:14 am.

2. Apologies

The Deputy Chairperson, Ms. Barbara Conolly sent her apologies that due to official commitments off-island she was unable to attend the scheduled meeting.

Mr. Alva Suckoo sent his apologies that due to prior commitments he was unable to attend the scheduled meeting.

3. Approval of Committee Minutes—Thursday, 3rd July 2018

The above minutes were **approved** on a motion moved by Mr. David Wight and seconded by Capt. Eugene Ebanks.

4. Matters Arising from Minutes

There were no matters arising from the minutes.

5. Approval of Schedule for Quarterly Meetings 2019

The above schedule was **approved** by the Committee on a motion moved by Mr. David Wight and seconded by Capt. Eugene Ebanks.

6. Report of Ombudsman

The Ombudsman, Ms. Sandy Hermiston, in presenting the report of the *Select Committee to Oversee the Performance of the Third Quarterly Report 2018*, of the Office of the Ombudsman, spoke to the Budget and Forecast Expenditures of the Financial Report. Additional information surrounding the statistics of the Complaints Division and the Information Division was also highlighted. Thereafter, discussion ensued on various issues that entertained questions.

The subject report previously submitted to the Committee on 4th October 2018 was reviewed. It was raised that during the revision process, calculating errors were found within the Financial Report of the “Budget to Actual Spend” section. Additionally, Forecast Expenditures, as stated in the report, reflected a difference of one dollar for the months of October, November and December.

Mr. David Wight raised a question regarding the monthly approved budget, which is higher than the breakdown of the “Budget to Actual Spend” calculations stated on page number two of the report. The Committee **agreed** that the errors calculated should be corrected and a copy of the updated report be redistributed to Committee members. Apologies were given by Ms. Hermiston for such errors, to which she agreed that corrections would be reflected and a new report distributed to all members of the Committee.

The Committee was further updated on the progress of other previous administrative matters. The administrative matters completed were the Case Management System Training while Customization continues. The Human Resources matters completed, involve staffing issues, inclusive of Caymanian staff receiving support for continuing education in the areas of Accounting, Law, and Information Professional Certification. It was also acknowledged that the Police Investigator had been recruited and would commence work at the Ombudsman’s Office in late November 2018.

Other matters discussed by Ms. Hermiston were in regards to the operational updates which included the Data Protection Guidance Documents drafted to be posted on the official website once finalized. It was noted that due to the high demand for Data Protection workshop sessions, the Ombudsman decided to host two sessions.

The process established for Police complaints includes forms for informal resolution and withdrawal of complaint. The early resolution process for maladministration complaints is achieving good goals. The awareness trip to the Sister Islands is scheduled for late October.

Update to the Committee on statistics which touched on the Information Divisions of FOI and Data Protection was given. During the discussion, it was confirmed that the workload for FOI remains the same, while, for Data Protection, more inquiries have been answered and completed.

Attention was brought to the Committee that in November 2018, the Data Protection section will be added to the Office of the Ombudsman's official website, which will reflect the budget. And it was stated that the Office of the Ombudsman will not be hiring any new employees. However in 2019, the Office is planning on filling two vacant positions because the personnel cost includes transitioning from temporary staff to permanent staff.

The Chairperson, Honourable Tara Rivers discussed with the Ombudsman the importance of making sure the public is aware and well educated on the source of Data Protection. She also stressed that training opportunities for the public and private sector is extremely important, as both sectors need to be on the same page with the same amount of knowledge on Data protection. It was **agreed** by Ms. Hermiston that indeed this should happen. She explained that the Chamber of Commerce will host two awareness sessions which will be open to both, the public and private sectors.

She continued on to the next topic of Maladministration, which she said is currently solid, and stated that the system is going well and progress is being made.

Status of the Financial Statements as at 31 December, 2017, for the Ombudsman Office was shared with the Committee and it was related by Ms. Hermiston that the financial statements had received a clean audit opinion from the Auditor General, Mrs. Sue Winspear.

The Ombudsman related that the Deputy Governor had informed her that she would not have to appear during Finance Committee meetings. However, during the recent Finance Committee meeting, the Office of the Ombudsman was on the Agenda, and she was delighted to have been in attendance.

Ms. Hermiston stated that the Finances Underspend Budget will end up with an excess. The Ombudsman shared an update on the financial situations in regards to: funds paid to Public Works; contracts signed; the process of monitoring the project and all of the funds; and MEP and furniture contracts in place.

It was also shared with the Committee that the Chief Financial Officer will be meeting with Treasury at the end of the year to discuss issuing a policy in regards to money not being spent by the 18th month period and will have to go back to Cabinet for approval; a blanket policy that all departments follows within government. The Government is aware that the Ombudsman Office was not the only office using the previous process. If it is not done at the end of the year, we will need to come back. It was noted that Capital Budgeting can be organized better once recommendations are received from the Auditor General going forward.

The Committee reviewed the Office of the Ombudsman Financial Statements 31 December, 2017. During the revision process the Committee found no errors in the Financial Statements Report.

The Committee **agreed** that *Office of the Ombudsman Financial Statements 31 December, 2017* and *Office of the Ombudsman Report* will be tabled together, when completed, by the Office of the Ombudsman. The Chairman explained that Cabinet will have to approve the document first, and thereafter the report will be laid by the Deputy Governor, with guidance from the Legislative assembly on tabling procedures.

7. Approval of Invoices—re Office of Ombudsman

The Oversight Committee of the Office of the Ombudsman **agreed** to approve the following Budget Expenditures in advance:

- Cabinet Billing October 2018 - total of KYD \$ 174,365.00.
- Cabinet Billing November 2018 - total of KYD \$ 174,365.00.
- Cabinet Billing December 2018 - total of KYD \$ 174,365.00.

Discussion ensued as per the approval of expenditures by the Committee requiring the Chairperson, as authorised, to sign the invoices and memorandum which would be submitted to the Accountant General for payment. The Committee agreed that on a monthly basis the billing amount will continue to be \$174,365.00.

The motion was moved by Mr David Wight and seconded by Capt. Eugene Ebanks. The Committee **agreed** that the Chairperson be authorised to sign the Office of the Ombudsman's invoices for Cabinet Billings for the months of October, November and December 2018 with approval in advance by the Committee.

8. Any Other Business

There was no other business.

9. Scheduling of Next meeting

The next meeting of the Committee was confirmed for Thursday, 10th January 2019 at 10:00 am.

10. Adjournment

There being no further business the Chairperson adjourned the Committee at 11:21 am.