



Office of the Ombudsman

ANNUAL REPORT

For year ended 30 June 2020

Presented to
THE NATIONAL PARLIAMENT OF SOLOMON ISLANDS
Under section 98(3) of the Constitution

Ombudsman Annual Report
For the year ended 30th June
2020

VISION AND MISSION

Vision Statement

Our vision is to promote fair, transparent and accountable public administration that benefits all people of the Solomon Islands.

Mission Statement

Our mission is to protect the interests of the Solomon Islands community to:

- Assist people in resolving complaints about government bodies
- Independently investigate and report on the actions and practices of government bodies
- Foster accountable, lawful, and transparent and responsive administration

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Foreword

I am pleased to present to Parliament my Annual Report from July 1st 2019 to June 30th 2020. This is my fourth Annual Report to Parliament. 2019 to 2020 is a rather interesting for my office. On the bright side the office has seen some major development to our service. The completion of the Ombudsman's office website that sees the accessibilities of the Ombudsman service being made available to people here and afar. Complaints can now be submitted through the office website making it easier for complainant from all over the country. There creating of the new Complaint Management System (CMS) is now at budding stage.

My office has also seen and experience the direct impact of Covid-19 affecting the implementation of its important services. The first half of the year has seen the office obliged to scale down its operation due to the government sanctioned policy to stop covid-19 spreading into communities. To date all covid-19 cases in the Solomon Islands are still confined to quarantine centres. The covid-19 situations also taught institutions like the Ombudsman's office to be innovative and flexible to global pandemic situations.

Furthermore, this report has covered how the office dealt with complaints of varying nature from July 1st 2019 to June 30th 2020. Most of these complaints are quantified into statistics and figures. As it is, the work of the Ombudsman revolves around brokering human solutions to administrative problems, particularly complaints from victims of poor decision making of public officers. In so many ways my office has helped them resolved their issues by working with respective institutions to address their complaints. In brief, complaints from the public has helped us identify gap within relevant rules and regulations and enabled us to find ways to review or improved some of the current practices.

In this report my office provides a comprehensive look at different programs covered throughout the year. Our innovative recommendations to respective public institutions demonstrates the effectiveness of the Ombudsman as an agent of positive change. This is evident through making sensible and evidence-based recommendations as well as following up diligently with institutions responsible. This is a proven success to many in many of the complaints that has been dealt with. In brief, the oversight role of the Ombudsman has hailed a lot of positive results for the general public who have come to seek redress for their grievances.

Finally, let me once again take this opportunity to share my gratitude to the Solomon Islands government, donor partners, colleague Ombudsman, both within and outside the region, State Owned Enterprises (SOEs) and other stakeholders for continuously supporting the work of my office. Special thanks also goes out to my officers for unwavering support towards the work of the Ombudsman over the years. The confidence and support placed in us have made this year a successful one. Thank you.

Fredrick Leve Fakarii

Ombudsman

Table of Acronyms

Acronym	Definition
ACA	Anti-Corruption Act
COI	Conflict of Interest
CBI	Complaint-Based Investigation
CMS	Complaint Management System
HCC	Honiara City Council
ICETS	Information, Compliance, and Enforcement Training
LCC	Leadership Code Commission
LDSB	Long and Dedicated Service Benefits
MPA	Members of the Provincial Assembly
MFR	Ministry of Forestry and Research
MPS	Ministry of Public Service
MCILI	Ministry of Commerce, Industry, Labour & Immigration
MEHRD	Ministry of Education and Human Resources Development
MPNSCS	Ministry of Police, National Security and Correctional Services.
MHMS	Ministry of Health and Medical Services
MPS	Ministry of Public Services
MJLA	Ministry of Justice and Legal Affairs
MID	Ministry of Infrastructure Development
MLHS	Ministry of Lands, Housing and Survey
MoFT	Ministry of Finance and Treasury
MFR	Ministry of Forestry and Research
MPGIS	Ministry of Provincial Government and Institutional Strengthening

MRD	Ministry of Rural Development
MHA	Ministry of Home Affairs
MCT	Ministry of Culture and Tourism
MCA	Ministry of Communication and Aviation
NPO	National Parliament Office
NPF	National Provident Fund
OPMC	Office of the Prime Minister and Cabinet
OMI	Own-Motion Investigation
OOSI	Office of the Ombudsman of Solomon Islands
SIBC	Solomon Islands Broadcasting Corporation
SOE	State-Owned Enterprises
SIG-ICT	Solomon Islands Government Information and Communication Technology

1. Introduction

1.1. - Executive Summary

This Annual Report covers the period from 1st July 2019–30th June 2020. Within this period a total of 185 complaints were registered with the Ombudsman for consideration. This was a decrease of 30 % from the preceding year, when the Office deliberated on 241 complaints. The decrease is partly due to the impact of the COVID-19 pandemic, since the Office temporarily scaled-down on its operation for the first half of the year. Additionally, the government-sanctioned budget cut also affected the Office tours of duties to many of the Provincial centres and Islands. The Office looks forward to stepping up its work again when the pandemic is over.

Of the 185 registered complaints, a clear majority—142—were reported in person through the front desk. A further 31 complaints came through the mail and 8 were registered through the Office website via office complaints lodging emails. Another 4 complaints were raised through phone calls and Aerogram.

Additionally, a total of 124 complaints, a clear majority, were employment-related complaints. These included complaints on issues relating to salary, allowances, posting and transfer, suspension and termination, promotion and demotion, housing, disciplinary processes and complaint handling, redundancy and pension, and NPF contributions. The remaining 61 complaints were on non-employment-related issues. These included but not limited to diversions of funds, fraud, corruption, poor financial management, non-payment or termination of benefits, outstanding payments, compensation, (unfairness relating to awards of scholarships and grades), and record keeping. All complaints registered were employment-related and non-employment-related.

Also, distribution of complaints varied among various government institutions. A total of 83 complaints were registered against government ministries and departments. Another 37 complaints were registered against provincial governments and Honiara City Council (HCC), while 14 were raised against State-Owned Enterprises (SOE). A further 49 complaints were made against unions, private individuals or others. Another 2 complaints were raised against either Member(s) of Parliament's personal conduct, or against multiple portfolios.

In brief, these different types of complaints registered and their distribution among different public bodies reveals systematic deficiencies within government sectors that must be addressed. Some of these issues arises more frequently, and consequently are becoming obstacles to the efficient delivery of services to the people. The Ombudsman can only work to

address these administrative and systematic challenges, so it is important that public officers perform their duties with diligence and fairness. As public officers, it is important to be reminded that we all are accountable to the general public whom we serve. The Ombudsman will continue to provide services to the people to ensure that justice is done when and where required.

1.2. - Looking Ahead

This year provides both challenges and opportunities for the work of the Ombudsman's Office. The Office must face up to the global impacts of the COVID-19 that the government has had to take measures to mitigate. For instance, the government-sanctioned cut on all government ministry and department budgets had a serious impact on the work of the Ombudsman. The office had to scale down its operation during the first half of 2020. The government-sanctioned 'temporary leave' for its officers in anticipation of possible Corona virus outbreak has left the office idle for the first half of 2020. Such COVID-19 preventive measures meant that the Office was typically idle, which resulted in the disruption of the implementation of its annual work-plan. In addition, the office has had to reduce its visitation programs to the provinces.

Despite these challenges, the Ombudsman looks forward to making progress in delivering services to the people. The Office anticipates its internal structural reform program will be approved by the government to ensure that the Office is fully staffed with qualified personnel, and with better remuneration packages.

Going digital is one of the long-term objectives of the Office. Along with the launching of its new website, the Office is reviewing its Complaint Management System (CMS) with intention to introduce investigation management system that can provide effective and efficient investigation management procedures.

The Office also looks forward to maintaining its partnership program with other integrity institutions in the region and abroad, like the Commonwealth Ombudsman of Australia, the New Zealand Ombudsman and the Australasian-Pacific Ombudsman Report (APOR). Sustaining these important working relationships is vital to our work in areas of mutual interests concerning good administration and governance.

1.3. - Report Overview

The Ombudsman, by virtue of section 98(3) of Chapter IX of the Solomon Islands Constitution, is required to submit an Annual Report to Parliament. Section 98(3) provides:

(3) The Ombudsman shall make an annual report and may make such additional reports to Parliament as he deems appropriate concerning the discharge of his functions, and may draw attention to any defects which appear to him to exist in the administration or any law.

The current report formally starts with “highlights” in section two (2), which briefly lays out several remarkable milestone achievements of the Office, from 1st July 2019 to 30th June 2020.

Section three (3) relates to the Ombudsman’s supervisory role, in brief. It outlines the legal framework through which the Office discharges its duties. This includes the constitutional statutes pertaining to the establishment of the Ombudsman’s Office and associated implementing provisions under the Ombudsman Act 2017.

The fourth section (4) deals with the performance of the OOSI in executing its duties to promote good public administration within public bodies. It outlines the ongoing activities and programs that sustain good public administration and good service delivery to the public. This includes means through which the Ombudsman receives and dealt with complaints as well as advocacy and awareness to the public.

The fifth section (5) is an audit of complaints for the year ending 30th June 2020. It provides detailed tabulation of the complaints that the Office registered, and expounds on the number of cases it received, how complaints were dealt with and the general distribution of complaints within public bodies.

The sixth section (6) puts complaints into perspective. The distribution of complaints across public bodies is explicitly documented. It also compiles the different types of complaints and the regularity of occurrence across these public bodies. In short, it illuminates different types of complaints that is commonly reported to the Ombudsman.

Section seven (7) focuses on on-going issues and systematic challenges faced within the government sectors. It highlights the different categories of complaints that are commonly reported. These complaints are either employment-related complaints or non-employment related. This section is intended to bring to Parliament’s attention some of the major challenges within the public bodies, for their consideration.

The eighth section (8) centres on the administration of the OOSI and the functions of its various departments.

Section nine (9) consists of appendices and case studies on issues of maladministration and unfairness within the public bodies.

2. 1 July 2019–30 June 2020, Highlights

This calendar year has seen a huge disruption of the work of the Ombudsman due to the global impact of the COVID-19. In the first half of the year, the Office had to scale down its operation as part of COVID-19 prevention measures. This meant that the Office was literally empty except for a few unit heads manning the Office. The Office Annual Work plan was disrupted, resulting in the discontinuation of important ongoing programs like the radio programme, investigation works, and visits to provincial centres. All other related programs like conferences, workshops and trainings were all put on hold as a result of government-sanctioned social distancing measures. Despite of these challenges the Office continues to function and to ensure that its key objectives are achieved.

2.1 - Key Outcomes in relations to Complaints Received, Assessed and Investigated

The Ombudsman's Office received a total of 185 complaints. Eight (8) complaints were received by email, three (3) by aerogram, thirty-one (31) by mail, one (1) by phone and one hundred forty-two (142) complaints were made in person.

Of these complaints received, one hundred and forty (140) were within the Office jurisdiction while the remaining forty-five (45) fell outside of it and were referred to relevant institutions. In terms of the rate of disposition of the 185 complaints, the Office resolved and closed one hundred and sixty-one (151) complaints during the year. Of these, 154 complaints were resolved at the initial stage of receipt and assessment based on the legal criteria under section 18 of the Ombudsman Act and Part IX of the Constitution. As required by law, advice on such early closure was rendered to the complainants concerned. A further thirty-one (31) complaints were recommended for full investigation.

Fig 2.1a— Status of cases (closed, no investigation, full investigation, investigation completed (Draft report) Preliminary investigation etc.).

Year/Status of Cases 1 st July 2019 to 30th June 2020	Count of Case File Numbers
2019	
Closed (investigation completed)	6
Closed (no investigation)	85
Full investigation	11
Investigation completed (report sent to agency, awaiting reply)	1
2020	
Closed (investigation completed)	1
Closed (no investigation)	69
Full investigation	10
Preliminary investigation	2
Grand Total	185

2.2. - Work on the Office Website

Work on the Office website continued despite of the COVID-19 restrictions. The contracted web developer Novus Ltd managed to complete the website in time. The website has now been launched and available for public access. The launching has marked the achievement of a significant milestone in the work of the Ombudsman.

2.3. - Strengthening ties with Regional Integrity Institutions

The Ombudsman has continued to maintain good working relationships with other Ombudsman and integrity institutions in other jurisdictions. The Office continues to receive support from these relationships in various technical areas. The Commonwealth Ombudsman of Australia, for example, has continued to provide financial support in specialized investigation training to our officers. The New Zealand Ombudsman is also stepping up its support for our officers in the same areas. Such support is poised to continue in the coming years based on mutual understandings and close working relationships.

3. The Ombudsman's Supervisory System in Brief

The Solomon Islands Ombudsman's oversight role has been conferred by two legal authorities: The Solomon Islands Constitution and the Ombudsman Act 2017.

i. The Constitution

The Constitution establishes the Ombudsman's Office as an independent body with the following functions:

- (a) To enquire into the conduct and abuses of office or authority by members of the public service, the Police Force, the Prisons Service, the government of Honiara city, provincial governments, and such other offices, commissions, corporate bodies or public agencies as may be prescribed by Parliament;
- (b) To assist in the improvement of practices and procedures of public bodies; and
- (c) To ensure the elimination of decisions made on an arbitrary and unfair basis.

Designated authorities are exempted from the above powers and functions of the Ombudsman:

- (a) the Governor General and his personal staff;
- (b) the Director of Public Prosecutions or any person acting on his instructions; and
- (c) the Judges, Magistrates, and Registrars of Courts in their "judicial functions" or court decisions, rulings or judgements.

The Ombudsman is prohibited by section 98(2) of the Constitution from investigating matters prejudicial to the security of Solomon Islands if the Prime Minister notifies him of such matters.

The Ombudsman is required to submit Annual Reports to Parliament and may make any additional reports as he sees fit regarding his work. In doing so, he ensures that public administrators comply with the legal frameworks governing their administrative functions. Apart from such legal concerns, the Ombudsman is authorised to take further step of pinpointing any defects in the application of any law (as may be identified during investigations) and consequently make recommendations for necessary changes to rectify the legal or administrative defect so that the ultimate effect will be one of fairness and justice.

ii. The Ombudsman Act 2017

The Ombudsman Act 2017 complements the role of the Ombudsman as stipulated in the Constitution and further provides for him to enter into an agreement with other government organizations. Not only that, but he can make referrals to other government institutions when

complaints are outside the jurisdiction of his office. The Act also further authorizes the Ombudsman to investigate government contractors and agents.

The OOSI is always independent and impartial when carrying out its duties. It provides its services free of charge.

4 Our Performance

Section 97 of the Constitution clearly defines the functions of the Ombudsman:

- (a) Investigate maladministration (bad management practices) of prescribed bodies¹;
- (b) Assist in the improvement of practices and procedures of public bodies;
- (c) Ensure the elimination of arbitrary and unfair decisions.

The functions of the Ombudsman as spelled out in the Constitution provide the basis on which the Office perform its “watch dog” role on issues relating to administration in the public bodies. This is to ensure that good governance is promoted and maintained in the ways that services are delivered to the people. In so doing, the Office engages in different activities to fulfil its mandated responsibilities. These activities include but are not limited to:

Dealing with complaints on grievances issues related to maladministration

1. Complaint bases:

- Receiving complaints from members of the public who come to the Ombudsman’s Office to register their complaints.
- Receiving complaints sent through office emails.
- Receiving complaints sent through Aerograms.
- Receiving complaints made through phone calls.
- Receiving complaints from third parties.

2. Own-Initiative Investigations.

Awareness and Advocacy Activities

- Presenting awareness talks on the roles and responsibilities of the Ombudsman to public officers through programs organized by other government institutions like the Institute of Public Administration and Management Learning (IPAM).
- Conducting awareness visits to Provincial Government Centres.

¹ “Public bodies”, as used in relevant Section 97 of the National Constitution and the Ombudsman Act 2017, refers to government ministries, departments and agencies that can be investigated by the Ombudsman.

- Collaborating with other relevant institutions of the government like the Ministry of Provincial Government and Institutional Strengthening (MPGIS) to raise awareness for newly elected Members of Provincial Assembly (MPAs).
- Presenting a weekly radio program on Solomon Islands Broadcasting Corporation (SIBC).
- Participation in public events such as the International Anti-Corruption Day (IACD).
- Distributing brochures and pamphlets to members of public, many of whom collected these materials at the Office front desk.
- Newsletter publication through local and regional media platforms and so forth.

4.1. - Handling of Complaints

Dealing with public grievances on matters of maladministration is a key part of the Ombudsman's mandated responsibilities. Complaint-handling by the Ombudsman not only delivers much-needed support to members of public, but also provide checks and balance on the conduct of public offices regarding administrative matters. It represents a symbiotic collaboration of the Ombudsman and the public to promote good public administration in public offices. This is where the Ombudsman's role as a 'watch dog' on public administration is fully realized.

Not all complaints that come to the Ombudsman are within his jurisdiction to investigate. Some complaints must be referred to other government institutions, to which the Ombudsman gives relevant advice regarding complainants.

The Ombudsman also carries out Own-Initiative Investigations on issues of national interests, and these have the potential to effect citizens broadly. The tables below provide tabulated data for complaints received from 1 July 2019 to 30 June 2020.

Figure 4.1a—Total number of complaints from 1st July 2019–30th June 2020

Year/Month	Count of Case File Numbers
2019	
July	20
Aug	23
Sept	23
Oct	15
Nov	13
Dec	9
2020	
Jan	32
Feb	17

Mar	13
Apr	2
May	9
June	9
Grand Total	185

Fig. 4.1b—Mode of receiving complaints from 1st July 2019 to 30th June 2020

Year/ Types of Complaint from 1st July 2019 to 30 June 2020	Count of Case File Numbers
2019	
Aerogram	1
Email	5
Front desk	81
Mail	16
2020	
Aerogram	2
Email	3
Front desk	61
Mail	15
Phone	1
Grand Total	185

4.2. - Training

This reporting year has seen a large reduction in the number of officers taking up capacity-building training, due to international border restrictions, budget cuts and the impact of COVID-19 generally. Only Mr. Aaron Kodo (currently Director [Ag]) for the Investigation Unit has completed his Post-Graduate Diploma in Commerce (PGDCRM)—Management and Public Administration.

Other than that, OOSI senior officers organized internal staff training, including continuous Legal Unit CLE (Continuous Legal Education) training, as well a training organized by the INTERPOL department of the Royal Solomon Islands Police Force on the role of INTERPOL in Solomon Islands. Other short-term training continues while others have been suspended accordingly.

5. Audits of Registered Complaints from Year Ending 30th June 2020

This year a total of one hundred and eighty-five (185) complaints were reported to the Ombudsman. Of these, forty-five (45) fell outside of his jurisdiction to investigate. Those cases were referred to other relevant government institutions. A total of 140 cases fell within the Ombudsman's jurisdiction and were dealt with accordingly.

Additionally, one hundred and twenty-four (124) complaints were raised on matters relating to employment issues, making up 67% of total complaints received in the reporting year. Employment-related complaints include those relating to salaries, allowances, appointments, probations, and promotions (see figure 5.2 for details). The remaining sixty-one (61) complaints were regarding non-employment issues. These account for 33% of the complaints received (see figure 5.3 for non-employment related complaints).

A huge proportion of the complaints concerned the public services. A total of eighty-three (83) were made against government ministries (see figure 5.5 for details), and 14 more against State-Owned Enterprises (SOEs) (see figure 5.4). Thirty-seven (37) complaints were made against provincial governments and the Honiara City Council (HCC) (see figure 5.7). Another forty-nine (49) cases were made against either unions, private individuals or others (see figure 5.7). Finally, a cases each was made against personal conduct of leaders (MPs, Ministers and other Public Leaders) and Multiple portfolios.

Fig. 5.1— Status of cases within jurisdiction and no jurisdiction

Case not/under jurisdiction from 1 st July 2019 to 30 th June 2020	Count of Case File Numbers
2019	
Within jurisdiction	69
No jurisdiction (s 18 [h])	34
2020	
Within jurisdiction	71
No jurisdiction (s 18 [h])	11
Grand Total	185

Fig. 5.2. - Employment related complaints registered from 1st July 2019 to 30th June 2020

Employment-related issues recorded from 1 st July 2019 to 30 th June 2020	Count of Case File Numbers
2019	
• Salary	16
• Allowances	4
• Transfer, postings	4
• Appointment, probation, confirmation	5
• Suspension	2
• Termination	6
• Promotion / demotion	4
• Housing	2
• Disciplinary process / complaint handling	1
• Redundancy, retirements, pensions, LDSBs	9
• NPF	4
• Holidays, leave	1
• Other	4
2020	
• Salary	18
• Allowances	11
• Transfer, postings	1
• Termination	10
• Promotion / demotion	2
• Housing	1
• Disciplinary process / complaint handling	1
• Redundancy, retirements, pensions, LDSBs	8
• NPF	4
• Work safety, compensation	2
• Holidays, leave	2
• Other	2
Grand Total	124

5.3. - Non-employment-related complaints registered from 1st July 2019 to 30th June 2020

Non-employment related cases recorded from 1 st July 2019 to 30 th June 2020	Count of Case File Numbers
2019	
• Diversion of funds, fraud, corruption	1
• Poor financial management, mishandling impress, etc. (excluding corruption, fraud, etc.)	1
• Non- payment or termination of benefits, entitlements, scholarships, etc.	5
• Claim for withdrawals, refunds, outstanding payments, compensation, damages, etc.	16

• Unfair/Unprocedural conduct relating to visas, passports, permits, licenses, approvals, land-rights, etc. (excluding corruption and delay)	2
• Registration of information, titles, record keeping, etc.	2
• Unfairness relating to award of scholarships, grades, college admissions, etc.	4
• Poor customer service, complaint handling, service delivery, (incl. delay).	8
• Withholding letters, certificates, endorsement, etc. (excl. employment).	1
• private matters / other	2
2020	
• Diversions of funds, fraud, corruption	2
• Non-payment or termination of benefits, entitlements, scholarships, etc.	1
• Claims for withdrawal, refund, outstanding payment, compensation, damages, etc.	9
• Unfairness relating to award of scholarships, grades, college admissions, etc.	1
• Poor customer service, complaint handling, service delivery, (Incl. delay).	6
Grand Total	61

Fig. 5.4. - Complaints against State-Owned Enterprises.

Types of complaints made against SOEs from 1 st July 2019 to 30 th June 2020	Count of Case File Numbers
2019	
SOE	7
SI National Provident Fund	1
• Claims for withdrawal, refund, outstanding payment, compensation, damages, etc.	1
SI National University	2
• Non-payment or termination of benefits, entitlements, scholarships, etc.	1
• Allowances	1
Solomon Islands Ports Authority	1
• Termination	1
Solomon Islands Visitors Bureau (SIVB)	1
• Redundancy, retirements, pensions, LDSBs	1
Solomon Power	2
• Poor customer service, complaint handling, service delivery (incl. delay).	1
• Terminations	1
2020	
SOE	7
SI National Provident Fund	3
• Claims for withdrawal, refund, outstanding payment, compensation, damages, etc.	1

• NPF	2
SI National University	1
• Unfairness relating to award of scholarships, grades, college admissions,	1
SI Ports Authority	1
• Redundancy, retirements, pensions, LDSBs	1
Solomon Airlines	1
• Termination	1
Solomon Power	1
• Poor customer service, complaint handling, service delivery (incl. delay).	1
Grand Total	14

Fig. 5.5. - Distribution of complaints according to government departments and ministries

Complaints against ministries and departments from 1 st July 2019 to 30 th June 2020	Count of Case File Numbers
2019	
• Min Agriculture & Livestock Development	2
• Min Comm, Industry, Labour & Migration	4
• Min Communication and Aviation	1
• Min Education and Human Resources	16
• Min Finance and Treasury	3
• Min Health and Medical Services	4
• Min Justice & Legal Affairs	3
• Min Lands, Housing & Surveys	2
• Min Police, Nat Security and Correctional Services	12
• Min Public Service	2
2020	
• Min Agriculture & Livestock Development	1
• Min Commerce, Industry, Labour & Migration	3
• Min Education and Human Resources	12
• Min Finance and Treasury	3
• Min Forestry and Research	1
• Min Health and Medical Services	2
• Min Lands, Housing & Survey	1
• Min Police, National Security and Correctional Services	4
• Min Public Service	3
• Min Rural Development and Indigenous Affairs	3
• OPM&C (excluding integrity agencies)	1
Grand Total	83

Fig. 5.6. - Complaint cases received against State-Owned Enterprises

Cases against state-owned enterprises (SOEs) from 1 st July 2019 to 30 th June 2020	Count of Case File Numbers
2019	
• SI National Provident Fund	1
• SI National University	2
• SI Ports Authority	1
• SI Visitors Bureau (SIVB)	1
• Solomon Power	2
2020	
• SI National Provident Fund	3
• SI National University	1
• SI Ports Authority	1
• Solomon Airlines	1
• Solomon Power	1
Grand Total	14

5.7. - Number of cases by agencies (SIG Ministries / Departments, provincial governments, unions / others, SOEs, Parl House etc.)

Cases against SIG ministries, provincial governments, SOEs, Parl House, unions / others, etc. from 1 st July 2019 to 30 th June 2020	Count of Case File Numbers
2019	
• Min Agriculture & Livestock Development	2
• Min Comm, Industry, Labour & Migration	4
• Min Communication and Aviation	1
• Min Education and Human Resources	16
• Min Finance and Treasury	3
• Min Health and Medical Services	4
• Min Justice & Legal Affairs	3
• Min Lands, Housing & Survey	2
• Min Police, Nat Sec and Correctional Services	12
• Min Public Service	2
• MPs, Ministers and other leaders' personal conduct	1
• Other / union / private	34
• Provincial governments / HCC	12
• SOE	7
2020	
• Min Agriculture & Livestock Development	1
• Min Comm, Industry, Labour & Migration	3

• Min Education and Human Resources	12
• Min Finance and Treasury	3
• Min Forestry and Research	1
• Min Health and Medical Services	2
• Min Lands, Housing & Survey	1
• Min Police, Nat Sec and Correctional Services	4
• Min Public Service	3
• Min Rural Develop and Indigenous Affairs	3
• Multiple portfolios	1
• OPM&C (excluding integrity agencies)	1
• Other / union / private	15
• Provincial governments / HCC	25
• SOE	7
Grand Total	185

Fig. 5.8. - Case distribution by provinces

Types of complaints made against provincial government / HCC SOEs from 1 st July 2019 to 30 th June 2020	Count of Case File Numbers
2019	
Central Islands Provincial Government	
○ Salary	2
Choiseul Provincial Health Services	
○ Promotion / demotion	1
Guadalcanal Provincial Government	
○ Private matter / other	1
○ Salary	1
○ Redundancy, retirements, pensions, LDSBs	1
Honiara City Council	
○ Salary	2
Makira Provincial Government	
○ Salary	1
○ Appointment, probation, confirmation	1
Malaita Education Authority	
○ Salary	2
Temotu Provincial government	
○ termination	1
Western Provincial government	
○ Claim for withdrawal, refund, outstanding payment, compensation, damages, etc.	1
2020	
Choiseul Provincial Government	
○ Holidays, leave	1
Guadalcanal Provincial Government	
○ Salary	2
Honiara City Council	
○ Salary	1

○ Termination	1
○ Disciplinary process / complaint handling	1
○ Other	1
Makira Provincial Government	
○ Salary	5
○ Allowances	4
○ Termination	1
○ Work safety, compensation	1
Malaita Provincial Government	
○ Salary	2
Temotu Provincial Government	
○ Termination	1
Western Provincial Government	
○ Poor customer service, complaint handling, service delivery (including delay)	1
Grand Total	36

6 Putting Complaints into Perspective

This section provides context for the types of complaints received for the year ending 30th June 2020. It starts by organizing the sum of complaints registered against government ministries, provincial governments / HCC, as well as State-Owned Enterprises.

Contextualizing these cases ensures better understanding of the distribution of complaint cases across public bodies. In short, this section sheds light on the different types of cases that have continued to undermine public offices over the years.

6.1. Complaints Made against Government Ministries

Types of complaints made against government ministries from 1 st July 2019 to 30 th June 2020	Count of Case File Number
2019	
Min Agriculture & Livestock Development	2
○ Appointment, probation, confirmation	1
○ Promotion / demotion	1
Min Comm, Industry, Labour & Migration	4
○ Unfair/Unprocedural conduct relating to visas, passports, permits, licenses, approvals, land-rights, etc. (excluding corruption and delay)	1
○ Poor customer service, complaint handling, service delivery, (including delay).	2
○ Withholding letters, certificates, endorsement, etc. (excluding employment).	1
Min Communication and Aviation	1
○ Claim for withdrawal, refund, outstanding payment, compensation, damages, etc.	1
Min Education and Human Resources	16
○ Non-payment or termination of benefits, entitlements, scholarships, etc.	2
○ Unfairness relating to award of scholarships, grades, college admissions, etc.	4
○ Salaries	5
○ Allowances	1
○ Terminations	2
○ Redundancy, retirements, pensions, LDSBs	1
○ Holidays, leave	1
Min Finance and Treasury	3
○ Salary	1
○ Appointment, probation, confirmation	2
Min Health and Medical Services	4
○ Allowances	1
○ Transfers, postings	2
○ Promotion / demotion	1
Min Justice & Legal Affairs	3
○ Poor customer service, complaint handling, service delivery, (including delay).	3
Min Lands, Housing & Survey	2

○ Registration of information, titles, record keeping, etc.	2
Min Police, Nat Security and Correctional Services	12
○ Poor customer service, complaint handling, service delivery, (including delay).	2
○ Allowances	1
○ Suspensions	2
○ Termination	1
○ Housing	1
○ Disciplinary process / complaint handling	1
○ Redundancy, retirements, pensions, LDSBs	1
○ Other	3
Min Public Service	2
○ Appointment, probation, confirmation	1
○ Redundancy, retirements, pensions, LDSBs	1
2020	
Min Agriculture & Livestock Development	1
○ Redundancy, retirements, pensions, LDSBs	1
Min Comm, Industry, Labour & Migration	3
○ Poor customer service, complaint handling, service delivery, (including delay).	1
○ Allowances	1
○ Work safety, compensation	1
Min Education and Human Resources	12
○ Diversion of funds, fraud, corruption	1
○ Non-payment or termination of benefits, entitlements, scholarships, etc.	1
○ Salary	2
○ Allowances	6
○ Termination	1
○ Holidays, leave	1
Min Finance and Treasury	3
○ Claim for withdrawal, refund, outstanding payment, compensation, damages, etc.	1
○ Termination	1
○ Redundancy, retirements, pensions, LDSBs	1
Min Forestry and Research	1
○ Poor customer service, complaint handling, service delivery, (including delay).	1
Min Health and Medical Services	2
○ Salary	2
Min Lands, Housing & Survey	1
○ Registration of information, titles, record keeping, etc	1
Min Police, Nat Sec and Correctional Services	4
○ Claim for withdrawal, refund, outstanding payment, compensation, damages, etc.	2
○ Promotion / demotion	1
○ Redundancy, retirements, pensions, LDSBs	1
Min Public Service	3
○ Termination	1
○ Redundancy, retirements, pensions, LDSBs	2
Min Rural Develop and Indigenous Affairs	3

○ Salary	1
○ Redundancy, retirements, pensions, LDSBs	1
○ NPF	1
OPM&C (excluding integrity agencies)	1
○ housing	1
Grand Total	83

6.2. Complaints made against Provincial Governments and HCC

Types of complaints made against Provincial government/HCC SOEs from 1st July 2019 to 30th June 2020	Count of Case File Number
2019	
Central Islands Provincial Government	
○ Salary	2
Choiseul Provincial Health Services	
○ Promotion / demotion	1
Guadalcanal Provincial Government	
○ Private matter / other	1
○ Salary	1
○ Redundancy, retirements, pensions, LDSBs	1
Honiara City Council	
○ Salary	2
Makira Provincial Government	
○ Salary	1
○ Appointment, probation, confirmation	1
Malaita Education Authority	
○ Salary	2
Temotu Provincial Government	
○ Termination	1
Western Provincial Government	
○ Claim for withdrawal, refund, outstanding payment, compensation, damages, etc.	1
2020	
Choiseul Provincial Government	
○ Holidays, leave	1
Guadalcanal Provincial Government	
○ Salary	2
Honiara City Council	
○ Salary	1
○ Termination	1
○ Disciplinary process / complaint handling	1
○ Other	1
Makira Provincial Government	
○ Salary	5
○ Allowances	4
○ Termination	1
○ Work safety, compensation	1
Malaita Provincial Government	

○ Salary	2
Temotu Provincial Government	
○ Termination	1
Western Provincial Government	
○ Poor customer service, complaint handling, service delivery (including delay)	1
Grand Total	36

6.3. Complaints Made against State-Owned Enterprises

Types of complaints made against SOEs from 1st July 2019 to 30th June 2020	Count of Case File Number
2019	
SOE	7
SI National Provident Fund	1
• Claim for withdrawal, refund, outstanding payment, compensation, damages, etc.	1
SI National University	2
• Non-payment or termination of benefits, entitlements, scholarships, etc.	1
• Allowances	1
Solomon Islands Ports Authority	1
• Termination	1
Solomon Islands Visitors Bureau (SIVB)	1
• Redundancy, retirements, pensions, LDSBs	1
Solomon Power	2
• Poor customer service, complaint handling, service delivery (Inc delay).	1
• Termination	1
2020	
SOE	7
SI National Provident Fund	3
• Claim for withdrawal, refund, outstanding payment, compensation, damages, etc.	1
• NPF	2
SI National University	1
• Unfairness relating to award of scholarships, grades, college admissions, etc.	1
SI Ports Authority	1
• Redundancy, retirements, pensions, LDSBs	1
Solomon Airlines	1
• Termination	1
Solomon Power	1
• Poor customer service, complaint handling, service delivery (Inc delay).	1
Grand Total	14

7 On-Going Issues—Systematic and Recurring Challenges

This section provides a thorough look of the nature of complaints that the Ombudsman received for the reporting year. It is important to note these issues have continued to negatively impacted service delivery in the country and it is important they be brought before Parliament for attention.

7.1. Non-Employment-Related Complaints

There were sixty-one (61) non-employment-related complaints, about 33% of the total complaints made in the reporting year. Non-employment complaints vary in substance and distribution among respective public bodies. These complaints range from complaints relating to diversion of funds, fraud, corruption, compensation, damages, poor customer services, termination of benefits and so forth. Below are some of the common types of non-employment complaints about actions that continue to impede public service delivery.

(i) **Claims for Withdrawals, Refunds, Outstanding Payments, Compensation Damages and so Forth.**

Complaints relating to these issues dominate public bodies. They account for 41% of non-employment-related complaints. Their prevalence among public bodies means that there is still ongoing public dissatisfaction with how public sectors deal with the wider public on matters relating to facilitating payments to individuals and service providers. Public officers must take necessary steps to ensure that people are satisfied with services provided, and ignoring these issues borders on negligence of the duties entrusted to them.

(ii) **Poor Customer Service**

This is one of the areas in which people often raised complaints, and it represents a persistent problem in the government sectors. Poor customer services vary and include, not answering phone calls or responding to requests in a timely manner, undue delays, and not making decisions on issues on timely manner. Poor customer services reflect ignorant attitudes among public officers who fail to diligently deliver services to the public. It is important to highlight that serving the needs of the public should be a paramount task for public officers. To do otherwise will continue to hamper public service delivery and breed mistrust among the people.

(iii) Fraud and Corruption

Issues relating to frauds and corruption falls outside of the Ombudsman's jurisdiction. This year has seen a considerable reduction in these cases. Only three (3) cases were related, and the Ombudsman referred them to relevant institutions to deal with. The Ombudsman plays a very important role in strengthening public institutions to reduce the sporadic spreading of these types of complaints.

(iv) Unfairness Relating to Awards of Scholarships, Grades, College Admission etc.

It is a common trend that there is unfairness relating to awarding of scholarships, grades, college admissions and so forth. Pursuing better education is crucial for development of Solomon Islands. As such, there is a vital duty of assisting the public with fairness and justice. Public officers manning institutions that look after the education aspirations and wellbeing of our people must be vigilant and ensure that they perform their duties with diligence.

(v) Issues relating to Visas, Passports, License etc.

Numerous non-employment-related complaints were also registered during the year. These complaints involved the unprofessional ways public officers dealt with people in a range of areas including issuing of visas, passports, permits, licenses, land rights and so forth. This persistence of these issues points to the continuous challenges faced by those delivering services to the public. These kinds of shortcomings continue to nurture grievances and public mistrust of government institutions.

7.2. Employment-Related Complaints

This reporting years shows a total of one hundred and twenty-four (124) employment-related complaints, 67% of the total number of complaints received. This is a huge increase from preceding years. Employment related complaints capture several important issues relating to the welfare of employees. These include salaries, allowances, transfers, postings, appointments, probations and confirmations, suspensions, terminations, redundancies and disciplinary processes, to list a few. Below is a summary of the different types of employment-related complaints registered.

(i) Salary

Salary-related complaints dominate the number of employment related complaints, totalling up to thirty-four (34) according to public bodies. The prevalence of salary-related complaints clearly indicates challenges facing public bodies in properly dispensing salaries to public officers. It is imperative that respective public officers improve the way they deal with salary issues.

(ii) Redundancy, Retirements, Pensions and LDSBs

Another employment related complaints that persist in the reporting year relates to redundancy, retirement, pension and Long and Dedicated Service Benefits (LDSBs). These complaints account for 13% of employment related complaints registered. These types of complaints are common among aging officers and those are leaving the service. Common among these complaints are those relating to lost files and no proper records keeping in the public sector. This is a persistent problem, and it is important that public officers improve record keeping to ensure that records of serving officers are properly kept. It is also important that officers who have dedicated their time and service for over a long period of time should be rewarded accordingly rather than they have to come and raise complaints about their payments.

(iii) Terminations

Complaints relating to termination of public officers are persistently and continuous. This year they account for 13.9 % of the employment-related complaints. It is important that disciplinary issues relating to public officers be dealt with in accordance with relevant guiding rules and regulations. It is also important to ensure that 'natural justice' is served before making decisions that will harm not only the officers involved but also their families. To not do so is bad administration, pure and simple. It is important that due diligence be taken when making such hefty decisions that can destroy people's socio-economic well-being.

(iv) Other Employment-Related Complaints

Employment-related complaints are one of the two most common types of complaints in public offices. They vary in substance and depth. While salary- and termination-

related complaints are highlighted above, there are others, related to allowances, transfers and postings, suspensions, redundancies, retirements, pensions, LDSBs, appointments, probations, confirmations, and work safety and compensation. Others include, holidays and leaves, housing, complaint-handling, promotions and demotions. The nature and substance of these different types of complaints vary across public officers, but their persistence in the public sectors speaks volumes, and public officers must be consistent and diligent when dealing with such issues in the government sectors.

8 Our Administration

8.1. Operations

The Office of the Ombudsman is headed by the Ombudsman. It is divided into five working units. See Appendix 1 for details of the OOSI organisational structure. The five working units are: Secretarial Services, Corporate Services, Research & Communication, Legal, and Investigations.

The Secretarial Services Unit provides executive support to the Ombudsman via the Executive Personal Secretary, and mans the front desk through the receptionist.

The Corporate Services Unit provides administrative support to the Ombudsman's Office. It is headed by the Chief Administration Officer (CAO) assisted by the Principal Administration Officer (PAO) and a Senior Accountant. This unit also looks after the office driver and the security staffs.

The Research & Communication Unit is headed by a Director, who is supported by a Principal Research Officer and a Senior Training and Public Relations Officer (STPRO). The unit is responsible for matters relating to awareness and advocacy, outreach programs, training and public relations matters. The unit also manages and monitors the CMS database and provides monthly and other report updates.

The Legal Services Unit provides legal advice and assistance to the Office. It consists of the Director and the Legal Officer.

The Investigations Unit is divided into three teams. One deals with the complaint based investigation, another focuses on Own-Motion Investigation issues, and providing action recommendations. Each team is made up of three Senior Investigation Officers (SIOs) and is managed by a Principal Investigation Officer (PIO), except that the receipt and assessment team has only has one SIO. PIOs all report to the Ombudsman via the Director of Investigations (DOI).

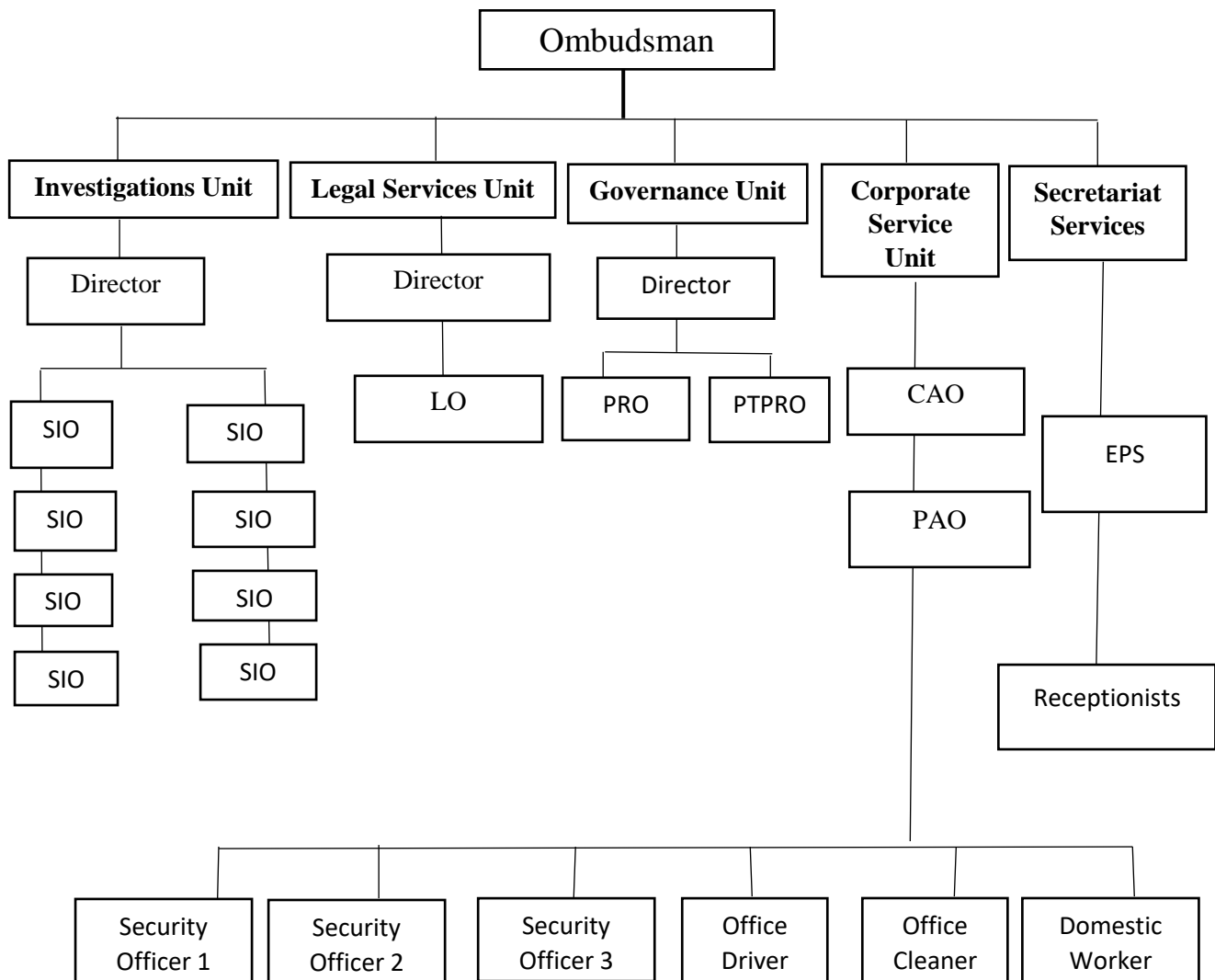
8.2. Decision-Making

The Ombudsman is the ultimate decision-maker regarding the exercise of his powers and performance of his functions under Chapter IX of the Constitution, the Ombudsman Act 2017 and any other Act. However, his powers of authorisation and delegation under the Ombudsman Act enable his authorised staff, and he can delegate decisions in certain matters so that the work of the Office can move forward in a timely manner. To further enhance the OOSI's work, particularly regarding important administrative and welfare decisions, the Ombudsman has decided to operate through an Executive Team comprised of all the unit heads. The Ombudsman believes in teamwork and collective decisions and wants to see that senior management level personnel are part of crucial decisions that the Ombudsman's Office makes.

Below the Executive team sits the rest of the OOSI staff. Decisions made are often conveyed to the rest of the staff through the Office's general staff meetings. Where it is determined that it is urgent to convey information relating to some matter, it can be communicated via the SIG email network, or by way of written records or circulars.

9 Appendices

9.1. - Appendix 1: The Current OOSI Organizational Structure



Key:

PIO—Principal Investigation Officer

SIO—Senior Investigation Officer

LO—Legal Officer

PRO—Principal Research Officer

PTPRO—Principal Training and Public Relations Officer

CAO—Chief Administration Officer

PAO—Principal Administration Officer

EPS—Executive Personal Secretary

(v)—Vacant position

9.2.- Appendix 2: Record of OOSI Officers Attending Training, 1st July 2019—30th June 2020

No.	Name	Types of Training	Date	Venue
1	Aaron Kodo	Postgraduate Diploma in Commerce (PGDCRM)— Management and Public Administration	Graduated March 2020	Fiji

9.3. - Appendix 3: Case Study of Common Systematic Issues.

9.3.1 Unfair Decision-Making and Injustice

An investigation was conducted by the Ombudsman's Office into the alleged unfair decision-making and injustice by the Ministry of Health and Medical Services. On 14th August 2019 the complainant, referred to here as Mr. X, alleged that the MHMS has been unfair to him for not granting his request to be re-engaged to the position he held before leaving for studies under supernumerary post and was still vacant by the time he returned from studies. Upon his return, the MHMS had advertised his position and was processing the employment for another candidate.

Our investigation focused on circumstances surrounding the issue of fairness and reasonableness of advertising the post when the complainant was already in country for active re-engagement into the service and could arguably take up the post in question. The investigation examined the following issues:

- a. Whether the decision of the MHMS to advertise the post in March 2019 instead of re-engaging the complainant is, as far as the circumstances prevailing at the time are concerned, reasonable and fair.
- b. Whether the MHMS adequately and/or properly responded to the complainant's issue.
- c. Whether there is any standard guideline or policy in the Public Service to manage or administer supernumerary positions in relation to officers under long-term training.

There is no question that the MHMS' had the liberty to advertise the post in consultation with the MPS and PSC when the position had been practically vacant for over six months. It is rather the exercise of that liberty or power by the MHMS at the material time that is alleged to have caused unfairness.

The investigation has taken into consideration relevant laws and policies that govern conditions and welfare of the Solomon Islands Government (SIG), particularly those relating to training.

At the conclusion of the investigations, several findings were established:

- a. Finding 1: The decision to advertise the post in March 2019 without re-engaging Mr. X into it was unreasonable and unfair.
- b. Responses to the complainant were inadequate and improper.
- c. There is no specific legislation or standard policy in the Public Service for the administration and management of supernumerary positions.

Based on these findings, the following recommendations were made.

1. That the MHMS immediately liaise with the Permanent Secretary of the Ministry of Public Service (MPS) and the Public Service Commission to create (or upgrade to) a post of a level equivalent to SS3.1 so that the complainant can fill substantively. The Ombudsman could not recommend the re-engagement of the complainant into the post in question due to the change of circumstance during our reporting stage that the Public Service Commission had duly appointed someone to substantively fill that post.
2. That, considering the circumstances of this case, the MHMS liaise with the PS MPS, or alternatively on the MPS' own volition, and take necessary action and develop a standard guideline regarding the management of supernumerary positions and provide copies of the same to all Ministries and agencies.
3. That the PS of the MHMS apologise to the complainant for the disrespectful and improper responses she made to Mr. X and refrain from repeating such responses in the future.

9.3.1A MHMS Response to Ombudsman's Recommendation

In response to the findings and recommendation made by the Ombudsman on Mr. X complaints the MHMS has written to the Ombudsman on October 14th 2020. In its letter the MHMS has in essence accepted the recommendations made by the Ombudsman, particularly recommendation 1 & 2. The MHMS agreed to liaise with the Ministry of Public Service and the Public Service Commission to create an equally substantive post for Mr X.

Also, the MHMS has agreed to liaise with the Permanent Secretary of the Ministry of Public Service to develop a standard guideline regarding the Management of supernumerary positions

and provide and provide copies of the same to all Ministries and agencies within the Public Service.

However, MHMS is silent about the recommendation to apologise to the complainant (Mr. X) — although it has accepted (“no objection” to) the findings pertaining to that recommendation.