



**Ombudsman of Solomon Islands**

# **Annual Report**

## **FOR THE YEAR ENDED**

### **2018**

**Presented to**

**THE NATIONAL PARLIAMENT OF SOLOMON ISLANDS**

**Pursuant to Section 98(3) of the Constitution**

# **Ombudsman Annual Report**

**FOR THE YEAR ENDED  
2018**

# **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



This is my second report to Parliament since taking up the role as the Ombudsman in 2017. As such, it is fitting to first of all commend my officers for their efforts. Their superlative professionalism, enthusiasms, and commitments have met the challenges encountered. This report's content is the manifestation of their collective efforts towards ensuring that the Ombudsman's Office continue to deliver its services to the people. This report brings to Parliament information about the work mandated to the Office, and it lays out challenges that my office faced in the material year. Finally, it draws Parliament's attention to issues and grievances faced by the people of this great country.

At the outset, it is important to note that the Ombudsman's Office is a fourth pillar of any democratic system. It plays the vital role of not only dealing with people's grievances, but also providing avenues for people to contribute to good governance through contributing to the administrative affairs of the state. When people submit complaints to our office, they are taking the opportunity we provide to contribute to good governance. It is my appeal to Parliament to act upon issues raised in their reports.

My office, in its quest to better assist our good citizens by fulfilling our role, has engaged in a number of awareness programs. These include educational awareness tours to provincial headquarters, weekly radio talk-back shows, distributing pamphlets, and of course dealing with complaints. The tours to provincial centers have provided opportunities for people to honestly raise their views about the important roles of the Office.

People have been asking for the Ombudsman to establish satellite offices in the provinces so that the service we provide can be accessed on regular basis. This issue had been raised over and again in the successive Ombudsman reports going back to the 1980s and 1990s. I believe the need for this is more pressing now than it was in the past.

Additionally, the Office of The Ombudsman of Solomon Islands (OOSI)<sup>1</sup> has recently forged stronger alliances and long-term working relationships with external partners. Partners like the Commonwealth Ombudsman of Australia and the New Zealand Ombudsman have been so generous as to continuously offer our office technical support. For these partnerships I wish to sincerely thank them.

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<sup>1</sup> "OOSI" and "Office" are used interchangeably in this report to refer to the Office of the Ombudsman of Solomon Islands.

Those external relationships will surely have positive results in improving how the Office functions in building its capacity and improving its technical capabilities.

Before I close, let me again thank my officers for their dedication towards the work we do, despite of the many challenges and occasional shortfalls. We will continue to serve this nation through our mandated responsibilities.

A handwritten signature in blue ink, appearing to read 'Fred Fakarii', with a stylized flourish at the end.

Mr. Fred Fakarii

Ombudsman

## Table of Acronyms

<b>Acronym</b>	<b>Definition</b>
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
MCILM	Ministry of Commerce, Industry, Labor & Immigration
MEHRD	Ministry of Education and Human Resources Development
MPNSCS	Ministry of Police, National Security and Correctional Service
MHMS	Ministry of Health and Medical 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
MFMR	Ministry of Fisheries and Marine Resources
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
PIN	Pacific Integrity Network
SIBC	Solomon Islands Broadcasting Corporation
SOE	State- Owned Enterprise
SIG-ICT	Solomon Islands Government Information and Communication Technology
TSHBK	Teaching Service Handbook



# 1. Introduction

## 1.1 Executive Summary

2018 was indeed a very busy year for the OOSI. A total of 225 complaints were registered by the Office, an increase of 14% from the previous year. This increase includes a total of 42 active cases brought forward from 2017. With only eight investigators to deal with complaints, the challenges are huge. There is always a backlog of cases and it is time-consuming to deal with complaints. These challenges will persist unless new officers are recruited for the Office.

Most of the complaints registered were from individuals. The majority were made against government ministries and departments, followed by complaints against the provincial governments and the Honiara City Council (HCC). A smaller number were made against State-Owned Enterprises (SOEs). Some complaints fell outside of OOSI's jurisdiction and had to be referred to other integrity institutions or relevant bodies. Not all complaints registered were investigated or so referred; some had to be dismissed under section 18 of the Ombudsman Act 2017 for reasons such as insufficient evidence, or that the complaint was frivolous, misconceived, lacking in substance, or simply the agency or person complained against was not “wrong” as alleged.

The complaints we receive are of varying nature. In some situations, a cluster of complaints is registered on a single, or similar issues. The prevalence of such clusters exposes huge systemic deficiencies within the government sectors<sup>2</sup> which hamper efficient service delivery to the people. The OOSI, in many ways, works to resolve such clustering complaints to ensure that others would not experience the problem in the future. Other complaints involve more than one area and so the scope of the investigation can be broad. The office always does its best to ensure that the interests of the public are protected.

The OOSI carried out two Own-Motion Investigation (OMI<sup>3</sup>) in 2018. These were “OMI into the Timber Rights Hearing Process”, and “OMI into The Long and Dedicated Service Benefits”. A third OMI was initiated towards the end of the year, to look into the “Status of Rove Correctional Services Regime”.

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<sup>2</sup> In this report, “government sectors” is used interchangeably with terms such as “public bodies” to refer to government ministries, departments and agencies.

<sup>3</sup> OMI is an Ombudsman-initiated investigation of issues of public interest—issues that can develop the tendency to negatively affect the citizenry

The OOSI faces its share of challenges and limitations in executing its mandated functions. Two major challenge are a shortage of officers to deal with complaints in a timely manner, and limited financial resources with which to achieve its strategic objectives. The Office has to stretch its resources in order to maintain its service delivery to the citizenry. For instance, we received 225 complaints in 2018. Not all complaints are dealt with in Honiara, some are made against officers and public bodies in the provincial centers and on other islands and the process of reaching people there can be time-consuming and logistically difficult. Services like health, teaching, and policing are widely distributed across the country and the country's geographical nature adds to the challenge. This is made more difficult still when there are only eight serving Investigators to deal with citizens' grievances.

## 1.2 Looking Ahead

The office is looking forward to a number of strategic improvements for the next five years. The OOSI Corporate Plan 2018–2022 highlights the five-year strategies and plans for the Office. We anticipate we will have a website up and running by the third quarter of 2019. To achieve this objective, the Office is liaising with the Solomon Islands Internet and Communication Technology (SIG-ICT) department on an initiative to develop an independent OOSI website. This development will take advantage of the undersea cable development. The website will allow citizens better access to the Ombudsman services and ensure that they are aware and can better participate in promoting good governance within the government sectors.

The Office is also working on upgrading its Complaints Management System (CMS). The current CMS will be upgraded to ensure maximum efficiency in record keeping, task delegation, providing feedback to complainants, and so forth. This development will benefit both OOSI officers and the public in terms of how complaints are handled and managed.

The Ombudsman strives to ensure that services provided are accessible to the provinces and island communities. To further this goal, the office also anticipates establishing branches and offices in the various provincial headquarters by 2022.

The OOSI will be working to maintain strategic relationships established with other Ombudsman and integrity institutions within and outside of the region. The Office will continue to engage with them on matters of good governance, capacity building and technical assistance.

### 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). This section briefly lays out several remarkable milestone achievements of the Office in 2018.

The third section relates to the Ombudsman’s supervisory role, in brief. It outlines the legal framework through which the Office discharges its duties. These include the constitutional statutes pertaining to the establishment of the Office and associating implementing provisions under the Ombudsman Act 2017.

The fourth section deals with the performance of the OOSI in executing its duties to promote good administration within public bodies. This includes programs and activities that sustain good governance and good service delivery to the people.

The fifth section is an audit of complaints the Office received in 2018. It provides detailed documentation of the complaints that the Office registered, expounding on the number of cases received, how complaints are dealt with and the general distribution of complaints.

The sixth section focuses on on-going issues and systemic challenges faced within the government sectors.

The seventh section focuses on the administration of the Office. It looks at the different functions of various departments within the OOSI.

The eighth section consists of appendices, tables and statistics highlighted in the report.

## 2. 2018 Highlights

### 2.1 The Ombudsman Act 2017

The Ombudsman Act 2017 was passed in 2017 and came into force as of 2018. The new Act has done a lot to improve the way in which the Office conducts its duties. It addresses the weaknesses identified in the previous Ombudsman (further Provision) Act of 1981. Areas of improvement include, but are not limited to, the independence of the Office, its budget, how it enters arrangements with other public bodies/agencies, how it delegates powers, and the scope of investigations and punishments for relevant offences spelt out under the new Act. The new Act surely grants the Ombudsman more power to impose compliances when and where necessary.

### 2.2 Corporate Plan

In 2018, the OOSI completed and published its Corporate Plan 2018–2022. This plan set the strategic direction for the next five years. It concentrates on five strategic focus areas: service excellence, improving public administration, better office management, improving community relations and outlines our profile and staff. The Office will start implementing priority areas in the Act in 2019.

### 2.3 Strengthening Ties with Regional Integrity Institutions

This year has been a successful one in terms of further strengthening our relationship with other regional partners: The Commonwealth of Australia Ombudsman and, more recently, the New Zealand Ombudsman. These relationships bring many benefits to the OOSI in terms of skills training and other professional assistance. For example, in recent years the Commonwealth Ombudsman has provided our officers with professional investigative training and they have agreed to extend this crucial training for the next two years. This is an important milestone for us in terms of developing the capacity of our officers. The New Zealand Ombudsman has promised to do the same in the near future.

### 2.4 Independent Budget Head

The OOSI as of 2018 has had its own budget head to serve its operational purposes. This is a requirement under the Ombudsman Act 2017. Having an independent office budget facilitates the process required to secure funding for OOSI-sanctioned activities.

### 3. 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.

The following 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 function or court decisions, rulings or judgements.

The Ombudsman is also 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 make Annual Reports such as this one 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 a step further by 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 compliments the role of the Ombudsman as stipulated in the Constitution and further provides for the Ombudsman to enter into agreement with other government organizations and to make referrals to other government institutions when complaints are outside the jurisdiction of his office. The Act further authorizes the Ombudsman to investigate government contractors and agents.

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

## 4. Our Performance

### 4.1 Handling of Complaints

Complaint handling and management has become an integral part of the function of the Ombudsman. Complaints received from citizens and public officers alike are various in nature and substance. Complaints are received and dealt with by means of Complaints Based Investigations (CBIs) or through OMIs. Complaints from individuals can be reported to the Office in verbal or written form or sent through aerograms that are available at post offices in the provincial centres. A third party can also lodge a complaint on behalf of a complainant.

In other circumstances, the Ombudsman can initiate an Own-Motion Investigation. An OMI investigation can be made into issues that are of national interest and have the potential to affect citizens widely.

**Figure 4.1—Total number of OMI cases for 2018**

No.	Nature of issues	Authority investigated	Year
1	Long and Dedicated Services Benefits	Ministry of Public Services	2018
2	Timber Rights hearing process	Ministry of Forestry	2018

### 4.2 Awareness and Publicity

In 2018, the OOSI carried out awareness and publicity programs of varying kinds:

- Weekly awareness talk-back shows on Solomon Islands Broadcasting Corporation (SIBC) about the roles and functions of Office the Ombudsman and the Ombudsman Act 2017.

- Reprinting of office brochures and distributing them to the public, provincial government officers and government officers.
- Continuing to produce bi-annual newsletters for wide circulation to the public in January and June of each year.
- Visits to provincial government centers to raise awareness of the Ombudsman Act 2017.
- Taking part in important events like International Anti-Corruption Day (IACD) and open-day events.

### 4.3 Training

OOSI officers have had the opportunity to attend capacity-building training in Australia in 2018. These training visits were made possible by the Commonwealth of Australia Ombudsman and the Pacific Integrity Network (PIN)<sup>4</sup>. With this training support, the investigators were able to undergo Australian and New Zealand professional standard certificate training in Investigation, Compliance and Enforcement Training System (ICETS). Two senior investigators attended the training (see trainings in Appendix 2).

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<sup>4</sup> PIN is an organization of Pacific Ombudsmen and other Integrity Institutions alliances.

## 5. Audits of Registered Complaints 2018

A thorough look Ombudsman's Office Complaint Management System (CMS) indicates a serious prevalence of similar issues being raised over and over by complainants. The ongoing prevalence of these similar issues illuminates the seriousness of administrative challenges within the public sectors. These issues are summarised below for the purpose of informing the parliament, so they can take note (see figure 5).

*Figure 5—Table on complaints by substance of issues 2018*

Case receive in 2018	Number of Cases
<b>Employment Issues</b>	
• Salaries	24
• Termination	15
• Allowances	9
• Long and Dedicated Service Benefits (LDSB)	8
• Transfers/ Posting	7
• Other Complaints	7
• National Provident Fund (NPF)	6
• Work Safety, Compensation	6
• Appointments, Probations, Confirmations	6
• Holidays, Leave	4
• Suspensions	4
• Disciplinary Process, Complaint Handling	3
• Housing	1
• Promotions/Demotions	1
<b>Non- Employment Issues</b>	
Claims for withdrawals, Refunds, Outstanding Payments, Compensations, Damages, etc.	48
Poor Customer Services, Handling of Complaints, Service delivery, (including delay), etc.	24
Private matters/ Others	14
Unfair/Unprocedural conducts relating to Visas, Passports, Permits, Licenses, Approvals, Land Rights, etc. (Excl. Corruption and delays)	8
Diversions of fund, Fraud, Corruption	7
Unfair Judicial decisions, Awards	4
Withholding letters, Certificates, Endorsements, etc. (exc. Employment)	4
Unprofessional conduct/ Misconduct by Internal parties, Failure to investigate, Punish, etc. (Exc. MPS, PSC, TSO, TSC, etc.)	4
Registration of Information, Titles, Record-Keeping, etc.	3
Wrongful/Illegal conduct by External parties, Failure to investigate, Put to court, Punish, etc. (Police, LCC, Pub Sol)	2
Poor Financial Management, Mishandling Imprest, etc. (exc. Corruption, Fraud, etc.)	2
Unfairness relating to Awards of scholarships, Grades, College admissions, etc.	2



<b>Wrongful arrest, Detentions, Brutality, etc.</b>	1
<b>Non-Payment or Termination of Benefits, Entitlements, Scholarships, etc.</b>	1
<b>Grand Total</b>	225

Figure 5 shows the most prevalent issues identified within the government ministries, departments and agencies. It shows the serious problem that certain issues occur over and over again. In 2018, for instance, recorded employment-related issues recorded reached a record high. Issues regarding salaries, terminations, allowances, postings, Long and Dedicated Service Benefits and so forth are among the most common issues registered. Though these issues are administrative in nature, this indicates that there are still huge challenges in dealing with employment issues within the government sectors. This means that responsible accountable officers within the government ministries and departments have much work to do to improve their administrative performances, so as to reduce the prevalence of such problems within the government sectors.

#### 5.1 Distribution of Complaints by Authorities, 2018.

The number of complaints received in 2018 were disbursed among government ministries, departments and agencies. Figure 5.1 shows the disbursement of complaints according to these various government sectors:

**Figure 5.1—Distribution of complaints according to government departments and ministries.**

Department/ Ministry	Numbers of Case Files
<b>Provincial governments/ HCC</b>	35
<b>Others/Unions/Private</b>	35
<b>Ministry of Education and Human Resources</b>	28
<b>Ministry Commerce, Industry, Labor and Immigration</b>	20
<b>Ministry of Police, National Security and Correctional Services</b>	15
<b>Ministry of Health and Medical Services</b>	14
<b>Ministry of Public Services</b>	11
<b>Ministry of Justice and Legal Affairs</b>	11
<b>Ministry of Infrastructure Development</b>	10
<b>Ministry of lands, Housing and Survey</b>	10
<b>State-Owned Enterprises</b>	9
<b>Ministry of Finance and Treasury</b>	6
<b>Ministry of Forestry and Research</b>	5
<b>Ministry of Rural Development and Indigenous Affairs</b>	4
<b>Ministry of Fisheries and Marine Affairs</b>	4
<b>Ministry of Provincial Government and Institutional Strengthening</b>	1

Royal Solomon Islands Police Force	1
Ministry of Home Affairs	1
Ministry of Culture and Tourism	1
Ministry of Communication and Aviation	1
National Parliament Office	1
Office of the Prime Minister & Cabinet (Exc, Integrity agencies)	1
MPs, Ministers and Other leaders personal conduct	1
Grand Total	225

It is obvious that the government ministries accounted for majority of complaints received in 2018. They were followed by the provincial governments and the Honiara City Council. Other complaints making up for the total received in 2018 were against unions and private sectors and State-Owned Enterprises (SOE). *Figure 5.1a* shows the number of complaints according to government sectors.

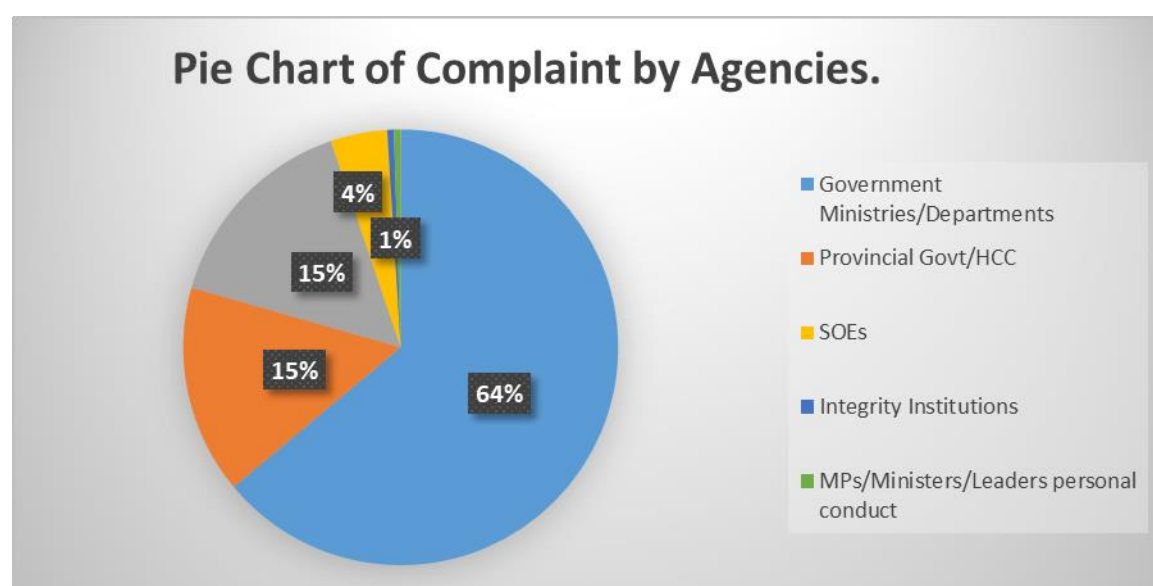
***Figure 5.1a—Total number of cases by agencies in 2018.***

Agency	Number of cases
MPs, Ministers and Other leaders personal conduct	1
Integrity agencies	1
Government ministries	144
State-Owned Enterprises	9
Other/Union/Private	35
Provincial governments/ HCC	35
Grand Total	225

Note in *figure 5.1a* that government ministries accounted for more than half of the 225 cases registered in 2018, a total of 144. This amounts to 64% of the total registered complaints in the material year. Clearly, government officers need to improve on how they execute their designated duties.

The provincial governments and the HCC accounted for 15.5% of the total number of registered cases. Others, like unions and private companies, accounted for 15.4% of complaints. SOEs accounted for 4.1% of complaints received while Integrity Institutions and MPs, Ministers and other leaders' personal conduct each constitute 0.5% of the complaints registered on the OOSI CMS in 2018. The pie chart in *Figure 5.1b* shows the percentage of complaints distributed by agencies.

**Figure 5.1b—Pie chart of complaints by public agencies**



## 5.2 Case Distribution by Province

**Figure 5.2a—Distribution of reported cases by Province**

Province	Number of cases
Honiara	145
Guadalcanal	16
Malaita	15
Makira	14
Western	10
Temotu	7
Central	6
Choiseul	5
Isabel	4
Renbel	3
Grand Total	225

Out of the 225 cases, those registered in Honiara, including HCC, numbered the highest: 145 cases. This is more than half of the total number of cases reported. Guadalcanal came in second with 16 cases, followed by Malaita with 15, Makira Province with 14, and Western Province with 10 cases. Temotu Province had a total 7 cases, Central 6, Choiseul 5, Isabel 4 and RenBel 3 complaints.

## 5.3 Mode of Receiving Complaints in 2018

Complaints from the public are reported to the OOSI by different modes. These include walk-in complaints reported at the front desk, and complaints by mail, aerograms, emails and phone calls. It is important to note that the majority of complaints dealt with come in the form of face-to-face complaints made at the front desk. It is anticipated that diversification of the Ombudsman services to

provincial centres will enhance accessibility to and utilization of them. Below is the table of complaints by receiving mode in 2018.

**Figure 5.3—Mode of Receiving Complaints**

Mode of Complaint	Number of cases
<b>Front desk</b>	170
<b>Mail</b>	45
<b>Aerogram</b>	5
<b>Email</b>	4
<b>Phone</b>	1
<b>Grand Total</b>	225

#### 5.4. Complaints Case Allocation by State-Owned Enterprises in 2018

SOEs and other corporate bodies also fall under the jurisdiction of the Ombudsman. This was provided for under section 97(3) of the Constitution and section 5(3) (c) of the *Ombudsman Act 2017*.

**Figure 5.4—Table showing Complaints case allocated by SOEs in 2018**

State-Owned Enterprises	Number of cases
<b>Commodities Export Marketing Authority (CEMA)</b>	2
<b>Solomon Islands National Provident Fund (SINPF)</b>	3
<b>Solomon Islands National University (SINU)</b>	3
<b>Solomon Islands Ports Authority (SIPA)</b>	1
<b>Grand Total</b>	9

#### 5.5 Dealing with Complaints

The Standard Operational Procedures (SOP) provides guidelines on how complaints are deliberated before deciding whether to dismiss, refer or investigate them. Not all complaints received in 2018 were investigated. As indicated in *figure 5.5*, out of the total of 225 complaints received, 14 were closed after investigation, while 48 cases were still under active investigation. Also, 1 complaint was at its draft reporting stage while 162 are dismissed or closed without investigation<sup>5</sup>. Complaints are not investigated or dismissed due to varieties of reasons, which can include matters within the Office's

<sup>5</sup> Out of these 162 cases, 88 complaints were referred to agencies for further deliberations. The other 74 cases were not investigated for varieties of reasons—36 cases is outside the Jurisdiction of the office, 6 cases were more than 12 months old without reasonable delays, 4 cases were resolved without full investigation, 4 complaints were vexatious, misconceived and lacked substance, 19 cases were unjustified, 2 cases were made against non-prescribed body, 2 case did not have sufficient evidence while one more is dismissed for other reasons.

jurisdiction to investigate but lack substance or are unjustified, those against non-prescribed bodies<sup>6</sup>, and those that are frivolous or misconceived. Some complaints are referred to responsible institutions, or back to the institutions against which they were made, largely where available complaints avenues within such institutions had not been exhausted. Some of the complaints are raised after more than 12 months without an acceptable reason for the delay.

The total number of complaints within jurisdiction that were either referred or closed without investigation

**Figure 5.5—Status of cases registered for 2018.**

Case status	Number of case files
<b>Case closed after investigation</b>	14
<b>Case dismissed or closed without investigation</b>	162
<b>Cases still active (Investigated)</b>	48
<b>Case finished (Draft Report)</b>	1
<b>Grand Total</b>	225

## 6. Ongoing Issues—Systemic and Recurring Challenges

A review on the OOSI CMS database reveals the prevalence of certain issues throughout 2018, exposing serious administrative issues within the Solomon Islands Government that must be addressed. It is important that these issues be brought to the attention of Parliament.

### 6.1 Employment-Related Complaints

These make up for the highest number of complaints dealt with by the OOSI in 2018. These complaints, though they vary in nature, reflect negatively on how the government looks after the welfare of its officers. The prevalence of them can be interpreted as indicating that government offices do not take the welfare of their officers seriously. Let me highlight here some of the types of employment-related complaints that are frequently brought to us to resolve:

#### (i) Salary-Related Complaints

Salary polls the highest in employment related complaints dealt with in 2018, with a total of 24 cases. This is an ongoing challenge that has a negative impact on how the government looks

<sup>6</sup> “Non-prescribed bodies” refers to institutions that complaints are made against that are outside the jurisdiction of the OOSI or cannot be dealt with under the current Ombudsman Act.

after the welfare of its officers. Moreover, the prevalence of this problem can negatively affect fair and effective service delivery to the people.

#### (ii) Termination

Complaints relating to termination or unfair termination of public officers are common among the employment-related complaints we received in 2018. 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 their families. There are cases in which government officers are terminated by a government agency that has provided no reasons for the action. This is bad administration, pure and simple. It is important that due diligence is taken when making such hefty decisions that can destroy people’s socio-economic well-being.

#### (iii) Long and Dedicated Service Benefits (LDSB)

LDSB has been a concurrent issue that will continue to negatively affect retiring public officers so long as necessary steps are not taken to tackle this challenge. Previous Ombudsman reports have highlighted this issue repeatedly, and it seems obvious that despite this, little has been done to address it. The issue of LDSB also touches on other administrative challenges that continues to face government offices. These includes problems like poor record keeping and missing files. It is important that files of officers are kept safe and updated but, again, we find grave shortcomings in this area in the public sector.

#### (iv) Transfer/Posting

Our office sees a consistent in-flow of complaints relating to transfers and postings of public officers. This is a prominent problem within institutions like the Ministry of Education and Human Resources Development (MEHRD). We receive complaints from teachers serving at various schools in the country on issues ranging from probation and postings, to delayed promotions and appointments, unreasonable demotions and suspensions, and so forth. These issues lay bare significant, systemic challenges within the teaching service that relevant authorities must address.

It is important that leadership within the education-authorities hierarchy take necessary steps to continuously monitor its staff performances and take due diligence when dealing with teacher postings and transfers, so as to avoid dissatisfactions among our teachers who provide such important services to the country’s children and their communities

While major concurring employment-related complaints are highlighted here, it is also important to recognize that a majority of the complaints received in 2018 concerned issues unrelated to employment.

## 6.2 Non-Employment-Related Complaints.

Non-employment-related complaints accounted for 124 of the 225 complaints received in 2018. Such complaints from government employees and the public alike provide a clear indication of whether government service delivery satisfies the citizens or lets them down.

Below are examples of recurrent non-employment-related complaints received in 2018.

### (i) Claims of Withdrawal, Refunds and Outstanding Payments, etc.

Complaints of varying nature relating to claims of withdrawals, refunds and outstanding payments still pending with various government sectors. These grievances display dissatisfaction with how government sectors facilitate payments to important individuals and service providers, who deliver important services to the government.

This is a recurring issue that will persist if the necessary steps are not taken to address it.

### (ii) Poor Customer Service

Poor customer service is a stumbling block to fair, effective and efficient public service delivery to our citizens. Unfortunately, this problem persists in the government sectors. Customer services range from simple tasks like answering phone calls or responding to requests in a timely manner, to serious ones like avoiding undue delays, making timely decisions on issues and avoiding chronic, “come back tomorrow” delays. While some of most prevalent complaints are related to these sorts of service challenges in the government sectors, there are also maladministration issues that will continue to hamper public service delivery and breed mistrust.

### (iii) Diversion of Funds, Fraud, and Corruption

Issues relating to diversions of funds, frauds and corruption fall outside of OOSI’s jurisdiction. Having said that, complaints relating to these issues are still prevalent among cases reported to the Office. It is important to observe that the high number of cases of this nature reveal a weak administrative system that is vulnerable to such corruption-related problems.

### (iv) Other Complaints

There were also numerous non-employment-related areas that generated complaints in 2018. These are important not only because they underscore grievances from citizens but also because they show the important challenges that face the delivery of public services to our citizens. Among other issues, persistent ones include unprofessional conduct by public

officers issuing of visas, passports, permits, licenses, approval, land rights, and so forth. These shortcomings continue to nurture grievances and public mistrust of government institutions.

## 7. Our Administration

### 7.1 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 Office's organisational structure. The five working units are: Secretarial Services, Corporate Services, Governance, Legal, and Investigations.

The Secretarial Services Unit provides executive support to the Ombudsman via the Executive Personal Secretary, mans the front desk through the receptionist, and maintains the complaints register. The Corporate Services Unit provides administrative support to the Ombudsman's office.

It is headed by the Chief Administration Officer (CAO). This unit also looks after the office driver and the security staff.

The Governance Unit undertakes outreach, training and public relations via the Senior Training and Public Relations Officer (STPRO), while the Principal Research Officer provides research support for the OOSI, especially on matters for investigation. The STPRO also manages the CMS database, and provides monthly and other report updates.

The Legal Services Unit provides legal advice and assistance including training on relevant legal matters to the Office. It consists of the Director and Legal Officer.

The Investigations Unit is divided into three teams. One deals with the complaints backlog, another focuses on Own-Motion Investigation issues, while the third team is responsible for the receiving and assessing of complaints. 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 one SIO. PIOs all report to the Ombudsman via the Director of Investigations (DOI).

### 7.2 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 office's work particularly in 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 team work and collective decisions and wants to see that senior management level personnel are part of crucial decisions that the Ombudsman's Office can make.

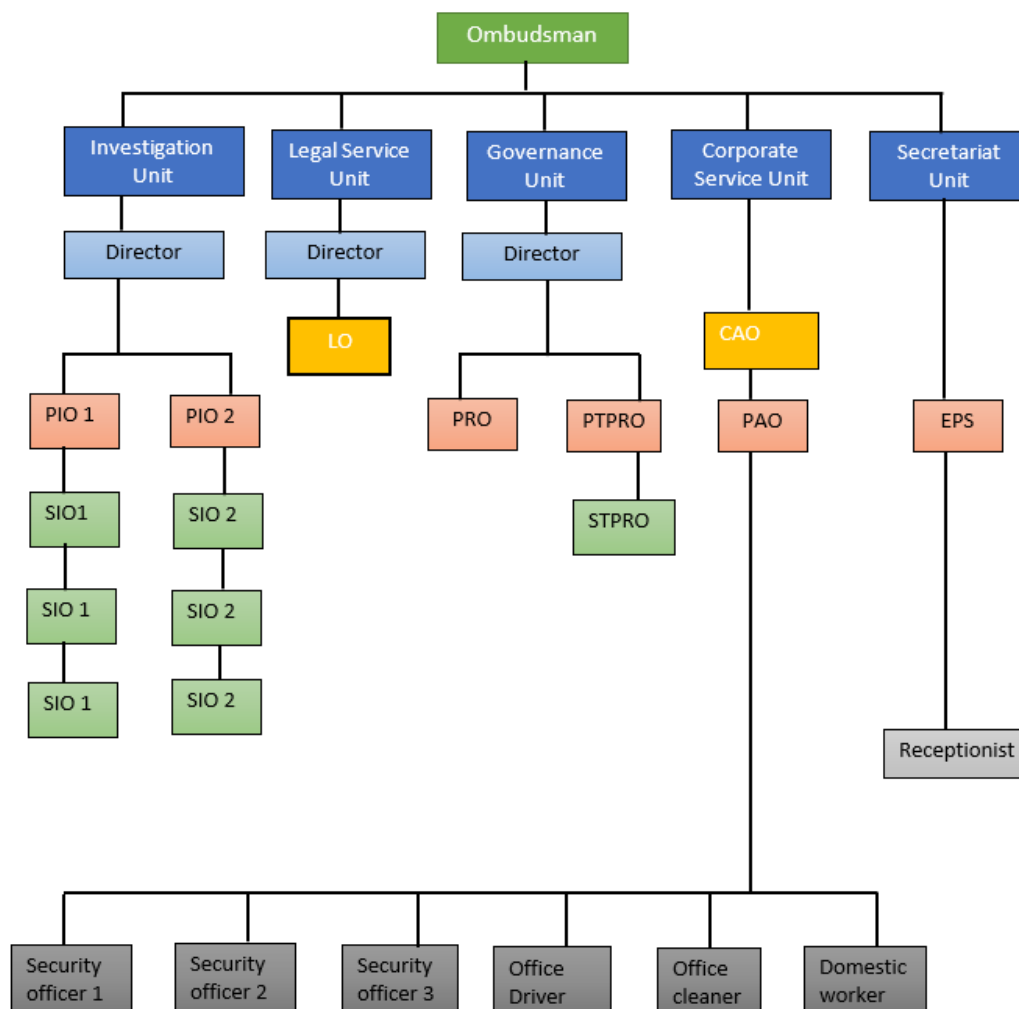
Below the Executive team sits the rest of the OOSI staff. Decisions made are often conveyed to the rest of the staff through the Office's general staff meetings. Where it is determined that it is urgent to convey information relating to some matter, it can be communicated via the SIG email network, or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

### 7.3 Separate Budget Head

The OOSI now has its own Budget Head, as of 2018. This means the Office looks after its own financial matters. The Office's recurrent budget for 2018 was \$3,579,573.00. This involved taking on various new accounting codes since the Office now has the responsibility of paying for utilities and other needed services which is previously enjoyed under administrative arrangements with the OPMC.

## 8. Appendices

### 8.1 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

## 8.2 Appendix 2—Record of Officers Attending Training, 2018

No.	Name	Types of Training	Date	Venue
1	Julia Hiru	Certificate in Government	September 2018	Australia
		Investigation Training		
2	Fred Topia	Certificate in Government	September 2018	Australia
		Investigation Training		
3	John Maelalia	Certificate in Government	September 2018	Australia
		Investigation Training		
4	Philip Manetohua	Diploma in Writing Skills	July 2018	Island Christian College, Honiara
5	Judith Waleanisia	Post graduate Certificate in Gender studies	July-August 2018	IPAM, Honiara

### 8.3 Appendix 3—OOSI Monthly Internal Training Topics, 2018

No.	Month	Topics
1	January	- Awareness on the Ombudsman Act 2017
2	February	- Integrity Group Forum (IGF) focus: Re-thinking the IGF model. - Public Finance Management Act- Part 1
	March	- Misconduct under the Public Service Commission Regulation.
4	April	- Imprest Procedures.
5	May	- Understanding the Role of the MPGIS in Promoting Good Governance within the Provincial Governments' Leadership. - Evidence gathering.
6	June	- Evaluating the link Between the Public Service Commission (PSC) and Integrity Institutions.
7	July	- Procurement Process—Part 1.
8	August	- Effective Investigation Reports.
9	September	- Remuneration in the Public Service.

## 8.4 Appendix 4—Case Studies of Common and Systemic Issues

### 8.4.1 Poor Decision Making and Injustices

#### **Malaita Education Authority and Teaching Service Division’s handling of Allegations of Professional Misconduct**

An investigation was conducted by the OOSI into a complaints raised by a teacher against the Malaita Education Authority (MEA) and Teaching Service Department (TSD) of the Ministry of Education for unfair handling of allegation of professional misconduct.

In March 2017, the complainant, Mr. X complained to the Ombudsman that he was a teacher serving under Malaita Education Authority in a school in Malaita Province, and that he was unfairly treated by MEA and Teaching Service Department (TSD). He alleged that the continuous delay by these authorities to investigate the allegations that were brought against him in 2011 is unreasonable. Mr. X further alleged that as a result of the allegations, he was indefinitely suspended from employment. This further resulted in his salary being completely ceased in 2013 without any substantial reasons being given by these authorities.

Mr. X furthermore alleged that while he was on indefinite suspension, MoFT had imposed recoveries on his salary for an unretired special imprest that is alleged to have been paid out from the NZAID Budget Support fund. Additional deduction were also made on Mr. X’s salary to recover monies paid to him when he was allegedly absent from duties. Mr. X however, disputed the recoveries imposed on the alleged unretired special imprest, and had denied in receipt of any special imprest from MEHRD during his tenure as the Deputy Principal (Primary) of school Y in Malaita. He also responded to the allegation of absenteeism, and provided the reasons why he was not present at school on that period.

Our investigation made these following findings and recommendations:

#### ***Finding 1- The Indefinite Suspension Sanction on the Complainant did not comply with the Requirements of the TSHBK.***

The indefinite suspension sanction on the complainant did not comply with the requirements of the Teaching Service handbook (TSHBK)

The MEA as an Education Authority (EA) approved by the Minister did not investigate the matter as required by the TSHBK (2007) before the decision was made. Both allegations against the complainant were not appropriately investigated as required by section 11.2.7 of the TSHBK, which requires the EA to investigate the allegations within 30 days upon receipt, and to inform the TSD accordingly. This was not done in the case of the complainant.

We made this finding based on the following facts:

MEA as an EA has the authority to discipline its teachers who are in breach of their code of professional conduct. In doing so, it must act consistently with the provisions set out in chapter 11 of TSHBK.

- There is no information or document to suggest that the MEA had conducted its investigation into the complaint within thirty days after it had received the complaint from the school board and after imposing the indefinite suspension on half pay decision. Also, there is no information or document to suggest that the TSD had received a report based on the outcomes from the MEA investigation. What is evident from the PF inspection and examination is a letter advising the TSD to commence its recovery process for absenteeism.
- The MEA, TSD and the TSC had never made a decision on Mr. X's perpetuated Termination from official duty. Only such decision can warrant the complainant's salary to be ceased.
- From 1 January 2004 and June 2007 Mr. X was posted under the Western Provincial EA. The MEA had based its decision on information that is partly erroneous.
- It was substantiated that out of the three deposits, a total of nine withdrawals were made on school Y between 2010 and 2011. Mr. Y, however, denied all the eight withdrawals made in 2011. Despite Mr. X's denial no action was taken to prove or negate the information from Mr. X.

***Recommendation 1- Authorities must Act in Accordance with the Relevant Legal Provisions***

- TSD must ensure that all requirements under relevant provisions of the TSHBK and any other law in force are complied with before the recommendations are implemented. Recommendations that are made on noncompliance should be never implemented, and the matter should be referred back to the recommending authority with necessary directives.
- TSD should be as a matter of priority, establish a disciplinary committee within MEHRD to review and monitor all disciplinary allegations against teachers from all the EAs before the recommendations are either implemented or submitted to the Director TSD or TSC for deliberation.

### ***Finding 2- MEA and TSD Acting in Contradiction to the TSHBK and the TSC Regulation***

The MEA and the TSD did not fulfil their duties to investigate the allegations in reasonable time. It took more than six years since the decision was made and the matter was never investigated. The delay to complete an investigation into the matter is therefore unreasonable.

- The MEA confirmed that it received a complaint from the School board against the Deputy Principal (Primary) for allegations of misappropriation of fund and absenteeism in 2011.
- The MEA confirmed that it took necessary disciplinary action to discipline Mr. X based on the allegations.
- The MEA agreed that it did not investigate the complaint. The investigation was stalled for more than six years without a progress or an outcome. There is no evidence to suggest that an investigation was ever conducted and was submitted to TSD.
- There is no information or document that suggested TSD had received an investigation report from MEA.
- There are no documents or information that suggest an internal investigation was conducted by the MEA and TSD in relation to the allegations of misappropriation of funds and absenteeism.

### ***Recommendation 2- MEA and TSD should Reinstate Mr. X to his Previous Position.***

- The MEA and TSD should consider reinstating Mr. X to the position he held prior to his indefinite suspension.
- The TSD should consider investigation, as a matter of priority, all options available to audit its discipline process, and where possible to review the whole discipline process.

### ***Finding 3- The Grounds to Cease Mr X's Salary and Employment were Irrelevant and Unreasonable.***

The cessation of the Mr. X salary and employment. It was not based on the outcome of an investigation, nor by any decision by TSC.

***Recommendation 3- Mr. X's Salary must be back-dated to the level of pay that he held prior to his Indefinite Suspension.***

- The MEA and TSD should, as a matter of priority, reinstate Mr. X and back-pay him from the date of his purported suspension and termination. The payment should only be made after a review is conducted based on the conditions of the complainant's discipline.
- The TSD should consider investigate, as a matter of priority and to create a database on teachers' employment record to avoid unnecessary cessation of salary. The database should strive to ensure all disciplinary matters against teachers submitted to TSD are accurately recorded and monitored by the TSD.

***Finding 4- The Alleged Special Imprest Paid to Mr. X in 2010 is Unsubstantiated.***

The Budget Support Fund was established to support the education sector in providing better education for the Solomon Islands children. Mr. X had strongly denied being in receipt of the special imprest. The payment purportedly paid to the complainant in 2010 is therefore questionable.

- A former employee of MEHRD had confirmed that the funds provided under NZAID Budget Support Fund should never be paid to teachers, in any circumstances in a form of special imprest.
- Mr. X strongly denied being in receipt of the special imprest.
- Both MoFT and MEHRD's Account section was not able to provide relevant documents to prove the allegation against Mr. X.
- MEHRD's Account section confirmed that there is no record or document regarding the alleged special imprest paid to Mr. X in 2010 in its MYOB.



## **8.4.2 Unfair calculation of Members' Contribution to Solomon Islands**

### **Provident Fund**

An investigation was launched by the OOSI into an allegation of unfair calculation of members' contribution to Solomon Islands National Provident Fund (SINPF).

On June 2017, Mr. John (not his name) and 17 others former employees of a private company, COMPANY X, lodged a formal complaint to the Ombudsman complaining that they were not happy about how their NPF members' contributions was calculated by SINPF.

### **Findings**

#### ***Finding 1 — the Second SINPF Calculation***

Based on the evidences and the information that we gathered, we concluded that the SINPF applied the legal approach pursuant to section 46(2) of the SINPF Act in its calculation of the unpaid SINPF members' contribution which should be paid by COMPANY X to the former COMPANY X employees by whom this claim was made.

#### ***Finding 2 — Breaches of the NPF Act***

It is evident from the SINPF report, that the provisions in the SINPF Act were breached. The following were identified:

- No payment of SINPF members' contribution to SINPF by COMPANY X (section 13 (1) of the SINPF Act).
- No wages record kept by COMPANY X (section 47(c) of the SINPF Act).
- No records of employees kept by COMPANY X (NPF Regulation 7).

The above findings could mean, there is failure on the part of the NPF to enforce its own legislation and regulations. This is a high corruption source area which needs immediate attention by the NPF Management and more specifically the Inspectorate Department of NPF.

This trend has raised concern for the Ombudsman to ask whether NPF is effectively carrying out its compliance monitoring on private companies including COMPANY X and whether NPF is effectively and consistently enforcing the NPF Act.

### ***Finding 3 — Eleven (11) Complainants without NPF Membership Cards***

Our finding confirmed that eleven (11) former employees have had no SINPF membership cards. This was revealed during the review that we conducted on the SINPF report.

Four (4) of the former employees whom SINPF found to have had no SINPF membership cards presented their SINPF membership cards to the Ombudsman during investigation.

The total number of former employees with confirmed SINPF cards was seven (7) and not three (3) as in the SINPF report findings

### **Recommendations**

#### ***Recommendation 1 — These Following Actions to be taken by Management of NPF:***

- SINPF should in writing explain to the complainants the reasons for the second calculation and any other reason which leads to the second calculation. Explaining the reasons for decision made would help to clear the minds of the complainants and it is also one way to build public trust on the SINPF.
- SINPF to furnish the Ombudsman with a copy of the explanation for Ombudsman record purpose.
- SINPF to advise and monitor COMPANY X to keep an update records of the following: wages and payroll records for its employees; o names of employees; o monthly SINPF contributions; o proper office location in Honiara. It is said that the administration of COMPANY X is done at owner's residence;
- NPF to continue to update the Ombudsman on the progress of the implementations of the above recommendations.

#### ***Recommendation 2— NPF to Consider the Following:***

- SINPF to consider immediate action to allocate the Inspectorate Department with additional staff, to enable it to do its role of inspection more effectively and efficiently.
- SINPF to keep on maintaining its public awareness programme and must include information to employers on the compliance with the SINPF Act and SINPF Regulation
- SINPF to organise a meeting with the eleven (11) complainants who have no SINPF cards and the Managing Director of COMPANY X.
- SINPF to find a possible way to issue NPF cards to the complainants without SINPF cards or otherwise.
- SINPF to ensure COMPANY X pays up the outstanding members' contributions for the complainants who are active members of the SINPF.

***Recommendation 3—NPF to Consider these***

- That in order to deter that non-compliance, offenders must be prosecuted. One way to deter noncompliance is to prosecute the noncompliant.
- That SINPF Management must seriously consider building the capacity of the Inspectorate by giving it extra manpower to be able to do its work effectively.
- That the Inspectorate take all necessary steps to ensure it works closely with the SINPF's Legal team to ensure non-compliance are effectively dealt with.

***Recommendation 4— NPF Management to consider the following***

- That NPF requires all employers to serve a three (3) months' notice of intent to terminate or cease business operation prior to the date of termination. That the requirement for the employer to serve SINPF Management with three (3) months' notice of intent to terminate business operation be included in the NPF Regulations, and
- That the NPF Management acknowledges the receipt of such notice in writing to confirm its knowledge of the business owner's intention.
- That the requirement for the employer to serve the SINPF Management the three (3) months' notice of intent to terminate his/her business operation on such a date, is necessary in our view, because it will give the SINPF Management time to ensure the business owner pays up his/her employees NPF contributions for the period of notice, or prior to the date of termination of business operations or closure of business.
- The Notice of closure of business must be certified by the NPF Registrar companies to confirm the termination or ceased of company. Serving the Notice of Intent to Terminate Business operation to NPF by employer is one proactive measure in detecting ceased of businesses. The owner of a business should be obliged to serve the Notice of Intent to Terminate Business operation to the NPF.
- That NPF takes all necessary steps to update its information profile on all businesses it deals with.
- That NPF Inspectorate Division duly conducts inspections on the business immediately after the intended day of closure.