

PARLAMENT TA' MALTA

IT-TNAX-IL LEĞISLATURA

P.L. 772

Dokument imqiegħed fuq il-Mejda tal-Kamra tad-Deputati fis-Seduta Numru 43 tal-1 ta' Lulju 2013 minn Mr Speaker, Onor Anglu Farruiga, MP.

Raymond Scicluna
Skrivan tal-Kamra

2. L-ONOR CARMELO ABELA jistaqsi lill-iSpeaker: Jista' l-Onorevoli Speaker ipoġgi fuq il-Mejda tal-Kamra kopja shiħa tar-rapport dwar l-Uffiċċju tal-Ombudsman li sar mid-ditta PricewaterhouseCoopers bid-data tal-31 ta' Ottubru 2012 u li jgħib l-isem *Office of the Ombudsman – Organisational and Operational Review?*

SPEAKER: Qed npoġgi fuq il-Mejda tal-Kamra kopja shiħa tar-rapport li sar mill-*Price Waterhouse Cooper* fil-31 ta' Ottubru 2012, kummisjonat mill-Ombudsman, dwar il-management tal-Uffiċċju tiegħu u dwar x'miżuri għandhom jittieħdu biex nuqqasijiet identifikati jiġu rimedjati. Il-Corporate Manager tal-Uffiċċju tal-Ombudsman ingħata kopja shiħa ta' dan ir-rapport, li ġie ċirkolat lill-membri kollha tal-istaff ħlief għal parti li kienet tikkontjeni data personali dwar ċaqliq propost fir-riżorsi umani. Illum ma hemm l-ebda raġuni għaliex dik 1-informazzjoni ma tkunx magħrufa mill-impiegati kollha li huma infurmati li r-rakkomandazzjonijiet li fih ir-rapport mhux neċessarjament jiġu implimentati kollha kif magħmula.

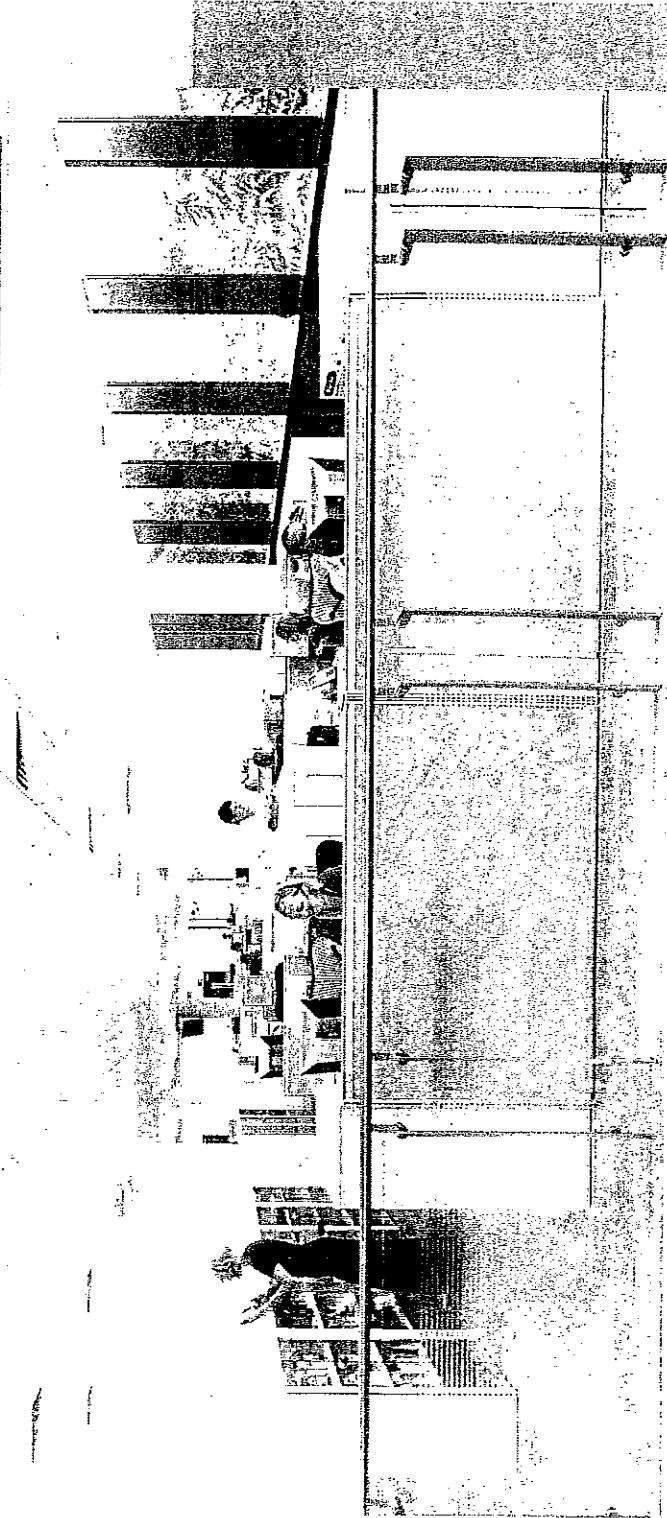
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Office of the Ombudsman

Organisational and Operational Review

Strictly Private
and Confidential

31 October 2012



pwc



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Office of the Ombudsman
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31 October 2012

Dear Dr Said Pullicino

In accordance with your instructions in our letter of engagement dated 17 September 2012 ('the Contract'), we attach our report on the Organisational and Operational Review of the Office of the Ombudsman ("the Office"). Our Services were performed in accordance with our engagement letter and are subject to the terms and conditions included therein.

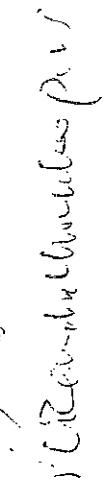
We have analysed the current organisational structure, operational processes and work methods of the Office of the Ombudsman to identify weaknesses and constraints that may be considered to hinder the effectiveness of the Office, and to propose recommendations on alternative structures and work systems that may be regarded as more appropriate. Our review also took into consideration the impact of the additional functions of the Office brought about by the appointment of two new Commissioners of Administrative Investigations.

Our research consisted of desk research on organisation structures and operations of similar organisations in other countries, interviews with the staff of the Office, and analysis of the relevant information.

This report contains our understanding of the issues in relation to the organisational structure and operational processes together with our 20 proposed recommendations.

We have not carried out anything in the nature of an audit nor, except where otherwise stated, have we subjected the financial or other information contained in this report to checking or verification procedures. Accordingly, we are providing no opinion, attestation or other form of assurance with respect to our work and we did not verify or audit any information provided to us.

We appreciate the opportunity to assist you with this matter.
Yours faithfully


Dr. Said Pullicino

PricewaterhouseCoopers

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Table of Contents

Section	Overview	Page
1	Executive Summary	1
2	Introduction	6
3	Benchmarking to Other Ombudsman Offices	16
4	Organisational Structure	20
5	Optimisation of Business Processes	46
5.1	Current Business Processes	47
5.2	Proposed Process Improvements	55
6	Other Operational Improvements	58
	Appendices	
1	Engagement Scope	66
2	Other Ombudsman Offices – Summary Organisation Structures	70
3	Proposed Position Descriptions	78
4	Action Plan	91

Section 1

Executive Summary

Executive Summary

The scope of this engagement was to analyse the current organisational structure, operational processes and work methods of the Office of the Ombudsman to identify weaknesses and constraints that may be considered to hinder the effectiveness of the Office, and to propose recommendations on alternative structures and work systems that may be regarded as necessary and more appropriate. Our review also took into consideration the impact of the additional functions of the Office brought about through the appointment of two new Commissioners of Administrative Investigations.

Our research consisted of desk research on organisation structures and operations of Ombudsman Offices in other countries, including an analysis of key performance indicators of these countries, as well as interviews with the staff of the Office, and the analysis of relevant information. We also analysed the case management system through a demonstration of its functions provided by the administrative support team. The objectives of the interviews was to gain an understanding of the processes and work practices adopted, the functions of the staff members, the reporting relationships, and also to gain an insight into other issues such as job satisfaction.

The key issues in relation to the **organisational structure** and our proposed recommendations are as follows:

Issue	Recommendation
Need for clearer lines of reporting and executive management oversight	Organisational set-up restructured so that all staff members will be ultimately reporting to the Director General for operational matters or the Ombudsman/Commissioners in terms of the decisions on cases
Weak human capital oversight – responsibility for co-ordinating training and performance management	Appointment of Administration Manager with responsibility also for Human Capital
Flat organisation with most staff reporting directly to the Ombudsman	Restructuring of organisational setup, to be composed of four departments Communications and Special Projects, Complaints and Investigations, Administration, and Secretariat
Day-to-day management of the minor staff needs to be strengthened	The designation of an Administration Manager who will be responsible for finance, human capital, management of minor staff, IT and maintenance of building and equipment
Greater focus on internal and external communication	The designation of a Director for Communications and Special Projects within the organisation structure

Executive Summary

Issue	Recommendation
Work related to complaints and investigations split across different functions	The setting up of a Complaints and Investigations Department composed of two units: Enquiries and Registry; and Investigations
The administration of new cases is rather bureaucratic with the process split across different staff members	The setting up of an Enquiries and Registry Unit which will have a clerical officer completely focussed on the administration of correspondence in relation to complaints and new cases
The administrative support team carries out various functions: acting as personal assistants, secretarial work such as typing and filing, and inputting all information in relation to the cases onto the Case Management System	The role of the staff members within the Secretariat will be that of acting as a pool of personal assistants, carrying out other secretarial work such as typing, formatting and reviewing reports and letters. The inputting into the case management system is to be carried out by the Enquiries and Registry Unit
Remuneration and rewards not consistent for staff members carrying out essentially the same functions	Streamlined remuneration grading structure which will be linked to performance management framework to be introduced
8 of the 18 staff members are above the age of 61. While 4 are on a fixed term contract, the other 4 are on an indefinite contract	The introduction of a policy whereby on reaching the statutory retirement age, the employment contract is changed and becomes reviewable on an a periodical basis
Quality assurance of reports and letters has been delegated to the administrative support staff, in addition to their other functions	The role of reviewing reports should rest with one member of the secretariat staff who will be primarily focussed on carrying out this function

Executive Summary

The processes adopted including the use of the case management system were analysed in detail. We have identified a number of inefficiencies in the **processes adopted** and **operations** are proposing the following recommendations:

Issue	Recommendation
The appointment of the new Commissioners has increased the need for the determination of deadlines and prioritisation between tasks in the case of the secretarial support work	The splitting of the tasks of personal assistants with the other functions currently carried out by the administrative support staff
Administrative processing of new cases is rather lengthy and split between different staff members	The process for opening new cases and recording the relevant information in the case management system to be improved through an enhancement of the case management system and the amalgamation of processes
The reception is not manned at all times	Reception should be attended to on a full-time basis. A computer should be installed at the reception. The receptionist should also assist the staff members in making outgoing calls and also in carrying out light clerical tasks
Timeframes for the conclusion of cases are not monitored	The Director General will also be responsible for setting timeframe targets and for monitoring performance
Having 4 separate case management systems is inefficient with staff having to switch from one system to the other depending on the case. Other deficiencies of the system relate to the searches and reporting	The case management system is to be reviewed with a view of having one system which is adaptable to each case type and depending to which Commissioner it relates to, and which has an improved search and reporting functionality
Report reviewing is carried out by two administrative staff members calling over the report	Except in cases where the original report would have been hand-written this process should only require one staff member

Executive summary

Other **issues** which may be *affecting staff motivation* were highlighted in the detailed sessions carried out with staff members. The following recommendations are being made in this regard:

Issue	Recommendation
No formal feedback is provided to employees on their performance and bonuses are not linked to performance	Performance management system should be put in place based on performance criteria set for each employee and the co-ordination of collection of performance feedback, the results of which are then communicated to the employee and a development plan for the next year prepared
Training is carried out on an adhoc basis with no training plan in place for staff members	A training plan should be devised for each employee which would address the development needs emerging from the performance assessment
The lack of policies in certain instances and adhoc decision-making contrary to what is documented in the latest available policy documents is leading to a perception that policies are not adopted transparently and fairly	Clear policies are to be established and communicated. An example is the Terms and Conditions of Employment dated 1995
Flexible working arrangements which have become practice over the years leave considerable leeway for abuse unless properly managed	Policies should be revisited, communicated to all staff, implemented and properly managed either through a time recording device (in the case of the office-based employees) or through the Administration Manager
Internal communication needs to be strengthened and important events communicated formally to all staff	Staff meetings should be re-introduced and managed effectively. The Director Special Projects and Communication should ensure that any important matters are communicated formally to staff
A greater focus on external communication activities is required to enhance the profile of the Office	The development and implementation of an annual communications plan to include the preparation and distribution of promotional material, media relations as well as outreach activities

Section 2

Introduction

The Ombudsman institution in Malta was set up by the Ombudsman Act (Cap. 385) which was enacted on 21 July 1995

History

The Office of the Ombudsman was set up in 1995 and follows the New Zealand model, which in itself was based on that of the Scandinavian countries. In fact the initial preparatory work to draw up the legislative framework for the institution in Malta was accomplished with the assistance of the former Chief Ombudsman of New Zealand and president of the International Ombudsman Institute. He served as a consultant during 1995 for the setting up of the institution in Malta.

Legislative Framework

The Ombudsman institution in Malta was set up by the Ombudsman Act (Cap. 385) which was enacted on 21 July 1995. The Act came into force on 15 November 1995. The last amendment to the Act was made in 2010 when provisions to appoint the Commissioners for Administrative Investigations were introduced. In addition, Subsidiary Legislation 385.01 - Commissioners for Administrative Investigations (Functions) Rules was enacted through Legal Notice 250 of 2012.

The legislation mainly regulates the appointment and functions of the Ombudsman and the Commissioners for Administrative Investigations, their term of office, the organisational set up of the Office of the Ombudsman and the procedure for investigations.

Appointment of the Ombudsman

The Act provides for the appointment of an Ombudsman with power to investigate actions taken by or on behalf of Government and other authorities.

The Ombudsman is a Parliamentary Ombudsman accountable to the House of Representatives and is autonomous and independent of the government of the day. He is appointed by the President in accordance with a resolution of not less than two thirds of all the Members of the House of Representatives.

The term of the Ombudsman is of five years with the possibility for a further reappointment of one consecutive term of five years.

The Ombudsman has the power to delegate any work he feels necessary to any of the investigative or administrative staff of the Office.

Joe Sammut was the first Ombudsman, who served two five-year terms. Chief Justice Emeritus Dr. Said Pullicino was appointed in 2005, and is now serving his second term.

There are a number of steps which need to be taken to enable the Ombudsman to decide whether a complaint should be investigated

Complaints investigated

The Ombudsman has authority to conduct any investigation on his own initiative or on the written complaint of any person that has been aggrieved by any action.

A complaint received by the Office is either investigated, resolved by informal action, resolved through advice/assistance, not dealt with as a result of it being outside jurisdiction, or declined (time-barred, trivial, etc). When a new complaint is received by the Office there are a number of steps which need to be taken to enable the Ombudsman to decide whether or not it is one which should be investigated under the Act.

One important aspect to analyse prior to the commencement of an investigation is whether all other institutional channels available to the complainant have been exhausted making the Office of the Ombudsman an office of last resort. The case must also fall within jurisdiction and should therefore be a complaint lodged against central Government Departments, Government organisations and partnerships where the Government has a controlling interest.

The Ombudsman does not conduct an investigation on a case which has proceedings in a court or other tribunal, and is to suspend the investigation if any interested party files a demand before any court on the subject matter of the investigation.

The Ombudsman Act gives authority to the Ombudsman regarding when a case should be refused or discontinued if it is either trivial, frivolous or not made in good faith. The Act also stipulates that a complaint should not be taken up by the Office if the grievance occurred more than six months prior to lodging a complaint.

The Ombudsman however, has authority to conduct an investigation if he considers it to be a case of special circumstances or if significant new evidence, which had not been previously considered, is presented. Though not officially a mediator, the Office of the Ombudsman may use this approach as a method of alternative dispute resolution.

The Ombudsman can put forward any recommendation that he deems fair but has no power to enforce acceptance of such recommendations.

Reporting to Parliament

The Ombudsman reports to the House of Representatives on the performance of his functions annually through the annual report or as frequently as he may consider necessary.

The Ombudsman has the opportunity to present ad hoc reports to Parliament in cases of unresolved grievances that remain unaddressed by a public body or in cases which hold sufficient public interest, in an attempt to secure acceptable redress for citizens treated improperly by public authorities.

On 1 August 2012, two Commissioners for Administrative Investigations were appointed within the Office of the Ombudsman

Appointment of the Commissioners for Administrative Investigations

Through the Amendment of the Ombudsman Act – Act No. XVII of 2010, the Act now provides for the Ombudsman to appoint Commissioners for Administrative Investigations to cover specialised areas as may be determined by the Ombudsman, with agreement by the Prime Minister. The legislation provides for the Commissioners to be appointed through the agreement by the Prime Minister and Leader of the Opposition, where possible.

On 1 August 2012, two Commissioners for administrative investigations were appointed within the Office of the Ombudsman. Perit David Pace was appointed as the Commissioner for Environment and Planning and Charles Messina was appointed as the Commissioner for Health. The Commissioner for Environment and Planning, has largely taken over the functions which until his appointment were the responsibility of the Audit Officer within the Malta Environment and Planning Authority (MEPA). The cases in relation to health which now fall within the responsibility of the Commissioner for Health, where until his appointment within the responsibility of the Parliamentary Ombudsman.

As from November 2008, the Office of the University Ombudsman has been located within the Office of the Ombudsman. In October 2013, once the term of the University Ombudsman expires, the Commissioner for Education will be appointed within the Office of the Ombudsman.

Subsidiary Legislation 385.01 – Commissioners for Administrative Investigations (Functions) Rules sets out functions applicable to the Commissioners.

Commissioners are to observe the same rules of procedure as the Office of the Ombudsman, so that the standards adopted by the Ombudsman or the standards given by Parliament to the Ombudsman in terms of the Ombudsman Act are maintained. In addition, the Commissioners together with the Ombudsman are to be housed in one building rather than separate locations distant from each other.

All cases, even those received by the Commissioners, are to be reviewed by the Ombudsman, who then assigns the complaints to the Commissioners, or investigates them himself.

The Commissioners are to retain their full autonomy and independence in carrying out their functions and may utilise the administrative and investigative resources of the Ombudsman's Office.

The term of office of the Commissioners is of five years with the possibility for a further reappointment of one consecutive term of five years.

The expenditure is largely funded from the Consolidated Fund through a Government Grant, which in 2011 amounted to €500,000

The Ombudsman Office's budget is prepared

annually and is presented to the House of Representatives by the 15 September of each year in the Ombudsplan which also indicates the following year's activities.

The Ombudsman Act stipulates that the Ombudsman is responsible for approving the level of capital expenditure, furnishings, materials and administrative activities. In addition, the salary expenses are not to exceed the maximum amount indicated in the Ombudsplan approved by the House of Representatives every year.

In addition, the Act stipulates that the salary, allowances and expenses payable to the Ombudsman are to be at the rates applicable to a judge of the superior courts.

The accounts of the Office of the Ombudsman are audited by the Auditor General in accordance with the provisions of the Financial Administration and Audit Act

	2005	2006	2007	2008	2009	2010	2011
Expenditure	€	€	€	€	€	€	€
Personal Emoluments	(279,733)	(302,488)	(334,502)	(343,125)	(378,428)	(397,477)	(397,712)
Administrative and other expenses	(88,598)	(82,314)	(75,702)	(83,203)	(88,159)	(86,938)	(82,631)
	(368,331)	(384,802)	(410,203)	(426,328)	(466,587)	(484,415)	(480,343)
Income							
Government grant	404,488	419,400	456,680	456,998	472,990	373,000	499,988
University Ombudsman services	–	–	–	–	–	5,564	7,161
Net Mepa Auditor income	–	–	–	19,100	21,783	22,510	23,136
	404,488	419,400	456,680	476,998	494,773	401,074	530,285
Earnings before interest, depreciation and extra-ordinary activities							
	36,157	34,598	46,477	49,770	28,186	(83,341)	49,942
<i>Other</i>							
Non-operating Income	4,991	1,950	3,104	3,415	1,652	652	518
Depreciation	(25,241)	(15,977)	(13,258)	(13,281)	(13,302)	(13,076)	(17,775)
AOM conference grants	–	–	–	–	–	–	49,000
AOM Conference expenses	–	–	–	–	–	–	(67,999)
<i>Surplus /(loss) for the year</i>	15,907	20,572	36,322	39,904	16,536	(95,765)	13,686

As indicated in the table above, expenditure increased from €368,000 in 2005 to €480,000 in 2011, an increase of 30%. The 2011 expenses are composed of personal emoluments amounting to €398,000 and administrative and other expenses amounting to €83,000. The latter consisted of €25,000 paid for contractual services, €13,000 relating to utilities, €10,000 relating to information services, and €9,000 relating to transport costs. Additional expenses related to depreciation of €18,000. The 2011 results were also effected by the revenue and related expenses related to a one-off event being the organisation of the Association of Mediterranean Ombudsman Conference.

Net assets of €188,000 as at 2011

The expenditure is largely funded from the Consolidated Fund through a Government grant, which in 2011 amounted to €500,000.

In 2010, the Government grant was much lower at €373,000 as the Office utilised surplus resources from previous years to finance the shortfall. In addition, the Office also received income from the Malta Environment and Planning Authority (MEPA) and the Education Department for investigative and administrative support services provided to the MEPA Audit Office and the University Ombudsman respectively, which in 2011 amounted to €30,000.

The budget for 2012 includes the increase in salaries resulting from the appointment of the two new Commissioners, the employment of additional staff and the additional expenses resulting from the additional office space.

The balance sheet in the table opposite indicates net assets of €188,000 as at 2011 consisting of fixed assets of €71,000 and cash in hand of €107,000.

	2005 €	2006 €	2007 €	2008 €	2009 €	2010 €	2011 €
Fixed Assets							
Current Assets	71,613	63,628	65,429	72,783	64,672	62,505	71,057
Receivables	4,564	6,540	5,955	17,999	36,234	34,375	19,985
Cash in hand and at bank	89,164	111,518	151,452	170,662	183,627	87,847	106,630
Current Liabilities	(8,525)	(4,299)	(9,127)	(7,889)	(14,442)	(10,401)	(9,660)
Net Assets	156,816	177,388	213,710	253,555	270,091	174,326	188,012
Funded by:							
Current surplus and reserves	156,816	177,388	213,710	253,555	270,091	174,326	188,012

Complaints received have decreased from 583 in 2005 to 426 in 2011 Cases investigated have decreased from 204 to 118 in the same period

Enquiries made mainly through telephone calls and walk-ins by citizens visiting the Office have increased overall between 2005 and 2011 by 14% from 333 to 504. The highest number of enquiries were registered in 2007 and 2009 at around 630 per annum. Written complaints received have decreased by 27% over the period 2005 to 2011 from 583 to 426. This translates to an average of 2 new cases a day in 2011.

The decrease in the caseload could be attributable to the following:

- decrease in recent years, as a result of privatisation, of the public authorities that fall under the jurisdiction of the Office;
- increase in complaint handling activities of the various regulatory authorities which have been set up in recent years;
- introduction of fairer policies following recommendations made by the Ombudsman's Office;
- level of publicity and outreach activities of the Office of the Ombudsman.

The cases concluded also decreased by 26% from 590 to 437 during the period 2005 and 2011. Therefore, although the number of cases received decreased over the last years, the open cases at the end of the year increased from 129 in 2005 to 238 in 2011.

As indicated earlier not all the cases received by the Office are investigated. Some cases are declined, some are resolved through informal action, and assistance or advice is provided in relation to the remaining cases. The number of cases investigated decreased during the period by 42% from 204 in 2005 to 118 in 2011.

Caseload analysis	2005	2006	2007	2008	2009	2010	2011
Enquiries	333	443	635	469	626	543	504
Cases brought forward from previous	136	129	154	254	246	259	249
Complaints received	583	567	660	551	566	482	426
Cases concluded	(590)	(542)	(560)	(559)	(553)	(492)	(437)
Open cases at year end	129	154	254	246	259	249	238
Cases investigated	204	155	146	149	187	128	118

Expenditure per case concluded increased from €624 to €1,067 between 2005 and 2011

As can be seen from the table opposite, although the caseload has decreased between 2005 and 2011, expenditure has increased, resulting in an increase in the expenditure per complaint.

In the case of complaints investigated, the expenditure per case is of €4,000 in 2011. This is more than double what it was in 2005 when the expenditure per complaint investigated was of €1,800. In the case of the complaints received and the complaints concluded, the increase was from €600 per complaint in 2005 to €1,100 per complaint in 2011 (83%).

The number of cases and the estimate of expenditure have to be considered within the workings of the Office of the Ombudsman as each case may require a different degree of investigation. In discussions held with the staff of the Office it emerged that although the number of cases has decreased, over the last years, the complexity of cases has increased. In fact as can be seen from the table overleaf the time taken in days to conclude cases has increased over the last years.

	Expenditure analysis				2005	2006	2007	2008	2009	2010	2011
Expenditure	€	€	€	€	€	€	€	€	€	€	€
Adjustments to exclude allocation of costs attributable to MEPA and University Ombudsman cases*	368,331	384,802	410,203	426,328	466,587	484,415	480,343				
Adjusted Expenditure	368,331	384,802	410,203	419,018	451,253	469,808	466,362				
Expenditure per complaint received	632	679	622	760	797	975	1,095				
Expenditure per case concluded	624	710	733	750	816	955	1,067				
Expenditure per case investigated	1,806	2,483	2,810	2,812	2,413	3,670	3,952				

* We have adjusted the expenditure amount illustrated earlier to exclude the allocation of costs of the Office of the Ombudsman related to assistance provided by the staff of the Office in relation to the University Ombudsman and MEPA cases.

* Amount of €6,007 is deducted from financial statements expenditure based on 1 day/n week of a senior investigating officer assisting the MEPA audit officer between 2008 and 2011. Other expenses directly related to the MEPA auditor were also deducted.

* Amount of €7,817 is deducted from financial statements expenditure estimated on 40% of Marisa Zammit's time allocated to assisting the University Ombudsman between 2008 and 2011

Average time taken to conclude cases has been on the increase, from an average of 74 days in 2005, peaking at 156 days in 2010

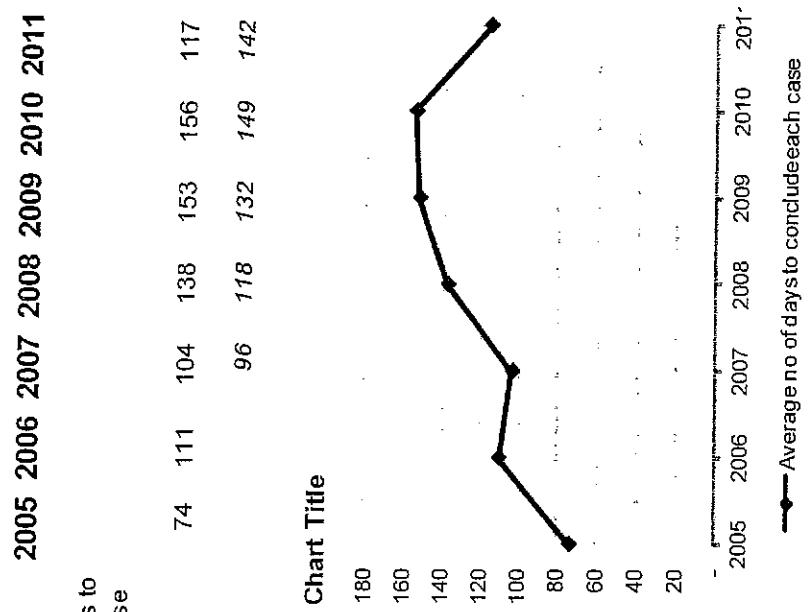
A key performance indicator across Ombudsman offices relates to the number of days taken to conclude cases. The Office of the Ombudsman's Charter (dated 2004) found on Office's website states that on average cases should be concluded within 50 to 60 working days.

As can be seen from the data presented opposite, the average time taken to conclude cases has been on the increase, from an average of 74 days in 2005, peaking to 156 days in 2010 and decreasing to 117 in 2011. The timeframe of 60 working days is therefore not being met.

The Charter also sets the following targets:

- 80% of cases are to be resolved within 3 months;
- 90% within 5 months;
- 95% within 6 months; and
- 100% within 12 months

The case management system (CMS) which provides the Ombudsman's Office with statistical data does not generate reports to be able to compare actual results in relation to the above targets.



Source: Case Management System - Time taken to conclude cases report

Between 2005 and 2011 the highest number of complaints were in relation to the Armed Forces, education, health, local councils and Transport Malta

Complaints received by entity	2005	2006	2007	2008	2009	2010	2011	Total
Armed Forces of Malta	11	8	164	54	54	41	6	338
Transport Malta	49	44	42	39	57	45	38	314
Local Councils	63	47	33	20	20	21	18	222
Health	35	32	29	40	36	12	32	216
Education	28	29	26	38	38	27	25	211
Inland Revenue	51	30	32	30	12	22	28	205
Malta Environment and Planning Authority	34	41	44	31	15	11	19	195
Social security	20	31	26	27	25	27	20	176
Water Services Corporation	21	22	17	13	25	29	37	164
Enemalta Corporation	30	19	20	19	29	6	-	123
Police force	16	18	27	19	16	6	18	120
Housing	8	23	17	17	16	20	12	113
Land	22	15	15	18	13	16	11	110
Public Administration HR Office	12	23	25	17	7	6	9	99
Public Service Commission	7	9	2	11	16	8	5	58
Courts	13	9	3	6	7	4	4	46
Air Malta	6	5	14	5	7	7	1	45
Joint office	7	3	5	4	12	5	2	38
University of Malta	6	10	3	8	2	2	2	33
Agriculture	9	5	6	4	5	1	1	31
Treasury	6	2	6	7	2	2	2	27
VAT	2	7	1	1	4	9	3	27
Elderly	5	2	5	2	4	3	-	21
Customs	5	3	-	4	6	1	-	19
Maltacom	5	10	1	2	-	-	-	18
Tourism	4	4	-	1	2	2	2	15
Corradino Correctional Facility	1	4	-	3	2	-	3	13
Malta Enterprise	4	1	2	2	1	2	-	12
Works	5	5	1	1	-	-	-	12
Malta Shipyards	3	2	3	1	1	-	-	11
Public Broadcasting Services	2	2	-	1	-	-	-	5
Others	93	102	91	106	132	146	128	798
Totals	583	567	660	551	566	482	426	3835

One reason for the increase in the time taken to conclude cases could be the type of complaints received. We have therefore analysed the complaints received between 2005 and 2011 in terms of the entity to which they relate. We have identified the four entities against which the highest number of complaints were received per annum.

The table opposite illustrates that out of the circa 400-500 cases received in the last years, there are about 10 entities in relation to which the Office receives 20-30 cases per year. The other cases are split across numerous other entities. The highest number of complaints received were related to Armed Forces (between 2007 and 2010), Transport Malta, local councils (decreasing) and health. Other areas in relation to which the Office received around 30 cases per year over the last years included inland revenue, education, social security and Water Services Corporation.

With the exception of the Armed Forces cases, there seems to be no major change in the entities to which the cases related.

Section 3

Benchmarking to Other Ombudsman Offices

Benchmarking analysis shows that Ontario and Ireland have best results in terms of no. of cases concluded/employee and expenditure/case concluded

As part of the research carried out for this assignment, we reviewed the operations and organisational set ups of other Ombudsman offices with a view to identifying best practices in terms of key performance indicators (KPIs) in relation to efficiency, response time, customer satisfaction, etc and comparing these to those of the Office of the Ombudsman in Malta.

We analysed KPIs relating to the number of cases concluded per employee per annum, the expenditure per case, and the timeframes achieved for each of the 12 Ombudsman offices we analysed. The information gathered relates to the years 2010/2011.

As indicated in the table opposite the number of cases concluded in the offices reviewed varies, ranging from 244 in Cyprus to 18,384 in Ontario Canada. On average the cases as a percentage of the population is of 0.08%.

In relation to the number of cases concluded per employee, as not in all cases the number of employees were split amongst the investigative and other staff, the total number of employees was used. Setting outside Ontario which appears to be an outlier, the office with the highest number of cases/ employee is Ireland with 108 cases/employee. Malta concluded 29 cases/employee. The office with the lowest number of cases concluded per employee is Cyprus with 5 cases/employee.

Expenditure was analysed in relation to the total salary expenses and total operating expenses. When analysing the expenditure in different countries it was essential to take the Purchasing Power Parity (PPP) into consideration to determine the relative value of the expenditure. PPPs are indicators of price level differences across countries therefore such adjustments make the analysis between the countries comparable. Again the offices with the best results were Ontario with €177/ case concluded and Ireland at €203/case concluded. As indicated earlier the cost/case concluded in Malta is of €1,067. The country with the highest cost is Cyprus at €4,790/case concluded.

	No. Of cases concluded	Cases as a % of population	No. Of employees	No. Of concluded/ employee
Ontario, Canada	18,384	0.15%	80	230
Ireland	4,420	0.10%	41	108
Sweden	6,911	0.07%	65	106
Scotland, UK	4,184	0.08%	46	91
Belgium	3,919	0.04%	47	83
Finland	4,360	0.08%	61	71
New Zealand	3,758	0.09%	64	58
Denmark	4,853	0.09%	86	56
Malta	437	0.11%	15	29
Wales, UK	1,547	0.05%	54	29
Northern Ireland, UK	613	0.03%	30	20
Cyprus	244	0.02%	45	5

Source: Annual Reports 2010-2011, websites

	Expenditure €(PPP)	€(PPP)/case concluded
Ontario, Canada	3,249	177
Ireland	898	203
Scotland, UK	2,184	522
Belgium	2,062	526
Malta	466	1,067
New Zealand	5,391	1,435
Northern Ireland, UK	1,307	2,133
Wales, UK	2,762	3,170
Denmark	20,735	4,273
Cyprus	1,169	4,790
Sweden	-	-
Finland	-	-

Source: Annual Reports 2010-2011, websites

Target response time: whether case will be taken up between 10 days and 2 months; case concluded between 1 week and 12 months

As indicated earlier in this report, a key performance indicator for Ombudsman offices is the time taken to respond to complaints. Most offices have set targets in terms of the number of days/months by when they will respond to correspondence or conclude a case. In most cases, these targets are reported on in the annual report of Ombudsman offices.

Some of the offices also give high consideration to feedback which they receive on the standard of service they provide to citizens. For example the Wales Ombudsman Office carries out a telephone and face-to-face survey to obtain feedback in relation to the decision/outcome (e.g. view on decision, information provided about decision), the investigation (e.g. communication with investigators, timescales and information on progress of case) and overall impression of customer services (e.g. understanding of complaint, fairness, etc).

As can be seen from the table overleaf in terms of the target for the timeframes for concluding cases most of the countries analysed provide different targets as follows:

- By when a response is given on whether a case will be taken up by the Ombudsman:
 - 95% within 10 days in Scotland;
 - 90% within 15 working days in Northern Ireland;
 - 80% within 1 month in of cases in Wales;
 - 90% within 1 month in New Zealand; and
 - 90% within 2 months in Denmark.

We have also analysed the organisational set up of these Ombudsman offices we have reviewed. An outline of the structures adopted by these offices is attached in Appendix 2.

- By when a case is concluded:

- 50% within 1 week and 75% within less than 1 month in Ontario;
- Within 20 days in Ireland;
- 100% within 6 months in Finland;
- 90% of cases resolved informally within 3 months, 70% of urgent investigations within 4 months, and 70% of non-urgent but high public interest investigations within 6 months in New Zealand;
- 95% of early resolution cases within 50 days, 80% of cases investigated within 6 months and 95% of cases investigated within 12 months in Scotland;
- 75% within 6 months and 90% within 12 months in Denmark;
- within 12 months in Wales; and
- 80% within 12 months in Northern Ireland.

It is evident that the target time frames are set and monitored on a regular basis in other countries

Country	Ref year	KPIs - Time taken to:	Target	Achieved timeframes	Within targets
Ontario, Canada	2011	Cases concluded	50% within 1 week 75% within less than 1 month	50% within 1 week 75% within less than 1 month	✓
Ireland	2011	Cases concluded Answer written correspondence	Within 20 days	78% within 3 months	n/a
Scotland, UK	2010	Acknowledge complaint Inform complainants if their complaint will be taken up	7 working days	Within 10 days for 95% of cases	n/a
		Establish if there is an early resolution for the complaint Make a final decision on complaints that are investigated	Within 50 days for 95% of cases	Target is to complete 80% of cases within six months or less and 95% of cases within 12 months or less	n/a
Finland	2011	Cases concluded	100% within 6 months	100% within 6 months	✓
New Zealand	2011	Inform complaints outside our jurisdiction Decide complaints that are declined to investigate or resolved informally Decide urgent investigations Decide non-urgent but high public interest investigations	Within 1 month of receipt for 90% of cases Within 3 months of receipt for 90% of cases Within 4 months of receipt for 70% of cases Within 6 months of receipt for 70% of cases	49% within 1 month 86% within 3 months 94% within 4 months 100% within 6 months	✓ x x ✓
Denmark	2010	Rejected cases concluded Substantially investigated cases concluded	90% within 2 months 75% of within 6 months 90% within 12 months	86.2% within 2 months (average of 31 days) 76.3% within 6 months 89.6% within 12 months	x ✓ ✓
Malta	2011	Cases concluded	80% within 3 months 90% within 4 months 95% within 6 months 100% within 12 months	Average 50/60 days per case	n/a n/a n/a n/a
		Acknowledge complaint Inform complainants if their complaint will be taken up	48 hours 80% within 4 weeks	117 days per case 94% within 4 weeks	x n/a ✓
Wales, UK	2011	Cases concluded	12 months from the point that a decision is made to take up complaint	100% achieved except for one case which related to a complex children's social services complaint	✓
Northern Ireland, UK	2011	Acknowledge complaint Inform complainant whether case has been accepted Update on case Complete preliminary investigations Prepare final report Identify opportunities for early resolution	Within 3 working days Within 15 working days in 90% of cases Every 6 weeks Within 6 months in 90% of cases Within 12 months in 80% of cases Within 3 months in 90% of cases	Within 15 working days in 88% of cases Within 6 months in 80% of cases Within 12 months in 61% of cases Within 3 months in 82% of cases	n/a x n/a x x

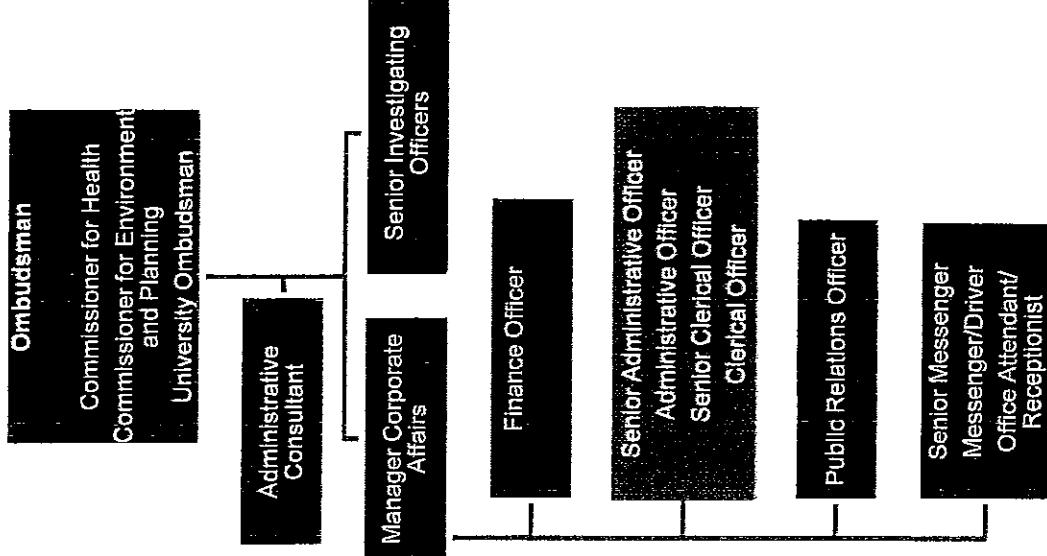
Source: Annual Reports 2010-2011, websites; for Malta also Case Management System report "Time taken to conclude cases"

Section 4

Organisational Structure

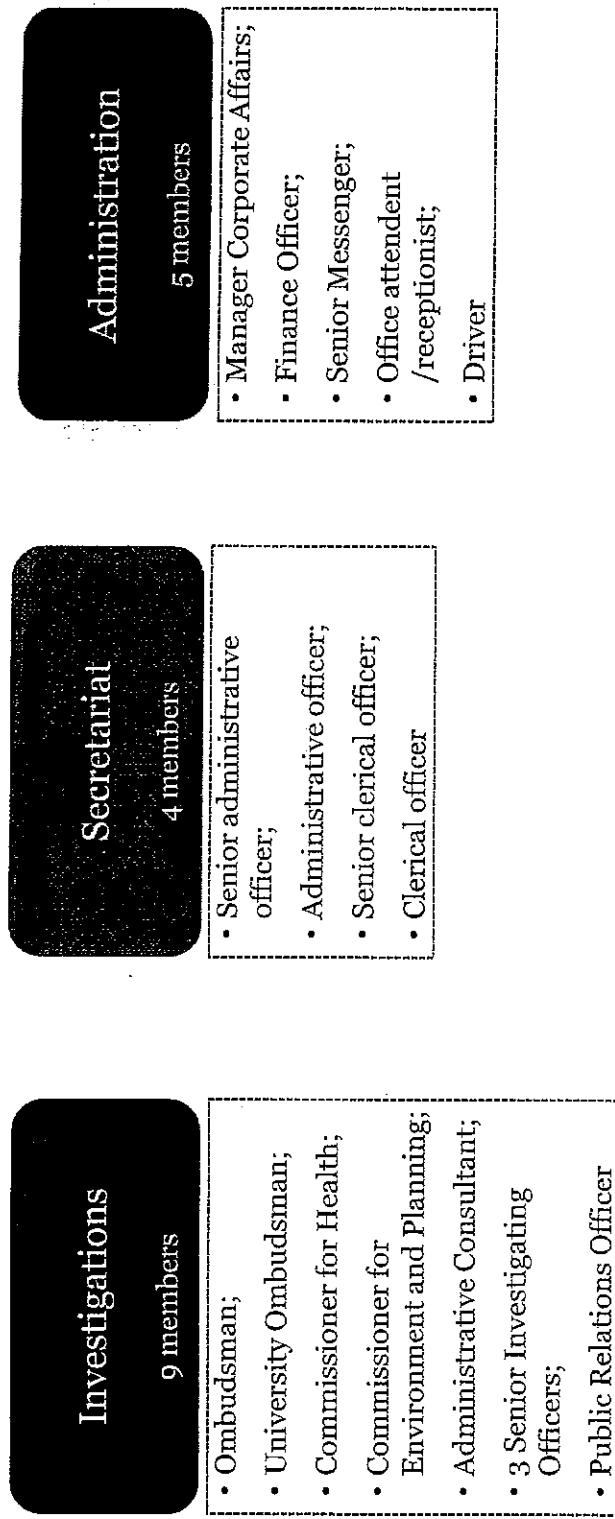
Organisation Structure is such that investigative staff, Administrative Consultant and Manager Corporate Affairs report to Ombudsman

- The official organisation structure as reported in the Office's annual report and website is such that directly reporting to the Ombudsman are:
 - the University Ombudsman
 - the Administrative Consultant
 - the Manager Corporate Affairs
 - the Senior Investigating Officers.
- As from August 2012, also reporting to the Ombudsman are the Commissioner for Health and the Commissioner for Environment and Planning, who were appointed in 2012.
- Within this structure, the rest of the staff, including the finance officer, the administrative support team, the public relations officer and the messengerial services and upkeep of premises team report to the Manager Corporate Affairs.



Functions can be categorised into Investigations, Administration and the Secretariat

In analysing the work carried out by the staff, it is evident that the administrative support staff mostly carry out work in relation to investigations, and therefore cannot really be considered as doing purely administrative work. The 18 staff members of the Office can therefore be categorised into those carrying out the investigations, administration and the secretariat. Overleaf is a profile of the duties currently being carried out by the various staff members.



Current organisational job descriptions

Commissioners and the University Ombudsman

The 2 Commissioners and the University Ombudsman have the same duties as that of the Ombudsman and are therefore assigned the role of undertaking an investigation when required, either in relation to a complaint received, or on their own initiative.

Each Commissioner was given a specialised area and therefore works on cases related to his area. The two Commissioners which were appointed on 1 August 2012 are responsible for Health and Environment and Planning respectively.

They are responsible for the investigation of complaints and collection of information in respect of any own initiative actions, including research on the facts of the complaints, informal resolution, the preparation of letters, memoranda and reports.

The Commissioners, like the Ombudsman have the power to delegate any work they feel necessary to any of the investigative or administrative staff of the Office.

Administrative Consultant

The Administrative Consultant serves as a point of reference to the Ombudsman, the Commissioners and the Senior Investigating Officers in relation to any cases or administrative issues on which they wish to consult.

He is also delegated cases to investigate by the Ombudsman. Prior to the appointment of the Health Commissioner, he was mainly involved in dealing with cases relating to health, due to his experience within the Ministry of Health.

Senior Investigating Officers

The 3 Senior Investigating Officers are responsible for the investigation of complaints and collection of information in respect of any own initiative actions, including research on the facts of the complaints, informal resolution, the preparation of letters, memoranda and reports for consideration by the Ombudsman or the Commissioners.

They are also responsible to liaise with liaison officers and negotiate with officials and complainants by telephone and in person.

The Senior Investigating officers also hold meetings with each party to the complaint or site visits when required.

Each senior investigating officer has their area of specialisation, and therefore in general the Ombudsman assigns cases to them based on these areas of expertise. Dr. Ivan Mifsud is mainly responsible for cases related to the Armed Forces and Environment and Planning, Dr. Monica Borg Galea is mainly responsible for cases related to education and the Public Service Commission and Lucy Bonello is mainly responsible for cases related to social security, the elderly, inland revenue and utilities. In some cases however, they are assigned cases which are not related to these areas.

Since the Commissioners were appointed, the Senior Investigating Officers may also be requested to assist the Commissioners in their investigations.

Current organisational job descriptions

Public Relation Officer

The PRO is the first point of contact for a complainant when they visit the Office or call to enquire about a complaint they have. She informs them about the overall process of investigations and provides initial advice as to whether a complaint is likely to be investigated by the Office.

The PRO offers guidance to complainants when their complaint cannot be resolved by the Office. When the complaint can be resolved by the Office, the PRO advises the complainant on how the complaint should be presented in writing. When the complainant requires assistance to draft the complaint, the PRO drafts the letter on their behalf and ensures the complainant agrees with the content prior to signing the letter. She inputs information about each enquiry received into the case management system.

The PRO is also responsible for anything related to the media, including reviewing the newspapers every day and passing on any relevant information to members of staff. She also assists the Manager of Corporate Affairs in the preparation and distribution of the annual reports, case notes or any other publications.

Corporate Affairs Manager

The Corporate Affairs Manager's main function is currently the preparation of the Office's annual report, the Ombudsplan, the case notes prepared twice annually, and any other publications and marketing material issued by the Office in relation to the functions of the Ombudsman, the University Ombudsman and the Commissioners.

In relation to the annual report, he also extracts the relevant statistical data from the case management system.

He is also responsible for special projects and research. Examples of such projects include the Conference of the Association of Mediterranean Ombudsmen organised in Malta in 2011, as well as the research required in connection with the setting up of the Commissioners for Administrative Investigations.

The Corporate Affairs Manager also carries out the formal functions as the manager responsible for the Finance Officer, such as signing cheques and signing the audited financial statements.

Finance Officer

The Finance Officer is responsible for the accounting functions at the Office. He processes financial transactions, invoices, salary payments, and expense claims. He also keeps the petty cash float.

The Officer is responsible for maintaining financial, accounting, administrative and personnel records in order. He is also responsible for preparing financial reports and providing the Audit Office with the financial records in the form required by the Financial Administration and Audit Act.

The Finance Officer also performs other duties including taking care of maintenance of the premises, purchasing of stationery and supplies (including stocktaking). He is also responsible for maintaining the library.

Current organisational job descriptions

Senior Administrative Officer

The senior administrative officer is responsible for the co-ordination of the work of the Secretariat support staff.

In addition, she receives all mail and emails, forwards these to the Ombudsman and assigns this correspondence accordingly. She is also responsible for opening up new cases in the CMS.

In addition, the Ombudsman has delegated responsibility to her to review any reports or drafts to be signed by him to ensure their quality in terms of grammar and consistency in style. If report is written in Maltese she reviews it with the Administrative Officer, however, if the report is in English she reviews it with either one of the clerical staff. She is also the personal assistant to the Ombudsman and therefore keeps and maintains his diary, books his appointments and performs other duties required by him.

Administrative Officer

The Administrative Officer forms part of the secretariat pool. She is assigned the duty of scanning all documents that need to be uploaded to the CMS. She performs other general clerical work, which is shared amongst the Secretariat Staff. These duties include typing of handwritten or dictated drafts and formatting of reports.

She is also the personal assistant of the University Ombudsman. As the University Ombudsman is only in the office once a week, she emails him any information received. She also drafts his correspondence as necessary and deals with clients when he is not at the office.

It is estimated that around 40% of the Administrative Officer's time is dedicated to the University Ombudsman.

Senior Clerical Officer

The Senior Clerical Officer forms part of the Secretariat pool. She is assigned the duty of filing any information or correspondence received by the Office and is responsible for the bring-ups. She also performs other general clerical work, which is shared amongst the Secretariat staff. These duties include typing of handwritten or dictated drafts and formatting of all reports.

She is also the personal assistant to the Commissioner for Health. This involves keeping a data sheet of all information of each case since the Health CMS has not as yet been set up. She also types out all of the Commissioner's correspondence and office notes. So far about 25%-30% of her workload is related to her work as the Commissioner's PA.

Clerical Officer

The Clerical Officer forms part of the Secretariat pool. She is assigned the duty of acknowledging all correspondence received by the Office except for emails, as these are not acknowledged. She also performs other general secretarial work, which is shared amongst the Secretariat staff. These duties include typing of handwritten or dictated drafts and formatting of all reports.

The Clerical Officer is also the personal assistant to the Commissioner of the Environment and Planning. This takes around 25%-30% of her time and involves drafting emails, requesting files, filing and processing files.

Current organisational job descriptions

Senior Messenger

The role of the senior messenger is to run errands on behalf of the Office which include delivering documents to Government entities in Valletta or to the Post Office. He also directs the public in the reception area as required and assists in the search of files, documents etc. He is the person who operates office machines and equipment including the fax and photocopier. He also performs some cleaning duties and prepares tea/coffee for employees and visitors.

Cleaner/ receptionist

The Cleaner/ receptionist cleans the office premises everyday from the time she arrives until about 11 am. She then performs other duties which include preparing tea/coffee for employees and visitors, assisting the senior messenger with deliveries and running errands and attending to the reception.

She also assists the senior messenger with any ad hoc work such as the packaging of publications to be distributed.

Whereas, when she was recruited in 2011, the understanding was that she would be trained to become a full-time receptionist, this has not materialised. She attends to the reception only when the Senior Messenger is not available.

Although the cleaner has been given instructions of how to organise the cleaning, she then receives ad hoc instructions from different officers within the Office. Since her reporting relationship is not clear she sometimes changes the procedures adopted to meet these different instructions.

Driver

The personal driver to the Ombudsman is paid an extra allowance to cater for the Ombudsman's driving needs after hours. Although his job description also provides that he should provide messengerial services his focus is exclusively as the Ombudsman's personal driver.

Staff complement of 15 as from 2009 (excluding University Ombudsman) Salaries last revised in 2007; since then increased in line with inflation

The staff complement of the Office of the Ombudsman increased from 14 to 15 FTEs between 2005 and 2011, with total salaries having increased by 39% from €278,000 to €398,000 in the same period. These figures exclude the University Ombudsman as his salary is charged directly to the Ministry for Education.

The average salary per employee increased from €20,000 in 2005 to €27,000 in 2011. The highest increase (13%) was recorded in 2007. This was mainly due to increases in salaries back-dated from 1 January 2006, following a restructuring exercise carried out in 2007.

In 2005, the staff complement consisted of the following:

- Ombudsman
 - Administrative Consultant
 - Manager Corporate Affairs
 - 3 Investigating Officers (including 1 on a part-time basis)
 - Public Relations Officer
 - 4 administrative support (including 1 on a part-time basis)
 - Finance Officer
 - 3 messengerial services and upkeep of premises
- | | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 |
|---|------------------|------------------|------------------|------------------|------------------|------------------|------------------|
| Wages and Salaries (€)
FTE employees | 279,733
14.00 | 302,406
14.25 | 334,412
14.00 | 343,125
14.00 | 378,428
15.00 | 397,477
15.00 | 397,712
15.00 |
| Average salary per employee (€) | 19,981 | 21,221 | 23,887 | 24,509 | 25,229 | 26,498 | 26,514 |
| % increase in average salary | 6% | 13% | 3% | 3% | 5% | 5% | 0% |

In 2007, the investigating officer working on reduced hours was replaced by a full-time investigating officer and the administrative support officer working on part-time basis was no longer employed with the Office. In 2009 an additional administrative support officer was employed.

In 2012, the 2 new Commissioners increased the staff complement of the Office of the Ombudsman. Salaries are expected to increase by €84,000 on a full-year basis. In 2013, the Commissioner for Education is expected to be appointed. Including the University Ombudsman, the staff complement now of 18 employees.

**Average salary (inc. Allowances) of €28,000;
Average age of employees is 52**

	Position	Basic Salary	Salary (inc all)	Salary Scale	Joined	Age
1	Ombudsman	38,488	52,722	1	2006	75
2	University Ombudsman	38,496	41,496	1	2008	75
3	Commissioner of Health	32,760	42,000	2	2012	75
4	Commissioner of Environment and Planning	32,760	42,000	2	2012	73
5	Administrative Consultant	35,459	42,150	2	1997	75
6	Senior Investigating Officer	25,958	29,103	5	1995	66
7	Senior Investigating Officer	25,958	30,035	5	1999	38
8	Senior Investigating Officer	25,958	29,103	5	2007	41
9	Public Relations Officer	21,984	21,984	7	1995	30
10	Manager Corporate Affairs	29,405	35,491	4	2000	63
11	Finance Officer	22,515	22,864	7	1995	46
12	Senior Messenger	14,020	14,020	14	1995	73
13	Messenger/Driver	13,465	16,539	15	2006	60
14	Office Attendant/ Receptionist	10,374	10,374	17	2011	24
15	Senior Administrative Officer	22,515	22,515	7	1995	41
16	Administrative Officer	18,783	19,543	9	2003	26
17	Senior Clerical Officer	14,259	14,259	13	2006	25
18	Clerical Officer	12,571	12,571	15	2009	22
	Average				52	

Total cases received are estimated to increase from 630 cases in 2011 to around 780 cases in 2013

Impact on staffing requirements as a result of the appointment of Commissioners

We have attempted to understand the impact of the new Commissioners on the organisation structure and resourcing requirements of the three functional teams: investigations, administration and secretariat. In this regard, we have attempted to make a short-term estimate of the increased caseload for 2013.

Estimating the demand for the services of the Office of the Ombudsman is not easy. It is a known fact that as a result of publicity initiatives and outreach activities, the number of enquiries received and new cases opened increases. Other factors impact the number of cases received.

As indicated in the table opposite, the total cases received are estimated to increase from 630 cases in 2011 to around 780 cases in 2013. This estimate is based on the following assumptions:

- Between August and September 2012, 14 cases in relation to health were received. The Office already used to receive cases related to health before. However an increase is expected due to having a specific Commissioner on these cases. We have extrapolated this figure for a full year, resulting in an estimate of 84 cases for 2013.

	2009	2010	2011	2012*	2013
Health Planning and Environment*	40*	15	32	39*	84
University Ombudsman	80	62	64	69	69
Other areas	526	551	534	527	527
Total cases received	646	628	630	676	780

* 2012 not annualised as the cases of the Commissioners are taken from the period August to December

- Between August and October 2012, 25 cases in relation to Environment and Planning were received. We have extrapolated this figure for a full year, resulting in an estimate of 100 cases for 2013.
- The cases received by the University Ombudsman and the cases received by the Ombudsman in other areas apart from health would remain the same as the estimate for 2012, which is based on the average of 2009 to 2011.

The average number of cases per investigating team member is expected to remain constant in the short-term

Unlike the Ombudsman who passes on all of his cases to the Senior Investigating Officers or the Administrative Consultant, the Commissioners are either retaining cases themselves and carrying out their own investigations or passing on the cases to one of the Senior Investigating Officers or the Administrative Consultant. The investigative team has therefore increased from 5 (3 Senior Investigating Officers, the Administrative Consultant, and the University Ombudsman) to 7 as a result of the appointment of the new Commissioners. The increase in estimated caseload can now therefore be split between a larger team. The average caseload per member of the investigative team is therefore estimated to remain rather constant from 126 in 2011 to an estimate of 111 cases in 2013. It therefore seems that unless the caseload increases considerably, the investigative team should be able to cope with the increased caseload.

On the other hand the administrative team is being effected as a result of the increased office space, office equipment, and addition of new Commissioners.

The secretariat's workload has also increased since two of the team are now assigned as personal assistants with each of the new Commissioners apart from their other duties.

In analysing the organisational structure of the Office of the Ombudsman, we have observed a number of issues which, although not necessarily linked to the appointment of the Commissioners for Administrative Investigations, could compound the effect of such issues. In the remaining part of this section we highlight these issues and propose recommendations in their regard.

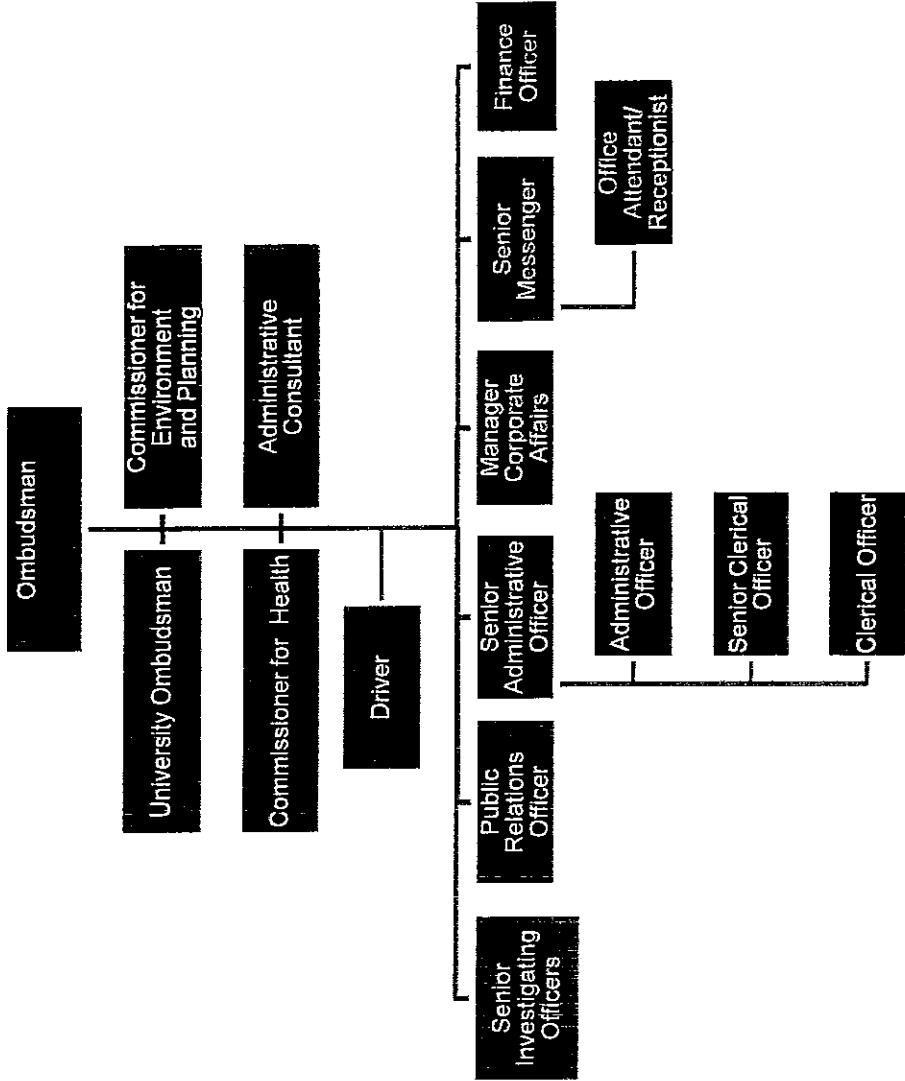
	2009	2010	2011	2012*	2013
Total cases received	646	628	630	676	780
Investigative team	5	5	5	7	7
Cases/investigative team member	129	126	126	97	111

* 2012 not annualised as the cases of the Commissioners are taken from the period August to December

Organisation structure is flat, with nearly all staff reporting directly to Ombudsman

Issue 1: Need for clearer lines of reporting

The figure opposite illustrates the effective organisation structure and reporting relationships which we have drawn up based on information gathered through the interviews we carried out. Although the formal structure states that all admin/support staff report to the Manager, Corporate Affairs, this is not resulting in practice. As a result the organisation structure is flat, with nearly all staff reporting directly to Ombudsman.



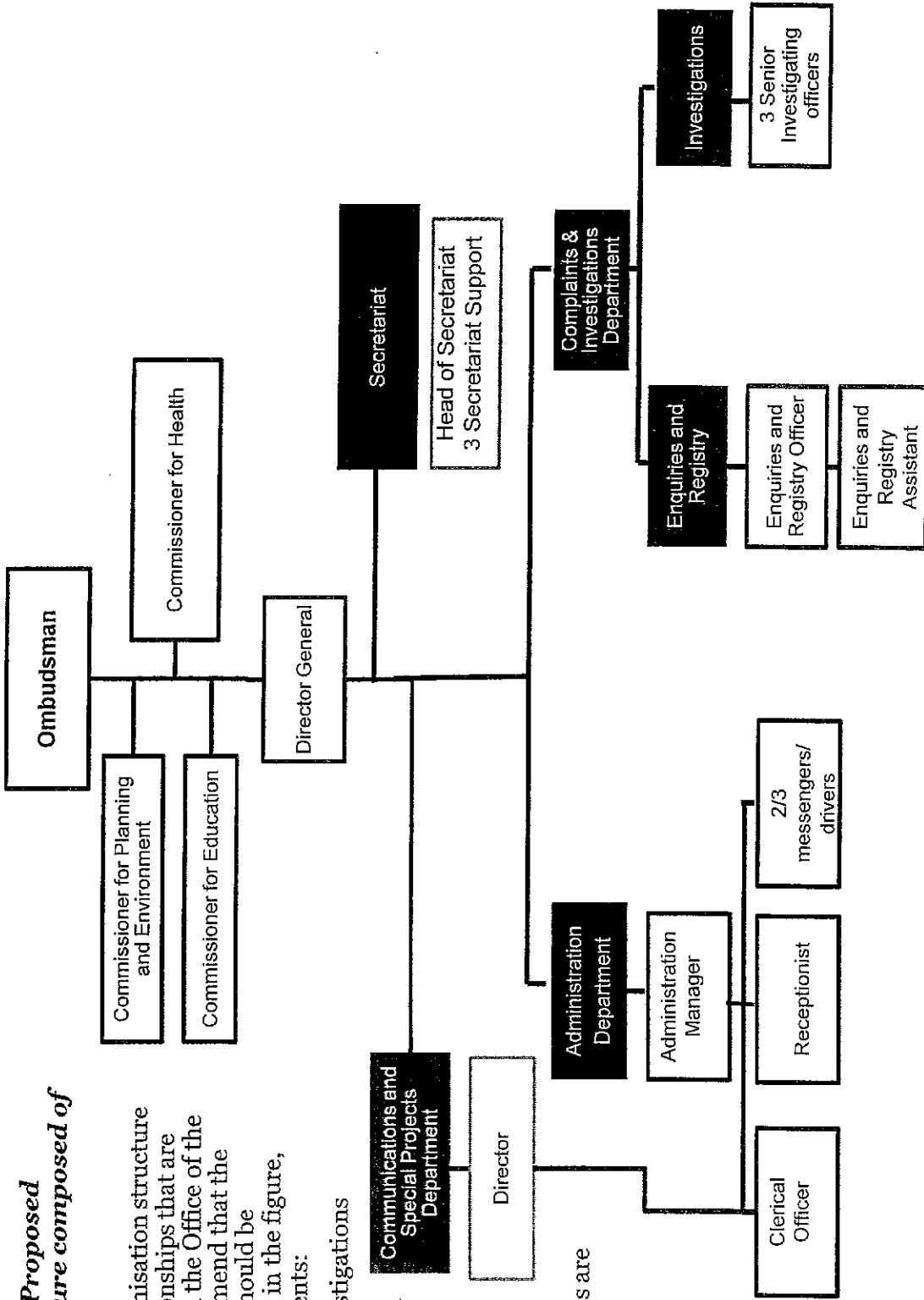
Proposed Organisation Structure

Recommendation 1: Proposed Organisation Structure composed of 4 departments

After analysing the organisation structure and the reporting relationships that are currently in place within the Office of the Ombudsman, we recommend that the organisation structure should be restructured as depicted in the figure, consisting of 4 departments:

- Complaints and Investigations
- Communications and Special Projects
- Administration
- Secretariat

The position descriptions are attached in Appendix 3.



Executive management needs to be strengthened

Issue 2: Need for stronger executive management

With the Ombudsman primarily focused on the outcome of investigations, and the Manager Corporate Affairs focused primarily on special projects and the preparation of publications, this has left a management void in terms of day-to-day management.

Working times are rather flexible and are not being properly monitored. Most of the staff members also manage their own work as no deadlines or targets are set. For example, when an investigating officer is handed over a case, no deadline is given. There seems to be no analysis of delays and measures taken to address such delays.

With the appointment of the Commissioners, day-to-day management has become more complex in so far as now the Senior Investigating Officers, as well as, the Secretariat staff, may receive instructions from up to five different staff members (Ombudsman, three Commissioners, and also in the case of the Secretariat staff from the Senior Administrative Officer). Executive management therefore needs to be strengthened both in terms of numbers and procedures adopted.

Recommendation 2: Appointment of Director General

In order to address the issue in relation to the strengthening of executive management, we are proposing the position of Director General (DG) to be introduced within the organisation structure.

It is our opinion that even more so as a result of the introduction of the Commissioners, the distribution of the work and its prioritisation needs to be managed by one person who has visibility of the overall workload and staff availability. This role will be fulfilled by the DG.

The DG will be responsible for the operational matters of the Office, including the distribution of the caseload, the maintenance of standards and the achievement of targets for the conclusion of cases. He will also be responsible for the overall direction of the Administration Department and the operational management of the Secretariat and Complaints and Investigations Department.

The Senior/ Investigating Officers will be responsible to the DG only in terms of the operations of investigations. They will be responsible to the Ombudsman and the Commissioners in relation to technical evaluation of cases. The DG will distribute cases to the investigative team, after consulting with the Ombudsman and the Commissioners, taking into consideration their individual workload in order to ensure that the most appropriate resource is assigned to the case and that the workload of the Office is equally divided amongst each of the officers. In addition, it is being recommended that the DG sets targets for cases being investigated, and that delays are analysed, and issues addressed.

The DG will be expected to have considerable experience in public administration, and would therefore also be able to fulfil the role of Administrative Consultant.

The split between the Ombudsman and the DG would be similar to that of a Minister and a Permanent Secretary in the public service, or the Chairman and the CEO in the case of an authority, state-owned or private enterprise. The Ombudsman, similarly to a Minister or Chairman will be responsible for the strategic direction of the Office and for the decisions on complaints, whereas the DG, similarly to a Permanent Secretary or CEO would be responsible for the executive management of the Office.

Human capital oversight needs to be institutionalised

Issue 3: Weak human capital oversight

There is no member of staff dealing with human resources oversight. The role is formally assigned to the Manager of Corporate Affairs, and falls within his job description. However in practice, the role of the Manager Corporate Affairs in this regard is limited to recruitment and payroll (which is delegated to the Finance Officer). Consequently there is no one responsible for co-ordinating the formal structure for training, assessment, and rewarding of employees on the basis of a performance management system.

There is also nobody within the organisation structure who the staff could formally go to in order to discuss issues related to their job such as their working conditions, their job satisfaction, career progression and other issues they may be facing in their work.

The adoption of formal policies and procedures in relation to discipline and rewards is very important, particularly in the case of an Ombudsman's Office which should model the kind of administrative practices and behaviours it demands of other entities it investigates.

Recommendation 3: Appoint an Administration Manager and extend scope to include oversight of human capital

Within the organisation structure we propose to appoint an Administration Manager. Amongst other responsibilities such as the finance function, maintenance and upkeep of the assets of the Office, the Administration Manager would be responsible for human capital. He would be responsible for developing/updating human resource policies and in co-ordinating their implementation. In particular he would be responsible for co-ordinating the performance management system including setting the criteria against which the different positions within the organisation are to be assessed, the gathering of feedback on performance, the provision of feedback to staff members on their performance, and the preparation of development plans setting the goals for staff members for the following period. The development plans should link into the training plan, which would also be prepared by the Administration Manager, in consultation with the Ombudsman, Commissioners and DG.

A greater focus on communications requires a staff member primarily focussed on this function

Issue 4: A greater focus is required on communications

The work in relation to communications is mainly limited to the preparation and distribution of brochures, the Annual Report and Case Notes that are currently the responsibility of the Manager Corporate Affairs assisted by the Public Relations Officer. In addition, communications also includes the updating of the Office's website. The PRO assists in formatting of the publications, maintaining the lists of organisations in Malta and oversees to which publications are distributed and prepares the documents for distribution once they are printed.

As will be highlighted in Section 5 of this report, it is our opinion that the Office of the Ombudsman should enhance its communications with the public, as well as internally within the organisation. In addition, the Office should also have structures in place for collecting and analysing feedback from its clients and the public sector institutions against which complaints are made.

Recommendation 4: The appointment of a Director Communications and Special Projects

With the increased communications function, we are of the opinion that there should formally be a member of staff focussed on communications. This role will be fulfilled through the appointment of a Director Communications and Special Projects.

The work that the Manager Corporate Affairs carries out in relation to the preparation of publications as well as the research carried out in relation to special projects will be carried out by this Director. In addition, as will be highlighted later on in Section 5, this Director will be responsible for the development and implementation of a communications strategy, which incorporates the preparation and distribution of promotional material, media relations as well as outreach activities within the community covering the areas of the Ombudsman and the Commissioners and the co-ordination of a strategy for obtaining feedback from the clients of the Office on the services provided by the Office.

In the short-term, the Director Communications and Special Projects will be assisted by the clerical officer forming part of the Administration Department. A full-time assistant for the Director may be required at a later stage, once the communications activities of the Office are increased substantially. Alternatively, certain functions such as the design of publications could be outsourced.

The Complaints and Investigations Department will provide assistance to the Ombudsman, University Ombudsman and the Commissioners

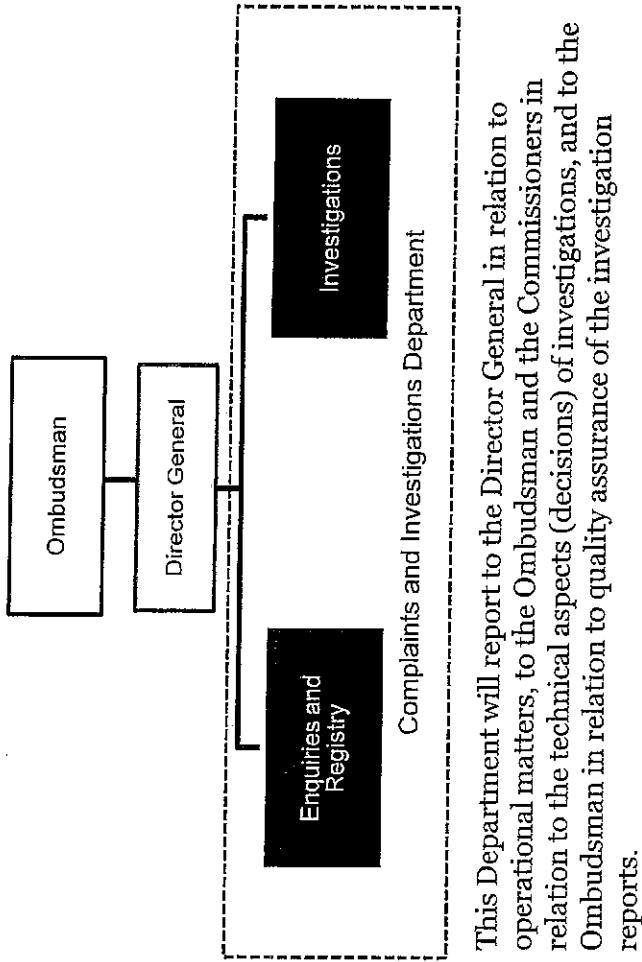
Recommendation 5: Setting up of Complaints and Investigations Department consisting of an Enquiries and Registry Unit and Investigations Unit

The Complaints and Investigations Unit will provide assistance to the Ombudsman, University Ombudsman and the Commissioners in carrying out their duties in relation to enquiries by citizens, case assessment, early resolution, advice and investigations.

The Department is to be composed of 2 units: Enquiries and Registry; and Investigations.

The *Enquiries and Registry Unit* will initially be composed of an Enquiries and Registry Officer and an Enquiries and Registry Assistant. This Unit will be responsible for enquiries through phone calls and walk-ins at the Office. It will also deal with correspondence received related to investigations, and act as the complaints registry. This Unit will also assist the Ombudsman in opening new case files.

The *Investigations Unit* will be composed of the Senior/Investigating officers. This Unit will assist the Ombudsman and Commissioners in carrying out investigations. In the short term it is proposed that this team will be composed of the current complement of three Senior Investigating Officers. The investigation team may need to be increased in the future should the number of cases increase substantially.



The functions of the Administration Manager will cover finance, human resources management, management of minor staff, IT and maintenance of building and equipment

Recommendation 6: Setting up of an Administration Department responsible for finance, human capital and facilities management

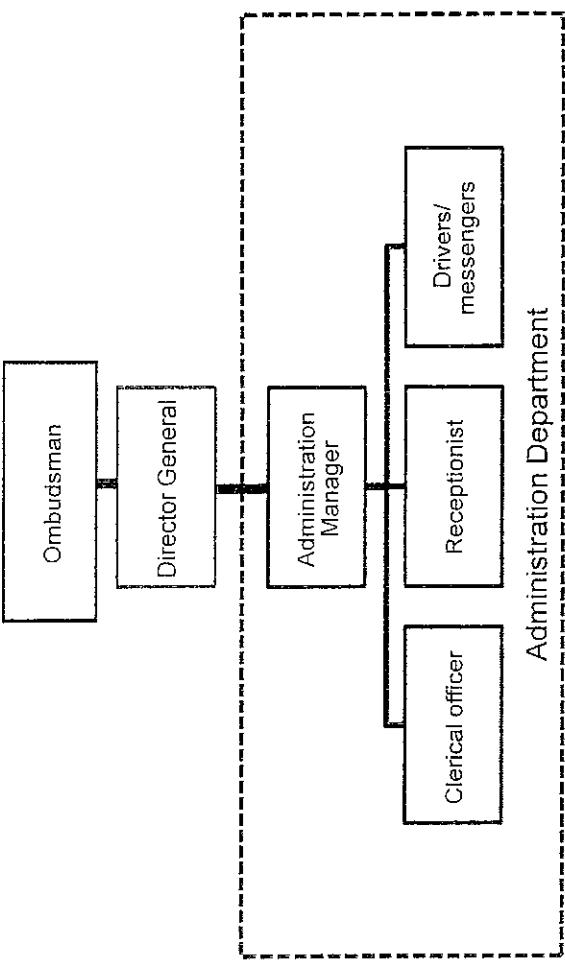
Within the proposed organisation structure, the Administration Department is headed by the Administration Manager. His functions will cover finance, human resources management, management of minor staff, IT and maintenance of building and equipment.

We recommend that he will be supported by clerical officer, a receptionist, and the drivers/messengers.

The clerical officer will assist the administration manager in record keeping, inputting of information, correspondence, and any other duties as may be assigned by the Administration Manager.

The receptionist will attend to the reception on a full-time basis. She will also act as the telephone operator for the Office , also assisting staff members in their calls outside the Office. The clerical officer is to replace the receptionist when the latter is not available.

On the assumption that the current driver is to retain his function as being solely the driver of the Ombudsman, then a second driver is to be employed to provide transportation to the Commissioners. The driver will also carry out messengerial duties.



Secretariat staff receiving instructions from different staff members

Issue 6: Secretariat staff receiving instructions from different staff members

Apart from the duties they perform in the processes relating to the complaints handling procedure, the secretarial staff each act as personal assistants, with one assigned to the Ombudsman and the Administrative Consultant, another to the University Ombudsman, another to the Commissioner of Health, and another to the Commissioner of the Environment and Planning. In this regard they receive instructions from the respective person they are assigned to assist. As personal assistants, the secretariat staff are responsible for keeping diaries, taking calls, preparing draft letters, and typing out and formatting letters and reports.

In some cases the duties related to the role as PAs of the secretarial support staff may conflict with other duties they are assigned to carry out by the Senior Administration Officer such as scanning, filing, sending acknowledgements or typing. Therefore following the introduction of the Commissioners, establishing deadlines and prioritising between the tasks they are assigned has become essential. The IT aptitude of some members of staff increases the administrative burden. One such example of this is the requirement of reports and office notes that are hand written or dictated to be typed out by the secretarial staff. The extent of their work to be carried out is therefore highly dependent on the requirements of the Ombudsman, the Commissioners and the DG.

Recommendation 7: Secretariat staff to focus more on their role as personal assistants

With the setting up of the Registry within the Complaints and Investigations Department which will be responsible for inputting case information onto the CMS, the functions of personal assistants with the other functions currently carried out by the administrative support staff will be split, and the secretarial support staff would be able to focus more on their personal assistant functions.

The Secretariat will be led by the Head Secretariat, who will report to the Director General. She will be responsible for managing the workload of the members of the Secretariat and liaising with the Ombudsman and Commissioners in cases of conflicting priorities.

Quality assurance is essential to ensure that all reports issued by the Ombudsman's Office are consistent in style and free of typing or grammatical errors. We are therefore of the opinion that this function should be carried out by Head of the Secretariat. The reporting standards to be adopted will be set by the Ombudsman. As urgent reports may need to be issued, it is important that more than one officer will be flexible and available to carry out this function. Therefore, in the days when the officer is not available, she will be replaced by the Assistant Head of Secretariat.

As the Head of the Secretariat is to be focussed on reviewing the quality of reports issued by the Office, the role of personal assistants is to be distributed as equitably as possible amongst the other three members of the Secretariat.

Staff to be re-allocated as per the proposed organisation structure and vacancies filled

Recommendation 8: Staff to be re-allocated and vacancies filled as per the proposed organisation structure

As indicated in the organisation structure overleaf, we have allocated the current staff complement of the Office of the Ombudsman to the proposed organisation structure.

As indicated earlier, the role currently fulfilled by of the Administrative Consultant in terms of providing advice on administrative matters would eventually be absorbed by the functions of the Director General once this position is in place.

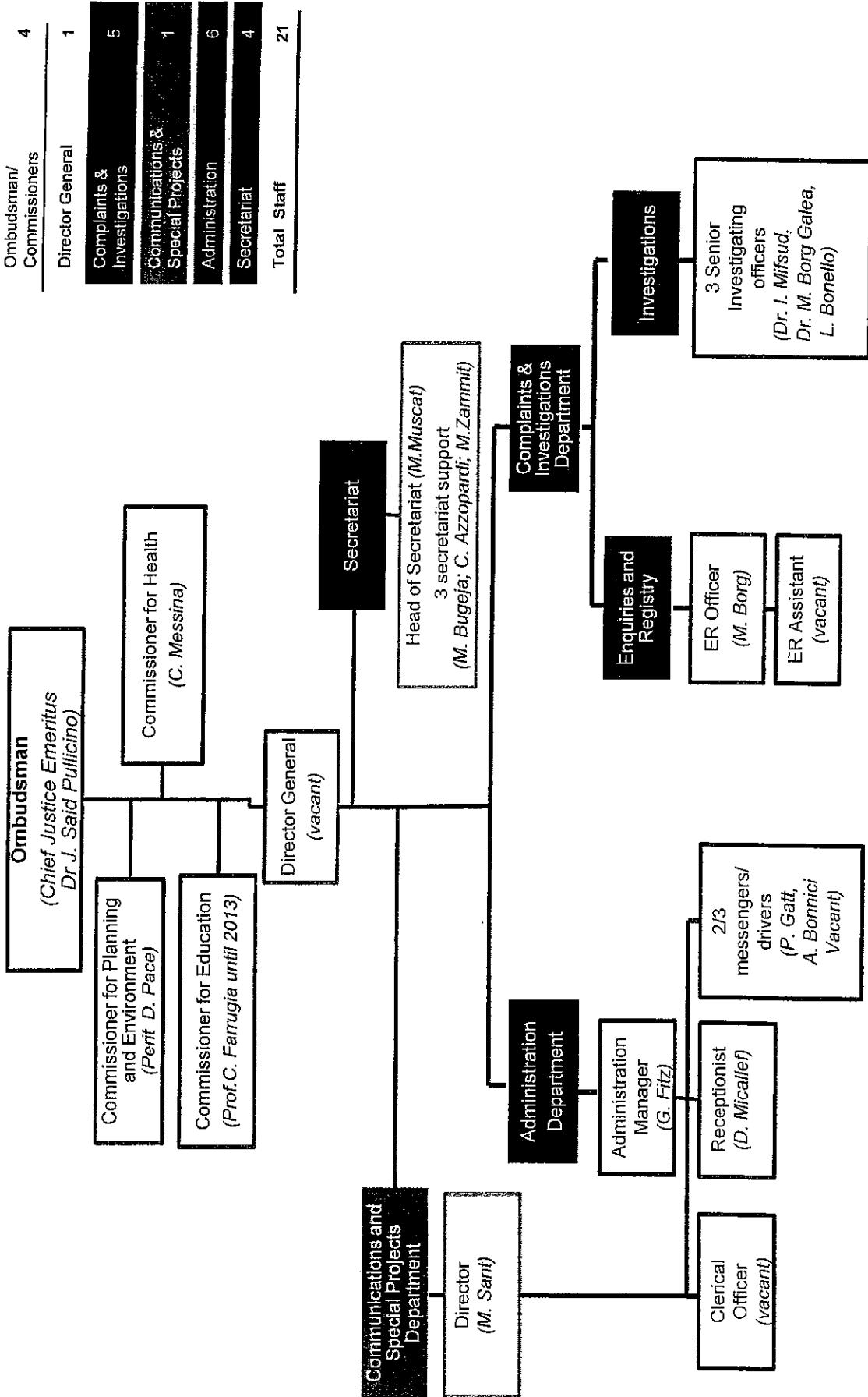
This resource allocation is based on the assumption that the enquiries and caseload of the Office will not increase substantially than what was projected earlier in this report. If this will not be the case the resourcing requirements may need to be increased, particularly across the Complaints and Investigations Department.

It is important that within a relatively small structure such as within the Office of the Ombudsman, staff are flexible, and that arrangements are in place for staff to replace each other in cases of increased workload in one area, or when staff members, particularly where one staff member is in place for a position, are not available. It will be the responsibility of the Director General to ensure that staff is available for replacement when the need arises.

The vacant positions include the Director General, clerical officer within the Administration Department, the clerical officer within the Enquiries and Registry Unit and messenger / driver.

Vacant Position	Department	Status
Director General	N/A	to be recruited
Enquiries and Registry Assistant	Enquiries and Registry Unit	recruitment process underway
Clerical Officer	Administration Department	recruitment process underway
Driver / Messenger	Administration Department	recruitment process underway

Proposed Resource Allocation



More streamlined grading structure needed

Issue 7: Inconsistent salaries for staff doing essentially the same work

Grades and salaries are pegged to those of the public service – however the scale given to certain positions is higher than that of the public service. This practice is to ensure that the staff members enjoy advantages when compared with the corresponding grades of the Public Service, especially due to the fact that being a small Office, the chances of career progression are limited or nonexistent. The organisation structure is therefore characterised by different grades and salary scales which are relevant in the public service where possibilities of transfers between departments necessitates consistent and detailed grades and salary scales, but which however, may lead to a complicated structure in the case of a small workforce such as that of the Office of the Ombudsman.

There are big gaps in salary scales between staff members, particularly in the administrative support team, essentially carrying out the same type of work, where the salary ranges from €12,000 to €22,000, with long time frames to reach next grade (e.g. 15 years). As outlined in the profiles provided for the administrative support staff, with the exception of the senior administrative officer who co-ordinates the work of the secretarial staff, the other three secretarial staff members, essentially carry out the same work. The three of them act as a personal assistant to the Commissioners/ University Ombudsman and they then split up other functions amongst themselves illustrated in the table opposite:

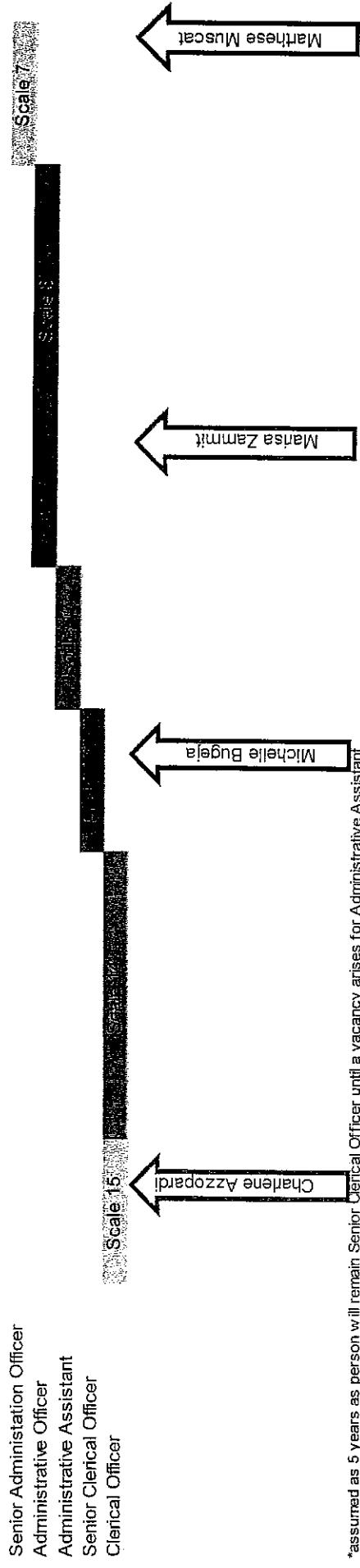
Position	Senior Administrative Officer	Administration Officer	Senior Clerical Officer	Clerical Officer
Salary Scale	7	9	13	15
Salary	22,515	19,543	14,259	12,571
Year joined	1995	2003	2006	2009
Age	41	26	25	22
Co-ordination of secretarial support	✓			
Personal Assistant	To Ombudsman and Dr. Vassallo	To University Ombudsman	To Commissioner for Health	To Commissioner for Environment and Planning
Input into CMS	✓			
Scanning		✓		
Filing			✓	
Acknowledgements				✓
Typing		✓	✓	✓
Reviewing drafts	Maltese and English	Maltese and English	English	English
Replacing PRO		✓	✓ (when Marisa is not available)	

It will take an incumbent clerical officer 40 years to reach the highest position within the administrative support team

As can be seen from the figure below based on the official timescales to progress from one grade and salary scale to another, it will take an incumbent Clerical Officer a total of 40 years to reach the highest position within the administrative support team: progression to Senior Clerical Officer after 15 years, promotion to Administrative Assistant if a vacancy arises (assumed at 5 years), progress to Administrative Officer after another 5 years and progression to Senior Administration Officer after another 14 years. These timeframes are too lengthy and are likely to demotivate the secretarial support staff carrying out similar functions but being at different grades.

This progression structure may however be shortened on decision of the Ombudsman. For example Michelle Bugeja joined the Office in 2006 as Clerical Officer at Salary Scale 16 and after the 2007 re-grading exercise, progressed to Salary Scale 15 in line with the recommendations of the exercise. According to this progression structure she should be a Clerical Officer at Salary Scale 14. However in 2009, 3 years after she joined the Office she was promoted to Senior Clerical Officer at Scale 13.

We therefore recommend that job positions should not be necessarily pegged to timescales of the a public service salary scales, particularly when the type of work carried out is the same. Years of experience could still be reflected in the salary, however the job position would be the same.



Proposed grading structure composed of 8 grades

Recommendation 9: Introduction of a more streamlined grading structure

We are proposing a streamlined grading structure composed of 8 grades against which different positions are pegged. Each of these grades is to have a salary range equivalent to the current public service salary scales as outlined in the table below. As a guideline we propose that progression from one grade to the next should be between 3 to 5 years, with staff moving from one grade to the other on the basis of merit based on criteria set within the performance management framework.

Grade	Salary Scale	Salary band	Investigative stream	Administration/Secretariat
Director General	2-3	€32,434 - €35,459		Director General
Director	4	€29,405		Director Communications and Special Projects
Senior Manager	5	€22,114 - €25,958	Senior Investigating Officer	
Manager	7-6	€19,328 - €24,232	Investigating Officer Enquiries and Registry Officer	Administration Manager Head of Secretariat
Supervisor	9-7	€16,994 - €22,515	Junior Investigating Officer	Assistant Head of Secretariat
Associate	13-9	€13,253 - €19,678		Senior Clerical Officer
Junior Associate	15-14	€13,465 - €14,337	Enquiries and Registry Assistant	Clerical Officer
Support Staff Level 2	14-13	€12,436 - €15,266		Senior Messenger Receptionist
Support Staff Level 1	17-15	€10,407 - €13,465		Messenger/Driver

Current staff placed within the new grading structure

The table below illustrates how the current staff members would be aligned within the new grading structure, together with their current salary (in brackets). The proposed structure therefore allows for flexibility in relation to increasing salaries within the same salary band and promoting staff members who will be exceeding the expectations of the performance criteria of their grade.

Grade	Salary Scale	Salary band	Investigative stream	Administration/Secretariat
Director General	2-3	€32,434 - €35,459		
Director	4	€29,405		Manager Corporate Affairs (€29,405)
Senior Manager	5	€22,114 - €25,958	Dr. Ivan Mifsud, Dr. Monica Borg Galea, Lucy Bonello (€25,958)	
Manager	7-6	€19,328 - €24,232	Maria Borg (€21,984)	Finance Officer (€22,515) Senior Administrative Officer (€22,515)
Supervisor	9-7	€16,994 - €22,515		Administrative Officer (€18,783)
Associate	13-9	€13,253 - €19,678		Senior Clerical Officer (€14,259) Clerical Officer (€12,571)
Junior Associate	15-14	€13,465 - €14,337		
Support Staff Level 2	14-13	€12,436 - €15,266		Senior Messenger (€14,020) Office Attendant / Cleaner (€10,374)
Support Staff Level 1	17-15	€10,407 - €13,465		Driver (€13,465)

8 staff members of the Ombudsman's Office are above the age of 61

Issue 8: Staff members above retirement age

As can be seen from the table on page 29, 8 staff members of the Ombudsman's Office are above the age of 61, bringing the average age to 52. Whereas in the case of the Ombudsman and the Commissioners, their term is fixed for five years with a possible extension of the further five years, the other staff above retirement age are on an indefinite contract.

These staff members cover various functions within the Office including administration, investigations as well as messengerial duties. Although the experience of these employees adds value to the Office, they may be limiting possibilities for other employees within this relatively small office to progress.

Legal Notice 4/61 of 2004 - Equal Treatment in Employment Regulations which transposes the relevant provisions of Council Directives 76/207/EEC, 2000/78/EC, 2000/43/EC, 2002/73/EC and 2006/54/EC applies to all persons as regards both the public and private sectors and including service with the Government in accordance with the Extension of Applicability to Service with Government (Equal Treatment in Employment) Regulations.

Article 5. (1) provides for a difference of treatment on the ground of age in so far as it shall not constitute discriminatory treatment if -

- a) such differences are objectively and reasonably justified by a legitimate aim, including a legitimate employment policy, labour market and vocational training objectives; and

b) if the means of achieving that aim are appropriate and necessary.

The Social Security Act (Cap. 318) provides that the "pension age" applicable to both men and women in Malta is 65; subject to the following transitional provisions: pension age for persons born before 1950, 60; for persons born on or before 31 December 1951 is 61; for those born between 1952 and 1955, 62; for those born between 1956 and 1958, 63; and for persons born between 1959 and 1961, 64.

Notwithstanding the above retirement ages, the employer and the employee may reach an agreement that the employment will continue beyond the legal retirement age.

Recommendation 10: New employment contract to be given once retirement age is reached which is reviewed on a periodic basis

Therefore in the case of the employees of the Ombudsman's Office, there seems to be a justification for introducing a policy whereby following the statutory retirement age, the working arrangement to continue to remain in employment is reviewed on a periodic basis.

The employment contracts for employees should therefore be adjusted to reflect this provision whereby once an employee reaches retirement age, a separate contract is entered into, which will be reviewed on for example an annual basis.

Section 5

Optimisation of Business Processes

Section 5.1

Current Business Processes

The core of the operations are the investigations and resolution of complaints made by citizens on issues of public sector maladministration

The core of the operations of the Office of the Ombudsman are the investigations and resolution of complaints made by citizens on issues of public sector maladministration. Other operations which support the core operations include secretarial support and administrative support such as finance, cleaning, messengerial and transportation.

Each operational unit within the organisation functions through a set of processes. Some of the processes, particularly in relation to part of the investigation process is established in articles 18 to 25 of the Ombudsman Act (Cap.385).

This section identifies the key processes adopted by the Office of the Ombudsman, discusses issues in relation to these processes, as well as, other operational matters, and provides our recommendations in this regard.

As indicated in the brief we were provided for this assignment, the processes and work practices adopted by staff have been substantially the same since the inception of the Office in 2005. Although the tools used, primarily the case management system has been upgraded throughout the years, the other processes have generally remained the same.

- | | |
|---|---|
| The key processes undertaken in the operations of the Office relate to: | <ul style="list-style-type: none">• Enquiries received either by phone, email or walk-ins to the Office;• Receipt of complaints;• Investigations. |
|---|---|

The flowcharts overleaf outline the key processes and the issues we have identified in their regard.

All enquiries, whether through a phone call, email or walk-in are inputted into the case management system

Enquiries by citizens on the services offered by the Office and their rights are received either by phone, email or through walk-ins at the Office. The Public Relations Officer, assesses the admissibility of enquiries, processes requests for information and insofar as possible refers the complainants whose complaints are not intended for the Ombudsman to the right authority.

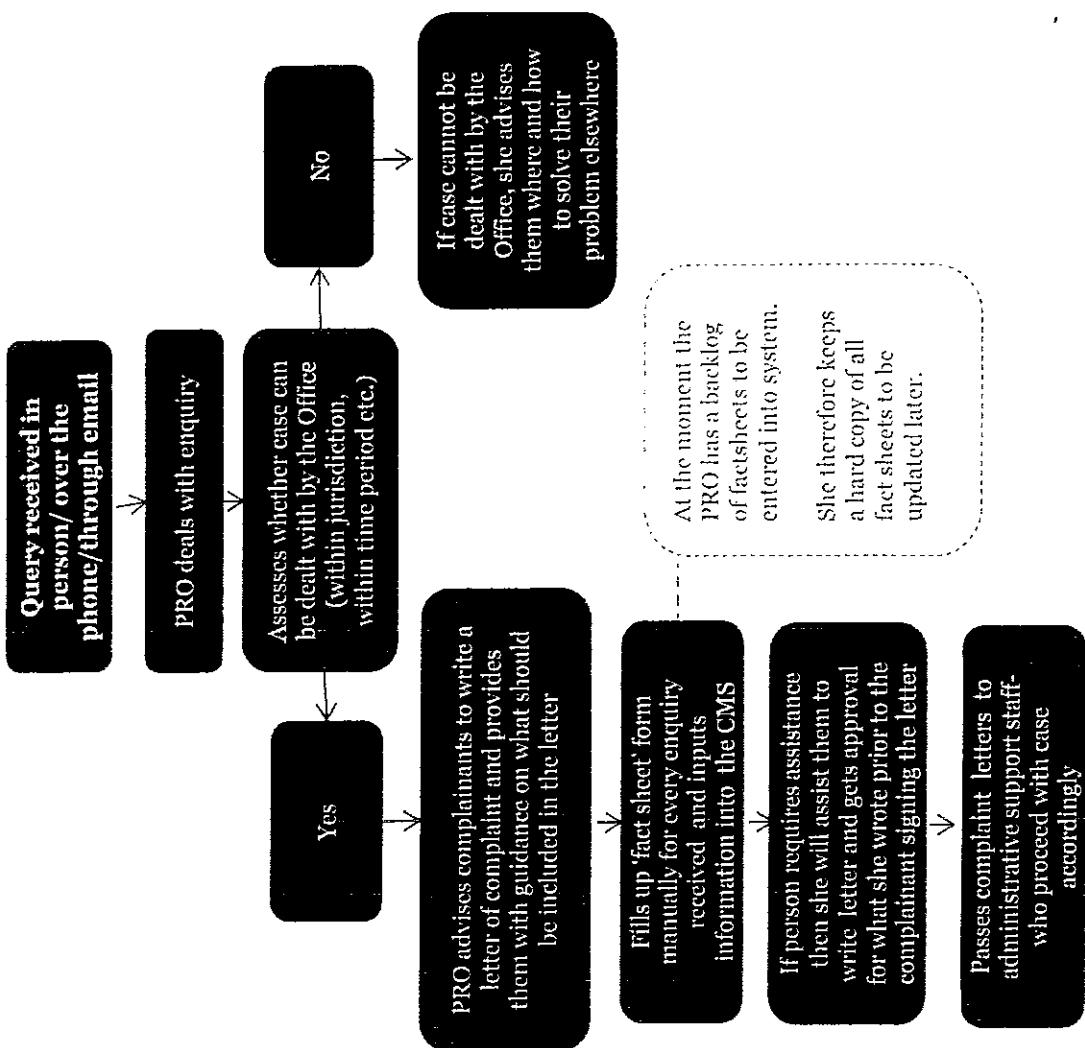
Complainants are received daily at the Office of the Ombudsman from 8:30am to 12:30pm. In addition, calls with enquiries are also channelled to the PRO.

All enquiries, whether through a phone call, email or walk-in are recorded on a fact sheet and then inputted into the case management system.

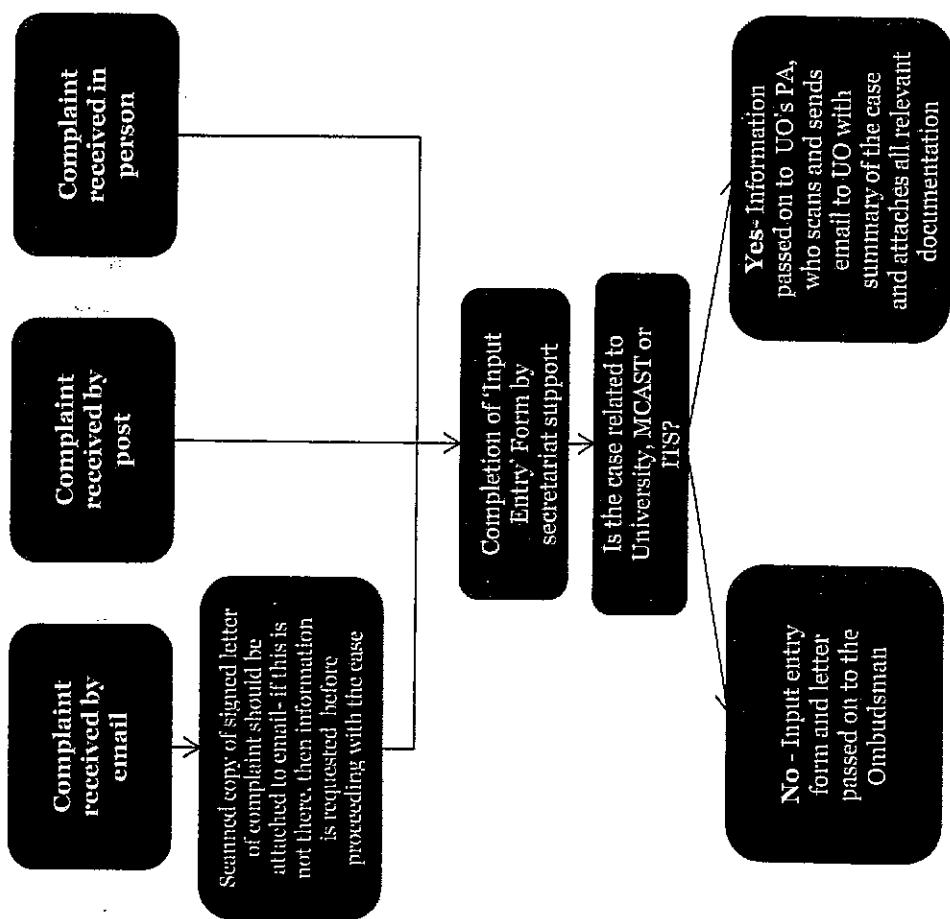
The PRO initiates the process for a case from an enquiry if it can be taken up by the Office. This involves ensuring that complainant has a signed letter of complaint, which is then passed on to the secretarial team. In cases where the complainant requires assistance in preparing the complaint letter, the PRO assists in writing the letter and presenting the information required.

The process for each case passed on by the PRO then follows the same method used for other complaints received by the Office.

The enquiries process seems to be functioning properly with the exception of a backlog of fact sheets which have not been inputted into the CMS. In this regard we recommend that the information is inputted directly in to the CMS rather than first onto the fact sheet.



Secretarial staff complete an Input Entry Form, and pass it together with the complaint letter to the Ombudsman, or to the University Ombudsman



- When a complaint is received by the Office the secretarial staff complete an Input Entry Form and pass this on together with the letter of complaint to the Ombudsman, or to the University Ombudsman's Personal Assistant for the complaint to be addressed accordingly.
- The secretarial support staff complete the following fields of the form in hand writing:
- Case number
 - Date complaint is received
 - Organisation and Grounds for Complaint
 - Case priority: 1) routine 2) high 3) urgent
 - Complaint type: 1) commercial body, 2) individual, 3) trade union, 4) MP, 5) media, 6) researcher, 7) special interest group ,8) other, 9) Ombudsman's initiative.

The Ombudsman decides who to assign the case to according to the area and topic it covers

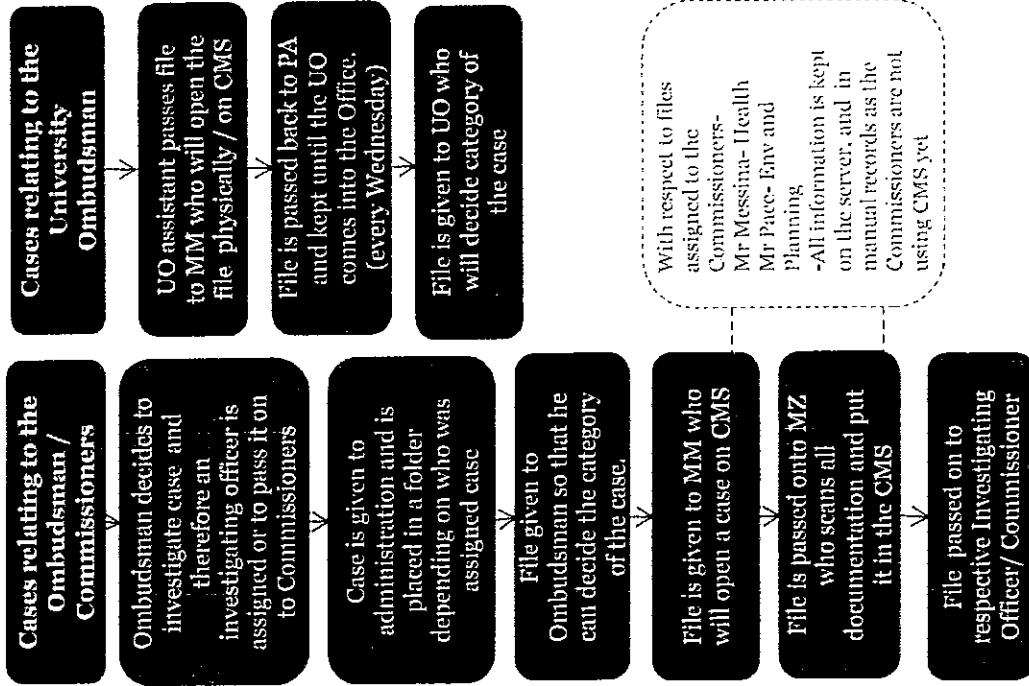
When a case is passed on to the Ombudsman he decides who to assign the case to according to the area and topic it covers, i.e. retains it and therefore assigns it to an investigating officer, or passes it on to one of the Commissioners. He fills in the appropriate field on the Input Entry Form to this end. He also reviews the “grounds for complaint” as indicated in the form by the secretarial support staff.

The documentation is then returned to the secretarial support staff who place the documentation of each case into a separate cardboard folder depending on designated colour of who it was assigned to. This folder is once again given back to the Ombudsman and the category of each case identified.

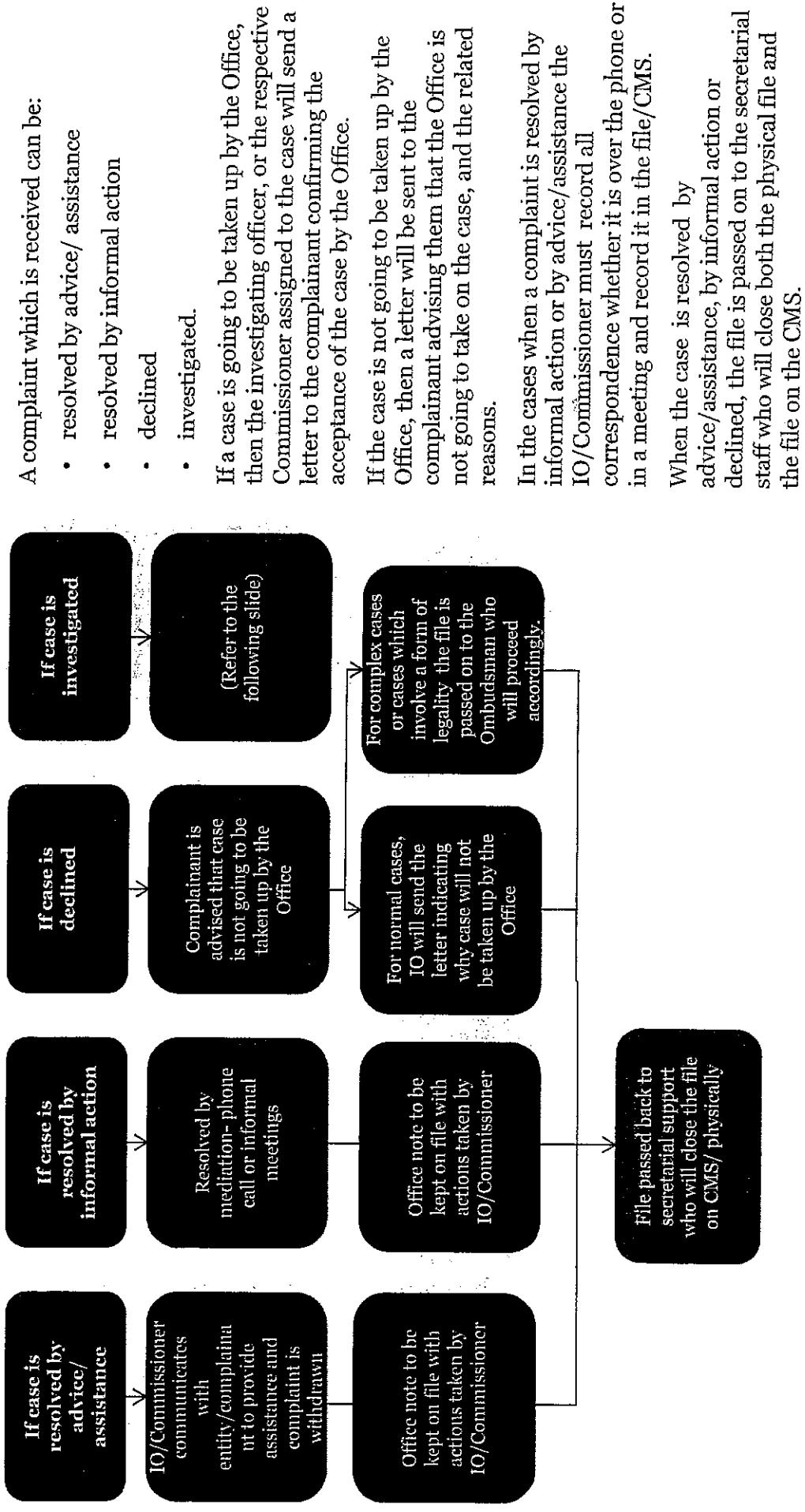
Files are returned to the secretarial support staff who open a file for the case on the CMS. This involves the scanning, filing and inputting of data. Once the file is opened, then it is delegated to the IO or Commissioners accordingly. With respect to cases relating to the Commissioners, the information is not stored on the CMS but on the server, since their CMS is not yet available.

Issue 9: Administrative processing of new cases is quite lengthy

Administrative processing of new cases is quite lengthy e.g. case is reviewed 3 times before passing to Commissioner/investigating officer – 1. for administration to complete information on input entry form (case title, type of institution against whom case is opened, urgency); 2. for Ombudsman to check info on input entry form and assign to Commissioner/IO 3. for Ombudsman to identify type of case. In addition, the information is handwritten on input entry form, inputted on the case management system, and handwritten again on the cardboard case file cover. Although with the average number of cases received daily being 2 as at 2011, with the expected increase in cases load following the appointment of the Commissioners, more efficient procedures are required.



A complaint which is received can be: resolved by advice/ assistance, resolved by informal action, declined or investigated



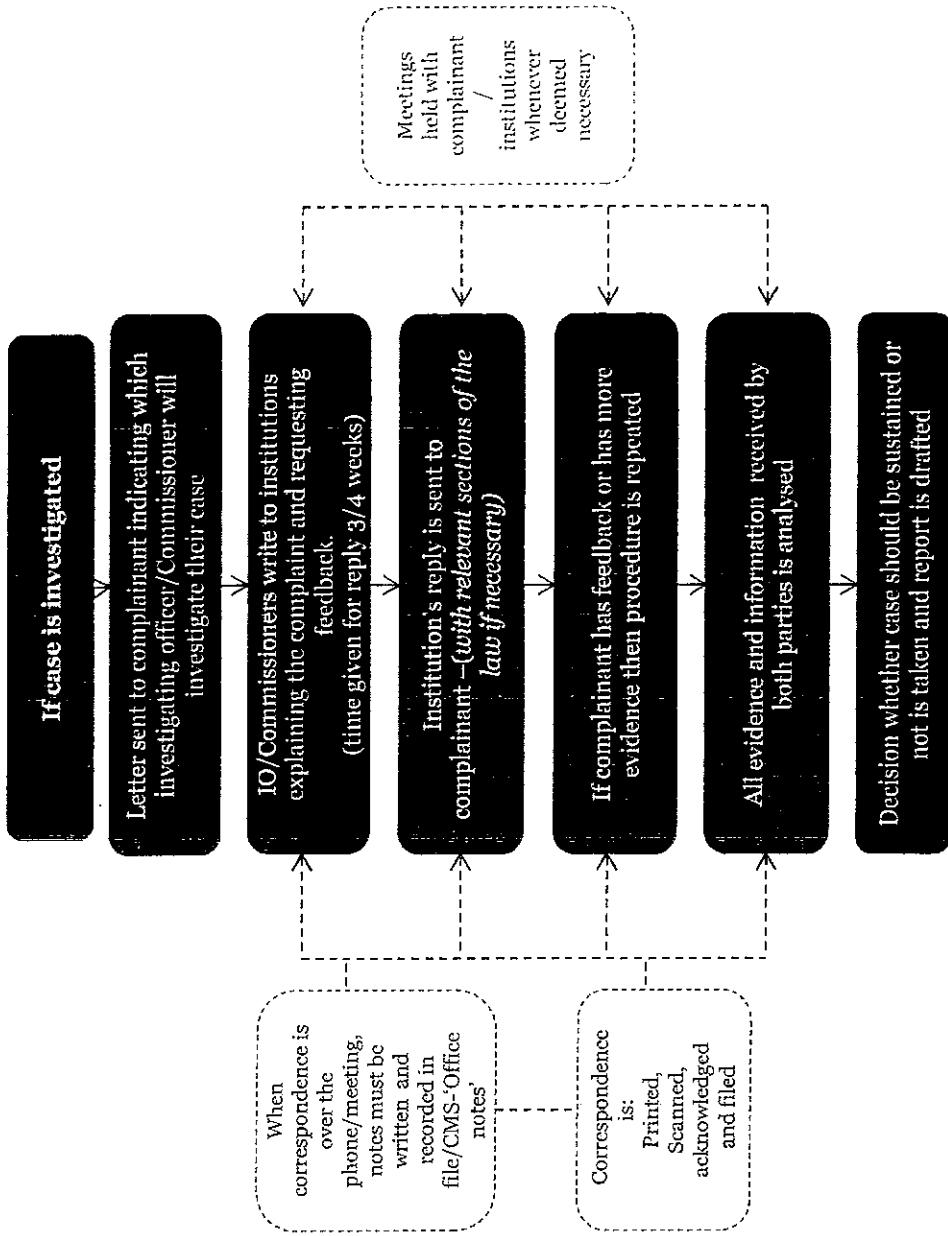
Once all necessary evidence and information is received from both parties, information is analysed and report with decision is prepared

The investigation process is initiated when the IO or Commissioners, inform the complainant that their case will be investigated by the Office. The institution against which the complaint is made is informed about the merits of the case and feedback or explanations are requested. In some cases, the institution is given a deadline of three to four weeks to respond. In some cases, no deadline is given, but if a reply is not received within three to four weeks a reminder is sent.

Once received, the reply is then sent to the complainant for further feedback. If feedback is received from complainant that adds further information to the case, this is normally sent back to the related institution for feedback.

Once all the necessary evidence and information is received from both parties, the IO or Commissioners analyse the information and present their recommendation on whether the case should be sustained or not in their draft report. Meetings with both the complainant and institutions involved are held whenever deemed necessary.

All correspondence received in this process is printed, scanned, acknowledged and filed accordingly in the physical file and in the CMS.



Once the report/letter containing the decision is finalised, it is sent to the complainant and institution against which the complaint was lodged

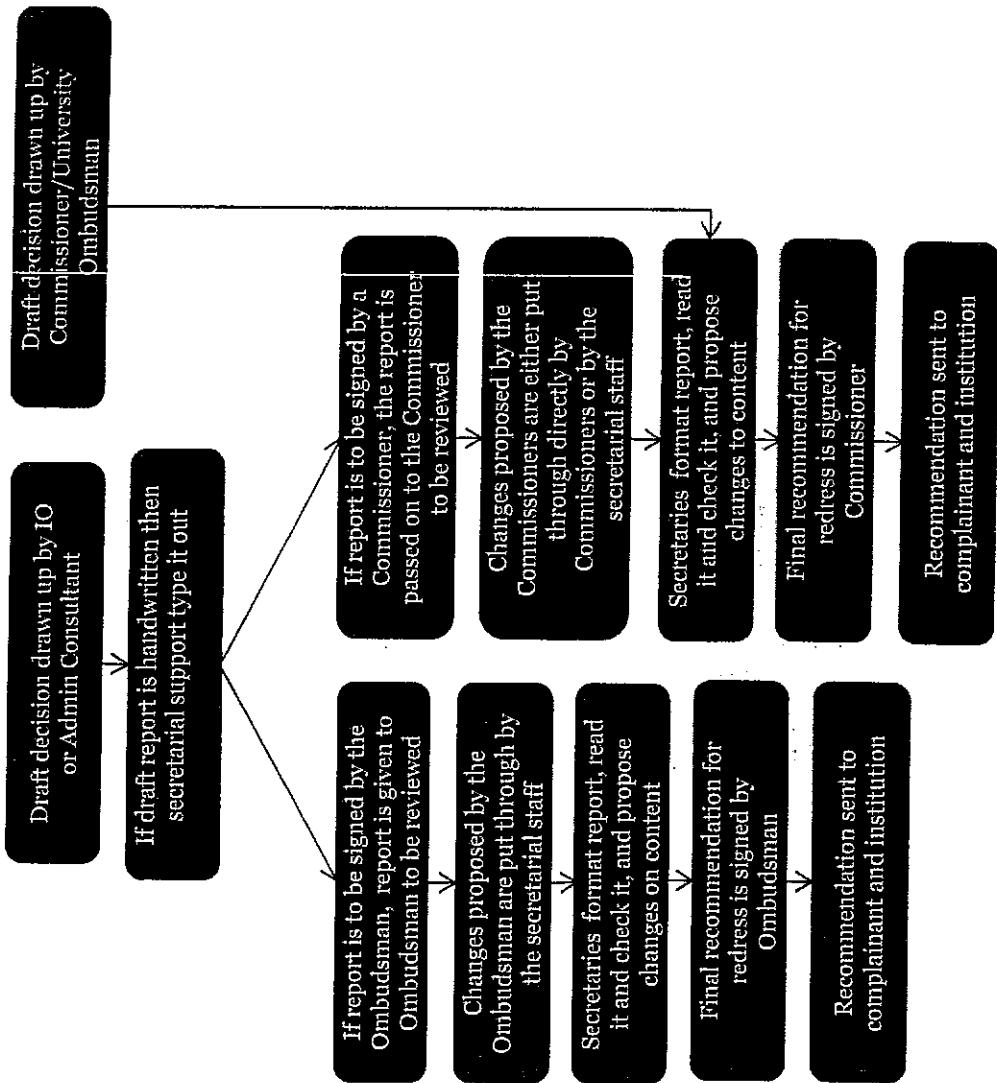
When an investigation officer or the Administrative Consultant prepares a report/letter containing the decision of an investigation and the rationale behind it, this is passed on to the Ombudsman/Commissioners for review.

When reports are handwritten, the administrative staff type and format these reports.

The changes proposed by the Ombudsman are recorded and typed out by the secretarial support staff. The Commissioners have so far not passed on any reports to Senior Investigating Officers which have been finalised. The same process is however expected to be adopted, whereby following the review of the Commissioners, the proposed changes are either put through by the Commissioners or passed on to the secretarial support staff for typing.

The secretarial support staff review all reports in order to check the grammar and spelling, to ensure that the content style is consistent with standards and that references particularly to legislation are correct.

Once the report/letter containing the decision is signed by the Ombudsman, University Ombudsman or Commissioners, it is sent to the complainant and institution against which the complaint would was lodged.



Section 5.2

Proposed Process Improvements

Enquiries and Registry Unit should act as the registry for all complaints received by the Office

Recommendation 11: Process for opening case files and inputting information in the CMS to be made more efficient

Within the proposed organisation structure, we are recommending that the Enquiries and Registry Unit is responsible for all correspondence in relation to complaints.

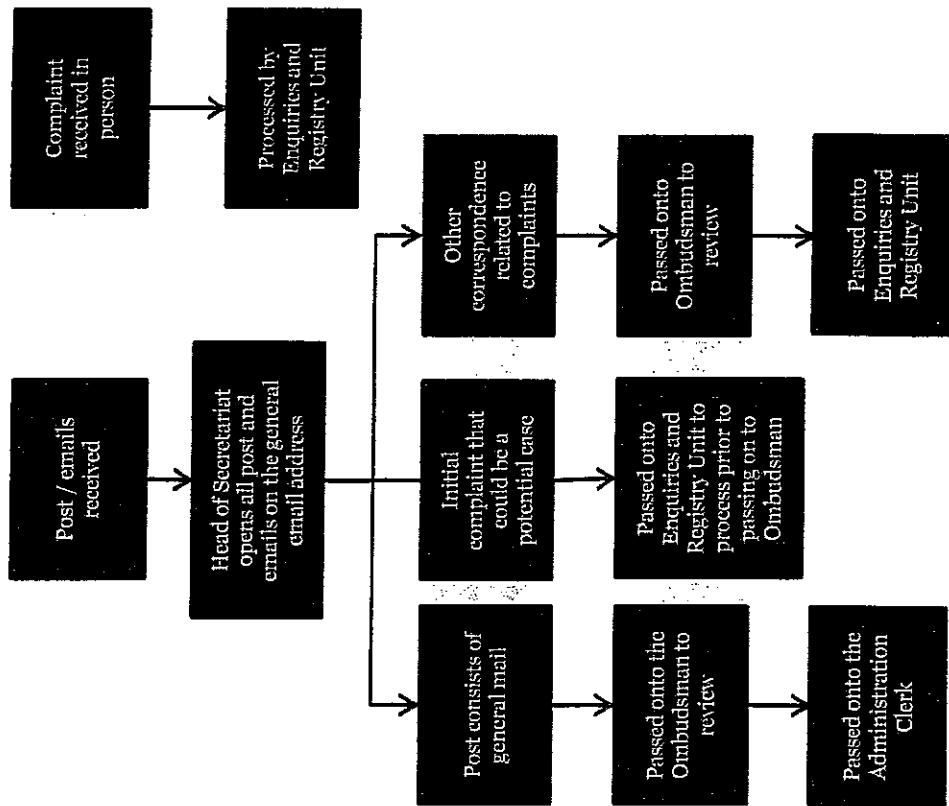
The Head of the Secretariat will be responsible for opening the post every morning and assigning it accordingly. All correspondence relating to new cases will be passed on to the Enquiries and Registry Unit. Any other correspondence is passed on to the Ombudsman to review. Correspondence related to cases will then be passed on the Registry to scan, input into CMS, and arrange for filing.

The Head of the Secretariat is also responsible to check all the emails received on the general email address. Initial complaints received, are to be passed on to the Enquiries and Registry Unit. Any other emails such as general correspondence are to be assigned accordingly.

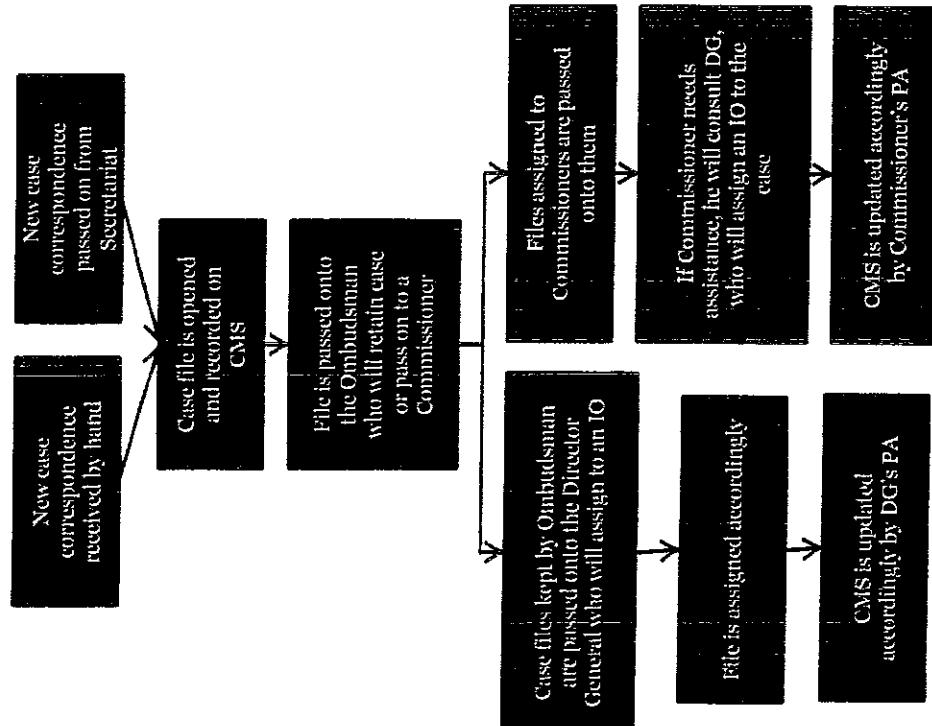
In this way, the Enquiries and Registry Unit will act as the first point of contact for all complaints received by the Office, making the process consistent and more efficient.

We therefore recommend that where possible the processes are streamlined and combined so that firstly the correspondence is only read once prior to the information being inputted into the CMS.

In addition, the information should be entered straight away into the CMS, rather than first handwritten then inputted into the CMS. If one CMS had to be used then the numbering could be consecutive and an additional letter added at the end once the case has been assigned to the Ombudsman or one of the Commissioners.



Cases are to be assigned to the Investigating Officers by the Director General in consultation with the Ombudsman and Commissioners



Once a new case is received by email, post or by hand, the Enquiries and Registry Unit will open a case file on the CMS and pass on the file to the Ombudsman. He will then assign it to himself or to any of the respective Commissioners.

Recommendation 12: Cases to be assigned to Senior/Investigating Officers by the DG in consultation with the Ombudsman and Commissioners

When the case is assigned, the file is passed to the DG who will assign an Investigating Officer to each case accordingly.

Files that are assigned to the Commissioners, are directly passed onto them by the Ombudsman. However if they need assistance then they must consult with the DG in order to assign a case to an IO.

The recommended overall process for complaint handling would be initiated with a preliminary assessment for every complaint received by the Office. We recommend that in the long term this initial assessment will be delegated to more junior investigating officers, who will make their recommendation to the Ombudsman, and who will in turn take the final decision. These officers would assess whether the complaint can be taken up by the Office. In events where the case is time barred or outside jurisdiction, the junior investigating officer would draft a letter of rejection stating the reasons why the case cannot be taken up together with any possible suggested alternatives. This is to be sent to the Ombudsman for confirmation and once it is confirmed, it is sent to the complainant.

Section 6

Other Operational Improvements

The reception is not manned at all times

Issue 10: Quality Assurance review of reports

The administrative support staff review all reports in order to check the grammar and spelling, to ensure that the content style is consistent with standards and that references particularly to legislation are correct.

Reports are reviewed by two secretarial staff at the same time, with this calling over taking up considerable time. Apart from cases where the handwritten report is given to the secretarial support staff to type and therefore the typed version is to be compared to the handwritten version, this work practice does not appear to be efficient.

Recommendation 13: More efficient quality assurance reviews of reports

In cases where reports are being reviewed for spelling, grammar, content style and references, the process could be carried out by one person who will be specifically focussed on this task.

Issue 11: The reception is not attended for all times

The function of attending to the reception is split between the senior messenger and the cleaner/receptionist. The latter replaces the former when he is not available to attend to the reception. Quite often, none of the two is available to stay at reception. For example, if the senior messenger is taking up tea and coffees to staff members and the receptionist/cleaner is carrying out her cleaning duties, the reception remains unattended. A system has been installed so that when someone enters to exits the building, the other people on the floor, namely the PRO and the Administrative Consultant are alerted of this and go to reception to greet the guest. Incoming phone calls are also diverted to other officers when the reception is unattended.

Recommendation 14: Reception should be attended to at all times

The reception is the attended to at all times during the opening hours of the Office. A full-time receptionist is to be assigned this function. In order to cover breaks, leave and sick-leave, the receptionist should be replaced by a clerk. The reception should also be equipped with a computer so that the receptionist could assist the Office staff in making outgoing calls (which are currently being made by the administrative support staff) and also carry out light clerical tasks, such updating of contact lists, preparation of labels, etc. This will relieve the secretaries from having to deal with all the incoming and outgoing calls.

Having four different case management systems is inefficient

Issue 12: Deficiencies in the Case Management System

The Case Management System (CMS) is the information system used by the Office to store and process all documentation and information related to all cases. The key ingredients of the case management system are to include:

- automation of the case management process;
- consistency from case to case, utilising an automatic case numbering system and compliant data elements, including major/minor complaints;
- a flexible database to track trends in caseload and origin;
- a periodic and flexible reporting tool;
- powerful search tools to quickly find cases and relevant information.

The Office of the Ombudsman has developed its own tailor made CMS.

The original CMS was developed for the cases of the Ombudsman. It was then replicated with some amendments for the University Ombudsman and the MEPA audit officer, the latter to be used for the cases of the Commissioner for Environment and Planning. This system is presently being set up for the Commissioner of Health. The Office will therefore have four different CMSSs, one for the Ombudsman and one for each of the Commissioners.

The following are the issues which we have identified in relation to the current CMSS:

- Having four different systems is inefficient with staff needing to switch from one system to the other depending on the case; This also complicates searching for a case, as it is not enough for example knowing ID card of complainant, but one must also know which Commissioner/Ombudsman is dealing with the case;
- There is no easy search for existing/prior case files;
- There is a limit on what type of report can be issued from the system;
- A list of files received from other offices and departments cannot be recorded into CMS and therefore a manual record is kept;
- An email cannot be sent directly from CMS, so the required text is to be copied and pasted into the system;
- Daily bring ups cannot be extracted through the CMS and need to be manually eliminated from the system once the date has passed;
- Reclassifications of cases cannot be updated on the CMS, and therefore a manual record of all reclassifications is kept.

Case management system should be reviewed and enhanced

Recommendation 15: The case management system should be reviewed and enhanced

The CMS should be reviewed in view of having one system which is adapted for each type of case rather than having four different systems one for the Ombudsman and one for each of the Commissioners.

Additional functionalities should also be added to the system such as the possibility of entering the information currently on the “Input Entry Form” directly onto the CMS, with a print out of the information placed as the cover of the physical file.

If one CMS had to be used then the numbering could be consecutive and an additional letter added at the end once the case has been assigned to the Ombudsman or one of the Commissioners.

The CMS should also be reviewed with a view of enhancing its search and reporting functions. The search options should enable the CMS to be used as a library of cases which could be referred to during investigations.

No formal performance management system is in place

Although the Office of the Ombudsman is a small office in terms of the number of employees, a number of issues have been indentified in terms of human resource management policies.

Issue 13: No formal performance management system is in place

As discussed earlier in this report, although the job description of the Manager Corporate Affairs includes tasks related to human resources management such as a merit based performance evaluation system, no such policies have been implemented in the Office of the Ombudsman. As a result staff do not receive any formal feedback on their performance, and any bonuses given to staff are distributed equally among staff members. In addition at times there have been requests by the Ombudsman to give additional bonuses to certain staff members, without there being an official policy for such bonuses to be given.

Recommendation 16: A performance management system for staff to be set up

It is therefore being recommended that a performance management system is set up. Performance criteria are to be set for each job position and once annually the Administration Manager is to co-ordinate the collection of formal feedback on the performance of staff members against those criteria from within the organisation. For example if an investigating officer would have assisted the Ombudsman and one of the Commissioners to carry out investigations then feedback on the investigating officer is collected from them. The feedback is then to be analysed and summarised and discussed with the investigating officer.

Issue 14: No staff training plan is in place

Linked to the issue of performance appraisals is staff development. Although certain staff members have attended training or seminars or conferences, this seems to be on an ad hoc basis, with no training plan in place for the various positions within the Office. We understand that when available courses are communicated through the Centre for Development Research and Training, these are sometimes taken up, and staff members sent to these courses. However again, this seems to be only done once when the administrative support staff were sent on a clerical course.

Recommendation 17: A staff training plan is to be developed and implemented for staff

It is being recommended that a training policy and a training plan for each job position within the organisation be devised. In addition, through the introduction of a performance management system, areas for improvements will be identified and an action plan is to be devised on how these deficiencies could be resolved. One possible route could be training. Therefore in addition to the generic training plan for the Office, each individual employee needs to have a training plan based on any identified areas for improvement or career progression requirements. Training would primarily be around the following key development areas: customer care, investigation and management development.

Flexible working arrangements and current management practices leave considerable leeway for abuse

Issue 15: Control oversight on working time arrangements

The official working hours of the Office are between 8:00 and 5:00pm between October and May, between 8:00 and 4:00pm in June, July and September, and between 8:00am and 1:30pm in August. It is also the practice that during June, July and September on Wednesdays the working time is till 2:00pm for all staff members. In addition, staff are allowed to choose another two days a week during these months to work till 2:00pm. Staff manage this between themselves, and in sections of more than one employee, staff members agree between themselves so that they do not all avail themselves on these reduced working hours on the same day.

In addition, as agreed during a staff meeting in 2009, during the winter months staff are allowed the flexibility to start and finish work up to 40 minutes before or after the official working hours. The practice is however that certain staff members have extended this flexibility to 1 hour also during the summer months.

Working times are managed through a timesheet recording “Time In” and “Time Out” which each staff member signs daily. With such flexible working arrangements and without anybody directly responsible for managing working time, the current practice leaves considerable leeway for abuse as it is very difficult for anyone to know whether a particular employee should be at the Office or not at certain times. This has also led to the perception that leave and sick leave are not being well managed and that the system is being abused.

Recommendation 18: Working time policies to be revisited and enforced

It is therefore recommended that policies should be revisited and once they are established, they are communicated to staff members, implemented and properly managed either through a time recording device or through the Administration Manager.

Internal formal and informal communication to be enhanced

Issue 16: Internal communication

A small organisation should be conducive to team spirit and good communication. However one key factor which in our opinion is affecting the motivation of staff within the Office is the lack of communication. We have for example observed that no staff meetings have been held for a few years.

In addition, even when important events are to be announced, these are only communicated informally, in some cases not through the right channels. This may have lead to certain staff members not being informed, leading to the perception of a lack of transparency. This also adds to issues between staff members as there is the risk that those with knowledge feel they are more valued than others.

Recommendation 19: Internal formal and informal communication to be enhanced

It is important that staff meetings are held both at a unit level for example between investigative staff, the Ombudsman and the Commissioners or the support staff, the Ombudsman and the Commissioners and also for all the staff at the Office. These meetings are essential to communicate any information to staff members, and also to discuss any issues. The meetings need to be chaired effectively to ensure that discussions are managed well. These meetings become even more important as the number of staff of the Office increases and with the current office layout with staff located in different rooms dispersed across the building.

Another aspect which could encourage communication is the organisation of social activities for staff members which are currently not the practice.

An annual communications plan should be prepared covering the areas of the Ombudsman and the Commissioners

Issue 17: External communications need to be strengthened

The Office's role is to support the citizens and therefore it needs to communicate to inform the public of its functions. External communication is just as important as internal communication and could be aimed at increasing the profile of the organisation, leading also to a greater job satisfaction for staff members.

One key function of any Ombudsman's Office is its outreach activities. We understand that the Office of the Ombudsman has carried out very little outreach activities over the past years. This could be one of the factors contributing to the decline in complaints received over the last years. One observation made for example by the Public Relations Officer is that following the publicity around the appointment of the new Commissioners last August the number of enquiries from the public increased.

The Office prepares a number of publications throughout the year, including the case notes and annual report. In addition, the Office periodically also prepares leaflets on its services. We understand that a greater effort could be made to ensure that these leaflets are being distributed to the target audiences to increase the awareness of the Office's function.

We also understand that the last time research was carried out to assess the satisfaction of users of the Ombudsman's Office was quite a few years ago.

Recommendation 20: Annual communications plan to be prepared and implemented

It is therefore being recommended that an annual communications plan is prepared which incorporates the preparation and distribution of promotional material, media relations, as well as outreach activities within the community covering the areas of the Ombudsman and the Commissioners. The communications plan should also include plans for the collection and analysis of feedback gathered from the clients of the Office and possibly also the complainant entities on the services of the Offices. The plan would then be implemented throughout the year. In the organisation structure we have also assigned a Director for Special Projects and Communications who would be responsible for preparing and co-ordinating the communications plan.

Appendix 1

Engagement Scope

The objective of the organisational and operations review of the Office of the Ombudsman was to:

- analyse the current organisational structure, operational processes and work methods;
- identify any weaknesses and constraints that may be considered to hinder the proposed additional functions of the Office;
- propose recommendations on alternative structures and work systems that may be regarded as necessary and more appropriate for the planned expansion.

The assignment, as outlined in our letter of engagement dated 17 September 2012, was to be undertaken over four phases as follows:

Phase 1: Benchmark analysis with similar Ombudsman organisations

During this phase we conducted desk research on the operational set up of comparable Ombudsman institutions in other jurisdictions in terms of their efficiency, adequacy, response time, customer satisfaction, etc, with the objective of establishing benchmarks against which the operations of the Office of the Ombudsman can be measured.

We discussed with you to select a small number of Ombudsman offices to benchmark against and to identify any relevant documentation you may have available.

Phase 2: In-depth evaluation of the current set up and organisational structure of the Office of the Ombudsman

The main thrust of this work phase was to gather information on three main fronts, namely:

- an understanding of the Office of the Ombudsman's business, its current developments and its strategic objectives for the future;
- an understanding of the organisation structure, its work functions, its current staffing levels as well as other HR policies that are relevant to this assignment;
- an understanding of the internal processes, work procedures and reporting systems leading to the investigations of complaints to establish whether these are being carried out in the most efficient manner and on the basis of modern work systems.

In order to understand the strategic context (point (i) above), we held discussions with the Ombudsman and the newly appointed Commissioners. These discussions enabled us to better understand current operations and scope for potential improvements and efficiencies.

In parallel with the above, we also gathered information that is relevant to our study in relation to points (ii) and (iii) above. In this regard we held interviews with the Manager Corporate Affairs and a workshop with the Senior Investigating Officers. The focus of our meetings was to understand for each area of responsibility:

- what functions are being performed and for what strategic purpose;
- the organisational set-up and how this is aligned to the functions identified;
- any constraints currently being encountered particularly with regard to HR issues;
- the work practices adopted to carry out the functions of the Office;
- any areas for improvement.

Phase 3: in-depth assessment of the roles, responsibilities, skill levels and overall competence of employees

The objective of this phase was to carry out a job analysis of the existing staff positions in the organisation in order to evaluate roles, responsibilities, perceptions and adaptability to respond to the needs of the new set up of the Office.

During this phase we built on any information gathered during Phase 2 and delved deeper into the individual responsibilities of the staff members. To this end, we obtained information from the employees on their respective job positions, including an outline of the key responsibilities of the job and for every area we articulated the goals and objectives, the performance measures, the attributes required to carry out the job, as well as the key constraints.

To this end we held interviews with all the staff members. During the duration of the assignment, we spent a considerable amount of time working from the Office of the Ombudsman, and we therefore had the opportunity to observe the employees in the performance of their jobs. This provided us with further insight into the individual motivation levels of the staff and their adaptability to take on any new functions.

Phase 4: preparation and submission of a final report containing the findings of the assignment and proposals for manpower deployment at the Office

The last phase of our assignment was to draw conclusions and to articulate our recommendations.

Our recommendations for improvement were formulated within the strategic context of the developments the Office of the Ombudsman is undergoing and also considers how implementable such recommendations are in practice.

In this regard our report aims to provide recommendations in relation to the following questions:

- What best practices in terms of efficiency, adequacy, response time, customer satisfaction, etc in other jurisdictions can be adopted?
- What remedial action in terms of processes and procedures should be adopted to ensure efficient and effective complaint handling and resolution?
- What organisation structure is required to meet the needs of the Office's widened functions?
- What staff positions are required within the new organisational set up?
- How do the current staff fit into these new staff positions?

- What training is required to ensure that the proposed new manpower structure will be able to handle its role successfully?
- What practices can be introduced to enhance staff motivation, creativity and teamwork?

Appendix 2

Other Ombudsman Offices – Summary Organisation Structures

Organisational structures in other Ombudsman Offices

Wales, United Kingdom

The office is structured in such a way, that directly reporting to the Ombudsman are the **Corporate Services and Administration Team**, the **Financial Adviser**, the **Director of Investigations and Legal Adviser**, the **Review Manager** and the **Executive Team**.

The Director of Investigations and Legal Adviser manages the Complaint Advice Team and 2 Investigating Teams which are themselves, comprised of Senior/Investigating Officers.

The Executive Team in turn is composed of the Policy and Communications Manager, and the Management Information Officer, and the PA to the Ombudsman,.

The Corporate Services and Administration Team, managed by the Corporate Service Manager, is made up of a Senior Casework Support Officer, Senior Corporate Services Officers, and Casework Support Officers.

Scotland, United Kingdom

The office is structured in a way that the **Director of Complaints and Investigations**, the **Director of Corporate Services** and the **Head of Policy and External Communications** directly report to the Ombudsman.

The **Senior Personal Assistant assists the Ombudsman but reports to the Director of Corporate Services**.

The Director of Complaints and Investigations is supported by the Early Resolutions Operations Manager and the Intervention and Investigation Operations Manager, who in turn are assisted by different teams of Complaint Reviewers and Business Support. In the case of the Early Resolutions Operations Manager, he is further assisted by the Advice Team.

The Casework Knowledge Manager and the Training Unit both report to the Director of Corporate Services. Services such as HR, Finance, Performance and Health and Safety are also included in a team that report directly to this director.

Bold highlighting – points of interest in relation to the local Office of the Ombudsman

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Organisational structures in other Ombudsman Offices

Northern Ireland, United Kingdom

The office is structured in such a way that directly reporting to the Ombudsman are the **Deputy Ombudsman**, the **Director of Standards and Special Projects** and the **Personal Secretary** to the Ombudsman and the Deputy Ombudsman.

The Deputy Ombudsman, in turn, is responsible for the **Director of Investigations Health & Social Care Complaints**, the **Director of Investigations Planning and Miscellaneous Complaints** and the **Director of Investigations Housing & Miscellaneous Complaints**. These Directors are resourced and supported by different pools of investigating officers, who are assigned to a specific Director. The Deputy Ombudsman is also responsible to oversee the Corporate Services Manager and the Legal Officer, who directly report to him. The Corporate Services Manager is supported by a Finance Officer and an Administrative Support Team.

Netherlands

The National Ombudsman is assisted by eight different **investigation teams**, each assigned to one of the following areas:

- Team Safety, Justice and Non-nationals
 - Team Employment, Income and Education I
 - Team Employment, Income and Education II
 - Team Housing, Environment and Mobility
 - Team Health Care
- The Front Office deals with telephone and e-mail enquiries from members of the public.
- Other departments supporting the office are **Central Services, ICT, Secretariats, Communications & Library, Policy and Advice, Personnel and Finance**.

Organisational structures in other Ombudsman Offices

Denmark

The office of the Ombudsman employs 88 employees, including 24 senior administrators, 27 investigation officers, 19 administrative staff members and 10 law students amongst others.

The Ombudsman is assisted by a **Director General**.

The office of the Ombudsman is divided into 6 divisions each tackling a specific area.

Included in these divisions, is the **General and International Division** covering media requests for access to public records, own initiative projects, the publication of the annual report, human resources and finance, administration and development.

The other 5 divisions, are **Investigation Divisions** dealing with different types of complaints and are each led by a Head of Division.

Cyprus

The Ombudsman of the Republic of Cyprus, also acts as the National Equality Body. Within this Body, 2 departments operate: **The Equality Authority** which deals with discrimination in the field of employment and occupation, and gender issues in all fields and **The Anti-discrimination Body** which deals with all other grounds.

The Ombudsman, is by law, the head of the National Equality Body and is assisted by two high ranking Officers of the Office, which are each **Acting Heads to the 2 departments**.

The office is furthered classified according to the subject in **Thematic Sectors**. The staff of these sectors are Principal Officers, Senior Officers, or Officers A, who supervise the staff of the sectors.

These sectors are:

- Human Rights Sector
- Education and Employee Relations Sectors
- Immovable Property and Development Sector
- Financial and Social Insurance Sector
- Relations between the State and the Citizen Sector
- Social Protection Sector

Bold Highlighting – points of interest in relation to the local Office of the Ombudsman

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Organisational structures in other Ombudsman Offices

Sweden

The office is made up of **four Ombudsmen** who are each responsible for a supervisory area encompassing a number of public authorities. The **Chief Parliamentary Ombudsman** is the administrative head and decides on the general thrust of the Ombudsman's activities. He is assisted by an **Administrative Department**, which is divided into an Administrative Unit and an International Unit, and is under the direction of the **Head of Secretariat**.

In addition to the Head of Secretariat and **8 Heads of Division**, each Ombudsman has the assistance of a number of legal advisers. These officials, which encompass a staff of 60, comprises 35 lawyers, with the remainder forming part of the administrative staff, such as the heads of units, secretaries, a senior registry clerk and janitor.

Each Ombudsman is assisted by two Heads of Division and 5-7 legal advisers and its own secretariat which consists of two secretaries.

There are also two Deputy Ombudsmen appointed by the Parliament to serve in the place of any Ombudsman who may be absent because of illness or a long official journey.

New Zealand

The office of the Ombudsman currently operates with **two Ombudsmen**, who are supported by a **Deputy Ombudsman**, a **General Counsel** and a **General Manager Corporate**, as well as a team of 65 other staff, divided into different teams.

The **Intake and Assessment Team**, is responsible for receiving and assessing complaints and enquiries. The **Early Assistance and Early Resolution Teams** are responsible for handling complaints and enquiries that can be addressed without a formal investigation. The **Investigation and Resolution Teams**, are responsible for assisting the Ombudsmen with their investigations, or otherwise resolving complaints.

The **Policy and Professional Practice Advisory Group**, is responsible for providing internal and external advice, guidance and training on policy and professional practice matters, as well as international relations, knowledge management, research and communications.

The Ombudsmen are also assisted by a **Senior Advisor Wider Administrative Improvement**, who is responsible for assessing and scoping opportunities for investigations aimed at achieving wider administrative improvements.

The office also has a COTA Team headed by a chief inspector, responsible for assisting the Ombudsmen to carry out their function of monitoring places of detention under the Crimes of Torture Act. The operations of the office are then supported by a **Corporate Team**.

Organisational structures in other Ombudsman Offices

Ontario- Canada

The organisation is led by the Ombudsman and assisted by the **Deputy Ombudsman**. The Deputy Ombudsman, is also the person **responsible to oversee the operations section** of the organisation, who reports to him.

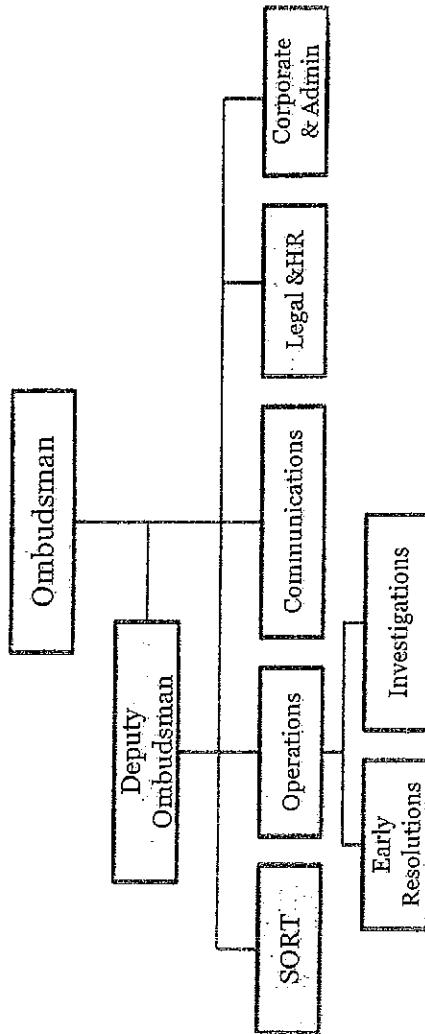
The Operations Team, includes an **Early Resolutions Team** and an **Investigations Team**. The Early Resolutions Team operates as the office's front line, taking in complaints, assessing them and providing advice, guidance and referrals, whereas the Investigations Team is made up of investigators who conduct investigations of both individual and systemic complaints.

The **Communications Team** provides support to the Ombudsman in relation to media issues including media interviews, press conferences, speeches, and public statements , in addition to publishing the annual reports, maintaining the office's website and overseeing outreach activities.

The **Legal Services and Human Resources Team**, support the overall organisation and oversee overall human resources, ensuring that the office functions within its legislated mandate. They are also responsible to provide expert advice in support of the resolution and investigation of complaints. Members of the team play a key role in the review and analysis of evidence and the preparation of reports and recommendations.

The **Corporate and Administrative Services Team** provides support in the areas of finance, administration and information technology.

The **Special Ombudsman Response Team**, (SORT), created in 2005, conducts specialized systemic investigations on high-profile issues affecting large groups of people.



Bold highlighting – points of interest in relation to the local Office of the Ombudsman

Organisational structures in other Ombudsman Offices

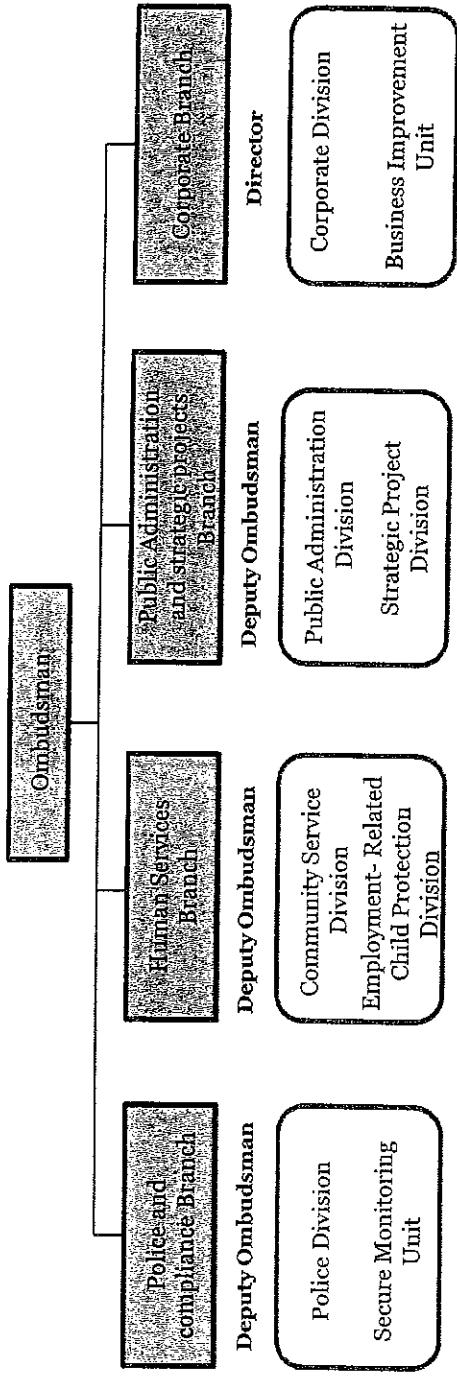
New South Wales- Australia

The organisational structure of this office, managed by the Ombudsman is divided into various departments, with **each division supervised by a Deputy Ombudsman**. These divisions consist of the **Police and Compliance Branch**, the **Human Services Branch**, the **Public Administration and Strategic Projects Branch** and the **Corporate Branch**. These branches are further subdivided into different sections.

The Corporate Branch provides support to the whole of the office and provides strategic planning, personnel, staffing, payroll, internal training, accounting, records, information technology, publications, media and public relations services to the rest of the organisation.

The Public Administration Division deals with complaints about public authorities, local councils and correctional centres. It also includes the enquiries and resolution team, which is the first point of contact for people who complain or enquire about government departments.

The Strategic Projects Division is responsible for leading major projects and investigations.



Bold highlighting – points of interest in relation to the local Office of the Ombudsman

Organisational structures in other Ombudsman Offices

Western Australia

The organisation is made up of the Ombudsman who directly oversees the **Deputy Ombudsman**, the **Assistant Ombudsman Child Death Reviews** and the **Assistant Ombudsman Strategic Services**. The Deputy Ombudsman is then responsible to oversee the **Assistant Ombudsman Administrative Improvement** and the **Assistant Ombudsman Complaint Resolution**.

These assistant ombudsmen oversee different sections that fall within their area of concern, with the Assistant of Complaint Resolution overseeing the **Access and Resolution Team**, the **Investigation and Resolution Team** and the **Energy Team**.

The Assistant Ombudsman Strategic Services oversees the **Strategic and Communications Services Team** and the **Business Services Team**.

Victoria-Australia

The organisational structure of the office consists of an **Ombudsman**, and a **Deputy Ombudsman** who in turn is supported by a General Counsel. The structure of the office is broken down into 4 different directorates.

The **Director of Corporate Services**, delivers the office's administrative, financial, human resources and IT services.

The first **Director of Investigations** heads two sections, the **Intake Section**, which is the first contact and deals with all inbound calls, 'walk-ins' and correspondence prior to an investigation and the **Assessment Section** which is responsible for the assessment of all complaints received.

The **Director of Investigations and Communications** deals with investigations in relation to complaints against public sector agencies. The Director is also responsible for internal and external communications and works to improve the awareness of the Ombudsman's role through a community outreach program.

The second **Director of Investigations** deals with major projects and undertakes major investigations, statutory auditing and the oversight of the various functions assigned to the Ombudsman.

Bold Highlighting – points of interest in relation to the local Office of the Ombudsman

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Appendix 3

Proposed Position Descriptions

Director General

Job Purpose

Under the direction of the Ombudsman, the Director General will have the overall operational responsibility for the execution of the Office's mission. He / she will be assigned the responsibility of executive management, including the day to day management of the organisation.

Key Responsibilities

The Director General reports to the Ombudsman and is responsible to:

- assist the Ombudsman in formulating and developing policy in relation to matters impacting on the organisation as a whole;
- assist the Ombudsman and the Commissioners in developing the organisation's strategic plans;
- implement change management initiatives;
- manage the operations and day to day management of the Complaints and Investigations Department;
- administratively manage the assignment of to the Senior/Investigating Officers, after consulting with the Ombudsman and Commissioners;
- set targets for the timeframes within which cases are to be concluded by the Office, and key milestones, in consultation with the Ombudsman and the Commissioners;
- oversee the achievement of targets and examine reasons for any delays, in order to ensure maximum efficiency;

- manage the operations of the Administration Department, through the delegation of responsibilities to the administration manager and his/her team;
- act as the second finance officer of the Office and signatory;
- manage the operations of the Secretariat, ensuring that the needs of the Ombudsman and Commissioners are being met, and that tasks are being priorities in accordance to the needs of the Office;
- ensure that sustained complaints are followed up with the relevant entity to monitor the outcome of the recommendations made by the Office.

Personal Requirements

The person appointed should have:

- demonstrated excellent leadership and management skills;
- proven ability to think independently;
- proven ability to formulate and implement;
- a strong results focus;
- the ability to analyse and evaluate information;
- demonstrated sound judgement, decisiveness, innovation and problem solving ability;
- demonstrated excellent interpersonal skills;
- prior experience within a leadership position within the public sector.

Director Communications and Special Projects

Job Purpose

Reporting to the Director General, this Director is responsible for external and internal communication and to carry out research and execute any special projects undertaken by the Office.

Key Responsibilities

The Director Communications and Special Projects reports to the Director General and is responsible to:

- draft, produce and publish the Office's publications, including the annual reports, case notes and any other marketing material issued by the Office;
- formulate proposals to increase public awareness of the Office ;
- develop and implement a strategy for obtaining feedback from the clients of the Office on the services provided by the Office;
- evaluate and analyse results of feedback and together with the Director General, Ombudsman and Commissioners proposed recommendations of how to improve these results;
- ensure that events and other important information is communicated effectively to the rest of the Office;
- carry out research in relation to any special projects undertaken by the Office;

Job Purpose

execute any special projects as instructed;

- keep management aware of any public attitudes and of any general perception regarding any activities or issues that could affect the institution. This is carried out via information from any news alerts or articles from local newspapers. It is therefore the Director's responsibility to keep himself adjourned and up to date on any current affairs and to pass on this knowledge to the rest of the Office.

Personal Requirements

The person appointed should have:

- relevant experience in communication;
- expert-level oral and written communication skills;
- ability to draft and develop effective presentations and reports, through written and electronic media;
- ability to write and deliver persuasive messaging and content;
- experience with media relations and external publicity;
- strong interpersonal skills;
- experience with event planning;
- understanding of surveys, research methodology and the associated reporting, measures, and analysis;
- ability to function with a high degree of independence.

Senior Investigating Officer

Job Purpose

The role of the senior investigating officer is to assist the Ombudsman and the Commissioners in the investigation of complaints.

Key Responsibilities

The Senior Investigating Officer reports to the Director General and is responsible to:

- investigate complaints received, including research on the facts of the complaints;
- collect information in respect of the Ombudsman's or Commissioners' own initiative actions;
- resolve complaints through informal action;
- prepare letters, memoranda and reports relating to investigations for consideration by the Ombudsman or the Commissioners;
- liaise and negotiate with officials and complainants by telephone and in person;
- ensure all case notes and information is maintained in the Office's case management system;
- participate in outreach activities;
- delegate work to the Investigating Officers and Junior Investigating Officers as required.

Personal Requirements

The person appointed should have:

- experience in the production of high quality written evidence based reports with recommendations;
- experience in a role that requires planning and organising high volumes of data to achieve results;
- experience in a role that requires the use of high level analytical and reasoning skills and attention to detail;
- well-developed critical thinking skills, a capacity to conduct enquiries, obtain information and to use sound judgment to reach conclusions;
- effective oral and written communication skills;
- a high level of drive and motivation together with the ability to contribute to effective team-working;
- ability to plan, organise and prioritise work to achieve a high level of individual productivity and output;
- negotiation, mediation and conciliation skills, and the ability to maintain positive working relationships and partnerships with stakeholders;
- ability to use Information Technology effectively.

Administration Manager

Job Purpose

The Administration Manager will be responsible for overseeing the finance function, maintenance and upkeep of the assets of the Office, and human capital.

Key Responsibilities

The Administration Manager reports to the Director General is responsible to:

- maintain satisfactory accounting systems based on the legislative requirements;
- paying all bills, staff salaries and staff claims quickly and accurately after certification by the Director General who should be jointly authorised to sign cheques;
- receive any payments due and ensure all available discounts are secured within the time frames allowed when bills are paid;
- operate a petty cash ‘float’ account;
- service the requirements of the Director of Audit and keep the accounts on the computer in the form required by the Financial Administration Act;
- enter all the relevant entries in the financial database and service the Director General and the Ombudsman with financial reports according to pre-arranged requirements;
- maintenance of satisfactory systems for the booking of travel, reordering of consumable supplies, etc.

- secure property and assets adequately, and keep it in acceptable condition along with appropriate physical working conditions;
- manage the day-to-day responsibilities of all the minor staff;
- develop/update human resource policies and to co-ordinate their implementation;

- co-ordinate all aspects of the recruitment and retention of staff;
- develop and co-ordinate the staff performance management system;
- co-ordinate the development and implementation of a training programme for staff in the organisation.

Personal Requirements

The person appointed should have:

- previous experience in accounting;
- knowledge of human capital practices;
- excellent written and verbal communication skills;
- ability to translate strategic aims into practice and reconcile day-to-day demands with long term goals;
- ability to focus on delivery of results in a resource-limited environment, identifying outputs and priorities clearly, and achieving value for money;
- excellent computer, project management and organizational skills;
- ability to motivate staff and be a listener who supports staff members with any issues they have within the organisation.

Administration Clerical Officer

Job Purpose

The primary role of the administration clerical officer is to assist the Administration Manager in the general administration and human capital support requirements of the Office of the Ombudsman.

Key Responsibilities

The Administration Clerical Officer reports to the Administration Manager and is responsible to:

- verify all leave requests to records of leave actually taken and advise Administration Manager of variances identified;
- provide general human capital support as required;
- undertake replenishment of routine consumables and stationery used within the Office as requested by staff and approved by Administration Manager;
- maintain stocks of various forms used for finance and general purposes;
- obtain quotes for items to be purchased when requested;
- liaise with suppliers of goods and services for delivery updates and in regard to other matters as necessary;
- fulfil the role of receptionist in the event of absence;
- ensure accurate records are maintained of any equipment, facilities or other services extended to staff members;

- liaise with Office cleaners to ensure service is provided to required standard;
- assist the Director Communications and Special Projects with the design and formatting of publications;
- send out Office of the Ombudsman publications and marketing material and maintain stock levels;
- file general corporate and administration documents.

Personal Requirements

The person appointed should have:

- previous experience in providing general office support;
- intermediate level of office technologies;
- knowledge of software used for designing publications;
- good interpersonal skills, including the ability to establish rapport with people at all levels;
- good team work but able to work independently.

Receptionist

Job Purpose

The role of the receptionist is to attend to visitors of the Ombudsman's Office, to deal with incoming calls, and to assist in making outgoing calls.

Key Responsibilities

The Receptionist reports to the Administration Manager and is responsible to:

- welcome people into the Office;
- answer the telephone;
- direct callers and visitors to the correct Officer within the Office;
- take and relay messages to staff members;
- assist the Office staff in making outgoing calls;
- help the messenger with the distribution of incoming post;
- replace the messenger when necessary;
- carry out light clerical tasks.

Personal Requirements

The person appointed should have:

- basic level of office technologies;
- good interpersonal skills, including the ability to establish rapport with people at all levels;
- knowledge of customer service principles and practices;
- verbal and written communication skills;
- professional personal presentation;
- customer service orientation;
- initiative.

Senior/Messenger/ Driver

Job Purpose

The role of the messenger /driver is to support the Office Staff with their transportation and messengerial needs.

Key Responsibilities

The Receptionist reports to the Administration Manager and is responsible to:

- ensure safe and secure delivery of documents;
- run errands on behalf of the Office;
- assist in the search of files, documents etc;
- operate office machines and equipment including fax and photocopier;
- clean desks, books, library shelves and performs light labouring duties;
- keep simples records;
- drive a car as and when required and to see that it is kept clean and that minor maintenance is carried out ;
- ensure the security of the office;
- besides the messengerial duties mentioned above, the senior messenger is required to lead and supervise the work of messengerial and other minor staff for which he is assigned responsibility.

Personal Requirements

The person appointed should have:

- valid driving licence and good driving record;
- good driving skills;
- sufficient skills to understand directions;
- good sense of direction;
- good knowledge of the Maltese and English language;
- good interpersonal skills to deal with receptionists to deliver documents;
- professional appearance;
- good team work but able to work independently.

Head of Secretariat

<i>Job Purpose</i>	<i>Personal Requirements</i>
<p>The role of the Head of the Secretariat is to ensure the provision of high quality and efficient secretarial support to the Office of the Ombudsman.</p>	<p>The person appointed should have:</p> <ul style="list-style-type: none">• experience in managing clerical officers;• excellent interpersonal skills;• excellent oral and written communication skills in Maltese and English;• ability to demonstrate a high level of accuracy, thoroughness, attention to detail and confidentiality;• ability to work under tight deadlines and pressure to a consistently high standard;• confidence, be pro-active with superior prioritisation, organisational skills;• demonstrated ability to work effectively individually as well as in a team context;• ability to produce high quality reports, minutes and letters as required.
<p><i>Key Responsibilities</i></p> <p>The Head of the Secretariat reports to the Director General and is responsible to:</p> <ul style="list-style-type: none">• coordinate the work of the secretarial/clerical support staff within the Secretariat, including the assignment of the day to day workload;• monitor the work of the officers in the Secretariat and ensure the timely and correct presentation of documents, including those intended for signature by the Ombudsman, Commissioners and other officers.• ensure coordination between the Secretariat and other sections of the Office;• ensure that all reports, memoranda and letters of the Office are issued in accordance with the quality standards set by the Ombudsman;• form part of the pool acting as personal assistants to the Ombudsman, Commissioners and Director General;• perform such other duties as may from time to time be assigned to this office by the Ombudsman, Commissioners or Director General.	

Assistant Head of Secretariat

Job Purpose

The role of the Assistant Head of the Secretariat is to provide high quality and efficient secretarial support to the Office of the Ombudsman and to replace the Head of the Secretariat when she is not available.

Key Responsibilities

The Assistant Head of the Secretariat reports to the Head of the Secretariat and is responsible to:

- form part of the pool acting as personal assistants to the Ombudsman, Commissioners and Director General and providing the following support:
 - Making appointments and keeping diaries;
 - Screening telephone calls and dealing on the telephone with complainants;
 - Typing of reports, letters and other general office documents;
 - Generating basic letters;
 - General filing;
- ensure the prompt collection and distribution of files within the Office and their recording and dispatch from the Office;
- perform such other duties as may from time to time be assigned to by the Head of Secretariat, Ombudsman, Commissioners or Director General;

- replace the Head of the Secretariat when she is not available in coordinating the work of the secretarial/clerical support staff within the Secretariat, including the assignment of the day to day workload;
- replace the Head of the Secretariat when she is not available in ensuring that all reports, memoranda and letters of the Office are issued in accordance with the quality standards set by the Ombudsman.

Personal Requirements

- The person appointed should have:
- fast and accurate typing speed;
 - intermediate level of office technologies;
 - good interpersonal skills, including the ability to establish rapport with people at all levels;
 - ability to work under tight deadlines and pressure to a consistently high standard;
 - confidence, be pro-active with prioritisation, organisational skills;
 - excellent oral and written communication skills in Maltese and English;
 - demonstrated ability to work effectively in a team context.

Senior / Clerical Officer

Job Purpose

The role of the senior clerical officer is to provide high quality and efficient secretarial support to the Office of the Ombudsman.

Key Responsibilities

The senior clerical officer reports to the Head of the Secretariat and is responsible to:

- form part of the pool acting as personal assistants to the Ombudsman, Commissioners and Director General and providing the following support:
 - Making appointments and keeping diaries;
 - Screening telephone calls and dealing on the telephone with complainants;
 - Typing of reports, letters and other general office documents;
 - Generating basic letters;
 - General filing;
- liaising with other office colleagues as a team members;
- ensure the prompt collection and distribution of files within the Office and their recording and dispatch from the Office;
- perform such other duties as may from time to time be assigned to by the Head of Secretariat, Ombudsman, Commissioners or Director General.

Personal Requirements

The person appointed should have:

- fast and accurate typing speed;
- intermediate level of office technologies;
- good interpersonal skills, including the ability to establish rapport with people at all levels;
- ability to work under tight deadlines and pressure to a consistently high standard;
- good oral and written communication skills in Maltese and English;
- demonstrated ability to work effectively in a team context.

Enquiries and Registry Officer

Job Purpose

The role of the Enquiries and Registry Officer is to ensure that complaints and enquiries are dealt with quickly, efficiently and courteously, to an acceptable level of quality and to champion high standards of customer service and end-to end continuity of user experience. The Officer will also be responsible to manage the Enquiries and Registry Unit.

Key Responsibilities

The Enquiries and Registry Officer reports to the Director General is responsible to:

- act as the first point of contact with the general public including prospective users and clients of the Office;
- guide any individuals who approach the Office on the way in which their grievances are to be presented and the nature of the information that should be made available to the investigative staff of the Office;
- act as a source of knowledge and expertise, including a point of escalation for calls and enquiries;
- manage the opening and closing of complaint files, and the recording of correspondence relating to cases on the Case Management System;

Personal Requirements

The person appointed should have:

- experience in a casework/ complaint handling environment;
- strong customer focus;
- excellent written and oral communication skills;
- in-depth understanding of the principles and working practices required for effective customer service operations;
- knowledge of service delivery to customers with special needs especially in terms of support in communications (e.g. Cultural, literacy and language issues);
- ability to make sound decisions which assess and balance risk, based on all available information;
- excellent interpersonal skills and ability to build effective relationships at all levels both internally and externally;
- demonstrated ability to work effectively individually as well as in a team context.

Enquiries and Registry Assistant

Job Purpose

The role of the Enquiries and Registry Assistant is to assist the Enquiries and Registry Officer in dealing with enquiries and recording correspondence into the Case Management System.

Key Responsibilities

- The Enquiries and Registry Assistant reports to the Enquiries and Registry Officer and is responsible to:
 - open and close cases on the Case Management System;
 - open and close the physical complaint files;
 - process inward and outward correspondence relating to complaints, including scanning and uploading them onto the Case Management System;
 - Maintain filing system for complaint files and to keep track of movements among staff members;
 - Generate reports from the Case Management System;
 - Assist or replace the Enquiries and Registry Officer in dealing with “walk-ins”, email or telephone enquiries;
 - Assist the Enquiries and Registry Officer in any other tasks of the Unit as required.

Personal Requirements

The person appointed should have:

- customer focus;
- good written and oral communication skills;
- intermediate level of office technologies;
- understanding of the principles and working practices required for effective customer service operations;
- good interpersonal skills and ability to build effective relationships at all levels both internally and externally;
- demonstrated ability to work effectively individually as well as in a team context.

Appendix 4

Action Plan

Recommendation	Timeframes		
	Plan	Commun- icate	Implement
1 Proposed organisation structure composed of 4 departments			
2 Appointment of Director General within the organisation structure			
3 Appoint an Administration Manager and extend scope to include oversight of human capital			
4 Appointment of a Director Communications and Special Projects			
5 Setting up of Complaints and Investigations Department including an Enquiries and Registry Unit and Investigations Unit			
6 Setting up of an Administration Department responsible for finance, human capital and facilities management			
7 Secretariat staff to focus more on their role as personal assistants			
8 Staff to be re-allocated and vacancies filled as per the proposed organisation structure			
9 Introduction of a more streamlined grading structure			
10 New employment contract to be given once retirement age is reached which is reviewed on a periodic basis			

Recommendation	Timeframes		
	Plan	Communicate	Implement
11 Process for opening case files and inputting information onto the CMS to be made more efficient			
12 Cases to be assigned to Senior/Investigating Officers by the DG in consultation with the Ombudsman and Commissioners			
13 More efficient quality assurance reviews of reports			
14 Reception should be attended to at all times			
15 The case management system should be reviewed and enhanced			
16 A performance management system for staff is to be set up			
17 A training plan is to be developed and implemented for staff			
18 Working time policies to be revisited and enforced			
19 Internal formal and informal communication to be enhanced			
20 Annual communications plan to be devised and implemented			