

# *Ombudsman's Charter*

*A pledge by the Ombudsman to the people of Malta  
(December 2004)*

## **The mandate of the Ombudsman**

The Ombudsman's mandate is to investigate complaints against:

- any government department or public agency or authority, any Minister or Parliamentary Secretary and any public official or employee serving in any of these bodies;
- any statutory body and any partnership or other body in which the Government has an effective controlling interest including any director, member, manager or other official belonging to any such organisation (with a few exceptions);
- local councils and any committees thereof, Mayors, councillors and members of staff of local councils.

The Ombudsman is an Officer of Parliament appointed by the President acting on a resolution of the House of Representatives supported by no less than two-thirds of all Members of the House.

By means of this appointment the President and the House of Representatives showed confidence in the personal judgement of the Ombudsman to bring fairness to his scrutiny of administrative actions and decisions of those who are subject to his jurisdiction.

The Ombudsman does not form part of the machinery of the government of the day. He represents an extension of Parliament's role to hold Government accountable to the people for its actions.

The Ombudsman is not limited to a narrow legal interpretation of activities undertaken by government bodies but is empowered to consider all the factors involved, review their correctness and comment upon their fairness. An action that gives rise to a grievance may be considered unreasonable or unjust even though it may be according to law.

Shortcomings are addressed by formal recommendations to the public bodies concerned although many complaints are resolved in an informal manner during investigations. Experience in other countries shows that the Ombudsman constitutes a strong moral national authority whose formal recommendations are seldom turned down by the authorities.

The submission of a complaint to the Ombudsman is free of charge. A complainant must, however, have a direct personal interest and must have been aggrieved by the action that is at the root of the complaint.

The Office of the Ombudsman should be considered as a complaint mechanism of the last resort when all other remedial measures that are available in order to solve a grievance with a public body have already been exhausted. The Ombudsman may not take up a complaint unless it has already been referred to the organisation involved and the grievance has been turned down.

The Ombudsman assists all public organisations, agencies and bodies that are subject to jurisdiction to improve their customer care procedures and complaint handling mechanisms. In this way these bodies will be more sensitive to the need to address people's grievances in the first instance.

### **A pledge by the Ombudsman**

As the people's Ombudsman, I pledge to show the utmost commitment to provide all Maltese citizens with an institution that will be founded on the following three pillars.

#### ***The objectives of the Ombudsman***

- to investigate and form an impartial opinion on complaints of maladministration in the Maltese public service as a whole;
- to promote fairness of administrative action;
- to promote a stronger relationship at all levels between government departments and public institutions and the Maltese people;
- to project the educational role of the institution;
- to promote a stronger public awareness of the role and functions of the Ombudsman since the right to submit a grievance to the Ombudsman is meaningless unless all citizens are aware of and exercise this right;

- to advise and assist government departments and public bodies on ways of improving shortcomings and removing weaknesses in legislation and in their underlying policies;
- to undertake own initiative investigations where there is evidence that it is in the public interest to do so; and
- to ensure that the institution will respond to the concerns of persons with special needs, the sick and those who are in custody.

### *The strategy of the Ombudsman*

As the people's Ombudsman, I undertake to do my utmost to ensure that the institution will:

- provide a professional, impartial, independent and high-quality investigative service in a timely, fair and sensitive manner;
- investigate complaints without any undue formalities;
- be accessible to all sections of the population;
- form opinions and reach conclusions that are independent and impartial, without fear or favour to complainants or to the public bodies involved and provide adequate reasons to back the opinions that are put forward by the Office;
- not act as an advocate either for complainants or for public bodies concerned but do everything within its power so that in cases where complaints are upheld, the Ombudsman's recommendations will be accepted;
- provide advice and guidance to public officials on action which can be taken in order to reduce grounds for complaint by the people;
- employ appropriately qualified and experienced staff and provide them with opportunities for training and personal development;
- use the latest information technology systems that will enable the institution to reach optimum levels of efficiency;
- issue practice guidelines to public bodies that fall under the Ombudsman's jurisdiction on the way in which complaints from the public are to be handled.

### *The Ombudsman's commitment to the people*

On the strength of the objectives and the strategy outlined above, the complaint handling functions of the institution will meet the following performance criteria:

- complaints reaching the Office will be acknowledged within forty-eight hours and complainants will be informed of the Investigating Officer who will be assisting the Ombudsman in the handling of their case and who will be prepared to meet them for consultation. This acknowledgement will also provide information about the action to be taken so that the grievance will be processed;
- the average time for the investigation of a complaint will be 50 to 60 working days;
- the benchmarks set by the Office in respect of the response time to conclude its caseload are as follows:
  - 80% of all incoming complaints to be concluded within 3 months;
  - 10% of all incoming complaints to be concluded within 4 months;
  - 5% of all incoming complaints to be concluded within 6 months;
  - 5% of all incoming complaints to be concluded within 12 months.
- the systems and procedures adopted in order to reach these performance targets will be in line with the provisions of the Ombudsman Act, 1995 and in accordance with the rules that are laid down in *The Ombudsman's Manual of Professional Doctrine*; and
- complainants as well as public bodies that are the subject of grievances will be provided with adequate reasons to back the opinion reached by the Ombudsman at the end of his investigations.

In addition, outreach and awareness activities to promote the work of the Ombudsman among the people at large will include:

- the organisation of meetings in various localities with community groups and other interested organisations about the role of the Ombudsman;
- participation in TV and radio programmes;
- the publication of reports, case notes and other information material;
- the distribution of publicity material and of *ad hoc* reports on matters of public interest that are raised by complainants.

The Ombudsman and members of staff of his Office will be helpful and sensitive to the problems of citizens and provide good service and useful advice in connection with grievances that are investigated as well as complaints that are not investigated or not upheld.

**This is my firm pledge to the country.**

**Ombudsman**

**December 2004**