

[REDACTED]  
Grand Cayman  
Cayman Islands

By email: [REDACTED]

11 June 2020

OMB File: 202000013

Dear [REDACTED]

**Re: Ombudsman Investigation  
Complaint of [REDACTED] – Public Transport Board (PTB)**

On 15 January 2020, you lodged a complaint with our office alleging maladministration, as the Public Transport Board (PTB) had failed to provide you with adequate reasons for or information on the outcomes of four complaints that you had lodged with the Public Transport Unit (PTU) concerning the actions of drivers of public buses. We attempted to resolve this matter informally and we were not able to do so. We opened a formal investigation on 19 February 2020 under section 18 of the Complaints (Maladministration) Law (2018 Revision). The issues we investigated were as follows:

- i. The PTU (an entity of the Ministry of District Administration, Tourism and Transport – DATT) did not address your complaints submitted in June 2019 until December 2019. It was alleged that this constitutes an unreasonable delay and therefore constitutes maladministration as per the Complainants (Maladministration) Law (2018 Revision).
- ii. The process of lodging a complaint with the PTU is not documented or posted online, and is onerous. It was alleged that this is unreasonable and constitutes inefficient, bad or improper administration and therefore constitutes maladministration as per the Complaints (Maladministration) Law (2018 Revision).
- iii. The response you received from the PTB concerning your four complaints to the PTU did not provide information on the outcome of or adequate reasons for decisions made in relation to your complaints. It was alleged that this breaches section 19 of the Cayman Islands Constitution

Order 2009 relating to lawful administrative action and, as a result, constitutes maladministration as per the Complaints (Maladministration) Law (2018 Revision).

Our investigation included a review of the correspondence from you to the PTU and to the PTB, the file provided to us by the Deputy Chief Officer of DATT, emails between the PTU and our office, and minutes of a meeting of the PTB dated 29 November 2019 and a meeting with the PTU held on 30 January 2020.

The findings of our investigation regarding the above issues are detailed below.

**Unreasonable delay and a complicated, undocumented complaints process (issues i and ii)**

You submitted your complaints to the PTU by email on 10 April 2019. Mr. Banks responded by email on 12 April 2019 indicating that he had assigned your complaints to Inspector Myles, who would be contacting you for a formal statement. On 15 April 2019, Inspector Myles contacted you but he did not take your statement. You asked Inspector Myles and another inspector to send you a complaint form and no one did. It was only after you followed up on multiple occasions with various people, by sending emails and making telephone calls, that you were able to lodge your formal complaints, on 3 June 2019. The complaints were not fully addressed by the PTU until December 2019.

Mr. Banks told us that the investigative process regarding your complaints was not initiated until August 2019 because, in his opinion, you had not completed the complaints submission process by providing a statement to them.

We found that you had sent a detailed email of your complaints in April 2019. In an email dated 22 May 2019, Ms. Reve told you that she had discussed the matter with Dr. Watler-Lyons and she relayed his suggestions to you for filing your complaints. These included taking duplicate copies of the “well written complaint” to the PTU office, getting the PTU to date stamp both copies as received and obtaining a signature as proof of receipt. You were also advised to give a copy to the complaints office and send a copy to DATT. In his opinion, if you did everything he suggested, your complaints would be acceptable. You submitted your complaints – as suggested – on 3 June 2019.

I have advised the Chief Officer of DATT that **I support your complaint** regarding the complicated process for making a complaint and the delay in dealing with your complaints. The process you were required to follow was overly complicated and bureaucratic. Your “well written complaint” should have been accepted and addressed without any additional requirements, particularly because no written complaints process was in place.

**I support your complaint** about how long it took them to respond to you. You originally emailed your complaints on 10 April 2019. It should not have taken six additional emails, at least two phone calls and requests for a copy of the complaints form for them to respond to you. Complaints should be acknowledged within days of receipt, not weeks.

**I support your complaint** that there was no guidance for you to follow for filing your complaints.

I have recommended that a complaints process be established that is clear, well documented and simple to complete. I have also recommended that the PTU/PTB website be updated to ensure that accurate information is available to the public concerning the complaints process.

**Failure to provide adequate reasons for decisions taken in relation to the complaints (issue iii)**

On 19 December 2019, you received a response from the PTB advising you that your “complaints were investigated and dealt with in accordance with the Traffic Laws and Regulations.”

You requested written decisions in relation to each complaint. You did not receive a response to your request. Section 19 of the Cayman Islands Constitution Order 2009 states that decisions and lawful administrative acts of public officials must be lawful, proportionate and procedurally fair. Providing adequate reasons for decisions is a crucial element of administrative fairness.

**I support your complaint and have recommended that the PTB provide you with written decisions including adequate reasons.**

I also believe that you deserve an apology and have conveyed this to the Chief Officer.

I wish to thank you for bringing these concerns to my office. I hope that it will lead to positive change and prevent other persons from experiencing the same frustrations. If you have further questions or would like more clarification, please contact Senior Investigator Emma Hutchinson on 244-6153 or [emma.hutchinson@ombudsman.ky](mailto:emma.hutchinson@ombudsman.ky)

Kind regards,



**Sandy Hermiston** | JP  
Ombudsman