



Annual Report 2025



The theme for this year's annual report, *Many Paths, One Purpose*, came from something we kept noticing in the casework. The cases rarely look alike. A fisherman's mooring registration, uncorrected for nearly two decades. A practising certificate refused without reasons. A land tax error that compounded for years. A person who simply needed help completing a form. Different circumstances, different frustrations, yet people came to us for the same reason: something was unfair, and they needed somewhere to turn.

The pathways in these pages are Bermuda's own - some familiar, some less so. People arrive here by many different routes but our mission remains the same: protect the public interest by providing a free, fair and independent resource to address complaints about public services. Fairness, transparency and accountability are at the heart of the work we do, for the good of the public and those who serve the public.



OMBUDSMAN FOR BERMUDA

26th June 2026

The Hon. Dennis Lister, JP, MP
The Speaker, The House of Assembly
Sessions House
21 Parliament Street
Hamilton HM 12

Dear Honourable Speaker:

I have the honour of presenting my Annual Report which covers the period 1st January to 31st December 2025.

This Report is submitted in accordance with section 24(1) and (3) of the Ombudsman Act 2004 which provides:

Annual and Special Reports

- 24 (1) The Ombudsman shall, as soon as practicable and in any case within six months after the end of each year, prepare a report on the performance of his function under the Act during that year.
- 24 (3) The Ombudsman shall address and deliver his annual report and any special report made under this section to the Speaker of the House of Assembly, and send a copy of the report to the Governor and the President of the Senate.

Sincerely,

Michael A. DeSilva
Ombudsman for Bermuda

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*“Adversity is
the first path
to truth.”*

LORD BYRON

OMBUDSMAN'S MESSAGE

Last year, when I sat down to write the Ombudsman's Message for our 2024 Annual Report, I reflected on the human stories behind our casework; the people who turn to us feeling unheard, frustrated, and sometimes simply exhausted by their encounters with the machinery of government. That reflection holds just as true for 2025. But this year, I find myself reflecting on something else too: the extraordinary resilience of the people inside this Office, who kept the machinery of our own small operation running through what was, by any measure, a genuinely challenging year.

We began 2025 already one staff member short. The departure of our Executive Assistant at the end of 2024 had left a gap that, in a team of six, is not easily papered over. Then, in February, we said goodbye to Kristen Augustus, who moved on to new opportunities. Two departures in quick succession reduced our team by a third. For anyone who may wonder what that looks like in practice, it looks like everyone doing more than their job description says they should. It even looks like an Ombudsman manning the front desk. And I am pleased to report that the front desk and I reached a workable understanding.

The order of the day, without anyone needing to declare it formally, was 'all hands on deck'. Every member of the team stepped forward, picked up the slack, and got on with it – professionally and without complaint. That spirit of collective commitment is something I do not take for granted, and I want to acknowledge it plainly here.

We were fortunate to have support in the form of two temporary receptionists who helped keep our front-of-house operations on track during this period. Shania Kassiram served from January to June, and Guielle Bean took over from June to September. Both brought professionalism, warmth, and a readiness to pitch in that was genuinely appreciated. To Shania and Guielle: thank you. You helped hold things together at a time when that mattered enormously.

To Kristen Augustus, who served for six years as an Investigations Officer and brought skill and a sharp eye to every case that crossed her desk: we are grateful for your contributions to this Office and to the people we serve. We wish you every success in your next chapters.

The second half of the year brought welcome reinforcements. In October, Ice'ces Carvalho joined us as our new Intake and Research Officer, stepping into a post that had been reconceived and retitled to reflect the evolving needs of the Office. In November, Jada Simons took up the post of Investigations Officer. Both officers bring fresh energy and perspective, and both have already demonstrated that they are exactly the kind of



“The Ombudsman’s role is to improve the public’s everyday experience with government by improving the governance of an administration that is honest, fair, and responsive.”

– Michael DeSilva, Ombudsman for Bermuda

people this Office needs: professional, conscientious, and kind, with an appropriate dose of humour for those rough days. On behalf of the whole team, welcome. We are very glad you are here.

Staffing challenges notwithstanding, 2025 was also a year of significant milestones. Our Office celebrated its 20th anniversary, marked with a reception on 9th October at the Regency Terrace of the Hamilton Princess. The event was timed, fittingly, to coincide with International Ombuds Day. It was a wonderful evening that was well attended by dignitaries, public officers, and former staff of our Office. Most meaningfully, both former Ombudsmen – Ms Arlene Brock, who served as Bermuda’s first Ombudsman, and Ms Victoria Pearman, my immediate predecessor – joined us for the occasion. In total, 47 people have served in this Office over its

OMBUDSMAN'S MESSAGE

20-year history, many of whom were present on the night. I was particularly pleased to note how many of our alumni have gone on to distinguished careers in the public service, a fact I mentioned once or twice during the evening, although I may have referred to them as having been “poached”!

In my remarks, I reflected on the purpose that has guided this Office since former Premier the Hon. Alex Scott opened our doors in 2006: the Ombudsman’s role is to improve the public’s everyday experience with government by improving the governance of an administration that is honest, fair, and responsive. My colleague, Charles Murray KC – the current Integrity Commissioner and former Ombudsman for New Brunswick – describes the Ombudsman not as a watchdog that barks at intruders, but as a sheepdog that guides the herd back to the right path.

On the international stage, our profile continues to grow. In February, the Ombudsman Association’s newly established Crown Dependencies and Overseas Territories Network held its inaugural meeting, and I was honoured to be elected by my colleagues as its first Chairman. Three virtual meetings were held during the year, bringing together senior ombuds staff from the Cayman Islands, Turks & Caicos, the Isle of Man, Jersey, Gibraltar, and the UK. These conversations, on everything from governance challenges to using AI in casework, are a valuable reminder that the issues we navigate in Bermuda are shared by counterparts around the world, and that we are not alone in them.

In April, our Office was re-validated by the Ombudsman Association in the UK, confirming that our standards of independence, fairness, effectiveness, openness, and accountability meet the OA’s published criteria. Re-validation is not a formality; it is a rigorous assessment, and I am proud of what it says about the quality of our work. Also in April, I attended the “Advanced Issues in Ombuds Practice” programme in Toronto, which offered practical tools on investigations, media relations, and driving performance. Deputy Ombudsman Junior Watts attended the U.S. Ombudsman Association’s Annual Conference in Colorado, where he participated in training on leadership, performance measurement, and recruitment. Other staff members attended local training sessions that we have highlighted in this annual report.

The casework itself tells its own story. In 2025, we worked on a total of 277 cases — 225 received during the year and 52 carried over from prior years. Of the cases within our jurisdiction, we achieved a range of outcomes: informal resolutions, settled complaints, and cases closed after inquiries or full investigation. Among the highlights of the year’s casework is a matter we have named “Between a Dock and a Hard Place”, a case stretching back to 2021, involving a local fisherman’s family and a mooring registration error that had gone uncorrected for nearly two decades. Having found five instances of maladministration

and received an inadequate response to our recommendations, I submitted a special report to the Speaker of the House of Assembly in July. It is a case that illustrates, starkly, how a single administrative failure left unaddressed can compound across generations.

Other cases this year reflect both the breadth and the human texture of what we do: a professional whose application for a practising certificate was rejected without adequate reasons and whose follow-up emails vanished into an inactive inbox; a government oversight board that had effectively ceased to function because its chair was not calling meetings; a land tax error that had persisted for years, ultimately resulting in credits of more than \$5,000 for the resident when finally corrected; and a person living with mental health difficulties who needed not just a referral, but a hand to help complete the form. Each of these cases, in its own way, reflects the same underlying truth: people deserve to be treated fairly, and when they are not, they deserve somewhere to turn.

The question of resources continues to be one that I cannot avoid addressing. We submitted a business case in prior years for two additional posts, and that request was not approved. We renewed our case this year, including through a candid interview with the Royal Gazette at year’s end, in which we noted that our Office handles more annual complaints than comparable bodies such as the Human Rights Commission, the Information Commissioner’s Office, and the Privacy Commissioner’s Office, all of which have larger teams. The case for additional capacity is not made in the interest of institutional expansion. It is made in the interest of the people who wait longer than they should for their cases to be resolved. We will continue to make it.

As I look back on 2025, I am struck above all by what a team of dedicated people can accomplish, even when the conditions are far from ideal. This Office exists to serve the public; to stand between ordinary people and the sometimes impersonal weight of government administration, and to ask, on their behalf, whether things were done fairly. That is a responsibility we take seriously, and one that the people of this Office carry with professionalism and genuine care, day in and day out.

To those who moved on, thank you. To those who joined us, welcome. And to the team that held the line throughout this year, you have my deepest respect and gratitude.



Michael A. DeSilva
Ombudsman for Bermuda

OMBUDSMAN'S OFFICE STAFF



Michael A. DeSilva
Ombudsman



Junior Watts
Deputy Ombudsman



Rashida Bean
Manager of Finance and
Administration



Aquilah Fleming
Investigations Officer



Jada Simons
Investigations Officer



Ice'ces Carvalho
Intake & Research Officer

FAREWELLS

Former staff member:



Kristen Augustus
Investigations Officer
from 2019 – 2025

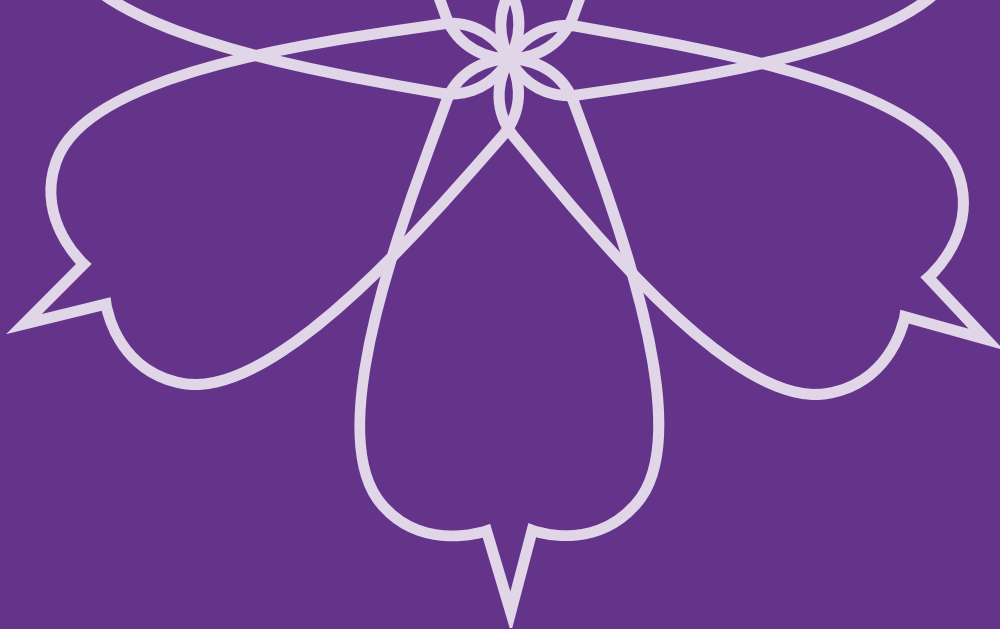
Temporary Receptionists:



Shania Kassiram
January to June 2025



Guielle Bean
June to September 2025



MISSION

Our main purpose is to protect the public interest by providing a free, fair and independent resource to address complaints about public services. Our goal is to drive greater accountability and help improve standards across the public sector.

VALUES



INDEPENDENCE

We are non-governmental, unbiased, and free from outside influence. We address complaints confidentially and we act with integrity.



FAIRNESS

We listen carefully to all sides, and we respond honestly and impartially. We investigate thoroughly and make decisions based on objective evaluations of the evidence.



PROFESSIONALISM

We are committed to high standards and transparency. We follow international guidelines and we learn from our experiences to improve our services.



RESPECT

We engage every individual with dignity and empathy, and we are accessible to everyone. We protect human rights, and we foster a positive work environment.

MOTTO

“For the Good of the Public, and Those Who Serve the Public.”



The Office of the Ombudsman forms an integral part of good governance in Bermuda and makes an important contribution to the accountability of public administration, the protection and promotion of human rights, and the rule of law.

OVERVIEW

The contents of our Annual Report are laid out to reflect each of the four aims in our Strategic Plan 2023 – 2026 as follows:

1. Enhance the impact of our work
2. Extend our accessibility to the public
3. Expand our community outreach
4. Modernise the Office

The Office of the Ombudsman provides services to all members of the public, free of charge.

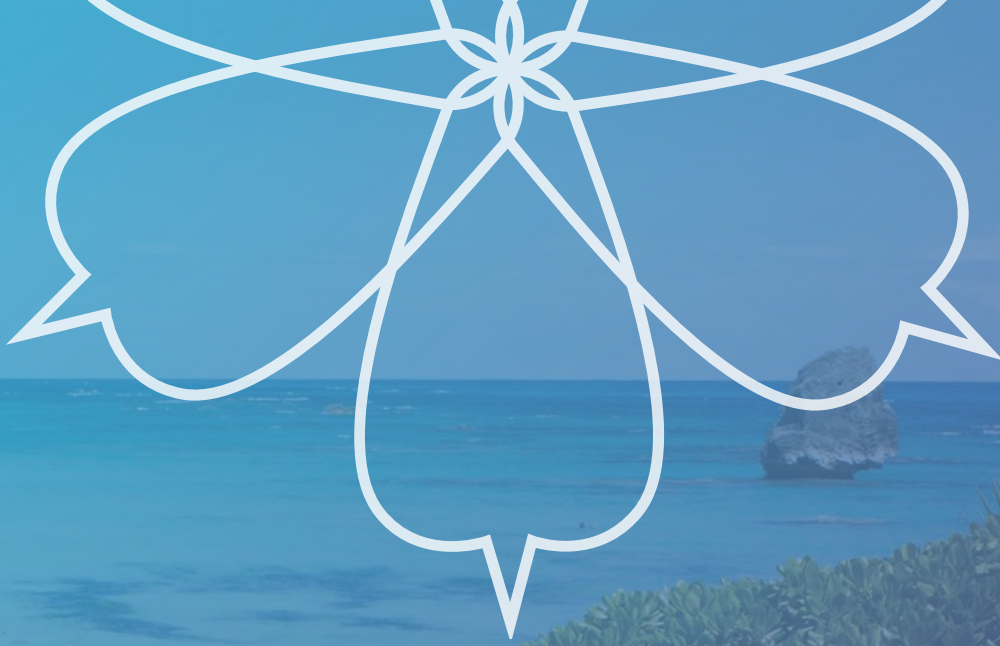
We provide the public with an independent, impartial, and professional resource to address complaints against public authorities.

Our goal is to resolve conflicts where we can and help to improve public services.



[Download a copy of our Strategic Plan here](#)





STRATEGIC AIM 1: **Enhance the Impact of Our Work**

Our Office serves the public, and those who serve the public. It is important to us that our work makes a real difference to individuals and government departments. We aim to restore fairness where unfairness has occurred. We provide complainants with an avenue to seek redress, and where appropriate, we help to bring about positive changes to public services. This strategic aim is designed to help us to be more effective and efficient at the work we do.



OUR WORK

Our casework encompasses both complaints and enquiries. The distinction between a complaint and an enquiry is based on the complainant's intention when contacting our Office. A complaint is a case where the complainant requests that we pursue inquiries into the complaint. In contrast, an enquiry is a case where the complainant asks for guidance or assistance in determining the best next step.

CASEWORK IN 2025

To summarise new cases opened in 2025:

- We received 225 new cases. 183 were complaints and 42 were enquiries (see Figure A).
- Of the 183 complaints, 31 remained open at the year's end and we closed 152 complaints: 88 complaints that were not in our Office's jurisdiction and 64 complaints that were in our Office's jurisdiction.
- Of the 64 complaints within our Office's jurisdiction:
 - 8 complaints were resolved between the complainant and the authority with limited intervention by us ('Informally Resolved').
 - 28 were closed after our Office made inquiries into the complaint ('Closed After Inquiries').
 - 1 was closed after our Office resolved the complaint ('Settled').
 - 9 complaints were deemed premature and referred to the authority's existing complaint process ('Deemed Premature').
 - 10 were referred to other authorities where there was a more suitable remedy ('Referred').
 - 8 complaints were abandoned or withdrawn by the complainant ('Abandoned' or 'Withdrawn').
- 21 people raised multiple complaints and enquiries

with our Office within the 2025 reporting year, accounting for 56 cases—roughly 25% of cases received in 2025. When people contact our Office by phone, if the initial phone call fully addresses their questions or concerns and they ask to remain anonymous, we do not record the person's name. This number does not include complaints and enquiries made by such persons.

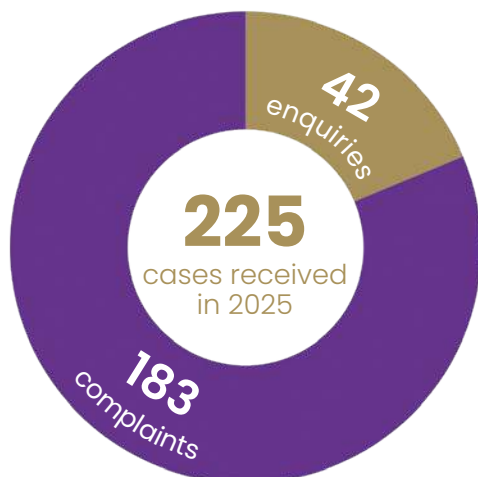
From 1st January to 31st December 2025, we worked to address a total of 277 cases (see Figure B). This number included:

- cases carried into 2025 from previous years – 52
- cases received in 2025 – 225

To summarise casework (cases worked on) in 2025:

- Of the 277 cases worked on in 2025, 47 complaints were in progress as of 31st December 2025, 187 complaints were closed and 43 enquiries were worked on.
- Of the 187 complaints that were closed, 95 were within our jurisdiction and 92 were not.
- Of the 95 complaints within our jurisdiction: 9 were 'Informally Resolved'; 9 were 'Deemed Premature'; 12 were 'Referred'; 13 were 'Withdrawn' or 'Abandoned'; 1 was 'Settled'; 47 were 'Closed After Inquiries'; 3 were 'Closed After Investigation (Maladministration)'; and 1 was 'Closed After Investigation (No Maladministration)'.
- Of the 92 complaints outside of our jurisdiction: 20 were 'Declined' because they were not in our jurisdiction and we did not provide the complainant with additional resource information; 71 were 'Declined and Referred' and 1 was 'Signposted', both of which indicate that we did provide additional resource information.
- Of the 43 enquiries worked on in 2025, 42 were closed and 1 remained open at the end of the 2025 reporting year.

Figure A: Cases received in 2025



For a full description of our complaint process and dispositions, see pages 37 and 38.

Figure B: Cases worked on in 2025

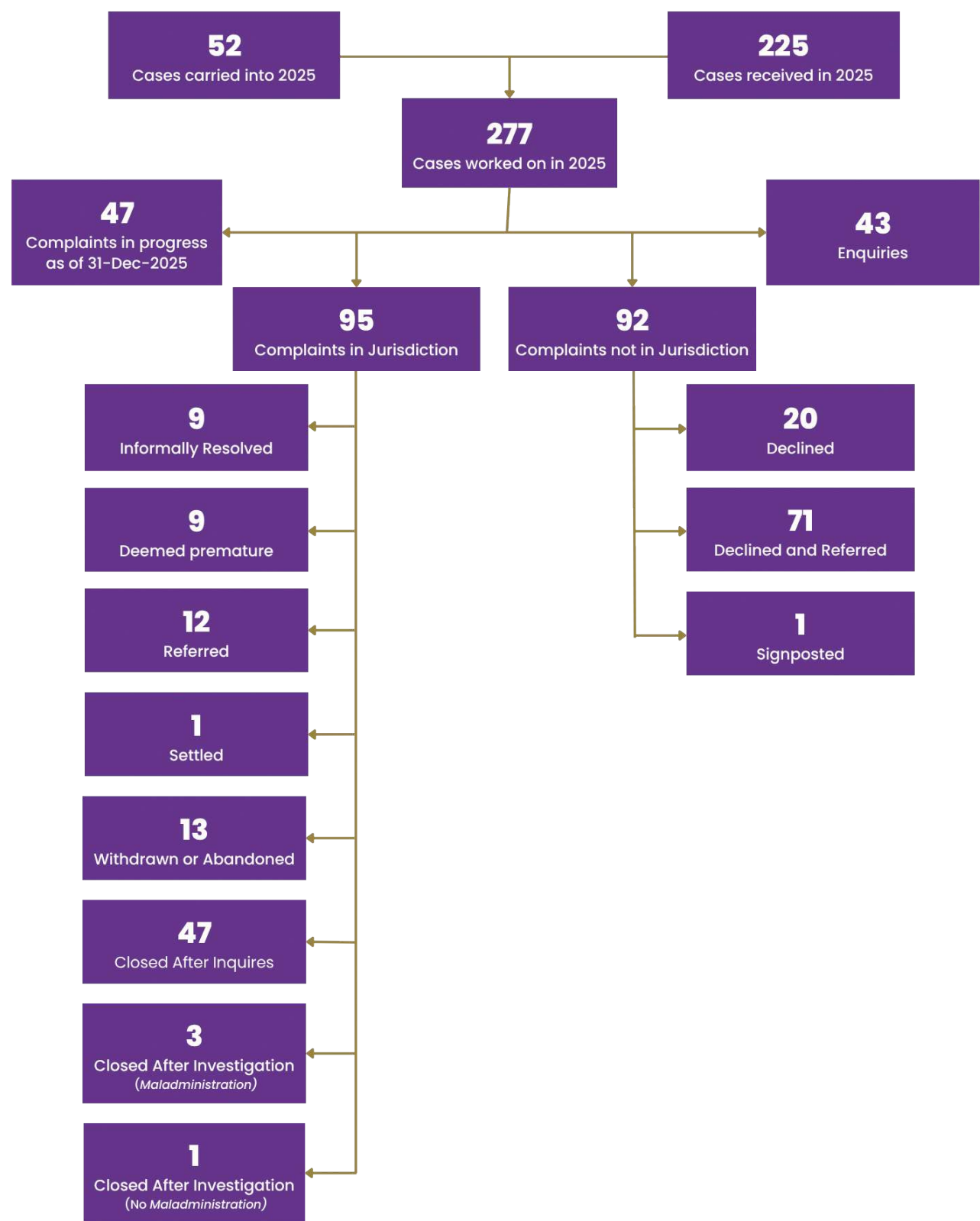
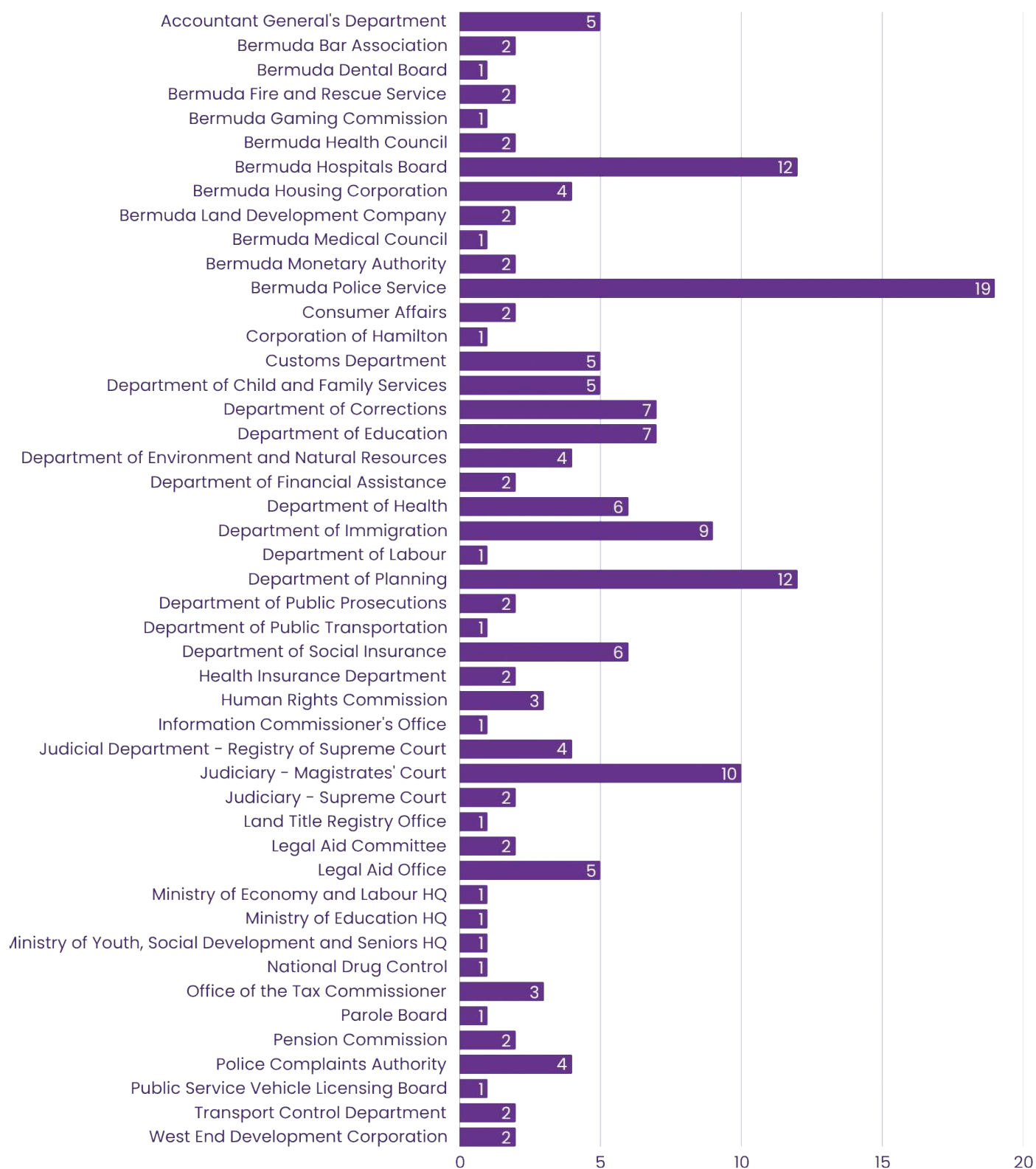


Figure C: Cases received in 2025 by Authority



CASEWORK IN CONTEXT

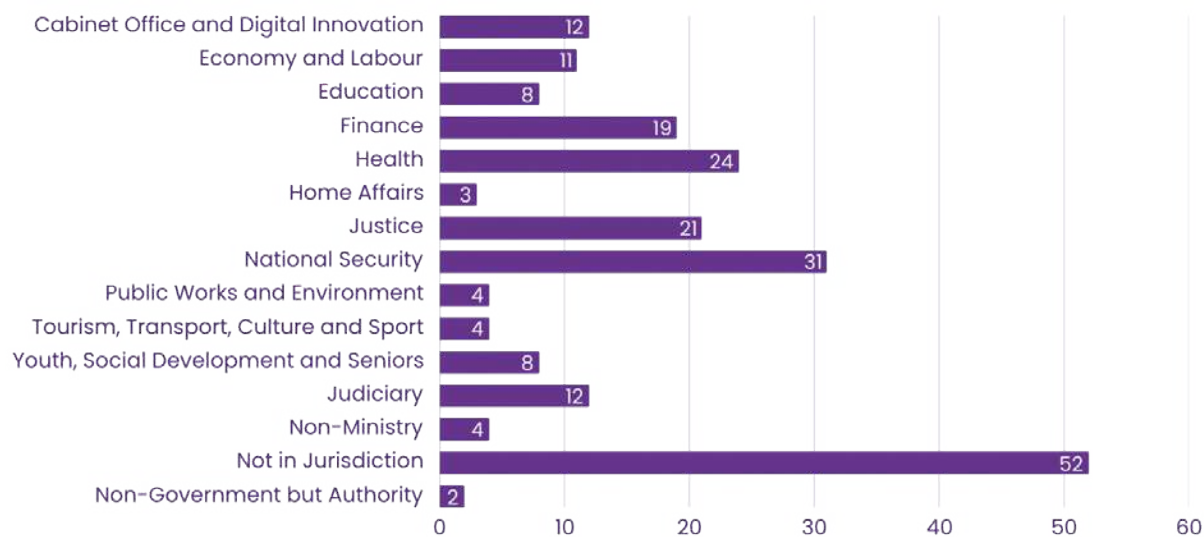
Cases received in 2025 by Authority

Figure C on previous page shows the total for new cases in 2025 by each authority, excluding bodies that are not in the Ombudsman’s jurisdiction (Not-In-Jurisdiction). These numbers represent complaints and enquiries made, not the Ombudsman’s findings concerning those cases. Counts also do not indicate whether the complaints were substantiated. Authorities with a higher volume of public interaction have a higher volume of service users and, consequently, tend to have a high volume of complaints and enquiries made to the Ombudsman.

Cases received in 2025 by Ministry

Figure D below summarises the new cases received in 2025 by the relevant Ministry according to the Government’s December 2025 organisational chart which was in effect at year-end. The graph also includes additional categories: ‘Non-Ministry’, which are government-funded bodies that are not part of a Ministry, ‘Non-Government but Authority’, which are government funded bodies that are not within the Bermuda Government’s organisational structure, ‘Not-In-Jurisdiction’ which are bodies not subject to the Ombudsman Act and the Judiciary.

Figure D: Cases received in 2025 by Ministry



OPEN CASES

In 2025, we successfully addressed and closed 35 of the 51 complaints that were opened in prior years. Of these 35 closed complaints, we resolved 19 after inquiries that we considered to have reasonably satisfied the issues, and 4 cases were closed after an investigation. 47 complaints remained open at the close of 2025: 1 from 2017, 1 from 2019, 1 from 2021, 1 from 2022, 4 from 2023, 8 from 2024, and 31 from 2025 (see Figure E below).

We continue to work towards carrying over the fewest number possible of complaints at the end of each calendar year. 47 complaints remained open at the end of 2025, a modest reduction from the previous year (see Figure F below). We will continue to monitor and address the backlog with the intention of further decreasing this number in the next reporting year.

Figure E: Complaints carried into 2026

Complaint Status as at 31-Dec-25	YEAR OPENED							TOTAL
	2017	2019	2021	2022	2023	2024	2025	
Intake					1		14	15
Preliminary Inquiry						3	14	17
Early Resolution							1	1
Pre-investigation						1		1
Investigation	1				3	4		8
Post Investigation		1	1	1				3
Outcome Review							2	2
Total Complaints carried into 2026	1	1	1	1	4	8	31	47

Figure F: Open complaints at end of reporting period: 5-year glance





Case Summaries & Did You Knows



DID YOU KNOW?

White Bermudiana flowers are a rare, albino variant of the *Sisyrinchium bermudiana* (Bermuda's national flower).

CASE SUMMARY:

Between a Dock and a Hard Place

ISSUES

A local fisherman — referred to as Mr. Fisher — had moored his boat in a cove for over six decades. In 2001, when a company constructed a floating dock that obstructed Mr. Fisher's mooring, a resolution was reached: the company would install three mooring piles at its own expense, and the piles would be registered to Mr. Fisher by the Department of Marine and Ports Services. This condition was explicitly set by the Development Applications Board (DAB) as part of its retroactive approval of the dock. The Department never implemented the condition. Instead, the piles were registered to the company, and the error went unnoticed and uncorrected for nearly 20 years.

As Mr. Fisher's health declined, his children sought to transfer the mooring registration to their names in 2017. The Department processed this ambiguously as a Power of Attorney request. Later, the Department reversed its position following Mr. Fisher's death in 2020, removing the children's names and declining to register the piles in accordance with the original DAB decision. When the family raised a formal complaint in 2020 — prompted in part by an unauthorised boat being placed on their mooring and their mooring buoys being unlawfully removed — the Department again failed to act. Our Office received the complaint in 2021.

INTERVENTION

Our investigation found five instances of maladministration: failure to implement the DAB's 2001 condition; failure to resolve the registration error when it was brought to the Department's attention; communication failures during the transfer process; failure to use proper complaint procedures; and inconsistent application of policies. We issued a Final Investigation Report in August 2024 with specific recommendations, including that the piles be registered as part and parcel of the Fisher's mooring and that the transfer of the mooring to the Fisher family be recognised as having taken effect from 2017.

The Department's response, on the advice of the Attorney General's Chambers, rejected most of the findings, challenged the Ombudsman's jurisdiction, and declined to implement the key recommendations. The response argued that the issues concerned Mr. Fisher personally and could not extend to his children. The Department also indicated that it had discontinued its longstanding

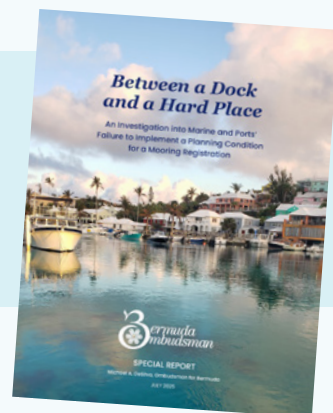
courtesy policy allowing families of deceased mooring licence holders to inherit mooring rights — a change that appeared to be applied retroactively to this case. Having determined the Department's response to be inadequate, the Ombudsman submitted a special report to the Speaker of the House of Assembly in July 2025.

INSIGHTS

This case is a compelling illustration of how a single administrative error, left unaddressed, can compound over decades and cause lasting harm to ordinary people. The Department does not dispute the fundamental facts: the DAB required the piles to be registered to Mr. Fisher in 2001, and this was never done. Three separate opportunities arose to correct the error in 2001, 2017, and again in 2020–2021, and each one was missed.

The Ombudsman process is designed to be remedial, not adversarial. When a public authority responds to findings of maladministration through legal representatives deploying technical arguments, rather than engaging substantively with what went wrong, it undermines the purpose of the process and erodes public confidence. The path to resolution in this case was straightforward: register the mooring in the Fisher family's name and clarify that the piles are for their exclusive use. That is what fairness required.

Want to learn more?
Read the full special
report on our website
under Publications:
www.ombudsman.bm





CASE SUMMARY:

Following the Evidence Home

ISSUES

A family approached our Office after raising concerns with a government agency about the condition of a rental property they occupied. The family felt that their complaint had not been adequately addressed by the agency and sought the Office's assistance in resolving the matter. At the heart of the dispute was a disagreement between the family and the agency over responsibility for the state of the property.

INTERVENTION

The Office determined that the complaint was best suited for investigation, given the contested nature of the facts. Neither party's account could be assessed without a thorough and impartial examination of the evidence.

The investigation revealed that the property had been in good condition prior to the family's occupation. It also came to light that the family had well-documented hoarding behaviours, which had materially affected the condition of the property over time. The Office further found that the agency had made a proactive effort to connect the family with an organisation equipped to provide support for the underlying issues associated with hoarding. The family declined this referral.

As part of the investigation, the Office contacted the support organisation directly. The organisation provided

a detailed account corroborating the agency's efforts to assist the family. On the basis of the evidence gathered, the Office found no maladministration on the part of the agency. The condition of the property was determined to be a result of the family's conduct rather than any failure by the agency.

INSIGHTS

This case is a reminder that the Office's investigations are guided by the facts. A finding of no maladministration is a real and legitimate outcome, and one that reflects the integrity of the process rather than any predisposition for or against either party.

It is worth noting that the investigation format was particularly well-suited to this complaint precisely because the dispute centred on a question of fact: who was responsible for the condition of the property? An investigation provided the structure needed to examine that question objectively and reach a reasoned conclusion.

Authorities are sometimes understandably cautious about the prospect of an Ombudsman investigation. This case illustrates why such caution need not translate into reluctance to engage. An investigation is not an indictment. Where the evidence supports the agency's position, the Office will say so. Openness and cooperation from authorities ultimately serve everyone, including the authority itself.

CASE SUMMARY:

When “I Cannot Say” Says Everything

ISSUES

A member of the public complained that a government legal office had failed to respond to multiple emails sent over several months regarding a legal matter. The complainant attempted to obtain information about a family member's case but received no acknowledgement or response to his correspondence.

The complaint centred on the department's complete lack of communication, which left the complainant uncertain about whether his emails had been received and frustrated by the apparent disregard for his enquiries.

INTERVENTION

Our Office contacted the department to investigate the complaint of unresponsiveness. The department informed us that it did not respond because the complainant's request concerned privileged information that must be treated confidentially.

We highlighted that whilst the department's legal position regarding confidentiality was correct, this did not excuse the failure to respond to correspondence from a member of the public. We referenced the Government Service Standards Policy, which requires timely responses to emails, and emphasised that good administrative practice involves acknowledging receipt of correspondence even when substantive information cannot be provided due to legal constraints.

INSIGHTS

This case demonstrates exemplary complaint resolution through accountability and effective communication. Upon investigation, the department's Director immediately acknowledged the service failure, describing it as “clearly unacceptable.” She recognised that whilst her legal position on confidentiality was sound, she ought to have acknowledged the original correspondence and explained the limitations preventing her from providing information.

The Director's response exemplified several Principles of Good Administration. Under “Being customer focused,” she demonstrated responsiveness by dealing with the matter promptly once raised. Her approach reflected “Being open and accountable” by taking responsibility for the service failure and providing clear explanations. Most significantly, she embodied “Putting things right” by acknowledging the mistake, apologising, and explaining what should have happened.

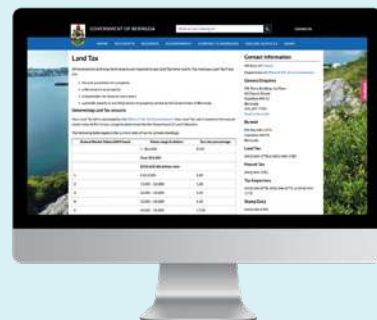
This case illustrates how taking accountability for administrative failures, even when the underlying legal position is correct, leads to better public service delivery. The Director's professional acknowledgement of the error and commitment to proper communication transformed a service failure into an example of effective complaint handling. Her response showed that maintaining legal obligations and providing good customer service are not mutually exclusive – a simple acknowledgement explaining confidentiality constraints would have prevented the complaint entirely whilst maintaining all necessary protections.

DID YOU KNOW?

SENIOR'S DISCOUNT ON LAND TAX

Seniors in Bermuda aged 65 or older can receive a land tax exemption on their primary residence. The exemption applies to properties with an Annual Rental Value (ARV) of \$45,500 or less, covering roughly \$1,941 in tax. If the ARV exceeds \$45,500, taxes are payable only on the excess amount. They must own and occupy the property as their primary residence.

As of late 2025, the land tax break can be extended for up to two years after a senior passes away to assist families during the probate process, provided the surviving spouse is also a senior.



Read more about Land Tax here:
www.gov.bm/land-tax

CASE SUMMARY:

The Tip of the Iceberg

ISSUES

A complainant submitted an application to a government oversight board and, having received no response after a month, followed up with the board. Her enquiry went unanswered. Nearly a year later, she followed up again, only to be told that there was no record of her application. When she challenged the staff member on this, she found the response she received to be dismissive. With her application in limbo and feeling brushed aside, she brought her complaint to our Office.

INTERVENTION

The Office made enquiries with the oversight board. The board confirmed that the application had in fact been received (contrary to what the complainant had been told) but that it had not been processed, and no response had been issued.

The reason, it emerged, went well beyond administrative oversight. The board had not been meeting with any regularity because the chair at the time had not been calling or attending meetings. On the rare occasions when meetings did take place, the board was unable to form a quorum, rendering it unable to conduct business. As a result, the complainant's application had simply sat unactioned, with no means by which it could be progressed.

Following the Office's enquiries, the board's administrator brought the matter to the attention of the Minister responsible. A new chair was subsequently appointed, the board convened, and a decision was reached on the complainant's application.

INSIGHTS

What initially presented as a straightforward case of unresponsiveness proved to be a symptom of a much deeper dysfunction. This case underscores the responsibility of government ministries to actively monitor the commitment and attendance of those appointed to serve on public boards. An appointment is not a formality. It carries an obligation to the members of the public whose access to prescribed government processes depends on that board functioning as intended. Where that commitment is absent, it is ordinary members of the public, like the complainant in this case, who bear the cost.



CASE SUMMARY:

Getting Credit Where Credit is Due

ISSUES

A resident's land tax exemption for seniors had been incorrectly applied to an apartment rather than the main house in which she and her husband resided. Despite repeatedly contacting the Office of the Tax Commissioner over several years to have the error corrected, the resident received no adequate response or resolution, and she continued to receive incorrect bills.

INTERVENTION

The Ombudsman reviewed the case and provided the resident with clear guidance on how to submit a formal objection to the Office of the Tax Commissioner, including the key details needed to support the claim — the exemption eligibility, the misapplied assessment, and a record of all prior attempts to resolve the matter. Following the submission of the objection, the Office of the Tax Commissioner conducted a full review, confirmed the error, and took corrective action. The resident received credits in excess of \$5,000.

INSIGHTS

This case illustrates that even where a government department has not responded adequately over an extended period, a well-structured formal objection — setting out the relevant facts clearly — can prompt a full review and a fair outcome. The resident thanked the Ombudsman's Office for helping to navigate what had been a confusing and frustrating process, underscoring the value of accessible, impartial guidance in resolving disputes between residents and public authorities.

CASE SUMMARY:

Bridging the Gap

ISSUES

Our Office received a complaint from a member of the public regarding challenges he experienced when engaging with a government department as a person living with mental health difficulties. As our Office serves as an authority of last resort, and following confirmation that other avenues had not been fully exhausted, the complainant was appropriately referred to the relevant internal mechanism to formally raise his concerns.

However, after following up with the complainant, he advised that he found the process challenging and did not feel comfortable navigating the internal mechanism independently.

INTERVENTION

Our Office reached out to the Department of Health to establish whether a dedicated support service existed for people with mental health difficulties. It was confirmed that the Department has social workers who assist clients by assessing their needs and supporting them within the health and social system.

Our Office promptly contacted the complainant to ask whether he would like to be referred to this service. He was invited back to our office, where staff assisted him in completing the referral form. He has since been assigned a social worker at the Department of Health.

INSIGHTS

This case highlighted the important role that timely intervention and practical assistance can play in helping individuals access the services available to them. Without support in navigating the referral process, the complainant may not have been able to access the Department of Health social work service at all. This reflects a broader reality — that people living with mental health challenges may require additional patience and practical assistance, not because they are incapable, but because mental illness can affect concentration, confidence, communication, and persistence.

This complaint also demonstrated how easily individuals can become stuck between departments, processes, and referral systems. Mental health needs rarely exist in isolation; they intersect with social, legal, and systemic issues. Institutions must exercise extra care, patience, and flexibility to ensure individuals do not disengage due to frustration, misunderstanding, or exhaustion.

Bridging the gap in mental health care means adjusting systems to meet people where they are, rather than expecting vulnerable individuals to adapt to rigid processes.

This case reinforces the importance of systemic compassion — where services, policies, and professionals work together to ensure that people with mental health challenges are supported, understood, and able to access the help that is available to them.

DID YOU KNOW?

COMMUNITY HEALTH SOCIAL WORKERS

The Department of Health community health social workers play a vital role in supporting individuals within the community by addressing mental health needs alongside social and environmental factors that affect overall well-being. Their role includes assessing individuals' psychosocial needs, providing emotional and practical support, and facilitating access to appropriate mental health services.

Community health social workers act as advocates for individuals who may face challenges navigating complex health and government systems, particularly those experiencing mental health difficulties. They assist with referrals and support individuals in understanding available services. Additionally, they promote early intervention, crisis response, and safeguarding, while working collaboratively with other health professionals and government departments. Through a person-centred and community-based approach, Department of Health community health social workers help reduce barriers to access, support recovery, and promote equity for individuals facing mental health challenges.

CASE SUMMARY:

No Answer is Not an Answer

ISSUES

A Bermudian medical professional, who was trained in Europe, applied to a local Authority for a practising certificate. Her application was rejected because her educational qualifications did not meet the registration requirements. The letter of rejection did not provide specific reasons, and it directed her to the Authority's Registration Guidelines on its website. When the applicant sought clarification, her emails and follow-ups went unanswered.

The complainant contacted the Ombudsman's Office after months of silence and uncertainty about how to proceed.

INTERVENTION

The Ombudsman issued a Preliminary Inquiry Letter to the authority, requesting an explanation for the delays and clarification on whether a formal appeal process existed. The Authority responded with a detailed letter to the complainant. Several factors were identified that contributed to the breakdown in communication in this application process: the Authority's primary email address had been inactive for some time and the relevant government website had not been updated to reflect the new contact details; the complainant's emails were not forwarded to the Authority; and the complainant's application was incomplete and should have been flagged as such by the Authority before being submitted for review.

The Authority explained that the complainant's overseas credentials did not fully satisfy Bermuda's legislated requirements for registration in her field. In addition, her application was missing several mandatory supporting documents. The Authority invited her to resubmit a complete application and outlined the specific documentation required. The Authority also acknowledged its administrative shortcomings, and it committed to a series of enhancements. The Authority planned to conduct

pre-screening of applications for completeness, update contact information across relevant websites, and develop a new digital platform to improve direct communication with applicants.

Having determined that the Authority had moved swiftly to address the communication failures and had provided a clear path forward for the complainant, the Ombudsman closed the complaint without a full investigation.

INSIGHTS

The Principles of Good Administration are instructive here. Principle 3 (Being Open and Accountable) requires public bodies to state their decision-making criteria and provide reasons for their decisions, ensuring that the information provided is clear, accurate, complete, and timely. In this case, a refusal letter that merely directed the applicant to a website, without explaining which specific requirements were not met or how deficiencies might be remedied, fell short of the standard of fairness that applicants are entitled to expect.

The case also exposes how administrative failures at the intermediary level can compound an already frustrating experience. Outdated contact information, incomplete application screening, and delayed forwarding of correspondence all contributed to months of unnecessary uncertainty for the complainant.

Equally though, the enhancements committed to by the Authority are welcome and they reflect the spirit of Principle 6 (Seeking Continuous Improvement), which calls on public bodies to learn lessons from complaints and use them to improve services. Public authorities should ensure that applicants receive timely, specific, and actionable feedback at every stage of the licensing process, and that the administrative systems supporting that process are robust, current, and fit for purpose.

For more information about our complaint process, visit:

ombudsman.bm/making-a-complaint

Find more Bermuda Ombudsman Special Reports at:

ombudsman.bm/publications

DID YOU KNOW?

BHB's Mental Health First Aid Training

Mental health challenges can significantly affect an individual's ability to access and navigate public services. While support services exist within the community, gaps in awareness and understanding can create additional barriers for those experiencing mental distress.

The Bermuda Hospitals Board (BHB) offers a Mental Health First Aid Certification Course designed to help individuals recognise signs of mental health challenges and guide people toward appropriate professional support. New staff at the Ombudsman's Office attend this course as part of their onboarding, and we support the training for public officers in government service. Participants learn how to strengthen their ability to respond with empathy, professionalism, and informed support.

Members of the public service have a duty to provide fair, inclusive, and respectful service to all members of the community. The BHB's Mental Health First Aid training supports the development of more mentally informed and inclusive departments, helps reduce stigma, and bridges the gap between individuals with mental health needs and the services available to support them.



Read more about BHB's Mental Health First Aid training here: bermudahospitals.bm/wp-content/uploads/2017/02/BHB-Mental-Health-First-Aid-Registration-Form-2026.pdf

DID YOU KNOW?

The Bermuda Parole Board

Under the provisions of the Parole Board Act 2001, the Parole Board is an independent statutory body empowered to make decisions governing the time, terms, and conditions of release of incarcerated persons by assessing the risk they pose to the community and to themselves. The Board meets a minimum of twice a month on a rotational basis at one of the Island's three correctional facilities. In addition, the Board holds Reviews, Breach Hearings, and Joint Meetings with the Department of Corrections, the Department of Court Services, and special meetings when needed.

Each parole application is based on its own merits. Parole decisions are made after careful consideration of several factors, including:

- The nature and seriousness of the crime, the risk of reoffending, and remorse or restitution on the part of the inmate
- Expert assessments on the suitability of parole
- The individual's overall behaviour whilst in prison and their response to treatment, educational, and vocational programmes
- A post-release plan, including job prospects and community/family support

During 2024, the Parole Board reviewed 43 inmates for parole. seven inmates were granted parole, 16 declined parole, one was recalled, and 19 were deferred to be seen at a later time.

Read the Parole Board's latest Annual Report here: parliament.bm/admin/uploads/report/dcd8098369fb235941a8ad2b134af03c.pdf



LOCAL STAKEHOLDER ENGAGEMENT

The Ombudsman Act 2004 establishes our functions and jurisdiction. Our primary function is to investigate the administrative actions of public authorities, determine whether any maladministration has occurred, and make recommendations to remedy the maladministration. But we may also make recommendations more generally about ways that an authority should improve its administrative practices and procedures.

Our Office is ‘resolution-focused.’ When a complaint is valid, we seek a positive outcome for the complainant and service improvement. We use the least intrusive method available to achieve an appropriate resolution to encourage the authority’s engagement and cooperation. This requires that we establish good working relationships between our Office and public authorities.

Throughout 2025 we continued our programme of active engagement and communication with public authorities, including:

- Privacy Commissioner’s Data Privacy Day event in January
- Informal discussions with the Rent Commissioner at Consumer Affairs in February
- Craig Simmons’ presentation on ‘Economy and Equity,’ sponsored by the Human Rights Commission (HRC) in April
- Governor’s Rule of Law Series, sponsored by Cary Olsen, in May
- Informal discussions with the Supreme Court Registrar in May
- Quarterly meetings with a senior HR partner from the Department of Employee and Organisational Development
- Informal discussions with the Labour Relations Office in August
- Information Commissioner’s Award Breakfast in September

INTERNATIONAL COLLABORATION

Ombuds work is highly specialised and unique in its nature. Our team benefits from engaging with colleagues from other ombudsman offices who keep us updated on good practice, procedural developments, investigation techniques, and legal issues. Since the global experience of the Covid-19 pandemic, the improvement of virtual communications has made it easy to collaborate with our international colleagues, wherever they are in the world. During 2025, we had several such engagements, as follows:

Ombudsman Association – Crown Dependencies and Overseas Territories (CD&OT) Network

Our Office has been a member of the UK’s Ombudsman Association (OA) since 2012. The OA provides a “members’ community” with access to different networks based on specific topics. In February, the OA added the CD&OT Network to provide a forum for senior ombuds staff in the UK’s crown dependencies and overseas territories. Currently, membership includes the Cayman Islands, the Turks & Caicos Islands, Bermuda, the Isle of Man, Jersey, the UK, and Gibraltar.

At the inaugural meeting, our own Ombudsman, Michael DeSilva, was elected by his colleagues as Chairman of the CD&OT Network. Three meetings were held virtually in 2025. The topics included: validation process with the OA, governance challenges in the OTs, managing resources in a small office, enhancing the impact of community outreach efforts, training and professional development, dealing with backlogs and casework management, and IT solutions for the Ombudsman’s office.

Caribbean Ombudsman Association (CAROA)

Our team virtually attended CAROA’s 3-day symposium in October. The theme of the symposium was “Building Sustainable Futures: Preparing the path for the strengthening of CAROA.” Dr. Nigel Taylor, Ombudsman for Barbados and President of CAROA, presided over the event. Presenters included ombuds staff from Belize, the Virgin Islands, St. Kitts and Nevis, and the Turks and Caicos Islands. The presentations covered a broad array of topics, including shared regional issues, the importance of public relations and communication, best practices, strategies to strengthen CAROA, and the role of the Ombudsman in good governance.

INTERNATIONAL COLLABORATION

International Ombudsman Institute (IOI) Survey

In November, we participated in an international survey conducted by the IOI. The questionnaire gathered input from Ombudsman offices around the world regarding their awareness and understanding of the United Nations General Assembly Resolution 79/177: The role of Ombudsman and mediator institutions in the promotion and protection of human rights, good governance, and the rule of law. The findings will help the IOI to evaluate the UN Resolution's relevance, accessibility, and implementation across different national and institutional contexts, and support future initiatives to strengthen the role and capacity of these institutions globally.

International Symposium on Ombudsman Principles and Practices

The Ontario Ombudsman marked its 50th anniversary in 2025 with key events, including a virtual symposium held on 13th November. Our Office participated in the discussions about the role of the Ombudsman institution in the promotion of democracy, the importance of international standards, and new technologies to assist with investigations.

OUR STAFF ATTENDED TWO INTERNATIONAL CONFERENCES IN 2025:

Ombudsman Association Annual Conference

Under the theme 'Providing a Modern Service,' the OA held its annual conference at the Hilton Belfast in Northern Ireland in June. Workshops and presentations covered topics such as engagement with people in vulnerable circumstances; the needs and expectations of service users; demonstrating the impact and measuring the success of ombuds work; utilising AI and other technologies to manage casework; and staff training and development.

Michael DeSilva attended the conference, and he chaired a workshop entitled 'Raising Awareness.' In this session, Ger Deering, Ombudsman for Ireland, shared his experiences with public participation networks. Cameron Kennedy, Head of Outreach and Public Engagement at the Parliamentary and Health Service Ombudsman (PHSO), discussed his engagement with the advocacy sector. Mr. DeSilva introduced the speakers and moderated a Question & Answer session.



United States Ombudsman Association Annual Conference

Deputy Ombudsman Junior Watts attended the 44th Annual Conference of the U.S. Ombudsman Association (USOA) in October at The Hythe Vail in Colorado. The conference was preceded by two days of training sessions that included leadership, performance measurement, and recruitment. The 3-day conference had a full schedule of presentations, breakouts, and plenary sessions. The topics included report writing techniques, tips for engaging with young people, the use of social media and websites to better effect, and legal questions that impact the Ombudsman's work.

Throughout the year, we engaged in other collaborations with international ombuds agencies, including:

- Members of the OA's Outreach and Communications Networks
- Participated in the OA's Website Focus Group
- Attended the USOA's Fairness and Justice Committee meeting

TRAINING & PROFESSIONAL DEVELOPMENT

Our strategic plan calls for our Office to have an internal learning culture that helps us to continuously improve our work, develop our skills, and enhance our standards. Throughout the year, our staff took part in several formal training courses and other professional development sessions.

In February, Temporary Receptionist Shania Kassiram attended an Employee Assistance Programme (EAP) workshop entitled “Supporting People in Crisis.”

Ombudsman Michael DeSilva obtained a certificate from Osgoode Professional Development, in partnership with the Forum of Canadian Ombudsman (FCO) and York University in Canada. Held in Toronto in April, the “Advanced Issues in Ombuds Practice” advanced certificate programme explored the most challenging problems confronting today’s Ombuds staff. The course offered practical tips and strategies in the areas of investigations, media relations, effective use of social media, and driving high performance at work.

Investigations Officer Aquilah Fleming attended training in October provided by the Department of Employee & Organizational Development (DEOD) entitled “Learning to Manage.” Also in October, newly appointed Intake and Research Officer, Ice’ces Carvalho, attended the Department of Information and Digital Technologies (IDT) software

training courses in Microsoft Word and Excel. In December, Deputy Ombudsman Junior Watts attended a virtual Osgoode Professional Development course entitled “Thinking Fast and Slow: Strategies and Tools to Enhance Decision Making.”

Our professional development activities included participation in the monthly Forum of Canadian Ombudsman (FCO) webinars (called “virtual coffee chats”) that covered multiple ombuds topics, including:

- Formulating recommendations
- Best practices for report writing
- Managing unreasonable conduct
- Strategies for small and one-person offices
- Maintaining effective service amid constraints and rising caseloads
- Resolutions without formal recommendations
- Reflections on the use of AI in ombuds settings

AFFILIATIONS

Our Office continues to be an affiliate of these ombuds organisations.



CAROA – Caribbean Ombudsman Association
caribbeanombudsman.com



IOI – International Ombudsman Institute
theioi.org



OA – Ombudsman Association
(formerly British and Irish Ombudsman Association)
ombudsmanassociation.org



USOA – United States Ombudsman Association
usombudsman.org



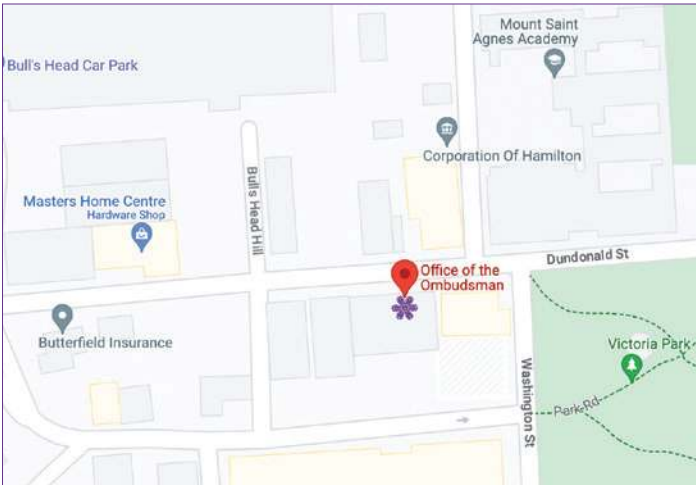
STRATEGIC AIM 2: **Extend Our Accessibility**

The services provided by our Office are free of charge, and they are available to everyone. Complainants are not restricted to being Bermudian or even residents of Bermuda. Our team keeps diversity, equity, and inclusion at the front of our minds when dealing with all complainants. We are working to identify and remove any barriers that may prevent specific groups or individuals from having unrestricted access to our Office.

SPECIAL CONSIDERATIONS & ADJUSTMENTS

We have Portuguese translations for most of our information brochures and complaint forms on our website, and we have introduced a few Filipino translations. Our website has enlarged text and text-to-speech options for those readers with sight impairment.

Our Office is located on the ground floor of Dundonald Place, and it is easily accessed by wheelchair users. We work with interpreters and other persons to assist complainants, as needed, in a confidential and respectful manner. We ensure that our services are accessible to all users, including those who do not speak English; those with disabilities, health conditions or impairments; and those who may otherwise need special considerations or adjustments.

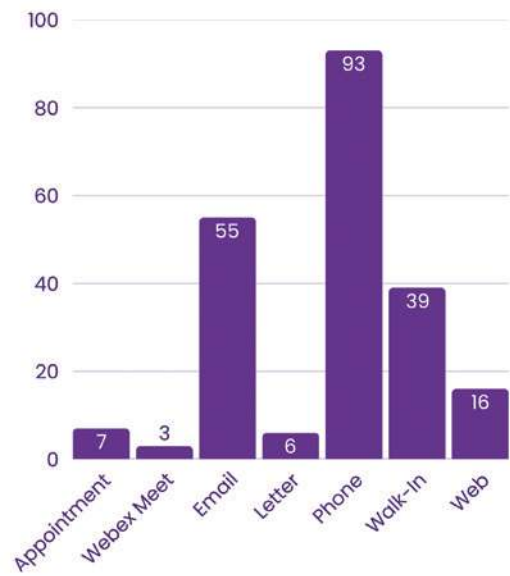


ADDRESS: Dundonald Place, Suite 102, 14 Dundonald Street West, Hamilton HM 09, Bermuda

HOURS: Monday to Friday from 8:45 a.m. to 5:00 p.m.

CONTACT: Tel: (441) 296-6541
contact@ombudsman.bm
www.ombudsman.bm
linkedin.com/company/officeoftheombudsmanbermuda
facebook.com/bermudaombudsman

Figure G: How we received cases in 2025



HOW TO MAKE A COMPLAINT

Before coming to our Office, you should first make a complaint to the relevant authority or government department at your earliest opportunity.

Our policy is to allow the authority to address your issue before we get involved. We may refer you back to the authority if you have yet to avail yourself of the authority's complaint-handling process.

Even if a complaint is outside of our jurisdiction, we can assist you by providing information or by referring you to another body that may be able to investigate the issues you raise.

If you are dissatisfied with the handling of your complaint by the authority, we encourage you to contact our Office. You can contact us in various ways: by telephone; in person as a walk-in or by appointment; by email; online through our website; or by letter.

We are here to assist you.

Can't come to us? No problem!

We can come to you or meet anywhere that is convenient for you. Let us know if you have any needs that we can accommodate to assist you with making your complaint.



STRATEGIC AIM 3: **Expand Our Community Outreach**

Public trust and confidence are the foundation upon which our Office operates, and nurturing that trust requires consistent, open, and honest communication with all our stakeholders. In 2025, we continued to deepen our engagement with the public through social media and traditional media to raise awareness of the work we do, share the positive outcomes of our casework, and build a recognisable Office brand associated with integrity and fairness.

By expanding our social media presence, we have reached wider audiences and shared content that we hope inspires confidence and satisfaction with our performance. You can follow us on LinkedIn and Facebook, and you can watch our video on our YouTube channel.



PUBLIC & MEDIA ENGAGEMENT

ANNUAL & SPECIAL REPORTS

In June, we submitted our Annual report for 2024 to the Speaker of the House of Assembly. At the same time, we also submitted a special report entitled “Between a Dock and a Hard Place: An investigation into Marine and Ports’ failure to implement a Planning condition for a mooring registration.”



You can read a case summary in this annual report, and the full report can be found on our website.

INTERVIEW WITH THE ROYAL GAZETTE

At the end of the year, Jonathan Bell, assistant news editor at the Royal Gazette, sat down for an extended interview with Mr. DeSilva and Ms. Fleming about the Office’s 20th anniversary celebrations held in October. Marking two decades since Arlene Brock was sworn in as Bermuda’s first Ombudsman in 2005, they spoke about the Office’s achievements and priorities going forward.

Mr DeSilva outlined a budget request for two additional staff members – bringing the total to eight – noting that the Office currently receives more complaints annually than comparable bodies such as the Human Rights,

Information, and Privacy Commissions, all of which have larger teams. Additional resources, he said, would improve the quality of casework and strengthen public confidence in institutions.

The Office also intends to conduct a public awareness survey in 2026 to better understand its profile and how it is perceived in the community, with a view to more proactively sharing information about its casework beyond the annual report.

Ms Fleming reaffirmed the Office’s core function: investigating complaints of maladministration against public authorities. She emphasised that the Office operates as a service of inquiry rather than one of vindication — its recommendations are persuasive rather than binding — and that public authorities are generally cooperative in resolving matters.

Read our interview with the Royal Gazette here: <https://www.royalgazette.com/general/news/article/20251229/twenty-years-on-a-public-advocate-looks-to-the-future/>



PRESENTATIONS TO PUBLIC GROUPS

Our Office is available to make presentations to community groups, public authorities and other interested parties. We aim to educate the public about the work we do and the positive impacts we try to make. If you would like to schedule a presentation from the Ombudsman’s Office for your group, please get in touch with us. This is a free public service!

Please call 296-6541, or email contact@ombudsman.bm



20th Anniversary Reception

On Thursday, 9th October 2025, the Office of the Ombudsman marked two decades of service to the Bermuda community with a reception held on the Regency Terrace at the Hamilton Princess & Beach Club. The event was timed to coincide with International Ombuds Day, an annual observance held on the second Thursday in October to celebrate the ombudsman institution worldwide and raise public awareness of the vital role ombuds play in their communities.

The reception brought together an impressive gathering of dignitaries, colleagues, and stakeholders. His Excellency the Governor, Mr. Andrew Murdoch CMG, was in attendance, along with the Premier's representative, the Hon. Owen Darrell, JP, MP, acting Minister of the Cabinet Office & Digital Innovation. Also present were the Chief Justice of Bermuda, the Hon. Justice Larry Mussenden JP; the President of the Senate, Senator the Hon. Joan E. Dillas-Wright JP; the Deputy Premier and Minister of Housing & Municipalities, the Hon. Zane DeSilva JP MP; and the Leader of the

Opposition, Mr. Robert King MP. The evening also welcomed many other senior officials and heads of public authorities.

A particular highlight of the evening was the presence of both former Ombudsmen — Ms Arlene Brock, who served as Bermuda's first Ombudsman, and Ms Victoria Pearman, whose tenure preceded the current Ombudsman. In total, the Office has engaged 47 members of staff over its 20-year history, many of whom were present on the night to mark the occasion.

In his remarks, the Ombudsman reflected on the Office's growth, its international partnerships, and its recently revalidated membership with the Ombudsman Association in the UK — a recognition of the Office's documented standards of independence, fairness, effectiveness, openness, and accountability. He closed with a reminder of the Office's enduring purpose: to champion fairness and improve the public's everyday experience with government, in keeping with the Office's motto, "For the Good of the Public and Those Who Serve the Public."



STRATEGIC AIM 4: **Establish a Modernisation Programme**

Although the Office of the Ombudsman is independent from the Bermuda Government, it uses public funds to carry out its work. Accordingly, we are committed to using those funds effectively, working efficiently, and accounting for our expenditure. As part of our modernisation programme, our team is working toward an office environment that maximises the use of technology, is more productive, and reduces our environmental impact.



COMPLIANCE

Our Compliance regime comprises a system of measures to assign responsibility for and assessment of compliance status for each external compliance obligation. Procedures and timelines for achieving compliance are then developed. We have a number of external compliance obligations to fulfill each year.

Personal Information Protection Act (“PIPA”)

The Personal Information Protection Act (“PIPA”) 2016 is a data protection and privacy law that applies to all organisations in Bermuda. It provides data protection and privacy principles, individual rights, and legal obligations that organisations have regarding the use, recording, storage, and protection of personal information contained in their records. The Act became operational on 1st January 2025.

Read our PIPA Privacy Notice on our website:
ombudsman.bm/privacy-notice



Deputy Ombudsman Junior Watts is our Privacy Officer, and he can be reached at 296-6541 or jcdwatts@ombudsman.bm.

Annual Audit by the Office of the Auditor General (“OAG”)

Section 23(4) of the Ombudsman Act 2004 requires that the accounts of the Ombudsman shall be audited and reported on annually by the Office of the Auditor General (“OAG”), and for that purpose the Auditor General or any person authorised by her in that behalf shall have access to all books, records, returns and other documents relating to such accounts.

Our audit report for the financial year ending 31st March 2024 was received from the Auditor General on 9th April 2025. Since its inception in 2005, our Office has received a ‘clean’ audit opinion, demonstrating consistent financial responsibility over a sustained period.

Read our Audited Financial Statements for FY 2023/24 here: ombudsman.bm/publications

Public Access to Information (“PATI”) Act

The Public Access to Information (“PATI”) Act 2010, which took effect on 1st April 2015, ushered in a new era of transparency for the Government. By making PATI requests, members of the public may exercise their right of access to records held by Bermuda’s public authorities, which in turn can help to improve administrative practices in the Government.

The Office’s Information Statement aims to make it easy to access key information about the Ombudsman’s activities, including:

- who we are and what we do;
- what we spend and how we spend it;
- what our priorities are and how we are doing;
- how we make our decisions;
- our policies and procedures; and
- lists and registers.

Some information is restricted by PATI. Records obtained or created by the Office while carrying out our functions are not accessible to the public under section 4 of the PATI Act.

To obtain a copy of our PATI Information Statement (last updated January 2026) and learn about records that can be made available to the public, stop by our Office or visit our website to download it.

Download our PATI Information Statement at:
ombudsman.bm/wp-content/uploads/2026/03/2026-Ombudsman-Office-Information-Statement.pdf



Investigations Officer Aquilah Fleming is our Information Officer, and she can be reached at 296-6541 or asfleming@ombudsman.bm.

COMPLIANCE

Ombudsman Association (UK) Validation

The Ombudsman Association (“OA”) in the UK is a membership body for ombudsman schemes and other complaint handling bodies. Its criteria and standards are recognised as industry best practice. The OA was established in 1993 and our Office has been a member since 2012.

Members of the OA must undergo a re-validation exercise every 4 to 5 years. This is an assessment of policies, procedures, and practices. The OA assesses its members’ standards against the OA’s published guidance on caseworker competency framework, service standards framework, principles of good governance, and principles of good complaint handling. The OA then awards re-validation (or validation for new members) once the Office has demonstrated that it applies the OA’s standards to its own casework.

The Bermuda Ombudsman’s Office was re-validated by the OA in April 2025. This means that, in addition to demonstrating compliance with the OA’s core competency frameworks, we were assessed against five other criteria:

- 1. **Independence** (demonstrated independence from government authorities and freedom from influence)
- 2. **Fairness** (demonstrated impartiality, procedural fairness, adherence to the principles of natural justice, and reasoned decision making)
- 3. **Effectiveness** (accessibility to our services, proper use of our powers, and a learning culture that drives improvements in our own processes)
- 4. **Openness and Transparency** (stakeholder engagement, public education, and making information available)
- 5. **Accountability** (publishing information and data about our work, and demonstrating good stewardship of public funds).

Occupational Safety and Health Act (“OSHA”)

The Occupational Safety and Health Act (“OSHA”) 1982, and the accompanying 2009 Regulations, establish a legislative framework in which employers have a duty to ensure, as far as is reasonably practicable, the health, safety, and welfare at work of all employees. The legislation requires that accidents and dangerous occurrences must be investigated and reported to a Safety and Health Officer at the Department of Health (“the Department”). Employers who have ten or more persons employed are also required to establish a Safety and Health Committee that deals with complaints, investigates accidents, makes recommendations for safety improvements, provides

training and advice, and maintains records. All employers, regardless of the size of the organisation, are required to submit an annual report to the Department that sets out the number of accidents, dangerous occurrences, and minor injuries that occurred.

With only six employees, the Office of the Ombudsman is not required to have an OSHA Safety and Health Committee. Instead, safety and health issues are discussed and decided at our regular team meetings. Our annual return to the Department reported that we did not experience any accidents or injuries during 2025.

DEMONSTRATING ACCOUNTABILITY

For the purpose of the Government’s Financial Instructions, the Ombudsman is the Accounting Officer for the Office. He ensures that all expenditure is in line with Financial Instructions and that accounts are kept, maintained, and reported annually as prescribed by the Accountant General.

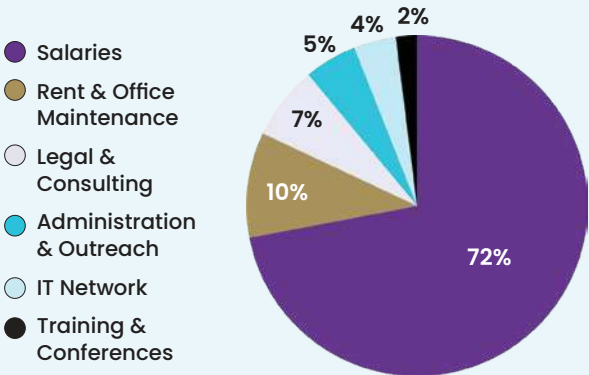
Our Spending

Our approved budget for FY 2025/26 was \$1,100,482. This represents an increase of \$50,901 (4.8%) over the previous year, and the funds were allocated as follows:

- **Salaries:** \$787,997 (72%)
- **Rent & Office Maintenance:** \$112,200 (10%)
- **Legal & Consulting Services:** \$80,000 (7%)
- **Administration & Outreach:** \$57,685 (5%)
- **IT Network:** \$39,000 (4%)
- **Training & Conferences:** \$23,600 (2%)

Figure H provides a further breakdown of our spending during 2025.

Figure H: Original Budget for 2024/25 Fiscal Period



POLICY & STANDARDS

Performance Measures

All Government Departments, including the Non-Ministry Departments (such as the Ombudsman, Information Commissioner, Auditor General, Parliamentary Registrar, etc.) must report annually on their performance measures contained in the Government's Approved Estimates of Revenue and Expenditure (the "Budget Book"). Our Office submitted the following performance measures for FY 2025/26:

MEASURE/INDICATOR	Actual OUTCOME 2023/24	Original FORECAST 2024/25	Revised FORECAST 2024/25	Target OUTCOME 2025/26
1. ENHANCE THE IMPACT OF OUR WORK				
Percentage of investigations that comply with timelines prescribed in the Complaint Handling & Investigations Policy	40%	50%	50%	50%
Number and type of "how we work" information published about our service (website/social media postings)	50	12	50	50
Number of information sessions about our service delivered to the public sector	2	4	2	4
Number of engagements with local / international colleagues to exchange information and discuss best practice	18	8	20	25
Percentage of compliance with outside body reporting obligations (PATI, PIPA, Annual Report, Audit, etc.)	100%	100%	80%	100%
Percentage of monitor/follow up within 90 days after recommendations have been made following investigation	100%	100%	100%	100%
2. EXTEND OUR ACCESSIBILITY				
Number of information sessions about our service delivered to community groups	2	4	2	4
Percentage of service-users surveyed to capture data on their satisfaction levels	n/a	100%	0%	50%
Percentage of electronic / printed office information published for non English speakers and persons with disabilities	50%	100%	50%	75%
3. EXPAND OUR COMMUNITY OUTREACH				
Number of engagements with media about our current activities and other information of public interest	4	4	4	4
Number of informal public information engagements ("pop-ups")	2	4	2	2
Number of updates on our current activities and other information of public interest posted via social media	50	26	50	50
Percentage of surveyed public that reports overall awareness of the work our office does	n/a	50%	60%	60%
Percentage of surveyed public that reports overall satisfaction with our office	n/a	60%	60%	60%

Complaint Process FAQs

What can you do once I make a complaint?

After you make a complaint, our Office may do any of the following:

1. **Refer** you to a more appropriate authority, if there is a more appropriate remedy still available to you.
2. Make **preliminary inquiries** with the authority you complain about. We will seek to clarify the issues of your complaint and, if possible, assist in resolving it without an investigation.
3. Conduct a full, confidential **investigation**, by reviewing all relevant documentation and gathering evidence (under oath if necessary). We may investigate if the complaint subject is complex, facts are in dispute, or the Ombudsman determines he must decide whether or not an authority's action constitutes maladministration.
4. **Mediate** a complaint if we decide this is appropriate.
5. **Decline** your complaint as being outside of our jurisdiction because either:
 - the action complained about is something we cannot investigate; or
 - the authority you have complained about is not one we can investigate.

We may also **decline** your complaint if it is lodged with our Office more than a year after you became aware of the issue you are complaining about, or the Ombudsman has determined that your complaint is frivolous.

If we decline your complaint, we may refer you to another body which may be able to assist you.

What happens if you investigate my complaint?

If we investigate a complaint, the Ombudsman will make findings based on the evidence he has reviewed. He may determine the evidence does not support a finding of maladministration on the part of an authority. If he does so, he is not likely to take any further action.

The Ombudsman may determine the evidence reviewed supports a finding of maladministration. If he finds that there was wrongdoing by the authority, he may make

recommendations as he sees fit.

Recommendations may include that:

- an omission or a delay be rectified.
- a decision or recommendation be cancelled or altered.
- reasons be given for actions and decisions.
- a practice, procedure or course of conduct should be altered.
- a statute or regulation should be reviewed.
- improvements be made to practices, procedures and policies.
- a financial payment be made.

It is also possible that even if the Ombudsman makes a finding of maladministration, he does not make any recommendations.

What kind of financial payments can the Ombudsman recommend?

The Ombudsman can recommend financial consolation and financial compensation payments.

A **financial consolatory payment** is an ex-gratia payment that signifies the Ombudsman's conclusion that an apology does not sufficiently address the maladministration found. The aim of a consolation payment is to console a complainant and not to compensate a complainant for a financial loss.

A **financial compensation payment** is used to restore the complainant to the position they were in before the maladministration occurred.

Both forms of financial remedy are rarely recommended and can only be recommended after a finding of maladministration. Unlike the Courts, the Ombudsman's recommendations are not binding or enforceable.

Can I complain to the Ombudsman instead of taking an authority to Court to receive payment?

In most cases when complainants are seeking a financial payment from an authority, the complainant can pursue

SUPPLEMENTARY RESOURCES

this payment in the Courts or with a tribunal. We cannot investigate complaints until either: a) the Court or tribunal's process the complainant has the right to pursue is complete; or b) the time limit for exercising that right has expired. We will usually decline these complaints and suggest that the complainant speak with a lawyer.

The Ombudsman does have the discretion to investigate a complaint which otherwise would be pursued with a tribunal or in the Courts.

However, this discretion is only exercised when it would not be reasonable to expect the complainant to pursue their claim in the Courts or with a tribunal.

What does the Ombudsman consider when deciding to recommend a financial remedy?

Each recommendation is decided on a case-by-case basis. The Ombudsman is unlikely to recommend financial compensation for unquantifiable or intangible losses. For example, it is unlikely the Ombudsman will award financial compensation for distress or for pain and suffering.

A **consolation payment** can range from \$50 – \$5,000, depending on the severity of the maladministration found; the amount of the payment is determined at the Ombudsman's discretion. When deciding whether a complainant should be **financially compensated**, the Ombudsman considers questions such as: Has the complainant suffered a financial loss as a result of maladministration? Is the loss quantifiable?

COMPLAINT STAGES

STAGE	PURPOSE
Intake	Receive and record cases as well as assess our jurisdiction to assist
Preliminary Inquiry	Gather and assess information and documents to determine whether or not to investigate a complaint of maladministration
Early Resolution	Promote resolution of the issues identified by (re-) establishing direct and clear communication between the complainant and the authority, along with potential solutions, as soon as possible after receipt of the complaint
Mediation	Promote resolution of the issues identified by facilitating a formal meeting (or series of meetings) between the complainant and the authority
Outcome Review	Assess whether to uphold the complainant's request for a review of a decision not to investigate
Pre-Investigation	Assess whether the matter should be investigated and further review any potential challenges our Office may face in carrying out an investigation. Also carry out initial planning (<i>investigation sub-stage 1</i>)
Investigation	Gather and assess the evidence necessary to determine whether or not to uphold a complaint of maladministration, through formal and informal means of evidence gathering (<i>investigation sub-stage 2</i>)
Post-Investigation	Issue Draft Investigation Report to parties for their input, before finalisation (<i>investigation sub-stage 3</i>)
Investigation Conclusion	Receive and assess Authority's statutory response to Final Investigation Report (<i>investigation sub-stage 4</i>)
Implementation Review	Follow up on the Authority's implementation of recommendations in Final Investigation Report (<i>investigation sub-stage 5</i>)

COMPLAINT DISPOSITIONS

Dispositions help explain why and at what point in our process we have closed a case. Here is a description of each category with reference to the relevant sections of the Ombudsman Act for guidance on our definitions.

DISPOSITION	WHAT IT MEANS
Abandoned	Complainant did not provide sufficient contact information or respond to our attempts to make contact (<i>see s.9(2)(a) re decision not to investigate</i>).
Closed After Inquiries	We decided not to proceed with the complaint after making inquiries or based on an initial assessment because: (a) the issues within jurisdiction were adequately addressed; or (b) the questions we raised to the authority were sufficiently answered (<i>see s.8 re preliminary inquiries</i>). We may have used alternative resolution techniques (<i>see s.10 re mediation; and s.8 re preliminary inquiries</i>). We also may have made general suggestions to assist the authority in improving its processes.
Closed Maladministration	At the conclusion of a formal investigation, the Ombudsman made findings of maladministration, and the authority provided its statutory response (<i>see s.15(3) re procedure after investigation; and s.16 re authority to notify Ombudsman of steps taken</i>).
Closed Mixed Maladministration	At the conclusion of a formal investigation, the Ombudsman made findings of maladministration and no maladministration, and the authority provided its statutory response (<i>see s.15(3) re procedure after investigation; and s.16 re authority to notify Ombudsman of steps taken</i>).
Closed No Maladministration	At the conclusion of a formal investigation, the Ombudsman made findings of no maladministration (<i>see s.15(1) re procedure after investigation</i>).
Closed – Settled	We decided not to proceed with the complaint during preliminary inquiries or investigation because the issues were successfully resolved and adequately addressed. (<i>see s.9(2)(c) re decision not investigate</i>)
Declined	Issues raised were outside of our jurisdiction because of the subject matter and/or body complained of (<i>see s.6(1)(3) and the Schedule re actions not subject to investigation</i>). Or, issues raised may have been within jurisdiction but were out-of-time (<i>see s.9(1)(a) re decision not to investigate</i>) or determined to be frivolous (<i>see s.9(1)(c) re decision not to investigate</i>). In these cases, we may have declined outright or made inquiries to establish jurisdiction (<i>see s.8 re preliminary inquiries</i>). We make no suggestion as to potential redress because there likely is none at present.
Declined and Referred	Issues raised were outside of our jurisdiction because of the subject matter and/or body complained of (<i>see s.6(1)(3) and the Schedule re actions not subject to investigation</i>). Or, issues raised may have been within jurisdiction but were out-of-time (<i>see s.9(1)(a) re decision not to investigate</i>). We may have made inquiries to establish jurisdiction and/or determine whether there were other forms of redress available (<i>see s.8 re preliminary inquiries</i>). These inquiries may have included general or specific questions about the issues. We determined that there were other ways for the complainant to seek redress and provided information to the individual on possible next steps (<i>see s.9(1)(b) re decision not to investigate – alternative remedies</i>).
Deemed Premature	Complaint subject matter and authority were in jurisdiction, but the person had not yet complained to that authority or had not yet exhausted that authority's existing complaint handling procedure. In these cases, we could have made inquiries, but it probably meant getting ahead of ourselves. The authority complained of was always the authority that the complaint should have been raised with.
Enquiry	Person contacted us to seek information, not necessarily to complain, with questions about an authority's processes and/or our services. Person may have been aware that there were other steps to pursue before complaining to us. This may have included complaint letters addressed to authorities or other bodies that were copied to us.
Informally Resolved	Complaint was resolved between the authority and the complainant with informal intervention from us. We may have facilitated resolution by making brief, informal enquiries that prompted the authority's action and/or by coaching the complainant on how to approach the authority (<i>see s.9(2)(c) re decision not to investigate – settled; and s.8 re preliminary inquiries</i>).
Referred	Complaint subject matter and authority were in jurisdiction, but there was a more appropriate remedy still available to the complainant (<i>see s.6(1) and (2) re restrictions on jurisdiction to investigate</i>). Complainant had not raised the issue with the correct authority or had not yet exhausted the authority's complaint handling procedure, and we determined that it was necessary and fair for the complainant to give the authority adequate opportunity to address the issues raised (<i>see s.9(1)(b) re decision not to investigate – alternative remedies</i>).
Signposted	Complaint subject matter and/or body complained of were not within our jurisdiction, and we suggested the complainant contact a body not within our jurisdiction.
Withdrawn	Complainant requested that we take no further action on the complaint. This may have been done at any stage during the process (<i>see s.9(2)(b) re decision not to investigate</i>).

ASSESSING GOOD ADMINISTRATION

Ombuds offices worldwide benefit from shared tools and guidance on assessing public bodies' actions. In our complaint handling and investigation work, we routinely refer to the "Principles of Good Administration" published by the UK Parliamentary and Health Service Ombudsman in 2007. These guiding principles provide clear and succinct language for defining good administrative practices. We also routinely describe those principles in our presentations and correspondence to authorities regarding their complaint handling.

There are other useful resources for guidance on what administrative fairness means. These publications are based on decades of experience investigating complaints. We share this information to promote an understanding of how our Office will consider cases and how we will assess the authorities' delivery of service to the public. Here is our updated list of resources for exploring what good administration means:

- "Fairness by Design: An Administrative Fairness Self-Assessment Guide" from various Canadian Ombudsman offices in collaboration (2019)
- "Good Conduct and Administrative Practice: Guidelines for State and Local Government" from Australia's New South Wales Ombudsman (2017)
- "Principles of Good Administration and Good Records Management" from Wales' Public Services Ombudsman and Information Commissioner's Office in collaboration (2016)
- "Administrative Fairness Guidebook" from Canada's Alberta Ombudsman (2013)
- "Defining Fairness in Local Government" from the Ombudsman Toronto (2013)
- "Principles of Good Complaint Handling" from the UK Parliamentary and Health Service Ombudsman (2008)
- "Principles for Remedy" from the UK Parliamentary and Health Service Ombudsman (2007)
- "A Guide to Principles of Good Complaint Handling" from the Ombudsman Association (2007)
- "Code of Administrative Justice" from the British Columbia Office of the Ombudsman (2003)

Also, for structured guidance to reflect on other complaint-handling practices, we refer you to:

- "Good Practice Guide to Dealing with Challenging Behaviour" from Australia's Victorian Ombudsman (2018)
- "Managing Unreasonable Complainant Conduct Practice Manual" from Australia's New South Wales Ombudsman (2012)
- "Being Complained About – Good Practice Guidelines" from the University of Glasgow and Hirstworks (with input from the Scottish Public Services Ombudsman) (2019)
- "Complaints: Good Practice Guide for Public Sector Agencies" from Australia's Victorian Ombudsman (2016)
- "Complaints Improvement Framework" from the Scottish Public Services Ombudsman (2017)
- "Effective Complaint Handling Guidelines" from Australia's New South Wales Ombudsman (2017)
- "Effective Complaints Management Self Audit Checklist" from Australia's Queensland Ombudsman (2006)

***If you are unable to locate any of these resources online,
please contact our Office for a copy.***

*For the Good
of the Public*



*and Those Who
Serve the Public*

OMBUDSMAN FOR BERMUDA

Dundonald Place, Suite 102, 14 Dundonald Street West, Hamilton HM 09, Bermuda

TEL 441-296-6541 | www.ombudsman.bm | contact@ombudsman.bm