



THE OMBUDSMAN ACT 2001

(Sections 10 & 27)

OMBUDSMAN STAFF POLICY MANUAL

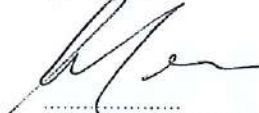
November 2018

Nuku'alofa

Purpose of this manual

This Manual is made pursuant to sections 10 and 27 of the *Ombudsman Act 2001* and sets out the terms and conditions of employment for Staff of this Office of the Ombudsman.

Mālo 'Aupito


.....
Aisea H Taumoepeau SC
OMBUDSMAN



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Definitions and Interpretation

In this Manual, unless the context otherwise requires –

Act: means the Ombudsman Act 2001

CEO: means the Chief Executive Officer of the Office

Corruption: means the abuse of public office for private gain

CSD: means Corporate Services Division

EC: means an Employment Contract

Employee: means an employee of the Office of the Ombudsman who is appointed to a permanent post.

Flexi-hours: means working hours outside the normal 8:30am to 4:30pm work day, as approved by the CEO

Glide Time: a system permitting flexibility of start time within limits at the beginning of the employee's, including daily paid employees, workday with the understanding that the end of work time balances out an 8 hour work day.

Governance: the traditions and institutions by which authority in a country is exercised for the common good. This includes the process by which those authorities are selected, monitored, and replaced (the political dimension); the government capacity to effectively manage its resources and implement sound policies (the economic dimension); and the respect of citizens and the state for the country's institutions (the institutional respect dimension).

Harassment: harassment is unwanted and unwarranted behavior that a person finds offensive, intimidating or humiliating and is repeated, or significant enough as a single incident, to have a detrimental effect upon a person's dignity, safety and well-being. It can involve spoken, written or visual material or a physical act.

Head of Division (HOD): means the Deputy Secretary (CSD) and/or the Director of Investigations (Investigation Division) as the case may be

Merit: refers to the relative suitability of a person to perform the task and duties attached to a specific post.

Misconduct: conduct that is unacceptable but is not serious enough to justify dismissal, but which may result in a lesser form of discipline, for example a formal warning. Cumulative acts of misconduct may result in dismissal. Examples of misconduct include (but are not limited to) excessive and repeated lateness or absenteeism without valid reason, using offensive or abusive language, and negligence or carelessness.

Notice: the advance written notice the Office must give employees when their employment is terminated, or that employees must give when they resign. The amount of notice required is set out in their ECs.

OSC: means the Ombudsman Staff Committee established under clause 1.4

Office: Office of the Ombudsman;

Performance: references to performance in this policy refer to an employee's performance against his or her performance objectives, and to their technical and behavioral competencies. Competencies are skills, abilities, or knowledge that determine how a task is performed as opposed to the particulars of the task, for example, teamwork and analytical thinking.

PMS means a Performance Management System which is a managed and documented plan aimed at helping an employee understand what is expected to them, and to help them to improve their performance to the standard required of their position. Disciplinary consequences may follow if performance does not improve to the required standard.

Poor Performance: means an employee's performance has not, or does not meet the expectations of their role, and/or when an employee does not demonstrate the levels of competence expected of them in their role.

Prohibited grounds of discrimination: these include sex, marital status, religious belief, ethical belief, color, race, ethnic or national origins, disability, age, political opinion, employment status, and family status.

Public Holiday means the days set out in the Public Holidays Act and any day proclaimed by Cabinet to be a holiday.

Redeployment: means where an employee whose position has been (or will be) disestablished and is placed into a new position within the Office. A "suitable alternative position: is one that:

- Recognizes the service of the employee with the Office;
- Involves duties, and terms and conditions, that are similar to the employee's disestablished position; and
- Does not place an unreasonable imposition on the employee's individual circumstances.

Note: if an employee's EC contains a different definition of the term "suitable alternative position", the EC definition will apply.

Redundancy: means an employee's employment is terminated on the grounds that their position has become surplus to the Office's requirements.

Seconded: means a person who is transferred temporarily to alternative employment or seconded.

Serious misconduct: means conduct that seriously damages or destroys the Office's trust or confidence in the employee.

Social Committee: The staffs of the Office of the Ombudsman are expected to contribute fortnightly to the social fund; the Committee will organize, plan and suggest activities and events throughout the year.

Summary dismissal: means dismissal without notice.

TOIL: means Time off in lieu.

Total remuneration cost: means an employee's total remuneration package. Any reference throughout this policy to remuneration ranges or total remuneration means "total remuneration cost" as defined here.

Treasury Instructions: means instructions issued by the Ministry of Finance pursuant to the Financial Management Act.

Working Day: means any day of the week from Monday to Friday all inclusive.

Working Hours: means the normal hours of work of any working day from 8:30 am to 4:30 pm, including an hour lunch break.

Working Time: means the time when an employee is employed by the Office.

Work Place: means the working area designated to an employee to discharge the Office's functions.

Year: means a calendar year

1 PREAMBLE

1.1 Policy Statement

- (1) This policy sets out the Office's general approach to the different conditions of employment. The Ombudsman may vary this approach if particular circumstances of the issue require it. Any decision to vary the approach will be communicated to the affected employee. The Office's policy is aimed at attracting, retaining, motivating and rewarding employees with the best skills, values and attributes to meet the Office's needs.

- (2) In particular, the Office is required and committed to provide:
 - (a) Good and safe working conditions;
 - (b) An equal employment opportunities program;
 - (c) The impartial selection of suitably qualified people;
 - (d) Opportunities for the enhancement of the abilities of individual employees;
 - (e) Recognition of the aims and aspirations, and the cultural differences, of ethnic or minority groups;

- (3) The OSC may recommend amendments to this policy but must be approved in writing by the Ombudsman.

1.2 Employment

(1) General Principles

The Office benefits from a diverse workforce, assisting it to relate to its clients and bring a variety of perspectives to consider on any given assignment.

1.3 Authority to Appoint

The Ombudsman is the legal authority to appoint all employees of the Office, as set out in the Ombudsman Act 2001.

1.4 Ombudsman Staff Committee (OSC)

- (1) The OSC is established to assist the Ombudsman to fulfill his functions in relation to staff.
- (2) The members and functions of the OSC are contained in *Appendix 1: TOR for OSC*.

1.5 Conditions of Employment

(1) Probation

All new employees shall be on probation for the first six (6) months of their employment.

(a) Performance assessed

- (i) All employees' performance, acceptance and discharge of responsibility shall be assessed during and at the end of their probationary period.
- (ii) All employees' performance report will be submitted at the end of the probationary period,
- (iii) The reports referred to under sub paragraph b) shall be prepared by the HOD and submitted to the OSC for review and recommendations made to the Ombudsman for his final decision. [This provision is dealt with below under "Not confirmed/Termination during probation"]

(b) Confirmation of appointment

- (i) At the end of the probationary period and provided that the performance is assessed to be competent, the employee's appointment shall be confirmed by the Ombudsman.
- (ii) The probationary period may be extended only once, and shall not exceed an additional three (3) months and an additional

performance report should be prepared by the HOD before review by the OSC and decision of the Ombudsman.

(c) Not confirmed

Employees with unsatisfactory performance shall not be confirmed and their appointment shall be terminated in accordance with the principles of natural justice and the intention not to confirm their appointment should be given in writing within 2 weeks of the end of their probationary period.

(d) Termination during probation

An employee may be terminated at any time during the probationary period by the Ombudsman for failure to comply with any applicable legislation, regulation, instruction, procedure or lawful direction.

(e) Acting Appointment

Acting appointment, applications for other posts or annual leave

An employee on probation shall not be eligible for the following until they have completed their probationary period and have been confirmed to their current position:

- (i) Acting appointment;
- (ii) Applies for other positions within the office.
- (iii) Study leave (except short trainings/workshops approved in writing by the Ombudsman)

(2) Permanent

(a) Permanent employees appointed to permanent positions are recommended by the OSC and approved by the Ombudsman and allocated funds because the employee meets the qualification requirements of permanent worker.

(b) All permanent employees are required to sign an EC and take the official oath of secrecy within two weeks of their assumption of duty as set out in *section 17* of the *Ombudsman Act 2001*. A template of the EC can be found in *Appendix 2: Employee Contract*.

(3) Daily Paid

(a) Daily paid employees are appointed on individual contract for works that are generally irregular, informal and there is no guarantee of ongoing employment. Daily paid employees are required to take the official oath of secrecy.

(b) Employees engaged as daily paid laborers are remunerated on a day-to-day basis. The terms and conditions of their employment will be as set out in their contracts.

(4) Contract

Contract employees are appointed for a fixed term on an individual contract. All contract employees are required to take the official oath of secrecy. The terms and conditions of their employment will be as set out in their contracts.

1.6 Responsibilities and competencies for permanent employees

The responsibilities and competencies of permanent employees are described in *Appendix 3: Responsibilities & Competencies for permanent employees*.

1.7 Transfer and Re-employment

- (1) An employee may be laterally transferred to another post provided he meets the requirements for that post.
- (2) Employees who previously resigned may be re-employed if they meet the requirements for appointment.
- (3) Employees who were previously dismissed, the following rule applies:
 - no employee previously dismissed may be re-appointed, even on a temporary basis, without the prior approval of the Ombudsman.

- (4) An applicant who had compulsorily retired through ill-health shall not be reemployed without a medical report from the Director of Health.
- (5) Where the Ombudsman considers it necessary to re-employ in an established post an employee who has already retired on pension, such employee shall be entitled to all the privileges and benefits of such post.

2 CESSATION OF EMPLOYMENT

2.1 Policy Statement

- (1) This policy sets out the Office's general approach to what will happen when an employee's employment ends. The Ombudsman may vary this approach if particular circumstances require it. Any decision to vary the approach will be communicated to the affected employee.
- (2) An employee's employment relationship with the Office may be terminated, either by the employee or by the Office, for a variety of reasons.
- (3) Employees are entitled to payment of any outstanding salaries, wages, and unused leave entitlements on cessation of employment.
- (4) Employees are required to return Office property within seven (7) days of their employment ending. This includes:
 - (a) All documents and other material, including electronic files, within the employee's possession or control that relate to the affairs and operations of the Office; and
 - (b) Any other equipment or property of the Office (for example, calculator, laptop computers, and laptop bag)

2.2 Resignation

- (1) Employees may resign at any time.
- (2) Employees must give advance written notice to the CEO of when they plan to leave. The period of notice is 20 working days for all staff.

- (3) Once an employee's resignation letter is received by the CEO, the OSC may discuss and proceed with:
- (a) Seeking the approval of the Ombudsman
 - (b) Submitting to CSD to start process of filling the position through the normal recruitment process.
 - (c) If an employee leaves work without giving the required notice period the employee will not be paid for time after the employee's last actual working day. The employee may also be required to forfeit or pay an amount equivalent to his base salary for the balance of the period due.
 - (d) The office shall write to the employee to advise the amount owing due to the shortfall and stating the deadline which the payment must be made which is within 30 days from the date of the letter.
 - (e) Payment should be made to the Ministry of Finance and the receipt should be forwarded to the Office before the deadline.
 - (f) If payment in (a) is not made within the deadline stated in (a) then the Office shall process the case as a dismissal.
- (4) Under special circumstances, the period of notice may be waived or reduced with the approval of the Ombudsman.

2.3 Death of employee

(1) Death of an employee

- (a) Where an employee dies during working hours, the CEO shall be responsible for notifying the next of kin.
- (b) The Ombudsman shall also notify the Speaker of the Legislative Assembly and the Ministry of Finance as soon as practical

(2) Entitlements at death of an employee

- (a) When an employee who is on official duty dies while travelling or at work, the Government shall be responsible for the transportation of the deceased to the island of residence if so required.

- (b) When an employee who is on official duty overseas dies, the Government shall be responsible for the costs of embalment, airfreight and any related costs of the deceased being returned to Tonga if so required.
- (c) When an employee dies, the Ombudsman shall inform the Speaker of the Legislative Assembly to ensure that the following entitlements are provided:
 - (i) Letter of condolence from the Ombudsman to the next of kin (In the case of the Ombudsman, the Letter of condolence will be from the Speaker);
 - (ii) National Flag;
 - (iii) Wreath; and
 - (iv) Police Band.
- (d) Except as provided by law, all monetary benefits due to the deceased shall be calculated and sent to the Registrar of the Supreme Court for the administration of his estate

(3)Entitlements at death of retired employees

When a retired employee dies, any member of his family shall inform the CEO to ensure that the following entitlements are provided:

- (i) Letter of condolence from the Ombudsman to the next of kin (In the case of the Ombudsman, the Letter of condolence will be from the Speaker);
- (ii) National Flag;
- (iii) Wreath; and
- (iv) Police Band.

2.4 Retirement

- (1) Employees shall retire on attaining the age of 60 years.
- (2) Under special/exceptional/emergency circumstances, an employee's compulsory date of retirement may be extended with the approval of the Ombudsman and shall be based on exigency basis.

- (3) On retirement, employees are entitled to:
 - (a) Receive payment for pre-termination leave, less monies owed to the government, in one lump sum; and
 - (b) Ceasing service benefits from the Retirement Fund.

2.5 Fixed term employment

If an employee is employed on a fixed term agreement, the employee's employment will end when the conditions described in the EC are met. These conditions may involve the conclusion of a specified project, the occurrence of a specified event, or the closing of a specified date or period of time.

2.6 Redundancy

- (1) An employee's employment may be terminated by reason of redundancy if their position becomes surplus to the Office's requirements.
- (2) The process by which an employee may be made redundant or redeployed, and/or their position changed is set out in Section 4: Restructuring Policy.
- (3) An employee whose employment is terminated by reason of redundancy may be entitled to compensatory payments approved by the Ombudsman.

2.7 Dismissal

- (1) The employee of the Office may be dismissed for serious offences and serious breach of discipline.
- (2) Where the employee commits a serious offence or breach of discipline, the HOD shall make a full report to the CEO, who shall forward the matter to the Ombudsman

- (3) The Ombudsman may refer the matter to the OSC for further investigation, including charging the employee and giving him an opportunity to be heard
- (4) The Ombudsman may suspend an employee without pay while the serious breach of discipline is investigated and salary may be restored and paid in arrears if the employee is re-instated.
- (5) The OSC shall report back to the Ombudsman regarding the investigation with recommendations.
- (6) The Ombudsman shall make a final decision regarding the dismissal of the employee
- (7) An employee who is dismissed may lose all of his benefits and entitlements of his position.

2.8 Poor Performance

Employees will be given a fair and reasonable opportunity to improve their performance, with appropriate assistance from the Ombudsman, before disciplinary action is taken. Further information can be found in *Section 14: Improving Poor Performance Policy*.

2.9 Unacceptable conduct

The Ombudsman will act fairly and reasonably when investigating allegations against an employee. This includes providing the employee with access to relevant information and a fair opportunity to respond to any allegations before a decision is made. Further information can be found in *Section 16: Disciplinary Process Policy*.

2.10 Illness or incapacity

- (1) Employment may be terminated by the Ombudsman if, in the reasonable view of the Office, the employee is incapable of the proper performance of their duties and responsibilities owing to illness or incapacity.
- (2) Before an employee's employment is terminated for this reason, the Office will consider any medical evidence that the employee wishes to provide. The Office may require an employee to undergo a medical examination by a medical practitioner nominated by the Office. In that case, the Office will consider the medical report resulting from that examination along with any other relevant medical reports or material available to it, before making a decision.

2.11 Exit interviews

- (1) Exit interviews are conducted to collect valuable information, ideas, and thought from employees who leave the Office. The information is useful in terms of making organizational improvements such as improving employee retention, recruitment strategies, and work conditions, and to identify training and development needs for all employees.
- (2) An exit interview will be offered to all departing employees, regardless of the reasons for them leaving. A departing employee may decline the opportunity to participate in an exit interview.
- (3) An exit interview questionnaire, can be found in *Appendix 4: Exit Interview Questionnaire*
- (4) Generalized information, common themes, and trends will be collated by the CSD and reported to the OSC on a quarterly basis.

2.12 Certificates of service and references

A certificate of service can be provided to any departing employee on request. The office will create one on Office letterhead and forward it directly to the departing employee, or, with agreement, to a third party. The certificate of service will state the employee's length of service with the Office, and what positions have been held during that time. The Ombudsman will consider request for other factual information to be included on a case-by-case basis.

3. RECRUITMENT POLICY

3.1 Policy Statement

This policy sets out the Office's general approach to recruitment. The Ombudsman may vary this approach if particular circumstances require it. Any decision to vary the approach will be communicated to the affected employee.

3.2 General Principles

- (1) The ultimate authority of the recruitment will be the Ombudsman.
- (2) All recruitment must be conducted through the CSD with the recommendation of the OSC and final approval of the Ombudsman.
- (3) All appointments and recruitments shall be based on the merit principle.

3.3 Vacancies

When a vacancy arises, the HOD of CSD should review the needs of the position and if there are changes to remuneration, or new positions created, these must be recommended by the OSC, approved by the Ombudsman in consultation with the Ministry of Finance and the Remuneration Authority.

3.4 Advertising

- (1) All vacancies for recruitment shall be advertised for a minimum of two weeks.
- (2) When advertising a vacancy, there must be:
 - (a) An up-to-date job description (including competencies) available for the position;
 - (b) A set of essential and desirable requirements defined as the selection criteria for the position;
 - (c) Funds available for the position to be advertised
 - (d) Endorsement from the applicant's current employer (only if applicant is applying from Government)

3.5 Panel, Shortlisting and Interviews

(1) Panel

- (a) The interview panel shall be approved by the CEO and comprises of the following three members:
 - (i) Representative of the Office – Investigation Division (or CEO as the case may be)
 - (ii) Representative of the Office – CSD
 - (iii) Representative of an external organization (relevant to the post)
 - (iv) If the vacancy is for the Deputy Secretary or the Director of Investigation, panel will consist of the CEO and two other panelists, as appointed by the CEO and a representative from CSD as an observer
 - (v) If the vacancy is for the Chief Executive Officer, due recruitment process will be carried out by the Ombudsman.
- (b) The panel must declare if the following situation arises:
 - (i) That the applicant is an immediate family;
 - (ii) If a member has any interest that must be disclosed and the panel to appoint a replacement.

- (c) All panel members must sign a Conflict of Interest Declaration Form which is *Appendix 5: Conflict of Interest Declaration Form - Interviews*

(2) Shortlisting applicants

- (a) The interview Panel shall shortlist the applicants.
- (b) The interview panel shall ensure that all shortlisted applicants meet the minimum requirements of the advertised position.
- (c) Prior to the interview, the CSD must obtain and confirm referee reports with the referee for the shortlisted applicants.

(3) Interviews

- (a) All recruitments must involve an interview that is based on the selection criteria (job description, including competencies, and person specification) and any other pre-approved processes.
- (b) Interview questions should be directly related to the selection criteria so that the applicants can be assessed objectively, and to ensure that questions and processes are non-discriminatory.
- (c) The interview panel shall use the recruitment checklist and form provided by the Office for interviews.
- (d) The CEO may approve any person to be an observer in the interview, depending on the circumstances.
- (e) The panelist from the relevant division is to compile a report on the results of the interview and circulate for endorsement of the interview panel prior to submission to the OSC for recommendation and to the Ombudsman for a decision.

3.6 Offering employment to preferred applicant

- (1) Subject to the approval of the Ombudsman, the OSC shall arrange for an offer of appointment letter for the appointee. Within 5 working days, the appointee is to sign as indication of acceptance, or otherwise, of the offer. If the offer is accepted, the appointee is to advise date of assumption of duty.

- (2) On the day of assumption of duty, the appointee must attend an induction training organized by the CSD.
- (3) An induction form, as found in *Appendix 6: Induction Checklist* must be completed and signed by every new employee. Other divisions of the Office may be involved in this induction training.

3.7 Prerequisite before employment

Before signing the EC, all new appointees may be required to provide the following at their own cost:

- (1) medical examination;
- (2) A current police record from the country he was last resident for a period of one year or more.
- (3) Tax Identification Number
- (4) Driver's License

3.8 Establishing personal file

The CSD shall establish a personal file for each category of new employees, whether permanent or contract, for the inclusion and retention of all matters relating to that employee.

3.9 Advising of assumption of duty

The HOD – CSD shall ensure that the Ministry of Finance is advised of all new appointee's date of assumption of duty, within 5 working days of date of assumption of duty. Date of appointment is also the date of assumption of duty.

3.10 Records

- (1) All CVs received by the Office in response to advertising are to be treated as "Confidential" and will normally be available only to the Ombudsman, the OSC, and the interview panel. CSD approve access

by anyone else, to assist with typing up bio data, photo copying and contacting potential candidates as directed.

(2) For unsuccessful applicants, CVs, interview notes, reference checks, and any other material such as that described in clause 3.10, (1) will be retained by CSD for six (6) months and then destroyed.

(3) Successful applicants' CVs, interview notes, and any other material will be retained by the CSD as part of the employee's personnel record.

3.11 Acting Appointment

(1) An acting appointment occurs when an employee is designated to carry out the full range of duties of another employee in a higher grade who is –

- (a) absent on casual leave, vacation leave, special leave, study leave, sick leave, secondment or maternity leave; or
- (b) Absent on internal (in-service) or external training courses, at conferences, meetings or for other similar purposes

(2) An employee on acting appointment shall take all the terms and conditions of the higher grade.

(3) Acting appointment for the CEO requires the recommendation of the CEO and approval of the Ombudsman.

(4) Acting appointment for posts, other than the CEO, requires the approval of the CEO.

4 PROMOTION

4.1 Policy Statement

This policy sets out the Office's general approach to staff promotions. The Ombudsman may vary this approach if particular circumstances require it. Any decision to vary the approach will be communicated to the affected employee.

4.2 Principle of Promotion

- (1) The considerations governing all promotions shall be the advancement of the efficiency of the Office of the Ombudsman, and this can only be secured by determining promotions on grounds of merit and suitability.
- (2) Any attempt by individuals to secure promotion by the exercise of influence shall result in disqualification.
- (3) There must be a vacant post in the Office of the Ombudsman staff list in order to action a recommended promotion.
- (4) Any consideration to utilize a vacant position for internal promotion shall be submitted in writing by the relevant HOD to the OSC. The OSC will then make recommendations to the Ombudsman. The recommendations may include the following:
 - (a) That an identified vacant position be filled by promotion;
 - (b) The justification that the identified vacant position be filled by promotion;
- (5) Where the Ombudsman has approved that an employee be promoted to a vacant position, the promotion will take effect from the date of the Ombudsman's decision.
- (6) An employee who has been recently promoted shall be eligible for another promotion after completing one (1) year at the post to which he was last promoted.

4.3 Salary on promotion

- (1) If the salary of the employee was less than the minimum of the new band he shall receive the minimum of that band.
- (2) If the salary of the employee is more than the minimum of the new band, his salary will be his current salary plus 10% of the minimum salary of the new band.
- (3) In the following circumstances whereas:

- (a) The employee holds additional relevant qualifications higher than the minimum qualifications required by the post OR
 - (b) The employee holds additional relevant experience as in the job description, in terms of years and/or technical expertise in which case the relevant point in the salary range on promotion shall be awarded in accordance to the Table 4.1 below
- (4) Where an employee has both additional qualification and additional experience, the amount granted on top of the appropriate starting salary on promotion shall be separately recognized (For example: when the minimum qualification is a certificate and the employee has a diploma and 5 years relevant work experience, the amount granted shall be up to 3% for the diploma and up to 5% for the years of relevant work experience).
- (5) Where an employee has more than one additional qualification, the amount granted on top of the appropriate starting salary on promotion shall be separately recognized (For example: when the minimum qualification is a diploma and the employee has a Bachelor's degree and a Postgraduate Diploma, the amount granted shall be up to 3% for the Bachelor's degree and up to 5% for the Postgraduate Diploma).

Table 4.1

Minimum qualification and experience for appointment	Additional relevant qualification	Additional relevant work experience attained	Amount granted on top of the appropriate starting salary on promotion (refer to section 3.3)
i. Certificate (minimum period for the completion of which is at least one academic year)	Diploma	1-3 years	Up to 3% of the minimum point of the relevant band
	Bachelor's degree	4-9 years	Up to 5% of the minimum point of the relevant band
ii. Diploma (minimum period for the completion of which is at least one academic year)	Bachelor's degree	1-3 years	Up to 3% of the minimum point of the relevant band
	Postgraduate	4-9 years	Up to 5% of the minimum point of

	diploma Master's degree	10-14 years 15-19 years 20-24 years 25 plus years	the relevant band Up to 10% of the minimum point of the relevant band Up to 15% of the minimum point of the relevant band Up to 20% of the minimum point of the relevant band Up to 25% of the minimum point of the relevant band
iii. Diploma (minimum period for the completion of which is at least one academic year) plus three years of relevant work experience	Bachelor's degree Master's degree	4-9 years 10-14 years 15-19 years 20-24 years 25+ years	Up to 5% of the minimum point of the relevant band Up to 10% of the minimum point of the relevant band Up to 15% of the minimum point of the relevant band Up to 20% of the minimum point of the relevant band Up to 25% of the minimum point of the relevant band
iv. Bachelor's degree	Post-graduate diploma LLB with professional studies or Master's degree	1-3 years 4-9 years	Up to 3% of the minimum point of the relevant band Up to 5% of the minimum point of the relevant band Up to 10% of the minimum point

	LLM PhD	10-14 years 15-19 years 20-24 years 25+ years	of the relevant band Up to 15% of the minimum point of the relevant band Up to 20% of the minimum point of the relevant band Up to 25% of the minimum point of the relevant band
v. Bachelor's degree with 3 years of relevant work experience	Postgraduate diploma LLB with professional studies or Master's degree LLM PhD	4-9 years 10-14 years 15-19 years 20-24 years 25+ years	Up to 5% of the minimum point of the relevant band Up to 10% of the minimum point of the relevant band Up to 15% of the minimum point of the relevant band Up to 20% of the minimum point of the relevant band Up to 25% of the minimum point of the relevant band
vi. Bachelor's degree with 7 years of relevant work experience	Postgraduate diploma LLB with professional	8-9 years 10-14 years	Up to 5% of the minimum point of the relevant band Up to 10% of the minimum point of the relevant band Up to 15% of the minimum point

	<p>studies or Master's degree</p> <p>LLM</p> <p>PhD</p>	<p>15-19 years</p> <p>20-24 years</p> <p>25+ years</p>	<p>of the relevant band</p> <p>Up to 20% of the minimum point of the relevant band</p> <p>Up to 25% of the minimum point of the relevant band</p>
vii. Master's degree	<p>Postgraduate diploma</p> <p>PhD</p>	<p>1-3 years</p> <p>4-9 years</p> <p>10-14 years</p> <p>15-19 years</p> <p>20-24 years</p> <p>25+ years</p>	<p>Up to 3% of the minimum point of the relevant band</p> <p>Up to 5% of the minimum point of the relevant band</p> <p>Up to 10% of the minimum point of the relevant band</p> <p>Up to 15% of the minimum point of the relevant band</p> <p>Up to 20% of the minimum point of the relevant band</p> <p>Up to 25% of the minimum point of the relevant band</p>
viii. Master's degree with 3 years of relevant work experience	<p>Postgraduate diploma</p> <p>PhD</p>	<p>4-9 years</p> <p>10-14 years</p>	<p>Up to 5% of the minimum point of the relevant band</p> <p>Up to 10% of the minimum point of the relevant band</p> <p>Up to 15% of the minimum point</p>

		15-19 years	of the relevant band
		20-24 years	Up to 20% of the minimum point of the relevant band
		25+ years	Up to 25% of the minimum point of the relevant band

4.5 Appeals

Any employee has the right to appeal to the Ombudsman against a promotion decision in which he may be involved or which affects a post to which he could have been promoted. The Grievance process in Part 14.3 (d) of this Policy shall apply.

5. ATTENDANCE AND WORKING HOURS

5.1 Policy Statement

This policy sets out the Office’s general approach as to what the expected working hours will be for all the employees as well as the alternative arrangements that the employee may adopt if they need to work outside the normal expected working hours. The Ombudsman may vary this approach if particular circumstances require it. Any decision to vary the approach will be communicated to the affected employee.

5.2 Working hours

- (1) The conditions and minimum hours of attendance for employees are 40 hours per week, Monday to Friday. The normal working day is from 8:30 am to 4:30 pm with a meal break of one hour.
- (2) During the Week of Prayer observed in January each year, the working day shall end at 4:00 pm.

- (3) The five-day week is the standard arrangement for the Office; however, the Ombudsman and the CEO have the right to call on employees at any time for work purposes

5.3 Flexible Work Schedule:

- (1) Under certain circumstances an employee may be allowed upon application, to work flexi-hours which may be up to 40 hours per week, with the CEO's prior written approval.
- (2) An employee is required to understand and comply with working hours instructions wherever they work.
- (3) The CSD shall ensure that all employees comply with attendance instructions and shall provide counseling for those who do not. The CSD shall provide a report on staff attendance every month at the All Staff Monthly Meeting.

5.4 Attendance Register

(1) Door Access Cards

- (a) The Landlord will provide all staff with a door access card and a building identification card. If the employee loses either card, the office will cover the cost of replacement. If the employee loses either card a second time, he will be responsible to cover the cost of replacement.
- (b) All staff is required to use their door access card to swipe the card device at the front or back door upon arrival to work and when the employee leaves at the end of the work day. CSD will arrange with the Landlord to forward the door access report daily.
- (c) Except for the Ombudsman and the CEO, the door access report will be used as proof of employee being late to work or otherwise

- (d) In case of issues with the door access system, employees will sign in/out on the Attendance Book found at the receptionist desk.
- (e) Where employees are absent from their normal place of work this shall be recorded by the CSD (e.g. Annual Leave, sick leave, casual leave, special leave) in the Attendance Register.

(2) Attendance Register should be kept for inspection.

- (a) Daily attendance records are prepared and emailed before noon by the CSD to all employees.
- (b) Each employee is responsible for ensuring that their respective HOD is contacted within one hour of 8:30am or 1:30pm, as the case may be, if they are not able to come in to work.
- (c) Any early departure from the work place without prior approval of the CEO or the HOD's is a disciplinary offence.
- (d) The Office will consider those with the habit of not logging in or out (2 times a month) or for logging out earlier than is allowed (2 times a month) or failing to log out when you arrive after 8:30am and if a satisfactory explanation is not documented and approved by the CEO, disciplinary actions may be taken.
- (e) All employees leaving the work place whether on Office business or otherwise, are to obtain prior permission of his immediate HOD and inform the receptionist by giving information of how long he or she is going to be absent and where he can be contacted.
- (c) Officers are not expected to be at work on the day of official travel that is the days the officer is leaving and returning to Tongatapu.

- (3) The CSD shall be responsible for the overall management of the Attendance Register and other attendance matters.

5.5 Glide Time

- (1) Staff will be given glide time from 8:00am to 9:30am. Employees are permitted to use 'glide time' in the following conditions:
 - (a) From 8:00am to 8:30am: early arrival to work will allow early log out time (i.e. employee arrives at 8:05am is permitted to log out at 4:05pm)
 - (b) From 8:30am to at 9:30am: arrival after 8:30am must be covered at the end of the work day. (i.e. employee arrives at 9:00am is expected to log out at 5:00pm)
- (2) Any employee using glide time to leave early shall inform their respective HOD before doing so.
- (3) Any employee arriving after 9:30am must report to his HOD to agree on how his lateness can be dealt with taking into consideration the following:
 - (a) The duration of how late the employee has been;
 - (b) Justification from the employee for his lateness;
- (4) The HOD shall recommend to the CEO how the employee's lateness should be dealt with.
- (5) The final decision shall be made by the CEO.

5.6 Absence from place of employment

- (1) All employees must not be absent from official duty during hours of duty unless the employee has obtained official leave or unless, in the case of illness or emergency, the employee has taken all reasonable steps to inform the HOD.
- (2) Except in the case of illness and emergency, an employee must never leave work during the hours of duty without the express permission of their HOD or the CEO.
- (3) Any employee who is absent from duty or who fails to return to duty and, in either case, continues to be absent for a period of five (5) working days or more shall be deemed to be absent without proper authorization and will be subject to disciplinary action

- (4) No salary shall be payable for the period during which an employee is absent without permission.

6. LEAVE POLICY

6.1 Policy Statement

- (1) This policy sets out the Office’s general approach to leave entitlements and decisions. The Ombudsman may vary this approach if particular circumstances require it. Any decision to vary the approach will be communicated to the affected employee.
- (2) This policy may be updated without consultation from time to time where required to reflect changes to relevant legislation. Employees will be notified that the policy has been updated.
- (2) Employees can get independent information on their leave entitlements from the CSD.

The following table outlines the leave entitlements for the Office:

Table 6.1

LEAVE TYPE	WD	Comments on policy
Annual Leave	20	Accumulation allowed; not to exceed 40 days annual
Sick Leave (outpatient)	10	For non-hospitalization. Sick leave (outpatient) may be utilized as sick leave (in patient) subject to the recommendation from the Director of Health and approval of the CEO. Any balance of leave at the end of the calendar year shall be paid out to the employee
Sick Leave (in-patient)	30 (calendar days)	For hospitalization. Sick leave (in patient) may be utilized as sick leave out patient subject to the recommendation from the Director

		of Health and approval of the CEO
Maternity Leave	3 months (calendar days)	Focuses on duration for health of working mother and child
Paternity Leave	5	Recognizes role of both mother and father at birth of child
Leave Without Pay	20	Must be approved by the CEO Additional leave without pay must be by application to the OSC and will require the approval of the Ombudsman

6.2 Annual Leave

(1) Authority for annual leave

- (a) Grant of leave to employees is vested in the CEO.
- (b) Grant of leave for CEO is the Ombudsman and for the Ombudsman is the Speaker of the Legislative Assembly.
- (c) All applications for leave must be in the prescribed form, as found in *Appendix 7: Leave Request Form*, and shall be taken at a time and for a duration that shall not adversely affect the efficient and effective operation of the Office.
- (d) Leave shall be expressed in working days with the exception of maternity leave and in-patient leave

(2) Entitlement and calculation

- (a) Permanent employees are entitled to 20 working days paid annual leave to be taken annually and may be taken in ½ days once casual leave has been exhausted.
- (b) Employees appointed during the year will receive the pro rata leave entitlement from the month they assumed duty until end of December, calculated as one annual leave day for every 12 working days worked.

- (c) Employees who exit the service before completion of 12 months shall be given the pro rata leave entitlement for the days worked.
- (d) Employees who exit the service before completion of 12 months, but have taken annual leave in excess of the pro rata leave entitlement of date of exit shall pay back the value of the excess leave days taken
- (e) Employees who have been approved to undertake study leave with/without pay is to have their leave entitlements calculated pro rata until their last day at work (i.e. 12 working days equates to one working day leave entitlements).

(3) Taking annual leave

- (a) The Office is committed to employees taking adequate time for rest and recuperation and therefore expects staff to take annual leave in the year that it falls due.
- (b) At any one point in time, an employee can accumulate additional leave for a specific purpose with the approval of the CEO if there is an agreed plan in place for the leave to be taken within a reasonable period but shall not exceed 40 days in any year. Failure to utilize annual leave days other than as allowed in this policy will result in forfeiture of earned leave.
- (c) Employees must get approval in advance from their relevant HOD and also the CEO before taking leave. The approval of the timing of the leave is at the discretion of the CEO, taking into account business requirements, so employees should give at least 5 working days' notice for leave requests for 3 days or more and 24 hours' notice for leave requests for 2 days or less for their HOD to consider their application. The HOD has to endorse the Officer's application for leave with or without pay before it is forwarded to the CEO for approval.
- (d) In the absence of agreement being reached, the OSC may determine when the employee is to take annual leave, after taking account of the wishes of the employee and the work requirement, and will give the employee at least 14 days' notice in writing of the requirement to take leave.
- (e) Salary may be paid in lieu of leave

- (i) No employee shall be entitled to receive salary instead of leave due, except when an employee has resigned or retired or as provided in the following paragraphs.
- (f) An employee who has completed three (3) years of service at that level may apply to the OSC that because of the exigencies of the service may receive a cash payment equivalent to his salary for the balance of his annual leave remaining, subject to the budget of the Office. The cash payment shall not exceed 10% of the total amount in the appropriate program of the annual estimates of the Office.

(4) Annual leave and other types of leave

- (a) Where an employee becomes eligible for sick leave during scheduled annual leave, the employee may, with the agreement of the CEO, replace the applicable scheduled annual leave days with sick leave days.
- (b) No salary shall be payable for the period of sick leave that occurs while an officer is on leave without pay or immediately after the completion of his period of leave without pay.

(5) Non-reckonable Periods

- (a) Periods of leave without pay.

(6) Leave without pay

- (a) All accumulated leave shall be utilised prior to taking leave without pay
- (b) No accumulation of paid leave occurs during leave without pay

6.3 Public holiday

(1) Working on a public holiday

- (a) An employee must get prior authorization from their HOD before working on a public holiday which shall be considered overtime and with the approval of the CEO.
- (b) The Office will not consider any request for the transfer of a public holiday to another day.

(2) Christmas Vacation

- (a) The Christmas vacation shall be the period prescribed by Cabinet.
- (b) Where an employee cannot be granted the whole or part of the Christmas vacation, he may be granted at the discretion of the CEO, an equivalent period of leave at a later date, provided that no such leave shall be taken after the thirtieth day of the following June.

6.4 Sick Leave

- (1) Sick leave is available where an employee is unable to attend work due to sickness or injury to themselves and may be taken as ½ days. Any employee appointed during the year will receive the pro rata leave entitlement from the day they assumed duty until end of December.

Employees are entitled for paid sick leave per annum of:

- (a) 10 working days (out-patient); and
 - (b) 30 days (in-patient).
- (2) If an employee intends to take sick leave, the employee must notify their HOD as soon as practicable for recording purposes, and it is the employee's sole responsibility that his:
- (a) Sick leave certificate is issued by a registered medical practitioner; and
 - (b) Sick leave certificate will reach the Office within 48 hours of absence on sick leave.
 - (c) Failure to provide the sick leave certificate to their relevant HOD within the 48 hours shall result in the deduction of leave from other leave entitlements. If the other leave entitlements have been exhausted, the sick leave will be accepted, but a warning will be issued.
- (3) If an employee exhausts their sick leave entitlement, the employee should discuss the situation with their HOD. Depending on the circumstances, the employee shall request in writing the approval of the CEO to take his other leave entitlement as sick leave.

(4) In cases of ongoing illness or where abuse of sick leave is suspected, the Office may request an employee to undergo a medical examination at his expense by an independent medical practitioner. In this situation, the employee will be requested to provide the Office with access to medical reports or information arising out of that examination regarding the employee's condition (relevant to the absence), particularly as to prognosis for resuming work and whether the employee can safely undertake his or her duties.

(5) The Office may require an employee to provide medical proof that they are sufficiently well to return to full time employment after absence on sick leave of three weeks or more.

(6) Sick while abroad

Any employee who is selected to go on training abroad or to attend meetings shall qualify for the full sick leave benefits on the production of satisfactory medical evidence from the country he is in, that the employee is sick and unfit for work

(7) Sick leave payout

Employees shall be entitled to receive salary for unused sick leave, as at 31 December of each year, which shall be payable in January the following year.

6.5 Casual Leave

(1) Employees are entitled to seven working days casual leave per year. The CEO has discretion to grant casual leave, half day or one day at a time, to any employee who may require leave of absence for unforeseen circumstances.

(2) Casual leave requests may be submitted at least 24 hours before the leave is to be taken to the CEO for approval. The application letter has to be endorsed by the HOD first with the recording of the CSD of number of days left before seeking the approval of the CEO.

(3) Casual leave shall not be utilized consecutively.

(4) Casual leave shall not be recorded against the employee's normal leave entitlement unless a maximum of seven (7) working days is exceeded in any calendar year.

(5) Casual leave may be utilized immediately prior/after any leave

(6) Any employee appointed during the year will receive the pro rata leave entitlement from the day they assumed duty until end of December.

6.6 Maternity Leave

(1) Maternity Leave is a form of special leave with pay. An employee who gives birth shall be granted 3 months (calendar days) maternity leave.

(2) An application for maternity leave shall be supported by a medical certificate and a certificate of live birth or similar hospital document and allowed to be taken in advance if required by the doctor.

(3) Where further absence is required and on production of a medical certificate the employee may be granted any earned leave accumulated before applying for any leave without pay.

(4) In the case of still birth or 2nd to 3rd trimester miscarriage or similar tragedy, the leave will be as required by the doctor.

(5) Once an employee resumes duty, the maternity leave is deemed to be completed.

6.7 Paternity Leave

(1) The spouse of the mother of a newly born baby shall be entitled to five working days paternity leave which must be taken consecutively immediately after the birth. An application for paternity leave shall be supported by certificate of live birth or similar hospital document which shows the employee as the father.

6.8 Court Leave

(1) Jury service

- (a) Every effort will be made to ensure that employees can serve if summoned for jury service. Applications requesting release for jury service must be approved by the CEO.
- (b) Employees summoned to jury service will be fully remunerated by the Office while on jury service on the condition that all payments received from the court (except travel and additional expenses) will be reimbursed to the Office.

(2) Witness leave

- (a) An employee required to appear as a witness for a court case in their work capacity will be fully remunerated for the working time lost on the condition that all payments received from the court (except travel and additional expenses) will be reimbursed to the Office.
- (b) An employee appearing as a witness in a court case in which they have a personal interest must take the time off as leave. Any payments received from the court may be kept by the employee.
- (c) Where the employee is a plaintiff or defendant in a case in a private capacity, shall apply for special leave and approved by the CEO, which will be deducted from any accumulated earned leave.

6.9 Graduation leave

Leave under this provision should be taken as annual leave and when such leave has been fully utilized then leave without pay will apply.

6.10 Study Leave

(1) Leave with pay

- (a) On occasion, study assistance, including study leave, may be available to employees following completion of 2 years of service working with the Office. Factors to be considered by the OSC and recommend to the Ombudsman include:

- (i) the Officer's need for the knowledge and competencies to be gained;
 - (ii) the associated costs relative to other means of acquiring the knowledge and competencies; and
 - (iii) the impact of any resulting absence on the organization's work programmer.
- (b) Employees who are awarded Government Scholarships shall receive salary as follows:
- (i) 1st year – fifty percent of salary;
 - (ii) 2nd year – twenty-five percent of salary; and
 - (iii) After second year of study no salary portion of salary shall be paid.
- (c) If the employee chooses to utilize his annual leave in the first year of study, the benefits under paragraph a) ii) commences at the end of the leave taken.
- (d) If the employee resumes duty on full pay whilst on study leave for a period not exceeding two months, this period shall not be considered a break in the duration of his study leave for the purposes of paragraph
- (e) If the duration of the study leave is less than 12 calendar months, the employee shall receive full salary
- (f) For serving employees studying while at post, time spent attending classes during working hours must be covered by leave.
- (g) Serving employees undertaking studies may have their days for examinations off without deduction of leave. Prior approval must be given by the HOD and CEO.
- (h) Employees who are awarded Open Scholarships may apply to the Ombudsman to receive the same salary entitlements as Government Scholarship holders.

(2) Study leave without pay

Where a course of study does not qualify for a study leave with pay, study leave without pay may be granted by the Ombudsman. The following rules apply:

- (a) employees shall serve for at least two (2) years in the Office before they may be granted with a study leave without pay;

- (b) the course attended shall be of recognized academic standing;
- (c) the maximum leave for any one period of study leave shall be two (2) years, but this may be extended subject to the academic performance of the employee and the recommendation from the Institute and the immediate HOD;
- (d) Any accumulated annual leave shall be taken first.

6.11 Disaster/Emergency Leave

- (1) The Ombudsman may approve disaster or emergency leave for employees in the following circumstances:
 - (a) natural disasters
 - (b) emergencies

6.12 Recall from Leave

- (1) An employee may be recalled from annual leave by the CEO.
- (2) The outstanding annual leave of an employee who was recalled shall be taken as soon as the circumstances of the office permit.

6.13 Discretionary based leave

- (1) **Leave to represent Tonga on National Sports or on official government travel**
 - (a) Any employees selected to be a manager or official on a national sports team endorsed by the Tonga Amateur Sports Association (TASA) or any relevant national sporting body, to be a manager or officials to represent the Kingdom on overseas tour or any employees that are members of an official Board or Group in Tonga may be granted special leave of absence for a duration not exceeding ten (10) working days annually. Such period shall not be deducted from annual leave entitlement.
 - (b) Employees who are selected to be a team member of overseas national sporting tours may be granted special leave of absence for the duration of the tour, such period shall not be deducted from annual leave entitlement.

- (c) Any employees required to travel in any official government matter, other than Ombudsman work, may be granted special leave of absence for a duration not exceeding ten (10) working days annually. Such period shall not be deducted from annual leave entitlement.
- (d) An employee to which sub-paragraphs (a) or (b) above apply shall be approved by the relevant government or national sports body and requires the approval of the Ombudsman.

6.14 Special Leave without pay (in excess of 20 days that is approved by the CEO)

Special leave without pay on compassionate grounds or any other personal reasons may be granted with the approval of the Ombudsman

- (1) All accumulated leave shall be utilized prior to taking leave without pay.
- (2) No accumulation of paid leave occurs during leave without pay.
- (3) leave without pay also requires the approval of the Ombudsman.
- (4) An employee's service is not broken during a period of unpaid leave.
- (5) When deciding whether to grant unpaid leave the Ombudsman will take account of:
 - (a) the reason for the request;
 - (b) the amount of such leave requested, and taken in the past; and
 - (c) the impact granting such a request would have on the Office and on other employees including the availability of suitable replacement cover.

6.15 Absence without permission

- (1) An employee who is absent without the proper authorization shall be liable for disciplinary action.
- (2) No salary shall be payable for the period during which an employee is absent without permission.

- (3) After five (5) working days from the date the employee was due to resume duty, the Ombudsman may institute the appropriate disciplinary procedure.

7 REMUNERATION AND BENEFITS POLICY

7.1 Policy Statement

This policy sets out the Office's general approach to remuneration and benefits. The Ombudsman may vary this approach if the particular circumstances require it. Any decision to vary the approach will be communicated to the affected employee.

7.2 General principles

- (1) The principles governing the setting of remuneration are set out in the Remuneration Authority Act
- (2) The Office aims to strike an appropriate and fair balance between treating its employees well, and the moderate and prudent use of taxpayer funds.
- (3) The Office recognizes that remuneration is a key component of retaining and rewarding employees, but not the only one. Other components include benefits, rewards, recognition, development opportunities, and a flexible workplace.
- (4) The Office offers a unique experience and perspective to employees, as it spans the public sector providing a medium by which anyone can make a complaint about Government's administrative function.

7.3 Job Evaluation

- (1) Each position within the Office is assessed based on the Remuneration Authority's job evaluation system.

- (2) This assessment is carried out by the OSC with recommendations to be submitted to the Ombudsman for a final decision.
- (3) If a position is materially altered through the addition or deletion of duties, competencies, and/or attributes, or if a new position is created, CEO and HOD must complete the position description for appropriate evaluation of job size and remuneration range.
- (4) If there are changes to job size and therefore to a remuneration range for a position as a result of a job evaluation, this must be reviewed by the OSC and sent to the Ombudsman for a decision.

7.4 Control of salaries and wages costs

The Ombudsman shall ensure that there is an adequate system of control over the employment and the extent of all salaries and wages costs.

7.5 Salary and wages scales

The scales of salary and wages are recommended by the Remuneration Authority with the approval of Ombudsman for:

- (1) All classification and all bands;
- (2) Daily paid workers; and
- (3) Contract employees

7.6 Salary on appointment

- (1) Any public officer transferring to the Office shall retain their current salary unless the new position is a promotion.
- (2) Any person taking up a new appointment shall be paid at the minimum point of the salary band of the post appointed to, except in the following circumstances:
 - (a) the employee holds additional relevant qualifications higher than the minimum qualifications required by the post, OR

- (b) the employee holds additional relevant experience as in the job description, in terms of years and/or technical expertise in which case the relevant point in the salary range on appointment shall be awarded in accordance with the Table 7.1 below.
- (3) Where an employee has both additional qualification and additional experience, the amount granted on top of the appropriate starting salary on appointment shall be separately recognized (For example, when the minimum qualification is a certificate and the employee has a diploma and 5 years relevant work experience, the amount granted shall be up to 3% for the diploma and up to 5% for the years of relevant work experience).
- (4) Where an employee has more than one additional qualification, the amount granted on top of the appropriate starting salary on appointment shall be separately recognized (For example, when the minimum qualification is a diploma and the employee has a Bachelor's degree and a Postgraduate Diploma, the amount granted shall be up to 3% for the Bachelor's degree and up to 5% for the Postgraduate Diploma).

Table 7.1

Minimum qualification and experience for appointment	Additional relevant qualification	Additional relevant work experience attained	Amount granted on top of the appropriate starting salary on appointment (refer to section 5.6)
i. Certificate (minimum period for the completion of which is at least one academic year)	Diploma	1-3 years	Up to 3% of the minimum point of the relevant band
	Bachelor's degree	4-9 years	Up to 5% of the minimum point of the relevant band
ii. Diploma (minimum period for the completion of which is at least one academic year) with no experience	Bachelor's degree	1-3 years	Up to 3% of the minimum point of the relevant band
	Postgraduate diploma	4-9 years	Up to 5% of the minimum point of the

	Master's degree	10-14 years	relevant band Up to 10% of the minimum point of the relevant band
		15-19 years	Up to 15% of the minimum point of the relevant band
		20-24 years	Up to 20% of the minimum point of the relevant band
		25 plus years	Up to 25% of the minimum point of the relevant band
iii. Diploma (minimum period for the completion of which is at least one academic year) plus three years of relevant work experience	Bachelor's degree	4-9 years	Up to 5% of the minimum point of the relevant band
	Master's degree	10-14 years	Up to 10% of the minimum point of the relevant band
		15-19 years	Up to 15% of the minimum point of the relevant band
		20-24 years	Up to 20% of the minimum point of the relevant band
		25+ years	Up to 25% of the minimum point of the relevant band

			Up to 25% of the minimum point of the relevant band
iv. Bachelor's degree with no relevant work experience	Postgraduate diploma	1-3 years	Up to 3% of the minimum point of the relevant band
		4-9 years	Up to 5% of the minimum point of the relevant band
	10-14 years	Up to 10% of the minimum point of the relevant band	
	LLB with professional studies or Master's degree	15-19 years	Up to 15% of the minimum point of the relevant band
	LLM	20-24 years	
	PhD	25+ years	Up to 20% of the minimum point of the relevant band
			Up to 25% of the minimum point of the relevant band
v. Bachelor's degree with 3 years of relevant work experience	Postgraduate diploma	4-9 years	Up to 5% of the minimum point of the relevant band
		10-14 years	Up to 10% of the minimum point of the relevant band
	LLB with		

	professional studies or Master's degree	15-19 years	Up to 15% of the minimum point of the relevant band
	LLM	20-24 years	
	PhD	25+ years	Up to 20% of the minimum point of the relevant band Up to 25% of the minimum point of the relevant band
vi. Bachelor's degree with 7 years of relevant work experience	Postgraduate diploma	8-9 years	Up to 5% of the minimum point of the relevant band
		10-14 years	Up to 10% of the minimum point of the relevant band
	LLB with professional studies or Master's degree	15-19 years	Up to 15% of the minimum point of the relevant band
	LLM	20-24 years	
	PhD	25+ years	Up to 20% of the minimum point of the relevant band Up to 25% of the minimum point of the relevant band
vii. Master's degree	Postgraduate	1-3 years	Up to 3% of the

	diploma		minimum point of the relevant band
	PhD	4-9 years	Up to 5% of the minimum point of the relevant band
		10-14 years	
		15-19 years	Up to 10% of the minimum point of the relevant band
		20-24 years	Up to 15% of the minimum point of the relevant band
		25+ years	Up to 20% of the minimum point of the relevant band
			Up to 25% of the minimum point of the relevant band
viii. Master's degree with 3 years of relevant work experience	Postgraduate diploma	4-9 years	Up to 5% of the minimum point of the relevant band
	PhD	10-14 years	Up to 10% of the minimum point of the relevant band
		15-19 years	Up to 15% of the minimum point of the relevant band
		20-24 years	Up to 20% of the minimum point of the

		25+ years	relevant band Up to 25% of the minimum point of the relevant band
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7.7 Salary on re-employment

A re-employed employee shall normally be paid at the rate of pay he was receiving when he resigned except:

- (1) If the employee is re-employed in a higher grade, his pay shall be calculated under the normal rules for starting pay, i.e. at the minimum of the appropriate salary scale;
- (2) If the employee is re-employed in a lower grade, he shall re-enter at the point closest to that at which he left;
- (3) if the employee is re-employed in his old scale, and if the scale of the grade has been improved since his termination, he shall re-enter the scale at the point at which he left it, and be paid at the new rate for that point of the scale; and
- (4) If the employee was previously dismissed, his starting pay shall be at the minimum point of the appropriate salary scale.

7.8 Salary reward for performance

A salary reward is an increase in salary of a specified amount which, provided certain conditions specified under the PMS are fulfilled, is granted with the approval of the Ombudsman within the first 6 months of the new financial year.

7.9 Criteria for salary reward and movement up the band

Subject to the overall affordability percentage determined by the Ombudsman to allocate for the performance reward of the Office, the following criteria shall be applied:

- (1) An employee achieving an overall performance score of five (5) shall be entitled to an increase of up to 5% of the employee's salary as of 1st July of that year.
- (2) An employee achieving an overall performance score of four (4) shall be entitled to an increase of up to 3% of the employee's salary as of 1st July of that year
- (3) An employee achieving an overall performance scores of three (3) shall be entitled to an increase of up to 1.5% of the employee's salary as of 1st July of that year
- (4) An employee whose award, if added to their salary, will exceed the maximum point of the salary band shall receive a lump sum payment (bonus) in lieu of salary subject to (1), (2) and (3) above.
- (5) An employee, not at the maximum point of the salary band, may apply under special circumstances before the salary awards are paid out, to the Ombudsman to receive the salary reward as a lump sum payment (bonus) in lieu of salary subject to (1), (2) and (3) above. (Special Circumstances includes: retirement, resignation or financial hardship)

7.10 Non-monetary rewards

Non-monetary rewards may be used. The Ombudsman shall determine appropriate guideline for this as he sees fit.

7.11 Effective date of salary reward and movement up the band

- (1) The granting of any salary, bonus and movement up the band shall be linked only to performance of duties at post and shall be effective as from 1st July of every financial year.

- (2) Performance related salary reward shall be paid out within the first six months of the new financial year
- (3) Salary award shall be applied pro-rata for employees who join the Office during the financial year
- (4) Employees who exit the office during the financial year shall submit an exit PMS and any related rewards shall be payable to the individual when the next salary rewards are paid out.
- (5) Transitional provision – in the assessment of salary awards for the 2018/2019 year, any employee who had joined the office in 2017/2018 may be assessed for the purpose a prorata salary award for the 2017/2018 year.

7.12 Movement up/Rewards

- (1) In cases where an employee has consistently rendered services of exceptional and extraordinary merit over a period of several years as defined under the Performance Management System, and upon recommendation of the CEO following due diligence and quality moderation, the Ombudsman may approve such achievement either through a bonus payment subject to affordability or a non-monetary recognition.
- (2) Recommendation for such recognition shall be submitted to be effective on 1st July.

7.13 Computing and payment of salaries

The computation and payment of salaries shall be made in accordance with the Treasury Instructions issued by the Ministry of Finance.

7.14 Withholding or cessation of salary payment

The Ombudsman shall ensure that payment of salaries is suspended immediately when:

- (1) An employee resigned, retired, dismissed, made redundant or has passed away;

- (2) An employee is suspended pending investigation on alleged misconduct; and
- (3) An employee has been granted leave without pay.

- (4) An employee is absent without authority or fails to resume duty from leave.

7.15 Overtime

- (1) The Government sets the overtime rates which apply to normal in-house overtime work.
- (2) The CSD shall ensure that detailed instructions are issued to all staff on the method to be used for the recording and checking of attendance and of overtime authorized and worked.
- (3) A staff member is allowed to work additional hours after the Office's official hours if there is an identified need and must unless directed otherwise by the CEO, be approved by the CEO prior to the work being undertaken.

- (4) Any working overtime approved by the CEO is:
 - (a) to meet the expectation of each request or task;
 - (b) limited to that request; and
 - (c) finished when that work is completed satisfactorily.
 - (d) Overtime must always be performed in the Office unless the work is outreach related or as approved by the CEO;
 - (e) Overtime when performed in the office shall commence from the time the officer arrives at the office and end when he leaves the office.
 - (f) Outreach overtime shall commence from the time the officer departs from home (or other pick up point) and ends when he arrives back to his home.
 - (g) Overtime shall commence, given glide time, either at 4:30pm if the employee arrived before 8:30am or 1:30pm if the employee takes a morning ½ day off OR if the employee arrived after

8:30am or 1:30pm, such time, as their 8 hours or 3 hours work day is completed

(5) System of procedures for Overtime

(a) Complete documentation of individual staff's time sheet

(i) That any staff of the Office carrying out approved overtime works is to record his time in the attendance register of the Office.

(ii) That the complete and standard documentation, specified as *Appendix 8: Overtime Request Form*, that is required for working overtime of employees shall be recommended, timely completed and reviewed by immediate HOD.

(iii) That all overtime documentation is to be submitted for the final approval of the CEO.

(b) Pay out of overtime

(i) That any overtime shall be processed and submitted to MOF for payment.

(ii) Rates for payment of overtime shall be in accordance with Treasury Instructions

7.16 Time Off in Lieu of Overtime Payment

(1) Employees may choose to take time off in lieu of payment for overtime hours worked with the consent of the CEO.

(3) Time off in lieu constitutes as working days and must be taken within 12 months of TOIL being approved.

7.17 Acting Allowances

An employee on acting appointment is to be paid an allowance which shall be calculated for each day of acting using the difference between the current salary of the higher post and the current salary of the lower post.

7.18 Superannuation

The Office participates in the Retirement Scheme of the Retirement Fund Board.

8 ALLOWANCES AND ENTITLEMENTS

8.1 Policy Statement

This policy sets out the Office's general approach to allowances and entitlements. The Ombudsman may vary this approach if particular circumstances require it. Any decision to vary the approach will be communicated to the affected employee.

8.2 General principles

The setting, recommending allowances and entitlements for the Office, and the following principles are in accordance to the Treasury Instructions:

- (1) Promote employee motivation to perform to the best of their abilities and to make the maximum contribution to the ultimate benefit of the Office and all its employees;
- (2) Is fair and consistent in the rewarding of employees within budget constraints of the Office;
- (3) Aim to strike an appropriate and fair balance between treating its employees well, and the moderate and prudent use of taxpayer funds;
- (4) Can be a key component of retaining and rewarding employees; and
- (5) Recognize that allowances and entitlements can be a key component of retaining and rewarding employees, which

should include other benefit components such as travel allowance, medical, housing and vehicle allowance and the like. The Office should offer a unique experience and perspective to employees as it spans the public sector and other fields.

8.3 Overseas Travels

(1) Overseas travel allowance for official duties

The Treasury Instructions shall establish procedures and determine any allowances and expenses payable to employees who travel on official duty overseas.

(2) Overseas travel funded by outside agencies

- (a) When travel expenses, accommodations, meals, transport and incidentals are fully funded by an outside Agency, no per diem allowance shall be paid by government.
- (b) If such travel is only partially funded, for example, when the donor pays for accommodation and meals only with no provision for incidental costs, the rates of per diem payable in such cases shall be approved in accordance with Treasury Instructions.

8.4 Domestic Travel

(1)Temporary duty - Temporary duty shall not exceed 60 (calendar) days in a calendar year, and may be extended for a further 60 days by the authority that has approved the temporary transfer.

(2)Travel allowance - A travel allowance is one paid for all night absences which involve travel from one island to another, including islands within the same group.

(4) The expenses and allowances payable to employees who travel on official duty within Tonga or who are posted away from their normal places of work on temporary duty shall be in accordance with Treasury Instructions.

(4) Period of travel allowance

(5) Travel allowance is payable to employees on temporary transfer up to a maximum period of 60 days at the following rates –

- (a) At the full rate;
- (b) When the Office meets all expenses for accommodation, meals and incidentals, no travel allowance is payable.
- (c) In all cases, travel shall require the prior approval of the Ombudsman for the CEO and for the rest of the staff approval from the CEO.

8.5 Top-up of per diem

The Ombudsman may approve the topping up of any overseas and local travels per Diem of an employee when and where necessary on a case by case basis according to Treasury Instructions. In the case of the Ombudsman requiring topping up, the approval will be from the Speaker of Parliament.

8.6 Travel Forms and Reports

The employee must complete the travel form, as found in *Appendix 9: Travel Request Form* before travel, for approval of the CEO and the Ombudsman and on return, submit a travel report, as found in *Appendix 10: Travel Report* to the CEO and the Ombudsman within 5 working days of resuming duty and be available when scheduled to conduct a training session with the relevant staff regarding the trip.

8.7 Driving and use of Office vehicles

- (1) All Office vehicles are under the direction of the Ombudsman and the CEO.
- (2) Unauthorized driving or use of any of the Office's vehicles is prohibited and any employee acting to the contrary commits a disciplinary offence.
- (3) Employees who are permitted to drive Office vehicles:
 - (a) Employees appointed either permanently or on a daily paid basis to posts of driver or;
 - (b) Employees assigned by the CEO to assist where required with driving duties and
 - (c) Employees must have a valid driver's license
- (4) Driver shall keep log book

All drivers and employees assigned to assist with driving duties shall keep a log book for the purpose of recording the relevant information associated with the movement of the vehicles under their care.
- (5) The following may be a cause for serious disciplinary action:
 - (a) An employee driving a vehicle owned by the Office in a speed that exceeds the official speed limit;
 - (b) An employee involved in an accident caused by the influence of alcohol or reckless driving or both, while driving a vehicle owned by the Office;
 - (c) An employee had taken out that vehicle without proper authorization and was not driving at the time of the accident but as a passenger in that vehicle.
- (6) The Office is required to identify its vehicles with an appropriate signage, take responsible care of them and use them only for approved purposes.

- (7) Ensure that all the vehicles fulfil the requirements of the Traffic Act and Regulations.
- (8) Where a vehicle is required for work outside regular office hours the CEO shall authorise such a journey in writing and such authorisation, using the appropriate form, found in *Appendix 11: After Hours Vehicle Request Form*, shall be carried by the driver concerned.
- (9) The Ombudsman and CEO may use a vehicle for private purposes during and outside official hours as stated in their individual contracts.
- (10) The Deputy Secretary & the Director of Investigations may use a vehicle for private purposes outside official hours subject to the following:–
 - (a) The needs and requirements of the Office shall always be top priority;
 - (b) The vehicles used outside official hours by the Deputy Secretary and the Director of Investigations shall be returned to the vehicle pool and be available for the use of the Office during official hours;
- (11) The Office is responsible for the safe garaging of the vehicles. Ombudsman vehicles are forbidden to be garaged at private homes unless written approval is given by the CEO.
- (12) Office vehicles cannot be hired for private use.
- (13) Any employee shall not damage any government vehicle without reasonable cause
- (14) Disciplinary action may be taken against staff for any case of misuse of vehicle
- (15) When there is an accident involving an Office vehicle the following procedures shall be followed:

- (a) The responsible employee shall report the accident as soon as possible to the CEO and the Ministry of Police;
- (b) The responsible employee shall submit a full report of the accident, including the Police report to the OSC and the OSC will give appropriate recommendation to the Ombudsman.
- (c) Any damage to the Office vehicle may at the discretion of the Ombudsman be borne by the Office.

(16) Any officer that does not report an accident will be disciplined.

(17) In instances when the Office requires the hiring of vehicles for office use, any damage to the vehicle in the course of such work shall, at the discretion of the Ombudsman be borne by the Office.

(18) While driving an office vehicle or hired office vehicle, if an Officer is involved in an accident and at fault, at the discretion of the Ombudsman, the damages to other vehicles may be borne by the Office.

8.8 Use of Telephone

- (1) During and after working hours, the Office expects the cooperation of its staff in keeping the numbers and length of private, business and domestic calls, both inwards and outwards to a bare minimum. It is the responsibility of the Deputy Secretary-CSD to ensure that this rule is adhered to.
 - (2) Any employee who continues to abuse the usage of telephone during and after hours, after being warned by the Deputy Secretary-CSD, may be subject to disciplinary action.
 - (3) The Ombudsman shall determine which employees are entitled to an office mobile phone.
 - (a) An employee provided with a mobile phone shall ensure at all times to the best of their abilities that the phone is well cared for and shall inform the CEO immediately if there are any issues regarding the phone.

- (b) The phone remains the property of the Office and shall be returned when the employee ceases employment including all accessories purchased by the Office.
- (c) All employees are entitled to \$10 U-call credit each month to assist with communication.

8.9 Staff Uniform

All Ombudsman Staff are provided uniforms and the OMC will decide what days these uniforms will be worn. Any staff that does not comply with the guidelines for wearing uniforms will pay a fine to the social committee

9 TRAINING AND DEVELOPMENT POLICY

9.1 Policy Statement

This policy sets out the Office's general approach to training and development. The Ombudsman may vary this approach if particular circumstances required it. Any decision to vary the approach will be communicated to the affected employee.

9.2 General principles

- (1) HOD and individual employees are expected to work together to identify what knowledge, skills, development needs, or opportunities each employee needs.
- (2) Employees are encouraged to develop skills through on-the-job training, seeking and responding to feedback and active participation in appropriate development programmes
- (3) CSD runs a corporate training programme to address core development areas Office-wide.
- (4) Investigator training may be conducted by the Office. Both structured and unstructured training may be provided to staff through the Ombudsman Australia and New Zealand or Commonwealth.

9.3 Targeted training for individual employees

- (1) During the July and January performance review process, employees and their HODs will identify each employee's development needs, aimed at achieving the best possible performance in their current position. A PMS form, found in the *Appendix 12: PMS Form*, recording development objectives and associated training and development actions, will be prepared and agreed between the employee and HOD, and then forwarded to the CEO.
- (2) The Office uses competencies frameworks, which are a set of standards for managing and developing staff by focusing on skills, attributes, and behaviors. An employee's current skills and development needs are assessed with regard to the competencies required for their position.
- (3) The development objectives should identify what skills or knowledge is required:
 - (a) to be developed to achieve an employee's objectives for the review period;
 - (b) to achieve the core skills and attributes to the level required in the position;
 - (c) for personal growth; and
 - (d) for career development.
- (4) There is a range of training and development options available. These include:
 - (a) On-the-job training;
 - (b) Research or projects that may be necessary to learn, maintain, or upgrade competencies;
 - (c) Local office training; and
 - (d) Courses and seminars.
- (5) In identifying useful training and development options, priority is given to on-the-job training, supplemented by core professional and organizational development programs. Other considerations include the degree of usefulness for the person in the position and the Office, the Office's ability to pay, and value for money.

9.4 Short-term training

(1) In-country Training

- (a) In-country training may be funded by aid donors who are responsible for providing financial assistance for part of the costs involved in running the training.
- (b) The requesting local agency shall be responsible for meeting the local costs involved in bringing participants together for the training and any other costs that may be involved.

(2) Overseas Training and Attachment

- (a) Overseas training and attachments may be fully funded by aid donors who are responsible for all the costs involved regarding the attendance of the trainee in the training or attachments overseas.
- (b) in cases where the training is partly funded or not funded at all, the Office is responsible for meeting all or the rest of the costs involved.
- (c) The trainee, at the end of the training or attachment, shall provide the Ombudsman with a report of the training within two (2) weeks of his resumption of duty.

(3) Nomination for short term training

All nominations or applications for short-term training, local, in-country or overseas, shall be based on the needs of the Office and the identification of the most suitable candidate and recommended by the OSC and where appropriate shall be endorse by the Ombudsman.

9.5 Long Term Training

(1) Conditions for long-term scholarship -

- (a) Employees selected for long-term government scholarship training whose absence from duty shall amount to one academic year or more, are required:
- (i) upon completion of study to continue in the Office for one year for each year of study, up to a maximum of five years;
 - (ii) in the event of their failure to complete their studies owing to their own activities to repay government any salary allowances paid by government to them during their period of study;
 - (iii) all the time spent attending training shall count towards service rights, but shall not count towards annual leave or any other leave entitlements;
 - (iv) on successful completion of long term scholarship training, the employee is required to resume duty at the post at which he left and the extra qualification will only be recognized through the grant of a percentage of the current salary as set out in the table below. In addition, if the increase in salary exceeds the maximum of the employee's salary band, the excess shall be paid to the employee as a lump sum;

Table 9.1

Qualification attained	Percentage of salary increase
Diploma (must be from a min of 1 year study)	Up to 5%
Bachelor degree	Up to 10%
Post-grad Diploma	Up to 15%
Master's degree	Up to 20%
PhD degree	Up to 25%

- (b) promotions of returning scholars must follow the normal procedures for filling vacant positions;
- (c) government is obligated to create a position for a new scholar following the completion of their studies and to ensure the

salary is equivalent to the entry point relevant to the qualification.

- (2) Every employee to whom these conditions apply shall sign undertakings to this effect through a Bond form prior to their release from duty.
- (3) it is the responsibility of the scholarship officer of the Ministry of Education & Training to ensure that this Bond Form is signed and inform the awarding agency that a bond is involved; and
- (4) Employees who do not honor their bonds in full shall not be appointed in the Office or shall have their appointments revoked.
- (5) The salary increase set out in paragraph a (1) (d) shall with the approval of the Ombudsman also apply to current employees who as a result of private study attain such qualifications from a TNQAB accredited institution.

9.6 Corporate training program

Once CSD has received the development objectives identified for each employee, she will assess the themes or common development areas before submitting to the OSC. OSC will then develop the corporate training programmer to address these common areas to suit both the Office and individual employees and submit to the Ombudsman.

9.7 Evaluation

- (1) Once individual employees have completed any formal developmental activity, they are responsible for ensuring that they reflect on and evaluate the effectiveness of that activity.
- (2) HODs, in discussion with employees are encouraged to evaluate the contribution of the development undertaken to the team or wider Office.
- (3) The Office is committed to ensuring that resources for staff development are used effectively. All planned developmental activity should be evaluated at the individual, team, and organizational level.

9.8 Attending training

- (1) Training event or activity, whether internal or external, is considered work-based events. Employees are expected to attend if sent by their HOD, if on professional development modules, or if they had previously agreed to attend. Employees are to adhere to all relevant office policies and maintain expected standards of behavior.
- (2) If an employee is unable to attend scheduled training, they must notify their HOD and the organizer of the training as soon as possible.

9.9 Assistance from the office

(1) Study assistance

- (a) If an employee or their HOD identifies a course of study that is relevant to the work of the Office or which will facilitate wider growth and development, the Office may approve various types of assistance to the employee to enable them to undertake that study.
- (b) Approval must be obtained in advance from the Ombudsman, in consultation with the OSC, to ensure consistency. A formal document will be created, to be signed by the employee and the Ombudsman.
- (c) When considering the nature and level of study assistance, considerations by the Heads of Division will include:
 - (i) the Office's need for the knowledge and competencies to be gained;
 - (ii) the associated costs relative to other means of acquiring the knowledge and competencies; and
 - (iii) the impact of any resulting absence on the Office's work programmer.
- (d) The types of assistance that may be available, at the Office's direction, include:
 - (i) payment of full or part salary;

- (ii) Study leave with or without pay to enable the employee to attend lectures, to undertake research or projects, or to sit examinations.

10 SECONDMENT POLICY

10.1 Policy Statement

This policy sets out the Office's general approach to secondments. The Ombudsman may vary this approach if circumstances required it. Any decision to vary the approach will be communicated to the affected employee.

10.2 Benefits of development secondment relationships with other agencies

- (1) The Office recognizes that there are benefits to secondments for both employees and the Office. These benefits include:
 - (a) opportunities for Office employees to widen their experience and learn from other organizations in the Kingdom and overseas;
 - (b) opportunities for the Office to improve its effectiveness from employees returning from a secondment and from people seconded into the Office; and
 - (c) Enhancing the relationships between the Office and other organizations, both at the organization level and at the secondee's operational level.
- (2) Given that secondments are beneficial to both organizations and their staff, the Office seeks to develop ongoing secondment relationships between the Office, Public Service, Public entities, and other Ombudsman offices around the world.
- (3) Employee is required to work in Office for duration not less than the duration of the secondment (bond so that Office can benefit from experience gained).

10.3 Secondment agreements

- (1) A secondment agreement is a formal contract between the three relevant parties: the Office, the other employer, and the employee (secondee).

- (2) There is no set content for Office secondment agreements. What is appropriate will depend on the particular circumstances. For example, different arrangements will be appropriate for short employees of the Office may be seconded to an organisation within Tonga, regional or international, for a period of a maximum of 1 year, as relevant to the interest of the Office
- (3) The secondment agreement must:
 - (a) Be negotiated by the HOD responsible for the position, in consultation with the OSC;
 - (b) Be checked by Legal;
 - (c) Include (where relevant) all aspects in the attached secondment checklist;
 - (d) Be approved by the Ombudsman; and
 - (e) Consider independence issues at the commencement and at the end of the secondment.

11 RESTRUCTURING POLICY

11.1 Policy Statement

This policy sets out the Office's general approach to restructuring. The Ombudsman may vary this approach if the circumstances require it. Any decision to vary the approach will be communicated to the affected employee.

11.2 General principles

- (1) This policy applies to large- and small-scale changes, including structural change to a team, and to proposals to review or significantly change an individual employee's existing role.
- (2) During a potential restructure, all affected employees will be consulted with, and given a fair opportunity to have their views taken into account.

11.3 Restructure process

- (1) Structural change may be desirable, for example, for efficiency or cost reasons, to change or improve work practices, as a result of

centralization or decentralization, or when reviewing or resizing an existing role.

- (2) A proposal for making a structural change must be recommended by the OSC and approved by the Ombudsman. A proposal for change will represent the Office's thinking and will not necessarily be the final structure.
- (3) All affected employees will be consulted on the proposal for change. The proposal will ideally explain the current structure, the proposed changes, and what the Office hopes to achieve through a restructure. Other information that affected employees should be consulted on are the:
 - (a) process that will be followed;
 - (b) potential impact on individual jobs; and
 - (c) Manner by which any change would be implemented.
- (4) Affected employees will be encouraged to provide feedback and will be given a reasonable period of time and opportunity to comment before a final decision is made on the restructure. Where requested, their chosen representative may be invited to provide feedback on their behalf. Any feedback from affected employees will be considered and where appropriate, changes incorporated into the proposal.
- (5) The final structure will be confirmed to all affected employees and, where appropriate advised to other people in the Office.
- (6) Following a decision on the final structure, some employees may be affected in different ways, including a change in reporting lines, a change to their position's responsibilities, or disestablishment of their position.
- (7) If an employee's position is disestablished, the Office will consult with the employee about alternatives to redundancy. This includes

considering whether retaining and/or redeployment to a suitable alternative position if appropriate.

11.4 Redundancy

(1) Redundancy of Post

The OSC may periodically review how well Office staffing matches the ongoing needs of the Office. These reviews may lead to the redundancy of an established post and cessation of employment which must be approved by the Ombudsman. Redundancy may be voluntary or involuntary.

(2) Voluntary Redundancy

Where there is a mismatch between Office staffing profiles and future needs, the OSC shall:

- (a) Prescribe the methods to be used to calculate severance payments, and the maximum level of payment;
- (b) Set the process by which voluntary redundancy offers and acceptances will be considered and determined after consultation with the Remuneration Authority and the Ministry of Finance and National Planning;
- (c) Consider support services which will provide assistance to the employees who are affected; and
- (d) Make offers of voluntary redundancy to particular defined groups within the Office or to any individual employees.

(3) Voluntary Redundancy process

The Ombudsman shall:

- (1) Prepare a database of all employees who satisfy particular criteria, and determine target redundancy numbers;
- (2) Determine a schedule of appropriate severance payments;
- (3) Make an offer in writing to each employee which explain the VR offer, detail of severance payment calculations,

notice provisions, and dates by which applications must be lodged;

- (4) Receive and acknowledge receipt of individual applications;
- (5) Advise each applicant in writing of the outcome of their application; and
- (6) Coordinate access to a range of basic support services to assist with outplacement including financial planning advice, and preparation of applications for alternate employment.

(4) Involuntary Redundancy

The Ombudsman shall, where specific posts are declared redundant to:

- (1) Provide the employee, whose post is abolished and declared redundant, with three (3) month notice of redundancy or payment in lieu;
- (2) Coordinate access to a range of basic support services to assist with outplacement including financial planning advice, and preparation of applications for alternate employment;
- (3) Abolish the post at the end of the notice period; and
- (4) Provide to the employee a statement detailing termination date, and a confirmation of any severance payment amounts determined as appropriate by the Ombudsman.

11.5 Conditions of Separation Package

- (1) An employee who accepts a redundancy package is prohibited from employment with the Office for a period of thirty-six (36) months from the date of the termination which applies to the redundancy.
- (2) Once the redundancy package is accepted by the employee, it may not be withdrawn by either party.

- (3) The Office will ensure that advice regarding the outcome of an offer will be available to an employee within one (1) month of the date of redundancy notice.
- (4) An employee who is eligible to retire but accepts the offer of redundancy will be entitled to the benefits for death or retired employees.
- (5) Employees who have already reached the retirement age of 60 are not entitled to a separation package. Such employees in activities that are to be discontinued should be required to retire immediately.
- (6) The redundancy package also applies to those employees who are currently on leave without pay, study leave without pay and are on secondment.
- (7) Employees who are on leave without pay, study leave without pay and on secondment will have their redundancy package calculated on their basic salary they last received when they left the Office.
- (8) The Office is authorised to withhold from the above payments in paragraph (g) any outstanding amounts that are owed to the Government by the employee
- (9) Separation payments will be paid to employees taking voluntary redundancy no later than two weeks after the receipt of signed acceptance letter by the Office

11.6 Benefits and Support Provided

The Office will establish a dedicated point of contact for employees who are offered redundancy packages for the purpose of responding to questions and clarifying the offer.

- (1) The Office will provide a “post redundancy” support services for employees accepting the redundancy package. The support services will offer to exit staff under the redundancy initiative, assistance to explore other employment or business opportunities in the Public Service, private sector, NGOs and statutory bodies. This service may include although not exclusive to:
- (2) post redundancy interview to determine the individual’s options and whether continued support from the Office is required
- (3) If required, investigate employment opportunities relevant to the individual’s skills and qualifications; provide referral and introduction service to prospective employers
- (4) If required, investigate and refer possible business development support and financial industry assistance for the individual’s pre-determined business venture
- (5) The post redundancy support will be offered for a period of 3 months following acceptance of the redundancy package.
- (6) Each employee who ceases employment under a voluntary redundancy package will be provided by the Office within 30 days from the date of termination a certificate of employment setting out the following:
 - (7) Commencement and termination dates
 - (8) Substantive position at date of termination, and
 - (9) Reason for termination.
- (10) The Office will ensure that uncertainty for employees is minimized by limiting the time from identification of redundant positions to confirmation of acceptance of voluntary redundancy offers to eight weeks or less than eight weeks through mutual consent between the Office and the employee.

12 USE OF CONSULTANTS AND OUTSOURCING

12.1 Policy Statement

This policy sets out the Office’s general approach to the use of consultants and outsourcing. The Office may hire a consultant to provide consultancy

services for a fee. In other cases, the Office may outsource (or contract out) some of its activities in order to concentrate on other core activities that they do best. The Ombudsman may vary this approach if particular circumstances require it. Any decision to vary the approach will be communicated to the affected employee.

12.2 General Principles

The Ombudsman appoints consultants on the basis of merit.

- (1) Appointments are made from the widest field of the required expertise.
- (2) The Ombudsman adheres to equal opportunity principles to appointments of all consultants.
- (3) The Ombudsman operates appointment processes that are consistent, professional and timely.
- (4) The Ombudsman will follow the Government Procurement Policy regarding hiring consultants and outsourcing.

12.3 Identifying the need for a Consultant

- (1) The Ombudsman may use the service of a consultant or an agency external to the Ombudsman when there is a shortage of employees in the Ombudsman with the relevant competencies to carry out specific tasks or responsibilities. A consultant is appointed for a specified term or period that has an end date.
- (2) Consultants are appointed on a contractual basis and the terms and conditions of employment are specified in their employment contracts.
- (3) The following criteria should be used to determine if a consultant is required:
 - (a) There is no employee of the Ombudsman that can perform the required service;

- (b) A person is required for a specified period of time for a specific project; and
- (c) There is a specified completion date for the required service.

12.4 Recruitment of consultant

- (1) When the need for a consultant is identified and with the approval of the Ombudsman, the CSD may start the recruitment process according to Government Procurement regulations.
- (2) An agreement should be drawn up between the Office and the Consultant. The Agreement should specify the terms and conditions of the consultancy contractual agreement.
- (3) Both parties to the agreement will be notified if there are any amendments to the original agreement as a result of unexpected circumstances that impact on the implementation of the consultant's performance of the required services.

13 PERFORMANCE PLANNING AND REVIEW POLICY

13.1 Policy Statement

This policy sets out the Office's general approach to performance planning and review. The Ombudsman may vary this approach if particular circumstances require it. Any decision to vary the approach will be communicated to the affected employee.

13.2 General principles

The Office's performance management system is based on the following principles:

- (1) Performance planning, with individual PMS, is linked to the annual management plans.

- (2) PMS is a collaborative process between employees and their managers/mentors with the aim of strengthening an employee's performance.
- (3) Performance reviews are participative, with two-way communication between employees and their managers/mentors encouraged and expected.
- (4) Regular feedback to employees is required, with formal reviews at least twice a year.
- (5) Continual enhancement of an employee's relevant skills, knowledge, and experience is encouraged, with personal development options (that benefit both them and the Office) considered.
- (6) Career development is encouraged through professional development and organizational development activities, as well as on-the-job opportunities with their own team and/or elsewhere in the Office.
- (7) The Office's first response to improve poor performance is to work with the employee to identify ways to address the issues. A reasonable opportunity to improve, and appropriate assistance from the Office, will be given before resorting to disciplinary action. Refer to the *Improving Poor Performance Policy Section 1* for more information.

13.3 Key elements of the performance agreement

- (1) Performance objectives are set for each position, incorporating the key tasks and behavioral and technical competencies required to contribute to the delivery of organizational goals.
- (2) The PMS is completed by the employee and their HOD at the beginning of each financial year or within two months of the employee's starting date with the Office, or as soon as possible after a change of position (including on promotion). PMS are also to be

reviewed whenever there is a significant change in duties, or a change in HOD.

- (3) If an employee or their HOD cannot agree upon the contents of the PMS, the employee should raise their concerns with OSC (in writing).
- (4) PMS are an integral part of the performance. PMS identifies the employee's development needs as agreed to by the employee and their HODs, and set out opportunities that will help develop the skills, knowledge, and experience required by employees to meet and/or excel at their performance objectives.
- (5) The PMS is to be sent to CSD by the manager/mentor and will be placed on the employee's personal file.

13.4 Reviewing performance

- (1) All employees shall meet with their HOD to formally review their performance and development objectives at least every six months. These reviews will focus on the ways in which the skills, competencies, and attributes agreed upon have been demonstrated or increased, areas where further development is desirable, and whether the objectives themselves need to be revised.
- (2) All reviews must include:
 - (a) a self-assessment prepared by the employee against their performance objectives and expected competencies, as well as progress against PMS objectives;
 - (b) a manager's assessment against those objectives and competencies;
 - (c) where appropriate, with the prior knowledge of the employee, feedback from other staff;
 - (d) a face-to-face discussion and assessment of performance and development objectives against the agreed measures;
 - (e) assignment of performance ratings to each performance objective and competency. Within Office, these ratings cannot

be agreed until after all moderation/consistency meetings have been concluded;

- (f) consideration of unforeseen events that affected performance, especially those events that were beyond the employee's control and may have hampered the achievement of objectives; and
 - (g) recognition for any extra contribution to the Office, beyond what was included in the PMS.
- (3) If the employee does not agree with the final performance rating, he should first attempt to resolve any concerns with their HODs. If no agreement can be reached the employee should raise their concerns with the OSC.
- (4) After the performance review, the outcome must be sufficiently documented to record the employee's progress against the PMS objectives. That document is then signed by both parties, and retained by CSD on the employees' personal file.

14 IMPROVING POOR PERFORMANCE POLICY

14.1 Policy Statement

This policy sets out the Office's general approach to improving poor performance. The Ombudsman may vary this approach if circumstances required it. Any decision to vary the approach will be communicated to the affected employee.

14.2 Day to day management of performance

- (1) The Office is responsible for setting and communicating clear performance objectives to its employees. This is usually achieved through the PMS (refer to *Section 13. Performance Planning and Review Policy*).
- (2) HODs are responsible for regularly assessing and monitoring employees' performance against the objectives of their position. Employees should receive ongoing feedback on their progress and understand what is expected of them.

- (3) In all operations, employees are expected to actively seek feedback on their performance on all jobs. All written feedback must be passed on to their HOD.
- (4) Where an HOD has concerns with an employee's performance, he should in the first instance raise these with the employee. This discussion would involve explaining the concerns, providing examples, and giving constructive feedback or guidance. In many instances, early intervention should resolve the concerns.

14.3 Ongoing concerns with an employee's performance

- (1) If an HOD has ongoing concerns with an employee's performance, he or she may bring up to the OSC to discuss those concerns and the appropriate way to address them with the employee.
- (2) After consultation with OSC, the employee should be told what the specific concerns are, with examples, and what he or she is required to do to bring their performance up to the required standard of their position. The employee should be given the opportunity to comment on the concerns held. The HOD should also ascertain, if possible, whether there are any underlying problems that could be contributing to the performance issues.
- (3) The HOD must keep a file note of any discussions they have with employees about performance concerns, or other action taken to address an employee's performance. Any agreed actions should be communicated to the affected employee.
- (4) Employees will be given assistance from the Office to improve their performance to the required standard. There is a range of ways the Office may provide this assistance, including (but not limited to):
 - (a) Additional supervision and/or coaching;
 - (b) Regular and constructive feedback;

- (c) Work opportunities to develop the required skills and experience to address the concerns;
 - (d) Training; or
 - (e) Placement on a structured plan outlining specific targets and timeframes, and how progress is to be monitored.
- (5) Employees are expected to take ownership of their performance, and so should be open to receiving constructive feedback, providing their views, and taking positive steps to improve their performance.
- (6) If, after a reasonable period of time and assistance from the Office, an employee's performance still does not meet the required standard of their position, it may be appropriate to place the employee on an improvement plan. The performance concerns that lead to placement on a plan should not come as a surprise to the employee.

14.4 Performance Management System – Development

- (1) One of the purposes of PMS is to help employees to improve their performance to the standard required of their position. The Training and Development Requirements – Section 4 of the PMS form (appendix will identify measurable performance objectives in the areas that the employee is not meeting expected standards. Disciplinary consequences may follow if performance fails to improve to the required standard.
- (2) The PMS forms will be created by the CSD and distributed to the HOD.
- (3) The PMS will outline specific and measurable targets, and allow a fair and reasonable timeframe for improvement. The employee should be told about the possible consequences of an ongoing failure to meet the expectations of their position. These consequences may include disciplinary measures.

- (4) There will be periodic reviews to monitor the employee's progress of their PMS targets. The amount of time set aside for each review period will depend on the circumstances. It is critical that the employee has adequate exposure during the review period to jobs/tasks that provide the opportunity to work on the areas of concern. Other relevant factors include, but are not limited to, the type of performance concern, previous attempts to improve the employee's performance, and the reasons for the employee not meeting performance expectations.
- (5) During the review period, regular and ongoing feedback will be provided to the employee. The HOD must document these discussions and any action taken through a file note. The employee must be given the opportunity to review and comment on these notes, before a final copy is placed on the employee's personal file and supplied to the employee.

14.5 End of PMS review period

- (1) If, at the end of the review period, the employee's performance has sufficiently improved, the OSC may decide to take the employee off the PMS, or extend the review period to ensure that improvement is sustained. The employee will have the opportunity to comment on the OSC committee's proposed decision.
- (2) The performance feedback and notes will remain on the employee's personal file. The employee will be told of the outcome of the review.
- (3) If, however, the employee's performance still does not meet the required standards, the employee may be required to attend a disciplinary meeting. The employee will:
 - (a) Be told the purpose of the meeting and its possible outcomes;
 - (b) Have adequate notice of the meeting;
 - (c) Receive a summary of the performance issues and relevant supporting information; and
 - (d) Have the option of bringing a support person.

- (4) The employee will be given a fair opportunity to be heard by the CEO, in consultation with the HOD.
- (5) After consideration, the OSC will decide whether disciplinary action (for example, a formal written warning) is appropriate. The outcome will be communicated to the employee in writing.
- (6) Employees may be dismissed for continued poor performance if they have received at least one written warning and been given a subsequent opportunity to improve. Dismissal for poor performance is on notice, or payment in lieu of notice, at the Ombudsman's discretion.

15. BULLYING AND HARASSMENT POLICY

15.1 Policy Statement

This policy sets out the Office's general approach to addressing complaints of bullying or harassment. The Ombudsman may vary this approach if particular circumstances require it. Any decision to vary the approach will be communicated to the affected employee.

15.2 General principles

- (1) The Office views harassment and bullying in the workplace as unacceptable behavior. Harassment and bullying will not be tolerated, as employees have the right to a secure and safe workplace.
- (2) Complaints will be treated seriously and will be investigated in a sensitive and fair manner.
- (3) All employees have a responsibility to ensure that their behavior is not offensive to others.

- (4) Harassment and bullying May, depending on the circumstances, constitute misconduct or serious misconduct. Any employee who is found to have harassed or bullied another employee may be subject to disciplinary procedures.

16 DISCIPLINARY PROCESS POLICY

16.1 Policy Statement

This policy sets out the Office's general approach to disciplinary processes. The Ombudsman may vary this approach if circumstances required it. Any decision to vary the approach will be communicated to the affected employee.

16.2 General principles

- (1) The Office will investigate any suspected misconduct/serious misconduct and complaints by employees, and may discipline employees for instances of unacceptable behavior.
- (2) The Office will act fairly and reasonably when investigating concerns against an employee. This will include giving the employee access to relevant information and a fair opportunity to respond before a decision is made.

16.3 Specific process

- (1) If a HOD has behavioural concerns about an employee or receives a complaint about an employee, the HOD should consult with Head of CSD who will inform the OSC before deciding how best to proceed
- (2) The CSD will then conduct an investigation into the matter
- (3) If it is not a serious issue, the Head of CSD will call a meeting with the employee concerned for discussion of the matter and to request his response, either verbally or in writing
- (4) The employee may be given a reprimand and warning that repetition of similar undesirable behaviours may result in more serious disciplinary actions as well as counselling

- (5) If it is serious misconduct, breach of trust, or serious performance failings by an employee, that employee may be suspended from their employment without pay pending the outcome of investigation
- (6) The employee will be given the opportunity to comment on a proposal to suspend him or her before a decision is made or a suspension imposed. The authority to suspend rests with the Ombudsman
- (7) The Head of CSD will write to the employee inviting him to a meeting to discuss the concerns. The employee should be informed of the exact nature of the issue and the possible outcomes of the disciplinary process. The employee should also be given all the information relied on to raise the concern(s), and be told that they have the option of having a support person or lawyer present at the meeting
- (8) The employee should be given a fair opportunity to be heard. While a meeting is the preferred way to obtain an employee's response, if a meeting is not practicable in the circumstances then the employee will be given the opportunity to respond in writing by a certain date
- (9) If further investigation is required, any new information obtained will also be put to the employee for their response
- (10) All information, including the employee's response, will be given unbiased consideration by the Ombudsman
- (11) Once the Ombudsman has decided whether the allegations have been established, and if so, what the outcome is, that outcome will be communicated to the employee in writing

16.4 Possible sanctions

- (1) If an allegation is established, sanctions can be applied. Possible sanctions could include:
 - (a) Counseling;
 - (b) Recovery of costs for damage;
 - (c) Oral warning;
 - (d) Written warning; or
 - (e) Dismissal (summary or on notice)

(2) This is not an exhaustive list of possible outcomes. The Office may have other options and/or impose a combination of penalties. What is appropriate will depend on the circumstances of each case.

(3) Unless the conduct in question justifies dismissal, the employee will be given the opportunity to improve or change the behavior in question. In appropriate cases, the employee may be given assistance in this.

16.5 Other actions

If, following an investigation, the Office decides the conduct involved potential criminal activity; it is office policy to refer the matter to the Police where appropriate.

17 GRIEVANCES AND DISCIPLINARY ACTION

17.1 Policy Statement

This policy provides the Office's approach to handling employee grievances as well as the necessary disciplinary measure that may arise. In appropriate cases, the Office may offer facilities for mediation. This policy applies to all employees of the Office.

17.2 Disciplinary action

Any breach of the Office policy manual is deemed to be an offence.

17.3 Grievance process

This procedure takes account of the Office's code of conduct on grievance procedures and will be reviewed periodically in line with developments in good practice. The format is outlined in *Appendix 14*.

(1) Principles of the process

The process is based on the following principles:

- (a) an employee has the right to be accompanied by a work colleague at every stage of the formal procedure. The procedure is internal to the Office.
- (b) any grievance must be made in writing;
- (c) in all cases, reference to the Head of Corporate Services or responsible HOD is recommended;
- (d) All proceedings, whether informal or formal, should, so far as is practicable, remain confidential;
- (e) A formal record of a hearing will be given to the employee. In serious cases, the hearing will be tape recorded and a copy given to the employee;
- (f) the timescales set out may be extended with the agreement of the parties; and
- (g) Where more than one employee has lodged a complaint relating to the same, or substantially the same issue, the complaints may be dealt with together in the interests of fair and consistent decision-making. In some circumstances, it may be more appropriate for the complaint to be resolved through the collective agreement between the employees involved or their representative and Office.

(2) Informal stage

- (a) If an employee has a complaint that involves another employee or other employees, they should try to resolve the matter by direct approach with the employee or employees involved;
- (b) If the matter remains unresolved, the employee may request a meeting with their own HOD who will try to resolve the issue. The meeting should be held within ten (10) working days of the submission of the request;
- (c) If, after any action to resolve the grievance taken by the HOD or there is another reason why the employee does not wish to raise it with the HOD he should seek advice from Head of CSD or the OSC on how to deal with the complaint.

(3) Formal stage

- (a) If the complaint has not been resolved at the informal stage and the employee wishes to proceed to the formal stage, the employee may do so and the complaint will be heard by a panel to be selected by the Ombudsman. The employee must set out in writing the nature of the complaint and the reasons for dissatisfaction with the outcome of the informal stage. The employee should then be given the opportunity to explain how the complaint should have been settled. This must be submitted to the complainant's HOD with a copy to CSD;
- (b) Should the complaint relate to a process or decision, the OSC with the approval of the Ombudsman will appoint an investigating officer who will be asked to provide a full written report together with any relevant documents. The investigation should be conducted as quickly as possible while allowing for all relevant information and evidence to be gathered. A timescale for this will be agreed to between the employee and Ombudsman;
- (c) should the complaint be against a name individual or individuals, the CSD will give them a copy of the complaint at the earliest opportunity. The individual will present the response at the hearing and it would not normally be necessary to investigate;
- (d) the panel will consist of three officers determined by the Ombudsman and including a member of CSD to advise. Where possible, there should be a gender balance. The hearing should be held within ten working days of receipt of the investigating officer's report, or within ten working days of the complaint being received if it is against an individual. The employee will be given five working days' notice that the hearing is to be held. The employee may request an alternative date and may be allowed a further five working days;
- (e) Relevant written information or evidence must be made available to all parties at the earliest opportunity and, in any case, 24 hours before the hearing;
- (f) All parties involved will be allowed to attend and make representations at the meeting. Witnesses may be called;

- (g) Refusal of either party to attend shall not invalidate the proceedings;
- (h) The panel, in seeking to resolve the complaint, may adjourn the meeting or defer a decision if more information is required;
- (i) The decision of the panel, reasons for that decision and any redress will be communicated to the employee who has made the complaint. Where the complaint is against an individual, both parties will be given a copy of the decision. This will be handed to the employee whenever possible or posted directly by recorded delivery to the employee within three (3) working days of the hearing and to the employee's representative, where applicable.

(4) Right of appeal

- (a) Should the complainant wish to appeal against the decision of the panel, the complainant must do so, in writing, to the Ombudsman within five working days of being informed of the decision;
- (b) A request for an appeal must specify the grounds of the appeal preferably under one or more of the following headings:
 - (i) the nature of any redress;
 - (ii) the finding of the hearing on a point of fact which is pertinent to the decision of the hearing;
 - (iii) failure to adhere to the published procedure.
- (c) A member of the original panel will attend to present their findings and reasons for their decision. The employee and the HOD/manager presenting the case should use the guidance attached at, *Appendix 13: Guidance for appeal documentation*, as best practice for the presentation of their respective case statements. Witnesses may be called.
 - (i) The appeal will be heard by the Ombudsman or nominated deputy and another manager with a member of CSD to advise. The appeal panel members, the employee and the management representative should receive the written cases five) working days before the hearing. The format of the appeal hearing will depend upon the nature of the appeal. If

it is a rehearing, it should follow the format at *Appendix 14: Format of the Formal Grievance Hearing*.

- (ii) the panel will hear all or part of the previous hearing depending upon the nature of the appeal. The panel has the scope to:
 - Uphold all or part of the previous decision
 - Not uphold the previous decision
- (iii) If the panel decides either to uphold only part of the previous decision or not to uphold the previous decision, it may at its discretion substitute an appropriate remedy of its own choice.
- (iv) within three working days of the appeal, the panel will record the decision and hand it to the employee wherever possible otherwise it will be posted directly by recorded delivery.
- (v) The decision of the appeals panel is final but does not take away from any rights the employee might have to seek redress in other avenues.

18 ASSET MANAGEMENT

18.1 Policy Statement

This policy sets out the Office's general approach to improving poor performance. The Ombudsman may vary this approach if circumstances required it. Any decision to vary the approach will be communicated to the affected employee.

- (1) CSD shall be responsible for the management of all the Office assets and shall provide an annual report to the CEO and Ombudsman by the end of July each year.
 - (a) Asset disposal procedures can be found in the Appendix
 - (b) Any damage to any Office asset shall be reported as soon as possible to the CEO and whether the employee who damaged the asset or the Office is responsible for the cost of repairing or replacing such asset shall be at the discretion of the Ombudsman.

18.2 Asset Disposal Procedures

(1) Disposals of Property, Plant and Equipment

- (a) All Government Assets required to be disposed-off shall be reported by the Accountable Officers concerned to the Government Assets Disposal Committee (GADC) which shall consist of the following persons:-
 - (i) Secretary for Finance & National Planning (Chairman)
 - (ii) Auditor General
 - (iii) Head of Department concerned
 - (iv) Secretariat (Deputy Secretary for Finance (Treasury))
 - (v) Co-opt Director of Works.
- (b) The Accountable Officer shall those MDA's assets that need to be disposed and request in writing to the Secretary of the GADC for the disposal of MDA assets.
- (c) The submission from the Accountable Officer shall include updated details of that particular asset from the MDA's assets register which shall include the following information:-
- (d) The GADC board of survey team shall perform a physical inspection of the related assets to be disposed and then make recommendations for the disposal of assets, through:-
- (e) Approval from the GADC is required before disposing of any government asset.
- (f) The sale of assets shall be carried out in a transparent and competitive way to ensure that maximum value for money is obtained.
- (g) The Accountable Officers shall ensure that all assets identified and approved by GADC to be disposed to its staff are valued and subject to a tender or other process that is appropriate to the value of the asset; no parts shall be taken out of the assets by anyone prior to the disposal.

(2) Unused Serviceable Government Assets

- (a) Unused serviceable Government assets shall not be sold to any person. In special circumstances, and only with the prior approval of the GADC, unused serviceable Government assets may be sold.

- (b) Any Accountable Officers who seeks the GADC approval under Instruction 83 (1) above shall certify that the sale of such unused serviceable Government assets will not result in any cost being incurred by the Government in excess of the sale price in purchasing replacement for such assets.
- (c) Unused serviceable Government assets which are surplus to the requirements of the Government, or which have become obsolete, underperforming, or unserviceable shall be sold by direct sale to a tendered after tenders have been called for by public advertisement.

(3) Proceeds From Sales of Government Assets

Any proceeds from the sale of government assets shall be paid into the Government General Revenue.

(4) Trade-in of Government Assets

- (a) Accountable Officers may, with the approval of GADC, dispose of Government Assets (referred to here as used assets), in transacting the purchase of replacement assets, in return for a value offered by the supplier of such replacement assets.
- (b) If the value of the replacement assets to be charged by a supplier is greater than the value that is being offered by that supplier for the used assets, then the Government shall pay the difference to the supplier, but if the value of the replacement assets to be charged by a supplier is less than the value that is being offered by that supplier for the used assets then the supplier shall pay the difference to the Government.
- (c) For the purpose of recording transactions of the type referred to in this Instruction, the used assets shall be regarded as being disposed of and the replacement assets shall be regarded as being purchased.

(5) Inter-Departmental Transfer of Public Assets

- (a) Any Accountable Officers may, by agreement in writing with another Accountable Officers, transfer assets under the control of the first MDA to the control of the second MDA.
- (b) Any transfer of Government assets between MDAs may only take place with the approval of the GADC in writing.

- (c) In the case of any transfer referred to in Instruction 88(1) above, the Asset Register of the two MDAs concerned shall be adjusted accordingly.

(6) Write-off of Government Assets

- (a) Upon recommendation from the Accountable Officers, any assets may be written-off subject to written approval from the GADC.
- (b) All assets that are written-off shall be properly recorded and such record shall contain:-
 - (i) Detail description and value of the asset written-off; and
 - (ii) The estimated replacement value of that particular asset.

18.3 Internal Asset Disposal Guidelines

The method for disposal of office assets shall be as set out in *Appendix 15: Bidding terms & Conditions & Instructions to bidders.*

18.4 Gift Register

- (1) Any gifts, both monetary and non-monetary, shall be declared in the gift registry book
- (2) Gifts will remain as display in the office, unless it should be shared amongst the staff, of which CEO may decide

19 MISCELLANEOUS

19.1 Policy Statement

This policy sets out the Office's general approach to improving poor performance. The Ombudsman may vary this approach if circumstances required it. Any decision to vary the approach will be communicated to the affected employee.

19.2 ICT Policy Guidelines

The following guiding principles support the OMB ICT Acceptable Use Policy and provide guidelines for each policy statement.

(1) Security

Users must not in any way jeopardize the security of any part of the Office ICT infrastructure or the data it contains. This section sets out ways in which this can be prevented.

(2) Passwords

- (a) Passwords must not be shared with anyone
- (b) Passwords may be recorded, but must be placed in a secure location. Never put passwords into your laptop bag or on your desk etc.
- (c) Users must not attempt to discover or change another user's password.
- (d) Password should be different for your Windows account and your email account as well as any other application.
- (e) Never use password the same password at work for your personal devices or application such as Gmail or Internet Banking.
- (f) Passwords must be at least 8 characters long and complex. For example, including at 3 out of 4 of the following. (upper case, lower case, symbols and numbers)

(3) ICT Equipment

- (a) **BYOD** – ICT equipment that does not belong to the Office must not attempt to connect to the Office ICT infrastructure unless authorized. This includes but not limited to:
 - (i) Computers such as PCs, Laptops, Tablets, Notebooks and iPads
 - (ii) Storage devices such as USB drives, flash memory devices, portable hard drives, iPods, MP3 Players.
 - (iii) Camera including video, digital and webcams.
 - (iv) Phones including mobile phones, smart phones, PDAs,
 - (v) Printers, scanners and multifunction devices
- (b) **Virus Check** – All CDs, DVDs, and Office USB flash drives must be virus checked every time and immediately upon connection prior to files being opened on the Office network.
- (c) **Computer settings** – User must not change the settings of the Office ICT infrastructure, create or use programs to infiltrate the Office ICT infrastructure, or alter software components without the authorization of the IT Division.
- (d) **Software** – Software must not be installed on any of the Office ICT infrastructure without the specific authorization of the IT Division. This includes, but is not limited to:

- (i) Software provided as part of a course
- (ii) Software provided by another organization
- (iii) Software downloaded from the internet
- (e) **Misuse and abuse** – The Office ICT infrastructure must not be misused or abused such that it becomes unusable or inaccessible to other users. For example, do not upload large quantities of music or videos, or send emails with large quantities of attachments.
- (f) **Prying Eyes** – You must prevent any Office material from being viewed or read by any unauthorized person. For example:
 - (i) Unattended computers and laptops within the Office must have their password-protected screensaver invoked or locked when left unattended even for short periods of time.
 - (ii) Computers and laptops must be turned off at the end of the day.
 - (iii) Exercise care when using laptops in public places such as cafes, public transport, Wi-Fi hot spot.
- (g) **Data and Information** – Must be labelled with appropriate classification and stored on the appropriate directory.
- (h) **Loss, Theft, Damage** – The user is responsible for protecting any equipment in your care from loss or damage and may be held personally responsible. User is expected to immediately file a theft report with all details as to the time, date, location and any other details that you feel is important with the IT Division.

Users shall use the Office ICT infrastructure responsibly and access only what they are authorized for and need. You must not use the Office ICT infrastructure for the following:

- (a) To access to data or information that you do not have authorization to.
- (b) To gain unauthorized access to or use any other system.
- (c) To pass on unauthorized information
- (d) To post any information of the Office in any public forum unless authorized by the Ombudsman, CEO or HODs.
- (e) To breach Computer Crimes Act, 2003 Section 4, 5, 6, 7

Users must not in any way use the Office ICT infrastructure for illegal activity.

- (a) **Illegal activities** – This includes the following but not limited to fraud, defamation, invasion of privacy, harassment, bullying, hacking, impersonation, identity theft, spoofing, terrorism
- (b) **Unacceptable material** – Must not use the Office ICT infrastructure to obtain, store, display, copy or communicate information which is
 - (i) Abusive or threatens the safety of any person or organization
 - (ii) In breach of the Pornography Control Act 2002
 - (iii) Deceptive, misleading
 - (iv) Related to terrorism and other illegal activity
- (c) **Accidental Access** – If material deemed unacceptable material as

provide above you should:

- (i) Exit the material immediately
- (ii) Not show the material to anyone else
- (iii) Report the incident to Team Leader and the IT Division
- (d) **Monitoring** – Be aware that anything you create, store, send or receive on the Office ICT infrastructure can be monitored without prior notification if the Ombudsman or CEO deems this necessary.

Reasonable use of the Office ICT Infrastructure is acceptable to minimum usage such that it does not disrupt official business, affect productivity or bring the Office into disrepute. Personal use is a privilege granted by the Office and may be revoked or limited at any time.

- (a) **Office services** – Must not affect any Office service especially through
 - (i) Watching videos on the internet / local network
 - (ii) Listening to audio on the internet / local network
 - (iii) Sending large file attachments (video, audio, images)
 - (iv) Storing large file (video, audio, image) on Office systems
 - (v) Downloading videos, audio and images from the internet / local network
 - (vi) Surfing the social media during working hours
- (b) **Misrepresentation** – You must not give the false impression that you are acting in an official capacity when using the Office ICT infrastructure.
- (c) **Commercial and Political purposes** – The Office ICT infrastructure must not be used for commercial purpose, for profit activity, outside employment, or political purpose.

Users of the Office ICT infrastructure is responsible for the safeguard of any equipment (laptops) in their care.

- (a) **Issuing** – Users must register and collect any of the Office ICT equipment issued to them from the IT section only.
- (b) **Transferring of ICT equipment** – A user must not hand out any equipment in their care to other users when no longer in use. All equipment must be return to the IT section.
- (c) **Returning of ICT equipment** - All equipment must be returned to the IT section in case of:
 - (i) End of employment
 - (ii) On leave for a long period of time (study leave, annual leave)
 - (iii) Damage (require fixing)
 - (iv) No longer in use
- (d) **Routine checks** – Make sure that your equipment is available for routine checks when required.

Email is an important means of communication and must recognize the best practice in conveying a professional image of the Office. Therefore, the Office wishes users to adhere to the following guidelines

- (e) **Message Content** – Professional, polite language is always expected to

- uphold the reputation of the Office (in line with policy for public service)
- (f) **Disclaimer and Signature** – A disclaimer will be added to each outgoing message.
 - (g) **Receiving messages** – Email messages or attachments that contain, or are suspected to contain offensive or malicious (e.g. viruses) material are not to be opened.
 - (h) **Sending messages** – Sending or forwarding unwelcome email messages, included the sending of junk mail, advertising material, chain mail, or other material which was not specifically requested by the receiver (e.g. email spam).
 - (i) **Beware of viruses** – Do not click on any links or open any attachments of unsolicited or suspicious looking emails. These messages could infect your computer with a virus.
 - (j) **Beware of phishing** – If you receive an email from a bank or any other institution, asking you to click on a link and update your details, do not click on the link. Do not be fooled if the sender appears to have some of your private details. This information can be obtained through Facebook, and other social media websites.

19.3 Disaster Policy

(1) Fire Safety Policy

The Ombudsman Office takes fire and safety duties seriously. We have formulated this policy to help us comply with our obligations to staff and visitors (if any) during any fire. These include the provision of a safe place of work where fire safety risks are minimized. Our priority at all times is the safety of individuals.

The Fire Marshals are responsible for the 2nd floor (Ombudsman Office level). Fire Marshals are to be aware as to the location of the fire. ALL staff to report to the assembly points for a roll call. All staff and students should exit via the rear of the building and assemble at the muster point. Fire Marshalls should bring the attendance log book.

- (a) In case of a fire:
 - (i) Remove people in immediate danger and unlock all the doors
 - (ii) Alert others and raise the alarm
 - (iii) Confine the fire and smoke and close doors and windows
 - (iv) Extinguish the fire or evacuate fire if not under control
- (b) Employee Duties
 - (i) All employees have a duty to take reasonable steps to ensure that they do not place themselves or others at risk or harm.

- (ii) All employees are expected to cooperate fully with any procedures that may be introduced as a measure to protect the safety and well-being of staff.
 - (iii) All employees will be kept informed either directly or via their line manager of any relevant changes to fire safety procedures or fire risk assessments.
- (c) What to do in case there is a fire in the building?
- (i) If you discover a fire: Raise the alarm immediately.
 - (ii) Evacuate immediately using the nearest available fire exit. Do not stop to pick up any personal possessions. Do not stop to shut windows, but the last one out of the Office should ensure that the door is shut.

(2) TSUNAMI

A tsunami is caused from anything that rapidly displaces a large volume of water. Typically, tsunamis are caused by underwater earthquakes, but landslides, volcanic eruptions, calving icebergs, and (very rarely) meteorite impacts can also generate tsunamis. These types of events can cause large disturbances in the surface of the ocean causing large volumes of water to move.

(a) How can I prepare for a tsunami?

It is difficult to give a lot of warning for a tsunami so the best you can do is prepare as best you can by doing the following:

- (i) Prepare a family response plan and know where to evacuate to in the event of a tsunami. Warning, ideally move inland at least 2km
- (ii) Prepare an emergency kit, including a battery operated radio, food and drinking water for at least 3 days, spare clothes, torch and spare batteries.
- (iii) Keep a list of emergency numbers handy
- (iv) Listen for official tsunami warnings through sirens, loudspeakers, radio, television, SMS and Internet that Tonga Meteorological Service (www.met.gov.to) may issue.

(b) What should I do when a tsunami warning is issued?

One of the earlier signs of a tsunami is a strong prolonged earthquake. You may also see the ocean drop/recede or hear an unusual roaring sound from the ocean.

If you receive an official tsunami warning, listen to your local radio, TV announcements and emergency service messages.

- (i) If you are at the beach or near the ocean and you feel the earth shake, move immediately to higher ground. If you cannot move inland, seek shelter in the upper levels of a

- sturdy multi-store building if possible. DO NOT wait for a tsunami warning to be announced.
- (ii) When a Tsunami Marine Warning is issued evacuate beaches, harbors and reefs.
 - (iii) When an Urgent Tsunami Warning is issued move immediately away from the coast to higher ground inland.
 - (iv) If possible walk to safety to avoid traffic jams and only take essential items that you can carry
 - (v) Check that your neighbors have received this advice and if possible, assist the disabled, young, elderly and other vulnerable groups
 - (vi) If your boat is in deep ocean water, maintain your position until further advised. If your boat is moored or in shallow water, secure your vessel and move inland to higher ground.

After a tsunami warning and you have taken the appropriate action, continue to listen to your radio/TV for announcements after the tsunami is over and if possible, help others who may need it (injured, disabled, young, elderly and other vulnerable). The authorities will inform the public when it is safe to return to the affected area.

(3) RIOTS

How to prepare for riot or civil unrest

- (a) Ensure you have adequate supply of food, water and sanitation supplies.
- (b) Take stock of first aid kit and medical supplies
- (c) Inventory the security features in the office to determine weaknesses that need to be strengthened
- (d) Set up a personal self-defense system to use as necessary.

What to do during a riot

- (a) Do not leave the office and go into the street
- (b) Keep aware and up to date with current news, especially listening to the radio to hear regular updates
- (c) On hearing disturbance (gunfire or explosions outside), stay away from the windows. Do not be tempted to watch the activity from the windows. Draw the curtains or blinds to prevent broken glass entering.
- (d) Secure your area (lock doors and safes; remove files, vital records and expensive equipment to a safer part of the office).

What to do AFTER a riot

- (a) If it is unsafe to stay where you are seek a place of safety in a less volatile area
- (b) If you have suffered injury seek medical assistance and report any loss or damage to your property to the police
- (c) Report your situation or whereabouts to family/friends

(4) EARTHQUAKES

Four out of 5 of the world's earthquakes take place along the rim of the Pacific Ocean, a zone called the Pacific Ring of Fire. Sometimes there are many small earthquakes before the big one. These small ones are called foreshocks. After the big earthquake, the main shock, again there may be many small quakes. These are called aftershocks. Most earthquakes last a minute or less. Many earthquakes happen on the ocean floor. Big ocean waves can form after an earth quake resulting in a tsunami. The main killers in earthquakes are falling buildings, fires, landslides, avalanches and tsunamis.

What do I do during an earthquake?

- (a) If you are outside, move away from power lines, trees and buildings.
- (b) If you are inside, stay away from windows, mirrors, cupboards, and shelves.
- (c) Seek shelter under a door frame, table, desk, bed or bench. You can also stand under a doorway; they are one of the strongest foundations of a house.
- (d) Be prepared for possible shaking after the main quake.
- (e) If you are in a high building, stay out of the elevators and stairways.

Prepare for an earthquake by having flashlights, helmets and sturdy shoes, a first aid kit, a fire Extinguisher, bottled water, canned food and a can opener.

(5) Cyber-Attack Response Plan

This response plan is provided as a template for staff to use in situations which you believe may be a cyber-attack on any of our electronic systems and or data.

(a) What is a Security Incident?

A Security Incident means any incident that occurs by accident or deliberately that impacts your communications or information processing systems. An incident may be any event or set of circumstances that threatens the confidentiality, integrity or

availability of information, data or services in our Office.

This includes unauthorized access to, use, disclosure, modification, or destruction of data or services used or provided by the Office of the Ombudsman.

(b) How to recognize a security incident

A security incident may not be recognized straightaway; however, there may be indicators of a security breach, system compromise, unauthorized activity, or signs of misuse within your environment, or that of your third-party service providers.

You need to look out for any indications that a security incident has occurred or may be in progress, some of which are outlined below:

- (i) Monitor excessive or unusual log-in and system activity, in particular from any inactive user IDs (user accounts)
- (ii) Watch out for excessive or unusual remote access activity into your business. This could be relating to your staff or your third-party providers
- (iii) The occurrence of any new wireless (Wi-Fi) networks visible or accessible from your environment
- (iv) The presence of or unusual activity in relation to malware (malicious software), suspicious files, or new/unapproved executable and programs. This could be on your networks or systems and includes web-facing systems.
- (v) Hardware or software key-loggers found connected to or installed on systems
- (vi) Suspicious or unusual activity on, or behavior of, Web-facing systems, such on as your ecommerce website
- (vii) Any card-skimming devices found in your business
- (viii) Lost, stolen, or misplaced computers, laptops, hard drives, or other media devices that contain payment card data or other sensitive data

(c) Roles and responsibilities

Your security incident response plan must be followed by all personnel in Office including those that are involved on a temporary basis.

Roles

The Information Technology Division in the Office should be the first point of contact if the Office becomes compromised. It is their duty to notify senior management and the Chief Executive Officer who will then refer the matter to the Central Government MDA or other party suitable to handle the security response on cyber-attacks.

(d) Responsibilities

All staff members are responsible for:

- (i) Making sure they understand how to identify and report a suspected or actual security incident.
- (ii) Reporting a suspected or actual security incident to the Information Technology division;
- (iii) Reporting any security related issues or concerns to line management;
- (iv) Complying with the security policies and procedures of the Office of the Ombudsman.

(6) Hurricane Policy

(a) What to do in the event of a Hurricane

- (i) Act on any warning and follow instructions given by Emergency & Disaster Management Authority on the radio
- (ii) Close all windows tightly
- (iii) Stay indoor
- (iv) Staff shall disburse the soonest if the wind speed increases according to official forecast announce from radio
- (v) Make sure there are no unsecured objects lying around next to our vehicles
- (vi) If warning reaches Level 2, stay at home until further notice

(7) Flooding Policy instructions

(a) OVERVIEW

This Flooding Policy instruction provides a fair idea of how to be safe before, during and after a flooding disaster. It helps to safeguard people, community groups and homes. Serious flooding can happen at any time.

(b) BEFORE THE FLOOD (When Flooding is forecast)

It is a priority to be alerted by monitoring your surroundings and listen to the radio. If a **food warning** is issued for your area: **Climb to safety immediately**. Do not wait until you see rising water. Get out of low areas subject to flooding. If driving, do not drive through flooded roadways!

You need to assemble disaster supplies:

- (i) Drinking water – Fill clean containers.
- (ii) Food that requires no refrigeration or cooking.
- (iii) Cash.
- (iv) Medications and first aid supplies.
- (v) Clothing, toiletries.
- (vi) Battery-powered radio.
- (vii) Flashlights.
- (viii) Extra batteries.

Be prepared to evacuate.

Identify places to go and alternative evacuate routes that are not prone to flooding. Fill your vehicle gas tank and if told to leave, do so quickly.

Review your Family Disaster Plan.

Discuss flood plans with your family. You need to decide where you will meet if separated and designate a contact person who can be reached if family members get separated. Make sure every family member has the contact information.

Protect your property.

Move valuables, furniture and hazardous materials to higher locations. Disconnect electrical appliances. Do not touch them if you are wet or standing in water.

(c) During a flooding

Don't drive unless you have to. NEVER drive through flooded roadways. STOP! Turn Around Don't Drown. Follow recommended routes. DO NOT sightsee. Avoid disaster areas and watch for washed out roads, downed trees or power lines. Be especially cautious at night, when it is harder to recognize flood dangers if flooding happens at night.

(d) Get to high ground – Climb to safety!

Get out of low areas that may be subject to flooding. Avoid already-flooded areas and do not attempt to cross flowing water. Stay away from power lines and electrical wires. Evacuate immediately, if you think you are at risk or are advised to do so. Act quickly, save yourself, not your belongings. Move to a safe area before access is cut off by rising water. Secure your home, lock all doors and windows. If directed to a specific location, go there.

(e) Never try to walk or swim through flowing water.

If flowing water is above your ankles, STOP! Turn around and go another way. If it is moving swiftly, water 6 inches deep can knock you off your feet. Be aware that people have been swept away wading through flood waters. NEVER allow children to play around high water.

(f) Shut off the electricity at the circuit breakers.

If someone falls in or is trapped in flood water: Do not go after the victim but use a floatation device. If possible throw the victim something to help them float, such as a spare tire, large ball, or foam ice chest.

(g) AFTER A FLOOD

Wait until it is safe to return to your homes.

Do not return to flooded areas until authorities indicate it is safe to do so. Do not visit disaster areas following a flood.

Travel with care.

Follow recommended routes. DO NOT sightsee. Watch for washed out roads, earth slides, and downed trees or power lines. Stay away from downed power lines.

Your home is no longer a safe place.

If a building was flooded, check for safety before entering. Do not enter a building if it is still flooded or surrounded by floodwater unless it is inspected that it is safe.

Throw away medicine, food, or water that had contact with floodwaters (including canned goods). If water is of questionable purity, boil drinking water for 10 minutes. Keep windows and doors open for ventilation.

Keep the power off until an electrician has inspected the system for safety. All electrical equipment should be checked and dried before being returned to service. Clean and disinfect everything that got wet.

(8) Terrorism Policy Instruction

This instruction is intended to be used in the event of a terrorist attack on our office building during working hours.

What is Terrorism?

“The unlawful use or threatened use of force or violence to intimidate or coerce societies or governments, often for ideological or political reasons.”
American Heritage College Dictionary

Common Types of Terrorist Attack

Bombings. Terrorists use bombs to inflict damage on buildings or vehicles as well as to kill or injure. Some bombs are hidden by terrorists and set off with timers, while others are detonated by “suicide bombers” who have chosen to sacrifice their lives along with those of their victims.

Bioterrorism. Chemical or biological agents are released into the atmosphere with the intent of contaminating or killing people. Examples are the attack using poisonous gas on the Tokyo subway system in 1995 and the series of anthrax-laced letters mailed in the United States in 2001.

Response

Before

- The office should provide all staff with a mask to be kept in their respective office space.

During

- In the event of bombing or gas explosion, immediate response would be to drop, cover and hold under your desk, put on your mask immediately to avoid inhalation of gas pollutants and try to evacuate the building as soon as possible.
- It is important that you try and save your life first in this incident before looking out for others.

After

- When you finally reached outside of the building, you should try and contact 911 for emergency assistance from the Police, Fire and Ambulance.

APPENDIX 1: TOR for OSC

Terms of Reference

Ombudsman Staff Committee (OSC)

(Policy 1.4(2))

PURPOSE

The main objective of the Ombudsman Staff Committee (OSC) is to assist the Ombudsman to fulfill his functions by providing recommendations on Office of the Ombudsman (OMB) staff policies and procedures.

MEMBERS

The members of the OSC consist of the following:

- 1) Chief Executive Officer (CEO)- Chair
- 2) Director of Investigations (DI) - member
- 3) Deputy Secretary (DS)- member
- 4) Secretariat – as appointed by the members of the OSC

The OSC operates under the direction of the Ombudsman and unless otherwise stated in the OMB Staff Policy Manual, makes recommendations only to the Ombudsman

RESPONSIBILITIES

The functions of the OSC are to:

- i) Develop, maintain and administer the OMB Staff Policy Manual and such other Manuals as may be necessary for the operation of the OMB including developing systems, standards and procedures for staff and asset management and the continual performance improvement and performance management of the OMB
- ii) Make recommendations to the Ombudsman to appoint, promote, confirm, discipline and dismiss employees and resolve employment disputes
- iii) Review the respective designations and other terms and conditions, including the remuneration, for employment of the staff and make recommendations to the Ombudsman for amendment to the policies, as necessary

- iv) Determine practices and procedures relating to the recruitment and appointment of persons as employees, the promotion of employees and any other matters relating to human resource management
- v) Review the final Performance Management System (PMS) assessments before submission to the Ombudsman

MEETINGS

The OSC will meet at least 4 times a year, preferably quarterly to review any staff matters that may need to be brought before the Ombudsman but the Chair may call further meetings as the need arises

APPENDIX 2:

Employee Contract. (Policy 1.5(2) (b))

CONTRACT OF EMPLOYMENT

BETWEEN OMBUDSMAN

AND (“the Employee”)

WHERE AS:

- A.** The Ombudsman is charged with independently representing the interests of the public by investigating and addressing complaints of maladministration in the Kingdom of Tonga under the *Ombudsman Act 2001*;

- B.** The *Ombudsman Act 2001* was amended by the *Commissioner for Public Relations (Amendment) Act 2016*, which allowed the Ombudsman to employ such persons necessary for the performance of his duties and functions and also to determine the appropriate terms and conditions for the employment of such persons;

- C.** The Ombudsman is a public servant formerly employed under the *Public Service Act 2002* ;

- D.** As a result of the *Commissioner for Public Relations (Amendment) Act 2016*, all employees in the Office of the Ombudsman will no longer be public servants pursuant to the *Public Service Act 2002* but will be employed as public servants independently by the Ombudsman pursuant to the *Ombudsman Act 2001*;

- E.** Employees in the Office of the Ombudsman may choose to remain as public servants under the *Public Service Act* and be

redeployed within the public service or be re-employed in the Office of the Ombudsman;

F. The Employee has chosen to be transferred from being a public servant serving under the *Public Service Act 2002*, and to be re-employed as a public servant in the Office of the Ombudsman under the *Ombudsman Act 2001*, as amended;

G. The Parties agree that the transfer of the Employee from the public service subject to the *Public Service Act* to public service in the Office of the Ombudsman is formalized in this Agreement;

1. Effective date

Upon signing of this Agreement by the Parties this contract is deemed to have come into effect commencing from the 2nd of December 2016.

2. Conditions of Effect of Agreement

By signing this contract the Parties have agreed on the terms and conditions of employment which the Employee shall be re-employed under.

3. Resignation from the Public Service

The Employee hereby agrees to resign from the public service which is governed by the *Public Service Act 2002* and its regulations and policies, on the condition that the employee will be re-employed as a public servant in the Office of the Ombudsman on the same terms and conditions (which is not less favorable) then the terms and conditions of employment that the Employee enjoyed in the public service under the *Public Service Act* including membership in the Retirement Fund

4. Employee's Leaving Service Benefit

(a) The Parties agree that the Employee after resigning from the public service under the *Public Service Act 2002* shall be responsible for recovering all leaving public service entitlements from appropriate Government authorities.

- (b) The Ombudsman shall assist the Employee in the process of recovering his or her leaving service entitlements from Government authorities.

5. Re-employment by Office of the Ombudsman

- (a) The Ombudsman hereby agrees and confirms that the Employee will be deemed to be re-employed by the Office of the Ombudsman from the 2nd of December 2016, and that the Employee will be re-employed on the same terms and conditions he or she enjoyed in the public service or as provided in the Ombudsman Staff Policy Manual from time to time.
- (b) The post, job description and remuneration that the Employee was appointed under the *Public Service Act 2002* will continue under the Office of the Ombudsman until and unless the employee's position and Job Description changes.

6. Terms and Conditions

- (a) The terms and conditions provided to a public servant appointed under the *Public Service Act 2002, Regulations, Policies, Rules or Instructions* are deemed to be applicable to the Employee or as provided in the Ombudsman Staff Policy Manual from time to time.
- (b) In applying the terms and conditions under the *Public Service Act 2002* in relation to *Regulations, Policies, Rules or Instructions* to the Employee, any reference to the Public Service Tribunal means the Ombudsman Dispute Resolution Appeal process, any reference to the Minister or Public Service Commission means the Ombudsman and any reference to the CEO of the Ministry of the Public Service means the CEO of the Office of the Ombudsman.

APPENDIX 3: Responsibilities & Competencies for permanent employees.
(Policy 1.6)

- a) The levels of responsibilities are based on:
- Education, skills and experience
 - Work situation (degree of supervision required or responsibility assigned)
 - Activities or task to be completed
 - Standards to evaluate performance
- b) Competency areas for activities/tasks and standards:
- i) *Achieving impact*: establishing appropriate and constructive relationships with clients, and stakeholders to meet the accountability needs of the public and to hold themselves and others accountable for achieving results.
 - ii) *Completing the audit work*: develop, update, and apply the knowledge, skills, methodology and tools necessary to deliver timely products meeting the highest professional standards.
 - iii) *Working with others*: create a positive work environment and demonstrate commitment to the public and stakeholders, and each other to facilitate achieving goals.
 - iv) *Communicating for results*: present information and results using appropriate written and oral media to inform and/or convince others and achieve desired outcomes.
 - v) *Promoting professional development*: assume responsibility for and take action to develop professionally and support others in achieving their professional development goals

APPENDIX 4: Exit Interview Questionnaire (Policy 2.11(3))

EXIT INTERVIEW QUESTIONNAIRE

The purpose of this exit interview is to give you an opportunity to say what you think about key

Aspects of the Organization that had been employing you. Your comments will be very important

to the Office of the Ombudsman in its effort to improve the performance of the office.

(Please use additional papers, if require for answering these questions)

Name:

Date of appointment to the Service:

Post held at the time of leaving:

Employing Department:

JOB CONTENT

1. How long have you worked for the Department/Ministry that you are leaving?

2. What factors contributed to your accepting the job with*_____

3. Have your feelings changed?

4. Did you understand the job expectations when you were appointed?

5. Did you receive sufficient training to meet those expectations?

6. Did you know how or where to get information you needed to succeed in your job?

7. Did the job meet your expectations?

OFFICE OF THE OMBUDSMAN AS A PLACE TO WORK

8. How would you rate the following aspects of your employment in this Department?

Excellent

Good

Fair

Poor

- Opportunity for Advancement
- Performance Appraisals
- Physical Working Conditions
- Your Salary
- Vacation/Holidays
- Feeling of Belonging
- Relationship with other staff

9. If you were the Head of this Department, what would you do differently?
10. What did you most like about this Department?
11. What did you like the least in this Department?

QUALITY OF SUPERVISION

12. How would you rate your supervisor in the following areas?

Excellent

Good

Fair

Poor

- Demonstrates Fair and Equal Treatment
- Provides Appropriate Recognition
- Resolves Complaints/Difficulties in Timely Fashion
- Follows Policy, Procedures and Regulations
- Informs all Employees of Matters Relating to Work
- Encourage Feedback
- Is Knowledgeable in own Job
- Expresses Instructions Clearly
- Develops Cooperation and Team Work

13. If you came back to work for this Department, would you work for the same supervisor?

REASONS FOR LEAVING

14. What factors have led you to decide to leave the Department?

15. What factors were most important in choosing your new job?

16. What part does salary play in your decision to leave?

17. What made you begin looking for another position, in another organization?

18. What could * _____ have done to prevent you from leaving?

19. If you are going to another job, what does the job offer you that your job here did not?

Employee Signature:

Date: _____
Office of the Ombudsman Representative Signature:

Date: _____
*Office of the Ombudsman

APPENDIX 5: Conflict of Interest Declaration Form – Interviews
(Policy 3.5(1) (c))

OFFICE OF THE OMBUDSMAN
Conflict of Interest Disclosure Form

Note: A potential or actual conflict of interest exists when commitments and obligations are likely to be Compromised by the nominator(s)'other material interests, or relationships particularly if those interests or commitments are not disclosed.

This Conflict of Interest Form should indicate whether the nominator(s) has any interest in, relationship with or any kind of partnership with the interviewee.

Date:
Name:
Position:

Please describe below any relationships, transactions, positions you hold (volunteer or otherwise), or Circumstances that you believe could contribute to a conflict of interest:

I have no conflict of interest to report.

I have the following conflict of interest to report:

1. _____

2. _____

3. _____

I hereby certify that the information set forth above is true and complete to the best of my knowledge.

Signature: _____

Date: _____

APPENDIX 6: *Induction Checklist* (Policy 3.6(3))

Induction Checklist – Office of the Ombudsman

New Employee:

The following checklist has been created to help in inducting your new employee.

Prior to your employee starting work

It's a good idea to start planning early for your employee's first day, as there are a few things you'll need to organise.

Ensure you have:

- told the employee before their first day where, when and who they should report to and whether they need to bring any tools or equipment
- organised building and IT access
- letter of appointment
- discuss with Accounting Officer on relevant information needed:
 - the employee's bank account details
- the employee's emergency contact details
- given the employee a copy of the Ombudsman Act

On the first day (or soon after)

To ensure your employee gets off to a good start, it's important that they feel welcomed, well-informed and equipped to do their job.

Orientation and housekeeping:

- Introduce the new employee to other staff
- Show the new employee the kitchen/meal, toilet facilities and where to store personal items (bags, jackets etc.)

Ensure you have:

- given the employee copies of relevant business policies or procedures e.g. codes of conduct and work health and safety policies or procedures.
- Introduced the employee to the Ombudsman to take an Oath
- discussed:
 - the history of the business and its role
 - who the employee reports to
 - the employee's duties and what training will be provided
 - performance expectations and when and how performance will be reviewed
 - hours of work and the procedure for recording hours of work
 - meal breaks
 - the payment method, first pay date and how payslips are distributed (accounting officer)

- any workplace policies and procedures including:
 - dress code
 - procedure if the employee is sick or running late
 - procedure for applying for leave
 - rules regarding personal calls, visitors and/or use of social media at work
 - any bullying, harassment and anti-discrimination policies.

- completed a workplace health and safety induction

Statement of Understanding

I, _____, understand the appointment conditions of my new role. _____ (signature)

Date:

Induction given by:

_____ (Name)

_____ (Signature)

Date:

APPENDIX 7: Leave Request Form (Policy 6.2(1) (c))

**OFFICE OF THE OMBUDSMAN
APPLICATION FOR LEAVE**

Name.....

Position/Level.....

Division.....

Salary.....

I hereby apply forday(s) Annual/Maternity/ Casual/ Study Leave/ Day Off/ Special Leave with pay/

Special Leave without pay/Sick Leave/Flexi hours

From.....to.....

Address whilst on Leave

Reason(s) for Leave:

.....

.....

.....

.....

.....

.....

Phone No:

.....

Email Address:

Signature:

Date:

For Official Use

Current Leave Balance as of (Excluding this application)

Annual:

Days Off:

Maternity:

Special leave with pay:

Casual:

Special leave without pay:

Paternity:

Recorded by: Date:

Sick Leave:

Recommended by:

Date:

Head of Division

Approved by:

Date:

Chief Executive Officer, Office of the Ombudsman.

APPENDIX 8: Overtime Request Form (Policy 7.15(5) (ii))

Office of the Ombudsman			
OVERTIME REQUEST FORM			
Division:			
Name and Post	Proposed Work	Reason why work is not carried out during work hours	Time & Location
REMARKS			
Recommended by		Comment	
		
		
		
		
.....	
Head of Division	Date	
		To be completed by HOD when approved work is complete	
Approved/Not Approved by:		Assessment	
		
		
		
		
.....	
Chief Executive Officer	Date	

APPENDIX 9: Travel Request Form (Policy 6.7)

KINGDOM OF TONGA

APPLICATION FOR OVERSEAS TRAVEL

Applicant:		Ministry: OFFICE OF THE OMBUDSMAN	
Level:		Post Title	
Purpose:			
Estimated Cost Detailing the various elements			
Details of any contribution by Donor Partner:			
Details [provide title of course/conference etc, intended venue, time required etc]:			
Details of SDP8 priority/s that this travel will address:			
National Impact – A more progressive Tonga supporting higher quality of life for all. National Outcome “d” – A more inclusive, sustainable and responsive good governance with law and order.			
Describe how the public service will benefit by approval to this application [how will it contribute to improved productivity or outputs? Be as specific as possible.]:			
How will absence be covered? [who will do the work normally carried out by this person? What other arrangements will be made to carry out the work?]			
Details of the applicant			
Current Qualifications:			
What other overseas travel or study has been completed while employed by government in last 12 months.			
Date of Birth:		Date appointed to the Ombudsman:	
Date appointed to current Level:			
Signature of Applicant:			
Priority of this travel to the Office:			
Signature of Head of Department:		RECOMMENDED	NOT RECOMMENDED
APPROVED		NOT APPROVED	
Signature of Ombudsman or CEO:			

APPENDIX 10: Travel Report (Policy 8.6)

OFFICE OF THE OMBUDSMAN

REPORT ON OVERSEAS TRAVEL

Name:	<i>Office of the Ombudsman</i>	
Rank:	Post Title:	
Purpose: Education		
Details of any contribution by Donor Partner:		
Details [provide title of meeting/course/conference etc., and the specific dates you were overseas, etc.]:		
What benefits Tonga have gained from your attendance [be as specific and concrete as possible. Vague generalizations will be seen as an indication that little real benefit will be gained]]:		
How will you personally apply learning gained while you were overseas? [be as specific as possible. Spell out just what you will do to provide a return to the people of Tonga for the investment they and/or a Development Partner have made in you]		
Signature of Participant:		
Signature of Head of Department:		
Signature of Ombudsman/CEO:		

APPENDIX 11: After Hours Vehicle Request Form (Policy 8.7(8))

ANNEX 1

**AUTHORIZATION FORM TO USE GOVERNMENT VEHICLE AFTER
WORKING HOURS**

Name of authorized driver:

.....

Government vehicle number:

.....

Date:

Time:.....

Chief Executive Officer (CEO) Approval:

Approved

Not Approved

CEO's Signature:

.....

(Official stamp)

APPENDIX 12: PMS Form (Policy9.3 (1))

Office of the Ombudsman
(*'Ofisi 'o e Omipatimeni*)

**PERFORMANCE PLANNING AND APPRAISAL FORM – LEVELS 2
to14**

(*Foomu ki hono fokotu'utu'u mo sivi'i 'o e tu'unga fakahoko fatongia – levolo 2 ki he 14*)

NAME OF MINISTRY/DEPARTMENT (HINGOA 'O E POTUNGAUE) Office of the Ombudsman			
SECTION 1: EMPLOYEE DETAILS (KONGA 1: Fakaikiiki 'o e Taha-Ngaue)			
Employee Name (<i>Hingoa 'o e Taha- ngaue</i>)		Supervisor's Name (<i>Hingoa 'o e Taki-ngaue</i>)	
PF Number (<i>Fika Faile fakafo'ituitui</i>)		Title (<i>Lakanga 'o e Taki-ngaue</i>)	
Post Title / Level & Current Salary (<i>Lakanga/Tu'unga mo e Vahenga Lolotonga</i>)		Job Level (<i>Tu'unga Ngaue 'o e Taki-ngaue</i>)	
Date appointed to current post (<i>'Aho fakanofo ki he lakanga lolotonga</i>)		Department/Division (<i>Va'a Ngaue</i>)	
Evaluation Period (<i>Vaha'a taimi sivi ngaue</i>)		Length of time you have supervised the employee (<i>Loloa e vaha'a taimi kuo ke tokanga'i ai 'a etaha-ngaue</i>)	Years: (<i>Ta'u</i>) Months: <i>3months</i>
SECTION 2: MINISTRY'S STRATEGIC DIRECTION (KONGA 2: Ngaahi Taumu'a Ngaue, Fokotu'utu'u Ngaue Mo e Tefito'i Ngaue Fakata'u Tolu 'a e Potungau (To'o Mei he Palani Fakata'u Tolu)			
Impact: (<i>Ngaahi Taumu'a 'e ala Uesia</i>) “To promote good governance and fair decision-making in adherence to the rule of law”			
Outcome: (<i>Taumu'a Ola</i>) 1. That management behaviour towards stakeholders and employees/subordinates improves, consistent with adherence to the rule of law; 2. Stakeholders adopt appropriate strategies towards the operation of the Public Relations Office and the improvement of good governance”			

Output: *(Taumu'a Ngaue)*

1. *Complaints by external stakeholders, in particular the Tongan public, and employees/subordinates against public officials are appropriately investigated and resolved;*
2. *Proactive investigations are appropriately carried out into individual public servants and public organisations which have a record of violating the principles of good governance."*

SECTION 3: KEY PERFORMANCE OUTPUTS

(KONGA 3: Ngaahi Tefito'i Fatongia 'a e Taha-ngaue (Mei He Tohi Fakamatala Ngaue))

List your key tasks as prescribed in your Job Description and on which your Indicators will be set.

(Ngaahi Fatongia ngaue tefito mei ho fakamatala ngaue 'a ho'o lakanga 'aia 'e makatu'unga ai hono fokotu'u 'a e ngaahi me'a fua 'o e fatongia takitaha - ke felotoi kiai e taha ngaue mo e taki ngaue 'i he kamata'anga 'o e taimi sivi ngaue)

3.1 Job Performance *(Konga 3.1: Fakahoko ngaue)*

(Note: Columns A&B to be filled in the beginning of the assessment period and Columns C&D to be completed at the end of the assessment period). *(Ko e kolomu A&B ke fakafonu ia i he kamata'anga 'o e taimi e sivi ngaue pea ko e kolomu C&D ke fakafonu ia 'i ha hili 'a e taimi sivi ngaue)*

A	B	C (to be filled at the end of the assessment period) <i>(ke fakafonu 'i he 'osi 'a e taimi sivi ngaue)</i>			D
Individual Outputs/Tasks <i>(Taumu'a Ngaue fakafo'ituitui mei he fakamatala ngaue)</i>	Performance Indicator <i>(Ngaahi me'afua)</i>	Employee <i>(Fakamaaka 'a e Taha-ngaue)</i>	Supervisor <i>(Fakamaaka 'a e Taki-ngaue)</i>	Joint <i>(Maaka kuo mo felotoi kiai)</i>	Remarks <i>(Ngaahi tana ki make he)</i>
Individual Outputs/Tasks (Taumu'a Ngaue fakafo'ituitui mei he fakamatala ngaue)	Performance Indicator (Ngaahi me'afua)	Employee (Fakamaaka 'a e Taha-ngaue)	Supervisor (Fakamaaka 'a e Taki-ngaue)	Joint (Maaka kuo mo felotoi kiai)	Remarks (Ngaahi tana ki make he)
Total Average Joint Score					
<i>(Avalisi 'o e maaka Fakalukufua fakatautu ki he maaka kuo mo felotoi kiai)</i>					
Ratings/Points					
<i>(Fakaikiiki 'o e ngaahi maaka)</i>					
1	No progress to Output <i>(Te'eki fai ha ngaue ki he Taumu'a Ngaue fakafo'ituitui)</i>	4	Output met to expectation (100%) <i>(A'usia kakato 'a e taumu'a ngaue (100%))</i>		
2	Output partially completed (less than 50%) <i>(A'usia pe 'a e konga 'o e taumu'a ngaue (si'i hifo he 50%))</i>	5	Output met above expectation <i>(A'usia kakato 'a e taumu'a ngaue 'o mahulu atu 'i he fiema'u)</i>		
3	Complete above 50% but less than 100% of Output				

		<i>(A'usia 'o lahiange 'i he 50% kae si'isi'i hifo 'i he 100% 'o e taumu'a ngaue)</i>			
3.2 Personal Attributes/Competencies (as per Job Description)					
<i>(Konga 3.2: Ngaahi Tefito'i 'Ulungaanga fakafo'ituitui/Taukei Faka-ngaue (mei he Tohi Fakamatala ngaue))</i>					
<i>(Note: Columns A&B to be filled in the beginning of the assessment period and Columns C&D to be complete the end of the assessment period).</i>					
<i>(Ko e kolomu A&B ke fakafonu ia i he kamata'anga 'o e taimi sivi ngaue pea ko e kolomu C&D ke fakafonu ia 'i ha hili 'a e taimi sivi ngaue)</i>					
A		B		C	
				RESULTS (OLA) (to be filled at the end of the assessment period)	
Key Attributes / Core Competencies <i>(Taukei Ngaue)</i>		Standards <i>(Tukungatotonu)</i>		Employee	Supervisor

Key Attributes / Core Competencies <i>(Taukei Ngaue)</i>	Standards <i>(Tukungatotonu)</i>	Employee	Supervisor	Joint	Remarks
Total Average Joint Score					
<i>(Avalisi 'o e maaka Fakalukufua fakatatau ki he maaka kuo mo felotoi kiai)</i>					

Ratings/Points

(Fakaikiiki 'o e ngaahi maaka)

1	No progress to Output <i>(Te'eki fai ha ngaue ki he Taumu'a Ngaue fakafo'ituitui)</i>	4	Output met to expectation (100%) <i>(A'usia kakato 'a e taumu'a ngaue (100%))</i>
2	Output partially completed (less than 50%) <i>(A'usia pe 'a e konga 'o e taumu'a ngaue (si'i hifo he 50%))</i>	5	Output met above expectation <i>(A'usia kakato 'a e taumu'a ngaue 'o mahulu atu 'i he fiema'u)</i>
3	Complete above 50% but less than 100% of Output <i>(A'usia 'o lahiange 'i he 50% kae si'isi'i hifo 'i he 100% 'o e taumu'a ngaue)</i>		

Signature: After agreeing on A&B

(Fakamo'oni: Hili 'a e felotoi 'i he konga A mo e B)

.....
Signed by Employee
(Fakamo'oni 'a e Taha - ngaue)

.....
Signed by Supervisor
(Fakamo'oni 'a e Taki- ngaue)

.....
Date
(Aho)

.....
Date
(Aho)

3.3 Overall Performance

(Konga 3.3: Fakalukufua 'o e Tu'unga Fakahoko Fatongia)

a	Total Average Joint Points from 3.1 <i>(Faka'avalisi fakakatoa 'o e Fakamaaka mei he konga 3.1)</i>	
----------	--	--

b	Total Average Joint Points from 3.2 <i>(Faka'avalisi fakakatoa 'o e Fakamaaka mei he kongā 3.2)</i>	
c	Total Overall score (a + b)/2 <i>(Fakamaaka Fakalukufua (a+b)/2)</i>	

OVERALL PERFORMANCE (c/5 * 100) = %
*(Fakamaaka Fakalukufua 'o e Tu'unga Fakahoko Fatongia (c/5*100))*

PSC will use this overall performance % to determine the performance level for incentive purposes.
('E ngaue'aki 'ehe 'Ofisi 'o e Komisoni ma'ae kau ngaue fakapule'anga 'a e Fakamaaka Fakalukufua 'o e Fakahoko Fatongia ke fakafuofua 'aki 'a e ngaahi makatu'unga tefito ki hono faka'ai'ai mo fakatupulaki 'o e tu'unga fakahoko fatongia 'o e taha ngaue)

SECTION 4: TRAINING AND DEVELOPMENT REQUIREMENTS

(KONGA 4 : Ngaahi fiema'u ki he ako Ngaue mo e fakalalaka ngaue fakafu'ituitui)

During the performance assessment, the following areas or issues were identified as requiring attention for development.

(Lolotonga 'a e taimi sivi ngaue, ko e ngaahi tafa'aki eni na'e fakatokanga'i 'oku fiema'u ha fakalelei/fakalalaka ai)

Issues/Areas for development <i>(Ngaahi tafa'aki 'oku fiema'u ke fakahoko ai ha fakalalaka fakafu'ituitui)</i>	The following action(s) will be taken in respect of each issues/areas <i>(Ko e ngaahi ngaue 'e fakahoko 'o felave'i mo e ngaahi tafa'aki takitaha)</i>	Time Frame <i>(Loloa 'o e taimi)</i>
1.		

SECTION 5: COMMENTS AND RECOMMENDATIONS

(KONGA 5: Ngaahi Tanaki mo e Fokotu'u)

5.1 Individual Comments

(Konga 5.1: Tanaki mei he Taha ngaue)

Outline the actions taken by your supervisor that help you perform during the assessment period. What could they have done to be more supportive?

(Fakamatala ki ha ngaahi ngaue 'a ho'o taki ngaue na'e tokoni kaho'o fakahoko fatongia lolotonga 'a e taimi sivi ngaue. Ko e ha ha ngaahi ngaue na'a ne mei fakahoko ke toe tokoni'i aki koe mo ho'o ngaue oku fakahoko)

.....

Signature

(Fakamo'oni 'a e taha ngaue)

.....

Date

('Aho)

5.2 Supervisor's Comments

(Konga 5.2: Ngaahi tanaki mei he Taki Ngaue)

Consider the person's performance over the assessment period. What are some of the highlights achieved?

What difficulties did they encounter? What could the person have done to improve their performance?

(Fakakaukau ange ki he tu'unga fakahoko fatongia 'a e taha nague 'lolotonga 'a e taimi sivi ngaue. Koe ha ha ngaahi lavame'a 'oku totonu ke fakatokanga'i? Ko e ha ha ngaahi faingata'a fakangaue na'a ne fehanganagai mo ia? Ko e ha nai ha ngaue na'e mei fakahoko he taha ngaue ke toe fakalelei'i 'aki 'ene fakahoko fatongia?)

.....

Signature

(Fakamo'oni 'a e Taki Ngaue)

.....

Date

('Aho)

5.3 CEO's Comments

(Konga 5.3: Ngaahi tanaki mei he 'Ofisa Pule Ngaue)

Consider the person's performance over the assessment period. What are some of the highlights achieved?

What difficulties did they encounter? What could the person have done to improve their performance?

(Fakakaukau ange ki he fakahoko fatongia 'a e taha ngaue lolotonga 'a e taimi sivi'i 'o e ngaue. Ko e ha ha ngaahi lavame'a 'oku totonu ke fakatokanga? Ko e ha ha ngaahi faingata'a fakangaue na'a ne fehangananaai mo ia? Ko e ha nai ha ngaue na'e mei fakahoko 'e he taha ngaue ke toe fakalelei'i'aki 'e fakahoko fatongia?)

.....

Signature

(Fakamo'oni 'a e 'Ofisa Pule Ngaue)

.....

Date

(Aho)

**APPENDIX 13: Guidance for appeal documentation
(Policy 17.3(4c))**

	Employee		Management
1)	Grounds of appeal	1)	Response to grounds of appeal
2)	Case statement, which should include as appropriate:	2)	Case statement, which should include as appropriate:
	<ul style="list-style-type: none"> • Introduction explaining the reasons for appealing 		<ul style="list-style-type: none"> • Introduction, background to the case, processes followed on calling the original hearing, how the decision was arrived at
	<ul style="list-style-type: none"> • Summary of case 		<ul style="list-style-type: none"> • Summary of case
	<ul style="list-style-type: none"> • Outcome sought 		<ul style="list-style-type: none"> • Recommendations
	<ul style="list-style-type: none"> • Appendices 		<ul style="list-style-type: none"> • Appendices

If papers are presented in this way, it should be possible for the appeal hearing only to hear

***APPENDIX 14: Format of the Formal Grievance Hearing
(Policy 17.3(4c) (i))***

The panel shall be responsible for the proper conduct of the hearing, which shall be conducted on a formal basis.

- a) The chair of the panel will conduct the introductions of those present and confirm the names of any witnesses who may be called. The chair of the panel will ensure that all parties understand the nature of the complaint and ask the employee who is bringing the complaint to say how he thinks it should be settled.
- b) The panel shall order the proceedings as follows:
 - Ask the employee to present his case, allowing the investigating officer or respondent to ask questions after the presentation has been completed. The employee may call witnesses or refer to documents previously circulated and necessary for the hearing.
 - Ask the investigating officer or respondent to respond to the case, allowing the employee to ask questions after the presentation has been completed. The investigating officer or respondent may call witnesses or refer to documents previously circulated and necessary for the hearing.
 - The panel may ask questions on points of clarification at any time and may call witnesses. Questions shall be put to each party after it has presented its case.
 - If either party wishes to present evidence not previously circulated, the hearing may be adjourned to allow the other side to consider it.
 - Allow the employee and then the investigating officer or respondent the opportunity to sum up their cases. Neither party may introduce new matters in their summing up.

- a) The panel adjourns to consider its decision, which shall be given as soon as possible after the hearing, but in any case within three (3) working days of the hearing.

**APPENDIX 15: Bidding Terms & Conditions & Instructions to Bidders
(Policy18.3)**

**Bidding Terms & Conditions
and
Instructions to Bidders**

REQUEST FOR BID (RFB)

TERMS AND CONDITIONS

Bid Opening

Place / Address	Hours and Deadline
Office of the Ombudsman Retirement Fund Board Building, Level 2, Corner of Lelue Rd & Mateialona Rd, Nuku'alofa	DATE at TIME at the address stated above.

Bid Submission

Place / Address	Hours and Deadline
Office of the Ombudsman Retirement Fund Board Building, Level 2, Corner of Lelue Rd & Mateialona Rd, Nuku'alofa	From DATE, until DATE at TIME.

IMPORTANT: Bids submitted after the deadline will not be accepted and will be returned unopened, regardless of the reasons for the delay.

For further enquiries Contact Corporate Service Division.

SPECIFIC CONDITIONS

1. PURPOSE

The purpose of disposing these assets of the Office of the Ombudsman, locating at Retirement Fund Board Building, Level 2, Corner of Lelue Rd & Mateialona Rd, Nuku'alofa, according to the terms and conditions stated in this bidding procedure. This process is carried out after the approval from Ministry of Finance and National Planning.

2. HOW TO SUBMIT BIDS

Bids should be submitted:

- a) Closed envelope to be submitted at Retirement Fund Board Building, Level 2, Corner of Lelue Rd & Mateialona Rd, Nuku'alofa on business days, from 8:30am to 4:30pm, until DATE by TIME.

b) By e-mail to corporate@ombudsman.to, until DATE at TIME.

The envelope/e-mail of submission must be identified as follows:

OFFICE OF THE OMBUDSMAN

Disposal of Assets Bid

Purpose: “Disposal of assets due to wear and tear”

Place, date and time of opening: DATE at TIME at Retirement Fund Board Building, Level 2, Corner of Lelue Rd & Mateialona Rd, Nuku’alofa

Place, date and deadline for submission of bids: DATE at TIME at Retirement Fund Board Building, Level 2, Corner of Lelue Rd & Mateialona Rd, Nuku’alofa

NAME OF BIDDER:

ADDRESS:

TELEPHONE:

E-MAIL:

FAX:

Submission of a bid implies full knowledge and acceptance by the bidder of the provisions governing this disposal assets and the interpretation of its precise scope.

Bids may only be submitted until the submission deadline established. No changes introduced thereafter will be accepted.

3. CONTENT OF THE BID

The bid must be drafted and signed in English or Tongan. Any changes such as amendments, cancellations, text or numbers added between lines must sign.

The bid must be signed on each and every page by the bidder.

The bid must contain the following information:

3.1) Name and surname, address, telephone number, fax number and e-mail address.

3.2) Filling of the quotation form will be done and signed by the Bidder.

4 – QUOTING METHOD

The quoting form must be signed by the bidder. Five (5) working days will allowed all bidders to submit their incoming bids.

The total price stated in the quotation will be the final amount to pay and should be expressed in Tongan Pa’anga (mentioning amount in TOP).

Any mistake on the price, not denounced before the opening of the biddings will make be dismissed.

5 – VALIDITY OF THE BID

The quotes presented at this bidding should be valid for 5 (five) working days from the opening of the Biddings. If any modifications should arise, it should be communicated to Corporate Service Division within 2 days prior to the 5 Days expiration of the Quotation. If no communication were received, it is assumed that the offer was automatically renewed, and the price given is still valid.

6 – OPENING OF BIDS

At the date and time indicated by this Bidding Procedure, there will be a public opening procedure of the bids. Nominating committee will assess and open the bid. Bidders should make sure that all the documents presented in the name of the bidder must be signed by the bidder.

7 – REVIEW OF BIDS

During the bid analysis period, bidders may be asked to rectify, amend errors or omissions in their bids. These amendments or omissions cannot change the essence of the Bid, nor alters quotes to gain advantage over other bidders.

If a Bidder fails to act upon the rectifications requested within the term established, their bid will be non-amendable grounds for bid dismissal deemed abandoned.

8 – NON-AMENDABLE GROUNDS FOR BID DISMISSAL

Bids will be dismissed with no opportunity for rectification in the following cases:

- a) Bids that are not signed by the bidder in any of the pages.
- b) Bids containing erasures, deletions, amendments or text added between lines that are not initialled in the financial proposal, the description of the goods or services offered, or any other section that is of the essence to the contract.
- c) Bids that have a shorter term of validity than that established in the bidding terms and conditions.
- d) Bids drafted in pencil or any other means that can be erased and rewritten without trace.
- e) Bids submitted by persons who are currently suspended or prohibited from seeking contracts with the Office of the

Ombudsman at the time of the opening of the bids, during the bid review period, or at the time of the award.

- f) Bids submitted by individuals that are not authorized to seek contracts with the Office of the Ombudsman at the time of the opening of the bids, during the bid review period, or at the time of the award.
- g) Bids containing terms that infringe the rules governing the bidding or that prevent a precise comparison against the rest of the bids.
- h) Bids containing substantial errors or omissions.
- i) Bids with quoted prices that is not serious.
- j) Bidders who are ineligible.
- k) Bidders submitting more than one bid, either on their own or as part of a group, association or legal entity. This prohibition shall not apply where bids submitted include discounts, alternatives or different options.

9 – AWARD

The contract will be awarded to the offer that is considered more convenient to the Office of the Ombudsman, taking into consideration, requirements of this bidding, price, quality, and services provided by the bidders.

The successful bidder will be notified as well as every bidder within 3 (three) days from the adjudication by:

- a) Direct contact with the bidder.
- b) Written letter.
- c) E-mail

The Awarded Bidder should pay the items within 3 (three) days and pick up the item.

QUOTATION FORM

	Description	TOTAL PRICE
1.	Disposal Assets	
2.	Disposal Assets	
3.	Disposal Assets	
4.	Disposal Assets	
5.	Disposal Assets	
	<i>TOTAL</i>	

The price includes all taxes and obligations.

Date.....

.....
Signature of the Bidder

.....
Name of the Bidder