



**Cayman Islands Government**  
**Portfolio of the Civil Service**  
**Internal Complaints Handling Policy**

*This Policy provides details on how the Portfolio of the Civil Service (PoCS) will deal with complaints made against it.*

**Last updated: October 2, 2023**

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## 1. Policy Statement

- 1.1 The Complaints Handling Policy (Policy) provides details about how the Portfolio of the Civil Service (PoCS) will deal with complaints made against it.
- 1.2 This Policy explains the following:
  - On what ground(s) can a complaint be made?
  - What type of complaints fall within and outside the remit of this Policy?
  - How to file a complaint.
  - Who will deal with complaints?
  - How will complaints be handled?
  - What types of remedies are available in response to complaints?
  - Steps to be taken in the event you are unhappy with PoCS's response to a complaint.
- 1.3 This Policy is available on the PoCS website at [www.gov.ky/pocs/](http://www.gov.ky/pocs/) or can be obtained, on request, by emailing [FOI.PoCS@gov.ky](mailto:FOI.PoCS@gov.ky).

## 2. Scope

- 2.1 This Policy sets standards and procedures for managing complaints made against PoCS, as submitted by, or on behalf of, a named individual or organisation.
- 2.2 This Policy intends to offer advice and guidance to persons who wish to complain to PoCS or advise others on this Policy.
- 2.3 This Policy should be read and followed by any PoCS staff receiving, investigating, or responding to complaints.

## 3. Guiding Principles

- 3.1 This Policy is based on the following principles:
  - (a) **Commitment:** PoCS strives to satisfy the needs of its customers. It is committed to resolving complaints and recognizing the individual's right to complain as part of improving service delivery.
  - (b) **Accessibility:** Anyone who has been affected by a decision or action (including a failure to make a decision or take action) can make a complaint.
  - (c) **Transparency:** This Policy clarifies how to complain, where to complain and how the Internal Complaints Manager will handle the complaint. It also provides a complaint process.
  - (d) **Objectivity and fairness:** Complaints will be dealt with fairly, courteously, and impartially within the established timeframe.
  - (e) **Privacy:** Personal data/information will be processed and handled in accordance with The Data Protection Act (2021 Revision), and the Freedom of Information Act (2018 Revision).

- (f) **Accountability:** PoCS is accountable for its decision making and how its staff handle complaints. PoCS will provide written explanations and reasons for decisions per the Public Servant's Code of Conduct, and PoCS Workplace Rules.
- (g) **Continuous improvement:** PoCS will act on, and learn from, complaint data to help improve its services.

## 4. Terms used in this Policy

- 4.1 This Policy uses the terms "complaint," "complainant," "formal complaint," and "complaint handling" to describe the work of handling complaints.

*"complaint"* is an expression of dissatisfaction with the quality of an action taken, a decision made, or services provided by any staff member of PoCS, or a delay or failure in providing a service, taking action, or making a decision by any staff member of PoCS;

*"complainant"* is used to refer to a person, organization; one or more persons', where there are numerous persons' having the same interest; or the complainants' legal representative; who makes a complaint;

*"formal complaint"* includes any written expression of dissatisfaction about PoCS, insofar as it satisfies the definition of "complaint" within this Policy;

*"complaint handling"* refers to all policies, procedures, practices, PoCS staff and resources deployed to manage complaints.

## 5. Grounds for Making a Complaint

- 5.1 Formal complaints should be made by or on behalf of a named individual or group of individuals or organization.
- 5.2 A complainant may make a formal complaint of maladministration (i.e. inefficient, wrong, or improper administration), which includes:
  - (a) PoCS staff misconduct or anything done or omitted in the exercise of their duties;
  - (b) poor or unreasonable delays in services;
  - (c) abuse of power;
  - (d) knowingly providing misleading or inadequate advice;
  - (e) refusal to answer reasonable questions; and
  - (f) failure to adequately monitor compliance with procedures, for example:
    - i) neglect to inform a complainant about their rights or entitlement, or
    - ii) neglect to tell them of their right to appeal to the Ombudsman.
- 5.3 If PoCS determines that an issue is **not** a formal complaint, it will seek to channel the enquiry to the appropriate employee(s)/entity, and inform the complainant accordingly.

## 6. What type of complaint is not within the scope of this Policy?

- 6.1 PoCS retains a level of responsibility for services carried out on its behalf; however, under this Policy, not all complaints will be considered, for example:
- (a) Complaints regarding matters that are subject to complaint mechanisms pursuant to other legislation or Policy, including but not limited to:
    - i) Personnel matters or staffing decisions made by the Government (appointments, removals, pay, discipline, or other personal matters), pursuant to the Public Service Management Act (2018 Revision)
    - ii) Data Subject Rights pursuant to the Data Protection Act (2021) Revision
    - iii) Complaints based on allegations that fall into one of the categories under Schedule 1 of the Anti-Corruption Act (2019 Revision)
    - iv) Complaints under the remit of the Anti-Bullying, Harassment and Discrimination Policy
    - v) Complaints under the remit of the Whistleblower Policy
  - (b) Actions taken by or with the authority of the Chief Officer of PoCS to investigate a crime or protect the security of the Islands;
  - (c) The commencement or conduct of civil or criminal proceedings;
  - (d) Actions taken in connection with the Governor's or Deputy Governor's authority.

## 7. Who will deal with your Complaint?

### ***Verbal and face to face complaints***

- 7.1 Where a verbal complaint is made to frontline public-facing staff, they should attempt, where possible, to resolve the complaint through local / informal resolution.
- 7.2 Local resolution may include:
- providing an explanation or further information;
  - resolving a misunderstanding; or
  - apologising on behalf of PoCS or a member(s) of staff.
- 7.3 If the frontline public-facing staff is unable to resolve the complaint verbally, they should escalate the complaint to a senior member of staff. If that member is unable to resolve complaint, they shall provide persons with information on how they can submit a formal complaint.

### ***Formal (written) complaints***

- 7.4 All written complaints are considered as 'formal complaints' and will be handled by PoCS's Internal Complaints Manager.
- 7.5 The Internal Complaints Manager is responsible for:
- acknowledging complaints;
  - coordinating any investigation that may be required to ensure compliance with this Policy; and

- responding to complaints within the timelines of this Policy.

7.6 If the issue involves a complaint about a staff member, it will be investigated by the Internal Complaints Manager in conjunction with the Deputy Chief Officer.

7.7 If the complaint is about the Internal Complaints Manager or the Deputy Chief Officer, it will be referred to the Chief Officer of PoCS, or a suitably qualified and independent delegate, to investigate.

## 8. How to File a Written Complaint

8.1 In your written complaint, please provide as much detail as possible, including:

- Your name and contact details so that we can respond to your complaint.
- Identify the service, policy, person, or aspect of PoCS that you are complaining about.
- If appropriate, state the date, time, and location where an incident may have taken place and who may have been affected.
- Identify any expectations you may have had of PoCS' services resulting from the information provided or what staff may have said.
- Identify any remedies or specific outcomes you are seeking.
- Include anything else you think may help make your point or address your concerns.

8.2 Written complaints may be made via email or mail to:

Internal Complaints Manager  
Portfolio of the Civil Service  
PO Box 117, 2<sup>nd</sup> Floor, Government Administration Building  
133 Elgin Avenue  
Grand Cayman, KY1-9000  
Email: [FOI.PoCS@gov.ky](mailto:FOI.PoCS@gov.ky)

## 9. How will your complaint be deal with?

9.1 Upon receipt of a complaint, PoCS will follow the necessary procedure in line with this Policy:

### **Verbal and face to face complaints**

9.2 Where a verbal complaint is made to frontline public-facing staff, they should attempt, where possible, to resolve the complaint through local / informal resolution (refer to sections 7.1 - 7.3 of this policy).

### **Formal Complaints**

9.3 Where the Internal Complaints Manager receives a complaint that could not be resolved by public-facing staff, or a complainant has directly submitted a written complaint, the Internal Complaints Manager will follow the following process:

Action	Task	Timeline (calendar days)
Step 1: Acknowledgement	Internal Complaints Manager provides written acknowledgement of the complaint.	Within 10 days of receipt.
Step 2: Clarification if required	Internal Complaints Manager undertakes any clarification necessary in order to determine if the issue submitted satisfies the definition of a complaint as outlined in this Policy.	Within 15 days of receipt.
Step 3: Assessment	If Step 2 is not satisfied, the Internal Complaints Manager provides a response letter explaining why it is not a complaint under this Policy.	Within 20 days of receipt.
Step 4: Investigation	If step 2 is satisfied, an investigation will be initiated.	Within 20 days of receipt.
Step 5: Conclusion	Upon conclusion of the investigation, the Internal Complaints Manager will issue a Response Letter summarizing the outcome of the investigation with reasons, including review/appeal mechanism.	Within 30 days of receipt.*
*Additional time requirement	Additional time may be required to resolve or investigate complaints. The Internal Complaints Manager will notify the complainant of the additional time required in writing.	As required

## 10. Remedies

10.1 Where PoCS identifies that a complaint was founded / valid, the Internal Complaints Manager will take steps to address the situation. Possible remedies include:

- an explanation of why the anomaly, error(s), or unreasonable delays occurred;
- an apology;
- if an error has occurred, correction of that error;

- implementation of recommendations to prevent the issue from recurring, such as adjustments to policy, procedures and processes, training and coaching.

## 11. Privacy Notice

- 11.1 PoCS will collect personal data from complainants in order to carry out the duties required under this Policy, and will act as Data Controller pursuant to the Data Protection Act (2021 Revision). Questions regarding data protection can be directed to:

Angela Cruickshank  
PoCS Information Manager  
[FOI.POCS@gov.ky](mailto:FOI.POCS@gov.ky)

- 11.2 Personal data collected will include name and contact details as supplied by consent of the complainant. The complainant may also choose to include personal data of third parties as parties to the complaint, or as may be requested as part of an investigation. This third party data may include data such as contact details for witnesses or information about a person or persons who may be in possession of evidence. Third party personal data will be processed and protected in compliance with the Data Protection Act. Where an individual is asked to provide personal data relating to other individuals in accordance with the Data Protection Act, PoCS requests that the complainant ensure that each individual is made aware of how their personal data will be processed by directing them to this Notice.
- 11.3 When collecting information relating to the complaint, said information will only be used to deal with the complaint or to address systemic issues arising from the complaint.
- 11.4 Internal Complaint files will be kept electronically in a restricted access folder, accessible only by approved staff, and retained in accordance with an approved PoCS Disposal Schedule.
- 11.5 Internal Complaint files may be shared with the Office of the Ombudsman as required by that Office.

## 12. Not satisfied with our response to your complaint?

- 12.1 If you have followed the complaints process and are still dissatisfied with PoCS's response, you can ask the Ombudsman to review the decision.
- 12.2 The Ombudsman is an independent office of the Cayman Islands Parliament which investigates allegations of maladministration causing injustice to the person who has complained.
- 12.3 You must have attempted to resolve any issue through the PoCS Complaints Policy before contacting the Ombudsman.
- 12.4 The Ombudsman can be contacted at:

The Ombudsman, 5th Floor, Anderson Square,  
64 Shedden Road, G.T. Grand Cayman,  
P.O. Box 2252, Grand Cayman KY1-1107.  
Email: [info@ombudsman.ky](mailto:info@ombudsman.ky)  
Phone: (345) 946-6283