



Government of Bermuda
Ministry of Home Affairs

COMPLAINTS POLICY

Title: Complaints Policy
Effective: 1st April 2019
Revised: No revision to date

1.0 INTRODUCTION

The Ministry of Home Affairs (MoHA) and all its Departments aims to provide high-quality services to all of its service users and welcomes all suggestions to improve. If there may be occasions when we have been unable to achieve this, a complaint may be justified and we seek to provide the public an opportunity to reach us.

We view complaints as an opportunity to learn and improve our services and procedures for the future, as well as a chance to put things right for the person that has made the complaint.

Our policy will:

- a) Provide a clear, easy and fair complaints procedure for the public and MoHA team
- b) Make sure all complaints are investigated fairly and in a timely way
- c) Make sure that complaints are, wherever possible, resolved and that relationships are repaired
- d) Gather information which helps us to improve what we do

2.0 APPLICATION

- 2.1** This policy applies to all officers of the MoHA. It does not apply to Ministry Quangos, Boards or Committees, Parish Councils, or the Municipalities as these are expected to establish their own procedures.
- 2.2** This policy applies to the duties of officers in representing the Ministry.

3.0 DEFINITIONS

- 3.1** Complaint - A complaint is any expression of dissatisfaction, whether justified or not, about the work, staff and levels of service provided by, and legislative responsibilities of, the MoHA. The MoHA Complaints Policy will not apply to complaints:
- Requiring investigation by a professional board, the Regulatory Authority, or other such organization;
 - Where legal action has commenced against the Ministry;
 - Internal personnel or human-resource matters; the Government's Discipline and Grievance policies apply in such cases; or
 - Internal operational support services for the MOHA e.g. accounts.
- 3.2** Complainant – a service user of a Department or member of the public who complains.

- 3.3** Days – these will be calendar days. If a complaint is received before a holiday which has two consecutive days-off, then flexibility in responding to the complaint will be granted.
- 3.4** Ministry - the Ministry responsible for Home Affairs and all of its departments.
- 3.5** Officer - any public servant, consultant or contractor employed and remunerated by the Ministry to perform duties on behalf of the Ministry.

4.0 GUIDELINES FOR HANDLING COMPLAINTS

Practical Guidance for Handling Complaints (LATTE: Listen, Acknowledge, Take problem-solving action, Thank them and Explain what you've done)

4.1 Listen:

- a) Remain calm and respectful throughout the conversation
- b) Allow the person to talk about the complaint in their own words. Sometimes a person just wants to "let off steam"
- c) Don't debate the facts in the first instance, especially if the person is angry
- d) Show an interest in what is being said
- e) Obtain details about the complaint before any personal details
- f) Ask for clarification wherever necessary

4.2 Acknowledge the problem

- g) Show that you have understood the complaint by reflecting back what you have noted down
- h) Acknowledge the person's feelings (even if you feel that they are being unreasonable) - you can do this without making a comment on the complaint itself or making any admission of fault on behalf of the organisation e.g. "I understand that this situation is frustrating for you"

4.3 Take problem-solving action

- i) If you feel that an apology is deserved for something that was the responsibility of your organisation, then apologise
- j) Ask the person what they would like done to resolve the issue
- k) Be clear about what you can do, how long it will take and what it will involve.
- l) Don't promise things you can't deliver

4.4 Thank them

- m) Thank them for contacting the Ministry
- n) Let them know we welcome all concerns and we use these as opportunities to grow and change our sections

4.5 Explain what you've done

- o) Give clear and valid reasons why requests cannot be met
- p) Make sure that the person understands what they have been told
- q) Wherever appropriate, inform the person about the available avenues of review or appeal Code

5.0 PROCEDURE

A) Receiving Complaints at the Section level

- 5.1 Complaints may come from a service user of the Ministry or a member of the public.
- 5.2 We do not accept third party complaints; however, if the client or member of the public is unable to complain in person then the complainant may appoint an advocate to accompany them in the process.
- 5.3 Complaints should be made as soon as possible after the event.
- 5.4 A complaint can be received in person, by phone, by email or in writing.
- 5.5 If a complaint is received by MoHA reception, by phone or in person, the complainant will be directed to the correct department in order for it to be addressed by the appropriate officer.
- 5.6 The department officer who receives a complaint by phone or in person should direct the complaint to the appropriate officer. If that officer is unavailable, the department officer should:
- Write down the facts of the complaint
 - Take the complainant's full name, address, email, and telephone number
 - Note down the relationship of the complainant to the Department (for example: client, member)
 - Tell the complainant that we have a complaints procedure
 - Tell the complainant what will happen next and how long it will take
 - Ask and write down what the person would like done to resolve the issue
- 5.7 If the officer who receives the complaint is not the appropriate officer, the complaint should be directed to the officer closest to the cause of the complaint or the supervisor. The complainant must be advised that they should be contacted within 24 hours, but no more than 3 days by the appropriate officer.
- 5.8 Once the appropriate officer has received the complaint, they should resolve it swiftly using LATTE Guidelines.
- 5.9 If the complaint requires additional research, the officer must notify the complainant (Annex 2 - optional template), informing them of:
- Steps currently being taken
 - Any issues that have been resolved
 - The outstanding investigation
 - A full reply will be provided as soon as possible, but within 21 days of acknowledging the complaint
- 5.10 If there is a preference to talk to someone who is not involved in the case, the complainant can be directed to the Head of the relevant Department who will follow steps 5.7 to 5.9. The contact details for the Department Heads are listed in Annex 1.
- 5.11 The officer handling the complaint must record it in the Complaints Log which can be found here: <http://homeaffairs/complaints>.
- 5.12 The officer handling the complaint should notify their direct manager or supervisor of receipt of the complaint by email, phone or in person.

- 5.13 Ideally complainants should receive a written resolution from the officer handling the complaint, as soon as possible, but definitely within 21 days of acknowledging the complaint. If this is not possible because, for example, an investigation has not been fully completed, a progress update (see Annex 2 for optional template) should be sent to the complainant with an indication of:
- Steps currently being taken
 - Any issues that have been resolved
 - The outstanding investigation
 - When a full reply will be given

B) Internal Review

- 5.14 If the complainant is unsatisfied with the handling of the complaint at the section level, they may submit a complaint to the Head of the Department (Annex 1 – Contact Details) closest to the cause of the complaint. Where the section level was handled by a Head of Department, the Internal Review will be handled by the Permanent Secretary.
- 5.15 The written complaint must include:
- A clear description of the dissatisfaction
 - A clear description of the resolution sought
 - An email or mailing address to receive correspondence regarding the complaint
 - A signature
- 5.16 Once the Head of the Department receives the written complaint they will acknowledge the complaint within 5 working days. The acknowledgement (see Annex 2 for optional template) must include:
- Who is handling the complaint
 - Potential steps that will be taken to investigate
 - Estimated time for resolution
 - A copy of the complaints procedure
- 5.17 The Head of the Department will, where possible, delegate the complaint to the relevant Section Head. This may involve reviewing the paperwork of the case and speaking with the officer who dealt with the complaint at the section level.
- 5.18 If the complaint relates to a specific officer, the officer should be informed and given a fair opportunity to respond. The complainant must be advised that the specific officer will be informed of the complaint.
- 5.19 The Head of the Department or delegated officer must re-open the complaint recorded in the Complaints Log (<http://homeaffairs/complaints>) during the section level and record all actions taken during the Internal Review.
- 5.20 The officer who dealt with the original complaint at the section level should be kept informed of what is happening.
- 5.21 Ideally complainants should receive a written resolution from the officer handling the Internal Review, as soon as possible, but definitely within 21 days of acknowledging the complaint. If this is not possible because, for example, an investigation has not been fully completed, a progress report should be sent to the complainant with an indication of:
- Steps currently being taken
 - Any issues that have been resolved

- The outstanding investigation
 - When a full reply will be given.
- 5.22 Whether the complaint is upheld or not, the reply to the complainant should describe the action taken to investigate the complaint, the conclusions from the investigation, and any action taken as a result of the complaint.
- 5.23 **The final resolution should be recorded in the Complaints Log with a copy of the written response attached.** The hardcopy of the written response should be retained by the Head of the Department.

Appeals Process

- 5.24 If, after receiving the written resolution following steps 5.14 to 5.23, the complainant is not satisfied, they may submit an appeal to the Department Head or Permanent Secretary depending on the officer that provided the written response in 5.21.
- 5.25 The Department Head or Permanent Secretary will acknowledge the appeal within 5 days of receipt (see Annex 2 for optional template).
- 5.26 The Department Head or Permanent Secretary review the complaint and resolution provided to the complainant.
- 5.27 Based on the review, the Department Head or Permanent Secretary will notify the complainant of their decision and reasons for the decision, or the reason there is a delay, within 21 days of acknowledging the appeal.
- 5.28 **The Department Head or Permanent Secretary will record all steps taken during the Appeals Process in the Complaints Log.**

Independent Review

- 5.29 The complainant can complain to the Ombudsman or a relevant Regulatory Organization at any stage. However, if the Ministry has not been provided the opportunity to investigate, the Ombudsman will request that the complainant seek resolution from the Ministry in the first instance.
- 5.30 Information about the kind of complaints the Ombudsman handles and how, can be found on their website at: www.ombudsman.bm

Variation of the Complaints Procedure

- 5.31 Departments may vary the procedure for good reason. This may be necessary to avoid a conflict of interest, for example, a complaint about a Supervisor should not also have the Supervisor as the person leading a review.

Monitoring and Learning from Complaints

- 5.32 Complaints are reviewed at least annually by each Department and the Ministry overall to identify any trends based on specific performance indicators which may determine a need to take further action.
- 5.33 Each Department and the Ministry overall may use the annual review to check-in with the stakeholders and survey their satisfaction with their resolution or the service since.

Confidentiality

- 5.34 All complaint information will be handled sensitively, telling only those who need to know and following any relevant data protection requirements.

Responsibility

- 5.35 Overall responsibility for this policy and its implementation lies with Department Heads and the Permanent Secretary.

6.0 CONTACT DETAILS FOR COMPLAINTS

- 6.1** Written complaints may be sent to the attention of the relevant Department Head at Ministry of Home Affairs (see Annex 1).
- 6.2** Verbal complaints may be made by phone to 297-7590 or in person to the relevant Department of the Ministry of Home Affairs.

7.0 CONTACTS FOR MORE INFORMATION

Queries about this Policy may be directed to Department Heads, the Comptroller or the Permanent Secretary.

PLEASE NOTE: The sections of this Complaints Policy in green (Sections 5.11, 5.19, 5.23, and 5.28) refer to the Home Affairs Complaints Log system which is not yet operational. In lieu of entering the complaint in the Home Affairs Complaints Log at these stages please make a hard copy record until such time as the Complaints Log is operational.

Annex 1 – Head of Department Contact Details

Department	Services	Contact Details
Energy	<p>Develop energy policies within Government and throughout Bermuda</p> <p>Conduct public education campaigns highlighting issues with fossil fuel dependence; energy efficiency and conservation; and renewable and alternate energy technologies</p> <p>Consult with the Department of Planning for energy-related development applications.</p>	<p>Director: Jeane Nikolai</p> <p>Address: Government Administration Building , 30 Parliament Street, Hamilton HM 12</p> <p>Email: energy@gov.bm</p> <p>Phone: (441) 295-5151</p>
Environment and Natural Resources	<p>Develop legislation and policy to protect Bermuda’s environment</p> <p>Monitor and provide guidance for prevention and control of pollution</p> <p>Support and regulate Bermuda’s agricultural and fisheries sectors</p> <p>Regulate the importation of plants</p> <p>Regulate the importation of animals</p> <p>Manage the Bermuda Aquarium, Museum and Zoo</p> <p>Regulate the importation of pesticides</p> <p>Enforce animal control legislation</p> <p>Administer the Convention on the International Trade in Endangered Species of Wild Fauna and Flora (CITES)</p> <p>Protect and coordinate the recovery of Bermuda’s most threatened species</p> <p>Manage matters related to historic shipwrecks, marine heritage sites and the National Collection of historic artefacts</p>	<p>Director: Drew Pettit</p> <p>Address: Botanical Gardens, 169 South Road, Paget DV 04</p> <p>Mailing Address: PO Box HM834, Hamilton HM CX</p> <p>Email: environment@gov.bm</p> <p>Phone: (441) 236-4201</p>
Ministry Headquarters	<p>Minster of Home Affairs</p> <p>Permanent Secretary</p> <p>Finance Team</p>	<p>Permanent Secretary: M. Rozy Azhar</p> <p>Address: Government Administration Building, 1st Floor, Parliament Street, Hamilton HM 12</p> <p>Email: mazhar@gov.bm</p> <p>Phone: (441) 297-7590</p>

Planning	<p>Prepare development and local plans</p> <p>Manage development and protection of environment</p> <p>Monitor and enforce development regulations</p> <p>Manage building activity through a building permits</p> <p>Enforce the relevant building codes</p>	<p>Director: Victoria Pereira (Acting)</p> <p>Address: Dame Lois Browne-Evans Building, 5th Floor, 58 Court Street, Hamilton HM 12</p> <p>Email: planning2@gov.bm</p> <p>Phone: (441) 297-7756</p>
Registry General	<p>Make and keep legal records of documents of:</p> <ul style="list-style-type: none"> • births, deaths, and marriages (including civil and maritime marriages) • copyright, designs, patents, and trademarks • chattel mortgages and deed polls • trade unions, charitable organisations, printed publications, and friendly societies • professionals and professional organisations, including architects, marriage officers, professional engineers, and professional surveyors <p>Register .bm domain names</p> <p>Grant intellectual property rights, such as trade and service marks, patents, and designs</p>	<p>Registrar General: Aubrey Pennyman</p> <p>Address: Government Administration Building, 1st Floor, Parliament Street, Hamilton HM12</p> <p>Email: rgcomplaints@gov.bm</p> <p>Phone: (441) 297-7739</p>
Other agencies		
Consumer Affairs	<p>Investigations / Enforcement / Prosecution</p> <p>Consumer Redress</p> <p>Mediation Advice</p> <p>Product Safety / Recalls</p> <p>Consumer Education</p> <p>Granting of Rent Increases</p> <p>Rental Inspections</p> <p>Business and Public Programmes</p>	<p>Executive Officer: Karen Marshall</p> <p>Address: D. Rego Building, 3rd Floor, 75 Reid Street, Hamilton HM 12</p> <p>Email: consumers@gov.bm</p> <p>Phone: (441) 297-7627</p>