



WORC

WORKFORCE OPPORTUNITIES & RESIDENCY CAYMAN
CAYMAN ISLANDS GOVERNMENT

COMPLAINTS HANDLING POLICY



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Policy Statement

1. The Complaints Handling Policy (Policy) provides details on how the Workforce Opportunities and Residency Cayman (WORC) will deal with complaints made against it.
2. This Policy explains the following:
 - On what ground(s) can a complaint be made?
 - Who will deal with your complaint?
 - What type of complaints falls outside the remit of this Policy?
 - Who will deal with your complaint?
 - How will your complaint be dealt with?
 - What kind of remedies is available from making a complaint?
 - What to do if you're not happy with WORC's response?
3. Information regarding this Policy and how to progress a complaint is available on the WORC website at <https://www.worc.ky/about-us/complaints> or obtained from "Customer Care" on request.

Scope

4. This Policy sets standards and procedures for managing complaints from, or on behalf of, external person.
5. This Policy intends to offer advice and guidance to persons who wish to complain to WORC or advise others on this Policy.
6. This Policy should be read and followed by any WORC staff receiving, investigating, or responding to complaints.
7. The complaints process does not remedy those dissatisfied with the actual decisions in their immigration application.

Guiding principles

8. This Policy is based on the following principles:
 - (a) **Commitment:** WORC 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 Complaints Manager will handle the complaint. It also provides a complaint process.
- (d) **Objective and fairness:** complaints dealt with fairly, courteously, and impartially within the established time frame.
- (e) **Privacy:** personal information processed and handled in accordance with The Data Protection Law, 2017, The Whistle Protection Law, 2015, and the Freedom of Information Law (2018 Revision).
- (f) **Accountability:** WORC is accountable for its decision making and how its staff will handle complaints. WORC will provide written explanations and reasons for decisions per the Public Servant’s Code of Conduct, The Code of Business Ethics and Conduct, WORC Customer Care Charter, and WORC Workplace Rules.
- (g) **Continuous improvement:** WORC will act on, learn from using complaint data to help identify problems, and improve its services.

Terms used in this Policy

- 9. 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 WORC, or a delay or failure in providing a service, taking action, or making a decision by any staff member of WORC;

“**complainant**” is used to referring to a person, a registered non-profit organization; one or more persons’, where there are numerous persons’ having the same interest; or in case of death or disability of the customer, the complainants’ legal representative; who makes a complaint;

“**formal complaint**” includes any written English expression of dissatisfaction from or on behalf of WORC, insofar as it satisfies the definition of “complaint” within this Policy;

“**complaint handling**” refers to all policies, procedures, practices, WORC staff and resources deployed to manage complaints.

On what grounds can a complaint be made?

- 10. Formal complaints** should be made by or on behalf of a named individual or group of individuals (this includes companies and other body corporates).
- 11.** A complainant may make a **formal complaint** of maladministration, i.e., inefficient, wrong, or improper administration and includes-
- (a) WORC 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 provides misleading or inadequate advice;
 - (e) refusal to answer reasonable questions; and
 - (f) failure to adequately monitor compliance with procedures e.g.
 - 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.
- 12.** If WORC determines that an issue is **not** a **formal complaint**, it will seek to channel the enquiry through the appropriate section and inform the customer accordingly.

What type of complaints falls outside the remit of this Policy?

- 13.** WORC 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) **Appeals against WORC decisions:** If the WORC Board or Director has refused, minded to revoke, forfeitures, and revocation your application, please refer to the Letter for guidance on your rights of Appeal.
 - (b) **Security guards:** Complainants should report their grievances about the behaviour of security guards to the Deputy Director of Business Operations.
 - (c) **Actions taken by or with the authority of the Director of WORC to investigate a crime or protect the security of the islands;**
 - (d) **The commencement or conduct of civil or criminal proceedings;**

- (e) **Actions taken in connection with the Governor's power of pardon; and**
- (f) **WORC staffing decisions made by the Government (appointments, removals, pay, discipline, or other personal matters).**

Who will deal with your complaint?

Verbal and face to face complaints

- 14.** Where a verbal complaint is made to frontline customer-facing staff, they should attempt, where possible, to resolve the complaint through local resolution.
- 15.** Local resolution may include:
 - providing an explanation or further information;
 - resolving a misunderstanding; or
 - apologizing on behalf of WORC or a member(s) of staff whom the complaint has been made.
- 16.** However, if the frontline customer-facing staff is unable to resolve the complaint verbally, they should provide persons with information on how they can submit a **formal complaint [Refer to No. 24]**.

Written complaints

- 17.** All written complaints are considered as 'formal complaints' and handled by the Complaints Team.
- 18.** The Complaints Manager is responsible for:
 - acknowledging complaints;
 - coordinate any investigation that may be required and ensure compliance with this Policy; and
 - respond to complaints.
- 19.** If the issue involves a complaint about a staff member, it will be investigated by the Complaints Manager in conjunction with the Director of Business Operations and the Director.
- 20.** If the complaint is about the Director, it will be passed to the Chief Officer of Employment & Border Control to investigate.

Accessibility

21. WORC accepts anonymous complaints, providing that it receives enough information to investigate.

Anti-Corruption Commission Referrals

22. All cases of complaints, incidents, or misconduct allegations relating to corruption will be referred to the Anti-Corruption Commission.
23. Complaints based on allegations that fall into one of the following categories under Schedule 1 of the Anti-Corruption Law (2019 Revision) are:

- Bribery of public officers and members of the Legislative Assembly
- Frauds on the Government
- Contractor subscribing to election fund
- Breach of trust by a public officer or by a member of the Legislative Assembly
- Selling or purchasing office
- Influencing or negotiating appointments or dealing in offices
- False claims by public officers
- Abuse of office
- False certificates by public officers or by members of the Legislative Assembly
- Conflicts of interests
- Duty of a public officer or a member of the Legislative Assembly to whom a bribe is offered etc.
- Secret commissions
- Bribing a foreign public officer
- False statements to the Commission
- Conspiracy, etc. to commit an offence under the Law.

How to file a complaint?

24. In your complaint, please try to provide as much detail as possible, including:
 - Your name, address, and contact details so that we can respond to your complaint.

- Identify the service, policy, person, or aspect of WORC 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 WORC's services result from the information provided or what staff may have said.
- Include anything else you think may help make your point or address your concerns.

25. Remember, only 'formal complaints' will be accepted.

26. To complain, complete the **Online "WORC Complaints Form"** (with or without supporting evidence) located at <https://www.worc.ky/about-us/complaints>.

27. If you require access to a computer to fill out the **Online "WORC Complaints Form,"** please contact a frontline customer-facing staff at WORC, Customer Care, Apollo, House Mary Street. Opening Hours: 8:30-4:00pm.

How will your complaint be dealt with?

28. Upon receipt of the complaint, WORC would follow the necessary procedure in line with this Policy:

A. Customer Care Staff Resolution: Frontline staff receives the complaint and seeks to quickly and efficiently resolve the problem.

OR

B. Complaints Section: The Complaints Manager receives a complaint which could not be resolved by Customer Care Staff, or a Complainant who has submitted the Complaints Form through email, in person, or by mail:

- i. **An Acknowledgment Notification:** This notification will be sent automatically by email of receipt of the complaint. It will provide a unique reference number and a time frame when the complainant can expect a response.
- ii. The Complaints Manager will clarify whether the issue submitted satisfies the definition of a complaint as outlined in this Policy;

- (a) If the issue does not satisfy the complaints definition in this Policy, the Complaints Manager will send a **Response Letter** within five (5) working days explaining why it is not a complaint.
- (b) If the issue satisfies the complaints definition in this Policy, the Complaints Manager will commence an investigation.

C. Investigation Correspondence:

- i. Within twenty (20) working days of receiving the complaint, the Complaints Manager will send a **Final Response Letter**. This Letter will summarize the outcome of the investigation. It will state the position taken, whether the complaint was accepted or rejected, and include reasons for the decision. It will also include any offers that WORC intends to make to the complainant. If the complainant is not satisfied with this response or believe that they have a compensation case, they can appeal to the Director of WORC within five (5) working days in receipt of the **Final Response Letter**).
- ii. **Appeal Response Letter** by Director (send within ten (10) working days of receipt of an Appeal Letter). This Letter will either uphold or reject the decision outlined in the **Final Response Letter**, explain how WORC intends to offer redress or advise why it was rejected. If persons are still dissatisfied with the decision, they must appeal to the Ombudsman Office.
- iii. **Additional Time Letter** If the complaint takes longer than twenty (20) working days to resolve, the Complaints Manager will contact the complainant before or at this time, with a written explanation detailing the reasons for the delay or make a request seeking additional time.
- iv. If the complaints, incidents, or misconduct allegations are related to corruption, the **Complaints Manager will refer the matter to the Anti-Corruption Commission** and notify the Director of WORC and the Deputy Director of Business Operations.

Privacy

- 29.** When collecting information relating to the complaint, it will be used only to deal with the complaint or to address systemic issues arising from the complaint.
- 30.** However, there is no obligation on WORC to maintain secrecy or restrict information disclosure to the Ombudsman for a complaint investigation.

Remedies

31. Where WORC finds an anomaly, errors, or unreasonable delays on our part, the Complaints Manager will take steps to redress the situation. Possible remedies include: -

- an explanation of why the error occurred;
- make internal recommendations to prevent it from happening again;
- a reconsideration of a decision;
- recommend to the Deputy Director of Business Operations to review staff disciplinary actions.

What if you're not happy with our response?

32. If you have followed the complaints process and are still dissatisfied with WORC's response, you can ask The Ombudsman to review the decision.

33. The Ombudsman is an independent office of the Cayman Islands Legislative Assembly who investigates allegations of maladministration causing injustice to the person who has complained.

34. You must have attempted to resolve any issue through the WORC's Complaints Policy before contacting The Ombudsman.

**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
Phone: (345) 946-6283**