

***In the matter of the
Complaints Commissioner Law (2006
Revision)***

**Do Government Entities hear their
customers? An Audit of their Internal
Complaints Processes**

Own Motion Investigation Report Number 11

**Prepared by the Office of the Complaints Commissioner
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Aim of the Office: To investigate in a fair and independent manner complaints against government to ascertain whether injustice has been caused by improper, unreasonable or inadequate government administrative conduct, and to ascertain the inequitable or unreasonable nature or operation of any enactment or rule of law.

**Do Government Entities hear their customers?
An Audit of their Internal Complaints Processes**

***Prepared by the Office of the Complaints
Commissioner***

22 October 2008

Foreword

In accordance with the powers conferred on the Commissioner under Section 6 of the Complaints Commissioner Law (2006 Revision), this report was completed by Analyst Scott Swing.

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SECTION 1

1. *Executive Summary*

In 2005, the Office of the Complaints Commissioner (OCC) launched a project to determine which government entities had a formal or informal process through which they received and addressed any concerns of the public that they served.

An effective internal complaints process (ICP) is a process by which complaints against an organization are received, investigated and resolved in an orderly manner. Maintaining an effective ICP is essential for an organization to capture and utilize information about what customers are feeling, experiencing, and expect from the organization. A formal ICP includes a documented procedure that the organization follows when processing a complaint. In some entities an informal ICP can be effective.

The OCC identified seven core principles that should be considered when developing an ICP. An ICP must be:

- Accessible;
- Simple;
- Timely;
- Credible in Process;
- Confidential and Isolated;
- Flexible; and
- Measurable.

Each entity was surveyed – and asked to say if they had established a formal or informal ICP. There have been three such surveys, which in turn produced three reports – one in 2006, another in 2007 and the most recent in 2008. Each of these reports highlighted the state of the ICPs within government and were tabled in the Legislative Assembly.

In June 2008, in order to judge for itself whether the entities had indeed established ICPs, and whether they were formal or informal and effective or ineffective, the OCC declared an Own Motion investigation.

1.1 Lack of formal ICPs

This audit confirmed that while the majority of entities had formal ICPs, a sizeable minority did not. The following 22 entities did not have formal ICPs or any ICP despite the OCC's efforts to guide them in establishing

formal ICPs. It can be noted that some of these entities have a high volume of interaction with the public while others almost none.

Cayman Islands Postal Service
Cayman Islands Stock Exchange
Cinematographic Authority (referred to Ministry's ICP)*
Department of Children and Family Services
Department of Counseling Services
Department of Employment Relations*
Department of Tourism*
District Administration
Elections Office
HM Prison Service
Immigration Department
Lands and Survey Department
Legislative Department*
Ministry of District Administration, Planning, Agriculture and Housing
Ministry of Health and Human Services
Mosquito Research and Control Unit
National Housing and Development Trust
Planning Department*
Portfolio of Finance and Economics
Portfolio of Internal and External Affairs
Public Health Services (referred to HSA ICP)*
Radio Cayman
UCCI
(*no ICP)

1.2 Cases of maladministration

In the most serious cases, the OCC determined that a failure to establish an effective ICP amounted to maladministration. It made this ruling against the following six entities:

Department of Employment Relations
Planning Department
Royal Cayman Islands Police
Immigration Department
Ministry of Health and Human Services
Department of Tourism

The Department of Employment Relations had a formal ICP but had subsequently abandoned it and had not replaced it with an effective formal or informal ICP. It was found to have failed to adequately record, monitor

and resolve complaints made against it. The OCC identified a complaint that was made to the DER through the referral of the OCC and found that the complaint had not been actioned in a timely manner. Upon following up, DER was not able to provide any information regarding action taken in that case.

The Planning Department did not have a formal or informal ICP and officers were not able to provide clear information as to who handled complaints or how they were handled. It admitted to receiving complaints, but was unable to verify how many or how they were actioned.

The Royal Cayman Islands Police admitted that although it had a formal ICP and a Professional Standards Unit to address complaints, its system did not function properly. The RCIP was found to have an investigative process that failed to maintain reasonable timelines. It admitted to needing to overhaul its ICP and also recognized that its current process was not working well. New legislation in the form of an amendment to the Police Law was due in 2009.

The Immigration Department was found to have an informal ICP but the public were denied access to the process through the Immigration frontline staff. The Immigration Department frontline officers were found to be blocking persons from filing complaints. The Immigration process also failed to meet reasonable timelines.

The Ministry of Health and Human Services admitted to not having an ICP. It acknowledged the importance of having an ICP and committed to taking action to create a formal ICP for its Ministry.

The Department of Tourism admitted that it did not have an ICP and also committed to establishing one as quickly as possible.

1.3 Entities worthy of special mention

In the cases of the Cayman Islands Development Bank, CAYS Foundation and the Economics and Statistics Office, these entities had reported having an informal ICP in the 2008 survey, and when reviewed for this investigation they were found to have improved upon their ICP by taking the steps to formalize their process.

There were also a number of entities that demonstrated a very strong commitment to the principles of ICPs and demonstrated that they had

carefully considered the seven core principles of an effective ICP. These entities included:

Government Information Services
Computer Services
Cayman Islands National Archive
Civil Aviation Authority
Economics and Statistics Office
Maritime Authority of the Cayman Islands
Department of Agriculture
Women's Resource Centre
Department of Health Regulatory Services
CINICO
National Pensions Office
Schools Inspectorate
Sports Department
Cayman National Cultural Foundation
Ministry of Communication
Public Works Department
Water Authority
Information and Communication Technology Authority
Department of the Environment
Port Authority
Cayman Islands Development Bank
Auditor General

1.4 Audited entities

In total, the following entities were audited by the OCC between June and October 2008:

1. Portfolio of the Civil Service
2. Portfolio of Internal and External Affairs
3. Elections Office
4. Immigration, Department Of
5. Passport Corporate Services Office
6. Royal Cayman Islands Police
7. Fire Services
8. Her Majesty's Prison Service
9. Emergency Communications and Electronic Monitoring, Department Of
10. Cayman Islands Cadet Corps
11. Cayman Islands National Archive
12. Civil Aviation Authority
13. Cayman Islands Law School

14. Portfolio Of Finance And Economics
15. Customs Department
16. Economics And Statistics Office
17. General Registry
18. Cayman Islands Monetary Authority
19. Maritime Authority Of The Cayman Islands
20. Public Service Pension Board
21. Cayman Islands Stock Exchange
22. Ministry Of District Administration, Planning, Agriculture And Housing
23. District Administration For Cayman Brac And Little Cayman
24. Planning, Department Of
25. Department Of Agriculture
26. Lands And Survey Department
27. Mosquito Research And Control Unit
28. National Housing And Development Trust
29. Ministry Of Health And Human Services
30. Public Health Services
31. Department Of Children And Family Services
32. Women's Resource Centre
33. Department Of Counseling Services
34. Department Of Health Regulatory Services
35. Community Rehabilitation, Department Of
36. Health Services Authority
37. Cayman Islands National Insurance Company
38. Cays Foundation
39. Ministry Of Education, Training, Employment, Youth, Sports, And Culture
40. Education, Department Of
41. Employment Relations, Department Of
42. National Pensions Office
43. Educational Standards And Assessment Unit
44. Youth Services Unit
45. Sports, Department Of
46. Sunrise Adult Training Centre
47. Public Libraries
48. University College Of The Cayman Islands
49. Cayman Islands National Museum
50. Cayman National Cultural Foundation
51. National Gallery
52. Ministry Of Communications, Works And Infrastructure
53. Public Works Department
54. Cayman Islands Postal Service
55. Vehicle And Drivers' Licensing, Department Of
56. Radio Cayman
57. Environmental Health, Department Of

58. Water Authority
59. National Roads Authority
60. Electricity Regulatory Authority
61. Cinematographic Authority
62. Information And Communications Technology Authority
63. Ministry Of Tourism, Environment, Investment And Commerce
64. Tourism, Department Of
65. Cayman Islands Investment Bureau
66. National Meteorological Service Of The Cayman Islands
67. Environment, Department Of
68. Port Authority
69. Cayman Islands Airport Authority
70. Cayman Islands Development Bank
71. Boatswain's Beach (Cayman Turtle Farm Ltd)
72. Cayman Airways
73. Government Information Services
74. Computer Services
75. Office Of The Auditor General
76. Legislative Department

Fifty-three entities were found to have formal ICPs and 17 were found to have informal ICPs. Two entities were found to have their complaints addressed through the ICPs of associated bodies. The Legislative Department was found not to have an ICP but had not been previously given formal notice of the project to develop ICPs. Twelve of the above were found to have effective ICPs and 57, while having been found to have a functioning ICP, said they had not received any complaints through their ICP and therefore the effectiveness of their ICPs could not be determined. Twenty-two entities were found to have developed an ICP that had incorporated all seven core principles of an effective ICP.

Eleven entities were found to have frontline staff that were not knowledgeable about their ICP. Undoubtedly, as a result of our visits and highlighting of this shortcoming, these entities will have swiftly remedied those problems. The rest of the entities with ICPs were found to have frontline staff that were knowledgeable and/or reasonably helpful in providing information to the public regarding making a complaint through their process.

Forty-one of the 76 entities, at the time of this investigation, were found to have existing websites; however, only 14 were found to have included information about their ICP on their websites. Thirteen of the entities were found to have brochures explaining their ICP for the public and three

entities were found to have newsletters that had provided information to the public about their ICPs.

Many entities reported that they were not recording relatively minor or superficial complaints. When calls come in and the complaints are relatively minor and can be resolved right away over the phone, many entities reported that they simply take care of the problem and do not record anything to do with those complaints. The OCC emphasized that all complaints, even the “minor” ones, should be recorded. This does not mean that a full detailed report needs to be generated. A basic complaint spreadsheet noting the name of the complainant, the date of the complaint, some contact information for the complainant and brief note of the advice given or action taken would be sufficient in many of these cases.

1.5 Summaries of Ministries and Portfolios

Portfolio of Internal and External Affairs: Of the 10 entities investigated under the Portfolio of Internal and External Affairs, Immigration and RCIP were found to have ICPs that were dysfunctional and were maladministered. The ICP within the prison was found to be generally effective. Seven of these entities, while having been found to have a functioning ICP, reported to have received no complaints through their ICP and therefore the effectiveness of their ICPs could not be determined.

Only the CAA and CINA were found to have developed an ICP that had incorporated all seven principles of an effective ICP. Suggestions were made to entities that may not have incorporated all seven principles.

Eight of the entities were found to have formal ICPs and two were found to have an informal ICP.

Despite finding that HMP’s ICP was generally effective for complaints within the prison, this investigation revealed that the frontline staff of HMP were not knowledgeable about their ICP however they did refer complainants to a staff member who was aware of the process. The other entities under this Portfolio were found to be knowledgeable and/or reasonably helpful in providing information to the public regarding making a complaint through their process, with the exception of Immigration.

Four of the 10 entities, at the time of this investigation, were found to have existing websites; however, only the Elections Office was found to have

included information about the ICP on its websites. Three entities were found to have brochures explaining their ICP for the public.

All of the entities under this Portfolio were found to be somehow documenting, or demonstrated preparedness to document, complaints either electronically or manually.

Portfolio of Finance and Economics: While the seven entities investigated under this Portfolio were found to have functioning ICPs, none had reported any complaints through their ICP and therefore the effectiveness of their ICPs could not be determined.

Only the MACI and ESO were found to have developed an ICP that had incorporated all seven principles of an effective ICP. Comments were made to entities that may not have incorporated all seven principles.

Six of the entities were found to have formal ICPs and one was found to have an informal ICP.

The frontline staff of CIMA was found not to be knowledgeable about their ICP. The other six entities' frontline staff under this Portfolio were found to be knowledgeable and/or reasonably helpful in providing information to the public regarding making a complaint through their process.

Four of the seven entities, at the time of this investigation, were found to have existing websites. Of those four, CIMA, MACI and ESO were found to have included information about their ICP on their websites. None of the entities under this Ministry were found to have brochures explaining their ICP for the public and only one was found to have produced a newsletter which provided ICP information to the public.

Five entities were found to be somehow documenting, or demonstrated preparedness to document complaints either electronically or manually.

Ministry of District Administration, Planning, Agriculture and Housing: Of the six entities under this Ministry, only one, the Department of Agriculture, was found to have a formal ICP. The Planning Department, despite being well known for having public complaints against it, has failed to establish an ICP. This is a case of maladministration.

Five of these entities, while having been found to have a functioning ICP, either formal or informal, had not reported any complaints through their ICP and therefore the effectiveness of their ICPs could not be determined.

The frontline staff of five of the six entities under this Ministry were found to be knowledgeable and/or reasonably helpful in providing information to the public regarding making a complaint through their process. Planning's frontline staff were found to be interested in providing assistance but were unaware of who complaints should be made to or the process for lodging a complaint.

Two of the six entities, at the time of this investigation, were found to have existing websites; however, neither of them had included information about their ICP on their websites. Only one entity was found to be equipped with a brochure explaining their ICP for the public. The remaining entities were only able to rely on their staff to provide information to the public about their ICPs.

Only the DoA, the MRCU and the NHDT were found to be somehow documenting, or demonstrated preparedness to document, complaints either electronically or manually.

The Ministry alone was able to satisfy OCC investigators that its ICP, while still informal, was effective. While the DoA was found to have established an excellent formal ICP, it had received insufficient complaints through its ICP to determine effectiveness.

Ministry of Health and Human Services: Of the nine entities investigated under this Ministry, CINICO, HSA, DHRS and WRC were found to have effective ICPs. The Ministry itself did not have an ICP which is maladministration. Four entities, while having been found to have a functioning ICP, had received no complaints through their ICP and therefore the effectiveness of their ICPs could not be determined. Public Health's formal complaints were found to be referred to the HSA. Only the WRC, CINICO and DHRS were found to have developed an ICP that had incorporated all seven principles of an effective ICP. Suggestions were made to entities that may not have incorporated all seven principles.

The frontline staff of all nine entities were found to be knowledgeable and/or reasonably helpful in providing information to the public regarding making a complaint through their process.

Four of the nine entities, at the time of this investigation, were found to have existing websites; however, only two of those four were found to have included information about their ICP on their websites. Four entities were found to be equipped with a brochure explaining their ICP for the

public. All of the nine entities noted reliance on their staff to provide information to the public about their ICPs.

All nine entities were found to be somehow documenting, or demonstrated preparedness to document complaints either electronically or manually.

Ministry of Education, Training, Employment, Youth, Sports, and Culture: Of the 12 entities investigated under this Ministry, the Department of Education and the Sports Office were found to have effective ICPs. Nine of these entities, while having been found to have a functioning ICP, said they had not received any complaints through their ICP and therefore the effectiveness of the ICPs could not be determined.

The NPO, ESAU, Sports Office and CNCF were found to have developed ICPs that incorporated all seven principles of an effective ICP. Suggestions were made to entities that may not have incorporated all seven principles. Nine entities were found to have formal ICPs and the other three were found to have informal ICPs. The DER had abandoned a well structured ICP. This is maladministration.

The frontline staffs of the DER, CINM and NG were found not to be knowledgeable about their ICPs. The other nine entities under this Ministry were found to be knowledgeable and/or reasonably helpful in providing information to the public regarding making a complaint through their process.

Nine of the 12 entities, at the time of this investigation, were found to have existing websites; however, only one, the NPO, was found to have included information about its ICP on its website. Three entities were found to be equipped with a brochure for the public which explained their ICP.

Eleven of the entities were found to be somehow documenting, or demonstrated preparedness to document, complaints either electronically or manually. While the NG was found to not be prepared to document complaints, it had undertaken to rectify the problem with due haste.

Ministry of Communications, Works and Infrastructure: Of the 10 entities investigated under this Ministry, WAC and DEH were found to have effective ICPs. Seven of these entities, while having been found to have a functioning ICP, had received no complaints through their ICP and therefore the effectiveness of their ICPs could not be determined. The CA's ICP was found to be handled through the Ministry.

Only the PWD, WAC, and ICTA were found to have developed an ICP that had incorporated all seven principles of an effective ICP. Comments were made to entities that may not have incorporated all seven principles.

Eight of the entities were found to have formal ICPs and two were found to have informal ICPs.

The frontline staff of the NRA were not knowledgeable about their ICP. The other nine entities under this Ministry were found to be knowledgeable and/or reasonably helpful in providing information to the public regarding making a complaint through their process.

Seven of the nine entities, at the time of this investigation, were found to have existing websites; however, only the ICTA, ERA, WAC and DEH were found to have included information about their ICP on their websites. None of the entities under this Ministry were found to have brochures explaining their ICP for the public. All of the entities noted primary reliance for the provision of ICP information to be with their staff.

Nine entities were found to be somehow documenting, or demonstrated preparedness to document, complaints either electronically or manually. The ERA was found not to have method for recording complaints in place.

Ministry of Tourism, Environment, Investment and Commerce: Of the nine entities investigated under this Ministry, the Port Authority was found to have an effective ICP. CAL was found to have a functioning informal ICP but had failed to implement its formal ICP. Five of these entities, while having been found to have a functioning ICP, had received no complaints through their ICP and therefore the effectiveness of their ICPs could not be determined. The DOE had received one complaint using their ICP but was in process, therefore the effectiveness of their ICP could also not be determined. The DOT was found to not have an ICP. This is maladministration.

Only the DOE, Port Authority and CIDB were found to have developed an ICP that had incorporated all seven principles of an effective ICP. Suggestions were made to entities that may not have incorporated all seven principles.

Seven of the entities were found to have formal ICPs and one was found to have an informal ICP.

The frontline staff of the DOT and BB were found not to be knowledgeable about their ICPs. The other seven entities under this

Ministry were found to be knowledgeable and/or reasonably helpful in providing information to the public regarding making a complaint through their process.

Eight of the nine entities, at the time of this investigation, were found to have existing websites; however, only CAL was found to have included information about its ICP on its website. Two of the entities under this Ministry were found to have brochures explaining their ICP for the public and one was found to have a newsletter which provided information to the public about its website.

Eight entities were found to be somehow documenting, or demonstrated preparedness to document, complaints either electronically or manually. BB was found not to have method for recording complaints in place.

1.6 Conclusions

The principles of good administration require all government entities to implement an ICP (section 4 of the Public Service Management Law, 2005). Since the inception of efforts to encourage government entities to develop and implement ICPs in 2005, the OCC has seen a significant increase and improvement in ICPs. The OCC has experienced a drop in the number of complaints made against government entities. Part of this reduction, we believe, can be directly attributed to the introduction of ICPs within each entity. This reduction can also be attributed partly to the improvements to operating procedures in many government entities, and partly to the existence and influence of the OCC.

Conducting this investigation has brought to light an accurate reflection of the levels of preparedness of government entities to process complaints. It has served to encourage entities to improve their ICPs and has identified those entities that have failed to establish appropriate ICPs. This investigation should be of significant interest to the public in that it is an objective assessment of the claim of each entity that it had an ICP by the spring of 2008. It has had the additional benefit of requiring investigated entities to carefully scrutinize their ICPs to determine whether or not they are meeting the basic requirements and to ensure that they are accessible for use by the public.

Through the course of this investigation the OCC recognized that while the majority of government entities have implemented an ICP, a continued effort is required by many to ensure that the public is encouraged to make complaints using these processes. The following common issues were

identified as requiring continued attention for ensuring adequate provision of entities ICPs:

1. All entity staff need to be trained to provide guidance to the public with regard to making a complaint. Not all staff members should be involved in the process, but they should be equipped to make educated referrals. Training needs to be repeated on a regular basis. Training staff once and expecting them to recall the process months or years later when called upon is not realistic.
2. All complaints, including minor complaints, need to be recorded. By recording all complaints entities are better able to track and defend actions taken in addressing complaints. It also allows entities to report accurately the number of complaints received. Recording a complaint does not require a lengthy report; it can be accomplished with a basic spreadsheet/log.
3. Written information explaining the ICP needs to be made readily available in various mediums for the public. Information about the process should not only be on the entity website. It should be available in the form of a flier, brochure or other print medium.
4. While many entities were able to demonstrate sound ICP knowledge and function, it is important that each entity maintain strict accordance with ICP principles. Improperly handled complaints can ruin the reputation of an entity for being open and fair in its approach to complaints.

However, as a result of this investigation, this Office has found that the Department of Employment Relations, Planning Department, Royal Cayman Islands Police, Immigration Department, Department of Tourism, and Ministry of Health and Human Services have failed to establish an effective ICP. This is maladministration.

In the light of this finding we make the following recommendation to these entities: Establish an effective formal internal complaints process.

SECTION 2

2. Introduction

While few leaders enjoy having someone complain about the service that their organization is providing, many have recognized the powerful impact complaints can have on their reputation – both negative and positive. Failing to capture and utilize information gleaned through an effective internal complaints process (ICP) is throwing away opportunities to gather valuable information about the organization: information about what displeases customers; how well the organization is performing; how staff are performing; areas of service that need to be improved upon; and even help to direct what new products or services they may choose to provide. An effective ICP is a process by which complaints against an organization are received, investigated and resolved in an orderly manner.

In 2005, the OCC made clear to government that it was in keeping with the principles of good administration to encourage all government entities to implement an ICP. Significantly, section 4 of the Public Service Management Law, 2005 notes “[t]he values to which the public service shall aspire and which shall govern its management and operation...”. It notes that the public service shall “(b)...uphold the proper administration of justice and the principles of natural justice, and to support public participation in the democratic process; (c)...strive continually for efficiency, effectiveness and value for money in all government activities; [and] (d)...adhere to the highest ethical, moral and professional standards at all times...”.

In keeping with that theme, and the OCC’s mandate to investigate maladministration, this own motion investigation was initiated.

The following report contains four distinct sections. The first of these sets out the audit’s main aims and methodology. Then the core principles of all effective ICPs are stated. The central section of the report reveals the investigation’s findings into all 76 audited government entities’ ICPs. The closing section of the report pulls the key findings together and re-iterates the recommendations.

SECTION 3

3. Background: Do Government Entities hear their customers?

In 2005, the OCC, with the support of the Chief Secretary, launched a project to ascertain which government entities had a formal or informal process by which customer's concerns were heard and addressed. The OCC conducted surveys and produced reports in 2006, 2007 and 2008 on the state of internal complaints processes (ICPs) within government, and where no ICP was found, the OCC encouraged the particular entity to develop one.

The studies showed ever-increasing numbers of government entities establishing or improving their ICPs. In the 2006 report, for example, 34 of the 79 entities studied claimed to have an ICP in place. The 2007 report revealed that 61 of the 79 entities studied had an ICP and finally, in 2008, the OCC was able to report that all of the 70 government entities studied reported that they had an ICP in place. (The 2008 report excused nine entities from participating. Four of the nine were identified as not requiring an ICP – for example, due to the entity's lack of exposure to the public and therefore a very small likelihood of receiving complaints from the public – and the other five were part of the Attorney General's Chambers and thus chose to assert their constitutional independence.) The Judicial branch administration office refused to participate, also claiming constitutional independence. This question remains open.

Informal ICPs are typically unwritten policies or processes for receiving and answering complaints from the public, whereas formal ICPs are documented procedures. While the OCC preferred formal ICPs to be developed, informal ones were allowed within the context of an overall campaign to increase the willingness of entities to make improvements.

One further note is instructive. Many of the entities provided documentation supporting their claims of having an ICP during the course of the OCC surveys; however, the provision of evidence was not a requirement of those surveys.

SECTION 4

4. Purpose of Investigation

The purpose of this investigation was to verify three main things: whether government entities have ICPs; if they do, to determine their effectiveness; and to establish whether the ICP is in keeping with the core principles of an effective ICP. While not their central role, OCC investigators also often advised entities on how they could improve their ICP after the interviews were completed.

It should be noted that this investigation did not include tribunals or similar public bodies. Nor did it include the entities excused from the 2008 survey – entities under the Attorney General’s Chambers or entities with no apparent public interface. The Judicial branch administrative office refused to participate, also claiming constitutional independence. This question remains open. It is also worth noting that while the OCC attempted to include all government entities in this investigation, there may have been some that should have been included but were inadvertently left out. One reason for not including an entity may be that it was part of another entity in the period of the planning of the investigations.

This investigation is an objective assessment of the claim of each and every government entity, included in the earlier surveys, that it had an ICP by the spring of 2008. It has had the additional benefit of requiring investigated entities to carefully scrutinize their ICPs to determine whether or not they are meeting the basic requirements and to ensure that they are accessible for use by the public.

Knowing that all government entities have a functioning ICP enables the OCC to refer complainants to relevant entities in the expectation that their grievance will be dealt with satisfactorily. Providing an effective avenue for redress within the entity both enables the complainant to achieve a more timely resolution and the entity to gain valuable information and learn important lessons. The OCC would then only need to get involved in cases where a complainant felt that an entity did not address their concerns properly. This is the OCC’s preferred model for the future.

SECTION 5

5. Method

Over the period from June through October 2008, a total of 76 entities were audited by interviews and examination of records. Prior to conducting the first interview with each entity, OCC investigators reviewed any materials provided by the entity through earlier OCC surveys and also established whether an entity's website (where applicable) carried information about its ICP.

The investigation continued with interviews of frontline and administrative staff. Initial contact was made through either face-to-face or telephone interviews with a frontline staff member. These initial interviews set out to establish whether frontline staff were aware of an ICP and whether they were equipped to assist a member of the public wishing to make a complaint. The OCC did not provide advance notice of the audit to any of the government entities.

Following the collection of information, or lack thereof, from the frontline staff, an interview was conducted with the senior administrative staff member(s) responsible for the ICP. This interview comprised 40 set questions. While not all entities were able to provide answers to all the questions, the OCC staff worked with the administrative staff to ensure that they understood the merit of being able to address each of the questions and provided suggestions as to how the entity could work to improve their ICP. In some cases, OCC investigators were unable to conduct the frontline interview prior to meeting with the senior staff members responsible for the ICP. In those cases, it was necessary to complete frontline interviews after the administrative interview.

Upon completing the interviews and review of any relevant documentation for each entity, an investigator's report was generated for each entity. From these reports, summaries were compiled and sent to the individual entities for confirmation that the content of each summary accurately reflected the state of their ICP. The summaries are found in Section 7 below.

SECTION 6

6. *Core Principle Analysis*

An ICP allows an organization to gather valuable operational information and mitigate potential negative public relations by providing an open and inviting method for people to raise concerns and issues of dissatisfaction. Without this type of venting mechanism, an unsatisfied customer may, and most likely will, make their complaints known to other people.

No organization is perfect. Mistakes are made and performance waivers from time to time. But a successful organization recognizes that it is fallible and ensures that when mistakes are made it is positioned to capture that complaint and resolve it before it has a chance to negatively affect the organization. An effectively remedied complaint can even improve an organization's image.

While an ICP can be formal or informal, it is beneficial for most organizations to formalize their ICP for a consistent and efficient addressing of complaints. Complaints should be recorded, tracked and monitored.

A formal ICP sets out information such as who receives complaints; in what form complaints are accepted; when the complainant can expect to receive acknowledgment of the complaint; and when a resolution can be expected. It should also have a standardized method by which complaints are documented – a form, whether printed or electronic.

The OCC identified seven core principles that should be considered when developing an ICP. An ICP must be:

- Accessible
- Simple
- Timely
- Credible in process
- Confidential and isolated
- Flexible
- Measurable

While informal ICPs have been recognized as legitimate ICPs, they are not recommended for any government entities. In the following section, each

of these principles has been identified and explained. The results of the audit are presented in summary fashion.

6.1. Accessible

It is possible for an entity to establish an ICP, have all their staff trained, have all the right forms, have a high tech tracking system, and still fail to provide access to their ICP.

By failing to inform the public about the existence of an ICP, an organization has already turned away potential complainants. Simple instructions about how to make a complaint should be available to the public. These instructions should be on websites, posters and/or brochures in each entity reception area, and other media which promote the functions of the office. These instructions should identify the designated officer who handles complaints and explain the process. The various ways in which a complaint may be registered should be stated, i.e. by telephone, fax, email, in person, or by regular post. Suitable private accommodation should be provided for receiving and interviewing complainants who wish to make a complaint in person. Complainants with disabilities or literacy difficulties should be given special consideration. And at all times, it should be emphasized that complaints or comments are welcomed from the public as a means of improving the quality of service provided.

Findings: The audit found that the majority of entities relied on their own staff to provide ICP information to the public, sometimes at the expense of other channels. Regrettably, while 63 (83%) of the 76 entities relied on staff, only 53 (70%) were found to have frontline staff who were actually knowledgeable about their own ICPs.

Of other sources of information, the audit revealed that 41 (54%) of the 76 entities interviewed had websites in operation, but only 14 (18%) of those carried ICP information. That said, most of the entities stated that they would be adding ICP information to their websites as part of their efforts in preparing for the implementation of the Freedom of Information Law.

ICP brochures were available through 13 entities, three of which also had information available on their website. Another two entities made their ICP information available through their newsletters.

Of the various entities we interviewed, the relative merits of the Department of Health Regulatory Services (DHRS) and the Department of Immigration in making their ICPs accessible were instructive.

DHRS staff have been trained to recognize and address complaints from the public, and the department has also made information readily available on its website as well as through a brochure. The OCC investigator noted that DHRS also demonstrated openness to receiving complaints.

On the other hand, and while certainly not alone, the Department of Immigration demonstrated a less than proactive approach to establishing a functional ICP. Many complainants had returned to the OCC after having been turned away by Immigration officials. In one case, a complainant claims to have been told: “We don’t have any complaints department...[i]f you want to complain, that’s what the Complaints Commissioner is for. Go back over there.”

6.2. Simple

An ICP should not be difficult for complainants or for the entity. The complaint form should be easy to read and should ask only for relevant contact information and basic information about the complaint being made. The number of stages in the complaint-handling process should be kept to a minimum, with each stage clearly identified.

Findings: Some of the entities investigated provided more in-depth documentation of their ICP than others. But the OCC is pleased to report that all of the 53 entities with a formal ICP succeeded in keeping their process relatively simple. (By their very nature, informal ICPs tend to be simple.)

6.3. Timely

The OCC urges entities to complete their investigations in a timely manner and ensure that they accurately monitor and track all complaints so that they are better prepared to provide evidence of their timely actions.

Entities should set targets for the maximum time to be allowed for acknowledging receipt of complaints and completing an investigation. Where it is not possible to meet the target for completion, interim letters, updating the complainant on progress, should be issued.

No acknowledgement should take longer than five days to be provided. The time to complete investigations of complaints can vary considerably, depending on the complexity of the issue. Some complaints can be resolved immediately, while others can require considerably more time to investigate. Yet regardless of the complexity, if the matter is not completed within 30 days, the entity should provide the complainant with

an update and explanation as to why more time will be required to complete the investigation.

Findings: Due in part to the fact that many of the entities investigated had not yet received any complaints through their ICP, it is difficult to draw any conclusions as to how the government is doing in maintaining timely responses and resolutions. However, this investigation revealed that while most entities had specified, within their ICP, timelines that complainants could expect to receive acknowledgements as well as decisions, many of the entities that had actually received complaints had not accurately recorded or tracked the actions taken.

6.4. Credible in process

A person at a managerial level should be actively involved in complaint resolution. Having a more senior person responsible for the process allows for faster resolutions, as well as providing for greater privacy, since senior staff members are less likely to need to pass information to others before making the decision.

Complaints which have not been resolved by the original decision-maker should be examined objectively by persons not involved with the original decisions or actions. The examination should have regard not only to the rules governing the scheme, but also to considerations of equity and good administrative practice.

A credible process will help to build confidence in the system. Lack of confidence can result in resolution being sought through alternate remedies.

Findings: The Cayman Islands Cadet Corps (CICC) noted that some complaints that would be appropriately made to the CICC were being taken to the Ministry level rather than first approaching the organization. This should never be the case when a credible ICP is in place. When the Ministry receives a complaint from a member of the public, and that complaint has not been first taken through the entity's ICP, the Ministry should be referring that person back to the entity before becoming involved. Ministries should be confident in the ICPs of the entities under them so that a referral back to the entity would be appropriate before accepting a complaint at the Ministry level.

6.5. Confidential and isolated

All complaints should be treated in confidence (except where the complainant wishes otherwise). The public should be assured that making a complaint will not adversely affect their future dealings and contacts with the entity concerned. Correspondence about the complaint should be filed separately from other information held on the complainant as a client of the entity.

Findings: While not specifically addressed within many of the entity ICPs, the OCC investigators reminded all entities of the importance of maintaining a confidential process. Entities were also reminded that complaint files should be kept in a way that only staff members that deal with complaints have access.

6.6. Flexible

The ICP must include a degree of flexibility. The process may not be suitable for some unanticipated reason, for example if the complaint is so sensitive and grave that only the head of the organization might properly receive it.

Findings: It was evident through interviews with the senior administrators that they were very aware of the need to keep the process flexible. The challenge at times is recognizing when flexibility moves to the extreme and the structure of the ICP is lost. Many organizations have traditionally addressed complaints in an informal fashion. While this style of addressing complaints lends itself to being flexible, leaders need to recognize the need to maintain the structural components while still being sensitive to the needs of the complainants.

6.7. Measurable

Each organization should include in its performance measurement targets the addressing of complaints through its ICP. Measurements should include targets such as the number of hours within which a telephone message left at the Complaint Officer's desk is answered, the number of days within which a letter is sent to the complainant, and the number of days within which the complaint must be investigated. A target also should be set concerning the preparation and communication of the result of the investigation.

All entities must make a record of all complaints. A simple log that notes who complained and their contact information (even just a telephone number), the date, the issue, and the action taken can provide invaluable information. This data can be used to identify the number of complaints and the general nature of those complaints. If a person claims that they made a complaint, even though considered by the staff to be a minor issue, there would be a record of that complaint and the action taken.

Findings: While the greater majority of the entities with formal ICPs provided specific targets for timely acknowledgement and resolution, very little reliable data was available to reach any conclusions as to the specific performance of each entity. Many entities noted that since they had not received any “serious” complaints they had not recorded them.

SECTION 7

7. Reports on Each Entity by Ministry/Portfolio

In this section, the result of the audit of each entity is presented. The entities are grouped in the manner used by government. Please note that, periodically throughout this section of the report, examples have been provided as potential complaints against the various entities. While many of the examples provided may accurately depict real complaints, they are not based on actual complaints against the entities.

7.1. Portfolio of the Civil Service

Profile: The Portfolio of the Civil Service (“the Portfolio”) has a very limited public interface. Its most frequent interaction with the public is through contact with persons applying for jobs with the government. Complaints against the Portfolio may include issues such as the failure to properly process an application, bias or failure to provide all applicants equal service.

Audit Findings: The Portfolio had a formal ICP, but the process had not been tested because of a lack of actual complaints. A number of improvements could be made with the ICP, such as the creation of a standardized complaint form; the publication of ICP information and complaint form on the Portfolio’s forthcoming website; establishment of an electronic filing system for complaints; and inclusion of a statement of confidentiality within the ICP as well as on the complaint form.

The Portfolio noted that it rarely received complaints about its procedures or staff, but recognized the importance of having an effective and meaningful ICP in place for such cases that did arise. It also recognized that implementing an ICP was in the best interests of good practice generally. The lack of complaints meant it was not possible for the OCC to determine whether or not the ICP was effective. The Portfolio committed to making the suggested additions to its ICP in order to more effectively address any complaints that might be received in future.

7.2. Portfolio of Internal and External Affairs

Profile: The Portfolio of Internal and External Affairs (“the Portfolio”) is responsible for the effective administration and implementation of

government policies within the Elections Office, the Department of Immigration, the Passport Office, the Royal Cayman Islands Police Service (RCIP), Fire Services, Her Majesty's Prison Service, Emergency Communications, the Cayman Islands Cadet Corps, the Cayman Islands National Archive and Civil Aviation Authority. Given the high profile and significant public interface of many of the entities which fall under this Portfolio, it is reasonable to expect that the Portfolio may receive complaints relating to several, if not all of these entities.

Audit Findings: The Portfolio did not have a formal ICP in place. All complaints were received by the receptionist, who gathered the relevant information from the complainant and forwarded it on to the Chief Officer, who in turn contacted the complainant for additional information. The Chief Officer subsequently contacted the Director of the Department under which the matter arose and requested that a report on the matter be provided to the Ministry. After this, the complainant was contacted and provided with an update on either the investigation or the final decision.

The Portfolio did not have a formal record-keeping method for complaints received. Some verbal complaints were dealt with informally, while information for others, which may have been of a more serious nature, was gathered by email or written correspondence and stored electronically.

It was worth noting that while the entities under the Portfolio were primarily responsible for customer complaints, and that the Portfolio could direct customers to the appropriate ICP within each entity, the Portfolio provided a number of services directly to the public such as processing applications for British Overseas Territory Citizenship, dates for the taking of oaths of citizenship, as well as several other functions. The OCC received many inquiries regarding the timeliness on the part of the Portfolio and in turn referred complainants to the Portfolio. However, with a formalized ICP and a proper tracking system, the Portfolio would be far better prepared to capture more of the complaints.

The Portfolio noted that it had received only one complaint this year and that complaint was awaiting criminal proceedings on the part of the RCIPS at the time of the audit. Yet despite the infrequent number of complaints, complaints should still be documented to allow for enhanced monitoring once the complaint was referred to the appropriate department. The Portfolio committed to developing and implementing a formal ICP.

7.2.1. ELECTIONS OFFICE

Profile: The Elections Office carries out five main functions: registration of electors; registration of political parties; polling; counting votes; and election return. Given the responsibilities of this office, it has considerable interaction with the public. Complaints against it could include a failure to follow proper procedure; inappropriate conduct by office staff in dealing with the public; tampering with the voting process; or improperly influencing the results of an election.

Audit Findings: The Elections Office has a formal complaints process, governed by the Elections Law (2004 Revision) and each function of the Elections Office has an appeals process specified within the Law. Because the statute clearly outlines the procedure for all functions of the elections process, and provides specific routes of appeal should the need arise, it was felt that there was little need for a separate formal complaints process within the Elections Office.

However, Election Office officials recognized the value in being prepared to address any complaints that may arise which have not been addressed by the statute. Therefore, the Elections Office noted that a complainant may voice any such concerns with the Deputy Supervisor of Elections, who will endeavor to address the complaint through an informal process.

It was not possible to determine the effectiveness of the Elections Office's ICP, since specific complaints against its processes were able to be made through the courts, while its current ICP, which handles matters not covered by statute, was informal and untested. It was also not possible to state whether the Elections Office had sufficiently incorporated the core principles of an effective IPC.

7.2.2. IMMIGRATION, DEPARTMENT OF

Profile: The Department of Immigration ("Immigration") handles a complex range of immigration-related matters, including processing applications for work permits and the right to be Caymanian, as well as residency and passport matters. It has a considerable public interface.

Audit Findings: Immigration did not have a formal ICP, although it claimed to have an informal ICP. However, the OCC has continued to receive complaints from the public that they are not being provided opportunities to make complaints through Immigration's ICP.

The following are just two examples of persons being turned away from Immigration without being guided by Immigration staff to their ICP:

On 12 August 2008, a complainant ("Mr. P") was instructed by the OCC to make his complaint through Deputy Chief Immigration Officer Ms. Kerry Nixon, since we had been officially informed that she was in charge of Immigration's ICP. However, Mr. P told the OCC that he was told by the personal assistant of Chief Immigration Officer Mr. Franz Manderson: "We don't have any complaints department and Ms. Nixon doesn't do that. She is the Deputy to Mr. Manderson. You have been told many times what to do and you need to do it. If you want to complain, that's what the Complaints Commissioner is for. Go back over there." Mr. P was back in our offices in less than half an hour after leaving us.

On 1 September 2008, another complainant ("Ms. B") came to the OCC and told us that she wanted to make a complaint through Immigration's ICP, but was told by an Immigration Officer, Ms. Cleo Ebanks, that there was no one else she could speak to and that Ms. Ebanks' decision was final. The OCC had to make contact with Immigration to help facilitate a meeting with DCIO Nixon, who in turn did accept Ms. B's complaint.

During the audit, the OCC was informed that frontline staff were meant to refer verbal complaints to DCIO Nixon or other relevant senior staff, while written complaints had to go directly to DCIO Nixon or relevant senior staff. However, it has been our experience that while senior Immigration staff have been receptive to receiving complaints once referred through the OCC, frontline staff have failed to facilitate referrals of complaints to the appropriate senior Immigration Officer.

Regarding the monitoring of complaints, Immigration officials were unable to provide numbers but stated that they had had "quite a few". They were also unable to state how long the average complaint took to resolve, although they were certain that all complaints had been resolved. However, without the support of documentation, the OCC was unable to confirm those statements.

Although Immigration committed to finalizing its formal ICP and implementing it, no deadline was set. It also committed to provide staff training on its formal ICP; amend an existing brochure to include information about its ICP; include ICP information and standardized complaint forms on its website; provide written acknowledgement of receipt of complaints; and state timelines for acknowledgement as well as timelines for resolving complaints within the ICP.

Immigration stated that it was keen to introduce a formal ICP, and the OCC recommended that such efforts be accelerated. Immigration's ICP has proven to be dysfunctional. The OCC insists that Immigration requires a strong, well-documented ICP in order to facilitate a better relationship with the public. Immigration must train all its staff so that they are equipped and familiar with an ICP, whether formal or informal. Formalizing its ICP, coupled with appropriate staff training, suitable recording and monitoring practices, and a campaign to increase public awareness, should help ensure that all future complaints are handled in a consistent manner.

7.2.3. PASSPORT CORPORATE SERVICES OFFICE

Profile: The Passport Corporate Services Office ("the Office") provides travel documentation for eligible persons; Cayman Islands Passports; visa waivers (for the United States on Cayman Islands passports); and forwarding of applications to Liverpool for British and Cayman Islands Citizens. The Corporate Services division provides legalization of public documents and issuing of special marriage licenses.

Audit Findings: The Office had a formal ICP. It had added a customer service representative to its staff, whose responsibilities included receiving and handling complaints. The Office had only recently introduced its formal ICP and had not yet had an opportunity to fully test it. The ICP appeared sound and well-documented, although it was noted that a specific time for acknowledgment of receipt should be included.

7.2.4. ROYAL CAYMAN ISLANDS POLICE

Profile: The Professional Standards Unit (PSU) of the Royal Cayman Islands Police (RCIP) has been established through legislation to investigate complaints against the police. Any member of the public who feels that they have not been treated properly by the RCIP may register their complaints with the PSU.

Audit Findings: The RCIP had a formal ICP that was not working well.

Through the course of this investigation, the OCC met with several RCIP officials, including the Acting Commissioner, David George; the Technical Assistant to the Acting Commissioner, Superintendent Decland Donnelly; Detective Chief Inspector Martin Bodden Jr.; and Detective Inspector Eustace Joseph.

The RCIP admitted during the course of the audit that the current practices and procedures of the PSU were “inadequate for 21st Century policing”. Subsequently, Superintendent Donnelly drew up new practices and procedures for local approval. The point was made, and the OCC recognized, that it would be inaccurate to blame the shortcomings of the PSU on the officers then assigned to the unit. They were recently assigned to the PSU and were hard working officers, but had not been provided the tools in order to best perform their duties.

Acting Commissioner George noted that there were efforts underway to introduce a new Police Bill. He said the RCIP was working hard to introduce a simplified standard operation that would better address the practices and procedures for the PSU. As well as receiving specialized training, PSU officers would be required to produce monthly reports, set action plans for investigations and establish set timeframes for progression and completion of investigations.

Due to the complexity of issues dealt with through the PSU, there were a number of additional issues that could impact their timelines. A case in point was where a complainant was arrested. In such circumstances, the Standing Orders stipulate that the complaint investigation could not be completed until the disposal of the matter at court and the final seal of approval provided by the Legal Department. But in order to improve efficiency, “IA Tracking” software had been acquired. Complaints would be entered in a database and, in addition to other features, the program would automatically generate status reports on all complaints. Staff members were due to commence a training programme on the use of the software shortly after the OCC audit.

The RCIP’s processes for handling complaints had proven to be ineffective. As it progressed the improvements within its complaint handling process, the RCIP was encouraged by the OCC to closely consider the seven core principles of an effective ICP.

7.2.5. FIRE SERVICES

Profile: The Fire Services Department (“the Department”) is primarily a fire fighting and rescue service, which deals with a variety of incidents including, but not limited to, aircraft accidents, fires, building collapses and road accidents. The Department also deals with the enforcement of safety standards as they relate to the Building and Fire Codes as well as other standards associated with the safe egress from buildings. In addition, the Department promotes general fire safety within the community. In preparation for, and in the event of a hurricane or other

natural disaster, the Department assists in preparedness and carries out rescue operations while the natural disaster is in progress.

Audit Findings: The Department has a formal and functioning ICP in place. It had only had one complaint lodged using the new system, which took longer than 30 days to resolve, although the Department maintained regular contact with the complainant. But the OCC found that recordkeeping practices made it difficult to quickly determine what steps had been taken and what stage the processing of the complaint had reached. The Department's management recognized that they needed to carefully review their system of tracking complaints in order to better log and monitor all actions taken regarding each complaint.

The Department committed to providing more information about itself and its ICP through its new website, which was scheduled to launch in early 2009, as well as through brochures that would be available at each of its five stations.

7.2.6. HER MAJESTY'S PRISON SERVICE

Profile: Her Majesty's Prison Service (HMP) is responsible for the secure care and management of the Cayman Islands' prison population. It is HMP's responsibility to ensure that all inmates are kept secured and properly monitored for the duration of their sentence. It has interaction with inmates, friends and families of inmates, employers that may facilitate work in the work release programme, businesses that supply the prisons with goods and services and the general public who rely on HMP to keep prisoners secured within the compounds of the prisons.

Audit Findings: While HMP had established a tiered ICP for addressing prisoner complaints, other members of the public who may have a complaint against HMP did not have a formal ICP to go through.

One of the OCC investigators contacted Northward Prison to request information on making a complaint against the prison. They were subsequently transferred three times and made contact with four frontline prison officials before being told that the prison has "some forms here to fill out". When pressed for more information, the fourth officer said that a member of the public would have to contact the Director's office to make a complaint. As a result of a follow-up interview conducted with the Principal Officer responsible for the oversight of HMP's ICP, it was made clear that the ICP developed for HMP was done so with primarily the inmate population in mind.

Many complaints within the prisons were handled prior to being lodged as a formal complaint, since HMP management were aware that if complaints went unattended under prison conditions the negative impact could be considerable. The ICP for inmates was well structured, providing three levels of appeal, each with deadlines for responses. Inmates complained first to their Officer Advisor, who should in most cases be able to remedy the situation. While there were eight different forms through which an inmate could make their concerns known to HMP, four were for special situations and were not required for general complaints. The inmate should be able to proceed through the entire complaint process within 16 days. Only if they were dissatisfied with the outcome could they then complain to the OCC.

In the month of July 2008, HMP logged nine formal complaints by inmates, of which all were logged as having been resolved within a 24-hour period.

One of the challenges for HMP is maintaining a supply of complaint forms. HMP also needed to improve its informal ICP for the general public by ensuring that frontline staff were better informed of the process.

7.2.7. EMERGENCY COMMUNICATIONS AND ELECTRONIC MONITORING, DEPARTMENT OF (9-1-1)

Profile: Through the 9-1-1 call centre, a radio and dispatch system, the Department of Emergency Communications and Electronic Monitoring (“the Department”) provides emergency communication services and support systems to emergency responders and residents within the Cayman Islands. In this role, the Department has the potential to have interaction with many members of the public. This contact is typically during a stressful event for the caller and contact is over the telephone. Complaints to this entity could include issues such as poor response times, failure to disseminate accurate information to emergency personnel, or rude or otherwise poor conduct of operators.

Audit Findings: The Department had a formal ICP, although the process lacked a formal approach to documenting and tracking complaints while staff were left to provide guidance to the public. The Department recognized the need to increase public awareness of its ICP and took steps to include the ICP information on its website following this audit. The Department recognized that its ICP did not include a statement of confidentiality or information regarding timeframes, specific maximum periods for acknowledgement and resolution, and committed to amending the ICP.

7.2.8. CAYMAN ISLANDS CADET CORPS

Profile: The Cayman Islands Cadet Corps (CICC) is a youth development organization that has operations in Grand Cayman and Cayman Brac. CICC membership is reserved for both male and female high school students between the ages of 12 and 17. Interaction with the general public occurs mainly through community service programmes and other voluntary work, i.e. parking supervision at the Cayman Islands Agriculture Society Show and Cayman Islands Football Association events. The CICC has two very different groups from which complaints could originate: the cadets, who could be considered much like students would be considered in a school, and other members of the public.

Audit Findings: The CICC had a formal ICP. A documented procedure existed, albeit with a weak method of recordkeeping. The CICC said it was in the process of making plans to implement a formal electronic system at the time of the audit.

The CICC claimed to have received no formal complaints. However, it was known that a complaint about the CICC had been made to the Portfolio of Internal and External Affairs. The CICC noted that complaints that would be better made to the CICC were sometimes taken to the Ministerial level rather than first approaching the organization.

The CICC recognized the need for clarifying the complaints procedure to recruits and their parents. It planned to make information about its ICP more available by providing brochures in easily accessible locations. It also planned to provide in-house training/familiarization for staff to ensure that they were better equipped to receive and address complaints.

It was also found that the CICC had a documented procedure for hearing complaints from cadets, a tiered approach that followed up through the ranks of the Corps. For the purpose of this investigation, the OCC did not focus on this complaints process, but recognized that that process for making complaints was in place and seemed to be functioning.

7.2.9. CAYMAN ISLANDS NATIONAL ARCHIVE

Profile: The Cayman Islands National Archive (CINA) is primarily a service department with limited public interaction. Some of the functions of CINA include records management for government. The Policy Unit issues advice and guidance to government agencies on how to manage and maintain their records. The Records Management Department provides

storage for active files from government agencies. The Preservation Department, like the Records Management Department, preserves records and accepts requests from members of the public to preserve their private records. The largest public interface for CINA is through reference services where the public, by appointment, are able to use the reading room and research facilities at the Archive.

Audit Findings: CINA had a formal ICP, which took account of the core principles of an effective ICP, although the process remained untested. CINA was prepared to further evaluate the effectiveness of its ICP once it had the opportunity to fully test it. CINA was in the process of including ICP information on its intranet page in a readily accessible and printable format.

7.2.10. CIVIL AVIATION AUTHORITY

Profile: The Civil Aviation Authority (CAA) is the statutory body responsible for aviation regulatory oversight throughout the Cayman Islands. It is comprised of various divisions that specifically regulate and license aerodrome, aviation personnel and aircraft maintenance organizations; conduct aircraft airworthiness surveys; provide commercial and economic regulation; and maintain the Cayman Islands Aircraft Registry.

Audit Findings: CAA had a formal ICP. Front office staff were aware of the ICP and trained to forward complaints to the Director General, the Director of Air Navigation Services or the Director of Commercial Affairs Regulation and Administration. It was also confirmed that CAA had an ICP recordkeeping process in place.

CAA claimed that it had not received any complaints since 2004; therefore its ICP had not been fully tested. It said it planned to include ICP information on its website and committed to maintaining a consistent ICP training programme for staff.

7.2.11. SUMMARY OF THE ICPs WITHIN THE PORTFOLIO OF INTERNAL AND EXTERNAL AFFAIRS

Of the 10 entities investigated under this Portfolio, two – Immigration and the RCIP – were found to have ICPs that were dysfunctional and maladministered.

Eight of the entities were found to have formal ICPs and two were found to have an informal ICP.

The ICP within Her Majesty's Prisons was found to be generally effective. But the frontline staff of HMP were not knowledgeable about the ICP, although they did refer complainants to a staff member who was aware of the process. With the exception of Immigration, the other entities under this Portfolio were found to be knowledgeable and/or reasonably helpful in providing information to the public regarding making a complaint through their process.

Seven of the 10 entities, while having been found to have a functioning ICP, reported to have received no complaints through their ICP and therefore the effectiveness of their ICPs could not be determined.

Only the CAA and CINA were found to have developed an ICP that had incorporated all seven principles of an effective ICP. Suggestions were made to entities that may not have incorporated all seven principles.

Four of the entities had existing websites, although the Elections Office was the only one that had included published information online about its ICP. Three entities were found to have brochures explaining their ICP for the public.

All of the entities were found to be somehow documenting, or demonstrated preparedness to document, complaints either electronically or manually.

7.3. Portfolio of Legal Affairs

7.3.1. CAYMAN ISLANDS LAW SCHOOL

Profile: The Cayman Islands Law School ("the Law School") provides legal education to a broad range of local and international students. While complaints such as appeals against academic assessment, progress decisions and student disciplinary issues may be received, the Law School has separate procedures to address those specific issues.

Audit Findings: The Law School had a formal ICP. Information about it was contained in the Undergraduate Student Handbook – although it was notably absent in the Professional Practice Course Student Handbook (the Law School promised to address this).

The ICP embodied both formal and informal components. It was noted that the majority of student complaints to the Law School were handled through the informal process. The Law School claimed to have not received any complaints since implementing its ICP. As such, this ICP had not been tested and therefore it was not possible to determine its effectiveness.

While the ICP referred to providing acknowledgments and responses in “a reasonable time”, the OCC encouraged the Law School to clearly state timelines in which a complainant could expect to hear back from the Law School. Another issue highlighted as needing attention was the lack of clarity regarding complaints being made by the general public against the Law School. Information needed to be more readily available to the public and not strictly contained within the student handbooks. The formal ICP was primarily developed for use by the students; however, while the Law School reported having received no complaints from the public, it would not turn away any complainants. Complaints from the public would be addressed by the Director of Legal Studies through an informal ICP.

No other entities within the Legal Portfolio agreed to participate.

7.4. Portfolio of Finance and Economics

Profile: The Portfolio of Finance and Economics (“the Portfolio”) oversees the work of the various entities under it. As a Portfolio, it has moderate public interface, with most complaints it receives relating to the entities under it. These could include issues such as a failure to provide a response, an undue delay, a failure to provide accurate information, or a failure to adequately oversee the work of entities under it.

Audit Findings: The Portfolio did not have a functioning formal ICP at the time of this investigation. While the Portfolio had a formal ICP document, it had not yet implemented it. The Deputy Financial Secretary (DFS) noted that complaints officers had only recently been appointed and they would be implementing the official ICP shortly. In the meantime, the Portfolio reported that it had received no “substantive” complaints and matters were being dealt with informally.

The Portfolio committed to ensuring that its formal ICP would be included on its website; all staff would be trained to assist persons wishing to make a formal complaint; an appropriate filing system would be established for

complaints; a confidentiality statement would be added to the ICP; and all complaints would be reviewed on a regular basis.

7.4.1. CUSTOMS DEPARTMENT

Profile: The Customs Department (“Customs”) has broad dealings with virtually every person living in or visiting the Cayman Islands. When entering the Islands from overseas, all visitors and residents must deal with Customs. Any person or company importing or exporting goods must deal with Customs. Complaints could include issues such as failures to properly calculate duty, abuse of power, harassment, undue delay in processing paperwork, or failure to provide services in a timely manner.

Audit Findings: Customs had a formal ICP. However, while the OCC believed that Customs’ ICP was working well, it recognized that there were a number of areas which called for improvements.

Customs staff were aware of the ICP. The Collector of Customs also noted that the ICP was posted at the six different Customs outlets in frames on prominent walls as well as in the staff room at the Customs Headquarters.

However, at the time of this investigation, complaints were not being recorded, which created a situation where the effectiveness of the process could not be verified. The Collector of Customs said complaints had been primarily informal and did not require recording. However, he recognized, through this investigation, that all complaints should be recorded and agreed that future complaints and all related documentation would be filed through the HR manager. The Collector of Customs felt that the ICP had been very effective, having received and resolved 12 complaints in the past six months, but was open to improving the process.

Due to the size and nature of the organization, the Collector of Customs noted some challenges in ensuring the ICP process was consistently implemented. He also noted that at times it had been difficult getting senior staff to buy into the process.

Customs committed to improving its ICP training of staff, especially for new recruits and frontline staff in order to better serve the public. The HR manager would centrally manage Customs’ ICP to ensure good practice relating to obtaining and storing of complaint information, providing complainants with copies of their ICP and complaint form, and ensuring that complaints were addressed in accordance with the ICP’s stated

timelines. Customs also committed to updating its website to include information about the ICP.

7.4.2. ECONOMICS AND STATISTICS OFFICE

Profile: The Economics and Statistics Office (ESO) conducts research and compiles data on many different areas of interest in accordance with its mandate. Its interaction with the public includes requests for statistical information from both public and private organizations as well as private individuals.

Audit Findings: The ESO had a formal ICP, and staff members were encouraged to resolve complaints at the very earliest stages in each instance while being fully aware of their ICP. However, the ICP had not been applied due to the fact that no serious formal complaints had been made. (This was partially attributed to the staff's ability to resolve issues in the early stages.)

The ESO had recently posted its ICP on its website and recognized that all staff needed to be reminded that the information was now available in that form for clients as well as for their own reference.

The ESO offered a fine example of best practice, having embraced in a very short time the whole concept of good customer service and how the ICP was able to enhance its efforts. Its ICP was flexible and tended to avoid unnecessary escalation of complaints through the provision of personal and prompt attention with a tried and tested policy of referral upward only where required. That said, some form of recording even more minor complaints needed to be considered in order for the ESO to gain meaningful insight into its practices and procedures.

7.4.3. GENERAL REGISTRY

Profile: The General Registry provides registration services for companies, trusts, partnerships, trade unions, building societies, friendly societies, patents and trademarks. However, its primary public interface is through provision of certificates of births, deaths and marriages to walk-in clients.

Audit Findings: The General Registry had a formal ICP, but frontline staff were not aware of the process. Frontline staff told the public that the complaint should be put in writing and forwarded to the Registrar General. No formal complaints had been lodged and therefore the ICP had not been tested.

Several areas of concern were highlighted. The General Registry did not have a formal recordkeeping method for complaints. It was encouraged to record all complaints as a means of identifying service issues that may need to be addressed as well as to ensure that complaints were adequately addressed. The General Registry recognized the need to improve its customer service as well as its use of the ICP. It committed to sensitizing staff, particularly front office staff, on how to properly deal with members of the public who brought complaints.

7.4.4. CAYMAN ISLANDS MONETARY AUTHORITY

Profile: The Cayman Islands Monetary Authority (CIMA) carries out four principal functions: the issue and redemption of Cayman Islands currency and the management of currency reserves; the regulation and supervision of financial services which includes the monitoring of compliance with money laundering regulations, the issuance of a regulatory handbook on policies and procedures and the issuance of rules and statements of principle and guidance; the provision of assistance to overseas regulatory authorities, including the execution of memoranda of understanding to assist with consolidated supervision; and the provision of advice to government on monetary, regulatory and cooperative matters.

Audit Findings: CIMA had a formal ICP. However, while the frontline staff member interviewed knew of the ICP, they were unable to provide any information about how the ICP worked or where information about the ICP could be found.

At the time of the audit, no complaints had been received and therefore CIMA's ICP had not been fully tested.

CIMA said it planned to develop some form of information, i.e. sign or flyer, informing the public about its ICP and would make this information available in the reception area. It also planned to make a change to its website in order to make access to ICP information easier.

The Managing Director of CIMA noted that for each fiscal year, a report on complaints submitted and the results of its findings was submitted to CIMA's Board of Directors. The report may include information concerning trends in the subject matter and on general lessons that the Authority should learn.

7.4.5. MARITIME AUTHORITY OF THE CAYMAN ISLANDS

Profile: The Maritime Authority of the Cayman Islands (MACI) has various responsibilities, including the Cayman Islands Shipping Registry (CISR), which provides vessel and mortgage registration, advisory, and marine survey and audit services. The MACI also has the overall responsibility for marine pollution prevention, as well as maritime safety and security. Complaints could include undue delay in registration, a failure to exercise authority to prevent marine pollution, a failure to adequately promote maritime safety, or inappropriate or otherwise unprofessional conduct by staff.

Audit Findings: MACI had a formal ICP. There was a documented procedure for complaints, compliments and suggestions contained within the Client Relationships Manual. MACI noted that it was proud of the fact that in a competitive global market its business was expanding, and credited this to customer service; it said it believed in addressing complaints at the very earliest stages, either by way of front office staff and/or senior managers.

MACI said it planned to add information about its ICP to its website.

While the MACI had received some complaints, they had been dealt with immediately at the lowest possible level and therefore had not been taken through the formal ICP. MACI was encouraged to maintain a record of all complaints, even informal, in order to better monitor the nature of complaints as well as ensure that complaints have been fully addressed. Furthermore, the lack of recorded complaints made it impossible to determine whether or not the ICP was effective.

7.4.6. PUBLIC SERVICE PENSION BOARD

Profile: The Public Service Pensions Board (PSPB) is responsible for the management and administration of public sector pension funds/plans in accordance with relevant Cayman Islands legislation and international professional standards. The PSPB delivers retirement pension benefits to contributors and beneficiaries of public service pensions, comprised of permanent and pensionable Caymanians, employees of the Cayman Islands government, Caymanian civil servants seconded to Statutory Authorities and elected members of the Legislative Assembly. Complaints could include failures to correctly calculate eligible pension levels, exercise sound business practices in order to build pension funds, provide accurate or timely information, or rude or otherwise unhelpful conduct by staff.

Audit Findings: The PSPB had a formal ICP. It had a documented procedure but claimed not to have received any complaints between August 2007 and August 2008. However, the OCC received 10 inquiries against the PSPB during that 12-month period which were referred to the PSPB's ICP. A further sampling of the PSPB files revealed that several of the inquiries made to the OCC were subsequently made to, and addressed by, the PSPB as "normal" inquiries, rather than as complaints.

The PSPB stated that complaints had more often been the result of failures on the part of the employer (e.g., failing to pay into the fund or to register new employees) rather than that of the PSPB. In order to clarify to members the services provided by the PSPB, the board said it would be including in its newsletters answers to frequently asked questions and other information in an effort to better control customer expectations.

The OCC recommended that the PSPB take steps to ensure that frontline staff were fully orientated and encouraged to recognize and assist members of the public that have complaints.

7.4.7. CAYMAN ISLANDS STOCK EXCHANGE

Profile: The primary function of the Cayman Islands Stock Exchange ("the CISE") is to operate a securities market for the listing and trading of securities in the Cayman Islands. The CISE works with lawyers and accountants who represent issuers wishing to list shares or securities on the CISE. The public interface of this entity is very limited. Contact with the majority of customers is via telephone and email.

Audit Findings: The CISE did not have a formal ICP. CISE reported that there had been no complaints from the public relating to the work of its office. However, any complaints that may arise would go directly to the CEO for personal attention and resolution. If the matter was not resolved by the CEO, it would be referred to the Board of Directors. The CEO has undertaken to implement a formal ICP in order to add clarity to the procedure should the CISE receive a complaint. The CEO has also committed to making this information available on the Exchange's website.

7.4.8. SUMMARY OF PORTFOLIO'S ICPs

While the seven entities investigated under this Portfolio were found to have functioning ICPs, none had reported any complaints through their ICP and therefore the effectiveness of their ICPs could not be determined.

Only the MACI and ESO were found to have developed an ICP that had incorporated all seven principles of an effective ICP. Comments were made to entities that may not have incorporated all seven principles.

Six of the entities were found to have formal ICPs and one was found to have an informal ICP.

The frontline staff of CIMA were found not to be knowledgeable about their ICP. The other six entities' frontline staff were knowledgeable and/or reasonably helpful in providing information to the public regarding making a complaint.

Four of the seven entities had websites at the time of the audit, of which four – those for CIMA, MACI and ESO – had included information about the ICP online. But none of the entities had brochures explaining their ICP to the public and only one was found to have produced a newsletter that provided ICP information.

Five entities were found to be somehow documenting, or demonstrated preparedness to document complaints either electronically or manually.

7.5. Ministry of District Administration, Planning, Agriculture and Housing

Profile: The Ministry of District Administration, Planning, Agriculture and Housing (“the Ministry”) oversees the work of the various entities under it. The Ministry reports that it receives very few complaints about its staff or operations.

Audit Findings: The Ministry did not have a formal ICP, although it had an effective informal process in place. Staff were well aware that all complaints went to the Permanent Secretary in the first instance. The Ministry also had a formal method for recording complaints. It provided evidence that it had received two complaints in the previous six months and both had been resolved.

The Ministry felt that its informal process had functioned well but was prepared to embrace a formal and documented ICP. It committed to establishing a formal ICP and noted that it would include information about the process on its website. A commitment was also undertaken by the Ministry to ensure that all departments within its jurisdiction had a formal ICP in place.

7.5.1. DISTRICT ADMINISTRATION FOR CAYMAN BRAC AND LITTLE CAYMAN

Profile: District Administration for Cayman Brac and Little Cayman (DA) is responsible (practically if not legally) for the oversight of Computer Services, Customs, Day Care, District Office, Immigration, Marketing, Museum, Public Works, Treasury and Licensing for the Sister Islands. However, as the District Commissioner (DC) noted, in Cayman Brac and Little Cayman if there is a problem relating to government, whether it is an area under his responsibility or not, people are going to call the DC and expect that he will assist them. Given the nature of the public service in the Sister Islands, the DA has a significant public interface. Complaints could include issues such as uncollected garbage, unfair hiring practices, a failure to provide a response, bias, or rude or otherwise unprofessional behavior by staff.

Audit Findings: It must be noted that while the greater majority of government entities referenced in this report were contacted and coached on developing a formal ICP between 2005 and 2008, the DA had not been contacted by this office until this investigation.

The audit found that the DA did not have a formal ICP. However, the DC expressed great interest in moving forward with developing a formal ICP and his office contacted the OCC for documentation to assist them in the process.

7.5.2. PLANNING, DEPARTMENT OF

Profile: The Department of Planning (DoP) is responsible for the planning and management of all development in the Cayman Islands. The most frequent means by which the DoP interfaces with the general public is through the Building Control Unit (BCU), Current Planning (CP) and the Petroleum Inspectorate (PI). The BCU reviews applications for building permits and inspects the structural, plumbing and electrical components of buildings and structures to ensure that Central Planning Authority and Development Control Board approved developments

comply with all the codes. The CP is responsible primarily for processing development applications to ensure that they are in accordance with the Development Plan, Planning Law and associated regulations and policies. CP is also responsible for code enforcement through the issuance of Enforcement and Stop Work Notices. The PI's primary responsibility and objective is to assess whether the petroleum and compressed gas industries are adequately managing their obligations. Complaints could include issues such as undue delay, a failure of inspectors to keep appointments for inspections, loss of applications, bias, abuse of power, or a failure to provide responses.

Audit Findings: The DoP did not have an ICP. DoP frontline staff were unable to tell the OCC investigator who was the appropriate person to make a complaint. Upon further inquiry, the investigator was referred to the Manager of Administration and Finance. According to the DoP, complaints would be correctly made through the Director, Manager of Administration & Finance or the Chief Building Control Officer.

Through the course of this investigation, the DoP recognized the importance of having a clearly communicated and documented ICP and understood that the intake form that was being presented as the formal ICP was inadequate. The Director committed to taking immediate steps to develop and implement a formal ICP.

As this entity was unable to provide clear information as to what process it followed in addressing complaints, and given that there was no documentation showing that complaints had been received and processed, it was determined that its ICP was dysfunctional. As the DoP had not developed a formal ICP, it was clear that the core principles of an effective ICP had not been considered.

7.5.3. DEPARTMENT OF AGRICULTURE

Profile: The Department of Agriculture (DoA) provides many services to the agricultural community as well as to the general public. Some of these services include the sale of agricultural supplies, agricultural health inspection, abattoir services, national programmes for the detection and prevention of animal pests and diseases, ambulatory livestock veterinary services, plant health services including pesticide regulation, technical education and training, youth education programs and a host of other services.

Audit Findings: The DoA had a formal ICP. While only partially tested, the ICP had worked diligently to ensure that the procedure was

ready when the need arose. Brochures outlining the ICP were available in the reception area and frontline staff were well aware of the procedure. Standard complaints forms were also available at reception and the DoA was able to provide clear information about the systematic process for recording and monitoring complaints.

The DoA had one complaint submitted through email, which was processed using a complaints spreadsheet. The DoA noted that it proved to be very helpful for tracking progress of the complaint. The DoA recognized that while it was doing well with its ICP, not all staff had received adequate training regarding the procedure, and it promised to tackle this issue. It also pledged to include ICP information on its website.

7.5.4. LANDS AND SURVEY DEPARTMENT

Profile: The Lands and Survey Department (L&S) is comprised of a number of service sections. All sections are linked by a common dealing and involvement in land. The Land Registry is responsible for recording all land transactions in the three Cayman Islands. The Land Survey supervises and controls all surveys including the authentication of legal cadastral surveys, regulates the land surveying practice and is the authority for the preparation and publication of the official maps of the Cayman Islands. The Valuation Office carries out a number of functions including the assessment and adjudication of the valuation of land and buildings for Stamp Duty, providing compensation estimates for road schemes and being responsible for the upkeep and management of the Town Halls, Community and Civic Centres. Complaints could include issues such as a failure to follow proper procedure when tendering, a failure to properly register land, undue delay, a failure to conduct a proper survey, or unprofessional conduct by staff.

Audit Findings: L&S did not have a formal ICP. While only an informal process existed, staff were aware of who processed complaints, escalation procedures and the need to record more serious complaints.

Through the course of this investigation, the Director recognized the need to develop and implement a formal ICP and made a commitment to introduce this with appropriate staff training. He also promised to introduce a standardized complaint form and publish the ICP information and form on the L&S website.

Due to the fact that L&S did not have a formal ICP, and insufficient data was available regarding complaints made against the department, it was

not possible for the OCC to determine the effectiveness of the informal ICP. In considering the seven core principles of an effective ICP, this entity was found to have an ICP that was not easily accessible or measurable.

7.5.5. MOSQUITO RESEARCH AND CONTROL UNIT

Profile: In some ways, the Mosquito Research and Control Unit (MRCU) has a limited direct personal interface with the public. Contact with the public involves taking reports over the telephone about areas where the mosquito conditions require attention. Complaints could include issues such as damage caused to property by MRCU staff, failure to safely conduct their business, failure to respond and undue delay.

Audit Findings: The MRCU did not have a formal ICP. The MRCU did maintain a complaints database specifically for the purpose of logging and monitoring complaints about mosquito infestation – but more serious complaints, although rare, needed to be addressed through a more formal ICP.

The staff were fully aware as to who was responsible within the organization for handling complaints from reception to resolution. While the current approach to addressing complaints worked well for the up to 30 routine enquiries/complaints about mosquito control each month, it was recognized by the Director that a more formal and confidential procedure was required for more serious or sensitive complaints against the MRCU. The Director promised to develop and implement a formal ICP for use in non-routine complaints against the MRCU. He also stated that a secure system for filing non-routine complaints would be established. Information about the formal ICP also would be included on the MRCU's website.

7.5.6. NATIONAL HOUSING AND DEVELOPMENT TRUST

Profile: The National Housing and Development Trust (NHDT) offers affordable housing for middle to low-income persons. The NHDT also provides assistance for persons who are in the process of applying to purchase their own homes.

Audit Findings: The NHDT did not have a formal ICP. Since January 2008, it claimed to have received only one complaint. While this certainly could be the case, a more formal approach to receiving and recording complaints would ensure that complaints do not slip through the cracks.

The NHDT recognized that provision of information to clients was vital to reducing the chances of people being misinformed. It said it was making plans to launch a website on which clients would be able to find information about the various procedures for attaining services from the NHDT. It promised to put an officer in place with responsibility for receiving and processing both Freedom of Information requests and complaints. Plans also included training for all staff to ensure that they were fully aware of NHDT procedures and would thereby be better equipped to assist clients.

7.5.7. SUMMARY OF MINISTRY'S ICPs

Of the six entities under this Ministry, only one, the Department of Agriculture, was found to have a formal ICP. The Planning Department, despite being well known for having public complaints against it, had failed to establish an ICP. This was a case of maladministration.

Five of these entities, while having been found to have a functioning ICP, either formal or informal, had not reported any complaints through their ICP and therefore the effectiveness of their ICPs could not be determined.

The frontline staff of five of the six entities under this Ministry were found to be knowledgeable and/or reasonably helpful in providing information to the public regarding making a complaint through their process. Planning's frontline staff were found to be interested in providing assistance but were unaware of who complaints should be made to or the process for lodging a complaint.

Two of the six entities, at the time of this investigation, were found to have websites; however, neither of them had included information about their ICP on their websites. Only one entity was found to be equipped with a brochure explaining their ICP for the public. The remaining entities were only able to rely on their staff to provide information to the public about their ICPs.

Only the DoA, the MRCU and the NHDT were found to be somehow documenting, or demonstrated preparedness to document, complaints either electronically or manually.

The Ministry alone was able to satisfy OCC investigators that its ICP, while still informal, was effective. While the DoA was found to have established an excellent formal ICP, it had received insufficient complaints through its ICP to determine the ICP's effectiveness.

7.6. Ministry of Health and Human Services

Profile: The Ministry of Health and Human Services (“the Ministry”) oversees the operation of a number of departments that collectively have significant and often highly sensitive direct interaction with the public through the provision of a range of health and social services. As a Ministry, it has ‘moderate’ public interface, with most complaints it receives relating to the entities under it.

Audit Findings: The Ministry did not have an ICP. This amounts to maladministration.

The Deputy Chief Officer took great interest in meeting with the OCC, however, and focused on enabling the Ministry not only to establish its own ICP, but to enable it and its departments to work toward a comprehensive customer service policy, or charter, whereby there would be a ‘seamless’ link from Departments to the Ministry in relation to the operation of a uniform ICP. The Deputy Chief Officer committed to embracing a formal ICP at the earliest opportunity.

Through the course of this investigation it became clear that the Ministry recognized the importance of having a fully functional ICP. It also recognized that by working together with the entities for which it had oversight, it would be better able to create an ICP that encompassed best practice and consistency in handling internal complaints.

The Ministry embraced the OCC recommendations and committed to ensuring that information about the ICP would be made available on its website; physical brochures outlining the ICP would be made available to the public; issues of sensitivity and confidentiality would be given due consideration; sound recordkeeping methods would be employed; and the Ministry would endeavor to meet with its departments on a regular basis to review numbers and the nature of complaints as well as share experiences and ideas so as to inform future best practice.

7.6.1. PUBLIC HEALTH SERVICES

Profile: The Public Health Services (PHS) has the primary function of providing health services through the various district health centers. At present, the Director of Primary Health Care Services (DPHCS), Dr. Kumar, is responsible for the oversight of these services.

Audit Findings: The PHS did not have its own ICP and referred all complaints to the Health Services Authority's formal ICP. The DPHCS noted that the PHS would often receive verbal complaints directly and, in the majority of the cases, was able to immediately resolve complaints since they related to services and therefore did not need to be referred to the HSA's ICP. However, if a complaint could not be handled immediately or if it was a written complaint, it was passed on to the HSA.

The DPHCS was encouraged by the OCC to record all complaints, whether or not they were passed on to the HSA. By doing so, the DPHCS would be better equipped to identify any common problems and take steps to address those issues.

7.6.2. DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Profile: The Department of Children and Family Services (DCFS) maintains a considerable public interface. It handles case work for many of the financially and socially challenged in our community. It deals with cases involving adoption, juvenile delinquents, the elderly, abuse, neglect as well as many other social problems. DCFS case workers are out in the community on a daily basis.

Audit Findings: The spring 2008 ICP report stated that the DCFS had a formal ICP. But the OCC discovered that while DCFS had supplied it with a formal ICP, the process was in draft form and had not yet been implemented. Thus, as a result of this investigation, it was determined that the DCFS remained without a formal ICP.

Frontline staff members were aware of the need to pass complaints to the Director or Deputy Director but were unable to provide any further detail about the procedure. Indeed, it was evident that the DCFS's current practices regarding the receipt and processing of complaints were in need of improvement. While the DCFS felt that the current system had served it well, it recognized the need to make a number of changes in order to better address complaints.

The DCFS had recently hired an HR Director, who would be responsible for implementing a formal ICP. Staff training was planned in order to ensure the ICP was rolled out effectively throughout the organization. The DCFS also committed to make information about the ICP available to the public, for example by putting it on its new website.

7.6.3. WOMEN'S RESOURCE CENTRE

Profile: The Women's Resource Centre (WRC) provides counselling services on issues such as domestic violence and sexual abuse. It also coordinates educational programmes and a legal befrienders programme, which provides free legal advice to victims of domestic violence. The WRC also operates as a library with computer services available to its clients.

Audit Findings: The WRC had a formal ICP. A flyer informing clients about the ICP was clearly posted on the centrally located bulletin board in the reception area. The receptionist was also well equipped to provide clients with information about the ICP and had the standardized complaint forms readily available.

Since January 2008, the WRC had received two complaints. The WRC was able to provide clear evidence that both these complaints were resolved within seven days. This investigation revealed that the WRC's ICP has an effective intake mechanism and complaints were dealt with promptly, documented accurately and monitored appropriately.

The WRC noted that in order to further improve its ICP, it was working to ensure that all staff, even temporary staff, were well versed in the process. It also planned to include information about the ICP on its website.

7.6.4. DEPARTMENT OF COUNSELING SERVICES

Profile: The Department of Counseling Services (DCS) consists of three units: Counseling Services, an outpatient programme; Caribbean Haven, which is an in-patient facility; and Brac Haven, which provides outpatient services to Cayman Brac and Little Cayman. Caribbean Haven is a long-term residential facility treating members of the public who are either required to attend due to a court mandate or present themselves to the facility for the treatment of substance abuse. The Counseling Services provides follow-up sessions for persons who have completed the full service programme at the inpatient facility as well as sessions for other members of the public (court-mandated or otherwise) who don't require as constant a level of supervision.

Audit Findings: The DCS did not have a formal ICP. Frontline staff were able to provide information on the means by which a member of the public could lodge a complaint.

While there was no documented ICP for the DCS, the Client Rights Form, which is completed and signed with the client during the intake process, indicated the right of clients to make a complaint. Clients were informed that had an opportunity to submit their complaint in writing. In most cases, the clinician would resolve whatever complaints may arise during their sessions with the client. However, if the problem could not be dealt with at that level, it could be raised with the Clinical Supervisor. The DCS reported that it had never had any complaints escalated beyond the clinician level. The DCS noted that if the supervisor was unsuccessful at resolving a complaint, the matter should be brought to management for further action.

In order to better provide information to the public, the DCS committed to documenting its ICP and making this information available to the public through the front office as well as making the information available on the DCS website.

7.6.5. DEPARTMENT OF HEALTH REGULATORY SERVICES

Profile: The Department of Health Regulatory Services (DHRS) has considerable dealings with the public and numerous external agencies, including healthcare providers, healthcare insurers and the government.

Audit Findings: The DHRS is a good example of a government entity embracing meaningful customer service through its ICP policy and is to be commended on its achievements in doing so. It had a formal ICP and good procedures and policies in place at the time of the audit and its staff demonstrated sound knowledge of the ICP. Moreover, the ICP was found to incorporate all seven core principles of an effective ICP.

The DHRS received significant numbers of complaints, mostly about agencies that it regulated on behalf of the public. As such, DHRS was well equipped and trained to accept, investigate and monitor complaints. It had a database for recording and monitoring all types of complaints. But it recognized that its current website should be updated to include information about the ICP.

7.6.6. COMMUNITY REHABILITATION, DEPARTMENT OF (FORMERLY KNOWN AS PROBATION AFTER CARE UNIT)

Profile: The Department of Community Rehabilitation (“the Department”) provides supervision for adult offenders as they complete the community services which have been issued to them through the

courts. The Department also provides psycho-educational/preventative group sessions. Given the nature of its work, the majority of the public interface is with adult offenders. Complaints can include issues relating to community service such as length of service, conditions of work, and complaints about the way case workers from the Department treat their clients.

Audit Findings: The Department did not have a formal ICP. However, while the Department's process had not been formalized, it appeared to be functioning well.

In order to improve upon the service offered to its clients and the community, the Department said it plans to formalize its ICP. It promised to provide updated training by way of staff meetings and workshops for all staff on the formal ICP. It also planned to revamp its staff handbook to include additional information on the ICP, develop a complaints booklet for the reception area and include information on all its services, including the ICP, on a new website.

The Department also said it would establish an audit and complaints committee for the purpose of ensuring that all concerns were handled in a consistent and unbiased manner. The committee would consist of the Director, Deputy Director, Senior Probation Officers and the Administration Manager.

7.6.7. HEALTH SERVICES AUTHORITY

Profile: The Health Services Authority (HSA) provides health care to the public through the Cayman Islands Hospital in Grand Cayman and through Faith Hospital in Cayman Brac. The HSA also provides ancillary services through the various district health centers.

Audit Findings: The HSA had a formal ICP. It employed a Patient Services Representative who was tasked with receiving and ensuring complaints were processed in a timely manner. Complaints were appropriately recorded and reviewed.

The HSA provided evidence of 16 complaints between January and February 2008. However, only 12 of them had been resolved at the time of this investigation. It was also noted that the turnaround time for complaints was averaging 24 days. The HSA noted that this was due to the fact that matters were not considered resolved until the Patient Services Representative had contacted the patient and been assured that he/she was satisfied with the resolution and no further issues had arisen.

Through the course of this investigation, the HSA was made aware of a number of suggested improvements for its ICP. Among these was the revision of several informational guides and brochures. The HSA was also asked to promote its ICP using mediums which were more likely to be accessed by patients and the general public. The HSA promised to better educate all frontline staff about the ICP so that they were able to provide the public with verbal information about it.

7.6.8. CAYMAN ISLANDS NATIONAL INSURANCE COMPANY (CINICO)

Profile: The Cayman Islands National Insurance Company (CINICO) is a government-owned insurance company formed to provide health insurance coverage to civil servants (employees and pensioners) and other residents of the Cayman Islands who have had difficulty in obtaining coverage through their employer or the private insurance market. Complaints could include issues such as a failure to provide insurance coverage, undue delay in processing a claim, a failure to provide entitled benefits, unprofessional conduct by staff, or a failure to provide a response.

Audit Findings: CINICO had a formal ICP. Complaints received were forwarded directly to the CEO, who reviewed each complaint and then passed it to the appropriate senior staff member for further investigation. The Managing Director of CINICO noted that many of the complaints resulted from members not understanding what their policies covered. CINICO attempted to reduce the number of complaints by engaging in a continued effort to educate members.

While frontline staff were found to be knowledgeable about the complaints process, the Managing Director noted that CINICO had found it necessary to provide frontline staff training as well as public and member awareness training on an ongoing basis in order to ensure that members' complaints and claims were being correctly received. It also made complaint forms more accessible by placing a form rack in the reception area – in the past, members had to request a form from the receptionist. The OCC encouraged CINICO to make information about its ICP, along with its standardized complaints form, available on its website.

7.6.9. CAYS FOUNDATION

Profile: The CAYS Foundation (“CAYS”) is responsible for the operations of the Bonaventure and Frances Bodden Homes. Both homes are residential facilities that cater to young boys and girls, between the ages of 10 and 17, who are having family difficulties or who run into problems with the law. Public interface is limited primarily to the children living in the home; however staff and residents interact with the community through various programmes and activities in which the children participate. There is some interaction with parents of the children.

Audit Findings: CAYS had a formal ICP. However, this investigation revealed several points requiring clarification and expansion within the CAYS’ ICP. The CAYS Director embraced the suggestions and committed to making the amendments.

Through the course of this investigation, matters relating to confidentiality, proper recordkeeping practices and correspondence were also discussed with the Director. The Director stated that CAYS had not had any complaints through its ICP. As this process had not been fully tested, CAYS had not had an opportunity to assess its effectiveness. The need for additional training of the staff in the ICP was identified. While the frontline staff member at the Frances Bodden Home was well equipped to provide information about the ICP, the Bonaventure Home frontline staff were not able to provide accurate information about the process.

7.6.10. SUMMARY OF MINISTRY’S ICPs

Of the nine entities investigated under this Ministry, CINICO, HSA, DHRS and WRC were found to have effective ICPs. The Ministry itself did not have an ICP, which is maladministration. Four entities, while having been found to have a functioning ICP, had received no complaints through their ICP and therefore the effectiveness of their ICPs could not be determined. Public Health’s formal complaints were found to be referred to the HSA. Only the WRC, CINICO and DHRS were found to have developed an ICP that had incorporated all seven principles of an effective ICP. Suggestions were made to entities that may not have incorporated all seven principles.

The frontline staff of all nine entities were found to be knowledgeable and/or reasonably helpful in providing information to the public regarding making a complaint through their process.

Four of the nine entities, at the time of this investigation, were found to have existing websites; however, only two of those four were found to have included information about their ICP on their websites. Four entities were found to be equipped with a brochure explaining their ICP for the public. All of the nine entities noted reliance on their staff to provide information to the public about their ICPs.

All nine entities were found to be somehow documenting, or demonstrated preparedness to document complaints either electronically or manually.

7.7. Ministry of Education, Training, Employment, Youth, Sports, and Culture

Profile: The Ministry of Education, Training, Employment, Youth, Sports and Culture (“the Ministry”) oversees the operation of a number of government entities which have significant direct interaction with the public through services such as education and employment. The Ministry itself has limited direct public interface, although this Ministry does maintain a significant presence in the media.

Audit Findings: The Ministry had a formal ICP, albeit one that had yet to be fully tested. The Ministry stated that it had not been documenting complaints and therefore there were no records of the number of complaints received. But it noted that all of its complaints had been via telephone and all issues to date had been easily resolved using an informal approach. Indeed, most had been resolved within 48 hours.

The frontline staff interviewed were unaware of the Ministry’s ICP. One frontline staff member, while uncertain of the procedure, attempted to assist the OCC investigator noting that formal complaints could be taken to the OCC. Another more senior frontline staff member believed that all complaints would be handled by Mrs. Angela Martins, the Chief Officer.

The Ministry promised to develop a method of recording and tracking all complaints; establish a secure filing procedure for ICP files; amend the complaint intake form to increase clarity; undertake to ensure that all Ministry staff were made aware of the ICP, at least to a level where they were able to make clear and accurate referrals; and increase public awareness and access to the Ministry’s ICP by including ICP information on its website, as well as developing and making available an ICP brochure.

7.7.1. EDUCATION, DEPARTMENT OF

Profile: The Department of Education (“Education”), supported by academic and administrative facilities, provides primary, secondary and special needs education in the Cayman Islands. It has a considerable public interface as it has direct contact, through both private and public schools, with all school age children and their parents or guardians. The general public and the local business community also have a vested interest in the performance of Education as it can have a direct impact on the economic and social development of the Cayman Islands.

Audit Findings: Education had a formal ICP, albeit only in draft form. The current draft ICP had been first established in September 2007. Once Education has finalized its ICP, it will be presented to the Education Council for perusal and assent. No indication of expected timeline for completion was provided. Following the Education Council approval, the plan was that information on the ICP and the standardized complaint form would be posted on the Education website.

This investigation revealed that while frontline staff were aware of who the designated officer was for receiving complaints, they were not able to provide any information about the actual process followed in addressing complaints.

During the period of 1 February 2008 to 13 May 2008, a total of 19 complaints were registered against Education. Of those, 16 had been resolved as at 31 July 2008. The three outstanding complaints were still being addressed at the time of this audit.

7.7.2. EMPLOYMENT RELATIONS, DEPARTMENT OF

Profile: The Department of Employment Relations (DER) has three primary functions. One is the administration of the Labour Law, which includes, but is not limited to, labour inspections and investigations, enforcement of non-compliance of the Law, and referral of cases to the legal department for prosecution. Another function of DER is to provide job placement services including assisting job seekers in finding employment, assisting employers in finding Caymanians for employment, and liaising with the immigration board on work permit issues. It is also DER’s responsibility to provide labour market information and research.

Audit Findings: DER did not have a functioning ICP at the time of this audit. While it had earlier established a formal ICP which was well conceived, documented and proven to be effective, it failed to reassign a

complaints officer to maintain the process and had reverted to an informal process that failed to adequately process complaints. This was maladministration.

DER was found to be failing to record, monitor and resolve complaints made against it. The OCC was able to identify a specific complaint which was made to DER and found that DER was unable to provide any information regarding actions taken.

DER recognized that it needed to take measures to re-establish its formal ICP and give due consideration to past problems encountered with its process. It also noted that it would be looking at its overall internal processes in order to greatly improve customer service.

Once it re-established a formal ICP, DER promised to include on its website information on how to lodge a complaint, an email address to which complaints may be sent, and also the standard form in both a PDF and word processing format. It intended to provide email complainants with an automatic reply, which would also provide further information on the ICP.

In addition, DER committed to making a number of changes to its procedures in order to better address complaints in a timely and professional manner. All reception staff would receive specific training on how to gather general complaint information and enter that information into a computer database that could not subsequently be altered or deleted. It also committed to equipping all staff with information about the process so that they were able to provide the public with appropriate guidance in making a complaint.

7.7.3. NATIONAL PENSIONS OFFICE

Profile: The National Pensions Office (NPO), in addition to other services, provides supervision of the private sector pensions in the Cayman Islands, including the six multi-employer pension plans. Most of its public interface involves accepting reports (complaints) on employers that have failed to make pension contributions and/or have not deducted pension contributions from salary. Plan members also often complain to the NPO about the actions of the pension plan administrators and their restricting access to pension monies.

Audit Findings: The NPO had a formal ICP. Brochures were available at the NPO's front office and additional information was contained on the

NPO website. The ICP was documented; the NPO had a standardized complaint form as well as a recordkeeping process for complaints.

While the NPO had an ICP that appeared to be well thought out and staff members were equipped to provide ample direction to those wishing to make a complaint, the NPO had not yet received a complaint through its ICP.

Due to the nature of the NPO business, staff members were experienced in recognizing and receiving complaints and therefore were well aware of how to provide assistance to persons making complaints. However, the Superintendent recognized as a result of this investigation that there was some need to provide additional training for reception staff. He appreciated the need for periodic training of all staff to ensure they were kept current with all aspects of NPO work including the ICP.

7.7.4. EDUCATIONAL STANDARDS AND ASSESSMENT UNIT (FORMERLY SCHOOL'S INSPECTORATE)

Profile: The Educational Standards and Assessment Unit (ESAU) is responsible for evaluating and assessing the professional standards for all the private and public schools in the Cayman Islands. The ESAU has public interface with school personnel, students, parents as well as the general public through its public reports.

Audit Findings: The ESAU had a formal ICP, which was accessible to the public. A brochure could be collected from the receptionist that outlined the ICP and the ESAU also published information about the ICP in the staff handbook. However, its website needed updating in order to reflect the ICP.

The ESAU receptionist was fully aware of the ICP and was responsible for taking initial details of complaints. Once they had been received, the receptionist then referred the complaints to either the Director or Deputy Director. In practice, the Deputy Director pointed out that most complaints went directly to the 'lead officer' in relation to any specific evaluation being conducted.

This investigation revealed a number of actions that should be taken by the ESAU in order to improve its ICP. As well as posting information about the ICP online, the ESAU promised to amend the ICP form to include a statement about confidentiality and set up a filing system to maintain secure ICP records.

7.7.5. YOUTH SERVICES UNIT

Profile: The Youth Services Unit (YSU) has a considerable public interface through various outreach programmes as well as through monitoring various other government-funded youth programmes. Its contact is primarily with young people and their parents/guardians as well as various community groups.

Audit Findings: The YSU had a formal ICP. The frontline staff were aware of the YSU's ICP and appropriately referred the OCC investigator to the Head of Unit, Ms. Katherine Whittaker. However, while at the time of this investigation the YSU had a documented ICP, it was in the very earliest stages of completion. The OCC made a number of suggestions for improvement that were subsequently implemented by the YSU.

7.7.6. SPORTS, DEPARTMENT OF

Profile: The Department of Sports ("the Department") provides community, school and national sporting programmes for the Cayman Islands. In providing these programmes, the Department works with many private and governmental organizations. Some of these organizations include the Cancer Society, the Cayman Islands Marathon, the Ministry of Health and the Ministry of Tourism. The staff of the Department is in daily contact with many members of the public including sport participants, teachers, parents, other coaches and general spectators. Much of the Department's work consists of the provision of coaching, teaching and touring with national and club teams. The types of complaints that are eventually passed through the ICP can include issues relating to the conduct of National Coaches and other staff, the availability and general condition of the government sports facilities, and complaints about the registration policies or programme availability.

Audit Findings: The Department had a formal ICP which, while tested in only a small number of cases, appeared to be functioning well. The Department had made information about its ICP readily available in the form of a brochure and the staff were familiar with the process and able to assist the public with making a formal complaint. The Department expressed a willingness to make any adjustments to the ICP should the need present itself. It also said it had plans to include information about the ICP on its website.

7.7.7. SUNRISE ADULT TRAINING CENTRE

Profile: The Sunrise Adult Training Centre (“Sunrise”) provides a non-residential environment for adults with mental and physical disabilities to develop the skills they need to function in the community as independently as possible.

Audit Findings: Sunrise had a formal ICP, although a lack of complaints meant it had not yet been fully tested. Frontline staff were well aware of the ICP and were equipped to provide appropriate information and direction.

But the ICP was not sufficiently accessible: Sunrise did not have a website and nor had it published a brochure to explain the ICP. Sunrise was urged to resolve these issues and was also reminded to closely monitor the ICP, in the event of a complaint, to ensure that it functioned properly.

7.7.8. PUBLIC LIBRARIES

Profile: Through its full service library located in George Town and four branch libraries in East End, North Side, Bodden Town and Stake Bay (Cayman Brac), the Cayman Public Library (“the Library”) provides services to both individual and institution members in the form of programmes and reading materials in many formats. Library services are available to the general public in Grand Cayman, Little Cayman and Cayman Brac. The Library provides a Books-by-Mail service to the residents of Little Cayman.

Audit Findings: The Library had a formal ICP, but an ineffective way of recording complaints. Although not detailed, there was a documented procedure for lodging complaints.

Many complaints resulted from the public not understanding Library policies. The Library planned to improve public awareness of the services and functions it provides, including the development of a website that would carry ICP information. The Library pledged to conduct workshops with staff to assess the complaints received and use these workshops to examine how it could utilize this information to better serve its clients. It would also capitalize on these opportunities by providing additional staff training on the ICP.

7.7.9. UNIVERSITY COLLEGE OF THE CAYMAN ISLANDS

Profile: The University College of the Cayman Islands (UCCI) provides post secondary education to both local and some international students. Students range from high school leavers to adults. The University also has contact with the general public through the use of its facilities for public and private functions, including churches, sporting events, community social events, external examinations and other various training sessions for both government and the private sector. Complaints from students could include complaints about grades, schedules, tuition, admission, transfer of educational credits and problems with faculty. Complaints from the public and other groups using the facilities could include complaints about the facilities, the timeliness of facilities being unlocked, scheduling conflicts, lack of proper climate control, among many others.

Audit Findings: While UCCI had a well structured and effective redress for student's complaints about grades, there was not a formal ICP to address any other complaints. UCCI had an informal ICP, whereby all complaints were made to the President and he delegated investigation of the issues to either the Provost or the Dean.

While the informal process was not documented and no records of complaints were kept, the Provost noted that overall the informal approach had been working well. He noted that normally if the issue could be resolved right away then UCCI would do so, but if it required more time to investigate the matter, the person would be contacted to confirm that UCCI had received the complaint and it would let them know that it was addressing the issue. If a student made a complaint, any documentation regarding that complaint was kept on their file.

The Provost committed to taking action to establish a formal ICP. It must be noted that while the greater majority of government entities referenced in this report had been contacted and coached on developing a formal ICP between 2005 and 2008, UCCI had not been contacted by this office until this investigation.

7.7.10. CAYMAN ISLANDS NATIONAL MUSEUM

Profile: The Cayman Islands National Museum (CINM) engages in the preservation, research and dissemination of all aspects of Caymanian heritage. Interaction with the public is by way of guided tours at the museum and the gift shop. Complaints could include issues such as a failure to maintain posted open hours, a failure to adequately safeguard

historical items in CINM's care, or rude or otherwise unprofessional behaviour by staff.

Audit Findings: CINM had a formal ICP, but it was untested given that no complaints had been lodged through it. While a documented ICP, as well as a standardized complaint form, were provided during a subsequent interview, frontline staff at CINM were not aware of the ICP and could only direct that complaints were to be submitted in writing to the Director. This investigation revealed that there was no information available to the public about CINM's ICP. The OCC suggested that CINM make available some form of printed information about its ICP either in the museum or in the gift shop. It was also encouraged to include the ICP information and complaint form on its website.

7.7.11. CAYMAN NATIONAL CULTURAL FOUNDATION

Profile: The Cayman National Cultural Foundation (CNCF) exists to facilitate the preservation and exploration of Caymanian performing, visual and literary arts. The Foundation provides artistic grants, manages the F.J. Harquail Cultural Centre, including rental and its box office, makes annual awards, engages in documentation and preservation of Caymanian artifacts as well as provides free professional guidance on various artistic disciplines. CNCF also produces theatrical shows and festivals, publishes literature, maintains a library and hosts a summer arts camp.

Audit Findings: CNCF had a formal ICP. A clearly visible sign was located in the reception area instructing members of the public on how to register a complaint. The receptionist was also well equipped to provide information on how complaints were to be lodged. CNCF said it planned to add information about the ICP to its forthcoming website.

CNCF had not yet received a complaint using its ICP, meaning that the process remained untested. However, in consideration of the core principles of an effective ICP, it was determined that CNCF considered the seven principles of an effective ICP through its development process and that it is well positioned to effectively process complaints through its ICP.

7.7.12. NATIONAL GALLERY

Profile: The National Gallery (NG) works with local and international artists, members of the gallery and the general public to advance exposure and appreciation of art. It has a retail operation (small gift shop), gallery,

educational classes and assists other government organizations in the advancement of cultural awareness for the Cayman Islands. Complaints could include issues such as a failure to make programmes open to all interested persons, a failure to provide a response, bias, a failure to adequately protect works of art from being damaged, or undue discriminatory practices.

Audit Findings: The NG had a formal ICP. However, while it had produced a complaint form and what it considered a complaint procedure, it recognized that a number of essential components were missing from both its ICP and complaint form. The NG undertook to rework the ICP and was encouraged to take the seven core principles into consideration when completing this task.

This investigation also revealed that while the NG staff in general required training in order to become familiar with the ICP, particular attention would need to be given to ensure that temporary and volunteer NG workers were also made aware of the ICP. The NG agreed that the benefits of having a formal ICP were considerable and therefore committed to reworking its ICP using documentation and feedback from the OCC. It also committed to including ICP information on its website.

7.7.13. SUMMARY OF MINISTRY'S ICPs

Of the 12 entities investigated under this Ministry, only two – the Department of Education and the Sports Office – were found to have effective ICPs. Nine entities, while having been found to have a functioning ICP, said they had not received any complaints through their ICP and therefore the effectiveness of the ICPs could not be determined.

The NPO, ESAU, Sports Office and CNCF were found to have developed ICPs that incorporated all seven principles of an effective ICP. Nine entities were found to have formal ICPs and the other three were found to have informal ICPs. The DER had abandoned a well structured ICP. This was maladministration.

The frontline staff members of the DER, CINM and NG were found not to be knowledgeable about their ICPs. The other nine entities were found to be knowledgeable and/or reasonably helpful in providing information to the public regarding making a complaint through their process.

Nine entities, at the time of this investigation, had websites; however, only one, the NPO, was found to have included information about its ICP on its

website. Three entities were found to be equipped with a brochure for the public that explained their ICP.

Eleven of the entities were found to be somehow documenting, or demonstrated preparedness to document, complaints either electronically or manually, the exception being the NG.

7.8. Ministry of Communications, Works and Infrastructure

Profile: The Ministry of Communications, Works and Infrastructure (“the Ministry”) is responsible for the oversight of 12 departments. These departments include Recreation, Parks and Cemeteries Unit; Radio Cayman; Office of Telecommunications; Vehicle Licensing; Postal Services; National Roads Authority; Water Authority; Environmental Health; Public Works; Electricity Regulatory Authority; Information, Communication and Technology Authority; and Vehicle and Equipment Services.

Audit Findings: The Ministry had a formal ICP. Front office staff members were familiar with it and stated that all complaints would be referred to either a Liaison Officer or to the Assistant Chief Officer. The Ministry provided evidence of having received four complaints between January 2008 and July 2008. Of those, the Ministry had resolved three, with one pending, at the time of the audit.

The ICP had not been fully implemented but the Ministry had communicated information about it to staff and department heads. And while each department under the Ministry had adopted different ICPs, plans were underway to develop uniformity throughout all the complaints procedures.

The recordkeeping process at the Ministry was found to be satisfactory, although the Ministry said it planned to improve the system to allow for more accurate monitoring of complaints. It also planned to improve the intake procedure and introduce a new complaint intake form in order to promote greater efficiency. Once the Ministry had completed updating its ICP, it would be including it on its website. It would also be making printed ICP information available at the front offices of various departments that come under its supervision.

7.8.1. PUBLIC WORKS DEPARTMENT

Profile: The Public Works Department (PWD) provides building design, construction and maintenance services to government buildings and other government structures throughout the Cayman Islands. It is responsible for hurricane preparedness strategies, including shuttering of all government buildings as well as the maintenance of hurricane shelters. PWD has very little interaction with the general public, dealing mostly with government agencies. Complaints could include issues such as reckless or dangerous driving of PWD vehicles, a failure to take ample precautions to protect the public safety, rude or otherwise inappropriate behavior of staff, or a failure to provide a response.

Audit Findings: The PWD had a formal ICP. Any complaints or enquiries were immediately transferred to the help desk, which in turn passed complaints to the HR Manager for further action. The PWD stated that it had received one complaint through its ICP. However, this complaint actually related to another entity and was therefore forwarded accordingly. While this complaint was received through the ICP, it could not be said that the ICP had been fully tested. The PWD had taken steps to ensure that all staff are aware of the ICP. All staff received information about the ICP via an information sheet that was included in their pay slip envelopes. ICP information was also placed in a shared folder on the department's computer network.

PWD promised to post ICP information on its forthcoming website. In addition, it committed to producing a physical brochure containing ICP details and a complaints form that could be provided to complainants.

7.8.2. CAYMAN ISLANDS POSTAL SERVICE

Profile: The Cayman Islands Postal Service (CIPS) has one of the most substantial public interfaces within government. It has 15 post offices and two postal 'agencies' (within house) across all three islands, through which mail and parcels are sent, received and distributed. In addition, the logistics of mail transportation worldwide extend beyond the CIPS and the Cayman Islands to include various airline companies and the postal administrations of every country in the world.

Audit Findings: The CIPS had an informal ICP. Frontline staff were aware of the steps to be taken for handling complaints. Complaints were first to be handled by the receiving officer at whichever postal facility the customer made the complaint, and if the matter could not be resolved it would then be referred to the Complaints Officer or the Customer Care

Officer. The most serious complaints were referred to the senior management team or the Postmaster General. The Postmaster General noted that the CIPS would be moving toward formalizing the CIPS' complaints process, and once this was completed it would be posting the ICP on its website.

While more serious complaints were being recorded by the CIPS, minor complaints were not. However, the CIPS was considering establishing an electronic complaints handling database in order to better capture all complaints. This system would allow the CIPS to identify patterns emerging in relation to procedures or individual staff members. This new system was envisioned to help the CIPS continue movement toward best practice. Through the course of establishing this system, the CIPS would establish a formal ICP with applicable supporting documentation and forms.

7.8.3. VEHICLE AND DRIVERS' LICENSING, DEPARTMENT OF

Profile: The Department of Vehicle and Drivers' Licensing (DVDL) provides the services of issuing and renewal of drivers' licenses and the inspection and registration of vehicles. The DVDL also engages in public education programmes through press releases and other media.

Audit Findings: The DVDL had a formal ICP. Frontline staff were aware of the ICP and were equipped to make the appropriate referral to the designated officer. Yet while there was a formal ICP, the DVDL did not have a standardized complaint form.

The DVDL received two formal complaints in 2007, both of which were resolved. However, it had not received any complaints since implementing its formal ICP, making it impossible to determine if the current ICP was effective. The DVDL had conducted staff training on how to appropriately deal with members of the public. Once a quarter, a staff meeting was held which stressed the importance of providing good customer service. The DVDL said it planned to add information about the ICP and the standardized complaints form on its new website.

7.8.4. RADIO CAYMAN

Profile: Radio Cayman offers 24-hour broadcast services to the Cayman Islands. Broadcasts include, but are not limited to, coverage of national

events; local, regional and international newscasts; as well as a local radio talk show.

Audit Findings: Radio Cayman had an informal ICP. It had received three complaints between January 2008 and June 2008, all of which were resolved within two working days.

The Director of Radio Cayman stated that she was seeking to develop a formal ICP that would complement the informal process already in place. The OCC investigator provided Radio Cayman with a number of suggestions for improving its ICP and which would help it maintain the informal components it values. Radio Cayman was also encouraged to make its ICP, once formalized, available on its website.

7.8.5. ENVIRONMENTAL HEALTH, DEPARTMENT OF

Profile: The Department of Environmental Health (DEH) has responsibility for a number of different areas related to environmental health issues, including recycling, water testing and inspections of restaurants, as well as inspecting various other properties to ensure that conditions are in keeping with good health practices. However, the area of responsibility with potentially the greatest public interface is through the collection and disposal of refuse.

Audit Findings: DEH had an effective formal ICP. The frontline staff were well aware of the ICP and were equipped to provide relevant information and referral to the Complaints Officer. The Complaints Officer noted that the greater majority of complaints were received by telephone and were typically resolved immediately. While little documentation was generated from telephone complaints, all cases were recorded onto a database. The Complaints Officer noted that over a three-month period, DEH could receive upwards of 1,500 complaints, most of which were very low-level complaints.

On 4 August 2008, the DEH took an exemplary step to educate the community about its ICP by having a news article about its ICP, which also introduced their Complaints Officer, in the *Caymanian Compass*.

7.8.6. WATER AUTHORITY

Profile: The Water Authority of the Cayman Islands (WAC) provides water to customers in Grand Cayman and Cayman Brac as well as sewerage services to George Town. It also serves to protect and manage water resources by regulating abstraction and disposal wells, excavation of

canals and quarries, and development control relating to wastewater and groundwater.

Audit Findings: WAC had a formal ICP. Frontline staff were aware of the process for receiving complaints and referrals were made appropriately. WAC had a documented ICP and complaint forms were available on its website.

WAC noted that it would be implementing an ICP review procedure, whereby on a regular basis (either quarterly or semi-annually) an internal review team would look at all complaints received in order to identify trends, adherence to policies, efficiencies to be gained by policy change and any other improvements that could be made. Once the review procedure was established, WAC planned to publish details of review on a semi-annual basis. WAC noted its commitment to meeting customers' expectations and continuing to improve on its quality of service.

WAC also noted that it would send a survey to each customer who reports a complaint in order to ascertain how the customer felt about the service received, whether he/she was satisfied with the answer to the complaint, how fast and how well it was handled, and any other comments they would like to make. WAC also envisioned that this survey would help it monitor and improve its handling of complaints.

WAC had committed to resolving complaints within three days; however, the majority of complaints were being resolved within 24 hours. It provided evidence of having received 36 complaints in the month of June 2008, all of which were resolved by the end of July 2008.

WAC was found to have an effective ICP. In consideration of the core principles of an effective ICP, it was determined that the WAC's ICP encompassed the seven core principles of an effective ICP.

7.8.7. NATIONAL ROADS AUTHORITY

Profile: The National Roads Authority (NRA) provides services to the general public by way of road construction, road repairs, road sign placement and repair including street name signs. It also manages the installation and operation of all street lights. Many of the complaints received by the NRA on a daily basis consist of reports of signs that may have been knocked down or damaged and need to be fixed or replaced and reports of pot holes in the roads. Other complaints may be made regarding the conduct of road crews, proper notification of the public regarding diversions and warnings of work being carried out on the roads. More

serious complaints can include encroachment issues and other issues stemming from the construction of new roads.

Audit Findings: The NRA had a formal ICP. However, it had not yet been fully implemented. It did not have a standard form for receiving complaints and frontline staff members were not fully aware of the NRA's ICP. The primary point of contact for the NRA, its receptionist, knew nothing of an ICP. She was very quick to refer the OCC investigator to the OCC for any complaints against the NRA.

The NRA management recognized as a result of this investigation that while its current process of receiving general complaints from the public had significantly improved since the introduction of the 'Cartegraph' computerized tracking system, they must continue to put into active use the rest of the formal ICP in order to better address all complaints.

In the month of May 2008, the NRA logged 20 complaints through its new Cartegraph work tracking software. While this new software program was part of the NRA's overall effort to improve customer service and would be part of its ICP, these complaints were generally considered relatively minor in nature and were normally resolved very quickly through the NRA's work order system. Of those 20 complaints, 18 were addressed and resolved within an average of seven days from receipt. The other two were addressed and scheduled for further action by the NRA.

While the NRA staff, overall, lacked awareness regarding their ICP, the NRA managers felt that the NRA was doing a reasonable job addressing complaints as they arose. However, they also saw the need to better implement the ICP and conduct staff training to better manage complaints.

7.8.8. ELECTRICITY REGULATORY AUTHORITY

Profile: The Electricity Regulatory Authority (ERA) regulates the electricity providers for the Cayman Islands. Currently, that consists of Caribbean Utilities Co (CUC) and Cayman Brac Power and Light Ltd (CBPL). However, CBPL is not subject to the ERA Law 2008, and the only regulation that the ERA is able to enforce against CBPL is under the Operating Licence granted to it by the Cayman Islands Government in 2003. The ERA has no public interface except via its website (currently under construction) and news articles in the local media.

Audit Findings: The ERA had a formal ICP. However, while the ERA was established in May 2005, it had only come into meaningful existence shortly before this audit and had received no formal complaints. It was

anticipated that as public awareness of the ERA increased, so too would the need for an ICP.

The OCC identified and discussed a number of ways that the ERA could improve its ICP. The suggestions included changing the ICP to include information on where a complainant could go if he/she was still dissatisfied with the result achieved through the ERA's ICP, a timeframe for resolving complaints, and a statement of confidentiality. The suggestions also included the posting of ICP information on the ERA's newly-constructed website and the development of a standardized complaints form.

The ERA's Managing Director, Mr. Philip Thomas, acknowledged the need to put in place meaningful procedures, including accepting the above suggestions.

7.8.9. CINEMATOGRAPHIC AUTHORITY

Profile: The Cinematographic Authority (CA) operates as a board within the Ministry of Communication, Works and Infrastructure ("the Ministry"). It has very little public interface.

Audit Findings: As the CA operates as a board under the Ministry, all complaints against it were processed through the Ministry's ICP. For further information about the Ministry's ICP, please see the summary under the Ministry of Communication, Works and Infrastructure.

7.8.10. INFORMATION AND COMMUNICATIONS TECHNOLOGY AUTHORITY

Profile: The Information and Communications Technology Authority (ICTA) is responsible for the regulation and licensing of telecommunications, broadcasting and all forms of radio which includes ship, aircraft, mobile and amateur radio operated in the Cayman Islands. The ICTA conducts the administration and management of the .ky domain, and also has a number of responsibilities under the Electronic Transactions Law 2000. The ICTA has no direct dealings with the public. Its primary interaction is with major licensees (broadcasting/telecom) and minor licensees (ships/aircraft). Thus, if members of the public have problems with a licensee, under the ICTA Law (2006 R) the ICTA acts as an adjudicator with an appeals process to the judiciary.

Audit Findings: The ICTA had a formal ICP as laid down in the ICTA Law. Frontline staff were well aware of the ICTA's ICP and were equipped to make appropriate referrals. The ICTA had not received any complaints directed against it over the six years it had been in existence, meaning that its ICP had not been fully tested. However, the ICTA did have considerable experience receiving and addressing complaints regarding third party entities in respect of which ICTA had a regulatory function.

7.8.11. SUMMARY OF MINISTRY'S ICPs

Of the 10 entities investigated under this Ministry, WAC and DEH were found to have effective ICPs. Seven of these entities, while having been found to have a functioning ICP, had received no complaints through their ICP and therefore the effectiveness of their ICPs could not be determined. The CA's ICP was found to be handled through the Ministry.

Only the PWD, WAC, and ICTA were found to have developed an ICP that had incorporated all seven principles of an effective ICP. Suggestions were made to entities that may not have incorporated all seven principles.

Eight of the entities were found to have formal ICPs and two were found to have informal ICPs.

The frontline staff of the NRA were not knowledgeable about their ICP. The other nine entities under this Ministry were found to be knowledgeable and/or reasonably helpful in providing information to the public regarding making a complaint through their process.

Seven of the nine entities, at the time of this investigation, were found to have existing websites; however, only the ICTA, ERA, WAC and DEH were found to have included information about their ICP on their websites. None of the entities under this Ministry were found to have brochures explaining their ICP for the public. All of the entities noted primary reliance for the provision of ICP information to be with their staff.

Nine entities were found to be somehow documenting, or demonstrated preparedness to document, complaints either electronically or manually. The ERA was found not to have method for recording complaints in place.

7.9. Ministry of Tourism, Environment, Investment and Commerce

Profile: The Ministry of Tourism, Environment, Investment and Commerce (“the Ministry”) is responsible for overseeing the work of the Department of Tourism, Department of Environment, Investment Bureau, Development Bank, Cayman Airways, Port Authority, Airports Authority and all CI government attractions including Boatswain’s Beach (Turtle Farm) and Pedro Castle.

Audit Findings: The Ministry had a formal ICP. While its receptionist was not aware of the ICP, she was able to provide appropriate information as to who within the Ministry could assist in receiving and addressing complaints. Due to the lack of complaints being made directly to the Ministry, its ICP had not yet been fully tested. However, the Ministry had produced a carefully considered, formal ICP.

Through the course of this investigation, the Ministry recognized the need to make information about its ICP more readily available to the public and therefore committed to including ICP information on its website as well as making a brochure explaining the ICP available at its reception desk.

7.9.1. TOURISM, DEPARTMENT OF

Profile: The Department of Tourism (DOT) is responsible for the marketing and promotion of the Cayman Islands as a tourist destination. It has considerable interaction with external tourism partners such as hotels, water sports operators, land attraction operators and restaurants. While the department has a limited direct interaction with the public and tourists, it does have a significant interaction through its marketing programmes.

Audit Findings: The DOT did not have an ICP. While it had a formal complaints process for receiving and addressing complaints about outside tourism service and product providers, the process did not cater to complaints against the DOT. The DOT recognized, as a result of this investigation, the need to develop an ICP that specifically addressed complaints against the DOT. It was maladministration to not have an ICP. The OCC reviewed with the DOT the process of developing an ICP and provided guidance and supporting documentation for the DOT to consider as it moves forward in developing its ICP.

The DOT embraced the recommendation and guidance from the OCC and committed to taking the necessary steps to ensure that it was better

equipped to receive and address complaints. It also committed to ensuring that information about its ICP was made readily available to the public and that all DOT staff would be appropriately trained to provide guidance to persons wishing to make a complaint.

7.9.2. CAYMAN ISLANDS INVESTMENT BUREAU

Profile: The Cayman Islands Investment Bureau (CIIB) provides consultation, liaison and coordination services to Cayman businesses, as well as potential investors in the Cayman Islands. It also provides information on investment marketing by way of materials and workshops.

Audit Findings: The CIIB had a formal ICP. However, while frontline staff were aware of the ICP, they were not aware of the standardized complaint form. No complaints had been lodged using the ICP, therefore it was not fully tested. However, the ICP appeared to have the capacity to work well.

The CIIB had established other internal processes such as the periodic peer review, which effectively addressed potential problems before they became complaints. The CIIB had embraced and committed to continued improvements to its ICP by including information about the ICP on its website; maintaining diligence in monitoring the effectiveness of the process once it was able to fully test it and make any changes needed to ensure optimal performance; and ensuring that all employees were kept aware of the ICP and its operation through regular staff meetings.

7.9.3. NATIONAL METEOROLOGICAL SERVICE OF THE CAYMAN ISLANDS

Profile: The National Meteorological Service of the Cayman Islands ("the Met Office"), under the administration of the Cayman Islands Airports Authority (CIAA), is responsible for monitoring meteorological events and provision of meteorological information. The unit also plays a key role in Cayman's hurricane preparedness and mitigation efforts. The weather service operates from the General Aviation Terminal at the Owen Roberts International Airport.

Audit Findings: The Met Office had a formal ICP. While one of the Met Office's Weather Observers informed the OCC investigator that all complaints should be submitted in writing to the Director, he was unaware of the formal ICP. No formal complaints had been received by the Met Office using its ICP, and therefore it had not been fully tested.

The OCC suggested that the Met Office took steps to equip all staff members with information about the ICP and ensure that they were able to provide clear assistance to any person wishing to make a complaint. In a subsequent conversation with the OCC, the Director noted that he would be investigating the possibility of having complaints against the Met Office handled through the CIAA. However, he recognized the need, regardless of what process was decided on, for all staff to be familiarized with the ICP.

7.9.4. ENVIRONMENT, DEPARTMENT OF

Profile: The Department of Environment (DOE) is divided into four sections: Research & Assessment, Operations, Enforcement and Administration. The Research and Assessment section plans and implements research and monitoring of the environment and natural resources of the Cayman Islands. It is also responsible for assessing activities occurring in the Cayman Islands for possible environmental impacts, and recommending ways that these impacts can be avoided, minimized or mitigated. The Operations section maintains the Department's boats, vehicles, and field equipment, along with the Marine Parks markers, signs and regulatory buoys, as well as the hundreds of permanent moorings for recreational vessels. The operations team also deals with emergency situations, responding to environmentally hazardous situations such as oil spills. The Enforcement section staff police the island and especially the protected areas to ensure compliance with the Marine Conservation Law. They also provide information to the public regarding the proper use of our Marine Parks and other natural resources. The Administration section provides administrative, financial management and human resource management support to the Director and all staff.

Audit Findings: The DOE had a formal ICP. The frontline staff were fully aware of the ICP and were well equipped to provide assistance to persons interested in logging complaints. However, this investigation revealed that non-frontline staff were not aware of the DOE's ICP. The DOE committed to ensuring that all staff were familiarized with the ICP so that they were able to properly direct the public in making complaints. It also recognized the need to provide information about the ICP through its website.

It was noted through this investigation that the ICP did not identify the designated officers who should receive and process complaints and therefore the DOE also committed to updating its ICP to include this information.

7.9.5. PORT AUTHORITY

Profile: The Port Authority (“the Port”) manages and maintains the only seaport through which goods are transported to and from the Cayman Islands. It is responsible for offloading and transporting goods to the warehousing and distribution center in Industrial Park. It also rents retail spaces at the Royal Watler Cruise Ship Terminal. It interacts with cruise ship passengers, and manages taxis and bus drivers at the terminal.

Audit Findings: The Port had a formal ICP. Frontline staff were fully aware of the ICP and documentation was readily available at the reception desk. The Port also provided evidence of a systematic method of recording and monitoring complaints. During the period of January 2008 to May 2008, the Port received four complaints; three were resolved within one week of receipt, and the fourth remained under investigation at the time of this audit.

The Port’s ICP was found to have encompassed the seven core principles of an effective ICP. Information about the ICP was easily accessible and complaints were being resolved within a reasonable timeframe. Complaints were also being recorded and appropriately monitored.

The Port recognized that one of the challenges with its ICP was recognizing when an issue turned from a regular daily Port issue into what should be classified as a complaint. It was also in the process of reorganizing the structure of the ICP so that it was more streamlined. The new system would have one person responsible for receiving and processing complaints and managers being consulted for the purpose of conducting the investigations. In addition, the Port’s new website would include ICP information and guidance for lodging a complaint.

7.9.6. CAYMAN ISLANDS AIRPORT AUTHORITY

Profile: The Cayman Islands Airport Authority (CIAA) provides airport services and is responsible for the maintenance of the airport facilities, porter services and baggage checks. In addition to securing the premises and its users, it is also responsible for supervising the free flow of vehicular traffic, air-traffic control, airline traffic on the runway, and of persons on and off the aircrafts. The primary means by which CIAA interacts with the public is through the provision of airport security.

Audit Findings: The CIAA had a formal ICP. However, frontline staff were unaware of it and could only refer the OCC investigator to the CEO for information on lodging a complaint.

Upon closer investigation, the OCC investigator noted that the formal ICP which the CIAA provided to the OCC and instituted in April 2008 had fallen into disuse. However, it should be noted that since the implementation of this ICP, the CIAA had undergone a leadership change and staff had been instructed to have all complaints put in writing and submitted to the CEO. As a result of this investigation, the new CEO recognized the need for, and committed to, taking steps to revisit the ICP and ensure that all staff members, in particular front office staff, were trained to provide clear and helpful information regarding CIAA's ICP.

7.9.7. CAYMAN ISLANDS DEVELOPMENT BANK

Profile: The Cayman Islands Development Bank (CIDB) is aimed at aiding Caymanians through its loan offerings for homes, small businesses and human resource development.

Audit Findings: The CIDB had a formal ICP. However, it had not, at the time of this investigation, been formally approved by the CIDB Board. The CIDB noted that once the final document had been approved, steps would be taken to ensure that clients were made aware that the ICP was in operation. Brochures would be placed in the reception area and training for all frontline staff would be conducted to ensure that customers could be appropriately directed when making a complaint. No complaints had been received using an ICP and therefore it could not be considered fully tested.

7.9.8. BOATSWAIN'S BEACH (CAYMAN TURTLE FARM LTD)

Profile: Boatswain's Beach (BB) is a tourist/leisure facility accessed by the general public on payment of entry fee. It offers a broad range of facilities including a swimming pool and lagoon, cafes, shops and an aviary; it also conducts endangered species research and manages the turtle farm.

Audit Findings: BB had a formal ICP. While frontline staff understood the need to refer complaints to management, they were not aware of the ICP. The BB Managing Director noted that the ICP was currently very new and as such had not been fully implemented. However, he also noted that with the introduction of a new electronic monitoring system in September 2008, management would be better equipped to receive and resolve complaints more effectively.

The Managing Director noted that BB would be including information about its ICP on its website and would also be working diligently to ensure that all frontline staff were well equipped to provide the public with information about the ICP. He also noted that BB conducted regular customer surveys in order to continually improve customer service. BB would also have at least one senior staff member available on weekends to deal with any issues that may come up, including complaints.

This investigation revealed that BB did not have a formal recording system for complaints. The Managing Director recognized the need for improvement of recordkeeping practices and noted that these issues would be addressed. The OCC also suggested that in addition to posting ICP information on the website, BB needed a suitably worded document prominently displayed within the entrance lobby outlining the ICP policy and who to contact. The BB management committed to taking steps to further improve customer service including the establishment of an effective electronic complaints management system.

7.9.9. CAYMAN AIRWAYS

Profile: Cayman Airways Ltd (CAL) provides air travel and cargo services to and from all three of the Cayman Islands. As such, it has considerable interaction with local and international customers including individuals, companies, government, travel agents and other air service providers as well as companies that provide services and supplies to the airline. Complaints could include issues such as customers being overcharged for tickets, a failure to properly track points in the frequent flier programme, rude or otherwise inappropriate behavior by CAL employees, a failure to deliver cargo, damage to cargo, cancellation of flights or losing passengers' booking.

Audit Findings: CAL had an informal ICP. CAL's current process for addressing customer complaints was inconsistent with the process described in CAL's formal documented ICP. When interviewed, CAL's Customer Care Manager, who is responsible for implementing the ICP, was unaware of CAL's documented ICP. (The Customer Care Manager was operating an informal but structured ICP.) Similarly, the receptionist at CAL headquarters was unaware of the ICP, although she did make an immediate referral to the Customer Care Manager.

There were standard customer care forms used to deal with complaints and all complaints were being recorded and monitored. There was no documented information available to customers regarding the ICP.

Because the process being used by the Customer Care Manager was not documented, customers were being provided information about the process verbally by the Customer Care Manager at the time they made their complaint.

OCC investigators were informed that CAL planned to implement the use of new computer software to better record and monitor complaints. But no solid evidence was available to satisfy investigators that this upgrade would be realized in the near future.

In order to rectify the current issues with its ICP, CAL must clarify which process it was going to follow and ensure that all staff are provided with appropriate guidance and training to facilitate a timely and effective transition to the formal ICP.

7.9.10. SUMMARY OF MINISTRY'S ICPs

Of the nine entities investigated under this Ministry, the Port Authority was found to have an effective ICP. CAL was found to have a functioning informal ICP but had failed to implement its formal ICP. Five of these entities, while having been found to have a functioning ICP, had received no complaints through their ICP and therefore the effectiveness of their ICPs could not be determined. The DOE had received one complaint using their ICP but was in process investigating the complaint; therefore the effectiveness of their ICP could also not be determined. The DOT was found to not have an ICP. This was maladministration.

Only the DOE, Port Authority and CIDB were found to have developed an ICP that had incorporated all seven principles of an effective ICP. Suggestions were made to entities that may not have incorporated all seven principles.

Seven of the entities were found to have formal ICPs and one was found to have an informal ICP.

The frontline staff of the DOT and BB were found not to be knowledgeable about their ICPs. The other seven entities under this Ministry were found to be knowledgeable and/or reasonably helpful in providing information to the public regarding making a complaint through their process.

Eight of the nine entities, at the time of this investigation, were found to have existing websites; however, only CAL was found to have included information about its ICP on its website. Two of the entities under this

Ministry were found to have brochures explaining their ICP for the public and one was found to have a newsletter which provided information to the public about its website.

Eight entities were found to be somehow documenting, or demonstrated preparedness to document, complaints either electronically or manually. BB was found not to have method for recording complaints in place.

7.10. Cabinet Office

Audit Findings: It must be noted that while the greater majority of government entities referenced in this report have been contacted and coached on developing a formal ICP over the past three years, the Cabinet Office was not contacted by this office until this investigation. Regrettably, the officer responsible for addressing complaints within the Cabinet Office was not available to meet with this Office prior to the completion of this report. While the Cabinet Office presented the OCC with a documented ICP, we were unable to confirm whether it has been effective.

7.10.1. GOVERNMENT INFORMATION SERVICES (GIS)

Profile: Government Information Services (GIS) is primarily responsible for public relations for the government. In this role, GIS has a significant public interface. Most inquiries and complaints come to GIS via telephone. But GIS is also prepared to address inquiries and complaints through any other method of contact the public may choose.

Audit Findings: GIS had a formal ICP in place. Many of the complaints received by GIS were informal and dealt with immediately over the telephone with no follow-up or investigation required. Other complaints which required more investigation were received by the Chief Information Officer, who assessed the complaint and assigned it for investigation to an appropriate staff member. Over the previous year, GIS received 15 complaints, which were all resolved within a 24-hour period.

The OCC recognized that GIS had a robust ICP in place and that its staff were well aware of how to handle complaints. GIS was in the process of developing a website at the time of the audit and planned to include information about its ICP. GIS was able to satisfy the OCC that its ICP had been effective. In consideration of the core principles of an effective ICP, it was determined that GIS had incorporated all seven principles of an effective ICP into its process.

7.10.2. COMPUTER SERVICES

Profile: Computer Services is a shared service department providing information technology (IT) and consulting services to government departments and agencies. Given the nature of the service provided – technical support – Computer Services already has a sophisticated process which is designed specifically for receiving complaints regarding all types of computer service issues.

Audit Findings: While Computer Services had a formal ICP, it had not yet been fully tested. However, given the effectiveness in which this department addressed technical issues through its computerized tracking system and Help Desk, it was reasonable to assume that few complaints would require a more formalized process. If they should, the department seemed to be prepared to address those complaints with its formal ICP.

While all staff were aware of the process involved in making a complaint regarding technical support, frontline staff were unaware of any formal complaints process. However, they were able to correctly direct formal complaints to the Supervisor of the Technical Support Group as well as the Deputy Director of the Technical Support Group, who were able to provide basic information about the formal ICP.

7.11. Office of the Auditor General

Profile: The Office of the Auditor General (AG) is in daily contact with members of the Civil Service. However, its work requirement demands that it discusses situations with many people, both inside and outside government, in order to satisfy audit concerns.

Audit Findings: The OCC does not have jurisdiction to investigate the Auditor General. However, the AG participated on a voluntary basis. As a result of this investigation, it was determined that the AG had a formal ICP. The staff of the AG were well aware of the ICP and were equipped to assist persons wishing to make a complaint. While the ICP had not yet been fully tested, due to having received no complaints, the AG appeared to have given considerable thought to the process it would use.

7.12. Judicial Administration

The Judicial Administration was contacted by the OCC on 18 August 2008 requesting its participation in this investigation. On 26 August 2008,

the Chief Justice, through the Clerk of the Courts, conveyed to the OCC its wishes to not be included in this investigation. The Chief Justice claimed that the OCC did not have jurisdiction to investigate the administrative offices of the courts. The OCC disagreed. The question remains open.

7.13. Legislative Department

Profile: The Legislative Department (LD) through the Clerk of the Legislative Assembly is responsible for the overall management and budget of the Legislative Assembly. Its work includes, but is not limited to, providing procedural advice to the Speaker and Members of the Legislature; keeping the votes and proceedings of the House and Committees of the whole; and being responsible for the custody of the votes, records, Bills and other documents laid before the House. In general terms, the LD provides research for Members of the LA and the public; prepares, collates, compiles and distributes all papers, reports and bills to members of the Legislative Assembly; maintains the Order Book, which relates to all the business of the LA (reports, papers, government and private members motions questions, laws, statements and petitions); prepares and maintain files of the meetings of the LA; coordinates committees of the LA; production of the Hansard and other documents; and sale of laws.

Audit Findings: It must be noted that while the greater majority of government entities referenced in this report had been contacted and coached on developing a formal ICP over the past three years, the LD was not directly contacted by this office until this investigation. It was worth noting, however, that the LD did handle the first three reports to the LA on the existence of ICPs in government entities.

SECTION 8

8. *Overall Summary of Findings*

Between June and October 2008 a total of 76 entities' ICPs were evaluated by the OCC for the purposes of this report. This audit has found that 53 entities had formal ICPs, while 17 had informal ICPs. Two entities were found to have their complaints addressed through the ICPs of associated bodies. The Legislative Department was found not to have an ICP but had not been previously been given notice of the project to develop ICPs. A further six – the Department of Employment Relations, the Planning Department, the Royal Cayman Islands Police, the Immigration Department, the Department of Tourism and the Ministry of Health and Human Services – were found to have non-functioning, ineffective or non-existent ICPs.

Twelve entities were found to have effective ICPs and 57, while having been found to have a functioning ICP, said they had not received any complaints through their ICP and therefore the effectiveness of their ICPs could not be determined.

Through the course of this investigation, many of the entities claimed to have received very few, if any complaints. While it is very likely, due to the nature of services provided and the limited public interface, that many entities would not receive many complaints, the OCC cautions that entities may not be sufficiently capturing complaints. Entities must be cognizant of the fact that by failing to recognize or acknowledge complaints; failing to make information about their ICPs available; having resistant frontline staff who may improperly influence potential complainants to not file their complaints; or creating a real, or perceived fear that by making a complaint the complainant will suffer consequences, many complainants will never be heard by the entity.

The OCC also recognizes that some organizations have a restrictive definition of the word complaint. A by-product of our meetings with the entities was a discussion of the concepts inherent in the word complaint and it is likely in the future that these entities will apply a broader definition. It is also possible that many of these entities have not received complaints due to the fact that they have only had their ICPs in place for a very short period of time.

Twenty-two entities were found to have developed an ICP that had incorporated all seven core principles of an effective ICP.

Eleven entities were found to have frontline staff that were not knowledgeable about their ICP. Undoubtedly, as a result of our visits and highlighting of this shortcoming, these entities will have swiftly remedied those problems. The rest of the entities with ICPs were found to have frontline staff that were knowledgeable and/or reasonably helpful in providing information to the public regarding making a complaint through their process.

Forty-one of the 76 entities were found to have existing websites; however, only 14 were found to have included information about their ICP on their websites. Thirteen of the entities were found to have brochures explaining their ICP for the public and three entities were found to have newsletters that had provided information to the public about their ICPs.

Far too many of the entities relied on their staff to provide information about their ICP to the public without any supporting print or electronic access to that information. While staff are a valuable medium through which to disseminate information, they should not be the only way. All entities were encouraged to facilitate the provision of ICP information through as many channels as they are able. In most cases, entities noted that they would be including their ICP information on existing or new websites in preparation for the implementation of the Freedom of Information Law.

Sixty-five entities were found to be somehow documenting, or demonstrated preparedness to document, complaints either electronically or manually.

Many entities reported that they were not recording relatively minor or superficial complaints. When calls come in and the complaints are relatively minor and can be resolved right away over the phone, many entities reported that they simply take care of the problem and do not record anything to do with those complaints. The OCC emphasized that all complaints, even the "minor" ones, should be recorded. This does not mean that a full detailed report needs to be generated. A basic complaint spreadsheet noting the name of the complainant, the date of the complaint, some contact information for the complainant and brief note of the advice given or action taken would be sufficient in many of these cases. By recording this information, entities will be better positioned to identify potential patterns, issues with staff or internal processes. It also allows entities to track the actual numbers of complaints over any given period of

time; the nature of those complaints; and an appropriate breakdown of complaints (e.g. routine service complaints, informal/formal complaints about the entity itself and third party complaints about bodies overseen by the entity).

While this investigation set out to confirm that the government entities which reported to have an ICP in fact had them, the OCC discovered some unexpected positive outcomes. In the cases of the Cayman Islands Development Bank, CAYS Foundation and the Economics and Statistics Office, these entities had reported having an informal ICP in the 2008 survey, and when reviewed for this investigation they were found to have improved upon their ICP by taking the steps to formalize their process.

There were also a number of entities that demonstrated a very strong commitment to the principles of ICPs and demonstrated that they had carefully considered the seven core principles of an effective ICP. These entities included Government Information Services, Computer Services, the Cayman Islands National Archive, the Civil Aviation Authority, the Economics and Statistics Office, the Maritime Authority of the Cayman Islands, the Department of Agriculture, the Women's Resource Centre, the Department of Health Regulatory Services, CINICO, the National Pensions Office, the Schools Inspectorate, the Sports Department, the Cayman National Cultural Foundation, the Ministry of Communication, Public Works Department, the Water Authority, the Information and Communication Technology Authority, the Department of the Environment, the Port Authority, the Cayman Islands Development Bank and the Auditor General.

Since the inception of the OCC's efforts to encourage government entities to develop and implement ICPs in 2005, this Office has seen a significant drop in the number of complaints made to the OCC against government entities. Part of this reduction we believe can be directly attributed to the introduction of ICPs within each entity. This reduction can also be attributed partly to the improvements to operating procedures in many government entities, and partly to the existence and influence of the OCC.

While the overall purpose of this investigation was achieved, this investigation also served as a significant teaching opportunity for all government entities investigated. If an entity was found to have an ICP, this investigation still served to provide a refresher to the managers as well as the frontline staff as to the importance of an ICP and their need to be vigilant in looking for opportunities to capture and resolve complaints from the public.

This investigation revealed that the Department of Employment Relations at one time had a formal ICP but had subsequently abandoned it and had not replaced it with an effective formal or informal ICP. It was found to have failed to adequately record, monitor and resolve complaints made against it. The OCC identified a complaint that was made to the DER through the referral of the OCC and found that the complaint had not been actioned in a timely manner. Upon following up, DER was not able to provide any information regarding action taken in that case.

The Planning Department did not have a formal or informal ICP and officers were not able to provide clear information as to who handled complaints or how they were handled. It admitted to receiving complaints, but was unable to verify how many or how they were actioned.

The Royal Cayman Islands Police admitted that although it had a formal ICP and a Professional Standards Unit to address complaints its system did not function properly. The RCIP was found to have an investigative process that failed to maintain reasonable timelines. It admitted to needing to overhaul its ICP and also recognized that its current process was not working well. New legislation in the form of an amendment to the Police Law is due in 2009.

The Immigration Department was found to have an ICP but the public were denied access to the process through the Immigration frontline staff. The Immigration Department frontline officers were found to be blocking persons from filing complaints. The Immigration process also failed to meet reasonable timelines.

The Ministry of Health and Human Services admitted to not having an ICP. It acknowledged the importance of having an ICP and committed to taking action to create a formal ICP for its Ministry.

The Department of Tourism admitted that it did not have an ICP and also committed to establishing one as quickly as possible.

As the result of this investigation we find that the failure of these entities to establish an effective ICP is maladministration.

SECTION 9

9. Conclusion

Through the course of this investigation the OCC recognized that while the majority of government entities have implemented an ICP, a continued effort is required by many to ensure that the public is encouraged to make complaints using these processes. The following common issues were identified as requiring continued attention for ensuring adequate provision of entities ICPs:

1. All entity staff need to be trained to provide guidance to the public with regard to making a complaint. Not all staff members should be involved in the process, but they should be equipped to make educated referrals. Training needs to be repeated on a regular basis. Training staff once and expecting them to recall the process months or years later when called upon is not realistic.
2. All complaints, including minor complaints, need to be recorded. By recording all complaints entities are better able to track and defend actions taken in addressing complaints. It also allows entities to report accurately the number of complaints received. Recording a complaint does not require a lengthy report; it can be accomplished with a basic spreadsheet/log.
3. Written information explaining the ICP needs to be made readily available in various mediums for the public. Information about the process should not only be on the entity website. It should be available in the form of a flier, brochure or other print medium.
4. While many entities were able to demonstrate sound ICP knowledge and function, it is important that each entity maintain strict accordance with ICP principles. Improperly handled complaints can ruin the reputation of an entity for being open and fair in its approach to complaints.

However, as a result of this investigation, this Office has found that the Department of Employment Relations, Planning Department, Royal Cayman Islands Police, Immigration Department, Department of Tourism, and Ministry of Health and Human Services have failed to establish an effective ICP. This is maladministration.

In the light of this finding we make the following recommendation to these entities: Establish an effective formal internal complaints process.

Office of the Complaints Commissioner
22 October 2008

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