



GOVERNMENT OF BERMUDA

Ministry of Finance



COMPLAINTS AGAINST CUSTOMS

This notice cancels and replaces the leaflet **"COMPLAINTS AGAINST H.M.CUSTOMS"** prepared by Government Information Services Ref: 40M/3.93

1 Introduction

1.1 What is this notice about?

This notice is our code of practice for dealing with customer complaints. It tells you:

- how to make a complaint;
- the standards you can expect from us in dealing with it;
- what we will do to put things right; and
- what you can do if you are unhappy with our response.

1.2 What sorts of complaints are covered?

Examples of the types of complaints covered by this code of practice are:

- mistakes;
- delays;
- poor or misleading advice or guidance;
- staff behaviour; and
- the way in which we carry out a search.

This notice does not cover disputes about the meaning or correct application of the law, such as reviews and appeals regarding duty or against penalties or concerning seizure and restoration of goods. The Customs Reviewing Officer and the Tax Appeals Tribunal or the Courts deal with such matters.

1.3 Where can I find more information about appeals?

You can find further information on how to request a review or an appeal of a Customs decision in Public Notice 15 - "Customs Reviews and Appeals". This and other public notices are available on the Customs Department page under Ministry of Finance on the Bermuda Government Portal www.gov.bm.

2 Our standards of service

2.1 What kind of service can I expect?

We are committed to providing a high quality of service. The standards of service you can expect from us are published in the Traveller's Charter. The Traveller's Charter is available on the Customs Department page under Ministry of Finance on the Bermuda Government Portal www.gov.bm.

Whether you are an individual, company or other organisation, please tell us what you think of our service. We welcome all your comments whether they are complaints, compliments or suggestions. By letting us know what you think we can monitor our performance and continuously improve our service.

3 How to complain

3.1 What should I do if I want to complain?

Our complaints procedure is straightforward and easy to use.

Whenever possible you should try to resolve your complaint on the spot with our officer. If you are unable to do so you should speak to (or if you prefer write) to the Senior or Principal Customs Officer in charge; explaining why you are not satisfied.

Please make it clear that you want the problem to be treated as a complaint.

3.2 What information do I need to give you?

It will help us deal with your complaint if you give as much background information as possible.

For example, if you are a traveller it will be useful to know:

- the date and time of your arrival;
- the name of the vessel or airline and flight number; and
- the name or identification number of the officer who dealt with you.

Be sure to include your name and address.

4 How we handle complaints

4.1 Who will deal with my complaint?

- **Oral complaints**

If you complain in person to an officer, he or she will try to resolve the matter with you right away.

If you are not satisfied, you can ask to speak to the Senior or Principal Customs Officer on duty who will look into your complaint. You may be asked for more information.

- **Written complaints**

If you complain in writing, your letter will be acknowledged and the matter investigated. You may be asked to give more information.

When all the facts of the matter have been ascertained the relevant Senior or Principal Customs Officer will review your complaint.

4.2 How will my complaint be dealt with?

We will carry out a thorough investigation of your complaint. At all times we will be honest and fair in our dealings with you and ask you, in return, to do the same for us.

If you complain we will:

- treat you with tact, courtesy and fairness at all times;
- not treat you any differently because you have complained;
- not discriminate against you because of your colour, race, religion, age, sex or sexual orientation or because of any disability;
- acknowledge receipt of your complaint within two working days and tell you who is dealing with it or if it has been passed to another office;
- aim to respond within 10 working days and, if we can't, tell you why and let you know when we will reply in full; and
- if the complaint is upheld, apologise, tell you what went wrong and what we will do to put things right.

5 Taking the matter further

5.1 What if I am not satisfied?

If you are not satisfied with the decision reached by the Customs Department you can ask for it to be reconsidered.

Please write to the Collector of Customs:

H.M. Customs
P.O. Box HM2084,
Hamilton HM HX.
Bermuda

Be sure to include any written response you have already received from Customs and give the reasons why you are still not satisfied.

The Collector of Customs will assign an officer of Principal Customs Officer rank or higher, who has not seen your complaint before to independently carry out the review.

This further independent review will be dealt with in the manner described at section 4.2.

5.2 The Ombudsman

You can, at any time make your complaint to the Ombudsman. The Ombudsman is independent of Government and can consider complaints about any administrative action of the Customs Department. For further information about the Ombudsman, please contact:

The Office of the Ombudsman

Suite 102
14 Dundonald Street West
Hamilton, HM 09
Tel. (441)296-6541
Fax. (441)296-7734
customs@gov.bm
complaint@ombudsman.bm
info@ombudsman.bm

6 Costs and compensation

6.1 Can I claim back my costs?

If our officer has caused damage to your goods or property we will consider reimbursing your reasonable costs. These might include the costs of repair or replacement of the damaged property or article. We will not compensate you for any time you have spent or for costs of postage, phone calls, travelling expenses, professional fees or financial charges.

It will help us to deal with your claim more quickly if you tell us about any damage to your goods or property when you make your complaint. We may ask you to provide evidence in support of your claim.