

COMPLAINTS HANDLING PROCEDURE FOR PENSION FUND STAFF

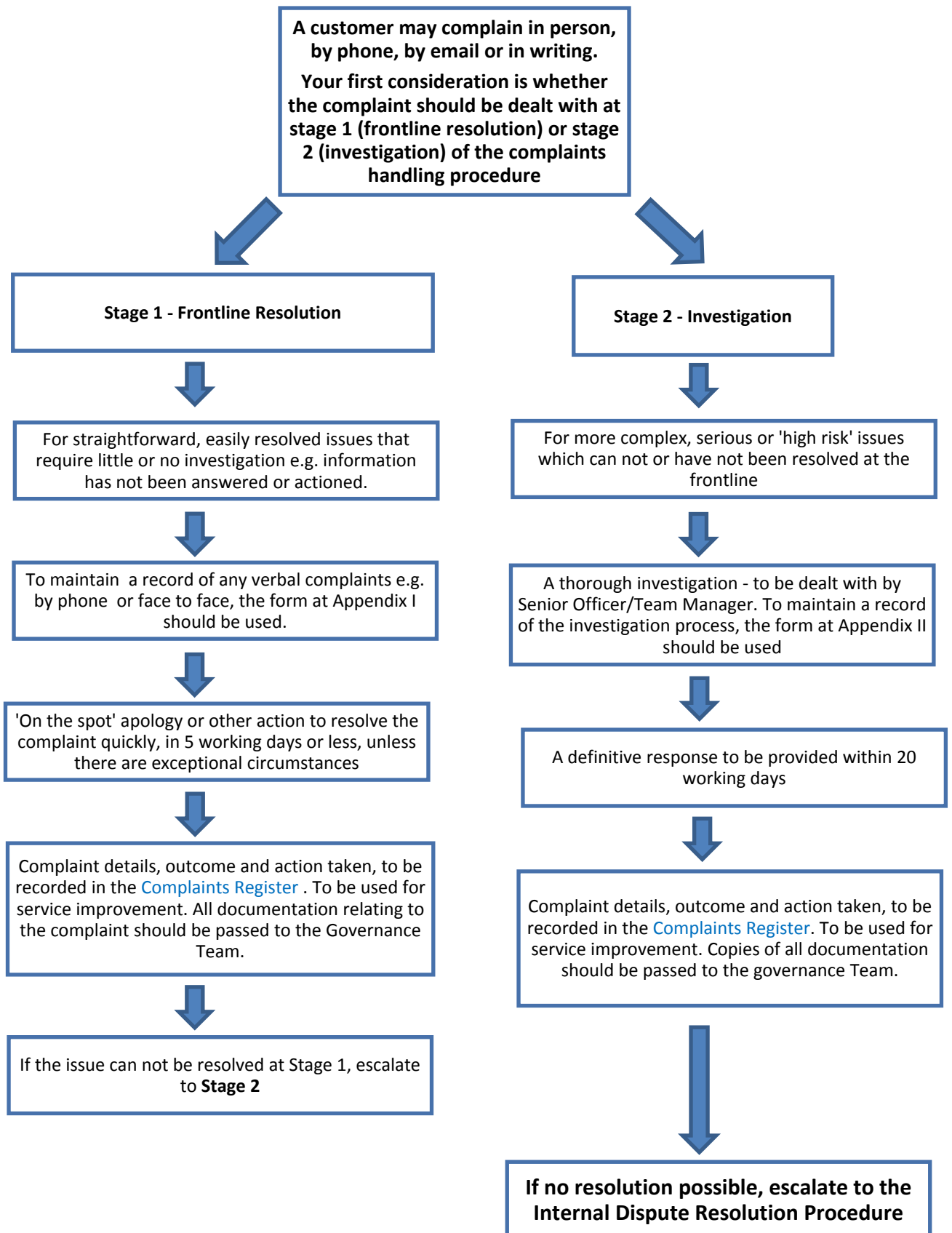
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Introduction

Complaints give us valuable information which we can use to improve our customer service. They provide a first-hand account of the customer's views and experience and can highlight problems we may otherwise miss.

Our complaints handling procedure will enable us to address a customer's dissatisfaction and may also prevent the same problems that led to the complaint from happening again.

What is a complaint?

'A complaint is an expression of dissatisfaction by one or more members of the public about NESPF's action or lack of action or the standard of service provided by or on behalf of NESPF'

A customer can make a complaint in a number of ways; by letter, email, by phone or in person. Any staff member could potentially be the first point of contact for the customer's complaint. You should be prepared to try and resolve a complaint relevant to your area on the spot.

[Appendix I](#) contains a form which should be used to record the details of any complaints we receive verbally, either by telephone or in person. This will mean that we have all the details of the complaint in writing for our records.

How do we deal with a complaint?

Stage 1 - Frontline Resolution (within 5 working days)

These are normally straightforward complaints which require little or no investigation.

For example:

- A service has not been provided or has been provided to an unsatisfactory standard
- A request for information has not been answered or actioned
- A staff member was rude or unhelpful

Frontline resolution complaints can be addressed by any member of staff or alternatively be referred to the appropriate person such as a Senior Pensions Officer or a Team Manager. They should be resolved quickly with an apology, explanation and/or any other action, **within 5 working days** or sooner if possible.

Frontline complaints along with any lessons learned should be recorded in the [Complaints Register](#). A copy of all documentation relating to the complaint and its resolution should be passed to the Governance Team.

Stage 2 - Investigation (acknowledge within 3 working days, full response within 20 working days)

Where possible, complaints to be considered at the investigation stage should be submitted in writing (to the Pensions Manager) and marked 'dispute'.

A tailored investigation should be carried out to establish the facts behind the complaint. The investigating officer should decide what information is required with due regard to information that may be confidential, sensitive, restricted or covered by Data Protection legislation. For a copy of the complaints investigation form see **Appendix II**.

The conclusion reached following investigation must be based on an objective analysis of the evidence and provide a clear explanation of this analysis.

At the end of the investigation, the decision must be formally communicated to the member either face-to-face or in writing. Responses should be based on the facts established by the investigation and a full explanation should be given on how the conclusion was reached. It may be good practice in some situations to communicate the information by telephone, followed by a letter.

Where an investigation identifies a service failure and we propose to take action, the correspondence should include details of what will be done and when. The final decision letter should provide the member with information on their right to appeal (through the Internal Dispute Resolution Procedure) or where the complaint relates to a decision made by NESPF, directly to the Pensions Ombudsman.

Following resolution at Stage 2, details of the complaint and any lessons learned should be recorded in the [Complaints Register](#). A copy of all documentation relating to the complaint and its resolution should be passed to the Governance Team.

If we handle complaints well, they can give our members a form of redress when things go wrong, and can help us to continuously improve our services.

The Dos and Don'ts when customers complain:

Do's

Be aware of your responsibility to try to resolve the complaint or seek help to resolve it

Identify yourself and ask for the member's details

Be sensitive - making a complaint can be stressful, so respond with courtesy, tact and empathy. Treat all information in confidence

Listen & understand-

Listen carefully to what the customer is saying without interrupting. Take notes if necessary, ask open ended questions to get more information to assist with resolving the complaint

Provide an apology and explanation if it is clear we have made a mistake

Inform-

make sure you agree a course of action that is satisfactory to the member and NESPF. If in doubt, discuss the matter with your line manager. You should follow up to make sure this has been done

Explain the next stage e.g. IDRP, if the problem hasn't been resolved to the customer's satisfaction

Record -

Make sure the details of the complaint are recorded

Don'ts

Refuse to accept there is a problem. If the customer thinks there is a problem, you must help

Be defensive or argue

Jump to conclusions; wait until you have the whole story

Make promises you can't keep

Why apologise and what is the best way to do this?

- It can be relatively simple and helpful to say sorry that someone had a bad experience
- A meaningful apology can help both sides calm their emotions and move on to put things right
- It is important that, when making an apology, you understand how and why the person making the complaint believes they were wronged and what they want in order to put things right
- For a meaningful apology, the timing needs to be right – you should not leave it too late or distance yourself from the apology. Use clear, plain and direct language. Make sure your apology sounds natural and sincere. Your apology should not question whether the person making the complaint has been harmed e.g. by saying 'I am sorry *if* you were offended'

It is important to remember an apology is not a sign of weakness. It can be a sign of strength and can show you are willing to learn when something has gone wrong. It can also show that you are committed to putting things right. To apologise is good practice and is an important part of effectively managing complaints.

What if resolution (at either Stage 1 or Stage 2) isn't possible?

- We would hope that most problems can be dealt with informally by the Pensions Team (at Stage 1 or Stage 2), but recognise that sometimes this is not possible.
- NESPF has a formal [Internal Dispute Resolution Procedure](#) (IDRP) which should be reserved for more complex and contentious issues e.g. payment of death benefits. The IDRP should be used where either the employer or the administering authority has tried to resolve the issue informally but the individual is still unhappy with the outcome.
- Members, prospective members or the widow/widower/partner or dependent of a deceased person, all have access to the two stage IDRP procedure. They can use this to dispute procedures or to settle any complaint they may have about the decisions made about them under the scheme rules or about the way their case has been handled.
- If the complaint is about something other than a decision, for example if it relates to poor administration, then the complaint can be made directly to the [Pensions Ombudsman](#). This may occur if there are, for example, unreasonable delays in providing information to a member, failure to notify about scheme changes etc.

What if the complaint is about an employer decision?

If the complaint cannot be resolved in the first instance by the employer, the member can invoke the two stage IDRP. They should submit the IDRP form, with any complaint being made in writing **within 6 months** of the date the member is notified of the decision which they are appealing against.

- Stage 1 Appeal – the complaint should be directed to the person nominated by the **member's employer** to consider the appeal. The Appointed Person will either **uphold or dismiss** but must consult NESPF to ensure compliance with Regulations. A response to the complaint must be given **within 2 months** or the member must be informed of any delay

- Stage 2 Appeal - if the member is not satisfied with the decision of the Appointed Person nominated by the employer to consider the appeal, they have a further right of appeal under Stage 2 to the Scottish Ministers which must be made in writing **within 6 months** of Stage 1 determination

What if the complaint is about an administering authority decision?

If the complaint cannot be resolved in the first instance by frontline staff or the Pensions Manager, the member can invoke the two stage IDR. They should submit the IDR form, with any complaint being made in writing **within 6 months** of the date the member is notified of the decision which they are appealing against.

- Stage1 Appeal - complaint should be directed to the person nominated by the **administering authority** as the Appointed Person (ACC have appointed the Head of Legal & Democratic Services) and they must reply to the complaint **within 2 months** or advise of any delay
- Stage 2 Appeal - if the member is not satisfied with the decision of the Appointed Person nominated by the administering authority, there is a further right of appeal to the Scottish Ministers which must be made in writing **within 6 months** of the Stage 1 determination

PLEASE NOTE the member must always be advised of the outcome

Were there any lessons learnt from the complaint?

After the closure of the complaint, the responding officer should identify any '**lessons learnt**' by completing the [Complaint Register](#) and copies of all supporting documentation should be passed to the Governance Team. The information in the Register will be reviewed by the management team – it may be that improvements to our services or procedures are identified as a result of the complaint.

A '**lesson learnt**' is any action to resolve an issue and to prevent future reoccurrence.

For example:

- An amendment to an existing procedure
- Updating information on a webpage to ensure that the information is accurate and consistent
- Increasing the level of content on a letter to ensure full and complete information is provided to the service user
- Briefing the employees on a more frequent basis to ensure that their knowledge is up to date

Is there any training available?

An online training course is available at: <http://www.spsotraining.org.uk/>.

ACC handling complaints course is available through OIL.

Unacceptable Actions Policy (ACC)

'We believe our members have the right to be heard, understood and respected. However occasionally, there are situations where it can be difficult to deal with a member's enquiry or concerns due to their actions'

There are a range of actions which are considered to be unacceptable.

For example:

- **Aggressive or abusive behaviour**

We understand people can become angry when matters about which they feel strongly are not being dealt with as they wish or at difficult or stressful times such as losing a family member. However, we will not tolerate behaviour where it escalates into aggression or abuse directed towards member(s) of staff. This could include unsuitable language, threats, derogatory remarks, rudeness etc.

- **Unreasonable demands**

A demand becomes unacceptable when it starts to (or when complying with the demand would) impact excessively on the work of our staff. Or when dealing with the matter takes up an excessive amount of staff time at the expense of our service to other member's.

- **Unreasonable levels of contact**

Sometimes the volume or duration of contact made to our staff by an individual causes problems. This can occur over a short period of time, for example, when a large number of calls or emails are received from the same person in one day, which do not assist us in dealing with the original complaint. We consider the level of contact as unacceptable when the amount of time talking or responding to the individual impacts on our ability to deal with the matter, or in providing a service to our other member's.

How do we manage aggressive or abusive behaviour?

Any threat or use of physical violence, verbal abuse or harassment towards a staff member(s) will result in the termination of all direct contact e.g. telephone call, with the member. Such incidents may be reported to the police. When dealing with members in the Customer Service Centre, staff will carry personal alarms & incidents will be recorded.

Staff will end telephone calls if they consider the caller **aggressive, abusive or offensive**. Our Staff has the right to make this decision, to tell the caller that their behaviour is unacceptable and to end the call if the behaviour then persists. These should be logged on the complaints complaint details form shown in **Appendix I**. If we receive written correspondence which is abusive we will inform the member to re-submit their correspondence after removing the offensive or abusive language, otherwise we will not respond.

In extreme situations, we will advise the member in writing that we will not permit any further personal contact from them. Any future contact will be limited to written correspondence or through a 3rd party e.g. HR.

Where a member of staff makes an immediate decision in response to abusive or aggressive behaviour, they should inform the member at the time of the incident & their Team Manager must be advised. Where the decision is made by a senior member of staff, the member must be informed in writing and given the opportunity to appeal.

How do we deal with other types of unreasonable behaviour?

There are a number of actions which can be taken depending on the individual circumstances. For example:

- See the person by appointment only
- Restrict contact to written correspondence only
- Restrict contact to a nominated member of staff e.g. Senior or Manager.
- Advise we will not respond to further correspondence

We should always tell the person we are refusing and why we are doing so.

Appealing the decision

Where a member has been informed that contact is to be restricted, they can appeal the decision. This must be done in writing within 10 working days of the notification letter. A response on the outcome will be provided within 10 working days of the letter of appeal. A note should be made on the member's record for future information.

COMPLAINT DETAIL FORM (FOR VERBAL COMPLAINTS)			
Date of Call/Visit		Investigating Officer	
Complainant Name			
Address			
Contact Telephone			
Contact Email			
Date of Incident(s)			
Date of Incident(s) Complaint Details			
	<i>Must be within the last 6 months of the event they want to complain OR finding out they have reason to complain (event must be no longer than 12 months ago)</i>		
Relevant information			
What is the problem? Who was involved?			
What solution / outcome is the complainant looking for?			

COMPLAINT INVESTIGATION FORM (STAGE 2)			
Complaint regarding			
Name		NI Number	
Address			
Date of Complaint		Response due by	
Complainant		If complainant is not the member, what is the relationship?	
Overview of the complaint (append complaint letter, email or complaint detail form)			
Investigation Plan (outline the planned activities to investigate the complaint)			
Findings of investigation			
Proposed response			
Response provided by			
Method		Date	
Approved by			