



Complaint Handling Procedure

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1. Purpose and objective

The Complaints Handling Procedure (hereinafter: CHP) reflects APS' commitment to valuing complaints. Interested parties (*in Dutch: "Belanghebbenden"*) of the Fund should feel free to raise matters of concern without risk of disadvantage. The aim of APS is to resolve issues of dissatisfaction as close to the initial point of contact as possible and to conduct thorough and fair investigations of complaints so that, where appropriate, APS can make evidence-based decisions on each individual case.

The CHP supersedes and cancels the current APS' complaint handling procedure (in Dutch: '*Klachtenreglement*') dated October 8, 2012.¹

2. Confidentiality

Complaints will be handled with discretion and access to information about individual investigations will only be shared with those who have a legitimate access requirement. Complainants are entitled to request access to information about them gathered by Complaint Investigators.² Such requests must be submitted verbally or in writing and will be dealt with under the appropriate legislation.

3. Time limit for making complaints

A complaint must be submitted within six (6) weeks after the complainant became aware of the problem. Complaints that were filed later than six (6) weeks will be looked at on a case by case basis.

4. Complaint

4.1. What is a complaint?

For the purpose of this procedure, a complaint is defined as:

'An expression of dissatisfaction, either verbally or in writing, by one or more interested parties about the standard of service, action or lack of action by or on behalf of APS.'

A complaint may relate to:

- the quality and standard of service
- (recurring) failure to provide a service
- the quality of facilities
- treatment by or attitude of an employee, contractor or service provider
- inappropriate behavior by an employee, contractor or service provider
- the failure of APS to follow an appropriate administrative procedure
- dissatisfaction with APS' policies (although it should be recognized that policy is set at the discretion of APS)

The definition of a complaint is very broad and the list above is not exhaustive.

4.2. What is not a complaint?

Not every issue raised with APS is recognized as a complaint. For example, the following **are not complaints**:

- a request for a service
- a request for information or an explanation of policy or practice
- a difference in opinion regarding interpretation, application and implementation of (by-) laws, regulations or arrangements for which separate appeal or objection procedures are available.

¹ The CHP is not applicable to chapter IX '*Beroep en herziening*' of the *Pensioenlandsverordening Overheidsdienaren AB 2016, no. 16* and the APS Code of Conduct regarding compliance complaints.

² A Complaint Investigator is an APS employee who is responsible for the handling of a complaint.

4.3. Who can make a complaint?

For the purpose of this procedure, a complainant (interested party) is defined as:

'Anyone who receives, requests or is affected by APS' services.'

Sometimes a complainant may be unable or reluctant to make a complaint on their own. APS will accept complaints brought by third parties carrying a letter of consent from the complainant.

4.4. Anonymous complaints

Complaints regarding a participant's dossier cannot be handled anonymously. All anonymous complaints are registered on receipt. Any decision not to pursue an anonymous complaint must be authorized by the Directorate.

Complaints submitted anonymously will be considered if there is enough corroborating information that would allow APS to believe that a reasonable probability exists that the complaint is meritorious and enables APS to make further enquiries. Such as:

- a conflict of interest between an employee of APS and the complainant
- cases of criminal wrongdoings including fraud
- filing a complaint may elicit negative repercussions for the complainant

4.5. Complaints involving other organizations or contractors who provide a service on behalf of APS

Where a complaint relates to an APS service that is connected to and or supported by the service of another organization, the complaint must, in the first instance, be handled through APS' CHP. In particular, the same timescales and procedures will apply. This relates to complaints that involve services provided on APS' behalf (such as contractors) or to those provided by a separate organization (such as firms providing accounting services). Such complaints may include, for example a complaint made in relation to provision of third-party services e.g., where the dissatisfaction regards rented office space.

APS will, as much as possible, ensure that contractors and other organizations providing services to APS or on behalf of APS apply the CHP when handling complaints.

4.6. Recording complaints

In clear cases where a complaint will need to be considered, the complainant will be asked to complete the Complaint Proforma (Appendix)³ in order to provide full details of the complaint and the preferred resolution. All relevant documentation should also be attached to the Complaint Proforma. If a complainant chooses not to write it down, the complainant can be assisted by an APS employee to complete the Complaint Proforma. A receipt confirmation will be issued to confirm the scope and timeline of the complaint handling, after the Complaint Proforma has been completed.

5. The two stages of complaint handling

This procedure makes a distinction between two stages of complaint handling:

- **Stage 1** – Seeks to resolve straightforward complaints swiftly and effectively at the point at which the complaint is made, or as close to that point as possible. Complaints at this stage may be made face-to-face at the front desk, by phone, in writing or by email.

³ The Complaint Proforma can also be downloaded and filled out on the website www.apsxm.org.

The outcome will be communicated to the complainant by the Complaint Investigator either verbally or in writing dependent on the nature of the complaint and or offered solution.

In the event a complaint cannot be resolved in five (5) working days, complaint handling must be handed over to stage 2 complaint investigation.

- **Stage 2** – Complaint investigation is appropriate when a complainant is dissatisfied with the outcome of Stage 1 resolution, or when a Stage 1 resolution is not possible or appropriate due to the complexity or seriousness of the case.

The following deadlines will be used for cases at the investigation stage of the CHP:

- complaints will be acknowledged in writing within five (5) working days of receipt and
- APS will provide a full response to the complaint as soon as possible but not later than twenty (20) working days from the time that the complaint was received for investigation.

The outcome of the investigation will be communicated to the complainant in writing. The complaint will then be considered closed and handled. The complainant will be asked to fill out a quick survey regarding their experience with the CHP.

6. Extension of the timescale

Not all investigations will be able to meet the deadline of twenty (20) working days. Some complaints are so complex that they will require more careful consideration and detailed investigation. In such circumstances, the complainant will be notified by the Complaint Investigator of the reason for the delay and given a revised timescale for bringing the investigation to a conclusion.

7. Mediation and other dispute resolution options

Some complex complaints (where, for example, the complainant and/or other involved parties have become entrenched in their position) may benefit from a different approach to resolving the complaint. Mediation can help both parties to understand what is driving the complaint and may be more likely to result in a mutually satisfactory conclusion being reached. If the complaint is not resolved to the satisfaction of the complainant, APS may consider alternative resolution techniques.

8. Recording, reporting, publicizing and learning

Valuable feedback is obtained through complaints. One of the objectives of the CHP is to identify opportunities to improve provision of services across APS. All complaints will be recorded so that complaints data can be used for analysis and management reporting. By recording and using complaints information in this way, the causes of complaints can be identified and addressed and, where appropriate, training opportunities can be identified, and improvements introduced.

9. Managing unacceptable behavior

Complainants are subject to the same expectations regarding their behavior as all others who interact with APS, its employees and participants. Complainants should feel free to raise matters of concern without risk of disadvantage, but where a complainant's behavior over the complaint is deemed to be unacceptable; APS reserves the right to invoke other procedures as necessary.

Appendix: Complaint Proforma



COMPLAINT PROFORMA

Yogesh Commercial Complex unit 1A /1B, A.J.C. Brouwersweg #4, Cul-de-Sac, Sint Maarten
Tel: +1 721 543 00 03 Email: info@apsxm.org Web: www.apsxm.org

COMPLAINT PROFORMA

Information for all complainants

If you have a complaint about a matter which is the responsibility of APS, please complete the form below to enable us to investigate your complaint. Before doing so, please read our Complaint Handling Procedure which is provided attached and also available at www.apsxm.org.

If you have relevant documentary evidence to support your complaint, it should be submitted with this form. Evidence submitted should be as concise as possible and relevant to the complaint. Unreasonable quantities of evidence or evidence which is deemed, by the Complaints Investigator, not to be relevant to your complaint may not be considered. The investigation of your complaint will not commence until you have confirmed that your supporting documentation (evidence) is complete.

Once completed, this form should be submitted by email to info@apsxm.org or delivered by post to:

Algemeen Pensioenfonds Sint Maarten
Yogesh Commercial Complex Unit 1A /1B
A.J.C. Brouwersweg #4
Cul-de-Sac
Sint Maarten

CONTACT DETAILS

First Name:	Surname:	Date of birth:	Participant number ('Polisnummer'):
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Address:			
<input type="text"/>			
Email:	Telephone numbers (incl. mobile):		
<input type="text"/>	<input type="text"/>		
Represented Company (if applicable):	Date of complaint:		
<input type="text"/>	<input type="text"/>		

YOUR COMPLAINT

Please provide a summary of your complaint

Did you have prior contact with APS concerning your complaint

Please provide a brief explanation of the issue(s) you consider to be unresolved

Please explain how you would like your complaint resolved

If you are submitting a complaint more than six (6) weeks after the last related incident, please provide a brief explanation for the delay

SUPPORTING DOCUMENTATION

Do you wish to submit any supporting documentation (evidence) for consideration?

Yes No

If 'yes', please tick here to confirm that what you have submitted is complete

Signature:

Date:



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Yogesh Commercial Complex Unit 1A/1B
A.J.C. Brouwersweg #4 Cul-de-Sac
Sint Maarten
Dutch Caribbean

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