

Resolving Complaints and Improving Services

Complaints Procedure

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Unreasonably Persistent and Vexatious Customer Procedure

[https://www.sypensions.org.uk/Portals/0/pdf/Vexatious Complaints Unreasonable Behaviour Policy.pdf](https://www.sypensions.org.uk/Portals/0/pdf/Vexatious%20Complaints%20Unreasonable%20Behaviour%20Policy.pdf)
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1. Defining the Complaints and Representations Procedure

- 1.1 SYPA welcomes feedback from customers because it helps to improve the way we do things and to learn from things that have gone wrong.
- 1.2 This document sets out our procedure for working with customers who have a complaint about the actions, decisions, or apparent failings of the services we provide. One of the ways in which we acquire comments and opinions to influence service planning and delivery is through our customers' feedback.
- 1.3 **Informal discussion** - Problems that have arisen due to a misunderstanding, or a lack of information can often be resolved without the need for a formal complaint. Our staff have been empowered to be able to resolve many complaint issues and in the first instance customers should try and speak to the member of staff who has been dealing with the case or their line manager. If they can't put things right, or this approach has already been tried without success, then customers should submit a formal complaint.
- 1.4 **Comments** - If a customer wants to make a comment about anything that the Authority does or if they would like to suggest how we could improve the services that we provide, we will record the details and ensure that the relevant service area is provided with the details.
- 1.5 **Compliments** - If customers receive a particularly good service and wish to make a compliment, we will ensure that the person or service is made aware.
- 1.6 **Complaints** - A complaint may be generally defined as an expression of dissatisfaction about a service. Complaints can provide valuable learning points which helps to improve service delivery.
- 1.7 Details of how to provide feedback and complaints to the Authority can be found on the website.

2. Procedure

- 2.1 This is a procedure for formal complaints about the service offered by the Authority.
- 2.2 The formal complaints procedure is framed to:
 - Provide a quality and responsive service.
 - Acknowledge that all people who receive a service have a right to complain if they think that something that should have been done has not been done, or that something has been done badly or incorrectly.

3. Key Principles

3.1 This Procedure is designed to:

- Ensure that customers are treated fairly and assist them in making a complaint by being easy and straightforward to use.
- Be accessible.
- Ensure complaints will be investigated as quickly and thoroughly as possible, and in a positive, problem-solving manner.
- Ensure that the outcome and resolution of complaints will be reflected in the ongoing monitoring of the Authority's performance and to improve service delivery.
- Reflect the Authority's desire to provide a quality service.

3.2 We will endeavour to ensure that customers receive whatever help and guidance they require to aid them in making a complaint or in understanding the procedure. Where appropriate this help will include additional provision e.g. interpreters.

4. What May be Complained About?

4.1 A complaint may arise because of a variety of issues relating to the Authority's functions such as:

- An unwelcome or disputed decision
- Concern about the quality or appropriateness of a service.
- Delay in decision making or provision of services.
- Delivery or non-delivery of services, including complaints procedures.
- Quantity, frequency, change or cost of a service.
- Attitude or behaviour of staff (unless it warrants internal disciplinary action).
- Insufficient proficiency in spoken English by a member of staff in a public-facing role. (Under the Code of Practice on the English language requirements for public sector workers; Part 7 of the Immigration Act 2016).

5. What is Exempt from this Complaints Procedure?

5.1 There are occasions when this procedure will not be the appropriate procedure to be used for instance when it is:

- A complaint about the conduct of the Assistant directors; these will be referred directly to the Director.
- A complaint regarding the conduct of a Member of the Pensions Authority or Local Pension Board; these will be referred directly to the Monitoring Officer.
- Matters under consideration by the Courts and Tribunals and cases where legal proceedings are being considered/initiated.
- Whistle blowing – where staff are raising issues these will be dealt with under the whistle blowing procedures.

- A staff employment issue, where disciplinary and grievance procedures will be used.
- Not related to the actions or decisions of this Authority, or of anybody acting on our behalf.
- The same complaint that has already been dealt with by our complaint's procedure.
- The complaint is more than 6 months old, and it would not be possible for the Authority to consider the complaint effectively and fairly, e.g. due to changes in staffing and record retention timescales.
- There is a potential or actual insurance claim

6. Anonymous Complaints

6.1 From time to time the Authority receives anonymous complaints and although these will be passed to the relevant team for information, ordinarily there will be no further action unless the service involved considers it appropriate to do so.

7. Who May Complain?

7.1 The Authority will consider representations including complaints made to us by customers in the fund or a third party who is contacting us on the customer's behalf. A complaint by a representative will not be considered by the Authority unless satisfied that the representative is acting with explicit consent of the customer or under a Power of Attorney.

7.2 In the case of a customer who lacks capacity to make a complaint themselves, a third-party complaint will only be permitted when the Complaints Resolution Officer, in discussion with the senior manager from the service area, determines that the third party who is not an advocate is acting in the best Interest of the customer.

8. Basic Principles of Complaints

8.1 Concerns or worries are often raised as part of normal everyday interaction between the Authority and its Customers. Normally these will be easily resolved by staff working on a day-to-day basis with the customer. However, there may be complaints that cannot be sorted out in that way to the complainant's satisfaction.

8.2 Basic Principles:

- Most complaints arise from a genuine feeling of grievance and not of maliciousness.
- Small grievances can become large if not dealt with at the early stages.
- Complaints can serve to highlight genuine deficiencies in service and staffing levels.

- People have the right to complain, to be heard, and to have their complaints investigated as quickly as possible.
- Handling complaints properly is an important part of the way the Authority provides its services.
- Complaints are part of the feedback system as to how services are provided.
- The confidentiality of the member and those persons mentioned (whether staff or others) should be appropriately protected.
- Even persistent/vexatious customers can have a new valid complaint.

9. Values

9.1 This procedure sets out certain values that the Authority regards as central to this process:

- That services and information about services should be readily available and easy to understand.
- That customers are involved as fully as possible in our processes to promote better services.
- That people have rights and can ask the service to account for its action or inaction on their behalf.
- That people have the right to redress when the services provided have not been good enough and when there has been an injustice caused by the Service.

9.2 These values establish a few things for our services and for our staff:

- That the Authority should be trying to provide a quality service that is fit for purpose and resilient. Where this does not happen, for any reason, then the Complaints Procedure offers a means of redress and of improving the quality of the service provided.
- The rights of individuals to complain are clear. However, the right of staff to equally fair treatment is also explicit. This procedure does not provide a means of placing one person's "rights" above those of another.

10. Complaints' Framework

10.1 It is important that members and Employers are aware that this procedure applies to formal complaints only.

10.2 Complaints about issues or events that occurred more than 6 months prior to the date of the complaint will not normally be considered unless any of the following circumstances apply:

- The complainant was not aware, until beyond the period of 6 months of the actions of the Authority which now form the subject of the complaint.
- The complainant was incapacitated by ill-health beyond the 6-month period which prevented them from making a complaint within the allowed timescales and provides proof of this.

- It would have been unreasonable for the complaint to have been made earlier than it was made.
- Similarly, there will be no review of a complaint that was dealt with more than 6 months ago. Unless an extension is given under IDRP.

10.3 There are two stages to this procedure as defined in sections 11 and 12 of this document.

11. Step 1 - Formal Complaint

- 11.1 If it has not been possible to resolve the complaint informally, the complaint will be recorded formally by the Complaints Resolution Officer
- 11.2 The relevant service area will investigate the complaint, and the Complaints Resolution Officer will respond to the customer within the timescales set out in this procedure.

12. Step 2 - Statutory Complaint Procedure - Internal Dispute Resolution Procedure (IDRP)

- 12.1 It is a requirement of the Pensions Act 1995 to have a procedure in place to review decisions on the correct operation and interpretation of the LGPS Regulations. The Local Government Pension Scheme Regulations contains a two-stage internal dispute resolution procedure (IDRP).
- 12.2 Details of the Specified persons authorised to deal with Stage 1 and Stage 2 appeals will be confirmed to the appellant on receipt of the complaint.
- 12.3 The Pensions Ombudsman has powers to review decisions from the IDRP, along with additional powers to review cases where maladministration is alleged. The Ombudsman will not investigate cases until the IDRP has been exhausted. The decisions of the Pensions Ombudsman are enforceable in a court of law.
- 12.4 Complaints not covered by the IDRP:
- If the customer is not satisfied with the outcome of the investigation at Step 1, they may request that the complaint be reviewed providing their reasons for this. The request for a review and any subsequent investigation would be considered by the Monitoring Officer.
 - The customer will be asked to provide details of why they feel that their complaint has not been fully responded to at Step 1.
 - However, if it is considered that there are no suitable grounds for escalating the complaint to Step 2 the customer will receive written confirmation detailing the reasons why their request had been declined, together with contact details for the Local Government Ombudsman (LGO).
- 12.5 The purpose of a 2 step review is to consider if:
- The customer's complaint was fully understood and addressed.
 - All the relevant evidence was considered.

- The Authority's policies and procedures were properly followed.
- The complaints process was carried out properly and fairly.
- The conclusions were reasonable and fair and reached based on evidence.
- Any other actions or remedies are appropriate.

12.6 The purpose of a 2-step review is not to:

- Reinvestigate the complaint – it will focus on understanding continuing concerns and consider whether Step 1 was undertaken fairly and that the conclusions reached were reasonable.
- Undermine the professional judgement of officers (for example it would not be appropriate to revisit a decision taken by a senior member of staff such as the Director).
- Deal with any new matters that were not part of the original complaint.
- Cover any points dealt with by a court or where an appeal against a decision lies with a court or other legal process.

13. Response Times

13.1 Formal Complaint:

- The Authority, in accordance with the LGO guidance on running a complaint system, will focus on our complaints taking in total no longer than 12 weeks from receipt to resolution. All complaints will be acknowledged in 5 working days.
- If the complaint is complex and the service area is unable to complete a full response by the 12 week deadline the customer will be contacted and a discussion will take place about the reasons for the delay, but to also confirm the new response date.

13.2 IDRP:

- The Stage 1 adjudicator will respond to the complainant within two months of receiving a claim, giving details of the decision, or acknowledging the claim and explaining when a decision will be reached.
- The Stage 2 adjudicator will respond to the complainant within two months of receiving a claim, giving details of the decision, or acknowledging the claim and explaining when a decision will be reached.

14. Money Helper

14.1 Impartial guidance can be sought from Money Helper if you have a problem with the LGPS pension. [Pensions and retirement | Help with pensions and retirement | MoneyHelper](#)

15. Local Government Ombudsman (LGO)

15.1 If a customer is unhappy about the way that the Authority has dealt with their complaint, and that complaint was not because of a decision on the correct operation and interpretation of the LGPS Regulations they can contact the Local

Government Ombudsman who is independent and can investigate complaints about most Authority matters. The Ombudsman would normally expect a complaint to be made to them within 12 months of when the complainant first knew of the problem that they are complaining about.

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