



# COMPLAINTS PROCEDURE - NATIONAL RECOVERY PROGRAM BUREAU

## Introduction

Complaints are a valuable source of feedback and a valuable tool for organizational development. Diligent and prompt attention to complaints can help identify the needs of persons that encounter the National Recovery Program Bureau, understand the shortcomings, increase satisfaction and improve overall performance of the staff of the Bureau.<sup>1</sup>

This objective of this complaint procedure is to ensure that the National Recovery Program Bureau handles complaints fairly, efficiently and effectively. The Bureau aims to provide quick and effective resolution to concerns and complaints.

## Our complaint procedure intends to:

- 1) enable us to respond to complaints in a timely and cost-effective way
- 2) boost public confidence in our work and administrative processes, and
- 3) provide information on complaints to enhance and give a quality impulse to our products and services.

## What is a complaint?

A complaint is a written formal expression of dissatisfaction made to or about our services, products or staff. Requests for information, service requests and reports of problems or wrongdoing merely intended to bring a problem to our notice with no expectation of a response are to be distinguished from complaints.

This procedure applies to complaints filed against the staff at all levels within the Bureau. In case of doubt, the complaint officer will get in contact to clarify the merits of the request, report or complaint.<sup>2</sup>

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<sup>1</sup> Until the National Ordinance on the Bureau is in effect, complaints will be handled by the Interim Recovery Committee under the responsibility of the Minister of General Affairs.

<sup>2</sup> A service request includes, but is not limited to: requests for approval, requests for action, routine inquiries on planning or state of affairs, reports of failure to comply with laws regulated by the Bureau, requests for explanation of policies, procedures and decisions.

A complaint cannot be filed if:

you already filed a complaint about the same service, product or staff at the Bureau, or a complaint has been filed at the Ombudsman

1. the service, product or staff that caused the grievance took place over a year ago
2. there is a different way or procedure to address your grievances, for example through an appeals procedure based on a formal decision of government
3. the complaint should be addressed to a different entity within government, the Bureau will send the complaint to the right entity
4. your complaint is part of a court case, or part of a criminal investigation by the Public Prosecutor
5. your complaint does not address the products, service, or conduct by our staff
6. your complaints is about personal and general conduct of one of the staff members of the Bureau that is not directly related to a provided service

A complaint should be done by filling the online form provided below:

<https://goo.gl/forms/9qMpmJeLf0sTuaUk2>

Complaints can also be sent via email to [complaintsirc@sintmaartengov.org](mailto:complaintsirc@sintmaartengov.org) with "Complaint [name] Project" in the title of the e-mail. For example, "complaint Emergency Recovery Project I".

In the case that the person does not have access to internet or does not wish to submit an online form:

A complaint can be done in person at the address below. In such case the person will be asked to fill out a form that will contain the following information:

- personal and contact information: name, address, phone number, email address
- date
- merits and nature of the complaint: what happened, when it happened, who was involved
- the consequences of the occurrence: damage, or other grievance

Complaints can be addressed to:

National Recovery Program Bureau  
Soualiga Road no. 1  
Pond Island, Great Bay  
Sint Maarten

Are there costs involved?

No, filing a complaint is free of charge.

### Who is handling your complaint?

A complaint officer together with the legal counsel to the Bureau is handling your complaint.<sup>3 4</sup>

This way it is ensured that the person handling the complaint is different from any staff member whose conduct or service is related to the complaint. Conflicts of interests, whether actual or perceived, will be managed responsibly.

### How will the complaint be addressed?

Process:



### Receipt

We will acknowledge receipt of each complaint promptly, and preferably **within 5 working days**. Consideration will be given to the most appropriate medium (e.g. email, letter) for communicating with the person making a complaint. The complaint officers and legal counsel will consider any relevant legislation and/or regulations when responding to complaints and feedback.

Where possible, complaints will be resolved at first contact with the Bureau. We will address each complaint with integrity and in an equitable, objective and unbiased manner.

Unless the complaint has been resolved at the outset, we will record the complaint and its supporting information. We will also assign a unique identifier to the complaint file.

### The record of the complaint will document:

1. the contact information of the person making a complaint
2. issues raised by the person making a complaint and the outcome/s they want
3. any other relevant and
4. any additional support the person making a complaint requires

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<sup>3</sup> Until the NRPB is established and both a complaint officer and a legal counselor are appointed, the majority of the complaints will be handled by the IRC's legal advisors with support from the office assistant and other relevant teams. In some cases, this may also involve the assistance of Judicial Affairs.

<sup>4</sup> In the case that the complaint is related to the Director of the NRPB, it will be handled by the Cabinet of the Prime Minister.

We will protect the identity of people making complaints where this is practical and appropriate. Personal information that identifies individuals will only be disclosed or used by the Bureau as permitted under the relevant privacy Ordinance (*National Ordinance on the Protection of Privacy*), and any relevant confidentiality obligations.

Complaints filed against the Director of the Bureau, will be handled outside the Bureau, by the Ministry of General Affairs, to ensure an independent procedure.

### Initial assessment

Complaining is free of charge. After acknowledging receipt of the complaint, we will confirm whether the issue/s raised in the complaint is/are within our control. We will also consider the outcome/s sought by the person making a complaint and, where there is more than one issue raised, determine whether each issue needs to be separately addressed.

Conflicts of interests, whether actual or perceived, will be managed responsibly. In particular, internal reviews of how a complaint was managed will be conducted by a person other than the original decision maker.

We will advise the complainant as soon as possible when we are unable to deal with any part of their complaint and provide advice about where such issues and/or complaints may be directed (if known and appropriate).

### Addressing the complaint

After the initial assessment of the complaint, we will consider how to address it. **Within 6 weeks, the complaint will be addressed.** Only in complex cases, this period can be extended. The complainant will be informed accordingly.

If a person prefers or needs another person or organization to assist or represent them in the making and/or resolution of their complaint, we will communicate with them through their representative if this is their wish. We will take all reasonable steps to ensure that people making complaints are not adversely affected because a complaint has been made by them or on their behalf.

### When determining how a complaint will be addressed, we will consider:

- How serious, complicated or urgent the complaint is
- Whether the complaint raises concerns about people's health and safety
- How the person making the complaint is/has been affected
- The risks involved if resolution of the complaint is delayed, and
- Whether a resolution requires the involvement of other organizations

### To address a complaint, we may:

1. Give the person making a complaint information or an explanation
2. Gather information from the product, person or area that the complaint is about, or
3. Investigate the claims made in the complaint.

### Notably:

- We will keep the person making the complaint up to date on our progress, particularly if there are any delays. We will also communicate the outcome of the complaint using the most appropriate medium. Which actions we decide to take will be tailored to each case.
- We will assess each complaint on its merits and involve people making complaints and/or their representative in the process as far as possible.
- We will assess and priorities complaints in accordance with the urgency and/or seriousness of the issues raised. If a matter concerns an immediate risk to safety or security the response will be immediate and will be escalated appropriately.
- When similar complaints are made by related parties we will try to arrange to communicate with a single representative of the group, if the parties agree to this.
- Where a complaint involves multiple organizations, we will work with the other organization/s where possible, to ensure that communication with the person making a complaint and/or their representative is clear and coordinated.
- Subject to privacy and confidentiality considerations, communication and information sharing between the parties will also be organized to facilitate a timely response to the complaint.
- Where a complaint involves multiple areas within our organization, responsibility for communicating with the person making the complaint and/or their representative will be coordinated.

### Provide reasons for decision

Following consideration of the complaint and any investigation into the issues raised, we will contact the person making the complaint and advise them:

1. the outcome of the complaint and any action we took
2. the reason/s for our decision
3. the remedy or resolution/s that we have proposed or put in place, and
4. any options for review that may be available to the complainant, such as filing a complaint at the National Ombudsman

If during an investigation, we make any adverse findings about a particular individual, we will consider any applicable privacy obligations under the *Landsverordening Bescherming Persoonsgegevens (National Ordinance on the Protection of Privacy)* and any applicable exemptions in or made pursuant to that Act, before sharing our findings with the person making the complaint.

### Close complaint and follow up

After addressing the complaint and informing the complainative (including options for review if the complaint is not addressed to the satisfactory of the complainative) we close the complaint.

We will keep comprehensive records about:

1. How we managed the complaint
2. The outcome/s of the complaint (including whether it or any aspect of it was substantiated, any recommendations made to address problems identified and any decisions made on those recommendations, and
3. Any outstanding actions that need to be followed up.

4. We will ensure that outcomes are properly implemented, monitored and reported to the complaint handling officer and/or senior management.
5. We will ensure that complaints are recorded in a systematic way so that information can be easily retrieved for reporting and analysis in an aggregated and anonymous form. Those records are kept for a maximum duration in accordance with the law.

Regular reports will be run on:

1. the number of complaints received
2. the outcome of complaints, including matters resolved at the frontline
3. issues arising from complaints
4. systemic issues identified, and
5. the number of requests we receive for internal and/or external review of our complaint handling.

Regular analysis of these reports will be undertaken to monitor trends, measure the quality of our services and make improvements. Both reports and their analysis will be provided to the Bureau's senior management for review. Any information provided on the complaints at the Bureau to Parliament will be anonymous.