



## Complaints

### Purpose

The purpose of the Complaints Policy and Procedure is to provide Arowhenua Whānau Services employees with guidelines that assist them in providing accurate information about the services complaints procedures to tangata whaiora, whānau, and manuhiri, and effectively manage any complaints received in their professional capacity during the course of their employment with the service.

This policy and related procedures apply to all employees of Arowhenua Whānau Services.

### Rationale and Aims

To provide a clear policy and procedure that will enable concerns or complaints to be raised and have them addressed in a manner that is fair and safe whilst recognizing and protecting the needs and rights of all parties. The procedure will include a system of monitoring the nature and frequency of concerns or complaints and use this information as a means of quality improvement.

### Tō Tātou Tikanga

Inherent in all aspects of the work of Arowhenua Whānau Services and underpinning policies and procedures are the following Pou: Rangatiratanga, Kaitiakitanga, Manaakitanga, Whanaungatanga, Whai Rawa, Mātauranga, Hinengaro, Tinana, Wairua and Whānau.

The aims of this policy and procedures include:

- To promote communication and build trust and respect between employee and employer.
- To encourage personal and professional development.
- To set mutually agreed goals and objectives for future aspirations and ambitions of employees.
- To enhance employee job satisfaction and provide the means for the organization to improve quality of service and delivery of role and responsibilities.
- To provide an opportunity for the evaluation of job-related tasks.

### Scope

These procedures apply to all employees of Arowhenua Whānau Services and also to all Board of Trustees, contractors, suppliers, service providers, stakeholders, tangata whaiora, manuhiri and whānau.

## **Authority and application**

### **Authority**

The Complaints Policy and Procedures is issued by the Arowhenua Whānau Services Kaiwhakahaere who holds the overall authority to ensure that all employees are aware of this policy and associated procedures and that it is implemented with integrity.

### **Application**

An Arowhenua Whānau Services employee has a role to play in meeting the requirements of the Complaints Policy and Procedures. Arowhenua Whānau Services employees are required to become familiar with the contents of the Complaints Policy and Procedures; ensure that all tangata whaiora with whom they engage are given sufficient information about the services' complaints procedure to ensure they understand the process for lodging a complaint should the need arise; and, implement the procedures for managing complaints as outlined in this policy and procedures document.

Pou Whakahaere are responsible for ensuring all new employees are provided with a copy of the Complaints Policy and Procedures document during their induction and provided with sufficient training during their orientation so that they are able to confidently give accurate information about Arowhenua Whānau Services complaints procedures when required as well as understanding the implications of this policy for them should they be the subject of a complaint.

### **Definitions**

Patron(s) - Patrons of Arowhenua Whānau Services include employees, Board of Trustee members, contractors, suppliers, service providers, stakeholders, tangata whaiora, whānau and manuhiri.

Concern - A "concern" arises where a complainant seeks improvement in a situation where the complainant considers appropriate standards have not been met. The complainant perceives that the impact has not been large and it is likely that resolution can be obtained by direct, informal consultation with the respondent concerned.

Complaint: - A complaint is defined as any formal communication received by Arowhenua Whānau Services that alleges:

- Incidences where an Arowhenua Whānau Service employee has failed to comply with legislative and regulatory requirements.
- Incidences where an Arowhenua Whānau Services employee has failed to meet the ethical standards of professional practice as outlined in the services' Code of Ethics.
- Incidences where the standard of the service received by tangata whaiora failed to meet reasonable standards of quality and professionalism, including accuracy, responsiveness and accessibility.

A "complaint" arises where a complainant usually seeks some form of redress or change in a situation where the complainant considers that there has been a direct and significant adverse impact. A more formal resolution process is required than for a concern. Where a concern has been expressed to the respondent but has not been dealt with to the satisfaction of the complainant, a complaint process may be followed if requested by the complainant.

Complainant: - A complainant is a person or organization dealing with Arowhenua Whānau Services that issues a complaint. This can include tangata whaiora, whānau, caregivers, advocates, service

providers and any others who have a stake in the quality and standard of the services delivered by Arowhenua Whānau Services.

Harassment: - Interference in the pursuit of work or the proper enjoyment of amenities, by offensive or unwarranted attention from any employee or tangata whaiora to another.

Respondent: - A respondent is a person employed by or otherwise representing Arowhenua Whānau Services against whom a complaint is received. This can include employees, Board of Trustees, contractors, suppliers, service providers, stakeholders, tangata whaiora, manuhiri and whānau.

The following principles underpin this Complaints Policy and Procedure:

- All parties have the right to have their complaints addressed.
- Where possible and where the concern is made against another employee the complainant and the respondent should endeavour to work out a solution themselves based on facts not assumptions.
- Parties lodging a complaint have a guarantee of timeliness, objectivity and confidentiality when an issue is raised.
- The principles of natural justice will apply to both the person making the complaint and the person(s) who are the subject of the complaint, for example, a fair process of investigation should be implemented and all decisions should be unbiased and given in good faith.
- All parties are clear about the procedures for investigating a complaint and the need for keeping records about the process as it proceeds.
- No person making a complaint will be disadvantaged by making a complaint. Where necessary, steps to protect the interests of the complainant will be taken. Pressure will not be put on the complainant to withdraw a concern or complaint.
- Receiving complaints is regarded as one of the feedback mechanisms that provide critical information with which to guide the services continuous quality improvement actions.

#### **Procedures for providing information about the Complaints Process to Clients**

- Information about the Arowhenua Whānau Services complaints procedure is to be included in the information pack given to tangata whaiora when they first engage with Arowhenua Whānau Services. This information includes:
  - Arowhenua Whānau Services Complaints Process and Flow Chart.
  - An information sheet about advocacy services available to provide support.
  - The Health and Disability Commission's brochure that provides information about its free Advocacy Service, including key contact details<sup>1</sup>.
  - The Code of Health and Disability Services Consumers' Rights (1996) brochure.

All employees are required to explain the Arowhenua Whānau Services complaints process when engaging with tangata whaiora. No person making a complaint will be victimized or disadvantaged by making a complaint.

In addition, to the information about Arowhenua Whānau Services complaints procedures given to tangata whaiora, the service will make such information available on its website and provide paper copies, on request, to other stakeholders including those who refer tangata whaiora to the service and other service providers.

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<sup>1</sup> Detailed information about the National Health and Disability Advocacy Service can be found at <https://advocacy.org.nz/> and advocates working within each region in New Zealand can be contacted by phoning 0800 555 050

## Procedures for Resolving a Complaint

### Raising Concerns

- The complainant is encouraged to raise most matters initially as a concern and to seek an informal resolution. This should take place within five (5) days of the incident (**Step 1**).
- If a complainant has a good reason for not raising the matter as a concern, it is recommended they seek advice or support from the Kaiwhakahaere who will;
  - endeavor to address the concern, with support, or
  - proceed to the next most appropriate step.
- The use of petitions and/or raising concerns in the media or other public contexts is not regarded as an appropriate way to raise concerns.
- It is expected that parties will deal with concerns in an open and professional manner.
- If a concern is raised with Kaiwhakahaere, a Board of Trustees member, or a party not directly involved, the complainant should be asked whether the matter has been raised with the respondent directly involved. If this has not been done, the complainant should be advised and assisted to raise the matter with the respondent unless there are strong reasons why this is not appropriate (see Raising Concerns).
- The complainant should be advised of the expected time frame for resolution and, in due course, the outcome of the follow-up process.

### Complaint is Made

- A complainant should be encouraged to seek advice and support before formally proceeding with a complaint (see raising concerns)
- A complaint should be lodged, in writing, with the Kaiwhakahaere within 10 days of the incident (**Step 2**) if:
  - A concern has been raised and not resolved, or
  - After discussion with an appropriate person, it was decided that the matter was not suitable to be raised as a concern (see raising concerns) or the matter should be dealt with as harassment (see Definitions).
- If a complaint is lodged directly with an employee not responsible for the respondent, then the employee should assist the complainant in contacting the Kaiwhakahaere.
- On receiving the complaint, the Kaiwhakahaere should initiate action as soon as practically possible.
  - The complaint should be acknowledged in writing within five (5) working days (**Step 3**). A copy of the “Complaints Policy” should be enclosed with the letter. The Board Chair should be advised that a complaint has been received, the date it was received and the nature of the complaint. The Kaiwhakahaere must enter details into the Complaints Register from initiation to completion.
- In some situations, it may be appropriate to consider using procedures suited to the culture of the parties involved (e.g., restorative justice process).
- If the complaint relates to Arowhenua Whānau Services’ processes or procedures, the Kaiwhakahaere will commence an investigation into the particular incident and its wider implications.
- If the complaint relates to the actions of an employee, the following steps should be taken:
  - Kaiwhakahaere will inform the complainant that their name will be made known to any employee concerned and that the complainant and/or employee may have support while the complaint is investigated.
  - The complainant should be told that the complaint will be treated as being valid but that if the complaint is found to be malicious and without foundation or not made in good faith then it

is possible that the respondent may be able to take legal or other action against the complainant. It should be made clear that the warning is to ensure that the complainant is fully informed of possible outcomes (see Principles).

- The Kaiwhakahaere should seek from the complainant any additional information needed to be clear about the nature of the complaint.
- The Kaiwhakahaere should advise the respondent involved within five (5) working days of receiving the complaint (**Step 3**). The respondent should be told the nature of the complaint and the name of the complainant. The respondent should be advised that they may seek assistance. If necessary, the options available for support should be discussed. At this stage there must be no judgement made by the Kaiwhakahaere or bias shown.

### **Complaints Investigation and Resolution Process**

- While investigating the complaint, the Kaiwhakahaere should be fair and neutral and will not take any action or make any assumption that might be detrimental to either the complainant or the respondent.
- The Kaiwhakahaere should contact the complainant to gain an understanding of the complaint, explain the options available, and help the person to decide the most appropriate way in which to proceed with the complaint. The allegations will be noted in writing.
- The Kaiwhakahaere will then interview the respondent to seek their understanding of the situation. The allegations will be presented to the respondent.
- Where there are disputes about the facts, other parties who can provide additional information about the matter will be consulted as well as any supporting information needed to clarify and help resolve the complaint.
- Within ten (10) working days of receipt of the complaint the Kaiwhakahaere will discuss with all parties' potential options for resolution and reach an agreed solution if possible (**Step 4**). The Kaiwhakahaere will make a finding about whether the complaint is justified, or the complaint is not justified, or if more time is needed to investigate the complaint. The Kaiwhakahaere will write a report documenting the investigation process, the evidence, the findings, and the recommended action(s). They will then advise the parties in writing of the outcome of the investigation as well as an estimated time for any follow-up action to be completed (**Step 6**).
- If additional time is needed to complete the investigation, the parties will be given an update and the reasons for the delay and a date that the result of the investigation will be available.
- If a resolution cannot be made, then the Kaiwhakahaere may refer the matter to the Board Chair of Arowhenua Whānau Services (**Step 5**). Any key findings or decisions made should be fully discussed with all parties who must be given the opportunity to express opinions.
- Complaints should be resolved within 6 weeks.
- If a complaint is justified, the Kaiwhakahaere should:
  - Consider whether other employees' interests may have been affected and, if appropriate, take practical steps to ensure equitable treatment.
  - Review relevant processes, and procedures in order to minimize the chances of a similar incident occurring again.
- The Kaiwhakahaere must advise the Board Chair about the outcome of the complaint, the date it was achieved, and any recommendations for change of procedure or process.

### **Recording the complaints resolution process**

All complaints received by Arowhenua Whānau Service will be accurately documented, including the following information:

- The name and contact details of the complainant

- The date the complaint was received
- The name of the parties who are the subject of the complaint
- The location and time when the alleged incident took place
- The particulars of the complainant's allegations
- Actions, if any, undertaken prior to the initial discussion with the Kaiwhakahaere; when these actions occurred; and, the identity of the people involved
- The complainant's decision about the actions that need to be taken to investigate and resolve the concerns at the core of the complaint
- The name and contact details of the person who received the complaint and the name and contact details of the person who undertakes the complaint resolution process.

Arowhenua Whānau Services recognise the importance of keeping accurate records of all conversations undertaken and correspondence received during investigation of a complaint and resolution process (documents submitted, diary notes, and options considered for resolution). Arowhenua Whānau Services will keep copies of such records in a secure place to ensure confidentiality for all parties involved is maintained. This accurate record keeping is required so that the case can be reviewed if necessary.

The service will record all tangata whaiora and other stakeholder complaints in the complaints register, including the outcome of the complaint resolution process.

### **Appeals and Grievances**

Appeals against any decision made or process taken during a complaint resolution process should be addressed in writing to the Board Chair of Arowhenua Whānau Services within 20 days of the date of the letter notifying both parties of the outcome of the investigation (**Step 8**).

The Board Chair of Arowhenua Whānau Services will examine the record of the complaint and may interview any of the parties and then determine that either:

- There are no procedural irregularities and the substantive decision is reasonable
- There is some basis for reconsideration either as a result of a significant procedural irregularity or that the substantive decision is unreasonable. In this situation, the Arowhenua Whānau Services Board Chair will work with the complainant to bring the appeal to a satisfactory conclusion.

A complainant or respondent who is dissatisfied with the management during the resolution of the complaint will be advised that they can raise the matter with the Office of Health and Disability.

Alternatively, a personal grievance may be raised under the provisions in individual employment agreements within 90 days.

### **Records**

At the conclusion of the complaints process as defined by the end of the 90-day appeal period records should be filed in the following manner:

- If the matter relates to a process or procedure, the Kaiwhakahaere will retain the file for two years and send a copy to an Administrator for recording.
- If the matter relates to the actions of an employee, the Kaiwhakahaere will send the complaint file to the Administrator for filing on the employee(s) file as a matter of record. No other records must be kept.

- All records regarding complaints must be maintained for at least 5 years after the complaint is resolved.

### **Harassment**

If the complainant considers that the issue constitutes harassment (see “definitions”) or if it is agreed that the concern or complaint constitutes harassment, the matter should be referred to the Kaiwhakahaere who will work towards enabling a resolution under the Arowhenua Whānau Services Harassment Policy.

### **Continuous Improvement**

In line with Arowhenua Whānau Services commitment to continuous improvement of its services, at the end of each year or upon request, the Kaiwhakahaere will provide a summary of complaints (sourced from the register that contains a summary of each complaint) to the Board of Trustees. If significant trends appear that warrant some action, the Kaiwhakahaere will consult with the appropriate personnel about any action that may need to be considered.

### **Performance Indicators**

- Concerns and complaints are dealt with according to procedures.
- A Complaints register is maintained.

### **Legislation**

- [Human Rights Act 1993: Human Rights Act 1993 No 82](#) (as at 1 December 2022), Public Act Contents – New Zealand Legislation
- [Employment Relations Act 2000: Employment Relations Act 2000 No 24](#) (as at 6 January 2024), Public Act Contents – New Zealand Legislation
- [Privacy Act 2020: Privacy Act 2020 No 31](#) (as at 6 December 2023), Public Act Contents – New Zealand Legislation
- [Harassment Act 1997: Harassment Act 1997 No 92](#) (as at 28 October 2021), Public Act Contents – New Zealand Legislation
- [Code of Health and Disability Services Consumers Rights](#)
- [Health and Disability Commissioner Act 1994/ Amendment Act 2003](#) (as at 1 July 2023)

### **Links to**

- Harassment
- Code of Conduct – Employees
- Code of Conduct – Board of Trustees
- Code of Ethics – Employees
- Code of Ethics – Board of Trustees
- House Rules
- Personal Grievance
- Complaints Register

**Version Control: Complaints**

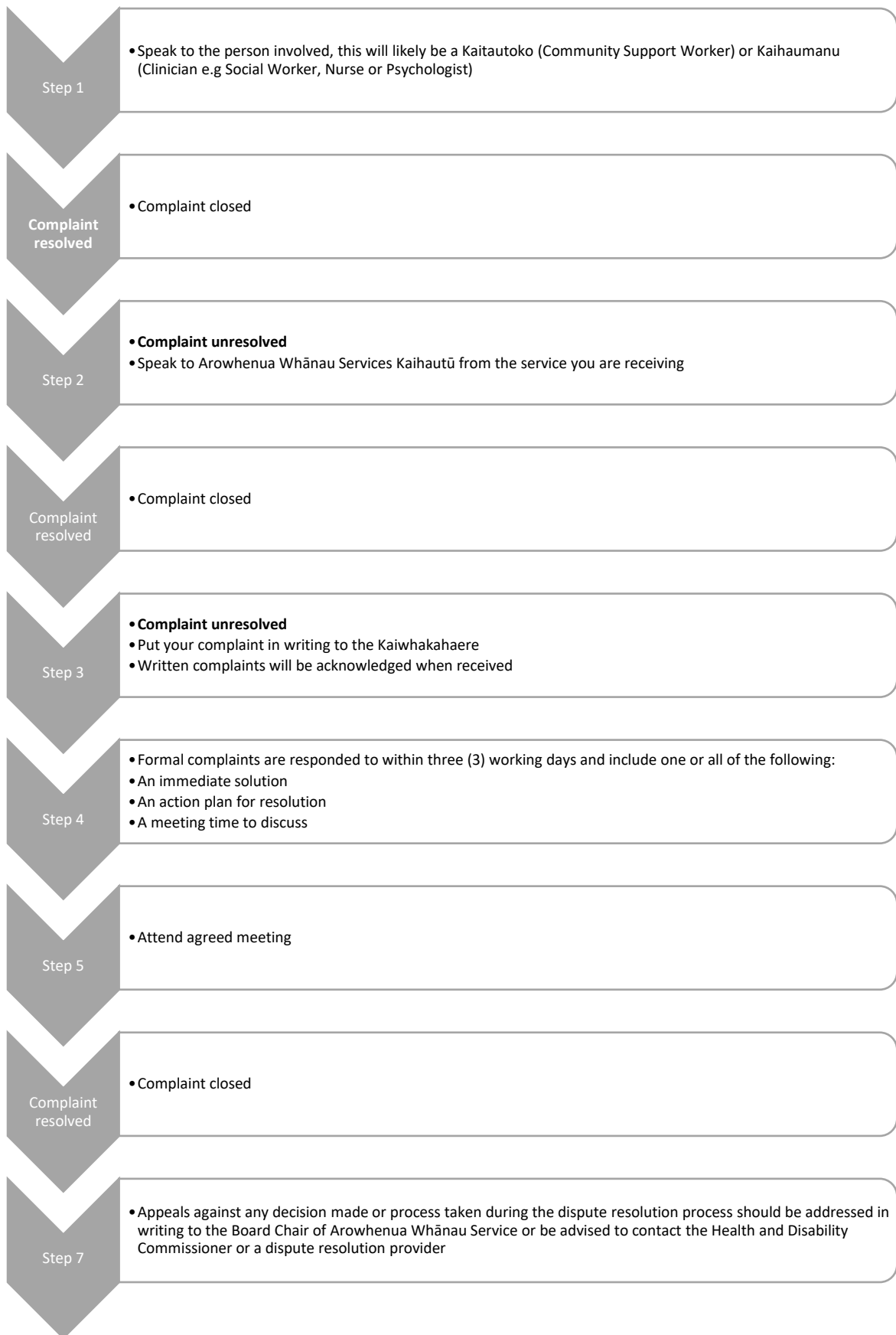
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## Appendix 1: Complaints Procedure



## Appendix 2. Complaints flow chart



### Appendix 3. Complaints register

Complainant:		Respondent:
Complaint		
Step 1	Outcome YES	Outcome NO- Step 2
Date of Face of Face:	Date Letter sent:	Date the complaint was lodged with the Kaiwhakahaere:
Step 3: Kaiwhakahaere	Date Kaiwhakahaere sent a letter to the Complainant:	Date Kaiwhakahaere sent a letter to the Respondent:
Step 4: Informal meeting	Outcome YES	Date Kaiwhakahaere sent a letter to parties:
Step 5: Kaiwhakahaere and/or Board Chair	Outcome No	Decision:
Step 6 – Kaiwhakahaere	Date Kaiwhakahaere sent a letter to Complainant:	Date Kaiwhakahaere sent letter to Respondent:
Step 7 – Kaiwhakahaere	Date Kaiwhakahaere sent letter to Complainant:	Date Kaiwhakahaere sent letter to Respondent:

#### **Appendix 4. Right 10 – Right to complain**

1. Every consumer has the right to complain about a provider in any form appropriate to the consumer
2. Every consumer may make a complaint to—
  - a) the individual or individuals who provided the services complained of; and
  - b) any person authorised to receive complaints about that provider; and
  - c) any other appropriate person, including –
    - I. an independent advocate provided under the Health and Disability Commissioner Act 1994; and
    - II. the Health and Disability Commissioner
3. Every provider must facilitate the fair, simple, speedy, and efficient resolution of complaints
4. Every provider must inform a consumer about progress on the consumer's complaint at intervals of not more than 1 month
5. Every provider must comply with all the other relevant rights in this Code when dealing with complaints
6. Every provider, unless an employee of a provider, must have a complaints procedure that ensures that—
  - a) the complaint is acknowledged in writing within 5 working days of receipt, unless it has been resolved to the satisfaction of the consumer within that period; and
  - b) the consumer is informed of any relevant internal and external complaints procedures, including the availability of—
    - I. independent advocates provided under the Health and Disability Commissioner Act 1994; and
    - II. the Health and Disability Commissioner; and
    - III. the consumer's complaint and the actions of the provider regarding that complaint are documented; and
    - IV. the consumer receives all information held by the provider that is or may be relevant to the complaint
7. Within 10 working days of giving written acknowledgment of a complaint, the provider must —
  - a) decide whether the provider—
    - I. accepts that the complaint is justified; or
    - II. does not accept that the complaint is justified; or
    - III. if it decides that more time is needed to investigate the complaint, —
    - IV. determine how much additional time is needed; and
    - V. if that additional time is more than 20 working days, inform the consumer of that determination and of the reasons for it.
8. As soon as practicable after a provider decides whether it accepts that a complaint is justified, the provider must inform the consumer of—
  - b) the reasons for the decision; and
  - c) any actions the provider proposes to take; and
  - d) any appeal procedure the provider has in place