

### **PURPOSE**

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We recognise that your feedback is integral to improving the quality of service you receive. Our commitment to continuous improvement means that we acknowledge all concerns, regardless of how minor, and ensure that whilst your concerns are being resolved, you are treated with dignity and respect.

### **COMPLIANCE REQUIREMENTS**

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The concerns management process provides a vehicle for you to express your concerns without fear of prejudice, and ensures there are a variety of avenues to pursue your concern.

The procedure for making, receiving and resolving concerns will enable these to be resolved simply, fairly and quickly.

Further information on Resident Rights, complaints and disputes procedures is published in **Code of Residents' Rights** by the Retirement Commissioner.

#### **Residents' Rights:**

- a) All residents have the right to raise concerns and receive a response within a reasonable time. (Right 4 – **Code of Residents' Rights**)
- b) All residents have the right to a speedy and efficient process for resolving disputes they have with us or with other residents. (Right 5 – **Code of Residents' Rights**)
- c) All residents have the right to have a support person represent them in their dealings with us or other residents. (Right 6 – **Code of Residents' Rights**)
- d) All residents have the right to be treated with courtesy and respect. (Right 7 **Code of Residents' Rights**)
- e) When raising a concern or formal complaint, we will treat you with courtesy and respect. We will not treat you differently from any other resident on the basis of you having raised a concern.
- f) Nothing in this policy limits your right to contact the Statutory Supervisor, Retirement Commissioner, Registrar of Retirement Villages or any other person at any time as an alternative or in addition to making a formal complaint, or regarding any alleged breach of the Code of Residents' Rights. You may exercise this right by contacting the Statutory Supervisor, Registrar of Retirement Villages or Retirement Commissioner directly using the contact details provided in Schedule One.

#### DEFINITIONS

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"**Code of Practice**" means the Code of Practice approved by the Minister under section 89 of the **Retirement Villages Act**, as updated, amended or replaced from time to time.

"**Complain**" includes any issue or concern or Formal Complaint.

"**Formal Complaint**" means a written complaint made by a resident or former resident relating to us, our staff, the Village, another resident or any other matter that the resident wants to raise.

"**Former resident**" means a person who was a resident, or a representative of that former resident, of the Village and whose occupation right agreement has since terminated.

"**Resident**" means any of the following:

- a) a person who has entered into an occupation right agreement with us in relation to the Village
- b) a person who under an occupation right agreement is, for the time being, entitled to occupy a residential unit within the Village, whether or not the agreement is made with that person or some other person; or
- c) if the occupation right agreement provides, or with our consent, the spouse, civil union partner, or de facto partner of the person referred to in paragraph (b) who is occupying the residential unit with that person, or after that person's death or departure from the Village.

"**Working Day**" has the same meaning as set out in the Code of Practice.

#### PROCEDURE

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An outline of the complaints procedures is set out in a flow-chart in Schedule Two.

##### **Procedure for raising an informal concern**

1. You are encouraged to register your concern with us in the first instance (as the majority of concerns can be resolved at this stage of the process).
  - a) You are encouraged, but not required, to raise any issues or concerns informally with us prior to making a formal complaint.
2. All concerns (written or verbal) can be made to us or the Statutory Supervisor or Registrar of Retirement Villages who will respond to the matter raised.
  - a) **A Feedback Form** is readily available at the Reception to lodge your concerns (along with any compliments or suggestions you may have).
  - b) If a concern is raised verbally we will record this on the feedback form and lodge this in the feedback register.

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- c) You can ask us for information about your rights as detailed in the **Code of Residents Rights** (this information is also contained in your **Village Compendium**).
  - d) At any stage of the process, you have the right to involve a support person or independent advocate to act on your behalf - see **Schedule One** for contact details of available advocacy services. Any costs associated with the appointment of an advocate must be met by you.
3. Your concern will be promptly acknowledged by us in writing within five (5) working days.
- a) Your concern will be logged on a register and filed along with any other correspondence relating to the matter.
4. A professional and objective review of your concern will be undertaken.
- a) We will ensure you are informed about the progress of your concern at regular intervals.
5. Once we have completed our investigation of the issue or concern we will provide written advice of the outcome to you.
- a) If we are unable to give you a response within twenty (20) working days of the date you raised the issue as a concern we will contact you and explain what progress has been made and when a final response might be expected.
  - b) If you are not satisfied with the response to your issue or concern or the progress towards resolution you may at any time raise your issue or concern as a formal complaint in accordance with the procedure set out in the next section.

#### **Formal complaints**

You have the right to make a formal complaint about us, our staff, the Village, other residents or any other matter. Before commencing the formal complaints Resolution Procedure you may wish to:

- a) raise the matter as an issue or concern as set out previously in the procedure for raising an informal concern;
- b) talk to the Statutory Supervisor, Registrar of Retirement Villages and/or the Retirement Commissioner about wishing to make a formal complaint. Contact details for these organisations are set out in **Schedule One**.
- c) as an alternative, or in addition to making a formal complaint, contact the Statutory Supervisor if your complaint is about a breach of the **Code of Residents' Rights**.

#### Procedure for raising a formal complaint

1. We encourage you to complete the **Village's Formal Complaint Form** available from the Reception. A formal complaint must be in writing, signed and dated by you and provided to the Village Manager.
  - a. If you are not able to write the complaint your personal representative, or a support person you have authorised in writing, may write the complaint for you.
  - b. If you are not able to write the complaint and you do not have a person to assist you in writing the complaint, the Village Manager will at your request record your complaint in writing based on what you tell the Village Manager at the time. The Village Manager will read the complaint back to you to confirm it is recorded correctly and will provide you with a copy before taking any further action.
  - c. You can ask us for information about your rights as detailed in the **Code of Residents Rights** (this information is also contained in your **Village Compendium**).
  - d. At any stage of the process, you have the right to involve a support person or independent advocate to act on your behalf - see **Schedule One** for contact details of available advocacy services. Any costs associated with the appointment of an advocate must be met by you.
  - e. A register is kept of all formal complaints and information including the number, type and outcome of formal complaints is reported to the Retirement Commissioner every six months. None of your personal information will be disclosed without your consent unless required by law.
2. We will acknowledge in writing every formal complaint within five (5) working days of receiving it.
  - a. This acknowledgement will include the process and timeframe for resolving the formal complaint.
  - b. We will endeavour to resolve the formal complaint within twenty (20) working days from the date we receive the formal complaint and will regularly inform you of progress.
3. We will work with you directly to resolve the formal complaint to your satisfaction. If we are unable to resolve the formal complaint within twenty (20) working days the Village Manager will advise you of the progress of the formal complaint and the reason for the delay. We will continue to regularly inform you about the progress of the formal complaint.
  - a. If any proposed action by us is the subject of the formal complaint, we will advise you whether or not we will suspend taking that action until the formal complaint is resolved. We will only proceed with a proposed action if we have consulted with the Statutory Supervisor and have decided that it is in the best interests of the Village as a community to proceed with the proposed action while the formal

complaint is being resolved.

#### 4. Statutory Supervisor

If the formal complaint has not been resolved within twenty (20) working days of being received by us, we will refer the formal complaint to the Statutory Supervisor and ask that the Statutory Supervisor work with the parties to provide an impartial perspective and recommend a way forward. We will advise you once we refer the matter to the Statutory Supervisor.

#### 5. Mediation

- a) If the formal complaint has not been resolved within twenty (20) working days after being referred to the Statutory Supervisor, we will offer you the option of mediation with an independent mediator. The mediator must be either a member of an alternative dispute resolution agency which is approved by the Retirement Commissioner and listed on the Retirement Commissioner's website or alternatively the parties have the option to agree on another independent third party.
  - i) We will suggest one or more independent mediators to you. If the parties agree on a mediator we will refer the formal complaint to that person. If the parties cannot agree on a mediator within five (5) working days we will ask the Retirement Commissioner to select one who we will engage.
  - ii) Each party is responsible for their own costs in preparing for mediation. If the formal complaint is about us or our staff we will pay the mediator's costs. If the formal complaint is between residents the mediator's costs will be divided evenly between each party and us.
- b) If the formal complaint is resolved by agreement or following referral to the Statutory Supervisor or during mediation we will:
  - i) Record the resolution in writing;
  - ii) State what actions, if any, will be taken, who is responsible for taking that action, and the timeframe for the action to be completed;
  - iii) Set out the terms of any agreement about costs and any other terms;
  - iv) Arrange for the resolution to be signed and dated by all parties; and
  - v) Provide a copy to all parties.
- g) If the formal complaint is unresolved:

The above process does not prevent you at any time after twenty (20) working days of your formal complaint being received by us from issuing a dispute notice. Your right to issue a dispute notice is subject to the terms set out in the Retirement Villages Act 2003.

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A summary of the requirements and procedure for issuing a dispute notice are set out in the next section.

- h) If your formal complaint has not been resolved through the mediation process you may be able to issue a dispute notice.

#### 6. Disputes Panel

We encourage all residents to take advantage of all steps set out in **the** Formal Complaint Resolution Procedure prior to giving a dispute notice. However, nothing in this policy limits your right to give a dispute notice at any time permitted by the **Retirement Villages Act 2003** or the right of the parties to agree to mediation at any time during a dispute panel process.

Where you have an unresolved formal complaint you may be able to give a dispute notice at any time between twenty (20) working days and six (6) months after the date the formal complaint was received (or such later time by agreement of all parties).

Not all formal complaints are able to be referred to a disputes panel for resolution. You may give a dispute notice for a formal complaint which relates to any of the following:

- a) a decision by us which affects your occupation or access to services or facilities.
- b) a decision by us to change the charges you pay under your occupation right agreement for outgoings, services or facilities.
- c) the charges or deductions made when you leave the Village.
- d) an allegation that we have breached the **Code of Residents' Rights** or **Code of Practice**.
- e) a dispute between you and another resident or guest of another resident which affects your occupation right.

You may give a Dispute Notice for resolution of a dispute concerning the Operator's breach of the your **Occupation Right Agreement** or **Code of Practice** in disposing of your apartment in the village formerly occupied by you, but not until nine (9) months after the apartment becomes available for re-occupation or disposal.

You may give a dispute notice for the resolution of a dispute affecting your occupation right between you and any other person who is:

- a) Another resident of the retirement village; or
- b) In another resident's residential unit with that other resident's permission.

The procedure is published by the Retirement Commissioner; <http://www.cffc.org.nz> and is outlined in **Schedule Three**.

### 3 FEEDBACK, COMPLIMENTS AND COMPLAINTS POLICY



#### **Complaint to the Retirement Villages Association Procedure**

The New Zealand Retirement Villages Association ("RVA") has a complaints process in place for complaints being made against operators.

This process can be employed in addition to the complaints facility described above. Should you choose to refer your complaint to the RVA, the time period in any of the above processes is not affected or suspended.

#### **1. Making a complaint to the RVA**

Complaints being referred to the RVA must be made in writing and must clearly set out the following details:

- a. The name of the complainant; and
- b. The name of the Operator
- c. The nature of the complaint including as many relevant details as possible, such as dates, names of parties and locations.

The complaint should be addressed to the Executive Director of the RVA, and sent to the RVA, whose contact information is set out in Schedule Two.

#### **2. The complaints process followed by the RVA**

The RVA will acknowledge the complaint within five working days of receiving it, and send you a copy of their complaints policy that fully sets out the complaints process they will follow.

#### **DOCUMENTS**

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Retirement Villages Act 2003

Retirement Villages (Disputes Panel) Regulations 2006

Code of Practice

Code of Residents Rights

Compendium

Occupation Right Agreement

Village's Formal Complaint Form

### 3 FEEDBACK, COMPLIMENTS AND COMPLAINTS POLICY



#### SCHEDULE ONE – CONTACT DETAILS

##### Operator's Contact Person for Complaints:

Name: Mark Vincent  
Office hours: 8.30am – 4.00pm  
Phone: 07 262 0199  
Cell phone: 021 246 5187  
Email: [markv@pacificlakes.co.nz](mailto:markv@pacificlakes.co.nz)

##### Statutory Supervisor:

Name: Covenant Trustee Services Limited  
Phone: 09 302 0638  
Email: [team@covenant.co.nz](mailto:team@covenant.co.nz)  
Address: Level 6, Crombie Lockwood Building, 191 Queen Street,  
Auckland 1140

##### Registrar of Retirement Villages:

Phone: 0800 268 269 (Toll Free within New Zealand)  
Phone: (03) 962 2602  
Website: [www.retirementvillages.govt.nz](http://www.retirementvillages.govt.nz)  
Address: Registrar of Retirement Villages  
Northern Business Centre  
Private Bag 92061  
Auckland Mail Centre  
Auckland 1142

##### Retirement Commissioner:

Phone: (09) 356 0052  
Website: [www.cffc.org.nz](http://www.cffc.org.nz)  
Address: Level 3  
108 Quay Street  
Auckland 1010  
Postal Address: PO Box 106-056  
Auckland City 1143  
Email: [office@cffc.org.nz](mailto:office@cffc.org.nz)



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#### **Retirement Villages Association:**

Phone: (04) 499-7090  
Address: Level 11  
Petherick Tower,  
38 - 42 Waring Taylor St  
Wellington 6011

Postal Address: PO Box 25-022  
Panama Street  
Wellington 6146

Email: [info@retirementvillages.org.nz](mailto:info@retirementvillages.org.nz)

#### **Agencies which may offer Advocacy Services:**

##### **Age Concern:**

Phone: (04) 801 9338  
Fax: (04) 801 9336  
Email: [national.office@ageconcern.org.nz](mailto:national.office@ageconcern.org.nz)  
Website: [www.ageconcern.org.nz](http://www.ageconcern.org.nz)  
Address: National Office  
4th floor, West Block, Education House  
178 Willis Street  
Wellington

##### **Citizens Advice Bureau:**

Phone: 0800 367 222  
Fax: (04) 382 8647  
Email: [admin@cab.org.nz](mailto:admin@cab.org.nz)  
Address: National Office  
PO Box 9777  
Wellington

Website: [www.cab.org.nz](http://www.cab.org.nz)

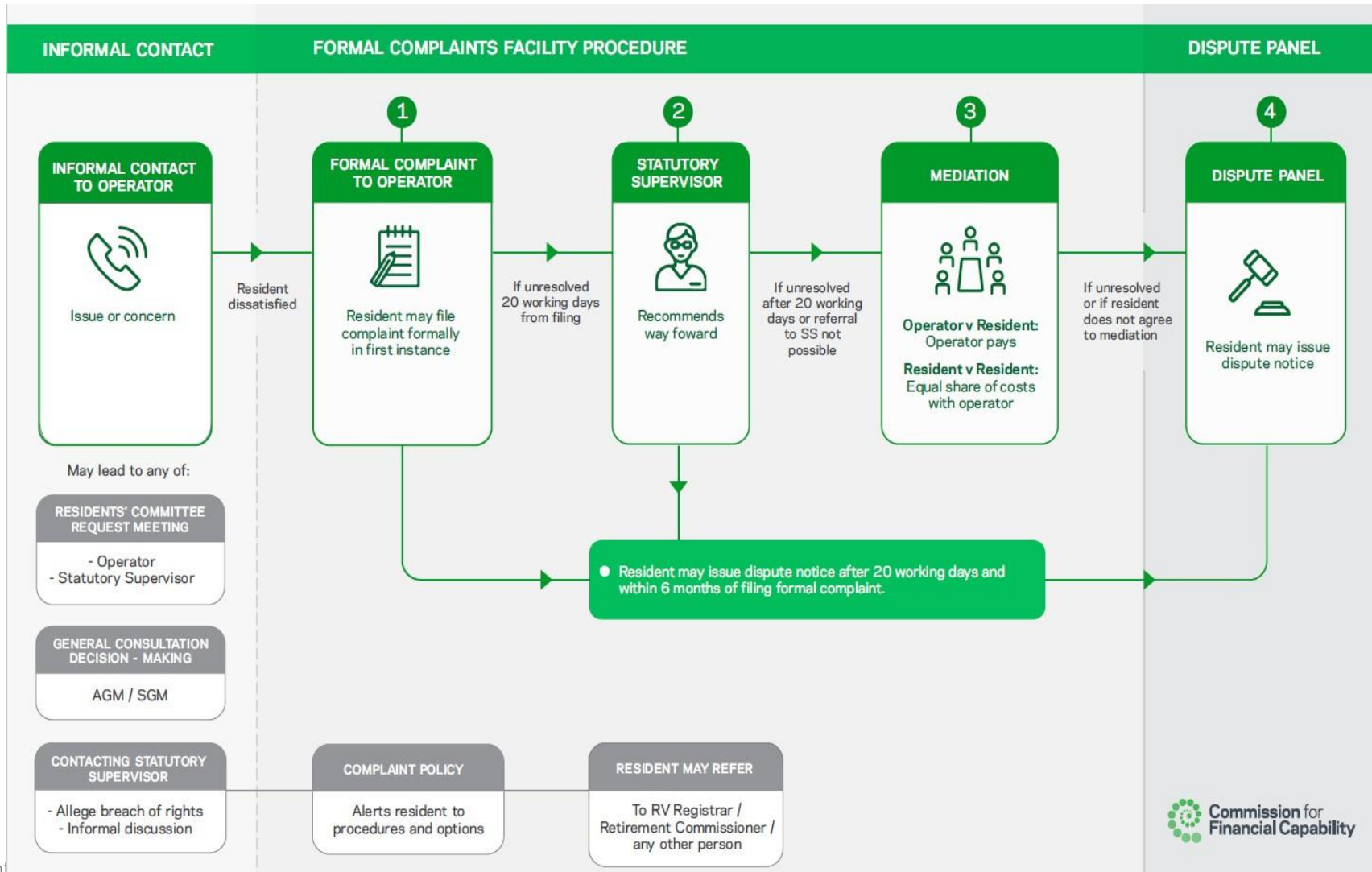
##### **Advocacy Network Services:**

Free Phone: 0800 423 638 / 0800 423 639  
Phone: (04) 237 0418  
Address: Room 2/5 Pember House  
16 Hagley Street  
Porirua

# 3 FEEDBACK, COMPLIMENTS AND COMPLAINTS POLICY



## SCHEDULE TWO



### SCHEDULE THREE

#### Process for Issuing a Disputes Notice

Please note: This is an overview of the process only and for full details please consult Part 4 of the **Retirement Villages Act 2003** and the **Retirement Villages (Disputes Panel) Regulations 2006**.

If a resolution for the formal complaint has not been reached, a Dispute Notice may be issued (in most cases<sup>1</sup> see below) after twenty (20) working days and before six (6) months from the date the formal complaint was originally lodged.

1. **Use Form 1** – Dispute Notice under the Retirement Villages Act 2003 – which can be found at [www.cffc.org.nz](http://www.cffc.org.nz). You (the applicant) complete the form and provide a copy to the other party (the respondent) in the dispute and another copy must be given to the Village Operator if they are not the respondent.
2. The Village Operator will appoint and contract the dispute panel member/s from a list of approved panel members that is published by the Retirement Commission. The Village Operator will then give the Retirement Commission a copy of the Dispute Notice and the associated documentation.
3. If the disputes panel considers that it needs more information about the issues of the dispute it can ask the applicant to provide this, in writing and within a specified time. The respondent may reply, or be required by the dispute panel to reply, to the dispute notice. (Form 2 – Reply to dispute notice under the Retirement Villages Act 2003)
4. Before the hearing, the disputes panel will consult with all of the dispute parties on the most appropriate procedure for resolving the dispute. It will ensure that each party has the opportunity to comment on any view on any matter given by the other party during the consultation time. The panel will then set an agreed time and place for the hearing. As a general rule all hearings are to be public with the proceedings and decision published. However, the panel may decide whether any part of the hearing will be heard in private or not published.
5. The disputes panel may decide that a dispute should be heard by a court of law instead and refer it to the nearest District Court. A disputes panel can also refuse to hear a dispute if it considers it to be frivolous or vexatious or an abuse of process.
6. At a disputes panel hearing all parties can give evidence, cross-examine and re-examine witnesses. The panel can award costs, amend an occupation right

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<sup>1</sup> Except where there is a dispute over a breach of the Occupation Right Agreement or Code of Practice in the disposal of a Residential unit, nine months must have elapsed from the date the unit was available for re-occupation or disposal.

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agreement, order compliance with an occupation right agreement or the code of practice, or order payment or refund of an amount in dispute – these apply to the Operator or the Resident.

7. When a decision has been made, the disputes panel must record its findings in writing and give each party, the Operator, and the Retirement Commissioner a copy. The decision is binding on all parties.
8. Any party to a dispute resolution may appeal against the decision of a disputes panel within twenty (20) working days of the decision. Appeals are heard by either the District Court or High Court in accordance with section 75 of the Act. The decision of the court hearing the appeal is final.