

Consumer Rights

D16: Feedback and Complaints Policy (NZ)

Document Information

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| Approved By: | GM Operations |  | |
| Approved By: | CEO |  | |

Document History

| Version | Description of Changes | Date of Issue |
|---------|--|---------------|
| 1.0 | Original | Jul 2002 |
| 2.0 | Reviewed | Aug 2009 |
| 3.0 | Reviewed <ul style="list-style-type: none"> Transferred to new template; changes made to wording | July 2011 |
| 4.0 | Reviewed <ul style="list-style-type: none"> Transferred to new template; date change only | May 2013 |
| 5.0 | Reviewed <ul style="list-style-type: none"> Rewritten; Flowchart added; HO Complaints added; SWAY added | Feb 2014 |
| 6.0 | Reviewed | Mar 2017 |
| 7.0 | Reviewed <ul style="list-style-type: none"> Transferred to new template; Policy content updated NZ related legislation and standards added | Nov 2019 |
| 8.0 | Reviewed <ul style="list-style-type: none"> Clarified persons to whom complaints should be made | Dec 2022 |
| 9.0 | Added Privacy Commissioner contact details and relevant legislation | Apr 2023 |
| 10.0 | Reviewed | May 2024 |

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| | <ul style="list-style-type: none">Changes and additions made to policy content and wording by Complaints Resolution Manager and CEX team | |
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1. About this policy

1.1. Policy statement

At Summerset, feedback is very important to us.

We want to ensure that any resident (family members, intimate partners, advocates, visitors, and other stakeholders) can submit feedback.

This may come in the form of comments and suggestions, compliments, and informal or formal complaints.

Bringing these to our attention lets us know what we are doing well, or where we need to resolve issues and make improvements.

1.2. Objectives of the policy

The objective(s) of this policy are to:

- Let residents and their representatives know that Summerset cares about what they have to say and values their feedback
- Ensure residents and their representatives are aware of how they can provide feedback, compliments, or complaints
- Clarify how Summerset responds to feedback, compliments, or complaints
- Ensure that complaints are dealt with consistently, fairly, and sensitively
- Ensure that complaints are recorded and monitored as opportunities for improvement
- Ensure compliance with regulatory and legislative requirements

1.3. Purpose and background

Summerset encourages residents and their representatives (family members, intimate partners, advocates) to provide feedback, compliments, or complaints. Bringing these to our attention gives us an opportunity to identify what we are doing well, or to resolve any issues and make improvements.

1.4. Related Documents

| Reference | Description |
|-----------|--|
| D16.01 | Feedback and Complaints Procedure (NZ) |
| D16.01.01 | Formal Complaint Form |
| D16.01.02 | Feedback Form |
| D16.01.03 | Compliment Form |
| D16.01.04 | Complaint Acknowledgement Letter |

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|---------------|--|
| D16.01.05 | Investigation Complete Complaint Letter |
| D16.01.06 | Ongoing Investigation Response Letter |
| SMP Solutions | Let's Find a Solution brochure |
| D21 | EPOAs and Supported Decision-making Policy and Procedure |
| D23 | Open Disclosure Policy and Procedure (NZ) |

2. About compliments and feedback

2.1. Compliments

Residents and/or their representatives are welcome to provide compliments about our staff, services, products, and/or the quality of care we provide. This is great feedback which tells us we are on the right track.

2.2. Feedback

Feedback can be positive or negative, an opinion or a suggestion, and is intended to be motivational and/or offer scope for improvement.

A resident may raise feedback at any time with the Village Manager or other village staff member, in writing or verbally.

Feedback forms and boxes are also available throughout the village.

Feedback can be provided anonymously if the resident prefers; however, this may limit what we can do to help.

3. About complaints

3.1. Overview

Note: In this section the person forwarding the complaint will be referred to as 'the resident', however it also relates to a family member, support person or other representative related to the resident, or a member of the community.

Where a complaint is received from a representative acting on behalf of a resident (excluding an activated EPOA), we will check with the resident that they are aware of this, that the complaint submitted reflects their views and that the representative has the authority to act on their behalf.

We will respect and cooperate in the same way with a representative acting on behalf of residents as we would with the residents themselves.

All information regarding complaints will be entered electronically into our customer relationship management system and kept confidential amongst the staff involved in its resolution.

Summerset has an obligation to facilitate the fair, objective, culturally safe, speedy and efficient resolution of that complaint.

Making a complaint can be a confronting experience for many people, particularly when it concerns staff with whom residents have an ongoing relationship.

Assistance to prepare a complaint can be provided by village staff, family members or an advocacy service.

All information regarding complaints will be kept confidential amongst the staff involved in its resolution, and every resident will be treated with dignity and respect.

If a resident is dissatisfied with Summerset's response to their complaint, or at any time wishes to escalate their complaint to an external body, they may do so.

For more details, see *Section 4* onwards.

3.2. Informal complaints

Informal complaints are provided through discussion, either verbal or written using the process in section 3.4 below. The resident or their representative is raising a concern with the expectation of a response.

Residents are encouraged first to discuss any concerns with the Village Manager (VM) or the Care Centre Manager (CCM). Complaints can often be resolved this way very quickly.

If a resident is unhappy with the response to their informal complaint, they can at any time raise their issue or concern as a formal complaint.

3.3. Formal complaints

Formal complaints are provided in writing, dated and signed by the resident or their representative.

Before beginning a formal complaints resolution process, the resident may wish to:

- Raise the matter with us as an informal issue or concern
- Talk to us about making a formal complaint; it may be that we can try to resolve the complaint straight away
- There is a formal complaint form available in the main building and the Care Centre, or one can be requested from the VM

Before making a complaint, it may be helpful for the resident to write a list of the issues they are concerned about or are not happy about.

Residents should consider including:

- A summary of what happened, names, dates, etc.
- What it is that has made them want to make a complaint; and
- What does successful resolution look like for them

If the resident is unable to write the complaint and no personal representative is available to write it on their behalf, the VM can write up the complaint at the resident's request and provide a copy to the resident.

When a formal complaint is made, we will:

- Acknowledge the complaint in writing within **five (5) working days** of receipt
 - Assess the matter to ensure the complaint issues are identified and responded to
 - Provide the contact details of the person who is responsible for managing the complaint if being managed by someone other than the recipient; and
-

- Seek to resolve the complaint as quickly as possible or within **twenty (20) working days** from receipt of the complaint

Once a formal complaint is responded to, the written response and outcome will:

- Be recorded in our customer relationship management system
- State what actions, if any, are required to be taken, by whom and by when
- Set out the terms of any agreement about costs and any other terms
- Be assigned a person responsible for tracking any corrective actions to completion; and
- Provide further options for escalating the complaint if unresolved

3.4. Designated contact for formal and informal complaints

The Village Manager is the designated contact for both formal and informal complaints. The Village Manager's contact details and availability are provided to residents in writing prior to entering the village and may be requested from reception at any time.

We encourage residents to take all reasonable steps to resolve at the Village level and that sufficient opportunity has been given to the Village Manager to resolve the complaint with the Resident. However, should a complaint persist unresolved, residents have the option to elevate it to Head Office.

Upon receiving the complaint, Head Office may reach out to the resident to gather additional details and address any outstanding concerns, with the goal of resolving the issue before considering further escalation.

3.5. Complaints to Head Office

All complaints submitted to Head Office are to be sent via email to:

complaints@summerset.co.nz

or posted to:

Feedback

Office Administrator

Summerset Group Holdings

Level 27, Majestic Centre 100 Willis St, Wellington 6140

If the complaint relates to an unresolved complaint that has previously been managed, then Head Office will, upon receipt of that complaint:

- Determine whether the complaint issues have been previously addressed and appropriately responded to at the Village level. In this case, Head Office may not take any further action on the complaint. The resident will be provided with the reasons why no further action is to be taken; and
- Provided information on how the resident may escalate the complaint an external body such as the Public Trust
- If outstanding issues are identified, the resident will be provided with a formal response within **twenty (20) working days** from receipt of the complaint to Head Office

Complaints lodged with external bodies (for example, Public Trust or the Health & Disability Commission) will be managed by those bodies. However, Summerset may at times be requested to provide information to such bodies to assist their assessment.

Complaints directed to the Summerset Chief Executive Officer (CEO) will be managed by the Complaints Resolution Manager in collaboration with the CEO.

3.6. Times when a complaint may not be considered

Summerset staff responding to complaints will always do so respectfully and in keeping with the Village Code of Conduct and we ask residents to do the same.

We take a zero-tolerance approach to abuse or threatening behaviour, harassment or complaints that are vexatious.

A complaint will not be considered if the complaint is:

- (i) frivolous, vexatious, or was not made in good faith
- (ii) derogatory and/or uses inappropriate language; and
- (iii) already resolved and responded to

A complaint will also not be considered if the following applies:

- Failure of the complainant to cooperate or respond to reasonable requests of the operator during the assessment and/or investigation of a complaint
- A resident seeks information in relation to another person that could constitute a breach of that person's privacy
- The complaint is outside Village service delivery, such as care managed by another provider or agency

3.7. Timeframes

The timeframes for managing informal and formal complaints are outlined in the table below. Also see *Section 4.3: Village complaints process map*.

| Complaint type | Timeframe details |
|----------------|--|
| Informal | <ul style="list-style-type: none"> ▪ An informal complaint may be resolved on the spot or may require further investigation ▪ If further investigation is required, a reasonable timeframe to resolve the issue or concern will be agreed between the VM or relevant Summerset role and the resident or their representative |
| Formal | <p>Acknowledgement: Within 5 working days</p> <ul style="list-style-type: none"> ▪ Those received in writing, signed and dated must be acknowledged, in writing, within 5 working days ▪ This acknowledgement will include the process and timeframe for resolving the formal complaint <p>Resolved: Within 20 working days</p> <ul style="list-style-type: none"> ▪ The VM, or relevant Summerset role, will work with the resident to resolve the formal complaint to their satisfaction and endeavour to resolve it within 20 working days from the date we receive the formal complaint ▪ The resident will be kept informed of progress |

| Complaint type | Timeframe details |
|----------------|---|
| | <p>Unable to be resolved: Within 20 working days</p> <ul style="list-style-type: none"> If the complaint is unable to be resolved within 20 working days, the resident will be advised of progress and the reason for the delay and will continue to regularly update them with progress until the complaint is resolved |

4. Statutory Supervisor

Summerset reports all Village complaints which have not been resolved within 20 working days to the Statutory Supervisor.

Summerset may refer a complaint to the Statutory Supervisor and ask that they work with the parties to provide an impartial perspective and recommend a way forward. If this occurs, the resident will be advised when it has been referred.

Residents may also request that the Residents' Committee call a meeting with operator or Statutory Supervisor in accordance with the Retirement Villages Code of Practice.

Nothing in this policy prevents a resident from bringing complaints about an alleged breach of the Code of Residents' Rights to the attention of the Statutory Supervisor, the Registrar of Retirement Villages, the Retirement Commissioner or any other person at any time. Contact information is included below.

4.1. Mediation

In circumstances where a mediation process is to be adopted, the following procedure applies. If the resident agrees to mediation, Summerset will refer the complaint to an independent mediator.

The mediator must be either an independent third party agreed by the parties within **5 working days**, or failing agreement, a member of an alternative dispute resolution agency appointed by the Retirement Commissioner as listed on the Retirement Commissioner's website.

Each party is responsible for their own costs in preparing for mediation.

| If the formal complaint is... | Mediator costs are... |
|-------------------------------|---|
| About Summerset or staff | Paid by Summerset |
| Between residents | Divided evenly between each party and Summerset |

4.2. Disputes

Disputes between residents

Summerset encourages residents to discuss their dispute with one another; talking about the issue may lead to a solution.

The residents may also wish to have the dispute managed by the Residents' Committee. In the event that a resolution cannot be agreed on between residents, the VM can act as impartial party. The VM will hear both sides of the dispute, propose options, and let the residents decide on a solution. If the solution is agreed by the residents involved, the complaint will be closed.

A resident or the operator may require that a dispute be resolved by a disputes panel by giving the other party or parties a dispute notice.

1. A resident may not require resolution of a dispute (other than a dispute referred to in section 3) by a disputes panel unless:
 - (a) The dispute has earlier been referred to the complaint's facility; and
 - (b) 20 working days have elapsed since referral to the complaints facility

2. An operator may not require resolution of a dispute by a disputes panel unless:
 - (a) The operator has notified the resident concerned of the dispute; and
 - (b) The operator has made reasonable efforts to resolve the dispute with the resident; and
 - (c) 20 working days have elapsed since the resident was notified

3. A resident may give a dispute notice for resolution of a dispute concerning the operator's breach of the resident's occupation right agreement or code of practice in disposing of a residential unit in a retirement village formerly occupied by the resident.

While Summerset encourages all residents to take advantage of the steps outlined previously in the first instance, nothing in this policy limits them or your representative from issuing a dispute notice at any time after 20 working days of their formal complaint being received by Summerset.

A dispute notice may be issued at any time between 20 working days and 6 months after the date the formal complaint is received.

Where a complaint is heard by a disputes panel, unless the disputes panel decides otherwise, Summerset will meet the costs of the disputes panel whether or not it is a party to the dispute.

The disputes panel may award costs in favour of a successful applicant, which may be either Summerset or the resident.

Dispute 'criteria'

Not all Formal Complaints are able to be referred to a disputes panel for resolution, only those which relate to the following:

- A decision by Summerset which affects the resident's occupation or access to services or facilities
- A decision by Summerset to change the charges a resident pays under your Occupational Right Agreement for outgoings, services or facilities
- The charges or deductions made when the resident leaves the village
- An allegation that Summerset has breached the Code of Residents' Rights or Code of Practice

- A dispute between two residents, or a resident and a guest of another resident, which affects a resident’s occupation right

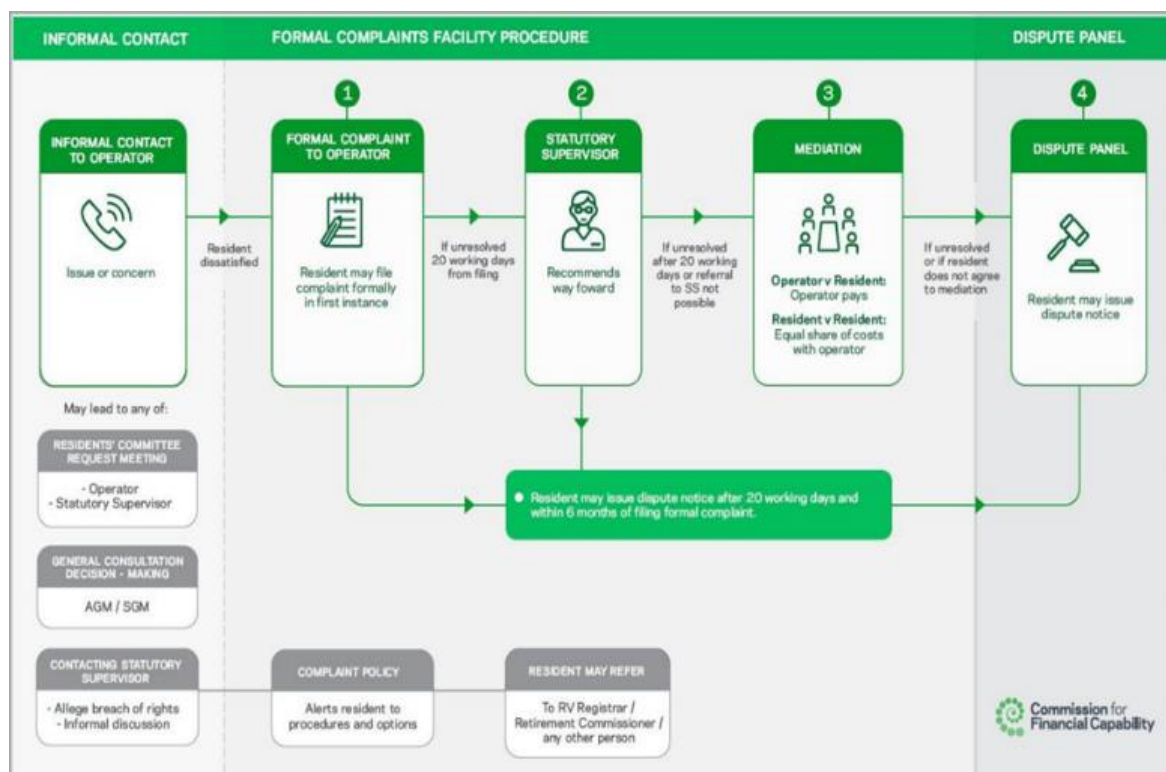
A dispute notice must:

- Be in writing
- Identify the decision or decisions, or matters, in respect of which it is made
- Identify the person or person in respect of whom it is made, if not Summerset
- State the grounds on which it is made; and
- State the efforts that have been made to resolve the dispute

The New Zealand Retirement Villages Association (RVA) has a complaints process in place which can be employed in addition to the complaints process described in this policy.

More information about that process can be found at <https://www.cffc.org.nz/retirement-villages/complaints-and-disputes/disputes-process/>

4.3. Retirement Commission Village complaints process map



5. Escalating a Care-related Complaint

If a resident or their representative is dissatisfied with Summerset’s response to a formal complaint relating to care services, they may take their complaint to the Health and Disability Commissioner (HDC) or a Health and Disability advocate.

The procedure for escalating a formal complaint related to Care services (i.e. care-related) is outlined in the pamphlet *The Code of Health and Disability Services Consumers' Rights*. The Code can be found on their website and is also provided to all Care Centre residents upon

their admission, and to Village residents who receive care-related services (e.g. medication management or wound care).

- The brochure is also available from Reception and can be requested from any Summerset staff member
- Contact details are provided in Section 7.2: Complaint and advocacy agencies and services
- Summerset can advise if this option is available in relation to the specific complaint
- Summerset will generally not engage in complaints under assessment by the HDC. However, Summerset may at times be requested to provide information to the HDC to assist in its assessment
- Head Office may still consider an issue arising from a care complaint if the issue is not the same as those being assessed and responded to by the HDC

6. Complaint and advocacy service contact information

6.1. Village complaints services

Contact information for several complaint-related services, available for residents and their representatives, is provided in the table below.

| Service | Contact details |
|---|--|
| Statutory Supervisor (Public Trust) | <ul style="list-style-type: none"> ▪ <u>Phone</u>: 0800 371 471 ▪ <u>Phone</u>: (03) 977 7956 ▪ <u>Postal</u>: <u>Private Bag 5902, Wellington,</u> |
| Registrar of Retirement Villages | <ul style="list-style-type: none"> ▪ <u>Phone</u>: 0800 268 269 (toll free within NZ) ▪ <u>Postal</u>: Private Bag 92061, Victoria Street West Auckland 1142 ▪ <u>Website</u>: https://www.companiesoffice.govt.nz/all-registers/retirement-villages/ |
| Retirement Commissioner | <ul style="list-style-type: none"> ▪ <u>Phone</u>: (09) 356 0052 ▪ <u>Postal</u>: PO Box 106-056, Auckland City 1143 ▪ <u>Email</u>: office@retirement.govt.nz ▪ <u>Address</u>: Level 15, 19 Victoria Street W, Auckland Central 1010 |
| Retirement Village Association | <ul style="list-style-type: none"> ▪ <u>Phone</u>: (04) 499 7090 ▪ <u>Postal</u>: PO Box 25-022, Featherstone St, Wellington 6146 ▪ <u>Email</u>: info@retirementvillages.org.nz ▪ <u>Address</u>: Level 11 Petherick Tower, 38-42 Waring Taylor St, Wellington 6011 |
| Retirement Village Residents Association NZ Inc | <ul style="list-style-type: none"> ▪ <u>Phone</u>: 0800 787 699 ▪ <u>Email</u>: secretary@rvr.org.nz ▪ <u>Postal</u>: C/- Private Bag 4707 Christchurch 8140 |
| Office of the Privacy Commissioner | <ul style="list-style-type: none"> ▪ <u>Phone</u>: 0800 803 909 ▪ <u>Online enquiry form</u>: https://www.privacy.org.nz/about-us/contact-us/enquiry-form/ ▪ <u>Email</u>: enquiries@privacy.org.nz ▪ <u>Postal</u>: PO Box 10 094, Wellington 6143 |

6.2. Advocacy services / agencies

Contact information for several advocacy services and agencies, available for residents and their representatives, is provided in the table below.

| Service / agency | Contact details |
|---|--|
| Age Concern | <ul style="list-style-type: none"> ▪ <u>Phone</u>: (04) 801 9338 ▪ <u>Email</u>: National.office@ageconcern.org.nz ▪ <u>Website</u>: www.ageconcern.org.nz ▪ <u>Address</u>: Sharp House Level 1/79 Taranaki Street, Te Aro, Wellington 6011 |
| Citizens Advice Bureau | <ul style="list-style-type: none"> ▪ <u>Phone</u>: 0800 367 222 ▪ <u>Postal</u>: National Office, PO Box 9777, Wellington ▪ <u>Website</u>: www.cab.org.nz |
| Nationwide Health & Disability Advocacy Service | <ul style="list-style-type: none"> ▪ <u>Phone</u>: 0800 555 050 ▪ <u>Website</u>: www.advocacy.org.nz ▪ https://advocacy.org.nz/ |
| Health & Disability Commissioner | <ul style="list-style-type: none"> ▪ <u>Postal</u>: PO Box 1791, Auckland 1140 ▪ <u>Email</u>: hdc@hdc.org.nz ▪ <u>Website</u>: www.hdc.org.nz |

7. Related Standards and Legislation

7.1. New Zealand

| Feedback & Complaints | Details |
|--------------------------|---|
| Linked Standards | <ul style="list-style-type: none"> ▪ Right 6-8 and 10 of The Health and Disability Code of Rights https://www.hdc.org.nz/your-rights/the-code-and-your-rights/ |
| Relevant Legislation | <ul style="list-style-type: none"> ▪ Retirement Villages Code of Practice 2008, 31 – 36 ▪ Retirement Villages Act 2003, Part 4 Dispute resolution, enforcement, and penalties ▪ Retirement Villages Act 2003, Schedule 5, section 6 ▪ PPPR (EPOA Forms and Prescribed Information) Amended Regulations 2017 ▪ Privacy Act 2020 ▪ Health Information Privacy Code 2020 |
| Resources and references | <ul style="list-style-type: none"> ▪ NZ Law Society: <i>Powers of Attorney</i> – March 2018 https://www.lawsociety.org.nz/assets/news-files/0004-69223-Powers-of-Attorney-Oct-2018.pdf ▪ Age Concern: Enduring Power of Attorney https://www.ageconcern.org.nz/Public/Public/Info/Money_and_Legal/Enduring_Power_of_Attorney.aspx ▪ Tari Kaumātua, the Office for Seniors. https://officeforseniors.govt.nz/ |

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| | <ul style="list-style-type: none">▪ Ministry of Health: Making a complaint about your residential care process. Available at: https://www.health.govt.nz/system/files/documents/pages/making-a-complaint-about-your-residential-care-jun2019.pdf▪ Making a complaint about your residential care process(Maori)Te tuku amuamu mō tō whare tiaki tūroro Available at: https://www.health.govt.nz/system/files/documents/pages/making-a-complaint-about-your-residential-care-process-maori.pdf▪ Top tips for making a complaint. Available at: https://www.health.govt.nz/system/files/documents/pages/top-tips-for-making-a-complaint-jun2019.pdf▪ Ministry of Health: Top tips for making a complaint. Available at: https://www.health.govt.nz/system/files/documents/pages/top-tips-for-making-a-complaint-jun2019.pdf▪ HDC: The Code and Your Rights/Ōu Mōtika brochure https://www.hdc.org.nz/your-rights/the-code-and-your-rights/▪ Public Trust: https://www.publictrust.co.nz/ |
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