

Consumer Rights

D16: Feedback and Complaints Policy (NZ)

Document Information

Policy Owner:	Customer Experience Manager	Date of Issue:	July 2002
Version:	9.0	Review Date:	April 2023
Document No:	D16	New Review Date:	April 2026
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
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1. About this policy

1.1. Policy statement

At Summerset, feedback is very important to us. This may come in the form of comments and suggestions, compliments, and informal or formal complaints.

1.2. Objectives of the policy

The objectives of this policy are:

To ensure residents and their representatives are aware of the ways in which they can provide feedback, compliments or complaints

To clarify how Summerset responds to feedback, compliments and complaints

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
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.

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.

Summerset encourages residents and their representatives to let us know when they are dissatisfied with our service delivery, so that we can make every effort to fix the situation.

It is every individual's right to make a complaint, whether verbally or in writing

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.

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. Formal complaints must be submitted as per section 3.4 below.

If the resident is unable to write the complaint and no personal representative is available to write it on their behalf, the Village Manager (VM) can write up the complaint at the resident's request.

- There is a formal complaint form available in the main building and the Care Centre, or one can be requested from the VM
- The VM will read the content back to the resident to confirm their complaint has been recorded correctly
- They must also provide the resident with a copy of their complaint

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

Once a formal complaint is resolved by mutual agreement, the resolution will:

- Be recorded in writing;
- 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; and
- Be dated and signed by all parties and copied to all parties

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.

Formal or informal complaints may also be made by emailing complaints@summerset.co.nz. If a formal or informal complaint is made to another Summerset staff member, the complaint will be forwarded to Summerset's complaints team for resolution.

3.5. 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

Complaint type	Timeframe details
	<ul style="list-style-type: none"> If further investigation is required, a reasonable timeframe to resolve the issue or concern will be agreed between the VM 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 directly 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
	<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 VM advises the resident of progress and the reason for the delay and will continue to regularly update them with progress until the complaint is resolved

4. Escalating a Village Complaint

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

Summerset may refer the 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 once 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 for these persons 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...
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About Summerset or staff	Paid by Summerset
Between residents	Divided evenly between each party and Summerset

4.2. Disputes

If the resident does not agree to mediation, or if the complaint is not resolved to their satisfaction within 20 working days of being referred to mediation, the resident may issue a dispute notice, which would require the complaint to go to a disputes panel for resolution.

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

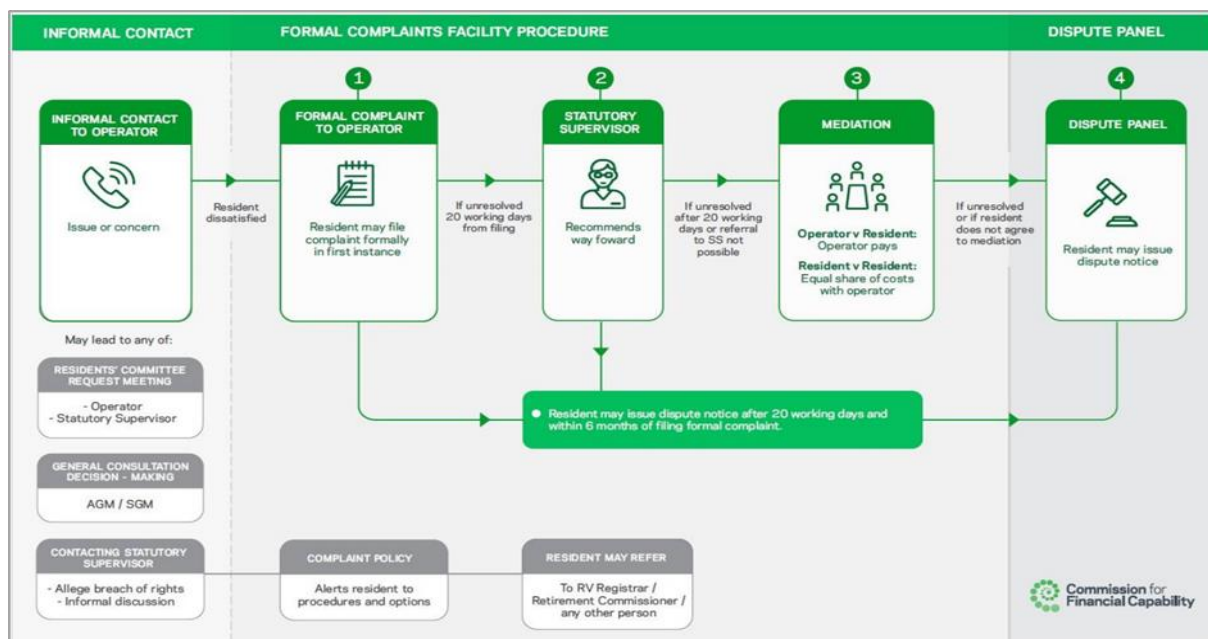
A dispute notice must:

- 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. Village complaints process map



5. Escalating a Care-related Complaint

The procedure for escalating a formal complaint related to health or disability services (i.e. care-related) is outlined in the pamphlet entitled Code of Health and Disability Services Consumers' Rights.

- This brochure is 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 the village office and can be requested from any Summerset staff member

If a resident or their representative is dissatisfied with Summerset's response to a formal complaint relating to health or disability services, they may take their complaint to the Health and Disability Commissioner or a Health and Disability advocate.

- A list including contact details is provided in Section 6: Complaint and advocacy agencies and services

Summerset can advise if this option is available in relation to the specific complaint.

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
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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>: Private Bag 5902, Wellington,
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
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 2017 Age Concern: Enduring Power of Attorney pamphlet 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 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