

COMPLAINTS POLICY

1 Purpose

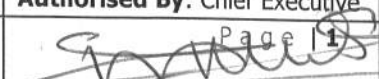
To provide a consistent process to respond to and resolve complaints.

2 Application

To internal and external complaints regarding employees.

3 Policy Principles

- (i) Resolve complaints or issues at the lowest level appropriate.
- (ii) Remain aware when a higher level process may be required.
- (iii) Resolve complaints in a timely manner.
- (iv) Natural justice principles will apply.
- (v) Follow a fair and transparent process.
- (vi) Communicate in an open, honest and respectful manner.
- (vii) The investigator shall remain impartial throughout the investigation and will not pre-determine any outcome/s.
- (viii) Investigations should be kept confidential as far as possible to the parties directly involved in the complaint.
- (ix) All parties will respect the privacy of others during this process.
- (x) Employees will be protected from victimisation for making or being involved in a complaint.
- (xi) Where appropriate and agreed an alternative resolution process may be considered.

Document File Name: NZNO Complaints Policy			Authorised By: Chief Executive
Date Issued: 3 September 2018	Review Date: 3 September 2021	Policy Holder: Senior Advisor, HR	Page 1 

4 Rules and Procedures

4.1 *Raising the complaint*


- 4.1.1 Where appropriate, the complainant should raise the issue of concern with the employee in the first instance. The intent should be to resolve the issue/complaint at the lowest level possible.
- 4.1.2 If the complainant is unable to raise the issue with the employee, or issues remain unresolved following an initial approach, the concern should then be raised with the employee's manager or the Senior Advisor HR. The complaint may be made verbally (informally) or in writing (formally).
- 4.1.3 The complainant may use a support person in raising the complaint.
- 4.1.4 If the complaint remains unresolved following the initial approach to the employee and/or their manager, the complainant should put the complaint in writing, this should include the following details:
- (a) Who the complaint refers to.
 - (b) The dates (approximate if necessary) of any alleged actions/inactions that the complaint is based on.
 - (c) A description of the incident/s.
 - (d) Whether there were any witnesses to the incident/s.
 - (e) Significant detail of the alleged complaint so that the incident can be investigated.
 - (f) The resolution the complainant is seeking, including the option to use an alternative resolution process.

4.2 *Acknowledging the complaint*

- 4.2.1 The manager or senior advisor HR will write to the complainant via email or letter (whichever is most appropriate for the complainant) within five working days acknowledging the complaint has been received.

The acknowledgement will include:

- (a) date of receipt;
- (b) summary of complaint and the action desired by the complainant;

Document File Name: NZNO Complaints Policy			Authorised By: Chief Executive
Date Issued: 3 September 2018	Review Date: 3 September 2021	Policy Holder: Senior Advisor, HR	 Page 2

- (c) name and contact details of person handling the complaint;
- (d) advising that further contact will be made;
- (e) advising timeframe for next steps; and
- (f) if the complaint is complex, note this and advise when updates on progress will be made.

4.2.2 The investigator is responsible for keeping the complainant informed of the progress of their complaint and they should be advised if there is a delay.

4.3 Gathering further information

4.3.1 Within 1-2 weeks the investigator will talk with the complainant to seek all relevant details regarding the nature and background to the issues raised. Details requested may include dates, times, copies of communication and the names of any potential witnesses.

4.3.2 The complainant may have a support person during this conversation if they wish.

4.3.3 The investigators will keep detailed notes of any conversations with the complainant, and will provide a copy for the complainant to check and confirm the accuracy of the notes (either by signing or confirming by email) following each meeting.

4.3.4 The investigators will ask the complainant what type of resolution they are requesting.

4.3.5 They must also advise the complainant that, in order to progress the complaint and speak to the employee directly involved, the employee must be provided with a copy of the complaint (including who made the complaint). This is for the purpose of being fair and transparent and a requirement under the laws of natural justice. Anonymous complaints and frivolous/vexatious complaints cannot be progressed.

4.3.6 If the complaint is resolved through meeting with the investigators, the investigators or an appropriate level of manager will write to the complainant to confirm their understanding that the matter is concluded and whether the complaint has been upheld. The complaint will then be filed electronically on the personnel file of the employee complained about along with any relevant information and the outcome of the investigation into the complaint. Access to this folder is restricted.

Document File Name: NZNO Complaints Policy			Authorised By: Chief Executive
Date Issued: 3 September 2018	Review Date: 3 September 2021	Policy Holder: Senior Advisor, HR	<i>MM</i> Page 3

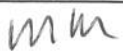
- 4.3.7 The complainant may choose to retract the complaint (even if it was a written complaint) but must confirm the retraction in writing. In this case no further action will be taken and the complaint will be closed and filed.
- 4.3.8 If the complainant wishes to pursue a resolution to the complaint, the next step is for the investigators to raise this with the employee/s involved.

4.4 Investigating the complaint

- 4.4.1 The service manager should conduct a preliminary low level investigation into the complaint to see if the complaint has substance and warrants further investigation based on the information provided.
- 4.4.2 If the manager believes there is insufficient substance they will feed this back to the complainant and explain their rationale. Any complainant can ask that this decision be reviewed.
- 4.4.3 If the complaint is able to be resolved during the preliminary investigation, it will be documented and go on the employee's personnel file with the original complaint, any other relevant information and the outcome of the complaint. This closes the investigation into the complaint.

4.5 Communication with the employee/s

- 4.5.1 Once the complaint and supporting information has been confirmed with the complainant, the investigators will contact the employee in question to advise them of the complaint.
- 4.5.2 The initial conversation with the employee who the complaint is about should include:
 - (a) Who has made the complaint
 - (b) The nature of the complaint
 - (c) When this was received
 - (d) That the complaint is being investigated, and by who
 - (e) That the investigator will arrange a meeting with the employee as soon as possible to discuss the complaint in more detail.
 - (f) If there is potential for disciplinary action as a result of the complaint

Document File Name: NZNO Complaints Policy			Authorised By: Chief Executive
Date Issued: 3 September 2018	Review Date: 3 September 2021	Policy Holder: Senior Advisor, HR	 Page 4

- (g) That the employee will receive a letter confirming the details of the complaint, any relevant information and a proposing a meeting date.
- (h) That if the employee needs support during this process, EAP is available and encouraged.
- (i) The requirement for confidentiality while the matter is being investigated

4.6 Formal investigation

4.6.1 Where it is determined that further investigation is required, the service manager will appoint an investigator, in most cases this will be another senior manager or the Senior Advisor HR. Where the complaint is complex or involves a senior manager, the CEO may elect to use an external investigator.

4.6.2 The investigators will be expected to act in a legally compliant and culturally aware manner. The investigator will be provided with a copy of the complaint, the terms of reference and acknowledgement letter.

4.7 Holding an investigation meeting

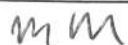
Please see the Disciplinary Policy and Procedures for Misconduct for full details of holding investigation meetings

4.8 Resolution of the complaint

4.8.1 Following the conclusion of the investigation the decision maker will determine the outcome of the investigation, the outcome for the employee could include any of the following:

- (a) No penalty
- (b) Retraining/coaching
- (c) A letter of expectation
- (d) A formal warning (first or final)
- (e) Dismissal

4.8.2 The outcome of the complaint and investigation process must be confirmed in writing for the employee, and will go on their personal file.

Document File Name: NZNO Complaints Policy			Authorised By: Chief Executive
Date Issued: 3 September 2018	Review Date: 3 September 2021	Policy Holder: Senior Advisor, HR	 Page 5

4.8.3 The outcome of the complaint is confidential to NZNO and the employee who is the subject of the complaint. The complainant must be told that the investigation has been completed and whether or not the complaint was upheld. Note that the complainant is not advised of the outcome of any disciplinary action taken against the employee, as this would breach the employee's privacy.

4.8.4 In some cases a resolution may include an apology to the complainant. NZNO will facilitate this process between the employee and the complainant.

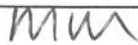
4.9 **Alternative avenues**

Where a person feels that their complaint has not been dealt with to their satisfaction, or does not wish to follow the above internal procedures, they may pursue other avenues such as:

- (a) Mediation
- (b) A personal grievance pursuant to the Employment Relations Act 2000
- (c) A complaint to the police or regulatory bodies

5 **Managers' Guidance**

Consideration should be given to the working arrangements during an investigation.

Document File Name: NZNO Complaints Policy			Authorised By: Chief Executive
Date Issued: 3 September 2018	Review Date: 3 September 2021	Policy Holder: Senior Advisor, HR	 Page 6