



QUAIL RIDGE COUNTRY CLUB

COMPLAINTS POLICY

Introduction:

It is a requirement of the Retirement Villages Code of Practice 2008 that Quail Ridge Country Club must have a written policy for dealing with complaints. The aim of the policy is that wherever possible any complaint or issue should be resolved in an informal way but for those complaints or issues which are not able to be resolved by this means a formal process may need to be applied.

As well as setting out the policy this document includes various processes for helping to resolve a complaint informally and then the way in which a formal complaint may be lodged and must then be processed.

Definitions:

“Resident” will mean any person who has a signed Occupational Right Agreement and is living at Quail Ridge Country Club.

“QRCC” will mean Quail Ridge Country Club and its management.

“Village Manager” will mean the currently appointed Village Manager of QRCC and his/her appointed delegate.

“Chief Executive Officer” will mean the currently appointed Chief Executive Officer of QRCC and his/her appointed delegate.

“Complaint” will mean any matter on which a resident has raised dissatisfaction or has an issue or concern.



OBJECTIVE:

To strive to continually deliver a high standard of service and amenities at QRCC.

POLICY:

1. Every resident has the right to make a complaint about QRCC, its management or staff, its contractors or other residents in QRCC. A complaint may be made either informally or formally (see further details below).
2. A resident is welcome to ask the Village Manager about his/her rights or about any aspect of this Complaints Policy.
3. All complaints will be treated in a sensitive, discreet and professional manner, and will be dealt with in a resident appropriate, objective, fair, quick and cost-effective way. The resident will be kept informed regularly about the progress of investigating and resolving the complaint.
4. Consideration will be given to cultural and other values.
5. A resident and a resident's family must feel secure that the resident will not be adversely affected by exercising the right to complain about the service or about the action which is the subject of the complaint.
6. QRCC gives the resident assurance that continuity of service will be maintained while the complaint is being dealt with.
7. Instead of, or as well as, making a formal complaint a resident may request that the QRCC Residents Association Committee call a meeting with QRCC or the statutory supervisor so that the complaint may be discussed.
8. At any stage of the complaint process a resident may involve a support person or independent advocate to assist. Any cost associated with an advocate must be met by the resident.
9. This complaints policy does not prevent a resident from bringing an alleged breach of the Code of Residents' Rights (contained in Schedule 4 of the Retirement Villages Act 2003) to the attention of the Statutory Supervisor, The Registrar of Retirement Villages, The Retirement Commissioner or any other person.



10. A resident may talk about a wish to make a formal complaint or about a formal complaint already made, to the Statutory Supervisor, The Registrar of Retirement Villages or the Retirement Commissioner.
11. The contact details of the Statutory Supervisor, the Registrar of Retirement Villages and the Retirement Commissioner are set out in Schedule 1 to this policy and will be updated to all residents in the event of any changes.
12. QRCC will give a complete written copy of the complaints policy to each resident on entry to the village and will offer to give a copy to a resident who advises QRCC that he/she wishes to make a formal complaint. A resident or an intending resident may request a copy at any time.
13. QRCC will offer to explain the steps in the complaints process to a resident or intending resident who receives a copy of the policy.
14. A full written copy of the complaints policy will be kept by QRCC in the clubhouse Quail Lodge (or such other place as QRCC notifies) and in the Sales Office so that residents and incoming residents and may view it. An electronic copy of the policy will be made available on the QRCC website.
15. If QRCC wish to make any amendments to the complaints policy these will first be discussed with the QRCC Residents Association Committee and once the amendments are finalised a full copy will be delivered to each resident. This policy will be reviewed every two years.
16. QRCC will maintain a Complaints Register and will document all complaints whether formal or informal into that register. The register is not a document to be available to residents in general but any resident who has made a complaint may request that all details of his/her particular complaint may be made available to that resident.
17. QRCC will report to the Retirement Commissioner six monthly in relation to formal complaints. The number, nature and outcome will be included in the report.



MAKING A COMPLAINT

A complaint may be made either informally or formally.

INFORMAL COMPLAINT:

1. An informal complaint may be made by a resident either verbally to the Village Manager or by using form Schedule 2a as attached. If the complaint relates to the Village Manager then it should be made to the Chief Executive Officer. If the complaint relates to the Chief Executive Officer it should be made to the Chairperson of the QRCC Board of Directors.
2. An informal complaint form is available from the Village manager on request.
3. A verbal complaint will be treated as an informal complaint. The Village Manager will complete an informal complaint form and provide a copy to the resident who has made the verbal complaint.
4. The Village Manager (or the Chief Executive Officer or the Chairperson of the QRCC Board of Directors as the case may require) will acknowledge the complaint in writing or by email within three working days of the complaint being lodged. That acknowledgement will:
 - a) Advise the resident of the provisions of Clause 7 and 8 of the Policy.
 - b) Outline the way in which QRCC suggest it will try to resolve the complaint and the likely time frames for this.
 - c) Inform the resident that if the resident is not satisfied with the progress towards resolution of the complaint or with the outcome of the complaint as suggested by QRCC then the resident may make a formal complaint on form Schedule 2b.



FORMAL COMPLAINT

1. If a resident wants to raise an issue or concern as a formal complaint, this may be done by either:
 - a. The resident writing the complaint using Schedule 2b
 - b. If the resident is unable to write the complaint, a personal representative or another person authorized by the resident writing it on their behalf; or
 - c. If neither of these options are available, then QRCC writing the complaint at the residents request, based on what the resident tells QRCC at the time the resident makes the complaint.
2. In (1) (c) QRCC must read the complaint back to the resident to confirm it is recorded correctly and give the resident a reference copy to keep.
3. In every case, the resident must provide a signed and dated copy of the complaint to QRCC or the QRCC's contact person.
4. QRCC must provide a written acknowledgement of a formal complaint within five working days of it being received.
5. QRCC must regularly inform a resident who has made a formal complaint about its progress.

Procedure for resolving formal complaints:

Where a formal complaint is made by a resident, the following procedure (as set out in Clause 35 of the Retirement Villages Code of Practice 2008) will apply. (The procedure is set out in a diagram attached).

1. QRCC will first work directly with the resident to resolve the complaint to the resident's satisfaction.



2. QRCC will suspend taking any proposed action that is the subject of the complaint until the complaint is resolved. QRCC may, after consulting with the statutory supervisor, decide that it is in the best interests of the village as a community to continue with the proposed action while the dispute about the action is being resolved.
3. If a formal complaint is resolved by mutual agreement, or by reference to the statutory supervisor, or by reference to a mediator or independent third party, the resolution must:
 - a. be in writing;
 - b. state what actions, if any, are required to be taken, by whom and by when;
 - c. set out the terms of any agreement about costs and any other terms; and
 - d. be dated and signed by all parties, and copies to all parties
4. Where possible the complaint should be resolved to the resident's satisfaction under clause (1) within 20 working days of it being received by QRCC. If the complaint is not resolved QRCC must, on behalf of the parties, refer it to the statutory supervisor and ask the statutory supervisor to work with the parties to provide them with an impartial perspective and to recommend a way forward.
5. If the complaint is not resolved under clause (4) within 20 working days of being referred to the statutory supervisor, or if it is not possible to proceed under clause (4) then QRCC must provide the resident with the option of mediation.
6. If the resident agrees to mediation:
 - a. QRCC will on behalf of the parties, refer the complaint to an independent mediator agreed upon by the parties. The mediator must be a member of an alternative dispute resolution agency which is approved by the Retirement Commissioner and listed on the Retirement Commissioner's website. Alternatively, the parties have the option to agree on another independent third party; and



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- b. If the parties cannot agree on a mediator the operator will, on behalf of the parties, ask the Retirement Commissioner to select one for QRCC to engage.
7. If the resident does not agree to mediation, or if the complaint is not resolved to the parties' satisfaction within 20 working days of the referral to a mediator or other third party, the resident may issue a dispute notice which would require the complaint to go to a disputes panel for resolution.
8. Nothing in the preceding clause limits either the resident's rights to take the complaint to a disputes panel at any earlier time permitted under the Act, or the right of the resident and QRCC to agree to mediation at any time during a dispute panel process.
9. A complaint raised as a formal complaint is deemed the first referral to the complaints facility for the purposes of section 57 of the Retirement Villages Act 2003. A dispute notice may therefore be given up to 6 months after a formal complaint is made.



Name and Contact Details of Village Contact Person and Other Parties

Quail Ridge Country Club:

Chief Executive Officer: Todd Jenkins

Telephone: (09) 401 6578

Cell phone: 021 730 736

Email: todd@quailridgecc.co.nz

Village Manager: Sally Cottle

Telephone: (09) 401 6579

Cell phone: 0275 270 605

Email: sally@quailridgecc.co.nz

Chairperson of the Board: Nigel Brereton

Telephone: (09) 438 9479

Statutory Supervisor:

Covenant Trustee Services

Relationship Manager: Garreth Heyns

Telephone: (09) 927 3883

Email: garreth@covenant.co.nz

Registrar of Retirement Villages

The Contact Centre is the first point of contact for all general enquiries.

Open 8:30am-5:00pm Monday to Friday (except public holidays).

Free phone within New Zealand (0800) 268 269

Registrar of Retirement Villages

Northern Business Centre

P O Box 5771

Wellesley Street

Auckland, 1141

Retirement Villages Association

PO Box 25 022

Panama Street

Wellington, 6146

Telephone: (04) 499 7090

Fax: (04) 499 4240

Retirement Commissioner: Dianne Maxwell

Level 3, Lambton Quay Street

Auckland 1010

Telephone: (09) 356 0052

E-mail: office@cffc.org.nz



Schedule 2a

INFORMAL COMPLAINT FORM

If you have an Informal complaint, please use this form

DATE _____

RESIDENTS NAME

VILLA NUMBER _____

DESCRIPTION OF INFORMAL COMPLAINT:

SIGNED: _____ DATE: _____

FOLLOW UP ACTION OF MANAGEMENT:

Signed:

DATE:



Schedule 2a

INFORMAL COMPLAINT FORM

OUTCOMES OF INFORMAL COMPLAINT (Discussed with Complainant)

QRCC _____

DATE: _____

COMPLAINANT: _____

DATE: _____



**Schedule 2b
FORMAL COMPLAINT FORM**

If you have a formal complaint, please use this form:

DATE _____

RESIDENTS NAME

VILLA NUMBER _____

DESCRIPTION OF FORMAL COMPLAINT:

SIGNED: _____

DATE: _____

FOLLOW UP ACTION OF MANAGEMENT:

Signed:

DATE:



Schedule 2a

FORMAL COMPLAINT FORM

OUTCOMES OF FORMAL COMPLAINT (Discussed with Complainant)

QRCC _____

DATE: _____

COMPLAINANT: _____

DATE: _____



**Schedule 3
INFORMAL COMPLAINTS PROCESS**

Complaint received either verbally or in writing (use form Schedule 2a) and entered in to QRCC Complaints Register



QRCC will acknowledge the complaint in writing or by email within 3 working days of the complaint being lodged



The acknowledgement will:

- advise the complainant of the provisions of Clause 7 & 8 of the Policy
- outline a resolution and timeframe
- inform the resident that if they are not satisfied with the progress or outcome they may make a formal complaint.



Unresolved



Complainant can lodge a formal complaint

FORMAL COMPLAINTS PROCESS

Complaint received and entered in to QRCC Complaints Register



QRCC to provide written acknowledgement within 5 working days



QRCC to work directly with complainant to find a resolution within 20 working days



If unresolved within 20 working days, QRCC refers the complaint to statutory supervisor



If unresolved within 20 working days of being referred to statutory supervisor, then QRCC must provide the complainant with the option of mediation



If the complainant does not agree to mediation or the complaint is not resolved within 20 working days of going to mediation, the resident may issue a dispute notice – refer to Schedule 6



Once the complaint is resolved either by mutual agreement, statutory supervisor, mediator or independent third party, the resolution must:

- a) Be recorded in writing
- b) State what actions, if any, are required to be taken, by whom and by when;
- c) Set out the terms of any agreement about costs and any other terms; and
- d) Be dated and signed by all parties and copied to all parties.



Name and Contact details of Advocacy Services

Age Concern

www.ageconcern.org.nz follow Links – New Zealand

National Office

4th Floor, West Block, Education House

178 Willis Street

Wellington

Phone: (04) 801 9338

Fax: (04) 801 9336

Email: national.office@ageconcern.org.nz

Citizens Advice Bureau

www.cab.org.nz

National Office

PO Box 9777

Wellington

Phone: (0800) 367 222

Fax: (04) 382 8647

Email: admin@cab.org.nz

Eldernet

www.eldernet.co.nz

286 Keyes Road

Christchurch

Phone: (03) 388 1204

Fax: (03) 388 1271

Email: team@eldernet.co.nz

Advocacy Network Services

Room 2/5 Pember House

16 Hagley Street

Porirua

(04) 237 0418

(0800) 423 638, (0800) 423 639

Process for Issuing a Disputes Notice

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

Complete the Dispute Notice form (below) and give a copy to the other party (the respondent) in the dispute and another copy must be given to the Village if they are not the respondent.

The Village will appoint and contract the dispute panel member/s from a list of approved panel members that is published by the Retirement Commission (within 20 working days of receipt or issue of a Dispute Notice). The Village will promptly give the Retirement Commission a copy of the Dispute Notice and any associated documentation.

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 (Reply form below).

Before the hearing, the disputes panel will consult with all 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.

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.

At a disputes panel hearing all parties can give evidence, cross-examine and re-examine witnesses. The panel can award costs, amend a License to Occupy agreement, order compliance with a License to Occupy agreement or the code of practice, or order payment or refund of an amount in dispute – these apply to the Village or the resident.

¹ Except where there is a dispute over a breach of the Occupation Right Agreement (License to Occupy) or Code of Practice in the disposal of a residential unit, nine months must have elapsed from the date the unit was available for disposal.



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When a decision has been made, the disputes panel must record its findings in writing and give each party, the Village, and the Retirement Commissioner a copy. The decision is binding on all parties.

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

Dispute notice under the Retirement Villages Act 2003

Name of Retirement Village:

Address of Retirement Village:

Name of Operator of Retirement Village:

Name of Applicant:

I am a *Resident/*former Resident/*Operator of the Retirement Village.

*Delete as appropriate.

I give notice of a dispute about *the Operator/*a Resident/*another Resident of the Village/*a person in the Village whose name and address is: [*state name and address of each other person the dispute is about*].

*Delete as appropriate.

The dispute is about the following matters: [*state what decision or decisions of the operator, or matters, you dispute*].

The grounds of my dispute are: [*state grounds*].

The efforts that have been made to resolve the dispute are: [*state efforts*].

Note

If there is insufficient space on this form, you can attach further sheets.

Signature of Applicant (or Agent) _____ Date _____

This dispute notice is filed by [*full name*], whose address for service is [*address*].



Reply to dispute notice under the Retirement Villages Act 2003

Name of Retirement Village:

Address of Retirement Village:

Name of Operator of Retirement Village:

Name of Applicant:

Name of Respondent replying:

Names of all other Respondents (if any):

I am a Respondent in this dispute and I make the following reply to the dispute notice.

*I accept the following matters set out in the dispute notice: *[state matters in the dispute notice that are accepted]*.

*Delete as appropriate.

*I do not accept the following matters set out in the dispute notice: *[state matters in the dispute notice that are rejected]*.

*Delete as appropriate.

*I do not consider the applicant is entitled to the remedy sought in the dispute notice on the following grounds: *[state grounds]*.

*Delete as appropriate.

Note

If there is insufficient space on this form, you can attach further sheets.

Signature of Respondent (or Agent) _____ Date _____

This reply to the dispute notice is filed by *[full name]*, whose address for service is *[address]*