



## COMPLAINTS

At The Dutch Village we continually strive to ensure that we deliver a high standard of service.

Our commitment to continuous improvement means that we acknowledge all complaints [regardless of how small] and ensure that whilst complaints are being resolved, every complainant is treated with dignity and respect.

A complaint is any situation in which the resident, their representative, or member of staff has raised dissatisfaction. It is important for the sake of the resident that any such complaints are facilitated and resolved in a fair, simple and efficient way.

Every resident has the right to complain about the operator / manager / staff or other residents in the village and do not need to make the complaint in writing. Complaints may be made anonymously, but in this situation can not be responded to individually.

Residents or significant others are encouraged to forward complaints regarding any aspect of care and service, to the manager of the retirement village in the first instance, or alternatively, in writing to The Society [See Schedule One for contact names and telephone numbers].

A 'Concerns/Complaints form' is readily available to lodge concerns and complaints. A copy is given to residents on entry into the village and is available to be freely uplifted from reception on request. If a verbal complaint is made it is to be recorded by a staff member directly into the complaints register. The complaints policy is available in large font and on audio cassette for the visually impaired.

At any stage of the complaints process residents have the right to involve a support person or independent advocate to act on their behalf. [See Schedule Two for contact details of available advocacy services]. Any costs associated with the appointment of an advocate must be met by the resident.

All concerns or complaints are to be dealt with in a sensitive, objective and professional manner. This sensitivity will give consideration to cultural and other values. The resident and their family must feel secure that the resident will not be adversely affected by exercising their right to question the service being provided. Thus, our village gives the resident absolute assurance that the continuity of service will be maintained during the facilitation and resolution of any concern/complaint. All complaints are documented and all documentation pertaining to the complaint will be kept in the Village Complaints Register.

Following the lodgement of a complaint, the complainant will be advised in writing within 4 working days that the complaint has been received. A professional and objective review will be made of the complaint.

In the first instance, management will provide for resolution of the complaint by informal discussion between the complainant and appropriately designated staff. If agreement is not reached management will at the request of the resident or with the consent of the resident be responsible for setting up a disputes committee within the village where the issue can be discussed under informal mediation conditions with the intention of reaching an outcome acceptable to both parties. [This committee does not need to be “standing” but can be established as required]. The disputes committee will include a resident representative, an operator representative and a third person who is independent of both parties.



A clear and accurate record of the complaint is kept along with a record of subsequent action. Any opportunities for improvement in business processes are noted. The investigative process and the recommendation for resolution and / or opportunities for improvement of services should be carried out within 10 working days of receipt of the complaint, at which time the person who lodged the complaint shall be notified of the investigation. If resolution of the complaint/concern is protracted, then the complainant can expect fortnightly updates as to progress or a longer period of time mutually acceptable to both parties.

Documentation must clearly show that resolution has been to the satisfaction of all parties. If a satisfactory outcome is not able to be achieved within 20 working days, we recommend that in the first instance the Retirement Villages Association be made aware of the complaint and assist with brokering mediation services. Residents and their families are able to access a mediator through the Retirement Village Association's mediation service database which comprises a number of mediators who are accredited either with LEADR or AMINZ.

Should the dispute not be considered appropriate for mediation, the dispute may be heard by the RVA Review Authority - a panel of experts chaired by retired district court judge – Dame Augusta Wallace. The Review Authority convenes to hear the dispute and is able to provide a ruling after both parties have presented their case. The Review Authority follows the principles of natural justice.

After 20 working days, the resident is also entitled to issue a disputes notice under section 53 of the Retirement Villages Act unless the dispute relates to the disposal of a residential unit. In this case the resident must wait until nine months has lapsed before issuing a disputes notice under section 57 [3] of the Retirement Villages Act.

The resident can apply to have the dispute heard by a Disputes Panel monitored by the Retirement Commission. If the panel considers that the dispute is appropriate to be heard, they will make a ruling in favour of either the resident or the operator and provide an outcome and closure to the dispute. [See Schedule Three for information outlining the disputes panel process].

Where the subject of the complaint concerns a term or condition of occupancy or termination of occupancy as per the resident's occupation right agreement, any action taken or proposed to be taken by the operator shall be suspended pending resolution of the complaint; unless the Statutory Supervisor considers that it is not in the best interests of the village community.

Complaints are monitored as part of our commitment to continuous improvement and the information is analysed and improvements in service delivery are made accordingly.



**Schedule One**

**Name and Contact Details of Village Contact Person and Other Parties**

Name: Village Manager  
Society President

Telephone:

Retirement Villages Association  
PO Box 25 022  
Panama Street  
Wellington  
Phone: 04 499 7090  
Fax: 04 499 4240

Statutory Supervisor: Garreth Heyns  
Contact details: Covenant Trustee Co  
Ph 909 5264



**Schedule Two**  
**Name and Contact details of Advocacy Services**

**Age Concern**

[www.ageconcern.org.nz](http://www.ageconcern.org.nz) follow Links – New Zealand

National Office

4<sup>th</sup> Floor, West Block, Education House

178 Willis Street

Wellington

Phone: 04 801 9338

Fax: 04 801 9336

Email: [national.office@ageconcern.org.nz](mailto:national.office@ageconcern.org.nz)

**Citizens Advice Bureau**

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

National Office

PO Box 9777

Wellington

Phone: 0800 367 222

Fax: 04 382 8647

Email: [admin@cab.org.nz](mailto:admin@cab.org.nz)

**Eldernet**

[www.eldernet.co.nz](http://www.eldernet.co.nz)

286 Keyes Road

Christchurch

Phone: 03 388 1204

Fax: 03 388 1271

Email: [team@eldernet.co.nz](mailto:team@eldernet.co.nz)

**Leigh Kelly**

Care Advisory Services

Phone [09] 834 4825

Mobile 021 625 491



### Schedule Three 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 <sup>1</sup>see below) after 20 working days and before six months from the date the complaint was originally lodged.

Use Form 1 – Dispute notice under the Retirement Villages Act 2003 – which can be found [www.retirement.org.nz](http://www.retirement.org.nz), or obtain a copy from reception. You (the applicant) complete the form and give 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.

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.

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)

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.

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 an occupation right 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.

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.

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

---

<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 disposal.