



# THE FALLS ESTATE

A BEGROUP LIFESTYLE VILLAGE

## COMPLAINTS POLICY

### 1 Objective

The objective of this policy is to enable Complaints to be resolved in a manner that is resident appropriate, objective, fair, quick and cost-effective for the resident ("you") and The Falls Estate Lifestyle Village ("we" or "us") through a complaints facility.

We strive to deliver a high standard of service at the Village. A commitment to continuous improvement means that we acknowledge all Complaints and ensure that whilst Complaints are being resolved, every complainant is treated with dignity and respect.

Some of the words in this policy are defined terms and the definitions are set out in part 10.

### 2 Scope

This policy covers all Complaints raised by a resident concerning us, our staff, the Village, another resident or any other matter that the resident wants to raise.

An outline of the complaints procedures is set out in a flow-chart in Schedule 1.

### 3 Residents' Rights

- All residents have the right to raise Complaints and receive a response within a reasonable time. (*Right 4 – Code of Residents' Rights*)
- All residents have the right to a speedy and efficient process for resolving disputes they have with us or with other residents. (*Right 5 – Code of Residents' Rights*)
- All residents have the right to have a support person represent them in their dealings with us or other residents. (*Right 6 – Code of Residents' Rights*)
- All residents have the right to be treated with courtesy and respect. (*Right 7 Code of Residents' Rights*)
- When raising a Complaint, we will treat you with courtesy and respect. We will not treat you differently from any other resident on the basis of you having made a Complaint.

- Nothing in this policy limits your right to contact the Statutory Supervisor, Retirement Commissioner, Registrar of Retirement Villages or any other person at any time as an alternative or in addition to making a Formal Complaint, or regarding any alleged breach of the Code of Residents' Rights. You may exercise this right by contacting the Statutory Supervisor, Registrar of Retirement Villages or Retirement Commissioner directly using the contact details provided in Schedule 2.

#### **4 Issues or Concerns**

It is important that you can at any time informally raise with us any issues or concerns that you may have. You are encouraged, but not required, to raise any issues or concerns informally with us prior to making a Formal Complaint. All issues and concerns will be dealt with in accordance with our Issues and Concerns Procedure set out in part 5 of this policy. If you are not satisfied with the response to your issue or concern you may at any time raise your issue or concern as a Formal Complaint in accordance with the procedure set out in part 8 of this policy.

Issues or concerns raised anonymously cannot be dealt with in accordance with the policy set out in part 5. However, we will endeavour to investigate, consider or resolve any issue or concern anonymously brought to the attention of the Village Manager. If the issue or concern results in a change to any policy or practice at the Village which would ordinarily be notified, then all residents will be notified of this outcome.

#### **5 Issues and Concerns Procedure**

An issue or concern may be raised at any time with Ros Martin, Village Manager, The Falls Estate Lifestyle Village ("Village Manager"). The Village Manager's contact details are set out in Schedule 2. Issues or concerns can be raised in writing or verbally, there is no prescribed form. If the issue or concern is made verbally, the Village Manager will record it in writing as soon as practical.

The Village Manager may forward a copy of the issue or concern to the Directors of Whangarei Falls Village Limited if the Village Manager considers it necessary.

Where you have raised an issue or concern we will acknowledge this to you in writing within 5 Working Days.

We will respond to your issue or concern within a reasonable time. If we are unable to give you a response within 20 Working Days of the date you raised the issue as a concern the Village Manager will contact you and explain what progress has been made and when a final response might be expected. Once the Village Manager has completed her investigation of the issue or concern she will provide written advice of the outcome to you.

If you are not satisfied with our response or the progress towards resolution you may choose to raise a Formal Complaint.

## **6 Formal Complaints**

You have the right to make a Formal Complaint about us, our staff, the Village, other residents or any other matter. Before commencing the Formal Complaints Resolution Procedure you may wish to:

- raise the matter as an issue or concern as set out in parts 4 and 5;
- talk to the Statutory Supervisor, Registrar of Retirement Villages and/or the Retirement Commissioner about wishing to make a Formal Complaint. Contact details for these organisations are set out in Schedule 2.
- as an alternative, or in addition to making a Formal Complaint, contact the Statutory Supervisor if your complaint is about a breach of the Code of Residents' Rights.
- request that the residents' committee call a meeting with us and/or the Statutory Supervisor.

## **7 How to Make a Formal Complaint**

Formal Complaints must be given to the Village Manager. A Formal Complaint must be in writing, signed and dated by you. We encourage you to use the attached Formal Complaint Form (Schedule 3). Copies of the form are available from the office and the Village Manager on request.

If you are not able to write the Complaint your personal representative, or a support person you have authorised, may write the Complaint for you.

If you are not able to write the Complaint and you do not have a person to assist you in writing the Complaint, the Village Manager will, at your request, record your Complaint in writing based on what you tell the Village Manager at the time. The Village Manager will read the Complaint back to you to confirm it is recorded correctly and will provide you with a copy before taking any further action.

A register is kept of all Formal Complaints and information including the number, type and outcome of Formal Complaints is reported to the Retirement Commissioner every six months. None of your personal information will be disclosed without your consent unless required by law.

## **8 Formal Complaints Resolution Procedure**

On receipt of every Formal Complaint the Village Manager will forward a copy of the Formal Complaint Form to the Directors of Whangarei Falls Village Limited. We will acknowledge in writing every Formal Complaint within 5 Working Days of receiving it. This acknowledgement will include the process and timeframe for resolving the Formal Complaint. We will endeavour to resolve the Formal Complaint within 20 Working Days from the date we receive the Formal Complaint and will regularly inform you of progress.

We will work with you directly to resolve the Formal Complaint to your satisfaction. If we are unable to resolve the Formal Complaint within 20 Working Days the Village Manager will advise you of the progress of the Formal Complaint and the reason for the delay. We will continue to regularly inform you about the progress of the Formal Complaint.

If any proposed action by us is the subject of the Formal Complaint, we will advise you whether or not we will suspend taking that action until the Formal Complaint is resolved. We will only proceed with a proposed action if we have consulted with the Statutory Supervisor and have decided that it is in the best interests of the Village as a community to proceed with the proposed action while the Formal Complaint is being resolved.

### *8.1 Statutory Supervisor*

If the Formal Complaint has not been resolved within 20 Working Days of being received by us, we will refer the Formal Complaint to the Statutory Supervisor and ask that the Statutory Supervisor work with the parties to provide an impartial perspective and recommend a way forward. We will advise you once we refer the matter to the Statutory Supervisor.

### *8.2 Mediation*

If the Formal Complaint has not been resolved within 20 Working Days after being referred to the Statutory Supervisor, we will offer you the option of mediation with an independent mediator. The mediator must be either a member of an alternative dispute resolution agency which is approved by the Retirement Commissioner and listed on the Retirement Commissioner's website or alternatively the parties have the option to agree on another independent third party.

We will suggest one or more independent mediators to you. If the parties agree on a mediator we will refer the Formal Complaint to that person. If the parties cannot agree on a mediator within 5 Working Days we will ask the Retirement Commissioner to select one who we will engage.

Each party is responsible for their own costs in preparing for mediation. If the Formal Complaint is about us or our staff we will pay the mediator's costs. If the Formal Complaint is between residents the mediator's costs will be divided evenly between each party and us.

### *8.3 Unresolved Formal Complaints*

The above process does not prevent you at any time after 20 Working Days of your Formal Complaint being received by us from issuing a dispute notice. Your right to issue a dispute notice is subject to the terms set out in the Retirement Villages Act 2003. A summary of the requirements and procedure for issuing a dispute notice are set out in part 9.

If your Formal Complaint has not been resolved through the mediation process you may be able to issue a dispute notice.

#### 8.4 *Recording Resolution of Formal Complaints*

If the Formal Complaint is resolved by agreement or following referral to the Statutory Supervisor or during mediation we will:

- Record the resolution in writing;
- State what actions, if any, will be taken, who is responsible for taking that action, and the timeframe for the action to be completed;
- Set out the terms of any agreement about costs and any other terms;
- Arrange for the resolution to be signed and dated by all parties; and
- Provide a copy to all parties.

### **9 Disputes Panel**

We encourage all residents to take advantage of all steps set out in the Formal Complaint Resolution Procedure prior to giving a dispute notice. However, nothing in this policy limits your right to give a dispute notice at any time permitted by the Retirement Villages Act 2003 or the right of the parties to agree to mediation at any time during a dispute panel process.

Where you have an unresolved Formal Complaint you may be able to give a dispute notice at any time between 20 Working Days and 6 months after the date the Formal Complaint was received (or such later time by agreement of all parties).

Not all Formal Complaints are able to be referred to a disputes panel for resolution. You may give a dispute notice for a Formal Complaint which relates to any of the following:

- a decision by us which affects your occupation or access to services or facilities.
- a decision by us to change the charges you pay under your occupation right agreement for outgoings, services or facilities.
- the charges or deductions made when you leave the Village.
- an allegation that we have breached the Code of Residents' Rights or Code of Practice.
- a dispute between you and another resident or guest of another resident which affects your occupation right.

If a complaint relates to an alleged breach of your occupation right agreement or the Code of Practice in disposing of a unit formerly occupied by a resident, you may be able to give a dispute notice at any time following 9 months after the unit has become available for disposal and if you wish, need not go through the Formal Complaint Resolution Procedure.

You may raise a dispute by giving a dispute notice to us. 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 persons in respect of whom it is made, if not us;
- state the grounds on which it is made; and
- state the efforts that have been made to resolve the dispute.

We will appoint a disputes panel within 20 Working Days after the date the notice is given to us. We will consult you before appointing the disputes panel. All members of the disputes panel will be selected from those named on the Retirement Commissioner's list of disputes panellists.

We will notify the Statutory Supervisor of a dispute notice if we consider the outcome of the dispute:

- may affect a significant number of the Village residents;
- the general operation of the Village;
- our rights and obligations under the Deed of Supervision; or
- the dispute notice relates to disposal of a former resident's unit.

If the disputes panel considers that it needs more information about the issues of the dispute it can ask the party who issued the dispute notice to provide this, in writing and within a specified timeframe. The other party may reply, or be required by the dispute panel to reply, to the dispute notice.

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 or 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 disputes panel can 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.

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.

In the ordinary course we will pay the costs of the dispute panel whether we are a party to the complaint or not. However, the disputes panel can also make an award of costs and expenses. This might require a party to the dispute to pay all or some of the costs of the disputes panel and/or the other party.

Please note: This is an overview of the process only, for full details please consult Part 4 of the Retirement Villages Act 2003 and the Retirement Villages (Disputes Panel) Regulations 2006.

## **10 Complaint to the Retirement Villages Association ("RVA")**

The New Zealand Retirement Villages Association has a complaints process in place for complaints being made against Operators.

This process can be employed in addition to the complaints facility described above. Should you choose to refer your complaint to the RVA, the time period in any of the above processes is not affected or suspended.

### *10.1 Making a complaint to the RVA*

Complaints being referred to the RVA must be made in writing and must clearly set out the following details:

- The name of the complainant; and
- The name of the Operator
- The nature of the complaint including as many relevant details as possible, such as dates, names of parties and locations.

The complaint should be addressed to the Executive Director of the RVA, and sent to the RVA, whose contact information is set out in Schedule 2.

### *10.2 The complaints process followed by the RVA*

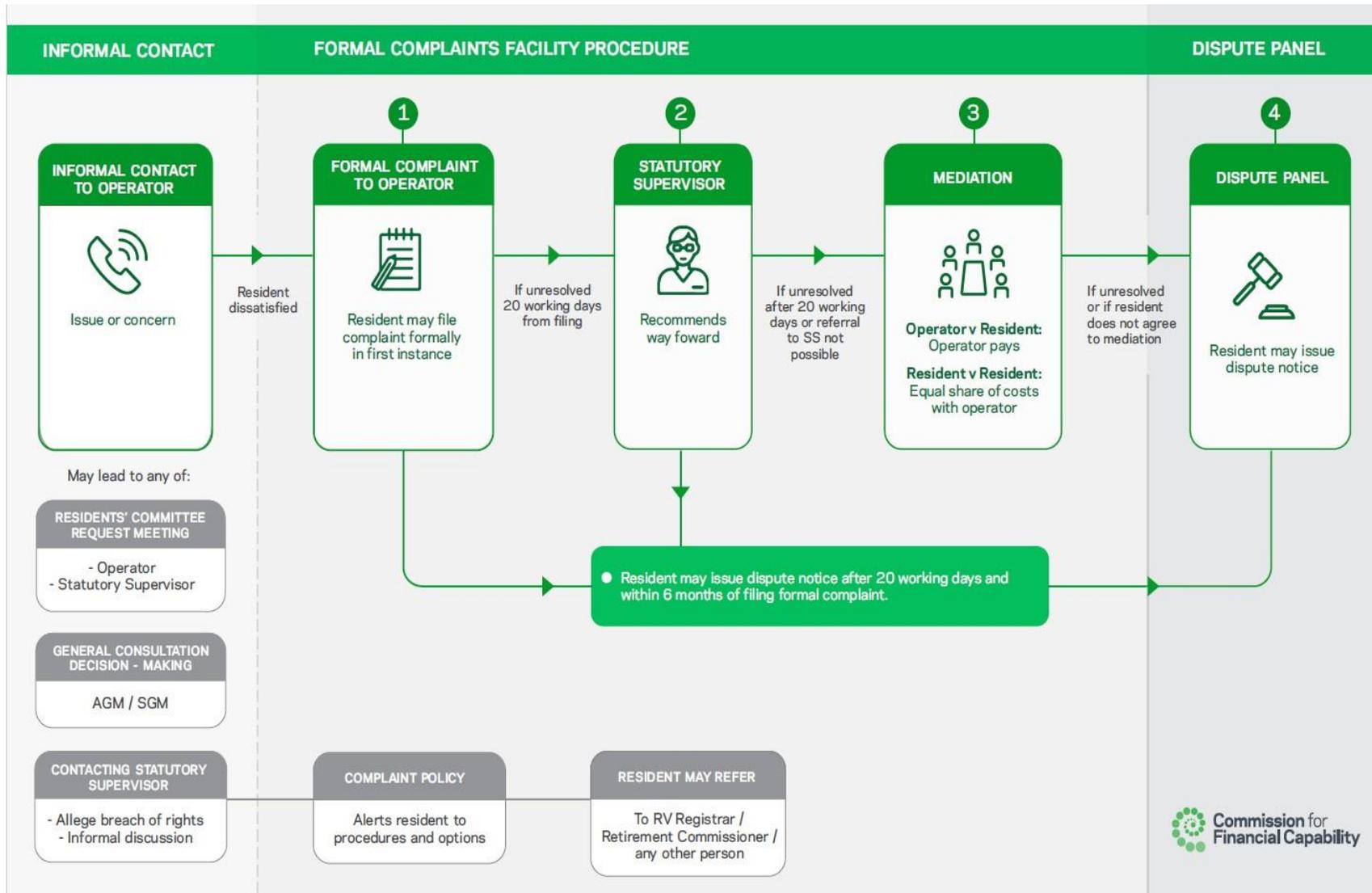
The RVA will acknowledge the complaint within five working days of receiving it, and send you a copy of their complaints policy that fully sets out the complaints process they will follow.

## **11 Definitions**

- **"Code of Practice"** means the Code of Practice approved by the Minister under section 89 of the Retirement Villages Act, as updated, amended or replaced from time to time.
- **"Complaint"** includes any issue or concern or Formal Complaint.

- **"Formal Complaint"** means a written complaint made by a resident or former resident in accordance with part 7 of this policy relating to us, our staff, the Village, another resident or any other matter that the resident wants to raise.
- **"former resident"** means a person who was a resident, or a representative of that former resident, of the Village and whose occupation right agreement has since terminated.
- **"resident"** means any of the following:
  - (a) a person who has entered into an occupation right agreement with us in relation to the Village
  - (b) a person who under an occupation right agreement is, for the time being, entitled to occupy a residential unit within the Village, whether or not the agreement is made with that person or some other person; or
  - (c) if the occupation right agreement provides, or with our consent, the spouse, civil union partner, or de facto partner of the person referred to in paragraph (b) who is occupying the residential unit with that person, or after that person's death or departure from the Village.
- **"Village"** means the retirement village known as The Falls Estate Lifestyle Village and operated by us.
- **"Working Day"** has the same meaning as set out in the Code of Practice.

## SCHEDULE 1



## SCHEDULE 2

### Contact Information

#### Village Manager:

Name: Ros Martin  
Office hours: 9.00am to 4.00pm  
Phone: 437 5844  
Cell phone: 0272 144 409  
Email: [ros.martin@thebegroup.co.nz](mailto:ros.martin@thebegroup.co.nz)

#### Residents' Committee:

Contact Person: Eunice Fitness  
Phone: 437 6410  
Email: [eunicefitnessfalls@gmail.com](mailto:eunicefitnessfalls@gmail.com)

#### Statutory Supervisor: Covenant Trustee Services

Name: Malcolm Gray  
Phone: 0800 268 362  
Email: [team@covenant.co.nz](mailto:team@covenant.co.nz)  
Address: Level 6/191 Queen St, Auckland

#### Registrar of Retirement Villages:

Phone: 0800 268 269 (Toll Free within New Zealand)  
Phone: (03) 962 2602  
Website: [www.retirementvillages.govt.nz](http://www.retirementvillages.govt.nz)  
Address: Registrar of Retirement Villages  
Northern Business Centre  
Private Bag 92061  
Auckland Mail Centre  
Auckland 1142

#### Retirement Commissioner:

Phone: (09) 356 0052  
Address: Level 3  
108 Quay Street  
Auckland 1010  
Postal Address: PO Box 106-056  
Auckland City 1143  
Email: [office@cffc.org.nz](mailto:office@cffc.org.nz)

**Retirement Villages Association:**

Phone: (04) 499-7090  
Address: Level 11  
Petherick Tower,  
38 - 42 Waring Taylor St  
Wellington 6011  
Postal Address: PO Box 25-022  
Panama Street  
Wellington 6146  
Email: [info@retirementvillages.org.nz](mailto:info@retirementvillages.org.nz)

**Agencies which may offer Advocacy Services:****Age Concern:**

Phone: (04) 801 9338  
Fax: (04) 801 9336  
Email: [national.office@ageconcern.org.nz](mailto:national.office@ageconcern.org.nz)  
Website: [www.ageconcern.org.nz](http://www.ageconcern.org.nz) follow links – New Zealand  
Address: National Office  
4<sup>th</sup> floor, West Block, Education House  
178 Willis Street  
Wellington

**Citizens Advice Bureau:**

Phone: 0800 367 222  
Fax: (04) 382 8647  
Email: [admin@cab.org.nz](mailto:admin@cab.org.nz)  
Address: National Office  
PO Box 9777  
Wellington  
Website: [www.cab.org.nz](http://www.cab.org.nz)

**Advocacy Network Services:**

Free Phone: 0800 423 638 / 0800 423 639  
Phone: (04) 237 0418  
Address: Room 2/5 Pember House  
16 Hagley Street  
Porirua

Schedule 3



**THE FALLS ESTATE**  
A BEGROUP LIFESTYLE VILLAGE

**FORMAL COMPLAINT FORM**

*If you wish to make a formal complaint, please use the form below. If you wish to raise an issue or concern informally, please contact Ros Martin, Village Manager.*

*If you require assistance with completing this form and you do not have a family member, friend or other personal representative available to assist you, please contact Ros Martin, Village Manager*

NAME OF COMPLAINANT: .....

UNIT NUMBER: .....

**DESCRIPTION OF COMPLAINT** (please provide as much relevant information here as possible, including a date or dates if relevant. Use a separate sheet if necessary to complete the description of your complaint):

.....  
.....  
.....  
.....

If you are complaining about a person, who are you complaining about?

NAME: .....

SIGNED: ..... DATE: .....

If a complainant is being assisted in completing the form by a personal representative, then the complainant or the personal representative may sign above.

**We will provide you with a written acknowledgement of receipt of this complaint within 5 working days of receiving it. The acknowledgement will tell you the process we will follow in resolving the complaint.**

**We will endeavor to resolve it within 20 working days from the date we receive it.**

**We will keep you informed of any progress made towards resolving your complaint.**