

THE PALMS LIFESTYLE VILLAGE

COMPLAINTS POLICY

POLICY AND PROCEDURE

Our aims

Our aim is to enable complaints to be resolved in a fair, speedy and cost effective manner for the resident ("you") and the Village operator ("we" or "us").

We aim to deliver a high standard of service at the Village. We seek to continuously improve our service and that includes acknowledging all complaints and ensuring that, while complaints are being resolved, every complainant is treated with dignity and respect.

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.

A flowchart in Schedule 1 describes the procedure for lodging 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. 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.

This Complaints Policy does not prevent a resident from bringing 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 another person, as an alternative to, or in addition to, making a Formal Complaint.

Raising an Issue or Concern Informally

1. Issues or concerns

You are encouraged to raise with us any issues or concerns that you may have. You can do this informally with us prior to making a Formal Complaint. All issues and concerns raised with us will be dealt with in accordance with the Issues and Concerns Procedure set out below. If you are dissatisfied with the response to your issue or concern, you may at any time raise your issue or concern as a Formal Complaint in the manner described below.

2. Issues and Concerns Procedure

An issue or concern can be raised at any time with the Village Manager, whose contact details are set out in Schedule 2. Issues or concerns can be raised in writing or verbally. There is no prescribed form to follow.

When an issue or concern has been raised with us, we will acknowledge receipt to you in writing within 5 working days.

We will also 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 or concern with us, the Village Manager will contact you and explain what progress has been made and when a full response might be expected. When the Village Manager has completed his investigation of the issue or concern, he will advise you of the outcome in writing. If you are not satisfied with our response, or the progress towards resolving the issue or concern, then you may choose to raise a Formal Complaint.

3. **Making a Formal Complaint**

(a) **Formal Complaints**

Before commencing the Formal Complaints resolution procedure, you may wish to:

- (i) raise the matter as an issue or concern informally in the manner described above;
- (ii) 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 parties are set out in Schedule 2.
- (iii) request that the Residents' Committee call a meeting with us and/or the Statutory Supervisor.

Formal Complaints must be given to the Village Manager. A Formal Complaint must be in writing, signed by you and dated. 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, the Village Manager will, at your request, record your complaint in writing based on what you tell the Village Manager. The Village Manager will then read the complaint back to you to confirm it is recorded correctly and will provide you with a copy.

If at any stage the Formal Complaint is resolved, we will:

- (i) record the resolution in writing;
- (ii) state what actions, if any, will be taken, who is responsible for taking that action, and the timeframe for the action to be completed;
- (iii) set out the terms of any agreement about costs and any other terms;
- (iv) arrange for the resolution to be signed and dated by all parties; and
- (v) provide a copy to all parties.

A register is kept of all complaints and the number, nature and outcome of all complaints is reported to the Retirement Commissioner every six months. Your personal information will not be disclosed without your consent, unless required by Law.

(b) **Formal Complaints Resolution Procedure**

- (i) Step 1: We will acknowledge, in writing, every Formal Complaint within 5 working days of receipt.

- (ii) Step 2: We will endeavour to resolve the Formal Complaint within 20 working days from the date we receive it 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 finalise our response to the Formal Complaint within 20 working days, we will advise you of 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, after consulting the Statutory Supervisor, we have decided that it is in the best interest of the Village as a community to proceed with the proposed action while the Formal Complaint is being resolved.

- (iii) Step 3: 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. The Statutory Supervisor will work with the parties to provide an impartial perspective and a recommendation on a way forward. We will advise you once we refer the matter to the Statutory Supervisor.
- (iv) Step 4: If the Formal Complaint has not been resolved with 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 approved by the Retirement Commissioner and listed on the Retirement Commissioner's website, or, alternatively, the parties can agree to appoint 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.

If you do not agree to mediation, then you may be able to issue a Disputes Notice.

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.

- (v) Step 5: If your Formal Complaint has not been resolved through the mediation process, you may be able to issue a Dispute Notice. 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 Dispute Notices is described below.

(c) **Dispute Notice**

(i) **Disputes Panel**

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. This period of time can be extended by the 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 your 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 an 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 which 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 who it is made, if not us;
- state the grounds on which it is made; and
- state the efforts that had 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 Dispute Panellists.

We will notify the Statutory Supervisor of the Dispute Notice if we consider the outcome of the dispute may affect:

- a significant number of Village residents;
- the general operation of the Village;
- our rights and obligations under the Deed of Supervision or the 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 time. The other party may reply, or be required by the Disputes 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 in 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.

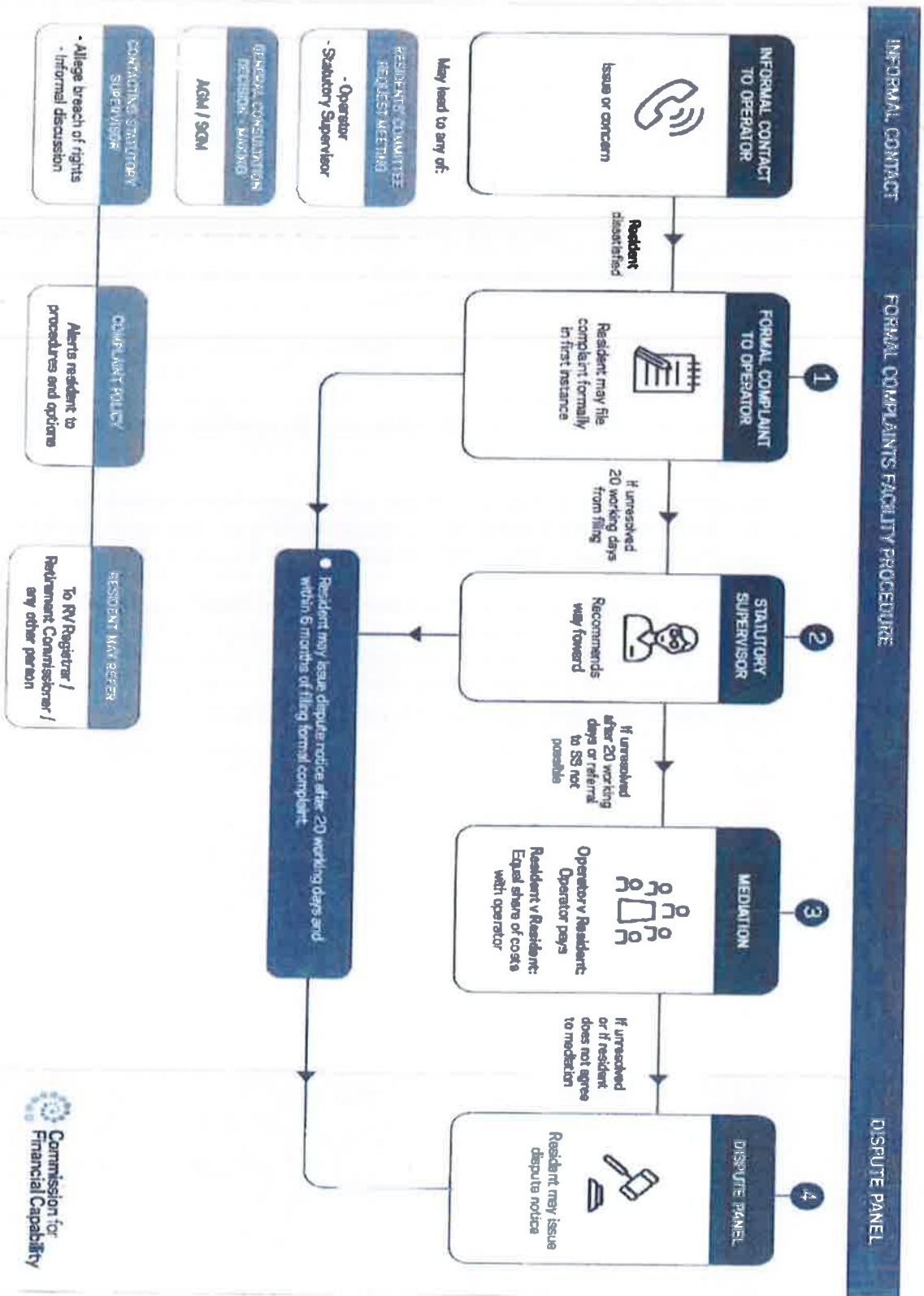
The Disputes Panel may decide that a dispute should be heard by a Court of Law instead and refer it to the nearest District Court. A Disputes Panel can also refuse to hear a dispute if it considers it to be frivolous or vexatious or an abuse of process.

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.

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. Unless the Disputes Panel decides otherwise, the Operator will meet the costs of the Disputes Panel whether or not the Operator is a party to the dispute.

Schedule 1
DIAGRAM



Schedule 2

CONTACT INFORMATION

Operator of the Village

The operator's contact person for complaints is the **Village Manager**, whose telephone number is (09) 435 4020 or 027 222 2048.

Statutory Supervisor for the Village

Name: Covenant Trustee Services Limited
Phone: (09) 927 3883
Toll free: 0800 268 362
Email: team@covenant.co.nz
Address: Level 6, 191 Queen Street, Auckland 1010

Registrar of Retirement Villages

Phone: (03) 962 2602
Toll free: 0800 268 269
Postal Address: Registrar of Retirement Villages
Northern Business Centre
Private Bag 92061, Auckland Mail Centre, Auckland 1142
Website: www.retirementvillages.govt.nz

Retirement Commissioner

Phone: (09) 356 0052
Address: Level 3, 108 Quay Street, Auckland 1010
Postal Address: P O Box 106056, Auckland City 1143
Email: office@cffc.org.nz

Retirement Villages Association

Phone: (04) 499 7090
Address: Level 11, Petherick Tower, 38-42 Waring Taylor Street,
Wellington 6011
Postal Address: P O Box 25022, Panama Street, Wellington 6146
Email: info@retirementvillages.org.nz

The Palms Lifestyle Village

NAME AND CONTACT DETAILS OF ADVOCACY SERVICES

<p>Age Concern (National Office) 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</p>	<p>Age Concern - Whangarei 16 Manse St Whangarei Phone: 09 438 8043</p>
<p>Citizens Advice Bureau (National) www.cab.org.nz National Office PO Box 9777 Wellington Phone: 0800 367 222 Fax: 04 382 8647 Email: admin@cab.org.nz</p>	<p>Citizens Advice Bureau - Whangarei 71 Bank St Whangarei Phone: 09 438 8046 Email: whangarei@cab.org.nz</p>
<p>Eldernet www.eldernet.co.nz 286 Keyes Road Christchurch Phone: 03 388 1204 Fax: 03 388 1271 Email: team@eldernet.co.nz</p>	<p>Advocacy Network Services Room 2/5 Pember House 16 Hagley Street Porirua 04 2370418 0800 423638, 0800 423639</p>

**Schedule 3
FORMAL COMPLAINT FORM**

If you have a complaint, please use this form:

DATE NAME OF COMPLAINANT

RESIDENT

STAFF

VISITOR STATE RELATIONSHIP

DESCRIPTION OF COMPLAINT:

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SIGNED: DATE:

FOLLOW UP ACTION OF MANAGEMENT:

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Signed: DATE:

OUTCOMES OF COMPLAINT (Discussed with Complainant)

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MANAGER DATE

COMPLAINANT DATE

