

NORTHBRIDGE LIFECARE TRUST

FORMAL COMPLAINTS POLICY

Definition:

Formal Complaint - A formal complaint can any situation in which the resident or their representative, has raised a concern or issue.

POLICY STATEMENTS:

- The complaints policy must be written in plain English.
- The resident has the option of raising an issue or concern informally with the village operator or its contact person at any time.
- Contact details for people or agencies the resident can talk to about or wish to make a formal complaint or about a formal complaint already made is available in schedule one of this policy.
- The 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 Retirement Commissioner or any other person.
- An unresolved formal complaint can be referred to the disputes panel by issuing a dispute notice which is attached to this policy in schedule five.

The village meets all the costs incurred by the disputes panel in conducting a dispute resolution. The village can apply to recover all or part of the cost of the disputes panel process if the resolution is in favour of the village.

The disputes panel can award any other person costs and expenses if the disputes panel makes a dispute resolution decision fully or substantially in favour of the person who issued the dispute notice.

In a dispute where the village is not a party to the dispute the village may recover all or part of the costs incurred by the disputes panel in conducting the dispute process.

- As an alternative to making a complaint or issuing a dispute notice the resident can contact the statutory supervisor about an alleged breach of the Code of Residents Rights as an alternative to, or in addition to making a formal complaint.
- A copy of the complaints policy will be kept in the library and be included in the "blue book" which is located in each apartment.
- A resident can request the village residents committee call a meeting with the village operator or statutory supervisor in regard to a complaint. this can also be done informally prior to initiating a complaint.

Prior to making a formal complaint to the village operator a resident has the option to raise the issue or concern informally with the;

- Village Operator
- Resident's Committee
- Northbridge Lifecare Trust Trustees
- Statutory Supervisor

Making a Formal Complaint

- if a resident wants to raise an issue or concern as a formal complaint it must meet done by either;
 - a) the resident writing the complaint;
 - b) if the resident is unable to write the complaint, a person representative or other person authorized by the resident may write it on their behalf; or
 - c) if neither of those options is available, then the village operator writing the complaint at the residents request, based on what the resident tells the operator at the time the resident makes a complaint; and
 - d) the village operator must read the complaint back to the resident to confirm it is recorded correctly and give the resident a reference copy to keep
- In every case the resident must provide a signed and dated copy of the complaint to the village operator or the village operators contact person.
- The village operator must provide a written acknowledgement of a formal complaint within five working days of it being received.
- The village operator 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 will apply.

1. The village operator will first work directly with the resident to resolve the complaint to the resident satisfaction.
2. The village operator will suspend taking any proposed action that is the subject of the complaint until the complaint is resolved. The village operator 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 been 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 recorded in writing;
 - b) state what actions, if any, are required to be taken, by whom and 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.
4. Where possible the complaint should be resolved to the resident's satisfaction within 20 working days of the complaint being received by the village operator. If the complaint is not resolved the operator must, on behalf of the parties, refer it to the statutory supervisor and asked 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 within 20 working days of being referred to the statutory supervisor then the complainant must be provided with the option of mediation.
 6. If the resident agrees to mediation:
 - a) The village operator 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 Commission for Financial Capabilities website. Alternatively, the parties have the option to agree to another independent third-party; and
 - b) If the parties cannot agree on a mediator the village operator will, on behalf of the parties, asked the Retirement Commissioner to select one to engage.
 7. If the resident does not agree to mediation, or if the complaint is not resolved to the party's satisfaction within 20 working days of the referral to a mediator or other third-party, the resident may issue a dispute notice which will require the complaint to go to a disputes panel for resolution.
 8. Nothing in the above limits either the resident's right to take the complaint to a disputes panel at any earlier time permitted under the Act, or the right of the resident and the operator to agree to mediation at any time during dispute panel process.
 9. The formal complaint is deemed the first referral to the complaints facility. A dispute notice may therefore be given up to 6 months after a formal complaint is made.

Costs of Mediation

1. Each party will be responsible for paying any costs they incur preparing for and attending any mediation.
2. For mediation between operator and a resident, the operator will be responsible for paying the cost of the mediator's services. For mediation between residents,

the operator and the residents involved will share the cost of the mediator's services equally.

3. Where a complaint is heard by the disputes panel under the Act, 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. The disputes panel is able to award costs in favour of a successful applicant which may be either the operator or resident.

Schedule One
Name and Contact Details of Village Contact Person and Other Parties

Northbridge Lifecare Trust (Village Operator)

Primary Contact: James Jordan, Director

Telephone: 09 488 3080

Cell phone: 021 632 776

Fax: 09 488 3086

E-mail: director@northbridge.co.nz

Statutory Supervisor:

Trustees Executors Limited

Telephone: 09 308 7100

Fax: 09 308 7101

Level 7, 51 Shortland Street

Auckland 1140

Commission for Financial Capabilities

Telephone: 356 0052

Email: office@cffc.org.nz

Level 3, 108 Quay Street,

Auckland 1010

Retirement Villages Association

PO Box 25 022

Panama Street

Wellington, 6146

Telephone: 04 499 7090

Fax: 04 499 4240

Village Residents Committee

45 Akoranga Drive

Northcote

Auckland 0627

Schedule Two

FORMAL COMPLAINT FORM

If you have a complaint, please use this form:

DATE NAME OF COMPLAINANT.....

RESIDENT

STAFF

VISITOR STATE RELATIONSHIP

DESCRIPTION OF COMPLAINT:

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

SIGNED: DATE:

FOLLOW UP ACTION OF MANAGEMENT:

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

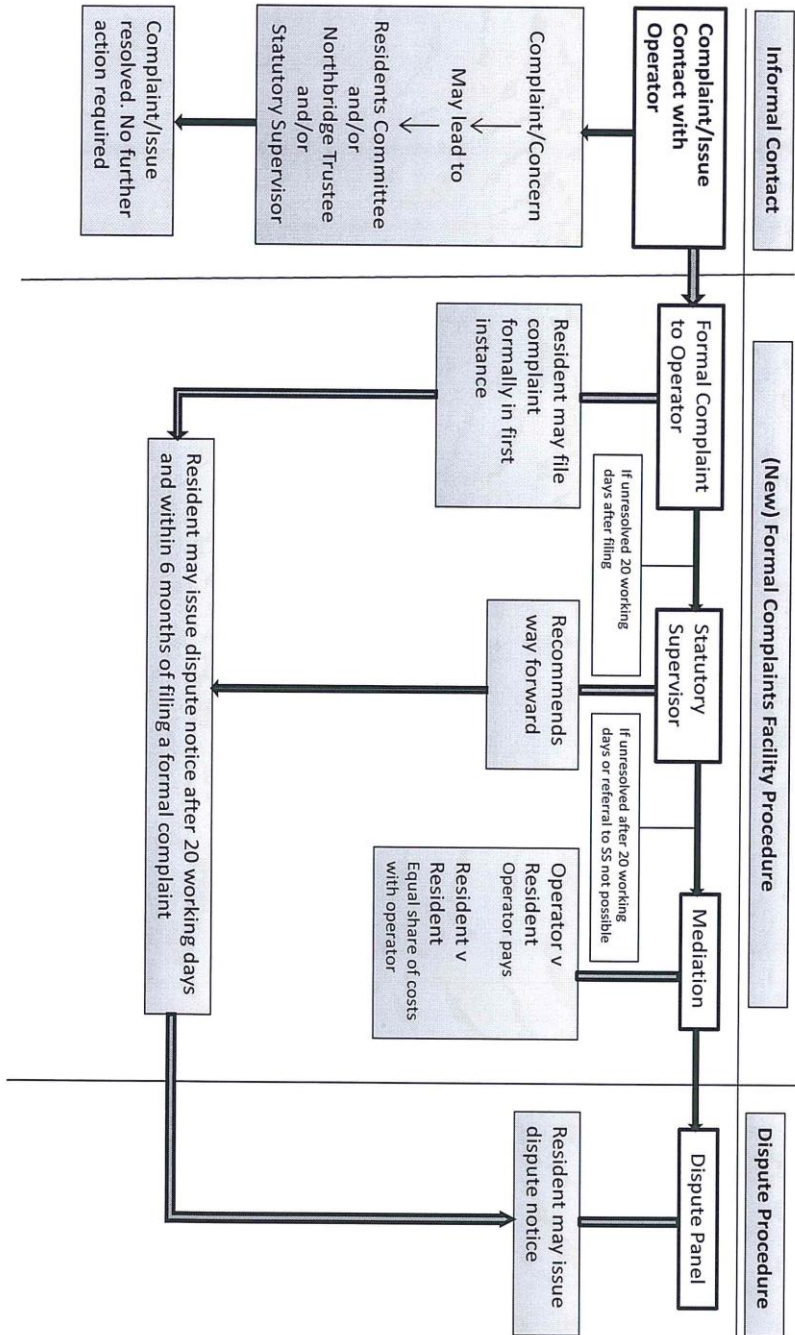
Signed: DATE:

OUTCOMES OF COMPLAINT (Discussed with Complainant)

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

MANAGER DATE

COMPLAINANT DATE



Schedule Five

Process for Issuing a Disputes Notice

If a resolution for a formal complaint issue has not been reached, a Dispute Notice may be issued at any time or before six months from the date the formal 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 an independent person to Chair any disputes, chosen from a list of approved panel members that is published by the Commission for Financial Capability. The Village will promptly give the Commission for Financial Capabilities 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).

Prior to hearing a dispute, 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 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.

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, whose address for service is

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 whose address for
service is