

## General complaints resolution policy

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# GENERAL PROVISIONS

## 1 Purpose

- 1.1 This policy provides a framework for handling complaints from registered plumbers, gasfitters and drainlayers who are dissatisfied with a particular action, decision, or order of the Plumbers, Gasfitters and Drainlayers Board under the Plumbers, Gasfitters, and Drainlayers Act 2006.

## 2 Legislation and relevant policies

- 2.1 The following legislation is relevant to this policy:

- a Plumbers, Gasfitters, and Drainlayers Act 2006
- b Plumbers, Gasfitters and Drainlayers Board (Plumbing Registration and Licensing) Notice 2010
- c Plumbers, Gasfitters and Drainlayers Board (Gasfitting Registration and Licensing) Notice 2010
- d Plumbers, Gasfitters and Drainlayers Board (Drainlaying Registration and Licensing) Notice 2010
- e Plumbers, Gasfitters and Drainlayers Board (Fees and Disciplinary Levy) Notice 2013.

- 2.2 This policy must be read in conjunction with the following Board policies:

- a decision-making
- b dealing with unreasonable behaviour
- c employer licences
- d examinations
- e fees and levy waiver or refund
- f fit and proper person
- g licensing
- h official information and privacy
- i operational delegations
- j public register
- k registration
- l section 12-25 exemptions
- m section 52 exemptions
- n supervision for sanitary plumbing
- o supervision for gasfitting
- p supervision for drainlaying.

## 3 Definitions

- 3.1 In this policy, unless the context otherwise requires:

- a **Act** means the Plumbers, Gasfitters, and Drainlayers Act 2006

- b **Board** means the Plumbers, Gasfitters and Drainlayers Board
- c **complainant** means the person, or their representative, making the complaint
- d **complaint** means a written expression of dissatisfaction with an action, decision or order of the Board
- e **decision-maker** means the person or persons with responsibility for deciding whether or not a complaint is made out and what action will be taken in response to a complaint
- f **Registrar** means the Board's Registrar, appointed under section 140 of the Act
- g **staff** means employees of the Board and includes all contractors.

## CORE POLICY PROVISIONS

### 4 Guiding principles

- 4.1 The Board is actively committed to handling general complaints effectively and efficiently.
- 4.2 The Board handles all complaints it receives in a fair, reasonable, objective and unbiased manner, and in good faith.
- 4.3 Information about the general complaints process is publicised.
- 4.4 Complaints are acknowledged promptly, and handled and prioritised in a manner that is appropriate to the seriousness and complexity of the issues involved.
- 4.5 Complainants are:
  - a provided with information about the management of their complaint
  - b given reasonable opportunity to be involved in the resolution of their complaint.
- 4.6 Personal or sensitive information that is provided as part of a complaint is kept confidential and only used for the purposes of addressing the complaint.
- 4.7 The Board receives regular reports on progress made to resolve on-going complaints, and on the receipt of any new complaints.

### 5 Complaints covered by this policy

- 5.1 This policy does not apply to complaints about:
  - a a decision, action or order of the Board under Part 3 of the Act (concerning discipline and offences)
  - b a decision, action or order of the Board under the Plumbers, Gasfitters and Drainlayers Act 1976.
- 5.2 The types of grounds for making a complaint under this policy include that the Board decision, action, or order:

- a was made in bad faith
- b was made for an improper purpose
- c took into account irrelevant considerations
- d failed to take into account relevant considerations
- e was inconsistent with other, equivalent decisions, actions or orders, and there were no grounds for the inconsistency
- f was not made when it should have been (ie, the Board failed to make a decision, act, or make an order it should have)
- g took into account a matter that was incorrect
- h was absurd or perverse in the circumstances
- i was contrary to a legitimate expectation on the part of the complainant
- j was made without the complainant having an opportunity to be involved
- k did not follow the correct process for making the decision, action, or order
- l was biased
- m was predetermined.

5.3 It is not grounds for a complaint under this policy that the complainant is simply unhappy with a Board decision, action or order.

## **6 Making a complaint**

6.1 A complaint must be made within six months of the complainant being told of the Board decision, action, or order they wish to complain about.

6.2 Complaints must be in writing, and must clearly identify:

- a Details of the complainant
  - i. who the complainant is
  - ii. contact details: phone number(s), email address, street address
  - iii. any special communication requirements the complainant may have
  - iv. if relevant, who the person is that is acting on the complainant's behalf, and the same contact details for that person as are required for the complainant
- b What the complaint is about
  - i. the order, action, or decision of the Board being complained about
  - ii. the date the issue arose
  - iii. the problem the complainant has encountered
- c The ground(s) for the complaint
- d Whether the complainant has raised the issue before and what any outcome was
- e The outcome the complainant is seeking.

6.3 Complainants must provide all relevant supporting material with their complaint.

6.4 The complaint should be addressed to the Registrar and can be posted, emailed, faxed or hand delivered to the Board's offices.

## **7 Receipt of a complaint**

- 7.1 All complaints are acknowledged upon receipt. Complainants are advised of:
- a the process for handling their complaint
  - b expected timeframes, having regard to such things as the urgency and complexity of the issues involved, and resources available to deal with the complaint
  - c their likely involvement in the process.
- 7.2 The complainant is advised where they can access:
- a a copy of this policy
  - b a copy of any other relevant Board policies
  - c any other documentation that may be relevant to their complaint (eg, ISO 10002:2014 Guidelines for complaints handling in organisations, the Ombudsman's website).

## **8 Declining a complaint**

- 8.1 The Board may decline to consider a complaint that:
- a is the same as, or substantially the same as, a previous complaint from the same complainant
  - b would more appropriately be addressed in a different forum or using a different process
  - c is trivial, frivolous, or vexatious.
- 8.2 Where the Board declines to deal with a complaint, the complainant is advised that:
- a their complaint cannot be considered as a general complaint and the reasons why, and
  - b the more appropriate forum or process, internal or external, for addressing their concerns (eg, the Privacy Commissioner's office, the Office of the Ombudsman).

## **9 Assessment of complaint**

- 9.1 Before considering the complaint, information is gathered from:
- a the complainant (if not already provided)
  - b applicable Board records
  - c Board staff
  - d any third parties with relevant information
  - e anywhere, or anyone else relevant.
- 9.2 A preliminary view of the merits of the complaint is formed and an assessment is made of whether the complaint can be dealt with informally.

## **10 Informal resolution**

10.1 If the complaint could be dealt with informally, the complainant is contacted to discuss options for informal resolution.

10.2 If appropriate and the complainant agrees, the Board resolves the complaint informally.

## **11 Formal resolution**

11.1 Where the complaint cannot be dealt with informally, the complainant does not want to pursue informal resolution, or informal resolution is unsuccessful, a written complaint report is prepared.

11.2 The complaint report:

- a identifies and analyses the issue or issues
- b provides an opinion on the merits of the complaint (including reasoning)
- c provides options for resolving the complaint
- d identifies a recommended method of resolution
- e specifies the decision-maker
- f identifies any follow-up action such as changes required to process or other people who may be affected.

11.3 A draft of the complaint report is provided to the complainant to comment on before the report is finalised.

11.4 A final complaint report is prepared having regard to any comments provided by the complainant.

11.5 The complaint report is given to the decision-maker.

## **12 Decision-maker**

12.1 Where a complaint relates to a statutory function, the decision-maker is the person or persons identified in the Act with responsibility for the function concerned (the Registrar and/or the Board).

12.2 Where the complaint relates to an action by a staff member, the decision-maker is the Registrar.

12.3 Where the complaint relates to an order, action, or decision of the Registrar, the decision-maker is the Board.

12.4 Where a complaint relates to an order, action, or decision of a member of the Board acting in their capacity as a Board member, the decision-maker is the Board.

## **13 Outcome**

- 13.1 The decision-maker makes a decision on a complaint as soon as practicable after receiving the complaint report.
- 13.2 The complainant is notified of the outcome of their complaint as soon as practicable after a decision is made.
- 13.3 The complainant is advised of any rights of appeal, review or reconsideration that may be available to them.
- 13.4 Where a complaint is upheld, Board policies, processes and practices are reviewed to ensure issues identified by the complaint are addressed and any other appropriate steps are taken.

## **14 Closing complaints**

- 14.1 Complaints are closed after either:
  - a an informal resolution has been reached, and all record-keeping and filing requirements have been completed, or
  - b a formal decision has been reached by the decision-maker, the matters addressed in paragraphs 13.2 – 13.4 have been addressed, and all record-keeping and filing requirements have been completed.

## **15 Timeframes**

- 15.1 Complaints are handled in the most efficient and effective manner having regard to the number, nature and complexity of the issues involved and the resources available to deal with the complaint.
- 15.2 All complaints are acknowledged in writing within five working days of receipt.
- 15.3 The Board expects most general complaints should be able to be dealt with in less than two calendar months from receipt of the complaint.
- 15.4 Where the decision-maker is the Board, the timing of the final resolution of the complaint will be dependent on the Board's meeting schedule.
- 15.5 Complainants are advised of any issues that can or could affect the timing of the resolution of their complaint.

## **16 Complaints register**

- 16.1 The Board keeps a register of all general complaints it receives.
- 16.2 The general complaints register is reviewed annually to:

- a ensure issues that have arisen have been addressed
- b identify any recurring issues and trends.

## **ADMINISTRATIVE PROVISIONS**

### **17 Owner**

17.1 The owner of this policy is the Registrar.

### **18 Responsibility and authority**

18.1 The Board is responsible for approving and overseeing this policy.

18.2 The owner is responsible for developing, monitoring and reviewing the policy.

18.3 Board staff are responsible for complying with the policy.