

# Resolving Complaints

## 1. Purpose

The purpose of this policy is to resolve complaints fairly, efficiently and effectively. The resolution process is designed to:

- i. align with the rules of natural justice
- ii. comply with the Incorporated Societies Act 2022 and requirements of ISO 17024
- iii. comply with CBIP's Constitution, and
- iv. improve CBIP's certification activities.

## 2. Scope

This policy applies to any complaint received or initiated by CBIP.

## 3. Definitions

### **Complaint**

In CBIP's context, a complaint may originate from:

- i. a CBIP member, stakeholder, or officer invoking this policy to resolve a dispute in accordance with CBIP's Constitution.
- ii. an expression of dissatisfaction in writing (other than an appeal) from a CBIP member or stakeholder relating to CBIP's activities, where a response is expected.

### **Complainant**

The person or entity who makes the complaint.

### **Dispute**

Disagreement or conflict between members, officers or CBIP that relates to an allegation that:

- i. a member or an officer has engaged in misconduct under the Code of Professional Conduct and Ethics
- ii. a member or an officer or CBIP has breached, or is likely to breach, a duty under the Constitution
- iii. a member's rights or interests as a member of CBIP have been damaged (or members' rights, generally, have been damaged).

### **Member**

A member of CBIP.

### **Officer**

A member of CBIP's Governance Board.

### **Penalty**

The corrective measure(s) determined by CBIP if the complaint is substantiated. A penalty may include:

- i. requiring corrective action within a specified period
- ii. reprimanding member(s) or officer(s) in writing
- iii. removing an officer from their position

- iv. suspending or withdrawing the membership, and/or
- v. withdrawing the member's certification.

**Respondent**

The person or entity who is the subject of the complaint.

**Stakeholder**

Any individual, group or organisation (interested party) that may be impacted by the performance of a certified person or the actions or decisions of CBIP's Board.

## 4. Responsibilities

4.1 The **Operations Manager** is responsible for:

- i. determining if the matter received constitutes a complaint in accordance with this policy. This may be in consultation with others.
- ii. registering complaints in CBIP's investigations and actions database
- iii. acknowledging receipt of the complaint
- iv. where applicable, providing notice to the respondent that the complaint has been received and CBIP is initiating the complaint resolution process
- v. gathering and verifying all necessary information to validate the complaint
- vi. ensuring any person involved in investigating a complaint has signed a confidentiality agreement
- vii. ensuring complaint investigation and related decision making is carried out impartially
- viii. ensuring, so far as is reasonably practicable, timeliness of complaint investigation,
- ix. keeping the complainant and other relevant personnel informed of investigation progress
- x. notifying the complainant and other relevant personnel of the investigation outcome, and
- xi. maintaining all relevant records relating to the investigation
- xii. forwarding a complaint that needs to be escalated to the Board.

4.2 The **Governance Board** is responsible for:

- i. approving external expertise if needed to investigate a complaint
- ii. determining if the outcome of a complaint requires a penalty to be imposed.

## 5. Policy

### 5.1 Right to make a Complaint

A CBIP member or stakeholder may make a formal complaint. The complaint must provide enough detail to ensure that the respondent (where applicable) is fairly advised to enable them to provide a response.

### 5.2 Own Motion Investigation

The Governance Board may investigate, or engage external expertise to investigate, of its own motion any act, omission, allegation, practice, or other matter than appears to indicate there may have been a breach of CBIP's Constitution or the Code of Professional Conduct and Ethics.

### 5.3 Reasons not to investigate a Complaint:

A complaint may not be investigated if:

- i. the matter is trivial or vexatious;
- ii. the complaint does not allege:
  - a) misconduct;
  - b) material damage to members' interests; or
  - c) material breach of duty under the Constitution;
- iii. the matter appears to be without foundation or there is no apparent evidence to support it;
- iv. the complainant has insufficient interest in the matter or otherwise lacks industry involvement to raise it;
- v. the conduct, incident or matter complained about has already been investigated and dealt with by CBIP or an appropriate authority; or
- vi. there is undue delay in making the complaint.

### 5.4 Right to be heard

Subject to clause 5.3, the complainant and respondent have the right to be heard by the Board before the complaint is resolved or an outcome determined. Without limiting how this right may be discharged, the complainant and respondent have been given this right if:

- i. the respondent is fairly advised of all allegations concerning the respondent, with sufficient details and time given to enable the respondent to prepare a response; and
- ii. the complainant and respondent each had a reasonable opportunity to be heard in writing or at an in-person or virtual hearing (if one is held); and
- iii. an in-person or virtual hearing is held if the Board considers that an in-person or virtual hearing is needed to ensure an adequate hearing; and
- iv. an in-person or virtual hearing (if any) is held before the Board; and

- v. the complainant's and respondent's written statement or submissions (if any) are considered by the decision maker.

#### 5.5 Referral

CBIP may refer a complaint to an independent investigator to investigate, or, if all parties to the complaint consent, any type of consensual dispute resolution process such as mediation, facilitation, or a tikanga-based practice.

#### 5.6 Decision making

- i. Any officer who is a decision maker in relation to a complaint must be impartial and must consider the matter without a predetermined view.
- ii. Decisions and communications must not be made by personnel previously involved in the subject of the complaint.

#### 5.7 Confidentiality

- i. All information related to complaints, including the identity of complainants, respondents, witnesses, and the details of the complaint, will be treated with the utmost confidentiality.
- ii. Access to complaint records and related information will be restricted to those individuals directly involved in the resolution process and who have a legitimate need to know.
- iii. Third parties involved in the complaints process will be required to sign a confidentiality agreement affirming their commitment to non-disclosure.
- iv. CBIP will not disclose the identity of complainants, respondents, or specific details of a complaint to any unauthorized parties without the explicit consent of the individuals involved or unless required by law.

## 6. Procedure

### Notes:

- The process for resolving each complaint may differ from the following depending on the nature of the complaint but must adhere to Section 5 Policy.
- Apply the following principles throughout the complaint investigation process:
  - ❖ **Impartiality:** Ensure the investigation is conducted impartially and without bias.
  - ❖ **Timeliness:** Conduct the investigation promptly to avoid unnecessary delays.
  - ❖ **Transparency:** Maintain transparency with all parties involved, providing updates as appropriate.
  - ❖ **Confidentiality:** Protect the confidentiality of the complainant, respondent(s), and any other person(s) or agencies involved.

Main stages of complaint investigation:

### **1. Acknowledgement and initial assessment**

- i. Evaluate the matter raised to determine if it falls within CBIP's jurisdiction and scope for investigation:
  - If not, inform the writer of the reason(s) the matter will not be investigated. Record communications in the Correspondence file (non-substantiated complaint)
  - If yes, confirm receipt of complaint to the complainant. Indicate the investigation process and indicative timeline.
  - If nature of complaint is serious/high risk, escalate to the Governance Board.
- ii. If the complaint is about a person or person(s), inform respondent(s) in writing that a complaint has been received about them and include:
  - the nature of the complaint
  - an outline CBIP's investigation process.
- iii. Register the complaint in the Investigations and Actions Register.

### **2. Investigation plan**

- i. Assign an investigator or investigation team as necessary to ensure impartiality. Investigation personnel must not have previously been involved in the subject of the complaint.
- ii. Collate relevant documents, records, and other physical or electronic evidence.

### **3. Analysis**

- i. Evaluate the information gathered and draw conclusions.
- ii. Review findings in relation to CBIP's Constitution, policies, procedures and/or certification standards as applicable, as well as relevant NZ legislation.

### **4. Report findings**

- i. Report findings, evidence, conclusions and actions.
- ii. Where required, have findings reviewed by relevant personnel not previously involved in the subject of the complaint eg legal advice, QA specialist, Board member(s).

### **5. Communications**

- i. If complaint investigation is lengthy, provide progress updates to complainant and, where relevant, respondent/other interested parties.
- ii. On conclusion of the investigation, communicate outcome to the complainant. Where relevant, inform the complainant of their right to appeal. Refer to the Appeals policy and procedure.
- iii. Notify other relevant personnel of the investigation outcome.
- iv. Where applicable, inform respondent(s) of right to reply within 20 working days.

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- v. Report complaint investigation and outcome at the next Governance Board meeting.

**6. Documentation and records**

- i. Enter actions into the Investigations and Actions Register. Monitor progress.
- ii. File all records, emails and other related documents in the complaint file in OneDrive.
- iii. Record actions taken and close out in the Investigations and Actions Register.

**7. Record Management**

The following record must be maintained for compliance purposes:

Record	Filed	Retention
Complaint file (including related correspondence)	OneDrive	10 years
Investigations and Actions Register	WeCertify	4 years
Governance Board minutes	OneDrive	10 years

**8. Quality Standard**

- ISO/IEC 17024:2012, 2<sup>nd</sup> edition, clause 9.9 Complaints
- Incorporated Societies Act 2022, sections 38 - 44

**9. Revision History**

This document replaces Resolving Complaints, revision 04, 04 March 2024. Changes are made in response to an observation raised by JASANZ at the May 2024 surveillance visit and internal audit findings from July 2024.

Key changes are:

- Section 4.1 v, ix and x added.
- Section 6. All content new