

Complaints Policy

Kaupapa

The purpose of this policy is to provide information and guidance about how the Ministry responds to complaints.

1. Nā wai te kaupapa | Authority of the policy

The Pou Arataki Ture, Chief Legal Advisor is the policy document owner and is responsible for the implementation and maintenance of the policy.

2. Te aronga | Scope

2.1 What is a complaint?

A complaint is an expression of dissatisfaction from a member of the public, usually about a Ministry decision or policy, about how the Ministry deals with personal information, or about staff behaviour.

Complaints that relate to behaviour of a specific staff member must not be dealt with by the person concerned, although the person concerned must be given an opportunity to provide an explanation.

There is no wrong way to make a complaint: they can be made to anyone in person, over the phone, on paper, or by an email or social media. The Ministry should accept and respond to all complaints and must also keep its people safe. If you experience abuse or threats, you should tell the complainant to cease the behaviour and if it continues terminate the conversation and contact the Chief Security Officer or other member of the Ministry Security Committee immediately. Notify the Police if required.

2.2 What is not considered a complaint?

Internal complaints from Ministry staff members or other state sector employees in their official capacity are treated differently and are outside the scope of this policy. (The Protected Disclosures Policy gives information and a process for staff members to draw attention to serious wrongdoing in or by the Ministry).

3. Ngā taipitopito o te kaupapa | Policy statement

The Ministry has a central and standard process for receiving and resolving complaints as part of its professional and consistent service.

4. Ngā tukanga | Procedures

4.1 Complaints process

A complaint can be received and recorded by anyone. If you receive a complaint:

- record as much information about it as you can
- acknowledge receipt
- notify the Pou Arataki Ture, Chief Legal Advisor (CLA)

Once notified, the CLA will manage the complaint until it is resolved. The CLA will:

- arrange for the complaint to be investigated
- recommend any action to be taken
- update the complainant and resolve the complaint

If the complaint is about you personally, discuss it with the CLA before taking any steps.

If the complaint is about the CLA or the legal team follow the process above but do not notify the CLA; instead notify the Deputy Chief Executive Organisational Performance.

4.2 Timeliness

The Ministry should acknowledge every complaint in writing by the close of the following day (unless it is resolved within that time).

All complaints need to be fully investigated and resolved within ten working days, unless there is a good and sufficient reason for the process to take longer. If it takes longer, the complainant must be kept informed of progress.

4.3 Recording and acknowledging a complaint

If you receive a complaint make a note of all relevant details and save any written material you receive. Provide everything to the CLA.

When you acknowledge the complaint, explain that the Ministry will investigate the matter and advise that the complainant can expect an update within ten working days.

Complaints involve personal information. Be careful not to discuss the complaint or disclose personal information to other people. Remember that the complainant can request a copy of all information we hold about them. Ensure your record is factual and fair.

4.4 Investigating a complaint

The CLA may investigate the complaint personally or assign the complaint to a more appropriate person to resolve, taking into account seniority, capacity, expertise, and familiarity with any relevant subject matter. Any assignment will be agreed between the CLA, the investigator, and their manager. The CLA remains responsible for the complaint until it is resolved.

The CLA or the person to whom the complaint is assigned will obtain all relevant information and investigate the complaint fully. If the complaint involves a staff member, the staff member must be given an opportunity to provide a written explanation or comment.

The investigator must keep a complete record and update it as progress is made. Keep the complainant informed if the resolution is likely to take more than ten working days. The record must be stored confidentially in the legal team's part of TRIM (unless the complaint is about the Legal Team).

4.5 Resolving a complaint

Once all relevant information has been received, the investigator must contact the complainant to agree on the solutions and then follow this up in writing.

If the investigation reveals that staff actions were inappropriate, staff training or performance management may be appropriate. The investigator will consult People and Culture before finalising any recommendations.

5. Te matai me te whai tikanga | Monitoring compliance

Complaints must be regularly monitored by the CLA to ensure that standards are met, with an emphasis on quality, security, and timeliness. The CLA will report regularly to TKM on complaints received and will discuss trends with relevant managers so that improvements can be made.

6. Mā wai e āwhina | Where to get help

For help with this policy contact the Pou Arataki Ture, Chief Legal Advisor.

7. Te tātari me te whakahou | Review of the policy

Review of this policy is due January 2023.

8. Te hītori o tēnei tuhinga | Document history

Version number	Date Created	Author/Contributor	Changes Made	Approved by	Date
1.0	April 2019	Aaron Lloyd	Creation of policy document	TKM	April 2019
1.1	January 2021	Mataiasī To'ofuhe	Updated to reflect template for policies	Nerissa Barber	26 January 2021

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