

NZRAB Internal Complaints Policy

Approved 27 August 2020

Purpose

1. This Policy describes the process available to any person (the complainant) to make a complaint (an Internal Complaint) about a decision or process for which the NZRAB is or was responsible, or for the way the person was treated by an NZRAB Board member, employee or office holder outside of the Board (e.g., a Registration Assessor, Panel or Committee member, or other person appointed by the Board under section 55 of the Registered Architects Act 2005 (RA Act) or who holds a delegation under clause 33 of the Schedule to the RA Act).
2. This Policy does not deal with complaints that fall within the NZRAB's Complaints and Discipline Policy relating to registered architects.
3. An underlying principle of this Policy is that complaints should be resolved at the level of formality, and in the forum, that is most appropriate to the circumstances of the complaint. Therefore, the Formal Procedure under this Policy applies, and the complaint is to be treated as an Internal Complaint, where none of the complaints or appeal processes listed below applies or would not provide the appropriate level of formality or forum in the circumstances of the complaint.

Other processes which may apply, rather than using Internal Complaints Policy

4. If any of the following processes would apply under the RA Act or the Registered Architects Rules 2006 (the Rules), or would provide the most appropriate level of formality or the most appropriate forum for the complaint, then it is not an Internal Complaint to which this Policy applies:
 - a) If the complainant disagrees with a decision of the NZRAB Board under section 10 (initial registration), section 13 (continuing registration), or section 26 (disciplinary penalties) of the RA Act, the complainant may appeal to the District Court under section 38 of the RA Act.
 - b) If the complaint relates to an assessment for registration or for continued registration not being carried out in accordance with the procedures set out in the RA Act or the Rules, the complainant may apply to the Board for a review under rule 35 of the Rules. Note that the rule 35 review process does not require that the applicant had had their application for registration or continued registration declined.
 - c) If the complaint relates to bullying, harassment, or discrimination then the NZRAB's Bullying, Harassment and Discrimination Policy is to be applied.
 - d) If the complaint is received by the NZRAB Executive via the Survey of applicants for initial registration, and if the Registration Convenor is satisfied that the applicant's Survey

response was intended to provide constructive feedback to improve the behaviour or manner of an Assessor, and that the applicant was not seeking redress for themselves, then the complaint should be dealt with informally by the Registration Convenor or the Executive in accordance with the processes determined from time to time by the Board.

Formal Procedure for an Internal Complaint

5. A complaint must be made in writing and materials pertinent to the complaint must be provided to the Board within 10 working days of the activity or assessment that is the subject of the complaint.
6. The complainant must finalise the nature of the dispute; no new material pursuant to the complaint will be admitted or considered subsequently.
7. The Board will delegate authority to one of the members to act as its nominee for the complaint. The nominee will appoint an independent investigator who is not involved or implicated in the dispute to investigate it. The Executive or Board nominee will forward a copy of all documentation to the independent investigator within 10 working days of their appointment.
8. The independent investigator will complete the investigation according to the principles of natural justice. Accordingly, the person or persons complained of will be provided with full details of the complaint and will have 20 working days within which to provide their written response to the independent investigator. The independent investigator will provide the Board nominee with a written report within a reasonable length of time after receiving the written response.
9. Following receipt of the written report, the nominee will provide a copy to the complainant and other parties involved and shall then:
 - a) Dismiss the complaint, or
 - b) Agree with parties on a procedure to resolve the complaint, or
 - c) Refer the matter to the Board and make a recommendation.
10. In cases in which the complaint is dismissed or in which a procedure to resolve the complaint is agreed upon, the Board nominee must, within 20 working days, communicate in writing with the complainant and other parties explaining either the reasons for the dismissal or outlining the terms of the resolution.
11. In cases in which the matter is referred to the Board, the Board must be provided with all the information previously submitted by the claimant and collected by the investigator, together with the investigator's written report. The Board will then consider the case and make a final decision. The Chair of the Board must, within 20 working days, communicate the Board's decision in writing to the complainant and other parties, together with the reasons for the decision.
12. The decision of the Board nominee or the Board, as the case may be, is final.