

COMPLAINTS POLICY AND PROCEDURE

Updated: October 2017

This complaints Policy and Procedure applies when a Complainant expresses a concern or complains about the service delivery of a member, or a member is alleged to have breached the Code of Conduct.

DEFINITIONS

Board	means the governing committee of PodiatryNZ constituted under Rule 7, each member of which is a “Board member”.
chief executive	means the chief executive of PodiatryNZ.
client/patient	includes current client/patients, potential client/patients and past client/patients of a member.
Code of Conduct	means the Code of Professional and Ethical Conduct as may be approved by the Board from time to time in accordance with the Rules.
complaint	means a formal complaint made by a person to PodiatryNZ in relation to a member.
Complainant	means the person expressing concern about a member or making a complaint about a member.
Member	is a current member of PodiatryNZ. This includes any employees, agents, subcontractors or other representative of the relevant member.
PodiatryNZ	means the incorporated society known as Podiatry New Zealand (Incorporated) – Te Roopu Tiaki Waewae O Aotearoa
Policy	means this complaints Policy and Procedure
Rules	means the Rules of PodiatryNZ in force from time to time.

POLICY STATEMENT

PodiatryNZ is committed to facilitating resolution in respect of complaints about made about PodiatryNZ members in respect to the PodiatryNZ Code of Professional and Ethical Conduct.

This Policy is not intended to be a substitute for the ability of a person to make complaints to the Podiatrists Registration Board or to the Health and Disability Commissioner.

RULES, CODE OF CONDUCT AND APPLICABLE LAW

Every member is bound by the Rules and all applicable laws, including the Health Practitioners Competence Assurance Act 2003. The Rules of PodiatryNZ and the Code of Professional and Ethical Conduct.

CONCERNS MAY BE TREATED AS COMPLAINTS

If the Board becomes aware of negative comments about a member, or of a breach of the Code of Conduct by a member, but no formal complaint has been received by the Board, the Board, acting reasonably, may, decide to investigate these negative comments. In such a case, the Board may enquire into such matters and this Policy will apply as if a complaint had been received.

NATURAL JUSTICE

Every member who has a complaint made against him or her has the right to be fully informed of the nature of the complaint and the right to respond. At all proceedings, the member and the complainant may be represented or attend with a support person.

All decisions will be made fairly and with regard to the rights of all parties. An impartial and consistent approach will be used to ensure parity and fairness in resolving complaints.

CONFIDENTIALITY

All complaints received will be dealt with in strict confidence in accordance with this Policy. PodiatryNZ, Board members, and panel members will keep the complaint and all matters in relation to it confidential until the Board makes a decision in respect of it. At this point the Board may decide to make a public statement or to refer the complaint elsewhere.

PROCEDURE – from a member about another member

1. A complaint must be lodged within 12 months of any alleged incident.
2. When a complaint is received by PodiatryNZ about a member by another member, (which that member has been unable to resolve with that member in accordance with the Code of Conduct), the chief executive will inform the member complained about, and the Board of PodiatryNZ.
3. The member will provide a written complaint, which will include the following information:
 - a. the name of the member being complained about, (or their employee, agent, contractor, subcontractor or other representative);
 - b. an outline of the nature of the complaint;
 - c. identification of the relevant clauses of the Code of Conduct that have been breached
 - d. evidence of breach(es) of the Code.
4. On receiving the complaint, PodiatryNZ will inform the member being complained about that a complaint has been received.
5. The written complaint will be forwarded to the member being complained about.

PROCEDURE – from clients/patients about a member

1. A complaint must be lodged within 12 months of any alleged incident.
2. When a complaint is notified to PodiatryNZ from a client/patient about a member, the chief executive will inform the member complained about and seek to mediate a satisfactory solution to the issues raised.
3. If necessary, the chief executive will assist the client/patient in preparing an outline of the written complaint, which will include the following information:
 - a. the client’s name and contact details;
 - b. the name of the relevant member (or their employee, agent, contractor, subcontractor or other representative);
 - c. an outline of the nature of the complaint; and
 - d. the relevant provision of the Code of Conduct, or other relevant code or standard, that have been breached.
 - e. evidence of breach(es).
4. The member will be fully informed of the nature of the complaint and, if appropriate (at the discretion of the Board) of the client/patient making the complaint.

COMPLAINTS Process

1. The Board will appoint one of its members to investigate, with the chief executive, the nature and circumstances of the complaint.
2. The appointed Board member and the chief executive are the “panel” for the purposes of this Policy.
3. Both the chief executive and the appointed Board member must act independently and impartially and have no conflict of interest which would influence, or be seen to influence, the investigation of the complaint and the outcome.
4. The chief executive or the appointed Board member may have a conflict of interest if their financial, private or business interests could compete with their duties under this Policy in a way which might mean they favoured a particular position, had a personal interest in the outcome or connection with the relevant member or client/patient or be perceived to have that bias.
5. If there is any suggestion of a conflict of interest that cannot be adequately managed or lack of independence or impartiality, the Board will appoint another person to act in the chief executive’s stead and/or or appoint another, independent and impartial, Board member or other person who can so act.
6. The panel will ensure that both the client/patient and the relevant member:
 - a. are able to provide their own account of the circumstances of the matter;
 - b. are given the opportunity to respond to the other party’s account;
 - c. are given the opportunity to comment on the draft conclusions and recommendations of the panel to the Board; and
 - d. are notified of the panel’s reasons for those conclusions and the consequences of the relevant recommendations.

7. If the complaint is withdrawn, or if concerns are being treated as a complaint, the Board (through a panel appointed for the purpose) may at their discretion continue to investigate the complaint.
8. The panel will investigate the complaint, taking into account the views and responses from the parties with a view to making a recommendation to the Board. The panel will endeavour to complete its investigation within 14 working days of receipt of the complaint.
9. The Board will review that recommendation, and may seek further information from the panel if required. The Board may:
 - a. dismiss the complaint; or
 - b. consider what sanctions or penalties might be appropriate for the member, including expulsion from PodiatryNZ if the complaint is upheld.
10. When the Board makes a decision in respect of the complaint, it will also decide whether or not a public statement should be made.