

Complaints

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Policy

1. Purpose

1.1 This Policy provides guidance on seeking resolution of complaints not covered by the Code of Veterans' and Other Claimants' Rights or the formal legislative review and appeal processes. Complaints may include:

- matters contained in Veterans' Affairs policy
- Veterans' Affairs' administration of an entitlement
- Veterans' Affairs assessment of services that may be provided following access to an entitlement which may include:
 - access to services under the Veteran's Independence Programme (whereby a veteran will be assessed and certain services may be provided to enable the veteran to retain independence in their own home)
 - approval of specific types of rehabilitation (e.g. specific aids and appliances or modifications to the home)
 - funding for treatment that has been approved by Veterans' Affairs to treat accepted conditions (e.g. approval for specialist treatment)
- other general complaints relating to Veterans' Affairs, e.g. about the Veterans' Affairs website.

1.2 This Policy does not cover:

- disputes about eligibility for an entitlement or service, including when a veteran refuses to agree to a rehabilitation plan, as these will be reviewed and appealed under the review process and appeals process set out in the separate Review and Appeals policies
- complaints about the manner in which Veterans' Affairs staff have treated a veteran or other claimant (e.g. not listening to a veteran's or other claimant's views, not responding in a timely manner), as these will be considered under the investigation and review process outlined in the separate policy on the Code of Veterans' and Other Claimants' Rights (the Code)
- complaints about the provision of treatment services, and about the quality of treatment and services (these are covered by the Code of Health and Disability Services Consumers' Rights), or about any treatment and disability services purchased by Veterans' Affairs (these are covered by the Health and Disability Sector Standards and Health and Disability Services (Safety) Act 2001).

2. Eligibility to make a Complaint

- 2.1 Any person under the Act can invoke the general complaints process at any time. However, if the matters which are the subject of the complaint are intrinsically linked to those matters which are subject to the review and appeal processes or the complaints process under the Code, the Policy Advisor will determine which part of the complaint will be considered under the Code complaints process, which under the legislative review and/or appeals process(es), and which under the complaints process described in this policy.

3. How the Complaints Process may be triggered

- 3.1 Complaints must:

- be in writing and be specified with some particularity (including details of the complaint, when it occurred, whether the complainant has been adversely affected by the matter under complaint (and if so, how))
- be raised in a timely way
- be identifiable to an individual or a group of individuals (anonymous complaints will not be investigated)
- state the redress/resolution desired by the complainant.

- 3.2 Where a complaint is raised which is not in writing, the complainant should be referred to the Policy Advisor, who can assist the complainant to fill in the form.

- 3.3 When making a complaint a complainant must:

- indicate what mechanisms they have tried to use to resolve the subject of the complaint (e.g. whether they have raised the matter with their Case Manager)
- provide their contact details, and sufficient information to support the investigation of their complaint.

- 3.4 A complainant may appoint a representative to present their complaint and may provide their representative's contact details (**see separate policies on Veterans' Representatives and on Persons with Legal Authority to Act on behalf of a Veteran or Other Claimant**).

4. The Complaints process

- 4.1 When a complaint is received from the complainant by Veterans' Affairs the Policy Advisor will channel the complaint to the appropriate point of review (Code of Conduct, Review, Appeals, or Complaints). Where the Complaints process is to be used it will proceed in accordance with section 4 to 7.

- 4.2 Complaints will be acknowledged within five working days of receipt.

- 4.3 Within ten working days of receiving the complaint, the Policy Advisor must raise the complaint with the business unit concerned following which the complainant will be informed immediately of any action to be taken, and the expected timeframe for this action.
- 4.4 If the complaint cannot be resolved to the satisfaction of both parties, the complaint will be referred to independent investigation (**see section 6 below**).

5. Reasons for declining the lodgement of a complaint

- 5.1 The Policy Advisor may decline to investigate a complaint if it:
- is covered by one of the situations described in paragraph 1.2
 - covers the same issue as a complaint previously lodged on which a decision has already been made
 - is not made in good faith
- OR
- the complainant has not provided sufficient information for the complaint to be understood by the Policy Advisor or the complainant declines to provide additional information that is requested.

6. Independent Investigation

- 6.1 If the complaint is referred to independent investigation, an independent investigator within Veterans' Affairs will be appointed to determine if the complaint has validity. This independent Veterans' Affairs staff member will be a peer of the initial person in Veterans' Affairs who was dealing with the complainant.
- 6.2 Veterans' Affairs must supply information to assist with the investigation of a complaint as requested by the independent investigator.
- 6.3 The independent investigator may request information from the complainant. If the complainant will not supply the requested information, this should be identified in any report produced by the independent investigator and may be taken into account in any decision made.
- 6.4 The findings of the independent investigation should be presented to the complainant in writing in a fair and impartial manner taking into consideration the evidence and the complainant's views.
- 6.5 In communicating the findings to the complainant, Veterans' Affairs will also:
- provide a formal apology to the complainant if the independent investigation has made findings that the complaint should be upheld
 - provide the complainant with an explanation of the situation

- attach any necessary explanatory information
- indicate what steps if any have been taken to remedy the situation
- facilitate communication about any further questions or requests
- tell the complainant about the procedure if the complainant is not satisfied with the findings.

6.6 Veterans' Affairs will draw up any lessons learned from the complaint for staff to implement in the future.

7. Independent Senior Investigation

7.1 If the complaint cannot be settled at independent investigation, appointment of a senior Veterans' Affairs staff member will be made to determine if the complaint has validity and to make a final decision and any recommendations regarding future action by Veterans' Affairs relevant to the complaint.

7.2 The complainant must be advised that, if they are not satisfied with the response, they may choose to make a complaint to the Ombudsman.

7.3 Veterans' Affairs will carry out the steps set out in paragraphs 6.4 and 6.5 above as necessary.

8. Living Overseas

8.1 The policy for the Complaints Process applies to all New Zealand veterans equally, irrespective of their country of residence.

Glossary

child [section 7]

In relation to a veteran,—

- (a) means a natural child of the veteran; and
- (b) includes—
 - (i) an adopted child of the veteran; and
 - (ii) a child of whom the veteran is or has been a guardian; and
 - (iii) a grandchild or a whāngai of the veteran in relation to whom the veteran acts or has acted as a parent or a guardian; and
- (c) includes any other child who would ordinarily be regarded as a child of the veteran because the veteran—
 - (i) is or has been the spouse or partner of one of the child's parents; and
 - (ii) acts or has acted as a parent of the child.

dependant [section 7]

In relation to a veteran, means any of the following persons:

- (a) a person (not being the spouse, partner, or child of the veteran) who—
 - (i) is under 18 years of age; and
 - (ii) is wholly or primarily dependent on the veteran for financial support; and
 - (iii) ordinarily resides with the veteran;
- (b) a person (not being the spouse, partner, or child of the veteran) who—
 - (i) is 18 years of age or more; and
 - (ii) is under the care of the veteran; and
 - (iii) ordinarily resides with the veteran because the person is unable to live independently of the veteran due to disability, illness, or advanced age;
- (c) a person who—
 - (i) is a child of the veteran; and
 - (ii) is 18 years of age or more; and
 - (iii) is under the care of the veteran; and
 - (iv) is unable to live independently of the veteran due to physical or mental infirmity.

guardian [section 7]

Has the same meaning as in section 15 of the Care of Children Act 2004.

member of the armed forces [section 7]

Means a person who is or has been a member of the New Zealand armed force raised by the Governor-General on behalf of the Sovereign,—

- (a) whether in New Zealand or elsewhere; and
- (b) whether before or after the passing of this Act.

partner [section 7]

Means a civil union partner or a de facto partner.

other claimants [section 7]

Means—

- (a) persons who have served as members of the armed forces before 1 April 1974 and whose injury or illness was caused by, contributed to by, or aggravated by routine service in New Zealand or overseas; and

- (b) spouses and partners of veterans; and
- (c) children of veterans; and
- (d) dependants of veterans; and
- (e) persons (other than the spouse or partner, or a child or dependant, of the veteran) who provide non-professional support to veterans for the purposes of section 107.

qualifying operational service [section 8]

Means–

- (a) service in any deployment treated as a war or emergency for the purposes of the War Pensions Act 1954; or
- (b) service on any deployment declared to be operational service under section 9.

qualifying routine service [section 8]

Means service in the armed forces before 1 April 1974 that is not qualifying operational service.

qualifying service [section 8]

Means–

- (a) qualifying operational service; or
- (b) qualifying routine service.

veteran [section 7]

Means–

- (a) a member of the armed forces who took part in qualifying operational service at the direction of the New Zealand Government; or
- (aa) a member of the armed forces who took part in qualifying routine service before 1 April 1974; or
- (b) a person:
 - (i) who has been:
 - (A) appointed as an employee of the Defence Force under section 61A of the Defence Act 1990; or
 - (B) seconded to the Defence Force with the permission of the Chief of Defence Force; and
 - (ii) who took part in qualifying operational service at the direction of the New Zealand Government; or
- (c) a person who, immediately before the commencement of Part 3 of this Act, is eligible for a pension under the following provisions of the War Pensions Act 1954:
 - (i) section 19 (but only if the person was a member of the forces):
 - (ii) section 55 or 56:
 - (iii) Parts 4 and 5.

whāngai [section 7]

means a child adopted by the veteran in accordance with Māori custom.