

# G10 Complaints

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## 1. BACKGROUND

### 1.1 BCA STATUTORY REQUIREMENTS

Regulation 7(1) of the Building (Accreditation of Building Consent Authorities) Regulations 2006 requires that a BCA must have policies and procedures for performing its building control functions. Regulation 7(2)(h) requires that the policies and procedures must cover receiving and managing complaints about building control functions. This guide sets out that procedure. The procedure is part of ORC's procedure for continuous improvement (see M05) required under Regulation 17(2)(e) as it is a means of identifying and acting on improvement opportunities. It is also part of the procedure for complying with Regulation 17(3A) which requires the BCA to have a system for considering and making complaints to relevant occupational or professional bodies about practitioners.

Section 216 of the Building Act 2004 requires ORC to keep information about buildings and requires ORC to keep reasonably available any information that is relevant to the administration of the Act.

Section 216(2)(e) and (f) require that the information to be kept includes a summary of written complaints received by ORC concerning alleged breaches of the Act (or the Building Act 1991); and information on how ORC dealt with each of the complaints.

Section 216(3) requires ORC to keep this information for at least for 10 years from when each complaint was received by ORC.

### 1.2 ORC COMPLAINTS PROCEDURE

The ORC Complaints process underpins the BCA's approach to dealing with complaints. A copy of the ORC Complaints Procedure can be found in ORC enterprise work management system, Objective, and must be adhered to by all parts of the organisation, including the BCA.

ORC's Complaints Process includes discussion about the following:

1. Why have a complaints process
2. Benefits of an effective complaints process
3. Complaints process
4. Elements of effective complaint handling
5. Council process
6. Next steps.

## 2. WHAT IS A COMPLAINT?

A complaint can be received in writing (including email) or received verbally. It could be made by an applicant, agent, owner, member of the public or other RA. A complaint could be received about any alleged breach of the Act, and could involve external parties and/or ORC and/or contractors of ORC. A complaint may also be made concerning practitioners working for the applicant or working for the BCA.

### 3. COMPLAINT PROCESS AND RESPONSIBILITY FOR COMPLAINTS

ORC's Council process for dealing with complaints comprises the following steps:

1. Receiving a complaint
2. Assessing a complaint
3. Planning a review
4. Conducting the review – a fair process
5. Reporting on the review
6. Communicating the outcome of the review
7. Resolving complaints
8. Record keeping
9. Learning from the complaint
10. Managing unreasonable conduct.

The Manager Consents is responsible for the effective and consistent functioning of the BCA's complaints procedure and ensuring that it both meets BCA Accreditation Regulation 2006 requirements and aligns with the wider ORC Complaints Process. This includes development and implementation of a complaints procedure components specific to the BCA as described below.

#### 3.1 RECEIVING AND LOGGING COMPLAINTS

Any complaint received by ORC that pertains to the BCA or performance of BCA functions will be forwarded to the Manager Consents.

The Manager Consents will refer the complaint to the appropriate person for dealing with (see Table in Section 4 below).

Written complaints are saved into Objective in the complaints folder. Verbal complaints shall be recorded in a File Note saved into Objective.

Where the complaint is specifically in relation to an existing building, building work, a Building Consent or application then a copy of the complaint, investigation notes, BCA responses and correspondence shall also be saved into the project folder in Objective.

All complaints are additionally recorded as an opportunity for improvement that will be considered as part of the BCA's Quality Assurance System and Procedures (see BCA M05).

#### 3.2 PRIORITISING COMPLAINTS

ORC's complaints process identifies that a complaint should be assessed and assigned priority, and a decision made as to who will deal with the complaint and when it should be completed.

All complaints that pertain to the ORC BCA or performance of BCA functions will be categorised and prioritised by the Manager Consents on a case by case basis according to:

- (i) the potential impact of the complaint;
- (ii) the seriousness of the complaint; and
- (iii) the nature of the complaint.

The potential impact of a complaint is identified as follows and affects service standards, specifically timing, with respect to acknowledging considering and responding to complaints:

- Emergency complaints - associated with potential loss of life or significant injury,
- Urgent complaints will be associated with major disruption, property damage or less significant threats to people
- Routine complaints - all other matters.

The nature of complaints is used to categorise and allocate responsibilities for dealing with complaints as described below.

### 3.3 SERVICE STANDARDS

The BCA will endeavour to acknowledge, investigate and initiate response to complaints within the following timeframes which are well within standards included in the ORC Complaints Procedure:

- Emergency complaints - 2 hours
- Urgent complaints - 48 hours
- Routine complaints – 5 working days

If for any reason the complaint cannot be dealt with in the above timeframes, the complainant will be contacted, advised that more time is needed and why, and when a response can be expected.

Service standards to assure effectiveness in dealing with individual complaints are as defined in the ORC Complaints Procedure.

### 3.4 RESPONSIBILITIES FOR DEALING WITH COMPLAINTS

The Manager Consents will refer complaints to BCA staff, or specific wider ORC staff, to deal with depending on their nature as follows:

<b>Nature of complaint</b>	<b>Responsibility for dealing with complaint</b>
Complaints relating to existing buildings (dams)	Consents Officer
Complaints relating to building work (dams)	Consents Officer
The work of any professional who is not a lead consultant or any subcontractor used by them	Manager Consents
The performance of the Lead Consultant, or any subcontractor used by them	Manager Consents
Complaints concerning Practitioners	Manager Consents
Performance of a staff member other than the Manager Consents, Acting General Manger Regulatory or General Manager Operations	Manager Consents
Performance of the Manager Consents	Acting General Manger Regulatory
Performance of the Acting General Manger Regulatory or General Manager Operations	Chief Executive
The ORC's fees and charges policy	General Manager Corporate Services
Fees and charges invoiced for any particular application or activity	General Manager Corporate Services
Time taken to make a decision on an application	Acting General Manger Regulatory
The decision taken by ORC on any application	Acting General Manger Regulatory
Any matter raised by a transferring regional authority relating to ORC's compliance with a transfer agreement	Acting General Manger Regulatory /Manager Consents
Any other matter not listed above	Acting General Manger Regulatory /Manager

### 3.5 ASSESSING AND REVIEWING COMPLAINTS

The person responsible for dealing with the complaint will conduct investigations as described in the ORC Complaints Procedure, arriving at investigation findings and reaching outcomes in the manner described in that procedure.

The Manager Consents will be advised of investigation findings and the outcomes reached in order that he can consider and confirm (or not) their appropriateness for response.

The Complaint folder in Objective should be updated together with the project file and BCA Quality Assurance records to include a description of investigations conducted, findings and investigation outcomes, together with Manager Consents feedback on their appropriateness.

### 3.6 RESOLVING COMPLAINTS

The person responsible for dealing with the complaint shall write to the complainant advising the outcome and the remedy. If relevant, this will include advice that the Act has a Determination process.

All responses will be provided in accordance with standards defined in the ORC Complaints Procedure, ensuring that outward correspondence is confirmed by the Manager Consents before despatch.

The need to ensure that remedies are proportionate to issues raised is discussed within the ORC Complaints Procedure.

### 3.7 LEARNING FROM THE COMPLAINT

The Manager Consents will review all complaints received as part of the operational management review (M05) and propose any actions that the BCA and/or ORC should consider to improve Building Act compliance and customer service. This review forms part of compliance with Regulations 17(2)(e), 17(5)(b) and 17(3A).

## 4. COMPLAINTS RELATING TO EXISTING BUILDINGS AND BUILDING WORK

The BCA has responsibility for dealing with complaints or concerns related to existing buildings or building work.

### 4.1 COMPLAINTS OR CONCERNS RELATING TO EXISTING BUILDINGS

ORC BCA has a limited responsibility and scope for dealing with complaints related to existing buildings. This scope is firstly limited to:

- (i) buildings which are defined as large dams; and
- (ii) certain circumstances associated with the complaint.

The [Building Act 2004](#) allows BCAs to act and manage complaints in relation to existing buildings only with respect to the following:

- Dangerous buildings;
- Affected buildings;
- Insanitary buildings; and
- Earthquake-prone buildings.

### 4.2 COMPLAINTS RELATING TO BUILDING WORK

ORC BCA is also responsible for dealing with complaints that directly relate to building work for a large dam

that is subject to a current building consent, such as a large dam that is under construction, or building work being carried out to construct a large dam that has not yet received a Code Compliance Certificate (CCC).

#### 4.3 DEALING WITH COMPLAINTS RELATING TO EXISTING BUILDINGS OR BUILDING WORK

All complaints or concerns that relate to existing buildings or building work will be assessed and prioritised according to the nature of the complaint/concern and its potential impact, on a case by case basis, as occurs with other complaints. Assessment and prioritisation of complaints or concerns about existing buildings or related to building work will therefore be prioritised for service as follows:

Type of complaint/concern	Potential Impact	Timeframe within which BCA will endeavour to acknowledge, investigate and initiate response to complaints*
Emergency complaints	Potential loss of life or significant injury	2 hours
Urgent complaints	Major disruption, property damage or less significant threats to people	48 hours
Routine complaints	All other matters	5 working days
* If for any reason the complaint cannot be dealt with in the above timeframes, the complainant will be contacted, advised that more time is needed and why, and when a response can be expected.		

#### 5. COMPLAINTS CONCERNING PRACTITIONERS

See G10-1