



**window
& glass**
association nz

Window & Glass Association NZ

Complaint Process/Policy

Version 3.0 - November 2019

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1. Introduction

The Window & Glass Association of New Zealand entrusts each of its members to support and comply with our Code of Ethics which requires high standards of Integrity, Accountability and Competence, among others. The Association will receive complaints from members, non-member industry professionals and consumers, and based on individual merits will Acknowledge, Assess, and Advise an appropriate course of action.

Regardless of the systems and/or processes a manufacturer/supplier has in place, there is potential for something to go wrong. How one reacts to these situations, is crucial to how they are resolved. The following articles can guide the consumer in terms of understanding their rights.

<https://www.consumer.org.nz/articles/making-a-complaint>

<https://www.consumer.org.nz/articles/consumer-guarantees-act>

<https://www.consumer.org.nz/articles/fair-trading-act>

The following document outlines the Associations policy, process and position with regard to complaints, with the aim of protecting not only the health and safety of the public, but also the reputation of the industry and its members.

This document is aimed at responding to complaints brought against members of the Association. From time to time we will receive complaints regarding non-members, to which we will assess on a case by case basis.

The Association views its role in the process, primarily as one of facilitator and wherever possible we will encourage the parties involved to resolve the issue between themselves.

The Association seeks to deal with complaints and disciplinary matters in a fair and reasonable manner, in good faith, and as promptly and efficiently as possible, having regard to the circumstances in each case.

The Association will execute the complaints process with transparency and integrity, advising all concerned of the current position within the process.

The Association will not accept anonymous, frivolous, or vexatious complaints.

2. Definitions

<i>the Association</i>	Window & Glass Association of New Zealand
<i>the Board</i>	the Board of the Window & Glass Association of New Zealand
<i>the Complainant</i>	the person or Company initiating the complaint
<i>the Code</i>	typically refers to the New Zealand Building Code
<i>the Constitution</i>	the Constitution of the Window & Glass Association of New Zealand
<i>member</i>	a member of the Window & Glass Association of New Zealand
<i>non-member</i>	an industry-based party, window manufacturer, glazier, or other who is not a member of the Window & Glass Association of New Zealand
<i>primary supplier</i>	an industry-based supplier or franchisor who supplies independent business operators with their core components
<i>the Respondent</i>	the person or Company at which the complaint has been aimed
<i>review committee</i>	a committee appointed by the Board of the Window & Glass Association of New Zealand to investigate a complaint.
<i>Standards</i>	refers to applicable New Zealand, joint Australian/New Zealand Standards or recognised Standards from other countries

3. Involvement

This section describes how and where the Association might be involved in any particular complaint.

- a) Complaints received by the Association may fall into a number of different categories:
 - i) **Consumer/Member** - Probably the most common situation where a consumer lays a complaint against a member.
 - ii) **Member/Member** - Where one member lays a complaint against another.
 - iii) **Non-member/Member** - Where a non-member lays a complaint against a member. Per the definition above, a non-member is an industry-based party, window manufacturer, glazier, or other who is not a member of the Association.
 - iv) **Member/Non-member** - Where an Association member lays a complaint against a non-member. Again, the non-member maybe another supplier/manufacturer, a building company, or a Council.
- b) There are essentially two types of complaints:
 - i) **Non-compliance/conformance** - Where the installation of the window and/or glass does not meet the applicable New Zealand Standards. These complaints primarily come from members or industry professionals who understand code requirements.
 - ii) **Workmanship/Service** – Whereby the complainant is unhappy with the quality of the completed installation, or the service they have received. These complaints typically come from consumers.
- c) Whilst the Association will receive and investigate complaints from members, non-member industry professionals and consumers, its *first position* will be to encourage the parties involved, to discuss and resolve the situation without our intervention.
- d) Subsequently, the Association, where applicable, will be to forward the complaint to the appropriate primary supplier and ask that they investigate and resolve the complaint and advise the Association of the outcome.
- e) Should the parties not be able to reach agreement, and seek the Associations involvement, the Association shall assess the issue/complaint, in line with the Process section of this document and advise its position and/or course of action;
 - i) If a complaint is about a member, the Association may take an active role in mediating the issue and potentially disciplining the member through suspension or expulsion from the Association.
 - ii) If the complaint is against a non-member, the Association may choose to offer advice and/or opinion on how the issue might be resolved.
- f) The Associations involvement may extend to one or all of the following;
 - i) **Advice.**
The Association may choose to offer an opinion on the complaint, based on its assessment against Standards, Codes, or industry practices.

ii) ***Independent Review.***

The Association may choose to appoint an independent reviewer, from either internal or external to the Association. If there are costs associated with independent review, then these shall be discussed and agreed between the parties before the reviewer is engaged.

iii) ***Mediation.***

The Association may choose to appoint a Mediator to assist in the resolution of a complaint, from either internal or external to the Association. If there are costs associated with Mediator, then these shall be discussed and agreed between the parties before the mediation is confirmed.

iv) ***Escalation to the Board.***

The Association may choose to escalate the complaint to the Board if the circumstances require it. The Board may choose to set up a review committee to investigate the complaint, under Section 10 of the Constitution, or recommend one of the actions above. The Boards decision will be final.

4. The Process

This section outlines the underlying process which the Association will follow for any particular complaint.

a) **Acknowledge.**

All complaints will be formally acknowledged. Regardless of the manner in which the complaint is received, whether it be by phone, email, or conversation, an email from the Association will be sent to the complainant confirming receipt of the complaint and advising the following process steps;

- i) The Association will adopt its *first position* and encourage the complainant to discuss the issue with the respondent and try to resolve the situation without our intervention.
- ii) The Association will adopt its *second position* and forward the initial complaint information to the respondent and encourage them to discuss the issue with the complainant and try to resolve the situation without our intervention.
- iii) The Association will adopt its *third position* and forward the initial complaint information to the primary supplier, where applicable, and ask that they investigate and resolve the issue without our intervention.

If the parties are unable to resolve and/or seek input/intervention from the Association, the Association will seek/provide the following;

- iv) Confirmation that the complaint is not part of a legal dispute.
- v) A copy of, or link to the Associations complaint form, with a request that it be completed before the complaint can be actioned further.
- vi) A copy of, or link to the Associations complaint policy, for the complainant's information on the process.

Once the Association has received the information required, the complaint will move to the next step, assessment.

b) **Assessment.**

Once the complaint has been acknowledged and the information provided is determined as being satisfactory, and it is determined that input/intervention from the Association is desired/required, the complaint will be assessed.

The intention of the assessment is to establish the nature of the complaint, the complainants expected outcomes, what the Associations involvement could or should be, and what the path forward will look like. The assessment will include;

- i) Establishing the *nature of complaint*. Is it a;
 - **Concern**, e.g. the complainant is uncertain or seeks reassurance that their product is compliant, fit for purpose, or to a suitable standard of workmanship.
 - **Complaint**, e.g. the complainant is confident something is incorrect, non-compliant, fit for purpose, or to a suitable standard of workmanship and seeks confirmation and/or remediation of the affected product.
 - **Call to action**, e.g. the complainant has an urgent expectation that their product must be removed or replaced, as a matter of safety, or an offence has been committed.

- ii) Establishing the complainants *expected outcome*, which may or may not align with the above.
- iii) Establishing the Associations involvement in the complaint and to what level is the Association required to provide input.
Who are the parties involved?
 - **Complainant**, is the complainant a member or non-member, authority, or third party?
 - **Respondent**, is the respondent a member or non-member, authority, or third party?
- iv) If the respondent is a non-member, the Association may choose to withdraw its involvement.
- v) If either or any of the parties involved in the complaint are contracted or a part of a legal dispute, the Association may choose to withdraw or postpone its involvement so as not to prejudice the case.
- vi) Establish whether there is any third-party involvement and establish whether their input into the complaint is either appropriate, necessary and/or required.
- vii) A description of any and all discussions and/or actions taken up to and at the time the complaint was laid, is required to establish the Associations position. Any action taken by the Association will be on the basis that has been made fully aware of the situation.
- viii) Establishing which regulation, Standard, or Code has not been met, lead to the complaint.
- ix) The respondent must be contacted to advise the complaint has been raised and asked to respond to the complaint.
- x) An initial response will be formulated based on the facts presented in the complaints form.

c) **Advancement.**

Once an assessment of the complaint has been completed, and all of the facts established, the Association will decide how best to advance the complaint. This may include any or all of the following;

- i) If the respondent is a non-member, the Association may choose to either; dismiss the complaint, offer advice/opinion on the situation, or where applicable escalate it to the Council.
- ii) The Association may choose to seek an *independent review* of the complaint, for the purpose of;
 - presenting an unbiased and/or second opinion on the complaint,
 - confirming the Associations position in terms of the complaint.Any costs associated with the engaging of an independent assessor/reviewer will be the responsibility of the person initiating the assessment/review.
- iii) The Association may choose to enact Clause 10 of its constitution and ask the Board to set up a review committee to investigate and make recommendations regarding the complaint and possible actions.

Association members will be expected to abide by the review committees' findings.

10. COMPLAINTS

The Association receives, and at its discretion acts upon complaints brought against members, as per a process agreed by the Board. The role of the Association is one of facilitating resolution between

the parties, offering appropriate assistance if required, and monitoring the process. Each member's continuing membership of the Association is conditional upon reasonable conduct and discharging of obligations in respect to all complaints they are responsible for. A review panel set up for that purpose at the instruction of the Board shall determine and recommend to the Board the appropriate action to be taken with respect to that member/s. Members may be tutored, censured, suspended, or terminated as the Board decides. Termination will be in accordance with the termination provisions in these Constitution and Rules.

d) **Advise.**

The Association will form a view on the complaint based on the assessment and advancement criteria set out above and *advise all parties* involved, of the following;

- i) Whether or not the Association chooses to accept any involvement in the complaint.
- ii) The Association will clearly outline its position prior to accepting/advancing the complaint.
- iii) The Association will advise what actions are to be taken to resolve the complaint and provide an initial report on its findings, to each of the parties involved, for comment.
- iv) Taking into consideration any comments received from the parties, the Association will advise the final results of its findings and propose an apportioning of responsibility accordingly.

e) **Accountability.**

Should the offending party be a *member of the Association* then the Association must establish appropriate accountability. The level of accountability may be based on;

- the number of complaints brought against the member,
- Has the member brought the Association into disrepute?

If it is deemed that the member should be disciplined, based on the outcome of the complaint, then the member will be asked to meet with the Board. The Board may choose to tutor, mentor, censure, suspend or terminate the member.

COMPLAINT PROCESS

VER 2.5

