

GOLDEN POND LIFECARE VILLAGE

COMPLAINTS POLICY

This policy covers all complaints raised by a resident concerning Golden Pond Lifecare Limited ("the Operator"), Golden Pond Lifecare Village ("the Village"), another resident, or any other matter that the resident wants to raise that the resident wants to raise as an issue or concern, or formal complaint.

An outline of the complaints procedure is set out in a flow-chart in Appendix One. This flow chart includes additional steps and actions which only apply if a statutory supervisor is appointed.

1 Issues and Concerns

You can at any time informally raise with the Operator any issues or concerns that you may have. You are encouraged (but not required) to raise any issues or concerns informally with the Operator's Agent prior to making a formal complaint.

The Operator's Agent's contact details are set out in Appendix Two. Issues or concerns can be raised in writing or verbally. If the issue or concern is made verbally, the Operator's Agent will record it in writing as soon as practical.

Where you have raised an issue or concern the Operator will acknowledge this to you in writing within a reasonable time.

Once the Operator has completed their investigation of the issue or concern they will provide written advice of the outcome to you.

You may at any time raise your issue or concern as a formal complaint either initially or following the Operator's response to your issue or concern.

Issues or concerns raised anonymously cannot be dealt with in accordance with this policy. However, the Operator will endeavour to investigate, consider or resolve any issue or concern anonymously brought to the attention of the Operator. If the issue or concern results in a change to any policy or practice at the Village which would ordinarily be notified, then all residents will be notified of this outcome.

2 Formal Complaints

You have the right to make a formal complaint about the Operator, the staff at the Village (including contractors engaged by the Operator), the Village, other residents or any other matter. Before making a formal complaint, you may wish to:

- raise the matter as an issue or concern as set out in part 1;
- talk to the Registrar of Retirement Villages and/or the Retirement Commissioner about wishing to make a formal complaint. Contact

details for the Registrar and the Retirement Commissioner are set out in Appendix 2;

- as an alternative, or in addition to making a formal complaint, contact the Registrar of Retirement Villages or the Retirement Commissioner if your complaint is about a breach of the Code of Residents' Rights.
- request that the residents' committee (if there is one) call a meeting with the Operator.

3 How to Make a Formal Complaint

Formal complaints must be given to the Operator's Agent. A formal complaint must be in writing, signed and dated by you. The Operator encourages you to use the Formal Complaint Form attached to this Policy as Appendix 3. Further copies are available from the Operator's Agent on request.

If you are not able to write the complaint, your personal representative or a support person you have authorised in writing, may write the complaint for you. If you do not have a person to assist you in writing the complaint, the Operator's Agent will at your request record your complaint in writing based on what you tell the Operator's Agent at the time. The Operator's Agent will read the complaint back to you to confirm it is recorded correctly and will provide you with a copy before taking any further action.

It may be necessary for the Operator to discuss your complaint with other residents or the Operator's advisors. If possible the Operator will not identify you while investigating your complaint, however, this may not be possible depending on the nature of your complaint.

A register is kept of all formal complaints and information including the number, type and outcome of formal complaints is reported to the Retirement Commissioner every six months. The Operator will not disclose any more of your personal information than is required to report to the Registrar.

4 Formal Complaints Resolution Procedure

The Operator will acknowledge in writing every formal complaint within five working days of receiving it and will endeavour to resolve the formal complaint within 20 working days from the date the Operator receives the formal complaint.

The Operator will work with you directly to resolve the formal complaint to your satisfaction. If the formal complaint is unable to be resolved or responded to within 20 working days, the Operator's Agent will advise you of the progress of the formal complaint and the reason for the delay. You will continue to be regularly informed about the progress of the formal complaint.

If the subject of the formal complaint is an action proposed by the Operator, the Operator will usually suspend taking that action until the formal complaint is resolved. The Operator will only proceed with a proposed action if the Operator decides that it is in the best interests of the Village as a community to proceed with the proposed action while the formal complaint is being resolved.

4.1 *Statutory Supervisor or Independent Third Party*

There is currently no Statutory Supervisor appointed for the Village. If a Statutory Supervisor is appointed in the future then the Operator will comply with the obligations contained in the Code of Practice in respect of the Statutory Supervisor's role in resolving complaints. This includes referring formal complaints to the Statutory Supervisor if the complaint is not resolved within 20 Working Days of receipt by the Operator. Please see Part 3 of the Code of Practice for more information.

It is a condition of the Operator's exemption that Resident AGMs are attended by a suitably qualified independent third party. If your formal complaint has not been resolved to your satisfaction within 20 working days then you have the option of referring your formal complaint to the independent third party, whose contact details are set out in Appendix 2. The independent third party will work with the parties to provide an impartial perspective and recommendation of a way forward. This option is in addition to the below option of mediation and allows a further opportunity for a less formal resolution of your complaint. The Operator will meet the costs of the independent third party.

4.2 *Mediation*

If the formal complaint has not been resolved within 20 working days, the Operator will offer you mediation with an independent mediator. The mediator must be either a member of an alternative dispute resolution agency which is approved by the Retirement Commissioner and listed on the Retirement Commissioner's website or alternatively another independent third party the parties have agreed on.

The Operator will suggest one or more independent mediators to you. If the parties agree on a mediator the formal complaint will be referred to that person. The Operator will ask the Retirement Commissioner to select a mediator if the parties cannot agree one in 5 working days.

Each party is responsible for their own costs in preparing for mediation. If the formal complaint is about the Operator or its staff the Operator will pay the mediator's costs. If the formal complaint is between residents, the mediator's costs will be divided evenly between each party and the Operator.

4.3 *Unresolved Formal Complaints*

The above process does not prevent you from issuing a dispute notice at any time after 20 working days of your formal complaint being received.

Further, if your formal complaint has not been resolved through the formal complaints process you may be able to issue a dispute notice.

Your right to issue a dispute notice is subject to the terms set out in the Retirement Villages Act 2003. A summary of the requirements and procedure for issuing a dispute notice are set out in part 5.

4.4 *Documentation of resolution of formal complaints*

If the formal complaint is resolved by agreement or during mediation the Operator will:

- Record the resolution in writing;
- State what actions, if any, will be taken, who is responsible for taking that action, and the timeframe for the action to be completed;
- Set out the terms of any agreement about costs and any other terms;
- Arrange for the resolution to be signed and dated by all parties; and
- Provide a copy to all parties.

5 Disputes Panel

Where you have an unresolved formal complaint you may be able to give a dispute notice at any time between 20 working days and 6 months after the date the formal complaint was received (or such later time by agreement of all parties).

Not all formal complaints are able to be referred to a disputes panel for resolution. You may give a dispute notice for a formal complaint which relates to any of the following:

- a decision by the Operator which affects your occupation or access to services or facilities.
- a decision by the Operator to change the charges you pay under your occupation right agreement for outgoings, services or facilities.
- the charges or deductions made when you leave the Village.
- an allegation that the Operator has breached the Code of Residents' Rights or Code of Practice.
- a dispute between you and another resident or guest of another resident which affects your occupation right.

If a complaint relates to an alleged breach of your occupation right agreement or the Code of Practice in disposing of a unit formerly occupied by a resident, you may be able to give a dispute notice at any time following 9 months after the unit has become available for disposal and if you wish, you need not go through the formal complaint resolution procedure.

A dispute is initiated by a dispute notice being given to the Operator. A dispute notice must:

- be in writing;
- identify the decision or decisions, or matters, in respect of which it is made;

- identify the person or persons in respect of whom it is made, if not the Operator;
- state the grounds on which it is made; and
- state the efforts that have been made to resolve the dispute.

The Operator will appoint a disputes panel within 20 working days after the date of receipt of the notice. Before appointing the disputes panel, the Operator will consult with you on who should be appointed. All members of the disputes panel will be selected from those named on the Retirement Commissioner's list of disputes panellists.

If the disputes panel considers that it needs more information about the issues of the dispute it can ask the party who issued the dispute notice to provide this, in writing and within a specified time. The other party may reply, or be required by the dispute panel to reply, to the dispute notice.

Before the hearing, the disputes panel will consult with all of the dispute parties on the most appropriate procedure for resolving the dispute. It will ensure that each party has the opportunity to comment on any view or any matter given by the other party during the consultation time. The panel will then set an agreed time and place for the hearing. As a general rule all hearings are to be public with the proceedings and decision published. However, the panel may decide whether any part of the hearing will be heard in private or not published.

The disputes panel may decide that a dispute should be heard by a court of law instead and refer it to the nearest District Court. A disputes panel can also refuse to hear a dispute if it considers it to be frivolous or vexatious or an abuse of process.

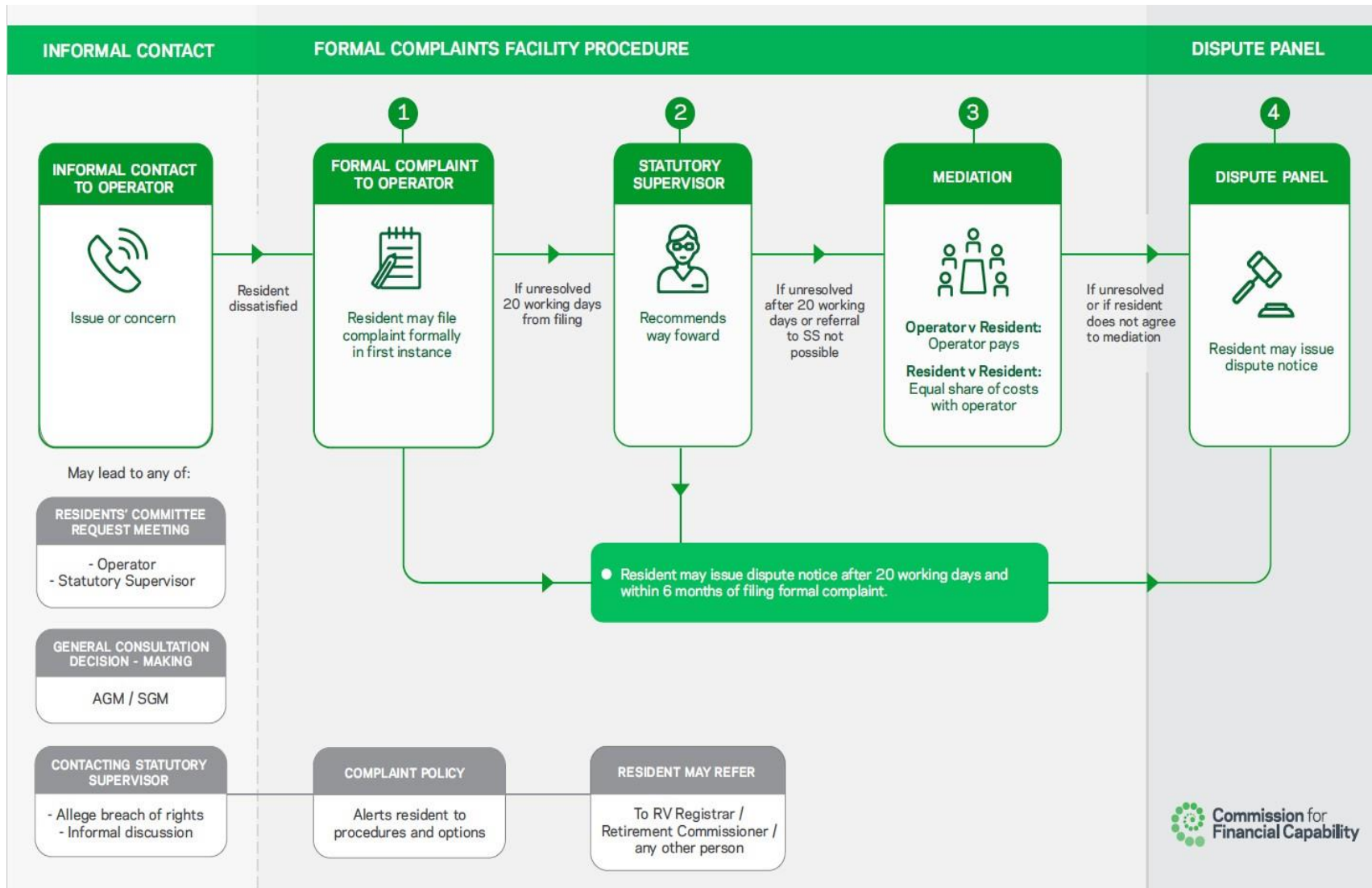
At a disputes panel hearing all parties can give evidence, cross-examine and re-examine witnesses. The disputes panel can amend an occupation right agreement, order compliance with an occupation right agreement or the Code of Practice, or order payment or refund of an amount in dispute.

When a decision has been made, the disputes panel must record its findings in writing and give each party, the Village, and the Retirement Commissioner a copy. The decision is binding on all parties.

The Operator is responsible for the costs of the dispute panel whether it is a party to the complaint or not. However, the disputes panel can make an award of costs and expenses against any party to the dispute. This might require a party to the dispute to pay all or some of the costs of the disputes panel and/or the other party.

Please note: This is an overview of the process only, for full details please consult Part 4 of the Retirement Villages Act 2003 and the Retirement Villages (Disputes Panel) Regulations 2006.

Appendix One



Appendix Two

Contact Information

Operator's Agent:

Name: Blair Atkinson
Cell phone: 022 436 3959
Email: blair@goldenpondlifecare.co.nz

Independent Third Party:

Name: Debbie Kennedy
Address: Buddle McCleary Kennedy Limited
Barristers & Solicitors
1B Muriwai Drive
Whakatane
Phone: (07) 308 7179
Email: debbie@bmklaw.co.nz

Registrar of Retirement Villages:

Free Phone: 0508 266 726
Phone: (03) 962 2602
Website: <https://www.companiesoffice.govt.nz>
Address: Registrar of Retirement Villages
Private Bag 92061
Victoria Street West
Auckland 1142

Te Ara Ahunga Ora Retirement Commissioner:

Free Phone: 0800 268 269
Phone: (09) 356 1447
Address: Level 15
19 Victoria Street
Auckland 1010
Postal Address: PO Box 106-056
Auckland City 1143
Email: rv@retirement.govt.nz

Agencies which may offer Advocacy Services:

Age Concern:

Free Phone: 0800 65 2 105
Email: national.office@ageconcern.org.nz
Website: www.ageconcern.org.nz
Address: National Office
Level 1, Sharp House
79 Taranaki Street, Te Aro
Wellington

Citizens Advice Bureau:

Phone: 0800 367 222
Fax: (04) 382 8647
Email: admin@cab.org.nz
Address: National Office
PO Box 9777
Wellington
Website: www.cab.org.nz

Appendix Three
FORMAL COMPLAINT FORM

If you wish to make a formal complaint, please use the form below. If you wish to raise an issue or concern informally, please contact the Operator's Agent. If you require assistance with completing this form and you do not have a family member, friend or other personal representative available to assist you, please contact the Operator's Agent whose contact details are listed in the Complaints Policy and the current disclosure statement.

COMPLAINANT NAME:

UNIT NO.:

If you are complaining about a person, who are you complaining about?

NAME:

DESCRIPTION OF COMPLAINT (please provide as much relevant information here as possible, including a date or dates if relevant):

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SIGNED:

DATE:

A written acknowledgement of receipt of this complaint will be provided within 5 working days of receipt.