

BIO DYNAMIC FARMING & GARDENING ASSOCIATION

Code of Practice for Complaints by Members

1. Complaints

A complaint may be defined as "an expression of dissatisfaction that needs a response". The expression of dissatisfaction may take the form of an informal, verbal complaint or a formal, written complaint.

2. Member complaints: principles

We will try to resolve complaints informally and quickly between the relevant parties. A formal process (i.e. letters, evidence, documentation and formal decisions etc.) is started if all else fails and is requested by the complainant. We will provide an opportunity for a review of a formal decision on the grounds of unfairness, unreasonableness, or procedural irregularity, but we will not allow complaints to be re-presented at higher levels just in order to seek a different outcome. We aim to operate a complaints system which:

- is conducted fairly and reasonably
- follows clear straightforward written procedures
- is evidence-based
- comes to a clear conclusion without unnecessary delay
- gives reasons
- provides appropriate redress
- provides an opportunity for review if the above standards have not been met

Complaints will be treated seriously and people will not suffer any disadvantage or recrimination as a result of making a complaint in good faith. Complaints should not be made frivolously, vexatiously or with malice. If they are we will not investigate them.

We will deal only with formal (i.e. written) complaints

3. Who can use this procedure

This complaints procedure applies to members of the Biodynamic Farming and Gardening Association of New Zealand (BDFGA).

A group of members may use this procedure to make a collective complaint, although it is helpful if one member identifies themselves as the main contact for purposes of communication.

It is best if complaints are made by an identified person.

4. Matters covered by this procedure

This procedure covers any matter concerning groups/organisations affiliated to the BDFGA, contracted employees, BDFGA office, BDFGA council. Demeter New Zealand has its own complaints procedure described in the Demeter Standards

5. Time limit

We will not normally deal with a complaint if the relevant circumstances took place more than three months before the initial complaint was made.

6. Making a Complaint

To make a complaint a member must start at level 1. The following sections explain what this means, and what to do if a complaint is not resolved satisfactorily.

- Level 1: Attempt a resolution with the person directly concerned
- Level 2: Chairperson formal review
- Level 3: Review by Council

Level 1: Attempt a resolution with the person directly concerned

We expect a member to try to resolve a complaint directly, informally and quickly with the person concerned.

The member is expected to explain clearly what the problem is and what outcome they are seeking, and the other person is expected to listen to the complaint and to use their best endeavours to try to resolve it in a straightforward and reasonable manner. People dealing with complaints are encouraged, whenever practical, to meet with the member. Face-to-face or telephone discussions are often very helpful to establish the precise cause of dissatisfaction, to explore the remedy sought by the member and to foster a mutual understanding of the issues involved. If a mistake has been made an apology should be offered.

If for any reason a member feels uncomfortable about doing this on their own, they may be accompanied by another person for support, for example in a conference telephone call.

We expect most complaints to be resolved in this way.

Level 2: Chairperson formal review

If however level 1 does not provide a satisfactory outcome, the member can ask the Chairperson of the BDFGA to deal formally with the complaint.

The member should write to the Chairperson, to set out what their complaint is, what the supporting evidence is, why informal resolution was unsuccessful, and what outcome they want. We will deal only with complaints where all of these points are covered. It is very important that

the member keeps a copy of the completed statement. It is acceptable to submit the complaint either in hard copy or by email.

The Chairperson will acknowledge receipt of the complaint and review it. They are required to observe the following:

- ensuring they have read and understood the written complaint (which might include asking the member to clarify matters either in writing or by meeting with them);
- giving the person complained about, or who is directly responsible for the matter being complained about, an opportunity to read the complaint and to set out their side of the story, verbally and/or in writing (if verbal, a written record must be kept);
- judging whether they have enough information on which to make a decision, and if not to acquire that additional information before making a decision;
- meeting with other parties relevant to the complaint, either face to face or by telephone if they feel this may assist their understanding;
- taking all the evidence into account in the process of making a decision;
- handling the complaint sensitively, especially where individuals are named. Any member of group as defined in section 4 named in a written complaint should be made aware of the complaint, and they should expect the complaint to be handled with discretion and confidentiality to be maintained;
- in making the decision, being objective (ie not assuming one side or the other is bound to be right);
- making a reasonable decision;
- setting it out in writing;
- if the decision has a practical consequence, making sure that happens as intended, and in good time;
- if the complaint is rejected, explaining in writing what the reasons for rejection were;
- making sure the review is concluded as quickly as possible and without unnecessary delay.

The written reply from the Chairperson will follow a standard format which includes giving reasons if a complaint is not accepted.

If the subject of the original complaint is the Chairperson themselves, then another council member will conduct the review.

If the Chairperson finds in favour of the member, they may decide on whatever redress they think appropriate, bearing in mind the outcome sought by the member.

Level 3: Review by Council

We expect a review by the Chairperson normally to be the end of the matter, and we do not operate a system with numbers of further additional levels of complaint.

However in exceptional circumstances the Council may be asked to review how the Chairperson handled a complaint, but only on the grounds that they did not do so fairly and reasonably, or that

the above procedure (Level 2) was not followed in some way, and that in any case this would have made a significant difference to the outcome.

The level 2 procedure sets out the standards of "fairness and reasonableness" the Chairperson is expected to meet, and the procedure which should be followed. The member must set out the grounds of the complaint by making reference to those standards, and must provide evidence to support their claim. A complaint without adequate grounds and evidence will be dismissed.

The Council will deal only with complaints set out in writing

If the Council decides that on the face of it there is no case to answer, they will write to the member rejecting their complaint, and giving their reasons.

If the Council decides that on the face of it there is a case to answer, they will refer a copy of the member's complaint to the Chairperson, and ask them to respond to any claims of unreasonableness, unfairness, or procedural irregularity. Normally the Council will be able to make a decision on the basis of the written complaint, and the written response from the Chairperson, but they are free to make whatever additional enquiries they think appropriate. In reaching a decision they are expected to be fair and reasonable themselves, by observing the same standards as are set out above (level 2).

If the Council upholds the complaint, they will tell the member in writing, and write to the Chairperson explaining in what way the complaint was not handled fairly and reasonably, or how procedure was breached, and they will instruct the Chairperson to reconsider the complaint fairly and reasonably and according to procedure. Exceptionally, if they believe this may not be possible for some reason, they may take other reasonable steps to ensure that the complaint is dealt with fairly and reasonably and following the correct procedure.

If the Council does not uphold the complaint, they will write to the member giving reasons, and will issue a "Completion of Procedures" letter (see below).

The Council may decide to uphold part but not all of the complaint, and will respond to the member accordingly.

There is no further internal appeal.

7. Completion of procedures

If we are unable to resolve a complaint to the member's satisfaction, and there are no further steps available to the member, we will issue a formal "completion of procedures" letter. This provides a formal confirmation that the member has exhausted the internal complaints procedure.

8. Feedback and suggestions

Sometimes a member may not wish to make a formal complaint, but wants to make the Association aware of an issue which could benefit from improvement. Sometimes a member may

wish to highlight a particularly commendable level of service, and which might with benefit be introduced elsewhere. In either case we encourage members to do this, and all such suggestions will be carefully and positively received and acknowledged. Members are invited to write to the Chairperson.