**Feedback invited: Mandatory Policy 3.12 Disputes and their Determination and Policy 3.10 Board Engagement and Communications with Stakeholders**

Hello Everyone

As you may be aware, the RNZFB’s Constitution requires the Board to have policies, which the Board refers to as Mandatory Policies, in respect of several key areas. The Board must consult with members when updating these policies.

The Board plans to update Mandatory policies **3.12 Disputes and their Determination** and **3.10 Board Engagement and Communication with Stakeholders**. The full text of each policy is set out below.

Before we formally adopt these updated policies, we would like to hear your views on them. There are several ways you can let us have your feedback. They are:

* To email your views to [rnzfbboard@blindlowvision.org.nz](mailto:rnzfbboard@blindlowvision.org.nz).
* Record your submission on the Telephone Information Service, menu option **3153***.*
* Post your submission in your preferred format to Jane Moore, Board Secretary, RNZFB, Private Bag 99941, Newmarket, Auckland 1149.

Please let us have any comments no later than **4:00pm on** **Friday 9 July 2021.** Please contact the [Board Secretary](mailto:jamoore@blindlowvision.org.nz) if you would like to receive the current version of these policies. The Board thanks you for taking the time to participate in this process.

You are welcome to comment on any aspect of each policy, but we outline below the main changes we are proposing.

The new policy 3.12 has been updated to reflect recent changes to rule 13 of the Constitution approved in November last year. A major change was to use a new single term "dispute" in place of "complaint" and "grievance". This simplified the rule because the previous rule had largely similar parallel processes to follow for a complaint and a grievance. The other major change was to add an alternative dispute resolution process as the first step in resolving a dispute, which aims to promptly facilitate communication between the parties to the dispute to try to find a resolution by mutual agreement. It is important to understand that rule 13 exists in the Constitution because it will soon be a requirement that all incorporated societies have a dispute resolution clause. But that requirement relates mainly to the legalities of an incorporated society.

The Board also has a separate policy 4.16 that sets out guiding principles when handling complaints in general, including those complaints that should be dealt with by the Chief Executive. In other words, the Board agrees it should ensure all complaints can be handled in a fair and just manner, even if they are not at all related to the RNZFB as an incorporated society.

The Board has combined these two policies into the proposed new policy 3.12. This single policy clarifies how the Board will carry out its Constitutional obligations to resolve disputes. This includes disputes in the context of an incorporated society, and complaints about the RNZFB as a service provider. Thus the proposed new policy 3.12:

* incorporates the relevant elements of policy 4.16 so that policy will be removed and all information relating to disputes will be in one policy;
* clarifies that this policy extends the dispute resolution provisions of the Constitution to include any formal complaint that can be raised against the RNZFB as a service provider;
* clarifies that anyone can raise a dispute or complaint;
* Introduces the new step to try to resolve a dispute by an alternative dispute resolution process as now required by the Constitution;
* makes other necessary drafting changes to finally produce a policy that the Board hopes is coherent and user-friendly, while still ensuring all the important and sometimes legal aspects of dispute resolution are covered.

The proposed new policy 3**.10 Board Engagement and Communications with Stakeholders** has been amended because one element of the original policy 4.16 was really focused on people making submissions to the Board and had nothing to do with complaints. It gives the Chair the option of referring a submission to the Board, to a sub-committee of the Board or to the Chief Executive. The Board feels the best policy to deal with this issue is policy 3.10 and has amended that policy accordingly.

Here now is the full text of the proposed two policies for your comment.

**3.12 DISPUTES AND THEIR DETERMINATION**

**Constitutional reference: Rule 13.0 Dispute Management**

This policy sets out how disputes, including complaints, are to be handled. For consistency with the Constitution, in this policy, the general term "dispute" is used. A complaint is a form of dispute so is covered by this policy. The term "complaint" may be more appropriate in situations where, for example, a client is dissatisfied with a service or upset in some way as a result of an action by an employee, a director or the Board. However when interpreting this policy, no distinction is to be made between the terms "dispute" and "complaint".

The Board's primary role is to guard the welfare and best interests of clients, including the right of clients to complain without fear of personal negative effect. The Board needs client information to help determine the value of its services, and complaints are one such indicator. Therefore, the Board regards the resolution of complaints as an opportunity to improve the quality of services and as important feedback on the Board's policies. The Board will regularly monitor all complaints including number, subject, outcome, time frames and impact on policy.

This policy extends the provisions in rule 13 of the Constitution. Under this policy, the definition of a dispute is extended to include any situation in which someone is distressed as the result of an action or inaction by the RNZFB or anyone acting on behalf of the RNZFB and the right to lodge a dispute is extended to any person or group of persons.

Not all communications received by the Board fall into the category of disputes requiring resolution. The Board values submissions from stakeholders as informative feedback. Anyone wishing to make a submission to the Board that is not a complaint or dispute is referred to Policy 3.10 Board Engagement and Communications with Stakeholders.

*Note: This policy does not apply to any issues affecting contracts of employment or conditions of service for staff members which are handled in accordance with employment and human rights procedures.*

**1. Fundamental principles**

1.1 Disputes raised by clients may be expressed in any form appropriate to the client.

1.2 Anyone raising a dispute has the right to be treated with dignity and respect.

1.3 A dispute will be investigated and determined in accordance with the principles of natural justice.

1.4 All formal communication regarding a dispute must be in writing. The RNZFB will ensure that all formal communication regarding a dispute involving a client will be in the client's choice of authorised alternate format.

1.5 All disputes will be handled confidentially and expeditiously and the parties will be informed about the progress of the dispute at intervals of not more than one month.

1.6 At the conclusion of the dispute, the Chief Executive or Board, as the case may be, will review all the relevant documentation and provide to the parties copies of those documents deemed appropriate to be shared.

1.7 Clients have the right to be informed of the operational and Board procedures for handling disputes, and any relevant external complaints procedures.

1.8 Anyone raising a dispute has the right to be represented by an advocate of their own choice and at their own cost. A client or their advocate may request BLVNZ to meet all or part of this cost. The Board or Chief Executive, as the case may be, may approve such a request if this is warranted, having regard to all the circumstances

**2. Complaints concerning RNZFB services and operations**

2.1 Complaints will normally be directed to the Complaints Co-ordinator, the staff member concerned or the manager of the service.

2.2 If a satisfactory resolution is not achieved, the client has the right to lodge a written complaint with the Chief Executive. The Chief Executive will acknowledge in writing receipt of the complaint within five working days. The Chief Executive will take all reasonable steps to ensure that the complaint is dealt with thoroughly and impartially. If the investigation is to take more than 20 working days, the client will be so informed including the reasons for the delay.

2.3 Clients still have the right to lodge a written complaint directly with the Chair of the Board. This will be recorded by the Board and may be referred to the Chief Executive or a committee of the Board for further investigation, or dealt with by the Board.

2.4 If a complaint has not been resolved by the Chief Executive to the client's satisfaction or if the complaint is about the actions of or a decision by the Chief Executive, the client has the right to appeal to the Board.

**3. Disputes dealt with by the Board**

3.1 A dispute for the attention of the Board should be lodged with the Chair. If a Director is notified of a dispute that the person raising the dispute wishes to be passed on to the Board, the Director will immediately notify the Chair. If there is any doubt about the intentions of the person or people lodging the dispute, the Chair will confirm their intention is that the dispute be handled under this policy.

3.2 If the dispute is a complaint relating to an operational matter and the complainant has not already sought resolution through the steps outlined in section 2, the Chair will refer the matter to the Chief Executive who will attempt to resolve the matter according to section 2. The Chief Executive will notify the Board of the outcome.

3.3 In the following steps, the term "decision-maker" means the Board, a sub-committee of the Board or an external decision-maker as determined in accordance with rule 13.3.1 of the Constitution. The RNZFB will meet the cost of an external decision-maker if one is required.

3.4 If the dispute relates to an operational matter and the complainant has already sought resolution through the Chief Executive but is still dissatisfied, or if the dispute relates to the Chief Executive, the Chair will place the matter before the Board to act as decision-maker as soon as practicable.

3.5 If the dispute relates to the Board as a whole, the Board Chair, in consultation with the Chair of the Governance Committee, will appoint the decision-maker. In this case, the Board or a sub-committee of the Board shall not be the decision-maker.

3.6 If the dispute involves one or more particular Directors, the Board Chair, in consultation with the Chair of the Governance Committee, provided either or both are not a party to the dispute, will determine the decision-maker. If the Chair of the Governance Committee is a party to the dispute then the task will pass to another Governance Committee member who is not a party to the dispute, appointed by that Committee. If the Board Chair is a party to the dispute, then this task will pass to the Deputy Chair. But if the Deputy Chair is also a party to the dispute, then this task will pass to the Board excluding all directors who are a party to the dispute.

3.7 A Director who is a party to the dispute shall not participate in the decision-making process and shall refrain from responding to or commenting on the matter until formally asked to do so by the decision-maker.

**4. The decision-making process**

4.1 To protect the privacy and dignity of the parties, all aspects of a dispute will be dealt with in committee.

4.2 The decision-maker must first invite the parties to participate in a voluntary process in which the decision-maker will attempt to facilitate constructive communication between them and use reasonable endeavours to resolve the dispute by mutual agreement. The decision-maker will ensure the well-established rules and conventions of alternative dispute resolution are followed throughout this process. In the interests of fairness and natural justice, the decision-maker will take particular care to ensure any party to the dispute is not impacted by a significant power imbalance between the parties. A party to the dispute can refuse to take part in or withdraw from this process at any time without prejudice. This process must be completed within 20 working days of receiving the dispute.

4.3 If the dispute still remains unresolved, the decision-maker will determine if the dispute should not be progressed. To this end, the decision-maker may seek further information from the parties to the dispute. The decision-maker will only dismiss a dispute at this step in the process if it is manifestly clear that the dispute is covered by one or more of the grounds listed in sub-rule 13.2.1 of the Constitution. In such a case the decision-maker will clearly explain to the parties the reasons for not progressing the dispute.

4.4 If the dispute is to be progressed, the decision-maker must ensure all parties to the dispute are heard. In this respect, the decision-maker will have regard to the provisions of rule 13.5.2 of the Constitution, but the decision- maker must in any case take all reasonable steps to fully understand all the important aspects of the dispute from the point of view of each party before a final decision is made.

4.5 The final decision will be communicated to all parties in writing as soon as practicable.

**3.10 BOARD ENGAGEMENT AND COMMUNICATIONS WITH STAKEHOLDERS**

The RNZFB attaches great importance to the need to be transparent in all its activities. To this end, the RNZFB will use all communication channels at its disposal to disseminate news and information about its activities in ways that are accessible to clients. Engagement is a much wider concept however since it involves two-way communication. The Board and Management value input and feedback on all aspects of our work from all stakeholders.

This policy outlines some of the ways the Board will engage with stakeholders, including members and clients, volunteers, staff, donors, consumer organisations, community committees and support groups.

1. The Board welcomes communication with stakeholders on issues important to them. Stakeholders may ask to be heard in person at a meeting of the full Board, to meet with the Chair, Committee or a Board delegation, or may make a submission in writing. The Board will do its best to accommodate such requests. If a response from the Board is requested, the Board will endeavour to respond in a manner and within a timeframe that is appropriate for the matters raised.
2. Upon receipt of any submission addressed to the Board, the Chair will place the submission on the agenda for the next Board meeting and may refer it to the relevant Board Committee or to the Chief Executive. The Chair will advise the submitter of the action taken within five working days.
3. Following each Board meeting, the Chair will write a newsletter summarising the main discussion points and outcomes. This will be circulated through the RNZFB's normal channels for mass communication with stakeholders ideally within 10 working days or as soon as practicable following the meeting.
4. The Chair will write an article summarising Board activities for inclusion in each issue of Outlook magazine.
5. The unconfirmed and confirmed minutes of each meeting of the full Board will be available for distribution in preferred formats to members upon request and may be made available through other communication channels.
6. The Board will appoint at least one director to represent it at the annual conference or AGM of each consumer organisation affiliated with the Blind Sector Network Aotearoa. In choosing the director(s) to attend a given organisation, the Board will balance the fact that a director is a member of or is already familiar with the organisation against whether there is an opportunity for another director to learn more about the organisation by attending.
7. The Board will be represented at all major forums and ‘Let's Talk’ meetings and, at the discretion of the Chair, at any other meeting, focus group or gathering for disseminating information and/or garnering feedback.
8. All directors are required to be present at the RNZFB’s Annual General Meeting.
9. The Board will ensure that its policy on the “Principles of Engagement” (*see policy 2.5*) is followed when the RNZFB engages with clients.
10. As part of their shared duties and obligations towards the fostering of engagement, directors are expected to strengthen links with stakeholders through attendance at local group meetings and functions run by or for stakeholders and generally to interact with members, clients and other stakeholders wherever possible.
11. The Board will ensure that its electoral processes are clearly understood by the electorate and that every effort is made to provide voters with sufficient information about the candidates to enable them to make an informed choice.

In all other respects, the Board will model, foster and require effective engagement between the RNZFB and its members, clients and stakeholders and requires the Chief Executive to ensure this happens throughout the RNZFB.