

# CAA Complaints Procedures

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## *Purpose*

This document sets out the procedure to be followed by the CAA in investigating complaints that fall within the scope of the Authority's Complaints Policy.

## *Procedure*

1. The Chief Legal Counsel is responsible for:
  - a. Receiving and recording all complaints, including Service Charter complaints
  - b. Ensuring that all complaints, including Service Charter complaints, are appropriately investigated
  - c. Ensuring that all complaints are resolved with the input, as required, of the responsible manager, General Manager, and the Manager People & Capability.
  - d. Advising the appropriate business groups of improvements to business processes, practices or behaviours that could reasonably be implemented to prevent recurrence of similar complaints.
2. All complaints about the CAA's operations falling within the scope of this policy must be forwarded to the Legal group administrator within one business day of receipt, for recording and acknowledging.
3. The Legal group administrator will allocate the management of the complaint to a member of the Legal group for investigation and management, on the advice of the Chief Legal Counsel.
4. In appropriate cases, the Chief Legal Counsel may instruct an external party to conduct the investigation under his/her direction.

### Complaints Procedure

- The Chief Legal Counsel is responsible for receiving and recording all complaints, and ensuring all complaints, including Service Charter complaints, are appropriately investigated
- All complaints must be recorded, acknowledged, investigated and reported back to the complainant.
- The Chief Legal Counsel must ensure that complaints are resolved with appropriate input, as required, from the relevant manager, General Manager, and Manager People & Capability
- Where an investigation reveals behaviour that may be contrary to the CAA Code of Conduct or Anti-Harassment Policy, the Chief Legal Counsel must advise the Manager P&C

5. If the complaint potentially raises serious issues for the CAA involving reputational, legal, political or other risk, the Chief Legal Counsel must notify the Chief Executive and relevant General Manager.
6. The complaint will be investigated under the supervision of the Chief Legal Counsel.
7. Some cases, if they involve sensitive, personal or confidential information, will be most appropriately managed personally by the Chief Legal Counsel.
8. The person managing the complaint will work with the responsible manager and / or General Manager of the area to which the complaint relates to discuss the appropriate management.
9. The person managing the complaint and investigation will liaise with the relevant business group to ensure that:
  - a. information that goes back to the complainant is accurate and complete; and
  - b. the manager of the business group or his/her delegate (or, if required, the General Manager) approves or, if appropriate, signs out the proposed response.
10. The person managing the complaint will, in all cases involving complaints involving the actions of staff members, ensure that affected staff members:
  - a. are treated fairly,
  - b. have the opportunity to put their side of the story, and
  - c. are advised of the conclusions of the complaint investigation process.
11. Complainants must be given a written response within a reasonable time following receipt of the complaint. At the commencement of the investigation, the complainant must be given an indication of the anticipated time within which a response to the complaint can be expected.
12. As a general guideline, responses should meet the following timelines:
  - a. For simple complaints, no more than 10 working days
  - b. For complaints of moderate complexity, no more than 15 working days
  - c. For more complex matters, no more than 20 working days.

### *Recording and tracking complaints*

13. All complaints will be recorded and tracked via the CAA work request system. A work request will be raised for each complaint received by the legal group administrator.
14. The legal group administrator will also maintain a Complaints Register, which will record:
  - a. The name of the complainant
  - b. The date the complaint was received
  - c. When the complaint was acknowledged
  - d. Brief details of the subject matter of complaint
  - e. The date the complainant received a response
  - f. A link to the response sent to the complainant.
15. The Chief Legal Counsel will report monthly to the CAA ELT on the complaints received over the preceding month.

### *Following conclusion of investigation*

16. Any issues identified in investigating the complaint that present an opportunity to improve the way the Authority does business must be reported to the relevant manager, and a record kept of the action taken as a result, if appropriate.
17. If the investigation of a complaint uncovers evidence of behaviour that falls below the standard required by the Code of Conduct, or that may be in breach of the Anti-Harassment policy, the Chief Legal Counsel must inform the responsible manager, General Manager and the Manager People & Capability to determine what, if any, further action is required.

### *Service Charter Complaints*

18. The Civil Aviation Authority has published its service charter, as required by section 72G of the Civil Aviation Act 1990.

19. The Charter sets out:
- a. The general standards of service which members of the public can expect us to provide in carrying out our functions.
  - b. The steps member of the public can take if they consider that these standards have not been met.
  - c. What we will do to "put it right" where both parties agree that these standards have not been met.
  - d. The options for resolving the matter if the parties are unable to agree.
20. The Service Charter is attached as an Appendix to this policy.
21. All Service Charter complaints will be acknowledged within 5 working days of receipt. The acknowledgement will identify the CAA contact person responsible for investigating and responding to the complaint.
22. If the length of the investigation makes it necessary, progress reports will be provided, on a monthly basis.
23. A written response to the complaint will be forwarded to the complainant as soon as practicable.
24. CAA management and staff are committed to finding a mutually acceptable remedy when it is determined that any of the standards of service have not been met. Remedies may include:
- a. an apology;
  - b. the provision of accurate and complete information in relation to the matter in dispute, and;
  - c. corrective measures with respect to CAA procedures to prevent the situation from recurring.
25. Where a complainant is not satisfied with the CAA response to a Service Charter complaint, the complainant may apply to the Director for the appointment of an independent person to assist in resolving the complaint
26. The Director must then decide whether, in all the circumstances, referral to an independent person is required and advise the complainant accordingly.
27. Upon referral to an independent person:

- a. The CAA and the complainant may make submissions to the independent person.
- b. The independent person shall consider the submissions and make a recommendation to the Director regarding the complaint.
- c. The complainant shall be notified of the recommendation of the independent person and any action taken as a result of the recommendation.

## Appendix - CAA Service Charter

This charter is a commitment to you by the CAA on the standards of service we aim to achieve in carrying out our functions.

### The Service Charter

The Civil Aviation Authority has prepared a service charter, and made it available for the public, as required by section [72G of the Civil Aviation Act 1990](#).

This revision of the charter sets out:

- the general standards of service which you can expect us to provide in carrying out our functions;
- the steps you can take if you consider that these standards have not been met;
- what we will do to “put it right” where both agree that these standards have not been met;
- the options for resolving the matter if we cannot agree.

### Our Standards of Service

We, the CAA management and staff, while carrying out our day to day functions, will use our best efforts to achieve the following standards of service:

- treat everyone with courtesy and respect;
- provide timely, accurate and useful responses to all inquiries;
- act in a helpful, co-operative and professional manner.

In addition, in aiming to achieve these standards we, the CAA management and staff, will:

- acknowledge all written inquiries within 10 working days;
- provide progress reports where matters proceed over a period of time, that is, if a full response can not be completed within 10 working days;
- identify ourselves by name when communicating by telephone.

#### NOTE:

*The standards of service, Service Charter complaints procedure, and remedies set out in the Service Charter do not apply to the exercise of statutory powers, or to the exercise of discretionary decision making pursuant to the Civil Aviation Act.*

*For example, the Service Charter does not apply to decisions made by the Director relating to, among other things:*

- 1. the consideration of applications for aviation documents;*
- 2. suspension of aviation documents;*
- 3. revocation of aviation documents;*
- 4. the consideration of petitions for exemptions from the requirements of the Civil Aviation Rules;*
- 5. the enforcement of the provisions of the Act or any other Act or of rules or regulations made under any Act.*

*There are legal remedies available where a person is aggrieved as a result of decisions made pursuant to the Act and legal advice should be sought in such cases.*

### **Service Charter Complaints Procedure**

1. A complaint that any of our standards of service have not been met can be made by contacting the Director of Civil Aviation by:
  1. Telephone: 04 560 9400; or
  2. Facsimile: 04 569 2024, Attention: The Director of Civil Aviation; or
  3. Letter to: The Director of Civil Aviation, Civil Aviation Authority, PO Box 3555, Wellington 6140
2. If the complaint is made by telephone, we recommend that your complaint is confirmed in writing to the Director of Civil Aviation.
3. All written complaints will be acknowledged within 5 working days of receipt. Acknowledgement will identify the CAA contact person responsible for co-ordinating the response to the complaint.
4. The complaint will be processed by the CAA in accordance with CAA Procedures.
5. Progress reports will be provided, on a monthly basis, where matters proceed for a length of time.
6. A written response to the letter of complaint will be forwarded to the complainant as soon as practicable.

## Remedies

We, the CAA management and staff are committed to finding a mutually acceptable remedy when it is determined that any of the standards of service have not been met.

Remedies could include any of the following, when appropriate:

- an apology;
- the provision of accurate and complete information to satisfy the original request;
- corrective measures with respect to CAA procedures to prevent the situation from recurring.

## Appointment of an Independent Person

A written application may be made to the Director for the appointment of an independent person to assist in the resolution of the dispute where a complainant is not satisfied with the CAA response to a complaint that any of the standards of service have not been met.

Upon referral to an independent person:

1. The CAA and the complainant may make submissions to the independent person.
2. The independent person shall consider the submissions and make a recommendation to the Director regarding the complaint.
3. The complainant shall be notified of the recommendation of the independent person and any action taken as a result of the recommendation.