



**File Ref:** SDE 32

**WORKFORCE (IMMIGRATION NEW ZEALAND)  
INTERNAL ADMINISTRATION CIRCULAR NO: 08/11**

**To:** All Workforce/Immigration New Zealand (INZ) staff

**Date:** 12 September 2008

## **Complaints Process to Professional Bodies**

Please **READ** this information and ensure that all staff members who may be affected are aware of what is required of them.

### **Introduction**

1. The purpose of this Internal Administration Circular (IAC) is to remind staff of the process in place for formal complaints by the Department of Labour (the Department) to professional bodies in regards to individual members.
2. Formal complaints must be referred to and considered by Legal Services before dispatch by the relevant deputy secretary.
3. Examples of professional bodies include the New Zealand Law Society, Institute of Chartered Accountants, Medical Council of New Zealand and New Zealand Teachers Council.

### **Background**

4. A recent incident has highlighted the need for staff to be reminded of the complaints process to professional bodies. This process should be used when it is considered that a formal complaint needs to be made to a professional body, in regards to the actions of an individual member.
5. In this particular incident, an immigration officer or branch directly complained to a professional body. The complaint related to the actions of an immigration consultant who was also a member of the professional body.
6. As a result of the complaint the individual had to spend considerable time and resources as well as appear before a disciplinary panel in order to clear their name. The complaint was not upheld.

### **Current Process in Place**

7. As part of Legal Services Service Commitments, specific protocols were developed by the Strategic Leadership Team (SLT) and are in place to ensure the legal integrity of the Department's work and to manage the legal risk. One of the protocols states:

"Formal complaints by the Department to bodies like the Law Society, Health and Disability Commissioner, Broadcasting Standards Authority, Press Council must be considered by Legal Services before dispatch by the relevant deputy secretary."

8. While all professional bodies are not specifically stated within the protocol, it is intended to cover **all** professional bodies.
9. The protocol was introduced due to a similar incident (as described above) involving a complaint to the Law Society.

### **Process**

10. If a Branch Manager considers that a member's behaviour has breached their body's professional code, then it is the Branch Manager's responsibility to forward all facts and relevant information to Legal Services via the Legal Services request template on the intranet.
11. Legal Services will consider the issue and actions of the individual in line with the regulations/code of the specific professional body and provide advice to the relevant Deputy Secretary.
12. If the complaint is justified, a letter will be sent to the relevant professional body from the Deputy Secretary. The branch will also be notified and a warning will be placed on AMS in regards to the complaint.
13. If the complaint is not justified, Legal Services will advise the branch of the outcome and reasoning.
14. In some circumstances, Legal Services may consider that a formal complaint to the professional body is not warranted but rather that the issue be directly raised with the individual concerned.

### **Risk**

15. Complaints to a professional body are very serious and have significant consequences for the individual concerned.
16. Complaints made directly to the professional body, without being considered by Legal Services, puts the Department's reputation at risk.

### **Immigration Advisors Authority (IAA)**

17. Complaints to the IAA should also be referred to Legal Services as described above.
18. A specific process in regards to these complaints is to be formalised and will be advised at a later date.
19. If this IAC is inconsistent with any previous IAC, the instructions contained here prevail.

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