

INZ Complaints and Feedback Policy

Version 4 – September 2019

Foreword – Message to INZ staff



In June 2017, Immigration New Zealand (INZ) launched a new Complaints and Feedback Policy and Process, in order to implement the recommendations of a review of the former Client Complaint Resolution Process (CCRP). The review had highlighted the need for a more efficient and standardised complaints process and envisaged a greater opportunity for INZ to learn from complaints. Key recommendations included a central feedback team, supported by an IT solution.

The INZ Complaints and Feedback Policy and Process are living documents that are intended to be reviewed and revised from time to time. In July 2018, September 2018 and March 2019 after consultation with key stakeholders, including INZ staff, INZ has updated some of the process and policy outlined in these documents.

The INZ Complaints and Feedback Policy continues to align with INZ’s Striking the Balance strategy and with MBIE’s values, and with the public sector “spirit of service” that places the public at the front and centre of how we think and how we work.

High performing organisations value feedback from their stakeholders. INZ staff should therefore not make their day to day decisions with concerns or fears that they will become the subject of negative feedback. Where we get things wrong, we need to resolve these matters promptly, take on feedback and suggestions, and undertake to improve our systems and processes. At the same time, we should recognise where customers compliment us on our service.

All INZ staff members are responsible for handling feedback and have an important role to play in responding to feedback within established timeframes. I encourage you to familiarise yourselves with the policy and apply the principles accordingly in the work that you do, so that as trusted stewards of the immigration system, we facilitate and protect New Zealand’s interests.

Greg Patchell
DCE – Immigration
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1. Introduction

1.1. Overview

- 1.1.1. Immigration New Zealand (INZ) as part of the Ministry of Business, Innovation and Employment (MBIE) is committed to providing an easily accessible process whereby immigration customers, their representatives, or the general public can submit feedback, either positive or negative, regarding INZ's policies, procedures, or services. In the event a response is expected by the submitter, INZ's Complaints and Feedback Policy ('the Policy') aims to ensure that INZ will deal with the issue in a professional, efficient, courteous and fair manner.
- 1.1.2. This document is primarily written for the public and INZ staff who want a general overview of how INZ approaches complaints and feedback.
- 1.1.3. This Policy does not hold the same status as New Zealand Government policy; it does not arise from a Parliamentary or Cabinet decision, but rather arises from INZ's own commitment to provide a professional service. The Policy should not be equated with certified immigration instructions within the meaning of the Immigration Act. To avoid any doubt, this internal Policy does not arise pursuant to the Immigration Act 2009 and is not Ministerial certified immigration instructions or general instructions of the Chief Executive as provided for by the Act.
- 1.1.4. The Policy underpins INZ's Complaints and Feedback **Process** which replaces the Client Complaint Resolution Process (CCRP). The Policy and Process took effect on 19 June 2017.

1.2. Key terms

- 1.2.1. *Feedback* – Feedback is the generic term to cover complaints, suggestions, and compliments.
- 1.2.2. *Complaint* – For the purposes of this policy, a 'complaint' is: **An expression of dissatisfaction or grievance made to or about INZ, related to our administrative processes, products and tools¹, staff or services, that is formally raised and where a response or resolution is expected.** This is sometimes referred to as a 'formal complaint'.
- 1.2.3. *Suggestion* – A customer may provide a suggestion to INZ on how its systems or policy/procedures could be improved, without necessarily being concerned about an individual case. Normally suggestions would be about systemic issues the customer would like INZ to take action on. Customers are given the option of being provided a response by INZ or not.

¹ 'Products and tools' include INZ's website, online applications, publications, etc.

- 1.2.4. *Compliment* – This is positive feedback, an expression of satisfaction with, or praise for, INZ's service delivery or performance.
- 1.2.5. *Online feedback page (OFP)* – This is a form on INZ's website², the primary channel through which customers can provide feedback or submit a formal complaint.
- 1.2.6. *Concern* – This is a relatively minor matter which a customer wishes to raise without going through a formal process, for example by utilising the OFP.
- 1.2.7. *Central Feedback Team (CFT)* – The CFT is placed within INZ's Assurance branch and manages all incoming feedback and complaints, in terms of their registration and categorisation. The CFT acts as a filter, for example by redirecting a complainant if the complaint cannot be addressed by INZ or by determining that the complaint cannot be accepted into the Complaints and Feedback Process.
- 1.2.8. *Target and Responding Office* – For the purposes of this Policy, the target office is the office or team which is the subject of the feedback, and the responding office is the office or team which is assigned to respond to a complaint (if applicable). For example, this might be the visa processing office in Manukau, or the Compliance team based in Christchurch.
- 1.2.9. *Complaint and Feedback System (CFS)* – This is the IT system in which all feedback is recorded and tracked. As of June 2017, complaints are no longer managed on INZ's Application Management System (AMS).

2. Scope

2.1. Purpose and principles of the Process

- 2.1.1. The aims of the Complaints and Feedback Process are to:
- resolve concerns or complaints as fairly and promptly as possible
 - provide managers with feedback and insight into INZ's quality of service
 - provide an informed basis for targeted training and development, and for systems improvement
 - highlight for INZ areas of immigration or administrative instructions which are ambiguous or confusing and which may need clarification.
- 2.1.2. The service principles of the Process are:
- i. **Commitment and customer focus** – INZ's management and staff are committed to the right of the public to complain; its views are valued and regarded as important.

² Accessible via www.immigration.govt.nz/contact/complaints/complaint-about-inz

- ii. **Local resolution** - Concerns and complaints will be dealt with at the lowest and most informal level possible in these circumstances.
- iii. **Fairness and confidentiality** - All complaints must be dealt with equally. This means all parties involved are treated fairly, and matters arising are kept confidential where appropriate.
- iv. **Openness** – INZ staff who assess and respond to complaints must keep an open mind.
- v. **Responsiveness and communication** – Complaints must be acknowledged promptly and responded to in a timely manner. Complainants will be kept informed on the progress of their complaint if there is to be a delay.
- vi. **Professionalism** – This includes acting with courtesy, providing complete and quality responses, and acknowledging mistakes when they occur.

2.2. What is accepted into the Process

2.2.1. The scope of the Policy includes feedback and complaints about:

- service related issues (e.g. timeliness in assessing an application, the efficacy of INZ communication to customers, the attitude or behaviour of INZ staff)
- matters to do with INZ processes, either in the context of an INZ decision or more generally (however, matters regarding an application or compliance decision, where the complainant wishes to overturn the decision, or where appeal or reconsideration rights exist, may not be investigated)
- the content of immigration instructions or internal administration circulars (IACs)
- INZ facilities or systems.

2.2.2. Complaints that have to do with an individual case (e.g. the complainant feels he or she received poor service from INZ) must be made within six months of the incident. INZ will, however, investigate out of time complaints (subject to other factors set out in 2.3.1 - 2.3.4 and 2.3.6 below) where there are, in INZ's view, extenuating circumstances. The CFT's decision on whether to accept an out of time complaint in any particular case will be final.

2.3. What is not accepted into the Process for investigation

2.3.1. Complaints are commonly raised which question the “merits” of an INZ decision with respect to an individual case, such as:

- how a decision maker weighed and balanced certain factors
- the interpretation of immigration instructions in the context of any particular decision
- the fairness of a decision, given the personal circumstances of the person or family members affected by the decision.

2.3.2. Complaints which only raise matters of the merits of a decision will not be accepted for an investigation.

2.3.3. INZ will also not investigate complaints where the customer seeks to have an application or compliance decision overturned or where they have (or have had) a legal right of reconsideration or appeal³.

2.3.4. INZ will transfer to the appropriate agency, or to another part of MBIE complaints and feedback about:

- alleged staff fraud, corruption, or dishonesty
- New Zealand Government immigration policy⁴
- another immigration client or a corrupt employer or educational institution
- services contracted out by INZ (e.g. visa application centres)
- services provided by another Government agency.

For example, allegations of staff fraud, etc. will be referred to MBIE's Integrity team in the Corporate, Governance and Information Group.

2.3.5. Apart from complaints about delay, complaints about service delivery must be made within six months of the date when the incident complained about happened. Complaints made after six months will not normally be investigated, unless an exception is made by the CFT (see 2.2.2).⁵

2.3.6. *Unreasonable complainant conduct (UCC)* – This is defined by the Office of the Ombudsman as “behaviour by a current or former complainant which, because of its nature or frequency, raises substantial health, safety, resource or equity issues for the parties to a complaint”⁶. UCC can entail frequent, frivolous or vexatious complaints, which may hinder effective and efficient consideration of not only the complainant's complaint, but also other people's complaints. As such, there may be instances when INZ will refuse to respond to a complaint and end communication with a complainant when UCC is identified.

³ This is to encourage potential complainants to exercise their right of appeal in line with Parliament's intent. The CFT will accept for investigation any matters raised which would not have had an impact on the decision outcome, such as a complaint regarding a staff member speaking impolitely to a customer.

⁴ Government immigration policy refers to generic policy settings, such as the age limit of 55 in the Skilled Migrant Category, or the number of refugees New Zealand accepts per year under the quota. Complaints about immigration instructions, on the other hand, may have to do with how an instruction is worded and/or how it is “not meeting” the intent of the Government policy.

⁵ Complaints about staff fraud, corruption, or dishonesty are not time bound; they will always be referred to MBIE's Internal Investigations team, even if the alleged incident took place more than six months prior to the complaint.

⁶ Source:

http://www.ombudsman.parliament.nz/system/paperclip/document_files/document_files/463/original/managing_unreasonable_complainant_conduct_manual_october_2012.pdf?1351456121

3. Roles, responsibilities and service standards

3.1. Management responsibilities

- 3.1.1. Managers who have ultimate oversight of an INZ responding office (for example, the Head of Operations of a visa processing office) are responsible for the office's performance in meeting timeliness and quality standards with respect to complaint handling.
- 3.1.2. As such, complaint handling should feature in managers' annual performance agreements.

3.2. Central feedback team

- 3.2.1. The CFT's role is to assess whether a received complaint is in the scope of the Complaints and Feedback Process and refer the matter to the appropriate responding office. The CFT is not tasked with engaging with immigration complainants or their representatives on the substance of their complaints, but may make enquiries if the substance of the complaint needs clarification.
- 3.2.2. The CFT also advises INZ staff on the application of the Policy and provides support and advice to those responding to complaints. It also conducts random quality assurance of complaint responses (post response) sent by local offices and quality assurance of all draft responses to be sent by head of operations/general/national managers, or the Deputy Chief Executive, INZ.
- 3.2.3. Finally, the CFT logs and categorises feedback and compliments received through the OFP. Customers who ask an INZ staff member how to compliment INZ can be pointed toward the OFP, but they should not feel forced to use that method if they prefer to simply write an email.

3.3. Responsibilities of target and responding offices

- 3.3.1. Responding offices should respond to complaints within 25 working days of INZ receiving the complaint, sooner if possible.
- 3.3.2. To this end, responding offices should contact the complainant to clarify the details of a complaint if something is not clear. Offices are encouraged to pursue a quick resolution if appropriate. If the complaint is going to take more than 25 days to respond to, complainants must be advised of this as soon as possible and before the original 25 days expires.
- 3.3.3. Complaint responses should:
 - use clear simple English and avoid technical language or INZ jargon as much as possible
 - focus the response on the central points of the complaint
 - be concise and avoid any extraneous comments

- apologise and (if appropriate) offer a remedy if INZ's services or processes were not up to standard.

3.4. INZ expectations of person complaining or providing feedback

3.4.1. INZ expects complainants who engage in the Complaints and Feedback Process to:

- clearly identify their issues of complaint
- cooperate with any INZ requests for further information or clarification
- act honestly
- treat INZ staff with courtesy and respect.

4. Status and privacy of complainant

- 4.1. There is no fee to be charged for anyone complaining to INZ.
- 4.2. The fact that someone complains will not adversely affect their current immigration status, any current application, or any future applications.
- 4.3. Under the Immigration Act, a person who is unlawfully in New Zealand is under an obligation to depart. INZ encourages voluntary departure in such cases, but at times INZ takes more proactive steps, such as serving deportation orders and taking people into custody. The deportation process is not automatically suspended by a complaint.
- 4.4. When a complaint or feedback is made, it is highly likely to involve personal information of the person submitting the complaint or feedback, and if they are complaining on behalf of someone else, that other person. Our policy with regard to personal and other information collected when someone submits feedback, either through the OFP, or through email or letter is found here: <https://www.immigration.govt.nz/formshelp/providing-feedback-or-a-complaint>.
- 4.5. Legal representatives, sponsors or others (e.g. family members or even casual observers) may complain on behalf of someone else. Care must be taken before disclosure of any personal or case information to these third parties. For example, if the person who made the complaint does not have the authority to act on behalf of the complainant in question or is not legally responsible for them, it may not be appropriate to conduct an investigation.
- 4.6. Where fraud, corruption or dishonesty has been alleged against INZ staff, no action will be taken against the complainant/informant. The case will always be passed to MBIE's Integrity team to investigate as per MBIE's Addressing Fraud, Corruption and Dishonesty Policy and Procedure, whether or not the allegation is made from the complainant's authorised representative.