



Complaints Procedure

1. Complaints must be addressed to:

The Complaints Panel
Franchise Association of New Zealand Inc
P O Box 33-676 Takapuna
Auckland 0740

Please send your complaint in writing together with the required documentation to complaints@franchise.org.nz

2. The following information should be provided:

- A copy of the relevant franchise agreement
- Name and contact details of the complainant
- Name of the Member against whom the complaint is directed
- A description of the alleged misconduct. It is essential that complainants provide information that shows how the alleged misconduct is related to an alleged breach of the Association's Code of Ethics, Code of Practice or the Rules. The Complaints Panel only deals with breaches of the Codes or the Rules and is not intended to be a substitute for other forms of dispute resolution which need to be resolved through normal dispute resolution channels, such as Solicitor correspondence, mediation or Court proceedings.
- Whether the Member has already been notified of the complaint and the nature of any response received
- Whether the complaint has been referred to any other body or Government authority or whether legal proceedings or other dispute resolution proceedings have commenced.

3. The complaint, upon being received, will be recorded in the Association's complaints register. At this stage, the Association's senior executive will review the information provided to ensure it meets the requirements set out in item 2 above.

4. The Association's Senior Executive will:

- Acknowledge receipt of the complaint in writing to the complainant within 10 working days of receipt and provide a copy of it to the Complaint panel.
- Supply a copy of the complaint and supporting documentation to the relevant Member seeking an explanation from them and requesting a response within 21 days.
- When a response is received from the Member, provide a copy of that response to the complainant as soon as practicable and request any response within 14 days
- Upon receipt of the complainant's response to the member, if new material is introduced the member will have further opportunity to comment as will the complainant if the member introduces new material, until such time that there is no new material.
- At this point all the complaint and all responses will be referred to the Complaints Panel.
- Where there is any need to extend the above time frames, or a request by any party for an extension, the Senior Executive will give an extension if he or she believes there are good and fair grounds to do so.

5. Once the Complaints Panel has all the relevant material, it will then make a decision on the complaint based on the material provided or, exercise its discretion to seek further clarification and information from either or both sides before making such a decision. The Complaints Panel will endeavour to progress the complaint in a timely and prompt way, but complainants should respond promptly to any requests by the Panel for further information.

6. If the formal investigation shows that no rules have been broken then the Member and the complainant will be notified of the findings. The matter will then be at an end.

7. If, as a result of the investigation, it appears there has been a breach of the Codes and/or the Rules then the Complaints Panel will determine if the Member has failed to show cause why it should not be removed from membership or otherwise be sanctioned. Any such decision will be notified in writing together with the Member's right of appeal to the Board. Where there is any Appeal, the Appeal body will be provided with copies of all material sent to the Complaints Panel, as well as a copy of the Complaints Panel's decision.

8. A copy of all decisions will be retained by the Complaints Panel but copied to the Board and the Senior Executive so that the outcome can be recorded in the Association's Complaints Register.