

Complaints Procedure

1. Complaints must be in writing and addressed to the:

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
- A completed FANZ Complaint form downloaded from the FANZ website. Information will include:
 - 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 the complainant provide information that shows how the alleged misconduct is related to an alleged breach of the:
 - FANZ Code of Ethics – quote the ethic, alleged to be breached.
 - FANZ Code of Practice – state the Code number alleged to be breached.
 - FANZ Rules – state the Rule number alleged to be breached.
- 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 Complaints Panel only deals with breaches of the FANZ Codes or the FANZ Rules and this process 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.

4. 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.

5. 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 Complaints panel.
- Supply a copy of the complaint and supporting documentation to the relevant Member, requiring a response to the complaint allegations 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 require any response within 14 days (which shall be the complainant's final response).
- When a response is received from the complainant, provide a copy of that response to the Member as soon as practicable, and require any response within 14 days (which shall be the Member's final response). The Senior Executive shall provide a copy of any final response received from the Member to the complainant, but no further response from the complainant (and no further submission from the Member) shall be accepted.
- 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.
- At this point the complaint and all supporting material and responses will be referred to the Complaints Panel.

6. The Complaints Panel will, on behalf of the FANZ Board, investigate the complaint on the basis of the information provided and may, for that investigation, seek further clarification and information from either or both sides. The Complaints Panel will endeavour to progress the complaint in a timely, prompt and reasonable manner, however both parties must respond to any requests by the Panel for further information within the timeframes allowed by the Panel.

7. If the Panel considers that no Codes or Rules have been broken then the Member and the complainant will be notified of the findings and a report made to the Board accordingly. The matter will then be at an end.

8. If the Panel considers 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 sanctioned or otherwise removed from membership and will make a recommendation to the FANZ Board accordingly.

9. The Board will then notify the Member in writing that it has reason to believe the Member has failed to comply with the Code and/or Rules and will request that the Member respond within 14 days as to why the Member should not face sanction or removal from membership. Following the Member's response or lack of response, the Board's determination, together with the Member's right of appeal to the Board within 21 days, will be notified to the Member. 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 report

10. A copy of all decisions will be retained by FANZ and recorded on the Association's Complaints Register.