

Complaints Process

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

The Complaints Panel

Franchise Association of New Zealand Inc

Email: complaints@franchise.org.nz

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

Please Note: The below process details, cover in general terms how a complaint is processed. For a full understanding of the FANZ Complaints and Non-Compliance Code, please refer to Section 13 of the FANZ Code of Practice and Ethics .

2. The following information is to 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 Practice and Ethics– 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 Code of Practice and Ethics and Rules. This process is not intended to be a substitute for other forms of dispute resolution through normal dispute resolution channels, such as Solicitor correspondence, mediation, arbitration 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. Complaint Process Timeline:
 - Acknowledge receipt of the complaint in writing to the complainant within 10 working days of receipt.
 - 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 periods, or a request by any party for an extension, the Senior Executive will give an extension if he or she believes there are and fair reasons to do so.
 - At this point the complaint and all supporting material and responses will be referred to the Complaints' Panel for review.
6. The Complaints' Panel will, on behalf of the FANZ Board, review the complaint on the basis of the information provided and may, for that review, seek further clarification and information from either or both parties. 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. The purpose of the review will be to ascertain, as far as is reasonably practicable the validity of the complaint by reviewing all matters presented and determining whether a breach or breaches of the FANZ Code of Practice and Ethics, has occurred. The Complaints' Panel will report their findings to the FANZ Board and make any recommendations as they consider appropriate.
8. If the FANZ Board considers that no breach of the Code of Practice and Ethics has occurred then the Member and the complainant will be notified of the findings. The matter will then be at an end.
9. If the FANZ Board determines that there has been a breach of the FANZ Code of Practice and Ethics, then the FANZ Board will notify the member requesting that the Member within 14 days submit as to why the Members should not face sanction by the Association.
10. The Member's response may be referred to the Complaints Panel for further review. If the Member does not respond to the notice within 14 days or in its' response fails to satisfy the Board otherwise, then the Board may impose such sanction as may be appropriate
11. The Board's decision and any sanctions will be notified to the Member and will come into effect 21 days after notice has been given to the member.



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12. If the Member disputes the Board's decision, then the Member may within 21 days of receipt of the notice from the Board, make an appeal in writing to the Association.
13. The Board may consider the Appeal or refer the Appeal for expert opinion and/or recommendation to the Board. If the Board does not accept the Appeal the Member will be notified and any sanctions previously advised will come into effect seven days after notice from the Board.
14. A copy of all decisions may be retained by FANZ and recorded on the Association's Complaints Register.