



---

# **Review of the Immigration New Zealand Client Complaint Resolution Process**

**12 June 2015**

---

# Contents

Purpose and scope of the review .....	2
Purpose of the review.....	2
Scope of the review .....	2
Summary and key recommendations .....	3
Leadership and management of complaints .....	3
Reporting on and analysing complaints.....	4
A clear definition of complaint and an accessible process .....	4
High quality and timely responses to complaints.....	4
Key recommendations.....	5
The structure of this report .....	6
Methodology.....	7
Background context to the review.....	9
The Client Complaint Resolution Process .....	9
The legislative context .....	10
The Ministry of Business, Innovation and Employment .....	10
Ombudsman interest in the complaints process.....	11
Findings and detailed recommendations .....	12
Leadership and management of complaints .....	12
Reporting on and analysing complaints.....	16
A clear definition of complaint and an accessible process .....	19
High quality and timely responses to complaints.....	26
Appendix 1: Stakeholder feedback .....	32
Appendix 2: What other agencies do.....	46
Appendix 3: Current job roles .....	58
Appendix 4: Glossary and abbreviations.....	59

## Purpose and scope of the review

### Purpose of the review

This review was initiated to determine whether the Immigration New Zealand (INZ) Client Complaint Resolution Process (CCRP) is fair and reasonable; whether increased efficiency and quality in the CCRP is needed, and if the latter, how such gains could be achieved. The review also examined whether systems could be improved or introduced to enable INZ to better learn from complaints.

### Scope of the review

The scope of the review was detailed in the terms of reference (ToR). A series of questions were set out. The key question was whether the current CCRP is fit for purpose. The scope also covered, in summary:

- the feasibility of measuring, monitoring and reporting on the performance of the CCRP, including client satisfaction and the cost of handling complaints. This is addressed in the section *Reporting and analysing complaints*.
- what feedback mechanisms could be strengthened or introduced so that INZ can better learn from complaints. This is also addressed in the section *Reporting and analysing complaints*.
- the intersection between appeals, reconsiderations and complaints, and the scope of the CCRP given Parliament's intent expressed in the Immigration Act 2009. This is addressed in the section *A clear and accessible complaint process*.
- whether there is a need to make it easier to complain, and what part of INZ should be responsible for administering the complaints process. This is addressed in the section *High quality and timely response to complaints*.

Visa Application Centre complaint processes were out of scope of the review as were other feedback mechanisms such as ministerial or department correspondence. While not directly addressed in the ToR, other Ministry of Business, Innovation and Employment (MBIE) complaint processes were also considered out of scope. Of note, there was no all-of-MBIE complaint process at the time this report was written.

## Summary and key recommendations

The Client Complaint Resolution Process (CCRP) was reviewed from a “best practice” perspective, using the Office of the Ombudsman *Effective Complaints Handling* guide (the guide).<sup>1</sup> This report does not follow the *format* of the guide, but key *elements* of effective complaint management are considered and addressed in the recommendations.

In undertaking the review, the Review Team looked at Immigration New Zealand’s (INZ’s) complaint data. The varied practice in the logging and tracking of complaints discussed in detail in this report made analysing the data difficult and challenging to determine the possible cost of the current CCRP. However, the following table provides an overview of the data extracted from AMS<sup>2</sup>:

*Complaint statistics 1 July 2012 – 30 June 2014*

	Onshore	Offshore	Total
Number of recorded stage one complaints	1104	1222	2326
Number of stage one with an immigration adviser or lawyer	359	168	527
Number of recorded stage two complaints	236	64	300
Number of stage two with an immigration adviser or lawyer	166	15	181
People who held no visa at the time of a stage one complaint	633	933	1566
Complainants holding visas within six months from complaint	225	256	481

Of interest, the majority of complainants through the CCRP (2,095) had not appealed to the Immigration and Protection Tribunal nor approached the Minister of Immigration prior to lodging a complaint. In some cases, however, multiple approaches had been made. 175 complainants made a single previous appeal / approach; 39 made two; and 17 made more than three.

Along with reviewing the number of recorded complaints, the review process included consultation with internal and external stakeholders. The Review Team engaged with a range of INZ managers and staff, and with client representatives. Surveys of stakeholder groups were also undertaken including of clients who had made a complaint in the last two years.

The Review Team sought information from other government agencies with devolved and complex decision making, and from immigration agencies in Australia, Canada and the United Kingdom. This information was used to inform thinking about the recommendations although no single agency’s approach is directly replicated.

## Leadership and management of complaints

The review found that there is room for improvements in the way INZ manages and responds to complaints. However, improvements will not be realised without a commitment to proactive and effective complaint management from leaders, managers and staff, and without appropriate

<sup>1</sup>

[http://www.ombudsman.parliament.nz/system/paperclip/document\\_files/document\\_files/427/original/effective\\_complaint\\_handling.pdf?1349121913](http://www.ombudsman.parliament.nz/system/paperclip/document_files/document_files/427/original/effective_complaint_handling.pdf?1349121913), accessed 12 March 2015

<sup>2</sup> AMS also allows compliments to be recorded. In the 2012/2013 and 2013/2014 financial years, there were 723 recorded compliments.

resources. The recommendations of the review could be implemented in different ways, with different costs. INZ will have to consider how to be implement any agreed recommendations.

One low cost opportunity for improvement could be to increase accountability for complaints management through clear job descriptions and performance expectations. This should be accompanied by good induction and training of managers and staff on complaint management.

## **Reporting on and analysing complaints**

INZ could better log, track, report on and analyse complaints to learn from them, and to ensure that they are dealt with efficiently and effectively. There is the opportunity to explore the use of the Market Services dispute case management system to manage complaints, but a simple, shared spreadsheet or database, or changes to the Application Management System, would see gains.

Analysing complaints will help ensure any systemic or emerging issues or other opportunities for improvement are identified and addressed. Complaint data could also feed into the “system health” and “customer insight” work being undertaken as part of Vision 2015.

## **A clear definition of complaint and an accessible process**

A clear definition of a complaint is needed to ensure that the intersection between appeals, reconsiderations and the scope of the CCRP is consistent with Parliament’s intent expressed in the Immigration Act 2009. The review recommends that it is made clear that the complaints process cannot not be used to challenge decision making or decline decisions. Clarifying the difference between administrative and decision making processes may not be viewed positively by all stakeholders, and it will need careful implementation. However, INZ should not be prevented from correcting decision making errors where appropriate.

A clear definition which sets out the scope of what will be considered under the complaint process should be supported by a clear, comprehensive and accessible complaints policy and process replacing the policy and process information currently available online. The new information should provide detailed definitions of what can be complained about, by what mechanism, and the key steps in the complaints process. Basic information about the complaints process should also be made available in Visa Application Centres and immigration area offices; in a range of languages.

The Immigration and Operational Policy teams within INZ have agreed to review the interim visa regime to consider whether declined onshore temporary visa applicants should have access to a reconsideration of a decline decision where one was previously unavailable. Changes to the regime could reduce the number of onshore temporary applicants being left without an appeal or reconsideration right and is likely to be viewed positively.

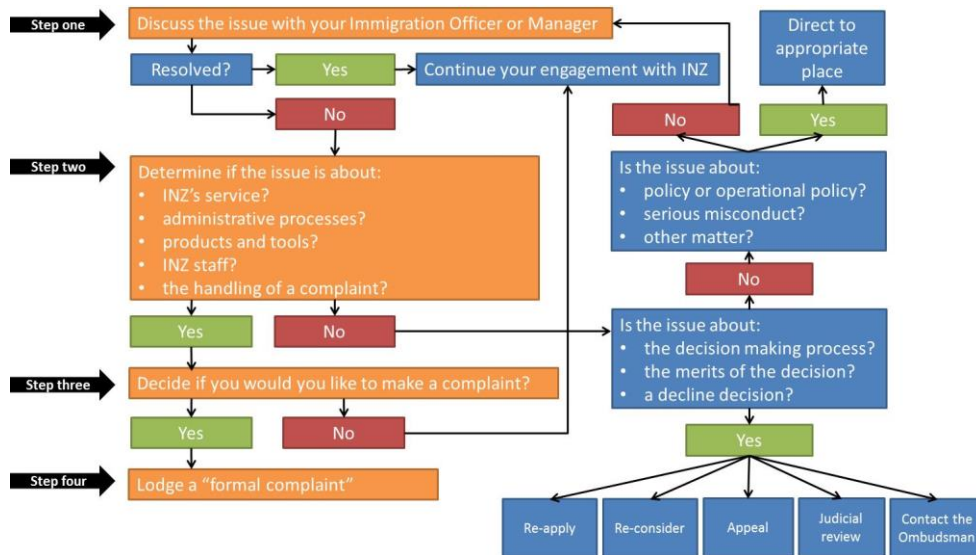
## **High quality and timely responses to complaints**

The review recommends INZ establish a centralised complaint management process and co-located complaint team in National Office to manage the receipt, triage, logging and acknowledging of complaints. Adopting this recommendation would be a departure from the current model of area offices managing the entire stage one complaint process and will have resource implications which INZ will need to consider and provide for if it is accepted. If it is not accepted, the current model could continue, and would be improved, if the other recommendations of this review are adopted, such as those for better induction and training on complaints management.

With better triage, complaints should be categorised as high, medium or low level. Based on their level of complexity, seriousness and/or risk, they should be directed to the appropriate person, at the appropriate level for a response. Responses should be peer reviewed by the National Office

team where they are in relation to a high or medium level complaint. This should ensure that they are consistent with the principles of the complaint process; that they are complete, accurate and provide for a remedy where appropriate.

If the recommendations are agreed, the initial steps through the complaint process for a client may look like this:



The team in National Office would repeat step two to ensure that only complaints that met the agreed definition were accepted into the process, while other approaches were directed to the appropriate place within INZ for a response.

## Key recommendations

The key recommendations for the review are detailed below and given the number that corresponds to their number in the body of the report. It is recommended that the Immigration Leadership Team agree that:

1. a new complaints management policy and process is established based on the agreed recommendations from this review
2. a business impact analysis is undertaken to determine the resource implications of the agreed recommendations
7. a regular reporting and analysis regime is established for complaints so that any systemic or emerging issues associated with complaints are visible
13. the complaint policy defines a “formal complaint” as:
 

“An expression of dissatisfaction or grievance made to or about Immigration New Zealand, related to our administrative processes, products and tools, staff or the handling of a complaint, that is formally raised and where a response or resolution is expected”
21. INZ establishes a centralised process and co-located complaints management team for the receipt, triage, logging and acknowledging of complaints and compliments

In addition, the Immigration Leadership team should **note** that the Immigration Policy and Operational Policy teams have agreed to review the interim visa regime to ensure it is operating consistently with Parliament’s intent.

## The structure of this report

This report begins with the methodology for undertaking the review, and the background context. The findings and recommendations are then detailed in four **sections**. Each section begins with **What best practice looks like** as described in the Office of the Ombudsman *Effective complaint handling* guide (the guide).<sup>3</sup> This is followed by the **Recommendations**. The recommendations are based on the best practice outlined in the guide.<sup>4</sup> The key recommendations are bolded and are a repeat of the summary section.

Following the **Recommendations** is the **Rationale for the recommendations**. A dot-pointed summary of findings is presented, with each point addressed in detail under a sub-heading.

Each section and sub-heading can be cross-referenced against **Appendix 1: Stakeholder feedback** and **Appendix 2: What others do**. **Appendix 1** includes a detailed summary of the stakeholder feedback. **Appendix 2** includes information on what is known about other agency's complaint management systems.

A **Glossary and Abbreviations** appendix is also provided to define key terms and all abbreviations used in this report. The abbreviations used are re-defined in each chapter.

Of note, for the purposes of this report, INZ is a "group" within the Ministry of Business, Innovation and Employment. It has "branches", such as Visa Services Branch. In National Office branches there are "teams"; outside National Office, branches have "offices" and "teams" within offices. Offices may be in New Zealand or offshore.

---

3

[http://www.ombudsman.parliament.nz/system/paperclip/document\\_files/document\\_files/427/original/effective\\_complaint\\_handling.pdf?1349121913](http://www.ombudsman.parliament.nz/system/paperclip/document_files/document_files/427/original/effective_complaint_handling.pdf?1349121913), accessed 31 March 2015

4

[http://www.ombudsman.parliament.nz/system/paperclip/document\\_files/document\\_files/427/original/effective\\_complaint\\_handling.pdf?1349121913](http://www.ombudsman.parliament.nz/system/paperclip/document_files/document_files/427/original/effective_complaint_handling.pdf?1349121913), accessed 12 March 2015

## Methodology

The Review Team comprised a consultant to ensure an independent viewpoint of the Client Complaint Resolution Process (CCRP), as well as an independent approach in developing the options for change. The consultant was supported by the Senior Business Analyst – Government Relations Team, Office of the Deputy Chief Executive - Immigration.

The process for undertaking the review included engagement with stakeholders across Immigration New Zealand (INZ) and the Ministry of Business, Innovation and Employment (MBIE), and other national and international government agencies. These national agencies included the Office of the Ombudsman (the Ombudsman) and the Office of the Auditor General (OAG). The Review Team also met with representatives from:

- the Accident Compensation Corporation (ACC)
- Child, Youth and Family (CYF)
- New Zealand Police (Police)
- the New Zealand Qualifications Authority
- Government Centre for Dispute Resolution.<sup>5</sup>

International government agencies were contacted using an agreed process of circulating a questionnaire. The process is reliant on agencies having the time to respond, and being willing to share information. Not every topic covered in the review had been identified when the questionnaire was circulated. This means that there are some gaps in the information returned.

Consultation was also undertaken with immigration clients and stakeholders who represent their interests. They included the New Zealand:

- Law Society (NZLS)
- Association of Migration and Investment (NZAMI)
- Association of Immigration Professionals (NZAIP)
- Federation of Multicultural Councils (NZFMC).

The review was undertaken in four stages, some of which overlapped. They are detailed below:

### Background and initial issues identification stage

During this stage, background information on the Immigration Act 2009 and the CCRP was gathered and reviewed. This included reviewing Cabinet decisions on the operation of appeals and reconsiderations in the immigration system.<sup>6</sup>

“Initial issues identification” meetings were held in Wellington and Auckland. Representatives from the NZLS, NZAMI, NZAIP and NZFMC were invited to attend the external meetings. A representative of the Office of the Ombudsman attended the external meeting in Wellington. Separate meetings were also held with the Office of the Ombudsman and the OAG.

---

<sup>5</sup> <http://www.mbie.govt.nz/what-we-do/government-centre-for-dispute-resolution/best-practice-project>

<sup>6</sup> <http://www.dol.govt.nz/actreview/> accessed 13 April 2015



## Information gathering stage

Information gathering included a request for Application Management System (AMS) data on recorded CCRP complaints and meetings with a range of internal stakeholders. Surveys were also circulated to internal and external stakeholders. External stakeholder feedback is in Appendix 1.

Information was also gathered from national and international government agencies. Some comparisons to ACC, CYF and Police are made in this report. These national agencies appear most comparable to INZ; they are large, spread across New Zealand, have devolved decision making and deal with complex issues. Some comparisons are also made to the Australian, Canadian and United Kingdom immigration agencies where information is known. These countries were chosen as they have human rights and immigration legislation, policy and processes most similar to New Zealand.

## Analysis stage

In this stage, the CCRP was assessed against the best practice literature on effective complaints processes. The key reference document used was the Ombudsman's guide to *Effective Complaint Handling* (the guide).<sup>7</sup> The guide set out an approach which is consistent with the Australian/New Zealand Standard *Guidelines for complaint management in organizations* (AS/NZS 10002:2014). The assessment against the guide is detailed in the section *Findings and detailed recommendations*.

## Consultation stage and final reporting stage

During this stage, a draft of this report was circulated for internal feedback and for feedback from the Office of the Ombudsman and OAG. The Office of the Ombudsman was broadly supportive of the direction of the review and recommendations in this report. It was noted that how well the recommendations contribute to an effective complaint handling process would depend on how well they were implemented. They were keen to remain involved in the implementation process. Concern was expressed in relation to the exclusion of decision making processes from the complaint process as some INZ clients would remain without a formal reconsideration or appeal right.

The recommendations were discussed at a high level with external stakeholders from the NZLS, Auckland District Law Society, NZAMI, NZAIP and NZFMC. These stakeholders were also generally supportive of the direction of the review and the opportunity to see improvements in complaint management along with providing for better complaint data for reporting and analysis.

---

<sup>7</sup> <http://www.ombudsman.parliament.nz/resources-and-publications/guides/good-administration-guides>, accessed 18 December 2014

## Background context to the review

### The Client Complaint Resolution Process

The Client Complaint Resolution Process (CCRP) has been in place since July 2009. The CCRP described in *Internal Administration Circular (IAC) 09/07* follows a two stage process:

1. **Stage one** is for complaints about matters that have been handled at a branch and are to be directed in the first instance to the Branch Manager.
2. **Stage two** is to be used where a complaint cannot be resolved at stage one of the CCRP. Complainants are directed to write to the Deputy Chief Executive (DCE) with priority and urgency if they are not satisfied with the stage one response.<sup>8</sup>

### The number and nature of CCRP complaints

The table below provides an overview of complaint data from the Application Management System (AMS) from 1 July 2012 to 30 June 2014:

	Onshore	Offshore	Total
Number of recorded stage one complaints	1104	1222	2326
Number of stage one with an immigration adviser or lawyer	359	168	527
Number of recorded stage two complaints	236	64	300
Number of stage two with an immigration adviser or lawyer	166	15	181
People who held no visa at the time of a stage one complaint	633	933	1566
Complainants holding visas within six months from complaint	225	256	481

The review has identified that not all complaints are logged in AMS and that there are limitations in the data captured by AMS. This means it was not possible to confidently analyse the nature or number of complaints or to determine the true cost of the current CCRP to INZ. What can be determined is that the majority of complainants (2,095) had not appealed to the Immigration and Protection Tribunal nor approached the Minister of Immigration prior to lodging a complaint. In some cases, however, multiple approaches had been made:

- 175 had made a previous appeal / approach
- 39 had made two appeals / approaches
- 17 had made more than three appeals / approaches.

Data also shows that, over the 2012/13 and 2013/14 financial years, 343 onshore clients who made a stage one complaint through the CCRP previously held an interim visa. This represents about a third of all recorded onshore stage one complaints. It is reasonable to assume that at least some of the complainants were seeking a reconsideration of their decline decision.

<sup>8</sup> <http://www.immigration.govt.nz/NR/rdonlyres/29625005-927F-42D9-96BA-34D39610DE1A/0/IAC0907ComplaintsResolutionprocess.pdf>, accessed 18 December 2014

## **The legislative context**

Reconsideration and appeal rights were considered by ministers, Government and Parliament during the Immigration Act review. Cabinet agreed that “providing for review and appeal must be proportionate with the level of interest involved” [CBC Min (06) 20/14]. They largely retained the rights of reconsideration and appeal from the Immigration Act 1987 for the Immigration Act 2009 (the 2009 Act). Rights for temporary applicants offshore remained limited.

### **The right to a reconsideration**

The right to a reconsideration of a temporary visa decision is provided for under section 185 of the 2009 Act. It is provided to temporary visa holders who have been declined a further temporary visa onshore. It is not provided to temporary visa applicants offshore.

This review has identified that the right of reconsideration is lost where temporary visa holder moves on to an interim visa during the visa application process. This is because the applicant becomes unlawfully in New Zealand on the date a decline decision is made. The Review Team believes this is contrary to the intent of the interim visa regime and has drawn this matter to the attention of the Immigration Policy and Operational Policy teams. These teams have agreed to review the interim visa regime to ensure it is operating consistently with Parliament’s intent.

### **Appeal rights**

People can appeal to the Immigration and Protection Tribunal against a declined resident visa decision (section 187 of the 2009 Act), against the facts on which the Minister determines that a person is liable for deportation (section 201 of the 2009 Act), or can make a humanitarian appeal against deportation as provided for under section 206 of the 2009 Act.

Refugee and protection claimants also have the right to appeal against a finding that they are not a refugee or a protected person. The 2009 Act also provides rights to appeal to the High Court (and beyond) on a point of law (with leave from the Court).

### **Right to judicial review**

The 2009 Act also sets parameters around judicial review in the immigration context.

### **Right to complain to the Ombudsman**

In accordance with section 13(1) of the Ombudsmen Act 1975, it is a function of the Ombudsman to “investigate any decision or recommendation...relating to a matter of administration and affecting any person...in his...personal capacity” made by a Government Department.<sup>9</sup> This provides the opportunity to make a complaint to the Ombudsman about immigration decision making. The Office of the Ombudsman has produced specific guidance on immigration complaints which can be found online.<sup>10</sup>

## **The Ministry of Business, Innovation and Employment**

Immigration New Zealand (INZ) became a part of the Ministry of Business, Innovation and Employment (MBIE) in July 2012. MBIE is a new government agency with the purpose to “Grow New

<sup>9</sup> <http://www.legislation.govt.nz/act/public/1975/0009/latest/DLM430984.html>, accessed 9 February 2015

<sup>10</sup> [http://www.ombudsman.parliament.nz/system/paperclip/document\\_files/document\\_files/23/original/immigration\\_new\\_zealand\\_fact\\_sheet.pdf?1344029080](http://www.ombudsman.parliament.nz/system/paperclip/document_files/document_files/23/original/immigration_new_zealand_fact_sheet.pdf?1344029080), accessed 18 December 2014

Zealand for all". 'Grow' relates to the economy. It recognises that, to achieve the standard of living and quality of life New Zealand aspires to we need a better-performing economy that delivers sustainable growth. 'For all' captures growth for New Zealanders now and in the future – that does not compromise the environment or the safety of workplaces.

INZ is committed to the goals of MBIE. It has instituted the Vision 2015 programme to be recognised as a trusted partner, delivering outstanding immigration services and bringing in the best people New Zealand needs in order to prosper.<sup>11</sup> Vision 2015 includes the implementation of a new operating model which will see a number of changes to the way INZ does its business. A particular component of this model relevant to the review is that people are treated consistently.

## **Ombudsman interest in the complaints process**

At a meeting between INZ and the Office of the Ombudsman on 22 July 2014, INZ was advised that complaints were being made about the CCRP itself. Two primary issues with the CCRP were identified by the Ombudsman:

1. the adequacy of CCRP responses, especially at stage one. INZ was told that complainants are sometimes not sure if their complaints have been understood, and even if so, they are not satisfied their concerns are properly addressed by INZ.
2. whether the scope of the CCRP is sufficient, specifically whether INZ sees the CCRP as an acceptable or appropriate avenue for 'merits based' complaints.

Other issues with the CCRP identified by the Ombudsman included delays in responding to complaints and whether INZ had any feedback mechanism so that learnings from complaints could be disseminated to INZ managers and staff.

---

<sup>11</sup> <http://www.immigration.govt.nz/migrant/general/generalinformation/newitsystems/>, accessed 18 December 2014

# Findings and detailed recommendations

## Leadership and management of complaints

### What good practice looks like

Customer service agencies will always receive complaints. It is good practice for such agencies to be committed to proactive and effective complaints management. This requires commitment at a leadership level and accountability at a management level.

Managers and staff need to be aware of their responsibilities in managing and resolving complaints. They should be provided with induction and training on the agency's complaint policy and processes. Those who regularly deal with complaints should have specialist training.

### Recommendations

It is recommended that:

#### *Active oversight of complaints*

1. a new complaints management policy and process is established based on the agreed recommendations from this review
2. a business impact analysis is undertaken to determine the resource implications of the agreed recommendations
3. the new complaints policy is endorsed through:
  - 3.1. the inclusion of a foreword from the Deputy Chief Executive
  - 3.2. an internal communication campaign about the value of complaints

#### *Accountability for complaints management*

4. Immigration New Zealand job descriptions are updated so that all staff who engage with clients have accountability, at the appropriate level, for:
  - 4.1. managing and resolving complaints
  - 4.2. dealing with dis-satisfied clients
5. performance indicators are developed, at the appropriate level, for all staff that have accountability for managing and resolving complaints, and dealing with dis-satisfied clients

#### *Training for managers and staff*

6. all Immigration New Zealand staff are provided with:
  - 6.1. information and basic training on the complaints process at induction
  - 6.2. training on complaints and dealing with dis-satisfied clients at a level appropriate to their job

## Rationale for the recommendations

The review has found that there is:

- a lack of active oversight and under-resourcing of complaints by senior leadership
- varying commitment to proactive and effective complaints management
- a relative absence of complaints management as an accountability in Immigration New Zealand (INZ) job descriptions (JDs)
- a lack of induction and training of INZ staff in complaints management.

### *Active oversight of complaints*

The Office of the Ombudsman (Ombudsman) *Effective Complaints Handling* guide (the guide) details the key steps in an effective complaints process. One step is that the process is, "...valued and supported by management".<sup>12</sup> The Office of the Auditor General (OAG) made a similar statement when reporting on the Accident Compensation Corporation (ACC) complaints process:

"Good leadership on complaints is vital. Valuing complaints must begin at the top of an organisation and complaints must be welcomed".<sup>13</sup>

The OAG report noted that change initiatives in ACC which provided an opportunity to improve their complaints process would not succeed unless there was a strong leadership and strategic approach. It is the same for the recommendations from this review. To be successful, any agreed recommendations from this review must be actively managed and supported by the Immigration Leadership Team and Extended Leadership Team, and allocated appropriate resources. Currently, neither team actively manages complaints and there is little visibility about the number and nature of complaints. Visa Services is the only branch that systematically reports on complaints as part of management reporting processes.<sup>14</sup>

The lack of active management means that there is an under-resourcing of complaint management. There is a CCRP Coordinator who administers the stage two process and reports to the Government Relations Manager. Complaint management otherwise occurs in the "own work time" of a manager or staff member.

The time spent on complaint management is not logged, tracked and reported in any systematic way. The staff survey asked, "*Roughly speaking, how many hours a week would you spend dealing with complaints?*" Of the 58 respondents to this question, the results were as follows:

Answer Options	%
0-4 hours	81.0%
5-8 hours	15.5%
9-16 hours	1.7%

<sup>12</sup>

[http://www.ombudsman.parliament.nz/system/paperclip/document\\_files/document\\_files/427/original/effective\\_complaint\\_handling.pdf?1349121913](http://www.ombudsman.parliament.nz/system/paperclip/document_files/document_files/427/original/effective_complaint_handling.pdf?1349121913), accessed 27 February 2015

<sup>13</sup> <http://www.oag.govt.nz/2014/acc-complaints/docs/acc-complaints.pdf>, accessed 27 February 2015

<sup>14</sup> The scope of these reports is discussed in the section *Tracking complaints and learning from their outcomes*.

Answer Options	%
17-24 hours	0.0%
More than 25 hours	1.7%

The estimated hours a week spent on complaints is, however, only one measure of their cost. Where handled poorly, there may be a cost to New Zealand or INZ's reputation.<sup>15</sup> There will also be a resource cost where any complaint is escalated to the Office of the Ombudsman (Ombudsman) (particularly should it decide to investigate) or legal cost associated with any matter pursued through the courts.

The failure to report and analyse the number and nature of complaints and their outcomes also results in an opportunity cost. Opportunities are missed to identify systemic or emerging issues, and to improve services or products.

### *Commitment to effective complaints management*

The lack of active oversight and the under-resourcing of complaints by senior leadership may have a negative impact on manager and staff understanding of, and commitment to, proactive and effective complaints management. The Review Team identified at least two long serving managers that had not heard of the CCRP. The survey showed that 10% of respondents had heard of the CCRP but were "not sure" about it.

One manager described complaints to the Review Team "as gold" opportunities for learning. Another described how complaints were used as a source of continuous learning for them and their staff. Others described their concern about the complaints process being used to re-litigate immigration decisions. This concern has an impact on how some INZ managers and staff view the CCRP that can be seen in the results of the staff survey. It identified some feelings of cynicism and frustration.

### *Accountability for complaints management*

The variable levels of commitment to the CCRP may be linked to the fact that very few INZ job descriptions (JDs) make reference to 'managing or handling complaints', or 'dealing with dis-satisfied customers'. Of the approximately 13 new, standardised job roles in INZ (see Appendix 3) only four of the JDs include a reference to managing or handling complaints.

The Ombudsman's guide suggests there should be "clear accountabilities for complaint handling". It is also good human resource practice to ensure that JDs are clear about role responsibilities and those responsibilities are set at an appropriate level. Managers and staff should have their complaint management responsibilities articulated in their JDs. They should have complementary performance expectations and measures but caution needs to be taken that such measures do not drive perverse incentives, such as complaint avoidance.

### *Training for managers and staff*

In its report on ACC, the OAG noted that:

<sup>15</sup> Of note, ACC received negative media attention in August 2014 following the OAG report on its complaints processes; See, for example, <http://www.radionz.co.nz/news/national/252011/report-criticising-acc-'all-too-familiar'> and <http://www.radionz.co.nz/news/national/251982/acc-again-faulted-over-complaints-process>, accessed 11 April 2015.

“...there is no ACC-wide training about complaints. ACC’s intranet contains detailed complaint policies and procedures but they are not easy to access. Instead, many frontline staff rely on peer advice and guidance. **These factors pose a risk to achieving consistent, accurate, and up-to-date practice throughout the organisation**” [emphasis added].<sup>16</sup>

The same risk exists in INZ. None of the staff the Review Team spoke with, including the CCRP Coordinator, had received formal induction or training on the CCRP.

All staff should be supported in delivering their complaint management responsibilities. This means that there should be good induction and basic training on the complaint process for all staff and specialist training for those managers and staff responsible for managing and resolving complaints. Training should include dealing with dis-satisfied client and managing unreasonable complainant conduct.

There is opportunity for INZ to leverage from the specialist training the Ministry of Business, Innovation and Employment (MBIE) has in place to support its dispute management functions in Market Services.

---

<sup>16</sup> <http://www.oag.govt.nz/2014/acc-complaints/docs/acc-complaints.pdf>, accessed 27 February 2015



## **Reporting on and analysing complaints**

### **What good practice looks like**

Complaints should be reported on and analysed to identify any systemic or emerging issues, or other opportunities for improvement. To enable reporting and analysis, they should be systematically and accurately logged and tracked using an effective system.

The record of a complaint should include information about whether a complainant was satisfied with the complaint process; this enables the process to be refined and improved.

### **Recommendations**

It is recommended that:

#### *Reporting and analysis of complaints*

7. a regular reporting and analysis regime is established for complaints so that any systemic or emerging issues associated with complaints are visible
8. the planned “system health” and “customer insight” projects specifically consider how customer feedback, including that received through the complaint process, can contribute to supporting Immigration New Zealand’s oversight of the immigration system
9. a whole-of-Immigration New Zealand approach is established to systematically and consistently log and track complaints, and their outcomes by:

EITHER

- 9.1. using the Market Services dispute case management system currently being developed

OR

- 9.2. using an alternative system that will support the delivery of the agreed recommendations of this review

#### *Satisfaction with the complaint process*

10. Immigration New Zealand regularly seeks client feedback on their satisfaction with the complaints process, for example, through the client satisfaction survey

### **Rationale for the recommendations**

The review has found that there is no:

- whole-of-Immigration New Zealand reporting and analysis of complaints
- assessment of client satisfaction with the complaint process.

#### *Reporting and analysis of complaints*

In May 2009, the OAG *Inquiry into immigration matters (Volume 1): Visa and permit decision-making and other issues* found that:

“Immigration New Zealand does not analyse the nature of complaints...In our view, such an analysis would be useful and would enable the Department to see if there were common deficiencies that could be dealt with to improve service standards or the quality of visa and permit decisions being made”.<sup>17</sup>

The findings of the OAG in 2009 are consistent with the findings of the review. In 2006, the Review Branch initiated an analysis of requests by clients to the Minister or Associate Minister of Immigration, and complaints notified by the Ombudsman. A similar project was initiated in 2009 including input from the (then) new CCRP. In 2013, the Quality Unit gathered complaint information from various parts of INZ in an attempt to regularly provide complaint feedback and analysis.

All of the “lessons learnt” projects that the Review Team identified were discontinued, in part due to a lack of dedicated human resources. We were also advised the quality of data available for analysis was too varied. This is because there are various approaches to logging and tracking complaints, and recording their outcomes. Not all complaints are entered into AMS. AMS is also limited in its ability to capture detailed complaint data.

The various approaches mean that, even at the most basic level, peaks and troughs in complaints at a whole-of-INZ level will not be identified and analysed. And, INZ misses the opportunity to use complaint data as an indicator of the health of the immigration system or as a tool for learning. The Ombudsman guide states:

“A good complaints handling process allows an agency to learn from the problems that arise and take steps to improve internal processes. It is therefore important to build in a system of review.

The complaints that have been received, their outcome, and any proposed internal improvements should form part of an agency’s reporting and planning processes. Any systemic issues, serious risks, or areas for improved practices can then be identified by senior management for appropriate action”.<sup>18</sup>

It could also be useful for INZ to track other feedback received through the complaints process that is then directed elsewhere. Although strictly outside the scope of this review, the Review Team believes there is opportunity for the planned “system health” and “customer insights” projects to consider how feedback, including complaints, can contribute to INZ oversight of the immigration system. Feedback was received on this issue from external stakeholder representatives.

The Ombudsman guide notes that “Complaints that are not addressed quickly can create significant additional workload for an agency, both in terms of staff time and resources required”.<sup>19</sup> This should be a motivation for an agency to log and track complaints to ensure their timely resolution.

To be able to effectively log and track complaints, there should be a system that is easy for managers and staff to use. The guide notes that “a recording system to capture complaints data” is a feature of an effective complaints management system.<sup>20</sup>

---

<sup>17</sup> <http://www.oag.govt.nz/2009/immigration-volume-1/part5.htm#procedures>, accessed 18 December 2014

<sup>18</sup>

[http://www.ombudsman.parliament.nz/system/paperclip/document\\_files/document\\_files/427/original/effective\\_complaint\\_handling.pdf?1349121913](http://www.ombudsman.parliament.nz/system/paperclip/document_files/document_files/427/original/effective_complaint_handling.pdf?1349121913), accessed 27 February 2015

<sup>19</sup>

[http://www.ombudsman.parliament.nz/system/paperclip/document\\_files/document\\_files/427/original/effective\\_complaint\\_handling.pdf?1349121913](http://www.ombudsman.parliament.nz/system/paperclip/document_files/document_files/427/original/effective_complaint_handling.pdf?1349121913), accessed 27 February 2015

<sup>20</sup>

[http://www.ombudsman.parliament.nz/system/paperclip/document\\_files/document\\_files/427/original/effective\\_complaint\\_handling.pdf?1349121913](http://www.ombudsman.parliament.nz/system/paperclip/document_files/document_files/427/original/effective_complaint_handling.pdf?1349121913), accessed 27 February 2015

Market Services is currently developing a dispute case management system. It will allow clients to create an account and submit a dispute application, and for the application to be managed through to conclusion. INZ should explore the opportunity to use the system for complaints management. If it does not prove appropriate, an alternative system should be developed that will meet the needs of INZ; it does not have to be costly. It could be as simple as a well-designed Excel spreadsheet or Access database. There may also be opportunity to use the Immigration Global Management System or to make changes to AMS; however, the Review Team did identify limitations in the data AMS might be able to collect.

A shared system should reduce the variation in current logging and tracking that the review has identified. When asked, “*Roughly speaking, how often have you done the following over the past 12 months?*”, staff recorded the following:<sup>21</sup>

Answer Options	Never	Rarely	Occasionally	Regularly	Frequently
Logged a complaint in your team’s complaint register	20	4	12	11	7
Logged a complaint in AMS	12	8	15	13	7

### *Satisfaction with the complaint process*

The Ombudsman’s guide notes that, “people who have problems that are quickly resolved tend to be as understanding and co-operative as those who never experienced a problem in the first place”.<sup>22</sup> The OAG has also noted that:

“If people have a positive experience of an organisation’s complaints system, this will lead to increased satisfaction [with the organisation as a whole]. A benefit to the organisation when complaints are solved and complainants are satisfied is that people tell others about their positive experience with the organisation”.<sup>23</sup>

AMS allows staff to record client satisfaction against a complaint application but the Review Team believes that, largely, staff are entering this information on the same day a stage one response is sent. It is also not clear that they are actually asking clients about their satisfaction. Staff were asked “*Roughly speaking, how often have you done the following in the past 12 months...asked if client or representative were satisfied with the resolution of their complaint*”. 56% of staff answered “never” and 25% “rarely”.

Complainants should be asked about their satisfaction with the complaint process to enable the process to be reviewed, and where necessary refined and improved. This may enable early intervention where INZ identifies indicators of dis-satisfaction with the process itself, rather than having the issue identified via the Ombudsman. It may also feed into overall indicators of client satisfaction with INZ. Asking about their satisfaction with the resolution of a complaint may also enable any minor remaining issues to be resolved. This is discussed further in the section on *High quality and timely responses to complaints*.

<sup>21</sup> The Review Team notes that these survey results will be influenced by the fact that respondents to the staff survey were largely Area Managers and Immigration Managers. These managers may have staff that log complaints on their behalf.

<sup>22</sup> [http://www.ombudsman.parliament.nz/system/paperclip/document\\_files/document\\_files/427/original/effective\\_complaint\\_handling.pdf?1349121913](http://www.ombudsman.parliament.nz/system/paperclip/document_files/document_files/427/original/effective_complaint_handling.pdf?1349121913), accessed 18 March 2015

<sup>23</sup> <http://www.oag.govt.nz/2014/acc-complaints/docs/acc-complaints.pdf>, accessed 18 March 2015

## A clear definition of complaint and an accessible process

### What good practice looks like

The need for an agency to have a clear definition of a complaint and the matters that can be complained about was highlighted to the Review Team by all the New Zealand government agencies we met with. This should be combined with a clear, comprehensive and accessible complaints process.

Information about an agency's complaint process should be visible in physical offices and online. It should be provided in languages other than English where required, and people should be supported to make a complaint if necessary. It should be clear that making a complaint is free and that complaints can be initiated verbally or in writing and made at any time. There should be mechanisms for complaints to be received via social media.

### Recommendations

It is recommended that:

#### *Defining concerns and complaints*

11. the Immigration New Zealand complaint policy clearly defines a "concern" as something that is causing some anxiety but can be dealt with on the spot, and is not a formal complaint
12. the complaint policy direct (but not require) clients to discuss their concerns with their Immigration Officer or a Manager before making a complaint
13. the complaint policy defines a "formal complaint" as:  
**"An expression of dissatisfaction or grievance made to or about Immigration New Zealand, related to our administrative processes, products and tools, staff or the handling of a complaint, that is formally raised and where a response or resolution is expected".**
14. the complaint policy provide detailed guidelines on the meaning of:
  - 14.1. administrative process
  - 14.2. products and tools
  - 14.3. complaints about staff
  - 14.4. complaints about the handling of a complaint
  - 14.5. "formally raised"
  - 14.6. the expectation of a response
15. the complaint process enables the appropriate re-direction of an approach to Immigration New Zealand including as follows:

<b>Matter...</b>	<b>Direct to...</b>
offshore temporary decline	reapplication process

<b>Matter...</b>	<b>Direct to...</b>
onshore temporary decline	reconsideration or section 61 process
decline with an appeal right	Immigration and Protection Tribunal
policy issues	Manager of Immigration Policy
operational policy issues	Manager of Operational Policy
serious misconduct	Internal Investigations
victims rights	agency victims rights process
breach of the 2009 Act	relevant compliance team
adviser misconduct	Immigration Advisers Authority
lawyer misconduct	New Zealand Law Society
other decision making	Ombudsman
other intervention required	Courts

### *Managing unreasonable complainant conduct*

16. the complaint policy specifically includes procedures and processes for managing unreasonable complainant conduct

### *The difference between a complaint and a reconsideration or review*

17. the complaint policy specifically excludes complaints about:
- 17.1. the decision making process
  - 17.2. the merits of a decision

### *Correcting decision making errors where they are identified*

18. the clarification of a complaint, and the complaint process does not prevent Immigration New Zealand correcting decision making errors where they are identified

### *Accessibility, consistency and clarity of information*

19. the complaint policy and process information is revised consistent with the agreed recommendations of this review, and made publicly available in Visa Application Centres, immigration offices and online
20. high level information about the complaints process is produced in key languages other than English, and makes it clear that it is free of charge to make a complaint and that a complaint can be made at any time

## **Rationale for the recommendations**

The review has found that:

- INZ could better distinguish between “concerns” and “complaints”

- the complaint policy should specifically deal with unreasonable complainant conduct
- the difference between a complaint and a reconsideration is not widely understood
- CCRP policy and process information is inconsistent and could be made clearer.

### *Defining concerns and complaints*

In the early stages of the review, it became clear that there was an important difference between a concern that could be dealt with “on the spot” and a formal complaint. The Immigration Contact Centre has a procedure for dealing with concerns; they are dealt with by the Customer Service Officer or, if necessary, the phone call is directed to a Manager for resolution. Other examples of this type of approach have been heard by the Review Team. One respondent to the lawyer/adviser survey expressed dis-satisfaction about their experience with the CCRP but commented that:

“...best to follow the avenues set out in legislation such as a reconsideration if they on a valid visa, or appeals - **or simply just go to the branch manager with any issues - they are quite good at resolving it one way or the other**” [emphasis added].

CCRP policy and process information does not direct potential complainants to first raise any concern with their Immigration Officer or Manager. This may result in lawyers, advisers and clients unnecessarily entering the complaint process. This was reflected in the lawyer/adviser survey:

“Sometimes a problem can be fixed by a phone call; and reduce the need for such a formal process. INZ have been quick to put dissatisfaction on a process/decision down the CCRP when a discussion may have resolved the issue quickly”.

It is appropriate that the complaints policy clearly defines, and differentiates between a concern that is dealt with on the spot and a formal complaint. It is also appropriate to clearly define the difference between a complaint and a reconsideration or review.

There is no definition of a complaint provided in the Ombudsman guide for the Review Team to draw from. However, the Australia / New Zealand Standard *Guidelines for Complaint Management in Organizations* [AS/NZS 10002:2014] defines a complaint as an:

“expression of dissatisfaction made to or about an organization, related to its **products, staff** or the **handling of a complaint**, where a response or resolution is explicitly or implicitly expressed or legally required” [emphasis added].<sup>24</sup>

The AS/NZS standard provides the foundation for the definition used by Child, Youth and Family and the Australian Department of Immigration and Border Protection. Both agencies include further, clarifying detail appropriate to their business functions.

INZ’s public information on the CCRP, however, does not clearly define a “complaint” nor does it give clear and structured guidance on the matters that may be complained about. It should be clear that if a client only complains that they want a reconsideration or review of a decision, and gives no reasons why the administrative process may have been flawed, then their correspondence will not be accepted as a complaint. But, it is not.

It is proposed that INZ clarifies that complaints must be about:

- **administrative process:**

A complainant should be able to complain where INZ does not follow its own, defined administrative processes and service standards. This includes processes and standards

<sup>24</sup> <http://shop.standards.co.nz/catalog/10002:2014%28AS%7CNZS%29/scope?>, accessed 9 February 2015

contained in the Operational Manual and other administrative guidance documents related to visa applications, refugee and protection determination and deportation matters.

- **products and tools:**

Complaints about the INZ website, online tools such as the fees calculator and online application forms, along with other forms and fact sheets should be allowed. Products and tools should be simple, accessible and accurate. They should work as intended.

- **complaints about staff:**

Complainants should be able to complain about INZ staff if there are issues associated with their attitude, the clarity or correctness of their communications or their timeliness. This includes staff at the border during a compliance or deportation operation. The complaint policy should also clarify where complaints about staff should be dealt with under the MBIE Code of Conduct.

- **complaints about the handling of a complaint:**

Complaints should be handled fairly and objectively, consistent with the complaints policy. There should be a mechanism to escalate a complaint where this does not occur.

To provide to enable INZ to effectively manage complaints, the recommended definition also proposes that complaints must be “formally raised”. The policy should make it clear that a complainant needs to be clear and specific about the matter they are complaining about and guidance material should support this occurring. Any online interface or complaint form should also ask complainants to specify if they would like or expect a formal response to their complaint. Where not specified, it should generally be assumed that a response is expected.

### *Managing unreasonable complainant conduct*

Requiring formally raised complaints, to which the complainant expects a response, should support complaints being made in good faith. Further to this, best practice guidance material suggests that INZ should have a policy for managing bad faith complaints and unreasonable complainant conduct. Although not a specific feature of the feedback provided to the Review Team, we did hear managers and staff comment about complainants who make repeated and un-founded allegations against INZ, and about complainants who, for example, use inappropriate language in their complaints. INZ could draw from the Ombudsman guide *Managing unreasonable complainant conduct*<sup>25</sup> to develop a policy which includes mechanisms to deal with, amongst other things:

- the making of complaints without specificity or foundation
- scattergun complaining not following the complaint process
- repetitive patterns of calling or emailing
- multiple complaints about a matter that has been addressed
- abusive complaints
- threatening behaviour

---

25

[http://www.ombudsman.parliament.nz/system/paperclip/document\\_files/document\\_files/463/original/managing\\_unreasonable\\_complainant\\_conduct\\_manual\\_october\\_2012.pdf?1351456121](http://www.ombudsman.parliament.nz/system/paperclip/document_files/document_files/463/original/managing_unreasonable_complainant_conduct_manual_october_2012.pdf?1351456121), accessed 15 April 2015

- repetitive requests for access to hierarchy
- refusing to agree timeframes for complex complaints
- refusing reasonable (and reviewed) remedies
- refusing to engage with assigned staff.

### *The difference between a complaint and a request for a review*

The detail proposed for the definition of a complaint is important for ensuring clarity about matters that can be dealt with via the complaint process and those that cannot. The intersection between complaints related to administrative process and decline decisions is not well understood by internal or external stakeholders. This is reflected in the feedback we received. It shows that, in addition to providing a mechanism to complain about an INZ service or administrative process matter, the CCRP is *viewed as*, and sometimes *used as*, a de facto review or reconsideration of the decision making process.

#### *What is “administrative process”?*

The **administrative process** includes the functional steps taken in relation to making a visa or deportation decision, to ensure fairness and natural justice in the application process. This includes processes and standards contained in the Operational Manual and other administrative guidance documents, and related to visa applications, refugee and protection determination and deportation matters.

#### *What is “decision making process”?*

The **decision making process** is that taken by an Immigration Officer in accordance with the Immigration Act 2009 and applicable immigration instructions. It may require them to make a series of judgements and to weigh a number of factors in order to reach a decision.

The complaint policy and process information needs to make it clear that complaints about the decision making process and the merits of a decision cannot be made. It would be inconsistent with the decisions made by Cabinet and Parliament for appeals and reconsiderations (as noted in the *Background* section). The Review Team understands that the clarification will not necessarily be supported by all immigration lawyers, advisers or clients. The Ombudsman may, in turn, be concerned about the potential for an increase in their caseload from offshore complainants. However, its own INZ fact sheet already notes that decision making complaints are not considered by INZ as part of the CCRP:

“Some complaints are about the merits of a decision by INZ. This means there are no concerns about the standard of service, or the processes followed by INZ, but you still think the decision was wrong.

Complaints about the merits of a decision by INZ will not usually be considered by the Ministry under the CCRP. They can therefore be made directly to the Ombudsman in the first instance. Complaints can also be made directly to the Ombudsman if you’re unsure whether the CCRP would apply”.<sup>26</sup>

<sup>26</sup>

[http://www.ombudsman.parliament.nz/system/paperclip/document\\_files/document\\_files/23/original/immigration\\_new\\_zealand\\_fact\\_sheet.pdf?1344029080](http://www.ombudsman.parliament.nz/system/paperclip/document_files/document_files/23/original/immigration_new_zealand_fact_sheet.pdf?1344029080), accessed 2 March 2015



## *Correcting decision making errors where they are identified*

It may go some way to addressing the potential concerns of lawyers and advisers if INZ confirms that the recommended definition of a complaint, and any new complaint process developed from this review, will not prevent INZ correcting obvious decision making errors where they are identified; including where raised as a concern or as part of a complaint investigation. It is not the intention that the recommendations of the review restrict the powers of an Immigration Officer or Manager to, for example, recommend the grant of a visa.

It is acknowledged that continuing the approach of correcting decision making errors where they are identified may lead to bad faith complaints. Immigration lawyers, advisers and clients may make complaints about service or administrative process that are unsubstantiated in order to seek a review of a decision. The issue of bad faith complaints should be addressed in the policy related to managing unreasonable complainant conduct.

## *Accessibility, consistency and clarity of information*

In May 2009, the OAG *Inquiry into immigration matters (Volume 1): Visa and permit decision-making and other issues* stated that:

“We received an expression of concern from a member of the public that the complaints procedures were hard to find. Certainly, it is not possible to easily submit a complaint either through the Department of Labour website or through the Immigration New Zealand website. We were told that the Department is reviewing the publicly available descriptions of, and means of access to, the complaints procedures.

In our view, members of the public should be able to easily find out how to raise concerns with Immigration New Zealand and know how their concerns will be dealt with.”<sup>27</sup>

There is no paper-based information on the CCRP available. The policy and process information is now contained in multiple documents available online via the [immigration.govt.nz](http://immigration.govt.nz) website. However, none of the documents are quite the same making it potentially confusing for a complainant. In addition, the information available does not accurately portray the actual complaint process and refers to job roles that no longer exist, such as a “Branch Manager”.

It is not clear on the INZ website that it is free of charge to make a complaint and that complaints can be made at any time, although it is clear that complaints can be initiated verbally or in writing. The website also provides a further opportunity for a client to initiate a complaint through the online knowledge base, but the webpage for the knowledge base does not provide a link to advice on the complaints process.

The complaint policy and process information should be revised and specifically detailed with the agreed recommendations of the review. The information should be made available in Visa Application Centres, immigration area offices and online. It would be useful for the information to include clear definitions and step-by-step guidance in plain, conversational language. The information should also provide direction to clients on how to provide other feedback, or have other issues addressed (such as to comment on Government policy or immigration instructions).

High level information on the complaints process should be produced in languages other than English, making it clear that it is free to enter the complaint process and that a complaint can be made at any time. This information is likely to be different to that required to support INZ staff in managing the complaint process. The information and communication needs of clients and staff are different. However, the advice within both set of information needs to be consistent.

---

<sup>27</sup> <http://www.oag.govt.nz/2009/immigration-volume-1>, accessed 9 February 2015

MBIE and INZ should continue the practice of monitoring relevant Facebook and Twitter accounts for complaints. Although not necessitating a recommendation, the Review Team suggests that information on this process could be documented for new staff members in the Marketing and Communication Teams to ensure that the approach is maintained.

## High quality and timely responses to complaints

### What good practice looks like

Complaints should be assessed to determine their level of seriousness and the priority they should be afforded. This should support them being dealt with at the most appropriate level within an agency.

An agency should have service level standards for acknowledging and responding to complaints, and protocols for keeping complainants informed of the process.

The proposed response to a complaint (including any remedy) should be reviewed for appropriateness, completeness and clarity. This can ensure that all complaints have been dealt with fairly and objectively, consistent with the agency's own policy and processes, and to the highest possible standard. A complainant should also be provided with advice on the next steps if they are not satisfied.

### Recommendations

It is recommended that:

#### *Assessing complaints and ensuring response at the right level*

21. Immigration New Zealand establishes a centralised process and co-located complaints management team for the receipt, triage, logging and acknowledging of complaints and compliments
22. all complaints accepted into the process are categorised as high, medium or low level and based on their level of seriousness, are directed to the appropriate person, for example:

Level	Type of complaint	Draft	Check	Sign
<b>Concern</b>	<ul style="list-style-type: none"> <li>• Can be dealt with "on the spot"</li> <li>• Client clearly satisfied with response</li> </ul>	n/a	n/a	n/a
<b>Low</b>	<ul style="list-style-type: none"> <li>• Unresolved concern</li> <li>• Complaint about a single INZ office</li> <li>• Commonplace grounds of complaint</li> <li>• Not level medium or high level complaint</li> </ul>	Immigration Officer; Senior Adviser; or equivalent	Technical Adviser	Immigration Manager; Relationship Manager; or equivalent
<b>Medium</b>	<ul style="list-style-type: none"> <li>• Not satisfied at the low level</li> <li>• Multi-office complaint</li> <li>• Complainant with complex grounds of complaint</li> <li>• Complaint escalated by INZ staff member</li> </ul>	Assistant Area Manager; Manager; or equivalent	National Office Complaint team	Area Market Manager; Manager; or equivalent
<b>High</b>	<ul style="list-style-type: none"> <li>• Complaint escalated by INZ staff member</li> <li>• Legal review required</li> <li>• Unreasonable complainant conduct</li> <li>• Significant negative impact on:               <ul style="list-style-type: none"> <li>○ client or customer</li> <li>○ INZ or New Zealand's reputation</li> </ul> </li> </ul>	Assistant General Manager; National Manager; or equivalent	National Office Complaint team	General Manager; or equivalent

### *Timeliness and engagement where there are delays*

23. revised service standards are developed that ensure:
- an approach through the complaint process is acknowledged in the shortest possible time (no greater than 3 working days)
  - a complaint is accepted into the process, and an approach is otherwise re-directed in a time that enables time to access any reconsideration or appeal right (no greater than 7 working days)
  - a response to a complaint is delivered in a timely manner depending on its complexity (generally no greater than 25 working days), with any extension of timeframes discussed with the complainant

### *Appropriate remedy*

24. where a complaint is not accepted into the process, the person is advised of their next steps and the matter is logged to form part of later analysis
25. remedies to complaints include, as appropriate:
- apologies and acknowledgements of failure
  - advice on actions INZ will take to address any systemic issues identified
  - fee waivers for re-applications or section 61 requests
  - financial compensation if recommended by the tier 3 signatory
26. a complainant be asked about their satisfaction with the resolution of their complaint and be provided with advice on next steps at the conclusion of their complaint.

### **Rationale for the recommendations**

The review has found that:

- there is no standard process of assessing complaints to determine their level of seriousness and ensure a response at the right level
- complainants have concerns over the timeliness of the complaint process, and the level of engagement where there are delays
- there is no standard process for the “peer review” of responses to ensure completeness, accuracy and an appropriate remedy.

### *Assessing complaints and ensuring response at the right level*

There is a variety of approaches to acknowledging, accepting and prioritising complaints. In some cases, stage one complaints are acknowledged and accepted into the CCRP process without any initial triage. The Review Team believes this may result in “concerns”, which could be dealt with on the spot, becoming complaints. We also believe it is a contributing factor to the complaint process being viewed, and used as, a de facto reconsideration process.

Stage two complaints are generally received and triaged by the CCRP Coordinator in the Government Relations Team. The complaint will generally be directed to the relevant senior manager in an immigration office. In some cases, an Immigration Manager or the CCRP Coordinator will escalate a complaint upon its initial receipt. Other managers can also escalate complaints (including for

response by the DCE) if they think it is necessary. The decision to escalate a complaint should be based on an assessment of the nature and the complexity of the complaint.

The Review Team heard concerns from lawyers and advisers, and clients about complaints being dealt with by a manager whose staff may be responsible for the matter being complained about. They raised questions in the initial issues identification meetings about the fairness and objectivity of the complaint process (especially at stage one) and these concerns were also expressed in the surveys. The negative perception of the CCRP in terms of its fairness and objectivity, along with the variable quality of responses to complaints, leads some lawyers and advisers to think of the CCRP as simply a necessary gateway to make a complaint to the Ombudsman. One advised us that they prepare all complaints as if they were Ombudsman complaints in order to save time.

The Ombudsman's guide states, "Any internal complaints process should have a person or team assigned to take primary responsibility for managing the complaints process".<sup>28</sup> It advises:

"After receipt, the complaint should be assessed. Matters to consider include:

- what the complaint is about;
- how serious or urgent the complaint is;
- whether the complaint may indicate a systemic problem;
- what risks the complaint raises for the agency; and
- what kind of resolution the complainant is seeking".

The guide highlights how triage can help improve complaint processes and the understanding of complaints. Triage can help ensure that people who approach an agency can be directed to the right place to have their issue, concern or complaint addressed. The recommended centralised process and co-located complaints management team in National Office would help INZ triage complaints and improve its complaint management by:

- **ensuring that only *complaints* enter the complaint process**

This will address the issues of approaches being accepted into the complaint process without review and the CCRP being viewed and used as a de facto reconsideration an appeal process. It will also support INZ giving effect to the clarified definition of a complaint.

- **enabling the appropriate re-direction of an approach**

This will enable people to be directed to the right place to have an issue, concern or complaint addressed. In many cases, an issue may be received through the complaints process but may not actually be a service complaint and be better addressed elsewhere. Any re-directions could still be logged, reported and analysed, for example, as part of the system health project.

- **standardising the logging and acknowledgment of approaches**

This will enable approaches to be logged in a systematic way. It will help improve the quality of complaint data and support the review's recommendations for reporting and analysis. It will also enable a standardised notification to a client or lawyer/adviser that an approach has been received.

---

28

[http://www.ombudsman.parliament.nz/system/paperclip/document\\_files/document\\_files/427/original/effective\\_complaint\\_handling.pdf?1349121913](http://www.ombudsman.parliament.nz/system/paperclip/document_files/document_files/427/original/effective_complaint_handling.pdf?1349121913), accessed 12 March 2015

- **supporting INZ's understanding of complaints**

Part of a dedicated complaint team's responsibilities would be to contact a complainant where their complaint is not clear or not clearly expressed. INZ should not shy away from such contact if it has the potential to simplify the complaint process and improve responses to complaints.

- **ensuring complaints are dealt with at the right level**

It is good practice to deal with complaints as close as possible to where they are made. The Ombudsman guide notes: "The design of a complaints process should...allow for resolution at the lowest level possible, including the ability for front line staff to resolve complaints where appropriate".<sup>29</sup> The recommendations support this approach and are consistent with the national and international complaint processes the Review Team investigated.

With improvements in accountability, induction and training, and the complaints process as a whole, we hope that maintaining a focus on local offices dealing with concerns and complaints will be supported by stakeholders even though they expressed concerns to the Review Team about the practice of local responses under the current CCRP. The Review Team recognises, however, there may be some cases where it is appropriate that a complaint is dealt with at a higher level in the first instance and the recommendations provide for this. They also provide for National Office oversight to improve the consistency of the process and responses where an immigration lawyer or adviser is representing more than one complainant before INZ but where the grounds of each complaint may be the same or similar.

The review has found that there is opportunity to improve the consistency of INZ's engagement where multiple complaints have been made. There are also opportunities to improve the management of unreasonable complainants.

The Review Team acknowledges that establishing a National Office team to triage complaints and have oversight of those at a medium and high level will have resource implications which INZ will need to consider and provide for if the recommendation is accepted. If it is not accepted, the current model could continue, and would be improved, if the other recommendations of this review are adopted, such as those for better induction and training on complaints management. Each office could also, for example, better manage the complaint process by allocating dedicated time for one or more staff members.

### *Timeliness and engagement where there are delays*

Immigration lawyers and advisers engaged in the initial issues identification meetings suggested that the approach to acknowledging complaints, and dealing with them in a timely manner, varied across INZ. Similar concerns were recorded in the surveys.

Measuring the timeliness of stage one complaints is not possible due to inconsistent recording on AMS among staff. Eight hundred and eighty nine of the 2,326 stage one complaints (38%) are shown as being completed in zero days; a random review of several of these shows that complaints are being entered and resolved in AMS on the same day. Stage two is somewhat more reliable. Data analysis for the past two financial years shows the following response timeframes:

---

<sup>29</sup>

[http://www.ombudsman.parliament.nz/system/paperclip/document\\_files/document\\_files/427/original/effective\\_complaint\\_handling.pdf?1349121913](http://www.ombudsman.parliament.nz/system/paperclip/document_files/document_files/427/original/effective_complaint_handling.pdf?1349121913), accessed 11 March 2015

Time taken to respond	Number of complaints
0-15 working days	107
16-20 days	46
21-30 days	64
31-100 days	69
More than 100 days	13

It is suggested that further work is done on developing timeframes for the complaint process. It should include a timeframe for the initial acknowledgement of an approach, and for formal notification of a complaint being accepted or an approach otherwise being re-directed to enable access to any reconsideration or appeal right. INZ should also agree to respond to complaints in a timely manner depending on their complexity (generally no greater than 25 working days) and to discuss with any extension of timeframes with the complainant.

The review did consider timeframes in relation to “urgent issues” and concluded that these are matters that should be dealt with outside the new complaint process, as they largely are now. The complaint process should not be used where a person requires intervention related to a health or family matter. It should also not be the process for intervention at the border.

### *Peer review and appropriate remedy*

The Office of the Auditor General suggests that an agency should have a “second check” or peer review process but the review has found that this does not systematically occur in the CCRP.<sup>30</sup> The result is that the quality of CCRP responses is an issue that has been raised by the Ombudsman. In the initial issues identification the Review Team also heard about the variability of responses and remedies, especially at stage one. We heard how this will lead to stage two complaints where there is greater confidence that the response and any remedy will be appropriate.

The review recommends that all complaints are 2<sup>nd</sup> checked before sign out to improve the completeness and accuracy of complaint responses, and to ensure appropriate remedies are offered, if applicable. The Review Team notes that it is not possible to define “appropriate remedies” due to the diverse circumstances of complainants and the nature of complaints. However, they may include fee waivers for re-applications or section 61 requests where a complaint is upheld and the outcome of a visa decision may have been affected. It should be made clear that fees will not be waived or refunded where the service failure had no bearing on a decision.

The Review Team also believes that INZ should continue to be able to offer financial compensation to a complainant if recommended by the tier 3 signatory to a complaint. The risk of explicitly providing for compensation is that it may be used by bad faith complainants to inappropriately escalate their complaints through the process or to the Ombudsman. A clear and comprehensive complaint process that includes mechanisms for managing unreasonable complainant conduct should help mitigate this risk.

Finally, a complainant should be asked about their satisfaction with the resolution of their complaint. It may be that minor remaining issues or concerns could be addressed before a complaint is concluded. It may also provide the opportunity for INZ to better explain the outcome.

<sup>30</sup> <http://www.oag.govt.nz/2014/acc-complaints>, accessed 9 February 2015

If the recommendations of this review are agreed and implemented, INZ should be able to deliver an improved complaints process and complainant satisfaction. However, where a complaint is not accepted into the process, the person should be advised of their next steps including their ability to make a complaint to the Ombudsman where their issue is about a decision of INZ.



# Appendix 1: Stakeholder feedback

## About this appendix

The Client Complaint Resolution Process (CCRP) review included information gathering meetings and surveys of stakeholders. The feedback gathered was used to inform the findings of the review, and the recommendations in the body of this report.

The feedback presented below is structured in a way that follows the structure of the body of the report; the headings match for ease of reference.

## Meetings and survey response rates

Meetings were held with a range of internal stakeholders across Immigration New Zealand (INZ) to learn more about the CCRP. INZ staff were also surveyed to gauge their:

- views on the current operation of the CCRP
- understanding of complaints and the CCRP
- experience of induction and training on the CCRP, and
- experience dealing with dis-satisfied clients and complaints.

Seventy six responses to the INZ staff survey were received. The majority of respondents (83%) were from Area Managers and Immigration Managers, Technical Advisers and Team Leaders in the Auckland and Wellington area offices of the Visa Services Branch. The Review Team assumes that staff in these roles are those most likely to be dealing with complaints through the CCRP. They were also most likely to have heard about the CCRP review, possibly directly from the Review Team.

Meetings were also held with external stakeholders, and surveys were sent to immigration lawyers and advisers, and immigration clients.

Information from the INZ Application Management System (AMS) identified 256 distinct client complaints where the client had a nominated immigration lawyer or licensed adviser in the 2012/2013 and 2013/2014 financial years. 150 of these lawyers/advisers were associated with a single complaint. We received 62 responses to the lawyer and adviser survey, 78% of those from immigration advisers. Most lawyers and advisers indicated that they dealt regularly with the INZ Henderson Area Office although the result showed dealings across all offices with the exception of Nuku'Alofa.

A separate survey was also sent across the Community Law Centres o Aotearoa network. It was focussed on seeking feedback about those who might not complain and the reasons why. The law centres are no longer funded to input into review such as these and only two responses were received. These responses are not included in the summary of feedback below related to lawyers and advisers.

The client survey was distributed through the New Zealand Federation of Multicultural Councils (NZFMC) and to clients whose AMS file had a recorded complaint over the past two calendar years. There were 297 responses to the client survey, with a relatively even split between those clients in New Zealand and those overseas. A number of follow up emails were received from clients by the Review Team, some of whom had strong views about their experiences dealing with INZ and with the complaint process.

The Review Team was able to identify that some of the respondents to the client survey were actually lawyers and advisers whose email addresses were those listed against the client’s file.

## Limitations of the survey results

Not all respondents answered every question in the surveys. In some cases, particular questions may not have been relevant to the respondent. For example, some lawyers and advisers, and clients had not made a stage two CCRP complaint and so did not respond to questions about the stage two process. The response rates are noted for each issue discussed below.

While response rates to questions in the survey varied, the responses were broadly consistent with the view of the CCRP built by the Review Team. The surveys achieved their purpose, in particular, of building our understanding of:

- where clients find information about how to complain
- clients’ views of the information available
- clients’ understanding of complaints and the CCRP
- the concerns expressed and complaints made
- clients’ experience of the complaints process
- clients’ views on the operation of the CCRP.

## High level findings

Overall, lawyers and advisers and clients were largely neutral or dis-satisfied with the complaints process. They were asked:

*“Overall, are you generally satisfied or dis-satisfied with the INZ complaints process? Please note that being satisfied means that you think the process works well, even if you or your client does not always get the outcome wanted”.*

The lawyer/adviser survey recorded the following from the respondents to this question:

Answer Options	%
Very Satisfied	0.0%
Satisfied	12.9%
Neither satisfied or dis-satisfied	32.3%
Dis-satisfied	32.3%
Very dissatisfied	22.6%

*NB: 31 of the 62 survey respondents answered this question.*

The client survey recorded the following from the respondents to this question:

Answer Options	%
Very Satisfied	7.5%
Satisfied	17.3%
Neither satisfied or dis-satisfied	15.9%
Dis-satisfied	22.9%
Very dissatisfied	36.4%

*NB: 214 of the 297 survey respondents answered this question.*

## **Leadership and management of complaints**

The visibility of the CCRP and complaints within INZ was discussed in some of the initial issues identification meetings and the information gathering meetings the Review Team held. One stakeholder commented about the need to make multiple, individual complaints for their clients on an issue that could have been best addressed via another mechanism. They reflected that “sets” of complaints about single issues do not appear to be visible. On the issue of visibility, one senior INZ manager commented that they “largely don’t see complaints”.

The initial issues identification meetings and information gathering meetings were also a source of feedback about the commitment to the complaints process across INZ. In the Wellington meeting, external stakeholders advised that manager and staff commitment was variable. The Review Team heard that, in some cases, individual managers would engage effectively with complaints but their approach was not consistent across all managers.

A concern about managers defending staff was noted in both the Wellington and Auckland external stakeholder meetings, and in feedback recorded in the lawyer/adviser survey. In Auckland we also heard of one stakeholder framing all complaints as if they were to the Office of the Ombudsman (Ombudsman) as they did not have faith in manager’s commitment to the CCRP.

Forty one percent of staff responding to the staff survey indicated that ‘managing and resolving complaints’, and ‘dealing with dis-satisfied people’ was either not in their Job Description (JD), or they did not know if it was in their JD. 58% had performance expectations associated with these tasks even though the same percentage of staff recorded that they had received no induction and 50% recorded that they had received no training. Only 8% of staff responding to the survey recorded that they had received training on ‘managing and resolving complaints’, and ‘dealing with dis-satisfied people’ within the last 12 months.

Of the 45% of staff who recorded that they had received some training, 60% recorded that it was formal training provided by INZ. 60% also advised that they had received feedback from their manager. Of the 60% that reported receiving feedback, 72% had received it within the last 12 months. Regardless, the majority of all respondents felt that INZ could provide more training.

In the free text field of the survey, one staff recorded, “I think that training on the CCRP should be included as part of a Manager’s induction to INZ”, and another stated, “More training for INZ staff”. The desire for more training can be seen in the survey results below:

Question: How much do you agree or disagree with the following statements?

Answer Options	Disagree strongly	Disagree	Neither agree or disagree	Agree	Agree strongly
INZ could provide more training on dealing with dis-satisfied clients	0.00%	1.39%	13.89%	25.00%	58.33%
INZ could provide more training on dealing with dis-satisfied clients' representatives	0.00%	1.39%	15.28%	25.00%	56.94%
INZ could provide more training on dealing with concerns raised with INZ	0.00%	4.23%	14.08%	30.99%	49.30%
INZ could provide more training on dealing with complaints to INZ	0.00%	0.00%	9.72%	34.72%	54.17%

NB: 71 of the 76 survey respondents answered this question.

The staff survey showed that only 54% of respondents knew where to find information on the CCRP on "The Link" (MBIE's intranet). The staff survey also asked respondents to identify the principles of the current CCRP from a detailed list. A number of staff identified items on the list that are not current principles. This is shown in the following table – items which are not current principles are highlighted.

Question: Please select the principles of the CCRP from the list below

Answer Options	%
We acknowledge that everyone has a right to complain	35.6%
We will provide advice on how to complain	37.3%
We will treat complaints with priority and give a timely response	71.2%
We acknowledge our mistakes and put them right if we can	81.4%
We will be fair	79.7%
We consider complaints with an open mind – we don't simply look to defend our actions	59.3%
Someone independent will look at the issues raised on their own merits	47.5%
We are open to change – we will make service improvements based on the complaints we receive	28.8%
We will try to see things from the client's perspective and understand, and therefore, address why they think we were wrong	50.8%
We will not be defensive - we will take a genuine fresh look at the issues raised	66.1%

NB: 59 of the 76 survey respondents answered this question.

## **Reporting on and analysing complaints**

In the survey, INZ staff were not specifically asked about reporting on or analysis of complaints. However, in the free text field, one staff member recorded:

“...At present there is no centralised reporting or correlation of complaint information with other forms of customer feedback (such as customer satisfaction) or performance measures, such as timeliness, quality results, volumes, IPT [Immigration and Protection Tribunal] decisions etc. As a senior manager within Visa Services I am not easily able to get access to regular information about the nature of the complaints we receive, any geographic, product or process issues arising from complaints”.

Another staff member recorded, “My main feedback is around the need to analyse CCRP complaints and responses, across offices, and look for similarities / learnings and publish these”. This view was also reflected in a comment that included, “...Though we get learnings from clients who are dissatisfied with service in the client satisfaction surveys, we don't get any trends or theme reports from the CCRP team, i.e. learning and sharing”.

One lawyer/adviser recorded, “it seems INZ does not learn from the complaints especially if INZ was found to be wrong...”. A client recorded, “I think that the process could be improved if lessons learned were actually turned into service improvements”.

Another respondent to lawyer/adviser survey commented that the “CCRP may not be the appropriate forum for making complaints / raising concerns regarding Policy drafting. But there should be a formal avenue for raising complaints / concerns with Policy and the way it is drafted”. This reflection is echoed in a staff survey comment that:

“The CCRP is not good at addressing issues of immigration policy, for example, several lawyers/advisers have issues with the way Student Visas/Study to Work Visas/Work Visas function as a pathway to Skilled Migrant Category and the problems (& sometimes exploitation) students encounter along the way. It is not clear to me where such concerns should best be raised”.

## **A clear definition of complaint and an accessible process**

As noted in the main body of this report, the review found that INZ staff and managers receive little formal induction and training on the CCRP to help build understanding about what a complaint is, and what can be complained about through the CCRP. One respondent to the staff survey commented, “There is little clarity or distinction between what is a concern raised, and a complaint”. Another recorded the need for “Guidelines on what constitutes a formal complaint under CCRP versus a 'concern'”.

A further response was more detailed, the respondent commented:

“...for concerns /reconsiderations/complaints: it would be very helpful to have an IAC to clarify 1) how to distinguish concerns, reconsiderations and complaints. Most of the requests I have handled are about decline decisions but they always include other components like “fairness” or “service”, I'd like to know how to category such requests? 2) best practices to handle different types of requests, especially to what extends [sic]? 3) about reconsideration requests for offshore branches. We keep receiving them from clients, IAs and Lawyers although technically clients should re-lodge applications rather than asking for reviews”.

We heard about differences between the CCRP on and offshore, in particular, the relationship between complaints and reconsiderations for temporary entry category visa applicants who have no right of reconsideration or appeal. One respondent commented, “We need more clarity about what approach offshore should take re no right of appeal/recon, versus the huge number of complaints from declined clients”. Another comment received from an offshore respondent was:

“Offshore there is no right of reconsideration so requests for reconsiderations are often sought under the guise of a 'complaint'. The majority of the 'complaints' we receive...are more often than not along the lines of 'I don't agree with your declined outcome of my visa application'...To me a complaint has to be where the wrong policy/instruction/process has been/not been followed/applied, or the case officer was rude, incompetent or unprofessional or where we failed to meet our service standards/guarantees”.

When asked, “*In your experience, what is the main reason for dis-satisfied clients?*”, 48% of those who completed the staff survey selected, “they want a review of a decline decision and they have no right of reconsideration or appeal”. A further 22% selected, “they want a review of a decline decision (although they have a right of reconsideration or appeal)”. Of the clients surveyed, 32% advised that the main reason for their complaint to INZ was about a decline decision, with an additional 16% reporting it being about “the merits of a decision, for example, about whether a visa is granted or not”.

The results of the surveys support the comments recorded, that information on the CCRP and what can be complained about could be improved for staff, as well as for lawyers, advisers and clients.

*Question: How much do you agree with the following statements?*

*(Staff survey)*

<b>Answer Options</b>	<b>Disagree strongly</b>	<b>Disagree</b>	<b>Neither agree or disagree</b>	<b>Agree</b>	<b>Agree strongly</b>
If I have a dis-satisfied client on the phone or at the counter, and I am not sure how to handle them, I have easy access to information on my computer to help me	6	17	14	24	3
If I receive a written complaint by letter or email, and I am not sure how to handle it, I have easy access to information on my computer to help me	6	17	14	26	5

Lawyers and advisers were also asked about their understanding of the complaints process. Their responses are detailed in the table below.

*Question: How would you rate your understanding of the Client Complaint Process – the CCRP?*

<b>Answer Options</b>	<b>%</b>
Excellent	11.5%

Answer Options	%
Good	36.1%
Basic	44.3%
Heard of it but not sure	6.6%
Not heard of it	1.6%

*NB: 61 of the 62 survey respondents answered this question.*

The lawyer/adviser survey asked about access to information on the CCRP and how helpful the information was. 53% of lawyers and advisers who responded to the question indicated that it was easy for them to access CCRP information on the immigration.govt.nz website (with 15% recording that they had not accessed the site). 75% of those respondents then indicated that they thought the information on the website was easy or very easy for them to understand. However, only 34% thought it was helpful or very helpful. One respondent commented:

“INZ can make a clear guide line under different categories when should make a compliant, how to make a complaint and to whom. Make a clear complaint process to follow”.

*Question: Is the information on complaints on the website helpful to you?*

Answer Options	%
Very unhelpful	4.5%
Somewhat helpful	61.4%
Helpful	31.8%
Very helpful	2.3%

*NB: 44 of the 62 survey respondents answered this question.*

A range of feedback was received in the lawyer/adviser about the matters that could be complained about. One respondent commented that in their experience:

“INZ managers always refuse to consider complaints under CCRP if there is right of appeal or reconsideration available to clients. In my opinion this is incorrect. Although client has the right of appeal or request for reconsideration of an incorrect decision, client still should be able to lodge a complaint under CCRP if there are matters involved not just the incorrect decision but about the unprofessional services provided by individual INZ staff”.

Respondents also commented on the intersection between administrative process complaints and declined decisions. For example:

“The biggest issue we face is that INZ refuses to treat complaints about "process failures" - i.e. that they did not follow their own processes or procedures - as a legitimate ground for a complaint. We consider that this is an unfair practice, given that it is explicitly provided for in the CCRP process. What we find is that INZ refuses to consider complaints about the failure to correctly apply immigration instructions as grounds for a CCRP complaint,

because they view it as a complaint against the decision (where the application has been declined). While of course we are not happy about the outcome, our complaint is about the process that has led to the outcome, not the outcome itself...We think that the CCRP should continue to allow complaints about the failure to follow immigration instructions or processes, but make it clear to INZ that this is a legitimate ground of complaint, and that it is not a complaint against the outcome”.

Immigration lawyers and advisers were asked what they would like to complain about through the CCRP. Their responses are shown below. There was strong support for making complaints about the administrative process and decision making process followed by INZ, along with the treatment received from INZ.

*Question: In your opinion, what would you like to be able to complaint about through the CCRP? You may choose more than one option*

<b>Answer Options</b>	<b>%</b>
INZ’s visa policies	37.7%
a decline decision where there is a right of reconsideration or appeal	47.2%
a decline decision where there is no right of reconsideration or appeal	58.5%
a matter related to liability for deportation	26.4%
a matter related to turnaround at the airport	30.2%
the time taken for a decision	69.8%
the administrative process followed by INZ	75.5%
the decision making process followed by INZ	81.1%
the merits of a decision, for example, about whether a visa is granted or not	54.7%
the way a decision is communicated by INZ	58.5%
the treatment received from INZ	75.5%
the attitude of INZ staff	73.6%

*NB: 53 of the 62 survey respondents answered this question.*

Respondents to the client survey were asked a similar question to immigration lawyers and advisers. There was similarly strong support for the ability to complain about the decision making process, along with decline decisions and the time taken for a decision. The attitude of INZ and the treatment received from INZ also featured. 50% of respondents would also like to be able to complain about the merits of a decision.



*Question: In your opinion, what would you like to be able to complaint about through the CCRP? You may choose more than one option*

<b>Answer Options</b>	<b>%</b>
INZ's visa policies	42.9%
a decline decision where there is a right of reconsideration or appeal	53.8%
a decline decision where there is no right of reconsideration or appeal	55.7%
a matter related to liability for deportation	24.8%
a matter related to turnaround at the airport	20.5%
the time taken for a decision	57.6%
the administrative process followed by INZ	44.3%
the decision making process followed by INZ	63.8%
the merits of a decision, for example, about whether a visa is granted or not	50.0%
the way a decision is communicated by INZ	47.1%
the treatment received from INZ	54.8%
the attitude of INZ staff	60.5%

*NB: 210 of the 297 survey respondents answered this question.*

A client survey respondent commented that, “The CCRP is defined that you can only complain about the service you have received. Given the high error rate of immigration officer, complaints regarding both procedure and decision should be accepted, except for those there is an appeal right [sic]”.

Another recorded that view that:

“Given that there is no right to review a reject decision on visa issuance, the complaints process has little value. The complaint I made was related to the rejection of a visitor visa for a close friend, but was also regarding the attitude of the immigration officer concerned and the treatment given to my friend during the interrogation and rejection process. There was an assumption of some ill-intention or impropriety on the part of the applicant which was inappropriate and distressing. Part of the complaint was subsequently dealt with, but if there is no opportunity to correct the wrong decision, then this decision remains as a blemish on the applicant's immigration record worldwide. This is fundamentally unfair and the complaints process does not address this”.

Client survey responses on their ease of understanding CCRP information on the immigration.govt.nz website and on the helpfulness of this information is broadly consistent with the feedback received from lawyers and advisers. And, as noted in the main body of this report, this feedback indicates there is room for improvement.

Question: Is it easy to understand the information on complaints on the website?

Answer Options	%
Very difficult	7.5%
Difficult	31.3%
Easy	57.5%
Very easy	3.7%

NB: 214 of the 297 survey respondents answered this question.

Question: Is the information on complaints on the website helpful?

Answer Options	%
Very unhelpful	16.9%
Somewhat helpful	51.2%
Helpful	28.6%
Very helpful	3.3%

NB: 213 of the 297 survey respondents answered this question.

The client survey also recorded the following feedback:

“When I looked on INZ website, finding the correct process to make a complaint was beyond difficult and there was no specific advice other than to contact the branch manager...There should be a complaints tab and a guide as to the process in regards to it”.

“It is incredibly difficult to find contact details of Moscow Area manager online and the website suggest that the only way to contact Moscow branch is via post”.

The staff survey found that few managers or staff provide clients with advice on the complaint process. When asked, “*Roughly speaking, how often have you done the following over the past 12 months?*”, responses to the staff survey recorded:

Answer Options	Never	Rarely	Occasionally	Regularly	Frequently
Provided a client or their lawyer or adviser information about Stage Two of the CCRP process?	27	14	16	2	0
Provided the client or their lawyer or adviser information about their right to access the Ombudsman?	37	15	7	0	0

## **High quality and timely responses to complaints**

In the initial issues identification meeting in Wellington, there was discussion over the benefits of centralising complaints management verses enabling complaints to be dealt with in immigration offices. Pros and cons to both approaches were discussed. The concern that in some offices managers would often defend their staff was raised in this context. The feedback was for a “genuine fresh look” or “fresh eyes”.

The feedback from the Auckland issues meeting was more blunt than that of Wellington. One participant commented that they had never had a complaint work well at the branch level.

Respondents to the lawyer/adviser survey provided similar feedback to that received in Wellington and Auckland. For example:

“The current process of a complaint being handled by the manager of the branch where the visa application was handled is not impartial and can never provide a fair outcome. Managers of the branch tend to be on the defensive and always do not try to understand why the complaint was made and in what context”.

Another respondent commented:

“My experience has been that the stage 1 consideration has been defensive and reflexive. Managers responding have felt it necessary to back up their staff, and haven't taken the opportunity to correct mistakes (except in one case I recall). Generally the matter had to go on to a stage 2 complaint. On one occasion a patent and obvious breach of natural justice was still defended by the Area Manager, before being finally being recognised by the Market Manager”.

Responses to the client survey touched on a range of frustrations related to the complainant's engagements with INZ. A number referenced concerns with the fairness and objectivity of the process, and the completeness of the response received. One comment recorded was:

“The response I got from my complaints were not the answer about what I concern which was about the mistake of the officer who took care of my visa application [sic]. I think that it was an action that you just protect your own people”.

Another client commented that, “Immigration NZ should follow their written policy correctly and treat the client fairly rather than trying to back up their own immigration officer”.

There were 37 references to fairness in the free text feedback recorded in the client survey. Some of it touched on the complainant's experience with the decision making process, along with their experience of the complaint process. When asked, “*Do you have any comments you would like to make about the complaints process? For example, how it could be improved in relation to efficiency, fairness, customer service, or learnings?*”, one respondent simply recorded “fairness”.

Clients also recorded feedback about the acknowledgement of their complaints and timeliness of the complaint process. One client commented that, overall, they were happy with the outcome of the complaint process, but the lack of initial acknowledgement of their complaint created stress:

“It seemed a bit difficult to find the contact details of the designated personnels [sic] that dealt with complaints. It also took a long time to get a response. It would make life easier if we received a confirmation email immediately after making a complaint so that we know the email was received. I appreciate INZ handles a lot of cases on a daily basis and they work on a busy schedule. But, being clueless about whether or not my complaint was dealt with made me a bit anxious. Overall, I am satisfied with the whole review process and received a positive outcome. Once I had a response from INZ I felt more at ease”.

Another comment recorded was:

“In the survey questions you ask if a timeframe was provided during the complaints process. It was; however, you do not ask if the timeframe was followed. Both stages of my complaint went well beyond the time indicated and I had to personally re-contact INZ to follow up and hear the resolution to my complaint. Overall the process was not in the least customer-service oriented”.

*Some of the comments related to timeliness recorded in the client survey:*

“Should expect a response on the date given by the person investigating the complaint I had to follow up twice as I did not receive any information regarding the complaint”.

“I made a complaint via email in November 2014 and got a response in February 2015”.

“Time frame for the CCRP must be minimum; it takes months to sort out things at times”.

The lawyer/adviser survey also asked about whether timeframes were given for complaints. The responses to the survey questions are detailed below for stage one and two. There was not much written feedback received on this matter or on the completeness, accuracy and an appropriateness of remedies. In the client survey, the feedback associated with remedies was largely related to the client’s desire for a visa. In some cases, requests were made for the refund of application fees.

*Question: Are you generally given timeframes for a response to your Stage One complaints?*

<b>Answer Options</b>	<b>%</b>
Never	10.7%
Rarely	28.6%
Sometimes	39.3%
Always	21.4%

*NB: 28 of the 62 survey respondents answered this question).*

*Question: Are you generally given a timeframe for a response to your Stage Two complaints?*

<b>Answer Options</b>	<b>%</b>
Never	5.0%
Rarely	25.0%
Sometimes	25.0%
Always	45.0%

*NB: 20 of the 62 survey respondents answered this question.*

One comment recorded in the client survey was that:

“I don’t believe that my complaint and the matters I raised were investigated thoroughly. I felt that the response was quite impersonal and generic which made me feel that there was no real action taken”.

Lawyers and advisers were asked, “In your opinion, are INZ’s responses to your Stage One complaints generally comprehensive? That is, the response deals with all the issues you raised in your complaint”? Their responses are detailed in the table below:

<b>Answer Options</b>	<b>%</b>
Never	24.1%
Rarely	27.6%
Sometimes	37.9%
Always	10.3%

*NB: 29 of the 62 survey respondents answered this question.*

For stage two complaints, the responses recorded to the question were somewhat better:

<b>Answer Options</b>	<b>%</b>
Never	5.0%
Rarely	30.0%
Sometimes	50.0%
Always	15.0%

*NB: 20 of the 62 survey respondents answered this question.*

Lawyers and advisers were also asked, “Do the responses to your Stage One complaints generally provide information on the next steps? That is, how your client may access any remedy or your client’s right to make a Stage Two complaint”.

The responses recorded were:

<b>Answer Options</b>	<b>%</b>
Never	17.2%
Rarely	20.7%
Sometimes	27.6%
Always	24.1%

<b>Answer Options</b>	<b>%</b>
I don't know	10.3%

*NB: 29 of the 62 survey respondents answered this question.*

The response to the same question but for stage two complaints suggests that lawyers and advisers are not regularly advised of their client's right to access the Ombudsman. They are outlined below:

*Question: Do responses to your Stage Two complaints provide you with information on the next steps? That is, how to access and remedy or your client's right to complain to the Office of the Ombudsman*

<b>Answer Options</b>	<b>%</b>
Never	35.0%
Rarely	30.0%
Sometimes	15.0%
Always	10.0%
I don't know	10.0%

*NB: 20 of the 62 survey respondents answered this question.*

Information about access to the Ombudsman may be less important for lawyers and advisers who are likely aware of this right. It may be more important for clients who reported the following in response to the question, "Did INZ's response to your Stage Two complaint provide information on the next steps? That is, information about any remedy or your right to complain to the Office of the Ombudsman?":

<b>Answer Options</b>	<b>%</b>
Yes	19.7%
No	71.2%
I don't remember	7.6%
I don't know	1.5%

*NB: 66 of the 297 survey respondents answered this question.*

## **Appendix 2: What other agencies do**

### **About this appendix**

The Client Complaint Resolution Process (CCRP) review included information gathering from other New Zealand government agencies and immigration agencies in Australia, Canada and the United Kingdom (UK). As with the feedback received from stakeholders, the information gathered was used to inform the findings of the review, and the recommendations in the main body of this report.

The information presented below is structured in a way that follows the structure of the body of the report; the headings match for ease of reference.

### **Complaints, reconsiderations and appeals in other countries**

Australia has merit based appeal rights for residence applicants, onshore asylum claimants and applicants who apply for a temporary entry visa onshore. Offshore temporary visa applications can also be appealed where there is a sponsoring partner or family member in Australia. There are some rights of appeal against deportation decisions. Australia's immigration agency also has a structured complaints process.

In Canada, merit based appeals are limited to residence applicants with a Canadian sponsor and appeals against deportation in some circumstances.

The UK is in the process of introducing new immigration legislation. The legislation will curtail merit based appeals against immigration decisions and, in some cases, enable the removal or deportation of a client before their appeal is heard.

### **Leadership and management of complaints**

#### *Other government agencies*

The Accident Compensation Corporation's (ACC) commitment to the complaints process is being demonstrated through the development of a new *Customer Feedback Framework*. At the time this report was written, the Framework had been approved by the Executive and was being prepared for presentation to the ACC Board for final approval. The Framework will support ACC to action the recommendations contained in a recent Office of the Auditor General (OAG) review of the agency's complaints process in addition to learning and improving from analysis of other types of feedback.<sup>31</sup>

Currently, frontline staff in ACC do not receive specific induction on the agency's complaints process. They do, however, receive significant customer service training. Staff who work with, or in, the Office of the Complaints Investigator (OCI) receive specific induction and training on the agency's complaint process in addition to regular coaching and feedback.

Child, Youth and Family (CYF) has a service commitment that provides the foundation for their approach to managing and resolving complaints.<sup>32</sup> The Manager Service Improvement provides advice, monitors and supports the complaint process and oversees complex complaints. Their Service Improvement Advisers who support the complaint process in the regions are all trained

---

<sup>31</sup> <http://www.oag.govt.nz/2014/acc-complaints/docs/acc-complaints.pdf>, accessed 18 February 2015

<sup>32</sup> <http://www.cyf.govt.nz/about-us/our-service-commitment/index.html>, accessed 26 February 2015

social workers. The national office team managing complaints have all undertaken training in having challenging conversations and dealing with difficult people.

The Police Executive want every staff member to be able to provide advice on their complaint process if “cold called” or “cold questioned”. This goal was part of the agency’s response to the 2007 *Commission of Inquiry into Police Conduct* which made a number of recommendations related to the Police and Independent Police Conduct Authority (IPCA) approach to complaints handling and management.<sup>33</sup>

The Executive have good visibility of significant matters that may be subject of a complaint to the Police or IPCA through a weekly reporting process and a monthly report on all complaints received by districts and type.

Police undertake comprehensive training on managing and handling complaints, and dealing with difficult people. This occurs when at the Royal New Zealand Police College and at other points in the careers of Police Officers.

### *Other immigration agencies*

The Australian Commonwealth Ombudsman remarked in an October 2014 report that:

“...it seems that [Australian government] agencies no longer believe that good client service is a luxury; even though it may not be achieved to a high enough standard enough of the time. Many agencies gave examples of the way in which they used complaint information to improve their business.

Other ways in which agencies fostered a culture that values complaints included regular training for staff, internal communication reinforcing the value of complaints, strong support for senior management and by emphasising complaint processes during the induction of new officers”.<sup>34</sup>

The Department of Immigration and Border Protection (DIBP) described its *Client Feedback Policy* to the Review Team as “strong and proactive”.<sup>35</sup> The agency commented that senior managers are regularly engaged in issues associated with the policy and in demonstrating “to clients and departmental staff that client feedback is important”. The importance of feedback, and an appropriate response to it, was highlighted in an inquiry into the agency’s detention and treatment of an Australian citizen and their response to an inquiry into the matter.<sup>36</sup>

Both Citizenship and Immigration Canada (CIC) and the Canada Border Services Agency (CBSA) report their complaint data to senior management. For example, CIC advised that quarterly reports are prepared for its Business Operation Committee.

In a ‘spot check’ report in 2014, the United Kingdom (UK) Independent Chief Inspector of Borders and Immigration remarked in his foreword:

“I found that the staff in the [UK Visas and Immigration] Customer Service Improvement (CSI) team – who are responsible for dealing with complaints and MP correspondence – were genuinely committed to, and serious about, good customer service. They are now supported by organisational structures and resources which allow them to do their jobs more effectively.

---

<sup>33</sup> <http://www.parliament.nz/resource/0000055162>, accessed 17 February 2015

<sup>34</sup> [http://www.ombudsman.gov.au/files/Complaint\\_Management\\_by\\_Government\\_Agencies\\_Oct\\_2014.pdf](http://www.ombudsman.gov.au/files/Complaint_Management_by_Government_Agencies_Oct_2014.pdf), accessed 17 February 2015

<sup>35</sup> Emailed response to INZ 2 December 2014

<sup>36</sup> [http://www.immi.gov.au/media/publications/department/\\_pdf/palmer-progress-a5-booklet-web.pdf](http://www.immi.gov.au/media/publications/department/_pdf/palmer-progress-a5-booklet-web.pdf), accessed 24 February 2015



I was also impressed by the determination that the CSI Director has shown in improving complaints handling. Not only had my recommendations [in my July 2010 report] been acted upon, but it was apparent that considerable thought had gone into how to continue to improve the process beyond the findings of my report”.<sup>37</sup>

A *Complaints Management Guidance* document provides UK Visas and Immigration staff guidance on triaging, managing, escalating, and learning lessons from complaints. The document, currently 97 pages long, is regularly reviewed and updated; the Review Team was able to access versions 5 and 7.<sup>38</sup> The extent of specific staff training around this document is not known. However, at the beginning of the document it states:

“Dealing with complaints effectively and efficiently is a core element of our service to our customers. Complaints provide essential feedback so that we can learn lessons, improve our service and provide the opportunity to put things right. We should not be defensive about complaints but should use them as an opportunity to listen, learn and improve.”

## **Reporting on and analysing complaints**

### *Other government agencies*

All formal complaints to ACC are registered and tracked in an Information Technology (IT) system. The system is not as sophisticated as the agency would like but provides a foundation for complaint management, recording, reporting and analysis. This includes the outcomes from the “Post Resolution Follow Up” (PRFU) contact with clients where a complaint has been dealt with at a local office, and it will include outcomes from the recently introduced “Post Investigation Follow Up” (PIFU) where a complaint was escalated to the OCI. ACC advise that analysis of data specific to PRFU and PIFU is limited but will improve when the *Customer Feedback Framework* is fully implemented.

ACC produces monthly reports that contain analysis of complaints including geographical location, trends, causation links and types of Code of Claimants’ Rights breached. The implementation of the *Customer Feedback Framework* is intended to enable the agency to better learn from complaints and make improvements to its services as a result.

CYF also has a custom-built complaints database that enables complaint information to be recorded and tracked by staff, and that enables management reports to be generated. Complainant details and complaints are entered into the database, along with any files and records associated with each complaint.

When a CYF Service Improvement Adviser concludes a complaint, they may make recommendations. The recommendations may relate to individual staff or may relate to the ways in which the implementation of policies or procedures can be improved at a local level. Otherwise, CYF advises that some analysis is undertaken on complaints, but this does not necessarily connect with service improvement goals or initiatives across the organisation.

The Police “Praise and Complaint” webpage states, “Your feedback about Police is welcome and important. Receiving feedback helps Police improve both the quality of service we provide and the

---

<sup>37</sup> <http://icinspector.independent.gov.uk/wp-content/uploads/2014/04/Spot-Check-Visits-Spring-2014.pdf>, accessed 23 February 2015

<sup>38</sup> The May 2012 version (version 5) is at <https://www.whatdotheyknow.com/request/211398/response/537623/attach/3/Complaints%20procedure%20version%205%20for%20external%20use.pdf>, accessed 14 February 2015. The February 2015 version (version 7) is at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/404202/complaint\\_management\\_guidance\\_version\\_7.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/404202/complaint_management_guidance_version_7.pdf)

conduct of individual Police employees”.<sup>39</sup> The agency uses an Excel spreadsheet to record and track expressions of praise or dis-satisfaction.

Weekly totals of this online feedback are included in a report to the New Zealand Police (Police) Executive. Formal complaints are tracked using a sophisticated IT system that is common to law enforcement agencies. The system includes clear definitions and codes against which to record complaints, to enable systematic reporting and analysis. The analysis includes a “3P” approach to identify “policy”, “procedure” and “people” issues that may need to be addressed as a result of a complaint.

Police have also advised that the IPCA is conducting an independent complainant satisfaction survey. The authority also regularly reports on complaints in its annual report.<sup>40</sup>

### *Other immigration agencies*

In Australia, the DIBP Global Feedback Unit (GFU) is responsible for the recording of complaints, using a standalone IT system called “Resolve”; the use of the system enables reporting and analysis of complaints, and of other feedback that is received. Resolve can breakdown complaints and other feedback:

“...by Section, Branch and Division; by feedback types, complaint, compliment, suggestion, dob-in and general enquiry; issues being raised by the client; the service channel being used; and a measure against service standard performance”.<sup>41</sup>

The DIBP analyses the complaint and feedback data at both the local and national level. At the local level, each service centre’s Client Liaison Officer has responsibility for providing regular reporting and developing recommendations for business improvement as a result of client feedback. At the national level, DIBP produces monthly reports to its Executive and senior officers, quarterly reports to the Values and Standards Committee, and trend analysis. It also includes complaint data and data on the performance of the complaints system in its annual report.<sup>42</sup>

Although INZ was not advised about the mechanisms the DIBP uses to implement service improvements, the agency’s 2013-2014 annual report states that the data enables it to “identify systemic issues, trends and service shortfalls, and overcome impediments to achieving good client service outcomes within service standards.”<sup>43</sup>

In Canada, the CIC’s online complaint form allows for a certain amount of automatic gradation to occur for recording and analysis purposes. The simpler CBSA form does not allow for this. However, both CIC and CBSA advise that they enter complaint data into Excel spreadsheets and that it is analysed to identify trends or systemic issues, with a view toward recommending service improvements, such as in policy, performance, or training. Feedback is provided to the relevant local office/s, and wider trends are reported on at a higher level; for example, CIC advised that quarterly reports are prepared for its Business Operation Committee.

The Review Team could not locate complaints data or analysis in the CIC’s or CBSA’s annual reports to the Canadian parliament. However, CBSA’s Recourse Program is described in the 2013-2014 Departmental Performance Report. The report suggests that a significant amount of analysis has taken place to identify problematic issues.<sup>44</sup> Examples of performance improvement initiatives

---

<sup>39</sup> <http://www.police.govt.nz/contact-us/praise-and-complain>, accessed 26 February 2015

<sup>40</sup> <http://www.ipca.govt.nz/Site/complaints/Complaints-data.aspx>, accessed 18 February 2015

<sup>41</sup> DIBP emailed response to INZ’s request, 2 December 2014

<sup>42</sup> <http://www.immi.gov.au/about/reports/annual/2013-14/pdf/2013-14-annual-report.pdf>, accessed 15 February 2015

<sup>43</sup> <http://www.immi.gov.au/about/reports/annual/2013-14/pdf/2013-14-annual-report.pdf>, accessed 15 February 2015

<sup>44</sup> <http://www.cbsa-asfc.gc.ca/agency-agence/reports-rapports/dpr-rmr/2013-2014/report-rapport-eng.html>, accessed 15 February 2015

which have arisen from this analysis include the development of service level agreements with internal stakeholders and the implementation of service standards for clients.

UK Visas and Immigration records complaints on its Complaints Management System (CMS). Though not advised specifically in the response to INZ's information request or in its complaints policy, the Review team presumes that the data on CMS forms the basis of lessons learned. The complaints policy makes reference to the fact that "complaints may indicate areas of risk for the business or areas where they can...make improvements...". The Assistant Director, Hub Responder Lead North East, Yorkshire and the Humber advised INZ in an email:

"We have a customer survey - the results are analysed by the Customer Service Operations directorate. This information is cascaded for consideration at national/hub level. I am also the national complaints lead and look at trends and areas of concern so we can look at areas where improvements are required.

I am responsible for the relationship between us and PHSO [Parliamentary and Health Service Ombudsman] therefore I am able to see where issues have arisen and look at working with those areas to make improvements to avoid similar problems happening in the future."<sup>45</sup>

Some UK complaints data is also publicly available; UK Visas and Immigration's *Publications: transparency data* webpage includes links to quarterly *Customer service operations data*.<sup>46</sup> The data is presented in Excel spreadsheets which contain statistics on the number of complaints about minor misconduct, serious misconduct and service, and on what percentage of those complaints were responded to according to timeliness standards.<sup>47</sup>

## **A clear definition of complaint and an accessible process**

### *Other government agencies*

ACC, CYF and Police all distinguish between expressions of concern, formal complaints and review or appeals that challenge the merits of agency decision making in any individual case. Expressions of concern or dis-satisfaction are largely dealt with at a local level. Matters that can be complained about are defined. And, clients are guided into review or appeal processes (which may be in the courts) as appropriate.

Any client who is unhappy with ACC's service or feels their rights under the ACC Code of Claimants' Rights (the Code) have been breached can make a complaint.<sup>48</sup> The Code is a legislative instrument that sets service delivery standards for ACC.

ACC is currently working to implement a Customer Feedback Framework that supports the Code. It is hoped that the Framework will drive improvements to the complaints process and address the recommendations of a recent OAG review into the complaint process.<sup>49</sup>

---

<sup>45</sup> Email to INZ, 28 February 2015

<sup>46</sup> [https://www.gov.uk/government/publications?departments%5B%5D=uk-visas-and-immigration&publication\\_type=transparency-data](https://www.gov.uk/government/publications?departments%5B%5D=uk-visas-and-immigration&publication_type=transparency-data), accessed 15 February 2015

<sup>47</sup> For example, <https://www.gov.uk/government/publications/customer-service-operations-data-november-2014>, accessed 15 February 2015

<sup>48</sup> <http://www.acc.co.nz/making-a-claim/what-if-i-have-problems-with-a-claim/ECI0046>, accessed 9 February 2015

<sup>49</sup> <http://www.oag.govt.nz/2014/acc-complaints>, accessed 17 February 2015

ACC has information about how to make a complaint in all of its offices. Paper-based pamphlets are available in multiple languages and complaint information is available in 39 languages using a translation service.

The website – [acc.co.nz](http://acc.co.nz) – does not have a link to information on the complaint process on the front page. The agency’s information on how to make a complaint is ninth in the list of search results when “complaint” is entered into the search box. It is the first result when “make a complaint” is entered. The website provides information on how to make a complaint and a downloadable complaint form.<sup>50</sup> It also provides contact details for the Office of the Privacy Commissioner, Ombudsman and the Health and Disability Commissioner.

CYF has a feedback and complaint pamphlet available at all its offices. The pamphlet contains an abridged version of the agency’s service promise which is prominently displayed. The website [cyf.govt.nz](http://cyf.govt.nz) states, “If you're not happy with the service you have received, we'd like to know about it so we can put it right for you and learn from it”.<sup>51</sup> The website also contains a high level diagram of the complaints processes.

The CYF website provides advice about how to escalate complaints, along with contact information for the Social Workers Registration Board, Office of the Children’s Commissioner and Ombudsman. The public information is supported by detailed internal policy and process documents for staff including CYF’s regional Service Improvement Advisers and national office complaints management team. Internal documents define a complaint as “an expression of dissatisfaction with the organisation’s policies, procedures, employees or quality of service provided”.<sup>52</sup>

Clients can submit an expression of dis-satisfaction if they are unhappy about the service received from Police and they would like an explanation and their concerns followed up but don’t want to make a formal complaint.<sup>53</sup> A formal complaint process covers:

- the misconduct or neglect of duty by a Police employee
- a policy, procedure or practice of New Zealand Police
- the standard of service received.<sup>54</sup>

The formal complaint process used by Police is highly structured and documented in detail. It is guided by the agency’s Memorandum of Understanding with the IPCA and by the Independent Police Conduct Authority Act 1988.

Police have their Commitment to Service prominently displayed in police offices and stations. They also have a link to their praise and complaint page on the front page of the [police.govt.nz](http://police.govt.nz) website. The process advises people of when to complain and information about expressing dis-satisfaction or making a formal complaint. There are online forms for both options, along with advice on how to contact the IPCA. All the information is available in 12 other languages.

Police have 40 Facebook accounts, 7 twitter accounts, one Instagram and one Snapchat account. The agency does not encourage people to share service feedback via these channels but would ensure people's feedback reached the right person if something did come through.

ACC, CYF and Police all engage with clients who are heavily invested in the service delivery and decision making of their agency. Regardless, none of these agencies has a specific policy for

---

<sup>50</sup> <http://www.acc.co.nz/making-a-claim/what-if-i-have-problems-with-a-claim/ECI0046>, accessed 9 February 2015

<sup>51</sup> <http://www.cyf.govt.nz/about-us/our-service-commitment/index.html#Howtomakeacomplaint2>, accessed 17 February 2015

<sup>52</sup> Information shared with the Review Team.

<sup>53</sup> <http://www.police.govt.nz/contact-us/praise-and-complain>, accessed 17 February 2015

<sup>54</sup> <http://www.police.govt.nz/contact-us/praise-and-complain>, accessed 17 February 2015

managing unreasonable complainant conduct or dealing with difficult complainants. ACC uses the Ombudsman guide *Managing Unreasonable Complainant Conduct*.<sup>55</sup> CYF staff can access ministry guidelines on dealing with difficult or abusive clients and their social worker staff have received training in this area; Police because officers undertake comprehensive training when at the police academy and at other points in their careers.

### *Other immigration agencies*

The Australian DIBP has clear and detailed information about its complaint process available in its *Client Feedback Policy*.<sup>56</sup> The policy defines a complaint as:

“an expression of dissatisfaction made to DIAC, related to its products (including services), or the complaints-handling process itself, where a response or resolution is explicitly or implicitly expected”.<sup>57</sup>

Complaints to DIBP can be about:

- service standards
- simple and efficient processes
- accessibility of client service
- clear and correct information
- personal information (relating to privacy legislation)
- fees/charges/payments
- staff attitude
- staff identification
- agents, and
- government policy.<sup>58</sup>

The DIBP policy explicitly excludes complaints about decisions where an external review or appeal mechanism already exists. It explains:

“If a client disagrees with a decision that has a formal avenue of appeal or review, information about the appeal or review process will be provided to the client...If a disagreement includes a complaint about the service provided by the department during its decision-making, the complaint will be responded to, unless the client does not require a response”.<sup>59</sup>

DIBP has information pamphlets on how to provide feedback (including complaints) in each of its offices and at many airports.<sup>60</sup> Its [immigration.gov.au](http://www.immi.gov.au) website does not include a link to the complaints process and the process does not show up in the first page of search results when “complaint” or “make a complaint” is entered; the pathway to the complaints webpage and process is through the

---

<sup>55</sup> <http://www.ombudsman.parliament.nz/resources-and-publications/documents/managing-unreasonable-complainant-conduct-short-guide>, accessed 18 February 2014

<sup>56</sup> [http://www.immi.gov.au/contacts/forms/services/\\_pdf/client-feedback-policy.pdf](http://www.immi.gov.au/contacts/forms/services/_pdf/client-feedback-policy.pdf), accessed 17 February 2015

<sup>57</sup> The policy was written in 2012, before DIAC (Department of Immigration and Citizenship) was replaced by DIBP in September 2013

<sup>58</sup> <http://www.immi.gov.au/contacts/forms/services/services-form.htm>, accessed 17 February 2015

<sup>59</sup> [http://www.immi.gov.au/contacts/forms/services/\\_pdf/client-feedback-policy.pdf](http://www.immi.gov.au/contacts/forms/services/_pdf/client-feedback-policy.pdf), accessed 17 February 2015

<sup>60</sup> <http://www.immi.gov.au/about/reports/annual/2013-14/pdf/2013-14-annual-report.pdf>, accessed 15 February 2015

‘feedback’ button on the ‘Contact Us’ page.<sup>61</sup> The information on the feedback page describes the various channels available for clients to make a compliment, suggestion or complaint.

The DIBP offers translation services as well as assistance for those with hearing difficulties and the website links to a page with complaint information in other languages. The page was broken when accessed by the Review Team and an error message was received.<sup>62</sup>

CIC advised INZ that their client complaint process is relatively new. The Review Team was not able to access detailed information about the process but the online information available states that complaints cannot be requests for re-consideration and suggests that complaints can be about:

- processing times
- services
- fees/refunds
- online tools, and
- policy/legislation.<sup>63</sup>

The CBSA, which manages the flow of people across the border, provided very little detail about what clients can complain about. However, all the online information has an emphasis on service delivery.<sup>64</sup>

In response to INZ’s question about how clients made a complaint, Canadian authorities primarily referenced their websites, so it is unclear if hard copy complaint information is provided at the relevant offices. However, CIC have advised INZ that clients provide feedback via calls to CIC’s call centre, letters to the Minister and directly to local immigration offices.<sup>65</sup>

The [cic.gc.ca](http://cic.gc.ca) website does not have a link to the complaint process on the front page. The link does not come up in the first page of search results when “complaint” or “make a complaint” is entered. It is accessed by selecting the ‘enquiries’ button at the bottom of the home page, the selecting the ‘Submit your feedback about CIC services’.<sup>66</sup>

The feedback webpage for CBSA is also not accessible from the front page of its [cbsa-asfc.gc.ca](http://cbsa-asfc.gc.ca) website. It is, however, the first result when “complaint” is entered as the search term. The complaints information on the website contains little detail about what to complain about although an online feedback form is accessible.<sup>67</sup>

The UK Visas and Immigration Service has a detailed internal policy and procedure for complaint management which can be found online. It also provides publicly available information on how to complain.<sup>68</sup> The policy defines a complaint as:

“Any expression of dissatisfaction that needs a response about the service we provide, or our about the professional conduct of our staff / contractors.”

---

<sup>61</sup> <http://www.immi.gov.au/contacts/forms/services/services-form.htm>, accessed 11 February 2015

<sup>62</sup> <http://www.immi.gov.au/Error/Pages/404.aspx>, accessed 13 February 2015

<sup>63</sup> <http://www.cic.gc.ca/english/contacts/index.asp>, 11 February 2015

<sup>64</sup> <http://www.cbsa-asfc.gc.ca/contact/com-eng.html> and <http://www.cbsa-asfc.gc.ca/contact/feedback-retroaction-eng.html>, accessed 13 February 2015

<sup>65</sup> Email from CIC received 9 December 2014

<sup>66</sup> <http://www.cic.gc.ca/english/contacts/index.asp>, 11 February 2015

<sup>67</sup> <http://www.cbsa-asfc.gc.ca/contact/com-eng.html> and <http://www.cbsa-asfc.gc.ca/contact/feedback-retroaction-eng.html>, accessed 13 February 2015

<sup>68</sup> <https://www.gov.uk/government/organisations/uk-visas-and-immigration/about/complaints-procedure#complaints-procedure>, accessed 17 February 2015

The policy further distinguishes between ‘service complaints’, ‘minor misconduct complaints’ and ‘serious/gross misconduct complaints’. Examples of service complaints include delay, lost documents, or operational policies behind the service provided. Minor misconduct is “usually to do with isolated instances of rudeness...”<sup>69</sup>

The UK Visas and Immigration Service website does not clearly define matters that can be the subject of a complaint, but the complaint form states that the complaint process is not for clients unhappy with a visa, entry or deportation decision.<sup>70</sup> It also states that complaints received over three months after the incident being complained about will only be considered if there is good reason for the delay. The Assistant Director, Hub Responder Lead NEYH/SNI commented to INZ that the complaints process “is clear and publicised about what is considered to be a complaint so there is no ambiguity.”<sup>71</sup>

The UK Visas and Immigration website is hard to access without a correct Google search (of “United Kingdom immigration”). The complaints process information can, however, then be accessed from the front page.<sup>72</sup> A search for “immigration United Kingdom” takes the user to a different webpage where the complaints process is not visible at all.<sup>73</sup>

The webpage relating to the complaints procedure includes information on how a complaint will be handled and the next steps if a client is not satisfied with the complaint process.

The Assistant Director advised that besides the website, the complaints process information is available via posters and leaflets in UK Visas and Immigration Service public facing offices.

## **High quality and timely responses to complaints**

### *Other government agencies*

As noted above, ACC, along with CYF and Police, all have a focus on dealing with concerns “on the spot” and with complaints at a local level where possible. They all have a ‘service recovery’ approach with a goal to ensure that local offices and officials can rebuild and maintain relationships with a client. However, all these agencies have a centralised team that receives and reviews formal complaints to ensure a response at the most appropriate level depending on the seriousness of the complaint.

ACC has a team of Customer Support Service officers who are a first point of contact for complainants. They receive and triage all formal complaints in order to ensure that the matter:

- can be dealt with through the complaint process
- is clear, in that ACC has understood the complaint correctly
- is dealt with at the right level in the organisation.

Customer Support Service officers work with the ACC OCI. Where the officer cannot successfully facilitate the resolution of a complaint, the complaint can be escalated to the OCI for formal

---

<sup>69</sup>

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/404202/complaint\\_management\\_guidance\\_version\\_7.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/404202/complaint_management_guidance_version_7.pdf), page 12

<sup>70</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/403577/ukvi\\_complaints\\_form.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/403577/ukvi_complaints_form.pdf), accessed 13 February 2015

<sup>71</sup> Email to INZ 28 February 2015

<sup>72</sup> <https://www.gov.uk/government/organisations/uk-visas-and-immigration/about/complaints-procedure>, accessed 13 February 2015

<sup>73</sup> <https://www.gov.uk/browse/visas-immigration>, accessed 13 February 2015

investigation under the Code. A client can also ask that the complaint be investigated by the OCI at any time in the process.

In ACC, Customer Support Service officers will contact a complainant within one day of receiving their complaint. They will try to resolve complaints within four working days or an agreed additional timeframe.

Customer Support Service officers and the OCI can provide assistance to managers and staff where complaints have been directed to a local office for a response. The OCI routinely peer reviews complaint responses for quality, accuracy, critical thinking and robustness of the decision consistent with the agency's Code obligations. Within the OCI, randomly selected completed investigations are internally reviewed by management as part of a quality assurance performance objective.

Any decision issued by the OCI as a result of a complaint investigation will explain what, if applicable, remedy is either directed or recommended. The Business Unit responsible for implementing the remedy then has seven days to do so. A remedy usually applies where a complaint, or an aspect of it, has been upheld in the client's favour. In addition, if ACC identifies a cover or entitlement issue as a result of a complaint or investigation into a service or Code complaint, that matter will also seek to be addressed or recommendations made to assist with addressing it. Cover and entitlement issues can also be escalated to an independent review and/or appeal process.

The CYF complaints process includes the triaging of all complaints received. Complaints are logged in an online system that is available to designated staff. The site and the regional service improvement advisor will work together to assess complaints as to whether they are "low", "medium" or "high" intensity. Complaints will be handled at different levels in CYF depending on their intensity level. A complaint is dealt with by a site supervisor or site manager if it is low-level.

CYF has a series of regional Service Improvement Advisors who deal with medium level complaints. Where a complaint is assessed as high level, it will be coordinated by central office and overseen by the Manager, Service Improvement. It will be prepared for sign off by a Regional Director.

When a complaint is made to CYF, it is acknowledged by the office where it is received. There is a standard of 5 days for acknowledging a complaint, 10 days for resolving a low intensity complaint and 30 days for responding to medium and high intensity complaints.

In all cases, complaints to CYF are dealt with under the service promise which is accessible on the front page of the [cyf.govt.nz](http://cyf.govt.nz) website. The promise includes an obligation to respect client privacy. If a complainant is not satisfied with the handling of a complaint by CYF, they can escalate their complaint to the Ministry of Social Development Chief Executive panel review process.

Online expressions of dis-satisfaction and all online complaints about Police are directed to a central point in central office. This enables expressions of dis-satisfaction to be logged and tracked. It also enables the seriousness of the complaint to be assessed.

All complaints to Police are given categories. All categories are notified to the IPCA and the most serious categories are referred to the authority for independent investigation. Complaints that are notified to, or investigated by, the IPCA go through a prescribed process of review to ensure that the response and the remedy are appropriate. In some cases, a remedy may be an apology and may include an admission of poor service. At the extreme end, a complaint may result in disciplinary or prosecution action against an officer.

Clients who make a complaint to the Police using an online mechanism receive an automatic acknowledgement of their complaint that says:



“Thank you for taking the time to tell us why our service failed to meet your expectations. We will pass your comments onto the appropriate person who may contact you. The information you provided will be assessed and steps taken to address your feedback”.

Police aim to respond to every praise and expression of dissatisfaction, however, they do not have set timeframes for doing so. The timeframes for responding to the different categories of formal complaint include:

- category 1 = 90 days
- category 2 = 90 days
- category 3 and 4 = 60 days
- category 5 = 45 days.

### *Other government agencies*

In Australia, the approach taken by the DIBP:

“... supports the principle of first contact resolution. This means that any departmental officer who has client contact can attempt to resolve the feedback received directly with the client, regardless of their level of seniority. If the feedback is unable to be resolved at the first point of contact, it will be referred to the Global Feedback Unit...”

...The Global Feedback Unit is the department’s centralised team responsible for complaint handling operations. The role of the GFU is to receive a complaint, conduct analysis and refer to the relevant business area for response when a response is necessary...The GFU generally does not respond directly to complaints. Rather, the GFU case manages feedback until the feedback is resolved by the relevant business area”.<sup>74</sup>

In Australia, sensitive or high profile complaints, and unreasonable complainants, are referred by the relevant business manager to the National Client Liaison Officer (NCLO). The GFU can also refer cases to the NCLO where the client is not satisfied with their initial response.

The DIPB also has Complaints Liaison Officers (CLO) at each of their visa service centres. CLO’s have responsibility for responding to service centre complaints. INZ did not enquire as to whether that meant that managers and staff relied on the CLO to draft responses, or if they provided the “second check” or “peer review”. Regardless, a key component of the process is ensuring that the complainant acknowledges the outcome of a complaint and is satisfied with the remedy.

A complainant should receive an acknowledgement of their complaint within one working day and the DIBP aims for a response to be provided in 10 working days. The publicly available *Client Feedback Policy* shows that the internal standard is for 90% of responses to meet the timeliness target.

The DIPB *Client Feedback Policy* webpage includes advice about what a client can do if they are not happy with DIBP’s initial response.<sup>75</sup> The options are that the client can again contact the GFU, or complain to the Commonwealth Ombudsman or a Member of Parliament.

The Review Team understands that written and online complaints to the Canadian CBSA are centrally managed. The CBSA advised that their complaints process is accessible and impartial; the client is contacted within 14 days by the appropriate local office manager to discuss the matter. The

---

<sup>74</sup> Emailed response to INZ 2 December 2014

<sup>75</sup> <http://www.immi.gov.au/Help/Pages/feedback.aspx>, accessed 12 February 2015

agency states that complaints “will be handled in an efficient, professional and impartial manner” and “will be shared with the appropriate manager or supervisor who will discuss it with the employee(s) concerned and a review will ensue”.<sup>76</sup> It is understood that a manager will attempt to personally call the client to discuss the matter with a view towards potential resolution during the conversation. If the matter cannot be resolved at that point, a written response will be provided within 40 calendar days of initial receipt of the complaint.

No information is found on the Canadian websites about what a client should do if they are not happy with a complaint response. CBSA advised INZ that a client can write back to the CBSA, the Minister of Public Safety, or to oversight bodies such as the Canadian Human Rights Commission.

The complaint management functions of the various groups within UK Visas and Immigration are described in the *Complaints Management Guidance* document for staff with Customer Service Operations having overall high level responsibility for complaints management and Nominated Responsible Owners as the single point of contact in the local offices that ensure that complaints are dealt with within time and that responses are full and accurate.<sup>77</sup> The aim of the process is to provide a full response to a complaint within 20 working days, or longer if the matter is more complex. In these cases, the customer is advised of a longer timeframe.

The UK policy stipulates that all written responses must be reviewed by a workflow manager. A copy of the response and confirmation of who quality assured it must be recorded. If these steps are not followed, the case will show as not meeting the service standard target.<sup>78</sup>

INZ were advised that:

“The fact we have specific responder hubs who are dedicated to dealing with complaints ensures our customer concerns are treated seriously and impartiality is also key as we are removed from the operational business areas.”<sup>79</sup>

According to the UK Visas and Immigration complaint webpage<sup>80</sup>, if a complainant is not satisfied with the initial complaint response, they can ask for the matter to be reviewed and the findings will be advised within 20 working days. The website advises of a third stage process, whereby a client can ask a Member of Parliament to raise the matter with the Parliamentary Ombudsman.

INZ did not ask about what sorts of remedies are offered if a complaint is upheld. Of interest, the DIBP’s complaints webpage contains substantial information about making claims for financial compensation. The relevant Canadian webpages do not describe what if any compensation might be available, while the UK’s page advises that financial compensation may be payable in certain circumstances. Chapter 12 of UK Visas and Immigrations’ Complaints Management Guidance (which is publicly available through a link on its complaint webpage) discusses financial compensation at length, including a number of case examples.

---

<sup>76</sup> Emailed response to INZ 9 December 2014

<sup>77</sup> <https://www.whatdotheyknow.com/request/211398/response/537623/attach/3/Complaints%20procedure%20version%205%20for%20external%20use.pdf>, accessed 15 February 2015

<sup>78</sup> <https://www.gov.uk/government/publications/complaints-management-guidance-version-7>, accessed 16 March 2015

<sup>79</sup> Email to INZ 28 February 2015

<sup>80</sup> <https://www.gov.uk/government/organisations/uk-visas-and-immigration/about/complaints-procedure>, accessed 16 March 2015

## **Appendix 3: Current standardised INZ job roles**

Contact Centre Adviser

Immigration Officer

Immigration Manager

Assistant Area Manager

Area Manager

Market Manager

Assistant General Manager

General Manager

Team Leader

Technical Adviser

Support Officer

Privacy Officer

Compliance Officer

## Appendix 4: Glossary and abbreviations

Term	In full / meaning
2009 Act	Immigration Act 2009
ACC	Accident Compensation Corporation
AMS	Application Management System
Branch	A “branch” is a policy or delivery arm within a “group” in the Ministry of Business, Innovation and Employment (MBIE). Immigration New Zealand has a number of branches that deliver immigration services
CBSA	Canada Border Services Agency
CCRP	Client Complaint Resolution Process
CIC	Citizenship and Immigration Canada
CLO	Complaints Liaison Officer
CYF	Child, Youth and Family
DCE	Deputy Chief Executive
DIPB	Australian Department of Immigration and Border Protection
GFU	Global Feedback Unit
Group	A “group” is a policy or operational delivery arm of the Ministry of Business, Innovation and Employment (MBIE). Immigration New Zealand is a group with MBIE.
INZ	Immigration New Zealand
IPCA	Independent Police Conduct Authority
JD	Job Description
MBIE	Ministry of Business, Innovation and Employment
NCLO	National Complaints Liaison Officer
NZAIP	New Zealand Association of Immigration Professionals
NZAMI	New Zealand Association for Migration and Investment
NZFMC	New Zealand Federation of Multicultural Councils
NZLS	New Zealand Law Society
OAG	Office of the Auditor General
OCI	Office of the Complaints Investigator

<b>Term</b>	<b>In full / meaning</b>
Ombudsman	Office of the Ombudsman
PIFU	Post Investigation Follow Up
Police	New Zealand Police
PRFU	Post Resolution Follow Up
The Code	Accident Compensation Corporation Code of Claimants' Rights
The guide	Office of the Ombudsman <i>Effective Complaint Handling</i> guide
ToR	Terms of Reference
UK	United Kingdom
VAC	Visa Application Centre