

NEW NZRAB SERVICE CONCERN PROCEDURES

Dear architect

As of tomorrow (10 January 2020), the NZRAB complaints procedures will have changed, and we thought it would be good for architects to know about this.

Going forward, when a member of the public raises a concern about their architect or the service provided, a new procedure will apply for dealing with this.

We now have available a pool of senior architects, one of which will be assigned to the matter to see if a solution can be found between the concerned person and the architect. This will involve our senior architect talking to the person with the concern and the architect to try to understand what has led to the problem and whether an amicable solution is possible.

If a solution is NOT found, then the member of the public will have the choice of either letting the matter go, or to laying a formal complaint, or raising a competence concern about the architect in general. And of course, if the person insists on laying a complaint, they can do so at any time.

Our formal complaints procedures are also changing.

When a formal complaint is laid, as at present it will be investigated. What is new is that the Panel (one lay person and two architects) that conducts the investigation will have a new delegated authority to find fault. This contrasts with the previous arrangements where an investigation had to be followed by a formal disciplinary hearing if the investigation had determined that there was a case to answer.

The Panel's new procedures will be inquisitorial, as opposed to adversarial, so the Panel will review the complaint and the architect's response, and in most cases interview the parties, and then come to a view.

This should make the process less heavy-handed and expensive.

Also, if the architect is found to be at fault by the Investigating Panel, the architect will NOT be charged costs. This is important, because previously architects found to be at fault regarding relatively minor matters then faced substantial costs, reflecting the cost of conducting formal adversarial disciplinary hearings.

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An architect found to be at fault by an Investigating Panel will however have the option of then insisting that the matter be placed before a formal Disciplinary Hearing with sworn evidence tested by counsel and all the other checks, balances and risks, including being charged 100 per cent of costs if found to be at fault.

Our hope is that from now on formal Disciplinary Hearings will be very rare, so that in most cases complaints will be dealt with via a relatively inexpensive and timelier one-stop-shop procedure. This makes sense in that almost all the complaints we have ever received have been about residential projects where mistakes may have been made, but there hasn't been a risk to public safety, or gross negligence, or deliberately unethical or abhorrent behaviour.

We think these new procedures will better match these realities and be fairer and more constructive for everyone.

You can access more on this at <https://www.nzrab.nz/c/Service-Concerns>.

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