

Fire and Emergency New Zealand Dispute Resolution Scheme

# Better Together

ANNUAL REPORT | PŪRONGO Ā-TAU

June 2024 | Hune 2024



INDEPENDENT  
COMPLAINT AND  
REVIEW AUTHORITY

Te Umanga Arotake Amuamu Motuhake

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## Foreword | He tīmitanga kōrero



We are pleased to present this annual report to Fire and Emergency New Zealand on the delivery of the Fire and Emergency New Zealand Dispute Resolution Scheme (the **Scheme**) under subpart 5 of Part 4 of the Fire and Emergency New Zealand Act 2017. The Independent Complaint and Review Authority | Te Umanga Arotake Amuamu Motuhake (**ICRA**) is privileged to have the responsibility of administering the Scheme. ICRA is a part of The ADR Centre, a leading nationwide provider of dispute resolution and conflict management services, and is external to and independent of Fire and Emergency New Zealand.

This year was one of change, with the establishment of Speak Safe to replace Fire and Emergency New Zealand's Behaviour and Conduct Office (**BCO**). Nonetheless, the Scheme continues to provide mediation, facilitation and adjudication services for Fire and Emergency volunteers and members of the public, at no cost to the applicant. If a volunteer or member of the public has lodged a complaint with Fire and Emergency and are not happy with the outcome, or believe the complaints process is taking too long, they can apply to the Scheme.

A key challenge remains low awareness of the Scheme and its role and functions, a matter noted in the independent review findings released during the year. We look forward to continuing to work with Fire and Emergency to ensure that the Scheme is accessible, and that volunteers and members of the public are aware of their right to the fair and responsive dispute resolution services offered.

Ngā mihi,  
**Willem van Gent** Head of Commercial,  
Compliance and Complaints

## ABOUT US

We provide independent complaint management and review services to individuals, businesses and Government across a wide variety of sectors.

The Independent Complaint and Review Authority (ICRA) is a part of The ADR Centre and was established as a specialist delivery service for:

- independent and impartial reviews of, and appeals against, decisions and determinations made by public and private sector organisations and government bodies in the exercise of their statutory powers and duties; and
- independent and impartial review and auditing of intra-organisational and extra-organisational B2B and B2C complaints processes, procedures and outcomes.

# Year in Review

## Applications to access the Scheme

As noted above, any potential applicant to the Scheme is required to first access the Fire and Emergency New Zealand internal complaint management process before any application to the Scheme administered by ICRA may be made (or accepted).

In the period 1 July 2023 to 30 June 2024, only ten applications for dispute resolution were received. Nine applications were received from Fire and Emergency volunteers, while one application was received from a member of the public.

Eight of these applications were accepted by the Scheme Administrator. Two applications were refused. One application was refused because the complaint was in relation to a private matter. The other application was refused due to the applicant's failure to provide further information by the date requested.

## APPLICATIONS TO ACCESS THE SCHEME

Year	Initiated by volunteer	Initiated by member of the public	Total
Applications received	9	1	10
Applications accepted	8	0	8
Applications rejected	1	1	2

## Year in Review

### Process selection

Under rule 20 of Fire and Emergency New Zealand Dispute Resolution Scheme Rules 2020 (the **Scheme Rules**), the applicant can select their preferred dispute resolution process option. They can choose from facilitation, mediation or adjudication (including fast-track adjudication where the resolution of a matter is time-critical).

Mediation and facilitation are less formal processes. Our mediators and facilitators are skilled, experienced, impartial, and independent professionals. They are not an adviser or advocate for anyone involved in the dispute. They are there to manage the negotiation process and guide and assist the parties without giving advice, expressing opinions or making decisions. They will help the parties to identify and explore issues to be resolved and options for resolution, but ultimately the power to settle the dispute, and on what terms is in the parties' hands.

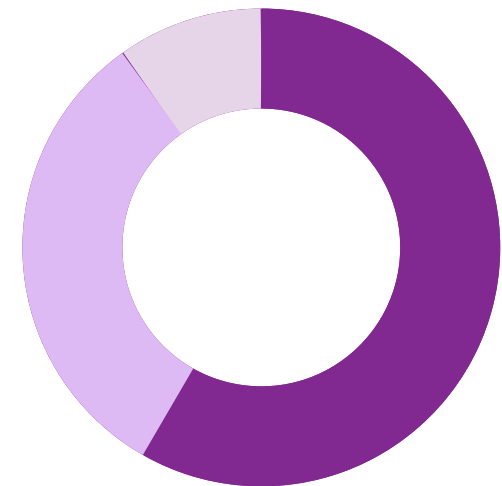
Adjudication is a more formal determinative process. It allows the parties to put their case to an independent third party (the adjudicator), and the adjudicator will make a decision on the dispute. The adjudicator's decision is binding, which means the parties must comply with it (subject to limited review and appeal rights). A party may also apply for fast-track adjudication if the dispute is time-critical and urgent resolution is required.

Of the total applications received during the reporting period, three applicants selected adjudication as their preferred dispute resolution method. Six applicants chose mediation as their preferred process option. The dispute resolution process was not specified for one of the applications.

No requests for facilitation or fast-track adjudication have been received.

### PROCESS SELECTED BY APPLICANT

- No process selected 10%
- Adjudication 30%
- Mediation 60%



## Year in Review

### Case status

Of the ten cases initiated during the reporting period, five have been closed.

One application was refused by the Administrator as the matter in dispute was a private matter. The applicant for this case then applied for a review of the Administrator's decision. The review decision issued by the adjudicator found that the Administrator's decision to refuse the application was correct.

A jurisdictional ruling was delivered for another matter where the adjudicator found that there was no jurisdiction to hear the matter, thereby bringing the matter to an end.

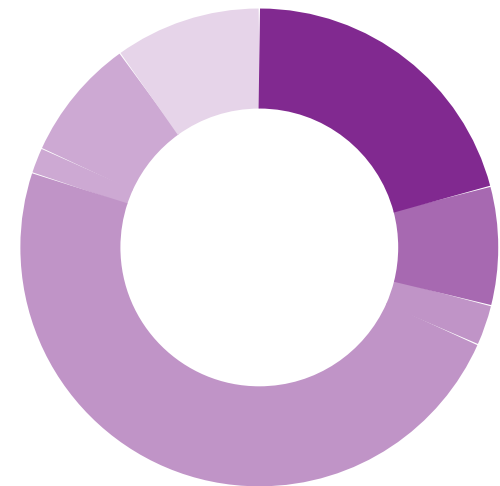
One of the cases was closed after the applicant failed to provide further information by the date requested.

There were two cases where mediation was held. The mediation for the first case did not result in any agreement. The mediation for the other case resulted in a full agreement being reached by the parties.

Five cases initiated during the reporting period remain open in terms of Rule 34 of the Scheme Rules.

### CASES STATUS

- Mediation completed
- Adjudication refused
- Cases open
- No jurisdiction
- Failure to provide further information



## Year in Review

### Time taken to resolve cases

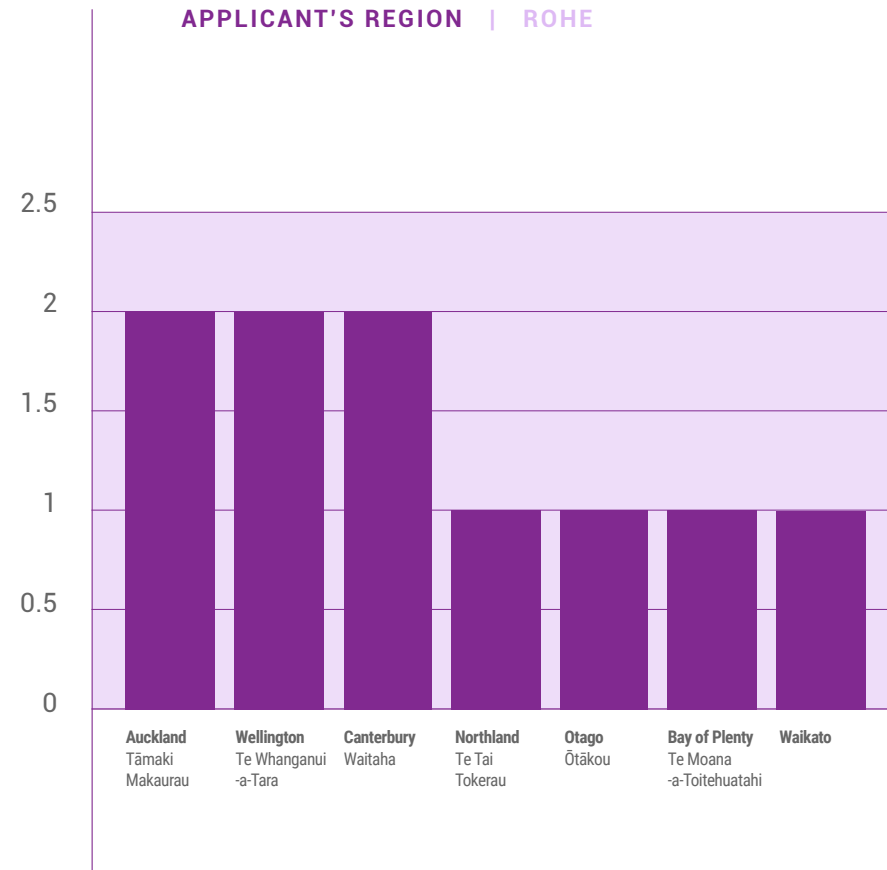
ICRA has met all contractual timeliness KPIs for completing cases in the period 1 July 2023 to 30 June 2024.

Of the cases completed to date, the time taken to resolve the mediation case that resulted in a full agreement was 54 business days.

### Who is accessing the Scheme?

The Scheme is available to both volunteer firefighters and members of the public. Nine of the applicants in the period 1 July 2023 to 30 June 2024 were volunteer firefighters, while one application was made by a member of the public.

The applicants came from across Aotearoa New Zealand, with applications from Auckland | Tāmaki Makaurau (two), Wellington | Te Whanganui-a-Tara (two), Canterbury | Waitaha (two), Northland | Te Tai Tokerau (one), Otago | Ōtākou (one), Bay of Plenty | Te Moana-a-Toitehuatahi (one) and Waikato (one).





## Year in Review

### The nature of the disputes

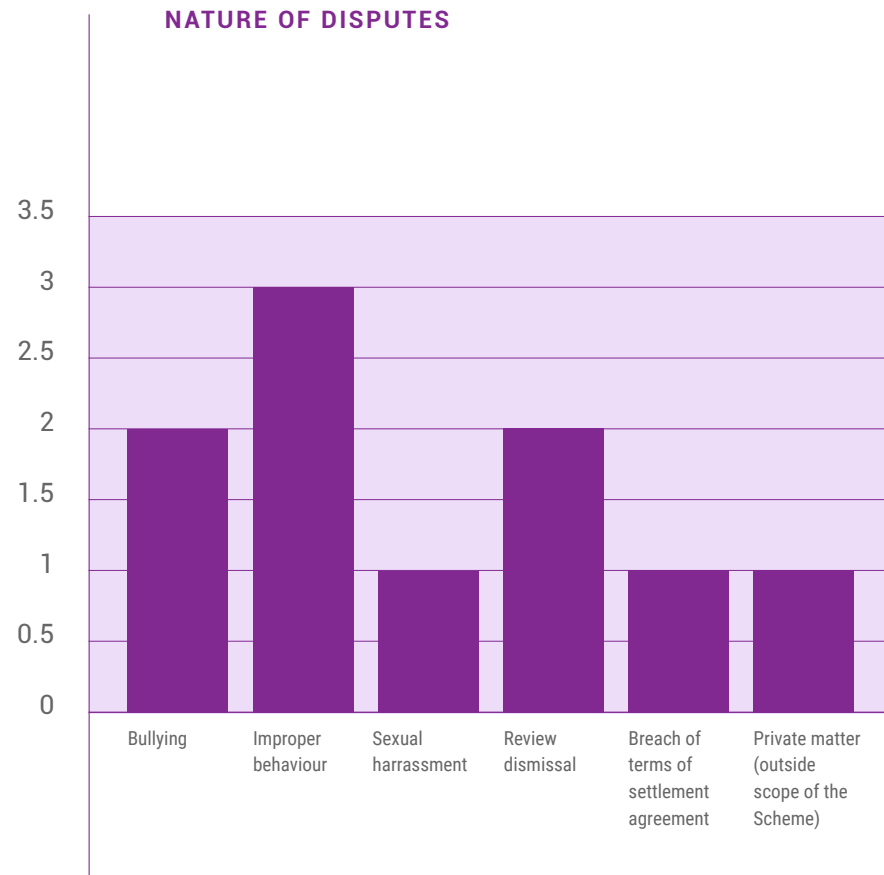
Of the ten applications, six cases involved allegations of bullying, sexual harassment or improper behaviour. Two cases sought a review of dismissal from FENZ while one case was about an alleged breach of a settlement agreement by FENZ. One case fell outside of the scope of the Scheme.

### Systemic issues, breach reporting and recommendations

The fact that most of the applications made during the reporting period involved allegations of bullying, sexual harassment and behavioural issues indicates that more work may be required to improve the workplace culture within Fire and Emergency New Zealand.

There were no breaches of the Scheme Rules by Fire and Emergency New Zealand or Fire and Emergency New Zealand personnel identified during the reporting period.

There were no recommendations made by adjudicators to Fire and Emergency New Zealand under rule 37 of the Scheme Rules as to actions that it should take to prevent similar problems occurring in the future.



# Findings of independent review

An independent review of the Fire and Emergency Dispute Resolution Scheme was conducted during the reporting period. The report was published in February 2024.

The review focused on assessing the effectiveness of the Scheme and whether it was fit for purpose, including, as a minimum:

- a. whether the Scheme meets the principles specified in section 179 of the Fire and Emergency New Zealand Act; and
- b. whether the administrator, dispute resolution practitioners, investigators, and Fire and Emergency New Zealand are complying with the obligations imposed in them under the Rules of the Scheme; and
- c. the time typically taken to resolve the dispute.

The report found that the Fire and Emergency New Zealand Dispute Resolution Scheme satisfies in the main the assessment principles of Accessibility, Independence, Fairness, Accountability, Efficiency and Effectiveness. The report noted that the deficiencies identified in the review are not serious breaches of the Scheme's principles. ICRA accepts the review and acknowledges the recommendations made.

As highlighted in the report, and despite ICRA's best efforts, low awareness of the Scheme continues to be a challenge. More collaboration with Fire and Emergency New Zealand will be needed to increase awareness.

A User Satisfaction Survey has been drafted in consultation with FENZ and will be sent out on all completed cases going forward. The results of the survey will be published on an annual basis in a way that ensures maximum anonymity and privacy.

The ICRA website is undergoing a review and will be relaunched in the coming months. The website review is focused on improving readability and accessibility to its dispute resolution services, including the Fire and Emergency New Zealand Dispute Resolution Scheme.

The relaunched ICRA website will display advocacy services available to applicants to the Fire and Emergency New Zealand Dispute Resolution Scheme and will include relevant links to assist applicants access these advocacy services.

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