

# Complaints, investigations and discipline policy

## Board's complaints, investigations, and discipline functions

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The Board has the function of receiving complaints about registered people (**practitioners**), investigating complaints, and disciplining practitioners who have committed disciplinary offences.

This policy sets out how the Board approaches these functions and the considerations the Board takes into account when carrying them out.

## What this policy covers

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This policy applies to sanitary plumbing, gasfitting, and drainlaying work carried out by registered people only<sup>1</sup>.

This policy does not apply to unauthorised people who carry out sanitary plumbing, gasfitting, or drainlaying, which is criminal offending covered by the Board's Prosecutions policy.

This policy also does not apply to consumer or contractual issues involving practitioners such as invoicing disputes, guarantees and warranties, terms and conditions of service, product concerns, and building consent issues. These matters are outside the Board's jurisdiction.

## How the Board approaches complaints, investigations, and discipline

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People who carry out sanitary plumbing, gasfitting, and drainlaying are regulated because of the risks this work poses to public health and safety if not carried out correctly. The Board is responsible for protecting public health and safety by ensuring that practitioners are competent. Receiving and investigating complaints and disciplining practitioners enables the Board to identify incompetent conduct and maintain standards for practitioners.

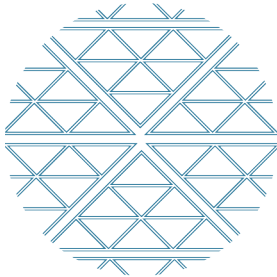
In carrying out its complaints, investigations, and discipline function, the Board complies with all its legal obligations, acts fairly, reasonably, and in good faith. The Board also takes a proportionate

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<sup>1</sup> This includes provisional licence holders

approach to these functions, acts as promptly and efficiently as possible, and in a manner appropriate to the circumstances of the particular case.

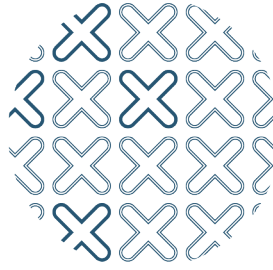
The Board applies its values to its complaints and discipline function:



**Mahi Tahi**  
Working together



**Manaakitanga**  
Protecting



**Whakapono**  
Leading



**Kia Māia**  
Having courage

## Registrar receives complaints

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Complaints must be made to the Registrar of Plumbers, Gasfitters, and Drainlayers.

The Registrar is responsible for reviewing all complaints and appointing an investigator if they consider the complaint should be investigated.

## Reviewing complaints

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### Complaint requirements

All complaints to the Registrar must be in writing. The Registrar cannot accept verbal complaints. Nor can the Registrar accept anonymous complaints or complaints where the complainant wishes their identity to be kept confidential.

Complaints must be accompanied by enough information to enable the Registrar to determine whether the complaint concerns:

- an identifiable person who is a registered plumber, gasfitter, or drainlayer
- work that comes within the definitions in the Act for [sanitary plumbing](#), [gasfitting](#), or [drainlaying](#) in the Act, and
- conduct which may be a [disciplinary offence](#) under the Act.

### Complaints outside jurisdiction

All complaints are assessed to determine whether the complaint is about a matter that is within the Board's jurisdiction. If the complaint relates to matters the Board [cannot consider](#), the person making the complaint (**complainant**) is advised that the Board will not be progressing any further with their complaint. If appropriate, the complainant will be redirected to another organisation which may be able to help with their complaint. .

## Collecting further information

Where a complaint may be about a matter the Board can consider but [key information](#) has not been provided, the Registrar will ask the complainant to provide any information required to assess their complaint. If the complainant cannot provide the required information, the complaint cannot be progressed and the matter will be closed.

If necessary, the Registrar may collect any information they need to determine whether the complaint is about a matter the Board can consider from another person. For example, they may seek technical advice to determine whether the work is defective and how serious any defects are.

## Response from practitioner

If the complaint may be about a matter the Board can consider, the Registrar will seek an initial response to the complaint from the practitioner concerned. This is to enable the Registrar to determine how best to deal with the complaint.

## Dealing with complaint

Once the Registrar has all the information they require, the complaint is reviewed to determine how it will be dealt with. The complaint will be considered in the context of the Board's Compliance Strategy and the Registrar will consider a number of decision factors when determining how to deal with a complaint including:

- what the complaint is about
- how serious the matter raised in the complaint is
- the complainants standing in relation to the matter they have raised ie home owner
- whether there is (or was) any significant risks to any person's health, safety, or their property
- whether any harm has occurred
- the public interest
- whether the complaint raises wider issues or concerns industry standards
- what the attitude of the complainant and practitioner (**parties**) is to the matter, including their willingness to engage over the matter
- what the attitude of the practitioner is to compliance with the Act
- what the options are for dealing with the complaint and which would achieve the best outcome in the case
- any other matter that is relevant in the circumstances.

## Frivolous or vexatious

If the Registrar determines that a complaint is frivolous or vexatious, the complaint will not be progressed and the matter will be closed. A complaint will be frivolous where it involves a matter that is of little or no significance or purpose, or the complaint has no reasonable grounds or purpose. A complaint will be vexatious where it has little or no substance and has been made to cause distress, annoyance, or irritation.

## Matter can be resolved

If the Registrar considers that the matters raised in the complaint are not serious and the parties are willing to try and resolve the matter, they may encourage the parties to resolve the matter themselves. If appropriate, the Registrar will provide the practitioner with any appropriate assistance to help them resolve the complainant's concerns such as putting them in touch with one of the Board's technical advisors to talk them through the issues with the work including why it is not compliant and how to make it compliant.

## Educational response

If the Registrar considers that matters raised in the complaint do not warrant progressing to investigation, such as where any risk to public health and safety is minimal, the work has been remediated by the practitioner, and there are no wider issues involved, they may consider that an educational response is appropriate. An educational response will provide the practitioner with advice, support, or training to help upskill them in the relevant area or areas to ensure they do not repeat their conduct or any similar conduct.

## Appointing investigator

If the Registrar considers the matters raised in the complaint do warrant further investigation, such as where there is serious risk to public health and safety, there are wider issues involved, further information is required, or the circumstances of the complaint mean that other options for dealing with the complaint are not appropriate, they will determine that the matter should proceed to an investigation.

# Investigating complaints

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Where the Registrar determines that a complaint must be investigated, an investigator is appointed to conduct an investigation. The investigator must determine whether, in their opinion, the complaint should be considered by the Board and provide a report of their investigation.

## Conducting investigation

The investigator conducts their investigation by speaking to the complainant and practitioner, and any other person they consider can provide relevant information. They can gather any evidence they consider necessary and have [powers under the Act](#) to compel any person to provide information on request, and enter property and inspect work.

As part of their investigation, the investigator will seek an assessment of the work by a technical advisor. The technical advisor will identify any aspects of the work that are defective or non-compliant and state why the work is defective or non-compliant. The technical advisor will also provide an opinion on the level of risk associated with any non-compliant work.

Once the investigator has collected all of the information they require, they will prepare a written report of their investigation including who they have spoken to, what information people have provided, and what evidence they have gathered during their investigation. The investigator will

then provide the report to the parties to comment on before making a determination of how the complaint should be dealt with.

Investigation reports are prepared for the purposes of the Act only and are not intended for any other uses.

## Interim suspension or disqualification

An investigator may recommend to the Board that it make an [interim order](#) that a practitioner's licence be suspended or they be disqualified from doing sanitary plumbing, gasfitting, or drainlaying. Where the Board makes such an order, it remains in force until the investigator determines the complaint should not be considered by the Board or the Board makes a determination in any disciplinary hearing in respect of that person.

## Investigation outcomes

The types of considerations the investigator takes into account when determining the outcome of an investigation include:

- whether they consider the practitioner has committed a disciplinary offence in the circumstances
- how serious any possible disciplinary offence is
- whether the practitioner's conduct created a risk to any person or property, how serious that risk was, and how likely it was that the risk would eventuate
- whether the practitioners conduct caused actual harm to any person or property, and how serious that harm was
- the circumstances of the work including whether it was recent or carried out some time ago
- whether any failings by the practitioner would appear to be the result of a one-off mistake or may indicate a lack of skill or understanding on their part
- what the parties' attitudes to the complaint are
- what the practitioners attitude to compliance with the Act is
- whether the practitioner has any recent formal warnings or other disciplinary convictions for the same or similar conduct
- public interest
- whether there are any wider considerations that apply or matters concerning industry standards
- whether a disciplinary response is warranted or the matter could be dealt with in some other way
- any other matter they consider relevant.

## Closing investigation

If it is the investigator's opinion that the practitioner has not committed any disciplinary offence or any conduct by the practitioner does not warrant further action response, they may determine that the complaint should not be considered by the Board and the matter will be closed.

## Educational response

If the investigator considers the decision factors set out in the Boards Compliance Strategy and determines in their opinion the conduct sits at the lower of the scale based on the VADE model, they may recommend an educational response. An educational response will involve providing the practitioner with some form of information for the purposes of upskilling which could be through the provision of educational materials, information about relevant training, a discussion with one of the Board's technical advisors, or the Board may conduct an audit or review of some aspect of their work.

## Formal warning

If the investigator considers the decision factors set out in the Boards Compliance Strategy and determines in their opinion the conduct sits higher on the VADE model, they may recommend the practitioner is given a formal written warning. The purpose of the warning is to identify the relevant conduct by the practitioner, advise that the conduct could amount to a disciplinary offence, and caution the practitioner against any repeat of the same conduct. A formal warning can be taken into account should any further complaints about the same conduct be received. A formal warning may also be accompanied by an educational response.

## Disciplinary hearing

If the investigator considers the decision factors set out in the Boards Compliance Strategy and determines in their opinion the conduct sits at the high end of the VADE model, they may determine that the complaint should be considered by the Board.

# Disciplinary hearings

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If the investigator determines a complaint should be considered by the Board, the Board is required to hold a disciplinary hearing. A hearing is a formal proceeding where the Board determines whether or not a practitioner has committed a disciplinary offence and, if they have, whether to impose a penalty on them.

## Hearings

The Act sets out the conduct that will amount to a [disciplinary offence](#). This includes negligent, incompetent, or non-compliant work, work that creates a risk of serious harm or significant property damage, actual harm, failure to comply with registration or licensing requirements, failing to issue a gas certificate or issuing one that is false or misleading, using or allowing unauthorised people to do sanitary plumbing, gasfitting, or drainlaying, and certain types of improper conduct.

Disciplinary charges are brought by the investigator and hearings are held at the Board's offices in Wellington before five members of the Board. During the hearing, unless the practitioner pleads guilty, the Board will consider evidence and arguments from the investigator saying why the practitioner has committed a disciplinary offence and evidence and arguments from the practitioner

saying why they haven't. The Board will then determine whether they consider the practitioner is guilty of any disciplinary offending.

If the Board finds a practitioner has committed a disciplinary offence, they must then consider whether they should impose a [penalty](#) on them and what that penalty should be. Penalties range from cancellation or suspension of the practitioner's registration or licence for very serious or repeat offending, through restrictions on their ability to work, training, a fine, or no penalty in rare cases. In addition to any penalty, the Board may order the practitioner to pay a contribution towards the [costs](#) of the investigation, prosecution, and hearing.

Following a hearing, the Board will publish a formal, written decision setting out what the charges against the practitioner were, any evidence and arguments made in the case, the Board's decisions on guilt and penalty, and any orders imposed on the practitioner.

The Act requires the Registrar to publish information on the public register about any disciplinary penalties imposed by the Board on a practitioner in the previous three years. The Board also publishes all of its disciplinary decisions for the previous three years on its website.

### Version management

Date	Details
April 2025	Approved by Chief Executive
May 2027	Next review date