

Consumer Information

Conflicts of Interest, Impartiality, Complaints and Appeals

Policy: Conflicts of Interest

The Territorial Authority (TA) will endeavour to identify and manage perceived conflicts of interest.

All team members have the responsibility for identifying actual and perceived conflicts of interest issues and notify the Manager Bylaws Compliance when a conflict of interest arises.

All works is to be completed without time constraints, intimidation, or other factors that could influence verification results.

The Manager Bylaws Compliance has the responsibility to ensure actual and perceived conflicts of interest are managed appropriately.

Environmental Health Team (EHT) members will ensure actual and perceived conflict of interests are managed by:

- Avoiding any work on any aspect of any project where a conflict would occur.
- Ensuring EHT members are free from any commercial, financial, political, or other pressures that might affect their independence.
- Not accepting any bribes.
- Ensuring that team members do not have any professional input into any Food Control Plan or National Programme Plan that they or their immediate family members (whether as individuals or as part of a family trust, partnership, or company), have an interest in as owners or operators.
- If a team member has had input into the development of any such plan, they are not permitted to conduct the verification process of the plan. This will be conducted by an independent party, and they will have no role in this process.

In the hospitality industry an offer of food is commonplace and is not normally an attempt to disestablish the independence of the verifier. It is not necessary to report offers of free food made at the time of a verification audit or subsequent visit in this context of hospitality. However, it is not appropriate to accept offers of food or alcohol as this may introduce perceived conflict of interest. Kaipara District Council does consider it appropriate to accept the offer of a non-alcoholic drink in the course of a verification meeting.

Policy: Impartiality

The Environmental Health Officer (EHO), as a verifier, may need to discuss management plans, implementation, and corrective actions, while remaining impartial and independent. In these situations, the verifier needs to work with the operator in a proactive manner to fix problems, facilitate compliance and help with capacity building.

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A proactive manner means:

- Providing constructive, educative critique.

A proactive manner does not mean:

- Assuming accountability for operator compliance
- Acting in the capacity of a quality assurance manager
- Acting as an advocate between the company and MPI
- Providing commercial services for non-mandatory activities.

Feedback on unacceptable outcomes:

Independence must not be compromised when providing feedback to an operator about an unacceptable outcome. The verifier should explain why an outcome is unacceptable and identify which legal requirements have not been met. The verifier and the operator should then agree on corrective actions to rectify non-compliance.

Impartial means:

- Maintaining neutrality
- Acting lawfully and objectively
- Ensuring actions are not affected by personal interests or relationships
- Declining gifts or benefits that place the verifier under any obligation or perceived influence
- Carrying out functions unaffected by personal beliefs
- Never misusing position for personal gain
- Effective separation of consultancy and assessment work for same client.

Complaints and Appeals

The EHO will advise operators of their right to submit a complaint or appeal regarding a decision made by the EHO. Complaints and appeals will be managed impartially, confidentially, and in a timely manner.

1. All complaints or appeals must be received in writing i.e. email, letter etc.
2. Complaints may also be registered online via Council's online [Making A Health or Food Complaint](#) via a [Request for Service](#), which can be accessed from the Council's website home page.
3. The Manager Quality Assurance (MQA) will confirm with the complainant, within two (2) working days, that Council has received and will investigate the complaint.
4. The MQA will provide an expected timeframe for completion and inform the complainant of the outcome.
5. When a complaint does not relate to an Environmental Health Function, the complaint will be referred to the appropriate section of the TA.
6. When a complaint does relate to an EH Function, the Manager Bylaws Compliance determines whether the complaint is of a genuine nature and warrants further investigation.
7. Copies of complaints will be held by the MQA in the complaint file. Records will be kept indefinitely.

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8. If the complainant does not accept that a decision is justified, the EHT must inform the operator that they can take the complaint to MPI.
9. The EHT must supply evidence to MPI, including the original complaint, original decision, and supporting information.
10. The EHT must define the process for contacting MPI –
Complaints and Appeals can be made direct to the Ministry of Primary Industries (MPI) contact MPI by phone 0800 008 333 or info@mpi.govt.nz.

Confidentiality

All information obtained during verification shall be treated as confidential, in particular propriety information that is made available to the verifier and kept secure. Ownership of intellectual property, which includes the operations and activities of operators, will be recognised.

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