



Complaints and Appeals

Policy Category	1. Tenancy	Policy Number	1.10
Author	Cliff Jones – Chief Executive Officer	Board Approval Date	27 June 2019
Position Responsible	Chief Executive Officer	Scheduled Review Date	June 2020

Purpose:

Our complaints and appeals policy outlines how we want to handle dissatisfaction with our service and our decisions. Its purpose is to:

- give applicants and tenants the right to complain or appeal
- make it easy for tenants and applicants to exercise that right
- help us review what is and isn't working well in our organisation.

This policy relates to all staff, volunteers and contractors undertaking the operations of Homes Out West and is inclusive of applicants, tenants and other users of the service.

Policy:

Applicants, tenants and stakeholders have the right to complain and will not be disadvantaged or penalised for lodging a complaint.

Applicants and tenants have the right to appeal decisions and will not be disadvantaged by lodging an appeal.

Homes Out West will adopt a transparent and objective approach to receiving, investigating and responding to complaints and appeals.

Homes Out West welcomes complaints and appeals and will use outcomes and learnings from them in our continuous improvement approach to service delivery. Applicants and tenants are encouraged to involve an advocate or support person at any point in the complaint or appeal process.

Relevant Service Standards:	National Community Housing Standards <ul style="list-style-type: none"> • Standard 3.1 Tenant rights Legislation <ul style="list-style-type: none"> • Housing Act 2001 (NSW) • Community Housing Providers (Adoption of National Law) Act (NSW) National Regulatory System for Community Housing (NRSCH) Performance Outcome and Performance Requirement <ul style="list-style-type: none"> • Performance Outcome 1: Tenant and Housing Services
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	<ul style="list-style-type: none"> • NSW State Government Community Housing Complaints and Appeals Management Framework
Related HOW Forms & Internal Documents	<ul style="list-style-type: none"> • Complaints and Appeals form • Complaints Register • Appeals Register

Procedure and Guidelines:

Definitions:

Complaint - The NSW State Government has published a *Community Housing Complaints, Issues and Appeals Management Framework* (The Framework) which defines complaints as any expression of dissatisfaction made by a client, a member of the public, or by another organisation where the complainant is unhappy with the standard or type of service and requests a changed outcome. A complaint is different to an appeal.

Appeal - The Framework defines appeals as any expression of dissatisfaction with a decision made by a social housing provider to provide, or not provide, a service (such as housing, transfer or priority on the housing register).

This policy does not deal with the following:

- Complaints from tenants about other tenants or members of the public. These are managed in accordance with Homes Out West’s Neighbourhood Issues policy.
- Complaints from staff. These are managed in accordance with Homes Out West’s Workplace Complaints policy.

Timelines:

Timeliness in responding to complaints or appeals is a key element of successful complaints handling. Homes Out West will acknowledge receipt of a complaint or appeal within 3 days and aim to resolve it within 28 days. Where it is not possible to resolve a complaint or appeal within this timeframe the complainant/appellant will be contacted to discuss the delay.

Complaints Process

The following process will be followed when managing complaints. Additional processes for managing appeals are included under the Appeals Process section.

Step 1: Receipt and referral

Complaints can be received through a variety of different avenues. This includes:

- Letters and emails sent to Homes Out West;
- Matters raised verbally with Homes Out West staff, either in person or by telephone.

All complaints received (whether verbally or in writing), must be forwarded to the CEO who will log them on the complaint and appeals register and allocate a complaint manager from the Executive team.

The complaint manager will contact the complainant prior to the target resolution date and keep in regular contact, advising the status of the matter and confirming when the next communication should be expected.

Step 2: Assessment

Upon receipt of a complaint, the CEO will:

- allocate the complaint a status;
- establish a target resolution date.

Step 3: Establishing the facts and communicating with the complainant

Once a complaint has been accepted the responsible complaint manager is required to conduct an internal investigation.

In the event the complaint involves a specific member of staff the investigation will be conducted as follows:

- The complaint manager will contact the staff member, provide them with the details of the complaint, and agree a time (within 7 days), to meet to discuss the matter
- If the complaint manager is required to seek further information from other staff, the staff will be interviewed and their version of events will be documented.
- The complaint manager will match the facts of the complaint with the internal response and, through communication with the staff member and the complainant, clarify why any facts differ.
- The complaint manager will prepare a report summarising key findings of the investigation. A summary of these findings will be entered into the Complaints Register.

In the event the complaint concerns a matter which is not related to a specific member of staff (e.g. faulty maintenance work), the complaint manager will conduct an investigation based on the incident priority considering criteria such as severity, complexity, impact and the need and possibility of immediate action.

In all aspects of the complaint investigation that involves interviews with staff members, HOW will respect the rights of employees.

Step 4 - Making a determination for complaints

After considering all the facts available, the complaint manager must make a determination which addresses all aspects of the complaint. The following options are available:

- Accept the complaint and take rectification action without offering redress;
- Accept the complaint and offer redress;
- Offer redress without accepting the complaint; or
- Reject the complaint and provide reasons for such rejection.

Offers of redress may include:

- Apology;
- Indication of changes in products, services, process, policy or procedure arising from complaints;
- Replacement;
- Repair/rework;
- Substitutes;
- Technical assistance;
- Information;
- Referral;
- Financial, refunds or other assistance;
- Other assistance, and
- Financial Compensation.

Step 5 - Formulation of proposed resolution for complaints

The extent of any remedy will depend upon the nature of the complaint. Some complaints are administrative in nature and the remedy may be to rectify the administrative error and issue a verbal apology or acknowledgement to the complainant. Other remedies are more complex and may involve financial compensation. Where a financial remedy is considered appropriate, the aim is to provide fair compensation for any loss suffered.

In formulating a proposed resolution other matters to be considered include:

- The extent to which others may have suffered in the same way as the complainant but did not make a formal complaint;
- Level of authority required internally to implement the proposed resolution;
- Implementation of a strategy for following up where appropriate;
- How information will be disseminated to relevant personnel within the organisation.

Step 6 - Presenting a final response and/or an offer of redress

In relation to complaints:

- All responses and/or offers of redress should be approved by the CEO and be made in writing by the complaint manager as soon as a decision has been made;
- Where resolution includes an offer of financial redress, the complaint manager may discuss the offer with the complainant, off the record, prior to putting the offer in writing. This will allow the complaint manager to clearly explain the reasons behind the decision and allow the complainant to have any queries they may have answered directly.

Step 7 – Escalation of complaint

Notwithstanding the nature of the complaint, if the complaint cannot be resolved internally, a complainant may have access to various external resolution procedures. The client should be notified of any and all third parties which may be able to assist them further. These include:

- Privacy Commissioners
- Community Housing Registrar
- Local tenant advocacy/advice services
- Community and Private Market Housing Directorate (CAPMH)
- Local Member of Parliament
- The relevant Ombudsman

Step 8 - Complaints and appeals register

The Complaints and Appeals Registers capture the key data with respect to any individual complaint or appeal and the resolution process.

The information contained in our Complaints and Appeals Registers can be used to identify trends in complaints and appeals and any systemic issues. This helps us determine where to focus attention to improve our internal processes and improve our levels of customer satisfaction.

The Complaints Register and Appeals Register are reviewed in management meetings and key information provided to the Board of Directors on a regular basis.

Step 9 – Process improvement

Whether a complaint has been resolved internally or not, it is important to consider the circumstances that lead to the complaint arising and as to whether or not there exists an opportunity to improve our internal systems and procedures, so as to reduce the risk of such a matter occurring again.

In order to clarify whether or not rectification work is required, the responsible complaint manager will:

- meet with all relevant staff responsible for the particular area of work,
- review the underlying factors leading to the complaint being made, and
- make a recommendation as to what, if any, rectification work is required.

It will ultimately be the responsibility of the CEO to ensure that any recommended rectification work is undertaken.

Step 10 – Closure

The complaint will be closed on the Complaint and Appeal Register once:

- The complaint has been resolved with the complainant (either internally or externally) or all reasonable internal and external options of recourse have been exhausted;
- All relevant information has been captured in the relevant complaint instance; and
- Consideration has been given to the underlying risk associated with the complaint and where appropriate, the risk has been included on our risk register.

Appeals Process

Step 1: Receipt and referral

Appeals can be received through a variety of different avenues. This includes:

- Letters and emails sent to Homes Out West;
- Matters raised verbally with Homes Out West staff, either in person or by telephone.

All appeals received (whether verbally or in writing), must be forwarded to the CEO who will log them on the Complaint and Appeals Register and take responsibility for managing the appeal.

The CEO will contact the appellant prior to the target resolution date and keep in regular contact, advising the status of the matter and confirming when the next communication should be expected.

Step 2: Assessment

Upon receipt of an appeal, the CEO will:

- allocate the appeal a status;
- establish a target resolution date.

Step 3: Establishing the facts and communicating with the appellant

Once an appeal has been accepted the CEO is required to conduct an internal investigation.

As part of the process of reviewing a previous decision that is the subject of the appeal the CEO will consider the following:

- Was the original decision based on relevant HOW policies and procedures
- Was the decision consistent with previous similar situations
- Was there evidence of any bias or discrimination

Step 4 - Making a determination for appeals

After considering all the facts available, the CEO must make a determination which addresses all aspects of the appeal. The following options are available:

- The original decision is upheld by the CEO
- The original decision is overturned by the CEO

Step 5 - Formulation of proposed resolution for appeals

The extent of any remedy will depend upon the nature of the appeal. Some appeals are administrative in nature and the remedy may be to rectify the administrative error and issue a verbal apology or acknowledgement to the appellant. Other remedies are more complex and may involve financial compensation (eg where the outcome of a rent review is the subject of the appeal). Where a financial remedy is considered appropriate, the aim is to provide fair compensation for any loss suffered.

In formulating a proposed resolution other matters to be considered include:

- The extent to which others may have suffered in the same way as the appellant but did not make a formal appeal;
- Level of authority required internally to implement the proposed resolution;
- Implementation of a strategy for following up where appropriate;
- How information will be disseminated to relevant personnel within the organisation.

Step 6 - Presenting a final response and/or an offer of redress

In relation to appeals:

- All responses and/or offers of redress should be discussed with the Executive and be made in writing by the CEO as soon as a decision has been made;
- Where resolution includes an offer of financial redress, the CEO may discuss the offer with the appellant, off the record, prior to putting the offer in writing. This will allow the CEO to clearly explain the reasons behind the decision and allow the appellant to have any queries they may have answered directly.

Step 7 - Complaints and Appeals Register

The Complaints and Appeals Registers capture the key data with respect to any individual complaint or appeal and the resolution process.

The information contained in our Complaints and Appeals Registers can be used to identify trends in complaints and appeals and any systemic issues. This helps us determine where to focus attention to improve our internal processes and improve our levels of customer satisfaction.

The Complaints Register and Appeals Register are reviewed in management meetings and key information provided to the Board of Directors on a regular basis.

Step 8 – Process improvement

Whether an appeal has been resolved internally or not, it is important to consider the circumstances that lead to the appeal and whether or not there exists an opportunity to improve HOW's internal systems and procedures, so as to reduce the risk of such a matter occurring again.

In order to clarify whether or not rectification work is required, the CEO will:

- meet with all relevant staff responsible for the particular area of work,
- review the underlying factors leading to the appeal being made, and
- make a recommendation as to what, if any, rectification work is required.

It will ultimately be the responsibility of the CEO to ensure that any recommended rectification work is undertaken.

Step 9 – Closure

The appeal will be closed on the Complaint and Appeal Register once:

- The appeal has been resolved with the appellant (either internally or externally) or all reasonable internal and external options of recourse have been exhausted;
- All relevant information has been captured in the relevant appeal instance; and
- Consideration has been given to the underlying risk associated with the appeal and where appropriate, the risk has been included on our risk register.

If the appeal is declined, the client will be informed of their right to further review, including:

- In some situations if a tenant disagrees with a decision made by HOW (eg in relation to repairs charged to the tenant) they may decide to make application to The NSW Civil and Administrative Tribunal (if the matter is covered by the Residential Tenancies Act)
- If the appeal is declined, the client will be informed of their right to further review, by the NSW Housing Appeals Committee (if the matter falls within their jurisdiction). The NSW Housing Appeals Committee (HAC) is an independent agency which deals with appeals from people who are unhappy with a decision made by social housing providers. HAC was established to ensure that clients of government funded housing services have access to an independent system of review and redress