

**Service/Area:** National

**Applicable Entity:** HCAL, HCSA, HCT, HCNSW, DHL, SEHL and UCP

**Approver:** Managing Director

**Approval Date:** 20/09/2019 Version: 12

**Last Updated:** 20/04/2019 Version: 11

**Review Period:** 3 years

**Executive Lead:** General Manager Housing

---

## 1. Purpose

We believe people have a right to complain.

The aim of this policy is to ensure that we handle complaints and appeals fairly, efficiently and effectively so that we ;

- respond to issues raised in complaints and appeals in a timely, fair, equitable and cost-effective way,
- boost public confidence in our administrative process,
- use information provided through complaints to deliver quality improvements,
- have an accessible complaint handling and resolution procedure that is applied consistently throughout the organisation,
- maintain a register of complaints and appeals,
- take all reasonable steps to investigate and resolve complaints within 30 days.

The Housing Choices Australia Group of Companies (HCA Group) has regulatory and legislative responsibility to ensure we are delivering safe and quality services.

## 2. Scope

This policy applies to residents, neighbours of our residents, housing applicants, partners, contractors, customers, stakeholders and members of the community impacted by our services.

However, this policy does not cover:

- Disputes or grievances between staff or management, which are handled under the HCA Group Human Resources policies;
- Complaints relating to matters beyond HCA Group's control, such as the lack of available housing;
- Actions under the Whistleblower Policy; or
- Compliments and other forms of feedback.

Disputes between neighbours are handled within a Good Neighbour Policy and procedures.

This policy applies to all our sites, operations and functions including those situations where employees, volunteers and contractors are required to work off-site acting as agents.

The Housing Choices Australia Group of Companies means each of the following, unless the members of Housing Choices Australia Limited (HCAL) resolve by special resolution that an entity has been removed or released from, or has otherwise exited, the HCA Group;

- Disability Housing Limited (ACN 118 571 547) (**DHL**);
- Singleton Equity Housing Limited (ACN 007 008 853) (**SEHL**);
- Housing Choices Australia Limited (ACN 085 751 346) (**HCAL**);
- Housing Choices Tasmania Limited (ACN 147 840 202) (**HCTL**);
- Housing Choices South Australia Limited (ACN 122 807 130) (**HCSAL**);
- Housing Choices NSW Limited (ACN 619 158 299) (**HCNSWL**); and
- Urban Choices Property Limited (ACN 094 639 237) (**UCP**),

and any of their subsidiaries and any other entity which the members of HCAL resolve by special resolution forms part of the HCA Group from time to time, in each case including any such entity's role as trustee of a trust.

### **3. Responsibilities**

All staff, volunteers and contractors are to be aware of this policy and receive and refer complaints in accordance with this policy. Staff are required to recognise a complaint and facilitate the making of the complaint in a supportive way. Staff will not attempt to dissuade potential complainants from making a formal complaint or appeal.

Executive/ Managers/Team Leaders will ensure that;

- All staff are appropriately trained and aware of this policy.
- Ensure staff record and process complaints in accordance with this policy.

Quality Assurance and Compliance Manager will ensure that;

- Where appropriate assist to investigate, review, resolve and respond to complaints.
- Manage the appeals process.
- Audit the complaints and appeals management system.
- Identify trends and systemic issues.
- Provide reports to the Executive.

The General Manager, Housing Services

- Will ensure this policy is established, monitored and reviewed, and
- Ensure that complaints and appeals information support strategic decision making as required.

Child Safety Champions

- Review complaints impacting young people and children
- Advise if external support is required
- Complete a risk assessment plan if interviews of children and young people are required in the resolution process

National Manager Specialist Housing Group

- Oversee complaints impacting residents with specialist disability accommodation (SDA) funding and people with disabilities

## 4. Policy Statement

### 4.1 A People Focus

We respect and value complaints about our products, services, staff and complaint handling. Complaints provide valuable feedback and enables intervention before problems become worse. Complaints and appeals provide a review process for people who have been disadvantaged by our actions or decisions and helps us to nurture relationships between HCA Group and our residents, partners and stakeholders.

When making a complaint, people will be:

- listened to, treated with respect and actively involved in the complaint process where possible and appropriate;
- provided with information about our complaint handling process;
- provided with multiple and accessible ways to make complaints including accessing relevant external authorities; and
- provided with access to advocacy and support services as required; and
- provided with reasons for our decision/s and any options for redress or review

### 4.2 A Safe Environment Philosophy

The HCA Group are committed to ensuring a safe environment is available to all residents and people impacted by our services. This includes;

- Young people and children
- People with disabilities
- Aboriginal and Torres Strait Islander peoples
- People from culturally diverse backgrounds; and
- The advocates and representatives of all the above

Concerns about safety, abuse and neglect may be received through our complaints process. In these situations, staff will advise the person raising the complaint of the need to manage their concerns through the most appropriate system and ensure the issue and impacted people are transferred with care and respect to their situation.

#### 4.2.1 Reportable Incidents impacting Residents with SDA Provisions, People with Disabilities, young people and children

If your complaint includes information that someone has hurt or scared you, or this is happening to someone you know we will need to tell organisations, like the police, to help you or that person be safe.

Complaints involving the following are classified as reportable incidents and processed by the Incident Management & Reportable Incidents for Residents in Specialist Disability Accommodation or through mandatory reporting for young people and children.

- Death;
- Serious injury;
- Abuse and neglect;
- Sexual or physical assault;
- Sexual misconduct or grooming; and
- Unauthorised use of restrictive practices.

### 4.3 What is a Complaint?

We define a complaint as a concern that something about our products, services, staff or complaint handling is wrong or not satisfactory. There is no time limit on when complaints are raised with us. We

understand that complaining can be difficult and will support complainants to make their issue is known and work to resolve it in a way that is comfortable for the person complaining.

#### **4.4 What is an appeal**

We define an appeal as a request that there is a formal change to a previous decision made as an outcome of a complaint. There is no time limit on when appeals are raised with us. We feel it is important that any issue with our service, conduct, staff and complaint handling be addressed and resolved.

#### **5. Methods for making complaints and appeals**

Complaints and appeals can be made in the following ways:

- In person;
- Via a representative or advocate;
- In writing, our [complaint form](#) is available to help describe your complaint;
- By email [complaints@hcau.org.au](mailto:complaints@hcau.org.au); and
- By telephone

#### **6. No detriment to people making complaints or appeals**

We recognise that people may feel insecure and vulnerable and will sometimes be reluctant to exercise their rights and/or make complaints. We will take all reasonable steps to ensure that people making complaints are not adversely affected because a complaint has been made by them or on their behalf.

#### **7. Anonymous complaints**

We accept anonymous complaints and will carry out an investigation when there is enough information provided to do so.

#### **8. Withdrawing complaints**

Complaints can be withdrawn at any time. HCA Group will investigate to ensure the withdrawal is not due to complainant or complaint affected person(s) experiencing victimization and equip complainants to confidently be heard without detriment.

#### **9. External Authorities**

The Civil and Appeals Tribunal in each state jurisdiction deals with tenancy issues arising from our obligation under the relevant state legislative Residential Tenancies Act.

The National Regulatory System for Community Housing investigates complaints that raise concerns about a registered community housing providers compliance with the regulatory code. Complaints can be made using the online form found at [https://www.nrsch.gov.au/complaint\\_form](https://www.nrsch.gov.au/complaint_form).

In Victoria, the Registrar of Housing Agencies is the body responsible for regulatory system for non-government rental housing agencies. Please click on the following link for further information <http://www.housingregistrar.vic.gov.au/How-we-regulate/Complaints-management>

The NDIS Quality and Safeguards Commission is an independent agency established to improve the quality and safety of NDIS supports and services. They are responsible for regulating NDIS providers. If a complaint relates to specialist disability accommodation provided by the HCA Group, you can make a complaint directly to the NDIS Quality and Safeguards Commission. Please click on the following link for further information <https://www.ndiscommission.gov.au/about/complaints-feedback/complaints>

## 9.1 Accessibility

We will ensure that information on how to make a complaint to and about us is well publicised. We will ensure that our complaint management system is easily understood and accessible to everyone, particularly people requiring assistance. If a person prefers or needs another person or organisation to assist or represent them in the making and/ or resolution of their complaint, we will communicate with them through their representative if this is their wish. Anyone may represent a person wishing to make a complaint with their consent (e.g. advocate, family member, legal or community representative, member of Parliament, another organisation).

This policy and an easy English version are maintained on the HCA Group Website Policy Page.

NDIS Quality and Safeguards Framework Complaints SDA Residents will be provided with specific complaint processes agreed under Disability Accommodation Collaboration Agreements. All residents must be provided with the agreed complaint process applicable to their home and made comfortable to use it.

## 9.2 Additional Information for NDIS participants residing in Specialist Disability Accommodation

We are a registered provider with the NDIS to provide Specialist Disability Accommodation (SDA) for participants of the NDIS. The following table provides our registration numbers.

HCA Group Entity	NDIS Registration
Disability Housing Limited (DHL)	4050006843
Singleton Equity Housing Limited (SEHL)	4050009665
Housing Choices Australia Limited (HCAL)	4050004145
Housing Choices Tasmania Limited (HCTL)	4050002648
Housing Choices South Australia Limited (HCSAL)	4050006794
Housing Choices NSW Limited (HCNSWL)	4050028387

Within HCA Group, complaints received related to Specialist Disability Accommodation (SDA) will be referred to the Specialist Housing Group. As per the NDIS Quality and Safeguards Framework, complaints and concerns will be accepted from:

- Participants and/or their families;
- Individual workers and providers;
- Advocates and Community Visitors;
- Professionals; and
- Members of the community.

SDA residents have the right to complain or provide feedback about the safety and quality of NDIS supports and services.

The Specialist Housing Group will ensure each resident is provided with information on how to give feedback or make a complaint, including the right to make a complaint to the NDIS Quality and Safeguard Commission and rights to access advocates.

## 10. Responding to complaints

### 10.1 Informal resolution

Recipients of HCA Group services are encouraged to raise awareness of concerns at the time they occur with the relevant HCA Group representative to produce immediate improved service.

This method does not void the right of complainants to access the Complaint Management and Resolution System.

HCA Group residents, community members and other interested parties, including people with disability do not need to try an informal resolution process prior to accessing the Complaint Management and Resolutions System.

## 10.2 Formal complaint and appeal resolution

### 10.2.1 Responsiveness

We will promptly acknowledge receipt of complaints and appeals.

We will assess and prioritise complaints and appeals in accordance with the urgency and/or seriousness of the issues raised through use of the complaint severity matrix. If a matter concerns an immediate risk to safety or security the response will be immediate and will be escalated appropriately.

HCA Group employ a [complaint severity matrix](#) to support staff in recognizing required resolution steps. This severity matrix has been developed in line with the research of the Victorian Consumer Ombudsman.

Complaints and appeals are managed through a six-stage process to ensure consistent and thorough approach is applied to all complaint and appeal issues. This process is comprised of the following elements;

1. Listen
2. Acknowledge
3. Review
4. Collaborate
5. Act
6. Communicate

We are committed to managing people's expectations, and will inform them as soon as possible, of the following:

- the complaints and appeals process
- the expected time frames for our actions
- the progress of the complaint and reasons for any delay
- their likely involvement in the process, and
- the possible or likely outcome of their complaint.

We will advise people as soon as possible when we are unable to address any part of their concern and provide advice about where such issues and/or complaints/appeals may be directed (if known and appropriate).

### 10.2.2 Objectivity and fairness

We will address each complaint and appeal with integrity and in accordance with procedural fairness directions. We will ensure that the person handling a complaint is different from any staff member whose conduct or service is involved in the issue. Conflicts of interests, whether actual or perceived, will be managed responsibly. In particular, internal reviews of how a complaint was managed will be conducted by a person other than the original decision maker

### 10.2.3 Responding flexibly

Our staff are empowered to resolve complaints and appeals promptly. We adopt flexible approaches to service delivery and problem solving to enhance accessibility for people making complaints and/or their representatives. We will assess each complaint and appeal on its merits and involve people making complaints and/or their representative in the process as far as possible.

#### 10.2.4 Confidentiality

We will protect the identity of people making complaints and appeals where this is practical and appropriate. Personal information that identifies individuals will only be disclosed or used by HCA Group as permitted under the relevant privacy laws.

#### 10.2.5 Complainant involvement

We will consult with the complainant/appellant and their advocate (where applicable) to ensure our intended actions meet the expectations of the complainant.

Where possible complainants/appellants are invited to suggest outcomes and goals to further encourage mutual understanding of the issue being raised and how we can improve.

### **10.3 Complaints involving multiple agencies**

Where a complaint involves multiple organisations, we will work with the other organisation/s where possible, to ensure that communication with the person making a complaint and/or their representative is clear and coordinated. Subject to privacy and confidentiality considerations, communication and information sharing between the parties will also be organised to facilitate a timely response to the complaint. When similar complaints are made by related parties we will try to arrange to communicate with a single representative of the group.

Complainants will be informed when external authorities are required. The following complaint types require reporting to external authorities;

- Privacy breach;
- Reportable incident including abuse of children and vulnerable people; and
- Criminal activity.

#### 10.3.1 Reporting requirements

Internal reporting on the performance of the Complaint Management and Resolution System occurs quarterly and annually. Statistical data on our system performance is provided as part of our formal annual report.

### **10.4 Empowering Staff**

All staff managing complaints are empowered to implement our complaint management system as relevant to their role and responsibilities. Staff are encouraged to provide feedback on the effectiveness and efficiency of all aspects of our complaint management system.

### **10.5 Managing unreasonable conduct by people making complaints**

We are committed to being accessible and responsive to all people who approach us with complaints. At the same time our success depends on:

- our ability to do our work and perform our functions in the most effective and efficient way possible;
- the health, safety and security of our staff and residents; and
- our ability to allocate our resources fairly across all the complaints we receive.

When people behave unreasonably in their dealings with us, their conduct can significantly affect the progress and efficiency of our work. As a result, we will take proactive and decisive action to manage any conduct that negatively and unreasonably affects us and will support our staff to do the same in accordance with this policy.

## 10.6 Appeals

Submitting an appeal will not result in discrimination or detriment to appellants or those impacted by the issues raised in the appeal.

The Quality Assurance and Compliance Manager leads the investigation of the resolution process to ensure that the fair objective and reasonable principles were applied. Appellants may be requested to provide further detail and any correspondence relating to the complaint to accurately pinpoint errors in the complaint resolution process.

The Quality Assurance and Compliance Manager will engage appropriate internal supports to ensure an impartial appeal decision is reached.

If a complainant approaches an external authority with their appeal, the external authority will engage with HCA Group to review the initial process undertaken for complaint management and reason for outcome.

Appeals will be added to the complaint register and linked to the initial complaint. This will ensure thorough records are kept will all relevant information collated.

## 11. Scheduled review

This policy will be reviewed every three years or in response to legislative or regulatory changes. Consultation will be undertaken across service areas and input welcomed from persons who have been involved in the operation of complaints and appeals.

## **References to Standards and Legislation**

- Privacy Act 1988 (Cth)
- NDIS (Complaints Management and Resolution) Rules 2018
- NDIS (Incident Management and Reportable Incidents) Rules 2018
- NDIS Code of Conduct
- NDIS Act 2013
- National Disability Insurance Scheme (Specialist Disability Accommodation) Rules 2016
- National Disability Insurance Scheme (Specialist Disability Accommodation Conditions) Rule 2018
- National Disability Insurance Scheme (Provider Registration and Practice Standards) Rules 2018
- National Disability Insurance Scheme (Procedural Fairness) Rules 2018
- National Disability Insurance Scheme (Code of Conduct) Rules 2018
- Complaints to & enquiries by NDIS Quality & Safeguards commission guidelines
- Commonwealth of Australia (Department of Social Services) data
- NDIS Quality and Safeguards Framework
- Disability Act VIC
- Office of Housing Regulator (SA)
- SA Housing Registrar
- Housing Tasmania
- Community Housing Provider (National Law) SA Act 2013
- RTA Act 1995 (SA)
- RTA Act 1997 (TAS)
- RTA 1997 (Vic):
- Privacy and Data Protection Act 2014 (VIC)
- Housing Act 1983 (VIC)
- National Regulatory System Community Housing Standards
- Victorian Ombudsman – Complaints: Good Practice Guide for Public Sector Agencies
- Australian Government National Office for Child Safety, Complaint Handling Guide: Upholding the rights of Children and young people

## **Internal File Links**

### **Related policies**

- Whistleblowing Policy (under review)
- [Privacy Policy](#)
- [Corrupt Conduct Policy](#)
- [Health and Safety Policy](#)
- [Tenancy Breach Policy](#)
- Good Neighbour Policy (under review)
- [Feedback Management Procedure \(Suggestions, Compliments, Complaints\)](#)
- Complaint and appeals process flow chart (under review)
- Information Sharing Procedure – Victoria (under review)
- Information Sharing Procedure – Tasmania (under review)
- [Information Sharing Procedure – South Australia](#)
- [Advocacy and Support Services SA](#)
- [Advocacy and Support Services TAS](#)
- [Advocacy and Support Services Vic](#)
- [Advocacy Consent Form](#)

- Child Safety Framework (under review)
- [Child Safety Policy](#)
- Incident Management & Reportable Incidents for Residents in Specialist Disability Accommodation (under review)