

## COMPLAINTS, REVIEWS AND APPEALS POLICY

### Introduction

#### 1. Purpose

Bethanie Housing must ensure that:

- All tenants have the right and opportunity to complain either verbally or in writing, directly or through a third person; and
- Complaints will be acknowledged, reviewed or investigated and responded to in a timely manner. Feedback is an integral component of the Bethanie Quality Improvement System; and
- All tenants are provided with the necessary information to request a review or appeal a decision made by Bethanie Housing, using internal or external review and appeal mechanisms as appropriate.

#### 2. Scope

This policy covers all employees of Bethanie Housing dealing with or referred to in a review, complaint or appeal.

#### 3. Principles

- Bethanie Housing will scrupulously observe its legal and contractual obligations towards tenants.
- Bethanie Housing regards the right to complain, request a review or appeal as a fundamental consumer right and welcomes opportunities to improve services.
- Bethanie Housing has a zero tolerance for victimisation based on complaints or appeals – all tenants will continue to receive respectful service regardless of any complaints, review requests or appeals lodged.

#### 4. Defined terms

<b>Recognised advocate</b>	A family member, friend, associate or representative of a client, complaining on his or her behalf.
<b>Complainant</b>	A client or an advocate acting on behalf of the client or in own capacity in connection with a complaint.
<b>Complaint</b>	A formalised expression of dissatisfaction of a client or recognised advocate with the services delivered by Bethanie Housing staff members, residents, contractors, or other third parties working for Bethanie Housing or residents, whether in a specific instance or in general.
<b>Resolution</b>	The conclusion of the process of managing a complaint or review, which may be contested, depending on its nature, either at a higher level at Bethanie Housing or at an external authority.
<b>Review</b>	A re-assessment of a decision, carried out to ensure that the resolution was fair or to correct it if found unfair. A review may relate to a complaint or a tenancy termination decision.

## COMPLAINTS, REVIEWS AND APPEALS POLICY

### Complaints

#### 5. Preparing and lodging a complaint or review request – Bethanie Housing Standards

- (1) **Accessibility standard:** Complaints-related documentation, including the pamphlet in Appendix 2 to this policy, the Bethanie Housing Ethics and Conduct Charter, relevant policies and procedures must be made available to tenants and the recognised advocates in paper and electronic format. While the pamphlet (Appendix 2) form is preferred, complaints must be accepted in other forms should the complainant so desire.
- (2) **Assistance standard:** Employees must be prepared to provide assistance to any client or advocate wishing to assemble and lodge a complaint, with particular attention given to complainants with a disability and / or limited English language capabilities.
- (3) **Flexibility of lodgement standard:** Complaints must be accepted for submission:
  - (a) In person to a Bethanie Tenancy Manager; or
  - (b) Dropped in a Suggestion Box available at all Bethanie Sites; or
  - (c) By fax, post or email sent to the Tenancy Manager.
  - (d) If the complaint relates to a Tenancy Manager, sent to the Manager Housing by fax, post or email.
  - (e) If the complaint relates to the Manager of Housing; sent to the CEO Bethanie by fax, post or email.
  - (f) If the complaint relates to the CEO Bethanie, to the concerned external authority, e.g. Department of Commerce, by way of appeal to the Magistrates Court in case of termination of residential tenancy agreement, etc.
- (4) **Confidentiality standard:** As far as possible, the details of any complaint or review must remain confidential amongst staff directly concerned with its resolution. Permission should be obtained prior to any information being given to other parties which may be desirable to be involved in order to satisfactorily resolve the complaint.
- (5) **Timeliness standard:** The following deadlines must be observed by Bethanie Housing with respect to complaints and reviews management.

TYPE OF ACTION	ACKNOWLEDGEMENT	TIME TO SOLUTION
Complaint	72 hrs	4 weeks, or 8 weeks with update after 4 weeks*
Review of a Complaint	72 hrs	4 weeks
Review of a Notice of Termination Decision	24 hrs	7 days

## COMPLAINTS, REVIEWS AND APPEALS POLICY

- \* If the issue is not resolved in 8 weeks, the complaint or appeal is automatically escalated to CEO level.

### 6. Resolving of a complaint and resolution reviews

- (1) Bethanie Housing will receive, assess and if required, undertake corrective actions in response to every complaint lodged, in accordance with the standards outlined in Clause 5.
- (2) Authorities dealing with complaints are the following, depending on the person at the centre of the complaint:

PERSON AT THE CENTER OF THE COMPLAINT	AUTHORITY RESOLVING THE COMPLAINT	REVIEW AUTHORITY*	APPEAL RIGHTS*
Staff member or contractor at a Bethanie site	Relevant Tenancy Manager	Manager of Housing	Court, oversight agency or another external authority
A Tenancy Manager	Manager of Housing	CEO Bethanie or person appointed by the CEO	Court, oversight agency or another external authority
Manager of Housing	CEO Bethanie or person appointed by the CEO	Court, oversight agency or another external authority	
CEO Bethanie for Bethanie Housing	Court, oversight agency or another external authority		

- (3) When assessing a complaint, the authority dealing with the complaint will endeavour, in accordance with the Bethanie Group approach to complaints management, to:
  - (a) Allow time to understand the full extent of the complaint.
  - (b) Demonstrate understanding of the complaint.
  - (c) Focus on the issue being raised, not the personality of the individual(s) concerned.
  - (d) Talk through potential ways of seeking a resolution.
  - (e) Encourage the complainant to offer suggestions to form a resolution/outline an expected outcome.
  - (f) Make necessary arrangements to resolve the complaint to the satisfaction of the client/family/others.

## COMPLAINTS, REVIEWS AND APPEALS POLICY

- (4) When reviewing a decision made on a complaint, in accordance with public housing practice the reviewer must establish:
- (a) What are the facts of the case; and
  - (b) What policy was applied; and
  - (c) Was the policy relevant; and
  - (d) Was policy correctly applied to the facts; and
  - (e) Was the customer situation given comprehensive consideration; and
  - (f) Was Bethanie Housing's discretion fairly exercised, with consideration being given to the facts of the case and policy?
- (5) The form in Appendix 1 must be completed once a complaint has been dealt with.

### 7. Management of complaints data

- (1) Once the complaint is closed out, in accordance with the Bethanie Group's approach to complaints management, the complainant's level of satisfaction with the complaints resolution must be evaluated and it must be recorded using the following criteria:
- (a) Very satisfied with the resolution
  - (b) Satisfied with the resolution
  - (c) Partly satisfied with the resolution
  - (d) Dissatisfied with the resolution
  - (e) Very dissatisfied with the resolution
  - (f) Not wanting to comment.
- (2) Record the complaint resolution satisfaction in Quality Connect with the complaints documentation, including the suggestion for resolution captured under Clause 6(4)(e).
- (3) For the purposes of Bethanie Housing's annual complaints management review, a report will be prepared under coordination by the Manager Housing:
- (a) Specifying the number and classification of all complaints received during that reporting cycle; and
  - (b) Listing the results of an in-depth analysis of the systematic, recurring and single incident problems and trends and potentially the identification of underlying causes of complaints.
  - (c) Containing quality indicators, such as the random sampling of complainants to gauge the level of tenants' satisfaction with the management of complaints.
  - (d) Providing the results from the audits of the complaints management function, including the recommendations to the management regarding the adequacy of the complaints management system and the potential improvements to be considered.
  - (e) Recommending a set of complaints-related data and information to be included in the annual report.

## COMPLAINTS, REVIEWS AND APPEALS POLICY

- (f) Analysing internal and external factors likely to impact on the complaints management process (changes in legislation, government policy or community expectations).
- (g) Submitting to management any other information which may help identify opportunities to improve the efficiency and effectiveness of the Bethanie Housing's complaints handling processes and procedures.

### Reviewing termination notices

#### 8. Notice of Termination of residential tenancy agreement

- (1) Bethanie Housing may issue a client with a Notice of Termination of the residential tenancy agreement for a breach of the :
  - (a) Criteria for assessing eligibility of tenants for social housing premises as established by the Minister for Housing under Division 3 of the *Residential Tenancies Act 1987* and published from time to time by the Housing Authority (Department of Communities); or
  - (b) Residential tenancy agreement not related to matters identified in paragraph (a).
- (2) Consistent with Public Housing practice, every decision leading to a Notice of Termination must be:
  - (c) Issued by the Bethanie Tenancy Manager; and
  - (d) Reviewed by the Manager Housing before being communicated to the client.

#### 9. Right of review of a Notice of Termination of Tenancy Agreement

- (1) A client who has been issued with a Notice of Termination of the residential tenancy agreement has the right to request an internal review.
- (2) The Bethanie Chief Operating Officer will undertake such reviews.
- (3) A client wishing a review may request an opportunity to present his/her case to the reviewer. Otherwise the review will be conducted without representation.
- (4) The form in Appendix 1 must also be completed once a review has been undertaken.
- (5) The decision of the Chief Operating Officer is final and open only to external appeal.

## COMPLAINTS, REVIEWS AND APPEALS POLICY

### Protection for whistle blowers

#### 10. Protections afforded under the *Corporations Act 2001*

- (1) Any person making a disclosure under the *Corporations Act 2001* will benefit from protection from victimisation in accordance with that Act.
- (2) Any person making a disclosure under the *Aged Care Act 1997* will benefit from protection from victimisation under that Act.
- (3) Protection against victimisation for whistle blowing will be provided in accordance with the Whistle Blower Policy (ER P 04) as modified from time to time.

#### 11. Version Control and Change History

Version No.	Approval Date	Approved by	Status	Document Owner
1.0	08/10/2018	Executive Committee	Released	GM - Housing

## COMPLAINTS, REVIEWS AND APPEALS POLICY

### Appendix 1

CHECKLIST – COMPLETION OF A COMPLAINT ASSESSMENT OR REVIEW			
<b>Assessment/Review Officer:</b> _____			
<b>Complaint No:</b> _____			
STANDARD	COMPLIANCE QUESTION	Yes	No
<b>Accessibility</b>	Is there any evidence that the complainant encountered any difficulty in accessing information necessary to lodge the complaint?	<input type="checkbox"/>	<input type="checkbox"/>
<b>Assistance</b>	Is there any evidence that the complainant required some assistance in lodging the complaint and did not receive it?	<input type="checkbox"/>	<input type="checkbox"/>
<b>Flexibility of lodgement</b>	Was the complaint delayed or refused because of the way it was submitted?	<input type="checkbox"/>	<input type="checkbox"/>
<b>Confidentiality</b>	Were the details of the complaint kept confidential or, if some were released, was consent obtained beforehand?	<input type="checkbox"/>	<input type="checkbox"/>
<b>Timeliness</b>	Have the deadlines prescribed by the timeliness standard been observed?	<input type="checkbox"/>	<input type="checkbox"/>
<b>Right of review</b>	Has the information on the avenues for redress been available, and have the review requests been facilitated and accepted?	<input type="checkbox"/>	<input type="checkbox"/>
<b>Procedural fairness</b>	Has the person(s) at the centre of the complaint been provided natural justice rights?	<input type="checkbox"/>	<input type="checkbox"/>
<b>Representation</b>	Has the complainant been offered the option of being represented by an associated person or advocate?	<input type="checkbox"/>	<input type="checkbox"/>
<b>Service quality improvement</b>	Has the information related to this complaint been de-identified and made available for service quality improvement purposes?	<input type="checkbox"/>	<input type="checkbox"/>
<div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div style="width: 45%; border-top: 1px solid black; margin-top: 20px;"></div> <div style="width: 45%; border-top: 1px solid black; margin-top: 20px;"></div> </div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 45%;"><b>Signature of the complaint assessor or Review Officer</b></div> <div style="width: 45%;"><b>Date</b></div> </div>			

## COMPLAINTS, REVIEWS AND APPEALS POLICY

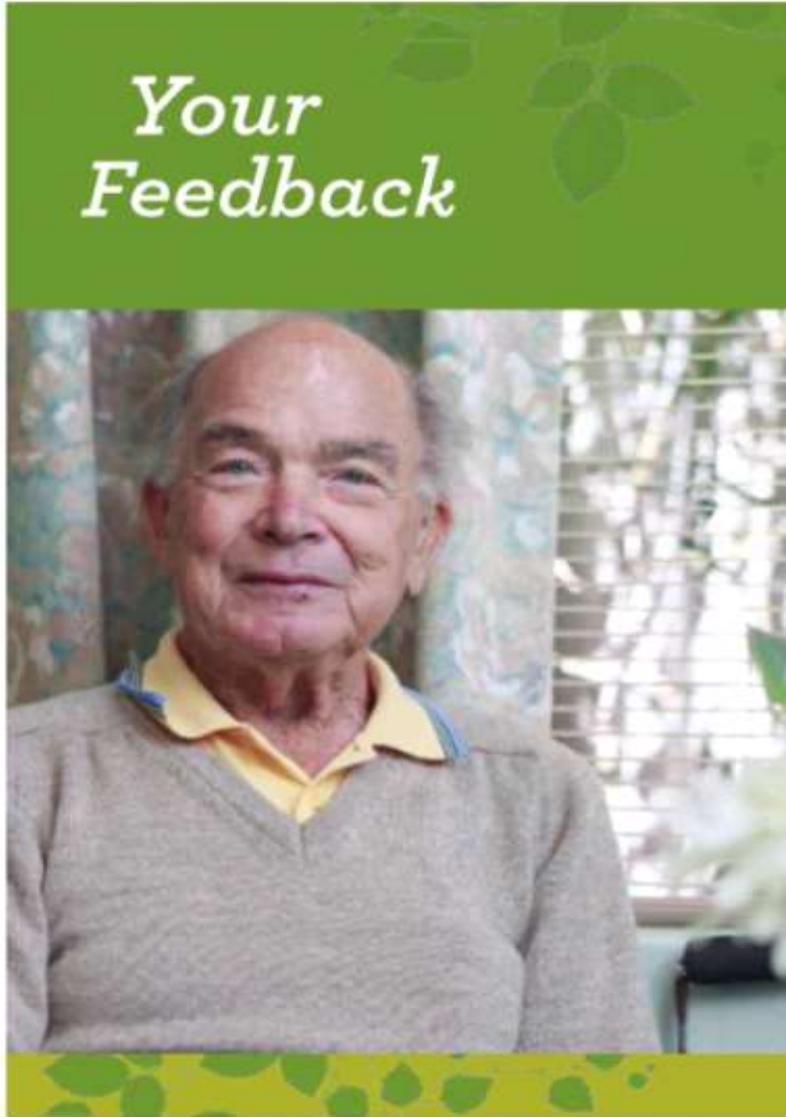
### Appendix 2

#### APPEAL AGAINST DECISION TO TERMINATE TENANCY

<b>SECTION 1: TO BE COMPLETED BY THE TENANT</b>
<b>YOUR CONTACT DETAILS</b>
Full name: _____  Email address and/or daytime phone number: _____  Tenancy address: _____
<b>DECISION TO TERMINATE TENANCY</b>
Issue date: _____ Issuing officer: _____  Specified reason for the decision to terminate tenancy:
<b> GROUNDS FOR APPEAL</b>

<b>SECTION 2: TO BE COMPLETED BY THE CHIEF OPERATIONS OFFICER - COMMUNITY</b>
<b>REVIEW OF TERMINATION DECISION AND ASSESSMENT OF PRESENTED GROUNDS FOR APPEAL</b>
<b>FINAL DECISION</b>
<b>APPEAL ACCEPTED AND DECISION TO TERMINATE TENANCY REVERTED</b>  <b>APPEAL REJECTED AND DECISION TO TERMINATE TENANCY UPHELD</b>
<b>NAME: _____, CHIEF OPERATIONS OFFICER – COMMUNITY</b>  <div style="display: flex; justify-content: space-between; width: 80%; margin: 0 auto;"> <div style="text-align: center; width: 45%;">           _____  <small>SIGNATURE</small> </div> <div style="text-align: center; width: 45%;">           _____  <small>DATE</small> </div> </div>

## COMPLAINTS, REVIEWS AND APPEALS POLICY



Appendix	
<b>TYPE-OF-FEEDBACK</b>	
What-kind-of-feedback-are-you-giving: → → → ¶	
→ → → → → ¶	
Compliment → <input type="checkbox"/> → Complaint → <input type="checkbox"/> → Suggestion → <input type="checkbox"/>	
<b>BETHANIE-HOUSING-LOCATION</b> →	
¶ Bethanie-Metropolitan· <input type="checkbox"/> → .....Bethanie-Peel·... <input type="checkbox"/> → .....Bethanie-Dalyellup· → <input type="checkbox"/> → ¶	
<b>PERSON-TO-WHOM-THE-COMPLAINT,-COMPLIMENT-OR-SUGGESTION-RELATES-(IF-KNOWN)</b> ¶	
¶	
<b>SUGGESTION,-COMPLIMENT-OR-COMPLAINT</b> ¶	
<b>DESCRIPTION:</b> ¶	
¶	
¶	
¶	
¶	
¶	
¶	
<b>OUTCOME-YOU-ARE-SEEKING/SUGGESTION:</b> ¶	
¶	
¶	
¶	
<b>YOUR-CONTACT-DETAILS</b> ¶	
¶	
Full-name: _____	
¶	
Email-address-and/or-daytime-phone-number:· _____	
¶	
<b>OFFICE-USE-ONLY</b> ¶	
¶	
OFFICER-MANAGING-COMPLAINT*·: _____ ·Date: _____	
¶	