

COMPLAINTS & APPEALS POLICY

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24 Jun 2020	24 Jun 2021	First release
28 Jul 2020	28 Jul 2021	Removal of details relating to notifications to Registrar of Community Housing. Details are within new Notifications Policy
15 Nov 2021	15 Nov 2021	Renamed and restructured from Feedback Policy. Reduced scope: only external complaints and appeals, excludes employee feedback. Addition of appeals; independent support organisations; appealable decisions; role of Housing Appeals Committee and NCAT.
23 Feb 2022	Feb 2023	For Board approval – Board reviewed and accepted
11 Nov 2024	11 Nov 2027	For CEO approval

This Policy will be reviewed from time to time to reflect changes in business operations, legislation or three (3) years from the date of adoption.



COMPLAINTS AND APPEALS POLICY

1. POLICY

Many Rivers recognises all applicants and tenants receiving its services have the right to make complaints and appeal against decisions made by Many Rivers, either personally or through an advocate.

Many Rivers addresses all complaints and appeals quickly, fairly confidentially and without reprisal.

Many Rivers works to make it easy to make complaints and appeals. Complaints and appeals inform continuous quality improvement and reflective practice.

2. PURPOSE

This policy ensures tenants, applicants, contractors, stakeholders and other community members are able to exercise their right to complain.

The policy outlines how Many Rivers deals with complaints.

Complaints are an opportunity for improvement and a valuable mechanism for reflecting on the quality and performance of our service.

All complaints are considered and managed with respect for the individual's privacy and confidentiality and their right to provide feedback without any fear of reprisal.

3. SCOPE

This policy applies to service complaints received from applicants, tenants, contractors and other stakeholders.

This policy does not cover complaints from employees or volunteers (internal feedback).

Service complaints relate to Many Rivers policies, procedures or services. They can include complaints about the way someone was treated by Many Rivers, about the timeliness of a service they received, or the quality of a service.

Many Rivers receives other complaints and feedback, such as complaints about tenants behaviour (tenancy management issues), requests for service, sector feedback, and compliments.

While these other types of feedback are recorded on the same register, they are out of scope for this policy.

4. DEFINITIONS

This policy uses a number of repeated common terms and phrases. Those terms and phrases are also explained within the Policy, but for convenience we have provided immediately below a brief definition or explanation of several common terms and phrases;

- **Appeal** - A request for review of a decision made by Many Rivers if the applicant disagrees with a decision. Appeals can be made by a tenant, ex- or prospective tenant. This can include decisions relating to eligibility, housing allocations and transfers, rent assessment, pets or tenant charges.
- **Complaint** - An expression of dissatisfaction with a policy, procedure or service provided that requires resolution or response.
- **Complainant** - Person making a complaint.

5. POLICY DETAIL

5.1 Levels of complaints

An early intervention response to complaints is when a front-line employee resolves a complainant's concerns in the first instance. This is always preferable. If resolution of a complaint exceeds the authority of the frontline staff or is deemed serious, the complaint will be managed by a member of the senior management team. This complaints process will include an internal investigation, review and mediated resolution.

When the outcome of the internal does not result in the resolution of a complaint an external review may be required.

5.2 Lodging a complaint

Feedback, including complaints, is encouraged via promotion:

- On our website
- In our tenant handbook
- Via our annual tenant survey

Complaints can be made:

- Via our website
- By completing a Feedback form (available from any staff member)
- Over the phone
- Face-to-face
- Via our Facebook page

- Via text
- Via email to any staff member or reception@mrrahms.com.au
- Via letter

5.3 Addressing and managing complaints

When receiving a complaint, Many Rivers:

- Receives information impartially
- Protects people's privacy and confidentiality
- Respects that some people will not want to provide their name and contact information.
- Wherever possible, seeks to understand what outcome is preferred or sought

No matter how the complaint is made:

- Complaints are recorded in the Complaints Register in CHINTARO. If the complaint is sensitive or confidential it is saved in the restricted access Q drive Complaints and Appeals.
- All complainants are treated in a courteous manner.
- All complaints are treated diligently and as quickly as possible.

Complaints are acknowledged within two working days of receipt.

All complaints are recorded in the Complaints Register and a copy provided to the assigned manager.

Where the complaint is a simple matter that can be quickly and easily resolved, then acknowledgment of the complaint and any action taken is provided to the person, thanking them for bringing it to our attention.

If needed, the assigned manager leads an investigation. In the case of an investigation, the complainant is kept informed of the process including when they can expect a response. Investigations should be completed within 21 days.

The complainant must be notified of the outcome of the investigation, initially verbally with follow-up confirmation in writing, if deemed necessary.

The complainant is asked about their satisfaction with the outcome so any unresolved issues can be addressed.

Many Rivers will respond to the complainant, either verbally or in writing. All complaints investigated by a manager will be responded to in writing. Many Rivers response may include:

- Explaining why the problem occurred
- Giving reasons for decisions
- Apologising

- Providing information about further options, such as the NSW Housing Appeals Committee or another agency
- Reaching agreements with the complainant through mediation or other resolution approaches

Resolutions can include:

- Stopping an action that should not have been started or cancelling an intended action
- Changes to processes or services to ensure the problem does not happen again
- Ensuring compliance with obligations
- Correcting records

Mitigation to reduce adverse consequences could include:

- Providing assistance and support
- Refunding fees or charges
- Waiving fees or debts

Satisfaction of the concerns of the complainant may be achieved by:

- Publicly acknowledging the mistake
- Committing to improving systems, procedures or practices
- Taking disciplinary action
- Compensation, including reimbursement of funds or a goodwill gift for the worry or distress caused to the complainant.

The outcome, including the complainant's response to the outcome, is recorded in the Complaints Register.

Communication will not occur where the person providing the feedback has asked to remain anonymous or where they have noted that they do not want a response from Many Rivers.

Many Rivers does not discontinue or reduce services or take any retaliatory action in relation to a person who has made a complaint about any of the services or who has had a complaint made on their behalf.

The CEO reviews the Complaints Register monthly and provides an outline on trends, risks and actions arising from the Register to the Board.

Events of a serious and significant nature need to be notified to the CEO, sometimes the board and, in the case of Notifiable Incidents, the Registrar of Community Housing.

6. APPEALS



Many Rivers encourages anyone who is dissatisfied with the outcome of a complaint to Many Rivers to explore options for lodging an appeal.

All appeals must be lodged within 3 months of the applicant being notified of the original decision.

Prospective tenants and tenants have a right to appeal most decisions where Many Rivers has applied a policy to their situation.

Applicants and tenants who are not satisfied with our decisions can either seek an internal review or an independent review.

6.1 Internal Review

Applications for internal reviews are made in writing to Many Rivers using our Internal Appeals Form. The Many Rivers team can assist people with advice on if the decision is appealable and to complete the form.

In most cases, internal appeals are decided within 21 days from the date Many Rivers receives a request for appeal. Exceptions to this timing may be where we are waiting on further information from the tenant or applicant, or another person or organisation. The outcome is communicated by the CEO in writing.

6.2 Independent Review

Many Rivers gives information to tenants and applicants about external bodies that can help resolve complaints and appeals when complaints and appeals cannot be resolved internally.

If a person is dissatisfied with the outcome of the Internal Review, they can ask the Housing Appeals Committee to review the decision. The Housing Appeals Committee (HAC) is an independent agency set up specifically to provide an external appeal option for community housing tenants and applicants. It is the external appeal option for decisions made by community housing providers and government agencies.

After hearing from the tenant or applicant, the HAC writes recommendations. Many Rivers can decide whether to accept the Housing Appeal Committee's recommendations.

When a matter relates to the tenancy agreement or the Residential Tenancies Act 2010 it may be able to be resolved at the NCAT.

6.3 Appealable decisions – Housing Appeals Committee (HAC)

There is a limited scope to the decisions the Housing Appeals Committee (HAC) will consider. The following list of items are in scope for the HAC.

Housing eligibility

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- General eligibility for or removal from a waiting list or housing register
- Eligibility of people classified as unsatisfactory or ineligible former tenants
- Eligibility for priority housing

Housing entitlements

- Size and type of dwelling
- Modifications or special features of dwelling needed for medical reasons
- Location need entitlements

Succession of tenancy

- Eligibility for a minor to be granted a tenancy (under 18 years of age)

Offers of Property

- Whether an offer is considered 'reasonable' (e.g. type, location, size)
- The acceptability of reason for not accepting an offer

Transfers

- Eligibility for a transfer
- Category of transfer approval granted
- Eligibility for priority transfer
- Location approved for a transfer
- Relocation of a tenant for management purposes
- Transfer of tenants under relocation powers

Rental Subsidy assessment

- Calculation of, change to, or cancellation of rental subsidy
- Water charges related to subsidy

Modifications for disability/medical reasons only (not maintenance or upgrade issues)

Permission to be absent and rent calculation during absence

Tenure categories and tenure review

- Length of tenure granted
- End of tenure eligibility review

Charges at vacation of dwelling where not covered by NCAT

Offers of a property transfer

- Whether a 'reasonable' offer has been made and the offer countered for purposes of the offers policy
- Offers made to tenants under relocation powers
- Eligibility for joint tenancy
- First and Second Strike Notices for antisocial behaviour

6.4 Decisions not appealable via HAC (out of scope for HAC)

- Decisions that are not directly related to the person or household
- Matters that are the responsibility of other tribunals (such as repairs and maintenance, which are the responsibility of the NCAT)
- Housing providers' policies
- Matters for which clients cannot make application to housing providers
- Internal administrative and funding matters of Many Rivers
- Complaints about the way a service is provided
- Programs not related to the provision of a service
- Decisions about providing more than the maximum service or benefit available under Many Rivers policy
- Decisions to provide services on an 'out of guidelines' basis
- Decisions about home purchases assistance services.

7. NSW CIVIL AND ADMINISTRATIVE TRIBUNAL (NCAT)

NCAT deals with housing tenancy disputes between landlords and tenants under the Residential Tenancies Act 2010. NCAT is a court that can make orders in relation to:

- Residential Tenancy Agreements
- Repairs, maintenance and alterations to a property
- Change of tenants
- Abandonment of properties
- Access to properties
- Security and safety of a property
- Rental bonds

8. INDEPENDENT ADVICE AND SUPPORT

Complaints can explore options for lodging a complaint with an external agency:

- NSW Fair Trading
- Registrar of Community Housing
- Energy & Water Ombudsman NSW

External agencies may be able to provide assistance with lodging complaints and appeals. Independent services offer advice and assistance with making a complaint to an external agency.

These include:

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- Northern NSW Aboriginal Tenants Advice and Advocacy Service (ATAAS), covering the Hunter, North Coast and New England.
Free call from anywhere in Australia: 1800 248 913
Grafton 02 6643 4426 18-26 Victoria St
Newcastle 02 4929 5004 5 Newcomen St
- Legal Aid Phone: 1800 793 017

Aboriginal Legal Service

Kempsey	(02) 6561 3200	41Belgrave St Kempsey	kempsey@alsnswact.org.au
Coffs Harbour	(02) 6640 1400	203Rose Ave Coffs Harbour	
Newcastle	(02) 4914 6500	Lv 4 456-460 Hunter St Newcastle	newcastle@alsnswact.org.au
Tamworth	(02) 6763 9700	78-80 Brisbane St Tamworth	tamworth@alsnswact.org.au
Armidale	(02) 6771 6000	128A Dangar St Armidale	armidale@alsnswact.org.au
Lismore	(02) 6623 4400	29 Molesworth Street Lismore	lismore@alsnswact.org.au

– Legal Aid Phone: 1800 793 017

9. QUALITY IMPROVEMENT

Many Rivers learns from complaints and feedback. They allow identification of improvements to what we do and how we do it. These processes ensure that we are meeting the expectations of the communities we serve. It allows us to identify ways to improve and find new solutions.

10. RELEVANT REFERENCE MATERIAL

- Feedback Form
- Internal Appeal Form Allocations Policy
- Repairs and Maintenance Policy
- Tenant Transfer Policy
- Give Respect Get Respect: The management of unacceptable customer interactions to ensure the physical and psychological safety of the team