

1<sup>st</sup> of October, 2019

# COMPLAINTS HANDLING POLICY

## HUMAN TOUCH RETIREMENT

### DRAFT

#### INTRODUCTION

The NSW Government introduced new legislation that passed Parliament in November 2018 with respect to the operation of retirement villages.

The Retirement Villages Amendment Act 2018 outlined (as part of several new reforms) a Code of Conduct to be implemented in villages from July the 1<sup>st</sup>, 2019.

The objectives of these rules of conduct are as follows:

- a) to establish the standards of conduct and behaviour that are expected of operators and their staff in relation to the management and operation of a retirement village, including a knowledge of relevant laws,
- b) to encourage higher standards of customer service to ensure that residents and prospective residents are treated with respect, dignity and fairness, and improving awareness of elder abuse,
- c) to promote fair, honest, transparent and ethical practices for the marketing and promotion of residential premises in retirement villages,
- d) to establish minimum standards for operators in the handling of complaints and the resolution of disputes in a retirement village,
- e) to set minimum training and competency standards for operators and their staff and ensure the effective oversight and supervision of staff.

HT Retirement Villages are committed to achievement of the objectives raised above.

## OVERVIEW

Under Division Two (2) of the Code of Conduct, Operators must ensure complaint and internal dispute resolution processes are prepared and maintained.

The following outlines HT Retirement's Policy with respect to how it will develop and implement actions to address complaints and internal disputes.

Complaints can be made by resident's or persons acting on their behalf.

## OUR COMMITMENT

- We will proactively, respectfully and cooperatively manage complaints made by prospective residents, current residents and former residents.
- We will maintain a complaints-management system that is resident-focused and provides for continual review and monitoring.
- We will advise residents that they have a right to refer a complaint to other avenues such as the Code Administrator (or the Code Review Panel), independent mediation or the relevant state regulatory authority.
- As a part of the complaints-management system, we will maintain clear written policies and procedures for handling and resolving complaints and disputes, which will also clearly identify our role in addressing resident-to-resident disputes. We will make these procedures available to residents and will ensure this provides a clear framework for all parties to participate in a process that aims to resolve issues without the need for external referral wherever possible. The procedure will include our full contact details.
- Our procedures will assure residents that we will acknowledge a formal complaint, treat it confidentially and provide an initial response in writing as soon as possible. Where residents making a complaint tell us they are not satisfied with our response, we will not require them to write again to pursue the complaint through any escalation procedure. We will escalate the complaint as set out in paragraph A5.8 below. We will maintain a complaints register where we record: the names of the resident making the complaint; key dates when we received, acknowledged and responded to the complaint; the substance of the complaint; and the person responsible for managing the complaint.
- We will ensure that all our resident-facing staff understand our commitment to resolving complaints and that they have suitable processes and capabilities for resolving complaints.
- Where possible and reasonable, we will endeavour to resolve complaints at the community or operator level within 15 working days of receiving the complaint (and which has sufficient details so as to understand the nature of the complaint). A resident may agree to a longer time frame to obtain information or undertake relevant investigation. If a later time is agreed upon, we will keep the resident informed of progress on a regular basis.

- We will follow a cascading complaints-handling policy, which allows complaints to be escalated in a way that seeks to resolve them in a cost effective and efficient manner that is fair and reasonable to all parties. The escalation pathways will be detailed in writing in our policies, but this does not preclude the resident from pursuing their rights elsewhere. Also, this Code does not preclude an operator from offering or maintaining additional complaints handling and dispute resolution processes. However, the escalation pathway should include the following stakeholders:
  - The Community Manager (if agreed by the resident);
  - A senior manager or executive of the signatory who is not the manager of the Retirement Community;
  - The Code Administrator (or the Code Review Panel) for its referral to an external independent dispute resolution service, procedures and processes which are outlined in this document and the Code Resources;
  - The relevant authority with legislative authority to consider the Complaint.
- We will co-operate with the Code Administrator (or the Code Review Panel), independent mediator or any regulatory authority during any investigation and abide by any agreement we make.
- A resident may appoint a representative to act on their behalf. We will respect and cooperate in the same way with an intermediary or representative acting on behalf of residents as we would with the residents themselves.

## COMMUNICATION WITH RESIDENTS

This policy will be posted on the Notice Board in each village in accordance with the requirements of the NSW Government as outlined in the Code of Conduct and on the HT Retirement website.

The policy will be provided to all residents for free either in hard copy form or electronically, but only if the resident agrees to receiving an electronic version.

## STAFF TRAINING

All staff have been provided a copy of the policy and trained handling complaints and disputes.

## REVIEW

HT Retirement will review complaints lodged and resolved quarterly to ensure and confirm compliance with any agreed outcomes.

This Strategy will be reviewed and updated, where relevant, every two (2) years.

## PROCESS FOR MAKING A COMPLAINT

All residents of a Retirement Community have a right to complain.

Residents may lodge multiple complaints.

Complaints should be seen or are taken to be indicators of matters within the Retirement Community that are important to residents and must be addressed and responded to.

All complaints are to be treated with appropriate respect and importance and a complainant is not to be discouraged, penalised or negatively affected by raising a complaint.

All complaints are to be treated as confidential and private. Requests for anonymity will be respected unless the circumstances of the complaints handling process requires disclosure and even then, must be disclosed to minimise the incidence and scope of disclosure.

The complaint system should be accessible to any complainant and appropriate support be provided to any complainant.

All forms, information or materials required by a complainant to lodge a complaint should be easily accessible and provided to the complainant when requested in a timely manner.

Residents (or their agent) can make a complaint in writing by filling out the Complaints Form that is available from the Office.

Complaints may be in relation to internal disputes between a resident, the operator or between two residents.

The handling of any complaint or dispute is as follows:

1. Meet with resident (or agent) to discuss the details of the issue
2. Detailed notes taken on:
  - a. Name and Villa / Apartment Number of resident (or agent)
  - b. Date of complaint
  - c. Nature of issue / complaint
  - d. Notes of proposed / suggested course of action
  - e. Follow up on any actions taken
3. All issues / complaints must be made in writing and cannot be anonymous.

The internal process to manage complaints are as follows:

1. Resident can lodge / report a complaint to the Village Coordinator or Administration Officer
2. If required, can meet with Village Coordinator
3. Escalated to General Manager (where relevant)
4. If no satisfactory resolution, referred to Resident Committee

## COMPLAINT HANDLING AND INVESTIGATION FRAMEWORK

Complaints are to be made in accordance with the complaints management system, using forms and templates prescribed by HT Retirement for the notification of complaints.

All complaints will be treated with the utmost confidentiality and privacy and are to be:

- Acknowledged as having been received;
- Investigated by HT Retirement and where necessary supplemented by additional information;
- Responded to in an efficient and timely manner, commensurate with the urgency and nature of the complaint; and
- Responded to in plain English
- Kept confidential / private.

No complaint can be allowed to impact the rights of residents and staff to work in a safe environment free from harassment and intimidation.

The circumstances supporting a complaint will be investigated in a manner to ensure:

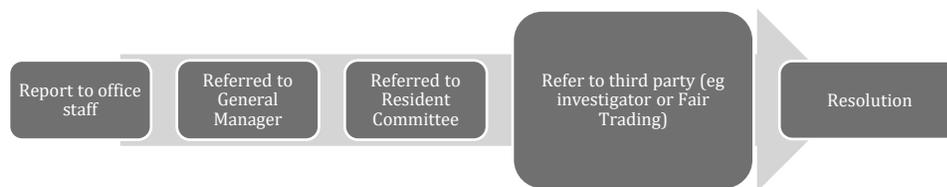
- the relevant facts and issues are identified and found; and
- the principles of natural justice are applied to all parties to the complaint.

The complainant and the operator's staff involved in any complaint investigation should be made aware of the expectations of complaints management, including:

- the complaint process itself;
- who will be responsible for the coordination of the process;
- expected time frames;
- the involvement of the complainant and the operator in the process;
- the possible outcomes and further avenues available should the complaint not be satisfactorily resolved
- Keeping the matter confidential.

## PROCESS

Figure 1: Escalation of complaint



The role of the Village Coordinator and Administration Officer is to record the details of the issue / complaint. It is then referred to management to undertake investigation, consult with the relevant parties and coordinate a response where relevant.

If the response is not considered to be acceptable to the resident (or agent), the issue may be escalated to the General Manager for further review and determination. The resident (or agent) will be consulted on the proposed response.

Any matters that cannot be resolved may be referred to external organisations or authorities (for example, for a third party investigation, NSW Fair Trading or the Tribunal),

## TIMELINES

HT will provide a response within five (5) working days for the acknowledgement of complaints or internal disputes.

Management of the complaint or internal dispute (and setting out an expected resolution date, where possible) will be undertaken within 60 days, in line with the Code of Conduct.

Each complaint is logged into HT Retirement's Village Manager Software and attached to the complainants file, where it is recorded permanently.

## RECORDING OF COMPLAINTS / DISPUTES

HT will keep a register of the following information about complaints and internal disputes that have been raised in the retirement village:

1. details of each complaint or internal dispute, including the name and contact details of each resident concerned, and the date the complaint or dispute was raised,
2. details of actions taken in response to each complaint or internal dispute, including the names and contact details of any staff involved in the handling of the complaint or internal dispute, and the date the action was taken,
3. whether the complaint or internal dispute was resolved, withdrawn, referred or escalated or another outcome was achieved,
4. whether the complaint or internal dispute was resolved, withdrawn, referred or escalated or another outcome was achieved,
5. the number of complaints or internal disputes handled each calendar year.
6. Outcomes of the complaint handling process must be recorded and confirmed between the complainant and the operator.
7. Record / report on any mechanisms to identify areas of improvement in the operations.

These records will be kept on file for a period not less than five (5) years in accordance with the Code of Conduct.