

Retirement Village - Complaint and Internal Dispute Resolution Procedure

Approved by General Manager, Retirement Living

Governing Policy Feedback and Complaints Management Policy

In this procedure, the requirement to take a particular step will be expressed as follows:

- MUST** the step is required to be followed
SHOULD it is strongly recommended that the step be followed
MAY the step is discretionary

1. Purpose and Intent

The purpose of this procedure is to establish a fair, transparent and accessible process that encourages *Residents* to raise concerns, and that supports the effective resolution of *Complaints* or *Internal Disputes*.

Nothing in this procedure:

- removes any person's right to seek to resolve a *Complaint* or *Internal Dispute* under any other process that may be available to them, including any relevant process under the *Act*; or
- requires any person to participate in the processes in this document before exercising any rights available to them at law.

2. Scope

This procedure applies to:

- *Complaints*; and
- *Internal Disputes*

It does not apply to:

- general or specific feedback given to Fresh Hope Communities, or a concern expressed to us, by a *Resident*;
- a general request for Fresh Hope Communities to take action on a particular matter;
- a *Complaint* or *Internal Dispute* being dealt with under a legal or other resolution process, such as an application to the *Tribunal*; or
- a *Complaint* or *Internal Dispute* that has previously been dealt with under this procedure,

unless the *Resident* specifies that they are intending to make a *Complaint* or raise an *Internal Dispute* under this procedure.

3. Definitions

Words and phrases that have a defined meaning in this policy are shown in *italics*.

The meanings of those defined words and phrases are included in the Dictionary at the end of this policy.

4. Procedure

4.1 Stage One Making a Complaint or raising an Internal Dispute

A *Complaint* may be made or *Internal Dispute* raised:

- In writing (email, letter or via CarePage)
- Verbally (in person)

A *Complaint* or *Internal Dispute* should be made to one of the following *Managers*;

- Community Manager of the *Resident's* Village
- Retirement Communities Operations Lead
- General Manager Retirement Living.

A *Complaint* or *Internal Dispute* should include the following information:

- the relevant facts and circumstances
- the person/s involved, including any relevant *Residents* and *Workers*;
- dates, times and locations of relevant events
- copies of any relevant documents
- any previous actions taken by the *Resident* or *Workers* to resolve the *Complaint* or *Internal Dispute*
- the *Resident's* desired outcome to resolve the *Complaint* or *Internal Dispute*
- the *Resident's* contact details.

The Manager who receives the *Complaint* or *Internal Dispute* may:

- ask the *Resident* to provide further details or clarify any matters
- establish the *Resident's* desired outcome
- assist the *Resident* to make the *Complaint* or raise the *Internal Dispute*, if requested
- try to resolve the *Complaint* or *Internal Dispute* immediately. If the *Complaint* or *Internal Dispute* is resolved to the satisfaction of the *Resident* at this stage, no further steps will be taken under this process.

If the *Manager* is unsure whether a *Resident* is making a *Complaint* or raising an *Internal Dispute* under this procedure, we will ask the *Resident* to clarify whether they are intending to do so.

4.2 Stage Two Acknowledgement

If the *Complaint* or *Internal Dispute* is not resolved in Stage One, Fresh Hope Communities must write to the *Resident* to acknowledge receiving the *Complaint* or *Internal Dispute* within 5 working days from the date the *Complaint* is received or the *Internal Dispute* is raised.

The written acknowledgement will set out:

- the person appointed within Fresh Hope Communities to review and manage the *Complaint* or *Internal Dispute*;
- an expected date by which the *Complaint* or *Internal Dispute* will be resolved (where possible, and in any event within 60 days after being made); and
- any further information or actions required from the *Resident* in order for the *Complaint* or *Internal Dispute* to be progressed.

If the matter relates to an *Internal Dispute*, and if the *Resident* consents, Fresh Hope Communities will also contact the other *Resident* (or *Residents*) who are subject of the *Internal Dispute* to notify them that the *Internal Dispute* has been raised.

4.3 Stage Three Review of Complaint/Mediation of Internal Dispute

After acknowledging the *Complaint* or *Internal Dispute* and receiving any further requested information or documents from the *Resident*, Fresh Hope Communities will:

- a. In relation to a *Complaint*, review the *Complaint* as soon as practicable. This may involve:
 - investigating the facts and circumstances of the *Complaint*
 - requesting and considering further information or documents from the *Resident*
 - collecting relevant information from *Workers*, other *Residents* and any other relevant persons
 - considering or obtaining advice about how the *Act* and/or relevant contracts apply to the situation as required.
 - examining relevant processes and procedures

When reviewing the *Complaint*, *Fresh Hope Communities* will:

- regularly updating the *Resident* about progress;
- not taking any action to resolve the *Complaint* without the *Residents* consent;
- not take any action that duplicates, is inconsistent with or breaches the *Act* or another law, a *Retirement Village* contract or a *Retirement Village* rule
- escalate the review to more senior levels of management, if necessary;
- seek legal or other advice as we consider necessary; and
- comply with all relevant privacy laws and Fresh Hope Communities' Privacy Policy.

- b. In relation to an *Internal Dispute*, attempt to mediate the *Internal Dispute*. This may involve:
 - liaising with the parties to agree on the matters in dispute and the relevant factual background
 - agreeing with the parties on a specified day to meet within the *Retirement Village* to attempt to resolve the *Internal Dispute*
 - meeting with the parties in the *Retirement Village* to seek to resolve the *Internal Dispute* by mediation and negotiated agreement
 - take notes of the meeting, including the terms of any negotiated agreement made by the parties.

When mediating an *Internal Dispute*, *Fresh Hope Communities* will:

- encourage and support all parties to attempt to resolve the *Internal Dispute* calmly and considerately
- seek to understand all parties' perspectives and desired outcomes
- allow all *Residents* who are party to the *Internal Dispute* to be represented or accompanied by a person of their choice (such as a family member or a solicitor)
- not take any action to resolve the *Internal Dispute* without the consent of all parties
- not take any action that duplicates, is inconsistent with or breaches the *Act* or another law, a *Retirement Village* contract, or a *Retirement Village* rule
- escalate the mediation to more senior levels of management, if necessary
- seek legal or other advice as considered necessary
- comply with all relevant privacy laws and the Fresh Hope Communities' Privacy Policy.

If the *Resident* is asked to provide further information or documents, these should be provided as soon as possible in order for the *Complaint* or *Internal Dispute* to be resolved in a timely manner.

Fresh Hope Communities will stop reviewing a *Complaint* or attempting to mediate an *Internal Dispute* if the *Complaint* or *Internal Dispute* is:

- resolved to the satisfaction of the *Resident*
- withdrawn by the *Resident*
- unable to be fully reviewed because the *Resident* does not provide information or documents requested or
- pursued or escalated by the *Resident* via a legal or other complaints or dispute resolution process, such as by making an application to the *Tribunal* or pursuing the *Complaint* or *Internal Dispute* through the *Residents Committee* (where applicable)
- In the case of *Internal Disputes*, unable to be mediated, when one or more parties do not participate in the process.

4.4 Stage Four Outcome Notification

Fresh Hope Communities will notify the *Resident* in writing of:

- In relation to a *Complaint*, the outcome of Fresh Hope Communities' review of the *Complaint*
- In relation to an *Internal Dispute*, the outcome of the mediation process, including:
 - The terms of any negotiated agreement made by the parties
 - The steps (if any) the parties must take, or that is recommended the parties take, to perform their obligations under the negotiated agreement (if one is made) or to resolve the *Internal Dispute* (if agreement is not reached).

This outcome will be notified to all parties to the mediation.

Fresh Hope Communities will endeavour to provide written notice to the *Resident*, within the timeframe stated in the initial acknowledgement of the *Complaint* or *Internal Dispute*, but no later than 60 days from the date the *Complaint* is received or the *Internal Dispute* is raised.

Upon receipt of written notice of the *Complaint* or *Internal Dispute* outcome, the *Complaint* or *Internal Dispute* will be considered resolved, unless the *Resident* then chooses to escalate the *Complaint* or *Internal Dispute* to a more senior level of management within Fresh Hope Communities.

5. Escalating a Complaint or Internal Dispute

If:

- a *Resident* makes a *Complaint* or raises an *Internal Dispute* and
- the *Resident* is not satisfied with how the *Complaint* or *Internal Dispute* has been handled, or believes that Fresh Hope Communities has not properly complied with its obligations in this procedure,

then the *Resident* may choose to escalate their *Complaint* or *Internal Dispute* to a more senior person within Fresh Hope Communities.

The person to whom the *Complaint* or *Internal Dispute* may be escalated in the first instance is:

- Retirement Communities Operations Lead (if the *Complaint* or *Internal Dispute* was originally raised with the Community Manager) or
- General Manager Retirement Living (if the *Complaint* or *Internal Dispute* was originally raised with the Retirement Communities Operations Lead OR if the *Complaint* or *Internal Dispute* relates to or directly involves the Community Manager or Retirement Communities Operations Lead.

The *Resident* may escalate the matter to the relevant person named above, either verbally or in writing, by:

- contacting that person directly; or
- asking for the matter to be escalated to that person on the *Resident's* behalf.

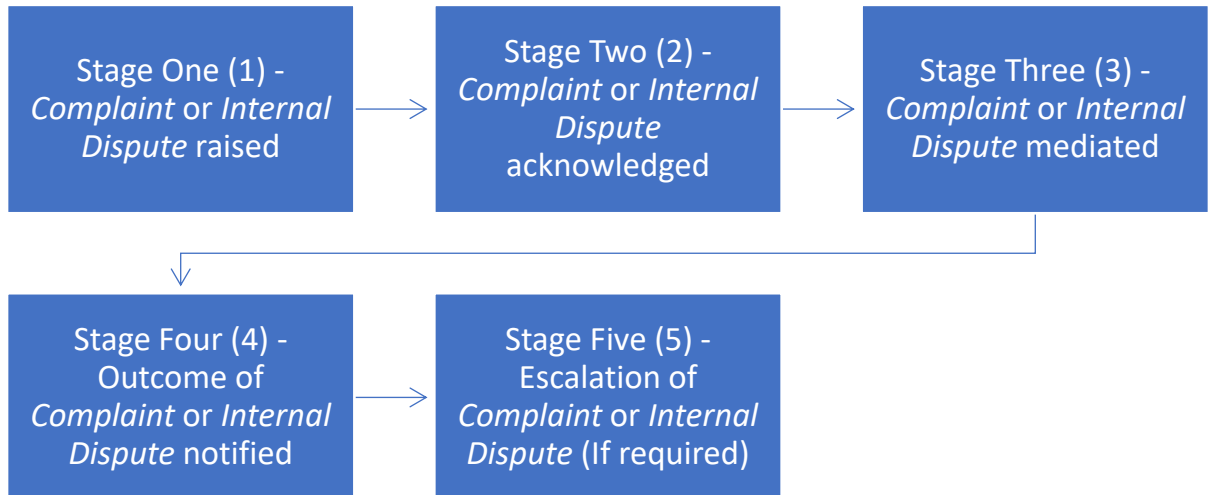
The person to whom the *Complaint* or *Internal Dispute* is escalated will:

- write to the *Resident* to acknowledge their escalation of the relevant matter and to set out their expected timeframes for further reviewing and resolving the matter (which will be decided based on the issues involved)

- conduct a further review of the *Complaint* or mediation of the *Internal Dispute* and
- write to the *Resident* to inform them of the outcome of their review or mediation.

When that person has notified the *Resident* of the outcome of their further review or mediation, the *Complaint* or *Internal Dispute* will be deemed resolved, unless the *Resident* chooses to further escalate the relevant matter using external assistance as set out below.

6. Visual Representation of the Complaint or Internal Dispute process



7. External Assistance

If:

- a *Complaint* or *Internal Dispute* is handled in accordance with this procedure and the *Resident* is not satisfied with the outcome; or
- a *Resident* considers that Fresh Hope Communities has not properly complied with this procedure,

the *Resident* (or another party to an *Internal Dispute*) may seek assistance from any external avenues they consider necessary in relation to the subject of their *Complaint* or *Internal Dispute*.

Assistance can be sought from the following organisations:

NSW Fair Trading	13 32 20 www.fairtrading.nsw.gov.au
NSW Civil and Administrative Tribunal	1300 006 228 www.ncat.nsw.gov.au
Retirement Village Residents Association (RVRA)	1300 787 213 www.rvra.org.au
Council on the Ageing (COTA)	02 9286 3860 or 1800 449 102 www.cotansw.com.au
Seniors Rights Services	02 9281 or 1800 424 079 www.seniorsrightsservice.org.au
Law Access NSW	1300 888 529 www.lawaccess.nsw.gov.au

8. Record Keeping

Fresh Hope Communities will keep a record of the following information about *Complaints* and *Internal Disputes* that are made under this procedure:

- details of each *Complaint* or *Internal Dispute*, including the name and contact details of each *Resident* concerned and the date the *Complaint* or *Internal Dispute* was made;
- details of actions taken in response to each *Complaint* or *Internal Dispute*, including the names and contact details of all *Workers* involved in the handling of the *Complaint* or *Internal Dispute* and the date each action was taken;
- whether the *Complaint* or *Internal Dispute* was resolved, withdrawn, referred or escalated or if another outcome was achieved; and
- the number of *Complaint* and *Internal Dispute* handled in each calendar year.

These records will be retained for at least 5 years.

9. Monitoring and Review

This Complaint and Internal Dispute Resolution Procedure will be reviewed every 2 years or more frequently as required.

Any revised Procedure will be published on the Community noticeboards and made publicly available on Fresh Hope Communities' website.

10. Dictionary

- Act** means the *Retirement Villages Act 1999* (NSW), as amended or replaced from time to time, and includes requirements established by any Regulations made under that Act.
- Complaint** means any expression of dissatisfaction made by a Resident or prospective Resident regarding:
 - how Fresh Hope Communities operates the Retirement Village;
 - the services or facilities provided or made available;
 - Fresh Hope Communities' compliance with the Act, contracts with Residents or any relevant village rules or by-laws;
 - the manner in which Fresh Hope Communities deals or communicates with Residents.
- Contractor** means any person or company engaged under a contract for services to carry out work for Fresh Hope Communities and includes a subcontractor and an employee of a contractor or subcontractor.
- Internal Dispute** means a disagreement between:
 - Fresh Hope Communities and a Resident; or
 - a Resident and one or more other Residents, about a matter concerning the Retirement Village in which they live.

This may include (but is not limited to) disputes about a person's:

- compliance with the Act, a Village contract, a village rule or a by-law;
 - behaviour in the Village; or
 - use or enjoyment of the Village
- Employee** means any person engaged by Fresh Hope Communities as a permanent, part-time, fixed term, or casual employee.
 - Fresh Hope Communities** means Churches of Christ Community Care trading as Fresh Hope Communities (ABN 41 041 851 866).
 - Internal Dispute** means a disagreement between one or more Residents about anything that is connected to a Retirement Village and which remains unresolved.

- h. **Resident** means a person living in a Retirement Village.
- i. **Residents Committee** means the Residents Committee for the Village, established under the Act (if any).
- j. **Retirement Village** means a retirement living service operated in NSW by Fresh Hope Communities.
- k. **Tribunal** means the NSW Civil and Administrative Tribunal.
- l. **Worker** means any person who carries out work in any capacity for Fresh Hope Communities, including work as:
 - i. an employee
 - ii. a contractor or subcontractor
 - iii. an employee of a contractor or subcontractor
 - iv. an employee of a labour hire company who has been assigned to work at Fresh Hope Communities
 - v. an outworker
 - vi. an apprentice or trainee
 - vii. a student gaining work experience
 - viii. a volunteer.