

Purpose

The purpose of the complaints and appeals policy is to ensure Pacific Link Housing (PLH) has a consistent, systematic approach to managing and monitoring feedback on its services and its decisions. The policy provides applicants and tenants with the right to make a complaint expressing dissatisfaction with our service or to appeal our decisions. PLH will ensure that its complaints and appeals process is clear and accessible and is managed consistently, fairly and promptly.

Scope

This policy applies only to complaints and appeals made by tenants and applicants. It does not include:

1. Complaints by a tenant about another tenant or by or about a neighbour. These are addressed through the Tenancy Responsibilities Disputes and Behaviour Policy,
2. Complaints about PLH or our tenants by persons who are not service users e.g. landlords, real estate agents, support partner agencies, contractors or the funding body. These are assessed individually through the applicable contractual arrangements, or
3. Disputes and grievances of staff or management.

Commitment

PLH acknowledges that errors, misunderstandings, client dissatisfaction and unexpected problems occur in all systems and services. Effective complaint and appeal handling enables organisations to intervene before a problem becomes worse, provide a review process for complaints and appeals by customers who have been disadvantaged by a PLH action or decision and make the complaint process simple and accessible. PLH believes that appeals and complaints help to improve our service delivery and assist us to review our operations and what is or is not working well in our organisation.

The complaints and appeals policy seeks to effectively:

- Register, investigate, resolve and record, complaints and appeals,
- Protect tenants' and applicants' rights, and
- Enable applicant and tenant views to influence how we deliver our services.

What is a Complaint?

A **complaint** is an expression of dissatisfaction with a specific aspect of its services where the complainant is unhappy with the standard or type of service and requests a changed outcome.

Examples of complaints include:

- Failing to provide a service or an aspect of a service such as not completing a repair, not conducting tenant visits or not providing rent statements
- Poor administration of a service such as not recording changes in circumstances
- Providing an inconsistent or inaccurate service such as responding differently in different circumstances or providing incorrect advice on PLH policy.

Complaints about service delivery are managed internally by PLH. All complaints must be reviewed and agreed by an Executive Manager at a minimum. If the complaint relates to the service delivery of an Executive Manager, it will be reviewed by the Chief Executive Officer.

What is an appeal?

PLH defines an **appeal** as an expression of dissatisfaction with a decision it has made. The appeal process provides the opportunity to review the decision and to reflect on whether a decision has been made based on full and accurate information and in accordance with legislation and/or policies and procedures.

Appealable decisions are defined by the NSW Housing Appeals Committee. For community housing applicants and tenants, appealable decisions include:

- Eligibility for housing
- Priority on a waiting list
- Transfer to another property
- Rental subsidy issues and tenant charges
- Succession of tenancy
- Relocation offers
- Offers of housing - location or housing type need
- Property modification.
- Anti-social behaviour.

Issues that cannot be appealed are:

- Decisions that are not directly related to the person or household
- Matters that are the responsibility of other bodies or tribunals (such as orders made by the NSW Civil and Administrative Tribunal (NCAT))
- Housing provider's policies
- Matters for which clients cannot make application to housing providers
- Internal administrative and funding matters of the housing provider
- 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 a housing provider's policy.

How to make a complaint or appeal

PLH aims to make the process for making a complaint or appeal fair and accessible. Information on our complaints policy is provided on the PLH website, in our Tenant Handbook and in forms available from our office reception.

Any person involved in the complaint or appeal process can expect to be treated with respect and dignity at all times. Making a complaint or appeal will not result in any form of retaliation or discrimination, including any change in attitude or quality of service received from PLH staff.

While complaints and appeals are managed differently, PLH does not expect an individual to identify whether their matter is a complaint or an appeal. This will be identified and clearly communicated to an individual when a complaint or appeal is received.

Complaints and appeals can be made in writing:

- By email to info@pacificlink.org.au
- By completing the online complaint form on our website - www.pacificlink.org.au
- By printing a form from our website and mailing to PO Box 1888 Gosford NSW 2250.
- By calling PLH on 02 4324 7617 to make an appointment for assistance in documenting the complaint at PLH's office at Level 1, 10 William Street Gosford.

Principles in dealing with complaints or appeals

A complainant or appellant has the right to:

- Have their concern dealt with confidentially and professionally
- Ask for help in raising their concern including the assistance of an advocate
- Invite a support person such as friend or relative to accompany them in any meetings
- Use interpreting and translating services
- Be given information on tenant advice and advocacy services
- Take their appeal further if they are not satisfied with the outcome.

Complaints Process

Any PLH staff member can receive a complaint or appeal and is responsible for recording and registering this internally. The person taking details of the complaint or appeal will notify their manager who will be responsible for acknowledging it in writing within 2 business days. For complaints and appeals, the acknowledgement letter will provide details of the person or 'Complaint Manager' responsible for managing the complaint or appeal and will explain the next steps in the process.

PLH will assign a Complaint Manager that will be responsible throughout the process for:

- Communicating with the complainant or appellant
- Keeping accurate notes
- Investigating thoroughly and impartially
- Keeping details of the complaint or appeal confidential for internal reporting and Board reporting purposes
- Providing information about external agencies who can investigate in any situation where the complaint or appeal remains unresolved or the person is dissatisfied with the outcome

To maintain impartiality and fairness, PLH will ensure that the Complaint Manager appointed to investigate a complaint or appeal is not the subject of the complaint or the appeal. In these instances, responsibility for managing the complaint will be assigned to a Complaint Manager from a different team or the CEO.

Assessment of a complaint or appeal will be conducted in relation to a policy, procedure, standard or law. If no breach has occurred, or no improvement can be identified, the Complaint Manager will explain that no further action will be taken. Otherwise a resolution will be proposed. This may have several parts to it; it might involve an apology, and explanation, an assurance about future action, or immediate changes as to how things are done.

Staff will document the complaint in the tenant or applicant's record, including the nature of the complaint, the actions taken, the outcome and the date finalised.. The tenant or applicant may access the record of the complaint on written request. Refer Privacy and Confidentiality Policy.

PLH will aim to resolve complaints and appeals promptly, and wherever possible within 21 business days of receipt. In situations where resolution or an outcome will exceed 21 days, the Complaint Manager will advise the complainant or appellant of progress to date the anticipated date of resolution and any reasons for the delay.

The Complaint Manager will contact the complainant or appellant at the end of the investigation to advise on the outcome. The relevant Executive Manager will then send a letter outlining the outcome of the complaint or appeal.

Appeal Process

There is a two step process to manage an appeal:

1. The tenant or applicant must seek a review of the decision by PLH. This appeal must be investigated and the appellant must be advised in writing of the outcome. The PLH employee who made the original decision will not manage the appeal. Staff will document the review of the appeal in the tenant or applicant's record, including the nature of the appeal, the actions taken, the outcome and the date finalised..
2. If a tenant or applicant is unhappy with the outcome of an appeal to PLH, they can lodge a second level appeal with the independent NSW Housing Appeals Committee (HAC). The HAC is an independent agency that reviews certain decisions made by community housing providers. The HAC cannot consider an appeal until the appellant has first used PLH's Appeals process. HAC applies time limits from the date of the first level appeal result that vary depending on the nature of the appeal. For information on the HAC call 1800 629 794 or go to www.hac.nsw.gov.au.

What happens if I disagree with the outcome of my complaint or appeal?

- If you are unhappy with the outcome of your complaint you can request a review of the matter by the CEO.
- If you are unhappy with the decision of the CEO you may request that the matter be considered by the PLH Board. The Board will discuss the complaint at their next meeting. You will be advised of the Board decision within 14 days of their meeting. The Board's decision is final.
- If you are unhappy with the outcome of your appeal, you have the right to appeal to the HAC (www.hac.org.au or on 1800 629 794).

At times, PLH receives repeat complaints that we believe have been adequately resolved or that no further action is possible or warranted. In these situations refer Tenancy Responsibilities Disputes and Behaviour Policy.

Assistance with Complaints

PLH will assist clients to complete the relevant forms to make a complaint or appeal as required. This includes arranging an appropriate service provider or interpreter if needed. External services that can provide assistance with making complaints include:

- Local Tenants' Advice and Advocacy Services listed on www.tenants.org.au
- Community Legal Centres contactable through www.clcnsw.org.au
- NSW Fair Trading on 133 220 and at www.fairtrading.nsw.gov.au.

How PLH uses information from complaints and appeals

PLH will regularly review information from complaints and appeals to identify ways in which its services and their delivery can be improved. It will regularly report to its Board on the numbers and types of complaints and appeals and on their outcomes. It will also provide information on its complaints and appeals to comply with the reporting requirements of the National Regulatory System for Community Housing (NRSCH) and Department of Communities and Justice. **PLH** staff will always use information from complaints and appeals in a way that does not identify the complainant or appellant.

Issues outside this policy

- The NSW Civil and Administrative Tribunal (NCAT) deals with tenancy issues arising from PLH's obligations under the Residential Tenancies Act 2010 and can be contacted on 1300 006 228 or at www.ncat.nsw.gov.au.
- Concerns about fraud, misconduct or illegal activity by PLH staff or its Board are handled by the PLH Fraud Officer. Please see the Fraud Policy and the Whistle-blower Policies for more information.
- The National Regulatory System for Community Housing investigates complaints that raise concerns about a registered community housing provider's compliance with the Regulatory Code including the way it is governed or how it manages its assets. A complaint can be made using the online form found at www.nrsch.gov.au/complaint_form. A complaint can also be made by contacting the Office of the Registrar in NSW on 1800 330 940.
- The NSW Department of Communities and Justice may be contacted on complaints and appeals at www.facs.nsw.gov.au/about/contact/complaints.