

### 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 and other stakeholders with the right to make a complaint expressing dissatisfaction with our service or to appeal our decisions. PLH is committed to ensuring 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 or disputes that are managed under contractual dispute resolution mechanisms, s, or
3. Disputes and grievances of internal staff or management.

### Commitment

PLH acknowledges that 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 people 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 what is or is not working well in our organisation.

The complaints and appeals policy seeks to effectively:

- provide a systemised approach to the review of PLH service delivery decision making or apparent dissatisfaction with services provided,
- Ensure tenants' and applicants' rights are upheld, and
- Enable applicant and tenant views to be reviewed fairly and transparently.

PLH expects all employees to be committed to fair, effective and efficient complaint handling. The following table outlines the nature of the commitment expected from staff and the way that commitment should be implemented.

Who	Commitment	How
CEO and Executive Managers	Promote a culture that values complaints and their effective resolution	Report to the PLH Board on our complaint handling. Provide adequate support and direction to key staff responsible for handling complaints. Regularly review reports about complaint trends and issues arising from complaints. Encourage all staff to be alert to complaints and assist those responsible for handling complaints to resolve them promptly. Support recommendations for service and complaint handling improvements arising from the analysis of complaint data or staff suggestions.

Staff whose duties include complaint handling (may include CEO)	Demonstrate exemplary complaint handling practices	<p>Treat all people who make complaints with respect.</p> <p>Assist people to make a complaint, if needed.</p> <p>Comply with our policy and associated procedures.</p> <p>Provide regular feedback to management and/or the governing body on issues arising from complaints.</p> <p>Encourage staff to make recommendations for system improvements.</p> <p>Implement changes arising from individual complaints and from the analysis of complaint data as directed by management.</p>
All staff	Understand and comply with our complaint handling practices.	<p>Treat all people who make complaints with respect.</p> <p>Follow our complaint handling policies and procedures.</p> <p>Assist people who wish to make complaints access our complaints process.</p> <p>Be alert to complaints and assist staff handling complaints resolve matters promptly.</p>
Board Chair	Provide strategic oversight in relation to complaints	Manage any complaints in relation to the CEO.

### What is a Complaint?

A **complaint** is an expression of dissatisfaction made to or about us, our services or staff where a response or resolution is explicitly or implicitly expected or legally required.

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
- 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, or delegate, at a minimum.

### 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 and PLH's mission and values.

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. There is no charge for making a complaint – it's free.

Any person involved in the complaint or appeal process can expect to be listened to and 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.

We will protect the identity of people making complaints where this is practical and appropriate. We accept anonymous complaints if there is a compelling reason to do so and will carry out an investigation of the issues raised where there is enough information provided.

Complaints and appeals can be made in writing:

- By email to [info@pacificlink.org.au](mailto:info@pacificlink.org.au)
- By completing the online complaint form on our website - [www.pacificlink.org.au](http://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 280 Mann Street Gosford.

### Assistance with Complaints

Anyone may represent a person wishing to make a complaint with their consent (e.g. advocate, family member, legal or community representative, Member of Parliament). 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](http://www.tenants.org.au)
- Community Legal Centres contactable through [www.clcnsw.org.au](http://www.clcnsw.org.au)
- NSW Fair Trading on 13 32 20 and at [www.fairtrading.nsw.gov.au](http://www.fairtrading.nsw.gov.au).

## Communication

We are committed to managing people's expectations, and will inform them as soon as possible, of the following:

- the complaints process
- the expected time frames for our actions
- the progress of the complaint and reasons for any delay
- their likely involvement in the process, and
- the possible or likely outcome of their complaint.

We will advise people as soon as possible when we are unable to deal with any part of their complaint and provide advice about where such issues and/or complaints may be directed (if known and appropriate).

We will also advise people as soon as possible when we are unable to meet our time frames for responding to their complaint and the reason for our delay.

## Timeliness

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, PLH will advise the complainant or appellant of progress to date, the anticipated date of resolution and any reasons for the delay.

## 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.
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](http://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](http://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 we will apply our Tenancy Responsibilities Disputes and Behaviour Policy.

### How PLH uses information from Complaints and Appeals

PLH will regularly review information from complaints and appeals to identify ways in which our services and their delivery can be improved and regularly review our complaint management system to ensure its effectiveness in responding to and resolving complaints. We will regularly report to our Board on the numbers and types of complaints and appeals and on their outcomes. We will also provide information on complaints and appeals received to comply with the reporting requirements of the National Regulatory System for Community Housing (NRSCH) and NSW 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](http://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 (Executive Manager, Governance & Compliance). 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](http://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](http://www.facs.nsw.gov.au/about/contact/complaints).