

# Complaints and Appeals

Policy Number 110 | Edited April 2020

## 1. Purpose

This policy explains what a complaint is, how people can make a complaint and how Pacific Community Housing will manage complaints received.

## 2. Scope

This policy applies to complaints received from applicants, tenants and stakeholders of Pacific Community Housing and its subsidiaries. This policy does not deal with complaints from tenants about other tenants.

## 3. Principles

Applicants, tenants and stakeholders have the right to complain and will not be disadvantaged for making a complaint. Pacific Community Housing will:

- Be fair and transparent when dealing with complaints.
- Welcome complaints and will use the outcomes to improve all services.
- Encourage applicants and tenants to get help from an advocate or support person at any point during the complaints process.
- Any applicants, tenants and stakeholders to remain anonymous when making complaints.

## 4. Definitions

### Complaint

A complaint is when a customer tells Pacific Community Housing that they are unhappy with our service or products and the person expects a response from us. A person can complain about our services or products even if the service or product is being provided by a 3rd party on behalf of Pacific Community Housing. A complaint is not a request for information and is different to an appeal.

### Complainant

The complainant is the person making the complaint.

### Appeal

An appeal is when someone asks us to review a decision we made.

### Working Days

Working days means days our offices are open (e.g. Monday and Friday). It doesn't include weekends and public holidays.

## 5. Lodging a Complaint

If a customer is unhappy with our services or products, they should make a complaint as soon as possible.

People can complain by email, letter and phone or by completing a Complaint form. This is on our website or a copy is available from our office.

Complaints should be made within 3 months from the time of the issue.

The Customer Feedback Representative is also available to discuss complaints to see if the matter can be resolved without the need for a formal complaint.

## 6. Investigating and Responding to Complaints

We will acknowledge complaints in writing within 3 working days of receiving them.

We will assess and respond to a complaint within 20 working days from the date we receive it.

If we think there might be a delay in our response, we will tell the person who made the complaint how long we think our response will take and the reasons for the delay.

If the matter falls within the jurisdiction of the NSW Civil and Administrative Tribunal (the tenancy tribunal), we may tell the person about any time limits that apply if they are thinking about applying to the tenancy tribunal.

Complaints will be directed to the Customer Feedback Representative who will formally lodge the complaint and coordinate the complaints handling process.

Any complaints received about the CEO or a Director will be directed to the Chairman of the Board of Directors. Complaints being handled by the Chairman of the Board of Directors will be monitored via Board meetings. Any complaints other than those about the CEO or a Director, received by a Director will be referred to the CEO who will delegate the complaint.

When we investigate a complaint, we will consider all information available at the time of making the complaint and will be fair and transparent.

It is the responsibility of the complainant to determine whether they should lodge an application with the tenancy tribunal.

## 7. Responding to Complaints and Record Keeping

Once we have investigated the complaint, we will respond to the person in writing and tell them the outcome of their complaint. Our response will explain the reason for our decision and will explain the options the person has if they still aren't happy.

Complaints will be confidential, unless the person making the complaint give us permission to disclose the matter or when we are authorised or required to disclose the information by law.

Complaints will only be discussed with our team as needed to investigate the complaint.

Substantiated complaints about our employees will be kept in the employees personnel file and action will be taken under our relevant policies and procedures.

Complaints will be recorded in our electronic Feedback Register with limited access by employees. If the person making the complaint is an applicant or tenant, the complaint will be noted on their electronic record.

We will monitor trends in complaints, to improve our service or where required by contractual, legal or regulatory requirements.

## 8. Feedback

After the complaint process is complete, we might ask the person to provide feedback on their experience. Any feedback received will be confidential and used to improve our services.

## 9. Corruption

If a complaint concerns corrupt conduct, the matter will be referred to the CEO or a General Manager. All such information will be treated in a confidential manner.

## 10. Other Avenues

Making a formal complaint doesn't stop the person from taking other action. This may include:

- Seeking support from their local Member of Parliament.
- Contacting the Tenants Advice and Advocacy Service or Community Legal Centre for information, advice and advocacy.
- Making a complaint to the Federation of Housing Associations (FHA). FHA will address complaints against community housing providers who are signed up to the Code of Practice, when the person has tried to resolve the complaint through our internal complaints process and if the complaint relates to a breach of the Code of Practice.
- Making a complaint to the Registrar of Community Housing. The Registrar investigates complaints about community housing providers that have been registered under the Housing Act. Complaints can be lodged about a community housing provider's performance against the Regulatory Code.
- Making an application to the tenancy tribunal if they believe we haven't met our legal duties under their tenancy agreement.

## 11. Managing Unreasonable Complainant Conduct

We may modify or limit contact with a complainant where a complainant's behaviour has been unreasonable. Refer to our 'Managing Unreasonable Complainants' policy for more information.

## 12. Requests for Compensation

If a person requests compensation, they must submit the request in writing and provide details of the date of the incident, what happened and what they are claiming. After an investigation, the Head of Governance and Commercial Advisory will make a recommendation to the CEO for approval or advise the applicant that the matter should be dealt with at the tenancy tribunal. We will respond to the person, in writing, within 20 working days from the date we received the request. If there is likely to be a delay, we will tell the person how long we expect our response to take and the reasons for the delay.

## 13. Legislative Framework and Related Policies

- Complaints - Form
- Managing Unreasonable Complainants - Policy
- NRAS Regulations
- State Environmental Planning Policy (Affordable Rental Housing) 2009
- Residential Tenancies Act 2010