



Halliday Shores Retirement Village

Complaints and Internal Disputes Resolution Processes

1.0 About this Policy

1.1 Objectives

Halliday Shores Retirement Living aims to provide a friendly, inclusive and supportive environment for its residents and staff. We value feedback from all stakeholders, whether that take the form of compliments, suggestions or complaints.

The Complaints and Internal Disputes Resolution Processes document was produced to assist all parties to navigate difficult situations, should they arise, with the aim of achieving expedient, mutually acceptable resolutions.

All Retirement Villages in New South Wales must have Complaints and Internal Disputes Resolution Processes to comply with the *Retirement Villages Regulations 2017 (NSW)*.

This document defines the various forms of feedback and outlines processes for reporting and resolving:

- a) Complaints made by residents; and
- b) Internal Disputes between residents and the Operator (including its staff), or between two or more residents.

1.2 No rights excluded

Nothing in this document:

- (a) restricts or is intended to deter 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 *Retirement Villages Act 1999 No 81* or any other legislation that applies to the Village; or
- (b) requires any person to participate in the processes in this document before exercising any rights available to them at law.

1.3 Privacy and Confidentiality

We will treat all reported complaints and disputes confidentially, to the extent that it is lawful and reasonably practical to do so.

We will respect the privacy and confidentiality of all parties involved in cases, or called upon to assist with any case, that is handled using these processes.

2.0 Definitions – General Feedback / Requests, Complaints, Internal Disputes

- 2.1 General Feedback / Requests** – Reports of maintenance issues, requests for information, compliments, general comments, suggestions, recommendations (without being a formal complaint).
- 2.2 Complaints** - Expression of dissatisfaction, made by a resident (or a person acting on behalf of a resident) in relation to our products, services or employees. A complaint may also relate to lack of action on a reported maintenance issue, or our complaint handling process where we are required to provide a response or resolution.
- 2.3 Internal Dispute** – An internal dispute may arise between:
- a) Us and one or more residents; or
 - b) Between two or more residents.

Internal disputes should relate to matters concerning the village, or with the Operator's scope to act. Examples include, but is not limited to, disputes about:

- a) The Operator's, or an individual's, non-compliance with Retirement Villages legislation; or
- b) A village contract; or
- c) Breach or breaches by an individual of the Village Rules; or
- d) An individual's, or group of individuals', behaviour in the village that interferes with any resident's right to quiet enjoyment.

3.0 Scope of this Policy

3.1 What is covered by this Policy?

This policy sets out the processes for dealing with Complaints and Internal Disputes as defined in section 2.0 of this document.

3.2 What is not covered by this Policy?

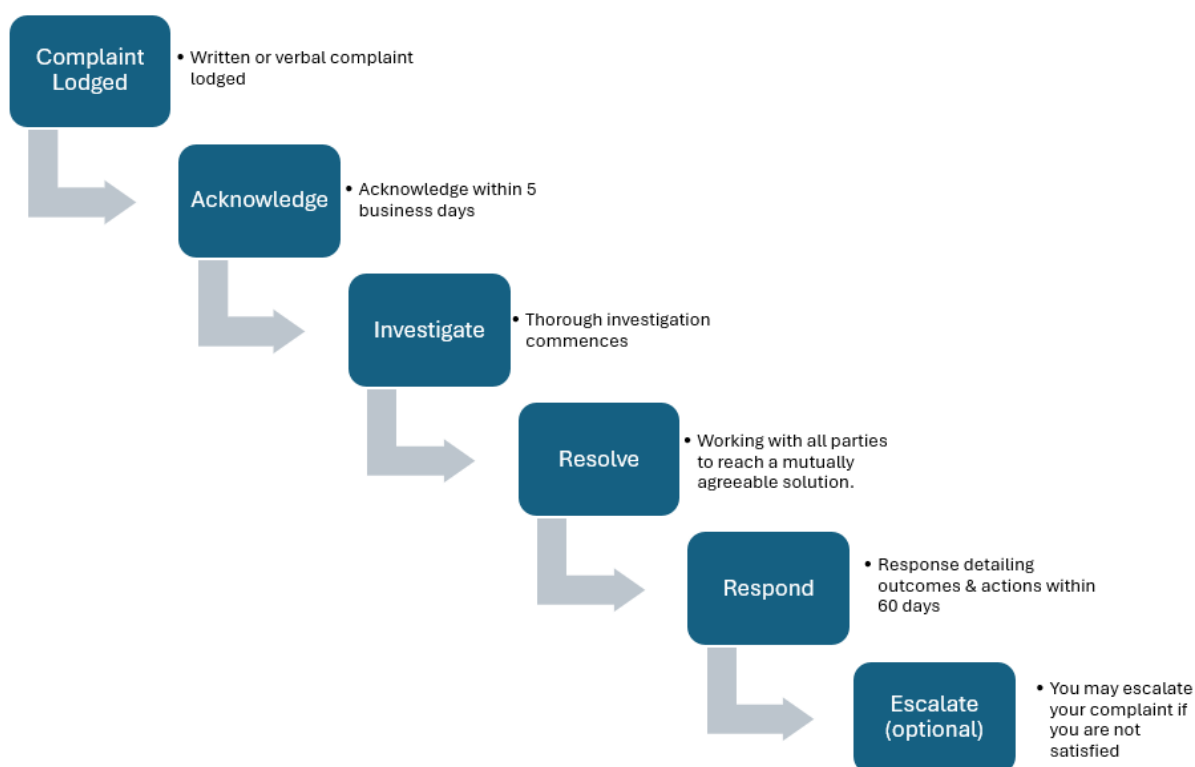
The Complaints and Internal Disputes Processes Policy does not cover:

- a) general or specific feedback given to us, or a concern expressed to us, by a Resident;
- b) compliments
- c) a general request for us to take action on a particular matter;
- d) a complaint or dispute being dealt with under a legal or other resolution process, such as an application to the Tribunal; or
- e) a complaint or dispute that is raised by, or through, the Residents Committee; or
- f) a complaint or dispute that has previously been dealt with under this document unless circumstances have sufficiently changed, consequently demanding a new case be opened.
- g) A matter that falls outside of the Operator's control, jurisdictions, or duties as determined by relevant legislation, by-laws and Village Rules.
- h) Anonymous complaints or comments;
- i) Comments made on social media or on any other platform that is not monitored by us;
- j) Employee complaints, grievances or concerns.

- k) Cases involving unreasonable Complainant Conduct. Eleebana Shores Retirement Living reserves the right to close, or report to an external service, any case which involves behaviour that, because of its nature or frequency, raises substantial health, safety, resource or equity issues for Halliday Shores Retirement Living or its staff. Including, but not limited to, persistent and unreasonable demands being placed on staff, lack of cooperation with staff's efforts to resolve a complaint, argumentative or threatening language, and repetitive submissions of large and often irrelevant volumes of paperwork and communications.

4.0 Complaints

4.1 Complaints handling process overview



4.2 Lodging a complaint

Complaints may be lodged in writing or verbally.

- **Handwritten complaints** - Written complaints should be addressed to the Village Manager and can be placed in the management mailbox, hand delivered to the office, or posted to:

The Village Manager
Halliday Shores Retirement Village
90 High Street
Black Head NSW 2430
- **Written complaints via email** – Emailed complaints should be sent to the Village Manager at:
villagemanager@hallidayshores.com.au

- **Verbal complaints (in person)** – Complaints may be lodged verbally with the Village Manager during business hours. Appointments are advised, but not mandatory.
- **Verbal complaints (by phone)** – Complaints may be lodge over the phone by calling the village office during business hours on: (02) 6559 2167

To provide a better understanding of the issue, the following details should be conveyed in the complaint:

- a) Relevant facts and circumstances;
- b) Person(s) involved;
- c) Dates, times and locations of relevant events;
- d) Copies of any relevant documents;
- e) Details of any previous actions undertaken by the resident or staff to resolve the matter;
- f) The resident's desired resolutions or outcomes for the matter;
- g) The complainant's return contact details

4.3 Acknowledgement of a complaint

Within five working days of receiving a complaint, the Village Manager will send the complainant acknowledgement. The acknowledgment will include a link to, or copy of, this document.

We may request further details of the complaint and clarification of the complainant's expectations.

Case Opened

Upon receipt of a formal complaint, the Village Manager (or other appointed person) will create a case in Village Master or the relevant folder. The following should be recorded in the casefile:

- Details of the complaint
- Associated documents, incident reports, and pictures should be uploaded to the casefile.
- Log entries to include details such as initial acknowledgement; record of any contact with the complainant (including progress reports); records of inspections; records of interviews; or any other updates that are relevant to the case.
- The case should be closed within 60 days of receipt of the complaint.

4.4 Investigation

During the investigation, we will review the information provided in the complaint. We may also:

- a) Examine areas, assets or locations that are the subject of the complaint;
- b) Interview witnesses, or other persons referred to in the complaint;
- c) Obtain information and guidance from relevant employees;
- d) Consult relevant experts or third party authorities;
- e) Reference our policies and procedures
- f) Reference relevant legislation.
- g) Provide progress updates to the complainant.

4.5 Resolve



Our aim in any case is to achieve a mutually acceptable outcome for all parties in a timely manner.

To this end, we will:

- Provide progress updates to the complainant.
- Escalate the review to senior management if necessary.
- Comply with all relevant privacy laws and our organisation's privacy policy.

We will not:

- not take any action that is inconsistent with or breaches the Act or other law, a village contract, a village rule or a by-law;

A complaint will be considered closed when:

- the matter is resolved to the satisfaction of the complainant; or
- the complainant withdraws the complaint; or
- the operator advises the complainant that it is satisfied that all obligations have been fulfilled and has exhausted all reasonable options in its efforts to resolve the matter to the satisfaction of the complainant.

The complaint will remain open if:

- after following the Complaints and Internal Disputes Process, it is escalated as per Section 4.7.

We will stop reviewing the Complaint and inform the Resident that the Complaint is no longer being handled under this process if the Complaint is:

- unable to be fully reviewed because the complainant does not provide us with information or documents requested; or
- pursued or escalated by the Resident via a legal or other complaints resolution process, such as by making an application to the Tribunal or pursuing the Complaint via the Residents Committee.

4.6 Response

Within 60 days, we will notify the complainant in writing of the outcome of our review of their Complaint.

Once we have provided written notice to the complainant and any relevant step/s, as set out in the notice have been taken, the Complaint will be considered resolved, unless the Resident then chooses to escalate the Complaint to senior management within our organisation.

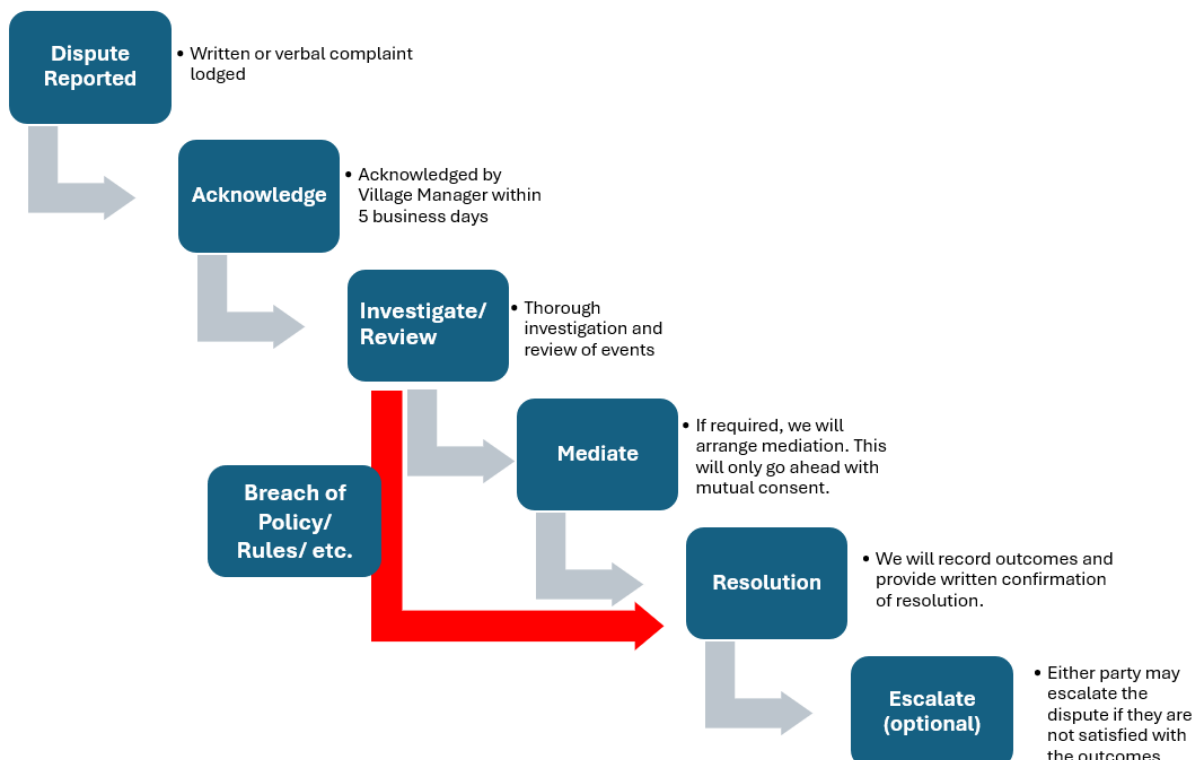
4.7 Escalation

If the complainant is unsatisfied with the response, the complaint may be escalated. A complaint can be escalated by:

1. Referring the complaint to the Village Operator, and if no resolution is reached
2. Seeking advice from the Residents Committee, and if no resolution is reached
3. Seeking advice from external services and/or mediation bodies

5.0 Internal Disputes

5.1 Internal Disputes Process Overview



5.2 Report an Internal Dispute

Disputes may be reported in writing or verbally.

- **In writing** – Written reporting of disputes should be addressed to the Village Manager and can be placed in the management mailbox, hand delivered to the office, or posted to:
The Village Manager
Halliday Shores Retirement Village
90 High Street
Black Head NSW 2430
- **Written reporting of disputes via email** – Emailed complaints should be sent to the Village Manager at:
villagemanager@hallidayshores.com.au
- **Verbal reporting (in person)** – Disputes may be reported verbally with the Village Manager during business hours. Appointments are advised, but not mandatory.
- **Verbal reporting (by phone)** – Disputes may be lodged over the phone by calling the village office during business hours on: (02) 6559 2167

5.3 Acknowledgement of Internal Dispute

Within five working days of an internal dispute being reported, the Village Manager will acknowledge receipt of the report and:

- identify the issue and (if needed) re-clarify the expectations and outcome sought.
- Identify all parties involved.
- Outline who is responsible for any review or further investigation of the dispute.
- Confirm when reporting party will receive the next update, discuss possible outcomes and explain further avenues available to them.
- Provide an expected timeframe for resolution of the dispute.

5.4 Investigation and Review

Internal disputes generally fall into one of two categories. These are a) Disputes between a resident (or residents) and the operator; or b) Disputes between residents.

a) Disputes between the operator and a resident (or residents) – The Village Manager (or another appropriate person) will:

- Review and assess the handling of the matter to date;
- Reassess and review the information provided;
- Review information in relation to the company policies and procedures;
- Review information in relation to the relevant legislation.
- Obtain advice from relevant third party experts or authorities if required.

b) Disputes between residents – The Village Manager will, with the consent of all parties:

- Interview all parties involved
- Interview witnesses (if relevant)
- Reference Village Rules, Policies and Procedures, Village Contracts, and relevant legislation.

NOTE: Where a clear breach of Village Rules, Policies, contract of legislation by one or more parties is evident, the matter may progress to Resolution.

5.5 Mediation

If required, and agreed to by all parties, the operator may arrange mediation. Unless deemed urgent, all parties will be invited to attend mediation, with a minimum of seven days' notice. The notice will outline the nature of the dispute, the terms of the mediation session and its aim.

Mediation sessions may take one of two forms:

Informal Mediation

An informal discussion of matters that are in dispute, and the avenues available to achieve resolution. Key points of discussion and agreed outcomes should be recorded.

Formal Mediation

A formal mediation may require appointment of an independent third party mediator. Detailed records and/or transcripts of the conversation should be taken.

NOTE - All parties involved in mediation must observe the village Code of Conduct. Any abusive or threatening behaviour will result in immediate suspension of the mediation.

5.6 Resolution

Following mediation, the Operator, or the appointed independent mediator, will provide all parties with a written summary of outcomes from the mediation process, and the proposed resolution to the dispute.

If mediation was not necessary, as in the case of a breach of policy, rules etc. by one or more of the parties, the Operator will send a written notice to all parties and the matter will be considered resolved.

If mediation is not successful or the resolution is not satisfactory to either party, the dispute may be escalated further for resolution.

5.7 Escalation

If either party is not satisfied with the proposed resolution, the dispute may be escalated. A dispute can be escalated by:

1. Referring the dispute to the Village Operator, and if no resolution is reached
2. Seeking advice from the Residents Committee, and if no resolution is reached
3. Seeking advice from external services and/or mediation bodies

6.0 External Sources of Advice and Assistance

If:

- a) after a complaint or internal dispute is handled in accordance with this document, either party is not satisfied with the outcome; or
- b) the operator does not comply with this document; or

then either party may seek assistance from an external agency.

External agencies that may be available to assist or advise include:

NSW Fair Trading
13 32 20
www.fairtrading.nsw.gov.au

NSW Civil & Administrative Tribunal
1300 006 228
www.ncat.nsw.gov.au

Seniors Rights Service
1800 424 079
www.seniorsrightsservice.org.au

Retirement Villages Association (RVRA)
1300 787 213
www.rvra.org.au

Council on the Ageing (COTA)
1800 449 102
www.cotansw.com.au

Law Access NSW
1300 888 529
www.lawaccess.nsw.gov.au

7.0 Record Keeping

The Operator will comply with its obligation under the Act to keep records of the following information regarding Complaints and Internal Disputes that are made under this process:



- a) 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;
- b) details of actions taken in response to each Complaint or Internal Dispute, including the names and contact details of all staff involved in the handling of the Complaint or Internal Dispute and the date each action was taken;
- c) whether the Complaint or Internal Dispute was resolved, withdrawn, referred or escalated or another outcome was achieved; and
- d) the number of Complaints and Internal Disputes handled in each calendar year.

Records will be retained for at least five years.

8.0 Staff Training

The Operator will ensure that all relevant staff:

- a) understand our commitment to resolving Complaints and Internal Disputes;
- b) are aware of the processes in this document; and
- c) where they are involved in handling Complaints or Internal Disputes, receive proper and ongoing training to carry out their responsibilities and have suitable processes and capabilities for doing so.

9.0 Review of these processes

The Operator must:

- a) Monitor compliance with the processes as outlined in this document;
- b) Annually collate and analyse all complaints and internal disputes recorded during the past 12 months in order to review and improve organisational processes;
- c) Every two years, review this document;
- d) Provide an updated version of this document to each resident each time it is amended.

10.0 Availability of the Complaints and Internal Disputes Resolution Processes

The Operator will make this document publicly available by:

- a) Posting a copy on the village notice board
- b) Posting a copy on the village's website
- c) Providing a copy to each resident at no cost in hardcopy, or electronic form if they consent.