

COMPLAINTS / DISPUTE RESOLUTION POLICY AND PROCESS

AIM

- To maintain appropriate standards in the handling of complaints and resolution of disputes.
- To provide residents, or any person acting on behalf of a resident, with an understanding of the processes for resolving complaints and disputes.
- To improve the quality of services and facilities provided to all our residents.
- To support the effective resolution of any complaints and disputes.
- To promote a culture that values and encourages residents to raise concerns and issues.

POLICY

MARSTON LIVING BEACON HILL sees comments, complaints, suggestions and feedback as an opportunity to improve services and facilities.

Feedback and complaints will assist us in measuring resident satisfaction and help us promote MARSTON LIVING BEACON HILL as a pro-active organisation that is prepared to review and evaluate issues as they arise.

All comments and complaints will be handled fairly, promptly and confidentially in line with the process outlined in this document. We openly welcome your comments.

ADVANTAGES OF A COMPLAINT & DISPUTE RESOLUTION SYSTEM

- Issues can be resolved in a timely, cost effective and efficient manner.
- Complaints can provide information that lead to improvements in facilities and service delivery.
- Village management gain a better understanding of residents' needs and opinions.
- An effective complaints resolution system creates a culture of accountability and trust.
- Investigations arising from complaints can uncover other problems requiring resolution.
- Training for staff can be specifically tailored to areas requiring improvement.
- Compliments as well as complaints can be acknowledged and recorded
- Provides a demonstration of our commitment to top quality service, along with values of honesty, transparency and professionalism.

ENCOURAGING COMPLAINTS & FEEDBACK

MARSTON LIVING BEACON HILL values and encourages residents to raise concerns and issues by:

- Accepting complaints from any person either directly from the resident or another person or committee acting on behalf of a resident(s) such as the Residents' Committee;
- Supporting residents' rights to seek assistance or representation from the Residents Committee to make or resolve a complaint;
- However, not requiring residents to involve the Residents Committee or any other resident in the resolution of a complaint, if they so wish;
- Ensuring that all staff who deal with residents have an understanding of the complaints handling and dispute resolution procedure;
- Promoting a culture that values feedback and engaging in conduct that is free from any harassment, pressure or intimidation; and
- Promoting a culture of continuous improvement.

ABOUT THE COMPLAINTS PROCESS

What is a complaint?	A complaint is defined as, "an expression of dissatisfaction made to an organisation, related to its products or services, or the complaints handling process itself, where a response is explicitly or implicitly expected."
Who can make a complaint?	Any resident can make a complaint, as can someone acting on behalf of residents, such as a family member or the Resident Committee.
What types of complaints are covered by this process?	<p>This process covers complaints from residents that are directed to the operator of the MARSTON LIVING BEACON HILL. For example, this may include complaints about the facilities, fees and charges, village rules, annual meetings, repairs and maintenance, budgets or the marketing process.</p> <p>For disputes between two or more residents, please refer to the section relating to the dispute resolution process.</p>

COMPLAINTS PROCESS - THE STEPS OF LODGING AND RESOLVING A COMPLAINT

<p>Step 1:</p>	<p>Depending on the nature of the complaint, the complainant can lodge their complaint with the Village Manager or the Australian Retirement Partners (ARP) Director.</p> <p>Your complaint can be made in writing, by telephone, by email or in person by contacting:</p> <p style="text-align: center;">Laurelle Lawson Director Australian Retirement Partners PO Box 613 Round Corner NSW 2158 Email: laurelle@arpr.com.au Phone: 0412 411 325</p> <p>You can request assistance with making your complaint from the Residents Committee or the 3rd party advocacy services listed on page 7 if you require.</p> <p><i>(Anonymous complaints will be accepted but acknowledgement and action may be limited if the complainant cannot be identified.)</i></p>
<p>Step 2:</p>	<p>Once received, your complaint will be recorded.</p> <p>We will send written acknowledgment of your complaint within two working days, although generally the Village Manager or ARP Director will attempt to contact you within one working day to discuss the issue and collect any additional information required.</p>
<p>Step 3:</p>	<p>Your complaint will be investigated by the Village Manager, ARP Director or a delegated complaints officer within a reasonable timeframe, given the nature and complexity of the complaint.</p> <p>If we require any additional information or clarification relating to your complaint, we will contact you.</p> <p>Your complaint will be treated respectfully and all personal information will be handled in accordance with our Privacy Policy and the Privacy Act.</p>

Step 4:	<p>We will generally respond to your complaint with an answer or resolution within 7 working days, up to a maximum of 21 working days for more complex complaints.</p> <p>If the issue is taking some time to resolve and we do not expect to have a resolution within 7 working days, you will receive information on the progress. You can also contact us at any time for an update.</p>
Step 5:	<p>If you are not satisfied with the outcome of your complaint or our response, there are a number of avenues to pursue in order to further escalate and resolve your dispute – please refer to the dispute resolution process (below).</p> <p>If you are satisfied with the resolution the complaints process is closed.</p>
Step 7:	<p>The Village Manager or ARP Director will introduce, where necessary, any procedural changes, disciplinary action, training or other measure that may be required as a result of the complaint.</p>

ABOUT THE INTERNAL DISPUTE RESOLUTION PROCESS

From time to time, internal disputes or disagreements may arise. It is always desirable that such disputes be resolved as quickly and amicably as possible.

What is an internal dispute?	<p>A dispute may arise from one of the following:</p> <ul style="list-style-type: none"> • A complaint from a resident to the village operator which has not been resolved to the resident’s satisfaction; • or • A disagreement between two or more residents.
How can disputes be resolved?	<p>Disputes can be resolved a number of ways, including:</p> <ul style="list-style-type: none"> • Via mediation with NSW Fair Trading or a third party; • Lodging a complaint with NSW Fair Trading who can investigate potential breaches of compliance, intervene or act on your behalf in informally negotiating minor disputes; or • Applying to the NSW Civil and Administration Tribunal (the Tribunal) to escalate and resolve a dispute.

<p>What does mediation involve?</p>	<p>NSW Fair Trading offer a free onsite mediation service, which is an informal negotiation with a neutral, qualified mediator to help find options that may address all parties concerns.</p> <p>When an agreement is reached, the mediator can help draft a written agreement.</p>
<p>What matters can the Tribunal consider?</p>	<p>If the issue can't be resolved by mediation, an application can be made to the NSW Civil and Administrative Tribunal (the Tribunal).</p> <p>The Tribunal can make enforceable orders to resolve a dispute whereas NSW Fair Trading cannot.</p> <p>The types of orders that the Tribunal can make include certain orders about:</p> <ul style="list-style-type: none"> • village contracts • village rules • capital maintenance and replacement • recurrent charges • annual budgets and accounts • payment of money and compensation • termination and vacant possession • security and safety • sale or letting of premises. <p>For more information on the Tribunal or retirement village orders, visit www.ncat.nsw.gov.au</p>
<p>What mediation is available for disputes between residents?</p>	<p>Disputes between residents could be mediated with help from:</p> <ul style="list-style-type: none"> • Australian Retirement Partners (village operations provider); • The Resident Committee; or • A Community Justice Centre <p>Web: https://www.cjc.justice.nsw.gov.au Email: cjc@justice.nsw.gov.au</p>

<p>What third party help is available?</p>	<p>Residents may also reach out to retirement village specialist advocacy services, such as the SRS, and lawyers who can provide legal advice. Some useful contact details are provided below:</p> <p>LawAccess NSW Provides free legal information and advice in NSW. Tel: 1300 888 529 TTY: 1300 889 529 www.lawaccess.nsw.gov.au</p> <p>Seniors Rights Service (SRS) A community legal centre that provides advocacy, legal advice and education to older people in NSW. Tel: 9281 3600 or 1800 424 079 (outside Sydney) www.seniorsrightsservice.org.au</p>
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DISPUTE RESOLUTION PROCESS - THE STEPS TO RESOLVING A DISPUTE

<p>Step 1:</p>	<p>Often the quickest and easiest way to solve a problem between you and the MARSTON LIVING BEACON HILL or between you and another resident is to discuss the problem in person with Village Manager or the other resident.</p> <p>It helps to discuss your concerns and explain the issues with the other party. Let the other party express their concerns and position and try to come a mutual agreement.</p>
<p>Step 2:</p>	<p>If mutual agreement does not occur following Step 1, disputes between residents and unresolved complaints concerning village management may initially be referred to the Director of Australian Retirement Partners (ARP),</p> <p style="text-align: center;">Laurelle Lawson Australian Retirement Partners PO Box 613 Round Corner NSW 2158 Email: laurelle@arpr.com.au Phone: 0412 411 325</p> <p>The ARP Director can review the details of the dispute and may be able to assist with resolving the issue to your satisfaction or mediating a disagreement between residents.</p>

<p>Step 3:</p>	<p>If the matter is still unresolved, you have the option of using the NSW Fair Trading retirement village complaint service.</p> <p>Both residents and village operators can lodge complaints with NSW Fair Trading, who will act as an informal negotiator for minor disputes. There is no fee for this service.</p> <p>NSW Fair Trading may recommend mediation, provide dispute resolution assistance or refer you to the NSW Civil and Administration Tribunal for more complex matters.</p> <p>You can contact NSW Fair Trading about a complaint via:</p> <p>Phone: 13 32 20 Website: www.fairtrading.nsw.gov.au TTY for hearing impaired: 1300 723 404</p>
<p>Step 4:</p>	<p>If the issue can't be resolved by mediation or through the NSW Fair Trading retirement village complaint service, you can lodge an application with the NSW Civil and Administration Tribunal (the Tribunal).</p> <p>The Tribunal is an independent decision-making body, which hears and decides on applications for orders from both residents and village operators.</p> <p>Application forms are available from any Service NSW Centre or any Tribunal Registry office. Applications can be lodged in person, by post or online at www.ncat.nsw.gov.au.</p> <p>Please note that an application fee applies, however a reduced fee applies for pensioners and NSW Senior Card holders.</p> <p>Please note that time limits for making an application to the Tribunal may apply.</p>

RECORD KEEPING

The Village Manager is responsible for keeping a record of the following information about complaints and internal disputes for at least 5 years:

- Details of each complaint or internal dispute, including the name and contact details of each resident concerned, and the date the complaint or dispute was raised;
- Details of actions taken in response to each complaint or internal dispute, including the names and contact details of any staff involved in the handling of the complaint or internal dispute, and the date the action was taken;
- Whether the complaint or internal dispute was resolved, withdrawn, referred or escalated or another outcome was achieved; and
- The number of complaints and internal disputes handled each calendar year.

VERSION

Version:	2.1
Date:	September 2019
Review frequency:	Every two years or when there is a regulatory change affecting the policy
	Legislative reference: <i>Retirement Villages Amendment (Rules of Conduct for Operators) Regulation 2019</i> under the <i>Retirement Villages Act 1999</i>