



## Complaints Management Policy

ASES Standards	<b>Standard 8: Consumer Outcomes</b> <ul style="list-style-type: none"><li>• Requirement 8.1 Consumer and Community Engagement Standard</li><li>• Requirement 8.2 Consumer Feedback and Complaints Standard</li></ul>
Contractual Obligation(s)	NSW DCJ Specialist Homelessness Services Funding Agreement: Lead Entity and/or Joint Working Agreements
Related Policies	Charter of Client Rights and Responsibilities Client Advocacy Client Feedback Responding to Allegations of Abuse of Clients Service Access Staff Induction Strategic Planning

### 1. SCOPE

The scope of this policy applies to complaints that have been received from clients and external stakeholders in relation to their dissatisfaction with SEARMS.

This policy does not apply to feedback received from any person that included allegations of abuse or neglect of a client. If such information is received, the Responding to Allegations of Abuse and Neglect Policy should be followed.

### 2. PURPOSE

The purpose of this policy is to outline the processes that must be applied when a person or organisation makes a complaint against SEARMS.

### 3. POLICY

SEARMS considers complaints an opportunity to strengthen services and review the organisation's systems, processes and practices, so that SEARMS can achieve its strategic goals and provide a responsive, high-quality service to clients.

SEARMS has established a complaints management system that:

- is easy to understand
- is communicated to all clients and stakeholders

- ensures that complaints are assessed fairly and in a timely manner
- ensures that the principles of natural justice are followed
- complies with legislative requirements.

SEARMS' priority, whenever possible, is to seek a positive resolution to complaints. When SEARMS receives a complaint, the complaint will be documented in the Complaints Register. This information will be used to track the complaint's processing and inform the strategic planning and continuous quality improvement processes of the organisation.

SEARMS' complaints management system is informed by the NSW Ombudsman's, Effective Complaint Handling Guideline.<sup>1</sup> When a complaint is received, the following steps are taken:

- receive and record the complaint
- acknowledge the complaint
- assess the complaint
- plan the complaint investigation
- implement the complaint investigation plan
- provide a response and resolution
- advise of appeals and reviews
- undertake a practice review.

All permanent and part-time staff receive complaints management training during the induction process, and anytime after that when SEARMS considers it a requirement. SEARMS maintains a current Complaints Register, which tracks the progress and timeliness of responding to the complaint. CBO is responsible for maintaining the register and for ensuring that all complaints are responded to in accordance with this policy and in a timely manner.

Complaints are a standard item on the Board's agenda. The CEO is responsible for providing a summary report of complaints, which is based on the complaints register to the Board at every meeting.

Any complaint of a serious nature (that involves a high level of client-related or organisational risk) is monitored and subsequently reported to the Board in detail. The Board is regularly updated on the progress and outcomes of serious complaints.

## 4. PROCEDURE

A complaint is an expression of dissatisfaction with the quality or type of service received. A complaint can be lodged by an applicant or a tenant if they are dissatisfied with any aspect of service provision from SEARMS.

When a complaint is received, the Receiving Officer will:

- Register, investigate, resolve and record their complaints.
- Ensure their right to be heard and not be penalised for raising a complaint.
- Enable their views to influence how we deliver our housing services.

### 1. Confidentiality

Tenant confidentiality will be respected and only those directly involved with the process will be told details. Staff who are the subject of the complaint will be advised of the complaint.

## **2. Timeframe**

Written complaints will be acknowledged in writing within 7 days. The investigation and resolution process will take no longer than 28 days, unless the person complaining agrees.

## **3. Complaints Register and Monitoring**

The CBO will be responsible for maintaining the Complaints Register and monitoring progress in resolving the Complaint. Any correspondence regarding the complaint will be kept with the tenant/or applicant file. A copy will be kept in the complaints file. The person concerned can see their file on request.

The CEO and Board will monitor progress with resolving complaints through reporting to the Board meeting and take action when there are broader implications for policy and practice. Ministerial representations will be reported to the CEO and/ or Board at the earliest possible convenience.

Complaints are dealt with through a two-level process:

- Level 1 – Informal Complaint
- Level 2 – Formal Complaint
  - Stage 1 – CEO or their delegate (Asset Services Manager or Housing Services Manager)
  - Stage 2 – SEARMS Board of Directors

### **Level 1: Informal Complaint – Verbal**

SEARMS will try to resolve the complaint informally wherever possible. Many complaints are caused by misunderstandings and can be easily resolved. To this end we will:

- ask the complainant to explain the problem and what they would like to be done;
- direct the complainant to the appropriate Asset or Client Service Officer to deal with their problem;

The Receiving Officer is to:

- Inform the complainant of SEARMS's Complaints Policy
- Determine whether the matter is:
  - A complaint.
    - An appeal (see Appeals Policy).
    - A dispute under the Residential Tenancies Act (see relevant policy).

The Receiving Officer should advise the complainant about SEARMS's policy in that area.

If the complainant is dissatisfied with the response the (position) is to inform the complainant that they can make a formal complaint in writing or through the Complaints Form

### **Level 2: Formal Complaints – Written**

Formal complaints must be lodged in writing addressed to the CEO. Complainants will be given a copy of SEARMS's Complaints policy and procedure. SEARMS will answer any question they may have about the process and will advise them where they can get help.

### **Stage 1**

All written complaints will be considered by the CEO. If the complaint is about a senior member of staff, it is to be referred to the CEO. Complaints about the CEO will be directed to the Board.

The CSO or COO will determine whether the matter is a complaint or an appeal or a breach of the Residential Tenancies Act.

Matters relating to a breach of the Residential Tenancies Act will be referred directly to either the CSO or COO.

The CBO will:

- Record the complaint.
- Acknowledge the receipt of the complaint in writing within 7 days of receiving the complaint.

The CEO or their delegate will:

- Investigate and determine what action SEARMS will take.
- Advise the complainant, in writing within 28 days of what action SEARMS has or will take.

### **Stage 2**

If the person making the complaint is not satisfied with the outcome, they can refer the complaint to the Board of Management.

The SEARMS Board will appoint one member to review the complaint and make a recommendation to the Board. They will:

- Record the complaint.
- Acknowledge the receipt of the complaint in writing within 7 days of receiving the complaint (via the CEO).
- Investigate determine what action SEARMS will take.
- Advise the complainant, in writing within 28 days of what action SEARMS has or will take.

## **4. External Assistance**

There are other options to lodge complaints in relation to tenancy management related issues with SEARMS, these include:

- Aboriginal Tenancy Advocacy Service
- The Aboriginal Housing Office, Sydney
- NSW Civil and Administrative Tribunal (NCAT)
- Tenancy Ombudsman, NSW

All clients are encouraged and invited to first attempt to have their issues of complaint resolved by SEARMS before accessing the external process.

## 5. Conflict of Interest

Any SEARMS employee or Board member who may directly or indirectly be involved in this complaint must register any personal or other relationship.

The SEARMS employee or Board member must withdraw from any involvement in the process and must not participate in any way or influence in any way, either implicitly or explicitly, the decision-making process when such a conflict has been declared.

A Declaration of Interest Form must be completed and signed by the employee and Board member and placed on file.

## 6. Privacy and Confidentiality

Refer to SEARMS' Privacy and Confidentiality Policy.

# 5. RESPONSIBILITIES

Responsibility	Delegation
Ensure that all staff receive complaints management training	Chief Business Officer
Document complaints	Chief Business Officer
Communicate with complainant	Chief Business Officer
Ensure complaints management and resolution	Chief Business Officer
Identify and address systemic issues for quality improvement	Chief Business Officer

# 6. LEGISLATION

- Residential Tenancies Act 2010

<https://legislation.nsw.gov.au/view/whole/html/inforce/current/act-2010-042>

- Australian Human Rights Commission Act 1986 (Cwlth)

<https://www.legislation.gov.au/Details/C2017C00143>

- Privacy Amendment (Enhancing Privacy Protection) Act 2012 (Cwlth)

<https://www.legislation.gov.au/Details/C2012A00197>

- Privacy Act 1988 (Cwlth)

<https://www.legislation.gov.au/Details/C2018C00034>

## 7. APPENDICES

Appendix 1: Complaints Register

Appendix 2: Appeals Register

Appendix 3: AHO Housing Services Guidelines and Policy Framework (for AHO-owned properties only)

VERSION	APPROVAL	EFFECTIVE DATE	REVIEW DATE
Version 001	Chief Business Officer	09 May 2024	09 May 2026