Complaints and Appeals Policy

Policy Description

This policy establishes the approach of SouthEast Housing Co-operative to complaints and appeals in respect of housing, social housing applications and related services.

Scope

This policy applies to complaints and appeals made to SouthEast Housing Co-operative by:

- renters and prospective renters of SouthEast Housing Co-operative in respect of rental housing; and
- people whom SouthEast Housing Co-operative has assisted to make an application for social housing under the Victorian Housing Register (VHR).

This policy does not apply to complaints or feedback received from people who are not renters, prospective renters, or applicants for social housing. This includes:

- complaints or grievances by employees of SouthEast Housing Co-operative;
- complaints by contractors of SouthEast Housing Co-operative; and
- complaints or registration of concern by other members of the community (for example, neighbours). Refer Neighbours and Neighbour Complaints Policy.

Definitions

Appeal	When a person asks for a review of a decision of SouthEast Housing Co-operative to which this policy applies.
Applicant	A person who SouthEast Housing Co-operative assists to apply for social housing.
Complaint	A client's registered expression of dissatisfaction with any service delivered or action taken by SouthEast Housing Co-operative to which this policy applies.
DFFH	The Victorian Department of Families, Fairness and Housing.
Social housing	Both public housing (housing owned and managed by DFFH) and housing owned, controlled or managed by participating registered agencies (that is, registered housing agencies that participate in the VHR).
VHR	The Victorian Housing Register, the Statewide common application for people seeking social housing, which can be accessed via SouthEast Housing Co-operative, DFFH, the MyGov portal or designated support providers.

Relevant policy statements and/or principles

Guiding principles

All renters and prospective renters of SouthEast Housing Co-operative and applicants (renters, prospective renters and social housing renters) have the right to:

- complain about the way that SouthEast Housing Co-operative has gone about delivering housing or related services; and
- appeal a decision made by SouthEast Housing Co-operative in relation to their housing, application, or services.

SouthEast Housing Co-operative welcomes complaints from renters, prospective renters, and social housing renters as a key way by which SouthEast Housing Co-operative receives feedback, responds to the needs of renters, prospective renters and social housing renters, and improves its service delivery.

Accordingly, SouthEast Housing Co-operative will:

- provide renters, prospective renters, and social housing renters with clear information about how they can make a complaint or lodge an appeal with SouthEast Housing Co-operative and about any external complaint-handling bodies that are relevant (such as DFFH or the Housing Registrar);
- support people to make a complaint or appeal in a way that is accessible to them;
- respond to complaints and appeals promptly, fairly, and transparently;
- respect the privacy and confidentiality of those who make a complaint or lodge an appeal;
- not take any adverse action in respect of anyone simply because they have made a complaint or lodged an appeal;
- keep records of complaints made and appeals lodged; and
- use the outcome of complaints and appeals to improve SouthEast Housing Co-operative's service delivery and minimise future complaints and appeals.

Complaints by renters or prospective renters about rental housing

Renters or prospective renters of SouthEast Housing Co-operative who are affected by decisions of SouthEast Housing Co-operative on matters relating to rental housing may ask for their complaint to be dealt with under the complaints and appeals procedure.

Under this procedure, SouthEast Housing Co-operative must take all reasonable steps to resolve such complaints within 30 days after the complaint is made to SouthEast Housing Co-operative.

Complaints or appeals about applications for social housing under the VHR

SouthEast Housing Co-operative participates in the VHR by:

- providing applicants with information about applying for social housing under the VHR;
- submitting applications to DFFH with a recommended outcome based on the VHR's eligibility criteria.

Where an applicant wishes to:

- make a complaint about the way in which SouthEast Housing Co-operative has provided service to them in making an application for social housing; or
- appeal a decision made by SouthEast Housing Co-operative in relation to the person's application for social housing to:

- recommend or not recommend an application for approval;
- approve or not approve an application;
- remove an application from the register; and
- determine if an offer of social housing is a reasonable offer,

then such applicants should first ask that the complaint be reviewed, or decision be reconsidered by SouthEast Housing Co-operative under the complaints and appeals procedure.

Applicants for social housing who are unhappy with the resolution of a complaint under the complaints and appeals procedure may refer the complaint to the DFFH Housing Appeals Office.

SouthEast Housing Co-operative will regularly monitor the effectiveness of the complaints and appeals procedure.

Procedures

Complaints coordination

SouthEast Housing Co-operative will appoint a person to coordinate complaints, which will include to:

- act as the point of contact with the Housing Registrar and DFFH Housing Appeals Office;
- monitor compliance with the policy and this procedure (for example, the requirement to resolve complaints within 30 days); and
- maintain the register of complaints and appeals.

Currently this role is the responsibility of the Operations & Compliance Manager.

Informal resolution

All staff are empowered to handle complaints in the first instance and it is preferred they are dealt with promptly at the initial point of contact. SouthEast Housing Co-operative encourages all renters, prospective renters and social housing renters who are unhappy about the way that they have been treated by SouthEast Housing Co-operative or decisions made by SouthEast Housing Co-operative to take up the issue with the person who delivered the service or made the decision. This can be a way of getting the matter resolved quickly.

However, if a client does not wish to do this then it is their right to have the matter dealt with under the complaints and appeals policy and this procedure.

How to complain or appeal

You may complain or appeal:

- via a representative or advocate;
- in person at: 9 Indra Road, Blackburn South, VIC 3130;
- in writing to: 9 Indra Road, Blackburn South, VIC 3130;
- by email: sue@sehc.org.au;
- by telephone: 03 9706 8005.

A complainant may register a complaint verbally or in writing. Upon receipt of the complaint the formal process will begin. SouthEast Housing Co-operative encourages renters, prospective renters, and social housing renters to make complaints in writing as a way by which the issues can be most effectively identified and then resolved. However, SouthEast Housing Co-operative recognises that some people may face barriers to doing so and will therefore:

- accept complaints and appeals in a variety of means; and
- take reasonable actions to assist that client to clarify the issues in their complaint or appeal.

Acknowledgement of complaint

SouthEast Housing Co-operative will acknowledge receipt of all complaints and appeals within five working days. This acknowledgement should advise the complainant of the process that SouthEast Housing Co-operative will follow.

Investigation of complaint or consideration of the appeal

The procedure should assign a manager responsible for ensuring that SouthEast Housing Co-operative responds appropriately to the complaint or appeal by investigating the matter and/or reconsidering any decision made.

This person should not be directly involved in the complaint or appeal – i.e., be the original decision-maker or the person whose conduct has given rise to the complaint.

Outcome of complaint or appeal

Responses to complaints and appeals must:

- be in writing;
- explain the outcome of the complaint or appeal and the reasons for SouthEast Housing Co-operative's decision; and
- advise the complainant of their right to refer the matter to the Housing Registrar or DFFH Housing Appeals Office (as appropriate) if the complaint is not resolved within 30 days after it is made. (If the complainant is a renter or former renter of the Co-operative, who is unhappy with the outcome of their complaint, the grievance procedure set out in rule 13, Disputes and Mediation, of the Co-operative's Rules, must be complied with before their complaint can be referred to the Housing Registrar. Refer Appendix 1).

Investigation by the Housing Registrar

SouthEast Housing Co-operative staff must co-operate with any such investigation by the Housing Registrar.

Privacy and confidentiality

SouthEast Housing Co-operative must comply with the Privacy and Confidentiality Policy when undertaking this process.

Register of complaints

SouthEast Housing Co-operative will maintain a register of complaints made and appeals lodged which complies with the requirements of the Housing Registrar.

Review

SouthEast Housing Co-operative will use the outcome of complaints and appeals to improve SouthEast Housing Co-operative's service delivery and minimise future complaints and appeals by the following:

- Consideration of outcomes of complaints at team meetings (on a de-identified and non-judgmental basis);
- Quarterly reporting of complaints data to the [Board/ Executive];
- Regular consideration of complaints data by Renter Reference Group (or similar).

Further information

Housing Registrar Details

If we haven't resolved your complaint within 30 days, of if you're unhappy with our decision, you can contact the Housing Registrar:

- **Online:** https://www.vic.gov.au/managing-complaints, which includes an online complaints form
- **Email:** housingregistrar@dtf.vic.gov.au
- **Post:** Housing Registrar, GPO Box 4379, Melbourne, VIC 3001

DFFH Appeals Office Details

For complaints or requests for review about housing applications under the Victorian Housing Register.

- **Online:** https://www.housing.vic.gov.au/appeal-decision, which includes a Housing Appeals Form
- **Email:** housingappeals@dffh.vic.gov.au
- **Post:** Housing Appeals Office, GPO Box 4057, Melbourne, VIC, 3001

Related Legislation, SEHC Documents and Other Documents

Legislation / Standards:	• Housing Act 1983 (Vic) Part VIII Division 5 Subdivision 2 (Dispute Resolution) • Performance Standards for Registered Housing Agencies • DFFH Victorian Housing Register Operational Guidelines
Organisational Documents:	• Privacy and Data Protection • Disputes (Grievance) Policy
VHR Documents / Guidelines:	• Allocations and Eligibility • Rent Setting • Privacy

Policy Management

Policy owner (role title):	Board
Role responsible for implementing:	Board and CEO
Review arrangements:	Every 3 years via internal review
Next Review Date:	25 June 2027

Document History

Date	Comment
24 June 2022	Board approved version migrated for display on SEHC website
28 Sept 2022	Updated to clarify mediation process for SEHC renters
25 June 2024	Board reviewed and approved

Appendix 1

Excerpt from SouthEast Housing Co-operative's Rules

13 Disputes and mediation (CNL s129)

(1) The grievance procedure set out in this rule applies to disputes under these rules between:

(a) a member and another member; or

(b) a member (including a former member) and the co-operative.

(2) If a dispute arises, a party cannot commence any court or arbitration proceedings relating to the dispute unless it has complied with the provisions of this rule, except where a person seeks urgent interlocutory relief.

(3) The parties to the dispute must meet and discuss the matter in dispute, and, if possible, resolve the dispute within 14 days of:

(a) the dispute coming to the attention of each party; or

(b) a party giving notice, to each of the other parties involved, of the dispute or grievance.

(4) If the parties are unable to resolve the dispute at the meeting, or if a party fails to attend that meeting, the parties must, as soon as is practicable, hold a meeting in the presence of a mediator.

(5) The mediator is, where possible, to be a person chosen by agreement between the parties, but in the absence of agreement between the parties:

(a) for a dispute between a member and another member, a person appointed by the Board; or

(b) for a dispute between a member (including a former member) and the co-operative, a person appointed by a mediation service accredited by the Australian Mediation Association.

(6) The mediator may (but need not) be a member of the co-operative, unless the member is a party to the dispute.

(7) The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.

(8) The mediator, in conducting the mediation, must:

(a) give the parties to the mediation process every opportunity to be heard; and

(b) allow due consideration by all parties of any written statement submitted by any party; and

(c) ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.

(9) The mediator cannot determine the dispute.

(10) The mediation must be confidential and without prejudice.

(11) The costs of the mediation are to be shared equally between the parties unless otherwise agreed.

(12) Nothing in this rule applies to any dispute as to the construction or effect of any mortgage or contract contained in any document other than these rules.

(13) Nothing in this rule applies to any dispute involving the expulsion or suspension of a member.

(14) If the mediation process does not result in the dispute being resolved, each party may seek to resolve the dispute at law.