



[nshc.com.au](http://nshc.com.au)

T. 08 8344 9011

F. 08 8269 4027

[info@nshc.com.au](mailto:info@nshc.com.au)

472 Regency Road

Prospect SA 5082

# Complaints and Disputes Policy

Northern  
Suburbs  
Housing  
Community  
inc.

Secure affordable housing for seniors

# Table of Contents

- 1 Versioning ..... 3
- 2 Complaints and Disputes about Behaviour ..... 3
  - 2.1 Steps to be taken ..... 4
- 3 Complaints and Disputes about Decisions ..... 4
  - 3.1 Non-tenancy Decisions ..... 5
  - 3.2 Tenancy Decisions ..... 5
- 4 Complaints by Interested Persons (neighbours and others) ..... 5
- 5 Conciliation Conferences ..... 6

## 1 Versioning

The Association will maintain a history of policy versions. Minor amendments such as the following do not require a new policy version to be created:

- typographical corrections
- changes to the format of a policy
- changes to the number of a policy
- changes to the name of an agency, service provider, contractor, office bearer or employee position

## 2 Complaints and Disputes about Behaviour

A complaint or dispute is defined as any aspect of behaviour or treatment that the person feels is unjust or unfair, or believes is otherwise unsatisfactory and should be addressed.

For a complaint to be investigated, the complaint must be made in writing and be supported by evidence.

Disputes which, in the opinion of the Executive Officer (or Chairperson if the dispute is with the Executive Officer), are without merit, frivolous, malicious or vexatious will not be pursued.

The Association wants complaints or disputes about behaviour addressed using the following principles:

- friendly and timely responses – resulting in an amicable and speedy resolution to issues
- sensitivity – by all parties respecting each other throughout the process
- fairness and impartiality – all parties given procedural fairness in any investigation
- confidentiality – only parties directly involved in the investigation of the complaint or those involved in making decisions about outcomes or actions shall have access to information about the dispute
- no victimisation - victimisation against the complainant or anyone involved in attempting to resolve the complaint will not be tolerated by the Association and is in breach of the Equal Opportunity Act 1984

The Association may appoint an external person to undertake the investigation to ensure a fair process.

The Executive Officer (or Chairperson if the dispute is with the Executive Officer) should ensure that he or she fully understands the complainant's concern and if satisfied that the complaint is legitimate, follow the standard procedure of offering the complainant the opportunity to have an independent witness at the discussion, and follow the steps outlined below:

- if more than one person is present, establish the role of each person
- outline the process that is to be followed
- inform the parties that any information obtained in the conduct of the review is confidential
- listen to the complainant and diagnose the problem
- take accurate and detailed notes of all conversations (including dates, people involved) and attach any supporting documentation
- if deemed necessary, provide a written summary of any meeting and clarification of the next steps to be taken

All parties are to maintain complete confidentiality at all times.

If a suitable outcome cannot be negotiated at this meeting of the parties, they will be referred to an independent mediator through an external service available through Tenants Information and Advocacy Service (TIAS) or the Community Mediation Service or the successors of those offices.

If no suitable resolution is negotiated through mediation, or, if either party does not want to participate in a mediation process, the Tenants in dispute may lodge a formal internal appeal under the Association's Appeals Policy.

Tenants may, in some circumstances, have the right to make application to the Residential Tenancies Tribunal.

The Rules of Natural Justice must be observed in any dispute by the person or body exercising a power of adjudication.

## **2.1 Steps to be taken**

- The person with the dispute should take up the matter with the person concerned as soon as possible after its occurrence and attempt to resolve the issue in an amicable way.
- If the dispute cannot be satisfactorily resolved between the parties, the dispute should be reported to the Executive Officer in writing. In the event that the dispute relates to Executive Officer, the dispute should be reported to the Chairperson. A summary of the dispute should be recorded.
- Receipt of all written disputes will be logged in the confidential Register – Complaints and Disputes, held by the Secretary, or their delegate.
- If the matter cannot be resolved following discussion with both parties (either separately or together) by the Executive Officer or Chairperson, the Executive Officer or Chairperson will seek confidential advice about how to proceed from an independent expert (unless those people are the subject of the dispute).
- If, after acting on that advice, the matter is still not resolved, the Executive Officer will refer the parties to Community Mediation Services. The Association expects that all parties will come to mediation in good faith and will use their best endeavours to resolve the dispute.
- If either party refuses to participate in mediation, the Executive Officer will report back to the Board who will decide what action will be taken.

Both parties have the right to be represented by an advocate or support person during this process.

The outcome of the dispute resolution process will be noted by the Executive Officer (or Chairperson if the dispute is with the Executive Officer).

Records made in relation to any dispute will be securely stored by the Executive Officer (or Chairperson if the dispute is with the Executive Officer) who will only make the records available to others on a need to know basis.

## **3 Complaints and Disputes about Decisions**

The Association accepts that from time to time it will make decisions which Tenants may not agree with.

For such a decision to be reviewed, a request must be made in writing and be supported by evidence.

The Executive Officer will consider the request to review a decision, taking into account why the tenant considers that a review is required, and shall then determine whether to conduct a

review of the decision.

Disputes which, in the opinion of the Executive Officer (or Chairperson if the dispute is with the Executive Officer), are without merit, frivolous, malicious or vexatious will not be pursued.

The Association wants complaints or disputes about behaviour addressed using the following principles:

- friendly and timely responses – resulting in an amicable and speedy resolution to issues
- sensitivity – by all parties respecting each other throughout the process
- fairness and impartiality – all parties given procedural fairness in any investigation

The Executive Officer (or Chairperson if the decision was made by the Executive Officer) should, if satisfied that the complaint is legitimate, follow the standard procedure of offering the tenant the opportunity to have an independent witness at the discussion, and follow the steps outlined below:

- if more than one person is present, establish the role of each person
- outline the process that is to be followed
- inform the parties that any information obtained in the conduct of the review is confidential
- listen to the tenant
- take accurate and detailed notes of all conversations (including dates, people involved) and attach any supporting documentation
- provide a written summary of any meeting

The Executive Officer (or Chairperson if the decision was made by the Executive Officer) must ensure that the manner in which the meeting is conducted will be conducive to maintaining positive working relationships, and will provide a fair, objective and independent analysis of the situation.

All parties are to maintain complete confidentiality at all times.

The outcome of the review process will be noted by the Executive Officer (or Chairperson if the decision was made by the Executive Officer).

### **3.1 Non-tenancy Decisions**

If the decision being disputed is non-tenancy related and in the opinion of the Executive Officer a review is not warranted, or a review has been conducted, but the decision has not been revised, the tenant disputing the decision does not have access to the Appeals policy and its processes.

### **3.2 Tenancy Decisions**

If the decision being disputed is tenancy related and in the opinion of the Executive Officer a review is not warranted, or a review has been conducted, but the decision has not been revised, the tenant disputing the decision does have access to the Appeals policy and its processes.

## **4 Complaints by Interested Persons (neighbours and others)**

The Housing Officer will respond to complaints by “interested persons” as defined by the Residential Tenancies Act (whether or not the person making the complaint is associated with the Association) using the same approach taken above under Complaints and Disputes about Behaviour.

If the matter cannot be resolved, interested persons have the right to lodge an application to

the Residential Tenancies Tribunal for a Section 90 termination of the tenancy where the tenant's conduct is alleged to be unacceptable.

## **5 Conciliation Conferences**

The Association recognises that disputes between tenants or tenants and landlords may be settled through a process of conciliation.

The Association will, wherever possible, choose a Conciliation Conference facilitated by the South Australian Civil and Administrative Tribunal (SACAT) as the preferred method to settle tenancy related disputes, rather than requesting a full hearing of the tribunal.