



COMPLAINT AND APPEAL POLICY

Goal

Complaints or disputes may occur for a number of reasons and between different parties. This policy refers to disputes between tenants, and to disputes between tenant/s and staff, and between tenant/s and (non-tenant) neighbours.

The complaints system is to be practical in application and readily accessible by tenants and employees. Tenants will be provided with information about how to make a complaint or appeal a decision and about how to access advocacy organisations or individual advocates to help them make a complaint or appeal.

REACH Limited recognises that from time to time a tenant may wish to make a complaint about decisions, behaviour or actions of REACH Limited's staff or Board, which he/she may feel is unfair inconsistent with the policies of REACH Limited or which interfere with his/her rights as a tenant. REACH Limited will address all complaints through documented processes that are fair, consistent and accessible to all.

Objective

Tenant to tenant disputes

If a tenant makes a complaint about another tenant, Property Manager employees are to respond in accordance with RTA legislation if the nature of the complaint is covered by that Act.

If the nature of the complaint is not covered by the RTA but is of a personal nature, the complainant will be advised to address the issue directly with the tenant concerned.

If the tenants cannot resolve the issues themselves, REACH Limited employees will provide tenants with information about the free service provided by the Dispute Resolution Centre and advise them to contact this service.

Aggressive tenant disputes

There may be an occasion where the dispute between two or more tenants involves intimidation, harassment or verbal/physical violence. REACH Limited employees have a Duty of Care under the Residential Tenancies Act 1994 (RTA) to take responsibility for tenancy issues.

Attempts are to be made to ascertain whether such an incident is a tenancy issue and therefore covered under the RTA, or whether it is of a personal matter for which the tenants must take action themselves. It may be that both areas, RTA and personal, are involved.

REACH Limited employees are to obtain versions of the incident from both tenants. This may involve visiting the tenant about whom the complaint is made as soon as possible. In these



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circumstances the Property Manager is not to make the visit alone and is to be accompanied by another worker.

If the tenant is not at home, a letter is to be left at their dwelling. This letter is to inform the tenant that a complaint has been made about their behaviour and that they are requested to contact the office within 48 hours before further action is taken.

As much information is to be obtained about the incident, as well as interviewing both tenants. Information is to be obtained from others who may have witnessed the incident and other employees who may have background information about whether the reported behaviour is consistent with the complaints being made. Wherever possible, the complainant is to be encouraged to make a report to the Police who can investigate the incident and decide whether charges can be laid. This will support any claim made under the RTA in the Queensland Civil and Administrative Tribunal (QCAT).

If there is sufficient evidence to support it, a claim is to be lodged under the RTA - Urgent Application for Termination, Objectionable Behaviour. A decision to proceed with such a claim is to be discussed with Property Manager and the Regional Manager.

The complainant is to be referred to any support/advocacy agency which may be able to assist them.

Tenant to Employee Disputes

This process is to apply only to complaints made by current, past or prospective tenants if they have a complaint about matters relating to REACH Limited management. It is not to apply to matters arising out of the Residential Tenancies Act 1994 (that is, complaints about matters covered in the Tenancy Agreement or its By-Laws).

A complaint may be responded to by employees in two ways. Firstly it may be rejected (in part or wholly) within fourteen (14) days by:

Providing a written notice of rejection;

Outlining reasons for the rejection;

Providing a separate document setting out other avenues of voluntary dispute resolution (such as mediation

through the Queensland department of justice's and attorney-general's dispute resolution service or the residential tenancies tribunal);

Informing the tenant of any relevant time restraints on the complaint;

Informing the tenant that they may wish to seek legal advice; and

Informing the tenant they can make a formal complaint to the Board of Directors.

Secondly it may be accepted and rectified or restitution made within seven days or an agreed time period by following the following processes:

The tenant is to be advised to firstly discuss the issue with the employee concerned.



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The employee is to immediately log the complaint into the Complaints' Register. The complaint entry is to have a reference number and all progress of the complaint is to be recorded (in duplicate) on this Log Sheet.

If the issue cannot be resolved at a meeting between the tenant and employee, the tenant is to seek a meeting with the Regional Manager. This meeting is to take place within fourteen (14) working days of the complaint being made.

If the issue cannot be resolved by the REACH Limited employee, the tenant is to be advised to write to the Board of REACH Limited if they wish to initiate a formal grievance dispute process.

If the matter is not resolved at that level, the tenant may refer the issue to an outside mediation service (eg Dispute Resolution Service), or to conciliation before the QCAT if the matter is a covered by the RTA.

Tenant and Non-Tenant Neighbour Disputes

If a tenant makes a complaint about a neighbour, who is not a tenant of REACH Limited, Property Managers are to respond in accordance with RTA legislation if the nature of the complaint is covered by that Act.

If the nature of the complaint is not covered by the RTA but is of a personal nature, the tenant will be advised to address the issue directly with the neighbour concerned. REACH Limited staff will provide the tenant with information about the Dispute Resolution Service Centre and advise the tenant to contact this service.

If a neighbour who is not a tenant makes a complaint about a tenant, REACH Limited the relevant staff member is to:

In the first instance, listen to the complaint and if the nature of the complaint is covered by the RTA legislation, request that it be put in writing.

Obtain both versions of the complaint from the neighbour and the tenant. This may involve visiting the tenant about whom the complaint is made as soon as possible. In these circumstances, the Property Manager is to be accompanied by another person and is not to make the visit alone.

Leave a letter if the tenant is not at home. This letter is to inform the tenant that a complaint has been made about their behaviour and that they are requested to contact the office within 48 hours.

Obtain information from other tenants in a unit complex as well as interviewing the tenant concerned.

Advise the neighbour to deal with the matter by other means if the nature of the complaint means that it is not a tenancy issue and does not warrant action under RTA legislation.

Information may be given about the Dispute Resolution Services Centre if necessary.

Inform the complainant in writing about the action taken whether or not follow up action is being taken to resolve the issue.

Document on the tenant's file all steps taken by the Property Manager.



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Process for Board dealing with Complaints:

The Board or the Board Delegate will contact the Regional Manager to advise them of the complaint and the procedure for investigating the complaint. The Regional Manager will send the Board Delegate copies of all documents relating to the complaint.

The Board Delegate will contact the complainant to arrange an interview. The purpose of this interview is to gather information about the nature of the complaint, and to identify how the complainant would like the matter to be resolved.

The Board Delegate will contact the Regional Manager to arrange an interview.

The Board Delegate will review the information gathered in the interview, and the written information supplied against REACH Limited policies and procedures. The Board Delegate may also seek advice from:

The Residential Tenancy Authority,
Tenant's Union; or
The Queensland Community Housing Coalition.

The Board Delegate will prepare a report, which will include findings and recommendations. The Board will review the findings and recommendations, (the Board may also seek legal advice) and decides on a course of action. It is anticipated that this should resolve the matter if not then, mediation with an independent external third party would be advised.

The Board will notify the complainant and the Regional Manager by letter of the decision and course of action within twenty-one (21) working days of receiving the complaint.

Any disciplinary action for a staff or Board member that may be necessary as a result of the decision will be carried out under the relevant REACH Limited policy or Constitution.

Written responses to complaints, disputes or appeals are provided only when:

- A decision adversely affects the client. For example a decision to reject a request from a tenant for maintenance or upgrade work may be given in writing whereas accepting the request may not be provided in writing.
- The response is to a written request or application. For example a client requesting a service over the counter or by phone could be told verbally that he/she is not eligible for the service and why, but a client that has submitted a written request or application for the service will be sent a written response advising of the reasons he/she is not eligible.
- The decision is about a matter that may have a significant impact on the client. For example decisions about eligibility, allocations or priority rent assessment or maintenance may be considered significant and therefore decisions will be in writing whereas decisions about other matters are not written.



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If a dispute resolution or review of a decision application has been received, the applicant will be given a written response. REACH Limited will ensure that the person dealing with the matter has no personal interest, or conflict of interest (actual or perceived) and a review of a decision is not to be made by the original decision maker.

All written complaints are to be recorded in the Complaints Register. In some circumstances, continual verbal complaints received within a short time frame regarding the same issue may be recorded in this register also. The Complaints Register holds the following information:

- Name of complainant
- Date of complaint
- Details of the complaint
- How resolved
- Who it was resolved by
- Any follow up action required

Chairperson

Date

Regional Manager