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CUNNINGHAM DOWNS VILLAGE

COMPLAINT/DISPUTE RESOLUTION POLICY

RETIREMENT VILLAGES ACT 1986 (VIC)
Retirement Villages (Records and Notices)
Regulations 2015

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COMPLAINT/DISPUTE RESOLUTION POLICY
RETIREMENT VILLAGES ACT 1986
Retirement Villages (Records and Notices) Regulations 2015

Under sections 38E to 38H of the *Retirement Villages Act 1986* (“**Act**”) and the *Retirement Villages (Records and Notices) Regulations 2015* (“**Regulations**”), management of the Village (“**Management**”) must establish and maintain a procedure for dealing with complaints made by residents against Management, and disputes between residents.

1 Resident Choice

Residents may choose to use our internal complaint/dispute resolution scheme. However, residents may seek assistance from Consumer Affairs Victoria or the Victorian Civil and Administrative Tribunal (“**VCAT**”) or any other external dispute resolution service. Residents may also seek the assistance of the Village resident’s committee in relation to complaints about other residents.

2 Freedom to make complaints

- 2.1 Residents are invited to make comments or complaints in relation to the services or accommodation at the Village or in relation to other residents.
- 2.2 Comments or complaints must be handled in the strictest confidence, respecting the resident’s rights and privacy, without discrimination or bias. Actions must only be taken in relation to the complaint or dispute with the resident’s consent.
- 2.3 Residents must not be deterred from making complaints and must feel free to make complaints without fear of reprisal.

3 Complaints/disputes

The Act distinguishes between:

- 3.1 a “management complaint” which is a complaint by a resident against Management about:
 - 3.1.1 the control, management or administration of the Village;
 - 3.1.2 any action or failure to act by Management which affects the resident’s use or enjoyment of the Village; or
 - 3.1.3 the provision of services or a failure to provide services by Management to a resident; and
- 3.2 a “resident dispute” which is a dispute between residents in the Village about any action or failure to act by a resident which affects the resident’s use and enjoyment of the Village or the use of services by residents in the Village.

4 Complaint/Dispute Resolution Document

The Complaint/Dispute Resolution Document in Attachment 3 sets out how residents may make complaints, how complaints/disputes will be handled by Management and the resident’s right to obtain external assistance in relation to the complaint or dispute. All staff must comply with the procedure set out in the Complaint/Dispute Resolution Document.

5 Contact details

Details must be readily available to residents at all times as to how and to whom a comment or complaint may be made.

6 Complaints register

A complaints register must be maintained by the Village Manager.

Upon receipt of a management complaint or resident dispute the Village Manager must record in the complaints register:

- 6.1 the date of the complaint;
- 6.2 the complainant's name, address and contact details (and those of the complainant's representative, if any);
- 6.3 if the complaint is in relation to another resident, that other resident's name and address;
- 6.4 details of the nature of the complaint or dispute; and
- 6.5 details of the outcome of the complaint or dispute and action (if any) taken.

7 Separate Files

If the complaint or dispute is not resolved within 72 hours (not including weekends and public holidays) of receipt, the Village Manager must:

- 7.1 open a separate file (physical or electronic) for that complaint or dispute and record in the file:
 - 7.1.1 the date the file was opened,
 - 7.1.2 how the complaint was made, the complainant's name, address and contact details (and those of the complainant's representative, if any), if the complaint is in relation to another resident, that other resident's name and address, and details of the nature of the complaint or dispute;
- 7.2 keep in the file a copy of any letters or other documents provided by the complainant;
- 7.3 place in the file as soon as practicable after it occurs:
 - 7.3.1 a dated copy of any written advice given to the complainant summarising Management's understanding of the matter, the steps Management intends to take and the date by which Management will advise the complainant further. Any updated advice from Management (whether in writing or verbal) to the complainant and steps taken by Management must also be recorded in the file;
 - 7.3.2 file notes of every action taken by Management in relation to the complaint or dispute;
 - 7.3.3 copies of all letters or other documents received or sent in relation to the complaint or dispute;

- 7.4 keep in the file a copy of the written advice given to the complainant once the complaint or dispute has been resolved (and how it has been resolved), or the written advice that the complaint or dispute cannot be resolved (which must include details as to the reason for that decision and the complainant's right to contact, and contact details for, Consumer Affairs Victoria or other external advisers for further assistance).

The file must be retained for 7 years from the day the complaint is made.

8 Complaint handling

- 8.1 Management complaints and resident disputes must be handled so as to comply with this policy and the Complaint/Dispute Resolution Document. A flow chart summary is set out in Attachment 1.
- 8.2 A management complaint or resident dispute must not be dealt with if it is already being dealt with by the Village resident's committee.
- 8.3 Action must not be taken in relation to a complaint or dispute without the complainant's consent.
- 8.4 Complainants may be represented throughout the complaint handling and dispute resolution process.

9 Report to Residents

Management must report to the annual meeting of residents as to any management complaints or resident disputes made during the previous year. That report must include the number and type of complaints handled in the year, the action taken to resolve them and the outcome, changes or proposals made to address any issues identified. The report must not identify the parties to the complaint or dispute. A form of report to the meeting is attached in Attachment 2.

COMPLAINT/DISPUTE NOTIFICATION FORM

CUNNINGHAM DOWNS VILLAGE

1 Your Details

Name

Address:

.....

Telephone no.:

2 Nature of your complaint/dispute

2.1 Complaint about management at the Village

.....

.....

.....

.....

2.2 Dispute with another resident

Details of other resident: Name:

Address:

Nature of the dispute:

.....

.....

.....

3 What is the outcome you seek?

.....

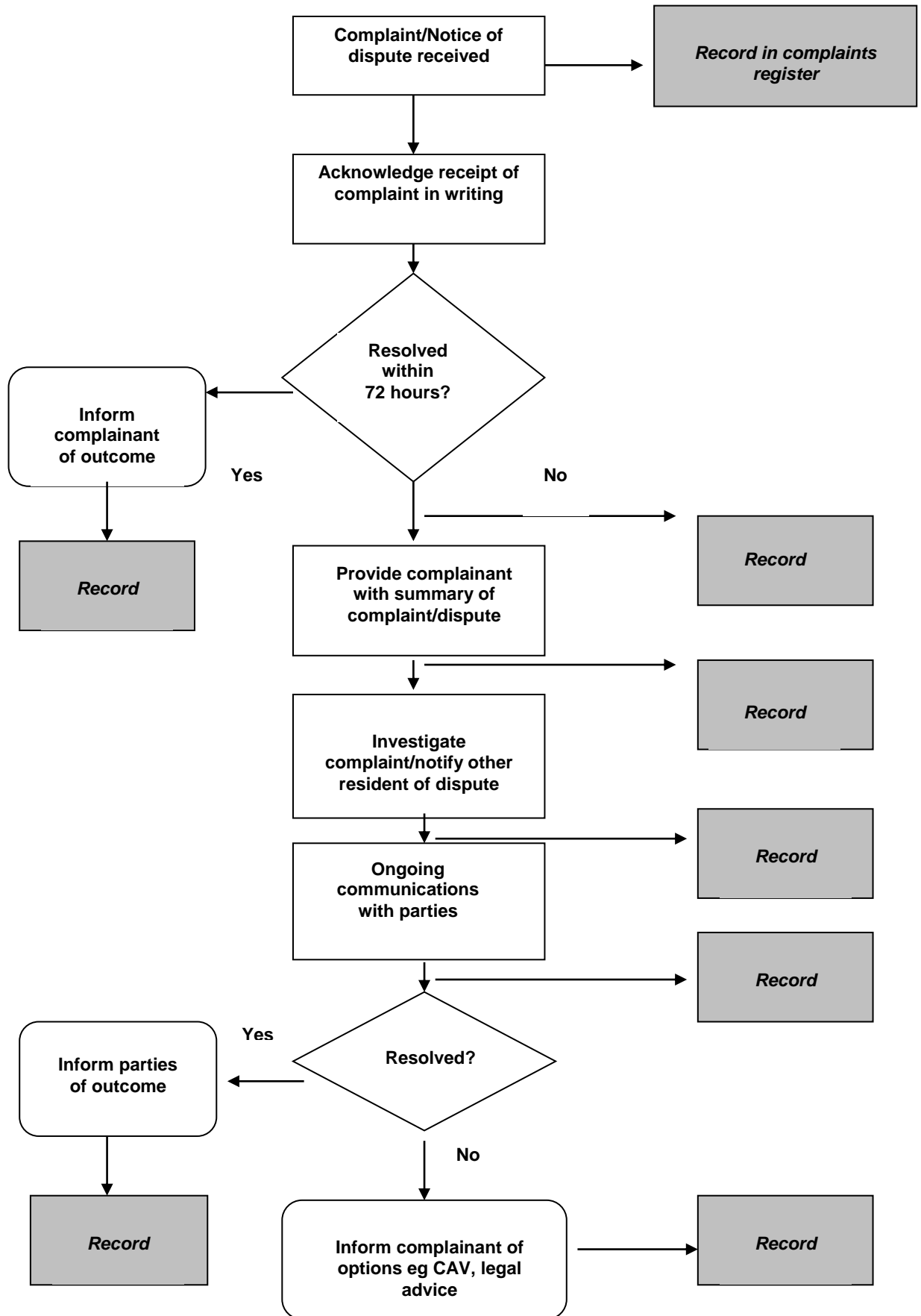
.....

.....

Date of this notification:

Your signature:

ATTACHMENT 1 FLOW CHART



**ATTACHMENT 2
REPORT TO ANNUAL GENERAL MEETING OF RESIDENTS**

1 Number of complaints/notification of disputes received

2 Time Frames for resolution

3 Nature of complaint/dispute

For example:

condition of village grounds

maintenance issues

noise issues

quality of service

disputes between residents

4 Action taken

For example:

Provision of information

Apology

Public Meeting

Mediation/Facilitation session

Resident interviews or meeting

Consultation with resident committee

Independent/expert advice

Remedial action - for example, maintenance work or repairs

5 Outcome

Resolved to the satisfaction of the complainant (management complaint)

Resolved to the satisfaction of both parties (resident dispute)

Resident advised to seek external assistance

Agreed to change Village policy or process

Referred for external dispute resolution

Complaint withdrawn

Unsuitable for dispute resolution - referred to relevant authority (for example, Police)

**ATTACHMENT 3
COMPLAINT/DISPUTE RESOLUTION DOCUMENT**

COMPLAINT/DISPUTE RESOLUTION DOCUMENT
Sections 38E - 38H Retirement Villages Act 1986 (Vic)
Retirement Villages (Records and Notices) Regulations 2015

We invite residents to make comments or complaints in relation to the services or accommodation at the Village. We suggest that if you have a comment or complaint about the Village or about another resident, that you notify us in the manner set out below.

We encourage residents to use the on site complaint/dispute process in order to establish communication between the parties and to actively resolve the complaint/dispute without mediation or court action.

We agree to handle your comment or complaint in the strictest confidence, respecting your rights and privacy, without discrimination or bias. We will only act on your complaint with your consent.

PART 1 - RESIDENT'S COMPLAINTS

The *Retirement Villages Act 1986* ("**Act**") and the *Retirement Villages (Records and Notices) Regulations 2015* ("**Regulations**") require the management of the Village ("**Management**") to establish and maintain a procedure for dealing with complaints made by residents against Management, or by residents against other residents.

1 Complaints against Management

If you have a complaint against Management, you may choose any one of the following:

- 1.1 use our internal complaint/dispute resolution scheme which is as outlined in this document;
- 1.2 seek assistance from Consumer Affairs Victoria ("**CAV**"). Details of CAV are as follows:

www.consumer.vic.gov.au, or
 GPO Box 123, Melbourne, 3001, or
 Helpline telephone no: 1300 55 81 81

CAV offers a free service.

- 1.3 seek assistance from the Victorian Civil & Administrative Claims Tribunal ("**VCAT**"). Details of VCAT are as follows:

www.vcat.vic.gov.au, or
 55 King Street, Melbourne 3000, or
 Telephone no. 1300 01 82 28

- 1.4 use another external service or dispute resolution body.

2 Complaints against another resident

- 2.1 If you have a complaint against or a dispute with another resident, you may choose any one of the following:
 - 2.1.1 use our internal complaint/dispute resolution scheme which is as outlined in this document;
 - 2.1.2 resolve the matter with the assistance of the residents' committee of the Village (if there is one);

2.1.3 seek assistance from CAV. Details of CAV are as follows:

www.consumer.vic.gov.au, or
GPO Box 123, Melbourne, 3001, or
Helpline telephone no: 1300 55 81 81

2.2 If you choose to use our internal complaint/dispute resolution scheme, you must note that Management cannot take any action to resolve the dispute if:

2.2.1 all the relevant parties do not consent to Management's involvement; or

2.2.2 the dispute is already being dealt with by the residents' committee of the Village (if there is one).

3 How to make your comment or complaint

You may make your comment or complaint:

3.1 in person by contacting Colin Price, Chief Executive Officer, Cunningham Downs Village, phone (03) 5480 5000 between the hours of 9am and 5pm from Monday to Friday;

3.2 by placing your comment or complaint in the resident suggestion box located at reception;

3.3 by contacting the resident committee at the Village (if any); *or*

3.4 in writing by completing a complaint/dispute notification form (a copy of which is attached to this document).

4 How will your comment or complaint be handled?

4.1 Upon receipt of your comment we will

4.1.1 consider the comment or suggestion; and

4.1.2 report back to you as to whether we accept your comment and the action taken as a result of that comment.

4.2 Upon receipt of your complaint we will:

4.2.1 acknowledge receipt of the complaint in writing to you; and

4.2.2 record in our complaints register the date of the complaint, your name and address, if the complaint is in relation to another resident, that other resident's name and address, and details as to the nature of the complaint or dispute.

4.3 If your complaint is against Management, in relation to the services provided or any action taken or failure to take action by us in relation to the Village (called a "management complaint"), we will:

4.3.1 provide you with a written summary of our understanding of your complaint and the outcome you seek within 14 days from the date of receipt of your complaint;

4.3.2 with your consent, investigate the complaint by interviewing any relevant staff and reviewing any documents you have provided to us; and

- 4.3.3 within 14 days of receiving your complaint, advise you in person and in writing of the outcome of our investigation, and any action which we propose to take so as to address the subject of your complaint.
- 4.4 If your complaint is against another resident at the Village (called a “resident dispute”) we will:
- 4.4.1 provide you with a written summary of our understanding of your dispute with the resident and the outcome you seek within 14 days from the date of receipt of your complaint;
- 4.4.2 with your consent, advise the other resident of your complaint and request that the resident provide us with the resident’s response to your complaint within 14 days;
- 4.4.3 if the other resident agrees to provide a response, and once that response is received by us, we will, with that resident’s consent, notify you of the resident’s response. With your consent, we may further investigate the dispute by interviewing staff or other residents;
- 4.4.4 we may facilitate a meeting between you and the other resident to attempt to resolve the dispute, if you both agree to attend the meeting;
- 4.4.5 we will advise you in person and in writing of the outcome of our investigation, including the outcome of any meeting between you and the other resident. If we do not believe that the dispute can be resolved through our assistance we will advise you of this and suggest that you seek external assistance or the assistance of the Village resident committee.

5 Can you be represented by another person?

You may be represented throughout the resolution process by another person.

PART 2 - MANAGEMENT’S OBLIGATIONS

The Act and the Regulations require Management to record and report on complaints and disputes.

1 Records

- 1.1 If your complaint or dispute is resolved within 72 hours (excluding weekends and public holidays), Management is not obliged to keep detailed ongoing records. However Management must still keep a record of your complaint, the date the complaint was made, the names of the parties to the dispute, the nature of the problem and the outcome or action taken.
- 1.2 If your complaint or dispute has not been resolved within 72 hours (not including weekends and public holidays), Management must:
- 1.2.1 create a separate file (physical or electronic) to record your complaint or dispute and record the date the file was created;
- 1.2.2 record your name, address and contact details (and those of your representative, if any), how your complaint was made and details of the complaint, including any letters or other documents you have provided to us in relation to your complaint;

- 1.2.3 keep in the file a dated copy of our written advice to you summarising our understanding of the matters to be resolved and the steps we intend to take to resolve your complaint or dispute;
 - 1.2.4 keep in the file notes of every action we take or intend to take to resolve the complaint or dispute;
 - 1.2.5 keep in the file copies of all letters or other documents we receive or send in relation to the complaint or dispute;
 - 1.2.6 keep in the file copies of our written advice to you once the complaint or dispute has been resolved (and how it has been resolved), or our advice that the dispute cannot be resolved, (which must include our reasons for this decision and contact details for Consumer Affairs Victoria or other external advisers who may provide you with further assistance).
- 1.3 We are required to retain the file for 7 years.
- 1.4 You may inspect the file by prior arrangement with us unless there are special circumstances which would make this unreasonable.

2 Report

- 2.1 Management is required to report to the annual meeting of residents on the following matters:
- 2.1.1 the nature of any dispute or complaint and the action taken to resolve the complaint or dispute;
 - 2.1.2 the number and types of complaints or disputes handles in the year;
 - 2.1.3 action taken to resolves the complaints or disputes and their outcomes;
 - 2.1.4 any changes made or proposed to address any issues identified as requiring a broader response.
- 2.2 We are required to maintain confidentiality of the parties concerned. For that reason, the report will be general in nature, will not identify the parties concerned nor will it provide any specifics about the complaint or the outcome achieved.