

Winda-Mara Housing Program (WMHP) Complaints, Feedback and Appeals Procedure

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WMHP Complaints, Feedback and Appeals Procedure

Winda-Mara Aboriginal Corporation ('WMAC') and Winda-Mara Housing Limited ('WMHL') work together to deliver safe, secure and affordable housing solutions for eligible Aboriginal and Torres Strait Islander community members living in far southwest Victoria.

The activities, principles, policies and elements that contribute to and regulate the housing schemes of WMAC and WMHL are collectively referred to as the Winda-Mara Housing Program ('WMHP').

The WMHP's policies and procedures are designed so that its practice and service delivery align with the following cultural statement:

Our vision is to create a thriving community where Aboriginal and Torres Strait Islander people have access to safe, affordable, and culturally appropriate housing. We aspire to empower individuals and families through improved health, education, and wellbeing, fostering a strong sense of identity and pride in our cultural heritage. Through collaboration and sustainable development, we aim to build a future where every member of our community has the opportunity to flourish and succeed.

1. Introduction

The WMHP aims to provide a high standard of service in all areas of its operations. It recognises, however, that there will be occasions where individuals may wish to compliment, comment on or complain about an aspect of its service. This could include renters, prospective renters, applicants, other parties with a direct interest ('clients'), those receiving or providing services, or any other persons who may be significantly affected by the WMHP's operations.

The WMHP appreciates any feedback that its clients and community choose to provide and aims to resolve any complaints in a timely manner.

This procedure should be read in conjunction with the WMHP Complaints, Feedback and Appeals Policy.

All complaints are to be managed in accordance with the Guiding Principles outlined at section 6 of the WMHP Complaints, Feedback and Appeals Policy.

2. Scope

This policy applies to all residential tenancies managed by WMAC or WMHL.

This policy applies to all permanent and casual staff, volunteers, work experience students, management and directors of WMAC and WMHL.

3. Purpose and Objectives

This procedure is intended to give clear and concise guidance to staff, clients and other relevant stakeholders on the lodgement of feedback, complaints, and appeals.

4. Definitions

Advocate	A person who assists the client or renter making a complaint. The advocate can be a friend, independent person, an employee, or a person from an external advocacy service
Appeal	When a person asks for a review of a decision made by WMHP
Applicant	A person who applies for community housing via the VHR
ASB	Anti-social behaviour
Client	WMHP applicant, renter, prospective renter or stakeholder with a legitimate interest in the matter
Community Housing	Community housing is delivered and managed by not-for-profit organisations that focus on the needs of renters, ensuring renters have a new, secure, and modern place to call home
Complaint	An expression of dissatisfaction, however made, about the standard of service, actions, or lack of action by the landlord, its own staff, or those acting on its behalf, affecting a resident or group of residents
Complaint Register	A document or database/system that contains the details of all complaints raised including those made anonymously.
Complainant	An employee, client, renter, advocate, entity, or member of the public who expresses their dissatisfaction about an organisation to either the organisation itself or an external body
Compliment	An expression of satisfaction with one of WMHP's services or with the way the service has been delivered by one or more employees
Corrective Action	An action taken to preclude occurrences of an identified hazard or to prevent recurrence of a problem
DFFH (Department of Families, Fairness and Housing)	Victorian Dept. responsible for child protection, prevention of family violence, housing, disability, LGBTIQ+ equality, veterans, and the offices for Women and Youth
Escalation	A process of reporting complaints to the relevant external body for example, Victorian Disability Services Commissioner if the complainant is not satisfied with the outcome of their complaint
Feedback	Can be a positive or negative expression of a person's experience of the WMHP's services either made explicitly or implicitly. This can take the form of opinions, suggestions, or comments about areas for improvement made directly or indirectly to or about the WMHP's services or complaint handling system
Housing Registrar	Victorian department responsible for regulatory oversight of the community housing sector.
Renter	For the purpose of this policy, the term 'renter' is inclusive of the term resident.
WMAC	Winda-Mara Aboriginal Corporation
WMHL	Winda-Mara Housing Limited
Service Request	A service request is a request from a resident to the landlord requiring action to be taken to put something right. Service

	requests are not complaints, but must be recorded, monitored, and reviewed regularly
VHR (Victorian Housing Register)	Managed by DFFH, the VHR is where eligible applicants register their interest in social or community housing
WMHP	For the purposes of this policy, this term is inclusive of all rental housing programs and Aboriginal Community Housing dwellings and services provided by WMAC and WMHL

Complaints

5. Complaints Coordination

5.1 Appointment of a Complaints Officer

WMHP will appoint a Complaints Officer. The Complaints Officer will 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 WMHP Complaints and Appeals policy and this procedure; and
- maintain the register of complaints and appeals.

5.2 Appointment of an Assessment Officer

The Complaints Officer may choose to assess, investigate, and determine the outcome of a complaint themselves or appoint an Assessment Officer to do some or all of these things.

An Assessment Officer may be appointed or changed at any stage of the complaint process.

The Complaints Officer will select an appropriate Assessment Officer at their discretion, who will usually be an employee or Board member of WMAC or WMHL with responsibility or knowledge of the subject matter of the complaint.

Occasionally, Assessment Officers may ask for assistance from the Complaints Officer and persons with knowledge or expertise in the subject matter of the complaint. They may also allocate tasks in the complaints process to other staff members where they consider it appropriate to do so.

5.3 Responsibilities

The Complaints Officer, Assessment Officers, those assisting and those who have been allocated tasks must:

- deal with each complaint on its merits, act independently, and have an open mind;
- exercise independent judgement;
- give the complainant a fair chance to set out their position;

- consider all relevant information and evidence carefully;
- conduct themselves in a professional manner;
- maintain confidentiality in accordance with the WMHP Complaints, Feedback and Appeals Policy and this procedure; and
- disclose any actual, perceived or potential conflicts of interest as soon as they become apparent.

If applicable, conflicts of interest must be managed in accordance with WMAC's Conflict of Interest Policy.

6. What is a Complaint?

For the purposes of this procedure and associated policies, a complaint is any expression of dissatisfaction about the standard of service, actions or lack of action provided by WMHP or those acting on WMAC or WMHL's behalf.

The types of matters a client, potential client or stakeholder can make a complaint about include, but are not limited to:

- failure or refusal to provide a service;
- inadequate quality or standard of service, or an unreasonable delay in providing a service;
- delays in responding to enquiries or requests;
- unfairness, bias or prejudice in service delivery;
- lack of provision, or the provision of misleading, unsuitable or incorrect advice or information;
- a repair that has not been carried out properly or in an agreed timeframe;
- dissatisfaction with one of our policies or its impact on the individual;
- failure to properly apply law, procedure or guidance when delivering services;
- failure to follow the appropriate administrative process;
- conduct, treatment by or attitude of a member of staff or contractor (except where there are arrangements in place for the contractor to handle the complaint themselves); or
- disagreement with a decision, (except where there is a statutory procedure for challenging that decision, or an established appeals process followed throughout the sector).

7. What is Not a Complaint?

7.1 Service Requests

Not all concerns are handled as 'complaints', for example, service requests such as a request to replace a blown light, repair a broken lock, or fix a water leak, are handled quickly outside the complaints process.

An Assessment Officer will determine whether the matter raised is a complaint or a request for service using the following definitions:

- an initial request for a service or action = a service request;
- requesting something additional or new = a service request;
- requesting maintenance of an asset = a service request;
- reporting what the complainant believes to be a failing or shortfall = a complaint; and
- complaining about WMHP's response to a service request = a complaint.

Although service requests are not complaints, they must still be recorded, monitored, and reviewed regularly.

7.2 Other Non-complaint Matters

Other concerns that may not be handled as complaints are where:

- the complaint is vexatious, frivolous, lacking in substance, has not been made in good faith or is based on misconceived facts;
- the complaint (or a complaint that is very similar) is being, or has been, assessed under a different review process (whether external or internal);
- the complaint is or may become subject to legal proceedings;
- the complaint is not within the scope of this Procedure and/or has not been made in accordance with this Procedure or the Policy, for example the complaint relates to an event occurring more than 12 months prior to the lodgment of the complaint;
- the Assessment Officer has a right to decline to investigate or take further action in accordance with this Procedure; or
- the complainant is an organisation or entity (or an individual acting on behalf of an organisation or entity) that WMAC or any of its subsidiaries has a contractual relationship with, and the complaint relates to issues arising from that relationship;

7.3 Tenancy Legal Matters

Tenancy legal matters are dealt with by the Victorian Civil and Administrative Tribunal (VCAT). VCAT is an independent board given powers under the Residential Tenancies Act 1997 (Vic) to hear and settle disputes between landlord and renter. These matters may include:

- breach notices or notices to vacate for rental arrears and/or anti-social behaviour etc.;
- evictions;
- legal agreements;
- requests for emergency/responsive maintenance; or
- renter responsibility maintenance compensation.

A complainant with a concern about a matter covered by the Residential Tenancies Act, may need to obtain advice from a tenancy service advocate. In those circumstances, the complainant should discuss their concerns with the Complaints Officer, however, those matters cannot be addressed by WMHP's Complaints and Appeals management process.

8. Who Can Make a Complaint?

Anyone who requests, receives, or provides a service to or from WMHP, or is affected in a significant way by WMHP's activities, can use this process.

8.1 Anonymous Complaints

A client may make a complaint anonymously. The complaint will be registered in the Housing Complaints Register and will be investigated, assessed, and action taken as deemed appropriate by the nature of the information received. Communications regarding the process and outcome of the complaints will not be made due to the anonymity of the complainant.

9. How to Make a Complaint

A client or their nominated advocate can make a complaint either verbally or in writing, via any communication method, including but not limited to:

- in-person;
- telephone;
- email;
- SMS;
- letter; or
- Web form.

WMHP also receives feedback (comments, compliments, and complaints) through surveys, feedback forms and ongoing client/renter reviews.

In accordance with WMHP Complaints, Feedback and Appeals Policy and this procedure, all complainants have the right to expect that a complaint will be dealt with promptly and confidentially and they will not be penalised for making a complaint or appealing a decision.

10. Timeframe for Making a Complaint

Normally, a complaint must be lodged within twelve months of:

- the event the complainant wants to complain about; or
- the complainant finding out that they have a reason to complain.

In exceptional circumstances, WMHP may be able to accept a complaint after the time limit. The WMHP has discretion to make that decision.

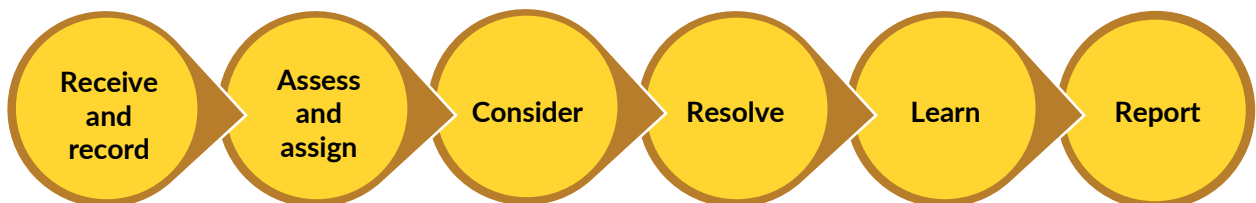
11. Complaint Register

A Complaint Register will be kept by WMHP listing all complaints, feedback, and appeals received including:

- details of the complainant and the nature of the complaint;
- date lodged;
- action taken;
- date of resolution and reason for decision;
- indication of complainant being notified of acknowledgment of receipt of complaint;
- indication of complainant being notified of outcome; and
- complaint response and any further action.

12. WMHP Complaints Management Process

WMHP's complaints management model is:



12.1 Informal Resolution

Many issues can be sorted out quickly and easily by speaking to the employee who is dealing with the matter. This can be a way of getting the matter resolved quickly and WMAC encourages complainants to use this approach first.

However, if a complainant does not wish to do this then it is their right to have the matter dealt with under WMHP's Complaints and Appeals policy and this procedure.

12.2 Two-Stage Internal Complaints Procedure

WMHP has a two-stage complaints procedure which is outlined on the Complaints and Appeals Flowchart at Appendix One of this document. The Flowchart forms part of this Procedure and is also available separately for use by clients.

At each Stage, the Complaints Officer, Assessment Officer, those assisting, and those who have been allocated tasks will act in accordance with the principles outlined above at section 5.3 and in accordance with WMAC's vision and cultural statement.

If the complainant does not wish their complaint to be handled at Stage 1, they can request that it instead be escalated to Stage 2.

12.3 Stage One Process

12.3.1 Receive and record

Under Stage 1, when WMHP receives a complaint, within two working days an Assessment Officer will send the complainant a letter that:

- acknowledges their complaint; and
- sets out the Assessment Officer's understanding of the complaint and the outcomes they are seeking.

If any aspect of the complaint is unclear, the Assessment Officer will ask for clarification.

An Assessment Officer will record the complaint in the Complaints Register and assign a reference number to the complaint to be used in all documentation.

12.3.2 Assess and assign

Once a concern is raised, the Assessment Officer will:

- assess any conflict of interest and ensure no employee named in the complaint is part of the management of the complaint;
- conduct an initial assessment to determine the next steps and advise the complainant of those next steps. Next steps may be any one or more of the following:
 - decline to investigate or take further action for any one or more of the following reasons listed above at section 6.2.2;
 - commence an investigation;
 - take direct action to address or assist the complainant, or to address the complaint, without commencing an investigation; or
 - escalate the complaint to a senior manager for a Stage 2 investigation.

12.3.3 Consider

The Assessment Officer's investigative process must be objective, reasonable and conducted in good faith. Decisions must be made on the weight of evidence and on the balance of probabilities. Investigating a complaint may include:

- clarifying the details provided in a complaint;
- identifying actions taken to resolve the issue before the complaint was lodged;
- analysing information from relevant file notes, correspondence and/or other sources;
- reviewing details of the complaint;

- reviewing documentation submitted by the complainant;
- reviewing previous administrative decisions or actions;
- interviewing complainants, employees and/or other individuals involved in the complaint;
- reviewing relevant policies, procedures, practices and/or legislation; and
- reviewing previous complaints about the same issue.

12.3.4 *Resolve*

The Assessment Officer should:

- clarify the complainant's expected outcome;
- provide the complainant with information about likely outcomes for the type of complaint; and
- be candid with the complainant if the desired outcome is not achievable.

Outcomes that may result from a Stage 1 Complaints process may include, but are not limited to:

- varying a decision;
- a written/verbal apology;
- an explanation;
- changes to a service provided by WMHP;
- a review of policies/procedures/practices and changes to those policies/procedures/practices;
- staff training; or
- disciplinary action.

In some circumstances, no further action on a complaint may be recommended. The rationale for this course of action may include:

- the matter has been investigated by WMHP and it is considered that all actions to address the complaint have been satisfactorily completed;
- the matter is currently being managed by an external agency; or
- the matter has already been adequately managed by an external agency.

12.3.5 *Timeframe*

WMHP will take all reasonable steps to resolve Stage 1 complaints and provide the complainant with a written response within 10 working days of the complaint being acknowledged.

Where a Stage 1 outcome is expected to exceed 10 days, an Assessment Officer will advise the complainant of:

- the progress to date;
- reasons for the delay;
- the anticipated date of resolution; and
- the contact details of, and their right to contact, the Housing Ombudsman.

Any extension to this timescale will be no more than 10 working days without good reason.

12.3.6 Report

Following consideration of the complaint and any investigation into the issues raised, the Assessment Officer will provide the Housing Subcommittee with a written report, detailing the findings and making recommendations regarding appropriate action and/or system improvements, as appropriate.

Where a Stage 1 resolution is achieved, WMHP will write to the complainant confirming the following:

- the complaint stage;
- the definition of the complaint;
- the decision on the complaint;
- the reasons for any decisions made;
- the details of any remedy offered to put things right;
- details of any outstanding actions;
- details of how to escalate the matter to Stage 2 if the complainant is not satisfied with the response; and
- the contact details of, and their right to contact, the Housing Ombudsman

The complaint will then be marked closed on the Complaints Register.

12.4 Stage 2 Complaints Process

Stage 2 deals with two types of complaint:

- where the complainant remains dissatisfied after Stage 1; and
- where a complaint clearly requires investigation and is escalated directly to this stage.

12.4.1 Receive

When undertaking Stage 2 Complaints Process, within two working days, WMHP will send a letter to the complainant that:

- acknowledges the complaint;
- sets out WMHP's understanding of the complaint and the outcomes the complainant is seeking; and
- asks for clarification if any aspect of the complaint is unclear.

12.4.2 Assess, assign, consider and resolve

The matter in Stage 2 will be referred to the Assets and Corporate Manager, or their nominee, who will follow the investigative process outlined above at sections 12.3.3 and 12.3.4 and endeavour to issue a final response within 28 working days.

Where a Stage 2 outcome is expected to exceed 28 days, the Assets and Corporate Manager or their nominee will advise the complainant of:

- the progress to date;
- reasons for the delay;
- the anticipated date of resolution; and
- the contact details of, and their right to contact, the Housing Ombudsman.

Any extension to this timescale will be no more than 28 working days without good reason.

12.4.3 Report

Once the Assets and Corporate Manager or their nominee have concluded their investigation of a Stage 2 complaint, they follow the procedure set out above at section 13.3.6.

13. Victorian Registrar of Housing Agencies

If a formal complaint lodged with WMHP remains unresolved after 30 days, the complainant may contact the Victorian Registrar of Housing Agencies (the Registrar) for further information.

Appeals

A person making a complaint has the right to pursue a formal Appeal Process if they are dissatisfied with the WMHP Complaint Process and subsequent outcome.

Any complaint received from a client that fails to be resolved within the WMHP Complaint process will be referred to Stage 1 of the Appeal process with the permission of the complainant.

14. Decisions That Can be Appealed

The types of decisions that can be appealed include (but are not limited to):

- rental rate assessment;
- rejection for rehousing;
- not eligible for housing;
- not selected for housing;
- allocated inappropriate property;

- request for property improvements rejected; or
- the way a complaint was dealt with or responded to.

15. Grounds For Appeal

- the grounds for making an appeal are:
- where WMHP has not followed its policies and procedures or an applicable regulation or requirement;
- that WMHP's policies and procedures are not fit for purpose or are unfair: or
- that WMHP has made a decision without the right information.

16. Clients' Right to Lodge an Appeal

A client has the right to lodge an appeal if they disagree with a decision, and the decision is believed to breach the law (e.g. The Residential Tenancies Act, or Anti-Discrimination legislation), regulatory requirements and/or WMHP's policies and processes.

Clients may also wish to lodge an appeal if they are not happy with the outcome of an investigation conducted under the WMHP Complaints and Appeals Process.

17. Matters Which Cannot be Appealed

There are a number of matters which clients are not able to appeal. These matters include:

- decisions that are not directly related to the client or the client's household;
- matters that are the responsibility of other bodies or tribunals (such as repairs and maintenance which are the responsibility of VCAT);
- WMHP policies;
- internal administrative and funding matters of WMHP;
- complaints about the way WMHP provides or has provided a service;
- programs not related to the provision of a service; or
- decisions about providing more than the maximum service or benefit available under WMHP policy;
- where the Board has determined that a particular rental house is not for sale under the WMHP Renter Purchase of WMAC House Policy.

18. Appeals Management Process

All appeals must be lodged within 30 days of the complainant being notified of a decision to which the appeal relates.

Appeals are required to be submitted in writing to ensure the correct information and sequence of events is provided for fair assessment.

WMHP staff will assist any client wishing to submit an appeal to ensure accurate provision of information regarding their situation and the decision they believe is unfair, incorrect or in breach of WMHP policy and/or legislation requirements. This may include completing the appeal form with them or ensuring they have access to an advocate that can assist them.

Sufficient grounds for an appeal must be established as part of the assessment process.

18.1 Receive and record

The Housing Officer or their nominee must register the appeal in the Complaints Register within 24 hours of receipt.

18.2 Appointment of an Appeals Officer

WMHL Subcommittee will appoint an Appeals Officer. The Appeals Officer will coordinate the initial appeal, which will include to:

- act as the point of contact with the Housing Registrar and DFFH Housing Appeals Office;
- monitor compliance with the WMHP Complaints and Appeals policy and this procedure; and
- maintain the register of complaints and appeals.

18.3 Appointment of an Appeals Assistant

The Appeals Officer may choose to assess, investigate, and determine the outcome of an appeal themselves or appoint an Appeals Assistant to do some or all of these things. An Appeals Assistant may be appointed or changed at any stage of the appeals process. The Appeals Officer will select an appropriate Appeals Assistant at their discretion, which will usually be an experienced senior manager or Board member of WMAC. They may also allocate tasks in the appeals process to other staff members where they consider it appropriate to do so.

18.4 Appeal Stage 1

The Appeal Process is outlined on the Complaints and Appeals Flowchart at Appendix One of this document. The Flowchart forms part of this Procedure and is also available separately for use by clients.

No appeal may be assessed or investigated by any person who was involved in the making of the original decision that is the subject of that particular appeal.

18.4.1 Consider

When undertaking a Stage 1 Appeal investigation process, the nominated Appeals Officer or their nominated Assistant:

- will review all information relating to the original decision and may speak to relevant parties about their experience and the outcomes being sought;

- shall work with all parties to understand the cause of the appeal and options for resolution; and
- will check that:
 - procedural fairness was applied;
 - policy was interpreted correctly and fairly when making the decision;
 - all relevant information including individual circumstances was fairly and properly considered; and
 - any new, relevant information is considered;

18.4.2 Resolve

Appeals will result in one of the following outcomes:

- the original decision is upheld and the decision stands;
- the original decision is overturned, and a new decision is made;
- the original decision is partly overturned and amended; or
- an alternative solution is found.

18.4.3 Learn

Where the Stage 1 Appeals investigation identifies a gap or potential service improvement, the Subcommittee should seek to initiate a policy and/or procedure review.

18.4.4 Report

WMHP will inform parties of the outcome and provide an explanation and opportunity to discuss the findings.

18.5 Appeal Stage 2

Should the client still not be satisfied with the outcome of this process, WMHP will refer the matter to the Housing Appeals office for review.

The Housing Appeals Office will look at whether WMHP's policies and procedures were applied correctly and find any issues that need investigation.

An appeals information officer will contact the client to discuss the appeal with them before making a decision.

After investigating the matters raised in the client's arguments, the Housing Appeals Office may:

- send the appeal back to WMHP and recommend it review its decision; or
- find that the original decision was correct, whereby it will inform the client that their appeal has been unsuccessful and supply an explanation of the outcome.

18.6 Appeal Stage 3

Where the Housing Appeals office has returned an unresolved appeal to WMHP with the recommendation that its original decision be re-assessed, WMHP will once again review the matter.

Having considered all relevant information, WMHP will either:

- change its original decision in full or in part; or
- reject the appeal.

The decision will only be changed if:

- the decision was made without full information;
- the decision was outside the relevant policy; procedures were not followed properly; or
- the policy or procedure were found to be inadequate or to be inconsistent with community housing standards or the law.

The person will be advised of WMHP's decision, in writing, within 14 days and WMHP's decision will be final.

18.7 Final Steps

If the client is not happy with the outcome of the review, WMHP will refer them to appropriate external agencies such as:

- Victorian Ombudsman;
- Victorian Equal Opportunity and Human Rights Commission;
- Victorian Civil and Administrative Tribunal;
- The Minister for Housing.

19. Withdrawal of Complaints or Appeals

At any stage a complainant may decide to withdraw a complaint or appeal. In such cases, the WMHP may either deem the complaint or appeal resolved or serious enough to continue the process or refer to an external agency.

20. Reporting

The WMHP will use the outcome of complaints and appeals to improve its 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 or Executive Management Meetings;
- regular consideration of complaints data by WMHL Subcommittee.

21. References

21.1 External or Statutory Requirements

This policy complies with the following external legislation or requirements:

- Residential Tenancies Act 1997 (Vic)
- Charter of Human Rights and Responsibilities 2006
- Housing Act 1983 (Vic)
- Information Privacy Act 2000 (Vic)
- Protected Disclosure Act 2012 (Vic)
- Victims' Charter Act 2006 (Vic)
- Housing Registrar Performance Standards

21.2 Internal Requirements and Forms

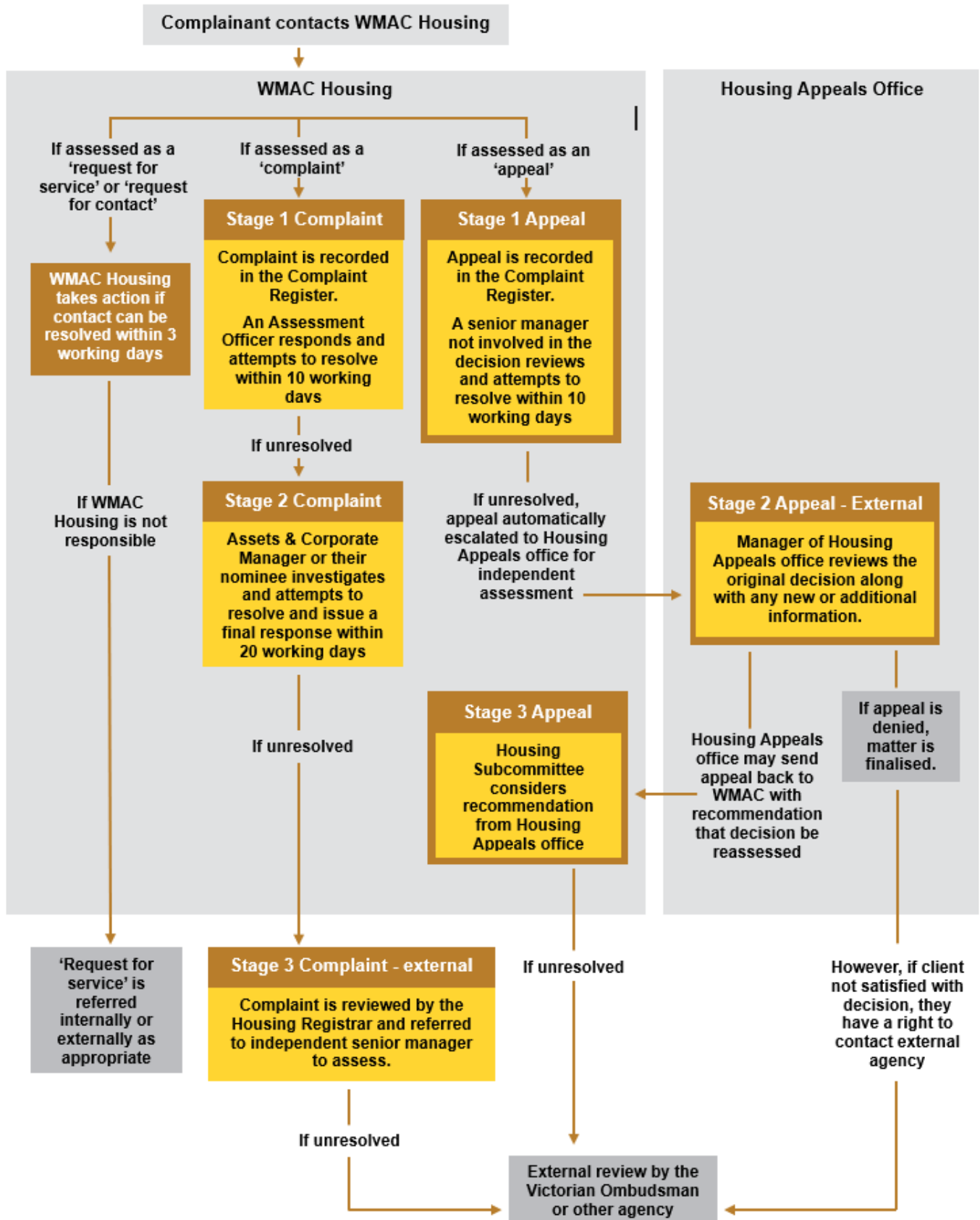
This policy refers to the following internal documents, which are available in the WMHP Document Register:

- WMHP Complaint Acknowledgement Letter Template
- WMHP Complaints and Appeals Form
- WMHP Complaint Outcome Letter Template
- WMAC Privacy Policy
- WMAC Code of Conduct
- WMHP Customer Service Charter
- WMAC Conflicts of Interest Policy

22. Review

This policy will be reviewed every two years or earlier if the legal, regulatory, and contractual environment requires.

23. Appendix 1: Complaints and Appeals Flowchart



Approval Authority	Board of Directors WMHP Sub-Committee
Governing Authority	WMHP Sub-Committee
Document Type	Policy & Procedure
Policy applies to	All Staff and WMHP Tenants
Responsible position for Review and Actioning	Asset & Corporate Operations Manager
Date of commencement	16-07-2024
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Document Number and Storage	WMHP-P10 Folder location W: 1.5.4

AMENDMENT HISTORY

Date	Version	Approved by	Amendment Notes
16-07-2024	1.0	Board of Directors	New Document. Full review from previous ToR incorporating new Housing Program