



Complaints & Appeals Policy

Any person or organisation using Jacaranda Housing services or affected by its operation has the right to complain. Service users, tenants and members are entitled to be heard and have their concerns addressed in ways that ensure access and equity, fairness, accountability and transparency.

Jacaranda Housing recognise that the issue of the complaint is important to the complainant and must be taken seriously. Complaints will be dealt with in a timely manner and parties to the complaint will be kept informed of the progress of the complaint.

In addressing a complaint, the following principles apply:

- Tenants have the right to complain
- Tenants have the right to feel safe and secure during their tenancy
- Tenants will not be discriminated against or denied services for lodgement to appeal, or complaint
- Tenants will always be treated fairly & with respect
- All Tenants can have a support person or advocate assisting, and representing them in dealing with their complaint
- All relevant evidence will be considered
- Decisions will be fair, just and free from bias

Complaints & Appeals Procedure

Jacaranda Housing ensures that all tenants have access to open processes for making complaints about the organisation, individuals within it and/or services provided. Tenants are encouraged (not deterred) to make complaints about any aspect of the service with which they are dissatisfied.

We recognise the benefit of receiving tenant complaints as an opportunity to enhance services provided and will provide all tenants with the procedures for making complaints and giving feedback when they enter the service. The Jacaranda Housing Tenant Induction Kit includes the procedure and form for tenants to provide feedback, make a complaint or appeal a decision and what they can expect through the process.

Jacaranda Housing supports tenants making anonymous complaints however the complainant is advised it will be difficult to provide any information as to the outcome of the complaint or follow up on any information if they do not provide their name and contact details.

A **Complaint** is defined as an expression of dissatisfaction or concern, either written or spoken, made about Jacaranda Housing's action or lack of action or about the standard of service provided, which requires a response.

A **Neighbour Dispute** is a case whereby someone makes a verbal or written report about a resident of Jacaranda Housing. This may include dissatisfaction about a member of a Tenant's household or visitors to a Tenant's home. These matters will be handled under Jacaranda Housing's [Neighbour Disputes & Anti-Social Behaviour Policy](#).

An **Appeal** is defined as a *formal request for a decision made by the organisation to be reviewed*. Jacaranda Housing will ensure that all tenants are provided with easy to access information about complaints and feedback mechanisms available to them. This includes Jacaranda Housing's

Feedback, Complaints and Appeals Brochure and information in the *Tenant Handbook*.

- Tenants have a right to complain
- Staff have the right to know of complaints made against them and offer a response;
- Tenants are not denied continued service having made a complaint;
- All complaints are appropriately investigated in a timely manner;
- All parties are appropriately investigated in a timely manner;
- All parties can be represented or supported by an advocate at any time if preferred;
- All relevant submissions and evidence are considered in making determinations;
- Decisions are fair, just and free from bias; and
- Complainants and respondents can appeal if dissatisfied with the grievance outcome.

Grounds for Complaints

Tenants can make a complaint about any experience with Jacaranda Housing they consider being problematic, including but not limited to:

- Breach of confidentiality or privacy
- Inadequate standard of service provision and/professionalism
- Denial of personal rights
- Discrimination or harassment
- Conflict arising from lack of communication or misunderstanding
- Organisational policy issue
- Problem with advice or action recommended

Resolving Complaints

The person taking the complaint can attempt to immediately resolve the complaint informally and verbally. In such an instance, the process is completed once the tenant is satisfied with the resolution, the outcome is documented and attached to the Complaint Form and the Chief Executive Officer is informed.

If a Tenant or stakeholder has a formal complaint, the following steps will be taken:

- the complainant will be encouraged wherever possible to resolve a situation directly with the Community Housing Manager or Chief Executive Officer.
- If this is unsuccessful then a complaint or feedback form can be provided in writing and assistance will be offered to the tenant to complete if required.
- If a complaint involves the Community Housing Manager, or cannot be resolved satisfactorily at this level, then the complainant can refer their complaint directly to the Chief Executive Officer.
- Jacaranda Housing makes use of community mediation centres in dispute resolution if it is assessed that mediation will assist the situation to be successfully resolved.
- Jacaranda Housing will make use of other Community Housing providers to assist with the examination of complaints at the discretion of the Chief Executive Officer.
- Complainants will be encouraged to seek support from an external agency to make a complaint or offer feedback if they require assistance.
- All staff and board members will be trained to freely offer information about complaints and feedback procedures.
- Where complainants including tenants have limited or no English, then appropriate opportunities will be put in place including translated information and use of interpreters.

Jacaranda Housing will keep the complainant informed by

- Acknowledging the complaint within 2 days of receiving the complaint;
- Outlining next steps;
- Advising of the outcome of the complaint;
- Providing a written response to the Complainant within 20 working days outlining the findings and their right to request a review of the decision of their complaint (an appeal)

Jacaranda Housing will ensure that any application received for review of a decision is not dealt with by the original decision maker. With regard to any application for resolution of a dispute or complaint Jacaranda Housing will ensure that the person dealing with the matter has no personal interest in the matter and will exclude the person who is the subject of the dispute or about whom a complaint is made from dealing with the matter.

Appeals

Appeals will be handled as above and responded to within 20 working days.

Complaints & Feedback Register

A complaints and feedback register will be maintained by the Community Housing Manager and the Chief Executive Officer. The Community Housing Manager is to update the Chief Executive Officer of all complaints as they are lodged. Complaints against the Chief Executive Officer will be dealt with by the Chairperson. The Chief Executive Officer will provide a report against the register which be reviewed by the board on a biannual basis.

Each matter is reviewed objectively and independently with the aim of identifying what has gone wrong and in the spirit of learning and continuous improvement, considering what can be done better in the future.

The complaints and feedback register will include as a minimum:

- Date (received and response date)
- Nature of the complaint/feedback
- Actions taken including a log of all incremental actions taken to address a situation
- Key responsibility for implementation of identified areas of improvement if applicable

Vexatious and Unreasonable Complaints

A vexatious and unreasonable complaint is defined as behaviour by a current or former complainant which, because of its nature or frequency, raises substantial health, safety, resource or equity issues for the parties to a complaint. ([NSW Ombudsman](#))

These complaints can take the form of letters, emails, phone calls, voicemails, SMS, in-person visits, articles and blogs, social media posts or other online content.

A complaint may be considered vexatious and unreasonable if it meets any of the following criteria:

- the complaint has been made about an issue that has already been resolved.
- the complaint has been made about an issue where the complainant's preferred resolution is not possible, and this has been explained numerous times to the complainant.
- the complaint is made, and the complainant has previously been made aware it is the responsibility and/or is being dealt with by another agency.
- the complaint has been made when mediation, remedial action or other resolution has been offered but not engaged with or accepted by the complainant.
- a second or subsequent complaint about the same issue has been made within the standard response period (20 days) or other expected period of response or action provided in the

initial acknowledgement to the complainant.

- the basis of the complaint is found to be false, exaggerated, vengeful, factually incomplete or unreasonable.
- the complaint or follow-up communication includes bullying, threatening, abusive, or harassing language
- the complainant demonstrates any other inappropriate conduct in making or following-up a complaint, as outlined in the Tenant Code of Conduct.

A person will be deemed a vexatious and unreasonable complainant by the CEO, Board or Board representative on a case-by-case basis and will take into consideration how the conduct of the complainant or content of the complaint has impacted the health, safety, resources or equity of any parties of the complaint.

Complainants will be advised of this classification in writing with a clear explanation of how their complaints, follow-up communications or conduct have been inappropriate or unreasonable. [13.4.1 Vexatious and unreasonable Complaints – Communications](#)

This classification will not impact any regular or emergency maintenance, genuine complaints, or other required actions to be undertaken by Jacaranda Housing on the tenancy.

A complainant may acknowledge the impact of their behaviour and have this classification removed, however, should issues of the same nature be had in future, this classification will be reinstated immediately.

Any complaints with threats of violence or other harm will be referred to the Police immediately and will be deemed an immediate third strike. Threats made against staff, Board members or other contractors of Jacaranda Housing will not be tolerated.

Vexatious and Unreasonable Complaints – Communications

A complaint received that meets any of the vexatious and unreasonable complaint criteria will be escalated to the CEO, Board or a Board representative for assessment. In the case of in-person visits or phone calls, staff should make a file note of the contents of the call or visit as soon as practicable and refer these notes to the CEO, Board or Board representative for consideration.

If deemed to be a vexatious and unreasonable complaint or unreasonable follow-up communication, the CEO, Board or Board representative will assess which of the following actions should occur:

- a warning letter/email be sent to the complainant,
- a final letter advising of vexatious and unreasonable complainant status and nil further contact be sent to the complainant, or
- Police or other reporting action be initiated.

Warning Letter

Sent to a complainant whose complaints have not reached the vexatious and unreasonable complaint threshold or where such a warning is expected to de-escalate potentially vexatious and unreasonable behaviour.

NIL Further Contact Letter

Sent to a complainant who, despite warnings and the best efforts of Jacaranda Housing, refuses to stop making complaints that are unreasonable, repetitive or false, or where mediation, resolution or other action has been offered and not accepted or engaged with.

The CEO, Board or Board representative will determine if the nil further contact will be for all complaints from the complainant or just for a particular issue.

Initiate Police or Other Reporting Action

When a complaint or follow-up communication includes bullying, threatening, abusive, or harassing language, or where a staff member or contractor feels their safety is at risk, Jacaranda Housing, in consultation with the staff member, should report this matter to Police for investigation and a nil further contact letter is to be issued.

Advice to Other Agencies

Where Jacaranda Housing has advised on nil further contact with a vexatious and unreasonable complainant, the CEO, Board or Board representative may choose to advise other relevant agencies of this action either formally or informally being the Department of Housing and Public Works, Office of the Registrar- NRSCH, RTA, QCAT, other housing providers.