



<b>TITLE: 23 DISPUTE RESOLUTION POLICY &amp; PROCEDURES</b>
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## **23.1 POLICY**

- 23.1.1 The Retirement Villages Act 1999 (*Act*) and the Retirement Villages Regulation 2017 (*Regulation*) require all retirement villages in NSW to comply with the rules of conduct specified in clause 52A of the Regulation (*Rules*).
- 23.1.2 Signature Gardens has subscribed to the Retirement Living Code of Conduct and is committed to achieving the objectives of the Code of Conduct.
- 23.1.3 Under the Rules and the Code of Conduct Signature Gardens is required to have a complaints management system which includes written policies and procedures to handle complaints.
- 23.1.4 This policy covers a process for the resolution of complaints made by residents and for the resolution of internal disputes between a resident and Signature Gardens, or between two or more residents.

## **23.2 ROLES & RESPONSIBILITIES**

- 23.2.1 The Village Manager and staff are responsible for documenting all complaints or feedback/requests received. These must be investigated, monitored and followed up with relevant actions.
- 23.2.2 The Village Manager is responsible for investigating any complaints and to escalate any complaints which cannot be resolved by the Village Manager.
- 23.2.3 Residents are encouraged to express their dissatisfaction or concern as they provided an opportunity to identify underlying issues, which may then be resolved.
- 23.2.4 The complainant should be advised of alternative avenues to resolve a dispute if an agreement cannot be reached.

## **23.3 OBJECTIVES & RESPONSIBILITIES**

- 23.3.1 We will ensure that we promote a culture within the village that values and encourages residents to raise concerns and supports the effective resolution of any complaints.



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23.3.2 We will not discourage a resident or a person acting on behalf of a resident (including members of the Residents Committee of the village) from making a complaint or pursuing an internal dispute and in this regard we will not:

- (a) impose any fee or charge for making a complaint or pursuing an internal dispute;
- (b) provide a reward, rebate, incentive or other benefit if a resident does not make a complaint or pursue an internal dispute;
- (c) refuse to accept a complaint or internal dispute from a person acting on behalf of a resident;
- (d) employ high pressure tactics, harass a resident or undertaking any other form of harsh or unconscionable conduct;
- (e) engage in conduct that prejudices, harasses or intimidates a resident or exercise retribution against a resident as a result of a complaint being made or the internal dispute being pursued.

23.3.3 We will not prevent a resident from seeking assistance, support or representation from the Residents Committee of the village to make a complaint or pursue an internal dispute, or resolve a complaint or internal dispute, however a resident is not required to involve the Residents Committee or any other resident in the resolution of a complaint or an internal dispute.

## **23.4 OUR COMMITMENT**

23.4.1 We will proactively, respectfully and cooperatively manage complaints made by prospective residents, current residents and former residents.

23.4.2 We will maintain a complaints-management system that is resident-focused and provides for continual review and monitoring.

23.4.3 We will advise residents that they have a right to refer a complaint to other avenues such as the Code Administrator (or the Code Review Panel), independent mediation or the relevant state regulatory authority.

23.4.4 As a part of the complaints-management system, we will maintain clear written policies and procedures for handling and resolving complaints and disputes, which will also clearly identify our role in addressing resident-to-resident disputes. We will make these procedures available

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to residents and will ensure this provides a clear framework for all parties to participate in a process that aims to resolve issues without the need for external referral wherever possible. The procedure will include our full contact details.

- 23.4.5 Our procedures will assure residents that we will acknowledge a formal complaint, treat it confidentially and provide an initial response in writing as soon as possible. Where residents making a complaint tell us they are not satisfied with our response, we will not require them to write again to pursue the complaint through any escalation procedure. We will escalate the complaint as set out in clause 23.6.3 below. We will maintain a complaints register where we record the names of the resident making the complaint, key dates when we received, acknowledged and responded to the complaint, the substance of the complaint and the person responsible for managing the complaint.
- 23.4.6 We will ensure that all our resident-facing staff understand our commitment to resolving complaints and that they have suitable processes and capabilities for resolving complaints.
- 23.4.7 Where possible and reasonable, we will endeavour to resolve complaints at the community or village management level within 15 working days of receiving the complaint (and which has sufficient details so as to understand the nature of the complaint). A resident may agree to a longer time frame to obtain information or undertake relevant investigation. If a later time is agreed upon, we will keep the resident informed of progress on a regular basis.
- 23.4.8 We will follow a cascading complaints-handling policy, which allows complaints to be escalated in a way that seeks to resolve them in a cost effective and efficient manner that is fair and reasonable to all parties. The escalation pathways are detailed in clause 23.6 of this Policy, but this does not preclude a resident from pursuing their rights elsewhere. It should be noted that the Code does not preclude us from offering or maintaining additional complaints handling and dispute resolution processes.
- 23.4.9 We will co-operate with the Code Administrator (or the Code Review Panel), independent mediator or any regulatory authority during any investigation and abide by any agreement we make.
- 23.4.10 If a resident appoints a representative to act on their behalf, we will respect and cooperate in the same way with an intermediary or representative acting on behalf of residents as we would with the residents themselves.

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## **23.5 COMPLAINTS AND INTERNAL DISPUTES**

- 23.5.1 All residents of the village have a right to complain.
- 23.5.2 Complaints can be made by a resident or by a representative appointed by the resident to act on their behalf.
- 23.5.3 Residents may lodge multiple complaints.
- 23.5.4 Complaints should be seen or are taken to be indicators of matters within the village that are important to residents and must be addressed and responded to.
- 23.5.5 All complaints are to be treated with appropriate respect and importance and a complainant is not to be discouraged, penalised or negatively affected by raising a complaint.
- 23.5.6 All complaints are to be treated as confidential and private. Requests for anonymity will be respected unless the circumstances of the complaints handling process requires disclosure and even then, must be disclosed to minimise the incidence and scope of disclosure.
- 23.5.7 The complaint system should be accessible to any complainant and appropriate support be provided to any complainant.

## **23.6 PROCESS FOR MAKING A COMPLAINT**

- 23.6.1 Residents (or their representative) can make a complaint in writing by filling out the Complaints Form that is available from the Manager's office.
- 23.6.2 Complaints may be in relation to internal disputes between a resident and village management or between two residents.
- 23.6.3 The handling of any complaint or dispute is as follows:
  - (a) In the first instance residents are encouraged to contact the Residents Committee. If this is not successful or a resident prefers to raise the issue with management, the resident should raise the dispute with the Village Manager, Kasey Stevens, to undertake investigation, consult with the relevant parties and coordinate a response where relevant.
  - (b) From the date of the complaint it should not take longer than 5 working days for the complaint or internal dispute to be

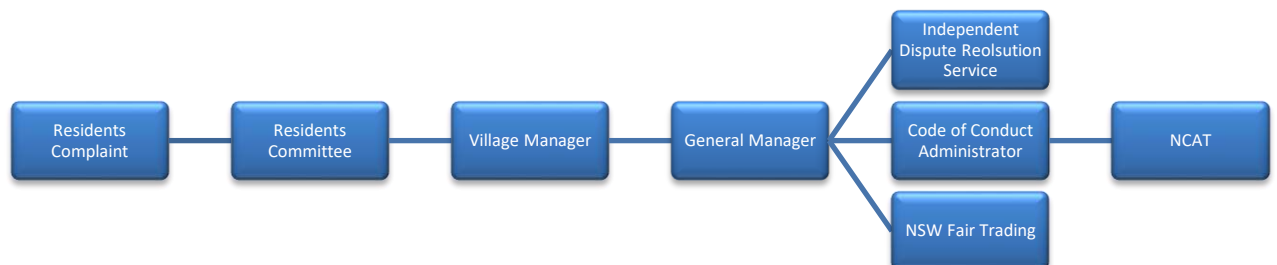


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acknowledged and no longer that 60 working days for the management of the complaint or internal dispute to be resolved.

- (c) Resolution of the dispute will depend upon the nature of the individual dispute.
- (d) If there is still no resolution the dispute can be escalated to the General Manager of Signature Gardens, Jo-Anne Dryden for further review and determination. The resident (or agent) will be consulted on the proposed response.
- (e) Any matters that cannot be resolved via the village's internal process the residents can:
  - (i) engage an independent dispute resolution service or mediator to assist in resolving the dispute e.g. Community Justice Centre;
  - (ii) refer the dispute to the Retirement Living Council Code of Conduct Administrator to arrange external independent dispute resolution services;
  - (iii) use the NSW Fair Trading Retirement Village Complaint service; or
  - (iv) lodge an application with NSW Civil and Administrative Tribunal (NCAT).

**Diagram**





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## **23.7 COMPLAINT HANDLING AND INVESTIGATION FRAMEWORK**

23.7.1 All complaints will be treated with the utmost confidentiality and privacy and are to be:

- (a) Acknowledged as having been received;
- (b) Investigated by Signature Gardens and where necessary supplemented by additional information;
- (c) Responded to in an efficient and timely manner, commensurate with the urgency and nature of the complaint; and
- (d) Responded to in plain English

23.7.2 No complaint can be allowed to impact the rights of residents and staff to work in a safe environment free from harassment and intimidation.

23.7.3 The circumstances supporting a complaint will be investigated in a manner to ensure:

- (a) the relevant facts and issues are identified and found; and
- (b) the principles of natural justice are applied to all parties to the complaint.

23.7.4 The complainant and our staff involved in any complaint investigation should be made aware of the expectations of complaints management, including:

- (a) the complaint process itself;
- (b) who will be responsible for the coordination of the process; expected time frames;
- (c) the involvement of the complainant and village management in the process;
- (d) the possible outcomes and further avenues available should the complaint not be satisfactorily resolved;
- (e) Keeping the matter confidential.

23.7.5 Parties to a complaint must act in a respectful, courteous, reasonable and fair manner. We may at any time stop a complaint process if parties fail to act in a reasonable manner.

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23.7.6 Where there are multiple parties, we may request the parties to identify a single representative or primary point of contact and may determine to correspond with that person.

### **23.8 COMPLAINT HANDLING AND INVESTIGATION FRAMEWORK**

23.8.1 We will provide a response within five (5) working days for the acknowledgement of complaints or internal disputes.

23.8.2 Management of the complaint or internal dispute (and setting out an expected resolution date, where possible) will be undertaken within 60 days.

23.8.3 Each complaint is logged into our management system and attached to the complainants file, where it is recorded permanently.

### **23.9 RECORDING OF COMPLAINTS / DISPUTES**

23.9.1 We will keep a register of the following information about complaints and internal disputes that have been raised in the village:

- (a) details of each complaint or internal dispute, including the name and contact details of each resident concerned, and the date the complaint or dispute was raised;
- (b) details of actions taken in response to each complaint or internal dispute, including the names and contact details of any staff involved in the handling of the complaint or internal dispute, and the date the action was taken;
- (c) whether the complaint or internal dispute was resolved, withdrawn, referred or escalated or another outcome was achieved;
- (d) whether the complaint or internal dispute was resolved, withdrawn, referred or escalated or another outcome was achieved;
- (e) the number of complaints or internal disputes handled each calendar year.

23.9.2 Outcomes of the complaint handling process will be recorded and confirmed between the complainant and village management.

23.9.3 Record/report on any mechanisms to identify areas of improvement in the operations.

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23.9.4 These records will be kept on file for a period not less than five (5) years in accordance with the Act and Regulation.

### **23.10 COMMUNICATION WITH RESIDENTS**

23.10.1 This policy will be posted on the Notice Board in the village in accordance with the requirements of the Act and Regulation and on our website.

23.10.2 The policy will be provided to all residents for free either in hard copy form or electronically, but only if the resident agrees to receive an electronic version.

23.10.3 We will include the complaints handling system, complaints reporting and feedback as an agenda item at the annual general meeting of residents of the village.

### **23.11 STAFF TRAINING**

All staff have been provided a copy of the policy and trained handling complaints and disputes.

### **23.12 REVIEW**

23.12.1 We will review complaints lodged and resolved quarterly to ensure and confirm compliance with any agreed outcomes.

23.12.2 This Policy will be reviewed and updated, where relevant, every two (2) years.

23.12.3 We will implement a process of annual review of the complaints handling process to seek feedback from residents, complainants and staff as to:

- (a) Issues or problems in the process;
- (b) Improvements that can be made to the process.

23.12.4 We will review complaints lodged and resolved quarterly to ensure and confirm compliance with any agreed outcomes.





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### 23.13 CONTACT DETAILS

Village Manager	Phone (02) 49329255 manager@signaturegardens.com.au
General Manager	Phone (02) 49329255 j.dryden@signaturegardens.com.au
Code of Conduct Administrator	Phone (03) 96508300 Retirementliving@propertycouncil.com.au
Community Justice Centre	Email cjc@justice.nsw.gov.au
NSW Fair Trading	Phone 133220 Website www.fairtrading.nsw.gov.au/contact-us
NCAT	Phone 1300 006 228 Website www.ncat.nsw.gov.au

### 23.14 COPIES OF POLICY

Copies of this policy are available from the Manager's office.