

Retirement Living Code of Conduct  
**Complaints Handling Guidelines**

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# **Complaints Handling Guidelines**

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## BACKGROUND

### Introduction

This document contains resources relating the Complaints Handling Guidelines for the Retirement Living Code of Conduct.

### Complaint-Management Framework

The Code provides a complaint-management framework to assist the speedy and cost-effective resolution of complaints where possible. This framework does not replace complaint-management processes established by law and nothing within this Code limits the right of parties to pursue those legal paths. The five key elements include:

1. A requirement for signatories to have a complaints management system within their organisation which includes written policies and procedures to handle complaints (outlined in Section A5 of the Code Commitments);
2. The provision of Code Resources including templates and tools to assist signatories understand and meet these obligations, including template policies, procedures and forms and suggested process diagrams to assist operators and residents understand the available pathways for escalating grievances;
3. The facilitation, by the Code Administrator, of external independent dispute resolution services where appropriate to consider a Complaint, along with the tracking of that Complaint or dispute;
4. Consideration by the Code Administrator of admitted or alleged breaches of the Code Commitments by signatories, including disciplinary action by the Code Administrator.
5. Oversight by the Code Review Panel of recording and reporting of complaints, and review by the Panel of appeals to sanctions imposed.

### Complaint Forms

Complaints to the Code Administrator can be made via email at [complaints@rlcode.com.au](mailto:complaints@rlcode.com.au), or sent to the Code Administrator at the address on the last page of this document.

# GUIDELINES FOR COMPLAINTS MANAGEMENT IN THE RETIREMENT COMMUNITY

## 1 Scope

- 1.1 These guidelines are designed to assist operators of Retirement Communities in developing their complaints management system as required and referred to in the Retirement Living Code of Conduct (Code of Conduct).
- 1.2 It is intended to provide guidance in relation to: planning, design, operation, maintenance and improvement of an operator's complaint management system.
- 1.3 The principles of the complaints management system should reflect the principles set out in the Code of Conduct. This means it must be:
  - (a) a transparent, open, accessible and effective complaints process;
  - (b) a process and environment that provides residents confidence in the complaints resolution mechanism, encourages feedback on complaints and allows for complaints to be managed in a timely and fair manner;
  - (c) a framework in which complaints can be identified, raised and addressed in a non-judgmental environment;
  - (d) a framework that does not persecute, penalise or otherwise prejudice any participant engaged in the process of complaint handling.
- 1.4 The guidelines must be read together with the Code of Conduct, its appendices and other Code Resources, which provide guidance and resources operators may use in developing and managing their complaints management system.
- 1.5 The complaint handling investigation procedure does not and is not intended to override or displace any rights or obligations of a resident or an operator as set out in relevant legislation, statutory rules or contractual arrangements. It is a guideline for resolution of complaints that can be achieved within those frameworks.

## 2 Guiding principles and application

- 2.1 It is recognised that operators of Retirement Communities vary significantly based on size, location, mission and geography. Accordingly, these guidelines are not exhaustive of all issues to be addressed and must be supported and supplemented by each organisation's own written policies and procedures for handling and resolving written complaints and disputes.
- 2.2 It is a fundamental principle that this guideline, the written policies and procedures, the templates in the Code of Conduct and the Code itself are to be made available to residents and promoted to relevant personnel.
- 2.3 It is a fundamental principle that an operator's staff engaged in the complaint management system must be trained and educated in relation to its principles and that there be ongoing training of those personnel.

## 3 Scope of complaints

- 3.1 The complaints handling investigation procedure is not intended to override a contractual, statutory or regulatory requirements.
- 3.2 The procedure will not address complaints between residents. It is directed towards complaints to the operator raised by residents individually or by the residents committee (as a whole or acting on behalf of a resident).
- 3.3 The complaint does not require a party to surrender any of their legal rights and is intended to assist a complainant and the operator to reach a satisfactory outcome within legislative and contractual framework.

- 3.4 A complaint management system may prescribe the circumstances where a complaint will not be considered or may be stopped by the operator. These include:
- (a) The unreasonable conduct of a party in making:
    - (i) repetitive, vexatious, unsubstantiated complaints;
    - (ii) using inappropriate, derogatory or crude language;
    - (iii) fanciful, irrational complaints;
  - (b) The failure of the complainant to cooperate or respond to reasonable requests of the operator during an investigation.
  - (c) The parties issuing or tendering correspondence or writing that is defamatory towards the operator or any of its employees.
  - (d) A party seeks information in relation to another person that could constitute a breach of that person's privacy.

#### **4 The right to complain without consequences**

- 4.1 The driving principles of a complaints management system and procedure can be summarised as follows:
- (a) All residents of a Retirement Community have a right to complain.
  - (b) Residents may lodge multiple complaints.
  - (c) Complaints should be seen or are taken to be indicators of matters within the Retirement Community that are important to residents and must be addressed and responded to.
  - (d) 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.
  - (e) 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.
  - (f) The complaint system should be accessible to any complainant and appropriate support be provided to any complainant.
  - (g) All forms, information or materials required by a complainant to lodge a complaint should be easily accessible and provided to the complainant when requested in a timely manner.

#### **5 Complaint handling and investigation framework**

- 5.1 Complaints are to be made in accordance with the complaints management system, using forms and templates prescribed by the operator for the notification of complaints.
- 5.2 All complaints are to be treated with the utmost confidentiality and privacy and are to be:
- (a) Acknowledged as having been received;
  - (b) Investigated by the operator 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.
- 5.3 No complaint can be allowed to impact the rights of residents and staff to work in a safe environment free from harassment and intimidation.
- 5.4 The circumstances supporting a complaint must 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.
- 5.5 The complainant and the operator's 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;
  - (c) expected time frames;
  - (d) the involvement of the complainant and the operator in the process;
  - (e) the possible outcomes and further avenues available should the complaint not be satisfactorily resolved.
- 5.6 The operator will develop a complaints management system that incorporates:
- (a) written policies and procedures;
  - (b) lines of responsibility;
  - (c) appropriate delegations;
  - (d) recording of outcomes and responsibilities for implementation of outcomes; and
  - (e) clear lines of escalation and referral in accordance with the Code of Conduct.
- 5.7 The framework will recognise from the complaint procedure:
- (a) the legislative requirements that may apply;
  - (b) mechanisms to identify areas of improvement in the operations.
- 5.8 Outcomes of the complaint handling process must be recorded and confirmed between the complainant and the operator.
- 5.9 The operator will review complaints lodged and resolved quarterly to ensure and confirm compliance with any agreed outcomes.
- 6 Management of the parties to a complaint**
- 6.1 Parties to a complaint must respectful, courteous, reasonable and fair manner. The operator may at any time stop a complaint process if parties fail to act in a reasonable manner.
- 6.2 Where there are multiple parties, the operator may request the parties to identify a single representative or primary point of contact and may determine to correspond with that person.
- 7 Accountability, monitoring and improvement**
- 7.1 The operator will maintain a record of:
- (a) complaints lodged;
  - (b) outcomes – agreed or otherwise; and
  - (c) compliance and implementation of agreed outcomes.
- 7.2 The operator will include the complaints handling system, complaints reporting and feedback as an agenda item at the annual general meeting of the Retirement Community.
- 7.3 The operator 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.

## FORMS

### Complaints from a stakeholder to the Operator

#### 1. Enter your details.

First name

Last name

Email

Phone No.

#### 2. Have you contacted the Community Manager regarding this complaint?

Yes

No

If yes, what was the Community Manager's response to your complaint?

If no, then you can call the Community Manager on *[insert]*

#### 3. Please describe the nature of the complaint.

Choose the category of the issue.

Service / Care

Food

Lifestyle

Activities

Facilities

Your Home

Resale

Other

#### 4. What best describes your involvement at the Retirement Community?

Resident

Relative of resident

Friend of resident

Visitor

Other

Thank you. Please provide this complaint to your Community Manager.

Complaints from a stakeholder to the Code Administrator about the Operator

1. Is your Retirement Community a signatory to the Code of Conduct?

You can check this at [www.awisemove.com.au](http://www.awisemove.com.au)

Yes  No

If yes, what are the details of the Retirement Community?

Community Name

Community Address

If no, then you will need to pursue alternative avenues for your complaint.

2. Have you attempted to resolve this with the Community's operator?

Yes  No

If yes, what was the Community operator's response to your complaint?

If no, then you should first attempt to resolve this with the operator.

3. Have you lodged this dispute with an external independent mediator, arbitrator, industry peak body, government department of statutory authority?

Yes  No

If yes, please provide details.

Authority / Body

Location / Address

Commencement Date

Status

**4. If you would like to proceed, enter your details.**

First name

Last name

Email

Phone No.

**5. Please describe the nature of the complaint.**

**Choose the category of the issue.**

- |   |                                    |                                    |                                     |
|---|------------------------------------|------------------------------------|-------------------------------------|
| <input type="checkbox"/> Service / Care | <input type="checkbox"/> Food      | <input type="checkbox"/> Lifestyle | <input type="checkbox"/> Activities |
| <input type="checkbox"/> Facilities     | <input type="checkbox"/> Your Home | <input type="checkbox"/> Resale    | <input type="checkbox"/> Other      |

**6. What best describes your involvement at the Retirement Community**

- |                                   |   |   |                                  |
|-----------------------------------|---|---|----------------------------------|
| <input type="checkbox"/> Resident | <input type="checkbox"/> Relative of resident | <input type="checkbox"/> Friend of resident | <input type="checkbox"/> Visitor |
| <input type="checkbox"/> Other    | <input type="text"/>                          |   |                                  |

**Thank you.**

**Please email or post this to the Code Administrator, along with any supporting material, to the following address:**

The Code Administrator  
Level 6  
300 Queen Street  
Brisbane QLD 4000

Tel (07) 3225 3000  
Email [complaints@rlcode.com.au](mailto:complaints@rlcode.com.au)

**For more information please contact**

The Code Administrator

[admin@rlcode.com.au](mailto:admin@rlcode.com.au)

[complaints@rlcode.com.au](mailto:complaints@rlcode.com.au)