



# Consumer Rights

## D16: Feedback and Complaints Policy (AU)

### Document Information

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|----------------------|-----------------------------|--|------------|
| <b>Policy Owner:</b> | Head of Customer Experience | <b>Date of Issue:</b>  | Jun 2023   |
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| <b>Approved By:</b>  | GM Operations               |    |            |
| <b>Approved By:</b>  | CEO                         |  |            |

### Document History

| Version | Description of Changes | Date of Issue |
|---------|------------------------|---------------|
| 1.0     | Original               | Apr 2024      |

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## 1. About this Policy

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### 1.1. Policy statement

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At Summerset, feedback is very important to us.

We want to ensure that any resident (family members, partners, advocates, visitors, and other stakeholders) can submit feedback.

This may come in the form of comments and suggestions, compliments, and informal or formal complaints.

Bringing these to our attention lets us know what we are doing well, or where we need to resolve issues and make improvements.

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### 1.2. Policy objectives

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The objective(s) of this policy are to:

- Let residents and their representatives know that Summerset cares and values their feedback
- Ensure residents and their representatives are aware of how they can provide feedback, compliments, or complaints
- Clarify how Summerset responds to feedback, compliments, or complaints
- Ensure that complaints are dealt with consistently, fairly, and sensitively
- Ensure that complaints are recorded and monitored as opportunities for improvement
- Ensure compliance with regulatory and legislative requirements

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### 1.3. Purpose and background

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Summerset encourages residents and their representatives (family members, partners, advocates) to provide feedback, compliments, or complaints. Bringing these to our attention gives us an opportunity to identify what we are doing well, or to resolve any issues and make improvements.

This policy outlines the process for managing complaints in Summerset's Australian Retirement Villages.

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## 1.4. Related Documents

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| Reference   | Description  |
|-------------|--|
| D16         | Feedback and Complaints Policy (AU)  |
| D16.01.01   | Formal Complaint Form (AU)   |
| D16.01      | Feedback and Complaints Procedure (AU)   |
| D16.01.02   | Feedback Form (AU)   |
| D16.01.03   | Compliment Form (AU)   |
| D16.01.04   | Complaint Acknowledgement Letter   |
| D16.01.05   | Investigation Complete Complaint Letter  |
| D16.01.06   | Ongoing Investigation Response Letter  |
| Company Web | Let's Find a Solution brochure (AU)  |
| Website     | Consumer Affairs Victoria <a href="https://www.consumer.vic.gov.au/">https://www.consumer.vic.gov.au/</a>  |
| Website     | Retirement Living<br>Code of Conduct: <a href="https://www.awisemove.com.au/">https://www.awisemove.com.au/</a>  |
| Website     | Retirement Villages Act 1986: <a href="https://www.legislation.vic.gov.au/in-force/acts/retirement-villages-act-1986/084">https://www.legislation.vic.gov.au/in-force/acts/retirement-villages-act-1986/084</a>                                      |
| Website     | Australian Retirement Village Accreditation Scheme (ARVAS):<br><a href="https://www.qip.com.au/wp-content/uploads/2019/03/ARVAS-Standards-V1_0-Designed.pdf">https://www.qip.com.au/wp-content/uploads/2019/03/ARVAS-Standards-V1_0-Designed.pdf</a> |
| Website     | Health Complaints Commissioner: <a href="https://hcc.vic.gov.au/Health">https://hcc.vic.gov.au/Health</a>  |
| Website     | Victorian Civil and Administrative Tribunal (VCAT)<br><a href="https://www.vcat.vic.gov.au/">https://www.vcat.vic.gov.au/</a>  |
| Website     | Elder Rights Advocacy<br><a href="https://www.compass.info/service-providers/elder-rights-advocacy/">https://www.compass.info/service-providers/elder-rights-advocacy/</a><br>1800 700 600   |

## 2. About compliments and feedback

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### 2.1. Compliments

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Residents and/or their representatives are welcome to provide compliments about our staff, services, products, and/or the quality of the care we provide. This is great feedback which tells us we are on the right track.

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### 2.2. Feedback

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Feedback can be positive or negative, an opinion or a suggestion, and is intended to be motivational and/or offer scope for improvement.

A resident may raise feedback at any time with the Village Manager or other village staff member, in writing or verbally.

Feedback forms and boxes are also available throughout the village.

Anyone can provide feedback. This includes residents, partners, family, representatives, and advocates.

Feedback can be provided anonymously if the resident prefers however, this may limit what we can do to help.

### 3. About complaints

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#### 3.1. Overview

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**Note:** In this section, the person making the complaint will be referred to as ‘the resident’; however, it also relates to a family member, support person or other representative, or a member of the community.

Where a complaint is received from a representative acting on behalf of a resident (excluding an activated EPOA), we will check with the resident that they are aware of this, that the complaint submitted reflects their views and that the representative has the authority to act on their behalf.

We will respect and cooperate in the same way with a representative acting on behalf of residents as we would with the residents themselves.

All information regarding complaints will be entered electronically into our customer relationship management system and kept confidential amongst the staff involved in its resolution.

Summerset has an obligation to facilitate the fair, objective, culturally safe, speedy and efficient resolution of that complaint.

Making a complaint can be a confronting experience for many people, particularly when it concerns staff with whom residents have an ongoing relationship.

Assistance to prepare a complaint can be provided by village staff, family members or an advocacy service.

All information regarding complaints will be kept confidential amongst the staff involved in its resolution, and every resident will be treated with dignity and respect.

If a resident is dissatisfied with Summerset’s response to their complaint, or at any time wishes to escalate their complaint to an external body, they may do so. For more details, see Section 4 onwards.

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If a resident is dissatisfied with Summerset's response to their complaint or wish to escalate their complaint to an external body, they can do so at any time.

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### **3.2. Informal Complaints**

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Informal complaints are provided through discussion, either verbal or written using the process in section 3.4. The resident or their representative is raising a concern with the expectation of a response.

Residents are encouraged first to discuss any concerns with the Village Operations Manager or the Care Centre Manager. Complaints can often be resolved this way very quickly.

If a resident is unhappy with the response to their informal complaint, they can at any time raise their issue or concern as a formal complaint.

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### **3.3. Formal Complaints**

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Formal complaints are provided in writing, dated and signed by the resident or their representative.

Before beginning a formal complaints resolution process, the resident may wish to:

- Raise the matter with us as an informal issue or concern
- Talk to us about making a formal complaint; it may be that we can try to resolve the complaint straight away

There is a formal complaint form available in the main building and the Care Centre, or one can be requested from the VOM.

Before making a complaint, it may be helpful for the resident to write a list of the issues they are concerned about or are not happy about.

Residents should consider including:

- A summary of what happened, names, dates, etc.
- What it is that has made them want to make a complaint; and
- What does successful resolution look like for them?

If the resident is unable to write the complaint and no personal representative is available to write it on their behalf, the VM can write up the complaint at the resident's request and provide a copy to the resident.

When a formal complaint is made, we will:

- Acknowledge the complaint in writing within three (3) working days of receipt
  - Assess the matter to ensure the complaint issues are identified and responded to
  - Provide the contact details of the person who is responsible for managing the complaint if being managed by someone other than the recipient; and
  - Seek to resolve the complaint as quickly as possible or within fifteen (15) working days from receipt of the complaint
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Once a formal complaint is responded to, the written response and outcome will:

- Be recorded in our customer relationship management system
- State what actions, if any, are required to be taken, by whom and by when
- Set out the terms of any agreement about costs and any other terms
- Be assigned a person responsible for tracking any corrective actions to completion; and
- Provide further options for escalating the complaint if unresolved

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### 3.4. Designated contact for formal and informal complaints

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The Village Operations Manager is the designated contact for both formal and informal complaints. The Village Operations Manager's contact details and availability are provided to residents in writing prior to entering the village and may be requested from reception at any time.

We encourage residents to take all reasonable steps to resolve at the Village level and that sufficient opportunity has been given to the Village Operations Manager to resolve the complaint with the Resident. However, should a complaint persist unresolved, residents have the option to elevate it to Australia Head Office.

Upon receiving the complaint, the Australia Head Office may reach out to the resident to gather additional details and address any outstanding concerns, with the goal of resolving the issue before considering further escalation.

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### 3.5. Complaints to Head Office

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All complaints submitted to Australia Head Office are to be sent via email to:

[complaints@summerset.co.nz](mailto:complaints@summerset.co.nz)

or posted to:

Feedback  
Office Administrator  
Summerset Group Holdings  
412 St Kilda Road  
Melbourne, VIC 3004

If the complaint relates to an unresolved complaint that has previously been managed at the Village level, then Head Office will, on receipt of the complaint:

- Acknowledge the complaint in writing within three (3) working days of receipt
- Determine whether the issues have been previously addressed and appropriately responded to at the Village level. In this case, Head Office may not take any further action on the complaint. The resident shall be provided with the reasons why no further action is to be taken and information on how the resident may escalate the complaint to an external body such as Victorian Civil and Administrative Tribunal (VCAT)

- If outstanding issues are identified, the resident will be provided with a formal response within **fifteen working days (15)** from receipt of the complaint at Head Office

Complaints lodged with external bodies; for example, the Victorian Civil and Administrative Tribunal (VCAT) or the Health Complaints Commission, will be managed by those bodies. However, Summerset may at times, be requested to provide information to them to assist in their assessment.

Complaints directed to the Summerset Chief Executive Officer (CEO), or members of the Senior Leadership Team, will be managed by the Complaints Resolution Manager in collaboration with them.

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### 3.6. Instances of when a complaint may not be considered

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Summerset staff responding to complaints will always do so respectfully and in keeping with the Village Code of Conduct and we ask residents to do the same.

We take a zero-tolerance approach to abuse or threatening behaviour, harassment or complaints that are vexatious.

A complaint will not be considered, and no further action will be taken on the complaint if, in the opinion of the operator, the following applies:

- The complaint is:
  - i. Frivolous, vexatious, or was not made in good faith
  - ii. Derogatory and/or uses inappropriate language; and
  - iii. Already resolved and responded to
- Failure of the complainant to cooperate or respond to reasonable requests of the operator during the assessment and/or investigation of a complaint
- A resident seeks information in relation to another person that could constitute a breach of that person's privacy
- The complaint is outside Village service delivery, such as care managed by another provider or agency.

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### 3.7. Timeframes

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The timeframes for managing informal and formal complaints are outlined in the table below. Also see *Section 4.3: Village complaints process map*.

| Complaint type | Timeframe details  |
|----------------|--|
| Informal       | <ul style="list-style-type: none"><li>■ An informal complaint may be resolved on the spot or may require further investigation</li><li>■ If further investigation is required, a reasonable timeframe to resolve the issue or concern will be agreed between the VOM or relevant Summerset role and the resident or their representative</li></ul> |

| Complaint type | Timeframe details   |
|----------------|---|
| Formal         | <p><b>Acknowledgement: Within 3 working days</b></p> <ul style="list-style-type: none"> <li>▪ Those received in writing, signed and dated must be acknowledged, in writing, <b>within 3 working days</b></li> <li>▪ This acknowledgement will include the process and timeframe for resolving the formal complaint</li> </ul>   |
|                | <p><b>Resolved: Within 15 working days</b></p> <ul style="list-style-type: none"> <li>▪ The VOM, or relevant Summerset role, will work with the resident to resolve the formal complaint to their satisfaction and endeavour to resolve it <b>within 15 working days</b> from the date we receive the formal complaint</li> <li>▪ The resident will be kept informed of progress</li> </ul> |
|                | <p><b>Unable to be resolved: Within 15 working days</b></p> <ul style="list-style-type: none"> <li>▪ If the complaint is unable to be resolved <b>within 15 working days</b>, the resident will be advised of progress and the reason for the delay and will continue to regularly update them with progress until the complaint is resolved</li> </ul>                                     |

### 3.8. Disputes between residents

Summerset encourages residents to discuss their dispute with one another; talking about the issue may lead to a solution.

The residents may also wish to have the dispute managed by the Resident’s Committee. In the event that a resolution cannot be agreed on between residents, the VOM can act as impartial party. The VOM will hear both sides of the dispute, propose options, and let the residents decide on a solution. If the solution is agreed by the residents involved, the complaint will be closed.

If the proposed solution(s) are not satisfactory to the resident, the VOM will advise the residents to contact the Dispute Settlement Centre of Victoria. They provide a free, confidential mediation service.



## 4. Escalating a village complaint

A resident can elect to escalate a complaint at any time, if they are not satisfied with the resolution proposed by the person managing the complaint or wish to involve an external body. Within Summerset, the first point of escalation is Australia Head Office.

Summerset may also refer the complaint to an external body and ask that they work with the parties to provide an impartial perspective and recommend a way forward. If this occurs, the resident will be advised once it has been referred.

A resident can complain to the Code Administrator (see contact information in section 6.1) if they feel we are not operating according to our obligations under the Retirement Living Code of Conduct.

### 4.1. Mediation

In circumstances where a mediation process is to be adopted, the following procedure applies:

- If the resident agrees to mediation, Summerset will refer the complaint to an independent mediator
- The mediator must be either an independent third party agreed by the parties within 5 working days, or failing agreement, a member of an alternative dispute resolution agency appointed by an external body such as Consumer Affairs Victoria or the Dispute Settlement Centre of Victoria
- Each party is responsible for their own costs in preparing for mediation

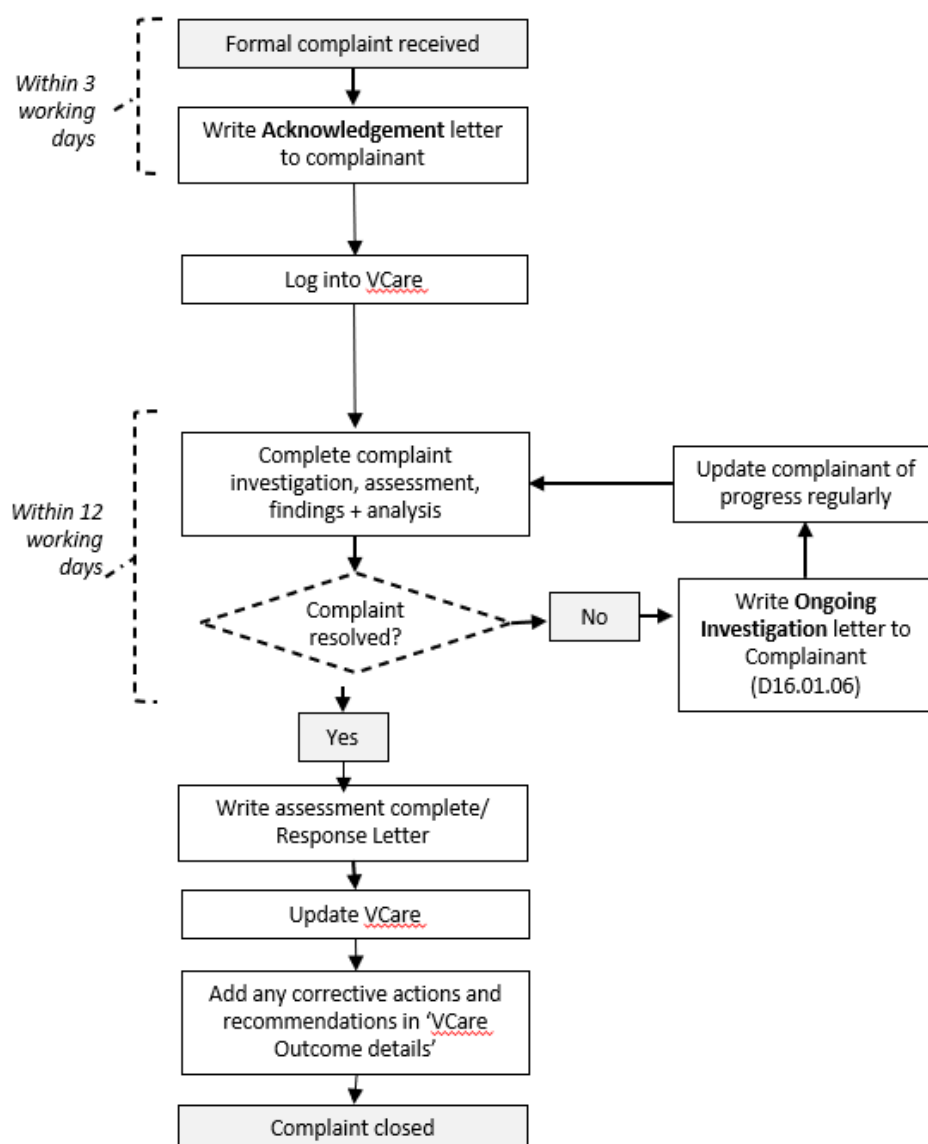
| If the formal complaint is... | Mediator costs are...                           |
|-------------------------------|---|
| About Summerset or staff      | Paid by Summerset                               |
| Between residents             | Divided evenly between each party and Summerset |

## 4.2. Disputes

If we are unable to satisfactorily resolve the complaint and/or mediation is unsuccessful, the resident may choose to lodge an application at the Victorian Civil and Administrative Tribunal (VCAT).

VCAT will make a decision that is binding for both parties.

## 4.3. Village complaints process map



## 5. Escalating a Care-related Complaint

If a resident or their representative is dissatisfied with Summerset's response to a formal complaint relating to any care services, (i.e. care-related) they may take their complaint to the Health Complaints Commissioner (HCC).

The procedure for escalating a formal complaint related to Care services is outlined in the pamphlet Health Complaints Commissioner, '*Making a complaint.*' Available on its website: <https://hcc.vic.gov.au/>.

This brochure is provided to all Care Centre residents upon their admission, and to Village residents who receive care-related services (e.g. medication management or wound care).

The brochure is also available from the village office and can be requested from any Summerset staff member.

A list, including contact details, is provided in Section 6: Complaint and advocacy service contact information.

Summerset can advise if this option is available in relation to the specific complaint.

Summerset will generally not engage in complaints under assessment by the HCC. However, Summerset may at times be requested to provide information to the HCC to assist in its assessment.

Head Office may still consider an issue arising from a care complaint if we believe that the issue is not the same as those being assessed and responded to by the HCC.

## 6. Complaint and advocacy service contact information

### 6.1. Village complaints services

Contact information for several services who can help residents raise or resolve a complaint are available for residents and their representatives. These are listed in the table below.

| Service                                     | Contact details  |
|---|--|
| Retirement Living Code Administrator        | <ul style="list-style-type: none"> <li>▪ Email: <a href="mailto:complaints@rlcode.com.au">complaints@rlcode.com.au</a></li> <li>▪ Phone: 0407 285 891</li> </ul>   |
| Consumer Affairs Victoria                   | <ul style="list-style-type: none"> <li>▪ Post: GPO Box 4567, Melbourne, 3001</li> <li>▪ Phone: 1300 55 81 81</li> </ul>  |
| Residents of Retirement Villages Victoria   | <ul style="list-style-type: none"> <li>▪ Phone: 03 9015 8402</li> <li>▪ Email: <a href="mailto:rrvv@gmail.com">rrvv@gmail.com</a></li> </ul>   |
| Dispute Settlement Centre of Victoria       | <ul style="list-style-type: none"> <li>▪ Address: 4/456 Lonsdale Street, Melbourne, Victoria 3000</li> <li>▪ Phone: 1300 372 888</li> </ul>  |
| Victorian Civil and Administrative Tribunal | <ul style="list-style-type: none"> <li>▪ Address: 55 King Street, Melbourne, Victoria 3000</li> <li>▪ Phone: 1300 01 8228</li> <li>▪ Address: 223 William Street, Melbourne, Victoria 3000</li> <li>▪ Phone: 1300 01 8228</li> </ul> |
| Health Complaints Commission                | <ul style="list-style-type: none"> <li>▪ Address: Level 26, 570 Bourke Street<br/>Melbourne, Victoria 3000</li> <li>▪ Phone 1300 582 113</li> </ul>  |

## 6.2. Advocacy services/ agencies

Contact information for several advocacy services and agencies, available for residents and their representatives, is provided in the table below.

| Service/ agency                | Contact details  |
|--------------------------------|--|
| Older Persons Advocacy Network | <ul style="list-style-type: none"> <li>▪ <u>Phone</u>: 1800 700 600</li> </ul>   |
| Elder Rights Advocacy          | <ul style="list-style-type: none"> <li>▪ <u>Address</u>: Level 2/85 Queen Street, Melbourne, 3000</li> <li>▪ <u>Phone</u>: 1800 700 600</li> <li>▪ <u>Email</u>: <a href="mailto:era@era.asn.au">era@era.asn.au</a></li> </ul> |
| Seniors Rights Victoria        | <ul style="list-style-type: none"> <li>▪ <u>Phone</u>: 1300 368 821</li> </ul>   |

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## 7. Reporting

An anonymised summary of complaints and their outcomes received at the Village will be reported on at the annual general meeting; this will also cover what actions, if any, were taken to resolve the complaint(s).

We also regularly review complaints for continuous improvement purposes.

## 8. Related standards and legislation

| Feedback & Complaints    | Details   |
|--------------------------|---|
| Linked standards         | Australian Retirement Village Accreditation Standard: <ul style="list-style-type: none"> <li>▪ 1.3 Billing</li> <li>▪ 1.6 Quality Improvement</li> <li>▪ 4.1 Resident Engagement</li> <li>▪ 4.6 Complaints and Disputes</li> </ul> Available at <a href="https://www.qip.com.au/wp-content/uploads/2019/03/ARVAS-Standards-V1_0-Designed.pdf">https://www.qip.com.au/wp-content/uploads/2019/03/ARVAS-Standards-V1_0-Designed.pdf</a> |
| Relevant legislation     | <ul style="list-style-type: none"> <li>▪ Retirement Villages Act 1986; (Records and Notices) Regulations 2015; Regulation 10 (Procedure for dealing with management complaints and resident disputes)</li> <li>▪ Aged Care Act 1997 (Cth), User Rights Amendment (Charter of Aged Care Rights) Principles 2019</li> </ul>   |
| Resources and references | <ul style="list-style-type: none"> <li>▪ Commonwealth Ombudsman (2009). <a href="#">Better Practice Guide to Complaint Handling</a></li> <li>▪ Older Persons Advocacy Network (2018). National Elder Abuse Prevention and Advocacy Framework <a href="https://opan.com.au/elder-abuse/">https://opan.com.au/elder-abuse/</a></li> </ul>   |