

NRSCH Complaints Management – Policy

1. Background

Registrars have powers to investigate complaints about the compliance of registered community housing providers with community housing legislation.

Community housing providers are organisations that deliver social or affordable housing on very low to moderate incomes.

Registrars can investigate complaints about a registered provider’s compliance with the national law and regulatory code.

The purpose of this policy is to provide a framework for the investigation of complaints about compliance of registered community housing providers.

2. Definitions

The table below is a list of terms, keywords and/or abbreviations used throughout this document.

Term	Definition
NRC	National Regulatory Code
NRSCH	National Regulatory System for Community Housing
Complaint	An expression of dissatisfaction related to a registered community housing provider’s product, service, staff, or the complaints handling process itself, where a response or resolution is explicitly or implicitly expected.
Disclosure	Reporting information to the regulator which may include a belief that the actions of the provider : <ul style="list-style-type: none"> • are corrupt • result in wastage of public funds • is maladministration, including conduct that is unjust, oppressive or negligent • are a serious concern to health and safety

3. Scope

This policy applies to:

- Tenants, residents and other clients of registered community housing providers, including applicants for housing assistance seeking services from a community housing provider, and people living in properties managed by a registered community housing provider.
- Registered community housing providers

This policy has been agreed and adopted by all jurisdictions participating in the National Regulatory System for Community Housing (NRSCH)

4. Business rules

- Registrars will manage complaints in accordance with the provisions of the *Community Housing Providers National Law* (the National Law)
- All complaints will be registered in the Community Housing Regulatory Information System
- All registered community housing providers should have a formal complaints handling process

5. Policy statement

The NRSCH is committed to effective complaints management by managing complaints in an accountable, transparent, timely and fair manner. Complaints can contribute actively to ensuring registered community housing providers are viable, well governed and deliver quality housing services.

Complaints, enquiries and disclosures may also identify a systemic failure by the community housing provider or a serious one off failure which requires regulatory intervention.

Principles

The principles of good regulation that underpin the National Regulatory Code are recognised in the complaints management policy.

- **Proportionate** – Enquiries and investigation will be proportionate to the seriousness of the issues raised in the complaint
- **Accountable** – Reasons for decisions will be documented and provided to the parties to the complaint
- **Consistent** – There will be a consistent approach to dealing with complaints in all participating jurisdictions
- **Transparent** – There will be clear and open communication with providers and complainants. The complaint management policy and information about how a complaint will be dealt with will be accessible.
- **Flexible** – Complaints may be lodged in a variety of ways to ensure complainants do not experience barriers to making a complaint
- **Targeted** – Investigations of complaints will be targeted to issues relating to non compliance with the National Law and will be focused on the core purposes of improving tenant outcomes and protecting vulnerable tenants, protecting government funding and equity, and ensuring investor and partner confidence.

6. Service delivery commitment

Registrars are committed to following complaint management principles and will:

- Provide an accessible complaints process that supports natural justice and procedural fairness
- Refer complainants to appropriate advocacy and support services to assist them to make a complaint, where appropriate
- Address complaints with integrity and in a fair, objective and unbiased manner
- Treat complainants with respect by handling complaints in a positive, helpful and timely manner
- Provide information about where to lodge a complaint, how to make a complaint and how the complaint will be managed
- Provide information about what can and cannot be achieved by a complaints process
- Allocate complaints that require investigative action to a member of the Registrar's staff
- Commonly not investigate a complaint that is under investigation by the relevant registered community housing provider utilising the provider's formal complaint handling process or another body, unless it concerns serious allegations of non-compliance.
- In some instances, place an investigation on hold pending the outcome of another body's investigation
- Accept anonymous complaints. Complainants will be advised of the limitations of lodging an anonymous complaint
- Inform parties to the complaint of the progress of the complaint
- Provide complainants with details of the outcome of the complaint and of the options to seek a review or other appeal mechanisms against their community housing provider through local legislation and whether they are able to request a review (internal or external) or appeal
- Advise the complainant as soon as possible if any part of their complaint cannot be dealt with and provide advice about where the matter should be redirected (if appropriate)
- Manage conflicts of interest responsibly, whether actual or perceived.
- Internal reviews of how a complaint was managed will be conducted by a person other than the original decision maker
- If a complainant decides they do not wish to pursue their complaint the Registrar may still decide to investigate the complaint about non compliance
- Ensure all information is collected and handled in accordance with applicable information and privacy laws

7. Types of complaints that may be investigated

Whilst a Registrars' focus is on systemic issues individual tenancy matters related to compliance with the National Law and code may be considered. Registrars will take into account the seriousness of complaints, whether there is a history of similar complaints about the provider and whether there is a more appropriate avenue for the complaint to be dealt with in deciding whether to investigate the complaint.

Registrars will assess each complaint to decide whether it raises issues/risks about the provider's compliance with the following performance outcomes under the National Regulatory Code:

1. **Tenant and housing services** - the community housing provider is fair, transparent and responsive in delivering housing assistance to tenants, residents and other clients
2. **Housing assets** - the community housing provider manages its community housing assets in a manner that ensures suitable properties are available at present and in the future
3. **Community engagement** - the community housing provider works in partnership with relevant organisations to promote community housing and to contribute to socially inclusive communities
4. **Governance** - the community housing provider is well-governed to support the aims and intended outcomes of its business
5. **Probity** - the community housing provider maintains high standards of probity relating to the business of the provider
6. **Management** - the community housing provider manages its resources to achieve the intended outcomes of its business in a cost effective manner
7. **Financial viability** - the community housing provider is financially viable at all times.

Examples of the types of complaints the Registrar may investigate include allegations of:

- systemic or serious business failures,
- systemic or serious failures to implement policies and procedures or comply with legal obligations,
- misallocation of government funding , fraud, corruption or criminal conduct,
- a dysfunctional governing body,
- maintenance issues that indicate a systemic problem with the provider's management of assets; or
- tenancy issues that indicate a systemic failure to deliver fair, transparent and responsive housing assistance to tenants, residents and other clients.

7.1 Exclusions

- Legislation gives the Registrar a regulatory role but does not provide the Registrar with a complaint resolution role
- Matters that do not relate to registered community housing providers. For example, complaints about public housing, private rental or matters managed by local councils
- Matters that do not relate to the compliance of registered community housing providers with community housing legislation including the National Regulatory Code
- Some matters that relate to a provider's product, service or complaint handling process, for example a dispute between neighbours or a one off individual maintenance and repair request

8. Complaints management

In some circumstances a Registrar may be required to make some additional enquiries to clarify the issues involved before a decision to investigate a complaint is made.

Where an initial assessment of the complaint indicates that an investigation is necessary the Registrar will write to the community housing provider outlining the allegations made by the complainant together with the performance outcomes or sections of the National Law where non-compliance is indicated. In making a request for information or to inspect a record or premises, a registrar will document why the information is needed to make an assessment of compliance.

A Registrar may require a provider, under its conditions of registration set out in section 15 (2) of the National Law, to:

- produce information, a copy of a document or a record about exercising its functions, including arrangements with others regarding exercising its functions, and/or
- ensure that a suitably qualified officer of the provider attends a meeting with the Registrar in order to answer questions about the affairs of the provider, and/or
- allow an inspection, at any reasonable time, of the provider's premises or records.

A Registrar is not authorised to enter residential premises occupied by an individual without the consent of that person. A community housing provider is not authorised to provide information to a Registrar that identifies an individual who is an occupier of residential premises without the consent of that person.

8.1 *Anonymous complaints*

While it is preferable that the complainant identifies themselves the Registrar will accept anonymous complaints and may decide to make enquiries or carry out an investigation of the issues as long as sufficient information is provided.

8.2 *Complaints involving multiple representations*

Sometimes similar complaints may be made by related parties and Registrars may try to arrange to communicate with a single representative of the group.

8.3 *Unreasonable conduct by a complainant*

Registrars are committed to being accessible and responsive to all people who lodge feedback or complaints. However, if complainants behave unreasonably, are abusive, aggressive or threatening Registrar's staff will stop any discussion with them and refer matter to their supervisor for management. Registrars will take action to manage this conduct, which could mean that communication with complainants will be limited in form (for example, to written communication only), frequency or suspended for a period of time.

9. Possible complaint outcomes

Registrars will consider the evidence obtained during the investigation and will make a decision to close the investigation or pursue further regulatory engagement with one of the following outcomes. Complainants will be informed of the outcome.

9.1 No further action

This may be because:

- the provider is compliant;
- there was insufficient evidence to prove non-compliance;
- the provider has responded to the complaint effectively and the regulator's assessment is that any issue of non-compliance has or is being dealt with; or
- the concerns did not relate to the provider's compliance with the National Law.

Complainants will be advised of how to apply for a review of the decision if they are not satisfied with the handling of their complaint.

9.2 Conduct targeted compliance assessment

This will occur if there is an indication of non-compliance that warrants immediate regulatory engagement with the provider. The complainant and the provider will be informed of the outcome of the investigation.

If following the compliance assessment the Registrar determines that the provider is not in compliance with the National Law the Registrar will then consider the most appropriate action to take. This can range from making a recommendation to the provider; to exercising one of the enforcement powers of the Registrar set out in Part 4 of the National Law.

9.3 Review all or some of the matters raised at the time of the next planned compliance assessment

Where there is possible non-compliance by the provider that is not significant enough to require immediate regulatory engagement the Registrar may review the matters at the next planned compliance assessment of the provider.

9.4 Investigate

Where the assessment of the complaint reveals potential non-compliance or a pattern of potential non-compliance with the Regulatory Code or National Law a formal investigation may be initiated.

9.5 Refer matter or evidence substantiating components of the complaint to relevant regulatory or enforcement agency

The referral of a matter or evidence may occur in conjunction with other complaint outcomes. The information may be referred for action by another regulatory or enforcement agency where this is appropriate.

10. Legislation and compliance

- National Law
- *Community Housing Providers (Adoption of National Law) Act 2012 (NSW)*

11. Related documents

- [Enforcement guidelines for Registrars](#)
- [National Regulatory Code](#)
- NRSCH Regulatory Engagement Policy (Under development)
- NRSCH Manage Enforcement Action Policy
- NRSCH Investigation Policy (under development)
- [Complaint handling fact sheets](#)