

Factsheet

Complaint Handling
Information for Tenants
February 2020

This factsheet provides guidance on how to make a complaint about a Community Housing Provider (CHP) registered under the NSW Local Scheme.

In the first instance you should raise your concerns directly with your CHP. Generally complaints will be addressed by the CHP without the involvement of the Registrar of Community Housing (the Registrar). It is important when making a complaint to keep written evidence of your concerns and any ongoing developments in case the matter is not resolved.

What is a complaint?

A complaint is an expression of dissatisfaction by one or more individuals or organisations with any action, decision, or service, provided by a CHP.

Obligations of Registered Community Housing Providers

CHPs must have a mechanism in place for dealing with tenant complaints as well as providing tenants with information and guidance on how to raise complaints with them. The NSW Local Scheme requires that CHPs be *'fair, transparent and responsive'* in *'managing and addressing complaints and appeals relating to the provision of housing services'*.

If you believe a complaint to be of such a serious or sensitive nature that it needs the direct involvement of the Registrar (or other regulatory body) without prior notification to the CHP, then you should contact the Registrar's office. That office will then decide the best way to progress any complaint.

How do I make a complaint?

1. If you are a tenant, or authorised to act on behalf of a tenant, and have raised your concerns informally with the CHP but are not satisfied with the result, you may need to make a formal complaint to the CHP via the CHP's formal complaint handling processes and policies.
2. The CHP will then progress the matter in accordance with those policies.
3. If, after you have received a response to your complaint, you believe your concerns have not been appropriately addressed by the CHP or that the CHP has not followed its policies and procedures, you may wish to explore other avenues, such as:
 - Seeking the support and advice of a tenancy advocacy service; or
 - Finding out about the CHP's appeals policy and procedure and lodging an appeal with the CHP; or
 - Appealing to the local appeal body about the CHP's decision. These appeal bodies are the main way to have issues such as significant membership or tenancy disputes reviewed. Your local appeal body may choose to endorse or overturn a decision made by the CHP. Sometimes they may direct the CHP to take alternative measures; or
 - Applying to the NSW Civil and Administrative Tribunal (NCAT) in relation to any breach of a residential tenancy agreement by the CHP; or
 - Contacting the Registrar in those instances where you believe the CHP has not followed their policies and procedures or where there is significant non-compliance.

Evidence based approach and confidentiality

Wherever possible, complaints and allegations should be supported by evidence and/or supporting statements from witnesses. The Registrar recognises that this is not always possible and that sometimes complainants may wish to remain anonymous. While complaints can still be progressed with little supporting evidence, the nature of the complaint and the evidence that supports it will influence how a complaint or allegation is progressed.

How does the Registrar respond to complaints?

One of the functions of the Registrar is to investigate complaints about the compliance of CHPs. The Registrar will assess complaints and prioritise them according to their urgency and seriousness, including assessing them to see whether or not they fit within the Registrar's scope, are minor in nature and do not require the Registrar's involvement, or are more appropriately dealt with by another body.

Where possible, the Registrar or their delegates will attempt to advise complainants of the outcome of these considerations, or any investigation that has been undertaken, within 30 days of receipt of the original complaint.

Investigation of complaints

The purpose of an investigation is to gather evidence to determine compliance or non-compliance with the National Law (NSW). In some instances we may need to put an investigation on hold while we wait for another body to deal with all or part of the complaint so that outcome can be taken into account. Once the evidence obtained during the investigation process has been considered, the matter will be closed with one of the following outcomes:

1. No further action – if the CHP demonstrates it is complying with the National Law (NSW), or if the CHP provides evidence of an effective response to the allegations of non-compliance;

2. Review on scheduled compliance assessment – if there is an indication of non-compliance by the CHP and the appropriate timeframe for review is at the next scheduled compliance assessment of the CHP; or
3. Compliance assessment – if there is an indication of non-compliance that warrants immediate regulatory engagement with the CHP.

Note that if non-compliance is found then the Registrar will consider whether to exercise any of their enforcement powers under the National Law (NSW).

More Information

For additional information on how different types of complaints might be dealt with, as well as a broad overview of the role of various regulatory and review bodies' roles and functions, refer to the following factsheets:

- Complaint handling – Information for Community Housing Providers
- Complaint handling – Information for neighbours and related parties.

Please visit the NSW Registrar's website at www.rch.nsw.gov.au/

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