



## Complaints / Dispute Resolution Policy & Process

### AIM

- To maintain appropriate standards in the handling of complaints and resolution of disputes;
- To provide residents, or any person acting on behalf of a resident, with an understanding of the processes for resolving complaints and disputes;
- To improve the quality of services and facilities provided to all our residents;
- To support the effective resolution of any complaints and disputes;
- To promote a culture that values and encourages residents to raise concerns and issues.

### POLICY

Whiddon sees comments, complaints, suggestions and feedback as an opportunity to improve our services and facilities

Feedback and complaints will assist us in measuring resident satisfaction and help us promote Whiddon Retirement Villages as a proactive organisation that is prepared to review and evaluate issues as they arise.

All comments and complaints will be handled fairly, promptly and confidentially in line with the process outlined in this document. We openly welcome your comments.

# ADVANTAGES OF A COMPLAINT & DISPUTE RESOLUTION SYSTEM

- Issues can be resolved in a timely, cost effective and efficient manner;
- Complaints can provide information that lead to improvements in facilities and service delivery;
- Village management gain a better understanding of residents’ needs and opinions;An effective complaints resolution system creates a culture of accountability and trust;
- Investigations arising from complaints can uncover other problems requiring resolution;
- Training for staff can be specifically tailored to areas requiring improvement;
- Compliments as well as complaints can be acknowledged and recorded;
- Provides a demonstration of our commitment to top quality service, along with values of honesty, transparency and professionalism.

# ENCOURAGING COMPLAINTS & FEEDBACK

Whiddon values and encourages residents to raise concerns and issues by:

- Accepting complaints from any person either directly from the resident or another person or committee acting on behalf of a resident(s) such as the Residents’ Committee;
- Supporting residents’ rights to seek assistance or representation from the Residents Committee to make or resolve a complaint;
- Not requiring residents to involve the Residents Committee or any other resident in the resolution of a complaint if they so wish;
- Ensuring that all staff who deal with residents have an understanding of the complaints handling and dispute resolution procedure;
- Promote a culture that values feedback and engaging in conduct that is free from any harassment, pressure or intimidation; and
- Promote a culture of continuous improvement.

# ABOUT THE COMPLAINTS PROCESS

<b>What is a complaint?</b>	A complaint is defined as, “an expression of dissatisfaction made to an organisation, related to its products or services, or the complaints handling process itself, where a response is explicitly or implicitly expected.”
<b>Who can make a complaint?</b>	Any resident can make a complaint, as can someone acting on behalf of residents, such as a family member or the Resident Committee.

<p><b>What types of complaints are covered by this process?</b></p>	<p>This process covers complaints from residents that are directed to the operator of the Whiddon Independent Living Village.</p> <p>For example, this may include complaints about the facilities, fees and charges, village rules, annual meetings, repairs and maintenance, budgets or the marketing process.</p> <p>For disputes between two or more residents, please refer to the section relating to the dispute resolution process.</p>
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## COMPLAINTS PROCESS – The Steps of Lodging and Resolving a Complaint

<p>Step 1:</p>	<p>Depending on the nature of the complaint, the complainant can lodge their complaint with the Village Manager, Australian Retirement Partners (ARP) Director or to Whiddon.</p> <p>Your complaint can be made in writing, by telephone, by email or in person.</p> <p>Village Manager contact details:  Melanie Lawton  PO Box 613, Round Corner NSW 2158  m: 0429 912 017  p: 02 410 8844  melanie@arpr.com.au</p> <p>ARP Director contact details:  Laurelle Lawson  200 Victoria Road, Drummoyne NSW 2047  PO Box 613, Round Corner NSW 2158  m: 0412 411 325  p: 02 410 8844  laurelle@arpr.com.au</p> <p>Whiddon contact details:  Katharine Thew  81 Belmont Road Glenfield NSW 2167  Locked Mail Bag 7014 Minto NSW 2566  p: 02 9827 6705  <a href="mailto:k.thew@whiddon.com.au">k.thew@whiddon.com.au</a>  <a href="mailto:hello@whiddon.com.au">hello@whiddon.com.au</a></p> <p>You can request assistance with making your complaint from the Residents Committee or the 3<sup>rd</sup> party advocacy services listed on page 7 if you require.</p> <p><i>(Anonymous complaints will be accepted but acknowledgement and</i></p>
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	<i>action may be limited if the complainant cannot be identified).</i>
Step 2:	Once received, your complaint will be recorded. We will send written acknowledgment of your complaint within two working days, although generally the Village Manager or ARP Director will attempt to contact you within one working day to discuss the issue and collect any additional information required.
Step 3:	Your complaint will be investigated by the Village Manager, ARP Director or a delegated complaints officer within a reasonable timeframe, given the nature and complexity of the complaint. If we require any additional information or clarification relating to your complaint, we will contact you. Your complaint will be treated respectfully and all personal information will be handled in accordance with our Privacy Policy and the Privacy Act.
Step 4:	We will generally respond to your complaint with an answer or resolution within 7 working days, up to a maximum of 21 working days for more complex complaints. If the issue is taking some time to resolve and we do not expect to have a resolution within 7 working days, you will receive information on the progress. You can also contact us at any time for an update.
Step 5:	If you are not satisfied with the outcome of your complaint or our response, there are a number of avenues to pursue in order to further escalate and resolve your dispute – please refer to the dispute resolution process (next page). If you are satisfied with the resolution the complaints process is closed.
Step 7:	The Village Manager or ARP Director will introduce, where necessary, any procedural changes, disciplinary action, training or other measure that may be required as a result of the complaint.

## ABOUT THE INTERNAL DISPUTE RESOLUTION PROCESS

From time to time, internal disputes or disagreements may arise. It is always desirable that such disputes be resolved as quickly and as amicably as possible,

<b>What is an internal dispute?</b>	A dispute may arise from one of the following: <ul style="list-style-type: none"> <li>• A complaint from a resident to the village operator which has not been resolved to the resident's satisfaction;</li> <li>• or</li> <li>• A disagreement between two or more residents.</li> </ul>
<b>How can disputes be resolved?</b>	Disputes can be resolved a number of ways, including: <ul style="list-style-type: none"> <li>• Via mediation with NSW Fair Trading or a third party;</li> </ul>

	<ul style="list-style-type: none"> <li>• Lodging a complaint with NSW Fair Trading who can investigate potential breaches of compliance, intervene or act on your behalf in informally negotiating minor disputes; or</li> <li>• Applying to the NSW Civil and Administration Tribunal (the Tribunal) to escalate and resolve a dispute.</li> </ul>
<p><b>What does mediation involve?</b></p>	<p>NSW Fair Trading offer a free onsite mediation service, which is an informal negotiation with a neutral, qualified mediator to help find options that may address all parties concerns.</p> <p>When an agreement is reached, the mediator can help draft a written agreement.</p>
<p><b>What matters can the Tribunal consider?</b></p>	<p>If the issue can't be resolved by mediation, an application can be made to the NSW Civil and Administrative Tribunal (the Tribunal).</p> <p>The Tribunal can make enforceable orders to resolve a dispute whereas NSW Fair Trading cannot.</p> <p>The types of orders that the Tribunal can make include certain orders about:</p> <ul style="list-style-type: none"> <li>• village contracts</li> <li>• village rules</li> <li>• capital maintenance and replacement</li> <li>• recurrent charges</li> <li>• annual budgets and accounts</li> <li>• payment of money and compensation</li> <li>• termination and vacant possession</li> <li>• security and safety</li> <li>• sale or letting of premises.</li> </ul> <p>For more information on the Tribunal or retirement village orders, visit <a href="http://www.ncat.nsw.gov.au">www.ncat.nsw.gov.au</a></p>
<p><b>What mediation is available for disputes between residents?</b></p>	<p>Disputes between residents could be mediated with help from:</p> <ul style="list-style-type: none"> <li>• Australian Retirement Partners (village operations provider);</li> <li>• The Resident Committee; or</li> <li>• A Community Justice Centre</li> </ul> <p>Web: <a href="https://www.cjc.justice.nsw.gov.au">https://www.cjc.justice.nsw.gov.au</a>  Email: <a href="mailto:cjc@justice.nsw.gov.au">cjc@justice.nsw.gov.au</a></p>

<p><b>What third party help is available?</b></p>	<p>Residents may also reach out to retirement village specialist advocacy services, such as the SRS, and lawyers who can provide legal advice. Some useful contact details are provided below:</p> <p><b>LawAccess NSW</b>  Provides free legal information and advice in NSW.  Tel: 1300 888 529 TTY: 1300 889 529  <a href="http://www.lawaccess.nsw.gov.au">www.lawaccess.nsw.gov.au</a></p> <p><b>Seniors Rights Service (SRS)</b>  A community legal centre that provides advocacy, legal advice and education to older people in NSW.  Tel: 9281 3600 or 1800 424 079 (outside Sydney)  <a href="http://www.seniorsrightsservice.org.au">www.seniorsrightsservice.org.au</a></p>
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## DISPUTE RESOLUTION PROCESS – The Steps to Resolving a Dispute

<p>Step 1:</p>	<p>Often the quickest and easiest way to solve a problem between you and the Whiddon Retirement Village or between you and another resident is to discuss the problem in person with Village Manager or the other resident.</p> <p>It helps to discuss your concerns and explain the issues with the other party. Let the other party express their concerns and position and try to come a mutual agreement.</p>
<p>Step 2:</p>	<p>If mutual agreement does not occur following Step 1, disputes between residents and unresolved complaints concerning village management may initially be referred to the Director of Australian Retirement Partners (ARP),</p> <p>Laurelle Lawson  200 Victoria Road, Drummoyne NSW 2047  PO Box 613, Round Corner NSW 2158  m: 0412 411 325  p: 02 410 8844  <a href="mailto:laurelle@arpr.com.au">laurelle@arpr.com.au</a></p> <p>The ARP Director can review the details of the dispute and may be able to assist with resolving the issue to your satisfaction or mediating a disagreement between residents.</p>
<p>Step 3:</p>	<p>If the matter is still unresolved, you have the option of using the NSW Fair Trading retirement village complaint service.</p> <p>Both residents and Whiddon can lodge complaints with NSW Fair Trading, who will act as an informal negotiator for minor disputes. There is no fee</p>

	<p>for this service.</p> <p>NSW Fair Trading may recommend mediation, provide dispute resolution assistance or refer you to the NSW Civil and Administration Tribunal for more complex matters.</p> <p>You can contact NSW Fair Trading about a complaint via:</p> <p>Phone: 13 32 20  Website: <a href="http://www.fairtrading.nsw.gov.au">www.fairtrading.nsw.gov.au</a>  TTY for hearing impaired: 1300 723 404</p>
Step 4:	<p>If the issue can't be resolved by mediation or through the NSW Fair Trading retirement village complaint service, you can lodge an application with the NSW Civil and Administration Tribunal (the Tribunal).</p> <p>The Tribunal is an independent decision-making body, which hears and decides on applications for orders from both residents and village operators.</p> <p>Application forms are available from any Service NSW Centre or any Tribunal Registry office. Applications can be lodged in person, by post or online at <a href="http://www.ncat.nsw.gov.au">www.ncat.nsw.gov.au</a></p> <p>Please note that an application fee applies, however a reduced fee applies for pensioners and NSW Senior Card holders.</p> <p>Please note that time limits for making an application to the Tribunal may apply.</p>

## RECORD KEEPING

The Village Manager is responsible for keeping a record of the following information about complaints and internal disputes for at least 5 years:

- 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;
- 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 on the complaint or internal dispute, and the date the action was taken;
- Whether the complaint or internal dispute was resolved, withdrawn, referred or escalated or another outcome was achieved; and
- The number of complaints and internal disputes handled each calendar year.

### Document Control

<b>Title</b>	<i>Supporting a Restraint Free Environment Residential Care Guide</i>
<b>Document Number</b>	NA
<b>Version</b>	1.1
<b>Effective Date</b>	Dec 2019
<b>Review Date</b>	Dec 2019
<b>Initiating service area</b>	ILU Management
<b>Release Authority</b>	ILU Management

### Document Review

11/12/2019	ARP provide draft for review	1.0	
18/12/2019	KT Reviews and updates drafts and distributes on internal sharepoint M&C to receive link to publish on website RAC contacted at each site to distribute on ILU notice boards	1.1	

**Whiddon**



# Retirement Village Elder Abuse Policy and Procedure

## Document Control

<b>Title</b>	RV Elder Abuse Policy and Procedure
<b>Document Number</b>	
<b>Version</b>	1.0
<b>Effective Date</b>	August 2019
<b>Review Date</b>	August 2019
<b>Initiating service area</b>	RV
<b>Release Authority</b>	Bus Development & Solns Mgr

## Document Review

<b>Date</b>	<b>Description of review</b>	<b>Initiated by</b>	<b>Version</b>
06/08/2019	Review ARP Draft with amendments	KT	1.0
22/08/2019	Adjustments with Feedback from CC Representative AJ	KT	1.1
17/09/2019	Review and Edits and final approval from GM Clinical Governance EG	KT	1.2

# Retirement Village Elder Abuse Policy

## Policy Statement

Elder Abuse or ill treatment of residents is unacceptable and will not be tolerated under any circumstances. Whiddon will take all appropriate actions to safeguard residents from ill treatment or abuse for the duration of their residence.

## Application of Policy

This policy applies to all employees, contractors and volunteers of Whiddon.

## Definition

Elder Abuse is the single or repeated act of harm, or lack of appropriate action, causing wilful or unintentional harm to a person by another person within any relationship, where there is an expectation of trust. **Abuse is a serious crime and contravenes basic human rights.**

## Risk Factors

Abuse can happen to anyone. However, there are a number of known factors that may increase a person's vulnerability to abuse including:

- Social isolation;
- Cognitive decline or impairment;
- Having multiple chronic comorbidities, in particular depression and dementia;
- Reliance on others for care;
- A history of trauma;
- Being female
- Poor financial literacy
- A history of family conflict or domestic violence; and
- Language and cultural barriers.

The complex and often dynamic environment in which abuse occurs, including interplay of individual, interpersonal, community and social factors, make it difficult to identify and determine all factors associated with the abuse of older people. There is no single type of older person who is at risk, and no single type of person who may cause harm.

## Forms of Elder Abuse

### Psychological (Emotional) Abuse

Behaviour that causes mental or emotional suffering, isolation, fear of violence, deprivation and feelings of shame and powerlessness. Examples include demeaning, name-calling, treating the resident as if they were a child and / or insulting, frightening, humiliating, intimidating, threatening or isolating them.

### Physical Abuse

The infliction of physical pain, injury or force including sexual assault. Examples include physical acts such as hitting, slapping, punching, pushing, burning, restraint, and misuse of medications. Physical indicators may include bruising, lacerations, abrasions, burns, sprains, dislocations, fractures, hair loss and pressure injury.

### **Sexual Abuse**

A range of sexual acts where the victim's informed consent has not been obtained, where the person does not have the mental or physical capacity to provide consent, or where consent has been obtained through coercion or deceit. Sexual abuse may also include inappropriate touching that causes a person to feel violated or distressed. Indicators of sexual abuse may include trauma to the genital area, rectum or mouth, the presence of sexually transmitted infections, human bite marks, and anxiety around the perpetrator.

### **Financial Abuse**

The illegal or improper use of a resident's property, finances and other assets without the informed consent of that person. This includes misuse of power of attorney, forcing or coercing an older person to change their will, unexplained disappearance of possessions, and lack of funds for food, clothing or other essential means of living.

### **Neglect**

The failure to provide or allow others to provide an older person with the basic necessities of life, including inadequate food, shelter, clothing, medical, personal care or dental care. Neglect may also involve the refusal to permit others to provide appropriate care of the older person. Indicators of neglect may include dehydration, malnutrition, poor skin integrity, inappropriate clothing, poor hygiene, unkempt appearance, and/or absence of required aids.

### **Social abuse**

Including preventing an older person from having social contact with friends or family or access to social activities. It includes restricting support from friends and family members, restricting telephone use, screening calls, preventing the older person from socialising or meeting with neighbours and leading the older person to believe erroneously that their friends or family are interfering.

## **Reporting of Elder Abuse**

All Whiddon team members, volunteers and contract partners acting on behalf of Whiddon have a duty and responsibility to take reasonable care to prevent a resident from being abused. It is important that all Whiddon team members consider consent, capacity, confidentiality, and reporting obligations when determining the appropriate response and support for older people who are being abused.

The internal reporting of any acts of abuse is compulsory, whereby the following procedure must be followed:

#### **Team members must:**

- 1. Immediately inform their manager of abuse** or suspicion of abuse and in consultation with the manager, should the behaviour be deemed as elder abuse contact the **NSW Elder Abuse Helpline and Resource Unit (EAHRU) for advice on 1800 628 221**  
[www.elderabusehelpline.com.au](http://www.elderabusehelpline.com.au).

This organisation will provide best practice support, referral, and notify the police in a timely manner ( within 24 hours)

Reportable Assaults can include:

- The abusive situation results in personal injury being inflicted on a victim; and/or
- The perpetrator is carrying a weapon, such as a knife or gun, and is behaving in a manner that is threatening and likely to cause harm or reasonable fear to a person.

2. All suspected or witnessed cases of abuse must then also be immediately reported to the ARP Director, Laurelle Lawson on 0412 411 325. Laurelle will implement the counsel received from the Elder Abuse Helpline and Resource Unit, and will conduct further assessment of the situation, in consultation with the reporting team members the resident and / or their support representative (providing they are not the suspected abuser and the resident has given permission to contact such a person).
3. In reporting, team members must lodge an incident report within eQstats, including the provision of a factual account of their concerns recording the specific words the resident used, and details such as who was present, the date and time of the abuse, what actions were observed and/or heard.

The interest, safety and protection of the resident victim will take precedent over those of the victim's family or other members of the community.

The resident will be encouraged to make their decisions based on information about all relevant intervention options available to them to address the situation of abuse.

Incidents involving physical and or sexual assault, theft or fraud are criminal offences and the Village Team members must ensure that all residents understand the seriousness of these crimes and of the need to protect the rights of residents.

Appropriate support and assistance from both team members resources and external agencies will be provided to residents who have experienced abuse. This may include intervention by the police, advocacy agencies, the Elder Abuse Hotline, counselling organisations, the guardianship tribunal and other relevant bodies during investigations into alleged client abuse.

The right of the resident to nominate an advocate to represent their interests in any abuse assessment or intervention shall be respected. In the instance where a resident may have diminished capacity and has no nominated substitute decision maker it may be prudent to seek guardianship with the Public Trustees and Guardian.

Failure of team members to respond to suspected or witnessed resident abuse will be considered negligence and legal liability and employee dismissal may apply if injury or damage is caused by this negligence.

Team members will receive information on the identification and management of resident elder abuse situations as part of ongoing training and education.

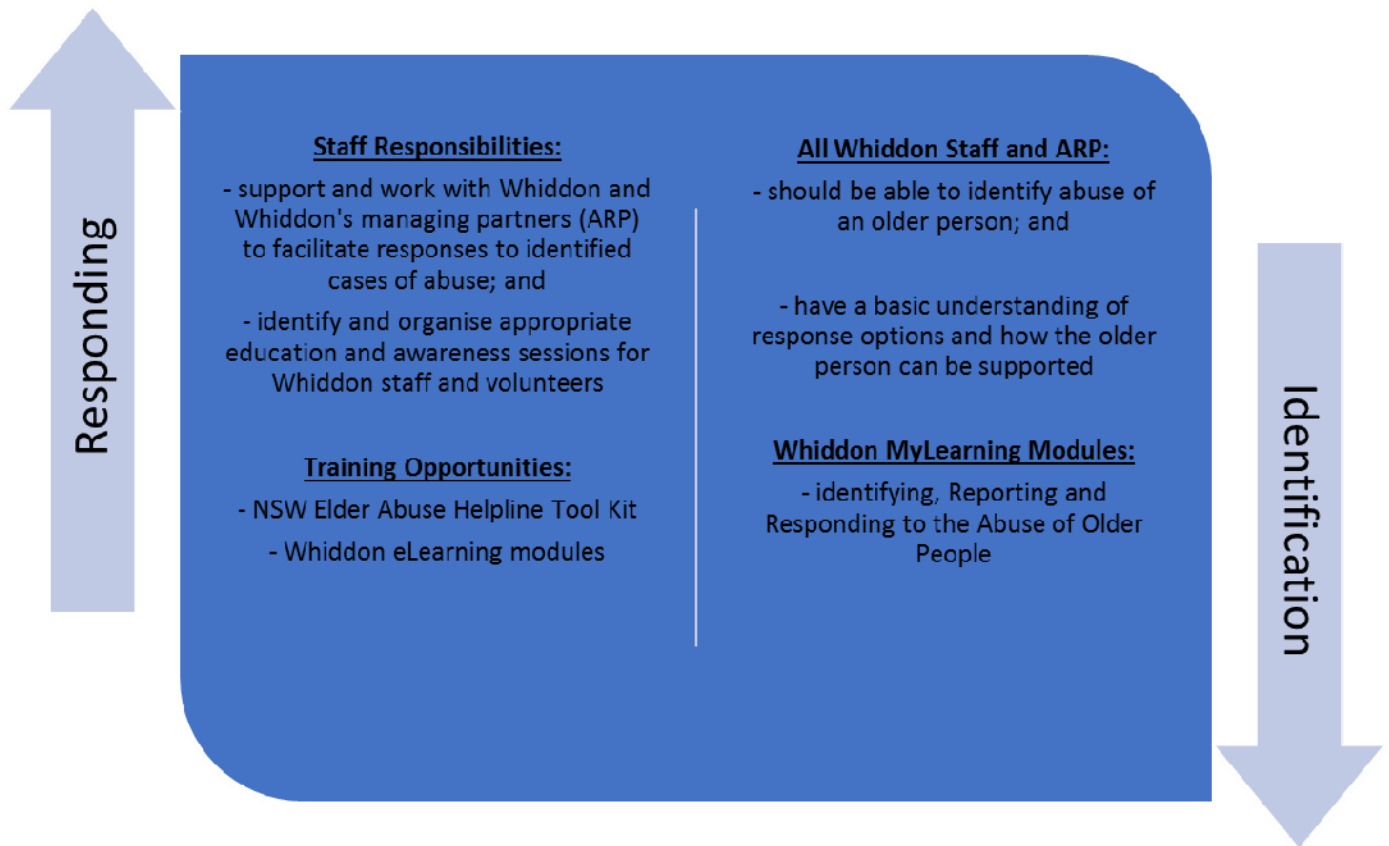
See Appendix A for flow chart of elder abuse response process.

## Legislation and Resources

Legislation listed is not exhaustive and Acts and Amendments are as legislated on the day this policy was authorised.

- Retirement Villages Act 1999 (NSW)
- Retirement Villages Amendment (Rules of Conduct for Operators) Regulation 2019 [NSW]
- Schedule 1 Amendment of Retirement Villages Regulation 2017
- NSW Elder Abuse Toolkit: <http://www.elderabusehelpline.com.au/for-professionals/EAHRU-toolkit>
- Whiddon Elder Abuse Strategy

Appendix A: Flow chart reporting responsibilities

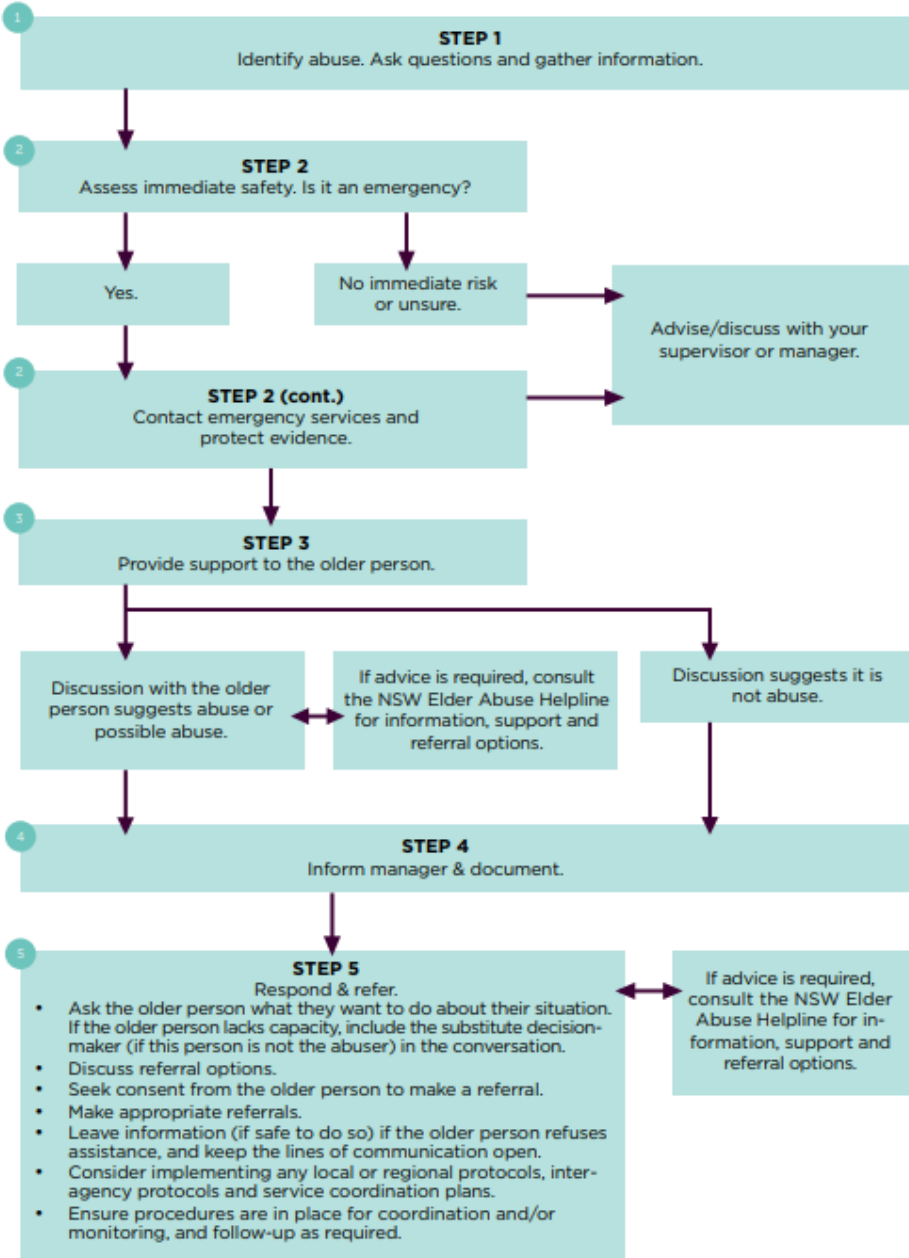


Appendix B:

Step 5 Tools: Respond & Refer



**Tool 5.1: Flow chart: responding to the abuse of older people**



Flow chart responding to the abuse of older people: Tool 5.1 Elder Abuse: <http://www.elderabusehelpline.com.au/for-professionals/EAHRU-toolkit>