

18 July 2022

Deborah Glass  
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Melbourne Vic 300

Via Email: [helen.hone@ombudsman.vic.gov.au](mailto:helen.hone@ombudsman.vic.gov.au)

Dear Ms Glass

We welcome the release of your report titled Investigation into Complaint Handling in the Victorian Social Housing Sector, and appreciate the opportunities for feedback and consultation that your team provided throughout the investigation.

The Community Housing Industry Association Victoria (CHIA Vic) is the peak body for the Victorian community housing sector and supports the growth of not-for-profit housing as the most effective way to ensure Victorians priced out of the private rental market can afford a place to call home.

We have responded to the recommendations of the report that relate directly to our sector below (see Appendix 1).

Yours sincerely,



Sarah Toohey  
CEO

## Appendix 1: CHIA Vic's Responses to Selected Recommendations

Recommendation	CHIA Vic's Response
<p>Recommendation 7: that the Housing Registrar develop Best Practice Guidelines for Complaint Handling for current and future community housing providers.</p>	<p>We support the development of best practice complaint handling guidelines and have agreed to working in partnership with the Housing Registrar on this.</p>
<p>Recommendation 8: that the Housing Registrar strengthen Performance Standards by identifying and incorporating further principles of good complaint management.</p>	<p>We note that existing Performance Standards include requirements for CHOs to have dispute resolution procedures in place that are easily accessible, and that complaints and appeals must be promptly and fairly managed. There are also reporting requirements along with requirements to continually review and improve processes.</p> <p>We support a review of performance standards to ensure that they reflect best practice principles. The approach to reviewing these standards has been a focus of the Social Housing Regulatory Review and the Ombudsman's recommendation should be considered alongside the final regulatory review report, once it is released.</p> <p>In their Interim Report, the Social Housing Regulatory Review Panel has recommended applying a uniform set of service delivery standards to public and community housing, combining best practice elements from both sectors.</p> <p>We support this recommended approach to setting shared performance standards across public and community housing. This position is based on our understanding of performance standards as they currently exist within the Victorian regulatory system. That is, as broad operating rules that require providers to have policies and practices in place to protect investment, provide quality and effective services, remain financially viable and are competently managed and ethically governed.</p>
<p>Recommendation 9: that the Housing Registrar Develop a model complaint policy.</p>	<p>Each CHO has their own complaint policy which is open to all their renters and others affected by their decisions. CHIA Vic has developed a template policy which we will work in partnership with the Housing Registrar on reviewing, updating and improving.</p> <p>While there are many commonalities of existing complaints handling approaches and there may be opportunities for further alignment, it should be noted that there are differences in organisational size, target cohorts, programs, staffing structures and service delivery approaches. As a result of these differences, there will not be a single policy that meets the needs of all renters.</p>
<p>Recommendation 10: that the Housing Registrar identify options for additional analysis and the public reporting of complaints as part of the monitoring and reporting</p>	<p>Complaints are already systematically recorded and analysed at an organisation and sector level with themes and trends used to ensure accountability and support continuous improvement.</p>

Recommendation	CHIA Vic's Response
framework.	We are supportive of the continual review and improvement of how complaint data is managed, reported, and utilised to drive service improvements.
Recommendation 11: That the Victorian Government in consultation with the Victorian Public Tenants Association, other Victorian housing advocacy bodies and relevant community legal centres, provide funding to ensure advocacy services are available to public and community housing renters at all stages of the complaint process.	As outlined in our submissions to the Social Housing Regulatory Review, we fully support the creation of a representation and advocacy organisation for all social housing renters.
Recommendation 12: That the Victorian Government in order to avoid doubt, amend Schedule 1 to the Ombudsman Act 1973 (Vic) to include community housing organisations as 'specified entities' subject to the Ombudsman's jurisdiction.	<p>CHIA Vic has supported the Social Housing Regulatory Review's recommendation to create an independent complaints management body for social housing renters but does not currently hold a view on where this body should sit within government.</p> <p>We understand that these are issues that will be analysed and discussed in the Social Housing Review Panel's final report alongside a broader range of system reform recommendations. We look forward to considering these questions and issues further following the release of that report.</p> <p>We believe it is appropriate to consider this recommendation to amend the Ombudsman's Act alongside that report to ensure that any changes give renters a clear avenue for escalation and redress.</p>
Recommendation 13: That the Victorian Government Amend the Charter of Human Rights and Responsibilities Act 2006 (Vic) to apply to all community housing organisations.	<p>CHOs have existing obligations under the Charter and the sector holds a strong commitment to upholding and protecting human rights.</p> <p>While we agree with the need to clarify the role of the Charter in social housing decision making, changes in this area should be targeted at improving clarity and developing a shared understanding. Simply amending the legislation to reflect the existing common law position is unlikely to achieve this.</p> <p>What is needed instead are tools and training to assist continual improvement in weighing up competing interests and taking the most appropriate action.</p> <p>CHIA Vic is leading a project to review the range of current approaches to human rights assessment processes and develop tools and training to support best practice and we look forward to sharing the outcomes of this work.</p>
Recommendation 14: That the Victorian Government Consider including a right to housing in the <i>Charter of Human Rights and Responsibilities Act 2006 (Vic)</i> to give effect to the Government's acceptance of Recommendation 52 of the 2015 Access to Justice Review.	We believe all Victorians should have access to a safe, affordable and appropriate home and are supportive of including a right to housing in the Charter of Human Rights and Responsibilities Act 2006 (Vic).

Recommendation	CHIA Vic's Response
<p>Recommendation 15: That the Victorian Government Amend the Freedom of Information Act 1982 (Vic) to cover community housing organisations.</p>	<p>Australian privacy law already gives all renters a right to access the information held about them by their rental provider. CHOs have privacy policies in place that guide renters on how to gain access to any personal information that they wish to receive. Additionally, CHOs make copies of all tenancy management policies available to their renters in line with regulatory requirements.</p> <p>The FOI Act provides a wider range of data sharing and administrative obligations designed to allow all members of the community a right of access to information held by government bodies. This allows increased scrutiny and review of government activities and promotes government accountability and transparency by providing a legal framework for members of the public to request access to a wide range of government documents. This is not a system designed for charities that are not government bodies and are not resourced to meet the requirements of the FOI framework.</p> <p>Extending this framework to CHOs would create significant administrative burden and divert the resources of these charities away from the delivery of critical services in order to fulfil timely administrative processes.</p> <p>If government considers adoption of this recommendation, we recommend that a costs/benefits analysis of the proposed change is undertaken to ensure any changes in this area are beneficial to renters.</p>