

**Investigation into complaint handling in the Victorian
social housing sector**

July 2022

**Ordered to be published
Victorian government printer
Session 2018-22
P.P. No. 355**

Accessibility

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The Victorian Ombudsman pays respect to First Nations custodians of Country throughout Victoria. This respect is extended to their Elders past, present and emerging. We acknowledge their sovereignty was never ceded.

Letter to the Legislative Council and the Legislative Assembly

To

The Honourable the President of the Legislative Council

and

The Honourable the Speaker of the Legislative Assembly

Pursuant to sections 25 and 25AA of the *Ombudsman Act 1973* (Vic), I present to Parliament my *Investigation into complaint handling in the Victorian social housing sector*.

A handwritten signature in black ink, appearing to read 'Deborah Glass', written in a cursive style.

Deborah Glass OBE

Ombudsman

7 July 2022

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Foreword

“ ... I didn't hear anything. I didn't get any response ... So if I didn't know what to do, it would've been a disaster ... ”

– Public housing renter

Safe and secure housing matters to people, and the social housing complaint system is not working. In fact, it has not worked for years. This was the clear message I received in 2021, direct from the public, at an event between COVID-19 lockdowns. It confirmed what we knew from data – that complaints to my office about public and community housing have increased over the past five years, and that poor complaint handling was the most common issue raised.

The issues

Regularly and repeatedly, renters in public housing reported a broken complaint system. Renters told us they were given the run-around by too many people, all too busy to fix the problem. They told us about delays or an apparent unwillingness to do anything. Often they reached the point where they felt their health and safety were at risk.

We were told of properties in dire need of repairs and woefully under-staffed local housing offices. People worried about the lack of maintenance making properties unsafe, and dangerous neighbours not being dealt with, but most commonly, that nothing happened when they tried to complain.

For example, Hannah raised multiple urgent maintenance issues. Without electricity in her laundry or kitchen she was cooking in the living room with an electric frying pan. Child Protection became involved because her children were missing school, partly because Hannah was unable to wash their clothing. Despite complaints, nothing happened until her daughter was electrocuted.

We also know from advocates and others that our numbers do not tell the whole story. Some renters are reluctant to complain, fearing reprisal. Others are unaware of their right to dispute official action or inaction.

While considering the systemic nature of these complaints we were also mindful of the impact of the Government's 'Big Housing Build'. This \$5.3 billion investment in social and affordable housing is welcomed in a state where the percentage of social housing is lower than the national average.

Much investment will go to community housing, run by not-for-profit organisations with financial support from governments, rather than State-owned public housing. But various renters and advocates have told us the complaint mechanisms available to community housing renters are inferior to those in public housing, which is concerning.

While my office receives far fewer complaints about community housing, that is partly due to uncertainty about our jurisdiction to deal with them.

These issues are why I launched an investigation into social housing complaint systems, and whether the processes for public and community renters are effective, fair and sufficiently renter-focused.

We engaged widely with renters, legal and advocacy groups, and the responsible agencies. All were generous with their time and opinions, and I thank them for their thoughtful and constructive feedback.

Our conclusion that the systems are complex, confusing, under-resourced, and in many places, ineffective and inconsistent, will surprise no-one. While there is dissatisfaction in public housing, renters appear to be more confident their complaint will eventually be dealt with. The landscape for community housing renters is a 'patchwork' where experiences vary greatly depending on individual housing providers.

Inevitably with social housing, the most vulnerable in our communities are the most affected, and some of them are also among those least likely to complain.

Much necessary work is either proposed or underway to address the problems of maintenance in ageing housing and historic underinvestment. Successfully addressing maintenance issues should significantly reduce complaints. The Aboriginal Housing and Homelessness Framework provides a road map for First Nations renters, and I welcome the further investment announced for Aboriginal housing.

Change cannot come soon enough for many renters. Despite the dedication of many sector workers, renter frustration, and sometimes desperation, has mounted for years.

A better system

I propose in this report a single two-tiered system for all social housing complaints, based on the principle of 'local resolution, central escalation'.

In Tier 1, frontline housing staff would continue to deal with complaints. But these staff would be better resourced and have more support and training. Internal processes for unresolved complaints would be streamlined.

Tier 2 would be a single external escalation point for all unresolved housing grievances to a proposed new Social Housing Ombudsman. The Victorian Civil and Administrative Tribunal's role would be unchanged, but by the early resolution of complaints, the new Ombudsman should significantly reduce VCAT's tenancy load. Advocates would play a critical role in assisting renters and housing officers through both tiers.

An independent Social Housing Ombudsman is widely regarded as the ultimate solution by many advocacy groups, and whether such a body should exist as a standalone entity is a matter for the Government.

In the absence of policy and financial commitments to create one, a specialist Social Housing Ombudsman function could be established quickly and efficiently within the Victorian Ombudsman's office. My office is already the Ombudsman for public housing, and has the infrastructure and expertise needed in complaint handling, conciliation, dispute resolution and investigation.

This report also reflects on how we need to handle complaints differently to build public confidence. For example, our officers would connect renters directly with the body best placed to resolve their complaint.

Other changes are also necessary for this plan to work – funding for housing complaints handlers, both inside and outside my office, and legislation to confirm the Ombudsman's jurisdiction over community housing providers. Providers should be subject to Victoria's Charter of Human Rights Act and the Government should consider including in that Act a right to housing.

The Victorian Government is making a substantial and vital capital investment in social housing, but its impact will be years in the making. A tiny percentage of it, if spent now to better support frontline staff and upgrade complaint systems, would vastly improve renter experiences far sooner, and lead to real, long-overdue improvements in tenancy management services and renter satisfaction. I encourage the Government to commit to these sorely needed changes.

While the resolution of individual complaints may not solve the underlying problems, complaints are free feedback, which can lead to systemic improvements. Investing in good complaint handling would reap huge rewards, for renters, social housing providers and the Government alike.

Deborah Glass
Ombudsman

Background

“ You know what the really sad thing is, we all need housing. We’re all kind of vulnerable. And when you’re a tenant, you need the shower fixed or something pretty basic ... it is so bureaucratic and so inefficient they can’t solve anything. ”

“ [The complaint process is] convoluted, unhelpful and non-responsive. ”

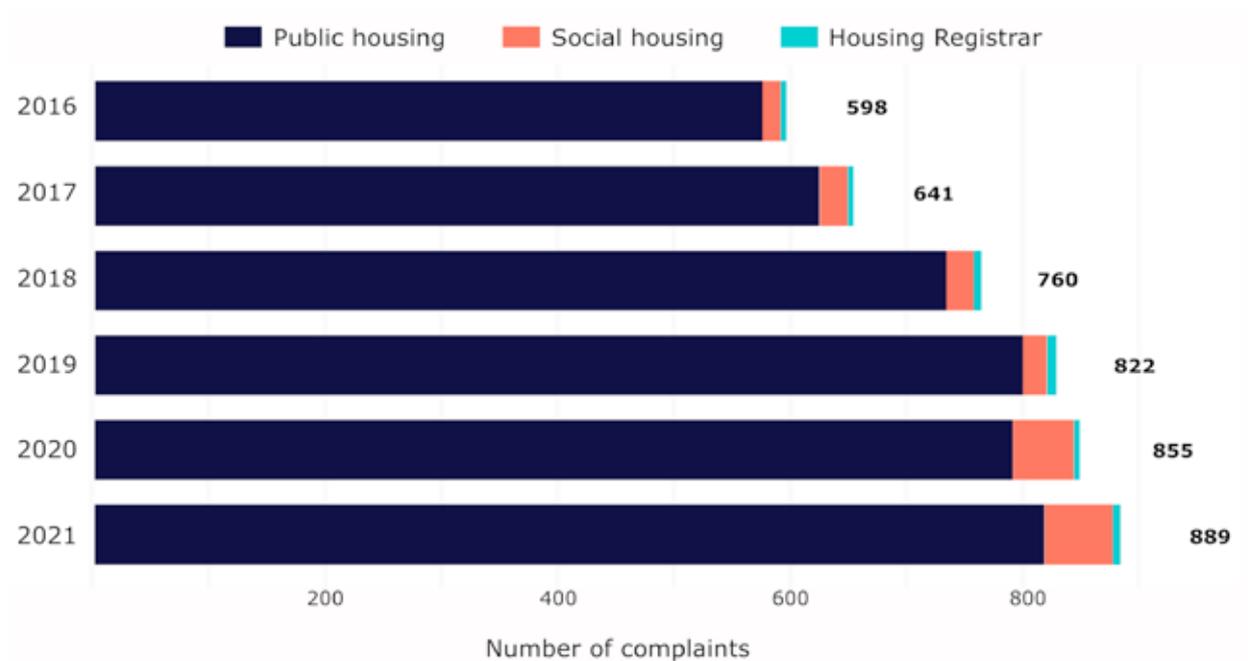
“ I am not going to lodge any more complaints with [the Department]. I am not wasting any more of my time. My mum does not have the luxury of time. ”

– Social housing renters

Why we investigated

1. Social housing in Victoria includes public housing and community housing.
2. Public housing is operated by Homes Victoria which is an entity of the Department of Families, Fairness and Housing (‘the Department’) and falls within the jurisdiction of the Ombudsman. Homes Victoria provides limited public housing for people on low incomes and has a complaint function. Homes Victoria also has an overall stewardship role managing Victoria’s social housing including public, community and affordable housing.
3. Community housing is operated by not-for-profit organisations with funding and support from the State and Commonwealth Governments. The Office of the Housing Registrar is created under the *Housing Act 1983* (Vic), and sits within the Department of Treasury and Finance. The Ombudsman can consider complaints about the Housing Registrar. The Housing Registrar is primarily responsible for registering and regulating community housing providers and has a limited complaint function to investigate renter complaints not resolved by community housing providers within 30 days.
4. Between 1 January 2016 and 31 December 2021, the Victorian Ombudsman received 4,565 social housing complaints. Most related to public housing, with community housing organisations drawing 181 complaints, and the Housing Registrar 30.
5. Significantly, complaint handling was the most commonly raised issue with the Ombudsman across all social housing complaints. Renters also frequently contacted our office about services delivered or not delivered by housing providers, and maintenance issues.
6. As shown in Figure 1, complaints about public and community housing have increased over the past five years.
7. These complaint numbers may not fully capture renter discontent. Some renters are reluctant to complain, fearing they might lose their homes or face other reprisals. Others are unaware of their right to dispute decisions.
8. As at June 2021, according to the Department, there were 85,969 social housing dwellings in Victoria, of which 64,209 were public housing, 19,751 community housing, and 2,009 Aboriginal community housing.

Figure 1: Social housing complaints to the Ombudsman 2016-21



Source: Victorian Ombudsman

9. The Department advised that as at 10 May 2022 there were 112,795 people living in public housing. This is almost 80 per cent of social housing renters.
10. The Housing Registrar collects information about the number of community housing units and tenancies, but not renters. There are about 1.8 renters per household in public housing. Applying the same formula to community housing, there would be about 35,500 renters in community housing. This is slightly more than 20 per cent of social housing renters.
11. One reason the Ombudsman receives far fewer community housing complaints than public housing complaints may be the uncertainty about the office’s jurisdiction. This is discussed in detail later in this report. Since 2016, 21 of the 30 complaints to the Ombudsman about the Housing Registrar were about how it handled complaints.
12. The higher ratio of workers to renters in the community housing sector may also explain the lower complaint numbers. The peak body, the Community Housing Industry Association Victoria (‘CHIA Vic’), said community housing organisations had a ratio of about one tenancy worker per 120 properties. The ratio in public housing was closer to one per 300. More workers per property likely results in more complaints resolved locally without escalation.

One reason the Ombudsman receives far fewer community housing complaints than public housing complaints may be the uncertainty about the office’s jurisdiction.

13. One small community housing provider told investigators each of its managers was responsible for 50 to 60 properties. They said managers were relationship-focused and knew residents well. This meant they were usually able to resolve complaints quickly, addressing valid complaints and clarifying misunderstandings.

14. Surveys conducted by community housing organisations for the Housing Registrar suggest high levels of service satisfaction among their renters.

15. Despite this, various community housing renters expressed dissatisfaction to this investigation about their complaint systems:

It always felt like a bit of a run around but eventually I would be given a name and I would contact that person.

Everything was incredibly slow.

It felt like I had to be on the case constantly otherwise nothing would happen ... that seemed to be happening every time I complained about anything.

16. The Ombudsman heard stories from public housing renters and members of the public whose complaints went unresolved, even after contacting the Department:

I just feel like they don't take me serious so that's why I've always got to go to the complaints or go higher because I feel like I am not being heard.

I think that the process they utilise is for you to get so frustrated you give up on trying to make contact and chase the issue and to follow it through.

17. During a 2021 Law Week event, public housing renters and their advocates approached the Ombudsman to again voice their concerns about living in public housing and dealing with the Department:

Many properties are now in dire need of various repairs – carpentry, plumbing etcetera, re-painting and new flooring.

The list of neglected maintenance also includes shower doors falling off, broken front fences and skylights that haven't been cleaned in the estate's entire history of 28 years.

[T]he Department's performance is consistently worsening over time. Along with their reluctance to upgrade estates and respond to delays in non-routine maintenance problems, local housing offices are under-staffed.

18. The Victorian Greens have also raised with the Ombudsman the poor condition of public housing stock and the difficulties renters face trying to resolve complaints with the Department. An adviser to Member for Prahran Sam Hibbins MP told the investigation the MP received over 20 complaints from public housing renters every month:

[W]e get people coming to us all the time because something is meant to have been done in their flat and they've been waiting for a month and haven't heard anything back. [P]robably 60 per cent of the work I do is assisting public housing tenants and liaising with the ... Department to actually get things, try and get things actioned.

'[P]robably 60 per cent of the work I do is assisting public housing tenants and liaising with the ... Department to actually get things, try and get things actioned.'

- adviser to Member for Prahran Sam Hibbins MP

19. In November 2020, the Victorian Government announced its 'Big Housing Build'. This \$5.3 billion investment in social and affordable housing aims to deliver more than 12,000 new dwellings across metropolitan and regional Victoria. The Government expects this will boost total social housing supply by 10 per cent. More than 75 per cent of the new stock delivered by the Big Housing Build will be community housing.

20. As part of the Big Housing Build, the Government commissioned an independent Social Housing Regulation Review ('the Review') to identify ways to support the long-term interests of social housing residents and communities.
21. The Review looked at key aspects of social housing regulation such as service delivery, governance, and financial management. It also examined the dispute resolution and complaint handling mechanisms available to social housing renters. The Review released an Interim Report ('the Interim Report') in December 2021. Its report is proposed to be finalised around mid-2022.
22. This investigation was conducted because of the Ombudsman's longstanding interest in social housing and to inform the Review. While it was conducted independently of the Review, given some overlap with the Review's work regarding social housing complaints, there was contact between offices.
23. Complaints to the Ombudsman and other evidence considered by this investigation echoed the Review's key interim findings, which included:
- barriers prevent some renters making a complaint, with some renters unable or unwilling to exercise their rights, or unaware of them
 - complaints and dispute resolution processes are complex and can be confusing
 - some examples of good practice exist, but there are opportunities to improve complaint and dispute resolution processes
 - neighbour disputes and maintenance complaints are key issues.
24. Dispute resolution and complaint handling in any social service should place the individual affected – in this case the renter – at the centre of decision making. For this reason, the investigation focused on renters' experiences of social housing complaint handling systems.
-
- Dispute resolution and complaint handling in any social service should place the individual affected – in this case the renter – at the centre of decision making.***
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25. Renter participation in complaint processes is captured throughout this report, including in some case studies. All names have been changed and some details removed to protect individual and agency privacy.

Terms of reference

26. On 2 February 2022, the Ombudsman publicly announced her decision to conduct an 'own motion' investigation under section 16A of the *Ombudsman Act 1973* (Vic) to examine, in relation to public and community housing:
- whether the two complaint handling processes for public and community renters respectively are effective, fair and equitable
 - whether the two complaint handling processes for public and community renters respectively are sufficiently renter-focused.

Social housing in Victoria

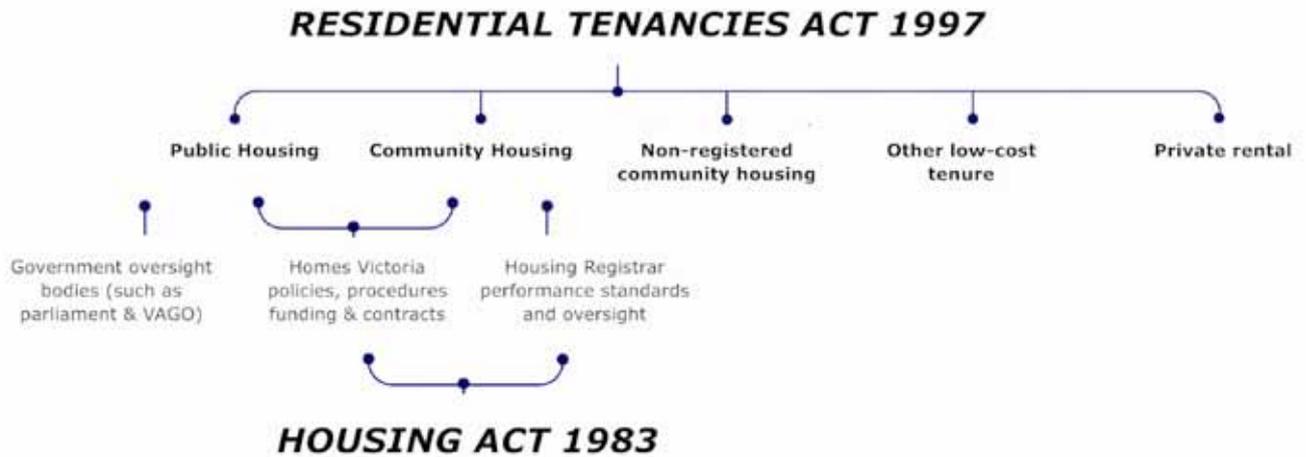
“ Safe and suitable housing is a basic human need without which Victorians cannot aspire to live stable productive lives, maintain or recover their physical and mental health, provide for themselves and their families and participate in their community. ”

“ Housing is more than just shelter; it is essential to the inherent dignity and well-being of the person. ”

- Social Housing Regulation Review, Interim Report

27. Social housing plays a critical role in Victoria's housing market, providing options for people unable to afford private rents and shielding them from homelessness.
28. Social housing is an overarching term covering both public and community housing. Generally, it means rental housing for people with low incomes where rent is set as a proportion of their income.
29. Public housing is long-term housing owned and run by the Victorian Government. Community housing is run by not-for-profit organisations, with financial support from the Commonwealth and State Governments. The community housing sector manages long-term and short-term housing, including transitional housing, crisis accommodation and rooming houses. Some community housing properties are owned by the Victorian Government.
30. 'Affordable housing' describes housing suitable for the needs of low-to-moderate-income households. References to affordable housing can include social housing.
31. For the purposes of this investigation, social housing means public housing managed by the Department and community housing managed by registered community housing organisations. This reflects the definition in the *Housing Act 1983* (Vic). It does not encompass 'affordable housing'.
32. Long-term social housing is allocated from the Victorian Housing Register. The Register replaced the former Public Housing Waiting List and is also used by registered community housing organisations. The Chief Executive Officer ('CEO') of Homes Victoria said people on the Housing Register are allocated to public and community housing based on priorities.
33. In March 2022, there were 55,097 people on the Register waiting for a property. There were also 9,207 people already in social housing on the Transfer List, wanting to move to a different property.
34. About 150,000 people live in social housing in Victoria. About 3 per cent of all Victorian housing is either public or community housing. This is lower than the average 4.2 per cent across Australia, and much lower than some international jurisdictions such as England (17 per cent), France (22 per cent) and Scotland (23 per cent).
35. Recent available figures show in 2019-20, 5,414 homes were allocated across both public and community housing, including new and transfer allocations. About three quarters of these were to public housing renters, in line with the relative numbers of homes in each sector.
36. When comparing the community and public housing systems, there are some significant differences.

Figure 2: Regulatory framework for rental housing



Source: *Social Housing in Victoria, Consultation Paper 2 – Service delivery and the tenant experience*, Social Housing Regulatory Review



A brief history of social housing in Victoria

The Housing Commission of Victoria was established in 1938, tasked with improving housing conditions and providing what was described in its first annual report as ‘adequate and suitable housing accommodation for persons of limited means’.

A 1945 Commonwealth–State Housing Agreement, which was a joint funding agreement, allowed the States to establish and operate public housing.

The 1970s and 1980s saw a shift in Australian housing policy away from directly providing housing, and a tightening of spending on public housing.

Since the early 1990s, national housing policy has focused on encouraging entry to the private housing market. The growth of government-owned and managed properties has stagnated, and not-for-profit community housing organisations are increasingly relied on to provide social housing.

Community housing organisations can access renters’ Commonwealth Rent Assistance funds, are exempt from stamp duty and Goods and Services Tax, and may privately raise finance, among other things.

Public housing

37. Almost 113,000 people live in public housing in slightly more than 64,000 homes across the state. Public housing is available to eligible people who are unemployed, on low incomes, live with disability or mental illness, or are at risk of homelessness.
38. The percentage of Victorians living in public housing has trended down over time. In the 1990s, up to 4 per cent of Victoria's housing was public. Latest Census data shows by 2017 this had fallen to 2.5 per cent.
39. Public housing in Victoria is owned and managed by Homes Victoria, established in 2020 to deliver the 'Big Housing Build'. It is an entity of the Department and acts as 'system steward' for both public and community housing renters.

'We get money from [renters] and provide a service.'

- CEO, Homes Victoria

40. In 2020-21, rent paid by public housing renters totalled \$477.5 million. The CEO of Homes Victoria said its work on tenancy management and routine maintenance is 'without fail funded by renters themselves'. He said: 'We get money from [renters] and provide a service.'

Community housing

41. Since the late 1970s, the community housing sector has developed alongside the public housing system. In the early 2000s, a policy shift emphasised the expansion of community housing.
42. While the community housing sector is growing rapidly, it is far smaller than the public housing sector.
43. Community housing is owned or managed (and in some cases both) by not-for-profit housing organisations. These differ in size and scale and are subject to different operating, financial and regulatory environments. Some community housing organisations specialise in providing housing to specific groups of people, whereas public housing deals with all sectors of the community.
44. Most, but not all, community housing organisations are registered with the Housing Registrar. While registration is voluntary, only registered organisations are eligible to receive government support and access the Victorian Housing Register.
45. The registered community housing sector is made up of registered housing associations and registered housing providers. The associations develop, own and manage rental properties while the providers primarily manage rental properties owned by other organisations. Some registered housing providers also offer other support services. At the time of writing, there were 10 housing associations and 32 housing providers in Victoria for community housing renters.
46. In this report, the collective term used to describe both registered housing associations and registered housing providers is 'community housing organisations'. The report uses the term 'rental provider' in place of the word 'landlord', reflecting the language of recent updates to rental laws.

Public funding of community housing organisations

47. In most cases, community housing organisations do not receive direct government subsidies to provide housing. They receive government support in the form of building grants, low-cost and long-term loans, and in some cases, transfers of housing properties. They are also entitled to the Commonwealth Rent Assistance supplements paid to some eligible community housing renters, a payment not available to public housing renters.
48. In 2019, more than 45 per cent of the community housing industry's funding came from the Victorian Government.
49. The impact that receiving public funding should have on the way the community housing sector is regulated is contentious. Given their status as individual not-for-profit organisations delivering services to those in need, some sector representatives expressed the view that increased responsibilities and further government intervention were not necessary or appropriate. Asked whether legislative protections that apply to public housing renters should also apply to community housing renters, a large community housing organisation said:

As this is about [the] relationship with the Government and the people it serves, and we are not government agencies, it feels like it is an overreach ... we are not a government department – this would blur the lines of our sovereignty unless it was very specific.
50. The CEO of Homes Victoria acknowledged the sector's independence and its view that it did not need a bureaucracy guiding its operations. He supported this, but also recognised the important role for government in ensuring appropriate regulation, value for money from government investment and quality outcomes for renters.
51. Because registered community housing organisations receive financial support from the State Government, they are subject to the authority of its regulator, the Housing Registrar. But the oversight roles of the Ombudsman and other public sector agencies are less clear.
52. While not operated by the State Government, registered community housing organisations receive public funding to perform functions of a public nature. They should be subject to the same standards and scrutiny from the Ombudsman and other agencies as the Department is for public housing.

Growth of the community housing sector

53. Sector growth has increased substantially since 2004 through new development and the transfer of public housing properties to community organisations. While the community sector has grown quickly, public housing growth has largely stagnated.
54. Australian Institute of Health and Welfare social housing data shows the number of community housing dwellings nationally increased by a third in the five years to 2019, partly due to the transfer of ownership or management of public housing dwellings to community housing organisations. In the same time, public housing dwellings decreased by almost six per cent.
55. In Victoria, public housing properties decreased by less than one per cent between 2014 and 2019, while community housing dwellings increased 17 per cent in the same five-year period, the Australian Institute of Health and Welfare data shows.

56. The growth of community housing seems set to continue. The Victorian Government's 2017 *Homes for Victorians* strategy included a significant investment in the sector. The strategy included giving low-cost loans and government guarantees to community housing associations to increase properties and transfer management of public housing properties to registered community housing providers. CHIA Vic said transfers of public housing properties had not yet occurred.
57. As part of the Big Housing Build, community housing organisations will have access to a Social Housing Growth Fund to develop 4,200 new homes and manage 4,000 more that will be built on government-owned land or purchased by the government.

Housing providers as social landlords

58. A social landlord is one with social responsibilities to its tenants. These are over and above the core tenancy and property management responsibilities of private landlords. Social landlords provide individual support and additional services for tenants who may be experiencing disadvantage, and to contribute to tenant wellbeing.
59. Social landlord frameworks also generally aim to avoid evictions of its renters into homelessness.
60. The Australian Housing and Urban Research Institute's 2020 report *Examining the role of social housing landlords* included state housing authorities and community housing organisations.
61. The social landlord framework in Victoria comprises responsibilities under:
- the *Residential Tenancies Act 1997* (Vic)
 - the *Housing Act 1983* (Vic)
 - the *Charter of Human Rights and Responsibilities Act 2006* (Vic) ('Charter of Rights Act')
 - associated regulations
 - departmental policies and procedures
 - Performance Standards, Performance Indicators and Evidence Guidelines administered by the Housing Registrar.
62. Victoria's public housing system caters for people with reduced income and assets. The allocation system prioritises Victorians experiencing homelessness or family violence, or with physical disabilities or other issues not specifically catered for in the private system.
63. The Department's January 2019 Public Housing Allocations Operational Guideline provides:
- The [CEO of Homes Victoria] is a social landlord. In making decisions on behalf of the [CEO], the department has obligations beyond just tenancy management and should contribute to [renter] wellbeing. This is done by setting rents at affordable levels, promoting [renter] wellbeing and participation, neighbourhood upkeep and community vitality.
- Further as a social landlord the [CEO] is to ensure that the department allocates tenancies in public housing while having regard to the relative housing needs of eligible applicants and by making client-focused decisions with regards to human rights.

64. The Department applies the social landlord definition and principles in the design and operation of tenancy management services and renter engagement. The Department's social landlord definition and principles document provides six guiding principles to public housing providers:

1. to provide timely and responsive services that incorporate fair, respectful and equitable management of tenancy and property services matters, including early intervention
2. to ensure transparency and fairness in decision making
3. to make best efforts to improve the wellbeing of renters
4. to provide safe and well-maintained housing for renters
5. to assist renters to build capacity to independently manage their tenancies
6. to create sustainable tenancies by connecting renters to local services and programs.

65. Registered community housing organisations are subject to Performance Standards which include requirements for 'tenant and housing services'. Among other things, they are required to:

- develop access and allocations policies sensitive to clients with complex needs and low incomes
- strive to sustain tenancies
- treat eviction as a last resort
- deliver housing services at affordable rents to low-income renters
- involve renters in decisions that affect them
- ensure renters receive appropriate support to maintain their tenancies.

66. Public and community housing organisations face financial and staffing constraints in delivering on their social landlord responsibilities. A former Department employee told the investigation that staff in local housing offices faced consistent workload pressures and were often unable to give renters the individual attention required to provide adequate support. While staff-to-renter ratios in community housing are better than in public housing, there were suggestions in meetings with renter advocates and community legal centres there is room to improve in both sectors.

Public and community housing organisations face financial and staffing constraints in delivering on their social landlord responsibilities.

Social housing complaint handling

“ Complaints are your way of finding out that something’s gone wrong with your service provision before it goes catastrophically wrong. ”

- English Housing Ombudsman

67. Complaints are valuable feedback about what an organisation can do better. Handling complaints is a core part of any organisation’s service delivery and has the potential to improve service quality.

Best practice

68. The Victorian Ombudsman defines a complaint as:

An expression of dissatisfaction with:

- the quality of an action taken, decision made or service provided by an agency or its contractor
- a delay or failure in providing a service, taking an action, or making a decision by an agency or its contractor.

69. The Ombudsman’s good complaint handling guides for public sector agencies reflect the Australian Standard Guidelines for complaint management. They outline practical steps for best practice complaint handling, across three stages:

- enabling
- responding
- learning and improving.

70. Enabling is not just about making it easy for a person to lodge a complaint. It means creating a reasonable assumption that a complaint will be properly considered and responded to. Good complaint handling systems enable complaints by:

- demonstrating a commitment to complaint handling
- providing visible and transparent information about how and where to complain

- being accessible and free to everyone
- ensuring there is no detriment to people who complain.

71. Responding to complaints means:

- acknowledging and dealing with complaints in a timely way
- being transparent about how complaints are handled
- appropriately protecting the privacy of information
- treating everyone involved in a way that is objective, respectful and fair
- considering and respecting human rights
- promoting accountability for decisions.

72. Learning and improving from complaints requires systematically recording them in enough detail to allow analysis of themes and trends. Good complaint handling systems use this information to foster continuous improvement and ensure accountability.

73. Taking steps to implement best practice complaint handling in the public service can result in real benefits. In 2018, the NSW Ombudsman published a report on its complaint handling improvement program, which saw uplifts in culture, transparency and responsiveness:

... staff who had worked in complaint handling roles within government for some time indicated that in recent times there had been a noticeable positive shift in the attitude towards complaints. Management were now seen to be more accepting of complaints as a valuable form of feedback, whereas previously they were something to be avoided.

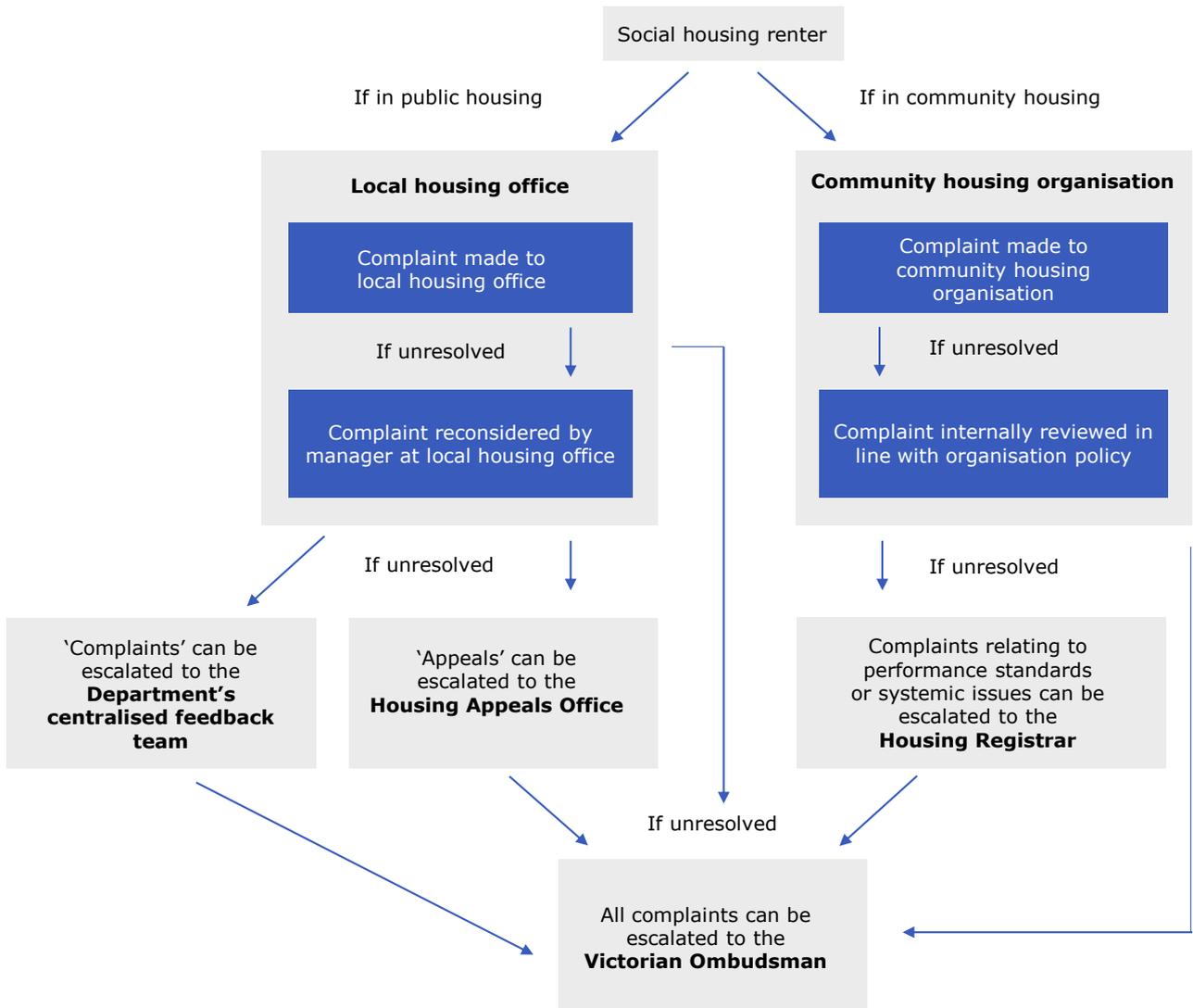
Social housing complaint systems

74. When a social housing renter has a complaint, the options available to them differ depending on whether they are in public or community housing. Renters across both sectors say the process for lodging complaints is complex and confusing.
75. The Review's Interim Report noted:

When a complaint isn't resolved with the housing provider, dispute resolution processes can be intimidating and hard to navigate with many different bodies involved.
76. In Victoria, the Residential Tenancies Act sets out rights and responsibilities that apply to all renters and rental providers in Victoria, including social housing renters and rental providers.
77. The Housing Act provides an additional layer of regulation and establishes key components of Victoria's social housing system, including:
 - the Victorian Housing Register
 - a regulatory system that governs the operations of the community housing sector.
78. Together with the Housing Registrar – the body primarily responsible for regulating the community housing sector – the Housing Act provides the framework for the establishment, regulation and recognition of registered housing organisations.
79. Section 97 of the Housing Act requires registered housing organisations to establish a procedure for dealing with complaints from renters or prospective renters affected by decisions relating to their housing. It also requires them to maintain a register of complaints and to make that register available for inspection.
80. Under section 98 of the Housing Act, a community housing renter can refer their complaint to the Housing Registrar if it is not resolved by the registered community housing organisation within 30 days.
81. The Charter of Rights Act is also relevant. It requires 'public authorities' to act compatibly with human rights, and in making a decision, to give proper consideration to relevant human rights.
82. Decisions made by Homes Victoria are subject to the Charter of Rights Act, which provides important protections for public housing renters. The Act, however, is not explicit about whether it covers community housing organisations and the law in this area is not yet settled. This is discussed later in the report.

When a social housing renter has a complaint, the options available to them differ depending on whether they are in public or community housing.

Figure 3: Overview of public and community housing complaint and appeal processes



Source: Victorian Ombudsman

83. Separate to the processes in Figure 3, both public and community housing renters can apply to the Victorian Civil and Administrative Tribunal ('VCAT') about a range of matters. VCAT resolves disputes under the Residential Tenancies Act and is an avenue available to all renters, including private renters. Issues commonly raised by renters at VCAT include:
- wanting VCAT to direct their landlord to carry out urgent or non-urgent repairs
 - seeking compensation or a compliance order for breach of a landlord's obligations
 - seeking an order that a landlord repay a bond.
84. Public and community housing landlords can also apply to VCAT for a range of matters, including:
- asking VCAT to grant a possession order, forcing a renter to leave a property
 - seeking compensation or a compliance order for a breach of renter obligations
 - seeking an order that the landlord can keep a bond.
85. In limited circumstances, where there is proof of a breach of rental laws and attempts have been made to resolve the dispute, Consumer Affairs Victoria may also offer a voluntary dispute resolution service.
86. Depending on the nature of the complaint, other organisations may also accept complaints from renters, including the:
- Independent Broad-based Anti-corruption Commission
 - Office of the Victorian Information Commissioner
 - Victorian Equal Opportunity and Human Rights Commission
 - National Disability Insurance Scheme
 - Aged Care Quality and Safety Commission
 - Australian Charities and Not-for-profits Commission.
87. Because multiple organisations accept complaints from renters, sometimes they are made to the wrong agency. This can lead to double or even triple-handling, and unnecessarily increases the overall cost of resolving complaints. It can also discourage people from continuing with their complaint or add to the time taken to resolve it.

Renters' experiences – public housing complaints

“ *It's bureaucratic government red tape stuff and nothing's changing.* ”

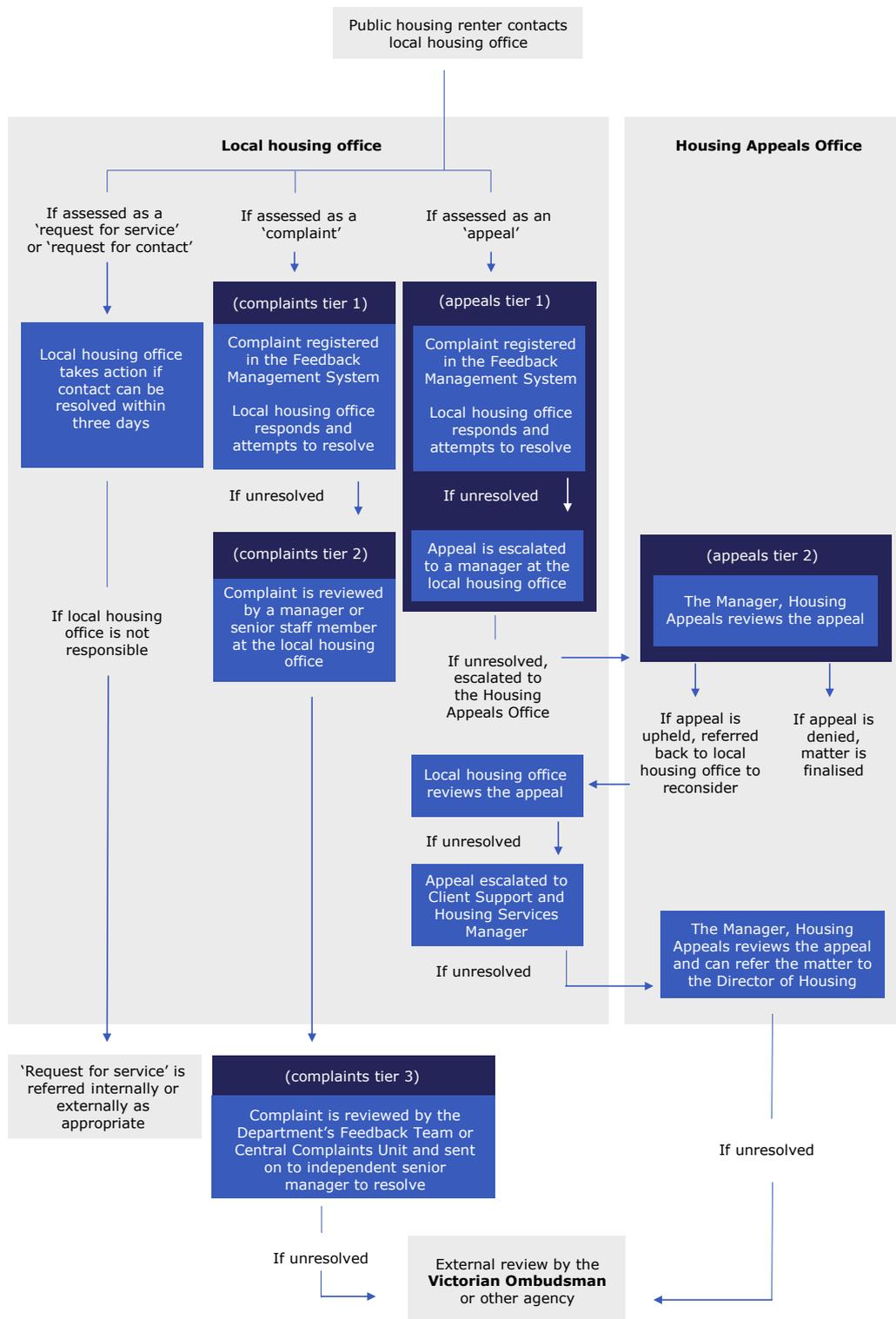
“ *I heard nothing from DFFH. It's just a constant circle of frustration.* ”

“ *Unless you write sixty-five letters ... nothing happens.* ”

– Public housing renters

88. In the housing context, distinctions are made between a 'complaint' and a 'service request'. Regarding complaints about local councils, the Ombudsman has previously observed one way to distinguish a service request from a complaint is to look at whether a person is:
- requesting something additional or new (a service request)
 - complaining about a council's response to a service request (a complaint)
 - reporting what they believe to be a failing or a shortfall (a complaint).
89. In the social housing sector, there are often three types of complaints:
- complaints about the service provided by staff, including maintenance issues
 - complaints about decisions or the failure to make a decision
 - systemic complaints, including about a policy or procedure, or about housing availability.
90. Generally, the first contact point for public housing renters who have a problem is the Department, via their local housing office. The Department assesses and categorises this contact as a 'request for service', a 'complaint' or an 'appeal'.
91. Determining which category a renter's concern fits into is not always easy. A call about a previous maintenance request not yet resolved is potentially both a 'request for service' and a 'complaint'. Department staff use their judgement to classify renter's issues. Whether something is recorded as a complaint in the Department's complaint management system is at the discretion of frontline staff. This means renter complaints are potentially under-reported.
92. A complaint about the service provided to renters is lodged with a central Feedback Team or the maintenance call centre, and may be directed back to their local housing office.
93. An appeal is where a renter asks for a decision about tenancy management or the Victorian Housing Register to be reviewed. These are managed by the Housing Appeals Office.
94. Over the past three years, the Department has resolved 3,157 complaints about public housing. Complaint numbers have trended up in this time, from 899 in 2019 to 1,202 in 2021. Most of these were resolved locally. These figures do not include 'requests for service' and 'appeals'.
95. 'Responsiveness of communication', 'management of complaint' and 'facility equipment' were the three issues most complained about to the Department in this time.
96. Figure 4 gives an overview of the processes for handling 'requests for service', 'complaints' and 'appeals'.

Figure 4: Public housing complaint handling processes



Source: Victorian Ombudsman

The Department's complaint management system

97. The Department manages complaints through its Feedback Management System. This is not limited to complaints about housing and covers all services delivered by the Department.
98. No matter where a housing complaint is lodged, it will be registered in the Feedback Management System and the relevant division will be notified.
99. The Department told the investigation there were two main reasons for using a central complaint system:
 - The overlap of Department services used by clients means a complaint may sit across several services and issues.
 - The principle of 'no wrong door' means that people should not have to direct a complaint elsewhere within the Department.
100. The Department's *Feedback Management Manual* notes most public housing complaints are managed by local housing offices and that common complaints include:
 - dissatisfaction with the service provided by housing officers
 - delays or dissatisfaction with maintenance service
 - delays in addressing quality issues for major upgrade work.
101. Internally, the Department's complaint process is complex. While most complaints are ultimately managed by local housing offices, there are many places they can be assigned within the Department, depending on their nature.
102. Maintenance complaints, for example, can be directed multiple ways. Renters are referred to the Housing Call Centre for new repair requests, to their local office for maintenance contractor conduct issues, and to the relevant consultant overseeing work for programmed maintenance.
103. In theory, the Department's central process allows staff reviewing a person's complaint to access information about other Department services that person receives, which can inform the response. In practice, however, this does not always occur.
104. Hannah's story shows the importance of dealing with complaints promptly and appropriately. If Hannah's maintenance request had been properly resolved, her daughter would not have ended up in hospital.



Case study 1: Hannah's story

Hannah lives in public housing with her three children. She contacted the Ombudsman in 2021. Hannah said she had raised multiple unresolved maintenance issues with the Department, including urgent repairs. She said she had no electricity in the laundry or kitchen which left her unable to use her oven, so she cooked in the living room with an electric frying pan. Child Protection became involved because her children were not attending school, partly because Hannah was unable to wash their clothing or dishes.

Hannah said she filled in a formal complaint form and handed it into her local housing office, but said the Department never contacted her. When the Ombudsman made enquiries with the Department it said it had no record of Hannah's formal complaint.

In June 2021, Hannah's daughter sustained a significant electric shock at home. She was concussed and had grazes requiring hospital admission. Hannah felt the property was not safe to inhabit which affected her mental health and wellbeing. Hannah admitted herself into a mental health recovery centre and her children went to live with their grandparents. Because of the issues with her property, Hannah said she applied for a priority transfer and was waiting to be moved. Her Child Protection case worker submitted a support letter for priority housing.

The Department told the Ombudsman it was unaware of the extent of the maintenance issues until Child Protection informed it Hannah's daughter had been electrocuted. The Ombudsman made further enquiries and found a full electrical check was not carried out by the contractors. The Department advised it was unaware that only a partial check had been completed. Hannah was eventually relocated to a safer home. The Department agreed with the Ombudsman and apologised to Hannah and linked her to support services. It also agreed with the Ombudsman's recommendation to waive Hannah's unpaid rent for the property.

If the Department's central complaint system had worked as intended in this case, it is likely the Housing area would have known about Hannah's electricity issues from the Child Protection area.

105. The Department's website states complaints can be made about any service provided by the Department or one of its funded service providers. It outlines three steps to follow:
1. Discuss the complaint with a staff member, housing officer, case worker or from the place where you are receiving the service.
 2. If the person has tried to resolve their concerns but is still dissatisfied with the outcome, they can discuss their complaint with a senior manager at the local office.
 3. If the complaint has not been resolved at Step 1 or Step 2, the person can make a formal complaint to the department online, by phone, by email or by mail.

Figure 5: The Department's complaint management process

Receive			
Assess the complaint to determine its urgency and importance. Timing: same working day			
Record			
Record the details of the complaint on the Feedback Management System and assign to the appropriate part of the Department for a response. Timing: within one working day of receiving the complaint			
Acknowledge			
All feedback should be acknowledged where possible, in the same way it was received unless the complainant cannot be contacted or is anonymous. Timing: within three working days			
Resolve			
Request for contact	Tier 1: Resolution at first point of contact (generally, local housing office)	Tier 2: Investigation by senior staff	Tier 3: Independent review
Responses by frontline staff to requests for action which can be resolved within three days	Complaint resolution by frontline staff, where possible	Complaint investigation by supervisor or manager	Review of complaint investigation conducted by senior manager in Division/ Group/Central office
Timing: three working days	Timing: 10 working days	Timing: 10 working days	Timing: 20 working days
If unresolved: If requested by the complainant, register as a Tier 1 complaint for resolution	If unresolved: If requested by the complainant, refer to Tier 2 for investigation	If unresolved: If requested by the complainant, refer to Tier 3 for a review of the investigation	If unresolved: Advise complainant to refer complaint to relevant external oversight body
Communicate outcome			
Outcome is communicated to the complainant, including internal or external review options. Timing: Three days after finalising the response			

Source: Victorian Ombudsman, based on *Feedback (including compliments and complaints) Management Policy*, February 2021, Department of Families, Fairness and Housing

106. Responding to a draft of this report, the CEO of Homes Victoria said the Department agreed there was complexity in complaint handling processes across social housing, and that continuous improvements to public housing and appeals are a priority. He noted there had to be some inherent system complexity due the different types of complaints and the protections given to renters, as well as the judgement housing workers are required to apply to determine the appropriate complaint pathway. However, the Department agreed navigating the system should be simpler and some renters required more support.

107. There is a stated intent to learn from complaints on the Department's website:

We want our services to work for people who need and use them. We can always do better and we listen to people using our services, their advocates and representatives.

108. The Department emphasises resolving complaints at the local level, and housing officers are expected to engage directly with renters to clear up concerns. This is a sound approach as local relationships and knowledge can help solve problems faster and more effectively. However, some renters are left frustrated when their complaints are either not escalated, or are escalated but then referred back to the same local housing office for action:

I sent them in and I didn't hear anything. I didn't get any response. And then I went to the main complaints line for DFFH and complained to that and ... they got the [local housing] office to respond to me ... So if I didn't know what to do, it would've been a disaster or well, it was a disaster. It would have been a catastrophic disaster.



Comparison with best practice

The Department's process includes good communication strategies, such as acknowledging complaints and informing complainants of the outcome. The tiered approach shows appropriate escalation points, including external reviews.

The Department's process states complaints will be escalated 'if requested by the complainant'. If their complaint is unresolved, however, complainants should be advised of the next step rather than having to request it.

While the Department's process is explicit about the need to record complaints, this is not always done correctly, as Hannah's case showed (see case study 1).

Recording complaint detail is important not only to resolve individual complaints but also to enable analysis of trends and issues.

109. Two public housing renters told the Ombudsman their local housing office failed to escalate their complaint about flooding from their neighbour's property on multiple occasions. They eventually complained to their local Member of Parliament.



Case study 2: Stuart and Glen's story

Stuart and Glen live in public housing. Their upstairs neighbour has caused their property to flood nine times since August 2021.

The first flooding was in the early hours one morning. Stuart said a local housing officer came and assessed the situation and police were also called to enter the neighbour's property and turn the water off. Water had flowed into two bedrooms and the hallway, damaging Stuart and Glen's belongings:

Water [was] dripping from the roof in the bathroom ... into the hallway ... into our two bedrooms, destroyed heaps of Blu Rays and DVDs, the mattress, carpet, absolutely saturated.



After this, Stuart and Glen said the Department housed them in a nearby motel.

Stuart and Glen said they called their local housing office for weeks seeking an update about their property while they waited in the motel. Stuart said every time he called, he was told the matter was being 'looked into'; but nobody gave him any updates or explained the process.

After two weeks of no communication, Stuart and Glen contacted their local Member of Parliament. They said they had not been advised their temporary accommodation at the motel had been extended, and this distressed them.

[T]hey just kept blaming us for the problem every time. Every time something happened, it was just like, 'Oh no, but you should be privileged [we] got you a motel room'.

Their local Member of Parliament escalated the matter to the Minister for Housing and was in regular contact with the Department about the case. Stuart and Glen said they spent a month in the motel before they could return home.

Not long after returning, another flooding occurred, and the process started all over again. Stuart and Glen contacted their local Member of Parliament again for assistance as they felt the Department was treating them as the problem. Stuart said when he raised issues about the continual behaviour from the upstairs neighbour, the Department said they could move out if they were not happy but did not otherwise attempt to resolve the issue.

The flooding continued to occur; Stuart and Glen said they had been through the same process of complaining to the Department nine times.

Stuart said it felt like they were going in circles and he felt depressed during this period because of the lack of communication from the Department. Stuart said he never knew what was going on and this made it hard for him to get organised. He felt neglected by the Department and said he was frustrated with the Department's response to compensation requests.

The lies that went around and around and around. Like 'we're not paying for your mattress to be refurbished', I said 'why not?'. 'Because it's not in our agreement.'

In February 2022, Stuart's local Member of Parliament's office contacted the Ombudsman; then in March 2022, Stuart and Glen's property was flooded again. The Ombudsman made enquiries with the Department and confirmed Stuart and Glen had been moved to temporary accommodation. Their upstairs neighbour had now been moved to a ground-floor apartment and Stuart and Glen have returned to their property.

Responding to a draft version of this report, the Department said it also had to consider and protect Stuart's upstairs neighbour's rights under the Residential Tenancies Act.

110. Communication issues between public housing officers and renters could be improved if calls were routinely recorded. This would ensure communication could be monitored for quality assurance, would demonstrate transparency and accountability, and would provide an opportunity for reflection.

111. Unfortunately, some renters are unaware they can escalate complaints within the Department.

112. Renters consistently told the investigation that local housing officers – their primary contact point – failed to resolve complaints and failed to tell them how to escalate the unresolved problems.



Case study 3: Julia's story

Julia phoned the Ombudsman in 2021 after attempting to get through on the Department's maintenance line.

Julia said she had been waiting two days for a contractor to come and fix her leaking hot water system. The Ombudsman provided her with the Department's Feedback Service number.

Julia contacted the complaints line, and a contractor arrived the next day to replace her hot water system. Before contacting the Ombudsman, Julia was unaware she could escalate her issue via the dedicated feedback phone line. This was despite the Department's Client Services Charter stating the Department will 'tell people how they can ask for decisions to be reviewed or how they can make a complaint'.

Responding to a draft version of this report, the Department said its records indicated a contractor attended the premises two days after the maintenance request call and that it had no record of a complaint having been made.

Maintenance

113. Julia's story (case study 3) is common. Many public housing renters told the Ombudsman about maintenance issues, commonly mould in bathrooms.
114. Nadia's 75-year-old mother lived in public housing with a bathroom that frequently flooded, resulting in mould. Nadia's mother had asthma and was constantly getting sick. Nadia said when she showed medical professionals at the hospital a picture of the mould, they said 'that's why she is getting very sick'. But Nadia said every time she complained to the Department about the mould, contractors would 'come and paint it, they just paint the mould'.
116. The VPTA said some public housing properties were in a very poor condition but the Department did only the bare minimum to resolve serious issues as the properties were listed for redevelopment. The VPTA said it had heard reports from both residents and other community services about a particular local housing office being unable to arrange appropriate maintenance due to the status of the properties. The COVID-19 pandemic also delayed the Department's ability to complete maintenance work. The VPTA said these factors had reduced renters' confidence in the maintenance system overall.

'[The] Government continues to pay people hundreds of thousands of dollars each year for repairs that are not proper.'

- Public housing renter

115. The Victorian Public Tenants Association ('VPTA') is a peak body representing individual public housing renters and people on the Victorian Housing Register waiting for a housing allocation. The VPTA told the Ombudsman that issues with maintenance contractors had driven many complaints over the past year, including about contractors treating people poorly in their homes, being rude and disrespectful, and not turning up or arriving very late.



Case study 4: Daphne's story

Daphne noticed the carpet in her bedroom was saturated one day. When she contacted the Department, it said it would send a contractor within 48 hours. Daphne said she was dissatisfied with the Department's response because the problem rapidly got worse.

The next day Daphne called the Department to tell them the water had spread into her lounge room. Though a plumber attended, Daphne said he could not find the cause of the leak. She said a carpet steam cleaner also came, but this did not help because the water leak continued. The plumber left and, because it was a Friday, said he would come back on Monday to reassess the issue.



Daphne said on the Friday evening, her adjoining neighbour was found dead in a running shower. Daphne was worried the water leak had damaged the electrics in her property, so she called the Department's maintenance line again to urgently request an electrician and plumber. Another urgent maintenance ticket was raised, and an electrician attended the property on Monday.

Daphne said the electrician told her the neighbour's deceased body had been covering the drain, causing the flooding. She was horrified. 'It made me feel sick to the stomach and I still am'.

Daphne contacted her local housing office and left a message. She said she also rang the Department's maintenance call centre asking to be relocated until her carpet was replaced. She said another urgent maintenance request was lodged for carpet cleaning but the contractor who attended said it was beyond help.

Daphne said someone from the Department's maintenance call centre contacted her the next day to say she would not be relocated. Nine days later, Daphne was still waiting for new carpet. She felt it was a health hazard, so she called the maintenance call centre again. She was surprised to hear an order had not been placed for replacement carpet. Daphne said she felt no one was listening.

The next day, Daphne complained to the Ombudsman as well as her local Member of Parliament. She also contacted the media. She said she was contacted by her local Member's office the same day. Someone came to measure her bedroom and bathroom and new carpet was installed the next day. Responding to a draft of this report, the Department said circumstances such as this one involving the unfortunate death of a neighbour, were rare and beyond the Department's control.

117. Daphne's case, as with Stuart and Glen's, shows renters seeking help outside the Department to resolve urgent maintenance issues. In both these cases local Members of Parliament became involved.
118. Members of Parliament regularly lodge complaints with the Ombudsman on behalf of their constituent public housing renters, often about maintenance issues. It is disappointing these complaints need to be escalated to the Ombudsman, and that Members of Parliament must spend time and resources resolving such problems.
119. One community legal centre said:

[I]t is also our experience that when we meet with MPs and ask what their areas of focus are [they say it is] dealing with public housing issues, particularly repairs and relocations. We're unable to focus on constructive long-term social change initiatives as MPs are focused on immediate problem solving.
120. Another community legal centre told the investigation an elderly couple in public housing requested maintenance work on their property. They were told contractors had attended and left because no-one was home. They disputed this as they have serious health issues and are always home. They saw the contractors arrive, wait in the car for a short time and leave. The Department reportedly said it was their word against the contractors, and it seems it believed the contractors.
121. The Review acknowledged the need to manage the costs of maintaining ageing social housing properties, and that there were many complaints by renters about housing providers failing to respond in a timely way to maintenance requests.
122. The Review's Interim Report noted a lack of reliable information about social housing property maintenance. Research it commissioned found the management of maintenance was the primary issue – renters waiting for repairs, contractors failing to attend, poor quality work, and poor communication by contractors. There was also poor follow-up especially for mould, broken windows, rotting wooden frames and vermin.
123. The Interim Report proposed the Department review its public housing maintenance contracts, service-delivery standards and process, and consider providing maintenance in-house rather than outsourcing to contractors.
124. The Ombudsman's 2017 *Investigation into the management of maintenance claims against public housing tenants* found the Department conducted few checks on the adequacy of completed work before providing payment.

125. The *Residential Tenancies Amendment Act 2018* (Vic) also requires rental providers to meet new maintenance standards. The Department told the investigation this includes extra inspection and compliance measures, meaning more oversight of individual properties.
126. It is positive that such investments have been made in recent years and that maintenance standards have changed. Complaints about maintenance of public housing properties, however, still make up a significant proportion of complaints to the Ombudsman. More effort is needed to address this, including investment in staff training to more sensitively respond to renters and help them with home maintenance needs.
128. Disputes between renters, and disputes between renters and other neighbours can be complex.
129. Serious and persistent anti-social behaviour by some renters endangers the health and safety of others and consumes the Department's resources.
130. Lydia's experience with the Department's complaint process (case study 5) reflects much of the feedback the investigation has received. Lydia said the process was traumatic, and every time her local housing officer changed, it would start all over again:
- I actually gave up ... And the thing that I'm left with is that we are not believed on any level. They treat us like we're difficult children.

Disputes between neighbours

'I have asked [my Housing Services Officer] to help act as a mediator so the neighbours and I can reach an agreement. She said she would talk with another department and get back to me, but I never heard back from her, in spite of multiple attempts to contact her by email and phone.'

- Public housing renter

127. Another issue of increasing concern is neighbour disputes. Many participants in the Review's renter consultation process raised intra-renter disputes as a significant issue and said social housing landlords were unwilling or unable to intervene. The CEO of Homes Victoria noted:

Anecdotally, there are an increasing number of complaints by tenants about their public housing tenant neighbours and a decreasing number of complaints as a tenant, showing the complexity of those now in public housing.



Case study 5: Lydia's story

Lydia contacted the Ombudsman in 2020. She said she had raised issues about her upstairs neighbour's behaviour with the Department for a year. She said he would try to hug her, was overly friendly and banged on his floor with an object, disturbing her day and night.

Lydia first emailed her local housing office, but said she received no response. She also approached a local support service but was unable to get assistance. Lydia said soon after lodging a formal complaint with the Department she received a call from her local housing office explaining her neighbour had been given two weeks to change his behaviour. Lydia said she received no updates and the conduct continued. She ended up raising 28 complaints with the Department. She said some were never responded to and most resulted in a housing officer advising her to keep filling in log sheets. Over 12 months, Lydia sent the Department 27 log sheets and multiple witness statements from neighbours. She also provided a letter from her doctor outlining the impact on her mental health.

Lydia told the Ombudsman she eventually obtained an intervention order against her neighbour and police attended the property.

The police came and they went and talked to him and then came and talked to me and they said he's got a barbell ... he's got a hammer ... [L]ast year, when that woman was murdered ... I just went, 'This is exactly the same story.' ... I'm not surprised a woman was murdered. And it's a terrible, tragic thing to happen, but I can't believe that in these times that DFFH do not understand the dynamics of violence against women.

Lydia had to stop her studies because she could not concentrate in her home. She ended up finding other accommodation and moved out.

Lydia believes other women in her building were afraid to say something:

I'm outraged that women have to go through this and have to be frightened in their own home. It's a human rights issue and it's a duty of care issue.

When the Ombudsman made enquiries with the Department, it said it was unable to substantiate the allegations and outlined how it had investigated her concerns. It was also actively seeking other suitable accommodation for her and apologised for not responding promptly at times. Overall, and noting the significant impact on Lydia, the Ombudsman considered the Department eventually took appropriate action.

Responding to a draft of this report, the Department said Lydia first complained about her neighbour in late 2019. It said it acknowledged the complaints and issued a breach notice to the other renter in October 2019. Tenancy notes from March 2020 detail complaints from Lydia which were all acknowledged either by email or telephone. It said most of the complaints were about noise during the day not deemed to breach the tenancy agreement.

131. Additionally, when renters displaying anti-social behaviour need assistance from the Department, it is not always forthcoming, as Lydia noted:

If you're gonna put people in public housing like that then you need to actually make sure people are safe. Right? And he wasn't safe. The other thing is I started off going 'This man is not OK; he needs some help' ... It's just everyone is dumped in together, 'They've got a house, great' and nothing. And those buildings, they're built in the '70s, they're a bit of [an] echo chamber.

132. Concerns about the handling of neighbour disputes were also raised by community housing renters.

133. CHIA Vic said it can be complex to manage the competing interests of renters when dealing with complaints. It said community housing organisations existed to improve the wellbeing of all renters and communities, and their dispute resolution policies, processes, and systems should be judged against these aims.

134. CHIA Vic suggested current dispute pathways were not working well. It said anti-social behaviour dispute applications to VCAT were often dismissed due to minor issues with legal documents, preventing the dispute's substance being heard or resolved.

Concerns about the handling of neighbour disputes were also raised by community housing renters.

135. VCAT told the investigation a number of mandatory preconditions in the Residential Tenancies Act must be met before an application can succeed. It noted the Act does not include a discretion to waive or amend requirements where it might be considered reasonable to do so. Legislative amendment would be required to give VCAT discretion in this respect.

136. Inner Melbourne Community Legal said adhering to proper process and providing adequate detail was important for renters:

Unlike in other areas of law, there are no pleadings, charge sheet or further and better particulars - what is on the face of the documents is all a renter receives.

137. The Department occasionally refers neighbour disputes to the Dispute Settlement Centre of Victoria, but this is not always an appropriate forum.

138. The Dispute Settlement Centre of Victoria told the investigation its dispute resolution process relies on mutual agreement to participate. It said the multiple complexities many social housing renters face, and the fact these disputes often involve behavioural issues, make it difficult to resolve cases.

139. Where necessary, Victoria Police involvement may be appropriate. The Department acknowledged, however, that due to poor relationships between some housing offices and Victoria Police, police tend only to act where there are serious issues.

140. The CEO of a small community housing organisation and a community advocate both told the investigation having staff onsite is an effective way to de-escalate neighbour disputes. The CEO said the closer contact and relationships between housing managers and renters helped:

We have really deep links to the community support services and we know our resident group really well ... My housing managers are very competent and they're in the buildings a lot and have frank and fearless conversations with people. And we have house meetings and we have to pull people together and work with it.

141. Applying this principle to public housing, staffing properties where there is an identified escalation of neighbour disputes – including the appointment of managers for public housing towers – would give renters a clear first contact point for assistance to resolve complaints locally and quickly.
142. Where appropriate, mediation and conciliation can also be an effective process to resolve disputes between neighbours. Involving members of the broader renters' community in the dispute resolution process may 'cut through' difficult cases.
143. Responding to a draft version of the Ombudsman's report, the Department said it:
- [a]gree[s] that new approaches are needed for resolving neighbourhood disputes. This is part of a current project being progressed to identify and explore innovative, viable and sustainable options that will improve the Director of Housing's ability to proactively foster and support safe and productive tenancies and communities and deliver on the core responsibility of providing a safe place to live for all public housing renters.
144. Social housing providers need a range of tools to address this issue, including a legislative framework that supports safe social housing communities.
145. The Residential Tenancies Act was enacted to provide protection for all Victorians living in rental accommodation, and subsequent reforms to the Act have sought to strengthen these protections. The preferred approaches are early prevention, intervention, support for individuals and sustaining tenancies. However, there are still gaps in how the Residential Tenancies Act supports the management of complex renter conduct.
146. Improvements are needed to policies and practices to ensure good processes and systems are in place to identify and resolve complex renter conduct and neighbour disputes. Improvements to the legislative framework are also required.
147. Given the complexity of the issues, and the need to balance various rights and interests, a mature and collaborative conversation is needed between renters, rental providers, advocates and community service organisations to improve outcomes for all renters.

Improvements required to manage complex renter conduct

144. The Director of Housing balances roles under different legislation. The Housing Act requires the provision of appropriate housing for vulnerable people and the Residential Tenancies Act requires protection of renter interests, embedding of social landlord principles and managing community expectations. There are increasing instances of complex behaviours exhibited by renters in social housing due to intergenerational trauma, alcohol and other drug use, under-treated mental illness and child protection involvement. This is challenging for those directly involved but also severely affects their neighbours.

Staffing

'[The] latest response is full of excuses complaining she has 6,000 houses to take care of.'

– Public housing renter

149. Another common theme that emerged in the investigation was problems created by frequent staffing changes. Renters expressed frustration at having to re-start the complaint process when their case manager changed.

150. Complaints are triaged and coordinated by the Department's Feedback Team in Executive Services, as well as the Feedback, External Oversight and Privacy Team in its Community Services Operational Division.
151. The Feedback, External Oversight and Privacy Team consists of 13 people, with fewer than eight full time equivalent roles below Manager level.

'It is more unnerving the way the manager is handling the situation than it is actually dealing with the invasive neighbour.'

- Public housing renter

152. The Department highlighted that the Community Services Operational Division accepted triaged feedback regarding all complaints to the Department including housing complaints across the Department, and 'across multiple programs (including Housing, Child Protection, Children and Families Services)'.
153. It said other staff working across the Department also handle complaints, despite not being designated complaint officers:

It should be noted that, although many client-facing officers within the department directly receive complaints and work on resolving these at the local level, these are not designated 'complaints' roles as such functions are core to service delivery roles. These staff include Housing Officers, Housing and Tenancy Managers, Area Directors and Housing Call Centre Staff. This reflects again the principle that local and early complaint resolution is the best practice approach.

'There's a lot of ... complaints. You do feel for them, the public housing workers ... They've got a difficult job. They're very understaffed. It's a huge bureaucracy ... '

- CEO of a community housing organisation

154. The investigation heard from various people that some local offices have a poor response culture, treating people as problematic when they raise concerns regularly:

[I]t is not just me that experiences it. That's the culture at [my local office]. I don't care who you are, you are nothing to them except a number.

People around here say, it is no use calling [my housing officer] because he won't help ... He's regarded around here as not pulling his finger out.

Now we're not the problem. We're not the issue. We're just trying to get things sorted out. We're nice tenants ... It's just the way they're processing it and saying you're the troublemaker: 'You gotta go'.

I think they don't like it when you raise your voice. I think they don't like it when you knock on other avenues or other people or you ask for help. They don't like it. You could see it in their voice like 'How dare you do that?'

[They] just ignore you because you're complaining ... [Y]ou'll become like a serial pest. You know, you're like, you're just the difficult child and they just hear 'Oh that's just that person', you know, so you're discredited, that's that.

155. The VTPA told the investigation local housing offices varied in size, and depending on the catchment they serviced, could be small. Although not intended, sometimes complaint calls are referred back to the officer complained about:

[W]e do hear in some offices that the team manager won't actually call the tenant. It'll be referred back to the Housing Services Officer or the team leader to call. So quite often the person that the tenant is actually complaining about, will actually phone them.

156. Various renters told the investigation at times their calls and emails were not responded to for months, and they were then told there was no record of their contact:

I didn't know where I stood, no transparency or understanding of the processes that were going to happen.

Very long delays when contacting the Department, weeks to months and requires follow-up from our end before any action is taken. Poor attention to detail, responses contain errors, such as posting information to incorrect address or getting specific details incorrect.

Nothing is done so then they change the manager and you're asked to start from the beginning AGAIN as you're told numerous things like they are unable to find the dates of my application for PRIORITY1. I have had my application stamped to show it was provided, that the complaints aren't on file and many, many more pitiful excuses the management comes up with. When I have called to make another serious complaint I have NEVER been called back.

I can completely see through the situation on hand, I am being shuffled around in circles and the seriousness of my situation is cruelly being taken advantage of because I have the cognitive memory decline.

157. Although renters fund most of the tenancy management costs, the Department currently spends more on tenancy management than it receives in rent. While large capital investments are being made in housing, without increased funding specifically earmarked for tenancy management services, renters' experiences with the Department's complaint handling system are unlikely to change. A better resourced, larger and more attuned and highly trained workforce would improve renters' experiences. As a community advocate told the Ombudsman:

[I]t is not being addressed, not because DFFH are horrible people who don't care but because the real needs are so very great. They don't have a hope in their current resource capacity. They are utterly under resourced.

158. Renters told the Ombudsman how they thought the public housing complaint system could be improved. Some highlighted the need for better resourcing, others said it was all about communication and understanding:

[T]hey need more workers or more lines open or more people.

[T]he Department should get back to the grass roots levels and actually comprehend the situation that exists within public housing.

That they actually respond to correspondence, that they actually communicate with people that raise issues with them.

Being more informative around the process and putting through the complaints and keeping a track of those complaints and being updated about those complaints and being informed as to what the outcome is and why that decision was made.

159. Embedding elements of best practice complaint handling in policy and guidance documents would help ensure a consistent approach and improve renters' experiences. This should include guidance about communication and understanding renters, and mandating regular complaint handling training for staff receiving complaints.

Embedding elements of best practice complaint handling in policy and guidance documents would help ensure a consistent approach and improve renters' experiences.

160. In response to a draft of this report, the CEO of Homes Victoria noted 'proposals for major upskilling in the public housing workforce and/or additional resources to improve housing complaint and feedback processes would likely require additional funding'.

Housing Appeals Office

161. The Housing Appeals Office is an internal review mechanism for public housing renters. It reviews decisions made by the Department about tenancy matters and decisions related to the Victorian Housing Register. It sits within the Department's Housing Client Pathways and Outcomes Unit. It has five staff.

162. Renters lodging an appeal with the Housing Appeals Office fill out an application form which is then entered into the Department's Housing integrated information program. This program is accessible and used by other areas of the Department that deliver housing services. This is an example of good practice as it allows the Housing Appeals Office to analyse and understand the history of the matter being appealed.

163. Not all decisions affecting public housing tenancies can be appealed through the Housing Appeals Office.

164. The housing appeals process does not consider issues that are referable to VCAT, except in limited circumstances but all matters are attempted to be resolved locally prior to escalation. The Department's *Business practice manual – Housing appeals* states:

There are a number of decisions made about housing matters that fall within the jurisdiction of the *Residential Tenancies Act 1997* (RTA), such as evictions, subletting and breach notices. These issues are determined by VCAT and cannot be reviewed within the appeals process. However, the practice of negotiating a resolution at the local office level prior to seeking legal intervention will continue.

Some issues that fall within the jurisdiction of VCAT (eg transfers of tenancy) can be appealed through the Housing Appeals Office but only if the matter has not yet been subject to a hearing at VCAT.

Issues relating to tenant responsibility maintenance charges can be appealed, regardless of whether or not the matter has gone to VCAT.

Figure 6: Issues that can and cannot be appealed to the Housing Appeals Office

The Housing Appeals Office will consider decisions about:	The Housing Appeals Office will not consider decisions about:
<ul style="list-style-type: none"> • housing applications, such as: <ul style="list-style-type: none"> o eligibility for social housing o eligibility for priority access housing o removal of an application o special accommodation requirements • offers of public housing • rental rebate assessments: <ul style="list-style-type: none"> o cancellation of a rebate o backdating a rebate assessment o rental subsidies • renter responsibility charges • bond assistance scheme • requests for disability modifications • movable units • mutual swaps • transfer of tenancy • incorrect application of the Department's housing policies and procedures. 	<ul style="list-style-type: none"> • rental arrears recovery procedures, such as: <ul style="list-style-type: none"> o orders for possession o evictions o notices to vacate o legal agreements • requests for emergency and responsive maintenance • breaches of the Residential Tenancies Act or tenancy agreement • subletting • water charges • more than one appeal on the same issue • appeals on decisions made prior to 1 September 1992.

Source: Victorian Ombudsman, based on *Business practice manual - Housing appeals*, May 2017, Department of Families, Fairness and Housing

165. A former Housing Officer told the investigation the Department would often work with renters to resolve issues that would otherwise go to VCAT. For example, if a mould problem made a renter's property unliveable, the Department would put them on the priority transfer list.
166. The Department's *Business practice manual – Housing appeals*, states:
- The appeals process is not intended to replace existing local practices of negotiation and resolution. If a client has talked about their concerns, and is still not happy with the outcome, they can appeal the decision using the appeals process.
167. The Housing Appeals Office received 310 appeals about decisions in the 2020-21 financial year. This was a 29 per cent decrease on the previous financial year and a 40 per cent decrease on the 2018-19 financial year. The Department told the investigation this was due to changes made in response to the COVID-19 pandemic.
168. Applications for housing continued to be the main reason for appeal. Priority applications, allocations, applications for public housing and exemptions made up more than three out of every five appeals.
169. Appeals about disability modifications increased from 42 in 2018-19 to 64 in 2019-20. There was a decrease the following year, following the trend due to COVID-19 measures.
170. Like the Department's complaint process, the housing appeals process is tiered. There are two tiers for appeals.
171. When a renter lodges an appeal with the Department, they identify the decision that they believe should be changed, and outline why an incorrect decision was made. The appeal can be registered at any local office or the Housing Appeals Office, and is allocated to the local housing office that made the decision for review. If the local housing office changes its original decision, the appeal is recorded as successful and the matter concluded.
172. The Team Manager has the delegation to make an appeal successful. However, only the Manager, Tenancy and Property in their local office, can finalise an appeal as unsuccessful. These steps, at the local housing office, constitute the first tier of appeal.
173. If the renter is still dissatisfied, the appeal is referred to the Housing Appeals Office for a Tier 2 review. The office gathers relevant information and contacts the renter or their advocate. The Manager, Housing Appeals will then either uphold the local housing office's decision or send it back with a recommendation for the original decision to be overturned.
174. If the local housing office does not agree with the recommendation made by the Manager, Housing Appeals, the matter is escalated to the Client Support and Housing Services Manager.
175. The Client Support and Housing Services Manager can overturn the original decision or send it back to the Manager, Housing Appeals for further review. The Manager, Housing Appeals has a further option to escalate the matter to the CEO of Homes Victoria for a final decision.

The number of steps involved can frustrate renters, who are not always kept abreast of developments in the appeal.

176. The number of steps involved can frustrate renters, who are not always kept abreast of developments in the appeal:

I've tried to chase [the Housing Appeals Office]. I'm not going to keep trying to chase them, it's not my job to do that. I've contacted them in the past, I've been through the processes, they don't reply, they don't call back.

They failed to inform me that they had not heard from my doctor. They failed to give me the opportunity to contact him. They failed to inform me that they had not heard back from him. They failed to inform me that they would make a decision without a reply from him. They failed to inform me of any time limit my doctor had to respond. They failed to act in my best interests.

177. The CEO of Homes Victoria told the investigation his personal opinion was the Housing Appeals Office had an important and necessary function, but existing processes could be improved to align with best practice:

I think the Housing Appeals Office was ... best practice in its day ... I think it's already a little bit outdated and already needs to change.



Comparison with best practice

The housing appeals process provides many opportunities for complaints to be reassessed.

While having a tiered assessment process is good practice, there are too many reassessments which take time and cause delays.

This can exacerbate frustrations many renters already have with the Department's complaint and appeals procedures.

178. In the following case study, Pauline needed improvements made to her home to help her manage a medical condition but found the housing appeals process difficult.



Case study 6: Pauline's story

Pauline has several medical conditions that affect her mobility. She also has a skin condition that causes her pain when she is exposed to the sun. This meant she was unable to go outside to watch her grandchild while he was playing, and had trouble getting to and from her car. Pauline told the Ombudsman she largely stayed home except to attend medical appointments.

In early 2018, Pauline requested some modifications to her property, including a pergola to provide shade outside. Her local housing office approved all modification requests except for the pergola.

Pauline initially raised a formal complaint and was directed to lodge an appeal. Her application included medical evidence of her need for a pergola. Pauline said the appeal took many weeks and the Housing Appeals Office did not update her. The outcome letter sent to Pauline in February 2018 said 'the medical advice does not conclusively demonstrate a carport/covered area is essential in the management of [your] condition'.

Pauline said she contacted the Housing Appeals Office again but every time she called, she got nowhere:

[S]omeone answers and they go it's not our division, it has to go through Melbourne. So, you try, and you ring the Melbourne number and they go 'No'. You just keep getting fobbed off to here, there and everywhere. You never get the person you are meant to get.

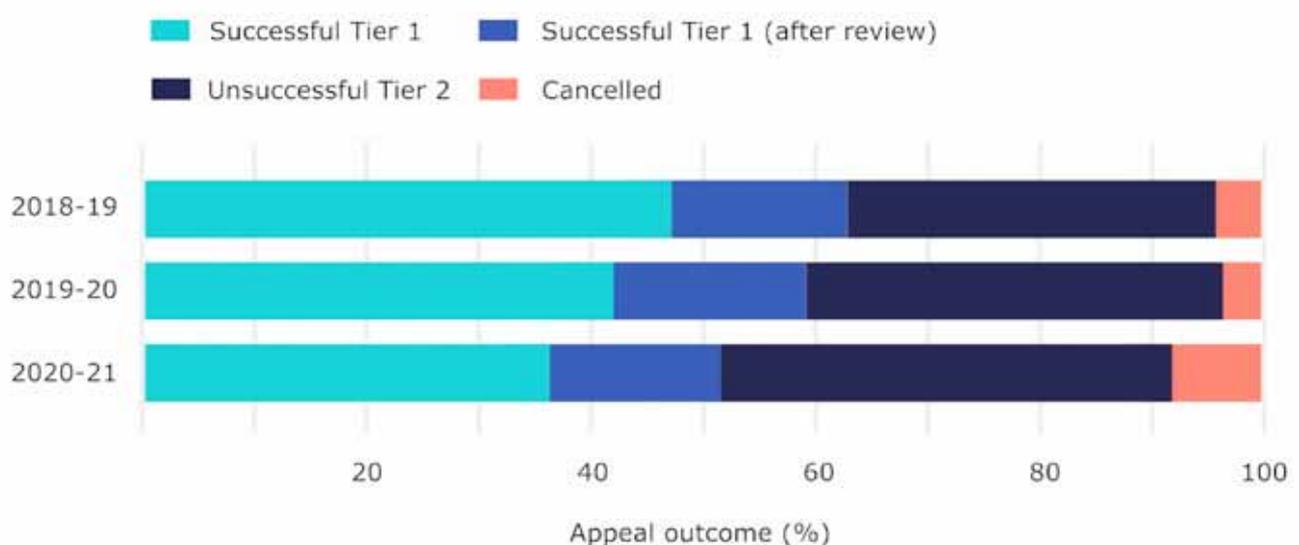
Pauline raised another request with her local housing office, and it was refused. The letter she received explained the modification did not fall within standards. Pauline first complained to the Ombudsman after her appeal was refused. At that time, the Ombudsman considered the Housing Appeals Office's decision was reasonable based on the available medical evidence.

Pauline later obtained further medical evidence about her condition and lodged another appeal. She felt the process was invasive and that she was asked personal questions already answered by her doctor and specialist. Pauline said two Department staff visited her property and she explained her condition and the benefit of having a shaded area. One of the staff had knowledge of her condition because his father had been diagnosed with it.

Pauline said she got a call a few weeks later from a contractor to discuss building the pergola but did not recall receiving another outcome letter from the Housing Appeals Office. Construction of the pergola eventually began in January 2019, almost a year after Pauline first lodged the appeal. When Pauline spoke with the Ombudsman again in March 2022, she confirmed the pergola was built and she was now able to look after her grandchildren outside without experiencing pain.

179. Like the Department's complaint process, the housing appeals process emphasises local resolution. Both Tiers 1 and 2 involve sending the appeal back to the housing local office for reconsideration.
180. The Manager, Housing Appeals told the investigation while there are a significant number of steps in the housing appeals process, in practice, when the Housing Appeals Office makes a recommendation to a local housing office it is generally accepted.
181. The Department did not provide data to confirm how often recommendations from the Housing Appeals Office were rejected by local housing offices, but said it was rare.
182. Of the 1,268 appeals made between 2018-21, 747 were successful at the Tier 1 stage, with 204 of these reconsidered and overturned by the local housing office.
183. Of the remaining appeals, 459 were escalated to Tier 2 and were unsuccessful. Based on evidence reviewed by the investigation, all recommendations of the Housing Appeals Office were agreed. This is shown by the fact they were subsequently finalised as successful at Tier 2. A small number of the appeals (62) were withdrawn, duplicated, or non-appealable.
184. There is scope to simplify the Housing Appeals Office's process. The number of steps required to reach a final decision appears to be based more on ensuring procedural fairness for decision makers within the Department than on helping renters quickly resolve their problems. It does, however, provide a formal pathway for public housing renters to appeal decisions about their housing. This option is not available to some community housing renters.

Figure 7: Outcome of Housing Appeals, 1 July 2018 - 30 June 2021



Source: Victorian Ombudsman, based on information from the Housing Appeals Office

Improvements and initiatives

185. Since the Ombudsman's 2017 report *Investigation into the management of maintenance claims against public housing tenants*, there has been continuing investment by DFFH in improving its policies, processes and practices.
186. To address ageing housing and historic underinvestment, the Building Works stimulus package includes funding of \$498 million over two years for 'additional maintenance, upgrade and asset renewal'. Other programs upgrading housing and reducing maintenance issues include the Building New Homes to Fight Homelessness, the Public Housing Renewal Program and the Ground Lease Model.
187. There are plans to introduce legislative and operational measures to improve the quality of homes offered to renters. Already in place is the Residential Tenancies Amendment Act which imposed new maintenance standards on all rental providers from 29 March 2021. This has resulted in the greater oversight of properties and opportunities for renters to raise issues during inspections.
188. The Department is increasing the capability of Homes Victoria's asset management and housing staff. There is a focus on both instilling the responsibilities of a social landlord in staff and empowering renters to participate in decision making.
189. The Department has several current initiatives to support its staffs' work with renters:
- When working with Aboriginal renters, staff use practice principles that are operationally focussed, led by cultural knowledge and based on self-reflection and learning by engagement. Staff programs available include Aboriginal Cultural Safety and Awareness.
 - Legal practice advice and support is provided to frontline staff to manage legal matters, apply model litigant guidelines and social landlord principles, conduct human rights assessments and respond to complex tenancy management issues.
 - Housing Vic Online Services was promoted to renters via a communications campaign which aimed to increase renter use from 5,000 renters to up to 15,000 by the end of 2022.
 - A maintenance app for renters is being developed to enable them to request and update maintenance, view progress and provide feedback, due for release before June 2023. There are also several maintenance works and programs underway.

Renters' experiences – community housing complaints

“ Complaints and dispute resolution processes for community housing are unclear. There are several complaints handling bodies for social housing, which have different and sometimes overlapping jurisdictions, which causes confusion and delays in resolving issues. ”

– Social Housing Regulation Review, Interim Report

Concerns about community housing complaint handling

190. In 2021, various renters, lawyers and community advocates complained to the Ombudsman that the complaint handling systems available to community housing renters were inferior to those available to public housing renters.

191. This was reflected in many of the submissions to the Review. For example, Tenants Victoria said:

[W]e have seen the relative difficulties community housing renters have in sustaining their tenancies, and ensuring their basic housing rights, as compared to public housing renters.

192. A group of community legal centres told the Review:

[C]ommunity housing [renters] do not have the same enforceable rights and are not offered the same tenancy support as public housing [renters]. Community housing [renters] are more likely to be evicted, subject to inconsistent decision-making processes and have fewer genuine avenues for review.

In 2021, various renters, lawyers and community advocates complained to the Ombudsman that the complaint handling systems available to community housing renters were inferior to those available to public housing renters.

193. The Fitzroy Legal Service suggested ‘more community housing without stronger protections for community housing [renters] will entrench the current troubling two-tier approach to social housing’.

194. The Interim Report highlighted that ‘boundaries that have traditionally defined housing assistance by owner-provider type are less relevant today than in the past, and there is a case to reconceptualise regulation accordingly’.

195. Importantly, it stated that continued growth of community housing ‘should not come at the expense of basic standards for [renters]’.

Community housing complaint process

196. The first step for community housing renters making a complaint is to contact their housing provider. This aligns with the public housing process where the first step is to complain to a local housing office.

197. Despite some issues with the public housing process, all local housing offices follow the Department’s complaint handling policies and procedures so there is consistency in the way public housing renters’ complaints are handled. This is not the case for community housing renters.

[T]here is consistency in the way public housing renters' complaints are handled. This is not the case for community housing renters.

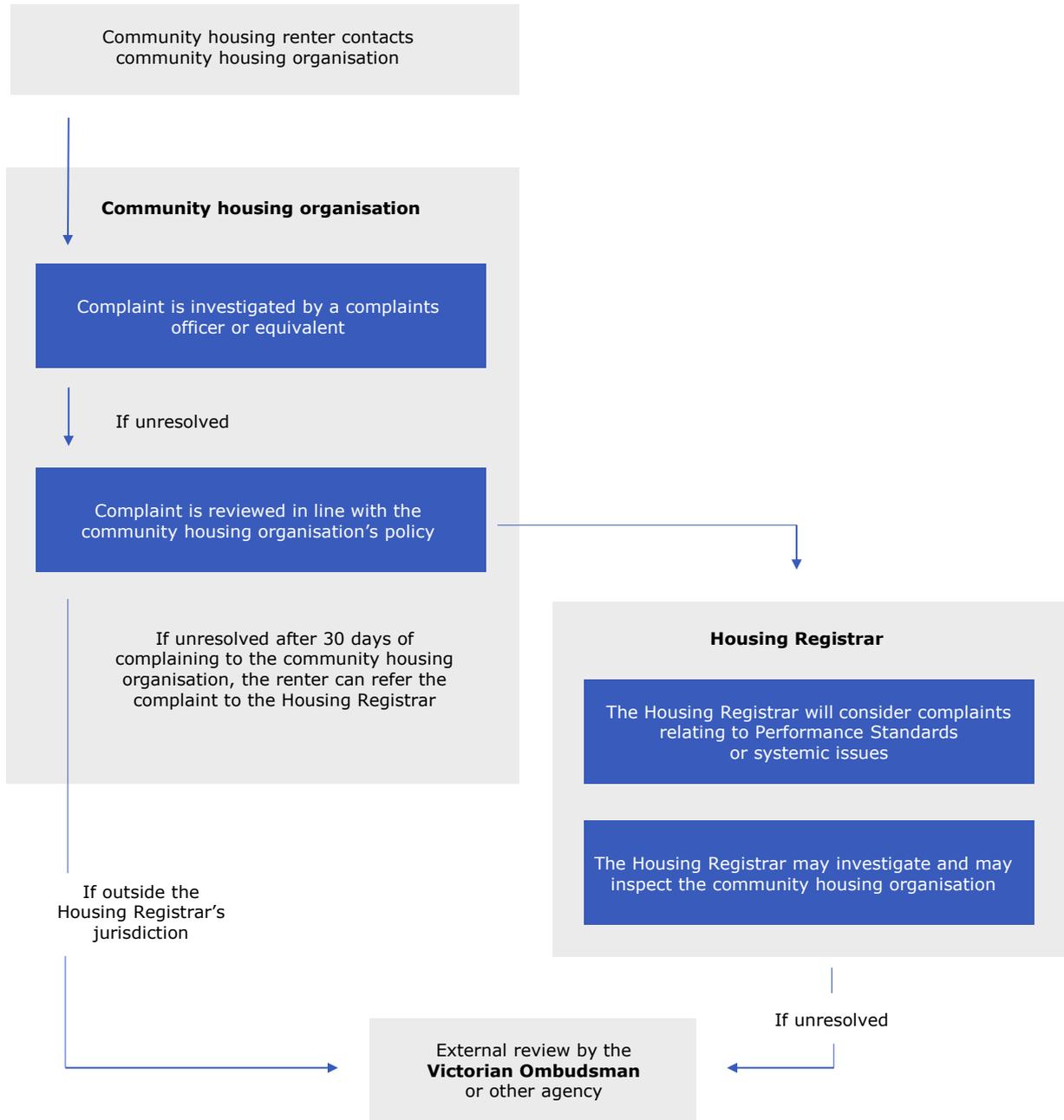
198. Community housing organisations are of various sizes, offering a diverse range of housing and homelessness services and programs. Some specialise in meeting the needs of particular communities, a strength of the sector's diversity.
199. Each provider has its own complaint handling policy and process. Industry body CHIA Vic provides a template, but not all organisations adopt it.
200. Some renters and community and advocacy organisations told the investigation that community housing renters often did not know about their right to complain or were not satisfied with their housing provider's complaint processes:
- Every time I complain it just gets swept under the carpet.
- They had to set up a formalised, clear complaint system. That does not mean they actually managed it and handled it.
- No-one knew what do to with my complaint.
- I did try to escalate it as far as I possibly could. I really have no idea who to go to. I had no information.
201. West Heidelberg Community Legal Centre described the complaint handling landscape for community housing renters as a 'patchwork of options', and told the investigation renters' experiences varied greatly depending on their individual housing provider.

202. The CEO of Homes Victoria said it was not sensible to mandate that community housing organisations manage complaints in a uniform way because:

part of why we have the community housing system is to unleash the potential and the capability of all-purpose charity organisations to respond to particular communities and particular cohorts.

203. Community housing providers told the investigation they inform renters how to complain at the start of the tenancy. They are also required to put complaint policies on their websites so renters can easily access them.
204. Some housing providers allow renters to lodge complaints verbally, and others require them to be in writing. Policies often distinguish between 'a complaint', 'an appeal', 'a request for service', 'feedback' and 'a neighbourhood dispute'.
205. Complaints are usually first referred to a local complaints officer, and then to a senior manager for internal review if the renter is dissatisfied.
206. While many community housing organisations have a mechanism for a second internal review, this is not consistent across the sector and depends on the size of the organisation. Appeal processes available in community housing organisations have fewer steps than the Department's process through the Housing Appeals Office.
207. The Housing Registrar deals with some complaints from community housing renters if they are unresolved by the housing provider; however there is confusion and doubt about the scope of this role.

Figure 8: Community housing complaint handling process



Source: Victorian Ombudsman, based on CHIA Vic information

The Housing Registrar's complaints role

208. It is important to note that the Housing Registrar is primarily responsible for regulating community housing organisations in Victoria – including how they deal with renter complaints. Its own complaint handling role is a secondary and limited function.
209. Various interpretations of the legislation that applies to the Housing Registrar's complaints work have led to confusion for renters, their advocates and other interested parties.
210. In a meeting with the Ombudsman, the Housing Registrar emphasised its primary function was regulating registered agencies rather than resolving complaints:
- [I]n practice, our substantive workload primarily consists of annual compliance and performance assessments and public reporting. There is a lot of other work we do, but this work takes priority and is what tenants, government funders and members of the public rely on us to do.
211. In Scotland, where a Social Housing Regulator is also established, the two functions are separated. The Scottish Housing Regulator performs regulatory work, while the Scottish Public Services Ombudsman investigates renter complaints. The Regulator retains a role to investigate significant performance failures.
212. Separating regulatory and complaint handling functions is sensible and allows two appropriately skilled bodies to handle their separate roles.

Separating regulatory and complaint handling functions is sensible.

213. Within Victoria's social housing landscape, the Housing Registrar is well placed to use its limited resources for its primary regulatory function, for which its staff are skilled and experienced. Renters would be better served if the complaint handling role of the Registrar was shifted to an independent professional body with the required focus and expertise. This is discussed in more detail later in this report.

Oversight of community housing organisation complaint handling

214. As the system regulator, the Housing Registrar has a role in overseeing how community housing organisations deal with renter complaints.
215. Its performance monitoring includes checks to ensure that each organisation's complaint policy and process complies with set Performance Standards. Where improvement opportunities are identified, the Housing Registrar works with the registered housing organisations with a view to improving renter experiences and outcomes.

216. The Housing Registrar said in the 2020-21 financial year, registered community housing organisations received 1,288 complaints from renters with 93.5 per cent resolved within 30 days. This compares to 1,143 complaints in the 2019-20 financial year, of which 92.8 per cent were resolved within 30 days. Little further detail about these complaints is publicly available.

217. The Housing Registrar said its data supported the fact that registered agencies generally resolved complaints 'pretty effectively':

... these agencies are [not-for-profit], they're social purpose driven, quite motivated to achieve good tenant outcomes, have good systems and good cultures.

218. The Housing Registrar monitors, among other things, key performance data such as overall renter satisfaction with community housing services, renter satisfaction with maintenance, and renter satisfaction that their views are taken into consideration. The Housing Registrar said this and other performance data suggested overall high complaint resolution rates and high levels of tenant satisfaction across the sector.

219. Compliance, from the Housing Registrar's perspective, is based on whether a complaint handling policy exists and is available. It also includes factors like complaints received and referred to the Housing Registrar, and a review of organisations' complaint registers. The Registrar said each registered agency 'is assessed and benchmarked against comparable registered agencies and publicly reported on in annual performance reports'.

Performance Standards monitoring and compliance

220. Registered housing agencies must comply with Performance Standards and other requirements set out in the Housing Act.

221. The Housing Registrar monitors all registered housing organisations to ensure compliance with the Performance Standards, regardless of the size of the organisation.

222. Performance Standard 1 requires registered housing organisations, among other things, to be:

fair, transparent and responsive in delivering housing assistance to tenants in relation to [...] managing and addressing complaints and appeals relating to the provision of housing services.

223. Performance Standard 1 includes four Performance Indicators related to complaint handling. They require that:

- the dispute resolution procedure the registered agency has established under Section 97 of the Act is easily accessible by tenants and prospective tenants and provides for prompt and effective resolution of complaints
- information is readily available and promoted to tenants on complaints and appeals
- the registered agency manages complaints and appeals promptly and fairly
- the registered agency regularly monitors the effectiveness of the complaints and appeals system.

224. A set of Evidence Guidelines lists the minimum documentation the Registrar expects to exist in any registered agency to demonstrate compliance.

Figure 9: Evidence Guidelines related to complaints requirements

Performance Requirement	Indicator	Minimum documentation
Managing and addressing complaints and appeals relating to the provision of housing services	Information is readily available and promoted to tenants on complaints and appeals.	Information on how to lodge a complaint is included on the agency's website
	The registered agency manages complaints and appeals promptly and fairly.	Up-to-date complaints policies and procedures Tenancy management Key Performance Measures (eg complaint resolution time) Performance against Performance Standards
	The registered agency regularly monitors the effectiveness of the complaints and appeals system.	Sample complaints register Performance against Performance Standards

Source: *Evidence Guidelines*, April 2015, Housing Registrar and Department of Treasury and Finance

225. Figure 9 shows the Performance Indicators for the Performance Requirement about 'managing and addressing' complaints and appeals relating to the provision of housing services.

226. While the type of documentation listed for these Performance Indicators may show how complaints are managed, it is not clear how these documents would show complaints were addressed.

227. The Housing Registrar told the investigation where compliance issues are identified, it requests more documents.

Complaints should be dealt with by people who have experience managing people, not just in complaint handling.

228. As well as the requirements in the Performance Standards, the Registrar said it also worked with providers to:

- assess the content of policies and procedures
- assess the effectiveness of a complaint system including complaints culture
- assess renter satisfaction against relevant key performance indicators
- assess performance in previous complaints
- host engagement meetings where complaint performance is discussed
- issue Guidance Notes and Best Practice Notes, with a Guidance Note about complaint handling being prepared for release in 2022
- introduce, where necessary for improvement or compliance, regulatory action plan items.



Is complaint information readily available to community housing renters?

To meet the Performance Indicator requiring 'readily available information', registered housing organisations must publish details on their websites of how renters may lodge complaints.

In a January 2021 Guidance Note, the Housing Registrar referred to feedback it received about the information housing providers had made available online:

[it is] difficult to access and not easily visible for tenants, residents and other relevant stakeholders.

The CEO of a small community housing organisation told the investigation the complaint system for renters 'can be bureaucratic but the people in our housing can't be jumping through a lot of hoops'. They said complaints should be:

dealt with by people who have experience managing people, not just in complaints handling ... Someone who understands the potential complex nature of the people they are dealing with ... It can't be oppositional.

In early 2022, the investigation reviewed 42 community housing organisation websites to determine the ease with which renters could obtain information about the complaints process.

We found marked differences in the level of information available and the ease of access. Most websites were easy to navigate, with clear menu options and content. Some, however, contained limited content and it was difficult to locate the required information using the menu options. Some complaint policies could only be found by a keyword search. One community housing organisation did not have a website in January 2022 but has since created one.

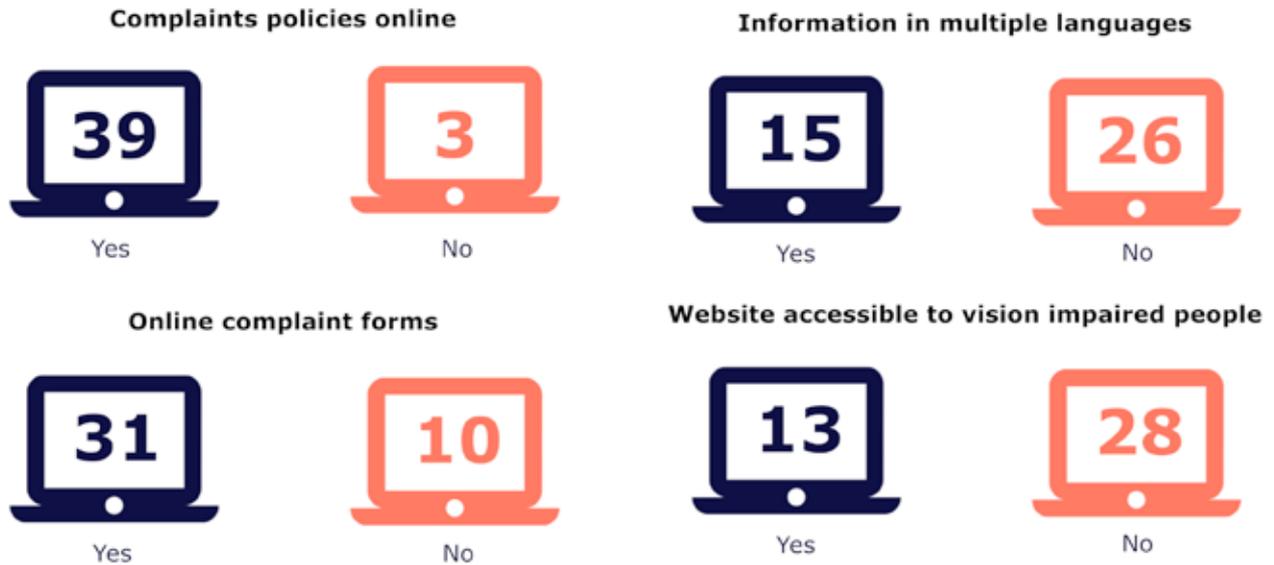
Responding to a draft of this report, the Housing Registrar said it had notified one community housing organisation about a broken link identified by investigators. It said one of the two organisations with no published policy was not fully operational and not required to publish its policy until October 2022. The Housing Registrar said the other organisation had not met the Management and Governance Performance Standard but this had now been addressed.

The Housing Registrar's January 2021 guidance suggests there should be a clear menu option for policies, that policies be printable, and that policy information be no more than two clicks from the menu option. However, the investigation found three websites did not have a clear menu option, three websites did not allow their policies to be printed, and it took more than two clicks to access policies on two websites. One site had common brochures written in Easy English. The investigation noted, however, that only 11 websites offered both language and accessibility tools.

There are some examples of good practice. For example, one large community housing organisation has a detailed complaint handling policy with helpful graphics available on its website.

Some community housing organisations also offer complaint factsheets or brochures. One has a poster with top tips to make a complaint. The titles of the policies also differ between community housing organisations. While most use complaint in the title of the document, some use 'feedback', 'suggestions' or 'conflict management'. This makes it harder for renters to easily understand how to make a complaint.

Figure 10: Registered community housing organisations – online complaint information at January 2022



Source: Victorian Ombudsman

Complaints to the Housing Registrar

Complaint management function

229. As well as being the body responsible for registering and regulating community housing organisations and associations in Victoria, the Housing Registrar also has a limited complaint function.

‘The door to the Housing Registrar is really a crack.’

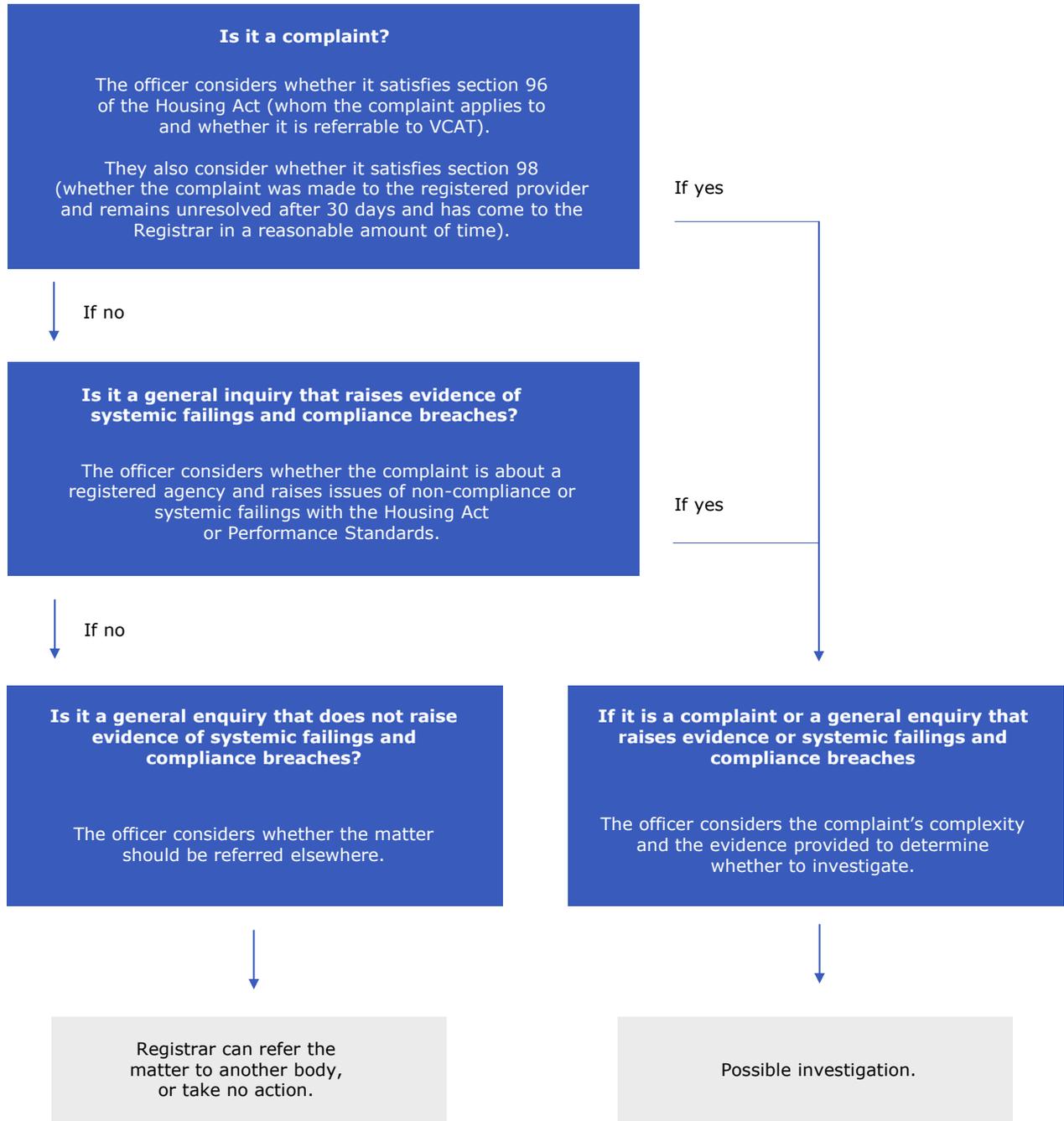
– Community Legal Centre

230. Under the Housing Act a complaint about a registered agency can be escalated to the Registrar if certain conditions are met.

231. The Housing Registrar deals with renter complaints about non-compliance by registered housing organisations which raise systemic issues. In limited cases, the Housing Registrar will also investigate complaints about non-systemic issues where community housing renters are unable to resolve complaints with their housing providers after 30 days.

232. As shown in Figure 11, the Housing Registrar’s Internal Case Assessment Guide broadly outlines four stages of assessment when a complaint is received.

Figure 11: Housing Registrar’s case assessment process



Source: Victorian Ombudsman, based on *Internal Case Assessment Guide*, Housing Registrar

Housing Registrar's complaint jurisdiction unclear

233. Through the course of this investigation there was much discussion about the Housing Registrar's jurisdiction and how it affects the Registrar's ability to assist renters by investigating and resolving complaints.

234. The Housing Registrar told the investigation there was 'significant confusion in the community about the Registrar's complaints role and practices largely attributable to system design'. The Registrar said:

This confusion is shared by advocates, tenants and other parts of government. This confusion has profound negative impacts on tenants seeking to navigate the system and the administration and resources of the regulatory function.

235. The Housing Registrar's powers to investigate complaints about rental housing matters from renters and prospective renters are largely guided by two sections in the Housing Act, sections 96 and 98.

Extract from the Housing Act

Subdivision 2 – Dispute resolution

96 Application to complaints

- (1) This Subdivision applies to complaints by tenants or prospective tenants of a registered agency who are affected by decisions of the registered agency on matters relating to rental housing.
- (2) This Subdivision does not apply to a complaint that may be referred to VCAT under the Residential Tenancies Act 1997.

98 Referral of complaints to Registrar

- (1) An individual who is a tenant or prospective tenant of a registered agency and who has made a complaint to a registered agency may refer the complaint to the Registrar for investigation if the complaint is not resolved within 30 days after it is made.

236. The Housing Registrar may also investigate complaints from prospective tenants and members of the public where there is evidence of non-compliance with Performance Standards, such as:

- significant failures to adhere to policies and procedures
- governance and management issues including conflicts of interest
- risks to the health and safety of renters, prospective renters and staff
- maintenance failures that indicate a systemic problem with the registered agency's management of assets
- financial viability issues
- operational issues that indicate a systemic failure.

237. The Housing Registrar's Case Management Policy sets out how the Registrar interprets its jurisdiction, stating:

The Housing Act empowers the Registrar to investigate certain matters including complaints under section 96 of the Housing Act, where complaints about rental housing matters received by a registered agency are not resolved after 30 days (and these matters are not referable to VCAT).

238. The Housing Registrar's legal advice is that the Registrar's complaint function is limited and incidental to its regulation function and it is unlikely the Registrar has any duty to investigate complaints.

239. This is because section 96(2) of the Housing Act excludes matters that may be referred to VCAT under the Residential Tenancies Act from the Housing Registrar's jurisdiction. Depending on the interpretation, this may include complaints about one-off maintenance issues, evictions, ending a tenancy, bond and rent disputes, civil claims or disputes and many other matters renters commonly want to complain about.

240. As a result of the intersection of the Housing Act and the Residential Tenancies Act, many community housing renters cannot effectively escalate complaints to the Housing Registrar, as these complaints are referable to VCAT.

241. Some community groups told the investigation they hesitate to refer clients to the Registrar to resolve complaints because of previous experiences where it was unable to assist.

242. One community legal centre told the investigation the Housing Registrar was very knowledgeable about its governance and performance monitoring functions but less focused on its obligations to individual renters.

[T]he Housing Registrar was very knowledgeable about its governance and performance monitoring functions but less focused on its obligations to individual renters.

243. In its submission to the Review, Tenants Victoria said:

The historically limited responsiveness of the [Housing] Registrar to complaints made to it by our sector ... has diminished the confidence and trust of our sector in referring complaints to the Registrar ... For example, at Tenants Victoria we much more frequently refer systemic issues to Consumer Affairs Victoria or the local council to investigate, but have recorded no complaints made to the Housing Registrar in the last 12 months.



Case study 7: Miranda's story

Community housing renter Miranda contacted the Housing Registrar in 2021 to complain that her rent had increased and that she was having difficulty with maintenance works. Though she said she had formally complained to the housing organisation and had not received a response after 30 days, she was unable to provide evidence of the complaint to the Registrar.

The Housing Registrar considered the rent increase and maintenance matters likely referable to VCAT and outside its scope under section 96 of the Housing Act.

However, the Registrar did review the case for breaches of Performance Standards and systemic failings. The Housing Registrar said after this review, it considered the registered agency's actions to be reasonable:

This matter was largely outside of the Registrar's complaints jurisdiction under section 96 and non-compliance was not identified. Therefore, the Registrar provided information on formally lodging the complaint with the registered agency explaining the next steps that needed to occur within the confines of the current system.

Miranda contacted the Homeless Advocacy Service and it helped her find information on taking the matter to VCAT. Miranda is now pursuing the matter with her legal representative at VCAT.



Case study 8: Emma's story

Emma complained to the Housing Registrar after receiving a notice to vacate the community housing property she had lived in for 26 years because it was uninhabitable. She first complained to her community housing organisation. Still dissatisfied, she was told she could complain to the Housing Registrar.

Because ending a tenancy is a matter referable to VCAT, the Housing Registrar said the complaint was outside the scope it could consider under section 96 of the Housing Act. However, it reviewed the complaint for non-compliance with the Performance Standards and other systemic issues.

When the Housing Registrar made enquiries, the registered agency provided evidence the house did not meet minimum habitable standards. The Housing Registrar agreed the agency was required to end the tenancy and relocate the renter to meet commitments under the Performance Standards.

Emma complained to the Ombudsman because although she spoke to the Housing Registrar over the phone, she did not receive an outcome in writing. The Housing Registrar has since updated its policy and now trains staff to provide written responses to all complaint outcomes.

244. The Housing Registrar strongly rejects any suggestion that it takes an overly narrow view of its jurisdiction. The Registrar said there was substantial evidence that it took an ‘expansive approach to administering its complaint function’.

245. The Registrar told the investigation despite the limitations of section 96(2), in practice the office often engaged with tenants and registered agencies regarding complaints and cases in order to seek a good resolution for tenants:

[We review] all complaints (including complaints relating to VCAT matters) for breaches of the regulatory framework to identify systemic issues including where a registered agency hasn’t followed its policies, [has] acted unfairly, or displays a poor complaints culture.

246. It said it applied its jurisdiction more widely than comparable regulators in Australia, New Zealand and Scotland, resulting in it considering a higher volume of complaints than comparable bodies.

247. The Housing Registrar seeks feedback about its service delivery from registered community housing organisations, but has less direct engagement with renters and renter advocates. In its submission to the Review, Tenants Victoria stated:

The limited engagement of the Registrar with renter advocates ... impacts on the perception of the Registrar’s independence, effectiveness and responsiveness, as well as on our sector’s trust and confidence in the Registrar.

248. The Housing Registrar said it engaged with renter advocates in a range of ways and had begun quarterly meetings with legal advocates in April 2022. It acknowledged the relationship with advocates needed to improve and wanted more input and cooperation to better understand the sector’s challenges and system gaps.



Comparison with best practice

A key element of best practice for complaint handlers is to enable complaints. Limitations imposed on the Housing Registrar by the intersection of legislation and a lack of resources have resulted in confusion and limited direct assistance for community housing renters by the Registrar. These factors have created challenges for all concerned.

In response to a draft of this report, the Housing Registrar stated it routinely investigates all complaints for systemic and non-compliance issues, and unresolved rental housing matters satisfying section 96 of the Housing Act. Whether the Registrar could have done more for community housing renters is unclear, but the actual or perceived limitations on the Registrar’s authority are not consistent with good complaints handling.

Details of complaints to the Housing Registrar

249. The Housing Registrar received 1,057 complaints between 1 January 2016 and 31 December 2021, including complaints referable to VCAT and general enquiries not within its jurisdiction.
250. Complaint numbers to the Housing Registrar have fallen in the past three years:
- | | |
|----------|-----|
| 2018-19: | 218 |
| 2019-20: | 157 |
| 2020-21: | 110 |
251. During meetings, the Registrar told the investigation the decrease in complaints in recent years was positive and pointed to improvement in the sector. It said this decrease was possibly because of capacity building and knowledge sharing by registered housing organisations.
252. As was noted with public housing, however, this decrease may be linked to the suspension of rental increases and evictions during the pandemic and not reflective of increased renter satisfaction. It is also possible lower complaint numbers reflect a lack of confidence among some renters in the Registrar's complaint handling. This was reported to the investigation by renters and their advocates, though the Housing Registrar rejected this in its response to a draft of this report.
253. The Registrar reports on the total number of complaints received in its annual Regulatory Update Report 2020-21, but not on the issues complained about, or the outcomes.



Comparison with best practice

The lack of publicly available information about complaints by renters to the Housing Registrar makes independent external analysis difficult and prevents critical insights which could drive improvements in complaint handling.

More detailed public reporting on complaint issues and outcomes would assist in building a more transparent and robust system.

254. The Housing Registrar said of all the complaints it received, only 5 per cent required a regulatory response:
- So that could be a regulatory action plan. It could be asking the organisation to do something. It could be a direction on top of the tenancy Performance Standard, which assesses complaints.
255. The Registrar said a range of other actions were taken in response to the other 95 per cent of complaints received, including referrals and seeking informal resolution between parties.
256. In the past three years, the Housing Registrar initiated two investigations under Division 7 of the Housing Act involving the appointment of inspectors. It said:
- We undertook an investigation where we went out and looked at a rooming house a couple of years ago, which was very effective. And now we're looking at another agency where an inspection is likely to ... take place.

257. In 2020-21, the Housing Registrar conducted 34 investigations under section 96 of the Housing Act which included reviewing allegations, speaking with complainants and housing providers, and determining whether to direct, refer or resolve complaints.

258. The Housing Registrar noted that intervention was a last resort. It suggested that not-for-profit organisations were generally motivated to assist renters and continuously improve and that most issues could be resolved without formal intervention.

259. The Housing Registrar said in response to a draft of this report that the 21 complaints received by the Ombudsman about the Housing Registrar in the past six years indicated few issues with its responsiveness and complaint handling processes.

Staffing

260. The office of the Housing Registrar is made up of 15 staff: the Registrar, three staff for 'strategy and performance', three for 'compliance and investigations', four for 'finance', and four for 'registrations and sector growth'.

261. The Housing Registrar does not have dedicated complaints officers. Complaints are managed by lead analysts responsible for the regulation of the registered housing organisation complained about. The Housing Registrar told the investigation:

Lead analysts have established contact points with each registered agency and understand current and historical performance, and are therefore, well placed to resolve or redirect unresolved complaints between the tenant and registered agency where complaints are within the Registrar's jurisdiction.



Comparison with best practice

The Registrar has a limited statutory function to handle the complaints of community housing renters. Best practice would be to have expert and dedicated complaint handling staff able to deal with a broader range of complaints.

The Housing Registrar does not conduct internal reviews of its own decisions regarding complaints. It relies on the Ombudsman's office to do this. This is inconsistent with best practice complaint handling.

262. The Housing Registrar said the relationships lead analysts had with community housing organisations worked well. The Housing Registrar did not believe there was any conflict in these arrangements and said using regulation analysts provided efficiencies.

263. Responding to a draft of this report, the Housing Registrar noted administrative impediments in implementing a dedicated complaint handling team within the current framework, and with the current resourcing. Further, the Registrar noted comparisons of its practice should be with other regulators and not against dedicated complaint bodies.

264. The Registrar told investigators it had 'built complaints and investigation specialisation within the team to assist in the management of complex compliance issues, complaints, and investigations' by providing training in government investigations to some staff.

Improvements and initiatives

265. During the investigation and in its response to a draft of this report, the Housing Registrar reiterated it had been part of reforms since the introduction of its 2018 Strategic Plan to promote better practices and accountability.
266. It said new regulatory arrangements provided 'the most transparent and accountable settings in any Australian state or territory for the oversight of community housing providers'.
267. Transparency reforms introduced from 2019 onward included public reporting on compliance outcomes and significant interventions for each registered agency, and on performance against key measures including complaint resolution.
268. In 2020-21 a 'complex complaints and investigations team' was established, supported by a new complaint management framework. The Registrar also refreshed its guidance materials and published a new website including information for renters on the complaint system and its jurisdiction.
269. The Housing Registrar has released best practice guidance notes on key rental housing policies including ending a tenancy and a code of conduct. A guidance note on best practice complaint management is scheduled for release in 2022, in consultation with CHIA Vic, Tenants Victoria, the Commissioner for Residential Tenancies, legal advocates and the Ombudsman.
270. The Housing Registrar said in response to a draft of this report that interaction with the Ombudsman during this investigation had been valuable:
- It has caused us to reconsider how we can improve with our policies, language, templates and tools we use when managing complaints.
- Given the complexity of the system and the limitations in [the Housing Act], every effort is required to simplify these processes and make it easier for tenants to complain across the system.

Differences between public and community housing complaint handling

“ There may be room for greater consistency between public and community housing, and among community housing organisations, to reduce confusion and give greater scope for positive tenant experiences. This is important because of the significant power imbalance between tenants and providers ... Different policies and processes for public and community housing can create confusion among tenants looking to make complaints and settle disputes. ”

– Social Housing Regulation Review, Interim Report

271. Most social housing renters are drawn from the Victorian Housing Register. Renters can choose to be offered community housing, public housing, or both.
272. While a prospective renter is free to reject an offer, a person needing a home is unlikely to do so, having often waited many months or years in unstable accommodation. Consequently, many renters have little real control over which system they enter.
273. It is noteworthy that many applicants still only seek public housing. As at March 2022, of the 64,304 people on the Victorian Housing Register (including transfer applications), 15,781 had requested to be placed in only public housing. A Department representative suggested this might be because of renters' familiarity with the public housing system.
274. Whether it is public or community housing, renters are subject to different rent setting policies, dwelling standards, customer service standards, maintenance arrangements and dispute resolution processes.
275. Given the differing effectiveness of the two social housing complaint handling systems, a renter's placement has a big impact on whether they are likely to get a satisfactory complaint outcome. The placement can even impact their willingness to complain.
276. Some social housing renters, in either system, are reluctant to lodge complaints for fear of reprisal:
- A lot of people won't complain, they are worried about being evicted.
- Attitude is, if you don't like it go somewhere else.
- People really keep themselves to themselves. They don't want to disrupt or disturb.
- Would you fear any consequences? I think people do, and ... they don't complain. I think the people who actually complain are the absolute drop in the ocean ... But you get worn out ... and I just felt despairing.
277. Community legal centres told the investigation community housing renters were reluctant to complain because their relationship with their landlord felt more personal. While having a close relationship with a landlord in a small organisation can be beneficial and may partly explain why community housing renters report high levels of satisfaction to their providers, it can make it difficult for these renters to speak up about problems.
278. This is less of an issue for public housing renters, whose landlord is a large government department. There is also a higher turnover of housing staff in public housing. Anecdotally, public housing renters are less concerned about upsetting their current property manager, anticipating they are likely to change.

279. The Review noted in its second consultation paper that '[m]any tenants believe that making a complaint would affect the renewal of their tenancy'.
280. Its Interim Report stated 'many tenants are fearful of making complaints, as social housing is the last step between them and homelessness - which highlights the need for an effective, non-adversarial system of complaints and dispute resolution'.
281. While some registered community housing organisations have detailed and publicly available complaint handling policies, not all do. When compared with the significant amount of publicly available information about the Department's policies and procedures, some community housing renters wanting to complain are at a distinct disadvantage.
282. West Heidelberg Community Legal Centre told the investigation responses from community housing organisations to their representations on behalf of clients varied greatly compared with their more positive experience contacting the Department. The Centre and others told the investigation despite the bureaucratic complaint processes in the Department, there were more avenues of appeal and opportunities to resolve their clients' disputes.
283. Responding to a draft of this report, the CEO of Homes Victoria stated the Department supports an integrated overall approach to complaints, appeals and escalations in social housing. The CEO said as community housing increased, it was important the protections and processes applicable to public housing renters also applied to community housing renters.

Housing Appeals Office

284. The Housing Appeals Office reviews decisions made by the Department about tenancy matters and decisions related to the Victorian Housing Register. It is, effectively, an administrative review process available to public housing renters.
285. A similar review process is not available to some community housing renters. Equivalent types of decisions are managed under community housing organisations' complaint handling policies, and can then be reviewed by the Housing Registrar.
286. Other jurisdictions have one body that serves this appeals function for both public and community housing.



NSW Housing Appeals Committee

The NSW Housing Appeals Committee ('HAC') is an independent agency that deals with people who are dissatisfied with decisions made by social housing providers. While it is independent, the HAC's Secretariat operates as a departmental business unit. The HAC deals with appeals about decisions of the NSW Department of Family and Community Services, and community housing organisations.

The HAC conducts merits reviews of housing decisions, and has a similar remit to Victoria's Housing Appeals Office. As in Victoria, if someone is dissatisfied with a HAC decision, they can seek external review from the NSW Ombudsman.

The key difference, however, is that HAC can review decisions made by community housing organisations; Victoria's Housing Appeals Office cannot.

The Freedom of Information Act

287. The *Freedom of Information Act 1982* (Vic) ('FOI Act') provides members of the public with the right to request information from Victorian Government departments, Ministers, public entities and local councils.

Homes Victoria and the Department are agencies subject to the FOI Act, but community housing organisations are not.

288. Homes Victoria and the Department are agencies subject to the FOI Act, but community housing organisations are not.

289. Community housing organisations are not legally obliged to respond to requests for information, publish information, or advise and assist their renters who ask for information. This means community housing renters and their advocates are less able to access data, policies and other information about their tenancies or complaints than public housing renters. Community legal centres told the investigation they found it difficult to access information which affected their clients, such as maintenance records, from community housing organisations.

290. Being subject to the FOI Act means decisions by the Department about information access can be reviewed by either the Office of the Victorian Information Commissioner or VCAT. These avenues are not available to community housing renters or their representatives.

291. Numerous submissions to the Review highlighted this disparity and suggested registered community housing organisations should be subject to the FOI Act.

292. In recent years, the Housing Registrar has required registered housing agencies to make more policies publicly available to renters, including on tenancy management and rent setting. Nevertheless, the investigation heard some community housing organisations' policies are still not all available upon request. The Housing Registrar said if advocates contacted the office, they would work with them to obtain access to requested documents.

293. West Heidelberg Community Legal Centre, for example, told the investigation that determination and persistence were required to obtain a temporary absence policy from a community housing organisation. In contrast, the Department's policy for public housing was readily available online. Once obtained, the community housing policy provided inferior rights and protections for renters.

294. The Housing Registrar and CHIA Vic do not support community housing organisations being subject to the FOI Act. The Housing Registrar said:

I think that's going a little bit too far for a non-government organisation, a not-for-profit ... If the advocates came and spoke to us, we would certainly work with the agency to get them documents they wanted ... I don't think that's fair.

295. CHIA Vic said community housing organisations already had obligations to provide renters access to information under the *Privacy Act 1988* (Cth) and that 'it is not clear what information should or would be available under FOI that could assist a renter in their complaint'.

The Ombudsman supports a system where all social housing renters have access to records and documents related to their tenancies.

296. While larger registered housing organisations may exhibit generally good practice in engaging with information requests, criticisms remain about the performance of other parts of the sector. Registered housing organisation representatives who spoke to the investigation were generally not supportive of expanding the definition of ‘agency’ in the FOI Act to include them, arguing it was not appropriate for not-for-profit organisations to be subject to the same controls as public authorities. One community housing organisation told the investigation any such expansion of the FOI Act would impact on their independence and ‘sovereignty’ and was ‘regulatory overreach’.

297. In 2019, the Scottish Housing Regulator worked to expand the scope of Scotland’s equivalent freedom of information legislation to ensure it applied to social housing more broadly. This change included information about the management of social housing, the prevention and easing of homelessness and information supplied to the regulator about governance and financial wellbeing.

298. The Ombudsman supports a system where all social housing renters have access to records and documents related to their tenancies. Organisations are encouraged to proactively release information to renters where possible, as making an FOI request is often not a timely option and should be treated as a last resort. Expanding the definition of ‘agency’ in the FOI Act to include registered community housing organisations would ensure community housing renters could access the same types of tenancy information as public housing renters.

The Charter of Rights Act

299. The Charter of Rights Act requires ‘public authorities’ to act compatibly with human rights and to give proper consideration to relevant human rights when making decisions.

300. The definition of a ‘public authority’ under the Act includes an entity whose functions are of a public nature, undertaken on behalf of the State. The Charter of Rights Act provides guidance about how to determine if an entity is performing a function of a public nature, but even with this guidance, it is not always clear cut.

301. If community housing organisations are not considered ‘public authorities’ and not subject to the Charter of Rights Act, community housing renters will not enjoy the same rights as public housing tenants. This is unfair and places them at greater risk of poor decision making.

If community housing agencies are not ... subject to the Charter of Rights Act ... This is unfair and places them at greater risk of poor decision making.

302. Some VCAT decisions have dealt with the question of whether a particular registered housing agency is a ‘public authority’ under the Charter of Rights Act. On two occasions, VCAT determined that community housing organisations were public authorities (in 2008, *Metro West v Sudi* and in 2016, *Goode v Common Equity Housing Limited*). Those decisions turned on the question of whether the organisations were performing functions of a public nature on behalf of the State.

303. This lack of clarity about whether a registered housing organisation is a public authority was recognised in the Review's Interim Report:

Several participants outlined examples where the *Charter of Human Rights and Responsibilities Act 2006* has offered protection to tenants in social housing, and prevented unnecessary evictions. Nonetheless, its status in community housing is unclear. Several reviews have recommended clarifying the role of the charter in community housing and this approach has been undertaken in other states. Such a change would help ensure that tenants in community housing have their rights protected, and are placed on an equal footing.

304. This lack of clarity was also identified in the *2015 Review of the Charter of Human Rights and Responsibilities Act 2006*, led by Michael Brett Young. The Community Housing Federation made a submission to that review, concerned about the confusion for community housing providers about their status.

305. The 2015 review subsequently recommended the definition of a 'public authority' in the Charter of Rights Act be amended to include a non-exhaustive list of authorities having functions of a public nature. This included registered housing providers. While the Government supported this in principle, there has been no amendment to the Charter of Rights Act to date.

306. The 2015 review recommended a further review to consider economic, social and cultural rights. The right to an adequate standard of living, including adequate food, clothing and housing is set out in Article 11 of the International Covenant on Economic, Social and Cultural Rights. The Government supported this recommendation (Recommendation 52) in principle.

307. Amending the Charter of Rights Act to include community housing organisations would ensure there is no ambiguity about these providers' obligations, and ensure renters have the same protection as their counterparts in public housing.

308. It would also be appropriate for the Government to consider including a right to housing in the Charter of Rights Act and give effect to its acceptance of Recommendation 52 of the 2015 review.

It would also be appropriate for the Government to consider including a right to housing in the Charter of Rights Act.

External organisations

“ [I]t’s complex because some of these people who are high-end mental health sufferers do not have the capacity to do their own advocacy through the system. They give up ... the elderly people who just accept this lower standard ... will not even address it. ”

– Community advocate

“ The majority of complaints that we get [are] really about providing support or advocacy for a [renter]. ”

– Housing Registrar

Advocacy

309. Access to advocacy services for social housing renters to support and guide them in making complaints and resolving their disputes is a critical part of the social housing landscape. The Victorian Council of Social Services highlighted this in its submission to the Review:

VCOSS is acutely aware of the power imbalances between residents, prospective residents and landlords - even values-driven, ethical social landlords. Some social housing residents will need support to have a voice, or develop their voice, to engage with policy discussions that impact them.

310. Advocates can help renters navigate the system and express their issues to the Department, community housing organisation or external body.

311. In the experience of the Ombudsman’s office, there are benefits for all parties when advocates assist complainants. It is empowering for complainants to have help in voicing their concerns, and the stress and burden on them is lessened when an advocate partners with them or deals directly with agencies on their behalf. Agencies also benefit by the increased clarity around both complaints and the outcomes sought.

312. While independent support and advocacy is available to some public and community housing renters, it is not uniformly available across the sector.

313. The VPTA offers counselling, advice, referral, representation and advocacy services for public housing renters. However, despite the growth of the community housing sector, no similar formal independent representation exists for community housing renters. CHIA Vic only assists community housing organisations. The VPTA assists community housing renters where it can, but does not have a formal role. In its submission to the Review, the VPTA said it is ‘ideally positioned to take on this work’.

314. Inner Melbourne Community Legal said:

Legal support for tenants is a crucial part of the equation, and public housing people often know the advocacy pathways a lot better ... whereas community housing people don’t know exactly how to get help and legal help really helps people stay in their housing.

315. The Department funds a program, Tenancy Plus, which is a support network for all social housing renters. The program’s aim is to ‘provide early intervention to support social housing renters to sustain their tenancy and reduce the risk of homelessness’. It aims to provide appropriate support, including advocacy, for those with complex needs.

316. The program is available to both public and community housing renters, but there are challenges in delivering it to community housing renters outside metropolitan settings. Further, in regional areas, the organisation delivering Tenancy Plus is sometimes also the renter’s community housing provider.

317. The Department advised the investigation that where an organisation funded to deliver Tenancy Plus program services is also the rental provider, there is a requirement to develop policies and procedures to mitigate any conflict of interest.

318. A reluctance to approach housing providers is not limited to community housing renters. Tenants Victoria highlighted to the Review the importance of independent advocacy services for all social housing renters:

[V]ery often a renter is reticent to engage fully with a housing officer for fear of retribution or other reasons, simply because they are a representative of their landlord. This is why independent support services are so important – because they can advocate to a housing provider on behalf of a renter when there is a dispute, non-compliance, systemic issue, or, sometimes, a mere miscommunication that impacts on a renter’s housing quality, safety or security.

319. The VPTA told the Ombudsman:

There are lots of people out there ... that we just cannot convince to make a complaint because they are so scared about what the repercussions of that complaint might be.

320. Another reason social housing renters may not use existing advocacy services is that they don’t know about them. In response to a draft of this report, the Housing Registrar said it routinely refers tenants in writing and over the phone to legal advocates and Tenants Victoria pursuant to its Case Management Policy. However, it would greatly assist renters if there was generally a more proactive and systematic approach taken by community housing providers, the Housing Registrar and the Department to link renters to advocacy services.

While independent support and advocacy is available to some public and community housing renters, it is not uniformly available across the sector.



Comparison with best practice

Best practice complaint handling would include informing complainants about advocacy services and directly connecting them to key services available to help them navigate the complaint system.

Community housing organisations and local public housing offices should be required to educate renters about advocacy and support services. The Ombudsman notes the VPTA occasionally receives referrals for services from the Department.

321. The investigation met with the Victorian Greens, who spoke about regularly helping social housing renters, especially in public housing. St Luke’s Anglican Church in South Melbourne works with the VPTA to assist public housing renters. Staff from St Luke’s and the Victorian Greens told the investigation they spent about 60 per cent of their working week advocating for renters. The fact that political organisations and religious groups are taking on the role of advocate suggests a lack of existing support services.

322. In its Interim Report, the Review proposed creating a dedicated representation and advocacy function for both public and community housing renters. It suggested ‘rebranding the existing public housing advocacy agency (VPTA), adapting its constitution and Board membership, and resourcing it appropriately’.

323. The investigation agrees equal access to representation and independent advocacy support, including legal advice, should be offered to public and community housing renters navigating complaint systems and agrees the VPTA is an appropriate agency.

VCAT

324. Social housing renters expressed differing views about the effectiveness of VCAT in resolving disputes. Some renters were happy with the process:

I was very nervous about going to VCAT ... It was a very big deal. It felt very productive that there was somebody kind of sensible listening to both sides of the argument. Somebody was actually prepared to put in the time and energy. Somebody was looking at documents and took my complaint seriously and there was an outcome. I was very pleased with that.

325. Others were frustrated at the delays and said their housing provider failed to comply with VCAT's orders:

I went to VCAT roughly eight times, I was successful each time yet not one repair [was] ever complete[d]. A high-priced lawyer was hired instead to absolve the department's liability.

326. Others, such as Barry (case study 9), gave up on the process because it was too difficult.

327. The Housing Registrar told the investigation there may be future system reform opportunities for supporting tenants through the system, including mediation, early intervention and advocacy:

I think VCAT is sometimes a necessary tool for registered agencies ... Having said that, there is opportunity to look for options that would reduce some of the adversarial behaviour ... which chew up a lot of resources and can be very stressful for tenants. ... So where it's not being that efficient, anything to reduce that burden on VCAT, but also to short circuit some of these issues; we'd strongly support that.

328. Responding to a draft of this report, the Housing Registrar said some complaint processes for tenants could be simplified through reform, but some complexity would necessarily remain in balancing the rights of all tenants under the Residential Tenancies Act and VCAT's role, with consistent escalation pathways for social housing tenants. He said complaints should be resolved in a way that enabled parties to exercise their rights.



Case study 9: Barry's story

Barry lives in a community housing flat. He complained to his community housing organisation about the electronic entry gate. He said over time the spring wore out and the gate would unlock itself. Barry spoke with his Housing Manager to request it be fixed. He said the community housing organisation ignored his request and did not reply to his complaint.

Barry contacted Consumer Affairs Victoria twice for help. He also applied to VCAT. Barry said when he attended the tribunal hearing he did not realise he needed to bring in paperwork. He said because he didn't have it, he was told he needed to pay another \$65 to reapply.

Barry did not submit another application because he did not think it was worth it.

VCAT is sometimes used as a tool to encourage the Department to do its job.

329. VCAT is sometimes used as a tool to encourage the Department to do its job. One community legal service told the investigation matters are often urgent by the time they became involved, and they advise the renter to start VCAT proceedings immediately:

In our experience, the complaint handling procedure is such a lengthy procedure, to get any kind of substantive answer or resolution, that we believe that once you start initiating tribunal proceedings, [the Department] act[s] quicker, which really should not be the route.

330. The most significant barriers to justice for renters applying to VCAT are extensive wait times, the inaccessibility of the process and a perception of it being an intimidating process.

Wait times

331. In the Residential Tenancies Division of VCAT, the 'estimated time to VCAT' for urgent applications is two business days and for non-urgent applications is seven business days. Bond and compensation disputes have a wait time of 'several months or more', partly because of COVID-19 delays.

332. As of September 2021, there were at least 16,000 pending disputes in the Residential Tenancies Division, with many people waiting 10 months for a hearing. Media reports have suggested some individuals have not been given a hearing date at all. One renter who complained to the Ombudsman said he gave up after hearing how long it would take to get a hearing:

I made enquiries and they said it would take 6 months to get a hearing ... I haven't put an application in.

333. Data from VCAT annual reports suggests this backlog has particularly affected the Residential Tenancies Division, where about two-thirds of VCAT's overall cases are lodged (approximately 50,000 of 80-85,000 each year). Data indicates while VCAT swiftly moved to hearings online at the start of the pandemic, the number of cases heard and finalised dropped significantly.

334. VCAT acknowledged the impact of delays. It told the investigation delays were largely due to tribunal Members reducing their availability or leaving their roles. VCAT has started replacing Members but acknowledged appropriate training will take time.

335. VCAT said it was implementing strategies to mitigate delays across the Residential Tenancies Division, including:

- partnering with the Dispute Settlement Centre Victoria to refer appropriate matters for possible resolution by consent
- deploying VCAT panel mediators to provide mediation services for higher value, more complex claims
- auditing and surveying backlogged matters to determine their status.

Accessibility

336. While VCAT offers numerous concessions for applicants experiencing financial hardship, the apparent complexity of applying can deter renters.

337. Some applicants are automatically exempt from paying fees, including the standard \$66.30 application fee. Others must apply online using a three-page exemption form.

338. The form requires applicants applying under 'financial hardship' to complete the following table.

Figure 12: VCAT financial hardship application form

FINANCIAL DETAILS		
Dependants	How many people rely on you for financial support?	
Fortnightly income How much do you receive after tax every two weeks (fortnightly)?	Pay after tax	\$
	Pension	\$
	What financial support do you receive for your dependants and how often - for example, from a former or current partner?	\$
	Other income – for example, workers compensation, interest, superannuation income, rent or board paid to you	\$
	Total income	\$
Fortnightly expenses How much is your cost of living every two weeks (fortnightly)?	Rent or board	\$
	Mortgage repayments	\$
	Credit card and other loan repayments	\$
	Utilities – water, gas, electricity, telephone, internet and data	\$
	Food	\$
	Travel and motor vehicle costs	\$
	Other expenses – for example, health care, child care, insurance	\$
	Total expenses	\$
Assets Assets are things that you own or partly own	House and land – market value	\$
	Car or other motor vehicle – market value	\$
	Other assets – for example, money owed to you, shares, trust funds	\$
	Total assets	\$
Bank account details	Current bank or credit union balances (total for all accounts)	\$
	Total balances	\$
Debts	Amount owing on your mortgage	\$
	Amount owing on other loans	\$
	Total amount owing on credit cards	\$
	Other debts – for example, amount owed to businesses or individuals. Tell us about each debt. Attach information about each debt.	\$
	Total debts	\$
Credit card limit	Total limit on credit card	\$

Source: *Application for Fee Relief*, Victorian Civil and Administrative Tribunal

339. The relief form can be quite confusing for disadvantaged applicants.

340. The VCAT website has one page that can be translated into eight languages. Generally, VCAT directs applicants to the Translation and Interpretation Service (TIS) which can call the VCAT customer service team on the applicant's behalf.

341. VCAT acknowledged issues with its hardship form, which it intends to consider when it reviews its regulations.

342. VCAT said that as well as offering a translation service, it also provided:

- access to advocacy and support services
- a dedicated Koori Support Team
- a dedicated Family Violence support officer
- an internal network of disability liaison officers.



Case study 10: Charlotte's story

Charlotte lives in community housing with her two-year-old son. Her washing machine was connected to the bath and when she came home one day, her unit was flooded. Charlotte called her community housing organisation's emergency maintenance line and was advised a contractor would be sent out to look at the problem. Four days later, Charlotte said, several plumbers assessed the problem and identified a major issue with the property's pipes. Charlotte said she followed up with her community housing organisation but it was waiting on authorisation from the Department. Meanwhile, the Department said it was unable to release any information as it was investigating the matter.

Charlotte said the bathroom could not be used and she had to attend public facilities to shower with her son, and do her washing at a laundromat. After three months, Charlotte hired a plumber. Charlotte said the plumber unclogged the drain and fixed the problem in minutes. Charlotte contacted a local community group which helped her apply to VCAT. VCAT ruled the community housing organisation should pay Charlotte's plumbing bills plus other related expenses. Due to various factors, the organisation agreed to pay only the plumbing expenses.

VCAT told Charlotte that to pursue the additional expenses she would need return to the tribunal and complete more paperwork. She did not understand the process and found this confusing. Charlotte said she gave up because the VCAT process was stressful, and her lawyer was unavailable to help her.

343. Renters, including private renters, lodge far fewer applications in VCAT's Residential Tenancies Division than rental providers, including private providers. In a 2018 paper, *Improving housing and health outcomes: understanding and addressing barriers to VCAT attendance*, West Heidelberg Community Legal and Banyule Community Health argued that this illustrated the power imbalance between renters and providers, an imbalance magnified in the social housing context.

344. Renters are also less likely to attend hearings than rental providers which disadvantages the renters, despite recent attempts to improve VCAT accessibility and efficacy. The *Justice Legislation Amendment (Access to Justice) Act 2018* (Vic) implemented 16 recommendations from the Victorian Government's 2015

Access to Justice Review. However, VCAT annual report data suggests minimal increases in resident applicants since 2017.

345. However, VCAT's most recent attendance figures showed renter attendance increased to between 47 and 54 per cent, up from 35 to 40 per cent in the six months before the pandemic.

346. Having an advocate at VCAT can increase renters' understanding of processes and increase the possibility of preserving tenancies. A representative of Aboriginal Housing Victoria said:

Having a legal advocate at VCAT helps the renter. They explain the renter's rights and responsibilities ... Clients are vulnerable and a part of the advocate's job is explaining how the system is supposed to work.

Perception of VCAT as an intimidating process

347. The investigation heard VCAT is regarded by many renters as a confronting way to have their disputes heard. Social housing renters can also find the application process intimidating:

The paperwork was very involved and difficult for me. It was a whole new field for me. Fortunately, I had a neighbour who could help me.

The form was very difficult. My legal service filled it in for me.

348. VCAT told the investigation it 'prides itself on being an accessible and user-friendly organisation [which strives] to deliver fair justice outcomes to all Victorians'. It points to a range of supports as well as updates to its website to make it more user friendly.

349. CHIA Vic said it believed VCAT was the appropriate principal external forum for resolving disputes between community housing organisations and renters.

350. VCAT was designed as a low-cost, accessible and independent dispute resolution service. It can be an effective forum for social housing renters to enforce rights under the Residential Tenancies Act.

351. If renters were properly supported, they could access justice in the same way and in similar numbers to rental providers, who currently make about 85 per cent of applications in the Residential Tenancies Division. It is essential renters have access and support to obtain advocacy services. This may assist in addressing some of the disparity in the numbers of applications lodged and hearings attended by renters and providers.

352. On 3 May 2022, the Victorian Government announced \$21 million for VCAT to tackle growing case lists as part of an overall investment of more than \$300 million in legal and justice services.

Victorian Ombudsman

353. The final point of review for renters' complaints is the Victorian Ombudsman. The Ombudsman is not able to review the substance of VCAT decisions.

354. In the past three years, the Ombudsman received 2,416 complaints about public housing and 150 complaints about community housing, including complaints about the Housing Registrar.

355. During the same period, the Department resolved 3,157 complaints about public housing. Of those, 884 were 'resolved at external oversight', most of which were forwarded to the Department by the Ombudsman's office.

The Ombudsman's jurisdiction over particular community housing organisations may be limited by a restrictive definition of 'public body' in the Ombudsman Act.

356. The Ombudsman's jurisdiction over particular community housing organisations may be limited by a restrictive definition of 'public body' in the Ombudsman Act.

Including community housing organisations in the Ombudsman Act

357. Schedule 1 to the Ombudsman Act includes a list of 'specified entities' defined as 'authorities' within the Ombudsman's jurisdiction.
358. It includes non-government entities that provide services to or on behalf of the State. These include community services registered under the *Children, Youth and Families Act 2005* (Vic), private organisations providing prison services under the *Corrections Act 1986* (Vic) and contractors providing a variety of services under the *Court Security Act 1980* (Vic), the *Health Services Act 1988* (Vic) and the *Magistrates' Court Act 1989* (Vic). Registered community housing organisations, and community housing organisations receiving funding to provide a housing service, however, are not included in Schedule 1.
359. Including community housing organisations in Schedule 1 to the Ombudsman Act would be fair and appropriate, and provide certainty and consistency for the organisations and renters alike about the Ombudsman's oversight.

Looking in the mirror

360. The way the Ombudsman handles complaints from public and community housing renters also needs to be reflected upon.

361. The Ombudsman's role as the peak social housing complaint handler is not widely known and understood across the sector, and there may be potential legislative constraints on the office's ability to assist all community housing renters. Some community groups and renters told the investigation they were unaware of the option to complain to the Ombudsman. Some advisors to Members of Parliament were also unaware of the Ombudsman's role. This lack of awareness means the complaints the Ombudsman receives do not provide a full picture of social housing renters' discontent.
362. Often, renters who contact the Ombudsman are unaware of all the complaint processes available to them. Generally, where a renter has not yet lodged a formal complaint with the Department, community housing organisation or Housing Registrar, the Ombudsman will advise them to take this step to encourage local resolution. This gives the Department, community housing organisation or Housing Registrar the opportunity to resolve the matter before the Ombudsman becomes involved.
363. Some renters, however, have told the Ombudsman this can exacerbate their frustration, leading to a perception that the Ombudsman is just another cog in the bureaucratic wheel:

I've dealt with the Department ... all my life and you get nowhere. That's obviously why I rang you guys. And then you just get a 'Bad luck just ring them. It's their problem not ours'. And so I thought, 'Oh well like usual nothing gets done and they don't care'.

Everyone keeps telling me to ring the Ombudsman and I don't seem to get anywhere ... [Y]ou say you got to go through [my community housing organisation]. Well I have and they have done nothing. No one wants to do anything about it.

364. Members of Parliament have also raised concerns about this. A Victorian Greens representative said:

[W]e do have a lot of constituents that have lodged complaints with the Ombudsman and have felt that they didn't get any outcome or what they were actually saying wasn't understood. So the response was very similar to what Housing came back with.

365. The Ombudsman is taking steps to address this problem. Direct referral pathways from some Members of Parliament for complaints about public housing have been established and a project developing a process of 'warm referrals' to the Department is underway. This has been assisted by legislative reform. Warm referrals involve connecting renters directly with the Department and community housing organisations or other relevant bodies to resolve their complaint directly, rather than advising renters to make the approach themselves.

Systemic investigations

366. The Ombudsman has a longstanding interest in and commitment to identifying issues and improving practices in the social housing space for all social housing renters.

367. With powers similar to those of a Royal Commission, the Ombudsman has carried out two significant investigations into social housing in recent years:

- *Investigation into the management of maintenance claims against public housing tenants* in October 2017
- *Investigation into the detention and treatment of public housing residents arising from a COVID-19 'hard lockdown' in July 2020.*

Aboriginal social housing complaints

“ Australia cannot achieve justice and equity for Aboriginal people unless we address extensive and profound housing poverty ... While the forces we face are daunting they are not insurmountable and the Victorian Government has demonstrated an appetite to address significant challenges in other policy domains, and goodwill in progressing an agenda of self-determination. ”

– Mana-na woorn-tyeen maar-takoort
Victorian Aboriginal Housing and Homelessness Framework

368. Some who complain to the Ombudsman about social housing identify as Aboriginal or Torres Strait Islander. Over the past three years, Aboriginal Victorians accounted for:
- 4.5 per cent of complaints about public housing
 - 24 per cent of complaints about community housing organisations
 - 6 per cent of complaints about the Housing Registrar.
369. Providing identifying information to the Ombudsman is optional, so this data may not accurately reflect the actual number of Aboriginal Victorians complaining about their housing. It certainly does not reflect the proportion of Aboriginal Victorians living in social housing.
370. As a percentage of Victoria's population, Aboriginal Victorians are disproportionately reliant on social housing. One in four Aboriginal households live in social housing compared to one in 50 in the general population.
371. As at June 2021, there were:
- 2,999 Aboriginal households in public housing
 - 1,562 Aboriginal households in community housing with Aboriginal Housing Victoria
 - 413 Aboriginal households in non-Aboriginal controlled community housing.
372. The Review's Interim Report noted that Aboriginal Victorians:
- experience historical, complex disadvantage that results in issues that lead to extreme levels of unmet demands for social housing, with one in five Aboriginal Victorians on the Victorian Housing Register
 - access homelessness services at the fastest growth rate in Australia – 10 per cent of homeless Victorians are Aboriginal
 - in many instances, are locked out of the private rental market because of cost, apparent racism and lack of experience.
373. *Mana-na woorn-tyeen maar-takoort (Every Aboriginal Person Has a Home)* is the Victorian Aboriginal Housing and Homelessness Framework. Developed by the Aboriginal community and launched in February 2020, it sets out the disproportionate and adverse impact of current housing policy on Aboriginal people and provides a road map to stable housing.
374. Aboriginal Housing Victoria is a large, dedicated Aboriginal-controlled community housing organisation. It is, however, the only dedicated provider in Victoria.

375. Some renters whose cases go to VCAT speak positively of the experience. VCAT has a Koori Support Team which assists Aboriginal and Torres Strait Islander renters. The team helps renters understand processes, connects them with legal and other services and attends hearings to support renters.

376. For some renters, however, attending VCAT is not a viable option to resolve disputes about their housing. In some cases, issues could be resolved well before they reach the tribunal.

377. *Mana-na woorn-tyeen maar-takoort* seeks to sustain tenancies through culturally strong, Aboriginal-focused systems and practices, including by supporting renter advocacy and rights. Some positive first steps have been taken.

378. The Department began implementing its cultural safety framework in 2018, working closely with Aboriginal communities in culturally safe ways to meet their needs and aspirations.

Mana-na woorn-tyeen maar-takoort seeks to sustain tenancies through culturally strong, Aboriginal-focused systems and practices.

379. CHIA Vic launched a cultural safety framework in 2021 for its members, on an opt-in basis. CHIA Vic said it had run 15 cultural awareness training sessions for its members. It also said it supported the inclusion of a Performance Standard regarding cultural safety. It has initiatives to improve culturally safe policies and practices aimed at providing greater clarity for Aboriginal renters applying for community housing, and it supports publicly reporting on these.

380. Significant investment in dedicated Aboriginal housing has also been recently announced. In February 2022, the Victorian Government introduced a \$150 million funding package to build new homes through grants to Aboriginal community-controlled organisations and Aboriginal housing providers. It is anticipated this will create more than 400 new homes.

381. Two Aboriginal and Torres Strait Islander renter advocates have been funded by Homes Victoria to work at the VPTA. The roles were created to provide culturally safe renter advocacy independent of rental providers. It is intended that there will be one female and one male advocate, each responsible for case management, outreach and engagement.

382. The Ombudsman welcomes these developments and recommends that the approach adopted in *Mana-na woorn-tyeen maar-takoort* continue to underpin Aboriginal social housing policy. The VPTA highlighted, however, the difficulty in delivering support through rental providers:

The roles have been created in recognition of the disproportionate experiences of homelessness and social housing tenure of Aboriginal and Torres Strait Islander peoples. Despite this, there is no culturally safe housing advocacy for Aboriginal and/or Torres Strait Islander peoples. Although Aboriginal Housing Victoria is a significant and leading voice on matters regarding Aboriginal and/or Torres Strait Islander housing, they are also, in many cases, the [rental provider].

383. In its Interim Report, the Review made 17 proposals related to Aboriginal Housing. These include recommendations regarding:

- cultural safety
- accountability to the community
- culturally appropriate advocacy and support
- supporting registration and Aboriginal self-determination
- performance standards for registered Aboriginal housing providers.

384. The Ombudsman endorses the substance and sentiment of these proposals, noting in particular the Review's proposals on advocacy and support:

- 7.6 Establish an independent tenant advocacy function that assists Aboriginal people to navigate their way through the social housing system and guides people on complaints and disputes processes. This function would be staffed by Aboriginal identified people.
- 7.7 Ensure navigable and culturally safe complaints and disputes processes that provide a clear pathway from the social housing provider to the regulator and to the Victorian Civil and Administrative Tribunal.
- 7.8 Establish an alternative dispute resolution mechanism that is culturally safe and includes informal and community-based complaints processes. Respected Aboriginal community members would form part of the dispute resolution process.

A simpler, fairer system for all social housing renters

“ We want our services to work for people who need and use them. We can always do better and we listen to people using our services, their advocates and representatives. ”

- Department website

385. Some social housing renters feel powerless to complain about their housing and some complaint and appeal processes are unnecessarily complex for renters.

386. The pathways available to public and community housing renters to resolve disputes are not equal. Community housing renters do not have the same opportunities to escalate complaints or access advocacy as public housing renters. This needs to be addressed.

387. It is good for renters to have the potential support of numerous social housing agencies and processes. Different and flexible complaint and dispute resolution mechanisms must be available to meet the needs of diverse renters as there is no 'one-size-fits-all' solution.

The pathways available to public and community housing renters to resolve disputes are not equal.

388. However, while some complexity is necessary, particularly in larger-scale complaint processes, social housing renters should be shielded from this and the confusion and stress it may bring. From a renter's perspective, making a complaint should be a simple process.

389. The Ombudsman and investigators met with interested parties to discuss a new 'in principle' complaint model. This simpler and more equitable system for both public and community renters is intended to improve the ease and quality of a renters' complaint experience.

390. The CEO of Homes Victoria agreed a single complaint and appeal pathway was 'desirable, necessary, even essential' but said it should not come at the expense of continuing to encourage local and immediate complaint resolution. He said any design of a single complaint or appeal pathway should make it:

exceedingly clear that each provider, including [Homes Victoria], has an obligation to manage complaints effectively, to manage administrative appeals or their equivalent in charitable organisations effectively, and to try and resolve issues at a local and responsive level as rapidly as possible in order to get the best possible outcomes most rapidly.

391. In response to a draft of this report, the CEO reiterated the importance of 'resolving complaints early and locally' and acknowledged continuous improvements were required.

392. The Housing Registrar observed:

there are complexities that would need to be worked through given the fundamental differences between public and community housing and the efficiencies gained from having complaints dealt with at landlord level in the first instance.

393. The Ombudsman agrees the principle of 'local resolution, central escalation' should continue to apply to all social housing complaints. Encouraging renters to initially engage with local staff who have the most direct knowledge of their issue should remain the first stage of resolution.

394. However, escalation opportunities are not currently equal depending on the housing provider. This is unfair.

395. Homes Victoria has a unique overview as the 'system steward' for both community and public housing renters and is also the housing provider for public housing renters. When considering the possibility of a single initial complaint portal for all social housing renters, the CEO of Homes Victoria said there was a real risk in a large, bureaucratic system that the importance of genuine efforts to resolve disputes locally could be lost if the message received by staff was '[t]here's now a single complaints [portal], my job is just to refer people to that'.

The Ombudsman agrees the principle of 'local resolution, central escalation' should continue to apply.

396. A large proportion of complaints to the Ombudsman are about the way complaints are handled or about how services are, or are not, delivered. The investigation acknowledges the impact that dealing with high volumes of housing complaints daily has on Department staff and that this may affect their dealings with renters. The work of local housing officers is multi-layered and includes the need for technical knowledge of complaint processes. It also requires excellent communication skills when dealing with renters who are often in distress, and other interested parties such as contractors. Investing in more support and training for frontline complaint handlers in both the public and community housing sectors would reap rewards.

397. Another significant driver of dissatisfaction for social housing renters is poor dwelling quality. The Department says it is investing in property upgrades and other initiatives across the public and community housing sectors to improve renter comfort. Ongoing investment to maintain and improve existing properties, as well as building new properties to a high standard, will help lower complaint numbers.

However, escalation opportunities are not currently equal depending on the housing provider. This is unfair.

Proposed two-tiered model for social housing complaints and appeals

398. To improve the ease and quality of renters' experiences when making complaints or appealing decisions, the Ombudsman proposes a high level 'in principle' two-tiered system – a single, simpler and more equitable model for all social housing renters that draws on existing complaint system infrastructure.

To improve the ease and quality of renters' experiences when making complaints or appealing decisions, the Ombudsman proposes a high level 'in principle' two-tiered system.

399. Tier 1 would retain the emphasis on local complaint resolution using existing processes within existing agencies. This would ensure equal local complaint resolution opportunities for community and public renters, and an alignment with complaint handling best practice. Frontline staff would be properly resourced and trained to respond appropriately and sensitively to complaints and appeals. Tier 1 should also allow the Department to retain access to relevant feedback which is critical in informing rental provider policy and practice.

400. Good practice includes the option of internal reviews of complaint or appeal decisions. Processes that unduly focus on giving decision makers multiple opportunities to reconsider decisions, however, can result in delays and unfair outcomes for renters. Tier 1 processes across the sector should be reviewed in line with best practice complaint handling principles to reduce the number of steps by renters to resolve complaints or appeals.

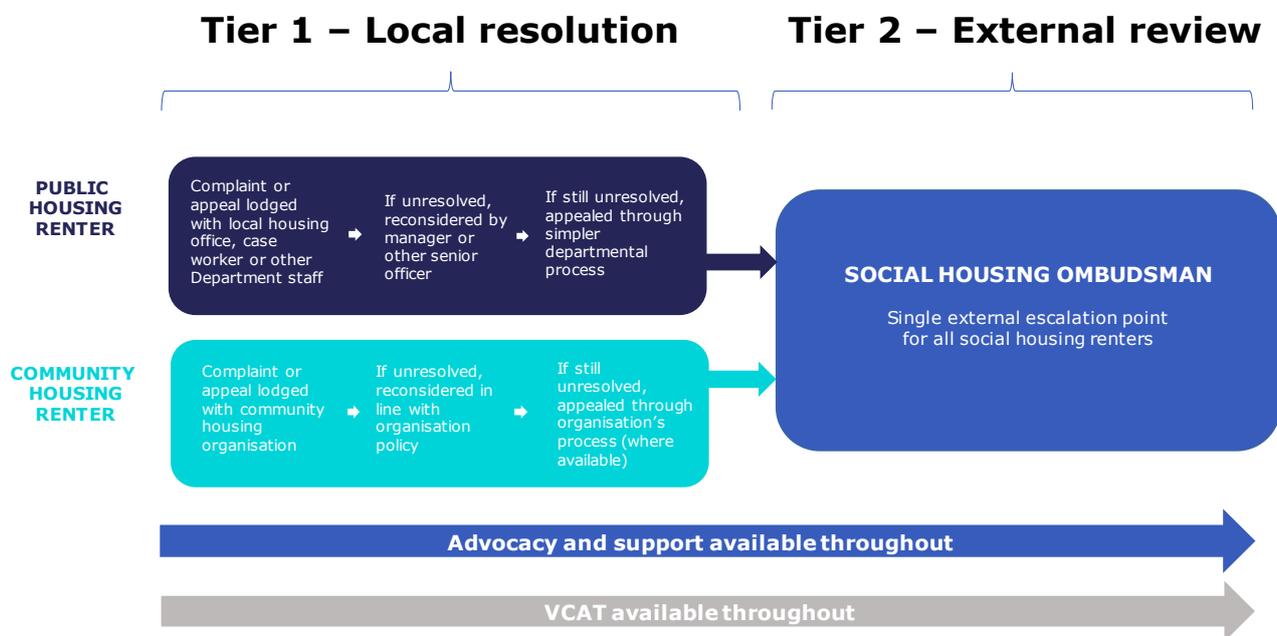
401. Tier 2 would be the single external escalation point for all social housing renters to a proposed new Social Housing Ombudsman, which is explored further below.

Renters would be offered advocacy services when they lodge complaints or appeals, and throughout the process.

402. The investigation suggests all social housing landlords' websites should provide a link to this single external escalation point. It would be a helpful way to inform renters and streamline complaint and appeal escalations. Information should also be provided in other forms.

403. Renters would be offered advocacy services when they lodge complaints or appeals, and throughout the process. They would be connected directly by staff with the VPTA, community legal centres, local Members of Parliament or other appropriate bodies.

Figure 13: Proposed model for social housing complaints and appeals



Source: Victorian Ombudsman

404. Parties would be offered conciliation during the early stages of the Social Housing Ombudsman’s complaint resolution process, where appropriate. Recognising the value of involving community members in the dispute resolution process, representatives of the relevant renter community could be engaged to assist with conciliation processes where possible. Where the Social Housing Ombudsman is unable to assist with disputes between neighbours, renters would be referred to the Dispute Settlement Centre of Victoria or other bodies as appropriate.

405. Complaints from Aboriginal and Torres Strait Islander renters would be dealt with by officers with appropriate expertise, experience and knowledge of the principles underpinning *Mana-na-woorn-tyeen Naar-takoort*, the Victorian Aboriginal Housing and Homelessness Framework. Aboriginal and Torres Strait Islander renters would be connected personally and directly to advocacy services if needed and desired.

Proposed Tier 1 – Local resolution

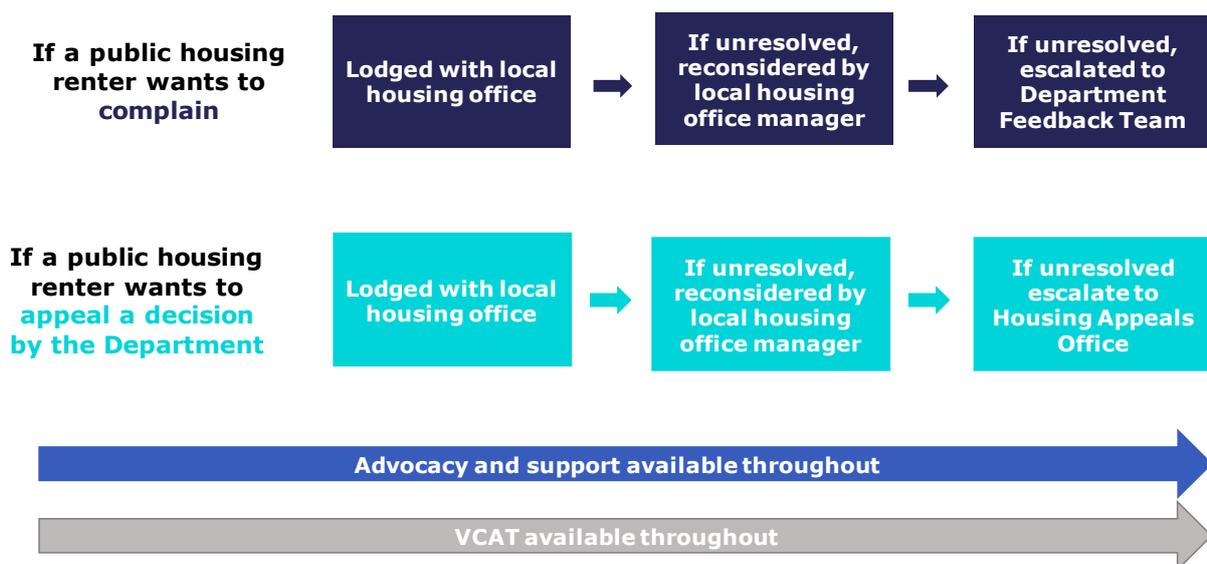
Public housing

- 406. Renters first complain to their local housing office, case worker, or other staff member. Advocacy support is offered. If they are dissatisfied with the decision, it could then be reconsidered by a manager or senior officer in the local housing office.
- 407. Complaints may also be escalated to the Department’s Feedback Team, where advocacy support is again offered.
- 408. Internal appeals could continue to be made to the Housing Appeals Office; but under a simplified process, there would be only one opportunity for reassessment by the Manager of the local housing office.

- 409. The current critical feedback loop within the Department would be retained in this model to allow intelligence gathering, internal reviews and quality assurance activities.
- 410. The Social Housing Ombudsman would act as a final opportunity for external review if the complaint was not resolved through the Department’s processes. Advocacy support will be offered by the Social Housing Ombudsman.
- 411. The investigation suggests all social housing provider websites should link to a single external escalation point. This would be a helpful way to inform renters and streamline complaint and appeal escalations. Information should also be provided in other forms.

The investigation suggests all social housing provider websites should link to a single external escalation point.

Figure 14: Simplified Tier 1 process for public housing renters



Source: Victorian Ombudsman

Community housing

412. Renters first complain to their community housing organisation. Advocacy support is offered. If they are dissatisfied with the decision, it could then be reconsidered by the Manager or other more senior staff in line with the organisation's policy.
413. The diversity of the community housing sector means complaint and appeal processes vary across organisations of differing size. Requiring all community housing organisations to adopt uniform policies may have unintended consequences. The Housing Registrar should include a requirement for registered community housing organisations to comply with best practice complaint handling in the relevant Performance Standard.
414. To ensure community housing renters have similar opportunities to their public housing counterparts in escalating complaints within Tier 1, community housing organisations with less-developed internal complaint review systems could either combine to provide a further level of internal review (like the Housing Appeals Office), or connect to a larger community housing organisation and use its process. Access to advocacy support should also be offered at this stage.
415. If this is not possible, complaints should be escalated and reviewed by Tier 2, the Social Housing Ombudsman as set out in Figure 13. Advocacy support will be offered by the Social Housing Ombudsman.

Proposed Tier 2 - External review

416. Tier 2 is a proposed single external review point - the Social Housing Ombudsman - where renters could seek assistance if they have complained to their landlord, had the decision reviewed and remain dissatisfied.
417. As outlined further below, in the absence of a Government financial and policy commitment to a new, standalone, independent body for all social housing renters, it is proposed the Social Housing Ombudsman would sit within the Victorian Ombudsman's office - though with a separate function, funding, phone line, email address, online form, web presence and specialised staff.
418. Wherever located, the Social Housing Ombudsman would consist of a team of complaint handlers, conciliators and investigators with relevant expertise, including knowledge of the policies and procedures of all social housing organisations.

A Social Housing Ombudsman

419. A new, standalone, independent body for all social housing renters with experience in complaint handling, dispute resolution including conciliation and investigation has obvious benefits. Many of the individuals and advocacy groups who engaged with this investigation also want and support such a system.
420. The establishment and funding of such an entity is ultimately a matter for Government. In the absence of a financial and policy commitment, however, this investigation proposes using existing infrastructure and resources to create the foundation for a standalone function within the Victorian Ombudsman's office.

421. The Victorian Ombudsman already has known jurisdiction over public housing and many community housing organisations. It has deep complaint handling experience and processes and practices that are consistent with the latest Australian Standard for complaint management. The Ombudsman also has a discrete legislative complaint ADR and conciliation function, complaint review function, the ability to make enquiries and investigate a wide range of housing-related matters, a complaints training function and performs education and community outreach.

[T]his investigation proposes using existing infrastructure and resources to create the foundation for a standalone function within the Victorian Ombudsman's office.

422. The Ombudsman also has a unique function regarding the Charter of Rights Act. People living in social housing are generally experiencing some level of disadvantage. As the Review's Interim Report put it, for renters, social housing is often the 'last step between them and homelessness'. In this context, most complaints from social housing renters also require an assessment of whether their human rights have been respected under the Act.

423. Legislative change and additional resources would be needed to extend the Victorian Ombudsman's services to all social housing renters, as set out below.

424. A dedicated team of social housing specialists would use both the existing powers of the Victorian Ombudsman and new strategies to improve complaint handling by:

- assisting renters to navigate the complaint system, including connecting them directly with relevant areas of the Department, their community housing organisation, community legal centres or other advocacy services when appropriate
- coaching renters and advocates about how to make an effective complaint
- prioritising complaints from Aboriginal or Torres Strait Islander renters
- using the Ombudsman's legislated function to resolve disputes by conciliation
- conducting community activities using the Ombudsman's legislated function to increase awareness of the Ombudsman's complaint handling role
- training agencies in complaint handling under the Ombudsman's legislated function
- using the Ombudsman's legislated function to collaboratively review social landlords' complaint handling policies and procedures against the latest Australian Standard
- liaising with the Department, community housing organisations, advocacy groups and other interested parties to achieve fair outcomes for renters
- referring renters to the Dispute Resolution Centre of Victoria or other bodies as appropriate
- identifying systemic issues that may be suitable for broader Ombudsman investigation.

425. The Social Housing Ombudsman would report publicly about the complaints it receives, including on issues and outcomes, as the Ombudsman already does.
426. There are multiple examples of Parliamentary Ombudsmen having specialist functions to oversee non-government bodies, such as community housing organisations. Schedule 1 to the Ombudsman Act is testament to this; and the Commonwealth Ombudsman also operates as the Private Health Insurance Ombudsman, the Overseas Students Ombudsman, and the Postal Industry Ombudsman. The Tasmanian Ombudsman handles complaints about private energy providers through its Energy Ombudsman function, and about private and community health services through its Health Complaints Commissioner function. The Western Australian Ombudsman has similar functions.



Ombudsman services

The Commonwealth Productivity Commission's 2014 Report into access to justice noted 'there is a general consensus ... that ombudsmen are effective in promoting access to justice'. The Productivity Commission also highlighted that ombudsmen resolve complaints relatively quickly and a 'significant proportion of unmet legal need could be served by greater knowledge of, and access to, ombudsmen and complaints services'.

The Commission also found that '[i]n the context of the broader civil justice system, ombudsmen and other complaint bodies resolve a large volume of complaints at low cost'.

The English Housing Ombudsman told the investigation:

Because of the nature of an ombudsman and its unique perspective that it provides – its independence, its discretion that it has – it can look at a substantive issue as well as the effectiveness of the complaints process. It can bring fresh light to the substantive issue ... The kind of issues which drive complaints and maladministration and affect the quality of life of people living in public or social housing.

Ombudsman services are cost-effective and independent. In 2016, the Victorian Government's Access to Justice Review suggested:

Industry and government ombudsmen schemes appear to embody some of the best elements of alternative dispute resolution: accessibility, speed, low cost, flexibility, efficiency, support, capacity to identify systemic issues, and ability to redress power imbalances.

Requirements for success

Necessary funding

427. Improved complaint handling at Tier 1 would require funding to ensure there are enough appropriately trained frontline staff to handle complaints and appeals skilfully and sensitively. The success of this proposal would also require dedicated funding for Tier 2 to enable the Social Housing Ombudsman to deliver a professional, preventative and responsive service alongside the Ombudsman's existing work.
428. This separate budget would need to initially fund a number of full-time staff to handle and resolve complaints, conduct complaint handling training and complaint reviews, and conduct outreach and education activities about social housing complaint avenues and the role of the Social Housing Ombudsman. Resourcing would need to be properly quantified, and reviewed over time, as complaint numbers will likely increase as the sector expands, and as awareness of the new body grows among renters and advocates.

Ombudsman jurisdiction

429. If this proposal is accepted, the Ombudsman's jurisdiction should be clarified and amended to include all community housing organisations, including those that are not registered and which do not receive public funding.

[T]he Ombudsman's jurisdiction should be clarified and amended to include all community housing organisations.

430. The extent to which the Ombudsman can handle complaints about housing providers that are not publicly funded is limited only by the Government's willingness to include them in Schedule 1 to the Ombudsman Act.

Other considerations

Information sharing

431. Information sharing arrangements between the Department, the Housing Registrar, community housing organisations, and the Social Housing Ombudsman would be critical to the success of this model. Appropriate information sharing enables renters' concerns to be effectively responded to, no matter which body the renter has contacted. It would also assist in 'cutting red tape' and support continuous improvement efforts across the sector.

Information sharing arrangements ... would be critical to the success of this model.

432. The Victorian Ombudsman has information sharing powers with the Department and the Housing Registrar under the current Ombudsman Act. Information sharing arrangements already exist between the Department and the Housing Registrar, and the Department and CHIA Vic. The VPTA also has an information sharing arrangement with the Department related to casework.

433. The Housing Registrar's role as a monitor of systemic issues across community housing that might need to be addressed through regulatory action would remain an important part of its function under the proposed model.

Role of VCAT

434. VCAT's jurisdiction includes matters under the Residential Tenancies Act. At any stage in the complaint and appeal process, renters can apply to VCAT for a hearing about a Residential Tenancies Act matter.

435. Generally, where a complainant has a right of review to a tribunal, including VCAT, the Ombudsman must refuse to deal with their complaint under section 15(5) of the Ombudsman Act. However, the Ombudsman has a discretion to deal with a complaint where it would not be reasonable to expect the complainant to exercise that right or where the Ombudsman considers the matter merits investigation to avoid injustice. This discretion is frequently exercised by the Ombudsman.

436. Under the Ombudsman's proposed model, renters wishing to challenge decisions at VCAT would still be able to apply to the tribunal at any stage. Where appropriate, however, staff at the Social Housing Ombudsman would be able to exercise discretion to assist renters who may otherwise have a right of review to VCAT.

Broader context

437. Responding to a draft of this report, Homes Victoria stated it could not provide a conclusive view on the Ombudsman's proposed model as it was awaiting the Social Housing Regulation Review's report.

438. The Ombudsman's proposed approach adheres to best practice including separation between regulation and complaint functions, and advocacy for public and community housing renters.

439. It is worth noting that should the Social Housing Ombudsman be created as a standalone function outside the Victorian Ombudsman's office, there is a risk of inadvertently introducing extra complexity for renters given the Victorian Ombudsman's jurisdiction and functions.

Conclusions

440. Housing is a basic human need. In Victoria, for those not able to secure private housing, social housing is an important alternative. Social housing providers have responsibilities to contribute to the wellbeing and human rights of renters.
441. Social housing in Victoria includes public housing and community housing. Public housing is operated by Homes Victoria, a State Government entity. Community housing is provided by not-for-profit organisations, supported by State and Commonwealth Government funding.
442. While the community housing sector is growing rapidly, it is far smaller than the public housing sector. About 80 per cent of social housing renters in Victoria are in public housing.
443. Over the past six years, the Ombudsman received 4,565 complaints from social housing renters. The most persistent issue raised was poor complaint handling. Dispute resolution and complaint handling in any social service should put the individual – in this case the renter – at the centre of decision making and tailor policies and processes accordingly.
444. Renters, lawyers and community advocates have complained to the Ombudsman that complaint handling systems available to community housing renters are inferior to those available to public housing renters. This was also reflected in many of the submissions to the independent Social Housing Regulation Review.
445. Implementing best practice complaint handling can result in real benefits for renters. The Ombudsman's good practice guides and the current Australian Standard offer useful insights in this regard.
446. The Residential Tenancies Act sets out rights and responsibilities that apply to all renters and rental providers in Victoria, including the social housing sector. It provides for dispute resolution between providers and renters, and parties can seek binding resolutions through VCAT. The Housing Act provides an added regulation layer and establishes key components of Victoria's social housing system.
447. The Charter of Rights Act requires 'public authorities' to act compatibly with human rights, and in their decision making, to give proper consideration to relevant human rights. While decisions by Homes Victoria are subject to the Charter of Rights Act, the Act does not appear to cover community housing organisations.
448. When a social housing renter has a complaint about their housing experience, the options available differ depending whether they are in public or community housing.
449. The Department is the rental provider for most social housing renters. Public housing complaints are managed in line with the Department's processes which, while bureaucratic, are transparent and demonstrate elements of best practice.
450. Community housing complaints are handled in line with individual community housing organisation processes and are not consistent across the sector. Some community housing organisations are large and have dedicated complaints officers, while others are small and do not.
451. While the varying size of community housing organisations offers some potential benefits for renters, inconsistency across the sector creates inequity.

452. Public and community housing renters, community legal centres, Members of Parliament and advocates all told the Ombudsman the current complaint and appeal systems can be complex, unfair and ineffective.
453. Some community housing renters, unable to resolve complaints with their rental provider, seek assistance from the Housing Registrar. The Housing Registrar told the investigation there was significant confusion in the community about its complaint role and practices, largely attributable to the way the system is designed. The Housing Registrar said ‘this confusion has profound negative impacts on tenants seeking to navigate the system’.
454. Common complaints to the Department about simple issues like maintenance show public housing complaints are sometimes not managed effectively under current systems. Some renters resort to contacting local Members of Parliament to resolve maintenance issues. This demonstrates how the Department’s complaint handling system fails to resolve simple matters, and how frustrated and desperate some renters become.
455. The COVID-19 pandemic has hampered the Department’s ability to maintain many of its properties, and where a property is listed for demolition or development, the Department will sometimes not carry out routine maintenance. This has reduced renter confidence in the public housing system, and many consider lodging a complaint about poor property conditions pointless.
456. The Department is making significant investments in maintenance and housing upgrades, but more funding is needed. Ongoing investment in the quality of public housing properties will reduce complaints.
457. More complicated issues, such as neighbour disputes, are also not properly addressed by current complaint pathways. These issues can also become worse when renters receive poor services from their provider. The Department occasionally refers neighbour disputes to the Dispute Settlement Centre of Victoria, but this is not always an appropriate forum.
458. Consideration should be given to staffing some public housing properties with a manager to provide a first point of contact and onsite assistance to quickly resolve matters locally.

Public housing complaints

459. Significant capital investment is being made in social housing. However, without increased funding specifically for tenancy management services, renters’ experiences with the Department’s complaint handling system are unlikely to improve.
460. It is important to remember public housing renters pay rent. While the Department spends more on tenancy management than it receives from these rental payments, renters make a significant contribution toward funding their housing service. For this reason alone, change is needed to ensure their experience with the complaint handling system is accessible, understandable and meaningful.
461. In the last three years, the Department resolved 3,157 public housing complaints, most locally.

462. While elements of the Department's complaint handling processes align with best practice, they remain multi-layered and complex. There are several places within the Department where renters can direct complaints. This can confuse and frustrate renters and lead to inaction, intentional or not, by the Department. All interested parties agreed the Department's complaint processes need to be streamlined internally, and that the complaint process should be simpler for renters to navigate.
463. The Department manages its complaints in a central Feedback Management System. Having a 'no wrong door' policy is best practice as it enables complaints. However, the centralised system can create problems if not used effectively.
464. The Department's process states complaints will be escalated 'if requested by the complainant'. However, renters consistently said when they complained to their first points of contact – local housing officers – those officers failed to resolve complaints or advise how to escalate them. If a renter's complaint is unresolved, they should be advised of the next step without having to request it.
465. Good communication is critical in complaint handling and poor communication drives many complaints to the Ombudsman. The investigation heard complaints about the tone used and comments made by local housing officers to renters. Routinely recording these calls would allow monitoring for quality assurance, demonstrate transparency and accountability and, importantly, lead to improvement. Embedding a commitment to good complaint handling in departmental policy and mandating regular training for staff receiving complaints would improve consistency and renters' experiences.
466. Social housing officers deal with high complaint volumes, and often deal with distressed renters who may not be able to clearly explain their situation. Advocates can play an important role in assisting both renters and housing officers.
467. When renters escalate complaints to the Housing Appeals Office to review a decision, they face another complex and bureaucratic process. Renters would benefit from a simpler housing appeals process, including fewer internal reviews.
468. While the housing appeals process includes many opportunities for decisions against renters to be challenged and reassessed and provides safeguards against poor decision making, it can also increase renters' frustrations. There is scope to reduce the numbers of steps and in doing so, simplify and speed up the process.
469. The Department has invested significant resources to improve its complaint handling, including in the critical area of maintenance, and has further plans to do so. This will contribute to improved processes for both renters and Department staff.
470. There are increasing instances of complex behaviours exhibited by renters in social housing due to intergenerational trauma, alcohol and other drug use, under-treated mental illness and child protection involvement.
471. There are gaps in how the Residential Tenancies Act supports the management of complex renter conduct, and improvements to the legislative framework are needed. Improvements are also needed to policies and practices to ensure good processes and systems are in place to identify and resolve complex renter conduct and neighbour disputes.

Community housing complaints

472. In the 2020-21 financial year, registered community housing organisations received 1,288 complaints from renters and resolved 93.5 per cent of these within 30 days. Little information is publicly available about the nature of the complaints, or the outcomes.
473. The Housing Registrar is the body responsible for registering and regulating community housing organisations and associations in Victoria. Though its primary function is regulation rather than dispute resolution, it also has a limited secondary complaint handling function. It received 110 complaints from renters or prospective renters in 2020-21.
474. Under the Housing Act, complaints can be made to the Housing Registrar where the renter is affected by a decision about a rental housing matter, has lodged a formal complaint with their housing provider which remains unresolved after 30 days, and the matter is not referable to VCAT.
475. However, there is widespread uncertainty about the Housing Registrar's jurisdiction and how it affects the Registrar's ability to assist renters by investigating and resolving complaints.
476. The Housing Registrar's legal advice suggests its complaint function is limited and incidental to its regulation function. This is because section 96(2) of the Housing Act excludes matters that may be referred to VCAT under the Residential Tenancies Act from the Housing Registrar's jurisdiction. Depending on the interpretation, this may include complaints about one-off maintenance issues, evictions, ending a tenancy, bond and rent disputes, civil claims or disputes and many other matters renters commonly want to complain about.
477. However, in practice, the Registrar reviews all correspondence for non-compliance and systemic issues under its broader regulatory investigation and intervention powers and investigates individual complaints about rental housing matters referable to VCAT that suggest non-compliance with Performance Standards, or systemic issues. In 2020-21, the Housing Registrar dealt with 34 of these types of complaints.
478. As a result of the intersection of the Housing Act and the Residential Tenancies Act many community housing renters cannot effectively escalate complaints to the Housing Registrar about matters referable to VCAT. This was surely not the legislative intent and raises questions about system design.
479. The limitations on the Registrar have resulted in confusion, frustration and limited assistance for community housing renters. The Registrar is constrained by legislation and its limited resources which are absorbed by its primary regulatory function.
480. While the Housing Registrar's performance may compare favourably with other regulators, best practice would be to have a dedicated complaint agency able to deal with a broader range of complaints.
481. It is appropriate the Housing Registrar focuses its limited resources on its regulatory function, for which its staff are trained and experienced. It is in the better interests of community housing renters that the complaint handling function is made the responsibility of an independent professional body with the required focus and expertise.

482. Given the current scope of the Registrar's complaints role, community housing renters have fewer avenues to escalate their complaints than their public housing counterparts.
483. Registered community housing organisations regulated by the Housing Registrar are required to have a complaint handling policy which the Housing Registrar checks against Performance Standards, Performance Indicators and Evidence Guidelines.
484. The quality of community housing organisation complaint policies is not consistent across the sector and not all community housing renters have access to the same complaint system. This means there is inequality between renters in the public and community housing sectors, and potentially between renters within the community housing sector.
485. It is pleasing that the Housing Registrar has been involved in reforms since 2018 to improve practice and accountability. It has made further improvements since this investigation and the Review started, and has indicated more improvements are planned.

Simpler complaint model, fairer for all

486. There is agreement among all the interested parties who participated in the investigation that a fairer, more consistent and simpler complaint process would be better for all social housing renters.
487. This investigation analysed the public and community housing complaint and appeal systems and measured them against best practice. It is on the basis of this analysis the Ombudsman proposes a simpler high level 'in principle' model for all social housing complaints and appeals.
488. While a degree of complexity is inherent in some complaint systems, one intention of the proposed simpler model is to shield renters from confusion and stress. Another is to streamline internal processes where possible to minimise delays, reduce double handling and increase the efficiency of complaint agencies. A third is to better align the public and community housing complaint pathways so social housing renters have a similar experience regardless of who they pay rent to.
489. The Ombudsman's proposed complaint system is a two-tiered complaint system which builds on existing complaint handling infrastructure. Tier 1 would improve existing processes and emphasise local resolution. Tier 2 would involve external review by a Social Housing Ombudsman, which could be established quickly and efficiently as a new specialist function within the Victorian Ombudsman's office.
490. The principle of 'local resolution, central escalation' for all social housing complaints underpins Tier 1. This encourages renters to engage with staff who have direct knowledge of their issue and are in the best position to quickly resolve the complaint. The model anticipates increased resourcing and support for frontline staff in recognition of their vital role.
491. For public housing renters, Tier 1 of the new model would allow for an internal review of a local housing officer's decision first by a manager, and in some circumstances a second appeal to the Housing Appeals Office, which reflects the current process. This would be replicated for community housing renters. Some larger community housing organisations would also be able to provide a second internal review at Tier 1, giving their renters the same internal complaint opportunities as public housing renters. Where this is not available, smaller community

housing organisations could form a group to hear internal appeals or use the complaint handling infrastructure of a larger organisation. If neither option were available, a renter could expedite their complaint directly to Tier 2, the Social Housing Ombudsman.

492. The Social Housing Ombudsman would consist of a team of complaint handlers, conciliators and investigators with relevant expertise, including knowledge of the policies and procedures of all community housing organisations.

493. The Social Housing Ombudsman would act as the single Tier 2 escalation point, giving renters much greater clarity on how to progress unresolved complaints.

494. The Victorian Ombudsman already handles complaints from public housing renters and for some community housing renters. With broad powers and expertise in both social housing and complaint handling, subject to the changes proposed in this report, it is well placed to take on the specialist Tier 2 function as outlined above.

495. The Ombudsman's office has dispute resolution expertise including conciliation, complaints review, education and training functions, direct referral pathways from some Members of Parliament, and existing relationships with many interested parties in the social housing sector.

496. The Ombudsman would further accommodate the needs of the sector by developing a specialist housing team to provide these and other services.

497. The offer of advocacy by complaint handling bodies to renters when they make complaints and each time they seek to escalate their complaint would be a critical feature of the proposed model.

498. There would be a special stream within this model for social housing renters who identify as Aboriginal or Torres Strait Islander to escalate complaints, with staff given tailored training so they could better assist.

Legislative change

499. Legislative change would be needed to bring all community housing organisations – whether registered or receiving public funding, or not – within the Ombudsman's jurisdiction.

500. Change would also be needed to ensure registered community housing organisations are subject to the Charter of Rights Act, as public housing renters are. Registered community housing organisations receive public funding from the Victorian Government and perform functions of a public nature. On this basis, they can reasonably be considered 'authorities' under the Charter of Rights Act and should be as accountable as the Department is for public housing renters. A recommendation has been designed to address this inequity.

501. Another recommendation addresses the unfairness of community housing providers not being subject to the FOI Act, while public housing provider the Department is. It is fair that all social housing renters be permitted access to information that affects them. This can be easily achieved by expanding the definition of 'agency' in the FOI Act to include community housing organisations.

Advocacy and support

502. Frontline staff in local public housing offices and community housing organisations consistently handle heavy and demanding workloads. This can prevent them providing the sensitive support many renters need. This, in turn, can lead to complaints about staff and poor service.
503. One way to remove pressure from frontline workers is to offer advocacy and support to all social housing renters at each new stage of the complaint process. An advocate representing renters' interests could ensure issues are articulated and understood, and complaints are followed through.
504. Advocacy options for social housing renters depend on the sector they are in. The VPTA is available for public housing renters but there is no equivalent service for community housing renters. The VPTA has no formal role to assist community housing renters but says it is 'ideally positioned to take on this work'.
505. While a range of advocacy and support services exist to help social housing renters navigate complaint systems, some renters are not aware of them. In both the public and community systems, there are opportunities to proactively link renters with advocacy services. Community housing providers, community legal centres, and the Housing Registrar have all acknowledged the need to improve links to advocacy support for community housing renters.
506. There is a gap in existing advocacy services, as the involvement of political organisations and religious groups suggests. Staff from St Luke's Church and advisors to Member for Prahran Sam Hibbins MP told the investigation they spend about 60 per cent of their working week advocating for social housing renters.

507. Best practice complaint handling would include informing people about advocacy services available to help them navigate the system. Community housing organisations and local public housing offices should be required to inform renters about advocacy services and connect them directly where appropriate. Access to independent advocacy should be expanded and made available for all social housing renters who want it when they first lodge a complaint or an appeal, and throughout the process.

Aboriginal housing

508. Aboriginal Victorians are disproportionately reliant on social housing, with one in four households living in social housing compared to one in 50 in the non-Aboriginal Victorian population.
509. *Mana-na woorn-tyeen maar-takoort* (Every Aboriginal Person Has a Home) is the Victorian Aboriginal Housing and Homelessness Framework. It seeks to sustain tenancies through culturally strong, Aboriginal-focused systems and practices, including by supporting renter advocacy and rights.
510. Some positive initial steps toward better support have been taken by CHIA Vic, the VPTA and the Department. CHIA Vic launched a cultural safety framework in 2021 for its members. In addition, two Aboriginal and Torres Strait Islander renter advocates have been funded through a partnership between Homes Victoria and the VPTA.
511. These developments are welcome. The approach adopted in *Mana-na woorn-tyeen maar-takoort* should underpin further developments in social housing policy.

Information sharing

512. Appropriate information sharing arrangements between social landlords, regulators and independent authorities are central to any changes to the complaint landscape. Sharing information enables disputes to be effectively resolved and for continuous improvement to occur across the sector.
513. Information sharing arrangements currently exist between the Department and the Housing Registrar, and the Department and CHIA Vic. Formal information sharing arrangements should be expanded to include advocacy and community groups and other peak bodies.
514. The Ombudsman already has information sharing powers regarding the Department and Housing Registrar.

Recommendations

To improve public housing complaint process and renter experience

It is recommended that the Department of Families, Fairness and Housing:

Recommendation 1

Appoint onsite managers at tenancies with large numbers of renters, complaints and neighbour disputes.

Recommendation 2

Ensure renters are routinely advised of the next step in the complaint process.

Recommendation 3

Record and monitor calls between local housing officers and renters to enable quality assurance activities.

Recommendation 4

Prioritise upskilling and recruitment of frontline staff at local housing offices and Feedback Teams in Executive Services and the Community Services Operational Division.

Recommendation 5

Review its complaint processes to ensure:

- they are consistent with Australian Standard *Guidelines for complaint management in organizations (AS 10002:2022)*
- they require fewer steps by the renter.

Recommendation 6

Engage with renters, rental providers, advocates and community service organisations to improve policy and practice, and strengthen the Residential Tenancies Act to address serious anti-social renter behaviour.

The Department's response:

The department is planning a review of the complaints process to ensure it is client-focused, contemporary and effective. The department agrees that there is a complexity to current complaints handling across social housing, which should be improved. The department also notes that some system complexity is inherent due to the different types of complaints that arise. The department agrees that navigating this system should be simpler and that some renters may require support. Recording is current practice in the Housing Call Maintenance Centre. Any changes will be carefully considered in the context of the department's review, having regard to privacy, any impacts on renter behaviour, as well as consultation with staff, resourcing and system changes.

To improve community housing complaint process and renter experience

It is recommended that the Housing Registrar:

Recommendation 7

Develop Best Practice Guidelines for Complaint Handling for current and future community housing providers including:

- compliance with Australian Standard *Guidelines in complaint management in organizations (AS 10002:2022)*
- clear complaint processes
- internal reviews with clear timelines
- referrals to external advocates when complaint is made or escalated
- upskilling and training frontline staff in complaint handling and dispute resolution
- complaint data including issues and outcomes to be reportable to the Housing Registrar for deidentified public reporting on trends
- continuous improvement by analysis of complaints data and implementation of changes in response to findings
- consistency in naming conventions, definitions and use of model complaint policy.

Recommendation 8

Strengthen Performance Standards by identifying and incorporating further principles of good complaint management.

Recommendation 9

Develop a model complaint policy.

Recommendation 10

Identify options for additional analysis and the public reporting of complaints as part of the monitoring and reporting framework.

Housing Registrar's Response:

Accepted.

To address inconsistencies between public and community housing complaint processes

It is recommended that the Victorian Government:

Recommendation 11

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.

Recommendation 12

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.

Recommendation 13

Amend the *Charter of Human Rights and Responsibilities Act 2006* (Vic) to apply to all community housing organisations.

Recommendation 14

Consider including a right to housing in the *Charter of Human Rights and Responsibilities Act 2006* (Vic) to give effect to the Government's acceptance of Recommendation 52 of the 2015 *Access to Justice Review*.

Recommendation 15

Amend the *Freedom of Information Act 1982* (Vic) to cover community housing organisations.

To simplify the social housing complaint process

It is recommended that the Victorian Government:

Recommendation 16

Adopt the Victorian Ombudsman's proposed social housing complaint model.

Recommendation 17

Further to the above and pursuant to an appropriately evidenced bid, allocate the necessary funding to the Victorian Ombudsman to create a new Social Housing Ombudsman function.

Appendix 1: The investigation

Authority to investigate

515. The Department of Families, Fairness and Housing is responsible for public housing in Victoria.
516. The Housing Registrar is responsible for registering and regulating community housing providers including handling complaints. It sits within the Department of Treasury and Finance.
517. Section 16A of the Ombudsman Act provides that the Ombudsman may conduct an ‘own motion’ investigation into any administrative action taken by an authority.
518. The definition of ‘authority’ in the Ombudsman Act includes the Department and the Housing Registrar.
519. The Ombudsman has jurisdiction over some community housing organisations. Due to uncertainty regarding jurisdiction, housing associations and housing providers were not investigated.
- o *Health Services Act 1988* (Vic)
 - o *Housing Act 1983* (Vic)
 - o *Justice Legislation Amendment (Access to Justice) Act 2018* (Vic)
 - o *Magistrates’ Court Act 1989* (Vic)
 - o *Ombudsman Act 1973* (Vic)
 - o *Privacy Act 1988* (Cth)
 - o *Residential Tenancies Act 1997* (Vic)
 - o *Residential Tenancies Amendment Act 2018* (Vic)
 - o *Victorian Civil and Administrative Tribunal Act 1998* (Vic)
- reviewing relevant VCAT cases including *Goode v Common Equity Housing Limited (Human Rights)* [2016] VCAT 93, and *Metro West v Sudi (Residential Tenancies)* [2009] VCAT 2025
 - considering best practice complaint handling and dispute resolution including the Australian Standard *Guidelines for complaint management in organizations (AS 10002:2022)*
 - engaging with the Department and obtaining and reviewing records concerning the Department’s complaint handling including:
 - o policies, procedures and guidance material provided to decision makers
 - o triage, assessment and decision-making processes, and data related to complaints recorded in the Department’s Feedback Management System and by the Housing Appeals Office
 - meeting with and making detailed enquiries of the Department and considering its responses

How we investigated

520. The investigation looked at the experiences of public and community housing renters navigating their respective complaint handling systems.
521. The investigation involved:
- engaging with and assessing information provided by social housing renters
 - reviewing legislation, including:
 - o *Charter of Human Rights and Responsibilities Act 2006* (Vic)
 - o *Children, Youth and Families Act 2005* (Vic)
 - o *Corrections Act 1986* (Vic)
 - o *Court Security Act 1980* (Vic)
 - o *Freedom of Information Act 1982* (Vic)

- engaging with the Housing Registrar and obtaining and reviewing records concerning the Housing Registrar's complaint handling including:
 - o policies and guidance material provided to decision makers
 - o data related to complaints made to the Housing Registrar
 - o Performance Standards, Performance Indicators and Evidence Guidelines for registered housing organisations
- meeting with and making enquiries of the Housing Registrar and considering its responses
- engaging with and obtaining and reviewing information from the Social Housing Regulation Review including:
 - o published material about other jurisdictions and the history of social housing
 - o examples of community housing organisations' complaint handling policies
 - o selected submissions made to the Review
- reviewing publicly available information about interested parties including the Department and the Housing Registrar including reviewing publicly available information about the complaint handling processes of community housing organisations
- Engaging, meeting with and obtaining information and written submissions from:
 - o renters of social housing
 - o community advocates
 - o community legal centres
 - o peak bodies for social housing in Victoria
 - o community housing providers
 - o regulators and Ombudsmen from other jurisdictions
 - o the Victorian Civil and Administrative Tribunal
 - o the Dispute Settlement Centre of Victoria.

Procedural fairness and privacy

522. The Ombudsman was guided by the civil standard of proof, the balance of probabilities, in determining the facts of the investigation and took into consideration the nature and seriousness of the matters examined, the quality of the evidence and the gravity of the consequences that may result from any adverse opinion.

523. This report includes adverse comments about the Department and the Housing Registrar. In accordance with section 25A(2) of the Ombudsman Act, the investigation provided the Department and the Housing Registrar with a reasonable opportunity to respond to the material in the draft report and has fairly set out their responses.

524. In accordance with section 25A(3) of the Ombudsman Act, any other persons who are or may be identifiable from the information in this report are not the subject of any adverse comment or opinion. They are named or identified in the report as the Ombudsman is satisfied that:

- it is necessary or desirable to do so in the public interest
- identifying those persons will not cause unreasonable damage to those persons' reputation, safety or wellbeing.

525. This report includes case studies describing individuals' experiences making a complaint about their social housing. Names have been changed and other details have been removed to protect the privacy of the individuals concerned.

Victorian Ombudsman's Parliamentary Reports tabled since April 2014

2022

Report on investigations into the use of force at the Metropolitan Remand Centre and the Melbourne Assessment Prison

June 2022

Investigation into Environment Protection Authority decisions on West Gate Tunnel Project spoil disposal

May 2022

2021

Investigation into decision-making under the Victorian Border Crossing Permit Directions

December 2021

Investigation into allegations of collusion with property developers at Kingston City Council

October 2021

The Ombudsman for Human Rights: A Casebook

August 2021

Councils and complaints - A good practice guide 2nd edition

July 2021

Investigation into good practice when conducting prison disciplinary hearing

July 2021

Investigation into Melton City Council's engagement of IT company, MK Datanet Pty Ltd

June 2021

Investigation into how local councils respond to ratepayers in financial hardship

May 2021

Investigation into the Department of Jobs, Precincts and Regions' administration of the Business Support Fund

April 2021

Outsourcing of parking fine internal reviews - a follow-up report

March 2021

Investigation of protected disclosure complaints regarding the former Principal of a Victorian public school

February 2021

2020

Investigation into the detention and treatment of public housing residents arising from a COVID-19 'hard lockdown' in July 2020

December 2020

Investigation into complaints about assaults of five children living in Child Protection residential care units.

October 2020

Investigation into corporate credit card misuse at Warrnambool City Council

October 2020

Investigation into review of parking fines by the City of Melbourne.

September 2020

Investigation into the planning and delivery of the Western Highway duplication project

July 2020

Ombudsman's recommendations - third report

June 2020

Investigations into allegations of nepotism in government schools

May 2020

Investigation of alleged improper conduct by Executive Officers at Ballarat City Council

May 2020

Investigation into three councils' outsourcing of parking fine internal reviews

February 2020

2019

Investigation of matters referred from the Legislative Assembly on 8 August 2018

December 2019

WorkSafe 2: Follow-up investigation into the management of complex workers compensation claims

December 2019

Investigation into improper conduct by a Council employee at the Mildura Cemetery Trust

November 2019

Revisiting councils and complaints

October 2019

OPCAT in Victoria: A thematic investigation of practices related to solitary confinement of children and young people

September 2019

Investigation into Wellington Shire Council's handling of Ninety Mile Beach subdivisions

August 2019

Investigation into State Trustees

June 2019

Investigation of a complaint about Ambulance Victoria

May 2019

Fines Victoria complaints

April 2019

VicRoads complaints

February 2019

Victorian Ombudsman's Parliamentary Reports tabled since April 2014

2018

Investigation into the imprisonment of a woman found unfit to stand trial

October 2018

Investigation into allegations of improper conduct by officers at Goulburn Murray Water

October 2018

Investigation of three protected disclosure complaints regarding Bendigo South East College

September 2018

Investigation of allegations referred by Parliament's Legal and Social Issues Committee, arising from its inquiry into youth justice centres in Victoria

September 2018

Complaints to the Ombudsman: resolving them early

July 2018

Ombudsman's recommendations – second report

July 2018

Investigation into child sex offender Robert Whitehead's involvement with Puffing Billy and other railway bodies

June 2018

Investigation into the administration of the Fairness Fund for taxi and hire car licence holders

June 2018

Investigation into Maribyrnong City Council's internal review practices for disability parking infringements

April 2018

Investigation into Wodonga City Council's overcharging of a waste management levy

April 2018

Investigation of a matter referred from the Legislative Council on 25 November 2015

March 2018

2017

Investigation into the financial support provided to kinship carers

December 2017

Implementing OPCAT in Victoria: report and inspection of the Dame Phyllis Frost Centre

November 2017

Investigation into the management of maintenance claims against public housing tenants

October 2017

Investigation into the management and protection of disability group home residents by the Department of Health and Human Services and Autism Plus

September 2017

Enquiry into the provision of alcohol and drug rehabilitation services following contact with the criminal justice system

September 2017

Investigation into Victorian government school expulsions

August 2017

Report into allegations of conflict of interest of an officer at the Metropolitan Fire and Emergency Services Board

June 2017

Apologies

April 2017

Investigation into allegations of improper conduct by officers at the Mount Buller and Mount Stirling Resort Management Board

March 2017

Report on youth justice facilities at the Grevillea unit of Barwon Prison, Malmsbury and Parkville

February 2017

Investigation into the Registry of Births, Deaths and Marriages' handling of a complaint

January 2017

2016

Investigation into the transparency of local government decision making

December 2016

Ombudsman enquiries: Resolving complaints informally

October 2016

Investigation into the management of complex workers compensation claims and WorkSafe oversight

September 2016

Report on recommendations

June 2016

Investigation into Casey City Council's Special Charge Scheme for Market Lane

June 2016

Investigation into the misuse of council resources

June 2016

Investigation into public transport fare evasion enforcement

May 2016

2015

Reporting and investigation of allegations of abuse in the disability sector: Phase 2 – incident reporting

December 2015

Investigation of a protected disclosure complaint regarding allegations of improper conduct by councillors associated with political donations

November 2015

Investigation into the rehabilitation and reintegration of prisoners in Victoria

September 2015

Conflict of interest by an Executive Officer in the Department of Education and Training

September 2015

Reporting and investigation of allegations of abuse in the disability sector: Phase 1 – the effectiveness of statutory oversight

June 2015

Investigation into allegations of improper conduct by officers of VicRoads

June 2015

Investigation into Department of Health oversight of Mentone Gardens, a Supported Residential Service

April 2015

Councils and complaints – A report on current practice and issues

February 2015

Investigation into an incident of alleged excessive force used by authorised officers

February 2015

2014

Investigation following concerns raised by Community Visitors about a mental health facility

October 2014

Investigation into allegations of improper conduct in the Office of Living Victoria

August 2014

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