

Internal Dispute Resolution Process



Section 1 – Purpose of this process

The purpose of this process is to provide a framework in which Aveo will handle disputes between:

1. Aveo and a resident; or
2. two or more residents residing in one of Aveo's retirement communities.

Section 2 – Objectives of this process

The objectives of this process are to:

1. ensure disputes are managed in a way which is fair, transparent and effective;
2. seek to resolve disputes in a way to ensure resident satisfaction with Aveo, including confidence in Aveo's dispute handling procedures as outlined in this process;
3. provide support to Community Managers in responding to and resolving disputes; and
4. ensure Aveo complies with the Retirement Living Code of Conduct, Aveo's values and all laws in respect of the handling of disputes.

Section 3 - Scope of this process

This process relates to disputes in Aveo's retirement communities between either Aveo and a resident or between residents themselves, other than the following disputes:

1. disputes between a resident and an external party who is unrelated to Aveo or another resident;
2. disputes in respect of Aveo's provision of care or other matters which are within the ambit of the Aged Care Act 1997 (Cth). Common examples include disputes in respect of care delivered under a home care package;
3. disputes in respect of Aveo's Privacy Policy and other matters relevant to the Privacy Act 1988 (Cth);
4. disputes raised by a legal practitioner acting on behalf of a resident; or
5. formal disputes which are subject to proceedings before a Tribunal or Court.

Nothing in this process is designed to circumvent or derogate any legal rights a resident or Aveo may have. Please refer to Section 10 – Other information for details regarding where a resident may obtain further information.

Section 4 - A summary of the dispute handling and resolution process and the role of relevant Aveo management

Dispute resolution process

The steps below outline Aveo's dispute handling and resolution process.

Depending on how a dispute arises, Aveo will respond in different ways. This summary is therefore a high-level guide only.

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| <p>Step 1 Raising the dispute</p> | <p>Residents can raise a dispute verbally or in writing to the Community Manager or to the Resident Services Hotline on 1800 316 901 or residentservices@aveo.com.au.</p> |
| <p>Step 2 Confirming appointment of resident representatives</p> | <p>When a dispute is raised, Aveo will acknowledge and investigate the dispute in accordance with this process.</p> <p>Where a third party raises a dispute on behalf of a resident and requires a response back to the third party and to do so requires Aveo to disclose personal information, Aveo will take reasonable steps to verify that third party's authority to act on the resident's behalf as set out in this process and in accordance with Aveo's Privacy Policy.</p> |
| <p>Step 3 Acknowledging notice of the dispute</p> | <p>For all kinds of disputes, Aveo will acknowledge receiving notice of the dispute in writing back to the resident within five working days of receiving it.</p> |
| <p>Step 4 Investigating the dispute</p> | <p>As soon as reasonably practicable, Aveo will commence an internal investigation of the subject matter of the dispute.</p> <p>Aveo's investigations may include reviewing internal records, interviewing staff and residents and seeking specialist advice.</p> <p>Aveo will seek to identify how the dispute arose, each party's position in respect of the matters in dispute, and how each party considers the dispute can be resolved.</p> <p>The urgency of the investigation will also be generally commensurate with the nature of the subject of the dispute.</p> |
| <p>Step 5 Addressing and seeking to resolve the dispute</p> | <p>Once Aveo's investigations have concluded, taking into account any information received from the resident about how they wish the dispute to be resolved, Aveo will determine what response is required, including making recommendations about how it considers the dispute should be resolved, and by whom the response will be provided. The response may be, for example, written correspondence to the parties, or to call a meeting with the resident/s, or to do a combination of these things.</p> <p>For all disputes, Aveo will seek to undertake its internal investigation and determine what response it considers is required within 15 working days from the date the dispute is raised, or in accordance with any other timeframe prescribed by legislation.</p> <p>Disputes between residents</p> <p>Aveo will likely recommend that residents meet and take part in an informal or formal mediation process to resolve their dispute. This allows each resident to be heard and to advance their side of the dispute. Mediation may occur with the assistance of a third-party mediator, without an Aveo representative being present.</p> <p>Participation in a mediation is voluntary (subject to any formal legislative dispute resolution procedures).</p> <p>Disputes between a resident and Aveo</p> <p>Aveo will likely recommend, as a first step, that the Community Manager and the resident meet in person at a mutually agreed day and time at the retirement community to discuss and seek to resolve the dispute. Depending on the subject matter of the dispute, additional Aveo management may attend, either with or instead of the Community Manager.</p> |

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| Step 6 – Confirming resolution or recommended next steps | <p>Once Aveo has responded and made its recommendations about how it considers the dispute should be resolved, and the parties have attempted (or refused) to resolve the dispute, Aveo will write to the parties, confirming whether the dispute has or has not been resolved, and:</p> <ol style="list-style-type: none"> 1. if the parties have agreed to resolve the dispute, outlining any terms upon which the dispute was resolved; or 2. if the parties have not agreed to resolve the dispute, recommending next steps the parties may wish to consider to try and resolve their dispute, which may include obtaining independent legal advice. |
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Relevant Aveo staff

Below is a summary of the role of Aveo staff in Aveo’s dispute resolution policies and procedures.

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| Community Manager | <p>Unless otherwise specified in this process, the Community Manager is the primary contact between the resident and Aveo in respect of the receiving, investigating and handling of a dispute .</p> |
| Regional Manager, State Manager and Group Manager – Quality and Resident Services | <p>Where appropriate, the Regional Manager, State Manager, or Group Manager – Quality and Resident Services (as determined by Aveo) may undertake any steps on behalf of the Community Manager, including meeting with the resident to discuss and seek to resolve the dispute. In that case, references in this document to the Community manager include reference to those persons.</p> |
| Anonymous complaints | <p>Issues raised by anonymous persons cannot be handled as disputes, as Aveo cannot involve the person who has raised the issue in the dispute resolution process. Instead, they will be dealt with as complaints in line with Aveo’s Complaint Handling Process.</p> <p>Anonymous complaints can be sent to the Company Secretary (companysecretarial@aveo.com.au) or to the Resident Services Hotline (residentservices@aveo.com.au).</p> |

Section 5 – Raising a dispute

Disputes may be raised verbally or in writing

Residents may raise disputes both verbally and in writing. Where possible to do so, Aveo prefers all disputes to be raised with the Community Manager. Aveo may request that disputes raised verbally be submitted in writing before being addressed.

Alternatively, Aveo may record a summary of the dispute and the Aveo team member’s discussion with the resident for the purposes of processing the dispute. A resident may request a copy of this summary. Unless otherwise advised by the resident, Aveo’s summary will be used as a summary of the dispute, including in respect of a subsequent investigation and response by Aveo.

Content to include when raising a dispute

Aveo asks that the resident who raises a dispute:

1. provides as much detail as possible in respect of the circumstances surrounding the dispute; and
2. confirms what steps the resident considers should occur to resolve the dispute satisfactorily for the resident.

This will allow Aveo to respond and make its recommendations as quickly and efficiently as possible.

Anonymous complaints

Issues raised by anonymous persons cannot be handled as disputes, as Aveo cannot involve the person who has raised the issue in the dispute resolution process. Instead, they will be dealt with as complaints in line with Aveo's Complaint Handling Process.

Disputes raised on behalf of residents

Given the character of its business, Aveo recognises that third parties may raise a dispute on behalf of a resident. Common examples of such third parties include a resident's children, spouse, other family member or friend.

In circumstances where a third party requires a response to be provided to them and not the resident, before Aveo responds, Aveo management will take reasonable steps to satisfy themselves that the third party is entitled to receive the resident's personal information. This is to ensure Aveo complies with its Privacy Policy and its legal obligations in respect of the provision of personal information. Reasonable steps may include:

1. requesting the third party provide a certified copy of a valid power of attorney or enduring power of attorney appointing them to act on behalf of the resident;
2. if a power of attorney or enduring power of attorney is subject to a particular circumstance arising in respect of the principal (the resident), reasonable evidence that circumstance has occurred. This may include, for example, where an enduring power of attorney commences when a resident loses capacity, evidence from a medical practitioner that the resident has lost capacity;
3. a certified copy of any administrative or guardianship orders issued by a Tribunal or Court appointing that third party to act on behalf of the resident; or
4. where a resident has passed away, a certified copy of a grant or probate or letters of administration sealed by a Supreme Court in Australia.

Until such time as reasonable evidence is supplied by that third party, Aveo management will be unable to respond to the third party if to do so would require the disclosure of personal or sensitive information regarding a resident.

References in this process to rights and obligations of the resident include a resident's lawfully appointed representative unless expressly stated otherwise.

Disputes raised by Resident Associations

Disputes may also be raised by Resident Associations, advocating on behalf of a resident or group of residents.

Where Aveo receives notice of a dispute from a Resident Association that requires Aveo's response to detail information about a specific resident or group of residents, Aveo will first obtain the resident's (or residents') written authority to provide their personal information to the Resident Association for the purposes of responding.

Unacceptable behaviour

Aveo staff are not expected to tolerate behaviour that is abusive, harassing, aggressive, offensive, threatening or vexatious. This includes:

1. yelling/screaming, using abusive or foul language, whether face to face, over the telephone or by email;
2. sending multiple repetitive emails, making telephone calls or leaving voicemails in respect of the same topic or issue;
3. physical intimidation or threats; or
4. any other conduct which can reasonably be viewed as intimidating or threatening.

If this behaviour occurs, the Aveo staff member may end a call or meeting and otherwise escalate the matter to their direct supervisor for support. Following escalation, Aveo's Executive Leadership Team may determine not to respond to or require Aveo's continued involvement in the dispute.

Alternative ways a dispute may arise

In addition to being raised directly by a resident, disputes subject to this process may arise in the following ways.

1. Aveo may become aware of a dispute between Aveo and a resident following receipt of a complaint lodged in accordance with Aveo's separate Complaint Handling Process.
2. Aveo may become aware of a dispute between two or more residents, either following receipt of a complaint lodged in accordance with Aveo's Complaint Handling Process or observing relevant matters in managing a retirement community.
3. Aveo may raise an issue or concern it has with a resident, for example a concern about a resident's behaviour that contradicts their obligations under their residence contract, that the resident does not agree with or accept or refuses to take steps to address.

In circumstances where a dispute arises following a resident complaint, the process set out in Aveo's Complaint Handling Process will generally apply, but will be supplemented by this Internal Dispute Resolution Process, as relevant.

Depending on how a dispute arises, Aveo will acknowledge and respond to a dispute in differing ways. This is addressed in further detail below.

Section 6 – Acknowledging the dispute

In circumstances where:

1. a resident raises a dispute with Aveo, Aveo will acknowledge receipt of notice in writing back to the resident within 5 working days of receiving it;
2. Aveo becomes aware of a dispute other than by receiving notice from a resident (for example, where it observes a dispute between two residents whilst managing the community), it will write to the resident/s within 5 working days to acknowledge the dispute.

This initial response will simply confirm the receipt of notice or existence of a dispute.

Disputes between two or more residents

Where the dispute raised is between two or more residents in a retirement community, upon being notified or otherwise becoming aware of a dispute, the Community Manager will write to the residents in dispute acknowledging the dispute and specifying what steps Aveo is taking to seek to resolve the dispute (for example, confirming Aveo will investigate the dispute and when it expects to finish its investigation so it can recommend next steps).

Unless an exception in this process applies, if a dispute arises between two or more residents following complaints received by Aveo, the Community Manager will confirm with each resident:

1. the existence of the complaints received and the allegations contained in them. Where relevant, this will include the number of complaints and the date/s on which they were received; and
2. the subject matter of the issues raised by each of the residents in dispute. This will not include providing each resident with copies of each of the complaints in question.

It may be the case that based on all the information available to it, Aveo forms the view that it is not appropriate for Aveo to investigate the dispute or it considers investigations should be undertaken by an independent third party with a particular expertise or experience. If Aveo forms that view, it will write to the resident who has raised the dispute to confirm Aveo has formed that view, and what it considers the resident may do to progress the investigation and resolution of their dispute.

In some circumstances, Aveo may receive anonymous complaints or be asked by a resident to not disclose their identity as a complainant. In these circumstances, Aveo will investigate the matter as a complaint under its separate Complaints Handling Process.

Disputes between Aveo and a resident

From time to time, a dispute may arise between Aveo and a resident. Most often, these disputes arise where one party considers the other has done or is doing something that contradicts their obligations under their residence contract or the retirement villages legislation.

When a dispute between Aveo and a resident arises, Aveo will ask the resident to meet with a representative (the Community Manager, or Regional or State Manager if appropriate) to confirm Aveo's understanding of the matters in dispute and the steps the parties considers should be done to remedy the issues in dispute.

Section 7 – Investigating the dispute

When a dispute is raised, if it is appropriate to do so, Aveo will undertake an investigation of the matters relevant to the dispute. The scope, character and urgency of the investigation will be commensurate with the subject matter of the dispute.

An employee who is the subject of a dispute, or otherwise has a conflict of interest in respect of the subject matter of the dispute, must not be involved in conducting the investigation of it. In these circumstances, the dispute must be investigated by the direct supervisor who is not directly involved in the subject matter of the dispute, another senior manager, or the Group Manager – Quality and Resident Services.

Section 8 – Addressing and seeking to resolve the dispute

Once Aveo's investigations have concluded, Aveo will determine what response is required, including making recommendations about how it considers the dispute should be resolved. In making such recommendations, Aveo will take into account the resident's reasonable desired outcomes.

Aveo understands that sometimes residents do not wish to deal with the Community Manager, and Aveo does not require them to do so. In these circumstances another Aveo representative, such as the Regional or State Manager, will provide the response instead.

In some cases, Aveo may reasonably believe that it is more appropriate for Aveo's response to come from someone other than the Community Manager, such as the Regional Manager, State Manager, or Group Manager – Quality and Resident Services. These cases may include where the Community Manager is the subject of the dispute, or where the matter is of a critical nature requiring escalation.

Aveo recognises that a resident may raise multiple disputes about the same matter, or may not agree with Aveo's position, including in respect of proposed steps to resolve the dispute. On some occasions, Aveo may consider it has already done all that it can to investigate, respond to and resolve a dispute, or consider that the raising of the dispute is vexatious. In such circumstances, Aveo may decide to provide only a brief response, confirming the dispute has already been investigated and will not be investigated further, or suggest to the resident that they may wish to raise the dispute with an external dispute resolution body, regulator or tribunal, or nor respond to the resident at all.

Mediation and other information dispute resolution procedures

Where Aveo considers it appropriate to do so, and in particular where the dispute raised is between two or more residents, Aveo may recommend that the residents participate in an informal mediation with the assistance of Aveo management (for example, the Regional Manager) or, alternatively, participate in formal mediation before an independent mediator. The costs of a mediation may be paid for by Aveo, if Aveo is satisfied it is appropriate to do so or payment of these costs is consistent with Aveo's legal obligations.

Should the residents agree to participate in a formal mediation with an independent mediator, that mediation may occur without an Aveo representative being present. Aveo may attend a mediation on the request of a party and if mutually agreed by all parties the subject of the proposed mediation. If an Aveo representative attends a formal mediation, they will do so on an impartial basis for the purpose of assisting to resolve the dispute.

Support people

A Resident may invite a support person to accompany them to any meeting or mediation held to seek to resolve the dispute. A support person can either be the resident's lawfully appointed representative or another nominated person.

Where a resident chooses to be accompanied to a meeting or mediation with a support person who is not the resident's lawfully appointed attorney, guardian or administrator, then the resident acknowledges that person may receive disclosure of their personal information at the meeting for the purposes of discussing and seeking to resolve the dispute.

Where a resident wishes to be accompanied at a meeting or mediation by a qualified legal representative (for example, a solicitor), Aveo asks that they inform Aveo beforehand so that Aveo can consider whether it is appropriate and/or necessary for its representative to also be accompanied by a legal representative.

Aveo team members may also invite a support person to accompany them to any meeting if they are uncomfortable attending alone, in which case another Aveo representative will attend the meeting as well.

Written responses and recommendations

All written responses and recommendations will be written in plain English and addressed to the resident or where requested or appropriate, care of their lawfully appointed representative.

Section 9 – Confirming resolution or recommended next steps

In circumstances where a dispute has been resolved, Aveo will write to the parties confirming the dispute has been resolved and outlining any terms upon which the dispute was resolved. If the parties have agreed to do certain things to resolve the dispute and by certain dates, those things will be outlined by Aveo in its confirmation.

Aveo recognises that its recommendations may not lead to the resolution of a dispute, or be agreeable to all parties involved in the dispute. If, after Aveo has made recommendations about how it considers the dispute should be resolved, the parties have not agreed to resolve the dispute, Aveo will write to the parties to confirm the dispute has not been resolved, and to recommend further steps the parties may wish to consider to try and resolve the dispute. Those recommendations may include participating in a mediation (if that option has previously been rejected), obtaining independent legal advice or escalating the dispute to a more appropriate forum.

Section 10 – Other information

Training

Aveo will ensure its staff involved in its internal dispute resolution framework are trained in the following matters:

1. the internal dispute resolution process, including who is responsible in Aveo for various aspects of this process;
2. expected timeframes; and
3. the possible outcomes and further avenues available should the dispute not be satisfactorily resolved.

How this process can be accessed

Copies of this process will be published on Aveo’s website and included in staff handbooks and ongoing training programs with employees of Aveo.

Copies of this process will also be made available to residents in communities through the posting on community notice boards, inclusion in community handbooks and other orientation programs and otherwise being made available on request from the Community Manager.

Resident surveys

Aveo will proactively seek residents’ views and feedback in connection with Aveo’s services through periodic resident surveys. In those surveys, residents will be asked to express their views on a number of topics in respect of Aveo’s performance and the resident’s satisfaction with the services provided to them at the community. The purpose of this engagement is to ensure continual improvement in respect of Aveo’s services.

Variation of this process

This process may be varied by Aveo from time to time in accordance with the legal requirements that apply in each jurisdiction in which Aveo operates.

Right to obtain advice and escalate

Aveo encourages residents to seek their own independent advice in connection with their rights.

If a resident is dissatisfied with Aveo’s response to a dispute or the handling of the dispute, a resident may choose to escalate a complaint to, for example, the authority responsible for administering the retirement villages legislation in their State to obtain advice. To assist residents, below is a summary of the Department in each State in which Aveo operates who administer retirement village legislation.

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| New South Wales | Fair Trading NSW at PO Box 22, Bathurst, NSW, 2795 or 13 32 20 |
| Queensland | Department of Communities, Housing and the Digital Economy at GPO Box 2457, Brisbane, QLD, 4001 or 07 3008 3450 |
| South Australia | Department of Health and Wellbeing at PO Box 287, Rundle Mall, Adelaide, SA or 08 8204 2420 or alternatively Office of Ageing Well at PO Box 287, Rundle Mall, Adelaide, SA or 08 8226 0795 |
| Tasmania | Consumer Affairs and Fair Trading at PO Box 56, Rosny Park, TAS, 7018 or 1300 654 499 |
| Victoria | Consumer Affairs Victoria at GPO Box 123, Melbourne, VIC, 3001 or 1300 372 888 |