Policy: Dispute		
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Authorised by: CEO		
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Policy Context:	
National Regulatory System for Community Housing (National Regulatory Code)	Performance Outcomes One - Tenant and Housing Service Two - Housing Assets Four - Governance Five - Probity Six - Management
Legislation	• Residential Tenancies Act 2010 (NSW) • Privacy Act 1988 (Cth) and Australian Privacy Principles
Guidelines and reference documents	• AS 10002:2022 Guidelines for complaint management in organisations. • NSW Ombudsman — Effective Complaint Management Guidelines, 4th edition, 2024 • Commonwealth Ombudsman — Better Practice Complaint Handling Guide, 2023 • National Regulatory System for Community Housing — Complaints Management Framework for Community Housing Providers, 2022 • NSW Ombudsman — Managing Unreasonable Conduct by a Complainant Manual, 2021

1. Purpose

Homes North is committed to managing disputes in a way that is fair, accessible, timely and responsive. This policy outlines how Homes North will identify, assess and manage disputes involving tenants, clients, applicants, representatives, stakeholders and members of the public.

This policy supports early resolution wherever possible and provides a structured approach for disputes that cannot be resolved through routine service delivery, complaint handling or appeal pathways. It is intended to ensure that disputes are handled consistently, safely and in accordance with procedural fairness, privacy and confidentiality obligations.

2. Scope

This policy applies to all employees involved in receiving, responding to or managing disputes involving Homes North services, decisions, actions or interactions.

This policy applies to disputes raised by tenants, former tenants, clients or applicants; authorised representatives, advocates or legal representatives; neighbours, community members or other stakeholders affected by Homes North services; partner agencies, contractors or service providers where the dispute relates to Homes North service delivery; and external agencies or oversight bodies referring matters to Homes North for response or resolution.

This policy applies in conjunction with the Homes North Complaint Management Policy, Appeals Policy, Unreasonable Complainant Conduct Policy and associated procedures. It does not replace routine service request processes, internal employee grievance processes, formal appeal pathways, tenancy management processes, or legal, tribunal or regulatory processes.

Where a matter falls within more than one pathway, Homes North will determine the most appropriate process and may manage the matter under this policy, the Complaint Management Policy, the Appeals Policy, or another relevant procedure.

Disputes relating to potential insurance claims must be notified to the Chief Financial Officer and managed outside this policy via the insurance process.

3. Policy Statement

Homes North acknowledges that disputes may arise when people disagree with decisions, actions, service responses, communication, tenancy or client matters, expectations or proposed outcomes.

Homes North will treat all people involved in disputes with respect and will take reasonable steps to resolve disputes in a fair and timely manner.

- Homes North will seek to resolve disputes at the earliest appropriate opportunity and will use proportionate, evidence-based and trauma-informed approaches.
- Dispute management will be applied in a fair, impartial and consistent manner, based on relevant information and clearly documented evidence.
- Dispute management will ensure procedural fairness, promote early resolution and clear communication, support safety, and identify systemic issues and opportunities for service improvement.
- Homes North will not disadvantage a person because they raise a dispute, seek support from an advocate, request review of a matter, or access an external pathway.

4. Definition of Dispute

A dispute is a disagreement or unresolved issue between Homes North and another person or organisation where the parties have different views about facts, obligations, responsibilities, decisions or outcomes; the matter has not been resolved through routine service delivery, discussion, complaint handling or appeal processes; and a negotiated, facilitated or externally assisted resolution may be required.

- **Complaint** – an expression of dissatisfaction about Homes North's services, decisions, actions, omissions, staff conduct or complaint handling where a response or resolution is expected.
- **Appeal** – a request for review of a decision affecting a person's application, tenancy, rent assessment, charges, housing assistance or other appealable decision.

- **Mediation** – a structured process in which an impartial person assists parties to communicate, identify issues and consider options for resolution. A mediator does not make a decision for the parties.
- **Facilitated resolution** – a structured discussion or negotiation supported by Homes North or another appropriate person to assist parties to reach a practical outcome.
- **Procedural fairness** – a fair opportunity to be heard, impartial decision-making, consideration of relevant information, and reasons where appropriate and within privacy obligations.
- **Unreasonable complainant conduct** – conduct by a complainant or disputant which, because of its nature or frequency, raises substantial health, safety, resource or equity issues for Homes North, employees or other stakeholders.

5. Principles for Managing Disputes

When managing disputes, Homes North will:

- act impartially and base decisions on relevant information;
- ensure procedural fairness;
- maintain clear and respectful communication;
- protect privacy and confidentiality;
- support cultural safety and accessibility;
- protect employee, tenant, client and stakeholder health and safety;
- apply responses that are proportionate to the nature, complexity and risk of the dispute;
- seek early resolution wherever appropriate; and
- identify and address systemic issues where possible.

6. Identifying a Dispute

A matter may become a dispute where:

- A person disagrees with Homes North's decision, position, action, or proposed action, and the matter remains unresolved; a complaint outcome has been provided and further resolution is sought outside the complaint process; a representative or advocate disputes Homes North's decision, conduct or proposed action; or the matter involves competing views requiring structured negotiation or facilitated resolution.
- A matter has been referred to Homes North by an external agency, advocate, legal representative or oversight body for response or resolution.
- The matter involves potential legal, tenancy, service delivery or reputational risk requiring coordinated management.

A matter will not usually be treated as a dispute where it is a routine service request, a first expression of dissatisfaction, an appealable decision, a tenancy issue managed under tenancy processes, an internal employment grievance, or a matter already before a tribunal, court or external decision-maker unless parallel resolution discussions are appropriate.

Homes North will ultimately make the decision to treat a matter as a dispute, service complaint or service request or other based on the information available when the matter is raised.

7. Managing Disputes

Where a dispute is identified by Homes North, Homes North may implement one or more dispute resolution strategies, including early resolution, internal review, facilitated resolution, mediation, external assisted resolution, or referral to external review, tribunal or regulatory pathways.

- **Early resolution** – clarifying the issues in dispute, confirming the outcome sought, explaining relevant policies or service limitations, correcting misunderstandings, providing an apology where appropriate, offering practical solutions where available, and confirming agreed outcomes in writing where required.

- **Internal review or facilitated resolution** – review by a manager or senior employee not previously involved where practicable, assessment of relevant records and evidence, **facilitated** discussions, involvement of a support person or representative, and development of an agreed action plan or written outcome.
- **Mediation or external assisted resolution** – independent assistance where communication has broken down, the parties are willing to participate in good faith, or external assistance may reduce harm, risk or delay.
- **External pathways** – referral to relevant external options such as the Housing Appeals Committee, NSW Civil and Administrative Tribunal, NSW Registrar of Community Housing, NSW Ombudsman, or other regulators, oversight bodies or legal pathways where applicable.

8. Dispute Management Process

Homes North will receive and record the dispute, assess the nature and seriousness of the matter, clarify the issues and desired outcome, identify available resolution options, and communicate the outcome clearly and respectfully.

- Records should identify the person or organisation raising the dispute, the issue or decision being disputed, the outcome sought, relevant dates and documents, prior actions, and any safety, privacy, cultural, communication or accessibility considerations.
- Assessment should consider whether the matter has previously been considered, whether there is new or relevant information, whether the issue is within Homes North's authority to resolve, and whether there are legal, regulatory, tenancy, privacy, safety or reputational risks.
- Resolution options may include explanation, apology or acknowledgement, correction of an error or record, reconsideration where new information is provided, practical solution, referral to another process, mediation, facilitated discussion, negotiated agreement, or confirmation that no further action will be taken where the matter has been reasonably addressed.

9. Procedural Fairness

Homes North will apply procedural fairness when managing disputes, particularly where the outcome may adversely affect a person's interests, tenancy, access to services, relationship with Homes North or reputation.

- Where appropriate, Homes North will advise the person of the issue or concern being considered and provide a reasonable opportunity to respond to relevant adverse information.
- Homes North will consider all information provided before making a decision, ensure the matter is reviewed by an impartial employee where practicable, and provide reasons within privacy and confidentiality obligations.
- Procedural fairness does not require Homes North to disclose personal information about other people, confidential employment information, legally privileged information, or information that may compromise safety, privacy, investigations or legal obligations.

10. Privacy and Confidentiality

Homes North will manage all information relating to disputes in accordance with its privacy and confidentiality obligations. Information will be collected, used and disclosed only for the purpose of assessing or resolving the dispute, shared on a need-to-know basis, de-identified where appropriate for reporting, learning or governance purposes, and stored in the appropriate system in accordance with records management requirements.
Where a dispute involves allegations about another tenant, client, employee or third party, Homes North will balance procedural fairness with privacy and safety obligations.
Information about actions taken in relation to another person will not be disclosed unless authorised or required by law.

11. Access, Support and Representation

- Homes North will take reasonable steps to make the dispute process accessible and inclusive.
- A person involved in a dispute may request an advocate, authorised representative, interpreter, support service, communication adjustments, alternative formats, or cultural support where appropriate.
- Where a person is represented by an advocate or legal representative, Homes North will require written authority before sharing personal information or discussing the matter with that representative.
- Homes North will support participation in the dispute process where practicable but may set reasonable boundaries to ensure the process remains safe, respectful, efficient and fair.

12. Managing Conduct During Disputes

Homes North recognises that disputes may be stressful and that people may express frustration, distress or dissatisfaction. A person will not be considered to have acted unreasonably solely on the basis they are persistent, distressed, dissatisfied or seek review of a matter. Where conduct during a dispute, by the individual and/or their representative becomes unreasonable, aggressive, threatening, abusive, unsafe, repetitive or significantly resource intensive, Homes North may manage that conduct under the Unreasonable Complainant Conduct Policy.

Homes North may take proportionate action to protect employees, tenants, clients and other stakeholders, including setting communication expectations, limiting contact to a nominated employee or channel, limiting frequency or duration of contact, declining to respond to repeated issues already addressed, ending unsafe interactions, or escalating safety concerns under relevant Work Health and Safety procedures.

13. External Agencies, Legal Representatives and Advocates

Homes North may receive dispute-related correspondence or referrals from advocates, legal representatives, Members of Parliament, Homes NSW, the Housing Appeals Committee, NSW Civil and Administrative Tribunal, NSW Registrar of Community Housing, NSW Ombudsman or other agencies. Homes North will respond in accordance with the nature of the referral, the authority of the representative, applicable privacy and confidentiality obligations, relevant timeframes or directions, and internal delegations and approval requirements.

All disputes received will be recorded in the relevant register in Homes North's governance software system.

14. Review of Decisions

A person dissatisfied with a dispute outcome may request a review where new and relevant information is available, they believe the process was not fair, they believe relevant information was not considered, or an external review pathway is available. Homes North may decline to conduct a further review where the matter has already been reasonably assessed, no new or relevant information has been provided, the matter is more appropriately managed through another process, the request repeats issues already addressed, or continued engagement would be disproportionate or unreasonable.

15. Responsibilities

Role	Responsibility
Employees	Identify potential disputes, treat people respectfully, record relevant information accurately, maintain privacy and confidentiality, and escalate safety, risk or complex matters promptly.
Team Leaders and Managers	Assess and manage disputes, support early resolution, apply procedural fairness, approve dispute resolution actions within delegation, support employees and identify systemic issues.

Role	Responsibility
Tenancy Specialist Team and Operations Support Team	Assist with triage, coordination, recordkeeping, pathway referral, communication and coordination between operational teams where appropriate and in accordance with internal procedures.
Compliance and Risk Analyst	Provide advice on complaint, appeal, dispute and UCC pathway alignment, assist with complex matters, monitor dispute themes and support reporting, quality assurance and continuous improvement.
Executive	Ensure appropriate dispute resolution systems, resources and oversight; approve significant positions or external responses where required; oversee high-risk, sensitive, legal, regulatory or reputational matters.

16. Recording, Monitoring and Reporting

Homes North will record dispute information in the appropriate register in the governance software system to support accountability, continuity, reporting and review. Records will include the nature of the dispute, parties involved, key dates and communications, relevant evidence, assessment and pathway decision, resolution actions, outcome and reasons, review or external referral information, and any risks, themes or systemic issues identified.

17. Monitoring and Review

This policy will be reviewed in accordance with Homes North's policy review schedule or earlier if required due to legislative, regulatory, operational or governance changes. The review will consider dispute trends and outcomes, feedback from tenants, clients, staff and stakeholders, complaint, appeal and UCC data, changes to external guidance, standards or regulatory requirements, and opportunities to improve accessibility, fairness, cultural safety and resolution outcomes.

Documents related to this policy	
Related policies	• Complaint Management • Appeals • Privacy • Code of Conduct • Antisocial Behaviour Management • Work Health and Safety
Forms or other organisational documents	• Complaint Handling Procedure • Unreasonable Complainant Conduct Procedure • RFI and Legal Dispute Procedure