

The Locals' Complaint Procedure

Purpose

The policy of the company is to ensure that any customer complaints received concerning the services provided by The Locals Ltd are recorded, considered and resolved in a consistent and timely manner with the purpose of achieving customer satisfaction.

Background

The Professional Conduct and Client Care Rules of the Real Estate Agent Regulations 2008 require that a Real Estate Agent shall have in house procedures for dealing with customer complaints.

The Agent Licensee is required to make clients, customers and prospective customers aware of these procedures.

Clients, customers and potential customers must also be informed that they may access the Real Estate Agents Authority complaints procedure without first using the Agent Licensee's procedures.

Responsibility

The responsibility for review of this program lies with the Director.

Definitions

"Act" means Real Estate Agents Act 2008.

"Agent Licensee" means a real estate agent who holds, or is deemed to hold, a current licence as an agent under the Act.

"Client" means a person who has entered into an agency agreement and on whose behalf an agent carries out real estate work.

"Complaint" means a verbal or written complaint about a Licensee who is carrying out real estate agency work.

"Customer" means a person who is a buyer or a potential buyer of land or a business.

"Licensee" means an agent, a branch manager, or a salesperson who holds or is deemed to hold that current license status under the Act.

"Prospective Client" means a person who is considering or intending to enter into an agency agreement with an agent to carry out real estate work.

"Rules" means Real Estate Agents Act (Professional Conduct and Client Care) Rules 2009.

Procedure

A complaint may be made by any client, prospective client or customer in either written or verbal form.

- *Company Action*

Any Licensee or any employee of The Locals Ltd receiving a complaint or dispute about a service provided by the Company shall record the details of the complainant and the complaint on the Customer Complaint Record. A copy of this form should be given to the complainant. The original of the form should be passed to the Agent Licensee who will initiate an investigation into the complaint.

- *Initial acknowledgement*

The Director, on behalf of the Agent Licensee, will acknowledge the complaint either verbally or in writing to the complainant within two working days of receipt. A copy of the Complaint Record signed by the Director will also be sent to the complainant. The Complainant should be advised that there may be a responsibility by the Agent Licensee to report the complaint and or dispute to the insurers of the Agent Licensee under the policy which is held by the Agent Licensee. The Insurance Company may override these procedures.

- *Investigation*

The Director will assemble any documentation relating to the complaint and interview the salesperson or employee who has provided the service complained about.

The Director and the Administration Manager will assess the complaint and decide on an appropriate response to the complainant. They will assess if any part of the Act, Regulations or Rules for carrying out real estate agency work have not been complied with.

If it is clear from the investigation that it is likely that there has been unsatisfactory conduct or misconduct on the part of a licensee then the Director will inform the Company's Professional Indemnity Insurers immediately. The complainant will be informed in writing within five working days that the matter is in the hands of the Insurers. The Director will then act on the instructions of the Insurers in responding to the complaint.

- *Reporting Action*

If it is apparent that a Licensee has breached section 72 or 73 of the Act then the Director will, as required under Section 7 of the Rules, report this Licensee to the Real Estate Agents Authority. The Director will also report the matter to Ray White Real Estate Corporate Office.

- *Complaint Response Process*

A written response will be sent to the complainant within five working days of the original acknowledgement. If the investigation is not complete then this will be stated in the response and the complainant will be regularly advised of the progress of the investigation until a final response is made.

If it is determined that there has been no transgression against the Act, Regulations or Rules, the complaint has no substance and no further action is required. In this case a letter should be sent to the complainant outlining the results of the investigation within five working days.

If it is determined that there has been no transgression against the Act, Regulations or Rules but that the performance of the Licensee or staff member concerned is below the standard expected of an employee or licensee of The Locals Ltd. In this case a letter should be sent to the complainant apologising for the complained of behaviour and suggesting what form of solution can be offered.

If the suggested solution is to the satisfaction of the complainant then they should be asked to sign an acknowledgement of the satisfactory resolution of the complaint.

If the complainant is not satisfied with the suggested solution they then they should be asked to put in writing their suggested solution. This should be responded to within five working days either accepting that solution or suggesting an alternative solution.

- *Complaint not Resolved*

If the Complainant is not satisfied with the outcome they must be advised that they can make a further complaint and request a dispute hearing or may complain to the Real Estate Agents Authority without the outcome of the inhouse procedures being taken into account.

- *Disputes Process*

If the Complainant chooses to have a disputes hearing then the Agent Licensee shall agree to conduct such a hearing within ten(10)working days. The complainant shall be advised in writing of the location and time of the hearing.

The Complainant must be allowed to have a representative (1) attend the hearing. The Agent Licensee may also have a representative (1) attend the hearing.

The Agent Licensee must appoint a mediator/s who has/have not less than five years experience as an Agent Licensee to hear the dispute and propose an recommended outcome. This recommended outcome must be in writing and given to both parties within 10 working days of the hearing.

If the dispute has been dealt with to the satisfaction of the Complainant then they are to sign acknowledgement of the completion to the dispute.

- *Further Action*

If the Complainant is not satisfied with the dispute hearing they must be advised that they may complain to the Real Estate Agents Authority without the outcome of the in-house procedures being taken into account.

Documentation

Customer Complaint Record

Records

All correspondence and investigative material must be retained on file for twelve months.