

RRVV

NEWSLETTER

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Residents of Retirement Villages Victoria Inc.
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Retirement Living Council and Leading Age Services Australia working on a new accreditation scheme.

The Retirement Living Council announced at its National Retirement Living Summit in November 2018 that it and Leading Age Services Australia would release the Retirement Living Code of Conduct in mid-December and they did. If you have not already seen a copy, you may access it via our website (rrvv.org.au) home page (scroll down until you see it). RRVV emailed around 1,300 members seeking comment on the published Code. Thirty-eight responded. We have presented a summary of their responses in a separate article. The peak bodies see the Code as forming part of a wider accreditation initiative.

At the Summit, the Retirement Living Council also announced that work was underway with Leading Age Services Australia on a joint accreditation scheme to be known as Australian Retirement Villages Accreditation Scheme.

In mid-December, RRVV invited several members whom we recognise as opinion leaders to assist us in forming a view on the objectives and necessary features of a retirement village accreditation scheme. Their contributions were outstanding, and we thank them. In late January, RRVV wrote to the chair of the joint committee developing the new accreditation setting out our views and recommendations. You may view the letter on our website at rrvv.org.au

RRVV is willing to work collaboratively with the peak bodies on matters of common interest. To

PLEASE NOTE: The correct RRVV
Postal Address is PO Box 2402,
Caulfield Junction, VIC 3161.

If you have any old forms or envelopes
with a different address, please discard
them. Thank you.

this end, perhaps the key recommendation in our letter is that operators recognise residents as stakeholders in their businesses and in the villages in which they live. Residents qualify as stakeholders because:

- in most cases, they contribute the capital employed in their villages
- they are customers of their village's operator
- their village is their home giving them a powerful emotional stake in its facilities and operations.

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Some operators perceive the idea of residents as stakeholders as a threat to the profitability of their businesses. This fear is misplaced. Strong stakeholder engagement strengthens a business.

Notwithstanding our willingness to work collaboratively with the peak bodies on the development of a new accreditation scheme, RRVV remains committed to achieving legislated minimum standards for all retirement villages.

RRVV is close to signing a partnership agreement with Consumer Affairs Victoria

Consumer Affairs Victoria is keen to develop more effective relationships with its partner organisations and recently invited RRVV to contribute to the development of a partnership plan consistent with its overarching objective to achieve a fair and just market place in Victoria.

Consumer Affairs Victoria’s stated objective is wholly consistent with RRVV’s mission. The proposed plan will bind RRVV and Consumer Affairs Victoria through agreements on:

- the strategic intent of the partnership
- the goals each party wants in the plan
- our current engagement arrangements and opportunities for improvement
- an agreed framework for how we should engage
- a review mechanism

RRVV expects to sign the agreement this month. The timing is good as RRVV is keen to make representations to CAV on the conduct of the review of the Retirement Villages Act 1986 as soon as possible.

Resolving disputes between residents

What do you do if you find yourself in conflict with another resident?

This article covers simple disputes. It does not cover more serious disputes such as those requiring an intervention order.

Please note this newsletter article is a general guideline only, and you should not rely on it or use it as a substitute for professional legal advice specific to your circumstances.

This article uses the pronoun she when referring to the other party to a dispute because there are more women than men in Victoria’s retirement villages. There is no implication that women are proportionally involved in more disputes than men.

The first step in resolving a simple dispute is to have a conversation with the other resident. It is rarely easy to do this, so it is important to plan before approaching your neighbour. This plan will allow the conversation to flow as smoothly as possible.

Write down:

- a clear outline of the issue
- what you would like to be the outcome of this conversation
- anything you could contribute to the solution of the problem

It is important to approach your neighbour in a friendly way with the objective of building a working relationship with her. If you don’t feel comfortable knocking on her door to make an appointment, wait until you see her outside and then introduce yourself, or leave an introductory note in her letterbox and then follow up in person later on. Arrange a time to meet when both of you has time to discuss things without rushing.

When you meet to discuss your concerns, try to:

- remain calm
- as a conversation-starter, talk about common interests
- find points of common concern
- Ignore any impressions you may have formed about your neighbour, openly

approach her without making any assumptions about how she will respond and treat her with respect, no matter what her personality is.

- focus clearly on the issue rather than on interpreting her behaviour
- avoid personal remarks – it helps to frame the conversation in terms of “I” rather than “you” statements.

Be clear about:

- what the issue is (*e.g. I am unable to rest when your dog barks.*)
- why it is important (*e.g. I came to the village because it is a quiet place. I find the dog's barking is now affecting my enjoyment of my unit*)
- how it might affect your neighbour, (*e.g. I wonder if the barking is also worrying you.*)

Give the other party the opportunity to express her point of view and listen to what she has to say. Don't make assumptions about her motives. Try to see things from her point of view. She may have a good reason for not agreeing to do what you want. Keep checking that you understand each other (*e.g., it seems we are both agreeing that something must be causing the dog to bark*)

Point out the benefits to your neighbour in addressing the problem at hand. Work cooperatively with her to find a mutually acceptable solution. Offer suggestions that recognise her needs as well as your own.

What if all of this does not work?

You can ask your Village Manager or Residents' Committee (but not both) for help. Before you do this, please study your village's disputes policy and Section 38F of the Retirement Villages Act 1986 to learn about your rights and the recommended process.

Note that Section 38F(5)(a) provides that an operator must not deter a resident from giving notice of a resident dispute and Section 38F(3) (b) provides that an operator must not require notification of a resident dispute in writing. In

RRVV's experience, village managers often do not recognise (in some cases do not want to recognise) that a resident is making an oral complaint. It is important to be clear that you are complaining by saying so. The notes you made before your first approach to your neighbour would help when talking with the village manager.

Section 38F (3) (a) (i) provides that an operator must not take any action without the consent of the parties. The parties make the decisions, not the operator.

Section 38F (1) (c) requires the operator or residents' committee the parties have approached for help to mediate the dispute. The Act does not define mediation.

The term “mediation” broadly refers to any process in which a third party helps others reach an agreement. The process is private and confidential. Participation is voluntary. The mediator only acts as a facilitator and does not direct the outcome.

What if you doubt the neutrality or competence of your village manager or residents' committee?

The choice of mediator is entirely up to the parties to the dispute. You are under no obligation to select your village manager or approach your residents' committee. As an alternative, you might approach Consumer Affairs Victoria (1300 55 81 81, or consumer@justice.vic.gov.au using the residential accommodation complaint form available from www.consumer.vic.gov.au/rvdisputes) for a referral to the Dispute Settlement Centre of Victoria. The Dispute Settlement Centre provides a free and highly professional service.

Are there defined roles in mediation?

The mediator's primary role is to facilitate discussions between the parties. A mediator might also, assess the issues and engage in reality testing.

Mediators do not offer prescriptive advice (*e.g., “you should accept X,” or “your next offer should*

be Y.”). Mediators manage the interaction between the parties, amongst other things by keeping the focus on the issues, encouraging constructive communication and discouraging personal attacks.

The role of the parties varies according to their skills and issues.

Ideally, in the mediation session, the parties should speak to each other directly. Some mediators place the parties across the table and themselves at the end of the table, some distance away, to encourage direct communication.

If direct communication does not work, the mediator might intervene with suggestions and even process directions. If the session gets out of hand, the mediator might encourage the parties to go to separate break out rooms and then carry messages between them. In RRVV's experience, separating the parties is not ideal as hearing the other party's point of view first hand and seeing the body language usually leads to better communication and is more likely to produce a mutually satisfactory outcome.

What is a good way to prepare for the mediation meeting?

It helps if the parties meet with the mediator (singly or together) before the mediation meeting to discuss the process. This action can reduce anxiety, improve settlement odds and increase satisfaction with the mediation process.

It helps to prepare a written statement of your position and provide it to both the other party and the mediator before the mediation meeting. If you don't feel confident producing such a statement, seek help from someone who writes well. Contact RRVV on 9015 8402 or office@rrvv.org.au if you have trouble finding someone to help. If you have documents that support your case also provide these to the other party and the mediator well before the case. Ambushing each other does not assist the mediation process. If you believe the other party has relevant information, ask her to disclose it to you well before the meeting.

A couple of years after moving into a village, Evelyn (a pseudonym) became dissatisfied with the residents' committee. She had written to the committee several times expressing her views on various matters but had not received a reply. The lack of replies prompted her to organise a petition. Evelyn quickly gathered signatures from her immediate friends. She then started approaching people she did not know well and asking them to sign. The first five politely told her no. She abandoned the petition.

Around ten days later Evelyn received a letter from the village manager advising her to attend the office to answer complaints several residents had lodged about her requests to sign the petition. During a telephone conversation with the village manager, Evelyn learned that the chair of the residents' committee had forwarded the complaints on behalf of the complainants.

Evelyn sought advice from RRVV. Acting on that advice, she advised the village manager she would:

- not submit to any form of meeting without first learning the names of the complainants together with the specifics of each of their complaints
- she preferred to first meet with each of the complainants to see if they could resolve the issues without third parties
- subject to point 1, submit to mediation by a mutually acceptable mediator if the complainants did not want to meet one on one.

The village manager eventually advised Evelyn that the complainants did not want to identify themselves so there would be no further action. The operator revised its complaints policy to clarify the role of the village manager in resolving disputes between residents.

Note: RRVV has changed several details to protect the identities of the parties.

How might the meeting unfold?

The following elements steps are typical:

- establishing ground rules
- the parties detail their stories (in turn)
- identifying issues
- clarifying objectives
- identifying what a good solution must cover
- identifying options
- discussing and analysing solutions
- adjusting and refining proposed solutions
- recording agreements in writing

Individual mediators vary these steps to match specific circumstances. As noted above, in certain circumstances the mediator might encourage the parties to remain in separate rooms for part of the meeting.

Effective resident action – a case study

When Bert emptied his letterbox, he found a letter from the operator of his village announcing some staff changes including the departure of one person. The letter did not say so directly, but Bert recognised that the changes would result in a reduction of service levels for some of the more frail residents of the village.

Bert was new to the village and one of its younger residents. There was no way he was going put up with such heavy-handed management. He wanted to have a say. He knew that an increase in long term vacancies had reduced village revenue and so there had to be some budget adjustments. Throughout his career, Bert had been a consultative manager. It was clear to him that the operator should have consulted residents before making any changes to service levels. If there had to be service level reductions, residents should have a say on what to keep and what to cut.

Bert went straight to his bowling mate Ted. After letting off steam, they decided to take their concerns to the top rather than appeal to the letter writer.

To strengthen their case, Bert and Ted systematically canvassed the residents of the village. Over two-thirds of the residents supported their evolving campaign.

The CEO agreed to meet with Bert and Ted. Confident in the knowledge that they had the support of a substantial majority of the residents they were able to assertively put their case to the CEO.

The CEO directed the letter writer to meet with Bert and Ted. At that meeting Bert and Ted negotiated a way forward:

1. Withdrawal of the staff changes
2. A program of consultation with residents including a village meeting

The village then developed a new budget and put it to a vote at a residents' meeting. A clear majority voted for the new budget.

Bert and Ted's initiative did have its critics. The residents' committee feared that their actions would ruin what it saw as a cooperative relationship they had built up with the operator. A small minority of residents suggested the campaign was a waste of time as 'you can't win against a wealthy owner'.

Bert believes they succeeded because they took the trouble to explore residents' views, put their case assertively and won the respect of the operator with their professional approach.

This case study is a composite drawn from two roughly similar campaigns involving different operators. Both villages have a strong RRVV membership.

From the Beehive



At many retirement beehives all over Australia, there are many empty cells. The Beehive is no exception.

The Big Bumble Bees are asking - why?

The remaining resident bees are asking – why?

There are several reasons:

- Negative articles in the media
- The bee banks are reducing the amount of honey they are prepared to lend to prospective purchasers of the family home
- The downturn in the broader housing market (downsizing no longer looks so attractive)
- The government saves money in residential aged care costs by encouraging more ageing bees to remain living in their family home rather than downsizing by supplying them with in-home care support packages. The packages are available to bees living in retirement beehives, but somehow retirees tend to overlook this.
- Some older retirement beehives are looking tired, but the Big Bumble Bees are loath to spend the money required to modernise them when sales are slow.

They would rather:

- Splash out and build huge, shiny, modern beehives many floors high combining independent living, assisted living and residential aged care in the one complex.
- Attract rich, ageing bees by offering “private aged care”, (at very high cost), top-of-the-range extras and simpler contracts.

The conundrum is - without extensive renovation, many of the older beehives will continue to deteriorate; thus, fewer retired bees will buy cells, which in turn increases vacancies. Increased vacancies mean remaining residents must pay higher monthly fees to keep the beehive running or else must accept reduced services and maintenance. Amongst other things, reducing services and maintenance further depresses market price for cells which upsets current residents.

Things have recently changed rapidly in the retirement beehive world.

Decades ago the Big Bumble Bees planned to build attractive retirement beehives and sell smallish individual cells at prices less than the full sized cells in the surrounding community. To

make day-to-day living cheaper, they deferred recovering the cost of managing their portfolios of beehives until each bee left her beehive. This fee deferment allowed retired worker bees to live in modest comfort on the bee aged pension.

Now the Baby Boomer Bees are ageing. These are bees of a different culture to the current Beehive residents.

- They have had more opportunities for education than the current residents of retirement beehives
- They are retiring with more money
- They know their rights and have no hesitation in asserting them
- They want to live in shiny new apartments, and they have the funds to buy them
- They are much older before they consider moving into a retirement beehive
- Some want stylish aged care that does not look like aged care and are willing to pay for it.

What is the answer to this dilemma for the resident bees of ageing beehives? Lobby! Lobby! Lobby!

- Start a buzzing campaign – together you are powerful
- Tell the Aged Care Royal Commission that current in-home aged care policies are having the perverse effect of dissuading bees from downsizing as they age
- Lobby your Federal parliamentarians – there is an election fast approaching - tell them about the advantages to the public purse of giving ageing bees incentives to downsize to a retirement beehive (for example, tailored in-home aged care packages for retirement beehives)
- Encourage your operator to lobby for more government support for retirement beehives.
- Write letters to newspapers

PS Aunty Bee who lived in the Beehive for several years before following her family to Tasmania has written of her brush with the bushfires near Hobart. You may read of her experience on rrvv.org.au

Summary of members' comments on the December 2018 version of the Retirement Living Code of Conduct

RRVV invited members who have supplied us with their email address to comment on the Code of Conduct. Thirty-eight responded. Five said they were unable to comment for various reasons. The remaining thirty-three returned comments ranging in length from a couple of sentences through to four tightly typed pages in length.

Eight respondents indicated either directly or indirectly that the December version of the code was a significant improvement over the June version.

Sixteen respondents commented directly on whether the Code was worthwhile. Two gave it an unqualified thumbs-up, and three offered comments suggesting it would be satisfactory with minor revision.

Fourteen respondents gave the code unqualified thumbs down, and a further eight made comments indicating they found it unsatisfactory.

The main driver of the negative responses was a perception (expressed by fifteen respondents) that the Code had too few provisions that will, either directly or indirectly, have a significant impact on poor operator conductor would exclude people unfit to play a role in the management of a retirement village. Furthermore, five of the respondents pointed out the Code sponsors only have access to 50% of the sector so even if the code did have adequately effective provisions, it would still only have a limited impact.

Fifteen respondents - either directly or by rejecting operator self-regulation - indicated a preference for a legislated solution to the problem of poor operator conduct. Seven said explicitly that they believed an ombudsman would do more to improve operator conduct than the Code.

Thirteen respondents reported dissatisfaction with the fact that the Code Administrator is not independent of the peak bodies given the responsibility for breach investigation, audit and sanctions.

One of the Codes objectives is to promote trust and confidence in the sector. It is ironic then that eight respondents found cause in the Code to mistrust the motives of the peak bodies.

Respondents made a variety of other comments almost all of which add to the negative sentiments outlined above.

The small number of respondents means that we cannot assume that the results presented above are representative of RRVV members. Nevertheless, the results are such that we cannot endorse the Code at this stage. If you have a view on whether RRVV should endorse the Code, please let us know by completing the survey question on the home page of RRVV's website www.rrvv.org.au (scroll down until you see the box), or by either emailing office@rrvv.org.au or calling 03 9015 8402.

A quick question

From time to time, your committee would like to poll as many members as possible to find out your attitude to a current issue. To facilitate this we have developed a simple polling facility on the RRVV website. It allows us to put a question to you and count responses as they come in.

Our first question relates to the Retirement Living Code of Conduct. To tell us what you think, please go to www.rrvv.org.au and scroll down the home page until you see a box. If you would like to comment further on the issue, please go to the "Contact Us" page

If you don't have access to the internet, you can still tell us your views by calling 9015 8402.

Customer service styles

Karen (a pseudonym), a new resident, tried to plug an appliance into a power point. The powerpoint fractured. She was unsure whether she had to organise and pay for the repairs, so she headed off to the village office for advice.

To her surprise, Karen found both the Village Manager and Assistant Manager behind the counter studying a letter. She explained what she was after. The Village Manager advised Karen that it was her responsibility to organise and pay for the repair and went back to studying the letter.

Karen started walking back to her villa. She did not get far before the Assistant Manager caught up with her and:

- told her one of the preferred electricians was working in the village
- offered to call the electrician and ask him to drop in before he left the village

Karen took up the offer. The electrician repaired the power point before he left. He did not charge a call out fee.

Some managers get the idea of customer service, and some do not.

Central Resident Liaison Officer meeting

RRVV has started trialling regional meetings to deal with local issues. Nevertheless, our program of two central RLO meetings a year continues. These central meetings will deal with statewide issues. We encourage you to attend both the central meetings and any local meetings when held in your area.

AGENDA

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|-------|-------------------------|---|
| 11:00 | Open and welcome | Lawrie Robertson, President, RRVV Committee |
| 11:10 | Growing RRVV membership | Mike Turner, RRVV Committee |
| 12:00 | RLO Manual development | Margaret Pridham, RRVV Office Assistant |
| 13:00 | Questions and Answers | All |

Please put the following in your diary:

Date Monday 6th May

Time 10:30 AM to 1:30 PM

Place Victoria University Convention Centre
 Level 12, 300 Flinders Street, Melbourne
 (Exit Flinders St. Station from the western end and head to the north side of Flinders Street
 75 metres to the west of Elizabeth Street)

RRVV will serve a light lunch at 12:30 PM

RSVP by Wednesday 1 May 2019 by emailing office@rrvv.org.au or calling 9015 8402. If you have any special dietary requirements (e.g. gluten-free, vegan or vegetarian), please let us know.

REGIONAL RLO MEETING – Casey and Cardinia Region

Residents’ Liaison Officers from all villages in Casey and Cardinia region are invited – please bring a friend. RLOs from other areas welcome.

RRVV is calling this meeting to allow RLO’s from the outer southeastern suburbs to attend a meeting at a convenient location rather than trekking into the city. We will focus on local issues.

Date and time: Wednesday 17th April at 10:00 am

Location: Community Centre, Saffron Grove village, 8 Saffron Drive, Hallam
 Drive along Princes Highway towards the city, turn right at the lights into Fitzgerald Rd, which becomes Saffron Drive. Go to the main office and community centre.
 Note: Due to limited parking, attendees may have to park in the street.

AGENDA

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|-------|------------------------|--|
| 10:00 | Open and welcome | Cheryl Lizars, Regional RLO - Casey & Cardinia |
| 10:05 | RRVV Committee report | Lawrie Robertson, President, RRVV Committee |
| 10:30 | RLO Manual development | Margaret Pridham, RRVV Office Assistant |
| 10:45 | Questions and Answers | All |
| 11:00 | Morning Tea | All |

RSVP by email to office@rrvv.org.au or by phone to 9015 8402 by 15 April.