

Title Page

“An ant against an elephant”:

Retirement village residents’ experiences of disputes and dispute resolution

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ABSTRACT

Objective: To record Victorian retirement village residents’ experiences of dispute management and satisfaction levels related to dispute resolution processes.

Method: Survey distributed to 6500 retirement village residents.

Results: Surveys returned from 1876 residents (29% return rate). Most residents’ rated life in retirement villages as positive (mean 7.9/10), with an association between life satisfaction and management’s ability to resolve disputes ($r_s=0.438$, $p < 0.01$). Almost 70% of respondents reported issues of concern to management were resolved satisfactorily; 38% were not resolved to residents’ satisfaction. One-fifth reported contacting regional managers or higher personnel regarding issues affecting them, with two-thirds of these respondents reporting a negative outcome. Over 30% did not know if their village had dispute resolution processes in place.

Conclusion: Despite finding retirement village life positive, residents of retirement villages found disputes and dispute resolution processes unsatisfactory and desired change to address these concerns.

Key words:

Retirement living; congregate housing; retirement villages; resident satisfaction; disputes; contracts

INTRODUCTION

Housing and the choice of housing type is one of the basic needs for all. Housing choice is of special relevance to people as they age, particularly if they are no longer able to maintain their existing housing. Housing options in later life include 'age-specific' housing; one type of which is retirement villages [1]. While the majority of Australians would prefer to stay in their own homes as they age, a significant proportion (63%) would consider moving into retirement villages [2]. This congregate or communal housing model is for retired individuals aged 55 years and older and is governed in Victoria by the *Retirement Villages Act 1986* [3]. Incoming residents are provided with 'accommodation and services' for a fee determined by the village owners who are either not-for-profit or commercial organisations [3]. Australia has a relatively low intake of individuals entering retirement villages, currently estimated to be approximately 5% of those aged 65 years and over, but projected to increase to 7.5% by 2025 [1,4]. While there are very few independent estimates elsewhere, a recent retirement village industry publication cites retirement village intake as accounting for 12% of the older population in the USA [5].

Research which is sponsored by retirement village developers shows that residents report their happiness and life satisfaction improve upon relocation into a retirement village [6]. Negative aspects of retirement village living have also been noted, such as the complexity of agreements and the lack of resident power [7]. A research study conducted in 2014 shows residents in retirement villages experience high levels of life satisfaction and wellbeing, but that negative impacts on wellbeing can also occur [8]. When disputes arise between management and residents, village dispute resolution processes and the ability of management to solve such disputes may influence satisfaction levels, by shaping short-term resident wellbeing [9] and detracting from overall positive experiences [10].

In addition to general disputes arising whilst a resident, the stressful nature of contract disputes in particular can also impact on resident wellbeing [11]. Contracts can be complex and require legal involvement. This requirement for legal input is time consuming and costly, and may be unattainable for many prospective and current residents. A break-down of legal

problems of importance to retirement village residents identified by the Housing for the Aged Action Group (HAAG) [11] is highlighted in Box 1.

Box 1: Common legal problems experienced by older Retirement Village residents

- Complex and inadequate contracts
- Unfair and excessive fees and charges
- Inadequate service provision, such as repairs and maintenance and meals
- Bullying and intimidation by management
- Exemptions in law
- Lack of understanding of rights and responsibilities (in law and in contractual arrangements) both by residents and management
- Eviction and breaches of law and contract

Source: HAAG [11]

In regards to dispute resolution, resident experiences are varied. The diversity in experiences may lie within an individual and/or group differences in opinion [12]. Different understandings of establishment rules, for example, combined with a lack of awareness of residential rights, can cause conflict within retirement communities. This conflict can escalate and remain unresolved. The issue may be compounded by what is regarded as an inherent power imbalance between management/owners and residents, coupled with the difficulties residents face in bringing matters to attention and, ultimately, to resolution, as well as the costs involved in doing so [13,11]. In Australia, the issue of retirement living has come to public attention through a number of avenues – the Victorian Government’s *Public Inquiry into the Retirement Housing Sector* (2016), through a media investigation of a for-profit retirement village company (Fairfax Media/ABC Television *Four Corners* program: *Bleed Them Dry Until They Die*) and others [14].

Although retirement village surveys have been conducted elsewhere, in the Australian context they have been undertaken by retirement village owners. A research gap therefore exists for both independent and locally relevant research.

The aims of the current study were to record retirement village residents' experiences of dispute management and satisfaction levels related to dispute resolution processes, as well as interactions with management and/or owners. Disputes and the resolution of dispute processes during the transition period prior to taking up residency and during residency were included.

METHOD

Ethics

This project was funded in part by Residents of Retirement Villages Victoria (RRVV), an advocacy group for residents of Victorian retirement villages; and by an in-kind contribution from the National Ageing Research Institute, who also conducted the research. Ethics approval was obtained from Melbourne Health Human Research Ethics Committee in 2015 [ID #2015.102]. .

Procedure

This project was conducted in 2015. It involved a survey of 38 mixed-response questions – including those requiring 'yes/no' answers, tick-boxes, Likert scales, and descriptive, open-ended qualitative questions (see Table 1). A number of demographic questions were included such as residents' age, length of village residency, number of units in the village and reasons for relocating there. The Likert Scale questions required answers ranging from 0 to 10. The meaning of each score differed between questions and is reported in the results section. Scales of self-rated health and life satisfaction (0 to 10) were included to assess the correlation between dispute factors (if any) and resident quality of life and perceived health. The final question provided space for residents to answer the open-ended question: "If you have been involved in disputes and/or would like to provide further anonymous information, please provide the information in the (text) box provided".

INSERT TABLE 1 ABOUT HERE

Potential participants were approached via the RRVV membership list. Paper surveys were sent to each of the current members of RRVV in their quarterly member newsletter, together with return, postage paid envelopes. Residents were also provided with a link to an electronic Survey Monkey version allowing for online completion if they preferred. Surveys contained no

identifying data and were returned anonymously to the researchers. Residents sent the survey could choose whether they completed the survey or not, and whether they returned it to the researchers. Residents of retirement villages who were not members of RRVV were not directly approached but may have completed the survey if they had been provided the survey or the link. As the surveys were anonymous, it is not possible to account for the number of respondents who were not RRVV members. Respondents had four months to return the survey.

Data Analysis

All survey responses (paper versions (mail) and online surveys (downloaded)) were returned to the project team. Data was entered into an Excel database and analysed using SPSS statistical software package (version 22) by the researchers. The results were gathered into qualitative and quantitative responses. Where appropriate, correlations of nonparametric data were analysed using Spearman's rank correlation coefficient (e.g. association between disputes and life satisfaction). For qualitative data, relevant themes were identified by the assessors and data was categorised into these themes.

RESULTS

Surveys were sent to 6500 residents with 1876 surveys returned, a response rate of 29%. Of these, 1813 were returned in paper form, 63 electronically. The number of replies to each question varied.

The majority of residents were aged 70 years and over (90%). Most residents had lived in their retirement village for over 2 years, and approximately 25% had resided in a village for over 10 years (Figure 1).

FIGURE 1 ABOUT HERE

The most common reasons (in 67% of respondents) for relocating to a retirement village was because of what residents perceived as the "safe environment and emergency support" available onsite. The least responded reasons for relocating were "the availability of on-site care" (30%) as well as a "concern for future health" (38%) (Figure 2).

FIGURE 2 ABOUT HERE

Satisfaction and self-rated health

Residents rated both their life satisfaction and emotional health as positive (both with a mean = 7.9 on a scale of 1-10, where 1 equaled not satisfied and 10 completely satisfied; SD = 1.8 and 1.9 respectively). In terms of self-rated health, over three quarters (77.2%) of respondents rated their health as good to excellent and 22.8% rated their health as fair to poor.

For the most part, respondents rated their experience of retirement village life as positive (mean = 7.6, with 10 highly satisfied, SD= 2.1) and 76% (1373, n = 1796) were likely or extremely likely to recommend retirement living to their family, friends or colleagues (mean = 7.2, with 10 extremely likely to recommend, SD = 2.8). There was a moderate correlation between this experience and resident emotional health ($r_s = .499$, $p < 0.01$).

Resident issues requiring attention

Over one fifth of residents (n=406, 21.6%) reported experiencing an issue that required management attention before moving into the retirement village. Of these, 58% indicated their issues had been resolved prior to moving in. Those whose issues were not resolved (170, 42%) believed they were unlikely to be so in the future. Some examples of the issues reported included complicated and poorly written contracts, delays in access to residential units, poor condition of units when moving in and unavailability of facilities previously mentioned in contracts.

Whilst living in retirement villages, almost 70% (n=1250) stated they had reported a matter requiring management attention, mostly matters of general maintenance (see Box 2). It is unclear how many times each issue was reported or, indeed, how many issues each respondent reported, as these questions were not asked in the survey. The time taken for matters to be resolved to resident satisfaction varied: some were dealt with promptly, others took days, weeks, months or sometimes years to resolve. Of those issues that were resolved, 62% were resolved to resident's satisfaction, whilst 38% were unresolved or were resolved unsatisfactorily. Results showed that residents would prefer management to attend to issues in a shorter timeframe (mean = 6.1, where 0 = too much time and 10 = right amount of time). In many cases, disputes arose from these unresolved issues.

Box 2: Issues reported to management whilst in residence

Common garden maintenance tasks (trees and leaf removal, gutter cleaning etc)
Plumbing repairs (storm damage, water leaks, toilet repairs)
Cooling and heating Issues (eg, installation and repairs to air conditioning etc)
Fencing issues
Security concerns
Noise issues (eg, barking dogs)
Relationships between residents

Disputes

Although most respondents reported their retirement village had a resolution process for disputes, 32% did not know if such a process was in place at their village. However, 70%* also indicated their village managers had used dispute resolution processes when issues arose, and rated the way they were handled as a mean of 6.2/10 (where 0 =not at all well and 10 =extremely well). [*Percentages differ between questions depending on the number of responses]

One-fifth (n=358, 20.1%) of respondents (n = 1786) reported they needed to contact regional managers or higher personnel regarding the issues affecting them (see Box 2 for examples of issues reported). Of these, approximately one-third (n=120, 33%) were resolved positively, whereas two-thirds (n=238, 66%) of respondents reported a negative outcome.

There was a moderate, significant correlation between resident life satisfaction and how well respondents thought management handled disputes or concerns ($r_s = 0.438$, $p < 0.01$) and there was a weak correlation between how well residents viewed their village management handling of disputes and self-rated emotional health ($r_s = 0.297$, $p < 0.01$).

Change of Ownership or Contract

During their residency, 44% of residents had experienced a change of ownership or change of contract. For some, this meant an improvement in services: “smooth changeover – new owners very experienced”, for many, however, this meant a reduction in services, as in “contractual amenities/services abandoned” and “24/7 nursing” no longer provided. Others experienced poor communication during this changeover period and many felt the new contracts, including new policies and were not open to review by residents. How the change process was viewed – whether negatively or positively – depended on how it was communicated and handled by management. One resident noted they experienced a “terrible feeling of uncertainty about the future”, whilst another said their management committee held “a forum” where changes were explained and thus were “voted on” and then “accepted” by residents.

Respondents were given the opportunity to provide further anonymous information (see Question 38 in Table 1). Qualitative responses indicated issues of concern to residents revolved around management, maintenance, building and services, health and safety, contracts/sales and management interference in residents committees. Changes to village procedures which were initiated by management were not always well communicated to residents. For example, one respondent noted the “manager/committee of management do not keep us informed or seek our opinions on matters affecting the residents”.

Residents also regarded management as too dominant in terms of decision-making processes regarding day-to-day village issues. This dominance also saw some residents reluctant to express their views during dispute processes, with one resident noting the power imbalance as “We cannot solve a dispute” and likening the difficulties between residents and management as “... an ant against an elephant”. Another respondent felt that management viewed village residents as “a real nuisance” and were inclined to “intimidate anyone with a complaint”.

Management intimidation was also evident in terms of residents’ committees, with one respondent noting: “Management bullies and interferes with role and decision of owners’ corporation committee” and another stated that the “Manager draws up the agenda and does the minutes of all Residents Committee meetings. Unfortunately... completely dominates this committee”.

DISCUSSION

Nearly two thousand older people responded to a survey about disputes and dispute resolution - almost one third of a large population of members of RRVV. The age of the respondents in this survey (90% greater than 70 years of age) reflect those of residents in retirement villages throughout Australia [6].

Village satisfaction and resident health

Many individuals in retirement villages experience life as positive overall [15, 16]. Living in group settings has previously been shown to have a positive effect on wellbeing and can contribute to higher resident satisfaction levels [17]. The results from the current study support these results, with respondents rating their experience of retirement village life as positive, also in line with industry findings [6]. In addition, 76% of respondents said they would be likely or extremely likely to recommend retirement living to their family, friends or colleagues.

The results also indicate a moderate link between resident experience of village life and emotional health; that is, the higher respondents rated their experience of village life, the higher their self-reported emotional health. These findings are also comparable to previous research which suggests that living in congregate settings, such as age-based housing, can provide regular social interactions, encouraging healthy living through emotional support [18] (Podgorski et al. 2010). The converse is also true, as negative aspects of village life such as those experienced by some of the respondents in this survey, can affect resident wellbeing [9, 8, 10].

Previous research highlighted the aspects of retirement villages which provide residents with the most satisfaction. These included well-designed facilities, easy-to-understand contracts, a level of independence and inclusive social scenes [19]. Our data showed that one of the biggest motivations for Victorians moving into retirement villages was a desire for a safe environment, as well as a need to downsize.

The least motivating factor for moving into retirement villages was the availability of onsite care. Given that over three-quarters of survey respondents rated their health as good to excellent, this result is understandable. At the time of entering retirement villages, residents

might not consider their future needs for higher levels of staff attention or more specialised facilities, particularly with the onset of frailty or disability [20]. As over 20% of the respondents in our study had lived in retirement villages for greater than 10 years, it is therefore feasible that their requirements for these services would gradually increase. The anecdotal results from our survey highlight this is indeed an area of contention for some residents, mostly due to contractual clauses which failed to account for their changing care needs over time.

It is clear this is an area which requires improvement, as villages need to adequately support the diverse and changing needs of residents as they age. With the most recent and anticipated future reforms to aged care requirements [21], some retirement village operators are beginning to offer home care services onsite. Thus this aspect of retirement village life may well be alleviated in the future.

Our survey, which showed resident frustrations with village management interference in residential committees and with their difficulties in voicing their opinions to management, lends weight to previous research which found that areas of concern for residents included managements' overbearing dominance in dispute resolution and village decision processes [22]. As per the research by Bernard et al. [23], even though village life was perceived as beneficial in many circumstances, there were still issues which residents' perceived needed attention in order to decrease instances of disputes and which left them feeling dissatisfied and unheard.

Maintenance issues

A majority of survey respondents (62%) regarded the response of management to certain issues as satisfactory. However, many residents indicated they would prefer a shorter wait time regarding their requests. Over 170 Individuals with issues that were not addressed before moving into their village units deemed them unlikely to be resolved in the future. This may be linked to a misunderstanding of needs between incoming residents and the retirement village managers/owners. Issues seen as unimportant to staff and management are often regarded as critical to those whose lives are intertwined in the village [12]. Managers and owners may need to improve their recognition of the needs of older individuals.

Dispute resolution processes

There is undoubtedly an issue in terms of the unfairness of resident contracts as detailed by many consumers at the 2016 Victorian Public Inquiry [24]. The recent media exposure highlights the need for published literature of the Australian retirement village landscape with regards to village residents and issues requiring management resolution. The results of the current study contribute to an understanding of the experiences of disputes, especially in settings where older adults may be susceptible to exploitation [9].

This study showed a moderate, significant correlation between resident life satisfaction and how well respondents thought management handled disputes or concerns. It also found a weak correlation between resident emotional health, and satisfaction with management's handling of resolution processes.

Almost one third of survey respondents reported they were unsure of their villages' dispute resolution processes or, indeed, if they existed at all. Consumer Affairs Victoria (CAV) publishes the *Retirement villages: Good practice to address key issues* (2012) guide [25] for consumers which outlines issues and recommended protocols in terms of retirement villages. Two of the first principles outlined in this document focus on "communication" and "handling a complaint" and it refers consumers to a further document entitled *Retirement villages: Internal dispute resolution guidelines for retirement village owners and managers*. The current survey did not ask respondents if they were aware of these websites and/or documents, but neither did any of the respondents mention their use or awareness of their existence. It is apparent there is a gap in knowledge amongst retirement village consumers which therefore needs to be addressed.

The first step could be to ensure management are proactive in ensuring residents' are made aware of dispute resolution processes which as recommended under the CAV *Good practice protocols for retirement village operators* [26]. Management should also provide information about organisations residents can contact if requiring independent mediators, a strategy also outlined as good practice for retirement village operators by CAV [26]. However, although these external dispute practices are recommended they are often at the expense of the resident in terms of time and monetary costs, as highlighted in recent media coverage [AUTHOR BLINDED FOR REVIEW 2017]. This may limit access for many residents [27]. A good strategy would be for management and staff to communicate with residents openly and frequently to ensure there is

understanding about resident rights, contractual agreements and dispute resolution processes – such a strategy might minimise the need for consumers to go beyond management for resolution of their issues. This may require specific staff training in effective communication, as well as improved skills in individual approaches to interactions. Mandatory (and extended) staff training and accreditation could overcome some of the current shortfalls in these areas.

Recommendations outlined in the report from the Victorian Public Inquiry into the Retirement Living sector [24] agree with the findings of the current study but go further. The report recommends a review of the *Retirement Village Act 1986*, establishment of an independent Ombudsman, as well as the introduction of mandatory accreditation for village operators. Most importantly, the report recommends a number of changes to contracts in terms of fee disclosures and how the fees are applied. Whilst all these changes are welcome, they will take time to implement before the benefits are felt by consumers.

LIMITATIONS

The results of the present study are subject to a number of limitations. First, residents' cultural and socio-economic status were not explored. Specific subpopulations of retirement village residents may require specific insight and have specific difficulties for managers and owners to recognise. Secondly, the sample was restricted to residents of Victorian retirement villages. While the relatively high survey response rate suggests that disputes and dispute resolution between management/owners and residents is a matter of concern to Victorian retirement village residents, different legislative processes and laws govern other states of Australia. It is not known how representative the current results are of retirement village experiences in other jurisdictions. A national survey or individual surveys in other states would provide an opportunity to explore consumer experiences within age-based congregate housing in Australia. Third, it is acknowledged that the survey could have included questions about the number of maintenance issues that each respondent reported and how often, as the experiences and impressions of retirement village life would have been very different for those residents only needing to report one issue compared to those reporting many and over a longer period of time. Future surveys will address this oversight.

Last, but not least, these results are indicative of one time-point only. It would be beneficial to conduct similar independent surveys regularly to better understand retirement village residents' experiences over time, particularly given the forthcoming impact of changes to home aged care provision, and future legislative changes as well as the implementation of the Public Inquiry's recommendations. It would also be advantageous to include the perspectives of village management in future surveys, as their perspectives would provide another level of understanding to this important issue.

CONCLUSION

Living in retirement villages is regarded as a positive experience overall. As our research showed almost a third of retirement village residents were unsure of their village's dispute resolution processes. It is therefore important that village staff communicate this information. All incoming residents need to understand their rights and contracts *before* commencing their relocation, as well as to gain insight into the external organisations available to contact upon escalation of disputes. There is a desire to improve contracts as well as the dispute resolution processes within retirement villages thereby improving retirement village life for many residents.

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Table 1: Outline of survey questions

SURVEY Questions	Response options
1. Is this the first time you have completed this survey?	Yes No
2. How old are you?	50-59 years 60-69 years 70-79 years 80+ years
3. Are you currently living in a retirement village?	Yes No
4. How long have you lived in a retirement village?	Less than 1 year 1-2 years 3-5 years 6-9 years More than 10 years
5. How many units are there in your retirement village?	
6. Why did you decide to move into a retirement village? Tick as many boxes as apply to you	Downsize while I/we could Previous home became too big to manage Safe environment and emergency support Concern about my/our future health Village facilities Maintenance available on site Freedom from house responsibilities to pursue other interests 24 hour, 7 day care availability
7. How satisfied are you with your life as a whole?	1 2 3 4 5 6 7 8 9 10 0: Not satisfied to 10:Completely satisfied
8. In general would you say your health is:	Excellent Very good Good Fair Poor
9. How satisfied are you with your emotional health?	0 1 2 3 4 5 6 7 8 9 10 0: Not satisfied to 10:Completely satisfied
10. How would you rate your experience of retirement village life?	0 1 2 3 4 5 6 7 8 9 10 0: Not satisfied to 10:Completely satisfied
11. How would you rate your experience of interactions with managers/owners?	0 1 2 3 4 5 6 7 8 9 10 0: Not satisfied to 10:Completely satisfied
12. How likely are you to recommend retirement village living to	0 1 2 3 4 5 6 7 8 9 10

family, friends or colleagues?	0: Not at all likely to 10:Extremely likely
REGARDING THE TIME BEFORE YOU MOVED INTO YOUR RETIREMENT VILLAGE:	
13. How easy was it to understand your purchase contract?	0 1 2 3 4 5 6 7 8 9 10 0: Difficult to 10: Easy
14. Were there any issues - contractual or otherwise - which needed resolving before you moved into your retirement village?	Yes, move to question 15 & 16 No, move to question 19
15. If yes, what were these issues?	
16. Were the issues resolved before you moved in?	Yes, move to question 17 No, move to question 18
17. If yes, how satisfied were you with the outcome(s)?	0 1 2 3 4 5 6 7 8 9 10 0: Extremely dissatisfied to 10: Extremely satisfied
18. If no, how likely is it that the issue(s) will be resolved in the near future?	0 1 2 3 4 5 6 7 8 9 10 0: Extremely unlikely to 10: Extremely likely
SINCE YOU HAVE BEEN IN THE RETIREMENT VILLAGE:	
19. Have you ever reported a matter requiring the village manager's attention?	Yes, move to questions 20, 21, 22 & 23 No, move to question 24
20. What was the issue?	
21. Has the issue been resolved to your satisfaction?	Yes, move to question 22 No, move to question 23
22. How long did it take before the matter was dealt with to your satisfaction?	
23. If the issue was not resolved, how likely is it that the issue(s) will be resolved in the near future?	0 1 2 3 4 5 6 7 8 9 10 0: Extremely unlikely to 10: Extremely likely
24. How available is the village manager when you need to see him/her?	0 1 2 3 4 5 6 7 8 9 10 0: Never available to 10:Always available
25. Have you ever needed to contact the village manager's boss, for instance the regional manager or a person higher in the management company regarding an issue that was affecting you?	Yes, Move to question 26 No, Move to question 27
26. If yes, what was the outcome?	
27. In your opinion, how long does it take for the manager/owner to make decisions about issues which affect you?	0 1 2 3 4 5 6 7 8 9 10 0: Too much time to 10 Right amount of time
28. Do you know if your village has a dispute resolution process?	Yes No
29. To your knowledge, does your manager/owner use a dispute resolution process when issues arise?	Yes No

30. How comfortable do you feel about voicing any concerns you might have to your manager/owner?	0 1 2 3 4 5 6 7 8 9 10 0: Extremely uncomfortable to 10:Extremely comfortable
31. How do you think the management handles disputes or concerns that affect the retirement village?	0 1 2 3 4 5 6 7 8 9 10 0: Not at all well to 10:Extremely well
32. Have you ever experienced a change of ownership of the village or a change of contract whilst you have been in the retirement village?	Yes, move to question 33 No, Move to Question 34
33. Describe any issues arising from this experience.	
34. Do you think your monthly maintenance charge or service fee represents good value for money?	Yes, move to question 36 No, move to question 35
35. What amount per month do you think represents good value for money?	
ONCE YOU LEAVE THE RETIREMENT VILLAGE:	
36. Do you understand your contractual obligations on leaving your retirement village (e.g. the exit process, selling your retirement village home etc?)	0 1 2 3 4 5 6 7 8 9 10 0: Do not understand at all to 10: Completely understand
37. Do you understand what the Deferred Management Fee is at your village?	0 1 2 3 4 5 6 7 8 9 10 0: Do not understand at all to 10: Completely understand
38. If you have been involved in disputes and/or would like to provide further anonymous information please provide the information in the text box provided	

Author

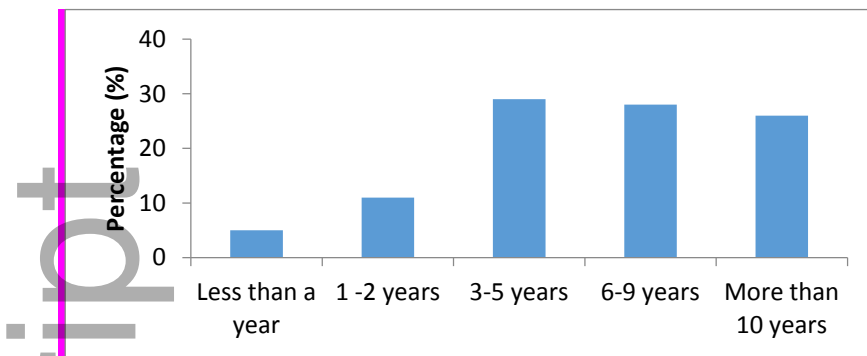


Figure 1: Length of time living in retirement villages (n = 1846)

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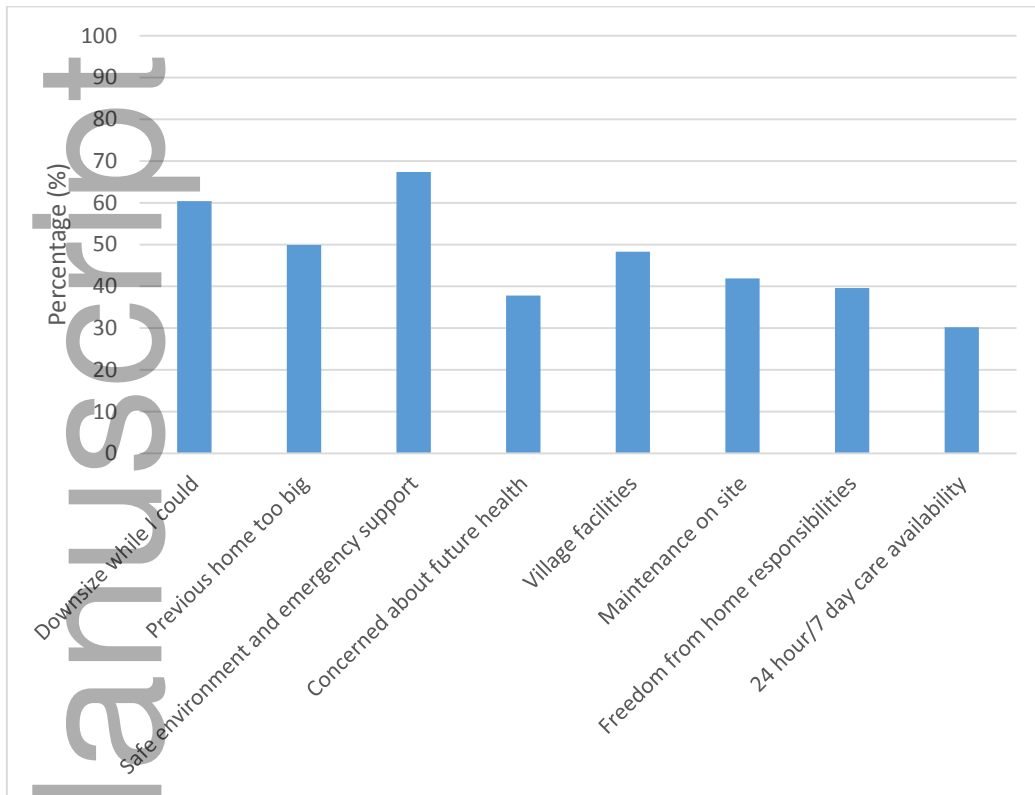


Figure 2: Reasons for moving into retirement villages (multiple reasons may have applied)