

# Appeals Policy

National Operations

Document Owner

1.1

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## 1. Purpose

The purpose of this policy is to outline our approach when a Housing Choices Australia resident or stakeholder appeals a decision we have made, or the outcome of a complaint.

This policy aims to ensure that we process appeals fairly, efficiently, and effectively so that we:

- Have easy and accessible options for appealing a decision;
- Respond to appeals in a consistent, timely, fair, and reasonable way;
- Use information provided through the appeals process to improve our services and report on outcomes.

## 2. Scope

This policy applies to our residents, clients, household members, neighbours of our residents, housing applicants, service delivery partners, maintenance contractors, stakeholders and members of the community impacted by our services.

This policy does not cover the following matters which cannot be appealed:

- Issues with the behaviour of residents or neighbours which are handled under the Good Neighbour Policy. However, an appeal about the way we handled a neighbour dispute or anti-social behaviour may be lodged as an appeal under this Appeals Policy;
- Issuing of a Notice of Termination under the Residential Tenancies Act, application to court or tribunal and the subsequent granting of an Order;
- Decisions related to another tenancy;
- Decisions that are required for compliance with legislation or regulation;
- Housing Choices policies, other than the application of a policy to a person's personal circumstances;
- Decisions made by an external party.

## 3. Policy Statement

Housing Choices is committed to providing a fair and transparent process for appeals about our decisions.

An appeal is a request for Housing Choices to review a decision or the outcome of a complaint where a decision made by Housing Choices is believed to be unfair, unreasonable and/or inconsistent with our policies and procedures, and/or we did not consider relevant information.

### 3.1. PRINCIPLES

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- We will ensure that people are listened to, treated with respect, and actively involved in the process where possible and as appropriate.
- We accept appeals in a variety of ways including from recognised representatives such as carers or advocates (with consent) and we will arrange interpreter services if required.
- We will ensure that information on how to appeal is readily available, easy to understand for everyone and includes information on how to access relevant external authorities or advocacy services. This policy is made available on our website.
- We will respond to appeals efficiently and objectively, ensuring principles of procedural fairness are adhered to.
- We will ensure that the person handling the appeal is different from the staff member/s who handled and were involved in the original decision.
- Conflicts of interest, whether actual or perceived, will be managed responsibly.
- We recognise that many people may feel insecure and vulnerable and at times may feel reluctant to exercise their right to appeal. We will ensure that people are not adversely affected because an appeal has been made by them or on their behalf.
- We will consider deferring any actions that might have significant detrimental impact on someone who makes an appeal (such as termination action) until the appeal has been finalised.
- All information will be treated as confidential in accordance with our Privacy Policy. Personal information will not be divulged to a third party without the permission of the person making the appeal unless we have a duty of care to do so.
- We will approach appeals without assigning blame and with the objective of reaching a mutually acceptable outcome. An appeal may be withdrawn at any time; however, we will ensure this has not been done under duress.
- We will always provide an outcome and the reason for our decision.
- We will not proceed with appeals that fall under the Managing Unreasonable Complaints or Complainant Conduct Policy.
- The outcome of appeals will be used to support our continuous improvement and how we can improve our services.

## 4. How to appeal

An appeal can be made in the following ways and will be accepted via an authorised representative, carer support person or advocate where we have consent.

- In person;
- In writing;
- By phone;
- By email to [complaints@hcau.org.au](mailto:complaints@hcau.org.au);
- By completing a form on our website.

## 5. Responding to an appeal

## **5.1 RESPONSIVENESS**

We will acknowledge receipt of an appeal within 2 business days.

Appeals will be assessed and prioritised in accordance with the urgency and/or seriousness of the issues raised. If a matter concerns an immediate risk to safety or security the response will be immediate and escalated appropriately. If there is not an immediate risk, we aim to review and respond to an appeal within 30 business days.

We are committed to keeping people informed as soon as possible of the following:

- Our appeals process;
- The expected timeframes for resolving appeals;
- The progress of the appeal and reasons for any delay;
- Opportunities to provide feedback through the process; and
- The possible or likely outcome of the appeal.

We will advise people as soon as possible if we are unable to address any part of their appeal and provide advice about where such issues and/or appeals may be directed (if known and appropriate).

## **5.2 CONFIDENTIALITY**

We will protect the identity of people making an appeal where this is practical and appropriate. Personal information that identifies individuals will only be disclosed or used by Housing Choices as permitted under the relevant privacy laws, and for the purposes of addressing the appeal and any follow up actions.

## **5.3 APPEAL PROCESS**

- The investigation will be carried out by a manager not involved in the original decision. The investigation involves reviewing all information relating to the original decision and may involve speaking to relevant parties about their experience and the outcomes being sought.
- The manager shall work with all parties to understand the cause of the appeal and options for resolution.

Our appeals process will check that:

- procedural fairness was applied;
- policy was interpreted correctly and fairly when making the decision;
- where a decision identifies a gap or potential service improvement, the decision maker should seek to initiate a policy and/or procedure review;
- all relevant information including individual circumstances was fairly and properly considered;
- any new, relevant information is considered;
- is aligned with our National Housing Service Standards.

## **5.4 OUTCOME**

Appeals will result in one of the following outcomes:

- the original decision is upheld and the decision stands;

- the original decision is overturned, and a new decision is made;
  - the original decision is partly overturned and amended;
  - an alternative solution is found.
- 1 We will inform parties of the outcome and provide an explanation and opportunity to discuss the findings.
  - 2 If after receiving the decision of an appeal and it is believed the decision is not right, we will refer people to appropriate external agencies, such as the Ombudsman.

## 6. Responsibilities

All Housing Choices staff are to be aware of this policy and receive and refer to appeals in accordance with this policy. Staff will facilitate the making of an appeal in a supportive way. Staff will not attempt to dissuade people from making an appeal.

### 2.1 MANAGERS AND TEAM LEADERS

- Ensure that all staff are appropriately trained and aware of this policy.
- Ensure that staff record and process appeals in accordance with this policy.
- Investigate, review, resolve and respond to appeals in accordance with this policy.

### 2.2 GENERAL MANAGER HOUSING SERVICES

- Ensure that staff understand this policy.
- Ensure that information learned from appeals supports strategic decision making and continuous improvement activities.
- Ensure that any appeals about safety, abuse and neglect received are referred to the appropriate authorities, in line with our obligations.
- Identify trends and systemic issues.
- Provide reports to the Executive.

### 2.3 GENERAL MANAGER SPECIALIST HOUSING GROUP

- Oversee appeals impacting residents residing in Specialist Disability Accommodation (SDA).

### 2.4 CHILD SAFETY OFFICERS

- Review appeals impacting children and young people.
- Advise if external support is required.
- Make reports to external authorities in accordance with the Child Safety Reporting Procedures.
- Complete a risk assessment plan if interviews with children and young people are required in the resolution process.

## 7. Scheduled Review

This policy will be reviewed every three years, following any significant restructure, or in response to legislative or regulatory changes. Consultation will be undertaken across service areas and input welcomed from persons who have been involved in the operation of appeals.

## 8. References:

LEGISLATION & STANDARDS	RELATED INTERNAL DOCUMENTS
<ul style="list-style-type: none"><li>• Residential Tenancies Act 1997 (Vic)</li><li>• Residential Tenancies Act 1997 (Tas)</li><li>• Residential Tenancies Act 1995 (SA)</li><li>• Residential Tenancies Act 1987 (WA)</li><li>• Residential Tenancies Act 2010 (NSW)</li><li>• Privacy Act (Cth) 1988</li><li>• Residential Tenancies Regulations (WA) 1989</li><li>• Carers Recognition Act (WA) 2004</li><li>• NRSCH 1: Tenant and housing services 1f: Managing and addressing complaints and appeals relating to providing housing services</li></ul>	<ul style="list-style-type: none"><li>• <a href="#">Feedback and Complaints Policy</a></li><li>• <a href="#">Managing Unreasonable Complaints or Complainant Conduct Policy</a></li></ul>



#### English:

If you need an interpreter, please call TIS National on 131 450 and ask them to call **Housing Choices Australia** on **1300 312 447**. Our business hours are **9am to 5pm, Monday to Friday**.

You can also visit the TIS National website for translated information about the service TIS National provides. Visit: [www.tisnational.gov.au](http://www.tisnational.gov.au)

#### Arabic:

إذا كنت بحاجة إلى مترجم، يرجى الاتصال على هاتف TIS الوطنية على الرقم 131 450 وأطلب منهم الاتصال بنا على هاتف **Housing Choices Australia** على هاتف رقم **1300 312 447** ساعات العمل الخاصة بنا **9am to 5pm, Monday to Friday**

يمكنك أيضا زيارة موقع TIS الوطنية للحصول على معلومات حول الخدمات التي تقدمها TIS الوطنية. قم بزيارة: [www.tisnational.gov.au](http://www.tisnational.gov.au)

#### Farsi (alt Persian):

اگر به مترجم نیاز دارید، لطفاً با شماره تلفن تیس نشنال 131 450 تماس بگیرید و از آنها بخواهید با **Housing Choices Australia** به شماره **1300 312 447** تماس بگیرید. ساعت کاری ما **9am to 5pm, Monday to Friday** است.

www.tisnational.gov.au شما همچنین می توانید به وب سایت تیس نشنال برای اطلاعات در مورد خدماتی که تیس نشنال فراهم می کند مراجعه کنید. به

#### Vietnamese:

Nếu quý vị cần thông dịch viên, xin hãy gọi cho Dịch vụ Thông Phiên dịch Quốc gia (TIS Quốc gia) theo số 131 450 và yêu cầu họ gọi cho **Housing Choices Australia** theo số **1300 312 447**. Giờ làm việc của chúng tôi là **9am to 5pm, Monday to Friday**. Quý vị cũng có thể vào thăm trang mạng của TIS Quốc gia để có thông tin về các dịch vụ mà TIS Quốc gia cung cấp. Hãy vào thăm [www.tisnational.gov.au](http://www.tisnational.gov.au)

#### Somali:

Haddii aad u baahan tahay turjumaan, fadlan ka wac TIS National taleefanka 131 450 waxaad ka codsataa inay kuu wacaan **Housing Choices Australia** iyo **1300 312 447**. Saacadaha Shaqadu waa **9am to 5pm, Monday to Friday**.

Waxaad kaloo booqan kartaa website-ka TIS National ee macluumaadka turjuman oo ku saabsan adeegga TIS National ay bixiso. Ka eeg: [www.tisnational.gov.au](http://www.tisnational.gov.au)

#### Simplified Chinese:

如果您需要口译员，请拨打TIS National 的电话131 450，请他们打电话给**Housing Choices Australia**，电话号码：**1300 312 447**。我们的营业时间是**9am to 5pm, Monday to Friday**。

你也可以访问TIS National 的网站，了解TIS National提供的服务。网址：[www.tisnational.gov.au](http://www.tisnational.gov.au)

#### Traditional Chinese:

若你需要口譯員，請撥打TIS National電話131 450並請他們轉接 **Housing Choices Australia** 的電話 **1300 312 447**。我們的工作時間是 **9am to 5pm, Monday to Friday**。

你也可以瀏覽TIS National 網站瞭解TIS National 的服務資訊，網址：[www.tisnational.gov.au](http://www.tisnational.gov.au)

#### Spanish:

Si necesita un intérprete, por favor llame a TIS National en el 131 450 y pida que lo comuniquen con **Housing Choices Australia** en el **1300 312 447**. Nuestro horario de oficina es **9am to 5pm, Monday to Friday**.

También puede visitar el sitio web de TIS National para obtener información acerca de los servicios que provee TIS National. Visite [www.tisnational.gov.au](http://www.tisnational.gov.au)

#### Italian:

Se hai bisogno di un interprete, telefona a TIS National al numero 131 450 e chiedi di chiamare **Housing Choices Australia** al **1300 312 447**. I nostri orari d'ufficio sono **9am to 5pm, Monday to Friday**.

Puoi visitare anche il sito web TIS National per informazioni tradotte sul servizio che TIS National fornisce. Visita il sito: [www.tisnational.gov.au](http://www.tisnational.gov.au)

**For other languages, access to an interpreter is available by contacting Housing Choices Australia on 1300 312 447.**