

## Appeals & Complaints Policy for Tenants & Applicants

### 1. Purpose of the Policy

My Foundations Youth Housing (MFYH) Appeals and Complaints Policy outlines how MFYH will handle client dissatisfaction with our service and our decisions. Its purpose is to:

- give applicants and tenants the right to complain or appeal
- make it easy for tenants and applicants to exercise that right
- help MFYH review what is and isn't working well in our organisation

The Appeals and Complaints Policy outlines how MFYH will implement this policy so that we have effective ways to:

- register, investigate, resolve and record complaints and appeals
- ensure applicant and tenant rights, and
- enable applicant/tenant views to influence how we deliver our housing services.

### 2. Definitions

- An **appeal** is possible when a MFYH applicant or tenant is dissatisfied with a decision made by MFYH and asks for a review of the decision.
- A **complaint** is when a MFYH applicant or tenant informs us that they are dissatisfied with our service, practices or policies.

### 3. Principles in Dealing with Appeals and Complaints

- We respond promptly and appropriately to any request for information about our service, or any concern or objection about our policies, practices or tenancy conditions.
- MFYH welcomes feedback, appeals and complaints, as this helps us to improve our services to applicants and tenants.
- MFYH informs applicants and tenants about our complaints and appeals policy. Information about this is provided to applicants and is included in our Tenant Welcome Packs, provided to all tenants.
- Applicants and tenants can make complaints without fear of recrimination.
- The procedure is user friendly for tenants and applicants and they are encouraged to involve their own advocate or support person at any point.
- Our procedures states which staff members are responsible for dealing with and processing all appeals and complaints, how long it takes and how it is recorded.

#### 4. Appeals Procedure

This policy sets out MFYH decisions which are appealable and our process for dealing with appeals:

- MFYH applicants and tenants and have the right to request that MFYH reviews decisions with which they disagree or believe unfair.
- MFYH will review the merits of the decision within the policy of the organisation and taking account of procedural fairness and the circumstances of each case.
- MFYH's Appeals procedure is staged so that the appeal is heard internally first, but with the option of external review by the Housing Appeals Committee (HAC) if not resolved to the tenants satisfaction.
- MFYH will notify applicants/tenants when a matter is appealable and how to go about this.
- MFYH expects all staff to understand the Appeals Policy & Procedures.

#### 5. Appealable Decisions

##### **For Applicants:**

- **Eligibility**
  - Where they have been deemed not to be Homeless or At Risk, and therefore ineligible
- **Housing Entitlements**
  - Kind of dwelling eg shared or single
  - Locational need
- **Offer Of Property**
  - Whether offer is considered reasonable
  - Acceptability of reason for not accepting offer

##### **For Tenants:**

- **Transfer**
  - Eligibility for general or emergency transfer
  - Locational need
  - Relocation of tenant for management/safety purposes
  - Housing entitlement if granted transfer
- **Rental Subsidy Assessment**
  - Calculations, changes or cancellation
- **Absence From Dwelling**
  - Permission to be absent and rent calculations during approved absence
- **Tenant Charges** not ordered by NSW Consumer & Tenancy Tribunal (NCAT)

- **Fixed Term Leases**
  - Conditions and renewal eligibility

## 6. Appeals Process

Tenants and applicants may appeal because they believe the decision MFYH made:

- Was inconsistent with MFYH's Policies and Procedures
- Did not consider all the relevant information before making the decision
- Was influenced by information irrelevant to the matter under consideration
- Did not deal with the client fairly, taking account of the particular circumstances of the case.

## 7. Making an Internal Appeal to the CEO, or their delegate

If a tenant or applicant is dissatisfied with a decision made by MFYH they have the right to request that the decision be reviewed. The Appeal should be in writing, either through the 'I want to Appeal...' Form or by writing a letter, email or text message. Staff will offer assistance if the client has a language or literacy barrier.

The decision will first be reviewed by the CEO, or their delegate, against the relevant MFYH policy, considering the merits of the case and taking account of the information provided by the client.

The CEO will:

- Register the appeal
- Acknowledge receipt of the appeal, in writing, within seven (7) days of it being received
- Consider whether a different decision is warranted. If the client provides new information this can be taken into account at the first level appeal
- Respond in writing of the reasons for the decision with clear reference to the policy criteria.

**Response Time:** Within twenty-one (21) days of receiving the appeal

**Register:** Appeal to be registered in Appeals Register which is reported on to the Board.

## 8. Making an External Appeal

If the applicant/tenant is dissatisfied by the outcome at the First Level appeal they can proceed to make an appeal to the independent Housing Appeals Committee (HAC).

It is MFYH's responsibility to inform tenants/applicants of their right to appeal to HAC and offer assistance in how to do so.



Appeal to the HAC should be made within 3 months of the first level appeals process.

## 9. Housing Appeals Committee

When the Housing Appeals Committee (HAC) receives the appeal they will request the tenant file from MFYH.

Once the file is received, the HAC sets a date for the hearing or interview and will inform you in writing. The HAC tries to schedule a hearing within 4 weeks of receipt of the file from MFYH. The process is informal and free for you.

The HAC reviews whether MFYH's decision conforms to the stated policy and meets the standards of natural justice considering the merits of the case.

## 10. Can HAC Change MFYH's Decision?

No, they can't make us change our decision, but it is definitely a worthwhile process if you are still unhappy after the internal review. MFYH takes recommendations from HAC seriously, and is highly likely to change its decisions based on a recommendation from HAC. For further information about the Housing Appeals Committee (HAC) call 1800 629 794 or go to [www.hac.nsw.gov.au](http://www.hac.nsw.gov.au)

## 11. Complaints Procedure

Tenants and applicants have a right to express their dissatisfaction with our service or our standards, practices or policies. When they do, MFYH will:

- register, investigate, record and try to resolve their complaint
- ensure their right to be heard and not to be penalised for raising a complaint
- enable their views to influence how we deliver our housing services.
- ensure that complaints and appeals are dealt with in a manner which is procedurally fair.

## 12. Confidentiality

Client confidentiality will always be respected; only those directly involved with the process will be told details. Staff who are the subject of a complaint will be advised of the complaint.

## 13. Complaints/Appeals File

A record of the complaint will be kept with the tenant/applicant file. The person concerned has access to this file.

#### 14. Complaints/Appeals Register

The CEO, or their delegate, will be responsible for maintaining the Complaints and Appeals Register and monitoring progress in resolving the Complaint or Appeal.

The CEO will monitor progress with resolving appeals and complaints, report on Appeals & Complaints to the Board, and take action when there are broader implications for policy and practice.

Complaints are dealt with through a two level process:

- Informal Complaint
- Formal Complaint
  - Step 1: CEO
  - Step 2: MFYH Board

The person making the complaint should be directed to the person about whom the complaint is being made, to explain the problem and what they would like done about it.

#### 15. Informal Complaint

The person receiving the complaint is to:

- Resolve the matter, if possible, to the client's satisfaction
- Remind the complainant of MFYH's Complaints and Appeals policy
- Inform the CEO
- Determine whether the matter is:
  - an appeal (see appeals procedure) or
  - a dispute under the Residential Tenancies Act and advise the complainant accordingly, or
  - a complaint

#### 16. Formal Complaint: CEO (Step 1)

When a written complaint is received, it is considered by the CEO. If the complaint is about a service provided by the CEO it will instead be referred to the Board (see Step 2 below).

The CEO will determine whether the matter is a complaint or an appeal or a breach of the Residential Tenancies Act and advise the complainant accordingly. The CEO will:

- Record the complaint
- Acknowledge receipt of the complaint in writing within seven (7) days of receiving it



- Investigate and determine what action MFYH will take
- Advise the Complainant in writing, of what action MFYH has or will take.
- Inform the Board

**Response Time:** Within twenty-one (21) days of receiving the written complaint.

**Register:** Complaint to be registered in Complaints/Appeals Register.

#### 17. Formal Complaint: Board (Step 2)

If the complainant is dissatisfied with the CEO's response, they can refer the complaint to the MFYH Board. The Committee will appoint one Board member to review the complaint. They will:

- Record the complaint
- Acknowledge the receipt of the complaint in writing within seven (7) days of receiving the complaint.
- Investigate and determine what action MFYH will take
- Advise the complainant in writing, of what action MFYH has or will take.

**Response Time:** Within twenty-eight (28) days of receiving the written complaint.

**Register:** Complaint will be registered in Complaints/Appeals Register.

#### Authority & Review:

Version Control	
Policy Adopted	4/9/16
Authority	Board
Review Date	4/9/18