

Appeals and Complaints

Purpose

The purpose of this policy is to set out how MFYH will handle client dissatisfaction with our service and our decisions and includes:

- giving applicants and tenants the right to complain or appeal,
- welcoming differing views on how we deliver our housing services,
- communicating and providing effective ways for tenants and applicants to exercise that right,
- registering, investigating and resolving complaints and appeals, and
- monitoring and reviewing what is and isn't working well in our organisation.

Scope

The section of policy relating to appeals applies to all MFYH applicants and tenants.

The section of policy relating to complaints applies to all applicants, tenants, advocates, contractors, referring partners, service providers community, and other external stakeholders.

This policy does not apply to:

- Complaints relating to a breach of tenancy by a MFYH tenant such as noise, pets, poor property care etc (unless the complaint is related to the handling of the breach). These will be managed in line with our During Tenancy Policy and the Residential Tenancies Act.

- An initial property maintenance request (e.g. leaking tap, or fence repair). This request will be dealt with through our standard property maintenance service.
- Tenancy disputes between MFYH and the tenant including but not limited to:
 - rent increases,
 - termination of the tenancy agreement,
 - end of tenancy charges,
 - bond claims and breaches of the Residential Tenancy Act (please note, the NSW Civil and Administrative Tribunal (NCAT) is an independent body and the main forum for resolving tenancy disputes. Refer to <https://ncat.nsw.gov.au/> or contact NCAT on 1300 006 228).

Policy Statement

Tenants and applicants have a right to appeal decisions made by MFYH or lodge a complaint about our products or service. An appellant or complainant will not in any way be disadvantaged or discriminated against for doing so.

Guiding Principles

MFYH welcomes feedback, appeals and complaints, as this helps us to improve our services to applicants and tenants. Furthermore 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.
- Inform applicants and tenants about our complaints and appeals policy (our policy is available on our website and we also include it within every sign up pack emailed to all new tenants).

- Applicants and tenants can make a complaint or lodge an appeal without fear of disadvantage or recrimination.
- Our procedures are user friendly and timely for tenants and applicants and appellants or complainants are encouraged to involve their own advocate or support person at any point.

Related Legislation and compliance

- Housing Act 2001
- Residential Tenancies Act 2010 (NSW)
- Residential Tenancies Regulations 2010 (NSW)
- National Regulatory System Community Housing (NRSCH)
- Housing Appeals Committee (HAC) <https://www.hac.nsw.gov.au/how-to-appeal>

Related Policies and Factsheets

- Access, Rent and Eligibility Policy
- During a Tenancy Policy
- Ending a Tenancy Policy
- Privacy and Confidentiality Policy
- Code of Conduct Policy
- Asset Management Policy

Key Definitions

<i>Appeal</i>	A request from a MFYH applicant or tenant (or someone acting on their behalf) to have a decision in relation to the application of MFYH policies reviewed due to dissatisfaction with an outcome. An appeal involves the review of a decision to see if an outcome may be changed either completely or in part.
<i>Complaint</i>	An expression of dissatisfaction from any applicant, tenant or stakeholder relating to the quality of MFYH products, services or conduct where a response or resolution is expected or legally required.

Authority & Review

Version Control	
Policy Adopted	V_4.0
Authority	Board
Last Review Date	November 2024
By	CEO
Result	UPDATED AND ADDED TO WEBSITE
Next Review Date	November 2026

Appeals

Decisions that may be appealed include, but are not limited to:

<i>Eligibility for housing assistance</i>	Where they have been deemed not to be Homeless or At Risk, and therefore ineligible.
<i>Housing allocations</i>	Kind of dwelling eg shared or single occupancy, locational need.
<i>Housing offers</i>	Determination of reasonable offers or reason to decline offer (not considered reasonable).
<i>Transfer applications</i>	Eligibility for general or emergency transfer, locational need, relocation of tenant for management/safety purposes or housing entitlement if granted transfer.
<i>Additional occupant applications</i>	Declining request to add an additional household member to the household (excluding shared houses where there is no ability to apply).
<i>Rental subsidy calculations</i>	Calculations, changes or cancellation including the date on which changes take effect.
<i>Absence From Dwelling</i>	Permission to be absent and rent calculations during approved absence.
<i>Tenant Charges</i>	That are not ordered by NSW Consumer & Tenancy Tribunal (NCAT) for example water.
<i>Fixed Term Leases</i>	Conditions and lease renewal eligibility.
<i>Requests to modify a property</i>	Such as installing an airconditioner or garden shed.

Decisions which are not appealable include:

- Content of MFYH policies.

- Matters or decisions which are the responsibility of the NSW Civil & Administrative Tribunal (NCAT).
- Decisions which are not directly related to the applicant or tenant.
- Matters not relating to the provision of housing services, for example tenant participation activities, or
- Complaints about the way a service is provided (refer to section regarding Complaints).

Who can lodge an Appeal

Only the person affected by the decision can lodge an appeal. This includes a third-party representative authorised to act on behalf of the person affected.

How to lodge an Appeal

If an applicant, tenant, or stakeholder is dissatisfied with a decision made by MFYH then an appeal may be made within **3 months** of that decision. The exception to this is appeals relating to offers of housing where there is only **14 days** to appeal a decision.

MFYH have an **Appeals Factsheet and First Tier Review form** available on the Website: <https://mfyh.org.au/Tenants/> or by emailing youthhousing@mfyh.org.au or by contacting our office on:
02 8306 7905.

A completed form can then be emailed to youthhousing@mfyh.org.au or lodged in writing and sent by post to:

Loding an Appeal
PO Box 114
STANHOPE GARDENS NSW 2768

Staff can also offer assistance if the client has a language or literacy barrier.

Reviewing Appeal Process – First Tier Review

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 relevant information on file as well as any new information provided (that was not available to the original decision maker).

This is called a first tier review. The purpose of the review is to look at the appellant's circumstances at that point in time to determine what decision should be applied within the relevant policy.

The outcome of a First Tier Decision Review may be a determination that:

- the original decision was appropriate and should be confirmed/upheld,
- the original decision was appropriate at the time, but new information received means that an alternative decision should now be made, or
- the original decision was not appropriate, and an alternative decision should have been made.

Response to Appeals

Appeals received by MFYH will be acknowledged within **7 business days** of receipt and entered onto the MFYH Complaints and Appeal register.

The process of assessing and responding to the appeal will take up to **21 business days** from the date of receipt.

If a delay is likely to occur MFYH will notify the appellant of the anticipated response timeframe.

Final outcome of review of decisions and

reasons will be provided in writing.

Appealing to the Independent Housing Appeals Committee (HAC) – Second Tier Review

If an appellant is not satisfied with the decision of MFYH after a first tier review they have the option of appealing to the independent Housing Appeals Committee (HAC).

An appeal to HAC may be made by contacting HAC directly by free call on 1800 629 794, by emailing hac@facns.gov.au or by visiting www.hac.nsw.gov.au.

HAC will conduct a review of the decision in accordance with its own procedures. MFYH will cooperate fully and openly with every appeal considered and communicated by HAC.

As an independent body, HAC has a mandate to make its own recommendations. These recommendations are not binding on housing providers. In most instances MFYH will support a recommendation by HAC. If MFYH does not support or agree with HAC's recommendation in a matter appealed to them, a formal response will be provided to both HAC and the appellant.

Complaints

MFYH adopts a transparent and objective approach in receiving, investigating, and responding to complaints.

Outcomes and learnings from complaints are monitored and included in our continuous improvement approach to service delivery.

Who can lodge a Complaint

MFYH's applicants, customers, tenant advocates, contractors, community, and other external stakeholders have the right to lodge a complaint and will not be disadvantaged or penalised for doing so.

MFYH also welcomes the involvement of a tenant advocate or support person at any point in the complaints process.

Lodging a Complaint

A complaint may be lodged by telephone, email, letter, via our website, through a satisfaction survey or verbally during a home visit.

MFYH have a **Complaints Factsheet and Form** available on the Website:

<https://mfyh.org.au/Tenants/>

or by emailing youthhousing@mfyh.org.au

or by contacting our office on:

02 8306 7905.

A completed form can then be emailed to youthhousing@mfyh.org.au or lodged in writing and sent by post to:

Loding a Complaint

PO Box 114

STANHOPE GARDENS NSW 2768

Staff can also offer assistance if the client has a language or literacy barrier.

Important note: Complaints may also be lodged anonymously. In the case of an anonymous complaint, matters will be investigated in such a manner to ensure that the complainant remains anonymous.

Responding to Complaints

All complaints received will be formally acknowledged by MFYH in writing within **3 business days** of receipt.

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).

Complainants have the right to enquire as to the status of their complaint by contacting MFYH and are encouraged to retain a record of their complaint and any associated documentation.

If required, MFYH can assist with the complaint process by arranging an appropriate service provider, translator, or interpreter.

Other assistance is available from the following independent services:

- The NSW Tenants' Advice and Advocacy Service www.tenants.org.au or 1800 807 225.
- Disability Advocacy NSW has a website for looking up advocacy services within your location [here](#)
- Community Justice Centre www.cjc.justice.nsw.gov.au/ or 1800 990 777

Recording of Complaints

All complaints will be recorded in MFYH's electronic Appeals and Complaints Register by the CEO or their delegate before being assigned to the investigating staff member.

Complaints will be treated as confidential, unless information is required or authorised to be disclosed by law or unless the complainant consents to the disclosure. Complaints will only be discussed with

employees as required for the purpose of investigating the complaint.

Serious complaints about MFYH employees will be treated as confidential, referred to management for investigation, and records kept in the employee's personnel file.

MFYH has an obligation to:

- regularly report the number and types of complaints received and their outcomes to its Board.
- provide information on its complaints to comply with the reporting requirements of the National Regulatory System for Community Housing (NRSCH).

Investigating Complaints

The CEO will monitor progress with resolving complaints, report 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

1. Informal Complaint

The person receiving the complaint is to:

- 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
- resolve the matter promptly, if possible, to the client's satisfaction,

- remind the complainant of MFYH's Appeals and Complaints Policy including the steps to formalise the complaint, and
- inform the CEO if it can't be resolved to the complainants satisfaction.

2. Formal Complaint: CEO (Step 1)

When a written complaint is received (including when there is dissatisfaction with resolution of an informal complaint), it is considered by the CEO.

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 on the Appeals and Complaints Register
- Acknowledge receipt of the complaint in writing within **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
- Respond on the outcome within **21 days** of receiving the written complaint

2. Formal Complaint: Board (Step 2)

If the complainant is dissatisfied with the CEO's response or if the complaint is about a service provided by the CEO it will instead be referred to the MFYH Board (refer to the Complaints Factsheet and Form in regards to addressing a formal 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 **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.
- Respond on the outcome within **28 days** of receiving the written complaint

[housing/enquiries-and-complaints](#) or contact RCH on 1800 330 940.

External Appeal or Complaint Avenues

Lodging a formal appeal or complaint with MFYH does not deny a person their right to follow any other avenues if dissatisfied with investigation and review outcomes. External agencies that could support include:

- Seeking support from a [local Member of Parliament](#)
- [Tenants Advice and Advocacy Services](#) provide free tenancy and legal advice and can advocate on your behalf
- The NSW Civil and Administrative Tribunal (NCAT) is an independent body and the main forum for resolving tenancy disputes. Refer to <https://ncat.nsw.gov.au/> or contact NCAT on 1300 006 228.
- contacting Housing Appeals Committee directly by free call on 1800 629 794, by emailing hac@fac.nsw.gov.au or by visiting www.hac.nsw.gov.au
- The NSW Registrar of Community Housing are responsible for investigating complaints made against community housing providers. For further information visit <https://www.nsw.gov.au/departments-and-agencies/registrar-of-community->