

# Compliance: Complaints and appeals

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<b>Related policies and documents</b>	Tenant charges, Rent Management, Termination of tenancy		

## Scope

This policy applies to all staff, tenants, applicants and contracts of Amélie Housing and sets out the approach to managing and responding effectively to complaints and appeals about service received and provided, and decisions made by Amélie Housing during service delivery.

## Policy Statement

It is the policy of Amélie Housing to:

- Ensure that tenant and applicants are aware of the right to complain or appeal decisions and to have an advocate or support person at any point in the process
- Ensure that tenants and applicants who complain or appeal are not disadvantaged in any way
- Make available clear written procedures for making a complaint or lodging an appeal, on request
- Investigate all complaints and appeals in a thorough, transparent, sensitive and objective manner
- Maintain a register of all complaints and appeals lodged
- Attempt to resolve all complaints and appeals through internal processes initially, escalating to external processes, including mediation or arbitration, if necessary and with the consent of the client
- Treat harassment and discrimination as serious offences and acknowledge that it is against the law to discriminate against any person upon the grounds of race, creed, colour, religion, sex and sexual preference.

This policy applies to complaints and appeals made by tenants and applicants. It excludes:

- Complaints, disputes or grievances of staff or Directors.
- Complaints by a tenant about another tenant
- Complaints about Amélie Housing or its tenants by people who are not service users.

## Compliance

This policy assists Amélie Housing to comply with:

Compliance Document	Section/Number	Area
National Community Housing Standards	3.1	Tenant Rights
	3.4	Tenant Participation
	4.6	Complaint sand appeals
Performance requirement of National Registrar of Community Housing	1c	Setting and meeting relevant service standards
	1f	Tenancy management – responding and receiving complaints and appeals

## Complaints

A complaint is an expression of dissatisfaction with the standard or type of customer service that was provided to a tenant by Amélie Housing.

It can also relate to the standard of the property, or any other matter related to housing services delivery.

Amélie Housing will address complaints using an informal internal mechanism in the first instance. Amélie Housing is responsible for ensuring the complaint is resolved successfully and will escalate the complaint to the next appropriate mechanism until it is resolved.

Serious complaints may be addressed by formal, external mechanisms without progressing through informal or internal mechanisms, if appropriate.

## Appeals

An appeal is an expression of disagreement or dissatisfaction with a particular decision that has been made by Amélie Housing, and a request for the decision to be reconsidered.

Grounds for appeal include that Amélie Housing:

- Has not complied with its policies and procedures
- Uses policies and procedures which are not fair
- Has made the decision with incorrect information.

Amélie Housing will consider appeals using an informal internal review mechanism in the first instance. If not resolved, the issue may be escalated to a formal appeals process, and/or to external appeals processes, where appropriate.

## Appealing decisions

Tenants and applicants have the right to ask us to review decisions they disagree with or think are unfair.

The sorts of decisions that can be appealed are:

- rental rebate assessment
- rejection for rehousing
- not eligible for housing
- not selected for housing
- allocated inappropriate property
- request for property improvements rejected
- complaint handled badly

The grounds for making an appeal are that we have not followed our policies and procedures, that our policies and procedures are not fair or that we made the decision without the right information.

When an applicant disagrees with a decision, and the decision is believed to breach the law (e.g. the Residential Tenancy Act, or Anti-Discrimination legislation) they may make a complaint if they are not happy with an informal internal review.

Guidelines for responding to an appeal will be the same as for complaints in all matters. The following steps will be followed, in order unless the person making the appeal can give good reason for why they are unable to use any part of the process.

### **Step 1 - Internal review**

The first step will be for the person responsible for the original decision to reconsider their decision, based on the reasons given by the tenant or applicant. Their response will be in writing.

### **Step 2 - Internal appeal**

If the person is still not happy with the decision, they can ask for a second internal review by the next level of accountability. They should put the details in writing, using the 'I want to appeal...' form or by writing a letter. They will reconsider the decision by listening to both the person appealing and the person who made the decision. Their response will be put in writing.

### **Step 3 - External appeal**

In NSW independent external appeals process, Housing Appeals Committee is available for anyone who is still not happy after the internal process has been followed.

<http://www.hac.nsw.gov.au/>

## **Informing tenants about complaints and appeals processes**

Information on complaints and appeals processes will be provided to tenants

- On the Amélie Housing website
- On beginning a tenancy
- At any time, a tenant expresses verbally they wish to complain or appeal
- On published policies where decisions are made that are appealable