

# Tenancy Management: Complaints and appeals

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<b>Related policies and documents</b>	Tenant charges, Asset Management		

## 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.

## 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 and 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.

### Types of Complaints?

Examples of matters which are complaints, relating to the standard or type of service we provide, for example:

- Poor quality services provided by an individual staff member;
- An allegation of discrimination or harassment;
- Poor behaviour by a contractor (failing to clean up following maintenance);
- Claims of maladministration such as a loss of documents or misuse of information;
- Faulty maintenance work (where the failure to undertake maintenance work properly is the issue); and
- A supplier complaining that their invoice has not been paid.

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 user
- A standard property maintenance request (e.g. leaking tap, or fence repair). This request will be dealt with through our standard property maintenance service. It is not a complaint about the standard or type of service we provide);
- A noise complaint from a tenant about a neighbour. Whilst we can assist a tenant in these circumstances, this is not a complaint about the standard or type of service we provide

## How to resolve a Complaint

**Step 1 Informal process:** you can speak to your housing officer. Tell him/her the problem and what you would like to be done about it. If the problem is not solved to your satisfaction, you can make a formal complaint.

- **sharing information and looking for simple solutions may be the answer**

**Step 2 Formal internal process:** Put your complaint in writing. You can use the inquiry form on this page or use the 'I want to complain...' form, available from your housing officer or write us a letter describing what happened and why you are not satisfied. Be clear and to the point. Tell us what action you think should be taken to sort things out. Tell us how the problem is affecting you, how urgent it is. Tell us if you need an interpreter, or someone to help you. (You may prefer to ask for an appointment with your housing manager and ask them to help you fill out the complaints form.)

When we have a written record of your complaint, we will follow our internal complaints procedure. You will be given a copy of this procedure.

## Timeframes for Managing Complaints & Appeals

We will immediately acknowledge the receipt of complaints and address them promptly in accordance with their degree of urgency.

Where we cannot acknowledge a complaint or dispute immediately, acknowledgement should be made as soon as practicable and in any event within 5 working days.

### Target Resolution within 21 Days

It is our aim to resolve all complaints within 21 working days with the initial investigation completed within 14 days.

### Extension beyond 21 Days

If we are unable to respond to a complaint within 21 days the Complaints Manager will, prior to the end of the 21-day period:

- Contact the complainant by telephone if possible, or otherwise in writing;
- Advise them of the reasons for the delay in resolution of their complaint; and
- Advise them of a new target resolution date.
- The Complaints Manager will then keep the complainant regularly apprised of the status of their complaint.

### What will happen after I make a complaint?

We will listen to your complaint carefully, and to anyone advocating on your behalf. We will discuss the different options with you. We will take part in mediation or arbitration if you want to use an external process. We will try to find a solution that satisfies you and is possible for us.

### **What happens to things I say or write?**

We will keep a file about your complaint with your personal (applicant or tenant) file. This file will contain everything you have sent us, letters we send you and notes on what happens during the complaints process. We will show you this file if you ask to see it. The file will be destroyed at the end of your tenancy.

The things you tell us or write down are confidential. We will not give anyone outside the organisation any of this information unless you ask us to.

We will record some details about your complaint on our complaints register which is a summary of all complaints. This register will not identify you.

### **What will be done to resolve my complaint?**

We will put our response to your complaint in writing. This might be

- an apology
- an explanation of why things happen that way
- an assurance it won't happen again
- a description of the positive action we have taken to put things right

### **Can I ask someone else to help me?**

We will be as helpful as we can. You may also want someone who is independent of our organisation to help you.

- You can seek help from an advocate. For instance, you could ask a Tenancy Advice and Advocacy Service worker, a community worker, or a friend to talk to us on your behalf or come with you to meet with us.
- You can ask for help from an 'Alternative Dispute Resolution body', for instance a Community Justice Centre. They can help mediate the problem
- You have the right to make an application for a hearing to another organisation which can help resolve the problem by mediation and arbitration. For example
- breach of Residential Tenancy Agreement: Residential Tenancy Tribunal
- breach of supported accommodation service standards: Community Services Commission
- breach of the voluntary housing association Code of Practice: NSW Federation of Housing Associations Code of Practice Advisory Committee
- unfair discrimination: Anti-Discrimination Board; Disability Complaints Service
- breach of rules of incorporation: the relevant registration body (Department of Fair Trading, Registry of Cooperatives, Australian Securities Commission)

### **What records should I keep?**

Keep a record of who you spoke to, what they said they would do, and the date and time. You may want to write a letter confirming these things and telling us whether or not you are satisfied.

### **If our response still does not resolve your complaint**

Take your complaint to a higher authority. Who this is will depend on what the problem is. You could ask us or your advocate which is most appropriate for your complaint. They can mediate

between us and may make a binding decision. Examples are the Residential Tenancy Tribunal, Housing Appeals Committee, Community Services Commission, and the Anti-Discrimination Board.

## 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