

# Policy

## Complaints and Appeals (SAHF Phase 2)



### Purpose

The purpose of the Complaints and Appeals Policy (SAHF Phase 2) is to outline how Anglicare will:

- deal with complaints and appeals from applicants, tenants and clients; and
- identify the difference between a complaint and an appeal,

in accordance with the *Residential Tenancies Act 2010*.

### Scope

This policy applies to complaints and appeals received from applicants, tenants and clients of the Service Package Dwellings.

### Policy Statement

Anglicare is committed to good practices for handling complaints and appeals. Anglicare will act with integrity, justice, compassion and excellence, ensuring a transparent and fair process is followed at all times. Anglicare respects every individual's opinions and perspectives, and will work collaboratively with all involved to reach a mutual understanding of the situation and try to work through the issues.

We ensure information regarding our internal complaints and appeals process and procedures is clear and readily available to our Tenants, clients or applicants, with personal assistance available from the Tailored Support Coordinator if clarification is required.

Regardless of the outcome of the complaints and appeals process, Anglicare commits to continue supporting the tenant, client or applicant with the same degree of care and respect as all others, and the quality of services would remain unchanged. To act otherwise would be going against Anglicare's core values and principles.

We encourage tenants, clients and applicant to work through their concerns in accordance with Anglicare's internal processes before escalating to external independent bodies.

## Policy

### Overview

**Complaints** are to be responded to in accordance with the procedure below and may be in response to a verbal or written complaint.

**Appeals** are to be responded to in accordance with the two stage process set out below.

- A First Tier Appeal / Review must be conducted by Anglicare before an appeal can be lodged with the Housing Appeals Committee (HAC).
- A Second Tier Appeal is an independent review of the original decision by the HAC. The HAC will assess whether the original decision was made fairly, in accordance with policy and whether all information was taken into account. The form required to lodge an appeal to the HAC can be provided by Anglicare with the internal review decision. Tenants / appellants can also obtain the form independently from the HAC website or complete an appeal application online.

### Complaints

A complaint relates to any expression of dissatisfaction made by or on behalf of a tenant / applicant / client where the complainant is not satisfied with the quality or type of service offered by Anglicare and requests a changed outcome.

Complaints about service delivery are handled internally by Anglicare and the two ways in which complaints can be received include:

- Verbal Complaints
- In writing.

#### ***Verbal Complaints***

Wherever possible, Anglicare will encourage that any complaints are raised with the Tailored Support Coordinator, Tenancy Manager or Asset Manager (via phone or visit) to see if the matter can be resolved quickly and informally.

#### ***In Writing***

If the matter cannot be resolved informally through the above process (or if the complainant is not comfortable lodging the complaint verbally, then the complainant may submit their complaint in writing. This should be in the form of a letter or email to the attention of the Chief Executive Officer.

The complaint will then be recorded and registered internally and will be acknowledged in writing within five business days.

The complainant will receive an acknowledgement letter which provides an overview of the complaint and details of the person who will be responsible for managing the complaint. The letter will also outline the next steps in the process.

The complaint will then be investigated by Anglicare (via the General Manager Housing) and the complainant will receive a written response within 28 days.

To maintain impartiality, Anglicare will ensure that the person responsible for managing the complaint is not the subject of the complaint.

### Appeals

An appeal relates to any expression of dissatisfaction or disagreement with a decision made by Anglicare to provide, or not to provide, a service (such as allocation of housing, transfer or calculation of rent subsidies). The purpose of the appeal process is to provide the opportunity

to review a particular decision and reflect on whether that decision has been made based on full and accurate information and in accordance with legislation and/ or policies and procedures that Anglicare adheres to or seeks to adhere to.

The Anglicare appeals process is a two-staged approach, with each tier described below.

### ***First Tier Appeal / Review Process (Internal)***

Following a decision by Anglicare regarding a tenant or applicant, where the person disagrees with the decision:

- 1 The person can lodge an appeal with the Tailored Support Coordinator within 30 days of being advised of the original decision. This written appeal is to outline their grounds for disagreeing with the decision.
- 2 The Tailored Support Coordinator will register the appeal and inform the appellant of the process that will be undertaken in response, including timeframes.
- 3 The Tailored Support Coordinator will inform the Tenancy Manager of the appeal. The General Manager Housing will take steps to convene the Internal Appeals Panel (the Panel) within seven days of the appeal being lodged.
- 4 The Tailored Support Coordinator (in conjunction with the Tenancy Manager and Asset Manager) will prepare a Briefing Note on the reasons for the original decision and submit this with the appeal to the Panel.
- 5 The Panel will then investigate the details of the appeal and will meet within seven days of the lodging to review the appeal.
- 6 The Panel will meet with the appellant within 14 days of the lodging to discuss their appeal with the Panel.
- 7 The Panel will make a decision and inform the appellant of this decision in writing within seven days of meeting with the appellant. This written notice will include information on what the appellant can do if they are not satisfied with the decision made by the Panel, and that they can lodge a further appeal with the HAC.

### ***Second Tier Appeal Process (External)***

- 1 An applicant or tenant can lodge an appeal with the HAC up to three months from being advised of the internal appeal decision.
- 2 The applicant or tenant is to lodge an appeal with HAC using their online forms or through the postal address supplied by HAC. Anglicare are not able to accept or coordinate appeals to HAC.
- 3 On receiving an appeal, the HAC will contact Anglicare and request that the client file be sent to the HAC Secretariat. Anglicare will comply with the written request from the HAC as the client has supplied consent for this action in their application to HAC. The Tailored Support Coordinator is to also inform the Tenancy Manager that the appeal is taking place.
- 4 The HAC will complete their review process and inform the appellant and Anglicare of the recommendation regarding the appeal within 14 days of the hearing.
- 5 Information regarding the HAC appeals process can be accessed on the HAC website: <http://www.hac.nsw.gov.au/How+to+Appeal/Appeal+Process.htm>

## **Further Information**

Persons lodging a written complaint about housing provision at Anglicare should contact our Chief Executive Officer.

## Definitions and Abbreviations

Term or Abbreviation:	Definition:
Appeal	Any expression of dissatisfaction or disagreement with a decision made by Anglicare to provide, or not to provide, a service (such as allocation of housing, transfer or calculation of rent subsidies).
Appellant	The person who has lodged an appeal against a decision regarding Anglicare housing.
Applicant	The person who has submitted an application for Anglicare housing.
Complaint	Any expression of dissatisfaction made by tenants/applicants/clients where the complainant is dissatisfied with an area of service delivery such as the standard or type of service and requests a changed outcome.
Housing Appeals Committee (HAC)	An independent agency which deals with appeals from people dissatisfied with a decision of a social housing provider, including tenants and applicants, and is able to review certain decisions made by staff of Housing NSW and Community Housing Providers.  Decisions by HAC are a recommendation only and Anglicare can uphold the original Anglicare decision if Anglicare determine this to be the more appropriate response.
Internal Appeals Panel (the Panel)	A panel of three Anglicare employees that is convened to investigate appeals regarding decisions for tenants or applicants of housing.
NSW Civil and Administrative Tribunal (NCAT)	An accessible and low-cost service to resolve everyday disputes in New South Wales.
Residential Tenancy Agreement (Lease)	Any agreement under which a person grants to another person for value a right of occupation of residential premises for purpose. This agreement is a binding contract.
Tenant	The person that pays rent to us or occupy a building owned by another, the dweller or occupant in a place.
The Registrar	The Registrar is an independent statutory officer responsible for registering and regulating community housing provider in NSW under the National Regulatory System for Community Housing (NRSCH) under the <i>Housing Act 2001</i> (NSW).

## References

Related documents could be external documents, such as legislative or other requirements, or internal documents such as: policies, standards and operational documentation (e.g. procedures, guidelines, checklists, templates etc.).

No.	Document / Reference
1.	Residential Tenancies Act 2010

Document Owner: *General Manager Housing*

Date: *August 2018*