

Appeal: a customer can lodge an appeal if they are dissatisfied with a decision made by Hume CHA. Appeals can be made about decisions made within the policy framework of Hume CHA and the decision must be relevant to the person that is appealing.

1.0 Purpose

- 1.1 To encourage transparent and logically probative decision making
- 1.2 To offer Hume CHA customers a fair and equitable review process
- 1.3 To ensure the process is clear and easy to follow for customers and staff
- 1.4 To support continuous improvement of Hume CHA's social housing policy framework.
- 1.5 To provide clear guidelines on how to manage and access the appeals process

2.0 Scope

This policy covers the internal appeals process for customers of Hume CHA. It is limited to decision making areas within the framework of social housing policy and guidelines. This policy also gives instruction on further avenues for appeals.

2.1 Strategic Alignment

Goal 1.1 – Customer Involvement

3.0 References

- 3.1 Appealable Issues, Housing Appeals Committee, Fact Sheet

4.0 Policy

4.1 Appeals Principles

- i. Hume CHA encourages appeals and advises applicants and customers of the appeals process through the Hume Book, Hume website and Tenant Sign Up Packs.
- ii. Hume CHA aims to assess appeals fairly, without fear of recrimination
- iii. Customers can expect to be offered ample opportunity to lodge supporting documentation related to their appeal issue
- iv. As part of the appeal assessment, customers should be interviewed in detail by a Manager

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- v. Customers will be advised of the outcome with clear reference to the relevant policy and the reasons for Hume CHA decision, taking into account all available evidence and documentation.
- vi. Customers are encouraged to involve their own advocate or support person throughout the appeals process
- vii. If a customer would like to appeal a decision made by Hume CHA, information about the further avenues for appeals process is provided to the customer via the Appeal Decision Letter.
- viii. The Housing Appeal Committee (HAC) as an independent body that has jurisdiction of all NSW Community Housing external appeals. This is also the last level of appeal available to Hume CHA customers. In many cases, appeals can only be heard by HAC once an internal appeal to Hume CHA has been made or completed.

4.2 Appeals lodgement & Timeframe

- i. Hume CHA encourages applicants/ customers to appeal decisions as soon as possible
- ii. Generally the right to appeal is limited to three months from the date the applicant/ tenant were advised of the decision. Hume CHA (at its discretion) may consider matters outside of this timeframe where the appeals process is the most appropriate means of resolving the matter
- iii. Appeals must be lodged in writing by the customer.

4.3 Other Avenues/Jurisdictions

As part of their appeal, customers may wish to seek support via the following avenues:

- i. Seeking support from their local Member of Parliament
- ii. Contacting their nearest Tenants Advice Service or Community Legal Centre for advice or assistance
- iii. Seeking support from any other relevant support agency or culturally specific advocacy agency

4.4 Appealable Matters

4.3.1 The following matters are appealable for social housing applicants:

- i. General eligibility for social housing

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- ii. Eligibility for priority housing
 - iii. Former tenant categories
 - iv. Removal from the Housing Register
 - v. Dwelling entitlements i.e. house/ townhouse/ apartment, number of bedrooms
 - vi. Locational entitlement & entitlement to “high demand zones”
 - vii. Offers of properties and the suitability of each offer
 - viii. Emergency Temporary Accommodation
 - ix. Special Assistance Subsidies
 - x. Rentstart i.e. partial bond and rent in advance
 - xi. Renstart Plus i.e. additional bond and rent in advance
 - xii. Temporary accommodation
 - xiii. Tenancy Guarantee
- 4.3.2 The following matters are appealable for social housing customers:
- i. Eligibility to transfer/ rehousing
 - ii. Removal from the Transfer Register
 - iii. Dwelling entitlements i.e. house/ townhouse/ apartment, number of bedrooms
 - iv. Locational entitlement & entitlement to “high demand zones”
 - v. Offers of properties and the suitability of each offer
 - vi. Rental subsidy assessments
 - vii. Cancellation of rental subsidy
 - viii. Modifications to a property
 - ix. Mutual exchange of tenancies
 - x. Former tenant charges
 - xi. Tenure
 - xii. Entitlement to a new tenancy
 - xiii. Water charges – health & disability allowance entitlement
- 4.3.3 The following issues cannot be appealed:
- i. Matters which are the responsibility of other tribunals e.g. CTTT
 - ii. The content of Hume CHA policy
 - iii. The allocation of a specific dwelling
 - iv. Decisions that are not directly related to the customer
 - v. Internal administrative and funding matters such as staff levels at the Hume Office or funding for programs

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- vi. The time taken to provide a service (unless specified in a policy)
 - vii. Matters not related to the provision of housing services
 - viii. Matters related to housing strategies for which a customer cannot apply i.e. HNSW head leasing program
 - ix. Services for which the applicant has already received the maximum allowable under the policy
- 4.3.4 The Consumer, Trade and Tenancies Tribunal (CTTT) is available for customers who feel the conditions of their rental agreement have been or are being breached by Hume CHA.
- 4.3.5 Customers who are unable to resolve these tenancy matters through negotiation/ mediation are able to take the matter to the CTTT.
- 4.3.6 The CTTT is the forum in which Hume CHA may seek resolution of tenancy issues governed by the provision of the residential tenancy agreement.

5.0 Procedure

5.1 Stage 1

- i. If the customer is not satisfied with the decision made an appeal can be lodged asking for a review by the Department Manager, COO or CEO. This request is to be in writing on the Form – Appeal Application or in a written letter.
- ii. The Form – Appeal Application or written letter is to be scanned and forwarded to the Quality Assurance & Compliance Coordinator for registering in the Register – Complaints and Appeals.
- iii. The appeal will involve a fresh look at the client’s case, taking account of all relevant information and conducting a thorough interview with the client. To ensure a fair and equitable process, the appeal will be dealt with by a more senior officer than the original decision maker.
- iv. The Department Manager/ COO or CEO will then put a response in writing to the customer through the Appeal Decision Letter. This document is to include the details of HAC advising the customer if they are dissatisfied with the decision to contact HAC.
- v. If the original decision was made by the CEO, the request will be reviewed by the Board of Directors.

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- vi. Stage 1 is to be completed within 10 working days after receipt of the appeal and additional information if required.
- vii. On completion of Stage 1 an update on the status of the appeal is to be forwarded to the Quality Assurance & Compliance Coordinator for updating in the Register – Complaints and Appeals.

5.2 Stage 2

If the tenant/ applicant is dissatisfied with the decision made in Stage 1 by the reviewing personnel an external appeal can be lodged with HAC.

5.3 Appeals File

- i. The appeal documentation will be kept confidential within the customer’s file.
- ii. No identifying information will be communicated to other customers, people within Hume CHA not directly involved in the appeal process or people outside Hume CHA without the applicant/ customers permission.

6.0 Responsibilities

- i. CEO is responsible to ensure that all staff complies with this policy.
- ii. Employees and Managers are responsible to adhere to this policy
- iii. Quality Assurance and Compliance Coordinator is responsible for the review of this policy as per Policy and Procedure Schedule.

7.0 Related Documents

- 7.1 Policy and Procedure - Fraud and Corruption Control.
- 7.2 Procedure - Gifts & Hospitality
- 7.3 Form – Appeals Application
- 7.4 Register – Complaints & Appeals

8.0 Summary of Changes

Version Nr.	Date:	Details of Changes
001	16/10/2012	Initial Issue

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