

Appeals and Internal Review Policy

1. Purpose

HOME in PLACE is committed to providing services of the highest standard and respects the right of our tenants and clients to complain, provide compliments or suggestions about the services they receive. In addition, HOME in PLACE is committed to a transparent and objective review of decisions and will ensure appeals are managed promptly and in accordance with the principles of procedural fairness.

2. Scope

This Appeals and Internal Review Policy applies to all tenants and clients of HOME in PLACE including:

- applicants for housing assistance seeking services from the HOME in PLACE; and
- people living in tenancies managed by HOME in PLACE.

The review process starts when a tenant or client believes that a decision made by HOME in PLACE is not correct and they have not been able to resolve the issue through discussion with HOME in PLACE staff responsible for making the decision. The process aims to confirm whether HOME in PLACE has made the right decision.

3. Policy Statement

Residential Tenancy Dispute

In the first instance after receiving a request for review by a tenant of a decision covered under Residential Tenancies Legislation, the relevant senior executive staff member will commence an internal review.

As part of the review, the senior executive staff member will consider:

- information submitted by the tenant;
- all relevant information on file; and
- any new information that was not available to the original decision maker.

The tenant will be provided opportunity to meet with the senior executive staff member to discuss the issue for review.

The senior executive staff member will inform the tenant of the decision in writing and, if the original decision is to be maintained, the option to make application to NCAT, QCAT, VCAT or the local/small claims court.

NCAT, QCAT and VCAT are each able to make legally binding and enforceable decisions on a wide range of tenancy disputes such as:

- rent bond;
- rent increases;
 - unpaid rent;
 - Water Charges

- termination of tenancy agreement;
- compensation;
- repairs; and
- other breaches of the residential tenancy agreement.

If, because of the internal review process or following ruling from NCAT, QCAT or VCAT, the senior executive staff member considers that HOME in PLACE policies require change, advice will be provided to the Internal Reviews Committee for making recommendation to the Parent Board.

Appeals

When reviewing a decision that is not able to be considered by other bodies such as NCAT, QCAT, VCAT or the local/small claims court, a two-stage appeal process should be followed to ensure that:

- there is a fair mechanism for decisions to be reviewed for decisions that are not covered by Residential Tenancies Legislation; and
- the correct decision has been made in each individual case under review.

The two-stage appeal process is herein referred to as follows:

- First stage - internal review
- Second stage – independent review

A decision that can be appealed:

Many decisions made by the HOME in PLACE can be appealed. These decisions include:

- Social Housing Eligibility
 - Eligibility for social housing
 - Removal from the social housing website
 - Reactivation of a closed application
 - Eligibility of people classified as unsatisfactory or ineligible former tenants
- Priority Housing Eligibility
 - Eligibility for priority housing
 - Locational need
- tenancy management decisions relating to:
 - the calculation of a tenant's rent subsidy;
 - the cancelation of a rent subsidy
 - eligibility of a rent subsidy
 - a transfer application;
 - a request to modify properties;
 - succession of tenancy;
 - absence from a dwelling and/or appeal for hardships consideration;
 - charges at vacation of dwelling where not covered by orders of another tribunal or court e.g. NCAT, QCAT, VCAT or the local/small claims court;
 - Grant of a water usage allowance as per policy
 - Method of calculation of water charges
 - additional occupant and/or joint tenancies.
 - Relocating Tenants under Management Purposes

- decisions relating to eligibility for social or affordable or housing assistance;
- property offers or property entitlements;
- application, by HOME in PLACE, of Housing NSW Allocations process.

A decision that cannot be appealed:

Some decisions made by the HOME in PLACE cannot be appealed. These decisions include:

- decisions not directly related to the person or household;
- Matters that are the responsibility of other bodies or tribunals (such as repairs and maintenance which are the responsibility of NCAT/QCAT/VCAT)
- Residential Tenancy Dispute;
 - HOME in PLACE policies;
 - Complaints about the way a service is provided;
 - Decisions to provide services on an “out of guidelines” basis;
 - Decisions to apply the vacant bedroom charge;
 - Amount of assistance provided under the Private Rental Subsidy;
 - matters for which clients cannot make application to housing providers;
 - internal administrative and funding matters;
 - programs not related to the provision of a service.

First stage – internal review

Similar to a Residential Tenancy Dispute, the appeals process will commence with the client or tenant making written application to HOME in PLACE. In most cases, the application must be lodged within three (3) months of the original decision being made however timeframes for some appeals are shorter.

An internal review of the decision is conducted by the relevant senior executive staff member.

As part of the review, the senior executive staff member will consider:

- information submitted by the client or tenant;
- all relevant information on file; and
- any new information that was not available to the original decision maker.

If it appears that the original decision is likely to be maintained, the senior executive staff member will contact the client or tenant to discuss the issue and provide opportunity for the client or tenant to produce additional relevant information.

The senior executive staff member will then make recommendation to the Internal Reviews Committee to decide whether the original decision should be:

- maintained; or
- changed in full; or
- changed in part.

The senior executive staff member will inform the client or tenant of the decision in writing and, if the original decision is to be maintained, the option available to the client or tenant to appeal to the Housing Appeals Committee.

Second stage – independent review

A client or tenant has the right to seek independent review by the Housing Appeals Committee if they consider the decision made by HOME in PLACE as part of the internal review is incorrect.

The Housing Appeals Committee will advise HOME in PLACE when an appeal has been lodged and will request information from HOME in PLACE to assist with their investigation.

The Housing Appeals Committee aims to schedule a hearing to consider the appeal within four (4) weeks of receipt of the file from HOME in PLACE.

HOME in PLACE is not represented at the hearing but may be contacted by the Housing and Appeals Committee for more information before or after the hearing.

The Housing Appeals Committee provides a written recommendation of the appeal approximately two (2) weeks after the hearing. The Housing and Appeals Committee will advise HOME in PLACE of their recommendation in writing.

HOME in PLACE will consider all recommendations made by the Housing Appeals Committee before making the final decision. This will generally occur within six (6) weeks (unless otherwise prescribed).

If the Housing Appeals Committee recommends that HOME in PLACE change the original decision made by management and/or the decision made as part of the internal review process, in full or in part, HOME in PLACE will respond appropriately and as required:

- amend processes;
- update systems; or
- advise the Internal Review Committee of any changes to HOME in PLACE policies for the purpose of making recommendation to the Parent Board.

HOME in PLACE will inform the Housing Appeals Committee and the client or tenant who lodged the appeals of HOME in PLACE's final decision.

4. Responsibilities

All HOME in PLACE workers have an obligation to:

- familiarise themselves with and ensure they have a clear understanding of HOME in PLACE policies and procedures,
- observe and implement such policies, and associated procedures in delivering services to HOME in PLACE clients,
- inform HOME in PLACE's clients of the impact of this policy on them and assist them to understand their rights and obligations, as required,
- identify issues that require amendment to this policy document and complete the relevant documentation to propose any amendments, and
- report breaches of HOME in PLACE's policies or procedures.

The relevant Group Executive Manager is ultimately responsible to:

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- ensure all stakeholders within their area of responsibility are informed about HOME in PLACE Policies and Procedures,
- ensure appropriate processes and controls are implemented to enable the correct application of and adherence to relevant policies and procedures, and
- ensure appropriate processes and controls are implemented to enable breaches of approved HOME in PLACE's Policy and Procedures to be reported and managed.

5. Implementation and Review

This policy is listed on HOME in PLACE's Controlled Documents Register and is a controlled document requiring approval of any changes. It may not be amended or shared outside HOME in PLACE without approval. The policy is reviewed regularly and published on HOME in PLACE's SharePoint intranet once approved. Employees receive communications and training on new and reviewed policies and procedures.

HOME in PLACE complies with relevant contractual compliance obligations and jurisdictional laws and regulations when implementing this policy. Confirmation of internal compliance with this policy is undertaken regularly.

It is the responsibility of HOME in PLACE Group Executive Services to maintain and update the HOME in PLACE's Master Policy Document, Policy Directory and the Policy Review Register, administer the review and approval process and inform and distribute new and amended policies and procedures once approved (refer PROC-011 Policy and Procedure Development Approval).

HOME in PLACE Workers should refer to SharePoint for the latest version which takes precedent over any uncontrolled version. If this document is printed, downloaded, or saved elsewhere from this site it becomes an uncontrolled version.

For further information contact the Responsible Officer listed under Document Information.

6. Resources and related documents

Related documents

- Internal Review Committee Terms of Reference
- Internal Review and Appeals Management Procedures
- Appeal Request Form
- Management Investigation Report

Related legislation/standards

COMPANY AND CHARITY LEGISLATION

- Corporations Act 2001 (Cth)
- Australian Charities and Not for Profit Commission Act 2012 (Cth)
- Companies Act 1993 (NZ)
- Charities Act 2005 (NZ)

COMMUNITY HOUSING LEGISLATION

- Housing Act 2001 (NSW)
- Community Housing Providers National Law (NSW)
- Community Housing Providers (Adoption of National Law) Act 2012 (NSW)
- Housing Act 2003 (QLD)
- Housing Restructuring and Tenancy Matters Act 1992 (NZ)
- Housing Restructuring and Tenancy Matters (Community Housing Provider) Regulations 2014 (NZ)

TENANCY MANAGEMENT LEGISLATION

- Residential Tenancies Act 2010 (NSW)
- Residential Tenancies and Rooming Accommodation Act (QLD) Residential Tenancies Act 1986 (NZ)
- Other jurisdictional housing and tenancy acts and regulations as may apply

PRIVACY LEGISLATION

- Privacy Act 1988 (Cth)
- Privacy Act 1993 (NZ)

STANDARDS

- Australian National Community Housing Standards Third Edition May 2010

7. Definitions

Please refer to HOME in PLACE Glossary of Definitions for Policies and Procedures. Terms and definitions identified below are specific to this policy and are critical to its effectiveness:

Term	Definition
Appeals	A Community housing appeal is defined as ‘any expression of dissatisfaction with a decision made by a social housing provider to provide or not provide a service (such as housing, transfer or priority on the housing register) or, a decision relating to a tenant or service user’s dissatisfaction of a decision made by the organisation.’ An application for a decision to be reversed or overturned. Includes but is not limited to: • Allocation decisions; • Level of rent or rent subsidy; • Eligibility for a housing transfer; • Permission to undertake modifications; • Permission to keep pets; • Calculation of water charges;
Compass	Compass Housing Services Co. Ltd. Trading as HOME in PLACE and includes its related body corporate (as defined by section 9 of the <i>Corporations Act 2001</i> (Cth)) and as a charity with the Australian Charities and Not-for-profit Commission (ACNC) .
Complainant	Person with a Complaint ongoing with HOME in PLACE.
Complaints	An expression of dissatisfaction with an aspect of the services provided by [Organisation], where the complainant is unhappy with the standard or type of service. Types of Complaint include: • Where HOME in PLACE have failed to provide or there has been a delay or problem in providing a service; • Where HOME in PLACE have failed to follow or have been unfair or inconsistent in applying our policies or procedures. • Where HOME in PLACE have failed to keep Tenants informed, through lack of or insufficient information

Term	Definition
	<ul style="list-style-type: none"> Where there has been inappropriate behaviour or attitude from a HOME in PLACE Employee or contractor.
Director	Has the same meaning as defined in the Corporations Act 2001 Part 1.2 Division 1 Section 9 Dictionary in Australia and as defined in the Companies Act 1992 Part 1 Section 2 Interpretation .
Employee	A person engaged under an employment agreement or award by any company in the HOME in PLACE Group.
Executive Manager	Many positions within HOME in PLACE include the title “Executive Manager”. Regardless of whether an Executive Manager heads a Business Unit, the delegated authority of each Executive Manager depends on the functions and reporting relationship of the Business Unit for which the Executive Manager is responsible. Executive Managers should refer to the document HOME in PLACE Organisational Chart in Terms of Levels of Delegated Authority for confirmation of the band of authority they hold.
HOME in PLACE	Compass Housing Services Co. Ltd. Trading as HOME in PLACE and includes its related body corporate (as defined by section 9 of the <i>Corporations Act 2001</i> (Cth)). This includes Compass Housing Services Co (Queensland) Ltd Trading as HOME in PLACE and Compass Housing Services Co (Victoria) Ltd Trading as HOME in PLACE both of which are a wholly owned subsidiary of Compass registered in Australia.
HOME in PLACE (New Zealand)	HOME IN PLACE (NEW ZEALAND) LIMITED (formerly Compass Housing Services (NZ) Co Ltd) is registered in New Zealand under the Companies Act and as a charity registered with Charities NZ under the Charities Act
HOME in PLACE Group	The corporate structure that includes HOME in PLACE (as the Parent Company) and the boards of Subsidiary Companies, Governance Committees and advisory groups as created from time to time.
Housing Appeals Committee	An independent agency that reviews certain decisions of a social housing provider.
Independent contractor	means a party engaged directly by HOME in PLACE pursuant to a contract for services. In the context of workforce engagements, this includes sole traders, companies, or partnerships with whom HOME in PLACE enters into an agreement for the provision of specified individuals to supply specific skills, services, or consultancy arrangements. It does not include individuals engaged through labour hire agencies. Independent contractors are not employees of HOME in PLACE.
NCAT	New South Wales Civil and Administrative Tribunal
Officer	Has the same meaning as defined in the Corporations Act 2001 Part 1.2 Division 1 Section 9 Dictionary in Australia and as defined in the Companies Act 1992 Part 1 Section 2 Interpretation in New Zealand
Parent Board	The current directors of HOME in PLACE.
Parent Company	HOME in PLACE
QCAT	Queensland Civil and Administrative Tribunal
Residential Tenancies Legislation	<i>Residential Tenancies Act 2010 (NSW)</i> and <i>Residential Tenancies and Rooming Accommodation Act 2008 (QLD)</i> as amended from time-to-time.

Term	Definition
Residential Tenancy Dispute	An issue which specifically relates to matters dealt with in accordance with the Residential Tenancies Legislation and are the responsibility of other tribunals or courts e.g. NCAT, QCAT or the local/small claims court.
Stakeholder	person or organisation that can affect, be affected by, or perceive themselves to be affected by a decision or activity, may also be called 'interested party'.
Subsidiary Boards	The appointed board of directors of a Subsidiary Company.
Subsidiary Company	A company in which HOME in PLACE owns all or at least a majority of the shares.
User	any person or entity that use HOME in PLACE Information or ICT Assets.
VCAT	Victorian Civil and Administrative Tribunal
Worker (HOME in PLACE)	has the same meaning as defined in the NSW Work Health and Safety Act 2011 No 10 Subdivision 2 Part 7 Meaning of 'worker' (1) A person is a worker if the person carries out work in any capacity for a person conducting a business or undertaking, including work as: <ul style="list-style-type: none"> • an employee, or • an independent contractor or subcontractor, or • an employee of a contractor or subcontractor, or • an employee of a labour hire company who has been assigned to work in the person's business or undertaking, or • an outworker, or • an apprentice or trainee, or • a student gaining work experience, or • a volunteer, or • a person of a prescribed class.
Worker (HOME in PLACE QLD)	is 'a person who works under a contract and, in relation to the work, is an employee for the purpose of assessment for PAYG withholding under the Taxation Administration Act 1953 (Cwlth), schedule 1, part 2-5'. This applies to a person for whom PAYG tax instalments are required or would be required to be withheld by their employer.
Worker (HOME in PLACE VIC)	A worker is defined as an individual: <ul style="list-style-type: none"> • who <ul style="list-style-type: none"> – performs work for an employer or – agrees with an employer to perform work • at the employer's direction, instruction or request, whether under a contract of employment (whether express, implied, oral or in writing) or otherwise or • who is deemed to be a worker by the legislation.

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