Appeals and Internal Review Policy

1. Purpose

HOME in PLACE (Australia) Limited 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 Appellants (tenants and clients of HOME in PLACE within Australian Jurisdictions) including:

- Applicants for housing assistance seeking services from the HOME in PLACE;
- People living in tenancies managed by HOME in PLACE;
- Grow a Star applicants.

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 or Client Dispute

In the first instance after receiving a request for review by a tenant or client of a decision covered under the relevant jurisdiction's 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 or client;
- All relevant information on file; and
- Any new information that was not available to the original decision maker.

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

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

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NCAT, QCAT, VCAT and WASAT 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, VCAT or WASAT, the senior executive staff member considers that HOME in PLACE policies require change, advice will be provided to the Internal Review 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, WASAT, 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 for each jurisdiction is here in referred to as follows:

- First stage or Tier 1 - internal review
- Second stage or Tier 2 – independent review

Decisions that can be Appealed:

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

All Jurisdictions:

- Social Housing Eligibility
- Various Tenancy Management decisions that are not considered by other bodies
- Property Offers or Entitlements
- Application of Housing Allocations Process
- Grow a Star Scholarship eligibility decisions

NSW:

- Removal from the social housing website
- Reactivation of a closed application
- Eligibility of people classified as unsatisfactory or ineligible former tenants
- Eligibility for Priority Housing
- Locational need
- Various Tenancy management decisions relating to:
  - The calculation of a tenant's rent subsidy

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  - The cancellation of a rent subsidy
  - Eligibility of a rent subsidy
  - A transfer application
  - A request to make alterations, additions or modifications to a property
  - Succession of tenancy
  - Absence from a dwelling and/or appeal for hardship consideration
  - Charges at vacation of dwelling where not covered by orders of another tribunal or court e.g. NCAT 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

QLD:

- Eligibility for Transfer
- Eligibility to remain in a 'reviewable property' (e.g. disability accessible property)
- Locational need
- Tenancy management decisions relating to:
  - Property offers or property entitlements including special accommodation requirements
  - The amount or calculation of rent arrears and the arrangement for repaying arrears

VIC:

- Eligibility for Priority Housing
- Special accommodation requirements
- Tenancy management decisions relating to:
  - The calculation of a tenant's rental rebate
  - The cancellation of a rebate
  - Backdating a rebate assessment
  - Rental subsidies
  - Eligibility of people classified as unsatisfactory or ineligible former tenants
  - Succession of tenancy
- Renter responsibility charges
- Bond assistance scheme
- Requests for disability modifications
- Movable units
- Transfer of tenancy

WA:

- Eligibility for Transfer
- Eligibility for Priority Housing
- Removal from the waiting list
- Bond assistance
- Tenancy Management decisions relating to:
  - The calculation of a tenant's rent subsidy, including market rent calculations
  - Assessment of tenant liability charges

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- A request to make alterations, additions or modifications to a property

Decisions that cannot be appealed:

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

All Jurisdictions:

- HOME in PLACE policies
- Matters that are the responsibility of other bodies or tribunals (such as repairs and maintenance which are the responsibility of NCAT, QCAT, VCAT, WASAT)
- Complaints about the way a service is provided
- Internal administrative and funding matters
- Programs not related to the provision of a service
- Decisions not directly related to the person or household
- Residential Tenancy Disputes

NSW:

- 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

QLD:

- Matters and Breaches Relating to the Residential Tenancies and Rooming Accommodation Act
- Procedures and Notices for the recovery of rent arrears

VIC:

- Recovery of rent arrears
- Emergency and Responsive Maintenance requests

WA:

- Decisions made 12 months ago
- Decisions to end a tenancy due to a tenant no longer being eligible for Social Housing
- Decisions to end a tenancy due to being offered alternative Social Housing accommodation
- Decision to not allow another tenant to be added to a tenancy
- Water consumption charges

First stage (Tier 1) – 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.

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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 Review 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 made by the Internal Review Committee in writing and, if the original decision is to be maintained, the option available to the client or tenant to appeal through the relevant jurisdiction's independent review process and external body.

Second stage (Tier 2) – independent review

A client or tenant has the right to seek independent review through their respective jurisdiction's external review process and external body if they believe that the decision made by HOME in PLACE during the internal review is incorrect.

Depending on their location, they can seek review of the decision from one of the following external independent bodies:

- **NSW** – Housing Appeals Committee (HAC)
- **QLD** – Housing Act Reviews Team (HART)
- **VIC** – Housing Appeals Office
- **WA** – Regional Appeals Committee

Each external independent body will advise HOME in PLACE when an appeal has been lodged and will request information from HOME in PLACE to assist with their investigation.

Each external independent body aims to schedule a hearing to consider the appeal following receipt of the file from HOME in PLACE.

HOME in PLACE is not represented at the hearing but may be contacted by the relevant external body for more information before or after the hearing.

The external body provides a written recommendation of the appeal following the hearing. The external body will advise HOME in PLACE of their recommendation in writing.

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

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If the recommendation by the external body is 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 HOME in PLACE Australia Board (HIPA).

HOME in PLACE will inform the external body and the client or tenant who lodged the appeals of HOME in PLACE's final decision.

4. Definitions and Acronyms Glossary

For clarification of any definitions or acronyms contained within this document, please click on the Glossary for information.

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