

# Appeals Policy

## PURPOSE AND SCOPE

- 1.1 This policy outlines what decisions can be appealed and how Portway Housing handles appeals from applicants, tenants and stakeholders.
- 1.2 This policy applies to appeals received from applicants, tenants and stakeholders of Portway Housing. This policy does not include complaints, which are dealt with under the Complaints policy.

## PRINCIPLES

- 2.1 Applicants and tenants have the right to appeal decisions and will not be disadvantaged by lodging an appeal.
- 2.2 Portway Housing will adopt a transparent and objective approach to receiving, investigating and responding to appeals.
- 2.3 Portway Housing welcomes appeals and will use the outcomes and learnings from appeals in our continuous improvement approach to service delivery.

## DEFINITIONS

### 3.1 Appeal

Portway Housing defines an appeal as **an expression of dissatisfaction with a decision it has made**. The appeal process provides the opportunity to review the decision and to reflect on whether a decision has been made based on full and accurate information and in accordance with legislation and/or policies and procedures.

### 3.2 Appellant

The person, organisation or company appealing the decision.

For social housing applicants and Portway Housing tenants, appealable decisions include:

- Eligibility for social or affordable housing or housing assistance
- Dwelling entitlements – number of bedrooms or property type
- Locational entitlement and entitlement to 'high demand' locations
- Offers of properties and the suitability of each offer
- Transfer applications
- Removal from the Housing Register
- Changes to a tenancy including mutual exchange or succession of a tenancy
- Requests to modify properties
- Former tenant charges
- Calculation of water charges
- Calculation, change or cancellation of a rent subsidy
- Rent calculations

Decisions that are not appealable include:

- Matters not relating to the provision of housing (e.g. tenant participation, support and referral services)
- The content of our policies
- Decisions that are not directly related to the applicant/tenant/stakeholder

## POLICY

- 4.1 Portway Housing acknowledges that errors, misunderstandings, client dissatisfaction and unexpected problems occur in all systems and services.
- 4.2 Effective appeals handling enables organisations to intervene before a problem becomes worse, provide a review process for appeals by customers who have been disadvantaged by a Portway Housing action or decision and nurture relationships between Portway Housing and our customers.
- 4.3 Any Portway Housing customer or someone acting on their behalf has the right to lodge an appeal about services or how they are delivered. Portway Housing is committed to managing appeals fairly, consistently and efficiently.

## APPEALS PROCESS

- 5.1 An appeal process will involve looking at all relevant information on file, submitted by the individual, and any new information that was not available to the original decision maker. The purpose of the appeal is to look at the appellants circumstances and to see what decision should be made within the relevant policy.
- 5.2 Portway Housing welcomes appeals and is focused on continually improving our service delivery.
- 5.3 Portway Housing aims to make the process for making an appeal fair and accessible. Any person involved in the appeal process can expect to be treated with respect and dignity at all times.
- 5.4 An appeal must be in writing and must include:
  - your name and contact details
  - the name of any other parties involved – eg another tenant
  - details around how the dispute arose
  - a clear indication that this is an appeal
- 5.5 An appellant has the right to:
  - Have their concern dealt with confidentially and professionally
  - Ask for help in raising their concern including the assistance of an advocate
  - Invite a support person such as a friend or relative to accompany them in any meetings
  - Use interpreting and translating services
  - Take their appeal further if they are not satisfied with the outcome

- 5.6 If an applicant, tenant or stakeholder is dissatisfied with a decision made by Portway Housing it is in their best interests to appeal as soon as possible after the original decision was made. Generally, the right to appeal is limited to three months from the date of the appellant being advised of the decision. However, Portway Housing has the discretion to consider matters outside this time frame where this is considered the most appropriate means of resolving an issue.
- 5.7 An appeal can be lodged by email or letter or by completing an Appeal form. This form can be obtained by contacting the Portway Housing office.
- 5.8 Appeals will be formally acknowledged within two working days of receipt at Portway Housing.
- 5.9 The process of assessing and completing the appeal will take no longer than 20 working days from the date of receipt. If a delay is likely to occur, Portway Housing will notify the appellant of the expected timeframe and the reasons for this.
- 5.10 Appeals will not involve the person who made the original decision. All appeals will be assessed through an appeals panel led by a more senior person than the original decision maker. This may be the Senior Manager Community Services of UnitingCare Wesley Port Adelaide, General Manager, a Manager or the Chief Executive Officer.
- 5.11 The assessment of the appeal will consider all relevant information available at the time of the appeal. This may include interviewing the appellant as part of the process. All appeal meeting proceedings will be accurately recorded by way of minutes.
- 5.12 Once the appeal assessment is completed, the appellant will be formally advised by the senior person of the outcome. The appeal outcome letter will explain the reason(s) for the decision. The decision will be based on what the appellant has written, an interview held with the appellant, the judgement of the senior person responsible for making the decision and the Portway Housing Appeals Policy.
- 5.13 If the appellant is still not satisfied with Portway's decision they have the option of referring the matter to the Public and Community Housing Appeal Unit (PCHAU). This is a free and independent service.
- 5.14 There is also an independent government funded organisation named TIAS (Tenants Information and Advocacy Service), which can act as an advocate at an appeals hearing. This is also a free service for all community housing tenants and applicants.
- 5.15 An appeal lodged with PCHAU must be lodged within 30 days of receiving notice of the decision made by Portway Housing.
- 5.16 Appeals will be confidential and will only be discussed with staff as required for the purpose of investigating the appeal.
- 5.17 Appeals will be recorded in the electronic Appeals Register.

- 5.18 Once the appeals process is complete, Portway will ask appellants to provide feedback on their experience of the appeals process. Any feedback received will be used to guide service improvement.

## REFERENCES

- 6.1 South Australian Civil & Administrative Tribunal
- 6.2 Public and Community Housing Appeal Unit
- 6.3 Residential Tenancies Act

### **Appendix 1:** Appeal form