

# Appeals Procedure (UnitingSA Housing)

## 1. PURPOSE AND SCOPE

- 1.1. This procedure outlines what decisions can be appealed and how UnitingSA Housing handles appeals from registrants, tenants and stakeholders.
- 1.2. This procedure applies to appeals received from registrants, tenants and stakeholders of UnitingSA Housing. This procedure does not include complaints, which are dealt with under the UnitingSA Customer Feedback and Complaints Management Procedure.

## 2. DEFINITIONS

- 2.1. Appeal: UnitingSA 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.
- 2.2. Registrants: People who have registered for Community Housing via the Single Housing Register (SHR).
- 2.3. Appellant: The person, organisation or company appealing the decision.
  - 2.3.1. For UnitingSA Housing tenants, appealable decisions include:
    - Decisions relating to your eligibility for housing;
    - Decisions about reallocation of a property to you, including in relation to transfer or potential transfer to another property;
    - An assessment of financial or other circumstances (including eligibility for a benefit or concession);
    - The calculation or imposition of any rent, levy, charge or subsidy (except those arising under the tenancy agreement);
    - A decision that relates to the state, condition, modification or improvement of premises;
    - A decision that affects your occupation or use of premises.
  - 2.3.2. Decisions that are not appealable include:
    - Matters that may be the subject of proceedings under, or are otherwise regulated by, the Residential Tenancies Act 1995 (whether or not proceedings have been brought under that Act). This includes matters that are contained in your lease such as payment of rent. If you disagree with a decision that falls in this category you may be able to make an appeal through the South Australian Civil and Administrative Tribunal (SACAT);
    - Matters that are not relating to the provision of housing (e.g. tenant participation, support and referral services);

## Appeals Procedure (UnitingSA Housing)

- The content of government or UnitingSA Housing policies and practices;
- Decisions that are not directly related to the applicant/tenant/stakeholder.

### 3. PRINCIPLES

- 3.1. UnitingSA Housing acknowledges that errors, misunderstandings, client dissatisfaction and unexpected problems occur in all systems and services.
- 3.2. 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 UnitingSA Housing action or decision and nurture relationships between UnitingSA Housing and our customers.
- 3.3. Any UnitingSA Housing customer or someone acting on their behalf has the right to lodge an appeal about services or how they are delivered. UnitingSA Housing is committed to managing appeals fairly, consistently and efficiently.

### 4. PROCEDURE

- 4.1. 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.
- 4.2. UnitingSA Housing welcomes appeals and is focused on continually improving our service delivery.
- 4.3. UnitingSA 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.
- 4.4. An appeal must be in writing and must include:
  - Your name and contact details;
  - The name of any other parties involved e.g. another tenant;
  - Details around how the dispute arose; and
  - A clear indication that this is an appeal.
- 4.5. 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.

## Appeals Procedure (UnitingSA Housing)

- 4.6. If a registrant, tenant or stakeholder is dissatisfied with a decision made by UnitingSA 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, UnitingSA Housing has the discretion to consider matters outside this time frame where this is considered the most appropriate means of resolving an issue.
- 4.7. An appeal can be lodged by email or letter or by completing an Appeal Form. This form can be obtained by contacting the UnitingSA Housing office.
- 4.8. Appeals will be formally acknowledged within two working days of receipt at UnitingSA Housing.
- 4.9. 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, UnitingSA Housing will notify the appellant of the expected timeframe and the reasons for this.
- 4.10. 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 Executive Manager, Property and Housing, a Manager or the Chief Executive Officer of UnitingSA.
- 4.11. 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.
- 4.12. 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 Appeals Procedure.
- 4.13. If the appellant is still not satisfied with the UnitingSA Housing decision they have the option of referring the matter to the South Australia Civil and Administrative Tribunal (SACAT). This is a free and independent service.
- 4.14. There is also an independent government funded organisation named RentRight SA (A free independent service, helping people maintain their tenancies in private rental, community housing or public housing) which can act as an advocate at an appeals hearing.
- 4.15. An appeal lodged with SACAT must be lodged within 30 days of receiving notice of the decision made by UnitingSA Housing.
- 4.16. Appeals will be confidential and will only be discussed with staff as required for the purpose of investigating the appeal.
- 4.17. Appeals will be recorded in the electronic Appeals Register.
- 4.18. Once the appeals process is complete, UnitingSA Housing will ask appellants to provide feedback on their experience of the appeals process. Any feedback received will be used to guide service improvement.

## Appeals Procedure (UnitingSA Housing)

### 5. DOCUMENTATION

- 5.1. Appeal Form
- 5.2. Feedback Form
- 5.3. Appeals Register
- 5.4. UnitingSA Housing Fact Sheets
- 5.5. UnitingSA Housing Tenant Handbook

### 6. REFERENCES

- 6.1. Customer Feedback and Complaints Management Procedure
- 6.2. RentRight SA (Tenant Assistance and Advocacy Service)
- 6.3. Residential Tenancies Act 1995
- 6.4. South Australian Civil and Administrative Tribunal (SACAT)