

107 Appeals Policy

1. Policy

Link Housing respects the right of its clients to lodge an appeal if they believe a decision we have made about their application or tenancy is unfair or incorrect. We are committed to handling appeals in a respectful, confidential and timely manner.

2. Policy Scope

This policy applies to all current and former tenants, applicants and stakeholders.

3. Principles

- Link Housing welcomes appeals
- We will advertise this policy and detail how to lodge an appeal
- The policy will be fair and easy to understand
- Clients can use an advocate or support person
- We will maintain a record of the appeals we receive
- Outcomes of appeals will be used when reviewing policy and practice
- We will respond and give our decision in writing, within the 21 day timeframe
- We will keep clients informed if there are any delays

4. Definition of Appeal

An appeal is an expression of dissatisfaction with a decision made by a social housing provider. If a client believes a decision Link Housing made in relation to their tenancy or application was unfair or incorrect, they have a right to appeal against the decision.

5. Examples of Decisions that can be appealed

Examples of decisions that can be appealed include:

- Eligibility for housing
- Eligibility for transfer (re-housing)
- Priority listing on the housing register
- Removal from the housing register
- Size and type of property that is approved
- Suitability of an offer
- Level of rental subsidy
- Cancellation of a rental subsidy
- Permission to undertake modifications or alterations
- Permission to keep an animal
- Tenant charges
- Former tenant charges

A full list of decisions that can be appealed is available at <http://www.hac.nsw.gov.au/what-is-an-appeal/what-can-be-appealed/appealable-issue-for-for-applicants-and-tenants-of-a-social-housing-provider>

6. Matters that cannot be appealed under this policy

Examples of decisions that cannot be appealed include:

- Complaints about the quality of service Link Housing provided. This is dealt with through our Client Feedback Policy
- Disputes between tenants
- Matters not directly related to the client
- Matters that have already been dealt with through the Appeals process
- Matters that are the responsibility of other tribunals and courts e.g. NCAT (NSW Civil and Administrative Tribunal)
- Matters that have been dealt with in other tribunals or courts
- Matters that are outside the time limit for appeals
- The policy itself

7. Time limits for appeals

Generally the right to appeal is limited to three months from the date of the original decision. This may be extended in special circumstances. Examples include:

- Where the client was not aware of the original decision
- Where the client was in hospital or otherwise unable to make an appeal

8. Steps to resolving an issue

If a client believes a decision made by Link Housing was unfair or incorrect, they are encouraged to discuss this with the person they were originally dealing with. We will review the matter and provide an outcome. In most cases, we can resolve issues through this informal review.

First Tier Appeal (Internal review)

If a client is not satisfied with the outcome of an informal review, they have the right to appeal.

- An appeal should be lodged in writing, outlining what decision the client would like reviewed and why. An appeal can be:
 - Posted to Link Housing Ltd, PO Box 5124 Chatswood West NSW 2067
 - Emailed to feedback@linkhousing.org.au
 - Sent through our online appeals form at www.linkhousing.org.au
 - Provided in person, using the appeals form at our office
- Link Housing will acknowledge the appeal within two working days and advise of the date for a response.
- The formal review of the decision will be undertaken by a staff member who is senior to the original decision maker and who was not substantially involved in the original decision or an informal review.
- If it appears that the outcome of the first tier appeal will not be in the client's favour, we will offer a phone or face to face interview before the review is completed. This gives the client an opportunity to explain the reasons they think the decision should be changed, to understand Link's decision making process and to provide any relevant, further information.
- The response will be given in writing within 21 days, clearly outlining if the decision has been upheld or not upheld and the reasons why. The response will include details of what to do next if the client is still unhappy.

Second Tier Appeal (Independent review by HAC)

If the client is unhappy with the outcome of their appeal, they may request an independent review to be undertaken by the Housing Appeals Committee (HAC). The HAC is an independent agency that reviews decisions made by providers after a First Tier Appeal has been completed by the housing provider.

For further information regarding the HAC and how to lodge a Second Tier Appeal, call 1800 629 794 or visit the website at www.hac.nsw.gov.au If an appeal is lodged and accepted, the Housing Appeals Committee will review the appeal and make recommendations to the housing provider.

9. Right to withdraw an appeal

A client has the right to withdraw an appeal at any time and they do not have to provide a reason. It is preferred that this be done in writing.

10. Assistance in Making an Appeal

Link Housing staff can assist the client to lodge an appeal. We will take into account cultural and language issues and will ensure it is easy for clients to access the appeals systems.

Where required or requested, Link Housing will access the services of a support person, advocate or Translating and Interpreting Service (TIS).

A signed consent form must be provided or be on file if the client wants Link Housing to liaise directly with a third party.

11. Complaints

Any client who believes that Link Housing has not complied with this policy can complain using the Client Feedback policy.

12. Legislation & Regulatory Framework

- Residential Tenancy Act 2010
- Tenancy Re-Instatement Policy
- National Community Housing Standards 3.1

13. Related Policies

- Client Feedback Policy
- Privacy & Confidentiality Statement

14. Privacy & Confidentiality

Link Housing will be mindful of its responsibilities under its Privacy and Confidentiality Statement. Information released will be on 'a need to know' basis only unless required by law. Where ever possible, special arrangements will be made without informing external parties of the reasons why.

15. Quality Assurance

The Appeals policy will be formally reviewed as required through a sufficient change in circumstances.

Appeals Process Diagram

