

Tenant rights and participation

Appeals policy

Policy section: 3.0

Policy: 3.5

Section name: Tenant rights and participation

Document name	Appeals
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1 Purpose

- 1.1 To ensure that Mission Australia Housing (MAH) has a clear, consistent, systematic and timely approach to responding to appeals of its decisions.
- 1.2 To outline the approach of MAH in managing appeals lodged by applicants, tenants, and their representatives.

2 Related policies

- 2.1 This policy should be read in conjunction with the:
 - 2.1.1 [National Complaints Policy](#), which details the approach taken by MAH to manage and monitor complaints about its services.

3 Scope

- 3.1 This policy applies to staff responsible for managing tenants and properties of MAH.

4 Guiding principles

- 4.1 Tenants and applicants are given opportunities to appeal organisational decisions in order to ensure fair and transparent processes and outcomes.

- 4.2 The MAH appeals process is clear and accessible and is managed consistently, fairly, confidentially, and promptly.
- 4.3 MAH respects the privacy and confidentiality of tenants and applicants as per the [Privacy and Confidentiality Policy](#).
- 4.4 Appeals are reviewed and responded to by staff who are senior to, and separate from, the staff involved in the decision which is being appealed.
- 4.5 MAH upholds accountability and transparency through its record keeping practices. MAH will utilise appeals data to improve and develop its services.

5 Policy

5.1 Informing tenants and their representatives of their right to appeal

- 5.1.1 MAH informs applicants, tenants and their representatives about the MAH Appeals Policy during the application process, at the start of tenancy, and throughout a tenancy. This includes providing information about which decisions are appealable.
- 5.1.2 The [MAH Appealing a Decision Form](#) is made accessible for all applicants, tenants and their representatives.
- 5.1.3 Tenant representatives may make an appeal on behalf of both applicants and tenants of MAH.

5.2 Appealable decisions

Appealable decisions for applicants of MAH include:

- Eligibility
- Offers of a property including withdrawing of offers and type of property offered
- Succession of tenancy/recognition as a tenant

Appealable decisions for tenants of MAH include:

- Transfers
- Rent assessment
- Modifications for disability/medical reasons
- Tenant charges
- Absence from property
- Additional occupant requests

5.3 Non-appealable issues

Issues which cannot be addressed under this policy include:

- Disputes between neighbours
- Matters which are the responsibility of state based administrative tribunals

- Complaints

5.4 Appeal review timeframes

MAH will respond to first level appeals within the following timeframes:

- Letter of receipt: within 7 days of receiving the appeal.
- Response to appeal: within 28 days of receiving the appeal. This timeframe may be extended where further information is required.

5.5 Time limits for making appeals

5.5.1 MAH will accept appeals from applicants, tenants or their representatives within three months of the date of the decision being appealed.

5.5.2 MAH staff will use discretion in considering appeals outside this timeframe in special circumstances. Special circumstances could include: the tenant not being aware of the original decision, or the tenant being in hospital when the original decision was made.

5.6 Managing privacy and confidentiality

The appeals process, including identifying information pertaining to the appeal, will be managed in accordance with the [Privacy and Confidentiality Policy](#).

5.7 Notifiable events

MAH will determine whether appeals relate to a 'notifiable event' under the National Regulatory System for Community Housing (NRSCH) Regulatory Code and report accordingly.

5.8 Service improvement

MAH recognises the value of appeals and will use data obtained through the appeals process to improve its services where appropriate.

6 Definitions

An appeal is a request by a tenant, applicant or their representative for a review of a decision made by MAH to provide or not provide a housing service. This is distinct from a complaint, which is an expression of dissatisfaction with a service provided by MAH.

There are two types of appeal:

First Level Appeal is an internal review of a decision conducted by MAH. This review will be conducted by a person senior to, and separate from, the one who made the original decision.

Second Level Appeal is an independent review of the original decision by an independent organisation. In New South Wales, this is the Housing Appeals

Committee (HAC). A first level review must be completed by MAH before the Housing Appeals Committee will receive a second level appeal.

An **applicant** is the person who makes the application for housing assistance with MAH.

A **tenant** is the person who signs the Residential Tenancy Agreement or Rooming Accommodation Agreement with MAH.

A **representative** is someone assisting an applicant or tenant or acting on behalf of the applicant or tenant. This may include a tenant advocate, or a family member or friend of the applicant or tenant.