

Policy name	Appeals and Complaints
Policy date	
Authorisation	Executive, Housing
Policy owner	General Manager, Operations
Policy type	Mission Australia Housing Operational Policy
Policy setting	

1 Purpose

1.1 Overview

1.1.1 This policy sets out the principles to be followed in managing:

- Complaints about the way Mission Australia Housing (MAH) services are delivered; and
- Appeals against decisions made by MAH in the delivery of housing services.

1.2 Coverage

1.2.1 This document is a national policy and covers both Mission Australia Housing (MAH) and Mission Australia Housing Victoria (MAHV). All references to Mission Australia Housing, MAH and Housing include both MAH and MAHV unless specifically stated otherwise. Where state based variations exist in policies and procedures, these will be identified in the document.

1.2.2 This policy applies to all housing services provided by MAH.

1.2.3 This policy does not cover:

- Matters which are the responsibility of state-based administrative tribunals;
- Disputes between neighbours or tenants;
- Employee grievances with MAH; or
- Complaints unrelated to the services MAH provides.

1.3 Information on procedures and other related policies

1.3.1 This policy focuses on why certain things need to be done. It is supported by procedures that provide more detail on what to do.

- 1.3.2 Other MAH policies also need to be considered in managing appeals and complaints. To assist you, these are identified where relevant in this policy and supporting procedures.

2 Scope

2.1 Parts of Mission Australia that this policy covers

- 2.1.1 This policy applies to MAH staff responsible for working with MAH clients, tenants, stakeholders and properties.

2.2 Definitions

- 2.2.1 Key terms used in this policy are defined in the following table.

Term	Definition
Appeal	A request by a tenant, applicant or their representative for a review of a decision made by MAH.
Appellant	The person appealing, or who the appeal is being made on behalf of.
Applicant	The person applying for housing assistance with MAH.
Complaint	An expression of dissatisfaction made by a tenant, applicant, stakeholder or their representative with the service or services provided by MAH. Reasons for complaints might include: <ul style="list-style-type: none"> • Rude or inappropriate behaviour by staff; • Staff not following MAH policy; or • Poor delivery of service from staff such as not returning phone calls.
Complainant	The person making the complaint.
External appeals and complaints	Appeals made against MAH decisions to an external agency with powers to review that decision. Includes referrals to external bodies where complainants are dissatisfied with MAH's response. These are also known as level three appeals and complaints.
Formal appeals and complaints	Appeals or complaints against MAH decisions that require formal investigation and response by MAH. These are also known as level two appeals and complaints.

Term	Definition
Informal appeals and complaints	Minor appeals or complaints that can be managed directly and promptly by suitably trained staff in an informal manner, without resorting to formal appeals and complaints processes. These are also known as level one appeals and complaints.
Natural justice	The principle that people are entitled to the right to a fair hearing without bias.
Notifiable event	Under the National Regulatory Scheme for Community Housing (NRSCH), registered providers are required to notify the Registrar of certain events or incidents that damage, or have the potential to damage, the reputation of the community housing sector.
Representative	The person assisting an applicant or tenant or acting on behalf of an applicant or tenant. This may include a tenant advocate, or a family member or friend of the applicant or tenant.
Tenant	The person who signs the residential tenancy agreement or rooming accommodation agreement with MAH.
Unreasonable complaint	Clients making a complaint in this category may be unreasonably persistent in their contact with the organisation; may have unreasonable expectations (e.g. they want a staff member fired); may display aggressive or unreasonable behaviour; or may not cooperate with staff or with requests.
Vexatious complaint	A complaint initiated without sufficient grounds or evidence with the intention of causing disruption, harm or damage to a person or organisation.

3 Policy

3.1 Guiding principles

3.1.1 MAH recognises and respects the dignity of individuals:

- All people making complaints or lodging appeals will be treated with dignity and respect.
- MAH respects the privacy and confidentiality of tenants and applicants who wish to complain or lodge appeals.

3.1.2 The MAH process for managing complaints and appeals is fair, clear, and transparent:

- MAH provides clear information about its complaints and appeals process.
- Applicants and tenants are given the opportunity to appeal organisational decisions that affect them in order to ensure fair and transparent processes and outcomes.
- MAH takes a transparent, consistent, systematic, and timely approach to managing, analysing and responding to complaints and other feedback about its services.
- MAH upholds accountability and transparency through its record keeping practices.

3.1.3 MAH is focused on the needs of tenants, their families, and communities:

- MAH takes action to prevent breaches of tenancy in order to create safe and sustainable communities.
- MAH respects and values the views of all tenants and stakeholders. MAH invites feedback about its services from applicants, tenants, household members or their representatives, along with the wider community.
- MAH actively uses complaints, appeals and other feedback to develop and improve its services to better meet client needs.

3.1.4 The MAH process complies with relevant laws and procedures.

3.2 Overall approach

3.2.1 In managing complaints and appeals, MAH complies with the requirements placed upon it by law, by its registration as a community housing provider, and by funding bodies and state agencies in the jurisdictions within which it operates.

3.2.2 The MAH complaints and appeals process also complies with the principle of natural justice, and is intended to protect applicants, tenants, individual MAH staff and MAH as an organisation.

3.2.3 A complaint focuses on the way that MAH delivers its housing services, while appeals are concerned with decisions that MAH make in the delivery of those services. Both can be informal or formal.

3.2.4 Informal or level one complaints or appeals generally deal with minor matters that can be managed directly, appropriately, and promptly by housing staff without triggering the formal complaints and appeals process.

3.2.5 Where the matter is not resolved, a formal or level two complaint or appeal will be triggered. These require a structured approach to investigate, respond to and record.

3.2.6 To protect the right to a fair hearing:

- Complaints about staff will not be reviewed by the staff member who is the subject of the complaint, but will be reviewed by a more senior staff member; and

- Appeals are reviewed and responded to by staff that are senior to, and separate from, the staff involved in the decision being appealed.
- 3.2.7 Where, at the end of the formal MAH process appellants or complainants are not satisfied with the results, staff will advise them on the options available to have the complaint or appeal reviewed by an external body. This is known as a level three appeal or complaint.
- 3.2.8 MAH actively seeks to use knowledge gained through its complaints and appeals process to improve its services. Separate complaints and appeals registers are maintained to ensure proper tracking.

3.3 Making the process accessible and understandable

- 3.3.1 MAH seeks to make the complaints and appeals process fully accessible:
- The **Appeals and Complaints Policy** is referenced in most MAH policies. Information on the process is provided to applicants and tenants during the application process, at the start of their tenancy and throughout the tenancy.
 - MAH staff will, as required, inform applicants, tenants, household members, representatives, and other stakeholders about the MAH complaints and appeals process.
 - Applicants or tenants requiring support to make a complaint or lodge an appeal will be offered support such as translation services, or referral to a tenant advocate or support service.

3.4 Mutual respect

- 3.4.1 MAH expects both sides to treat the other with dignity and respect throughout the complaints and appeals process, recognising that strong emotions can sometimes be involved.
- 3.4.2 MAH will not accept verbal abuse, harassment, or threats to staff. Conduct of this kind will be managed under the **Staff Safety in the Workplace Policy**.
- 3.4.3 Unreasonable or vexatious complaints will be managed as per the guidelines outlined in this policy and may be referred to MA Legal for management.

3.5 Complaints

- 3.5.1 Complaints can be:
- Submitted by applicants, tenants, representatives, support services and other stakeholders. Anonymous complaints will be accepted and investigated, although only complaints with contact details can be responded to.
 - Submitted verbally, in writing or through a third party.
 - Received by all staff.

- 3.5.2 On receipt of a complaint, staff will respectfully discuss the issue with the client and, depending on the nature of the complaint, make an effort to address the client's concerns at the time.
- 3.5.3 Should the complainant not be satisfied with the outcome at this point, or if they prefer to make a formal complaint in the first instance, the staff member will escalate the complaint to the National Housing Services Manager or National Asset Manager, or a suitable delegate. They will assess the nature of the complaint and assign a complaint manager who will:
- Investigate the issue thoroughly and impartially;
 - Meet as required with the complainant and any witnesses or third parties; and
 - Communicate with the complainant to advise of the outcome.
- 3.5.4 If at the end of the formal MAH complaints process the complainant is still dissatisfied, MAH will advise them on the options available to have the complaint reviewed externally.

3.6 Appeals

- 3.6.1 Appeals can be:
- Lodged by applicants, tenants, or their representatives.
 - Lodged in person, by email, phone, letter, or by completing an MAH Feedback Form.
 - Received by any member of staff.
- 3.6.2 MAH will accept appeals from applicants, tenants, or their representatives within three (3) months of the date of the decision being appealed. MAH may consider appeals outside this timeframe in special circumstances. These could include the tenant not being aware of the original decision or being in hospital or overseas when the original decision was made.
- 3.6.3 As outlined in **1.2.2**, not all decisions are appealable. Examples of appealable decisions are set out in the following table.

Appealable decisions for applicants of MAH include:	Appealable decisions for tenants of MAH include:
<ul style="list-style-type: none"> • Eligibility • Offers of a property, including the withdrawing of offers and the type of property offered • Succession of tenancy/recognition as a tenant 	<ul style="list-style-type: none"> • Transfers • Rent assessment • Modifications for disability/medical reasons • Tenant charges • Absence from property • Additional occupant requests

- 3.6.4 Where applicants, tenants or their representatives' approach MAH believing a decision made by MAH was not correct, MAH staff will:
- Respectfully discuss the issue with the client;
 - Confirm that it is an appealable decision;
 - Check to confirm that the original decision was correct and that the correct policies and procedures were followed; and
 - Explain the results of the investigation to the client.
- 3.6.5 Should the appellant not be satisfied with the outcome at this point, or if they prefer to make a formal appeal in the first instance, the staff member will escalate the appeal to the National Housing Services Manager, National Asset Manager or a suitable delegate, who will:
- Assess the nature of the appeal; and
 - Allocate the appeal to an appropriate staff member to be managed.
- 3.6.6 If at the end of the formal MAH appeals process appellants are still dissatisfied, MAH will advise them on the options available to have the complaint reviewed externally.
- In New South Wales, MAH will provide a Housing Appeals Committee (HAC) Appeal Application Form with the MAH appeal decision. This allows the appellant to make a second level appeal with the HAC if they are dissatisfied with the result of their appeal with MAH.

3.7 Notifiable events

- 3.7.1 Under the NRSCH, MAH is required to report certain types of events to the Registrar. MAH will determine whether the complaint or appeal is a notifiable event and report accordingly.

3.8 Service improvement

- 3.8.1 MAH recognises the value of complaints and appeals and will use the data obtained through the complaints and appeals process to improve its services wherever possible.

3.9 Record keeping

- 3.9.1 Staff will ensure that accurate records are kept including:
- The appeal or complaint lodged;
 - Information about the complaint or appeal, including notes taken during interviews; and
 - The response to the complaint or appeal.

3.10 Privacy and confidentiality

- 3.10.1 The complaints and appeals process, including identifying information pertaining to the complaint or appeal, will be managed in accordance with the **Mission Australia Enterprise Privacy Policy**.

4 Responsibilities

4.1 Housing staff including Housing Officers, Asset Officers and Client Service Officers are responsible for:

- Providing information to tenants regarding the MAH complaints and appeals process.
- Addressing complaints and appeals where appropriate.
- Referring complaints and appeals to the National Housing Services Manager and/or National Asset Manager.
- Keeping records of the process in the relevant systems.
- Recommending improvements to this policy.

4.2 Team Leaders/Regional Managers are responsible for:

- Reviewing complaints and appeals and responding in the timeframes outlined in this policy, where required.
- Ensuring good management of evidence in the tenancy management system.
- Incorporating this policy into staff induction and training.
- Ensuring staff are aware of and have access to this policy.
- Escalating feedback about this policy to the policy owner and/or policy writer.

4.3 The National Manager, Housing Services and National Manager, Maintenance Services are responsible for:

- Ensuring that MAH complies with this policy.
- Recommending any changes to this policy.